

DAS



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

UNCLASIFIED//FOR OFFICIAL USE ONLY

March 25, 2014

RECEIVED

David Sholes
Senior Engineering Geologist
Regional Water Quality Control Board
1685 "E" St.
Fresno, CA 93706

MAR 26 2014

**RWQCB-CVR
FRESNO, CALIF.**

RE: Conditional Notice of Applicability (NOA) issued to The Westlands Water Quality Coalition dated February 14, 2014

Dear Mr. Sholes,

On March 18, 2014 the Conditional NOA was considered by Westlands' Board of Directors (Board) and subsequently accepted. The Board directed staff to begin the process for the inclusion, into the Coalition, of any and all growers as delineated by the General Order for growers within the Western Tulare Lake Basin Area (Order # R5-2014-0001).

Regards,

Jose Gutierrez, P.E.
Deputy General Manager – Resources

Cc: Pamela Creedon, Executive Officer, RWQCB (via e-mail)
Joe Karkoski, Supervising Engineer, ILRP (via e-mail)

DAS



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

January 31, 2014

RECEIVED

Pamela Creedon
Irrigated Lands Regulatory Program
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

FEB - 3 2014

RWQCB-CVR
FRESNO, CALIF.

Re: *Notice of Intent – Third-party Application for Waste Discharge Requirements General Order R5-2014-0001 for Growers within the Western Tulare Lake Basin Area*

Dear Ms. Creedon,

The Westlands Water District (District) is submitting a Notice of Intent (NOI) to be the third-party entity to represent growers in the Western Tulare Lake Basin Area and fulfill the requirements and conditions of the Waste Discharge Requirements General Order R5-2014-0001 (General Order), and its associated Monitoring and Reporting Program. The District has organized and assigned certain members of its staff to manage the day to day operations of the third-party entity and said staff shall hereafter be known as the Westlands Water Quality Coalition (WWQC). Since 2004, the WWQC (formerly the Westlands Stormwater Coalition) has been the third party group representing growers within this area during the interim Irrigated Lands Regulatory Program, Order R5-2006-0053.

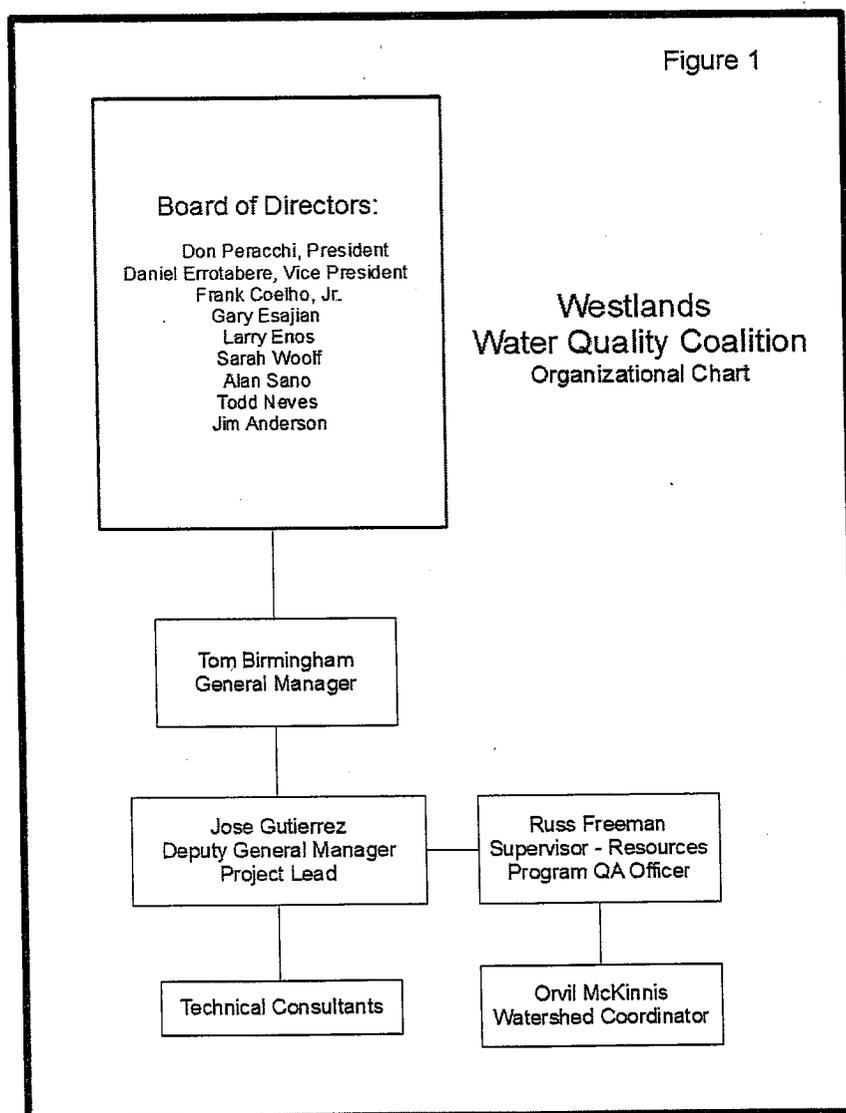
The WWQC has the ability to carry out the third-party responsibilities as listed in the Order and is outlined in detail below.

- 1. Provide the Central Valley Water Board documentation of its organizational management structure. The documentation shall identify persons responsible for ensuring that program requirements are fulfilled. The documentation shall be made readily available to Members. Indicate how Members have the ability to direct or influence the governance of the third-party through the by-laws.***

The District is an established California Public Agency organized under California Water Code §34000 et seq. The District has adopted by-laws and is directed by a duly elected Board of Directors (Board); there are 9 director positions. The Board composition, pursuant to its by-laws, specifically consists of landowners who would be members under the terms of the General Order. The Board has worked diligently since 2004 to ensure compliance with the Irrigated Lands Regulatory Program under the terms of the Conditional Waiver. The District's Board has delegated its day-to-day operations of the WWQC, and its representation to the Central Valley Water Board, to its Deputy General Manager - Resources, Jose Gutierrez. There will be no subsidiary groups to carry out any of the responsibilities of the WWQC under this Order.

Figure 1 is an organizational chart of the WWQC and lists the names of the current directors and officer titles of the Board. The Watershed Coordinator will maintain records of membership, survey information, and any member information required to be submitted under the Order.

With respect to member rights, the WWQC is governed by a duly elected Board and the members are the integral part in the election process. To be a voting member, the person must own land within the normal and accepted jurisdictional boundaries of the Westlands Water District. The bylaws of the District may be repealed or amended or new bylaws adopted by more than four-fifths (4/5ths) vote of the Board, subject to approval of the Board of Supervisors, or by the assent of two-third (2/3rds) of the total vote of the District, given either in writing or by ballot cast at a District election¹.



¹ Bylaws Westlands Water District (as amended 8/14/1995); Article X

- 2. Prepare annual summaries of expenditures of fees and revenue used to comply with this Order. The summaries shall be provided to or made readily available to Members.**

Funding for the WWQC is provided for as a line item in the District's annual Operations and Maintenance (O&M) budget. The members are billed for their participation in the WWQC as a component of their monthly bill for water usage. Each year, the District's financial records are audited by an outside accounting firm and the audit is certified by a Certified Public Accountant. The certified audit is presented to the Board and any interested member at a duly noticed public meeting; any member can submit a written request, and receive a copy of the certified annual financial statement.

- 3. If the third-party group receives a notice of violation (NOV) from the Central Valley Water Board, the third-party must provide to Members in the area addressed by the NOV appropriate information regarding the reason(s) for the violation. The notification must be provided to all Members within the area affected by the NOV within thirty (30) days of receiving the NOV from the board. The third-party group must provide confirmation to the board of each notification. A summary of all notices of violation received by the third-party group must be provided to all Members annually.**

The WWQC agrees that it will mail or email correspondence to all members within the area affected by the NOV within 30 days of receiving the NOV from the Regional Board. Further, a summary of all notices will be included in the Summary Annual Report mailed to all members at the end of each year.

- 4. Develop and implement plans to track and evaluate the effectiveness of water quality management practices, pursuant to approved Surface Water Quality Management Plans and Groundwater Quality Management Plans.**

In November 2011, the WWQC developed and submitted to the Regional Board a comprehensive Surfacewater Quality Management Plan (SQMP); the plan was reviewed by the Regional Board and approved in March of 2012. The Management Plans are designed to track and evaluate the implementation of management practices whose goal is reducing discharges that impair surface water quality. The WWQC Management Plan developed under Order R5-2006-0053 will become the Comprehensive Surface Water Quality Management Plan under the General Order and will be updated periodically as needed and required.

If required, the WWQC plans to create a Groundwater Quality Management Plan² (GQMP) in accordance with the terms of the Order. The GQMP will utilize information developed in the Groundwater Assessment Report and will be based on GQMP requirements as listed in Appendix MRP-1 of the Order. The GQMP will most likely mirror the SQMP protocols, where the Coalition will focus on surveying grower's current management practices, and providing growers with management practices that should be implemented to protect groundwater beneficial uses. Management practices will be documented and tracked in a manner that is consistent with our SQMP approach, and utilizing the Farm Evaluation information that will be produced by the

² Subject to the conclusions of the GAR, the WWQC may elect to produce a Comprehensive GQMP.

members. The GQMP monitoring will be designed to indicate adequate progress in achieving improvement in groundwater quality.

5. Provide timely and complete submittal of any plans or reports required by this Order.

The WWQC has been representing its membership under Order R5-2006-0053, and its predecessors, since 2004 and over the intervening years, has produced timely, complete and technically sound plans and reports. Additional consultants will be hired, beginning in March 2014, to assist the WWQC with the development of groundwater specific reports. The WWQC and its technical consultants will be responsible for the reporting requirements in Attachment B of the Order including:

- a. Monitoring Plan Update (surface water)
- b. Groundwater Assessment Report (groundwater)
- c. Management Practice Evaluation Program Reports (groundwater)
- d. Management Practices Evaluation Workplan (groundwater)
- e. Third Party Monitoring Reports
 - i. Quarterly submittals of surface water monitoring results
 - ii. Annual groundwater monitoring results
 - iii. Monitoring report
 - iv. Surface water exceedances reports
- f. Templates
- g. Sediment Discharge and Erosion Assessment Report
- h. Water Quality Triggers for Development of Management Plans
- i. Quality Assurance Project Plan (QAPP)

6. Conduct required water quality monitoring and assessments in conformance with quality assurance/quality control requirements. Provide timely and complete submittal of any reports required by this Order.

The WWQC has relied on the scientific and technical services of Pacific EcoRisk since 2006 to prepare plans, reports, and conduct scientifically defensible surface water monitoring and assessments to evaluate the impact on beneficial uses of surface water discharge from irrigated agriculture. The WWQC expects to continue to rely on the services of Pacific EcoRisk, or a comparable substitute, in the future. Monitoring reports submitted by the WWQC conform to quality assurance/quality control requirements and have been submitted in a timely manner and assessed as complete. The WWQC intends to seek assistance from other qualified technical experts to assist with the newly adopted groundwater components of the General Order, and will continue to commit to conducting water quality monitoring and assessments in accordance with an approved QAPP and meeting the monitoring requirements for both surface and groundwater monitoring as described in Appendix B of the General Order.

7. Within 30 days of receiving an NOA from the Central Valley Water Board (as described in section VIII.A), inform Members of this Order's requirements by providing a notice of confirmation form to be completed by each Member.

The WWQC will provide a Notice of Confirmation (NOC) that will be completed and returned by each Member to ensure seamless enrollment. The NOC will be mailed to all current members and any additional members requesting to join during the 120 days after the acceptance of this NOA. The NOC will include a fact sheet with member and third-party responsibilities as well as information on how to access the approved General Order and its supporting documentation. The NOC will include whether or not the enrolled member is the responsible party for the land enrolled and if not, will require that the member certify that they have informed the responsible non-Member party, in a written form, of the requirements outlined in the Order. The completed NOC will also list the name and contact information of any lessee that is leasing the property. Returned NOCs will be filed and recorded in the WWQC Member Database. The Membership (Participant) List will be submitted to the Regional Board within 180-days of the approval of this NOA and will identify any previous members that have had their membership revoked and Members that are pending revocation as required in Section VIII.B of the Order.

8. Conduct education and outreach activities to inform Members of program requirements and water quality problems, including exceedances of water quality objectives or degradation of water quality, identified by the third-party or Central Valley Water Board. The third-party shall:

- a. **Maintain attendance lists for outreach events, provide Members with information on water quality management practices that will address water quality problems and minimize the discharge of wastes from irrigated lands, and provide informational materials on potential environmental impacts of water quality management practices to the extent known by the third-party group.**
- b. **Provide an annual summary of education and outreach activities to the Central Valley Water Board. The annual summary shall include copies of the educational and management practice information provided to the growers. The annual summary must report the total number of growers who attended the outreach events and describe how growers could obtain copies of the materials presented at these events.**

The WWQC will perform education and outreach to growers through annual grower meetings, commodity group meetings and individual on-farm meetings. The WWQC will document member attendance at meetings and document outreach and education events in reports to the Regional Board. The WWQC maintains a website for members that allow access to management practice information from various commodity groups, trade groups, and technical groups. The WWQC will post meeting and outreach event agendas, slide shows and handouts on their webpage for members to review and download. Members will be required to sign in when attending meetings and outreach events; this information is added to a member database maintained by the WWQC. The WWQC will work with growers to ensure effective outreach and education. The WWQC will provide a summary of outreach/education meetings and attendees, as well as the materials used, in its annual report to the Regional Board.

9. Work cooperatively with the Central Valley Water Board to ensure all members are providing required information and taking necessary steps to address

exceedances or degradation identified by the third-party or board. As part of the Membership List submittal, identify the growers who have:

- a. Failed to implement improved water quality management practices within the timeframe specified by an applicable SQMP/GQMP;***
- b. Failed to respond to an information request associated with any applicable SQMP/GQMP or other provisions of this Order;***
- c. Failed to participate in third-party studies for which the third-party is the lead;***
- d. Failed to provide confirmation of participation in an outreach event (per section IV.B.4 of this Order);***
- e. Failed to submit required fees to the third-party.***

The WWQC has previously provided all information required by the Conditional Waiver to the Regional Board in a timely manner, as such, the WWQC is well poised to convey all information as required by the General Order to its members. The WWQC will maintain member and survey databases that will include all of the information in items "a, b, c", and "e" above. The appropriate database will be expanded to incorporate the information necessary to comply with item "d" above. The WWQC will develop and implement an online system that allows members to complete the necessary forms and document that they are fulfilling membership responsibilities through the internet. The WWQC will also provide an option for those that are not able to utilize online systems by mailing forms and collecting completed forms from those members.

10. Ensure that any activities conducted on behalf of the third-party by other groups meet the requirements of this Order. The third-party is responsible for any activities conducted on its behalf.

The WWQC engages consultants to prepare technical reports and documents on behalf of the members. The WWQC accepts full responsibility for all information submitted to the Regional Board. Currently, the WWQC does not use other third-party groups to conduct any activities on its behalf. However, if other third-party groups are engaged to conduct activities, the WWQC will accept full responsibility for those corresponding actions.

11. Collect any fees from Members required by the State Water Board pursuant to the fee schedule contained in Title 23 CCR. Such fees shall then be submitted to the State Water Board.

The WWQC will fund the Long-term Irrigated Lands Regulatory Program through fees collected through payment of the member's water bill to the Westlands Water District. A component of the water bill is the State Water Board fee as described in Title 23 CCR. The WWQC has successfully submitted member fees to the State Water Board when it was required to do so, and will to continue to do so under the new General Order.

12. Clearly identify the geographic area proposed to be covered by the third-party, and since it is only a portion of the General Order's coverage area, provide the reasonableness of the proposed boundaries.

Westlands Water Quality Coalition
Notice of Intent to Represent Growers
in the Western Tulare Lake Basin Area

The WWQC will serve only the area that comprises the accepted boundaries and jurisdiction of the Westlands Water District (District); the attached map clearly delineates that area.

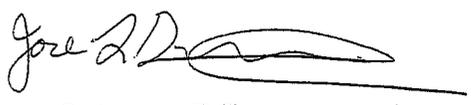
The District is the sponsoring agency of the WWQC, and as such, has certain regulatory powers that readily lend themselves to the effective administration of the General Order. The California Water Code vests the District with the regulatory authority to collect fees, levy assessments, and impose fines in the course of administering the affairs of its landowners and water users; the administration of the General Order fits naturally within the scope of the District's authority. However, those regulatory powers only exist within the District's jurisdiction and do not extend to the landowners of the Pleasant Valley Water District, or to any private citizen who may reside in the upper watershed of the Western Tulare Lake Basin Area.

For the District to administer the General Order to those outside its jurisdiction would require the formation of a separate legally defined entity³. WWQC members currently receive the benefit of an existing administrative infrastructure that they pay for as a landowner or water user in the District; the costs to create and sustain a separate entity would bring an unwarranted cost-burden to the WWQC existing membership.

It is reasonable to allow the current WWQC members to align themselves in a manner that best utilizes existing resources that they already pay for; to do otherwise would create a double cost for the General Order administration.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations.

Respectfully Submitted,



Jose Gutierrez, P.E.
Deputy General Manager – Resources

Cc:
Clay Rodgers, CVRWQCB-Fresno
David Sholes, CVRWQCB-Fresno
Joe Karkoski, CVRWQCB

Attachment: Proposed Coalition Boundary Map

³ Not-for-profit Corporation, Joint Powers Authority, et al.

Westlands Water Quality Coalition
Notice of Intent to Represent Growers
In the Western Tulare Lake Basin Area

The WWQC will serve only the area that comprises the accepted boundaries and jurisdiction of the Westlands Water District (District); the attached map clearly delineates that area.

The District is the sponsoring agency of the WWQC, and as such, has certain regulatory powers that readily lend themselves to the effective administration of the General Order. The California Water Code vests the District with the regulatory authority to collect fees, levy assessments, and impose fines in the course of administering the affairs of its landowners and water users; the administration of the General Order fits naturally within the scope of the District's authority. However, those regulatory powers only exist within the District's jurisdiction and do not extend to the landowners of the Pleasant Valley Water District, or to any private citizen who may reside in the upper watershed of the Western Tulare Lake Basin Area.

For the District to administer the General Order to those outside its jurisdiction would require the formation of a separate legally defined entity³. WWQC members currently receive the benefit of an existing administrative infrastructure that they pay for as a landowner or water user in the District; the costs to create and sustain a separate entity would bring an unwarranted cost-burden to the WWQC existing membership.

It is reasonable to allow the current WWQC members to align themselves in a manner that best utilizes existing resources that they already pay for; to do otherwise would create a double cost for the General Order administration.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations.

Respectfully Submitted,



Jose Gutierrez, P.E.
Deputy General Manager – Resources

Cc:
Clay Rodgers, CVRWQCB-Fresno
David Sholes, CVRWQCB-Fresno
Joe Karkoski, CVRWQCB

Attachment: Proposed Coalition Boundary Map

³ Not-for-profit Corporation, Joint Powers Authority, et al.