

IRRIGATED LANDS REGULATORY PROGRAM MARCH 2011 UPDATE REPORT FOR APRIL 2011 EXECUTIVE DIRECTOR REPORT

This month's Irrigated Lands Regulatory Program (ILRP) monthly report will provide an update on activities of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) ILRP, as reported in the Central Valley Water Board's March 3, 2011 Executive Officer's report. Current and past ILRP program monthly reports can be found on the State Water Board Irrigated Agricultural Waiver Program website:

http://www.waterboards.ca.gov/water_issues/programs/agriculture/

For specific program information on the Central Valley Water Board ILRP, contact Mr. Joe Karkoski, program manager, at 916- 464-4668.

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DIVISION OF WATER QUALITY ILRP STAFF REPORT:

On March 15, 2011, DWQ staff presented an ILRP information item to the State Water Board. The information item focused on ILRP enrollment. For various reasons, not all growers are enrolling in the ILRP. This has created concerns that growers that have enrolled in the ILRP are paying fees and incurring compliance costs that non-enrollees are not incurring, which is diminishing the effectiveness of the ILRP.

During the presentation, a State Water Board member asked DWQ staff to report on the following questions:

1. What is the effectiveness of the regional water boards' enforcement efforts in addressing ILRP enrollment?
2. Are growers now in compliance?
3. Are more administrative civil liabilities needed?

The enforcement analysis below is for the Central Valley Water Board ILRP. The enforcement analysis for the other regional water board ILRPs will be provided in the next Executive Director's monthly report.

In response to the State Water Board member's questions, DWQ staff consulted with Central Valley Water Board staff. The analysis Central Valley Water Board staff provided evaluates effectiveness of the issuance of California Water Code 13267 orders using acreage as the unit of measurement. The analysis is for three priority coalition areas covering approximately 159,000 acres. Based on a limited study of 1,659 13267 orders issued from 2008 to 2010, the following breakdown is provided:

- For 20% of the acreage subject to the 13267 orders, growers submitted applications requesting to join a coalition. This included 208 applications covering 32,646 acres.
- For 30% of affected acreage, growers submitted proof of regulatory coverage. The percentage for proof of regulatory coverage is inflated by staff sending 13267 orders to former coalition members who dropped off participant lists. Oftentimes, these former

members promptly pay their coalition dues and present staff with their proof of membership.

- For 30% of affected acreage, growers submitted claims of program exemptions. The Central Valley Water Board has about 1,000 parcels with exemption claims that have not had confirmation inspections.
- For 20% of the affected acreage, no response was received, the mail was returned, or a notice that the property was sold was provided. These 13267 orders require further follow-up.

There are no outstanding issued administrative civil liability complaints in the Central Valley Water Board region at this time for the ILRP. As a general practice, Central Valley Water Board staff exhausts other formal and informal compliance methods before recommending the issuance of an administrative civil liability complaint by the executive officer. In addition to issuing 13267 orders and notices of violation, such methods include working with the coalitions to contact the grower, contacting the grower directly, and conducting a site inspection to determine potential to discharge to surface water.

CENTRAL VALLEY WATER BOARD (Information from March 3, 2011 Executive Officer Report)

IRRIGATED LANDS REGULATORY PROGRAM (ILRP)

Long-term Program / Programmatic Environmental Impact Report (PEIR)

Written comments on the Draft PEIR were due on 27 September 2011. Comment letters from agencies and water quality coalitions are posted on the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/index.shtml.

Staff is currently working on modifications to the Draft PEIR and recommended ILRP in response to comments received. The next major milestones of the project include circulation of a Final EIR and recommended long-term ILRP in March 2011. The Final EIR and recommended ILRP will be considered for certification at the 6/7/8 April Central Valley Water Board hearing. Orders to implement the long-term ILRP are proposed to be developed for Board consideration during the year following Board certification of the PEIR.

Compliance & Outreach - Exemption Claim Inspections

In November and December 2010, Central Valley Water Board staff completed 34 inspections to verify landowner exemption claims to the ILRP. Landowners can respond to ILRP staff's postcards or 13267 orders by claiming their land is not used for agriculture, not irrigated, or that it has no irrigation tail water or storm water runoff (no waste discharges to surface waters). These claims create a need for verification inspections, which staff regularly conducts. Staff verified that lands associated with 31 inspections were exempt from regulatory coverage under the ILRP. The outcome of the remaining inspections is pending further investigation.

Compliance & Outreach – Postcards

In December 2010, ILRP staff mailed 100 postcards to non-participating landowners in Stanislaus County, specifically landowners surrounding Lateral 2 ½ near Keyes Road. This is an area of high priority for the East San Joaquin County Water Quality Coalition due to three exceedances of chlorpyrifos since July 2009.

Approval to Join a Coalition

In November 2010, the Executive Officer approved 91 owners or operators from the Central Valley to join a coalition group. Thirty of these applications are the result of ILRP postcard mailings and thirty-four of the applications are the result of 13267 orders. This approval adds 15,900 acres to the ILRP.

Enforcement

California Water Code Section 13267 Orders & Notices of Violation

In November, the Executive Officer issued 11 notices of violation to dischargers in the East San Joaquin Water Quality Coalitions' boundaries who have received Executive Officer approval to join a grower water quality coalition, but have not done so to date. These notices of violation are a follow-up to California Water Code section 13260 orders issued in October.

Coalition Groups

California Rice Commission (CRC)

On 23 December 2010, Central Valley Water Board staff received the CRC 2010 Annual Monitoring Report (AMR) that contains information and monitoring data for the ILRP, the Rice Pesticides Program, and Management Plans. The AMR is presently being reviewed.

On 28 December, the CRC submitted its Quality Assurance Program Plan (QAPP) for approval and signature. The QAPP is undergoing a final review for signature.

Pleasant Valley Coalition

Pleasant Valley Coalition growers are now included in Westlands Stormwater Coalition. The Pleasant Valley Coalition is no longer necessary to provide coverage for its growers under the Conditional Waiver; staff will work with Pleasant Valley to disband the coalition.

Sacramento Valley Water Quality Coalition (SVWQC)

On 17 November 2010, staff received the SVWQC's 2011 Assessment Monitoring Plan, according to the SVWQC Monitoring and Reporting Plan Order. Staff has completed a review of the plan and is preparing comments.

Staff completed the review of the SVWQC Management Plan Progress Report that was originally submitted on 3 May 2010. On 3 December 2010, staff sent an approval letter with checklist and recommendations for future progress reports to the coalition.

San Joaquin County and Delta Water Quality Coalition (SJCDWQC)

On 12 December 2010, staff received the 2011-2013 Management Plan Performance Goal Update in accordance with the Management Plan Development Timeline. Staff comments have been prepared and are in the final stages of edits and senior review.

On 3 January 2011, staff received the SJCDWQC 's 2011 monitoring schedule listing the water bodies and analytes for the year. The coalition is required to collect samples for analytes listed in the ILRP Monitoring and Reporting Plan R5-2008-0005.

Southern San Joaquin Valley Water Quality Coalition (SSJVWQC)

Staff reviewed SSJVWQC monitoring data gathered between July 2006 and September 2009. A meeting is scheduled to discuss results of the monitoring data review.

Westlands Coalition

On 16 December 2010, Westlands Stormwater Coalition submitted an updated participant list including newly added Pleasant Valley irrigating land owners. The Pleasant Valley Coalition growers were added to Westlands following signature of a Memorandum of Agreement between Westlands Water District and Pleasant Valley Water District, allowing Pleasant Valley irrigating land owners into Westlands Stormwater Coalition.

Westlands is currently amending its conditionally approved Monitoring and Reporting Program Plan to include information about the Pleasant Valley area.

Westside Coalition

On 30 November 2010, staff received the irrigation season Semi –annual Monitoring Report (SAMR) from the Westside Coalition. The report is currently under review. Components of the SAMR include: monitoring results, management plan updates, and Basin Plan – TMDL requirements.

On 15 January 2011, staff received the coalition's Final Focused Management Plan II. A final review is being performed.

On 4 January 2011, staff attended the coalition's monthly water quality meeting via conference call.

Water Districts with Regulatory Coverage under the Individual Conditional Waiver Order Modesto Irrigation District (Modesto ID)

On 28 September 2010, staff sent Modesto ID the review of its 1 March 2010 Annual Monitoring Report. Modesto ID provided the necessary information for all components of their annual monitoring report, including items that were identified in the staff review memo.

On 1 November 2010, staff sent Modesto ID the review of their 2009 Annual Management Plan Update Report (Annual MPUR). Staff reviewed the Modesto ID Annual MPUR and determined that all management plan processes proposed in the Modesto ID Management Plan submitted on 18 September 2008 were followed, and implementation was completed for diuron, oryzalin, EC, and TDS.

On 1 November 2010, Modesto ID sent a request to the Executive Officer to modify Modesto ID management plans for diuron, oryzalin, EC, and TDS. Based on the available information, the Executive Officer determined that the management plans for diuron, oryzalin, EC, and TDS have been completed, and no further actions are required. Staff sent Modesto ID the Executive Officer approval on 14 December 2010.

Turlock Irrigation District (TID)

On 4 January 2011, Staff sent TID the review of its 1 March 2010 Annual Monitoring Report. TID provided the necessary information for all components of the report. Staff comments were provided in the review.

Data Management

Data reports received through 1 December 2010 that arrived in an electronic SWAMP comparable format are currently being prepared for loading into a California Environmental Data Exchange Network (CEDEN) comparable database provided by the Central Valley Regional Data Center (CV RDC). These reports and future data sets will be sent to the CV RDC to be uploaded into CEDEN for state-wide assessment efforts. Prioritization and loading schedules are being developed for data received from 2009 forward.

Datasets submitted prior to 1 June 2009 are being processed for loading by the CV RDC as a historical data project. These datasets were initially processed by the ILRP and are at various stages of readiness for loading. The CV RDC, funded by a portion of SWAMP funds, has been contracted to complete the processing and begin loading priority sets. Progress is overseen by ILRP staff. At this time, four coalition reports have been successfully processed and loaded into the database. An additional ten reports from irrigation districts are being prepared for loading this month.

MOU Pilot Program

The Quarterly Report for the third quarter has been posted on the ILRP website. Contracts for the MOU Pilot Program with Butte and Glenn Counties will end 31 March 2011. A final report on the Pilot Program will be issued at that time.

Prop 84 Grant Funding

This grant agreement should be finalized by the end of January. The grantee, the Coalition for Urban/Rural Environmental Stewardship (CURES), will provide program management and outreach to growers/ranchers for the implementation of management practices that will address water quality exceedances due to agriculture identified in the Central Valley.