

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**SUPPLEMENTAL SHEET FOR REGULAR MEETING OF MAY 30-31, 2013**

Prepared May 21, 2013

**ITEM NUMBER:** 21

**SUBJECT:** **Agricultural Regulatory Program Update - Cooperative Groundwater Monitoring Programs**

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**SUMMARY**

This supplemental sheet includes a description of the outcomes of the April 26, 2013 meeting where Central Coast Water Board staff and members discussed Cooperative Groundwater Monitoring Program Proposals with project proponents. Additionally, this supplemental sheet provides updates on additional meetings, discussions and correspondence on Cooperative Groundwater Monitoring Program Proposals with project proponents and also reports on the status of the establishment of the Technical Advisory Committee (TAC) for the Agricultural Order.

**COOPERATIVE GROUNDWATER MONITORING PROGRAM PROPOSALS**

Following the April 26, 2013 meeting, staff sent a list of outcomes to the project proponents who attended the meeting and modified the list for those items.

Staff recorded the outcomes of the April 26, 2013 meeting, including input and clarification from participants, as follows:

- Some Participants expressed interest in submitting an outline of their revised program proposal/workplan two weeks after the meeting on **May 10, 2013**.
- Participants agreed to include the following items in the revised program proposals on **May 31, 2013**:
  - Confirmation that domestic drinking water wells will be sampled.
  - A sampling schedule that shows domestic drinking water well sampling will start September 2013 and be completed by September 2014 (even if sampling locations are not yet identified and will be determined at a later scheduled date). Water Board staff reiterated to agricultural representatives that program proposals will not be approved if they do not include plans to initiate sampling of domestic drinking water wells by September 2013 and complete sampling of domestic drinking water wells by September 2014.
  - Identification of specific sampling locations for domestic drinking water monitoring **by September 1, 2013**, including either (1) all the domestic drinking water wells located on parcels wholly or partly included in the program boundary and on land owned, leased, or operated by all the growers participating in the

program, (2) a subset of the domestic drinking water wells located on parcels wholly or partly included in the program boundary and owned, leased, or operated by all the growers participating in the program, with technical justification for selecting the subset (e.g., hydrogeology, duplicative screen interval locations, etc.), or (3) a set of any other wells, such as irrigation wells with technical justification for selecting the set as representative of drinking water.

- Perimeter Boundary maps showing the program areas consistent with the specifications listed in the Water Board comment letters of April 17-18, 2013 (Water Board staff agreed to assist programs with this if needed).
- A plan to provide a refined program area boundary map by September 1, 2013 that is based on participating growers and sampling locations identified.
- Quality Assurance Project Plans (QAPP) (either identification of a relevant existing QAPP, a commitment and schedule to submit a QAPP, or other appropriate documentation of quality assurance procedures, for Water Board staff approval prior to initiating sampling).
- A plan to identify the list of participating growers **by September 1, 2013** (with a proposed frequency for updating the list).
- A plan to identify the program costs **by September 1, 2013**.
- Water Board staff will respond to proponents' concerns regarding the public disclosure of water quality and well location data, including evaluating a proposal to display monitoring results on contour maps.
- Water Board staff will follow-up on project proponents' request to replace annual reporting of irrigation source water nitrate concentrations in the Annual Compliance Form with an option of answering "member of a cooperative groundwater program."
- Water Board staff will follow up on proponents' request for clarification of data "acceptance" period in GeoTracker.
- Participants agreed that Third-party groups implementing cooperative monitoring programs are not required to monitor any wells not owned by growers participating in the cooperative groundwater monitoring program, nor are required to install new wells. However, the Third-Party groups can choose to include these wells if they deem appropriate and can gain proper access. The Water Board can assist the Third-party groups gain access.

The proponents of the Northern Central Coast Cooperative Groundwater Program (represented by Abby Taylor-Silva of the Grower-Shipper Association of Central California) provided an outline of their revised program proposal/workplan, in response to the outcomes of the April 26, 2013 meeting, which includes changes to some of the original staff comments, sent to project proponents on April 17, 2013 (and included as Attachment 3 to the staff report).

Staff provided a written response and direction to project proponents through comments written directly on the outline of their revised program proposal/workplan (See Attachment 1). Staff's comments were consistent with the outcomes of the April 26, 2013 meeting. Staff and project proponents participated in a teleconference on May 21, 2013 that resulted in shared understanding of the revised program proposal/workplan and staff's comments.

Three items on the list of outcomes of the April 26, 2013 meeting required Central Coast Water Board follow-up: 1) public disclosure of well sampling results, 2) request to change Annual Compliance Form nitrate reporting and 3) clarification of data "acceptance" period in GeoTracker. Central Coast Water Board staff is or has followed-up as described below.

Regarding concerns about public disclosure of the monitoring results in the statewide GeoTracker database, project proponents, Central Coast Water Board staff, Central Valley Water Board Executive Officer, and State Water Resources Control Board staff met on May 23, 2013 to discuss alternatives to the current method of displaying monitoring results in GeoTracker. The Central Valley Water Board Executive Officer, and State Water Resources Control Board staff participated in this meeting since this is an issue of state-wide significance.

The Meeting participants included:

- Abby Taylor-Silva, Grower-Shipper Association of Central California,
- Gail Delihant, Western Growers,
- Claire Wineman, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties,
- Parry Klassen, Consultant and Executive Director of East San Joaquin Water Quality Coalition, Tess Dunham, Somach, Simmons and Dunn,
- Ken Harris, Central Coast Water Board Executive Officer
- Lisa McCann, Central Coast Water Board Watershed Protection Section Manager
- John Robertson, Central Coast Water Board Groundwater Protection Section Manager
- Angela Schroeter, Central Coast Water Board Agricultural Regulatory Program Manager
- Pamela Creedon, Central Valley Water Board Executive Officer
- Tom Howard, State Water Resource Control Board Executive Director
- Michael Lauffer, Office of Chief Counsel, Chief Counsel
- Lori Okun, Office of Chief Counsel, Assistant Chief Counsel

The participants had a productive discussion about alternative ways to publicly disclose or make available the monitoring results, including providing maps with contours of water quality concentrations, and water quality concentrations as points on maps with blurred locations (for existing regulatory programs, such as Underground Storage Tanks, GeoTracker displays water quality concentrations from monitoring wells as dots blurred to a half-mile radius to obfuscate the specific location of the well). State Water Board staff plans to evaluate the alternative options further, after discussions with State Water Board members, and inform project proponents and the Central Coast Water Board if alternative options are consistent with policy and laws regarding public disclosure of the cooperative groundwater monitoring program results.

Regarding the project proponents' request to replace annual reporting of irrigation source water nitrate concentrations in the Annual Compliance Form with an option of answering "member of a cooperative groundwater program," Central Coast Water Board staff evaluated this request and sent an email in response informing project proponents' that staff does not plan to make any modifications to the Annual Compliance Form at this time; staff is waiting for the State Water Board's decision on the Petition of the Order because the content of the Annual Compliance Form was specifically determined with all stakeholders present, as directed by the State Water Board, at the Stay Hearing in August 2012. Central Coast Water Board staff will reconsider this request once the petition is resolved. Most of the content of the Annual Compliance Form could be considered trade secret or secret processes so will not be disclosed to the public – including nitrogen concentrations in irrigation water.

Regarding proponents' request for clarification of data "acceptance" period in GeoTracker, Central Coast Water Board staff spoke with the northern area cooperative program's consultant about this via phone. GeoTracker currently has a standard "acceptance" period for consultants to review data prior to posting to GeoTracker. Water Board staff can provide an alternative time

and plans to speak with project proponents' again to determine the preferred and an agreeable length of time.

### **STATUS OF TECHNICAL ADVISORY COMMITTEE (TAC)**

At the last Central Coast Water Board meeting, staff informed the Board that very few people nominated themselves for TAC participation and execution of the contract with the Center for Collaborative Policy (Center) was delayed. The State Water Board's Office of Public Participation (OPP) is assisting the Central Coast Water Board to establish the TAC, in part, by relying on their contract with the Center. In response, OPP reopened the nomination period for prospective TAC participants and redistributed the nomination solicitation letter. The close of the second nomination solicitation was set for April 2, 2013. Since April 2, 2013, the contract with the Center was executed and only three people, in addition to the original seven, nominated themselves, including one additional grower.

Staff has requested that the Center conduct a stakeholder assessment to determine the feasibility and likelihood of success of continuing to establish the TAC. Based on the stakeholder assessment, the Center will recommend whether to continue to convene the TAC or propose other ways to engage the stakeholders in regional or cooperative water quality improvement projects. Staff made this determination for the following reasons:

- Limited number of nominees for the TAC;
- Incomplete information from and/or lack of clarity about which categories of the TAC some nominees fit into;
- Limited participation from growers;
- Limited project proposals (staff has met with proponents of three projects to discuss conceptual projects); and
- The TAC is an advisory body so if the Central Coast Water Board receives a viable project proposal, the Executive Officer is still authorized to review and approve or disapprove the project per the Agricultural Order, whether or not a TAC is established and recommends approval to the Executive Officer.

The Center plans to initiate the stakeholder assessment in July.

### **NEXT AGRICULTURAL PROGRAM UPDATES TO THE CENTRAL COAST WATER BOARD**

There will not be an update item on the agenda for the July Board meeting. The next Agricultural Program Update to the Board will be in September.

### **ATTACHMENTS**

1. May 20, 2013 Letter to Grower-Shipper Association of Central California