

Revisions to Waste Discharge Requirements
for Growers within the Sacramento River Watershed
that are Members of a Third-party Group
Order Number R5-2014-0030

RESPONSE TO COMMENTS

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) has provided the public with the opportunity to submit written comments on the tentative revisions to Waste Discharge Requirements for Growers within the Sacramento River Watershed that are Members of a Third-party Group, Order R5-2014-0030 (referred to as the “Sacramento Valley Order” or “Order”). This document contains written responses to comments that were timely received on the tentative Order.

The Board released the tentative revisions to the Order for public review on 23 April 2015, and the comment period ended on 23 May 2015. The notice stated that the Board was only going to consider comments related to the proposed revisions, because the Board was not reopening other aspects of the Order. The Board received three comment letters by the deadline from:

1. Sierra County Board of Supervisors
2. Sacramento Valley Water Quality Coalition (SVWQC)
3. Upper Feather River Watershed Group

Staff responses to the comments in the letters are listed below.

Comment Letter 1 – Sierra County Board of Supervisors

1-1. Delta RMP Option

Comment summary: If SVWQC participates in the Delta Regional Monitoring Program (Delta RMP), all the subwatersheds may be subject to increased monitoring, reporting, and fee obligations. The Upper Feather River Watershed Group has already borne a substantial burden in monitoring and reporting for the Irrigated Lands Regulatory Program. The additional burden and potential obligation to contribute to the Delta RMP is unreasonable, particularly for low-margin farming operations in the upper watershed.

Response: The tentative revisions to the Order would allow the SVWQC to reduce surface monitoring requirements and reallocate those resources to the Delta RMP. This will allow the SVWQC to participate in the Delta RMP in a cost-neutral manner.

The Delta RMP is a high priority for the Central Valley Water Board, and agricultural discharges from the Sacramento Valley watershed contribute waste constituents that may impact the Delta. The Board views the Delta RMP as a key to understanding the Delta and what must be done to ensure that beneficial uses are protected. Recent concerns, such as the Pelagic Organism Decline and harmful algal blooms, highlight the need for the Delta RMP. It is essential that the SVWQC participate in this program to better inform policy decision making and to better protect the Delta.

1-2. Rescheduling of June 4-5 Central Valley Regional Water Quality Control Board Agenda Item to Consider Adoption of Revisions to Waste Discharge Order R5-2014-0030

Comment summary: Rescheduling the consideration of the tentative revisions to the Order and extending the comment period would allow further investigation into the short-term and long-term consequences that may impact the Upper Feather River Region and would allow stakeholders the opportunity to research any concerns related to the California Environmental Quality Act (“EIR concerns”).

Response: Delaying Board action would delay participation of the SVWQC in the Delta RMP, and this might in turn delay the collection of critical monitoring data and postpone the commencement of important studies. With respect to any concerns related to compliance with the California Environmental Quality Act, the proposed Order has been modified to clarify that the Central Valley Water Board, acting as a lead agency, certified a Program Environmental Impact Report (PEIR) for the Irrigated Lands Regulatory Program that contained an exhaustive environmental impact analysis of the entire program, including different monitoring permutations. The type of monitoring and administrative changes that are being proposed in the tentative revisions to the Order fall within the scope of regulatory activities identified and analyzed in the PEIR.

Practically speaking, the environmental ramifications of delaying critical studies to inform policy decisions in the Delta are of utmost concern to the Board. Staff does not recommend delaying board consideration of the proposed revisions.

1-3. Subwatershed Impact to the Delta Region

Comment summary: Many of the subwatersheds within the SVWQC do not impact the Delta region. Regional efforts to address water resources are valuable, but should be locally identified and implemented.

Response: Though the Delta RMP will deliver critical information about the impacts of the greater Sacramento River watershed on the health of the Delta, due to the size of the SVWQC, there are areas in the upper watershed where there may not be a direct linkage to water quality in the Delta itself. For these areas, a regional Delta source water monitoring program may be a better long-term fit.

However, for much of the SVWQC area, water and waste constituents drain to the Delta and affect water quality there. Waste constituents include pesticides, salts, nutrients, and sediment, all of which may be discharged by agricultural operations. For these reasons, the SVWQC’s participation in the Delta RMP is critical.

1-4. Modification of Programs and Fees

Comment summary: The Board should consider modifying programs and program fees to reflect the diversity of the different regions. The Irrigated Lands Regulatory Program, including the additional reporting required by the Order, is a fiscal strain on Sierra County and the Upper Feather River Watershed Group.

Response: The Central Valley Water Board is acutely concerned about fiscal strain of monitoring and reporting programs. One of the benefits of a regional approach is to coordinate monitoring across multiple groups, e.g., storm water, municipal wastewater plants, agriculture, water contractors, and other state and federal monitoring programs. This coordination will lead to efficiencies and higher value data being obtained. As more participants get involved, the costs of the program to any one entity would be less. Regional monitoring programs should, by nature, be more efficient, coordinated, and

should result in lower costs than obtaining the same information via individual dischargers. Also, the proposed revisions would allow the SVWQC to reduce individual monitoring in order to participate in the Delta RMP. This will also help with costs.

1-5. Review of the Coalition structure

Comment summary: A review of the SVWQC's structure is requested to ensure that program information is timely distributed to the subwatersheds and that the decision making process includes representatives from the subwatersheds, who in turn seek input from stakeholders impacted by the decisions.

Response: The Coalition has a Memorandum of Understanding with the subwatersheds. This Memorandum could be updated to include a process for communication. The Board does not internally manage the interaction of the Coalition and Subwatershed groups.

Comment Letter 2 – Sacramento Valley Water Quality Coalition

2-1. Option to Participate in a Regional Monitoring Program

Comment summary: The proposed language in the revision to the Order provides the SVWQC an option to participate in a program, such as the Delta RMP, and the option to propose a reduction in monitoring if the Coalition chooses to participate. The cost, duration, and scope of the Delta RMP requirements are uncertain; The SVWQC's level of participation must be proportional and related to the demonstrated water quality issues of irrigated agriculture in the Sacramento Valley.

Response: The Steering Committee of the Delta RMP is tasked with approving contributions of each participant group. Some participant groups have proposed funding calculators based on characteristics, such as wastewater flow and treatment level. The agriculture coalitions could propose an approach that considers factors such as those provided by the Commenter. Board staff encourages the SVWQC to get involved in proposing such mechanisms at the Delta RMP Steering Committee.

2-2. Due Date for the Comprehensive Groundwater Quality Management Plan

Comment summary: The proposed revision modifies the due date for submission of the Comprehensive Groundwater Quality Management Plan to 60 days after the Executive Officer approval of the Groundwater Assessment Report (GAR). The letter expressed support of the proposed modification of the due date.

Response: Because high vulnerability designations proposed in the GAR need to be reviewed and approved by the Executive Officer, it is reasonable that development of the Groundwater Quality Management Plan that addresses the high vulnerability areas follows the GAR approval.

Comment Letter 3 – Upper Feather River Watershed Group

3-1. Consideration of the Diversity of the Thirteen Subwatersheds under Order R5-2014-0030

Comment summary: The Board is asked to consider the diversity of the thirteen subcoalitions under Order R5-2014-0030. The Upper Feather River Watershed is located upstream of the Oroville Reservoir and does not have the opportunity to impact the water quality of the Delta region.

Response: See response to comments 1-1, 1-2, and 1-3.

3-2. Participation in Local Regional Programs is a Wiser Use of Member Resources

Comment summary: Participation in local regional programs such as the Upper Feather River Integrated Regional Watershed Management Program is a wiser use of member resources. The Upper Feather River Watershed Group plans to submit an application for the Reduced Monitoring Management Practice Verification Option of the Order.

Response: Board staff agrees that local regional monitoring programs are effective and should be considered. However, where the discharges and flows drain to the Delta and could affect Delta water quality, participation in the Delta RMP is critically needed to ensure the beneficial uses of the Delta can be protected. See response to comment 1-3.

3-3. Escalating Costs Eliminates Funds for Local Implementation Projects

Comment summary: The new Waste Discharge Requirements (WDR) Order requires expanded assessment reports and increased SVWQC and individual reporting burdens. Water quality data does not support increased mandates. Escalating costs eliminate funds for local implementation projects by Upper Feather River members.

Response: See response to comment 1-4.