



May 18, 2012

Dr. Karl Longley, Chairman  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, California 95670

**RE: East San Joaquin Draft Waste Discharge Requirements (WDR) Order**

Dear Chairman Longley:

The Sacramento Valley Water Quality Coalition (Coalition), its leadership of farmers and ranchers, Farm Bureau executives, UC Cooperative Extension crop specialists, and resource conservation district managers in partnership with County Agricultural Commissioners has reviewed the East San Joaquin (ESJ) Draft Waste Discharge Requirements (WDR) Order and associated documents. As active participants in the various stakeholder and Regional Board meetings held between 2008-2011 to develop a long term irrigated lands program, the Coalition has consistently expressed the view that any future program should 1) recognize basin and subbasin differences within the Central Valley and Sacramento Valley; 2) achieve water quality goals without being prescriptive and inflexible; 3) build on nearly a decade of water quality monitoring and programs initiated to improve water quality; 4) recognize existing State and Federal agencies authorities, programs, and initiatives; and 5) balance the need for additional requirements on landowners with the value of those requirements toward improving water quality.

Water quality is important to the landowners who have farmed and ranched – in many cases for several generations- in the Sacramento Valley. Working with various County Agricultural Commissioner offices, resource conservation districts, crop specialists from the University of California Cooperative Extension, and water resources managers, the leadership of the Coalition has not only raised awareness of water quality conditions among growers and ranchers, but provided the Regional Board with valuable information about surface water quality and management practices used to protect water quality. The sustainability of agriculture operations is vital not only to individual farmers, but all of California. Stewardship of water quality is important to wildlife and waterfowl habitat, like the Pacific Flyway, located in the Sacramento Valley.

The Regional Board staff in drafting the East San Joaquin WDR, MRP and Management Plan requirements has with some notable exceptions endeavored to strike a balance between the needs of maintaining the agricultural economy with the need to provide safe drinking water and water quality that meets numerous beneficial uses, including that of aquatic habitat.

**Comment** – The Regional Board staff in preparing the ESJ Draft WDR appears to recognize the differences in basins and subbasins. Language on Page 13. IV.A., reads, “The third-party may also propose low vulnerability areas where reduced program requirements would apply.”

However it is unclear if the definition of vulnerability areas recognizes the types of water quality exceedances can vary between these regions of the Central Valley. Furthermore, the groundwater monitoring program eliminates any distinction between low and high vulnerability areas in triggering management plan requirements. On Page 25 of the ESJ Draft WDR it states, “A GQMP (Groundwater Quality Management Plan) shall be developed by a third-party where: (1) there is a confirmed exceedance (considering applicable averaging periods) of a water quality objective or applicable water quality trigger limit (trigger limits are described in Section VII of the MRP) in a groundwater well and irrigated agriculture may cause or contribute to the exceedance;” Having a management plan triggered by a single exceedance is more restrictive than the requirements for surface water quality management plans and may eliminate the ability for a third-party to successfully “propose low vulnerability areas.”

The definition of low vulnerability areas should clearly distinguish between agricultural pesticides or toxicity exceedances related to agricultural pesticides and those resulting from water quality parameters (e.g., dissolved oxygen and pH) that can occur from a multitude of sources.

The Regional Board staff in writing the Sacramento Valley Water Quality Coalition’s current surface water quality monitoring plan (December 2009) recognized these distinctive differences. There are regions of the Sacramento Valley with limited or no pesticide usage. The approach taken in the Coalition’s surface water MRP has aligned regulatory requirements with potential impacts to surface water quality.

Furthermore, the Sacramento Valley Water Quality Coalition’s Annual Monitoring Reports (AMRs) have publically documented there are few pesticide exceedances annually in surface water quality sampling. In fact in 2009 – 2011 more than 97% of all pesticide analyses were below detection. Exceedances for salinity, dissolved oxygen, pH and *E. coli* have resulted in 75% of the Coalition’s Management Plans (98 out of 128).

**Comment**- The ESJ Draft WDR endeavors to streamline regulatory requirements by recognizing that several other agencies within State government provide protections for drinking water or have as their mission to mitigate the discharge of pesticides to surface and ground water. Specifically, on Page 11 of the ESJ Draft WDR, the Regional Board has recognized the California Department of Pesticide Regulation (DPR) has developed a Groundwater Protection Program under the authority of the Pesticide Contamination Prevention Act (PCPA) and the California Department of Food Agriculture (CDFA) Fertilizer Research and Education Program (FREP) that “coordinates research to advance the environmentally safe and agronomically sound use and handling of fertilizer materials.” The University of California at Davis is home to the Agricultural Sustainability Institute (ASI) which is partnering with many researchers and institutions to complete a California Nitrogen Assessment.

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However, the Regional Board fails to recognize the value of these agencies in other portions of the documents. For instance, on Page 27 of Attachment B to the General Order (Monitoring and Reporting Program) the regulatory responsibility is shifted to the third party in developing some water quality trigger limits.

“Trigger limits will be proposed by the third-party through a Monitoring Parameter Report process described in section III.C.3 of this MRP.”

The California DPR is the appropriate agency to be developing and recommending these, not growers paying technical and scientific consultants to propose something to the Regional Board. Experience is these proposals are rarely accepted by Regional Board staff.

**Comment** - The ESJ Draft WDR, MRP and associated documents are overly prescriptive and inflexible in several sections. For instance, requirements for a Farm Evaluation are universal regardless of parcel size, past surface water quality monitoring results, existing groundwater quality data, documented management practices, or proactive efforts being taken by growers to address water quality issues.

For surface water management plan areas in the Sacramento Valley, the Coalition and landowners have performed source evaluation reports, documented existing management practices and in waterbodies where irrigated agricultural is the source of or makes a contribution to the water quality exceedance, the Coalition has prepared Management Practices Implementation and Performance Goals. Furthermore In Glenn and Butte Counties, the Central Valley Water Board), the State Water Resources Control Board (State Water Board), the California Department of Pesticide Regulation (DPR), and the Agricultural Commissioners entered into a multi-year program that resulted in documentation of management practices that were reported to the State Board in both quarterly and annual reports.

That is just the beginning of the Coalition participants' commitment. In March of 2012 Colusa Glenn Subwatershed Program's Walker Creek Watershed Represented Area located in Glenn County was one of four new focus areas where \$8.5 million is being made available through the Environmental Quality Incentives Program (EQIP) to help producers undertake water quality and water conservation projects [http://www.ca.nrcs.usda.gov/news/releases/2012/bdi\\_wc-3-29-12.html](http://www.ca.nrcs.usda.gov/news/releases/2012/bdi_wc-3-29-12.html) . The program specifically targets irrigated agricultural operations that have the capacity to adopt and apply management practices to improve water quality with emphasis on improved pest management and nutrient management and vegetative and structural practices. This funding is made possible through an NRCS national landscape conservation initiative to help improve the Bay Delta ecosystem. The Sutter County Resource Conservation District has secured similar funding for Gilsizer Slough and the Lower Honcutt watershed.

There may be value in having landowners in high vulnerability areas fill out farm evaluations where data gaps in this information exist. However, if a grower is already enrolled in a commodity sustainability program, provides this information to a food processor, or are in an area that has received EQIP or other funding targeted to implement management practices protective of surface and/or groundwater quality, the spirit of this requirement is already being met.

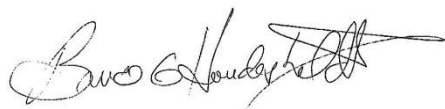
**Comment** – The ESJ Draft Order contains new concepts and elements never before discussed among or by all interested parties to determine their value or effectiveness in achieving compliance with applicable water quality objectives in the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan) and other State Water Board plans and policies. An example is the aquatic toxicity standard on Page 10 of Attachment B to the General Order (Monitoring and Reporting Program). This provision should be studied further to determine its merit before including in the ESJ or any WDR being drafted by the Regional Board staff.

**Comment** - Finally, while several of the concepts in the ESJ Draft WDR were discussed at Central Valley Regional Water Quality Control Board (Central Valley Water Board) workshops and hearings leading up to the Regional Water Board’s decision to adopt a *Short-Term Renewal of the Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order R5-2006-0053* in June 2011, the Central Valley Water Board did not adopt the “framework document” containing these concepts. This permits the development of WDRs for a very large and diverse Central Valley region with distinctively different characteristics.

The Board’s direction to staff in June 2011 to proceed with drafting of orders rather spend time formally approving a “framework document” was to reflect the specific circumstances of various basin and subbasins of the Central Valley as identified in the *Irrigated Lands Regulatory Program Existing Conditions Report (Jones and Stokes, 2008)*, the Department of Water Resources Bulletin 118-2003, the United States Geological Survey (USGS) Scientific Investigation Reports of groundwater quality, plus technical and hydrologic data collected for the Groundwater Ambient Monitoring Assessment (GAMA) program [www.waterboards.ca.gov/water\\_issues/programs/gama](http://www.waterboards.ca.gov/water_issues/programs/gama).

The Coalition appreciates the opportunity to provide these comments.

Sincerely,



Bruce Houdesheldt  
Director of Regulatory Affairs  
Northern California Water Association on behalf of the Sacramento  
Valley Water Quality Coalition

Cc:	John Costantino	Kate Hart	Sandra Meraz
	Jenny Lester Moffitt	Bob Schneider	Carmen Ramirez
	Pamela Creedon	Joe Karkoski	Clay Rodgers
	Adam Laputz	Susan Fregien	Mark Cady