

ATTACHMENT 1

to ESJWQC's Comments on Draft WDRs for Growers Within the Eastern San Joaquin River Watershed Area

Additional Comments on Draft WDR

- **Draft WDR, Finding 2:** The second paragraph of this finding suggests that some growers in areas of the Eastern San Joaquin River Watershed may be better served by being in a different coalition than the one that may be formed for this watershed. The ESJWQC does not disagree with this sentiment. In fact, to avoid confusion, the ESJWQC recommends that the watershed boundaries for the Eastern San Joaquin River Watershed remain the same for the Draft WDR as they currently exist. Otherwise, growers in these areas may be confused and not understand which coalition to enroll in at the appropriate time. Further, the language as currently proposed may allow individual growers that should enroll in the ESJWQC to defer until other orders are adopted even though their operation may not be in one of the areas for which this language was intended.
- **Draft WDR, Finding 9:** The second sentence of this finding should be updated from "The long-term irrigated lands program . . ." to "The long-term irrigated lands regulatory program . . ."
- **Draft WDR, Finding 26:** This finding states that the order implements the Basin Plan by requiring compliance with water quality objectives. In fact, the order implements the Basin Plan by requiring the implementation of management practices to achieve compliance with water quality objectives. The finding should be amended accordingly.
- **Draft WDR, Finding 39:** This finding references Water Code section 13260. This reference is in error, and the correct Water Code for citation here is Water Code section 13263.
- **Draft WDR, Finding 43:** As proposed, the Draft WDR would require the third-party to establish a group with the dairy industry and the Central Valley Water Board. The ESJWQC is not opposed to working with the dairy industry to discuss coordination of efforts. However, the ESJWQC does not believe it appropriate for the Draft WDR to mandate such coordination. Accordingly, the ESJWQC recommends that this finding be deleted in its entirety.
- **Draft WDR, Finding 46:** This finding describes a Groundwater Protection Program developed by the Department of Pesticide Regulation (DPR) and how information from this program can be informative in assessing the impacts to groundwater from agricultural pesticides. The last sentence of this finding "requires the third-party to submit pesticide water quality data (both groundwater and surface water) to DPR, as well as to the Central Valley Water Board." It is unclear how the third-party would submit data to DPR and why this is in addition to submitting data to the Central Valley Water Board. Any data submitted to the Central Valley Water Board will be publicly available and therefore readily accessible to DPR if they are interested in data collected. It is recommended that the verbiage in Finding 46 be updated to omit the requirement to submit data to DPR.

- Draft WDR, Finding 50:** This finding is intended to identify the Central Valley Water Board’s priorities with respect to potential enforcement actions. However, as proposed, the language does not take into account the time schedules contained in Section XII of the Draft WDR. (Draft WDR, p. 12.) In particular, the finding states that the Central Valley Water Board will generally not pursue formal action if a Member is implementing actions according to an approved management plan. (*Ibid.*) This language suggests that the time schedule language does not act as a shield from enforcement even if someone is in compliance with an approved management plan and its schedules for compliance. The ESJWQC sees the time schedule language as a shield from such actions, as long as a Member is in compliance with the provisions of the approved management plan. If that is not the Central Valley Water Board’s intent, then the time schedule language needs to be changed to make it so. The ESJWQC would be opposed to provisions in the Draft WDR that would make Members liable for discharges that may exceed water quality objectives if they are in compliance with an approved management plan that includes a time schedule for compliance. Otherwise, the language in Finding 50 must be revised to reflect the time schedule provisions contained in Section XII of the Draft WDR.
- Draft WDR, Finding 51(b):** Finding 51 discusses the progressive enforcement steps that will be taken in the event that the third-party fails to comply with the terms and conditions of the Order. Item b under Finding 51 indicates that a “Second notification of noncompliance to the third-party and potentially affected Members.” However, the current language does not indicate that Item b will be implemented if the first notification of noncompliance is not addressed by the third-party. The language under Item b should be updated to reflect that a second notification will occur if the third-party does not respond to the first notification. It is recommended that the updated language for Item b start with, “If there is a failure to respond to the first notification, a second notification of noncompliance”
- Draft WDR, Section I.1:** The word “to” should be added to the sentence under Section I.1 between “applied” and “Members,” to read “. . . is hereby rescinded as it applied to Members in the Eastern”
- Draft WDR, Section IV.B.4:** The first sentence of Item 4 under the Requirements for Members of the Third-Party Group (p. 16) should be updated from “shall” to “should” to begin as follows: “Each Member should participate in third-party outreach events” It may not be possible for growers to attend outreach events held by the third-party due to scheduling conflicts and availability and they should not be penalized because they could not attend a meeting. In addition, to require the third-party to track whether or not a Member and/or someone representing that Member has attended at least one meeting would be additional paperwork and tracking that will not result in improvements to water quality. The Member is already required to document management practices yearly and will have additional requirements if they farm property within a management plan area. This added requirement is not necessary to ensure that Members are receiving outreach and education or implementing management practices.
- Draft WDR, Section IV.B.7:** Determining background concentrations for sediment in surface waters is not possible because background would differ for every surface water in every drainage, requiring a massive and costly effort that at its conclusion, would be insufficient to adequately specify background sediment load due to the lack of undeveloped land around East San Joaquin waterways, the myriad of different rainfall event conditions under which

measurements would need to be made, the range of substrate conditions in surface waters, and the variable size of watersheds. Modeling would not be an appropriate method to determine background sediment load because there is no way to calibrate the models to pre-development land use/land cover.

The ESJWQC believes that sediment and erosion control are important. Accordingly, the ESJWQC will identify growers that have the potential to discharge sediment during normal farming operations or through storm water discharge and obtain sediment and erosion control plans from those individuals. The ESJWQC believes that by focusing on outreach and education rather than abortive attempts at determining background sediment loads in every surface water, discharge of sediment can be eliminated much more effectively and efficiently.

- **Draft WDR, Section IV.B.8:** The second sentence of Item 8 under Section IV.B (p. 16) should be updated from “annual nutrient budget” to “annual nitrogen budget.”
- **Draft WDR, Section IV.B.19:** Item 19 under Section IV.B (p. 17) reiterates what is already addressed by Sections IV.B.6 and IV.B.7. Section IV.B.6 indicates that Members shall implement water quality management practices and Section IV.B.7 requires that Members implement sediment discharge and erosion prevention practices. Item 19 is duplicative of previously listed requirements within Section IV.B, and should be deleted.
- **Draft WDR, Section IV.C.7:** The last sentence of Item 7 under Section IV.C (p. 18) indicates that the third-party must submit a list of enrolled growers who have submitted a completed notice of confirmation per the requirements given in Section VIII.C. This is duplicative of Section VIII.C, which requires the third-party to submit a membership list. Thus, this should be deleted from this provision here.
- **Draft WDR, Section IV.C.9.b:** Section IV.C.9 discusses the responsibility of the third-party to “conduct education and outreach activities to inform Members of program requirements and water quality problems.” Item 9.b requires the third-party to submit an annual summary of these activities to the Central Valley Water Board. The language currently states that the third-party should “estimate the number of growers that did not attend the events and describe the process used to ensure those growers who did not attend outreach events were provided the information discussed at the outreach events.” (Draft WDR, p. 18.) Some outreach events are held at multiple locations over a multi-week period to reach as many Members as possible. In many instances, Members as well as employees of Members responsible for management practices on the Member’s property will attend one or more meetings. It should not be required for the third-party to try and estimate on a meeting-by-meeting basis the Members that have attended and those that have not. In order to be efficient in disseminating outreach material to Members that could not attend meetings, the third-party proposes to post the material presented at meetings on their website for Members to download and review at any time.

In Attachment 2, language from Section IV.C.9.b is included with track changes and recommendations for revised language.

- **Draft WDR, Section VIII.I.1:** Paragraph 2 of this provision dictates that any SQMP/GQMP submitted to the Central Valley Water Board must also be submitted to the Central Valley

Salinity Coalition (CVSC). It is not clear who at the CVSC would review the proposed SQMP/GQMP and how the review would occur (i.e., what criteria would be used for their review, how long do they have before they must submit comments, who do they submit comments to, etc.). It is also not clear why this is necessary when the same paragraph stipulates that the “Central Valley Water Board will post the proposed SQMP/GQMP for a public review and comment period.” The proposed management plan would be available for the CVSC or any other interested entity to review and produce comments to the Central Valley Water Board at that time. It is suggested the requirement to submit the proposed SQMP or GQMP related to salts or nutrients to the CVSC be separate from the public review process.

Attachment 2 includes language from Section VIII.I.1 with track changes and recommendations for revised language.

Comments on Draft Information Sheet:

- **Vulnerability (pp. 5-6):** The Draft Information Sheet includes a discussion of the determination of vulnerable areas in the third-party area. It is suggested that this discussion be revised per comments below on the Draft MRP, Section IV. Groundwater, A. Groundwater Vulnerability Designations.
- **Groundwater Quality Monitoring:** Page 11 of the Draft Information Sheet includes discussion of a Groundwater Monitoring Strategy that consists of two tracks including Trend Monitoring and Representative Monitoring. As discussed in the main comment letter, the ESJWQC recommends that all the specific requirements with respect to the RGMP be removed from the Draft MRP at this time so that the ESJWQC can work collectively with the Central Valley Water Board and other third-parties to develop an appropriate and effective RGMP. This section on Groundwater Quality Monitoring also discusses the minimum water quality monitoring to be included. The Draft Information Sheet states that, “the workgroup members reached consensus that the primary constituents of concern related to agriculture’s impacts to the beneficial uses of groundwater are nitrate (NO₃-N) and salinity.” Accordingly, the list of required parameters is unnecessarily long and includes naturally occurring parameters. See further comments below on the water quality monitoring parameters considered to be appropriate for this program.
- **Groundwater Quality Monitoring, Data Summary Nitrates – Geotracker GAMA (p. 12):** This section includes the statement that “[s]ample collection depth information is not available for download from Geotracker GAMA.” This is an important acknowledgment by Central Valley Water Board staff that is referenced in comments below on the Draft MRP, Section IV. Groundwater Quality Monitoring Requirements, B. Groundwater Assessment Report.
- **Technical Reports (p. 14):** This section includes the following statement: “An effective method of determining compliance with water quality objectives is water quality monitoring at the individual level. Individual monitoring may also be used to help determine sources of water quality problems. Individual monitoring of waste discharges is required under many other Water Board programs. Examples of such programs include regulation of wastewater treatment plants and the Central Valley Water Board’s Dairy Program.” This discussion is confusing with respect to the reference to the Dairy Program since a key alternative to the Dairy Individual monitoring programs is the Representative Monitoring Program.

- **Water Quality Objectives (pp. 14-16):** This section includes the following statement: “Water quality objectives that apply to groundwater include, but are not limited to, (1) numeric objectives, including the bacteria objective and the chemical constituents objective (includes state MCLs promulgated in Title 22 CCR Division 4, Chapter 15 section 64431 and 64444 and are applicable through the Basin Plan to municipal and domestic supply), and (2) narrative objectives including the chemical constituents, taste and odor, and toxicity objectives.” The Groundwater Monitoring Group indicated no bacteria analyses are necessary. Specifically, the GWMP reported, “Unnecessary COC’s for ILRP groundwater monitoring: It was suggested that monitoring for bacteria is not necessary, as bacteria is primarily a concern at confined animal feeding operations (CAFO) and wastewater treatment facilities.”
- **Non-Point Source (NPS) Program (pp. 16-17):** This section states that the Order “requires the development of SQMPs/GQMPs in areas where water quality objectives are not met. SQMPs/GQMPs must include time schedules for implementing the plans and meeting the surface and groundwater limitations (section III of the Order) as soon as practicable, but within a maximum of 10 years for surface and groundwater.” A maximum of a 10 year timeframe is likely to be impractical to meet groundwater limitations, particularly as may be applied to trend monitoring results. There needs to be a shift in the language that reflects “demonstrating improvement in groundwater quality conditions.” Refer also to the comments in the main letter relating to compliance and also GQMPs.
- **California Water Code Section 13263 (pp. 29-30):** This section includes a discussion of “water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.” In particular, it is stated that “GQMPs are also required in high vulnerability groundwater areas.” This language is too absolute relating to conditions that initiate the need to prepare a GQMP. See comments below relating to the Draft MRP and the determination of vulnerable areas. A high vulnerability area would not necessarily have an existing issue with impaired water quality. Refer also to the discussion of GQMPs in the main comment letter.

Comments on Draft MRP:

- **Draft MRP, Section III.B, Table 1 (p. 5):** Table 1 has been updated to omit sites that are no longer suitable for monitoring. These sites include Peaslee Creek @ Lake Rd, Unnamed Drain @ Cemetary Rd, and Unnamed Drain near Bear Ck @ West Bose. These three locations were added to the East San Joaquin Water Quality Coalition 2008 MRPP as potential locations to monitor. Based on 2012 scouting, these three sites should be removed from Table 1.
 - Peaslee Creek @ Lake Rd was visited in April 2012 and found to have very little water and no public access.
 - Unnamed Drain @ Cemetary Rd was dry in April 2012, filled with debris and completely blocked. It appears that this drain is not used much, if at all, and even with water most likely would not have enough water to result in drainage from this area.
 - Unnamed Drain near Bear Ck @ West Bose Rd was inaccessible due to a locked gate in April 2012 that led to private property; due to lack of access this site cannot be sampled.

- **Draft MRP, Section III.C.3, Table 2 (p. 8):** Several of the metals and metalloids in Table 2 are not applied or mobilized by agriculture, specifically arsenic, cadmium, boron, lead, molybdenum, nickel, and selenium. These elements are naturally occurring and any elevated concentrations are a result of natural sources. The ESJWQC has documented this in previous communications with the Central Valley Water Board. Although the table and associated text indicates that their inclusion in a monitoring program will be determined at a later time, their inclusion in the table implies that their presence in surface or groundwater is a result of applications or mobilization by agriculture. The ESJWQC believes that these metals should be removed from Table 2 to remove the implication.
- **Draft MRP, Section III.C.4.a:** The header “*Selenastrum Capricornutum* Pre-Test Treatment” has capitol “C” for capricornutum, which should be updated to start with a lower case c.
- **Draft MRP, Section IV.A:** In the Draft Information Sheet (p. 13, fifth paragraph), as a preface to the discussion in the Draft MRP, the Central Valley Water Board references the map created by the State Water Resources Control Board in 2000 which is based on hydrogeologic conditions to indicate which locations may be more vulnerable to groundwater contamination. The emphasis in the Draft Information Sheet is on geologic conditions, including areas of substantially higher permeability and geologic settings that enhance the potential for recharge to the underlying aquifer system. The determination of “Hydrogeologically Vulnerable Areas” is based on physical parameters (i.e., soil texture, lithologic characteristics of the geologic setting beneath the shallower soil profile, and depth to groundwater) rather than operational practices, which are dynamic and subject to change. In particular, a main objective of the representative monitoring program is to identify those operational practices associated with irrigated agriculture waste discharges that are the cause, or a contributing source, of water quality impacts and to identify where improved management practices are needed. The future data collected and/or analyses associated with the representative monitoring programs are then used to assess the effectiveness of the changed practice for controlling the causes and/or sources of water quality impacts associated with irrigated agriculture.

While the intent of Section IV.A of the Draft MRP is on Groundwater Vulnerability Designations, the language in the Draft WDR is a mix of conditions that include not only physical conditions, but also subjective evaluations (e.g., beneficial use designations), operational practices, and vulnerability designations based on whether there are observed exceedances of water quality objectives (e.g., “low vulnerability areas” are described as those areas that “do not have exceedances of water quality objectives for which irrigated agriculture waste discharges are the cause or a contributing source and are not deemed vulnerable by the Department of Pesticide Regulation/State Water Board”). This designation brings in other elements that are not the basis of the State Water Board’s determination of the Hydrogeologically Vulnerable Areas, and it also refers only to the historical “vulnerable area” designations developed by DPR and/or the State Water Board without recognizing the extensive work described in the Draft MRP, Section IV.B that relates to the preparation of the Groundwater Assessment Report (GAR). The GAR would serve as the technical basis that supports the DPR/State Water Board’s high vulnerable area designations and/or would propose the designation and prioritization (p. 15, fifth paragraph) of vulnerable areas based on more comprehensive analysis of the third-party area specific physical factors outlined in Section IV.B (these proposed areas would be subject to approval by the Executive Officer).

Included in Attachment 2 is the language from Section A with track changes and recommendations for revised language.

- **Draft MRP, Section IV.B (p. 15, first paragraph):** Section IV.B on the GAR (pp. 14-15) includes a bulleted list of the minimum data components to be included in the GAR. On page 15, first paragraph, describes a compilation of existing groundwater data relevant to the Order. This compilation should focus on existing groundwater data that are readily accessible through the entities referenced in this paragraph (or accessible through the State Water Board GeoTracker website where the data from these entities is also available). Similarly, if existing reports by other entities contain groundwater quality results and other groundwater data in readily available documents, this information could also be considered for inclusion in the data compilation. There is language in the first paragraph on page 15 that requires the compilation to include “individual well details.” This language is unclear and needs further consideration. To the extent this references well construction information, most often this is not information that falls in the category of “readily accessible.” The lack of accessibility to certain types of information is also indicated by the Central Valley Water Board in the Order (Draft Information Sheet, p. 12, fifth paragraph). The first sentence of this paragraph states, “Sample collection depth information is not available for download from Geotracker GAMA.” The paragraph goes on to describe the types of wells with nitrate results and makes inferences with regard to the completion of those wells in the aquifer system.

To the extent existing well networks (or portions of) are relevant to the Order, and in particular for potential incorporation in the trend monitoring workplan, additional efforts to identify “individual well details” would be undertaken at that time. This effort for this purpose is consistent with the information and details required as part of the preparation of the trend monitoring workplan (pp. 18-19, Section D, Item 1b). The third-party would potentially need authorization from the Central Valley Water Board to obtain copies of drillers’ reports from the California Department of Water Resources, if that information is not otherwise accessible in existing published reports.

In Attachment 2, language from Section B, page 15, first paragraph, is included with track changes with recommendations for revised language.

- **Draft MRP, Section IV.D, Table 3 (p. 19):** Table 3 lists the indicator parameters to be sampled annually as part of the trend monitoring program. It is likely that the trend monitoring network would be largely, if not entirely, comprised of existing, already monitored wells (e.g., wells included in networks established by the USGS, DWR, DPR, or local entities in the third-party area). Over time, it is anticipated that an evolved trend monitoring network (one that would best address the objectives of the ILRP) may be derived from the Central Valley representative monitoring program. It is also indicated in the Draft Information Sheet (p. 10, Section on Groundwater Quality Monitoring, first paragraph following the seven questions posed by the Groundwater Monitoring Advisory Group) that states, “The workgroup members reached consensus that the primary constituents of concern related to agriculture’s impacts to the beneficial uses of groundwater are nitrate (NO₃-N) and salinity.” Accordingly, it is logical that the trend monitoring should focus on nitrate and salt monitoring. Under Annual Monitoring, the list of indicator parameters includes Total Kjeldahl Nitrogen. This chemical analysis, which represents the sum of organic nitrogen, ammonia, and ammonium is most often performed for wastewater-related investigations. It is an atypical analysis for the types of supply wells that

would be monitored as part of the trend monitoring program. The Total Kjeldahl Nitrogen analysis is more appropriately associated with the Central Valley representative monitoring program.

As the focus is intended to be on salt and nitrate, constituents such as copper, arsenic, iron, manganese, and zinc could be considered for review if already monitored by others, but should not need to be added as a third-party sampling requirement. Magnesium is a constituent that was missing from the list of cations that could be useful for tracking general water chemistry (and is most likely already being monitored). Additional monitoring requirements for constituents of concern could be proposed by the third-party as part of a Central Valley representative monitoring program. This additional information would then be more meaningful as monitoring facilities linked to the Central Valley representative monitoring program are more directly tracking the response to irrigated agricultural management practices.

Included in Attachment 2 is an updated Table 3 in track changes with recommendations for revised constituents for the Trend Monitoring Program (removal of TKN in annual monitoring and arsenic, copper, iron, manganese, zinc, and boron from indicator parameters; addition of magnesium to indicator parameters).

- **Draft MRP, Section V.A:** This section as currently written is more applicable to surface water monitoring. Groundwater monitoring, trend monitoring in particular occurs annually, requires that at a minimum the constituents to be included would be those required for trend monitoring. Therefore, the Order language in Section V.A needs clarifying and a new “Section V.B” is warranted for groundwater.

Additionally, the current Order indicates the results of the trend monitoring are to be included in the third-party’s Annual Monitoring Report (AMR). It is recommended that the alternative to submit a separate Annual Report for groundwater monitoring results be available for trend monitoring. It may be useful to report the results for groundwater in the same Annual Report, whether in one, in combination with the surface water report, or as a standalone groundwater report.

Included in Attachment 2 is the language from Section V, page 20, with track changes and recommendations for revised language that reflects similar language be added for trend monitoring that is included on page 16 for representative monitoring which allows for the option to submit a separate report for both types of monitoring.

- **Draft MRP, Section V.B:** The above comment describes the addition of a section for Annual Groundwater Monitoring Results, which would make this section, “C. Annual Monitoring Report” (see attached recommended language). The Annual Monitoring Report section lists out the required elements of the report including Item 19 “Summary of mitigation monitoring.” It is recommended that this item be deleted from the list since growers implementing mitigation monitoring should report directly to the Central Valley Water Board.
- **Draft MRP, Section V.C:** The last sentence of the first paragraph of this section (p. 25) indicates that for exceedances related to pesticides, the third-party shall “notify the agricultural commissioner of the county in which the exceedance occurred and the director of the Department of Pesticide Regulation.” This should be updated to indicate that the third-party

will notify the county agricultural commissioner and/or the director of the DPR based on their request to be notified of any exceedances within their county.

Included in Attachment 2 is the language in Section V.C, page 25, first paragraph, with track changes and recommendations for revised language.

- **Draft MRP, Section VI.A:** This section lists by bullet point the required information that must be obtained and recorded from submitted Farm Evaluations. The last two bullet points appear to be referencing a map of some sort to be able to identify areas of the farm that have movement of soil during storm events and where water leaves the property. It is not necessary for growers to map their parcels with potential areas of where water and/or soil may leave their property. It is suggested that these two bullet points be updated to identify whether or not soil and or water leaves the property and an associated description of where and when this may occur.

Included in Attachment 2 is the language in Section VI.A, page 26, fourth and fifth bullet points, with track changes and recommendations for revised language.

Comments on Draft MRP-1:

- **Draft MRP-1, Section IV.A.9:** The second paragraph on page 7 under QAPP elements number 9 indicates that the third-party shall provide electronic copies of toxicity laboratory sheets including those from failed tests. However, if the sample was recollected within the required timeframe to allow for a re-test of the failed test, it should be required that the original test be submitted since the new sample can be used to meet the requirements of the Draft WDR. It is suggested that the language be updated to the following:

. . . and toxicity laboratory sheets (replicate and in house water quality data) including failed tests if the samples could not be recollected, and copies of the chain-of-custody

- **Draft MRP-1, Section IV.B.1:** Under this section, listed Item 1.8 indicates that the QAPP should “differentiate between project data that are critical and data that are for information purposes only.” All data collected under the QAPP should be for compliance with the Draft WDR and should therefore be “critical” for compliance. If this is not the case, the Draft MRP should clearly state which data collection requirements are optional within the MRP and this should be sufficient for QAPP requirements. It is requested that Item 1.8 be deleted from this section since all data collected for the Draft WDR should be considered critical unless indicated as optional in the MRP.

Item 1.9 under this same section states that the third-party must “identify sources of natural variability and how their influence on the project data can be minimized.” This requirement is beyond the scope of a QAPP and would already be addressed to a certain degree under the rationale for the design (Item 1.2), and where samples should be taken (Item 1.6). It is requested that Item 1.9 be deleted from this section since it is covered under Item 1.2 and Item 1.6.

The last two sentences under Section IV.B.1 reference the Project MRP Plan. However, under the new order there is no MRP Plan. It is not clear if these sentences are referring to the East San Joaquin Water Quality Coalition’s currently approved Project MRP Plan. These sentences

should be updated for clarification of where these requirements should be described by the third-party.

- **Draft MRP-1, Section IV.B.2:** Under IV.B.2.A Surface Water and Sediment, there is a list of eight requirements to fulfill this QAPP element. Item 2A.8 has ten field procedure requirements listed out. Item (f) of this list indicates that, “samples must be identified with a unique number to ensure that results are properly reported and interpreted.” It would be more appropriate to require the third-party to identify a system for tracking samples to ensure that results are properly reported and interpreted rather than requiring all third-parties to develop a unique number identification system.

Item (h) (p. 10) describes how field activities must be documented. The second sentence of this item lists pertinent field information including location of tributaries. The location of tributaries is not an appropriate requirement for field samplers to document each time they are sampling since (1) tributaries should be described in the Annual Monitoring Report under site subwatershed descriptions and are not expected to change between each sampling event, and (2) tributaries are not always visible to samplers. This requirement should be deleted from this item.

Item (j) (p. 10) of this same list discusses sediment sample collection and states the following within the last sentence of this item: “Sampling conditions shall be documented in both the field notes and photographs for every successful and non-successful monitoring event (i.e., including planned events when the site is dry upon arrival).” Based on how this sentence is worded, it may be interpreted that dry sites result in a non-successful monitoring event. This sentence should be reworded for clarification since a dry site should not be considered a non-successful monitoring event.

- **Draft MRP-1, Section IV.B.3:** Sampling Handling and Custody elements are listed as Items 3.1 to 3.9. Under listed Item 3.7 (p. 13), there are five field custody procedure items listed from a through e. Item (d) under 3.7 indicates that “samples must be sealed in zip lock bags” This should be qualified for samples that may be submerged in melted ice water during shipping. It does not make sense to require all samples to be in ziplock bags if there is no risk of them being submerged under water while being shipped.
- **Draft MRP-1, Section IV.B.4:** On page 15, there is a description of Laboratory Quantitation Limits. In most places within the Appendix MRP-1, the term Quantitation Limit or QL is used. There is one sentence on page 15 that references the acronym PQL (third paragraph under (a) Laboratory Quantitation Limits); however, the acronym is not defined. The document should be consistent in its reference to either QL or PQL.
- **Draft MRP-1, Section IV.B.5:** Under the listed requirements for (a) For Chemical Analyses Quality Control (QC) Set, there is the requirement for a matrix spike for each batch; however, a matrix spike may not be appropriate for all chemical analysis. Item 1 of this list should be updated to include the words “if applicable.” Item 3 should be updated to indicate that a matrix spike duplicate or a laboratory control spike duplicate may be used as a laboratory duplicate.

Under the listed requirements for (b) For Microbiological Analyses Field Duplicate and Field Blank, there is a requirement for one field duplicate and one field blank per sampling event.

However, later under 5.1 Field duplicate specifications (p. 19), there is a sentence that indicates that there is no requirement for field precision of bacteriological samples. If there is no requirement to assess field precision, there should be no requirement to collect a field duplicate sample.

Under the listed requirements for (b) For Microbiological Analyses Quality Control (QC) Set, there is a requirement for a negative control and a positive control. The positive control is not required to be reported under the currently approved ESJWQC QAPP. The positive control is required per method requirements, but should not be required as a quality control element with batch results.

Under the listed requirements for (c) For Toxicity Analyses Quality Control (QC) Set, both a negative control and a positive control are required. It would be more appropriate to indicate a reference toxicity test rather than a positive control. Currently, the requirements for reference toxicity tests is one within the month of the test, and the only reporting requirement is to indicate in the toxicity batch documentation the reference toxicity batch number for reference if additional information is needed. This requirement should remain such that a reference toxicity test should be conducted monthly by the laboratory and referenced with the toxicity batch information.

Item 5.1 under this section describes field duplicate specifications and when to calculate a relative percent difference (RPD). The calculation of an RPD should occur when both results are above the reporting limit. Results below the RL are considered estimates of a value and, therefore, it is not appropriate to use those values for determining field duplicate precision. It is suggested that the verbiage be updated to the following: "The relative percent difference (RPD) must be calculated for each field duplicate set when the results are above the RL, and reported in the electronic record"

The second paragraph under Item 5.1 indicates that a field duplicate is not required for bacterial analyses. It is suggested that this sentence be updated to include grain size analyses which have similar issues as bacteria results for assessing field precision.

Item 5.2 Field blank specifications does not define what a detection is in a field blank. This should be defined as greater than the reporting limit or less than 1/5 the environmental sample.

Item 5.3 Method blank specifications includes one sentence. This sentence should end with ". . . upon initiation of the analyses" rather than "upon initiation of sampling."

- **Draft MRP-1, Section IV.B.6:** Item 6.4 Note the availability and location of spare parts is a new requirement and it is not clear why this must be included within the QAPP.
- **Draft MRP-1, Section IV.C.1:** The first sentence on page 28 references "the contractor" – it is not clear why this needs to be a contractor nor is contractor defined.
- **Draft MRP-1, Section IV.D.1:** The third paragraph in this section has a sentence indicating that "laboratory personnel must verify that the measurement process was 'in control' (i.e., all specified data quality objectives were met or acceptable deviations explained) for each batch of samples before proceeding with analysis of a subsequent batch." However, it is not possible in

all cases to verify the above listed items prior to analyzing the next batch. It is recommended that the last portion of this sentence be deleted.

The last paragraph in Section IV.D.1 (p. 29) ends with the sentence, “[a]fter the final QA checks for errors are completed, the data should be added to the final database. Quality assurance checks shall be performed at a project level prior to submission within monitoring reports and electronic data submittals.” Due to the timing of the quarterly data submittal requirements and the fact that they are not on a project basis, this requirement is not possible to achieve. It is recommended that this sentence be deleted.

- **Draft MRP-1, as applied to groundwater:** The trend groundwater monitoring network is anticipated to include existing wells (e.g., monitoring wells, domestic wells, agricultural wells, municipal wells, etc.) monitored as part of other established groundwater monitoring networks and programs (pending their applicability and relevance to the ILRP MRP). For purposes of the Draft MRP, the trend groundwater monitoring network may also include existing wells (e.g., domestic wells, agricultural wells, municipal wells, etc.) that are identified as being suitable to accomplish the trend monitoring objectives that are not yet part of any program. It is within the third-party’s purview to include in the groundwater element of the QAPP the specified requirements pertaining to those additional wells that are not part of a pre-existing monitoring program conducted by others and which are planned to be included in the third-party’s trend monitoring network and sampled by the third-party or its designee. The exception to this would be when the third-party receives authorization to sample a well included in a pre-existing network and program being conducted by others for constituents that are not part of the pre-existing program (e.g., a suitable Geotracker well is identified that is currently only sampled for VOCs and the interest by the third-party is to receive permission to sample the existing monitoring well for salinity and nitrate).

Comments on Draft MRP-3:

- **Draft MRP-3, Section II.B:** Item 1.a of this section (p. 2) contains a mapping requirement that calls for a “topographic map showing any existing nearby (about 2,000 feet) domestic, irrigation, municipal supply, and known monitoring wells, utilities, surface water bodies, drainage courses and their tributaries/destinations, and other major physical and man-made features, as appropriate.” Such features will be mapped to the extent reasonably known and appropriate. As such, it is requested that the requirement include the words “reasonably known and” before the word “appropriate.”

Item 4 of Section II.B (p. 4) contains requirements relating to monitoring well development. It is requested that some additional verbiage be added to the requirement relating to the schedule for development (Item 4.a). Specifically, the suggested change is: “Schedule for development (not less than 48 hours *after well completion and, in the case drilling fluids were used, not more than 10 days after well completion.*)”

- **Draft MRP-3, Section III (p. 4):** This section calls for a Monitoring Well Installation Completion Report (MWICR) within 45 days after completion of any monitoring well network. Since the focus of the ILRP is on non point sources, proposed monitoring networks may be larger than those typically constructed as part of a point source regulated facility. It is requested that the

timeframe for submittal of the MWICR be changed to 60 days after completion of any monitoring well network.