

December 14, 2012

Pamela Creedon
Irrigated Lands Regulatory Program
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Re: Notice of Applicability (NOA) – Third-party application for Waste Discharge Requirements General Order R5-2012-0116 for Growers in the Eastern San Joaquin River Watershed

Dear Ms. Creedon:

The East San Joaquin Water Quality Coalition (ESJWQC) is submitting a Notice of Applicability (NOA) to be the third-party entity to represent growers in the Eastern San Joaquin River Watershed and fulfill the requirements and conditions of the Waste Discharge Requirements General Order R5-2012-0116 (General Order), and associated Monitoring and Reporting Program Order R5-2012-0116.

Since 2003, the ESJWQC has been the third party group representing growers within this area during the interim irrigated lands regulatory program, Order R5-2006-0053. The ESJWQC has the ability to carry out the third-party responsibilities as listed in the Order and restated below.

- 1) Provide the Central Valley Water Board documentation of its organizational management structure. The documentation shall identify persons responsible for ensuring that program requirements are fulfilled. The documentation shall be made readily available to Members. Indicate how Members have the ability to direct or influence the governance of the third-party through the by-laws.***

The ESJWQC is an established, California Nonprofit Public Benefit Corporation, which is organized as a 501(c)5. The organization has adopted by-laws and is directed by a volunteer Board of Directors (BOD). The BOD composition, pursuant to our by-laws, generally consists of growers that would be members under the terms of the General Order, and others that are directly involved with agriculture (e.g., representatives from County Farm Bureaus). Pursuant to our by-laws, to be a director, an individual must be dedicated to the purposes of the corporation. The corporation's primary purposes include, but are not limited to, the support of research on farming practices, monitoring of local waterways and groundwater, and stewardship of the environment. Directors are either elected from the membership directly, or appointed by the BOD. There are 11 director positions. The BOD has worked diligently since 2003 to ensure compliance with the Irrigated Lands Regulatory Program under the terms of the Conditional Waiver.

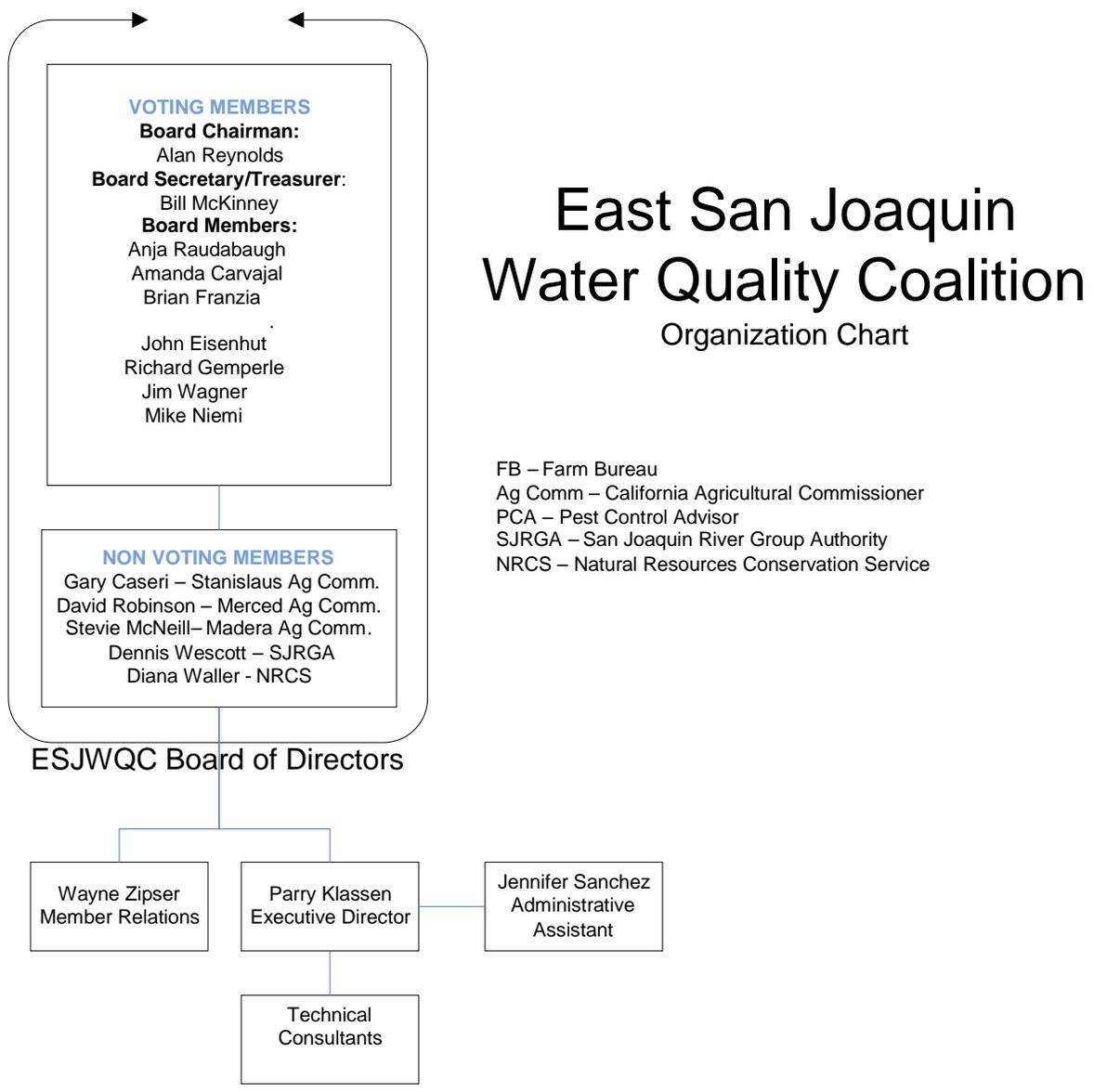


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The ESJWQC BOD has delegated its day-to-day operations, and its representation to the Central Valley Water Board to its Executive Director, Parry Klassen. There will be no subsidiary groups to carry out any of the responsibilities of the ESJWQC under this Order. Figure 1 is an organizational chart of the ESJWQC and lists the names of the current directors and officer titles of the BOD. The Administrative Assistant to the Executive Director will maintain records of membership, survey information, and any member information required to be submitted under the Order.

With respect to member rights, the ESJWQC is organized with voting members and non-voting members. To be a voting member, the person must own or operate irrigated cropland east of the San Joaquin River within Merced, Stanislaus, Tuolumne or Mariposa Counties, or portions of Calaveras County. Voting members must also agree to be subject to third-party water quality regulations set forth by the Central Valley Water Board. Non-voting members include any person that is interested in the purposes of the ESJWQC, and is approved by the Board. As part of the by-laws, the ESJWQC must have an annual meeting of Members, and certain provisions of the by-laws may only be changed through the approval of voting members. Further, three of the directors on the BOD must be voted on by the members themselves, while the others may be appointed by the BOD.¹

¹ The ESJWQC is in the process of revising its by-laws. The BOD composition described herein will be voted on by the BOD on January 28, 2013. The BOD has already discussed such revisions and is in agreement so the action on January 28, 2013 is expected to be a routine matter.



FB – Farm Bureau
Ag Comm – California Agricultural Commissioner
PCA – Pest Control Advisor
SJRGA – San Joaquin River Group Authority
NRCS – Natural Resources Conservation Service

Figure 1. East San Joaquin Water Quality Coalition Organization as of January 2013.

2) Prepare annual summaries of expenditures of fees and revenue used to comply with this Order. The summaries shall be provided to or made readily available to Members.

The ESJWQC summarizes its annual expenditures in the Summary Annual Report mailed to all members at the end of the year. The annual member report includes the following sections: a year in review, steps of the management plan, management practices charts, member policy, coalition overview including membership numbers,



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boundaries, structure, Board of Directors, goals, State Board fee assessments, member outreach materials, water monitoring program overview, statement of financial activities, current monitoring and reporting program plan, subwatershed maps, and water quality exceedances by subwatershed. Financial expenditures are discussed at BOD meetings and are available to members at any time upon requested.

- 3) If the third-party group receives a notice of violation (NOV) from the Central Valley Water Board, the third-party must provide to Members in the area addressed by the NOV appropriate information regarding the reason(s) for the violation. The notification must be provided to all Members within the area affected by the NOV within thirty (30) days of receiving the NOV from the board. The third-party group must provide confirmation to the board of each notification. A summary of all notices of violation received by the third-party group must be provided to all Members annually.***

The ESJWQC agrees that it will mail or email correspondence to all members within the area affected by the NOV within 30 days of receiving the NOV from the Regional Board. Further, a summary of all notices will be included in the Summary Annual Report mailed to all members at the end of each year.

- 4) Develop and implement plans to track and evaluate the effectiveness of water quality management practices, pursuant to approved Surface Water Quality Management Plans and Groundwater Quality Management Plans.***

The ESJWQC developed and implemented between 2006 and the present, Management Plans designed to track and evaluate the implementation of management practices whose goal is reducing discharges that impair surface water quality. The ESJWQC has been effectively implementing Management Plans since 2006 in compliance with the Irrigated Lands Regulatory Program, which includes: 1) conducting additional Management Plan Monitoring, 2) additional outreach and education to targeted growers, 3) documenting current and newly implemented management practices, and 4) conducting annual evaluations of the effectiveness of management practices in the annual Management Plan Update Report. The ESJWQC Management Plan developed under Order R5-2006-0053 will become the Comprehensive Surface Water Quality Management Plan under this Order and will be updated annually.

The ESJWQC plans to create a Comprehensive Groundwater Quality Management Plan (GQMP) in accordance with the terms of the Order.. The GQMP will utilize information developed in the Groundwater Assessment Report and will be based on GQMP requirements as listed in Appendix MRP-1 of the Order. The GQMP strategy will be similar to the SQMP strategy where the Coalition will focus on surveying grower's



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current management practices, and discussing management practices that should be implemented to protect groundwater beneficial uses. Management practices will be documented and tracked in a manner that is consistent with our current approach, and utilizing the Farm Evaluation process that is in the Order.. The ESJWQC expects to report on survey results in a manner similar to current surface water monitoring and reporting program. GQMP monitoring will be designed to indicate adequate progress in achieving improvement in groundwater quality.

5) Provide timely and complete submittal of any plans or reports required by this Order.

The ESJWQC has been representing members of this region under Order R5-2006-0053, and its precursors, since 2003 and has a solid record of producing timely, complete and technically sound plans and reports. Additional consultants will be hired in January 2013 to assist the ESJWQC with the development of groundwater specific reports. The ESJWQC and its technical consultants will be responsible for the reporting requirements in Attachment B of the Order including:

- a. Monitoring Plan Update (surface water)
- b. Groundwater Assessment Report (groundwater)
- c. Management Practice Evaluation Program Reports (groundwater)
- d. Management Practices Evaluation Workplan (groundwater)
- e. Third Party Monitoring Reports
 - i. Quarterly submittals of surface water monitoring results
 - ii. Annual groundwater monitoring results
 - iii. Monitoring report
 - iv. Surface water exceedances reports
- f. Templates
- g. Sediment Discharge and Erosion Assessment Report
- h. Water Quality Triggers for Development of Management Plans
- i. Quality Assurance Project Plan

The ESJWQC will develop templates including the Farm Evaluation Template, the Nitrogen Management Plan Template and the Sediment and Erosion Control Plan Template. The development will be coordinated with other Central Valley third-parties, commodity groups and the Regional Board.

6) Conduct required water quality monitoring and assessments in conformance with quality assurance/quality control requirements. Provide timely and complete submittal of any reports required by this Order.

The ESJWQC has relied on the technical services of MLJ-LLC since 2004 to prepare plans and conduct scientifically defensible surface water monitoring and assessments to



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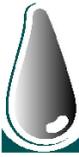
evaluate the impact on beneficial uses of surface water discharge from irrigated agriculture. The ESJWQC expects to continue to rely on the services of MLJ-LLC in the future. Monitoring reports submitted by the ESJWQC conform to quality assurance/quality control requirements and have been submitted in a timely manner and assessed as complete. The ESJWQC intends to seek assistance from other qualified technical experts to assist with the newly adopted groundwater components of the Order, and will continue to commit to conducting water quality monitoring and assessments in accordance with an approved QAPP and meeting the monitoring requirements for both surface and groundwater monitoring as described in Appendix B of the Order.

7) Within 30 days of receiving an NOA from the Central Valley Water Board (as described in section VIII.A), inform Members of this Order's requirements by providing a notice of confirmation form to be completed by each Member.

The ESJWQC will create a Notice of Confirmation (NOC) form that will be completed and returned by each Member to ensure continued good standing. The NOC form will be mailed to all current members and any additional members requesting to join during the 120 days after the acceptance of this NOA. Included with the NOC form will be a fact sheet with Member and third-party responsibilities as well as information on how to access the approved Order and supporting documentation. The NOC will include whether or not the enrolled Member is the responsible party for the land enrolled and if not, will require that the Member certifies that they have informed the responsible non-Member party (e.g. landowner) in a written form of the requirements outlined in the Order. The completed NOC will also list the name and contact information of any lessee that is leasing the property. Returned NOCs will be filed and recorded in the ESJWQC Member Database. The Membership (Participant) List will be submitted to the Regional Board within 180-days of the approval of this NOA and will identify Members, growers that have had their membership revoked and Members that are pending revocations as required in Section VIII.B of the Order.

8) Conduct education and outreach activities to inform Members of program requirements and water quality problems, including exceedances of water quality objectives or degradation of water quality, identified by the third-party or Central Valley Water Board. The third-party shall:

- a. Maintain attendance lists for outreach events, provide Members with information on water quality management practices that will address water quality problems and minimize the discharge of wastes from irrigated lands, and provide informational materials on potential environmental impacts of***



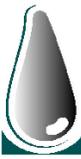
water quality management practices to the extent known by the third-party group.

- b. Provide an annual summary of education and outreach activities to the Central Valley Water Board. The annual summary shall include copies of the educational and management practice information provided to the growers. The annual summary must report the total number of growers who attended the outreach events and describe how growers could obtain copies of the materials presented at these events.*

The ESJWQC performs education and outreach to growers through annual grower meetings, commodity group meetings and individual on-farm meetings. Many ESJ meetings provide continuing education credits. The ESJWQC documents member attendance at meetings and documents outreach and education events in reports to the Regional Board. The ESJWQC works with CURES and commodity groups to create, publish, and distribute management practice booklets to members. The ESJWQC maintains a website for members that allows access to management practice information and the ESJWQC also presents this information at the Annual Grower Meetings. The ESJWQC will continue to post meeting agendas, slide shows and handouts on their webpage for members to review and download. Growers are asked to sign in when attending large meetings and this information is added to a member database maintained by the ESJWQC. Individual grower meetings are documented in a management practice survey database that records member information, the date of the meeting, and survey results.

The ESJWQC also utilizes meetings to survey its members using Turning Point Technology hand held devices. Questions are posed to the attendees through a Power Point slide, the attendees with hand held devices select the number of the answer they choose and the next slide presents the results in a real time fashion. The information can be tied to the person providing the answer. This tool allows the ESJWQC to receive real time feedback on a number of questions ranging from how the ESJWQC is spending grower dues, to what new management practices are being implemented, to whether or not the length of a meeting is appropriate. The ESJWQC will continue to work with growers to ensure effective outreach and education. The ESJWQC will provide a summary of outreach/education meetings and attendees in its annual reports to the Regional Board.

- 9) Work cooperatively with the Central Valley Water Board to ensure all Members are providing required information and taking necessary steps to address exceedances or degradation identified by the third-party or board. As part of the Membership List submittal, identify the growers who have: (1) failed to implement improved water*



quality management practices within the timeframe specified by an applicable SQMP/GQMP; (2) failed to respond to an information request associated with any applicable SQMP/GQMP or other provisions of this Order; (3) failed to participate in third-party studies for which the third-party is the lead; (4) failed to provide confirmation of participation in an outreach event (per section IV.B.4 of this Order); or (5) failed to submit required fees to the third-party.

The ESJWQC has successfully conveyed all information required by the Conditional Waiver to the Regional Board in a timely manner, and, thus, the ESJWQC is well poised to convey all information as required by the Order to its members. The ESJWQC maintains Member and Survey Databases that include all of the information in items 1-3, and 5 above. The appropriate database will be expanded to incorporate the information necessary to comply with item 4 above. The ESJWQC will implement an online system that will allow members to complete the necessary forms and document that they are fulfilling membership responsibilities through the internet. The ESJWQC will also provide for alternatives means for those that are not able to utilize online systems by mailing forms and collecting completed forms from those members.

10) Ensure that any activities conducted on behalf of the third-party by other groups meet the requirements of this Order. The third-party is responsible for any activities conducted on its behalf.

The ESJWQC engages consultants to prepare technical reports and documents on behalf of the members. The ESJWQC accepts full responsibility for all information submitted to the Regional Board. The ESJWQC does not use other third-party groups at this time to conduct any activities on its behalf. However, if another third-party group is engaged to conduct activities, the ESJWQC will accept full responsibility for its actions.

11) Collect any fees from Members required by the State Water Board pursuant to the fee schedule contained in Title 23 CCR. Such fees shall then be submitted to the State Water Board.

The ESJWQC collects member dues from its members that include a per grower administrative fee, fees as required by the State Water Board and fees set at on a per acre that are necessary to conduct the activities as required by the Order. The ESJWQC has successfully submitted member fees to the State Water Board since such a fee was required to do so, and intends to continue to do so under the new Order.



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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations.

Submitted respectfully,

A handwritten signature in black ink, appearing to read "PK", with a long horizontal flourish extending to the right.

Parry Klassen
Executive Director
East San Joaquin Water Quality Coalition

Cc:

Joe Karkoski, CVRWQCB
Susan Fregien, CVRWQCB
Michael Johnson, MLJ-LLC
Melissa Turner, MLJ-LLC