

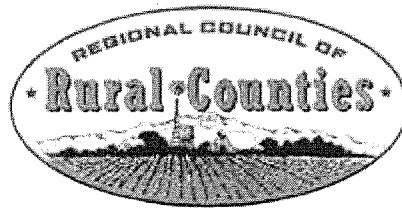
Smith, Megan

From: Nick Konovaloff [nkonovaloff@rcrcnet.org]
Sent: Tuesday, 21 September 2010 9:16
To: ILRP Comments
Subject: ILRP Comments Attached
Attachments: 2010 CV ILRP Comments.pdf

Please find attached the comments of RCRC regarding the ILRP.

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September 20, 2010

Pamela Creedon, Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive
Rancho Cordova, CA 95670-6114

**Re: Long Term Irrigated Lands Regulatory Program Programmatic Environmental
Impact Report – Draft Report**

Dear Ms. Creedon:

On behalf of the thirty member counties of the Regional Council of Rural Counties (RCRC), we are writing to express our concerns as well as our points of agreement with the Central Valley Water Board Long Term Irrigated Lands Regulatory Program (ILRP) Programmatic Environmental Impact Report (PEIR) as summarized in the Draft Report (Report). First, we would like to applaud your efforts given the enormity of the task, as well as offer our appreciation for the opportunity provided by the Regional Board to participate as an interested observer in the stakeholder process. With that said, RCRC respectfully offers the following comments primarily as it relates to the low and high priority area issue.

RCRC has thirty member counties geographically dispersed throughout California from the California-Mexico border to the eastern spine of the Sierra Nevada's to the Pacific Ocean to the California-Oregon border. RCRC's member counties are predominately located in Northern California and those counties contain the vast majority of California's watersheds that provide the needed water supply for two-thirds of all Californians including much of the agricultural industry.

RCRC shares a number of concerns as expressed by the Sacramento Valley Water Quality Coalition (SVWQC) and others regarding the PEIR. One such concern is the requirement that if there are two or more exceedances of a particular waste constituent at the same monitoring site within a 3-year period that coalition groups are required to prepare and submit a management plan to address the exceedances. RCRC questions the use of this standard. Two or more exceedances within a three year time period does not necessarily mean that beneficial uses (i.e. non-aquatic) are being impaired. Additionally, RCRC believes that language throughout the document

should be modified to specify that the exceedances are associated with irrigated agriculture and/or irrigated agriculture is identified as the predominant source of the exceedance. As you are well aware, in many instances other nonpoint sources (i.e. natural causes or legacy OC Pesticides) contribute to exceedances.

Many of the counties in Northern California as well as the eastern spine of the state have geographically isolated operations and have minimal issues as noted in the Report. For example on page 27 the Report notes:

❖ *In the upper Sacramento River Basin, generally north of Tehama County, as well as in the foothill regions of both the Sacramento and San Joaquin River Basins, there is infrequent or no use of agricultural pesticides in most areas (CA DPR Pesticide Use Reports).*

Many RCRC member counties have isolated agricultural operations and RCRC supports the staff recommendation outlined on page 138 regarding low priority areas.

❖ *Recommendation: A series of areas, geographically based, or commodity based implementation mechanisms with prioritized requirements. Implementation mechanisms could include waivers in low priority areas (emphasis added) and general WDR's in high priority areas. Individual WDRs could be developed and implemented as an enforcement tool.*

RCRC is supportive of a tiered system and supports the staff recommendation outlined on page 139 regarding a geographically based tiering system.

❖ *Recommendation: Establish geographically based tiering system to reduce costs for lower threat areas.*

However, RCRC does have some reservations and confusion regarding the Tier 1 (low priority areas) and Tier 2 (high priority areas) approach as currently drafted.

It appears as drafted at the bottom of page 151 and the top of page 152 that nearly everyone would begin in Tier 2 and have to provide rationale for moving to Tier 1.

❖ *Examples of high priority areas for surface water would be those under SQMPs in the current ILRP (where irrigated agricultural operations are a source of the water quality concern). Area priority may be re-classified by the Central Valley Water Board based on review of new information collected during program implementation.*

RCRC questions why those areas under SQMPs in the current ILRP should automatically be placed in Tier 2 as proposed. As noted earlier, natural causes contribute to exceedances such as DO and pH.

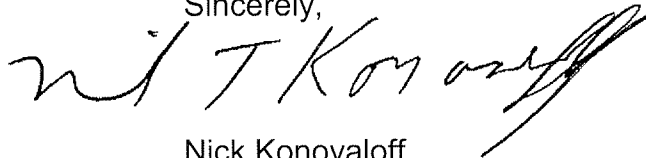
On page 146 the document states that where a large geographic area has multiple low and high-priority sub-areas that the mechanism would be WDR's and the

requirements of the WDRs then may be tailored to address the sub-areas. RCRC questions why Tier 2, with its more stringent requirements and higher costs should be the automatic default.

Agriculture remains a critical aspect of the economy throughout the state but particularly in rural areas and it is imperative that any public policy is carefully crafted to balance the goals of the policy with the economy, jobs and the people of the state as well as the resources of those responsible for implementing the policy.

RCRC is most appreciative of the opportunity to provide these comments and looks forward to a successful program that adequately addresses the needs of all the stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Konovaloff", with a stylized flourish at the end.

Nick Konovaloff
Legislative Analyst