

Meeting Summary

Meeting #3

Long-term Irrigated Lands Regulatory Program (ILRP) Stakeholder Advisory Workgroup (Workgroup)

MEETING DATE: 17 February 2009

LOCATION: Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

ATTENDEES: See Attachment A

Action Items

1. Workgroup participants and Central Valley Regional Water Quality Control Board (Water Board) staff will gather information on nitrates in Central Valley groundwater. This information will be presented at the next Workgroup informational session in March.
2. Water Board staff (staff) will set a date for the next Workgroup informational session by March 5th and circulate a meeting notice to the Workgroup.
3. Workgroup participants will continue to develop program alternatives. Adam Laputz will contact the groups that developed alternatives by February 27th to discuss next steps.
4. Staff will finalize the next workgroup meeting date by February 27th.
5. Adam Laputz will inquire whether a Department of Public Health representative can provide a presentation on nitrate levels in drinking water in the Central Valley.

Announcements and Updates

Workgroup facilitator, Dave Ceppos, described the proposed process for discussing the Workgroup-developed alternatives. He explained that each program alternative author/group would have approximately 25 minutes to present and discuss their alternative, and that they would present in the order the alternatives were received by the Water Board. Seven program alternatives were submitted by Workgroup participants.

Participants noted that some groups took longer to develop their alternatives than others due to the size of their groups (e.g., the Coalition group alternative represented many participants). Consequently, a couple of Workgroup participants felt that a method for selecting presentation order, other than order of receipt, should be developed for future meetings to maintain fairness.

December 17 Workgroup Meeting Summary: The draft meeting summary for the December 17 Workgroup meeting was sent to Workgroup participants on December 24, with comments due by January 9. Staff noted that no comments were received. The Workgroup adopted the meeting summary into the project record as the final version.

Mr. Ceppos asked for feedback on the February 2 Workgroup informational session on groundwater and legal requirements. A Workgroup participant remarked that it was difficult to hear some of the discussion over the phone, and that it would be good to have more microphones around the room for future meetings. Another Workgroup participant commented that the Workgroup would benefit from technical, science-based conversations as opposed to legal discussions on the regulatory components of the ILRP.

A workgroup participant asked if there will be a staff response to the proposed program alternatives. Adam Laputz responded that the Workgroup will discuss and provide feedback on each stakeholder alternative during this meeting. Also, Water Board staff will take the information received today and develop program alternatives to present at the next meeting.

A workgroup participant recommended that Water Board staff from the Fresno office be present at these meetings.

A Workgroup participant asked when the groundwater nitrate database and maps that staff has developed will be provided to the Workgroup. Adam Laputz stated that there will be a March informational session to present these maps as well as the Existing Conditions Report. Other potential topics for an informational session include groundwater vulnerability research that has been done, how the Central Valley Salinity Alternatives for Long-term Sustainability (CV SALTS) process will be related to the ILRP process, and a discussion on how [Regional Water Board Water Quality Control Plans](#) (Basin Plans) were formulated and how to amend them.

Workgroup Letters of Commitment: Mr. Ceppos asked Workgroup participants to submit letters of commitment to the Central Valley Water Board Executive Officer if they have not done so already. Workgroup participants should receive a response letter from the Executive Officer once their letter of commitment is received. If a response letter from the Water Board is not received but a letter of commitment was submitted, Workgroup participants were instructed to speak to Adam Laputz as soon as possible.

Participant-developed ILRP Alternatives

Workgroup participants were given 25 minutes to present and discuss their alternatives. Summaries of the Workgroup alternatives discussions are included below.

El Dorado County Low Threat Waiver

El Dorado County has limited agriculture which occurs in isolated pockets rather than large swaths like in the Central Valley. County representatives stated that surface water quality is good, and there are no defined groundwater basins. Because water is limited and flood irrigation is not used, El Dorado County does not have the tailwater discharge issues that are present elsewhere in the Central Valley. Erosion control and dormant spray aerosols (drift) are the main water quality issues associated with agriculture in El Dorado County. This alternative proposes biannual surface water monitoring and addresses water quality issues in the area through the proactive development and implementation of management practices.

Southern San Joaquin Valley Water Quality Coalition

The Southern San Joaquin Valley Water Quality Coalition representatives propose maintaining the current surface water program. In addition, any alternative for groundwater must be considered separate from the surface water program and take into consideration local groundwater management plans [e.g., [Assembly Bill \(AB\) 3030](#) and [Senate Bill \(SB\) 1938](#) plans].

A Workgroup participant asked whether there have been any pesticide detections in Southern San Joaquin Valley Water Quality Coalition area groundwater. The Southern San Joaquin Valley Water Quality Coalition representative indicated that there were no exceedances over safe drinking water standards identified in the State Water Resources Control Board's [Groundwater Ambient Monitoring and Assessment \(GAMA\) Program](#) monitoring.

A Workgroup participant asked what is done with tailwater in the Coalition area. The Southern San Joaquin Valley Water Quality Coalition representative stated that captured tailwater is re-circulated if possible; otherwise tailwater is discharged to an agricultural drain or other surface water, or seeps into the ground.

A Workgroup participant asked the Southern San Joaquin Valley Water Quality Coalition if water quality management practices would be required or voluntary under the proposed alternative. The Southern San Joaquin Valley Water Quality

Coalition responded that the current program already includes the requirement to develop water quality management practices through management plans.

The Southern San Joaquin Valley Water Quality Coalition representative stated that Water Board authority is limited to regulation of discharge of waste to a water of the State. The Coalition representative maintains that pesticides applied according to the requirements on the label and nutrients applied at agronomic rates will not consist of a contribution of waste to a water of the State. A Workgroup participant commented that the plant itself is never going to take up 100 percent of the nutrients, so there is always a contribution of waste.

Westlands Water District

The Westlands Water District recommended long-term ILRP alternative includes tailoring requirements to address the varying agricultural operations in the Central Valley, maintaining coalition groups, and developing monitoring requirements that are specific to the needs of the discharge area.

Recently, the Central Valley Water Board Executive Officer requested that Westlands file a Report of Waste Discharge for irrigated lands discharges to ground and surface waters within the Westlands Water District. The Fresno Regional Water Board office will be developing waste discharge requirements for irrigated lands discharges in the Westlands Water District. Westlands Water District representatives stated that they want to ensure that the development of waste discharge requirements in the Fresno Regional Water Board office is coordinated with the development of the long-term irrigated lands program.

Agricultural Coalition Groups

CA Cattlemen's Association, CA Citrus Mutual, CA Cotton Ginnery and Growers Association, CA Farm Bureau Federation, CA Grape and Tree Fruit League, CA Rice Commission, East San Joaquin Water Quality Coalition, Sacramento Valley Water Quality Coalition, San Joaquin County and Delta Water Quality Coalition, Southern San Joaquin Valley Water Quality Coalition, Western Growers Association, Westside San Joaquin River Watershed Coalition

Surface water alternative:

The Coalition groups recommend maintaining the current surface water program (i.e., the current ILRP). The Coalitions also recommend that the Basin Plan be amended to reflect that many agricultural drains are not used for municipal sources. Essentially, the municipal source beneficial use should be removed for many existing agricultural drains because the use does not exist. The Coalition groups also recommend that the long-term program should be based on clearly defined numeric objectives instead of interpretation of Basin Plan narrative objectives.

A Workgroup participant asked for a specific example of a completed de-designation of a Basin Plan drinking water beneficial use for an agricultural drainage. The presenter responded that the Colusa Basin Drain has been de-designated.

The Coalition groups also suggested that the long-term program provide more flexibility in monitoring requirements in order to address the varying conditions throughout the Central Valley. Staff stated that the monitoring requirements for the current program already provide additional flexibility that Coalition groups could incorporate into their programs. Staff suggested that the Coalition groups: 1) work with the Water Board to utilize the flexibility in their current monitoring programs, and 2) provide the proposed ideas for flexibility to include in a long-term program alternative.

Groundwater alternative:

The Coalition groups maintain that separate programs are needed for surface water and groundwater since they deal with different issues (property right of ways, historic contamination, etc.) and discharge pathways. Also, there are already programs addressing groundwater quality in the Central Valley, so another program is not needed. For example, local groundwater management plans (e.g., AB 3030 and SB 1938 plans) have been developed to address groundwater use and quality throughout the Central Valley. The Coalition groups recommend that the long-term program address groundwater through the local AB 3030 and SB 1938 plans.

Coalition representatives suggested that it would be too expensive to drill groundwater monitoring wells in each grower's property, and highlighted the difficulty of determining whether a particular grower's operations are causing groundwater quality impairments.

A Workgroup participant suggested that the long-term program for groundwater should be focused on source control (i.e., implementing water quality management practices), not monitoring. The participant also stated that there are known studies that show correlation between groundwater quality and land use practices and conditions.

A Workgroup participant asked the Coalition whether the voluntary AB 3030 groundwater programs contain enforceable requirements for protecting water quality. The Coalition responded that the local groundwater programs do not include mandatory enforceable requirements.

Mr. Karkoski stated that the long-term program could be used to fill in any local groundwater program voids. For example, the long-term program could include minimum standards that all AB 3030 plans would be required to address. A

participant responded that AB 3030 plans address water quality to varying degrees, and that additional groundwater quality-based requirements are not necessary for areas without water quality objective exceedances.

A Workgroup participant asked whether there are Basin Plan water quality objectives that apply to Central Valley groundwater basins in addition to municipal drinking water standards. Mr. Karkoski responded that the State Antidegradation Policy ([State Water Resources Control Board Resolution 68-16](#)) would also apply to Central Valley groundwater. In general, the Antidegradation Policy does not allow surface or groundwater to be degraded unless certain provisions are met.

A workgroup participant stated that they would like to see existing groundwater data presented to the Workgroup before the group can reasonably decide if and how to add groundwater to the long-term ILRP.

**Clean Water Action/California Rural Legal Assistance Foundation/
Community Water Center (hereafter abbreviated as CWA)**

Groundwater program:

CWA presented maps of nitrate contamination in the southern San Joaquin Valley.

The CWA proposed long-term program for groundwater includes:

- Required reporting of fertilizer applications
- Required implementation of management practices to reduce discharges of waste
- Tiered levels of program requirements and enforcement mechanisms to tailor program cost and implementation measures to discharger threat to water quality
- Mitigation programs for the areas that do not have safe drinking water

CWA representatives stated that there are probably enough existing wells for adequate groundwater monitoring, but if it was determined that more are needed, they should focus on shallow wells, since contamination shows up in shallow water first.

CWA proposed reporting of fertilizer applications: A Workgroup participant commented that there is no evidence that suggests agriculture is a source of nitrate contamination in groundwater. As such, the participant stressed that a new program for fertilizer use reporting is not necessary. Mr. Ceppos stated that there are recurring comments on whether or not there is research and data that needs to be examined related to groundwater and nitrate contamination. A

“subcommittee” of Workgroup participants will be brought together to research the subject offline, and see if there are information gaps that need to be filled.

CWA proposed mitigation program: A Workgroup participant asked CWA what the proposed mitigation program for impacted groundwater would look like. CWA responded that it would be similar to air pollution mitigation programs such as vehicle license fees and smog requirements. A concern was raised that this alternative suggests that the agricultural community should pay for all the mitigation when they are not the only source of nitrate contamination (e.g., dairies, municipalities, septic systems). This is different than air pollution programs, where all vehicle operators are taxed.

A Workgroup participant stated that all groundwater is designated as drinking water under [State Water Resources Control Board Resolution 88-63](#); therefore, any long-term program for groundwater needs to be prioritized so that groundwater actually being used as drinking water is protected first.

Surface water:

A Workgroup participant asked CWA if they felt that the accountability and enforceability under the current surface water program is inadequate. CWA responded that there seems to be a disconnection between the Water Board and the dischargers due to the fact that the Water Board does not work directly with growers.

Please see the action items on page one for next steps.

Attachment A: 17 February 2009 Long-term ILRP Meeting Attendees

Adam Laputz	Central Valley Regional Water Quality Control Board (CVRWQCB)
Andrew Tauriainen	Westlands Water District
Ashley Romeo	Almond Board of CA
Bill Thomas	Southern San Joaquin Water Quality Coalition
Bob Blakely	CA Citrus Mutual
Bruce Houdesheldt	Sacramento Valley Water Quality Coalition/Northern CA Water Association
Camron King	CA Association of Winegrape Growers
Carol Dobbas	Upper Feather River Watershed Group (UFRWG)
Carolyn Yale	U.S. Environmental Protection Agency
Casey Creamer	CCGGA
Chad Dibble	Department of Fish and Game
Claus Suverkropp	Larry Walker Associates/Sacramento Valley Coalition
Dan Hinrichs	El Dorado Subwatershed Group
Dana Kulesza	CVRWQCB
Danny Merkley	CA Farm Bureau Federation
Dave Ceppos	California State University Sacramento Center for Collaborative Policy (CCP)
David Cory	Westside San Joaquin River Watershed Coalition
David Nesmith	Environmental Water Caucus
Debbie Liebersbach	Turlock Irrigation District
Emel Wadhvani	State Water Resources Control Board
G. Fred Lee	G. Fred Lee & Associates
Gary Caseri	San Joaquin Valley Agricultural Commissioners
Henry Giacomini	NECWA/Upper Watershed
Henry Hamanishi	J.R. Simplot Co.
Jennifer Clary	Clean Water Action
Jim Atherstone	South San Joaquin Irrigation District
Jodi Pontureri	State Water Resources Control Board
Joe Karkoski	CVRWQCB
Joel Miller	San Joaquin Valley National Wildlife Refuge
John Sanders	Department of Pesticide Regulation (DPR)
Kari Fisher	CA Farm Bureau Federation
Kirk Taylor	El Dorado County
Lisa Ross	DPR
Mike Niemi	Modesto Irrigation District
Mike Wackman	San Joaquin County and Delta Water Quality Coalition
Molly Tamashiro	State Water Resources Control Board
Nasser Dean	Western Plant Health Association

Orvil McKinnis	Westlands Water District
Parry Klassen	East San Joaquin Water Quality Coalition
Paul Martin	Western United Dairymen
Polly Lowry	Central Valley Regional Water Board
Richard Price	Sacramento Valley Agricultural Commissioners
Russ Grimes	ICF Jones & Stokes
Sam Magill	CCP
Sarah Ryan	Big Valley Rancheria, Lakeport CA
Stephen Fagundes	State Water Resources Control Board
Tess Dunham	Pyrethroid Working Group
Tim Johnson	CA Rice Commission
Wes Sander	Capital Press