

SOUTHERN SAN JOAQUIN VALLEY WATER QUALITY COALITION RESPONSE TO ILP LONG RANGE PROGRAM MATRIX

The matrix indicates that it is to be used starting with the left-hand “program type” columns and then move to the right selecting a box from each of the five columns. Based thereon I would select as follows based on the premise that we keep the surface and groundwater programs separate.

I. Surface water.

Column 1: Program Organization: Keep the surface water program focused on irrigation discharge and storm water discharge from irrigated ag lands, managed wetlands and the subsurface tiles drainage which collects surface water. (Same as the existing waiver).

Column 2: Core Requirements: Keep the surface water program focused on water quality objectives from the applicable basin plan, toxic rules and Clean Water Act relative to agricultural waters so as to meet the Porter-Cologne Act, and designated basin plan beneficial uses with a priority concentration on actual existing beneficial uses.

Column 3: Lead Entity: Third party lead would continue to be by the water quality coalitions.

Column 4: Monitoring: Monitoring shall continue to be a multi-faceted program (i.e., core, assessment, special) with follow-up monitoring when exceedances are discovered. Coalition management follow-up would be required when a pattern of exceedances indicates an agricultural management practice approach can be responsive to the problem.

Column 5: Implementation Mechanism: There should be a General Order/WDR for the Tulare Lake Basin and either a General Order or waiver for the Sacramento-San Joaquin River Basin.

III. Groundwater

Column 1: Program Organization: The groundwater program should be a tailored program directed to those areas with actual specific groundwater problems. There are different groundwater problems each with different causes, lead agencies, statutory direction, jurisdictional limitations, and problematic sources. Ground water is many times more complex, evasive, costly, difficult to determine problem sources and harder to regulatorily administer than surface water. Moreover, by statute, see as example CWC § 10750, et seq., groundwater is to be generally controlled at the local level, and such programs are largely presently in place or being engaged.

Some of the different groundwater problems which have been identified include:

a. Pesticides leaching below the root zone and chemically able to be transportable in water. This has been the focus of DPR’s groundwater protection program which has been statutorily designed and directed.

b. Nutrients are associated with dairies and this is being addressed by the dairy general order program of the Regional Board.

c. Pathogens: This is largely a sanitation problem also presently addressed by the Regional Board via each the septic and the dairy programs.

d. Nitrates in community drinking water. This is a localized situation in shallow community and personal wells. This issue is being actively pursued by local irrigation districts, local communities, integrated programs, county programs (i.e., Tulare County) and community interest groups.

There may be a narrow role identified for the Regional Board, which is unrelated with the above described issues, but that will have to be yet identified by the local authorities or through review of available monitoring data.

e. Beyond these identified specific groundwater issues (none of which need the Regional Board's new regulatory involvement or oversight) there are already statutorily directed groundwater programs by the water authorities in the local areas. These include 3030, 1938, IRWMP, which can collectively serve as the operational "catch-nets" beyond the above described programs which are presently addressing groundwater issues. (See attached materials from the Southern San Joaquin Water Quality Coalition.)

Column 2: Core Requirements: Each of the existing programs which are responding to problems has their own specific targets (pesticides, nutrients, nitrate) and they and the irrigation district programs are guided by Basin Plan objectives. Once a problem is identified, its nature and cause must then be identified, and then a management practice plan approach may play a responsive role.

Column 3: Lead Entity: As described above, the appropriate lead agency will depend on the specific program.

Column 4: Monitoring: Monitoring of groundwater is a problem from several perspectives. There is limited authority to compel monitoring, it is dramatically costly to drill monitoring wells, and in most all situations there will be no known connection as to any problem source. Did the problem come from overhead three years ago or 30 years ago? Did it come from three miles away or 30 miles? Some specific monitoring data has been assembled from other programs, health or community entities, or voluntarily, however, the Regional Board has limited authority to enter private property or take samples or drill monitoring wells.

Column 5: Implementation Mechanism: Most programs (described above) are presently in place and there are limited unattended roles for the Regional Board. These must be identified by the local interests and through the existing monitoring data. The role for the Regional Board may be limited to coordination, cooperation and perhaps enforcement.