

Long-term Program Alternative (LTP) to Manage Potential Impacts To Groundwater

Application of the Alternative: Would apply to Groundwater Basins and/or Sub-Basins where local Groundwater Management Plans pursuant to Water Code section 10750 et seq., do not exist, or where such plans are not sufficient to address groundwater quality.

Program Organization: In applicable areas, the authoring coalition groups propose that the Regional Water Quality Control Board (RWQCB) adopt a groundwater quality management program (called the Long-term Program Alternative [LTP]) that allows a third-party entity (3rd Party) to develop groundwater quality management plans (GQMPs) for groundwater management areas (GMAs) specified by the 3rd Party. GQMPs prepared pursuant to this option would be submitted to the RWQCB for review and comment. More details with respect to the development and content of such plans are provided below. Implementation of the GQMPs would occur in cooperation with county agricultural commissioners (CACs), the Natural Resources Conservation Service (NRCS), the University of California Cooperative Extension, and/or other cooperating agencies/entities.

Time To Develop GQMPs: As a first step to this process, we propose that the RWQCB allow a 3rd Party 3-5 years to develop a GQMP for a GMA for submittal to the RWQCB. During the time allotted for plan development, we suggest that there be identified milestones to ensure that progress towards development of such plans is being made by the 3rd Party. For example, milestones could include the following:

- Letter of Intent from 3rd Party indicating that a GQMP will be prepared for the GMA – due approximately 3-6 months after the RWQCB adopts the LTP;
- Workplan for development of the GQMP – due approximately 3-6 months after submittal of the Letter of Intent;
- Implementation of workplan begins one month after the workplan is approved by the RWQCB Executive Officer (EO);
- Annual progress reports submitted until GQMP is submitted;
- Submittal of GQMP to RWQCB 2 or 3 years after implementation of the workplan begins;
- Implementation of GQMP to begin one month after GQMP is approved by the EO.

Content of GQMPs: GQMPs prepared pursuant to the LTP should be based on available groundwater data. As part of plan development, the 3rd Party should collect and evaluate available groundwater data, identify areas of concern within the GMA, identify constituents of concern within the identified areas of concern, prioritize the areas and constituents of concern, identify agricultural practices that may be causing or contributing to the problem, and identify agricultural management practices that should be employed by local growers to address the constituents of concern. The LTP should specifically state that a compliant GQMP:

- Shall identify areas and constituents of concern based on available data from existing groundwater management programs, including but not limited to: GAMA, USGS, CDPH, CDPR, and DWR.
- Shall prioritize the areas and constituents of concern for implementation of agricultural management practices based on available data, and also based on the risk of

contamination due to soil type, known agricultural practices, crops grown, climate, proximity to wells, aquifer condition and uses, and other factors determined to be relevant and appropriate by the 3rd Party. When an identified constituent of concern is a pesticide that is subject to the California Department of Pesticide Regulation's (CDPR) Ground Water Protection Program, the GQMP shall defer to CDPR's regulatory program for that pesticide and any requirements associated with the use of that pesticide.

- Shall identify appropriate agricultural practices for high-priority constituents in high-priority areas.
- Shall describe how information regarding agricultural practices will be distributed to growers in high-priority areas. For example, such information could be prepared by the 3rd Parties for distribution by the CAC offices at the time that growers file pesticide use reports, when they file an application for a private applicator's license, or when they obtain a restricted materials permit. Other options for distribution of information could include local NRCS offices when growers apply for NRCS funding from programs such as Environment Quality Incentive Program and the Conservation Reserve Program, and/or the University of California Cooperative Extension. When the information is distributed by the CAC, NRCS, Cooperative Extension, or other identified entity, growers could sign an acknowledgement form that they have received information regarding agricultural management practices for the protection of groundwater in the high-priority area, and that they will implement the practices to maximum extent practicable. Once executed, the CAC, NRCS, Cooperative Extension, or other entity could then transmit completed forms back to the 3rd Party for assemblage and annual reporting purposes.
- Shall include a monitoring and reporting program that annually documents to the RWQCB implementation of agricultural management practices within the high-priority areas. Implementation of agricultural practices shall be inferred by acknowledgement forms from the CACs office.
- May include focused studies of selected agricultural management practices, constituents, or physical settings to inform refinement of area and constituent prioritization, or of practices that provide needed groundwater protection from degradation by constituents of concern. The results of focused studies would be documented in the annual report.
- Shall *not* include or address issues related to groundwater supply, including issues regarding the volume of groundwater pumped or used by growers within the GMA.

Determination of Compliance: Growers completing acknowledgement forms agree to implement identified agricultural management practices to the maximum extent practicable, and shall thus be presumed to be in compliance with the LTP. Should the RWQCB become concerned that a grower is not implementing the agricultural management practices to the maximum extent practicable, the RWQCB retains all of its authority to suitably and lawfully respond.

The GQMP under the LTP is a tool to prioritize areas and constituents of concern, identify appropriate agricultural practices for high-priority areas and constituents, disseminate information to growers through CACs, investigate areas of uncertainty, and document compliance to the RWQCB. The GQMP would not in itself constitute an enforceable program. A 3rd Party that develops a GQMP is not an entity with legal authority to enforce compliance or

implementation of appropriate agricultural practices. Should the RWQCB determine that a GQMP is insufficient or is not being implemented, the RWQCB should work with the 3rd Party to ensure implementation or revise the GQMP to address the problem. Should the RWQCB be unable to resolve the problem with the 3rd Party, the RWQCB would retain legal authority to take suitable and lawful action with individual growers in the GMA.

Periodic Review of Approved GQMPs: Every 5 years, RWQCB and the 3rd Party shall meet and confer to evaluate the sufficiency of the GQMP, and to determine whether and generally how it should be updated to reflect new priorities based on new information (water quality monitoring data, results of focused studies, contents of annual reports, grower feedback, RWQCB feedback, etc.).