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Subject: EPA Comments on the Initial Draft Proposals for the Long-Term Irrigated Lands Regulatory Program Alternatives, May 2009

Here are our comments on the referenced document. Please let us know if you would like to arrange time for us to review them with you or answer any questions you may have.

Thanks for the opportunity.

LONG-TERM IRRIGATED LANDS
REGULATORY PROGRAM ALTERNATIVES
Initial Draft Proposals
May 2009

EPA Comments

Goals and Objectives

1. Goals and objectives ought to include promoting adaptive watershed management based on monitoring, assessment, the effectiveness of water quality management measures and other evaluation criteria.
2. Expand program coordination to include opportunities to work with and through other programs to achieve ILRP's goals and objectives such as the California Dairy Quality Assurance Program, MOU(s) with third party implementers, and resource conservation districts.
3. Emphasize coordination with USDA (Natural Resources Conservation Service) to access technical and financial assistance specific to the Farm Bill's conservation programs such as the Environmental Quality Incentives Program which may also ensure program effectiveness.
4. Provide for the flexibility to address differences in geography, type of crop production, and maturity in the program.
5. The description of "third-party groups" should explain what is meant by "minimum structural and organizational requirements" and include whether they are held accountable for program implementation. Perhaps the description should be written more generically.
6. The objectives should be more explicit about protecting drinking water sources and generally, public health, in the context of beneficial uses.

Proposed Alternatives

1. Comparison of the current alternatives is complicated by the fact that many reflect regionally-specific needs and levels of preparation (e.g., groundwater conditions, prior monitoring and assessment, available information regarding effective BMPs). For the purposes of developing complete alternatives for deeper analysis and comparison, include a more explicit list of the functional, administrative and organizational "components" of the alternatives (e.g., staffing and funding needs). Where other organizations or third parties are instrumental to implementation, include what authorities and standards they bring to the table.
2. For comparative purposes, it is important to analyze each alternative in terms of intended accomplishments and total costs.
3. Consider other mechanisms as a means for a coordinated approach to program implementation such as TMDLs and storm water programs.
4. Consider a "mix and match" of the different components to the various proposed alternatives to form another proposal that may be more suitable for different parts of the central valley or for a long term program.
5. We disagree with the alternative that excludes groundwater managed for "supply" from the purview of the ILRP, as quantity and quality are interconnected.
6. It should be recognized that in cases of drainage management, the surface water and groundwater nexus is important.
7. The regional board should consider applying the tiered threat-based groundwater protection program to surface waters. This may be a more efficient way of organizing and targeting activities.

8. We found the "Direct Oversight SW/GW 4(a)" appealing because it provides for accountability and offers a level playing field among farmers and dairy producers in the region. We would comment that it should be watershed based for effective coordination and implementation.

Monitoring

1. There must be the explicit understanding that monitoring of management practice implementation is more than "tracking" implementation of those practices. This will require ambient water quality monitoring to inform whether those practices being implemented are effective in protecting and achieving water quality objectives and beneficial uses and to inform the adaptive management approach.
2. Provide for the coordination and support with other monitoring programs (e.g., TMDLs or other regional monitoring) which data include comprehensive coverage of controllable sources such as urban as well as agriculture.