

DRAFT Meeting Summary

Meeting #4

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

MEETING DATE: 19 May 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. Staff will expand the "ILRP Draft Schedule and Milestones" (Schedule) to provide additional detail on the Environmental Impact Report (EIR) process. The Schedule will be distributed to the Workgroup by June 3rd, 2009.
2. Staff will email the link to the MOU between the Central Valley Water Board, State Water Resources Control Board (SWRCB), Department of Pesticide Regulation (DPR), and the Glenn and Butte County Agricultural Commissioners (Commissioners) to the Workgroup by June 3rd.
3. Staff will ask the Glenn and Butte County Agricultural Commissioners to draft a request for Workgroup participation in an MOU Focus Group (Focus Group) to develop ideas for local implementation of the ILRP.
4. Staff will provide the Workgroup with information to confirm that the "no project" alternative in the California Environmental Quality Act (CEQA) process is based on the current regulatory setting.
5. Workgroup participants will submit ideas to the Central Valley Water Board on their thoughts or preferences for waivers versus waste discharge requirements for the ILRP by June 12th.
6. Clean Water Action, the Community Water Center, and the California Rural Legal Assistance Foundation will send specific scientific references on maximum fertilizer application rates to staff.

Announcements and Updates

February 17 Workgroup Meeting Summary: Adam Laputz, staff, reported that the draft meeting summary for the February 17th Workgroup meeting was sent to the Workgroup on March 3rd. No comments were received from meeting participants, and the Workgroup adopted the meeting summary as the final version.

Staff Groundwater Nitrate Summary Report: Mr. Laputz reported that staff is preparing summary maps on nitrate levels in groundwater throughout the Central Valley. This report is based on data collected by DPR, the Department of Water Resources (DWR), the US Geological Survey (USGS), and Central Valley dairies. The draft maps are under revision to address quality assurance and control (QA/QC) issues with the dairy data. Staff will distribute the draft maps to the Workgroup in approximately a month.

ILRP Process Update and Next Steps (Schedule): The Workgroup reviewed the Schedule. Staff will continue to work with Workgroup participants through one-on-one conversations to continue working on individual alternatives for the Alternatives Document. The draft final version of the Alternatives Document will be released to the Workgroup in July. A final Workgroup meeting will be held after the July release to review and comment on the alternatives.

Discussion:

- A meeting participant asked when staff will bring a recommended alternative before the Central Valley Water Board. Staff responded that this will occur in the fall of 2010. The recommended alternative will be identified through the EIR analysis, as opposed to beginning the analysis with a recommended project alternative. The existing ILRP expires in June 2011; the goal is to have a new program in place by the time the existing program expires.
- A participant asked if the two Workgroup meeting dates scheduled at the last meeting were still accurate. Mr. Laputz responded that the June meeting will be cancelled; a final Workgroup meeting will be held in late July or early August. A revised Schedule will be distributed to the Workgroup by June 3rd with a finalized meeting date and additional detail on the remaining ILRP milestones (**see Action Item #1**).
- One Workgroup member noted that the EIR should function as a supporting document in the Board's effort to create or change the ILRP instead of functioning as the only or final decision making tool. Russ Grimes, ICF Jones and Stokes, responded that there will be public meetings between the draft and final versions of the EIR, as well as other opportunities for input into the EIR process. Dave Ceppos, Center for Collaborative Policy (CCP), reminded the group that the Workgroup Charter (Charter) includes a commitment by staff to keep the Central Valley Water Board informed of the Workgroup's process and decision documents. This information will be included in a staff

report to the Central Valley Water Board and will influence the Board's adoption of the final ILRP.

- One participant was concerned over the amount of time between the EIR adoption and the proposed program going before the Central Valley Water Board eight months later. Staff anticipates that this time will be needed to work out the details of the program and prepare to go to the Board

Central Valley Water Board, DPR, SWRCB, Agricultural Commissioner MOU:

Staff reported that an MOU between the Central Valley Water Board, DPR, SWRCB, and the Glenn/Butte County Agricultural Commissioners was developed to determine what role Commissioners may be able to play in the implementation of the ILRP. Staff would like to form a Focus Group to include members of the Workgroup to brainstorm ideas on how the ILRP can work in partnership with agricultural commissioners throughout the Central Valley and develop pilot projects for ILRP implementation. Ideally, this Focus Group will be made up of Workgroup members, staff, the signatories of the MOU, and various other agricultural commissioners from around the Central Valley. Potential pilot projects could include collecting fertilizer use information at the local level and groundwater pollution prevention through wellhead inspections.

Discussion:

- A participant asked if the Focus Group recommendation will be included in the EIR analysis. The potential projects suggested could require legislative action and be outside of the agricultural commissioner's current authorities.
- Another participant expressed concern over the Focus Group process, as Workgroup members had not heard of the MOU before this meeting. Joe Karkoski, staff, explained that the MOU has been in place for several years and has funding for projects. The idea of the Focus Group was developed to give Workgroup participants a chance to provide input on pilot projects, instead of just having staff develop them internally.
- A Workgroup participant asked that staff provide a copy of the MOU to the entire group. Staff will send a weblink to the MOU to the Workgroup by June 3 (**see Action Item #2**).
- One participant commented that the Central Valley Water Board should have brought these ideas forward to the California Association of Agricultural Commissioners instead of just the Glenn and Butte County Agricultural Commissioners. Staff reiterated that the Focus Group will provide an opportunity for this type of collaboration, but agreed that all pilot projects should be brought to the Association's attention as well.
- Mr. Laputz noted that agricultural commissioners are included as implementing entities in several of the proposed ILRP alternatives.

- Mr. Karkoski remarked that staff will work with the Glenn and Butte County Agricultural Commissioners to develop a request for participation in the Focus Group (**see Action Item #3**).
- Workgroup participants reiterated that all agricultural commissioners from the Central Valley must be given the opportunity to weight in on the proposed pilot projects, as Glenn and Butte County conditions are substantially different than the conditions at the southern end of the Central Valley.
- Participants noted that the California Department of Food and Agricultural (CDFA) and DPR already have fertilizer use and pesticide reporting programs. These programs should be utilized to avoid duplicating efforts.

Draft ILRP Alternatives

Mr. Laputz introduced the Alternatives Document, and reviewed the proposed ILRP goals, objectives, and alternatives. Workgroup members were instructed to review the summary as a group and provide feedback to staff. The summary is broken down into the following sections: ILRP Goals/Objectives, ILRP Alternatives Table, and Alternatives SW/GW 1 through SW/GW 4(b). Staffing needs for the implementation of each alternative will be analyzed in the EIR process. The full Alternatives document can be found online at:

http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/19may09_advisory_wkqp_mtg/19may09_init_ltp_alternatives_draft.pdf.

ILRP Goals /Objectives

- The word “feasible” will be changed to “reasonable” to remain consistent with the Porter Cologne Act.
- A participant stated that a program goal needs to be included to restore clean drinking water for rural communities. Mr. Karkoski asked the participant to suggest specific wording for this goal and provide it to staff.
- Staff will revise the Alternatives Document to avoid confusion between the terms “water quality management measures” and “water quality management practices.” The latter will be used.
- Additional clarity is required to define “acceptable 3rd party” in the ILRP. Mr. Karkoski explained that under the ILRP Goals section, the Board could adopt objective #5 as a requirement to become an approved coalition. Reporting requirements would only include clear specifications on what information must be made public.
- One participant suggested removing the objective of minimizing all discharges of pollutants to waters of the state, as this objective could

- be in conflict with other programs aimed at “flushing” salts from agricultural lands to maintain a salt balance in the Central Valley.
- A participant suggested the current definition of “beneficial uses” should be expanded to include those uses considered beneficial by tribes.
 - Goal #1 of the ILRP should be revised to read “Restore and/or maintain...”
 - Objective #2 should be revised to read “...achieve water quality objectives *in waters of the state.*”

ILRP Alternatives Table

Mr. Laputz reviewed Table 1 of the Alternatives Document. This table summarized the type, lead entity, water quality plan type, monitoring method, and implementation mechanism for each alternative. He explained that each alternative must address both surface water (SW) and ground water (GW) in order to be analyzed in the EIR. To do this, some of the stand alone SW and GW alternatives must be combined. This approach insures that the final, recommended alternative that becomes the ILRP addresses *all* waters of the state, not SW or GW alone. In future iterations of the Table, staff will ensure that each alternative has a unique number for easier reference.

SW/GW1- No Project Alternative

- A participant suggested that this alternative could be combined with GW 2.
- Participants raised the concern that a true “no change” or “no action” alternative would allow the current ILRP to expire in 2011 and not renew it. Mr. Grimes and staff responded that “no change” typically refers to an action or alternative that represents the current regulatory climate. Staff will provide information to the Workgroup to confirm this interpretation (**see Action Item #4**).

SW 2- Water Quality Management Measures

- This alternative was developed by El Dorado County
- Monitoring in this alternative is based on requiring individual growers to track the number and type of practices used to reduce and eliminate agricultural pollutants to waters of the state.
- The term “tracking” should be used instead of “monitoring” in SW2, as the former implies actual chemical analysis of water samples.
- Participants questioned how changes in water quality would be monitored under this alternative. The author responded that growers would have a farm plan of water quality management practices. If the chosen practices fail to meet established water quality standards, the suite of practices used would be adjusted accordingly.
- Mr. Karkoski noted that this approach is analogous to the State Water Resource Control Board’s Construction Stormwater Program, in that

management practices are required to reduce runoff independent of formal water quality monitoring.

- A participant noted that this alternative could be a component of a larger program as an option for lower threat agricultural operations.
- A participant asked if this alternative addresses both surface and groundwater. The author explained that because it targets runoff and discharge sources directly, it does cover both.
- Mr. Karkoski suggested that the alternative could include periodic monitoring to track changes in water quality. Participants suggested that a change in fertilizer or pesticide usage could trigger a round of formal monitoring. Another participant suggested that the alternative should include a feedback mechanism to allow for adaptive management.

SW3- Individual Water Quality Management Plan (WQMP)

- This is a staff developed alternative.
- Staff will clarify that under this alternative, growers would have to participate in *either* a coalition group *or* the WQMP program in this alternative.
- Additional consideration for how water quality changes will be monitored must be done for this alternative. In depth monitoring is not the focus of this alternative. Instead, the alternative will rely on the on-the-ground (i.e., farm-level) experts to determine if there is a problem, and how best to address it.
- WQMPs under this alternative must protect both SW and GW, and would be subject to regular review.
- A participant asked if staff has done an analysis of staffing availability at the local resource conservation district (RCD) or UC Cooperative Extension levels to assist growers in the preparation of their WQMPs. Staff responded that they have not.

SW/GW4(a)- Direct Oversight

- This is a staff developed alternative, based primarily on the Central Coast Regional Water Quality Control Board's ILRP.
- Staff noted that substantial data exists on nitrate and other groundwater contaminants; a key part of this alternative will be collecting and analyzing this data (before any new data is gathered).
- A participant asked how the Board currently gathers real-time monitoring data. Mr. Karkoski reported that the Board does not get real time feedback for most programs.
- Staff noted that differentiating between water quality standards for agricultural tailwaters and waters of the state is redundant, since all water quality standards apply only to waters of the state.
- DPR believes that existing groundwater monitoring programs may be adequate, as groundwater conditions do not change as rapidly as surface water conditions.

- A participant stated that this alternative differs from the Central Coast ILRP in that Central Coast growers are not required to implement management practices in response to water quality exceedances.

SW/GW4(b)- Direct Oversight

- This alternative, developed by staff, is based on the Central Valley Water Board's Dairy Program.
- Workgroup participants asked if there was an estimate for how much this alternative would cost individual growers. Staff responded that a full economic analysis will be carried out in the EIR. A participant stated that for a dairy with 1,000 head of cattle, the cost is between \$25,000 and \$33,000 per farm annually.
- David Sholes, staff, noted that there are approximately 1,500 dairies in the Central Valley, and almost all of them (approximately 99%) are in compliance with the current Dairy Program.
- A participant raised the concern that under this program, growers may not be able to receive their annual permits in a timely fashion due to potential backlog, effectively forcing them not to plant for that year.
- A participant remarked that plant tissue nutrient monitoring for all types of crops would not provide useful information because benchmark levels for nutrients have not been developed for most crops.

GW2- Local Groundwater Management Plans

- This alternative was developed by the Southern San Joaquin Valley Water Quality Coalition. Under this alternative, the Central Valley Water Board would develop criteria that must be addressed in local groundwater management plans if the local plan were to be used to satisfy the groundwater regulatory requirements under the ILRP.
- Participants raised concerns that the Central Valley Water Board may not have the statutory authority to require local plans to control grower's management practices. The author added that existing plans would be expanded to ensure that they meet all ILRP requirements.
- The author noted that the next iteration of this alternative should include a timeline for compliance, a requirement for growers to implement management practices to protect water quality, and an approval process for groundwater management plans that would include Central Valley Water Board input.

Management of Potential Impacts to Groundwater

- This alternative is designed to fill in gaps where the existing local groundwater management plans either do not exist or cannot be updated to comply with the ILRP. Under this alternative, water quality coalition groups would develop groundwater management areas based on existing information, and specify management practices to protect groundwater quality. The alternative was developed by water quality coalition groups.

- Under this alternative, the Central Valley Water Board Executive Officer reviews and approves groundwater management plans and reviews annual reports. These plans would not be available for public review.
- The Central Valley Water Board retains all existing regulatory authority to deal with individuals not in compliance. Reporting of management practices implementation would be an aggregate report from the coalitions.

GW3(b)- Tiered Groundwater Program

- This alternative was developed by Clean Water Action, the Community Water Center, and the California Rural Legal Assistance Foundation. The alternative develops a tiered system for regulating discharge to groundwater from irrigated agriculture. High-threat growers would be required to do intensive monitoring and develop nutrient management plans; low-threat growers would have less intensive requirements.
- A participant asked what the scientific basis is for the maximum fertilizer application rates in the alternative. The authors responded that they came from research work done by UC Davis, and agreed to send references to staff (**see Action Item #6**).
- A participant suggested that certified crop specialists from a neutral third party should do nutrient management plan certification work for this alternative. The UC Cooperative Extension was suggested as a resource for such specialists. Other participants noted that the Cooperative Extension is likely to have funding cutbacks in the next two years, and that it may not have the resources to aid in the certification work. The Natural Resources Conservation Service (NRCS) could be another option.
- Participants noted that a single regulatory standard for fertilizer rates for all crops is not feasible, as different crops require different amounts. Additional research is needed to determine all the correct crop-specific nutrient budgets.
- A participant asked if growers in this program would switch between tiers depending on annual changes in practices. For example, if a grower uses Lorsban (pesticide containing chlorpyrifos) one time in a year but normally never uses it, would they automatically move from tier 1 to tier 2?

Workgroup Approval of Range of Alternatives

Mr. Ceppos asked the group if there are any ILRP alternatives not represented in the current Alternatives Document, and whether the existing range adequately addresses all the ideas needed for analysis in the EIR. Meeting participants generally agreed that the correct range of ideas has been captured. Additional work will be needed to clarify the Alternatives Document into a format such that each alternative can be analyzed by the Workgroup. The components of an

acceptable ILRP are contained within the document, but will need to be reworded and reorganized in its next iteration. One suggestion was made that the final groundwater alternative should cover all groundwater contamination sources, not just agriculture.

Mr. Karkoski remarked that the Workgroup has accomplished much of what it can do as a committee. Staff will work through the comments and information received and revise the alternatives. Staff anticipates that the next iteration will include five or six distinct programmatic alternatives that include both a surface and groundwater component.

Meeting Adjourned.

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Attachment A: 19 May 2009 Long-term ILRP Meeting Attendees

Adam Laputz	Central Valley Regional Water Quality Control Board (CVRWQCB)
Amrith Gunasekara	CA Department of Food and Agriculture
Bill Thomas	Southern San Joaquin Water Quality Coalition
Bob Rolan	Madera County Agricultural Commissioner
Bruce Houdesheldt	Sacramento Valley Water Quality Coalition/Northern CA Water Association
Carol Dobbas	Upper Feather River Watershed Group
Carolyn Yale	U.S. Environmental Protection Agency
Chad Dibble	Department of Fish and Game
Chris Valadez	California Grape and Tree Fruit League
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)
Dave Whitmer	Napa County Agricultural Commissioner
David Cory	Westside San Joaquin River Watershed Coalition
David Nesmith	Environmental Water Caucus
Dennis Heiman	CVRWQCB
Emel Wadhvani	State Water Resources Control Board
Gabriel Ludwig	Almond Board
Gail Delihant	WG
Jeff Pylman	Nevada County Agricultural Commissioner
Jodi Pontureri	State Water Resources Control Board
Joe DiGiorgio	Eco:Logic Engineering
Joe Karkoski	CVRWQCB
John Sanders	Department of Pesticide Regulation (DPR)
Jovita Pajarillo	USEPA
Justin Oldfield	CA Cattlemens' Association
Kari Fisher	CA Farm Bureau Federation
Kirk Schmidt	CCWQP
Kirk Taylor	El Dorado County
Laurel Firestone	Community Water Center
Lisa Ross	DPR
Luana Kiger	US Department of Agriculture, Natural Resource Conservation Service
Martha Guzman	CA Rural Legal Assistance Foundation

Mike Niemi	Modesto Irrigation District
Mike Wackman	San Joaquin County and Delta Water Quality Coalition
Morgan Johnson	ENGEO
Nasser Dean	Western Plant Health Association
Nick Konovaloff	Regional Council of Rural Communities
Orvil McKinnis	Westlands Water District
Parry Klassen	East San Joaquin Water Quality Coalition
Paul Martin	Western United Dairymen
Robert Nees	Turlock Irrigation District
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
Tom Aguilar	Placer-Nevada-South Sutter-North Sacramento Subwatershed Group
Wes Sander	Capital Press

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