

SOUTHERN SAN JOAQUIN ALTERNATIVE

SURFACE WATER

This alternative would require that growers, wetlands managers, nursery owners, and irrigation districts (hereafter referred to as growers) comply with applicable water quality standards (e.g., chemical, bacterial, salt standards), protect beneficial uses (e.g., aquatic life, drinking water) and prevent nuisance.

The program would involve surface water from irrigation discharge and storm water discharge from irrigated ag lands, managed wetlands and the subsurface tiles drainage which collect surface water. (Same as the existing waiver).

The surface water program will focus 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.

This alternative would be based on watershed monitoring to determine whether operations are causing water quality problems in waters of the state. Monitoring shall 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. Where monitoring indicates a problem, third-party groups and growers would be required to implement management measures to address the problem.

The implementation mechanism 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.

GROUNDWATER

The groundwater component would have two alternative methods of compliance. One for qualifying local groundwater plans or, if there is no such local program, by individual/coalition approaches.

1. Areas with Qualified Local Groundwater Plans.

The California Water Code section 10750, et seq., requires groundwater is to be generally controlled at the local level, and many such programs are presently in place or being considered. Assembly Bills 255, 3030 and 1938 which were codified authorized local agencies within groundwater basins to prepare and adopt groundwater management plans with the following components directed to preserve water quality:

1. Control of saline water.
2. Identification and management of wellhead protection areas and recharge areas.

3. Regulation of the migration of contaminated groundwater.
4. Administration of well abandonment programs.
5. Monitoring of groundwater levels and storage.
6. Identification of well construction policies.
7. Construction and operation of groundwater contamination cleanup, recharge, storage, conservation, water recycling, and extraction projects.
8. Review of land use plans and coordination with land use planning agencies to assess activities that create a reasonable risk of groundwater contamination.
9. Development of relationships with state and federal regulatory agencies.

These programs require stakeholder involvement and groundwater monitoring and management. SB 1938 expressly requires development of basin management objectives, through a public process, with stakeholder input, that address groundwater quantity, quality, subsidence and relationships with surface flows. SB 1938 programs must contain monitoring designed to detect changes in these factors in order to assess the objectives established in the plan.

In addition to these local groundwater management plans, the California Department of Pesticide Regulation (DPR) regulates the use of pesticides which may be found in or constitute risk to groundwater (Groundwater Protection Program). DPR's Groundwater Protection Program requires that growers implement management measures to prevent pesticides from moving to groundwater. DPR also conducts monitoring for pesticides to evaluate management measures and overall program effectiveness.

Local groundwater quality programs would be reviewed and approved by the Central Valley Water Board. Such approved groups would:

- Interact between the Central Valley Regional Water Board and member growers.
- Coordinate required monitoring/reporting.
- Organize and provide water quality education.
- Develop water quality management plans where monitoring results indicate exceedances of applicable water quality objectives.

The role for the Regional Board where there are qualified local groundwater programs would be to provide coordination, cooperation and enforcement where needed.

To qualify under this alternative, a Water Code section 10750 local groundwater management plan would be required to contain the following elements:

- Program goals must be consistent with Basin Plan water quality objectives for

groundwater,

- Monitoring for groundwater quality. At a minimum, monitoring would test for and report on nitrates and salts. The Central Valley Water Board would coordinate with other agencies that collect groundwater monitoring data to gather data and provide a report that would summarize groundwater nitrate, salts, pathogens, and pesticides in agricultural areas throughout the Central Valley. These agencies would include: California Department of Water Resources, United State Geological Survey, water districts, California Department of Pesticide Regulation, and California State Water Resources Control Board.
- Reporting of monitoring results in an aggregated manner,
- Evaluation of effectiveness of existing groundwater management policies, and
- Ability to amend the plan if objectives are not being met.

Under this alternative, the Central Valley Water Board would be responsible for publishing a report every 5 years summarizing data collected, any findings regarding groundwater quality and beneficial uses, and a review of groundwater studies conducted in agricultural areas.

2. For Areas with No Qualified Local Groundwater Plan

Program Organization

The Regional Water Quality Control Board (RWQCB) adopt a groundwater quality management program that allows a third-party entity (3rd Party) to develop groundwater quality management plans (GQMPs) for groundwater management areas (GMAs). GQMPs prepared pursuant to this option would be submitted to the RWQCB for review and comment. Implementation of the GQMPs would occur in cooperation with county agricultural commissioners (CACs), local water districts, the Natural Resources Conservation Service (NRCS), the University of California Cooperative Extension, and/or other cooperating agencies/entities.

The RWQCB will allow 5 years for areas to develop local groundwater programs per CWC § 10750 or to develop a GQMP for a GMA for submittal to the RWQCB. During this time there could be milestones to ensure that progress towards development of such plans is being made by the 3rd Party. Such milestones could include:

- Letter of Intent from 3rd Party indicating that a local groundwater program or GQMP will be prepared for the GMA – due approximately 6 months after the RWQCB adopts the LTP;
- Workplan for development of a local groundwater program or GQMP – due approximately 6 months after submittal of the Letter of Intent;

- Implementation of the workplan should begin two months after the workplan is approved by the RWQCB Executive Officer (EO);
- Annual progress reports submitted until the local groundwater program or GQMP is adopted or submitted;
- Submittal of local groundwater plan or GQMP to RWQCB 2 years after implementation of the GQMP workplan begins;
- Implementation of GQMP to begin two months after the GQMP is approved by the EO or the local groundwater program is adopted and approved as qualified by the Regional Board.

Content of GQMPs

GQMPs should be based on available groundwater data. 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 or non-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 GQMP:

- Shall identify areas and constituents of concern based on available data from existing groundwater management programs, including but not limited to: GAMA, USGS, irrigation districts, 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 include a monitoring and reporting program.
- Submission of an annual report on water quality, but not the volume of groundwater pumped or used by growers.

Determination of Compliance

Growers within either qualifying approach shall thus be presumed to be in compliance

with the LTP. The RWQCB retains all of its authority to lawfully respond to any party discharging to waters of the state.

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.).