

**Staff Report in Support of a Basin Plan Amendment to
the Colorado River Basin Region Water Quality
Control Plan to Standardize and Clarify Imperial
Valley Sediment TMDL Implementation Requirements
– Alamo River, New River, and Imperial Valley Drains**

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Colorado River Basin Region
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INTRODUCTION

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) is charged by the California Water Code (CWC) with protecting the quality of ground and surface waters of the State within the region. The Regional Board adopted a water quality control plan (Basin Plan) pursuant to guidelines established by the State Water Resources Control Board (SWRCB, CWC § 13222).

A Basin Plan is a regulatory instrument that designates beneficial uses for water bodies within the region, establishes water quality objectives, and develops implementation plans to protect those beneficial uses. Regional Boards are empowered to develop and amend Basin Plans as necessary to protect the waters of the region (CWC § 13225 and § 13240).

The Regional Board adopted Basin Plan amendments establishing Silt TMDLs for the Alamo River, New River, and Imperial Valley Drains on June 27, 2001, June 26, 2002, and January 19, 2005, respectively. Each of the TMDLs establishes a different deadline for Imperial Valley farmers/growers to submit sediment control plans. The proposed amendment will establish a single deadline for submittal of the reports for all three TMDLs and clarify existing monitoring and reporting requirements for responsible parties.

PROPOSED AMENDMENT

The Basin Plan amendment to standardize and clarify Imperial Valley sediment Total Maximum Daily Load (TMDL) implementation requirements will amend “Chapter 4. Section IV.E” of the Colorado River Basin Region Water Quality Control Plan. The proposed amendment is necessary because Regional Board action is required to change the schedules of the New River and Imperial Valley Drains filing deadlines.

The proposed amendment will create one standard implementation schedule for the Imperial Valley sedimentation/siltation TMDLs that is easier to comply with and enforce. The proposed amendment will clarify minimum monitoring and reporting requirements of responsible parties.

Upon consultation with stakeholders and responsible parties, staff proposes to use the Alamo River TMDL schedule for submitting annual (or semi-annual when required) reports to the Regional Board as the standard filing date. The responsible parties are currently in compliance with this implementation schedule and are also using this schedule to report implementation milestones for the other two TMDLs (New River TMDL and Imperial Valley Drains TMDL).

Inconsistencies in monitoring and reporting by responsible parties during the early phases of implementation of the Imperial Valley Sedimentation/Siltation TMDLs created delays in achieving implementation milestones. A considerable amount of staff time was spent meeting with stakeholders to correct errors and decipher reporting inconsistencies. The proposed Basin Plan amendment adds clarification to minimum monitoring and reporting requirements of responsible parties to standardize and clarify the monitoring and reporting process.

The proposed Basin Plan amendment was developed in accordance with Water Code Section 13240 et seq. and is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations section 15061(b)(3).

BACKGROUND - SEDIMENT TMDL IMPLEMENTATION PLANS

Compliance with TMDL implementation plans by responsible parties will be based on meeting the load allocation (annual average), derived from the numeric target. Compliance will not be based on the numeric target itself. (A TMDL's numeric target is an interpretation of existing water quality standards, but is not a water quality standard itself.)

The Implementation Plan Schedule in this proposed amendment applies to the Alamo River, New River, and all Imperial Valley drains that empty directly into the Salton Sea and shall be effective upon approval by the Office of Administrative Law (OAL).

A. Responsible Parties

All waste dischargers are responsible for their waste quality and for ensuring that discharges do not adversely impact beneficial uses of waters of the State. For all three Imperial Valley Sedimentation/Siltation TMDLs, dischargers include the Imperial Irrigation District, farm landowners, renters/lessees, and operators/growers discharging or potentially discharging wastes into waters of the State.

IMPERIAL IRRIGATION DISTRICT

Imperial Irrigation District (IID) is the largest stakeholder within the project area. IID operates and maintains irrigation canals and agricultural drains. IID is also a farmland owner in the Imperial Valley.

FARM LANDOWNERS, RENTERS/LESSEES, AND OPERATORS/GROWERS

Landowners have discretionary control of their land and therefore have ultimate responsibility to control practices on their lands. Renters/lessees and operators/growers also have responsibility for pollution control as they have day-to-day control of farming operations. Operators/growers are defined as IID agricultural water account holders who purchase water from IID to irrigate farmland and, as a result, are likely to discharge waste into waters of the State.

B. Nonpoint Source Management Plan to Achieve TMDL Compliance

TMDL implementation involves compliance with the State's Nonpoint Source Management Plan (State Water Resources Control Board 2004). Currently, responsible parties who comply with requirements of the Imperial Valley sediment/siltation TMDLs implementation plans are not required to re-submit reports, workplans, or other information already submitted to the Regional Board. Stakeholders who are subject to multiple TMDLs are encouraged, but not required, to combine submissions so that a single report or workplan satisfies the requirements of all applicable TMDLs. Early implementation of actions have been welcomed by the Regional Board to simplify existing timelines. The proposed amendment standardizes implementation schedules for all silt TMDLs for the Imperial Valley.

A sediment control program may be submitted by an individual farm landowner, renter/lessee, and/or operator/grower (Individual Program), or by a group of farm landowners, renters/lessees, and/or operators/growers (Group Program). In either case (whether a Group or Individual Plan), the Sediment Control Program must, at a minimum, address the following issues:

1. Name of farm landowner, business address, mailing address, and phone number
2. Name of farm operator/grower, business address, mailing address, and phone number
3. Problem assessment, including site conditions(s), site location by the irrigation canal, gate, and gate number which serves the farmed field, crop(s), potential or current NPS problems, problem severity, and problem frequency
4. Statement of goals (measurable outcomes or products)
5. Existing and/or alternative sediment management practices (technical/economic feasibility, desired outcome, etc.)
6. Timetable for implementation of management practices (measured in either water quality improvement or level of implementation)
7. Monitoring to demonstrate progress toward goals and effectiveness of management decisions. Monitoring, at a minimum, shall include the following reports submitted to the Regional Board's Executive Officer:
 - a. Turbidity (or TSS) data report to measure the quality of tailwater leaving a field before it is discharged into receiving waters. Sampling frequency shall be such that it is representative of typical cropping patterns and provides statistical significance;
 - b. Report to document which MPs are being implemented by farmers; and
 - c. Report to illustrate success of MPs (e.g., comparison of tailwater quality turbidity or TSS results of before and after implementation of MPs)
8. Mechanism for reporting planned and completed implementation actions to the Regional Board.

A Group Program must provide information on a drain- or drained basis regarding which responsible parties are enrolled in the program. Additionally, a group may provide a single monitoring and reporting plan as long as results are representative of the efficiency of the group's various control practices, in order to measure overall water quality improvements.

Reported MP implementation is submitted to the Regional Board under penalty of perjury.

At the request of responsible parties or groups furnishing a program, program portions that might disclose trade secrets shall not be made available for public inspection, but shall be made available to governmental agencies for use in determining further studies (California Water Code Section 13267(b)(2)). These program portions shall be available for use by the Regional Board or any state agency in judicial review or enforcement proceedings involving the person or group that furnished the report.

SUMMARY AND RECOMMENDATIONS

The proposed amendment will amend “Chapter 4. Section IV.E” of the Basin Plan and will eliminate three silt TMDL implementation schedules to create one standard schedule which is more easy to comply with and enforce.

The proposed Basin Plan amendment establishes a standard sediment TMDL implementation schedule for the Alamo River, New River, and all Imperial Valley Drains which discharge to the Salton Sea. It also clarifies TMDL implementation plan responsible parties minimum reporting requirements. The proposed Basin Plan amendment was developed in accordance with Water Code Section 13240 et seq. and is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations section 15061(b)(3).

Staff recommends the Board adopt Resolution No. R7-2005-0100 and the proposed Basin Plan amendment. Staff will continue to work with Imperial Valley responsible parties to ensure successful development and implementation of TMDLs for the Valley.