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Subject: Notice of Applicability
Date: Friday, January 11, 2013 1:48:40 PM
Attachments: [2013-0111 ESJWOC NOA.PDF](#)

Parry:

See attached Notice of Applicability issued to the East San Joaquin Water Quality Coalition to serve as the third-party under General Order R5-2012-0116.

Adam Laputz
Central Valley Water Board
(916) 464-4848

Central Valley Regional Water Quality Control Board

11 January 2013

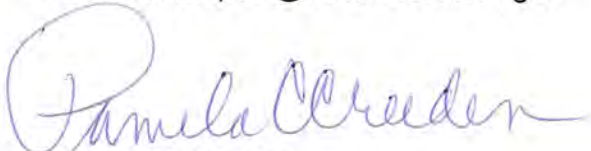
Mr. Parry Klassen
Executive Director
East San Joaquin Water Quality Coalition
1201 L Street
Modesto, CA 95354

NOTICE OF APPLICABILITY ISSUED TO THE EAST SAN JOAQUIN WATER QUALITY COALITION (COALITION) TO SERVE AS THE THIRD-PARTY UNDER GENERAL ORDER R5-2012-0116

Thank you for submitting your 14 December 2012 request to be the third-party entity to represent owners and operators of irrigated lands within the Eastern San Joaquin River Watershed subject to General Order R5-2012-0116. Based on staff review of your application and the Coalition's record of representing growers under the Coalition Group Conditional Waiver, your Coalition meets the requirements of the General Order to serve as the third-party entity. This letter serves as the Notice of Applicability and my approval of the East San Joaquin Water Quality Coalition to serve as the third-party entity under General Order R5-2012-0116.

We have been very pleased with the Coalition's efforts to assist its members in meeting the requirements of the Conditional Waiver. We believe your Coalition is well suited to meet the requirements of the third-party and assist your members in complying with the General Order. We look forward to a productive working relationship as we work with you and your members to protect water quality in the Eastern San Joaquin River Watershed.

If you have questions regarding this letter, please contact Adam Laputz at (916) 464-4848, or by e-mail at awlaputz@waterboards.ca.gov.



Pamela C. Creedon
Executive Officer

Enclosures: Table of Compliance Dates Associated with Issuance of the NOA
Staff Memo: Notice of Applicability –Application to Serve as Third-Party to
Represent Growers in the Eastern San Joaquin River Watershed under Order
R5-2012-0116

COMPLIANCE DATES FOR THE THIRD-PARTY REPRESENTING GROWERS IN THE
EASTERN SAN JOAQUIN RIVER WATERSHED UNDER ORDER R5-2012-0116

Compliance dates associated with the Notice of Applicability (NOA) issued to the East San Joaquin Water Quality Coalition to serve as the third-party under General Order R5-2012-0116.

Due Date*	Requirements
11 February 2013	Provide a Notice of Confirmation form to Members
11 April 2013	Farm Evaluation Template
	Nitrogen Management Plan Template
	Sediment and Erosion Control Plan Template
	Outline for Groundwater Quality Assessment Report
13 May 2013	Notice of Confirmation received from current Members
	Non-enrolled dischargers apply for membership directly to the third-party
10 July 2013	Membership List
13 January 2014	Groundwater Quality Assessment Report
	Sediment Discharge and Erosion Assessment Report
	Comprehensive Groundwater Quality Management Plan
	Agreement for Management Practices Evaluation Program Group

*Based on the effective dates following the issuance of NOA as specified in the Order. The NOA issue date is 11 January 2013.

Central Valley Regional Water Quality Control Board

TO: Pamela C. Creedon
Executive Officer

THRU: Kenneth D. Landau, Assistant Executive Officer
Joe Karkoski, Supervising Water Resources Control Engineer

FROM: Adam Laputz, Senior Water Resources Control Engineer
IRRIGATED LANDS REGULATORY PROGRAM

DATE: 10 January 2013

SUBJECT: NOTICE OF APPLICABILITY – APPLICATION TO SERVE AS THIRD-PARTY
TO REPRESENT GROWERS IN THE EASTERN SAN JOAQUIN RIVER
WATERSHED UNDER ORDER R5-2012-0116

On 14 December 2012, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) received the East San Joaquin Water Quality Coalition (Coalition) application to be the third-party entity to represent growers in the Eastern San Joaquin River Watershed and fulfill the requirements and conditions of Waste Discharge Requirements General Order R5-2012-0116 (General Order), and associated Monitoring and Reporting Program (MRP) Order R5-2012-0116. The application is included as an attachment to this memo. No other applications to serve as the third-party under the General Order were received.

The application provides detailed discussion regarding the Coalition's ability and intent to fulfill the role of the third-party entity under the General Order, representing member owners and operators of irrigated lands. In considering the application, staff also considered the Coalition's performance under the Conditional Waivers (Order No. R5-2006-0053 and Order No. R5-2003-0105). Staff considered whether the Coalition has provided timely and complete reports and whether it has generally been responsive under the previous conditional waiver program. The Coalition has a proven record for timely and complete submittals and has been responsive where deficiencies have been indicated by board staff. The application demonstrates that the Coalition meets the requirements for a third-party entity under the General Order (additional discussion is provided below). On this basis, I recommend issuance of a Notice of Applicability (NOA) for the Coalition to serve as the third-party under the General Order.

Review of the Coalition's Application to serve as a Third-Party

The General Order establishes factors that the Executive Officer will consider in determining whether to approve the application (section VIII.A). These factors include the following.

1. *Ability of the third-party to carry out the identified third-party responsibilities.*
2. *Whether the third-party is a legally defined entity (i.e., non-profit corporation; local or state government; Joint Powers Authority) or has a binding agreement among multiple entities that clearly describes the mechanisms in place to ensure accountability to its members.*

3. *Whether the third-party has binding agreements with any subsidiary group (e.g., subwatershed group) to ensure any third-party responsibilities carried out by the subsidiary group, including the collection of fees, are done so transparently and with accountability to the third party. If the third-party will not rely on any subsidiary group to carry out any of its responsibilities, the third-party must state that in its application letter.*
4. *Whether the third-party has a governance structure that includes a governing board of directors composed in whole or in part of Members, or otherwise provides Members with a mechanism to direct or influence the governance of the third-party through appropriate by-laws.*

Section VIII of the General Order requires the third-party to submit the application within 30 days of the effective date of the order. The application was received on 14 December 2012, which meets this condition (General Order effective date – 7 December 2012).

1 – Ability of the third-party to carry out the identified third-party responsibilities

Section IV.C of the General Order specifies third-party responsibilities. Staff has reviewed the Coalition's application in consideration of the third-party responsibilities. A summary of the review is provided below.

Section IV.C.1, Organizational management structure

The General Order requires that the third-party provide the board with documentation of its management structure, to include responsible persons. The General Order specifies that this information be made readily available to members. The Coalition has provided documentation of its management structure and responsible persons in the application (see pages 2 and 3 of the application). The Coalition provides that its board of directors has delegated day-to-day operations, and its representation to the Central Valley Water Board to its Executive Director, Parry Klassen. Figure 1 of the application is an organizational chart of the Coalition and lists the names of the current directors and officer titles of the board of directors. The Administrative Assistant to the Executive Director will maintain records of membership, survey information, and any member information required to be submitted under the Order. The Coalition has specified that information about the board of directors will be included as part of the Coalition's summary annual report, which is sent to all members. Staff recommends that the Coalition's management structure be explicitly described in the summary annual report so that it is readily available to members.

Section IV.C.2, Annual summaries of expenditures

The third-party is required to prepare annual summaries of fees and expenditures used to implement the General Order. The expense summaries must be made readily available to members. The Coalition's application provides that the Coalition will summarize annual expenditures in the summary annual report to its members. This report will be sent to all members.

Section IV.C.3, Notice of violation notification procedures

If the third-party group receives a notice of violation (NOV) from the board: within 30 days of receipt the third-party must provide to members in the area addressed by the NOV appropriate information regarding the reason(s) for the violation. The third-party group must provide confirmation to the board of each notification and a summary of all NOVs received by the third-party group must be provided to all members annually. The Coalition's application states that it will mail or email correspondence to all members within the area affected by the NOV within 30 days of receiving the NOV from the board. Further, a summary of all notices will be included in the summary annual report mailed to all members at the end of each year.

Section IV.C.4, Track and evaluate the effectiveness of water quality management practices

The General Order requires that the third-party develop and implement plans to track and evaluate the effectiveness of management practices pursuant to approved surface and groundwater quality management plans. In the application, the Coalition provides that it has been effectively implementing management plans for surface water since 2006; which includes tracking and evaluating effectiveness of water quality management practices. Staff concurs that this is being achieved by documenting growers' current and newly implemented practices and by continued monitoring of receiving water quality. Furthermore, the Coalition intends to utilize similar problem solving strategies in development and implementation of groundwater quality management plans. The application provides that management practices will be documented and tracked in a manner consistent with the Coalition's current approach, and utilizing the farm evaluation process. In considering the Coalition's ability to carry out this requirement, staff has considered the Coalition's record for submittal and implementation of management plans. In general, the Coalition has provided management plans and reports timely, and complete. Staff has had to request additional information for clarification, but the requests have been responded to adequately and promptly.

Section IV.C.5, Provide timely and complete submittal of plans and reports

The Coalition has been representing members under the previous conditional waiver program, Order R5-2006-0053, and its precursors, since 2003 and has a solid record of producing timely, complete and technically sound plans and reports. The Coalition intends to hire additional consultants in January 2013 to assist with the development of groundwater-specific reports. As described above, staff review of the previous waiver program reports and plans submitted by the Coalition indicates that the Coalition has the ability to continue to provide complete reports in a timely manner.

Section IV.C.6, Conduct required monitoring and provide timely submittal of reports

As provided in the application, under the previous conditional waiver program, staff concurs that the Coalition monitoring reports conform to quality assurance/quality control requirements and have been submitted in a timely manner and assessed as complete. The Coalition intends to seek assistance from other qualified technical experts to assist with the newly adopted groundwater components of the Order, and will continue to conduct water quality monitoring and assessments in accordance with an approved Quality Assurance Project Plan (QAPP) and meet the monitoring requirements for both surface and groundwater monitoring as described in General Order.

Section IV.C.7, Inform members of the General Order's requirements

The General Order requires that the third-party inform members of the new requirements within 30 days of receipt of the NOA from the board. In the application, the Coalition proposes a process to achieve this goal. The process includes that the Coalition will develop a notice of confirmation (NOC) form to be mailed to all current members and new members requesting to join the Coalition. The Coalition specifies that the NOC will include a fact sheet describing the General Order's requirements.

Section IV.C.8, Conduct education and outreach activities

In its application, the Coalition specifies that it currently performs education and outreach to growers through annual grower meetings, commodity group meetings and individual on-farm meetings. Many meetings provide continuing education credits. The Coalition documents member attendance at meetings and documents outreach and education events in reports to the board. The Coalition also works with CURES and commodity groups to create, publish, and

distribute management practice booklets to members. The Coalition maintains a website for members that allows access to management practice information and presents the information at the annual grower meetings. The Coalition intends to continue posting meeting agendas, slide shows and handouts on their webpage for members to review and download. Growers are asked to sign in when attending large meetings and this information is added to a member database maintained by the Coalition. Individual grower meetings are documented in a management practice survey database that records member information, the date of the meeting, and survey results. The Coalition will continue to work with growers to ensure effective outreach and education and will provide a summary of outreach/education meetings and attendees in its annual reports to the board.

Section IV.C.9, Work with the board to ensure members are addressing water quality problems

This section specifies that the third-party needs to work cooperatively with the board to ensure members are taking steps to address water quality problems and to identify members that are not in compliance with the General Order. In its application, the Coalition describes that it has successfully conveyed all information required by the previous conditional waiver program to the board in a timely manner, and, thus, the Coalition is well poised to convey all information as required by the General Order to its members. The Coalition will utilize existing member and survey databases to achieve this section's objectives. Also, the Coalition intends to implement an online system that will allow members to complete the necessary forms and document that they are fulfilling membership responsibilities through the internet. The Coalition will also provide alternative means for those that are not able to utilize online systems by mailing forms and collecting completed forms from those members. Under the previous conditional waiver program, the Coalition has worked cooperatively with the board to identify growers that require additional follow-up by the board (e.g., assistance in identification of operations that need to enroll under the program).

Section IV.C.10, Ensure activities conducted on the Coalition's behalf meet requirements

This section of the General Order requires that the Coalition take ultimate responsibility for ensuring activities conducted by other groups on behalf of the Coalition achieve the order's requirements. In its application, the Coalition provides that it engages with consultants to prepare technical reports and documents according to regulatory requirements on behalf of members and that it accepts full responsibility for all the information submitted to the board.

Section IV.C.11, Collect State Water Board fees and submit them

Under the previous conditional waiver program, the Coalition has successfully collected fees from members and submitted the fees to the State Water Board, as applicable. The Coalition has demonstrated the ability and has stated its intent to continue State Water Board fee collection under the General Order.

2 – Whether the third-party is a legally defined entity or has a binding agreement among multiple entities that clearly describes the mechanisms in place to ensure accountability to its members.

The Coalition is an established, California Nonprofit Public Benefit Corporation, which is organized as a 501(c)5. The organization has adopted by-laws and is directed by a volunteer board of directors (BOD). With respect to member rights, the Coalition is organized with voting members and non-voting members. To be a voting member, the person must own or operate irrigated cropland east of the San Joaquin River within Merced, Stanislaus, Tuolumne or Mariposa Counties, or portions of Calaveras County. Voting members must also agree to be subject to third-party water quality regulations set forth by the Central Valley Water Board. Non-voting members include any person that is interested in the purposes of the Coalition, and is

approved by the BOD. As part of the by-laws, the Coalition must have an annual meeting of members, and certain provisions of the by-laws may only be changed through the approval of voting members. Further, three of the eleven directors on the BOD must be voted on by the members themselves, while the others may be appointed. The requirement for an annual meeting with members and that three of the eleven voting directors be voted on by the members will help to ensure that the BOD is accountable to members. As noted in the application, the BOD composition described herein has not been officially approved by the Coalition. However, the Coalition indicates that the BOD has discussed the revision and expects approval at the 28 January 2013 meeting.

3 – Whether the third-party has binding agreements with any subsidiary group to ensure any third-party responsibilities carried out by the subsidiary group, including the collection of fees, are done so transparently and with accountability to the third party. If the third-party will not rely on any subsidiary group to carry out any of its responsibilities, the third-party must state that in its application letter.

The Coalition indicates in the application that it does not use other third-party groups at this time to conduct any activities on its behalf. However, if another third-party group is engaged to conduct activities, the Coalition has agreed to accept full responsibility for its actions.

4 – Whether the third-party has a governance structure that includes a governing board of directors composed in whole or in part of Members, or otherwise provides Members with a mechanism to direct or influence the governance of the third-party through appropriate by-laws.

The Coalition has described its governance structure and BOD. The BOD is composed of voting and non-voting members. As described above under number 2, the Coalition's expected revision to its by-laws will require that three of the eleven voting directors be elected by Coalition members. This will provide members with a mechanism to influence the governance of the third-party.

cc: Susan Fregien, Central Valley Water Board

December 14, 2012

Pamela Creedon
Irrigated Lands Regulatory Program
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Re: *Notice of Applicability (NOA) – Third-party application for Waste Discharge Requirements General Order R5-2012-0116 for Growers in the Eastern San Joaquin River Watershed*

Dear Ms. Creedon:

The East San Joaquin Water Quality Coalition (ESJWQC) is submitting a Notice of Applicability (NOA) to be the third-party entity to represent growers in the Eastern San Joaquin River Watershed and fulfill the requirements and conditions of the Waste Discharge Requirements General Order R5-2012-0116 (General Order), and associated Monitoring and Reporting Program Order R5-2012-0116.

Since 2003, the ESJWQC has been the third party group representing growers within this area during the interim irrigated lands regulatory program, Order R5-2006-0053. The ESJWQC has the ability to carry out the third-party responsibilities as listed in the Order and restated below.

- 1) Provide the Central Valley Water Board documentation of its organizational management structure. The documentation shall identify persons responsible for ensuring that program requirements are fulfilled. The documentation shall be made readily available to Members. Indicate how Members have the ability to direct or influence the governance of the third-party through the by-laws.***

The ESJWQC is an established, California Nonprofit Public Benefit Corporation, which is organized as a 501(c)5. The organization has adopted by-laws and is directed by a volunteer Board of Directors (BOD). The BOD composition, pursuant to our by-laws, generally consists of growers that would be members under the terms of the General Order, and others that are directly involved with agriculture (e.g., representatives from County Farm Bureaus). Pursuant to our by-laws, to be a director, an individual must be dedicated to the purposes of the corporation. The corporation's primary purposes include, but are not limited to, the support of research on farming practices, monitoring of local waterways and groundwater, and stewardship of the environment. Directors are either elected from the membership directly, or appointed by the BOD. There are 11 director positions. The BOD has worked diligently since 2003 to ensure compliance with the Irrigated Lands Regulatory Program under the terms of the Conditional Waiver.

The ESJWQC BOD has delegated its day-to-day operations, and its representation to the Central Valley Water Board to its Executive Director, Parry Klassen. There will be no subsidiary groups to carry out any of the responsibilities of the ESJWQC under this Order. Figure 1 is an organizational chart of the ESJWQC and lists the names of the current directors and officer titles of the BOD. The Administrative Assistant to the Executive Director will maintain records of membership, survey information, and any member information required to be submitted under the Order.

With respect to member rights, the ESJWQC is organized with voting members and non-voting members. To be a voting member, the person must own or operate irrigated cropland east of the San Joaquin River within Merced, Stanislaus, Tuolumne or Mariposa Counties, or portions of Calaveras County. Voting members must also agree to be subject to third-party water quality regulations set forth by the Central Valley Water Board. Non-voting members include any person that is interested in the purposes of the ESJWQC, and is approved by the Board. As part of the by-laws, the ESJWQC must have an annual meeting of Members, and certain provisions of the by-laws may only be changed through the approval of voting members. Further, three of the directors on the BOD must be voted on by the members themselves, while the others may be appointed by the BOD.¹

¹ The ESJWQC is in the process of revising its by-laws. The BOD composition described herein will be voted on by the BOD on January 28, 2013. The BOD has already discussed such revisions and is in agreement so the action on January 28, 2013 is expected to be a routine matter.

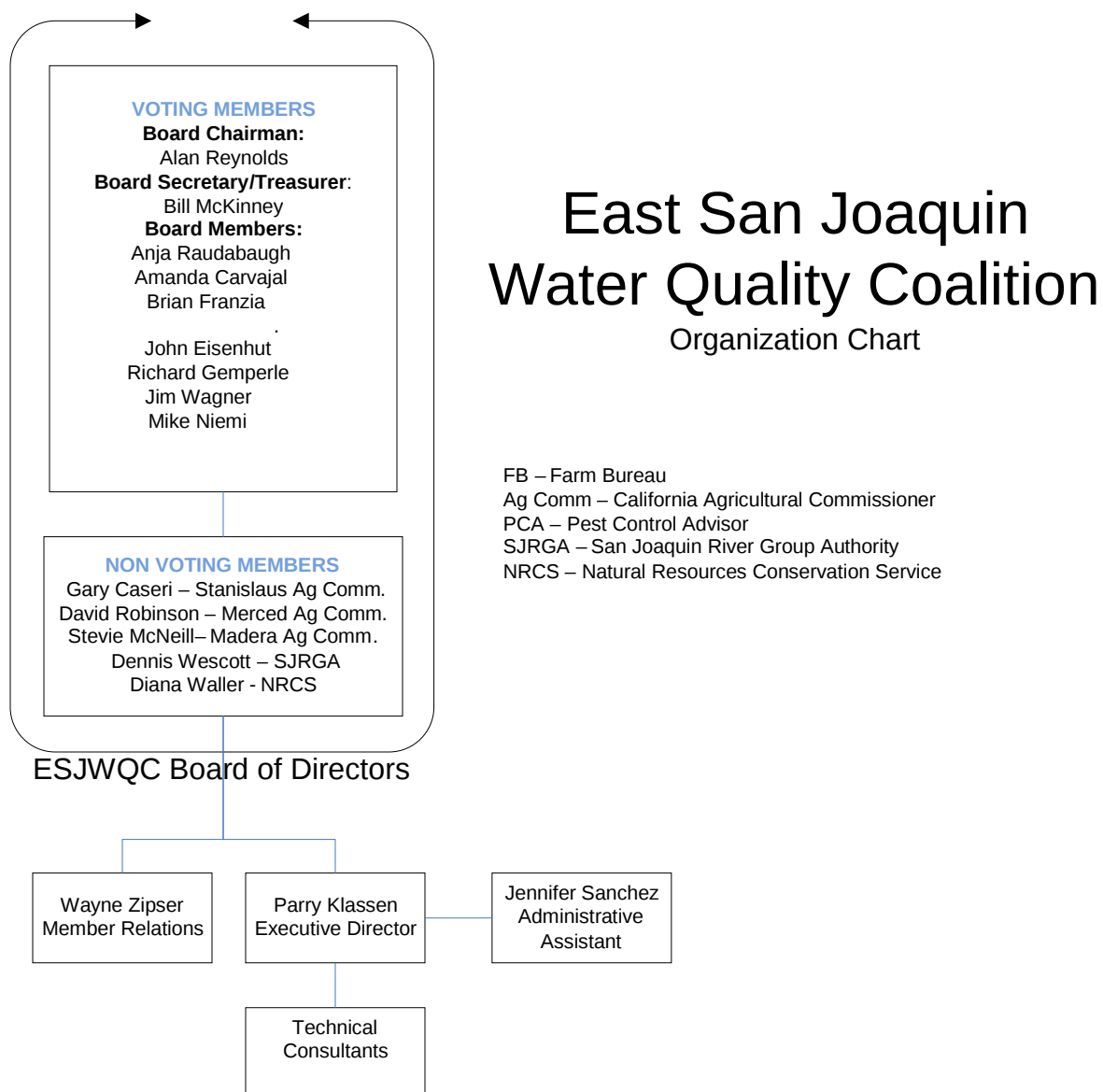


Figure 1. East San Joaquin Water Quality Coalition Organization as of January 2013.

2) Prepare annual summaries of expenditures of fees and revenue used to comply with this Order. The summaries shall be provided to or made readily available to Members.

The ESJWQC summarizes its annual expenditures in the Summary Annual Report mailed to all members at the end of the year. The annual member report includes the following sections: a year in review, steps of the management plan, management practices charts, member policy, coalition overview including membership numbers,

boundaries, structure, Board of Directors, goals, State Board fee assessments, member outreach materials, water monitoring program overview, statement of financial activities, current monitoring and reporting program plan, subwatershed maps, and water quality exceedances by subwatershed. Financial expenditures are discussed at BOD meetings and are available to members at any time upon requested.

- 3) If the third-party group receives a notice of violation (NOV) from the Central Valley Water Board, the third-party must provide to Members in the area addressed by the NOV appropriate information regarding the reason(s) for the violation. The notification must be provided to all Members within the area affected by the NOV within thirty (30) days of receiving the NOV from the board. The third-party group must provide confirmation to the board of each notification. A summary of all notices of violation received by the third-party group must be provided to all Members annually.***

The ESJWQC agrees that it will mail or email correspondence to all members within the area affected by the NOV within 30 days of receiving the NOV from the Regional Board. Further, a summary of all notices will be included in the Summary Annual Report mailed to all members at the end of each year.

- 4) Develop and implement plans to track and evaluate the effectiveness of water quality management practices, pursuant to approved Surface Water Quality Management Plans and Groundwater Quality Management Plans.***

The ESJWQC developed and implemented between 2006 and the present, Management Plans designed to track and evaluate the implementation of management practices whose goal is reducing discharges that impair surface water quality. The ESJWQC has been effectively implementing Management Plans since 2006 in compliance with the Irrigated Lands Regulatory Program, which includes: 1) conducting additional Management Plan Monitoring, 2) additional outreach and education to targeted growers, 3) documenting current and newly implemented management practices, and 4) conducting annual evaluations of the effectiveness of management practices in the annual Management Plan Update Report. The ESJWQC Management Plan developed under Order R5-2006-0053 will become the Comprehensive Surface Water Quality Management Plan under this Order and will be updated annually.

The ESJWQC plans to create a Comprehensive Groundwater Quality Management Plan (GQMP) in accordance with the terms of the Order.. The GQMP will utilize information developed in the Groundwater Assessment Report and will be based on GQMP requirements as listed in Appendix MRP-1 of the Order. The GQMP strategy will be similar to the SQMP strategy where the Coalition will focus on surveying grower's

current management practices, and discussing management practices that should be implemented to protect groundwater beneficial uses. Management practices will be documented and tracked in a manner that is consistent with our current approach, and utilizing the Farm Evaluation process that is in the Order.. The ESJWQC expects to report on survey results in a manner similar to current surface water monitoring and reporting program. GQMP monitoring will be designed to indicate adequate progress in achieving improvement in groundwater quality.

5) Provide timely and complete submittal of any plans or reports required by this Order.

The ESJWQC has been representing members of this region under Order R5-2006-0053, and its precursors, since 2003 and has a solid record of producing timely, complete and technically sound plans and reports. Additional consultants will be hired in January 2013 to assist the ESJWQC with the development of groundwater specific reports. The ESJWQC and its technical consultants will be responsible for the reporting requirements in Attachment B of the Order including:

- a. Monitoring Plan Update (surface water)
- b. Groundwater Assessment Report (groundwater)
- c. Management Practice Evaluation Program Reports (groundwater)
- d. Management Practices Evaluation Workplan (groundwater)
- e. Third Party Monitoring Reports
 - i. Quarterly submittals of surface water monitoring results
 - ii. Annual groundwater monitoring results
 - iii. Monitoring report
 - iv. Surface water exceedances reports
- f. Templates
- g. Sediment Discharge and Erosion Assessment Report
- h. Water Quality Triggers for Development of Management Plans
- i. Quality Assurance Project Plan

The ESJWQC will develop templates including the Farm Evaluation Template, the Nitrogen Management Plan Template and the Sediment and Erosion Control Plan Template. The development will be coordinated with other Central Valley third-parties, commodity groups and the Regional Board.

6) Conduct required water quality monitoring and assessments in conformance with quality assurance/quality control requirements. Provide timely and complete submittal of any reports required by this Order.

The ESJWQC has relied on the technical services of MLJ-LLC since 2004 to prepare plans and conduct scientifically defensible surface water monitoring and assessments to

evaluate the impact on beneficial uses of surface water discharge from irrigated agriculture. The ESJWQC expects to continue to rely on the services of MLJ-LLC in the future. Monitoring reports submitted by the ESJWQC conform to quality assurance/quality control requirements and have been submitted in a timely manner and assessed as complete. The ESJWQC intends to seek assistance from other qualified technical experts to assist with the newly adopted groundwater components of the Order, and will continue to commit to conducting water quality monitoring and assessments in accordance with an approved QAPP and meeting the monitoring requirements for both surface and groundwater monitoring as described in Appendix B of the Order.

7) Within 30 days of receiving an NOA from the Central Valley Water Board (as described in section VIII.A), inform Members of this Order's requirements by providing a notice of confirmation form to be completed by each Member.

The ESJWQC will create a Notice of Confirmation (NOC) form that will be completed and returned by each Member to ensure continued good standing. The NOC form will be mailed to all current members and any additional members requesting to join during the 120 days after the acceptance of this NOA. Included with the NOC form will be a fact sheet with Member and third-party responsibilities as well as information on how to access the approved Order and supporting documentation. The NOC will include whether or not the enrolled Member is the responsible party for the land enrolled and if not, will require that the Member certifies that they have informed the responsible non-Member party (e.g. landowner) in a written form of the requirements outlined in the Order. The completed NOC will also list the name and contact information of any lessee that is leasing the property. Returned NOCs will be filed and recorded in the ESJWQC Member Database. The Membership (Participant) List will be submitted to the Regional Board within 180-days of the approval of this NOA and will identify Members, growers that have had their membership revoked and Members that are pending revocations as required in Section VIII.B of the Order.

8) Conduct education and outreach activities to inform Members of program requirements and water quality problems, including exceedances of water quality objectives or degradation of water quality, identified by the third-party or Central Valley Water Board. The third-party shall:

- a. Maintain attendance lists for outreach events, provide Members with information on water quality management practices that will address water quality problems and minimize the discharge of wastes from irrigated lands, and provide informational materials on potential environmental impacts of***

water quality management practices to the extent known by the third-party group.

- b. Provide an annual summary of education and outreach activities to the Central Valley Water Board. The annual summary shall include copies of the educational and management practice information provided to the growers. The annual summary must report the total number of growers who attended the outreach events and describe how growers could obtain copies of the materials presented at these events.*

The ESJWQC performs education and outreach to growers through annual grower meetings, commodity group meetings and individual on-farm meetings. Many ESJ meetings provide continuing education credits. The ESJWQC documents member attendance at meetings and documents outreach and education events in reports to the Regional Board. The ESJWQC works with CURES and commodity groups to create, publish, and distribute management practice booklets to members. The ESJWQC maintains a website for members that allows access to management practice information and the ESJWQC also presents this information at the Annual Grower Meetings. The ESJWQC will continue to post meeting agendas, slide shows and handouts on their webpage for members to review and download. Growers are asked to sign in when attending large meetings and this information is added to a member database maintained by the ESJWQC. Individual grower meetings are documented in a management practice survey database that records member information, the date of the meeting, and survey results.

The ESJWQC also utilizes meetings to survey its members using Turning Point Technology hand held devices. Questions are posed to the attendees through a Power Point slide, the attendees with hand held devices select the number of the answer they choose and the next slide presents the results in a real time fashion. The information can be tied to the person providing the answer. This tool allows the ESJWQC to receive real time feedback on a number of questions ranging from how the ESJWQC is spending grower dues, to what new management practices are being implemented, to whether or not the length of a meeting is appropriate. The ESJWQC will continue to work with growers to ensure effective outreach and education. The ESJWQC will provide a summary of outreach/education meetings and attendees in its annual reports to the Regional Board.

- 9) Work cooperatively with the Central Valley Water Board to ensure all Members are providing required information and taking necessary steps to address exceedances or degradation identified by the third-party or board. As part of the Membership List submittal, identify the growers who have: (1) failed to implement improved water*

quality management practices within the timeframe specified by an applicable SQMP/GQMP; (2) failed to respond to an information request associated with any applicable SQMP/GQMP or other provisions of this Order; (3) failed to participate in third-party studies for which the third-party is the lead; (4) failed to provide confirmation of participation in an outreach event (per section IV.B.4 of this Order); or (5) failed to submit required fees to the third-party.

The ESJWQC has successfully conveyed all information required by the Conditional Waiver to the Regional Board in a timely manner, and, thus, the ESJWQC is well poised to convey all information as required by the Order to its members. The ESJWQC maintains Member and Survey Databases that include all of the information in items 1-3, and 5 above. The appropriate database will be expanded to incorporate the information necessary to comply with item 4 above. The ESJWQC will implement an online system that will allow members to complete the necessary forms and document that they are fulfilling membership responsibilities through the internet. The ESJWQC will also provide for alternatives means for those that are not able to utilize online systems by mailing forms and collecting completed forms from those members.

10) Ensure that any activities conducted on behalf of the third-party by other groups meet the requirements of this Order. The third-party is responsible for any activities conducted on its behalf.

The ESJWQC engages consultants to prepare technical reports and documents on behalf of the members. The ESJWQC accepts full responsibility for all information submitted to the Regional Board. The ESJWQC does not use other third-party groups at this time to conduct any activities on its behalf. However, if another third-party group is engaged to conduct activities, the ESJWQC will accept full responsibility for its actions.

11) Collect any fees from Members required by the State Water Board pursuant to the fee schedule contained in Title 23 CCR. Such fees shall then be submitted to the State Water Board.

The ESJWQC collects member dues from its members that include a per grower administrative fee, fees as required by the State Water Board and fees set at on a per acre that are necessary to conduct the activities as required by the Order. The ESJWQC has successfully submitted member fees to the State Water Board since such a fee was required to do so, and intends to continue to do so under the new Order.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations.

Submitted respectfully,

A handwritten signature in black ink, appearing to be 'P. Klassen', with a stylized, sweeping flourish extending from the end.

Parry Klassen
Executive Director
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