

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF MAY 22-23, 2014

Prepared May 13, 2014

ITEM NUMBER: 16

SUBJECT: Irrigated Lands Regulatory Program

STAFF CONTACT: Hector Hernandez 805/542-464; hector.hernandez@waterboards.ca.gov

KEY INFORMATION:

Location: Region-Wide
Type of Discharge: Irrigated Lands Runoff and Leaching To Groundwater
Existing Orders: Order No. RB3-2012-0011 and WQ 2013-0101

THIS ACTION: **Direction on Proposed Revisions to the Monitoring and Reporting Programs, Order Nos. R3-2012-0011-01,-02, and -03, associated with the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011, Regarding Changes Related to Groundwater Sample Parameters and the Sampling Completion Deadline**

SUMMARY

This Supplemental Sheet presents Water Board staff's evaluation and recommendation concerning the Central Coast Groundwater Coalition's (CCGC) request for revisions to monitoring and reporting program Nos. R3-2012-0011-01, R3-2012-011-02, and R3-2012-0011-03 (MRPs) to 1) extend the deadline to complete the individual groundwater sampling requirements for the spring monitoring of individual wells in the southern portion of the region and 2) remove the requirement for analyzing groundwater from primary irrigation supply wells for the major ions listed in Table 3 of the MRP. Water Board staff recommends approving CCGC's request to extend the deadline for completion of the individual groundwater monitoring requirement for the southern portion, however staff does not recommend changing the MRPs to eliminate major ion analyses for primary irrigation wells. The rationale for these recommendations is included below.

DISCUSSION

Background: On September 24, 2013, the State Water Resources Control Board issued Water Quality Order 2013-0101 (State Board Order) for the Central Coast region, which allowed growers and landowners to propose new or expand existing cooperative groundwater monitoring programs by November 1, 2013. This enabled growers who had not joined a cooperative groundwater monitoring group prior to September 24, 2013 to join an approved cooperative groundwater monitoring program, provided they joined by November 1, 2013, and completed two rounds of monitoring as required under individual groundwater monitoring requirements.

Pursuant to the State Board Order, the CCGC expanded its approved cooperative groundwater monitoring program to include the southern portion of the Central Coast region (San Luis

Obispo and Santa Barbara Counties and a small portion of Ventura County). On October 14, 2014, the CCGC provided potential new members with the option of completing the remainder of their fall 2013 and spring 2014 individual monitoring for domestic and irrigation wells at an additional cost of \$1/acre.

Two hundred forty-nine growers subsequently joined the CCGC and requested the coalition perform the individual sampling for them, necessitating the sampling last fall of more than 500 domestic and irrigation supply wells in the southern portion of the region. The CCGC believes that approximately 500 wells will need to be sampled in the second (spring) round of monitoring that is required by the Order. Of these wells, CCGC indicates that approximately 45% are irrigation supply wells.

CCGC's Proposal

At a regularly scheduled discussion on March 25, 2014, CCGC staff indicated that due to constrained short-term financial considerations, they would like to request a delay in the second required monitoring for wells in the southern portion of the region. Water Board and CCGC staff discussed possible options and agreed that CCGC would submit a proposal for evaluation. On April 28, 2014, CCGC submitted a proposal (included as Attachment 1 to the original Staff Report for this item) that included requests for:

1. A 90-day extension of the deadline to complete the individual groundwater MRP requirement for the spring monitoring of individual domestic supply/primary irrigation supply wells in the southern portion of region (San Luis Obispo, Santa Barbara and small portions of Ventura counties). Specifically, CCGC requests that the spring sampling period be changed from March-June 2014 to June-August 2014.
2. Deleting the required analyses of the following monitoring parameters for the irrigation supply wells only: **total dissolved solids, total alkalinity, calcium, magnesium, sodium, potassium, sulfate, and chloride.**

The second requested change would require revisions to the Monitoring and Reporting plan Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03 (MRPs).

CCGC indicates that the additional sampling time and sampling cost savings are necessary because the number of domestic wells in the southern counties is significantly higher than CCGC estimated in 2013 and the required sampling is straining CCGC's short-term financial resources, a situation that will improve when the next dues collection cycle begins in September. CCGC also states that the proposed delay in the sampling of individual wells will not affect any of the other deliverable deadlines including the submission of the final reports for either the northern or southern portions of the region, nor will the delay in sampling prevent individuals from submitting their monitoring data as part of their eNOI data submission requirements. CCGC proposes to continue to analyze for nitrate as NO₃, pH, specific conductance, and redox potential. For domestic supply wells, the CCGC proposes to analyze for the full suite of constituents in Table 3 of the MRPs, as required by the Ag Order whenever sampling occurs. Additionally, CCGC's request does not affect the monitoring schedules in the northern portions of the CCGC region. All monitoring in the Salinas-Lockwood Valley, the Pajaro Valley, and the Gilroy-Hollister areas will be completed by September 1 2014 as originally scheduled.

Staff Responses

Time Extension Request: In response to the CCGC time extension request, Water Board staff recommends approving the request for additional time to complete groundwater monitoring for the southern portion of the region. Staff has allowed similar sampling flexibility to enrolled growers throughout the region that are required to conduct individual groundwater monitoring and reporting. Staff finds it is reasonable and appropriate to allow the CCGC additional time to complete the required sampling. An extension to the spring sampling will not delay any drinking water notifications (for unsafe nitrate concentrations in domestic wells), as fall sampling has already been completed, and any exceedences of nitrate in domestic wells have already been identified. Water Board staff has determined that a formal MRP revision is not necessary to provide a time extension to CCGC and that granting the time extension as part of an Executive Officer-signed response letter is appropriate. To date, CCGC has achieved compliance with all applicable requirements, is consistently cooperative and remains in good standing.

In addition, the Executive Officer has granted similar extension approvals for this and other regulated projects/sites which are subject to monitoring and reporting programs, without formally revising the corresponding MRPs for those sites.

Reduced Monitoring Parameters Request: Water Board staff recommends not approving CCGC's request to eliminate monitoring parameters (identified above) for the irrigation supply wells in the southern portion of the region. The supporting reasons for recommending this request not be approved are as follows:

1. In lieu of the limited well construction information (i.e., well screen location, total depth, etc.) and groundwater data, and the need to effectively characterize groundwater conditions in high risk areas, and for data comparability purposes (with other groundwater monitoring results that include these analytical parameters), the need for the ion monitoring parameters becomes increasingly important and necessary. These groundwater chemistry parameters help identify specific zones that can be correlated with vertical and horizontal locations within the aquifer. CCGC's proposal indicates that approximately 45% of all the wells sampled in the southern portion are irrigation wells and thus would not receive these supporting analyses representing a significant portion of the wells sampled. During Water Board staff conversations with CCGC, staff reiterated that any request to eliminate sampling parameters must be accompanied by appropriate technical justification to substantiate the requested change. CCGC's proposal to eliminate sampling parameters does not include adequate technical justification.
2. The CCGC's proposal does not include adequate justification to substantiate that eliminating these analyses would significantly benefit CCGC's strained financial resources. During Water Board staff conversations with CCGC staff it was made very clear that any request to eliminate sampling parameters must be substantiated by including cost/savings information (i.e., financial records), which were not provided as part of the CCGC submittal. Additionally, the cost savings provided by potentially not doing these analyses are low relative to the labor costs for sampling the wells (which will still be incurred for the other remaining analytes).
3. Water Board staff understands that CCGC has been conducting additional monitoring above and beyond the Water Board requirements (i.e., isotope, helium sampling, etc.). On numerous occasions, Water Board staff advised CCGC that while they can do additional monitoring above and beyond the Water Board's requirements, such work cannot be done in lieu of the required monitoring (September 25, 2014 and September 27, 2014 letters to CCGC), nor can requests for cost savings necessitated by cash flow or over-expenditures be considered while expenditures on such work exist. While the additional, unrequired monitoring provides useful information, it is also very expensive relative to the required

monitoring which CCGC has requested be eliminated, and may have contributed to the CCGC's short-term financial troubles.

4. Eliminating the major ions from Table 3 of the MRP conflicts with the approved Quality Assurance Project Plan (QAPP) and Sampling and Analysis Plans (SAP) and is inconsistent with what other enrolled growers are required to comply with.
5. The administrative record indicates that the MRPs associated with Agricultural Order No. R3-2012-0011, including the groundwater sampling parameters, were considered by the Regional Water Board, and petitioned and reviewed by the State Water Board. In fact, the cost of groundwater sampling was explicitly petitioned. The State Water Board reviewed the MRPs and chose not to modify the parameters. Any party that objected to the State Water Board's Order had an opportunity to petition to the courts.

These recommendations are based on Water Board staff's evaluation of CCGC's specific proposal, as well as face-to-face meetings and telephone discussions with CCGC staff concerning the proposed MRP revisions and the necessary supporting information required to consider CCGC's request.

RECOMMENDATION

Unless otherwise directed by the Water Board, the Executive Officer will issue a letter to CCGC that 1) approves the requested extension for the spring 2014 sampling event to June-August 2014, and 2) does not approve the requested reduction in groundwater monitoring parameters.

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