
Central Valley Regional Water Quality Control Board

25 April 2014

Mike Wackman, Coalition Program Manager
San Joaquin County Resource Conservation
District
3422 W. Hammer Lane, Suite A
Stockton, CA 95219

NOTICE OF APPLICABILITY ISSUED TO SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT TO SERVE AS A THIRD-PARTY UNDER GENERAL ORDER R5-2014-0029

Thank you for the 11 April 2014 application to serve as a third-party entity to represent owners and operators of irrigated lands within the San Joaquin County and Delta Area subject to General Order R5-2014-0029 (General Order). The application was submitted by the San Joaquin County and Resource Conservation District (District), which has been an umbrella organization for the irrigated lands served by the San Joaquin County and Delta Water Quality Coalition (Coalition) since 2003.

Based on the application, supplemental information submitted on 24 April 2014, the Coalition's record of representing growers and the attached review, the District meets the requirements to serve as the third-party as described in section VIII.A. of the General Order. This letter serves as the Notice of Applicability and my approval of the District to serve as the third-party group for the entire San Joaquin County and Delta area (as described in the General Order). The table included in this letter lists compliance dates associated with the issuance of this Notice of Applicability; all other compliance dates described in the General Order R5-2014-0029 apply.

In your 24 April 2014 letter, you indicated an interest in having a Reduced Monitoring/Management Practices verification option for the Amador and Alpine areas. Although this option is not currently a part of your General Order, I have instructed staff to work with you on evaluating the applicability and benefits of having such an option for your area. If such an option is appropriate, we can make the required changes to the Monitoring and Reporting Program (MRP). Please note that the MRP included in the General Order was structured to cover the whole General Order area and your coverage of the Amador and Alpine areas does not impose any new monitoring burdens.

We have been very pleased with the Coalition's efforts, and believe the District is well suited to meet the requirements of a third-party and to assist Members in complying with the General Order. We appreciate the District's commitment to make the new

program a success and look forward to working with you and the Coalition participants to protect water quality in the San Joaquin County and Delta Area. If you have questions regarding this letter, please contact Joe Karkoski at (916) 464-4668, or by e-mail at Joe.Karkoski@waterboards.ca.gov.

Original signed by:

Pamela C. Creedon
Executive Officer

Enclosures: Staff Memorandum: Review of Application to Serve as Third-Party

cc: Joe Karkoski, Central Valley Water Board
Susan Fregien, Central Valley Water Board
Chris Jimmerson, Central Valley Water Board
John Brodie, Coalition Steering Committee Chair
Jennifer Spaletta, Spaletta Law PC

Effective compliance dates associated with the 25 April 2014 Notice of Applicability (NOA) issued to the San Joaquin Resource Conservation District to serve as a third-party under General Order R5-2014-0029.

Due Date	Requirements
25 May 2014	Provide Members with a notice of requirements and Notice of Confirmation form
15 June 2014	Members to provide Notice of Confirmation to Coalition
24 July 2014	Groundwater Quality Assessment Report (GAR) outline
23 August 2014	Non-members (sign up)
25 April 2015	Management Practices Evaluation Program (MPEP) Group Agreement
	Sediment Discharge and Erosion Assessment Report
	Comprehensive Groundwater Quality Management Plan
25 April 2016	Groundwater Quality Assessment Report (GAR): Phase I
	Groundwater Quality Assessment Report (GAR): Phase 2

Central Valley Regional Water Quality Control Board

TO: Joe Karkoski
Supervising Water Resources Control Engineer
Irrigated Lands Regulatory Program

FROM: Chris Jimmerson
Environmental Scientist
MONITORING AND IMPLEMENTATION UNIT
IRRIGATED LANDS REGULATORY PROGRAM

DATE: 25 April 2014

SUBJECT: APPLICATION TO SERVE AS A THIRD-PARTY FOR THE SAN JOAQUIN
COUNTY AND DELTA AREA UNDER GENERAL ORDER R5-2014-0029

On 11 April 2014, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) received the San Joaquin County Resource Conservation District (District) application to serve as a third-party to represent growers in the San Joaquin County and Delta Area and fulfill the requirements and conditions of Waste Discharge Requirements General Order R5-2014-0029 (General Order). The District submitted a supplemental application on 24 April 2014 (the final application is enclosed with this review). No other applications to serve as the third-party under the General Order were received by the 12 April 2014 deadline.

The District has been serving as the umbrella organization for the irrigated lands served by the San Joaquin County and Delta Water Quality Coalition (Coalition) since 2003. The application discusses the District'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 evaluating the application, staff also considered the Coalition's performance under the Conditional Waiver (Order No. R5-2006-0053). The Coalition has a proven record for timely and complete submittals and has been responsive where deficiencies have been indicated by board staff. Staff recommends that a Notice of Applicability (NOA) be issued to the District to serve as the third-party under the General Order.

Section VIII of the General Order requires the third-party to submit the application within 30-days of the effective date (General Order effective date is 12 March 2014) of the order. The application was received on 11 April 2014, which meets this condition. The General Order establishes factors that the Executive Officer will consider in determining whether to approve the application (section VIII.A). The factors from the General Order and staff evaluation are below.

I. Ability of the third-party to carry out the identified third-party responsibilities.

The District proposes to cover the area as defined in the General Order for San Joaquin County and Delta Area. Based on the performance record under the Conditional Waiver, the District and the Coalition have a demonstrated ability to manage the fee collection and payment of the State Water Board fees, to conduct monitoring that conforms to quality assurance/quality control

requirements, prepare and submit timely and complete plans and reports, to provide notifications and disseminate information to members, to conduct outreach and education, to develop and implement management plans, and to work with Central Valley Water Board staff.

Below is an itemized summary of requirements identified in section IV.C. of the General Order, and a brief discussion of District's ability to carry out each of the responsibilities:

1. The General Order requires that the third-party provides the board with documentation of its organizational or management structure, and of persons responsible for ensuring that program requirements are fulfilled. The application letter provides a narrative description of the organization structure of the District. The District's Board of Directors is identified as responsible persons for ensuring that requirements associated with the Irrigated Lands Regulatory Program are fulfilled.

The District oversees and operates the Coalition. The District is a Resource Conservation District formed and empowered pursuant to California Public Resources Code Division 9, as described in its Notice of Intent. The District Board is governed by its board of directors and oversees a Steering Committee that consists of members, representatives of water districts and industry groups, and any other Coalition member that would like to be part of the Steering Committee. Some of the Board of Directors are Coalition members. The Board of Directors retains independent contractors to carry out the requirements of the General Order. Water quality issues related to agricultural drainage are discussed at the Steering Committee meetings and the Steering Committee makes recommendations which are then presented to the District's Board of Directors for final approval. Any member of the Steering Committee, or any member of the Coalition, may attend the District's board meetings. The current members of the District's Board of Directors, Associate Directors, and Coalition Contractors are listed in the application.

The Coalition plans to provide information about the Coalition, such as notice of meetings, monitoring results, recommended management practices, meeting agendas and handout materials at Steering Committee meetings, newsletters, and mass emails. Staff recommendation is that the documentation of the third-party's organizational structure, Coalition news, and responsible persons should be made available on a website. The documentation availability to Members is a requirement of the General Order.

2. The third-party is required to prepare annual summaries of fees and expenditures used to comply with the General Order. The expense summaries must be made readily available to members. The application letter states that all budgets are approved by the District and will be shared as part of monthly Steering Committee meetings and membership newsletters. The accounting will be subject to an outside annual audit as part of the District's regular audit process.
3. If the third-party group receives a notice of violation (NOV) from the board, within 30-days of the 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. A summary of all notices of violation received by the third-party group must be provided to all Members annually, as part of a written or electronic communication to Members. The application letter states that the Coalition will mail or email correspondence to all members within the area affected by the NOV within 30-days of receiving an NOV from the Central Valley Water Board. Staff

recommends that the annual NOV summary should be made available on the Coalition's website as well.

4. The General Order requires that the third-party develop and implement plans to track and evaluate the effectiveness of water quality management practices, pursuant to approved management plans. The Coalition has developed and implemented surface water Management Plans since 2004, and implemented a prioritization process for a series of High Priority management plans in specific watersheds. High Priority management plans include surveys of growers to identify cropping and current practices. According to staff review of the Coalition's Management Plan Update Reports, the Coalition has achieved a 100% return rate for surveys covering identification of management practices, and constituent-specific monitoring. The Coalition will continue to implement existing and future surface water quality management plans, and will develop the groundwater management plans pursuant to the Surface Water Quality Management Plan and Groundwater quality Management Plans. 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 with prompt responses to staff when asked to respond to any deficiencies
5. The General Order requires that the third-party provides timely and complete submittal of any required plans or reports. The Coalition has been representing members within this region under the previous orders since 2003 and has a demonstrated track record of submitting timely and complete plans and reports. The Coalition responded promptly to provide clarifications any time additional information was requested.
6. Under the Conditional Waiver (Order R5-2006-0053), the Coalition has conducted required water quality monitoring and assessments in conformance with quality assurance/quality control requirements. The application letter states that water quality monitoring and assessments will continue to be conducted in accordance with the requirements of this Order. The Coalition has produced acceptable data every year according to a staff data review for this application (greater than 90% acceptability), with few exceptions. Exceptions were flagged and the Coalition took additional steps to ensure that future data were useable.
7. Within 30-days of receiving a Notice of Applicability (NOA) from the board, the third-party must inform its Members of the General Order's requirements by providing a notice of the deadline and process required to complete the Notice of Confirmation. The application letter states that the Coalition will meet this requirement, and will provide the necessary forms to new members within 30-days of receiving an NOA.
8. The General Order requires that the third-party must maintain attendance lists for third-party outreach events, and provide an annual summary of education and outreach activities to the Central Valley Water Board, along with copies of the educational and management practice information provided to the growers. The Coalition performs education and outreach to growers through regular meetings, through workshops, grower meetings, individual contact, and pesticide application information workshops. The Coalition will maintain attendance lists for the outreach events, and provide an annual summary of education and outreach events to the Regional Board.

9. The Coalition has been working closely with the Central Valley Water Board staff since 2003 to ensure that all Members are providing required information and are taking necessary steps to address identified water quality problems. The Coalition will provide all required information in the annual membership list that is submitted to the Regional Board.
10. The General Order requires that the third-party take ultimate responsibility for ensuring activities conducted by other groups on its behalf achieve the order's requirements. The Coalition utilizes MLJ, LLC. as its consultant to perform the work necessary for the implementation of the General Order. While the Coalition does not anticipate that any activities would be conducted on behalf of the third-party, the application letter states that the Coalition could partner with other entities such as the Lodi District Grape Growers Association, Farm Bureau, or Agricultural Commissioner to put on events.
11. Collect and submit any fees from Members required by the State Water Board. The Coalition collects fees from its members either through annual Coalition membership dues. The Coalition has submitted to the State all fees as required and will continue to do so.

II. 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.

The San Joaquin Resource Conservation District is a legally defined entity that is formed and empowered pursuant to California Public Resources Code Division 9. All District meetings and Steering Committee meetings are public meetings.

III. 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.

The application indicates that the Coalition will not rely on any subsidiary group to carry out any of its responsibilities.

IV. 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 District and the Steering Committee are comprised of representatives of Coalition Staff, representatives of water districts and industry groups, and any other Coalition member that would like to be a part of the Steering Committee; the representatives are frequently farmers themselves. All meetings of the District and the Steering Committee are open to the individual members and the public.