

**California Rice Commission
East San Joaquin Water Quality Coalition
Sacramento Valley Water Quality Coalition
San Joaquin County & Delta Water Quality Coalition
Westlands Stormwater Coalition
California Grape and Tree Fruit League
Westside San Joaquin River Watershed Coalition
Southern San Joaquin Valley Water Quality Coalition
California Citrus Mutual**

December 28, 2007

VIA ELECTRONIC MAIL: jkarkoski@waterboards.ca.gov; MRead@waterboards.ca.gov,
mawong@waterboards.ca.gov

Margie Read
Chief Monitoring and Assessment Unit
Irrigated Lands Conditional Waiver Program
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive Suite 200
Rancho Cordova, CA 95670-6114

Re: Comments on Tentative Monitoring and Reporting Program Order

Dear Ms. Read:

The undersigned Coalitions and agricultural organizations appreciate Regional Water Quality Control Board (Regional Board) staff providing us the opportunity to take part in the development of the Tentative Monitoring and Reporting Program Plan (MRP) through the Technical Issues Committee process. We also appreciate the opportunity to make additional comments, now that the MRP has been made public. We strongly urge the Regional Water Quality Control Board (Regional Board) staff to take the MRP to the Regional Board for approval in January; however, we request a few modifications or clarifications before doing so. Please see our collective comments below.

Nutrients

The proposed MRP states “Monitoring site information shall include a description of the study area, GPS coordinates, crops and land use in the watershed, and the pesticides, chemicals, and nutrients being applied.” (Draft Order at p. 6.) This is not possible without a survey of all growers as nutrient applications are not reported. Some manure applications could be traced, but would require that the Coalitions search through yearly reports from the dairy program. At this

time, nutrient applications are essentially impractical, if not impossible to report. The Coalitions suggest removing nutrients from the paragraph.

303(d) Listed Water Bodies

The proposed MRP states “...monitoring site selection must include water bodies already on the Clean Water Act section 303(d) list (when the listing is due to an agriculture-related contaminant), particularly where the Coalition Group or another entity is implementing an applicable Total Maximum Daily Load (TMDL).” (Draft Order at p. 6.)

The Coalitions believe the line should be removed or at the very least clarified. It’s not clear whether the Regional Board staff mean that all 303(d) sites listed for agricultural sources must be monitored for the ILRP, or if all these sites must be considered in the selection process (e.g., “... *monitoring site selection must include water bodies already on the Clean Water Act section 303(d) list...*”). It also leaves a number of other important factors open to question: Why is this needed if the water bodies are already being monitored by other entities as part of an approved TMDL? What if the TMDL is not proposed for completion until 2020? Can monitoring be planned on the same time frame as the proposed TMDL completion? What if the sources are listed as “unknown”? What if there are plans for a Regional Management Plan (e.g., pathogens, legacy pesticides, salinity) by a Coalition?

If the MRP is read literally without qualification, a significant number of additional sites would have to be added to the coalitions’ monitoring programs. If the intent is that all of these sites are considered for monitoring, then we believe that it is a reasonable request, but it needs to be made clear in the MRP. If the intent is that every site must immediately be monitored monthly under the Irrigated Lands Regulatory Program (ILRP), then it is an unreasonable expansion of the ILRP monitoring for at least a few reasons:

- (1) Other potential sources (point or non-point) are not automatically required to monitor in this manner until a TMDL has been approved detailing the monitoring requirements;
- (2) It is not economically feasible for the coalitions to monitor every agriculture-related 303(d)-listed water body monthly; and
- (3) Many of the TMDLs are considered lower priority by the Water Board (i.e., deferred for a decade or more).

Selection of Monitoring Sites

The proposed MRP states that “[m]onitoring sites must be established on water bodies that carry, or that directly or indirectly receive agricultural drainage.” (Draft Order at p. 6.) The MRP also provides that monitoring locations should not be limited to sites where there is substantial dilution but shall also include sites that represent contaminant concentration levels in tributary streams and drainages, and should be focused on agriculturally dominated water bodies. (Draft Order at pp. 6-7.) The Coalitions are concerned that the referenced language could be interpreted to require monitoring sites on water bodies (i.e. drainage ditches, tail water return systems, etc.) that are not considered waters of the state. The Regional Board’s authority, and the provisions of the Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, is limited to activities that discharge or propose to discharge waste that could affect the quality of waters of the state. (Water Code §13260 and Order No. R5-2006-0053.) Because the Regional Board’s authority is limited to discharges that may affect

waters of the state, the Coalitions presume that the language regarding monitoring site selection is also limited to monitoring on waters of the state. Consequently, the Coalition Groups will only put forward proposed monitoring site locations on water bodies that are considered waters of the state.

Requirement to Monitor for Molybdenum

The requirement to monitor for molybdenum should be removed from the list of water quality parameters in Table II.D (Draft Order at p. 14) and, if desired by staff, reviewed through the Technical Issues Committee process. Contrary to the information presented by Regional Board staff in the “Information Sheet” (Attachment A to the Draft Order), molybdenum is not a constituent of concern that is necessarily added to waters of the state through agricultural activities. Based on our discussions with representatives from the State’s fertilizer industry, molybdenum is rarely added to fertilizers as a soil amendment. Moreover, on the rare occasions that molybdenum is added, the levels are extremely low and unlikely to cause an impact to water quality. Thus, it should be removed from Table II.D.

Monthly Sampling

The Coalitions appreciate the flexibility built into the MRP allowing for the development of a technically acceptable monitoring alternative. For most Coalition members, 12 monthly sampling events would not be possible or unnecessary for several reasons. Reason include, but are not limited to a lack of water during part of the year, snowed or iced over streams, and the lack of agricultural activities, which makes sampling unnecessary. With the flexible approach, the Coalitions will be able to develop sound scientific monitoring program for their respective water bodies.

For those Coalitions that do not develop and receive an approved technically acceptable alternative to the Monitoring Strategy, some of the wording on p. 10 of the Draft Order could be interpreted as requiring more than one sample per month during the storm season if a storm event is not captured in the initial monitoring. The additional sampling events are an unnecessary expenditure of time and financial resources for all parties at all levels. Therefore, we suggest removing, “If monthly sampling does not, or is not expected to represent at least two storm events per year, then the Coalition Group shall identify and implement a logistically feasible approach in the MRP Plan to attempt to capture at least two storm events annually per site.” (Draft Order at p. 10) and replacing it with, “Storm event sampling, for at least two storm events per year, is also an option that may replace or reduce monthly sampling for Coalitions that have dry water bodies during much of the year.”

Sincerely yours,



Tim Johnson
California Rice Commission



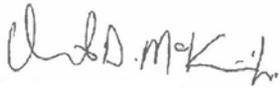
Parry Klassen
East San Joaquin
Water Quality Coalition



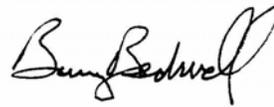
L. Ryan Broddrick
Sacramento Valley Water Quality Coalition



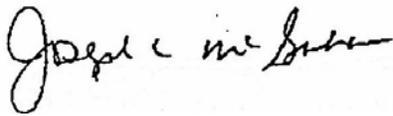
John Meek
San Joaquin County & Delta
Water Quality Coalition



Orvil McKinnis
Westlands Stormwater Coalition



Barry Bedwell
California Grape and Tree Fruit
League



Joseph McGahan
Westside San Joaquin River
Watershed Coalition



David Orth
Southern San Joaquin Valley
Water Quality Coalition



Joel Nelsen
California Citrus Mutual