

San Joaquin County and Delta Water Quality Coalition

San Joaquin County Resource Conservation District
3422 W. Hammer Lane, Suite A
Stockton, California 95219
209-472-7127 ext 125

April 11, 2014

Via Electronic Mail to: Joe.Karkoski@waterboards.ca.gov

Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: Application to Serve as Third Party for the San Joaquin County and Delta Area

Dear Ms. Creedon,

The San Joaquin County and Delta Water Quality Coalition (Coalition) has served as the third party for the lands within the San Joaquin County and Delta Area under the previous Coalition Group Conditional Waiver. To continue as the Third Party for this area, the Coalition applies in this letter to serve as the Third Party in accordance with Order R5-2014-0029, as adopted by the California Regional Water Quality Control Board, Central Valley Region (Regional Board) on March 12, 2014, for all of the San Joaquin County and Delta Area covered in the order other than the portions in Amador and Alpine Counties.

The Regional Board's Order explained that it would consider the following factors in determining whether to approve a request to serve as a Third Party:

1. Ability of the third-party to carry out the third-party responsibilities identified in this Order, whether the third-party has clearly identified the geographic area proposed to be covered by the third-party, and should a third-party request to serve as a third-party for only a portion of this Order's coverage area, the reasonableness of the proposed boundaries.
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 and its Members. 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.

The Coalition can effectively carry out the third-party responsibilities identified in the Order

The Coalition's current boundaries, relationships, and experience allow it to implement effectively the third-party responsibilities for the new Order's coverage area, other than the area in Amador and Alpine Counties.

The Coalition's boundaries under the previous Coalition Group Conditional Waiver cover the majority of the San Joaquin County and Delta Area under Order R5-2014-0029. The new area to be covered would expand the Coalition's coverage to parts of Stanislaus and Calaveras Counties. The Coalition reserves the ability to modify its membership rate structure for these expanded areas if it proves necessary to cover any increased costs associated with expanding coverage.

In addition to this geographic fit, the Coalition has an existing governance structure (discussed below) and budgeting mechanism, and established relationships with individual members and the Regional Board. Moreover, the Coalition has a history of timely producing reports, developing and successfully implementing management plans, and communicating with Regional Board staff.

These characteristics make the Coalition uniquely qualified to fulfill the role of the Third Party under the Order. The Coalition's ability to fulfill the specific requirements of the Order for the Third Party (as set forth in Section IV.C of the Order) is discussed further below.

The Coalition does not believe it is the best entity to serve as the Third Party for growers in Amador and Alpine Counties because (1) the SJC&D Water Quality Coalition has no existing relationships with growers or grower related organizations in Amador or Alpine Counties, (2) and is concerned about the ability to perform cost effective monitoring and outreach in these areas.

1. Provide the Central Valley Water Board documentation of its organizational or management structure. The documentation shall identify persons responsible for ensuring that program requirements are fulfilled. The documentation shall be made readily available to Members.

The Coalition is providing the Regional Board with documentation of its organizational structure, and make these materials available to members. The Coalition's organizational structure also is described here.

The "San Joaquin County and Delta Water Quality Coalition" is a subsidiary program of the San Joaquin County Resource Conservation District (District). The District is a Resource Conservation District formed and empowered pursuant to California Public Resources Code Division 9. The District is governed by a Board of Directors, which makes all decisions for the District and for the Coalition.

The current members of the Board of Directors include Phil Balmat, John Herrick, Bill Koster, Diego Olagaray, John Thoming, Richard Rodriguez, Molly Watkins, Jack Hamm and Marden Wilber. The associate directors are Brad Lange, Ralph Lucchetti, and Rogene Reynolds. The directors are appointed by the San Joaquin County Board of Supervisors. Directors must be both a landowner and elector in San Joaquin County. The Board of Supervisors must also find that the appointed director has a demonstrated interest in soil and water conservation. See Pub. Res. Code section 9314.

The Board of Directors has historically retained, and would continue to retain, qualified independent contractors to implement the Coalition program and ensure compliance with the requirements of the order. The current Coalition contractors are:

- John Brodie ó Coalition Financial Manager and Chair of the Coalition Steering Committee
- Michael Wackman ó Coalition Program Manager, responsible for communications with the Regional Board, member outreach and education, oversight for water quality monitoring and management plans, oversight of technical consultants.
- Ruth Mulrooney ó Membership Coordinator, responsible for communications with members and the Regional Board regarding membership and dues.
- Michael L. Johnson, LLC ó Technical Consultants, responsible for water quality monitoring, reporting, management plan design and implementation.
- Hydrofocus, Inc. ó Hydrogeologists, responsible for groundwater assessment information gathering and reporting, assistance with design of groundwater monitoring program.
- Jennifer Spaletta, Spaletta Law PC ó Legal Counsel

The above listed contractors report to the District Board of Directors at regularly scheduled monthly meetings. The District's meetings are all open to the public and the agendas and minutes are posted on the District website. The Board of Directors retains ultimate responsibility for managing its contractors and ensuring that the Coalition complies with the requirements of the Order.

To maximize membership participation in the operation of the Coalition, the District established the "Coalition Steering Committee." The Steering Committee reviews and discusses current issues related to the Coalition and the Irrigated Lands Regulatory Program. The Steering Committee then makes recommendations to the District regarding the Coalition.

Membership on the Steering Committee is not static. Anyone who expresses an interest in the Coalition operations is invited to be part of the Steering Committee. The District extends invitations to participate in Coalition activities to all members as well as water and irrigation districts within the Coalition area, the Farm Bureau, commodity and industry groups, and the

Contra Costa Resource Conservation District. These organizations have representatives who regularly participate in the Steering Committee. John Brodie is the Chair of the Steering Committee. Michael Wackman also attends the Steering Committee meetings.

The Steering Committee meets once a month in meetings that are open to the public and are advertised to Coalition members in the Coalition newsletter, Farm Bureau newsletters, and by mass emails. Steering Committee agendas and minutes are distributed monthly by mass email.

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 Coalition's Steering Committee already prepares an annual budget of expenditures of fees and revenue used to comply with the prior program, and will continue to do so under the new Order. The budget is, and will continue to be, finally approved by the RCD. The Steering Committee and RCD Board also review, and will continue to review, monthly income and expenditures for the program, including an end of year summary report. These items are, and will continue to be, subject to an outside annual audit as part of the RCD's regular audit process.

Budgets and summaries of fees, revenues and expenditures are shared with members as part of the monthly Steering Committee meetings and through membership newsletters.

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 annual NOV summary may be part of a written or electronic communication to Members.

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 Regional Board.

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 Coalition has developed and successfully implemented programs to monitor the effectiveness of water quality management practices since 2004. Under the Regional Board's 2008 Monitoring and Reporting Program Order, the Coalition and other similar groups were required to submit a monitoring and reporting plan for the Regional Board's approval. Among other things, these plans were required to discuss the effectiveness of management practices intended to improve water quality. To facilitate this task, the Coalition divided its coalition area into six zones (and later seven zones) based on hydrology, crop types, land use, soil types, and rainfall. To monitor the watershed areas within zones, the Coalition identified 58 assessment monitoring locations on a rotating basis, and four core monitoring locations in its 2008 MRPP; a

fifth core monitoring location was later identified and added to the monitoring schedule. Through the monitoring data collected at these strategic sites, the Coalition was able to monitor the effectiveness of implemented management practices.

The Coalition will continue to implement existing and future management plans pursuant to the approved Surface Water Quality Management Plan and Groundwater Quality Management Plans. The Coalition's Management Plan includes a prioritization process for monitoring subwatersheds based on magnitude and frequency of exceedances that have occurred for applied pesticides (and associated toxicity). The list of prioritized subwatersheds is updated yearly based on the previous year's water and sediment quality results. From 2008 through 2013, 15 subwatersheds have been prioritized for focused outreach and evaluation. Members in prioritized subwatersheds receive additional outreach regarding monitoring results, and information on management practices that could be implemented to reduce discharge of these constituents by agriculture into downstream waterbodies. The Coalition conducts an evaluation of improvements in water/sediment quality using monitoring results and records additional management practices implemented during the years of Management Plan monitoring. Since the implementation of the Coalition's Management Plan strategy in late 2008, 39 constituents have been removed from management plans across 11 subwatersheds. The Coalition has demonstrated improved water quality since 2008 within these subwatersheds as a result of additional practices implemented by growers.

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

The Coalition has represented members within this region under the previous order since 2003, and has throughout submitted timely and complete plans and reports as required. It will continue to do so if selected as the Third Party.

6. Conduct required water quality monitoring and assessments in conformance with quality assurance/quality control requirements.

As discussed, the Coalition has conducted extensive water quality monitoring and assessments since 2004, and will continue to do so in conformance with the requirements of the new Order. The Coalition has demonstrated compliance with data quality objectives as outlined in its Quality Assurance Project Plan (QAPP) every year since 2004. The Coalition records monitoring results in a database that is comparable to the California Environmental Data Exchange Network (CEDEN) requirements and associates results with a quality assurance flag as needed based on data quality objectives and batch requirements. With few exceptions, the Coalition has produced acceptable and useable data every year since 2004. In cases where the data were not useable and were rejected, the Coalition has taken additional steps to ensure that future data are useable (e.g. switching laboratories) and has continued to produce accurate, precise and complete data that can be viewed publically through CEDEN.

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 Coalition is fully capable of informing members of the Order's requirements within 30 days of receiving an NOA. If approved as the Third Party, the Coalition intends to mail to all members by May 1, 2014 an annual membership renewal invoice, information on the new Order and Notice of Confirmation to confirm membership under the new 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 third-party 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 Coalition regularly performs education and outreach to growers through workshops, grower meetings, and pesticide application information workshops. It also contacts growers individually to inform them of program requirements and to obtain information necessary to satisfy these requirements.

As the Third Party under the Order, the Coalition will continue to perform necessary education and outreach activities. It will further maintain attendance lists for these outreach events, and provide an annual of summary education and outreach events to the Regional Board.

9. Work cooperatively with the Central Valley Water Board to ensure that 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 required in section VIII.B., identify the growers known by the third-party 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 from the third-party associated with any applicable SQMP/GQMP or other provisions of this Order; (3) failed to participate as requested in third-party studies for which the third-party is the lead; or (4) failed to provide confirmation of participation in an outreach event (per section IV.B.4 of this Order).

The Coalition has worked cooperatively with the Regional Board for over a decade, and will continue to do so as the Third Party under the new Order to ensure member compliance with the

Order. The Coalition will provide all required information in the annual membership list that is submitted to the Regional Board.

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 Coalition does not anticipate that any activities under the Order would be conducted on behalf of the third-party, except perhaps third party outreach events in which the Coalition could partner with other entities (such as the Lodi District Grape Growers Association, Farm Bureau, Agricultural Commissioner) to put on the events.

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 fees invoiced by the State Water Board will be based on the Membership List submitted by the third-party group. The third-party group is responsible for management of fee collection and payment of the State Water Board fees.

The Coalition has submitted required fees to the State as required and will continue to do so.

The Coalition is operated by a legally defined entity

The San Joaquin County Resource Conservation District (District) oversees and operates the Coalition. The District is a Resource Conservation District formed and empowered pursuant to California Public Resources Code Division 9.

The District formed the Coalition to help irrigated agriculture meet the requirements of the Irrigated Lands Regulatory Program (ILRP) in San Joaquin County and Contra Costa County.

The District's boundaries are restricted to San Joaquin County, but it has historically operated the Coalition program outside of San Joaquin County, in parts of Contra Costa County and parts of Calaveras County. Under the new order, the District would operate the program in San Joaquin County, parts of Contra Costa County and parts of Stanislaus County. The District takes care to inform industry groups and districts located in these other counties of its activities and to coordinate for communications with members in other counties. To date, the District has had an excellent working relationship with Contra Costa Resource Conservation District, which participates on the Steering Committee. Division 9 of the Public Resource Code provides broad powers to the District to manage water conservation and other resource programs within the District's boundaries, as well as in adjacent areas.

The Coalition will not rely on any subsidiary group to carry out any of its responsibilities

The Coalition will not rely on any subsidiary group to carry out any of its responsibilities. The District will be responsible for carrying out all of the Coalition responsibilities as a Third Party under the order.

The Coalition has a governance structure that allows member input

The Coalition's governance structure allows member input in all Coalition business.

The Coalition has a standing Steering Committee that meets once a month. The Steering Committee meetings are open to the public and are advertised to Coalition members in the Coalition newsletter, Farm Bureau newsletters, and by mass emails. The Steering Committee consists of Coalition staff, representatives of water districts and industry groups represented in the Coalition, and any other Coalition member that would like to be part of the Steering Committee. Steering Committee agendas and minutes are distributed monthly by mass email. All Coalition business is discussed at the Steering Committee meetings and the Steering Committee makes recommendations, which are then presented to the District board of directors for final approval.

Any member of the Steering Committee, or any member of the Coalition, may attend the District board meetings in order to influence decisions of the District related to the Coalition.

Please let us know if the Regional Board requires any additional information from the Coalition. We look forward to working with the Regional Board under the new Order.

Sincerely,



Mike Wackman
San Joaquin County & Delta Water Quality Coalition

cc: San Joaquin County Resource Conservation District Board of Directors

San Joaquin County and Delta Water Quality Coalition

San Joaquin County Resource Conservation District
3422 W. Hammer Lane, Suite A
Stockton, California 95219
209-472-7127 ext 125

April 24, 2014

Via Electronic Mail to: Joe.Karkoski@waterboards.ca.gov

Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: Supplement to Application to Serve as Third Party for San Joaquin County and Delta Area

Dear Ms. Creedon,

On April 11, 2014 the San Joaquin County and Delta Water Quality Coalition (Coalition) submitted an application to serve as the Third Party in accordance with Order R5-2014-0029 for all of the San Joaquin County and Delta Area covered in the order other than the portions in Amador and Alpine Counties. The Coalition is submitting this supplement to its prior application because it has decided that it can also cover the portions of Amador and Alpine Counties in Order R5-2014-0029.

The Coalition is agreeing to cover the relevant portions of Amador and Alpine Counties with the understanding that it will utilize, in these areas, a Reduced Monitoring Management Practices Verification alternative (as has been used by the Sacramento River Watershed Coalition previously, subject to approval of the Executive Officer) to address the small number of members in remote locations. The Coalition may also utilize agreements with subsidiary groups, such as the Amador County Resource Conservation District and/or El Dorado County Farm Bureau to assist it in serving members in these areas. These arrangements will be determined after the membership enrollment period expires.

Members and industry groups in the newly covered areas will also be invited to become part of the Coalition Steering Committee.

Please advise if you have any questions about this supplement to the Third Party application. This supplement and the April 11, 2014 letter should be collectively viewed as the complete and final Third Party application (please ignore the typographical error in the header of the April 11, 2014 letter that said "Draft"). We look forward to your prompt response as to whether the

application is approved so that we can print the Notice of Confirmation materials for distribution to members as soon as possible to meet the June 15, 2014 deadline in the order.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wackman", with a long horizontal flourish extending to the right.

Mike Wackman
San Joaquin County & Delta Water Quality Coalition

cc: San Joaquin County Resource Conservation District Board of Directors