



June 4, 2013

Ms. Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

Re: ESJWQC removal of rotating Assessment Monitoring location in Zone 4

Dear Ms. Creedon,

The East San Joaquin Water Quality Coalition (ESJWQC or Coalition) is requesting to update its Monitoring and Reporting Program Plan (MRPP, approved on September 15, 2008) and Management Plan (approved on October 30, 2008) to remove Silva Drain @ Meadow Dr. This request is based on 1) Silva Drain no longer exists, and 2) the sampling intended for Silva Drain was conducted at the only visible waterbody in the area which is a ditch that collects stagnant tailwater and does not drain.

Monitoring Location and History

In 2008, as part of its MRPP, the Coalition developed a list of monitoring sites at which water would be sampled over the next several years. Under the old Conditional Waiver MRPP, the Coalition monitoring was stratified based on zones with one Core Monitoring location and several Assessment Monitoring locations present in each zone. Sites rotated into Assessment Monitoring within each zone (Zone 4 in this case) and after two years the Assessment site is rotated to another location. Under the ESJWQC 2008 MRPP, Silva Drain @ Meadow Dr is scheduled to rotate into Assessment Monitoring in 2027-2028. With the adoption of the Waste Discharge Requirements for the East San Joaquin River Watershed region, the site is listed as a Represented monitoring site in Table 1 of Attachment B to the General Order R5-2012-0116.

Silva Drain @ Meadow Dr was placed in a management plan following exceedances of Water Quality Trigger Limits (WQTLs) for DO, ammonia, *E. coli*, copper, chlorpyrifos, and toxicity to *C. dubia* and *H. azteca* that occurred between 2006-2008. All constituents placed under management plans were a result of samples collected from a waterbody that does not drain and was not Silva Drain.

1) Silva Drain no longer exists

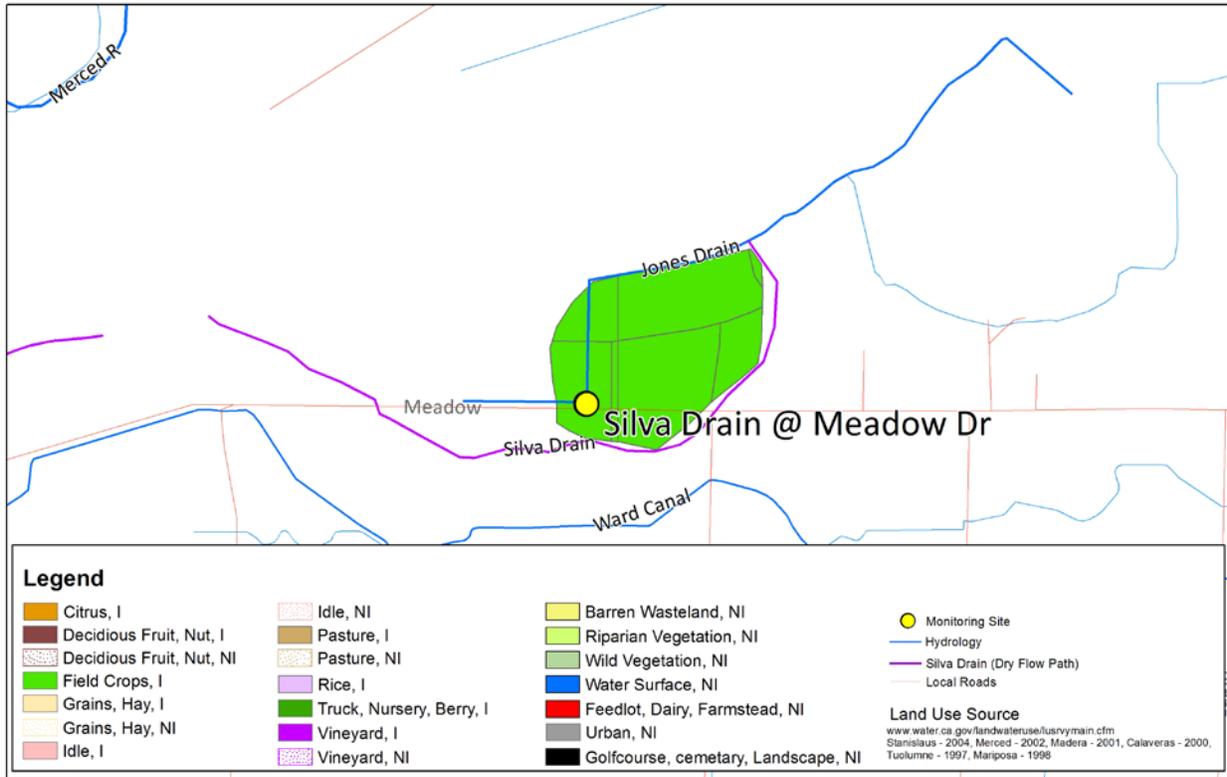
When the monitoring team scouted Silva Drain (target location: N 37.42910, W -120.62610) in 2005, they selected a sample location that was the only accessible and visible waterbody in the area which they assumed to be Silva Drain. It was not until all site subwatershed maps were updated recently that the Coalition became aware that Silva Drain had been filled in and the drain no longer exists (Figures 1 and 2). In early 2013, a Coalition sampling crew scouted the area and reported that there is no accessible agriculture drain in the area suitable for collecting samples. Sampling crews noted a very large embankment in the vicinity where the map indicates Silva Drain should be located. This large embankment or hillside is situated on private property with no access from the main



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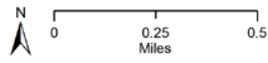
road and aerial maps indicate there is no waterbody present for monitoring in that area (Figure 3). Reviewing aerial photographs indicates that Silva Drain has been eliminated entirely and is now farmed land.

Figure 1. Site subwatershed map of land use for Silva Drain @ Meadow Dr.



Source of Layers:
 Hydrology - NHD hydrodata, 1:24,000-scale, <http://nhd.usgs.gov/>
 Roads, highways, railroads, county boundary, city outlines - California Spatial Information Library
 Basemap, World Imagery - ESRI
 Datum - NAD1983

Date Prepared: 05/29/13
 ESJWQC



Silva Drain @ Meadow Dr

ESJWQC_2013



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Figure 2. Satellite view of monitoring area with and without highlighted flow paths of the drainage ditch and dry Silva Drain.





**East San Joaquin
WATER QUALITY COALITION**

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Figure 3. Large embankment/hillside where Silva Drain is indicated in the GIS map.



2) Sampling intended for Silva Drain was conducted at the only visible waterbody in the area which is a ditch that collects stagnant tailwater

Maps utilized for selecting the original site indicated Silva Drain was a flowing waterbody and would drain agricultural lands. Samples collected from Silva Drain @ Meadow Dr from 2006 through 2008 were collected from the only visible waterbody in the area. When new maps were made using updated GIS layers the Coalition realized the waterbody that was sampled was not Silva Drain. The water collected by the Coalition drains from a dairy, stagnates in a tailwater collection ditch, and ends at the property line of an adjacent dairy. The map in Figure 1 and the aerial photo in Figure 2 provide the location of the sample site and the drainage of the area. The original sample location was misidentified and all samples collected from the site were collected from a stagnant tailwater ditch and not Silva Drain. The ditch that was sampled does not flow into any downstream waterbody and should not be monitored.



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Summary of Request

From 2006 through 2008, the Coalition mistakenly monitored a stagnant ditch that collects tailwater instead of Silva Drain as the monitoring site Silva Drain @ Meadow Dr. During a recent remapping process the Coalition confirmed that the original monitoring location was misidentified and that the site being monitored is not Silva Drain. Silva Drain no longer exists. The ditch that was monitored does not flow into Merced River or any downstream waterbody and should not be monitored. Aerial maps indicate the area where Silva Drain was once located is now a large berm or hillside embankment. Therefore, the Coalition requests to amend its MRPP and Management Plan to remove Silva Drain @ Meadow Rd.

Please let me know if you would like additional information to support this request.

Sincerely,

A handwritten signature in black ink, appearing to read "PK", with a long horizontal stroke extending to the right.

Parry Klassen
Executive Director
East San Joaquin Water Quality Coalition

Memo

DATE: October 16, 2013
TO: Jelena Hartman
FROM: Michael Johnson
SUBJECT: Follow up to ESJWQC Jones/Silva Drain Request Letter
ATTACHMENTS: None

INTRODUCTION / BACKGROUND

The East San Joaquin Water Quality Coalition (ESJWQC) submitted a letter on June 4, 2013 requesting the removal of Silva Drain @ Meadow Rd from the ESJWQC monitoring plan. In the letter the Coalition explains that samples were collected from a water body that is not Silva Drain (Silva Drain no longer exists and samplers sampled a different water body unknowingly.) The water body that was sampled does not drain to the Merced River because there is a closed gate at the end of the agricultural ditch which prevents the movement of water past that point. The water body that was sampled was at one time connected to the Shaffer-Griffith Ditch (orange dotted line in Figure 1) but has since been disconnected as a result of farming activities in the area. The Coalition's letter included maps indicating that the sampled water body originates just upstream of the sampling location at Meadow Road and does not flow past the gate and into the dairy (blue flow path in Figure 1). After reviewing the letter submitted by the Coalition, Central Valley Regional Water Quality Control Board staff discussed concerns about the flow of the water sampled and whether or not the gate could be opened providing the potential for the water to flow into the Merced River.

The Coalition met with growers/landowners in the area to determine 1) if water could flow past the gate at the end of the water body sampled and 2) what water actually drains to the locations where water was sampled.

SUMMARY OF MEETING WITH GROWERS

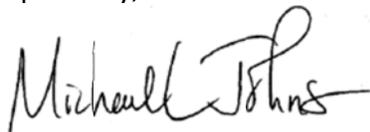
The Coalition met with two farm managers – Mike Bettencourt who owns property to the east of the where the water body begins (and also provides services such as mowing and harvesting to some of the land downstream of the dairies) and the owner of the Te Velde dairy directly downstream of the gate at the end of the water body. Mike Bettencourt confirmed that water in the Schaffer-Griffith Ditch does not and cannot enter the water body sampled (aka Jones Drain)

since it is dammed upstream. The Coalition also toured downstream of the gate at the end of the water body and talked with the dairy owner/operator of Te Velde Dairy. The gate at the end of the water body is never opened and it prevents the small amount of water stored in this drain from moving downstream to Merced River. The grower confirmed that the gate is not opened and the sole purpose of the ditch is to hold a small amount of tail water until it evaporates. During the visit, there was approximately 2-3 inches of water in the ditch and even if the gate were opened, the water would not reach the level of the gate to move into the dairy.

On the other side of the gate, the water body becomes an underground pipe that moves through the dairy. No dairy discharge is moved to the pipe. The owner of the dairy related the story that the previous owner of the dairy was given a substantial fine in the early 1980's for discharging to the Merced River and consequently any stormwater draining from the dairy was rerouted to the ditch/catchment basin at the west end of his property. There is a catchment basin on the west side of the dairy that can be seen in aerial photographs (Figure 2); however, this ditch only catches surface runoff and rainfall from pens just to the south of the basin. The catchment does not discharge and the water is held until it evaporates (Figure 3). At this point, the pipe through the dairy remains underground and is buried beneath the farm road adjacent to the basin (in Figure 2, the underground pipe is north of the dashed line between the boxes labeled Figure 3 and Figure 4). The pipe remains underground as far as the Coalition representatives could see, and the owner of the Te Velde dairy indicated that he did not know where the pipe emerged. Mike Bettencourt indicated that when he harvested the fields to the west of the Te Velde dairy, it appeared that the pipe did emerge into a ditch but the ditch was dammed at three different locations and water did not flow into the Merced River. Past those dams is another dairy and it is not known if that dairy drains to the Merced.

In summary, the ditch containing the water that was sampled originates in the middle of the dairy acreage to the north and east of the location used for sampling along Meadow Road. That ditch captures tail water and does not drain past the gate at the eastern edge of the dairy facility. Past the gate, the ditch becomes a pipe buried beneath the dairy which emerges at some point to the west of the Te Velde dairy. The location used for sampling does not sample any water draining from members of the Coalition, and is dammed in several locations preventing the movement of any water to the Merced River.

Respectfully,



Michael L. Johnson
Technical Program Manager

Figure 1. The below image is from the letter to the Regional Board on June 4, 2013 and indicates the flow path of the water body sampled by the Coalition and mislabeled as Silva Drain @ Meadow Rd (blue line). Silva Drain (pink line) no longer exists.

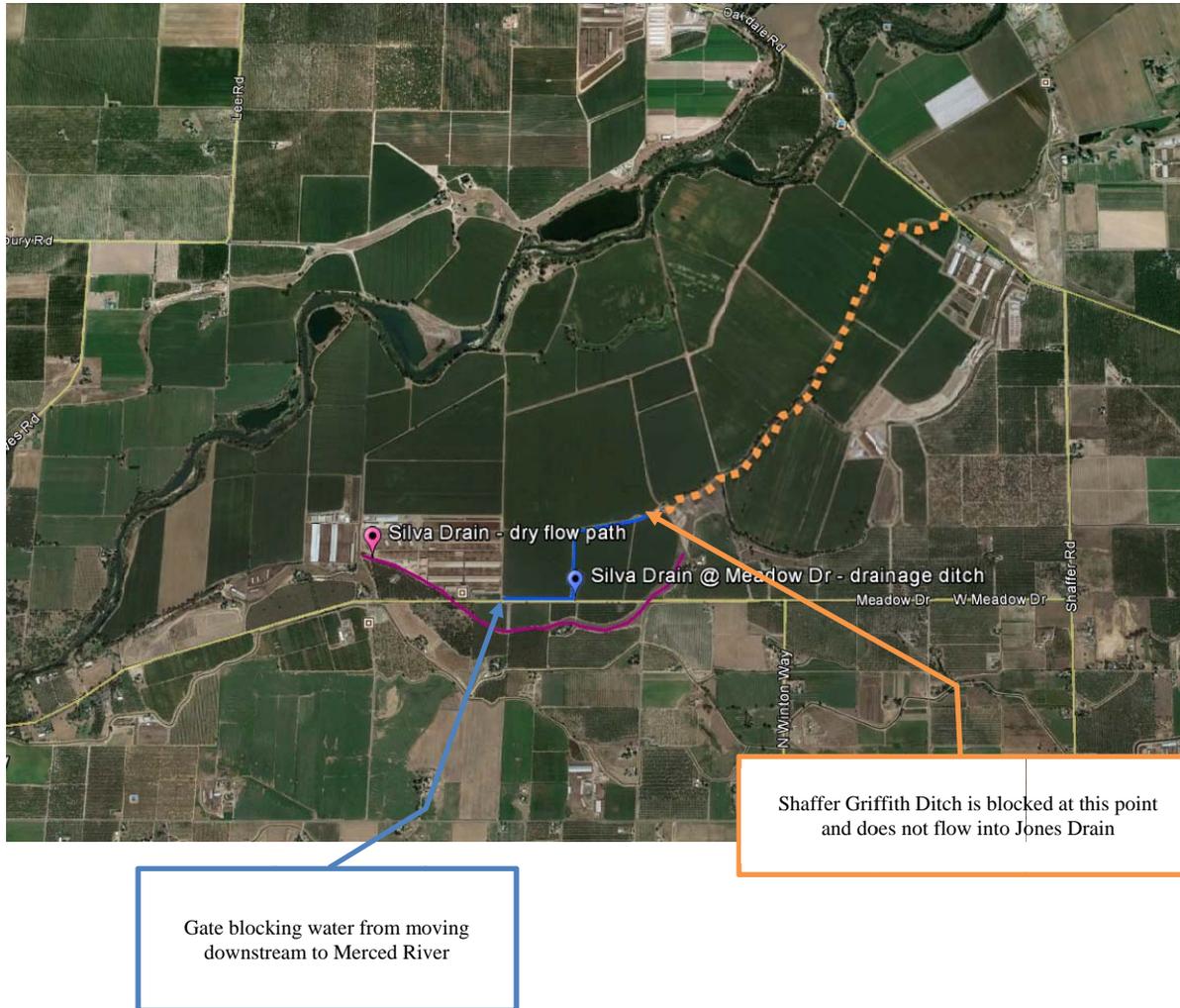
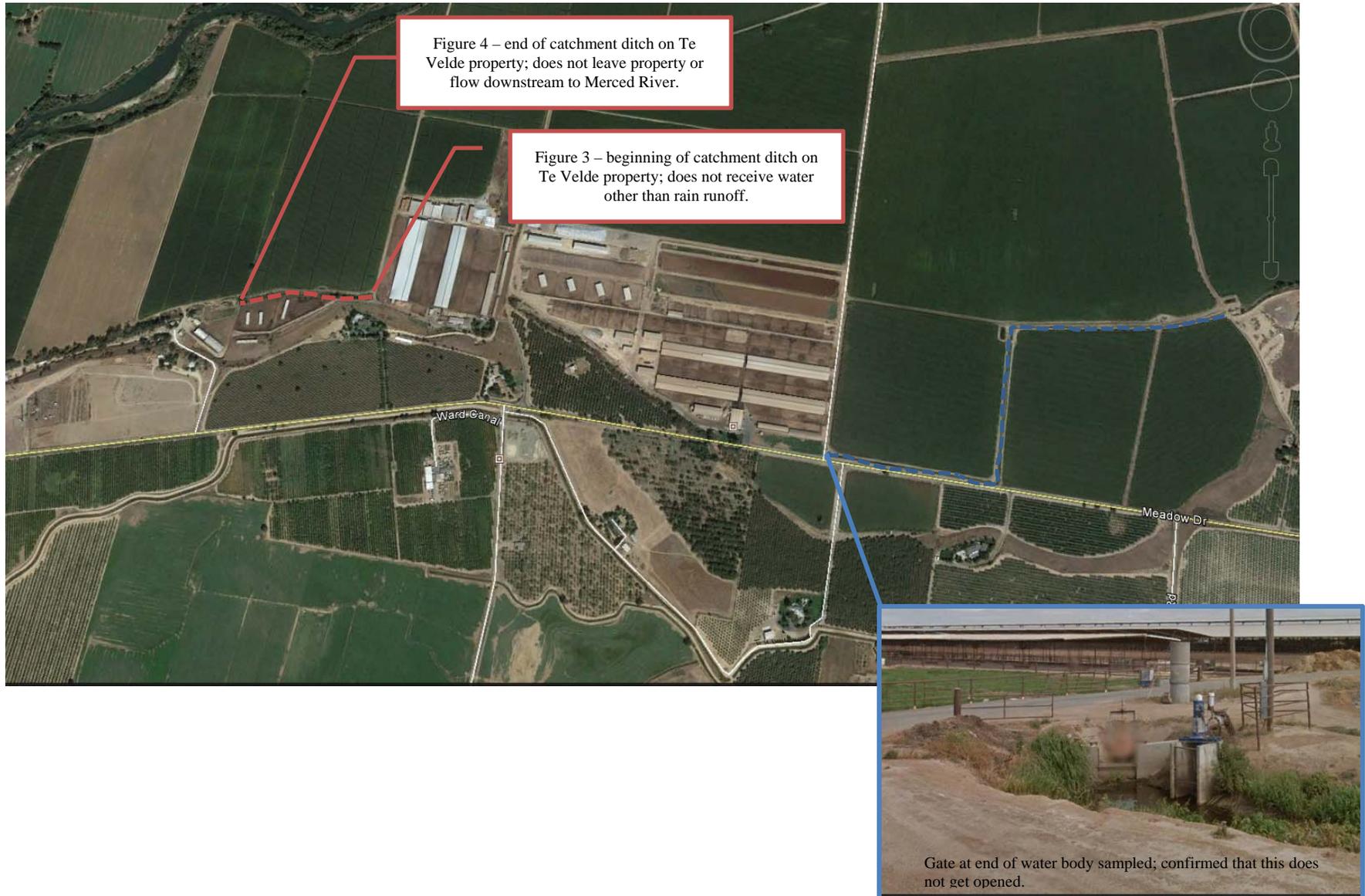


Figure 2. Close up of area toured with two ESJWQC members.



PHOTOS OF TOUR

Figure 3. Eastern end of Te Velde catchment area. Catchment area only receives runoff water during rain events.



Figure 4. Photo facing west; depicts end of catchment area of Te Velde dairy. Water in catchment does not leave the property or flow into the Merced River.



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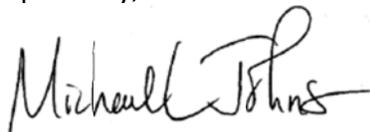
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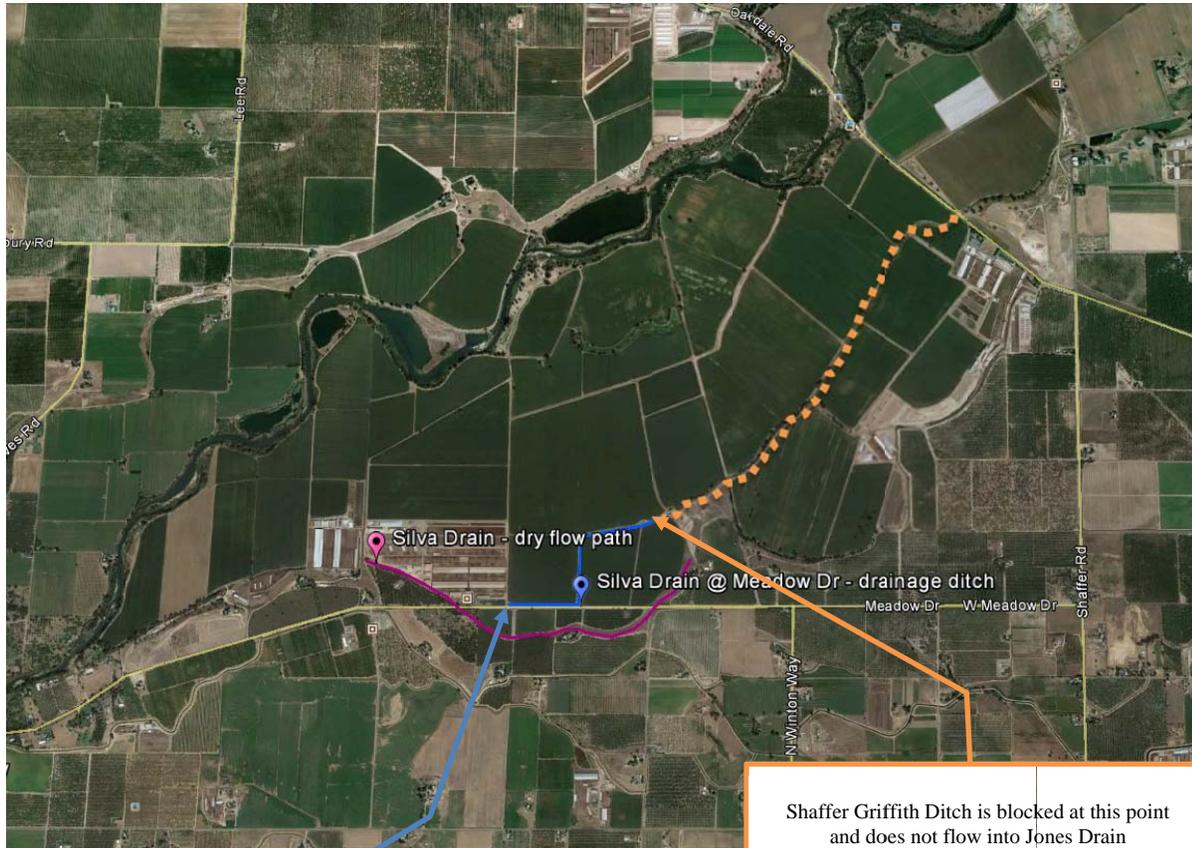
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Michael L. Johnson
Technical Program Manager

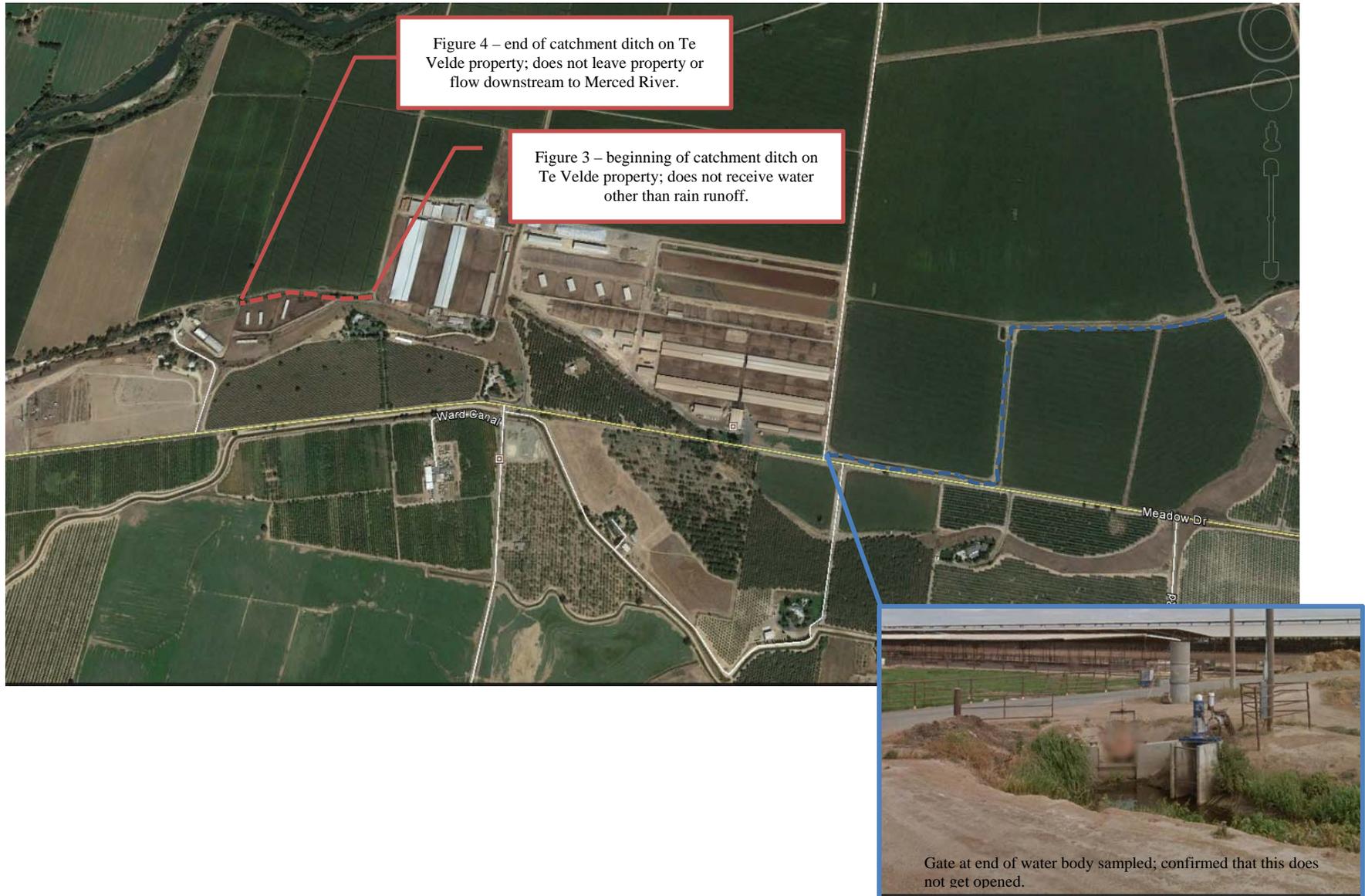
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Gate blocking water from moving downstream to Merced River

Shaffer Griffith Ditch is blocked at this point and does not flow into Jones Drain

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PHOTOS OF TOUR

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