

ESJWQC, WESTSIDE, AND SJC&DWQ COALITION TMDL QUESTIONS

MEETING NOTES

3 March 2010

(Revised on 9 June 2010)

ATTENDEES: Amanda Montgomery, Chris Jimmerson, Dania Huggins, Daniel McClure, Joe Karkoski, Joe McGahan, Marc Commandatore, Melissa Turner, Mike Johnson, Mike Wackman, Parry Klassen, and Susan Fregien.

NOTES: The purpose of this meeting was to clarify and provide responses to Coalitions' questions regarding implementation of the TMDL requirements within current Management Plan strategies. These questions are based on the assumption that the Westside Coalition will monitor three sites, and the East San Joaquin Water Quality Coalition (ESJWQC) will monitor three sites on the main stem San Joaquin River starting in 2010. These six monitoring locations are the six water quality compliance points in the San Joaquin River for which Loading Capacity shall be calculated (Basin Plan, Section IV-36.03).

ITEMS DISCUSSED

Parry Klassen started the meeting by describing that the Coalitions have asked for this meeting because further guidance was needed from Staff on how the Coalitions should proceed with monitoring and reporting for the San Joaquin River diazinon and chlorpyros TMDL which mandates monitoring at the six water quality compliance points in the San Joaquin River. Additionally, clarification was needed on the expected outcomes as well as the type of deliverables that the Coalitions will need to submit to Staff.

The questions discussed below were submitted to Staff by the ESJWQC on 25 February 2010 and asked during the meeting. Staff forwarded these questions on 1 March 2010 to seniors and supervisors of the ILRP and TMDL as part of the preparation for the meeting. These questions were also forwarded to the Westside and SJC&DWQC Coalitions as part of the Agenda on 1 March 2010.

I. Coalitions' Questions

(1) Do we (still) need to capture a storm event? Dormant sprays were completed in early February 2010

Purpose: To obtain clarification from Staff on how to proceed with the monitoring at the six water quality compliance points in the San Joaquin River for the first quarter of 2010.

Concern: There is no language in the Basin Plan that explicitly describes if a storm event needs to be captured at the water quality compliance points.

W:\\Irrigated Lands Assessment Planning\\Units\\Monitoring Implementation\\Coalition Groups\\East_San_Joaquin_WQC\\Management Plans\\MP Meetings\\MPlan ImpStatus\\Mtg TMDL 100303\\100303-TMDL-MtgNotes-DH-dft-V4.doc

Coalitions have already completed the storm monitoring in upstream tributaries of the San Joaquin River which is representative of the dormant spray that took place in February of 2010. However, monitoring at the compliance points within the San Joaquin River did not occur at that time since the Coalitions had already sampled a storm event. At the time of the meeting, there was only one month left in the first quarter and an additional storm event was not anticipated. Additionally, storm events are different for the Westside and the ESJWQC Coalitions (time frames and intensities).

Comment [DJM1]: I thought they hadn't done dormant season this year.

Outcome: Staff indicated that if the Coalition is not capturing storm events at the water quality compliance points, the Coalitions might not be able to determine if they are in compliance with the allocations and loading capacity (Diazinon and Chlorpyrifos Runoff in the San Joaquin River Basin, Section 6, page IV-36.03). Moreover, if Staff is not able to interpret the information given by the Coalitions, the monitoring frequency may need to be increased. Therefore, logistically it makes sense to capture a storm event (if possible) that represents late dormant spray season, and/or the chlorpyrifos applications to alfalfa in March. Since chlorpyrifos is being used during March and April, Parry Klassen indicated that the ESJWQC is going to prepare and attempt to capture a storm event at the water quality compliance points assigned to the ESJWQC during March (if it occurs). However, a March event will not capture the entire dormant season.

Comment [DJM2]: There was some more detailed discussion of other applications later in the season (hull split or something) that might be good to capture.

Comment [MT3]: Did not add additional information regarding hull splits applications since this question/outcome was centered on storm events and dormant sprays.

(2) Do sample events need to be coordinated (i.e day/time) between ESJWQC /Westside and/or coincide with tributary sampling (normal coalition monitoring)?

Purpose: To provide clarification on the level of monitoring coordination that ESJWQC and the Westside Coalition will need to have at the water quality compliance points.

Concern: The Coalitions were unclear on the amount of coordination that would need to occur between Coalitions as well as with normal monitoring schedules. The Coalitions expressed concern that the Regional Board would require Lagrangian sampling which would require much more work and cost on the part of the Coalitions. Thus, the following sub-questions were discussed at the meeting:

- a. Will monitoring at the water quality compliance points have to be done on the same day for both Coalitions?
- b. During the Irrigation season if the number of sites increases due to management plan requirements, can the monitoring be completed two to three days apart?

Outcome: The Coalition needs to assess the data as well as Staff. If staff can not interpret the information then we may require an increase in sampling sites or frequency. Therefore, it could be advantageous to stagger the monitoring for a better temporal analysis of the data. For storm sampling, the critical timing is runoff-inducing storms following heavy application periods, so sampling those would likely mean some concurrent sampling by different coalitions. In some cases different storms could cause runoff events in different coalitions, in which case sampling different events would make sense. Staff recommended the W:\Irrigated Lands Assessment Planning\Units\Monitoring Implementation\Coalition Groups\East_San_Joaquin_WQC\Management Plans\MP Meetings\MPlan ImpStatus\Mtg TMDL 100303\100303-TMDL-MtgNotes-DH-dft-V4.doc

Coalitions evaluate the advantages and disadvantages of both monitoring strategies and determine what will be better based on feasibility and information needed for compliance. All six water quality compliance points have gages; thus, the Coalitions do not have to measure flow at these points.

Staff suggested that sampling tributaries to the SJR close to the time of sampling the mainstem compliance points would be important in interpreting the data and assessing compliance. Staff suggested that sampling between and within the Coalition regions capture similar “events” which could be defined as appropriate based on flow conditions and upstream chlorpyrifos and diazinon application levels.

(3) To whom are results reported to and what is the frequency of reports needed? (4) Does each coalition need to prepare a report?

Purpose: To provide clarification and guidance on the type and timing of the TMDL reporting requirements.

Concern: The Coalitions explained that currently the TMDL component is part of the Annual Management Plan Update Report (Annual MPUR) (Table 1). Thus, the Coalitions expressed a concern regarding duplication of efforts since they are already providing some of the TMDL information required in the Annual MPUR. Additionally, Coalitions currently have a series of deliverables and so they will have to coordinate and determine the most efficient way to provide Staff with the necessary information without duplicating their current efforts.

Table 1. ESJWQC and Westside Coalition deliverables

Coalition	Type of Deliverable	Date of Deliverable
ESJWQC	AMR	1 March 2010
	Annual MPUR ⁽¹⁾	1 April 2010
	Quarterly Monitoring Data Report – 1 of 3	1 June 2010
	Quarterly Monitoring Data Report – 2 of 3	1 September 2010
	Quarterly Monitoring Data Report – 3 of 3	1 December 2010
Westside	SAMR	15 June 2010
	SAMR	30 November 2010
	New Focused Management Plans ⁽²⁾	1 January 2011

(1) Annual MPUR = Annual Management Plan Update Report

(2) A report that contains the focused management plans for new High Priority Areas is provided to Staff annually (January).

Outcome: Staff suggested that a separate TMDL report (TMDL Report) for both Coalitions (ESJWQC and the Westside) will be more appropriate to answer and determine compliance with the TMDL requirements. The AMR can reference the TMDL Report. It was discussed that the Coalitions should consider the following components for the TMDL Report:

- a. Address the report to the Executive Officer (Pamela Creedon) and cc Susan Fregien.

W:\\Irrigated Lands Assessment Planning\\Units\\Monitoring Implementation\\Coalition Groups\\East_San_Joaquin_WQC\\Management Plans\\MP Meetings\\MPlan ImpStatus\\Mtg TMDL 100303\\100303-TMDL-MtgNotes-DH-dft-V4.doc

- b. The TMDL Report should be based on a water year instead of a calendar year
- c. The Coalitions should review the diazinon report for the Sacramento River as a starting point for what information to include in the report.

The Coalitions will meet and discuss the components of the TMDL Report in terms of: (1) the due date for the TMDL Report and (2) the process for generating and reviewing the report.

(5) What does Staff expect if an exceedance is reported? What are the time frames for responses?

Purpose: To provide clarification and guidance on the type of follow up and timing for the exceedance reports.

Concern: Is the Regional Board expecting that the Coalitions will apply management plan strategies for the water quality compliance points? The current management plan strategies for both Coalitions have a definitive start and ending point. However, with water quality compliance points in the main stem of the San Joaquin River, Coalitions will not be able to track all input sources due to the extensive area that drains into the San Joaquin River.

Outcome: The same management plans strategies and time frames apply for the water quality compliance points as those presented in the respective Management Plans. The exceedance report deliverables are the same as those prescribed in the Coalition's Monitoring and Reporting Program Plans (MRPP).

(6) After 1 December 2010, if exceedances and/or load allocations are not met at any of the six water quality compliance points, how does Staff expect the Coalitions to follow up? (Basin Plan, Section 3, page IV-36.02)

Purpose: To provide clarification on Staff's expectations and the process after 1 December 2010.

Outcome: If load allocations are not met, the Executive Officer may require revisions to the management plans. This may involve adjusting management plan priorities if compliance with chlorpyrifos/diazinon allocations are not attained or the management plan is not likely to attain compliance (Basin Plan, Section 8, 4th Paragraph, page IV-36.03). Additionally, Coalitions will need to review the water quality data from the tributaries of the main stem and determine if the problem is only in a specific area.

(7) What will happen to the areas that potentially could be causing a problem but growers in the area are not participating in the Irrigated Lands Regulatory Program?

Purpose: To provide guidance for the Coalitions on how to manage non-Coalition participants (e.g. dairy parcels, non-members) that potentially could be contributing to the source of exceedances.

Outcome: The Coalitions need to review the information on dairy parcels and the non-participant list. Since the Westside has 100% participation and few dairies, W:\Irrigated Lands Assessment Planning\Units\Monitoring Implementation\Coalition Groups\East_San_Joaquin_WQC\Management Plans\MP Meetings\MPlan ImpStatus\Mtg TMDL 100303\100303-TMDL-MtgNotes-DH-dft-V4.doc

this is going to be something that the ESJWQC will need to work on. However, by the time that the Coalitions complete this process, the EIR will most likely be certified and the Long Term Program will potentially be adopted by the Board (approximately June 2011). This means that new tools will probably be in place for Staff to address non-participants. The coalition should work with DPR and the agricultural commissioners, while working with their own members, since DPR would likely have new regulations applicable to diazinon and chlropyrifos.

(8) Who is subject to the chlorpyrifos and diazinon prohibitions?

Outcome: These prohibitions apply only to i) dischargers who discharge the pollutant causing or contributing to the exceedance of the water quality objective or loading capacity; and ii) dischargers located in those subareas not meeting their load allocations. These prohibitions do not apply if the discharge is subject to a waiver implementing the objectives and load allocations which includes members of a Coalition (Basin Plan, Section 9, page IV-26.01).

(9) Coalitions are not collecting samples for toxicity testing at the water quality compliance points. Is this something that will be required in the future if Coalitions are not meeting TMDL compliance?

Purpose: To obtain clarification on Staff expectations on toxicity monitoring requirements within the main stem of the San Joaquin River if monitoring data collected at the compliance points do not meet TMDL load allocations.

Concern: A concern was raised regarding the potential for additional monitoring that Coalitions may be required to do in the future and how Staff will address and consider the input from direct sources into the main stem.

Outcome: Coalitions need to monitor toxicity as determined in each Coalition's current MRP Plan and Management Plan. The chemistry data obtained from the tributaries could help explain some of the results found at the water quality compliance points. It is not anticipated that the Regional Board will require toxicity monitoring within the mainstem of the San Joaquin River due to comprehensive upstream monitoring within tributaries on both the East and Westsides.

(10) Does the SJC&DWQC need to participate with the ESJWQC and Westside monitoring and reporting TMDL efforts in the lower San Joaquin River?

Purpose: To obtain clarification on whether the SJC&DWQC has to monitor at the water quality compliance point 1, Vernalis, since the inputs to the Vernalis monitoring point are outside of the SJC&DWQC boundaries.

Outcome: Even though the Vernalis monitoring point is within the boundaries of the SJC&DWQC, this coalition will not need to collect additional monitoring information at Vernalis. A vast majority of the source water lies outside of the SJC&DWQC boundary and out of the Coalition's influence. It does not matter who implements the TMDL, but implementing the TMDL would be better carried

W:\\Irrigated Lands Assessment Planning\\Units\\Monitoring Implementation\\Coalition Groups\\East_San_Joaquin_WQC\\Management Plans\\MP Meetings\\MPlan ImpStatus\\Mtg TMDL 100303\\100303-TMDL-MtgNotes-DH-dft-V4.doc

out by the Coalitions with more influence such as the ESJ and Westside Coalitions. Staff explained that the SJC&DWQC does not need to participate in the monitoring or be part of the TMDL Report for the lower San Joaquin River. It will be implementing the TMDL for the Delta separately.

(11) What can the Coalition do about non-members contributing to the exceedances?

Outcome: Staff will address the non-members through the efforts of the Compliance and Outreach unit. The non-members are under a prohibition of discharge. If staff determines that the non-members are contributing to the exceedances, then staff will likely mail out enforcement letters to the non-member(s) immediately or could issue an Administrative Civil Liability complaint.

II. Next Steps

Regional Board Follow up Actions

Send an email or letter to the Coalitions to share information with growers regarding:

- a. TMDL Requirements
- b. Porter Cologne
- c. Cease and Desist Order
- d. Prohibition of Discharge, especially for those growers that are non-members of the Coalition and the enforcement actions that Staff can take for non-members

Coalitions Follow up Actions

Send an email to the Staff providing information on:

- a. TMDL Report (e.g. time frame of submittal, coordination process, reporting period, etc.)
- b. Strategy for the sampling events (e.g. coordination process with the Westside).

Staff will review and provide comments to the Coalitions' email and proposal.

W:\\Irrigated Lands Assessment Planning\\Units\\Monitoring Implementation\\Coalition Groups\\East_San_Joaquin_WQC\\Management Plans\\MP Meetings\\MPlan ImpStatus\\Mtg TMDL 100303\\100303-TMDL-MtgNotes-DH-dft-V4.doc