

Long-term Irrigated Lands Program Next Steps



Agenda Item 9

Central Valley Water Board Meeting
9 June 2011

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April 2011 Board Meeting

- ILRP Framework discussion
 - Starting point, point of departure
 - Begin developing Orders
 - Questions raised

Presentation Summary

- Program planning
- Tier system
- Enforcement and accountability
- Drinking water projects
- Compliance reporting analysis

Program plan

- Two year phase-in
- Basin plan amendment
- General WDRs development – (8)
- Coalition boundaries



Stakeholder Process

- Groundwater Monitoring Advisory Workgroup
- Stakeholder Advisory Workgroup
- 30-day public review

General WDRs Process Steps

- Stakeholder/technical advisory groups input
- Draft general WDRs
 - Work with coalition groups in drafting orders
- Internal management/legal review & revisions
- Public comment (minimum 30 days)
- Revisions/response to public comments
- Agenda material prepared
- Board hearing

Program Plan: October 2011

- Basin Plan amendment
 - Cost estimate, sources of financing
- Waste discharge requirements (WDRs) - individuals

Program Plan: January 2012

- General WDRs
 - Rice
 - East-side San Joaquin River Watershed

Program Plan: 2012

- Summer and fall 2012, General WDRs
 - West-side San Joaquin River Watershed
 - Tulare Lake Basin (minus Westlands)
 - San Joaquin County and Delta
 - Sacramento River Watershed

Program Plan: April 2013

- General WDRs
 - Westlands Water District
- Rescind current waiver

Program Plan

- Board comments/input on the Program Plan?

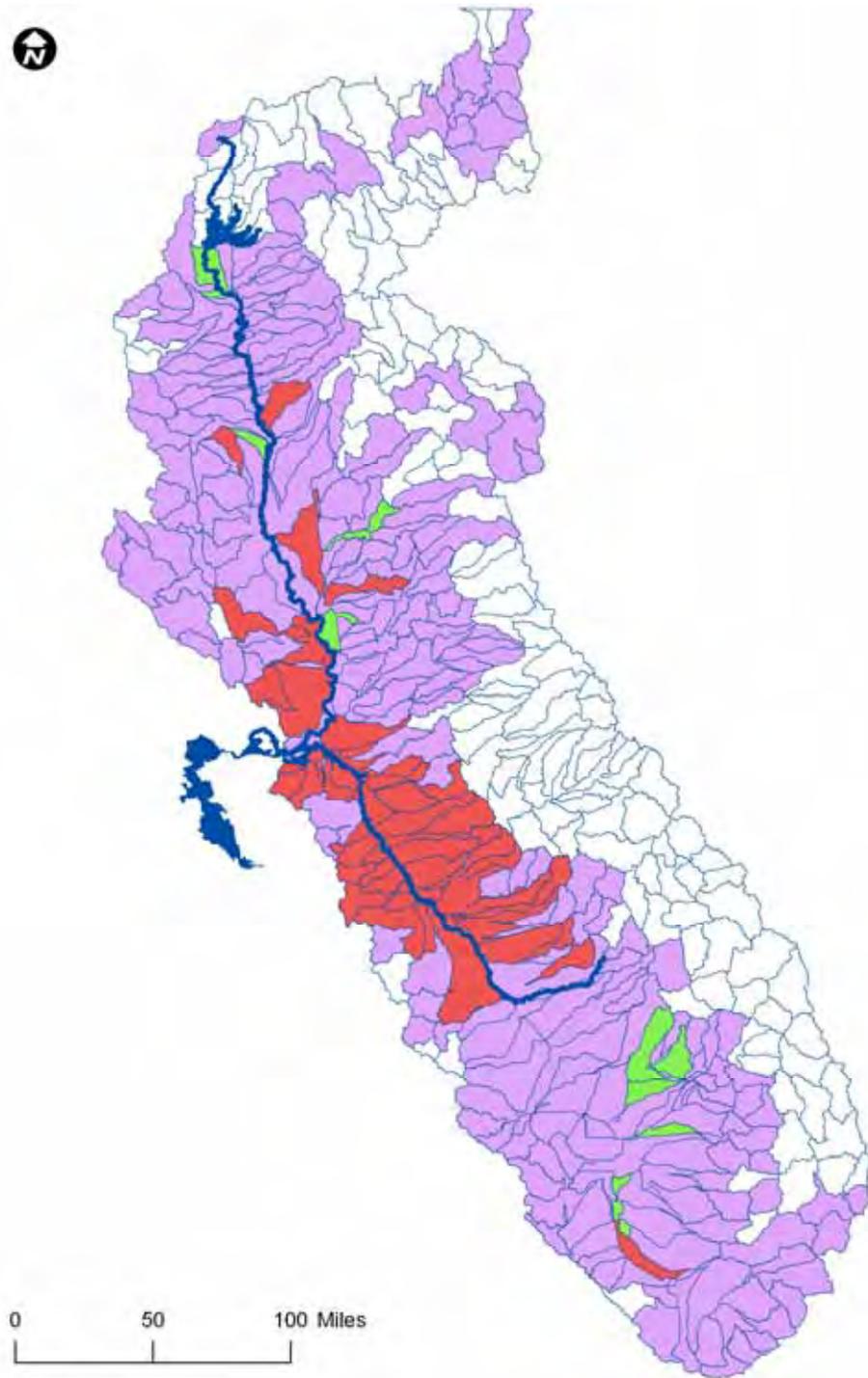
Water Quality Threats (Tiers)

- Tiers are “short-hand” for describing threats to water quality
- Tier identification included in Orders
- Re-evaluation process

Water Quality Threats (Tiers)

- Preliminary surface water quality threat map
 - Tier 1 – low threat
 - Tier 3 – high threat
 - Tier 2 – unknown threat
- Refinement of Tier 2 areas

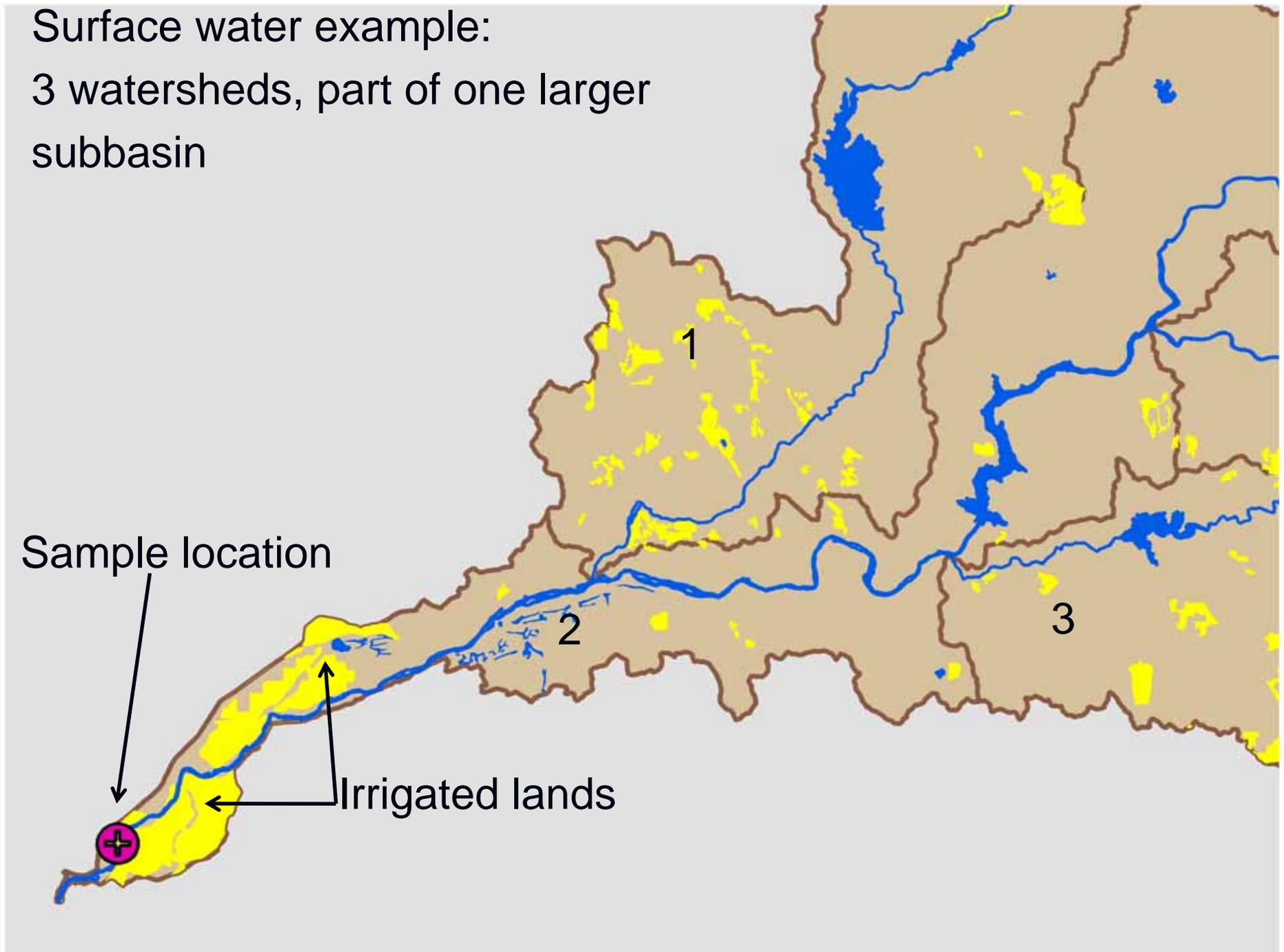
- Surface water:
 - Red = exceedance of objective
 - Green = no exceedance
 - Purple = insufficient information



Surface water example:
3 watersheds, part of one larger
subbasin

Sample location

Irrigated lands

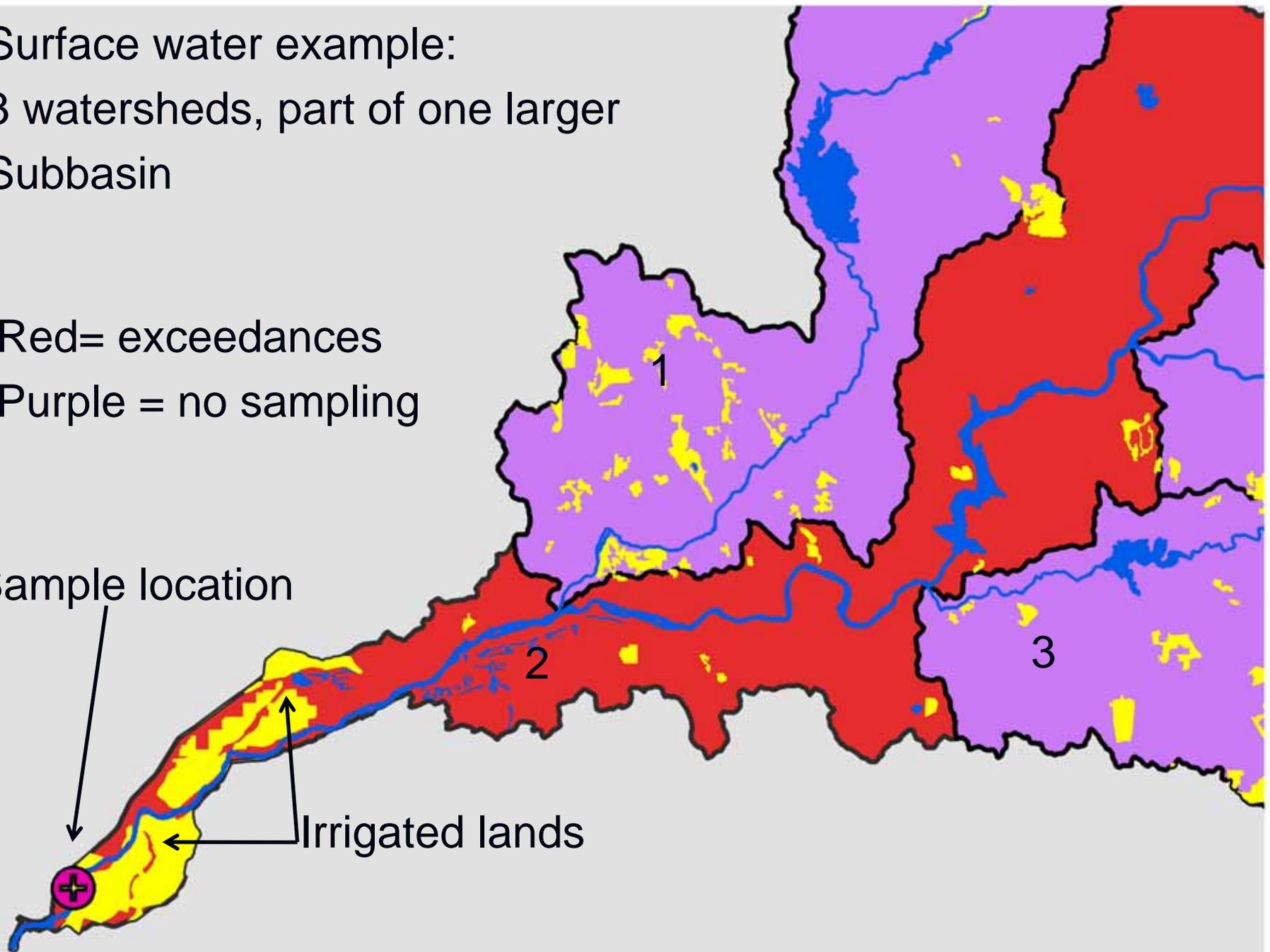


Surface water example:
3 watersheds, part of one larger
Subbasin

Red= exceedances
Purple = no sampling

Sample location

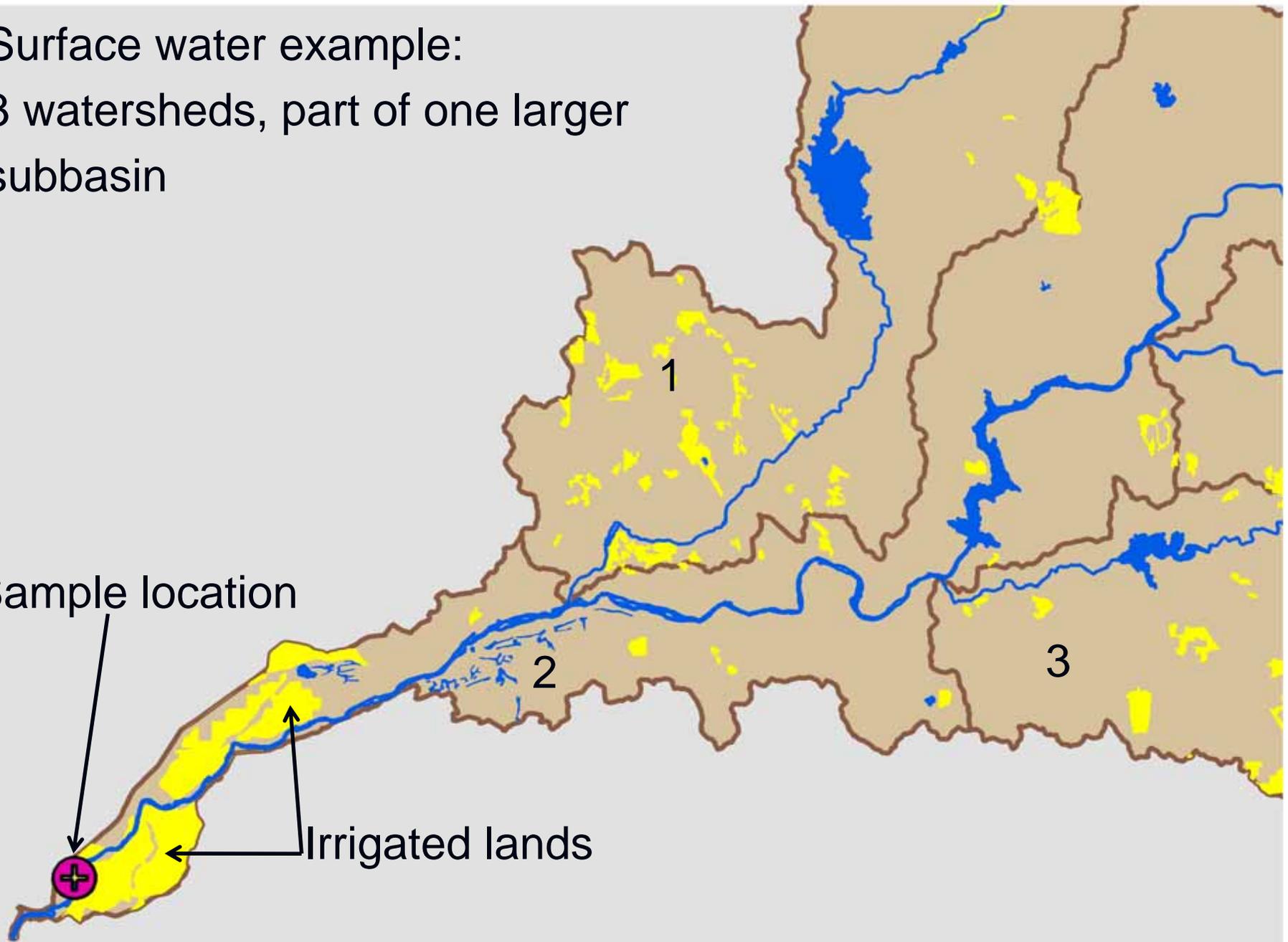
Irrigated lands



Surface water example:
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Sample location

Irrigated lands

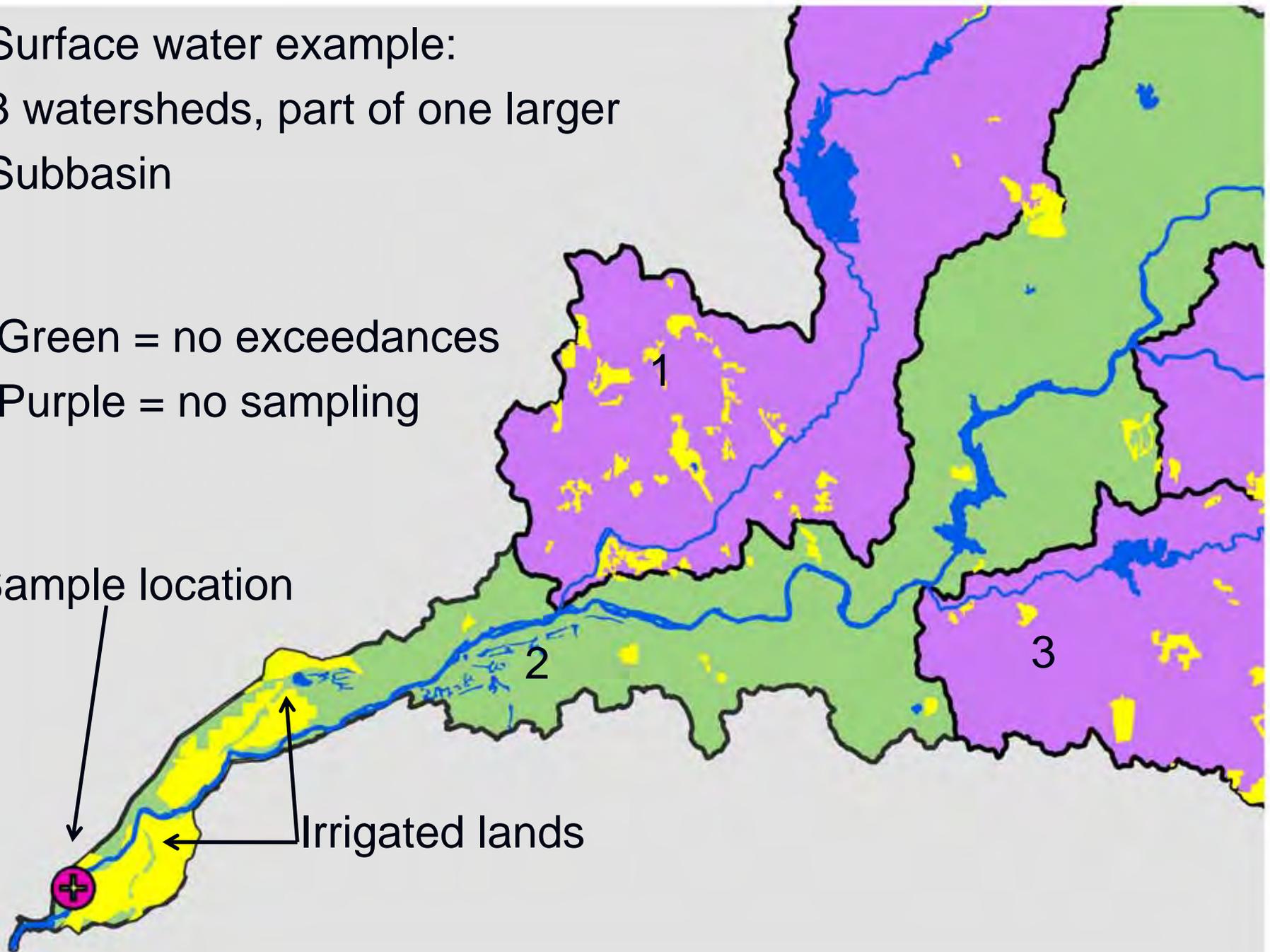


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Sample location

Irrigated lands

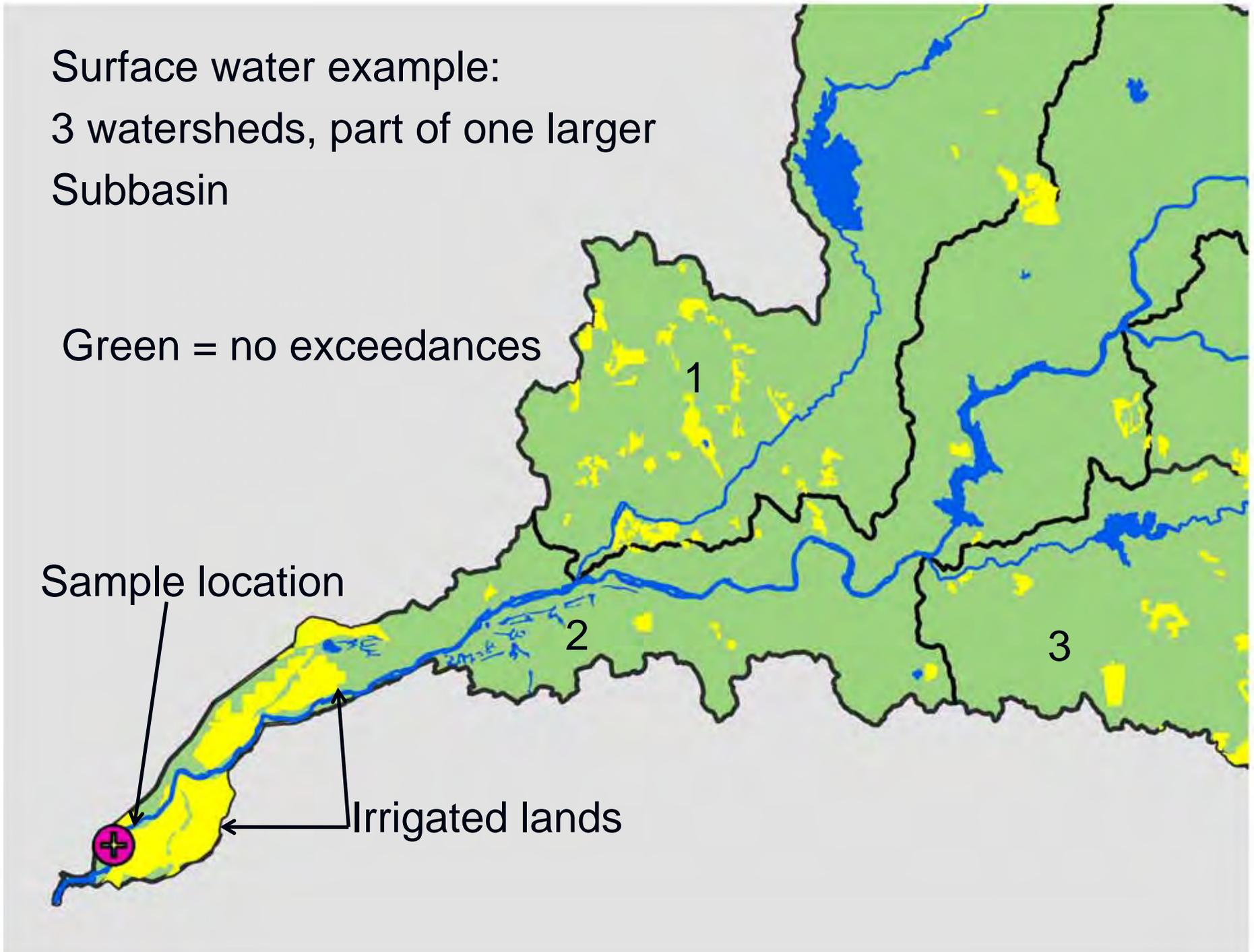


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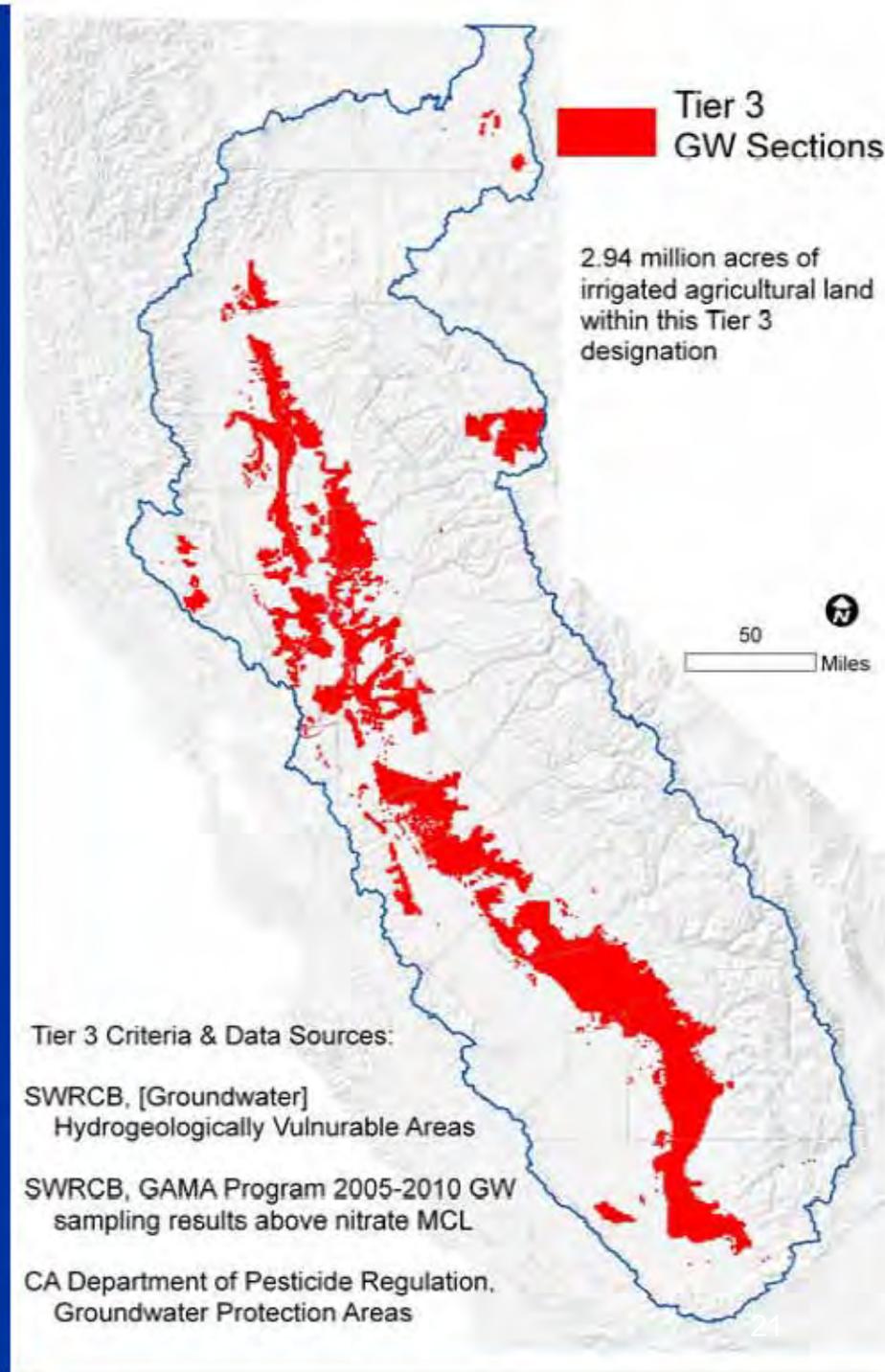
Sample location

Irrigated lands



Preliminary Assessment of Tier 3 Groundwater

- Vulnerability areas
- GAMA program well nitrate data



Water Quality Threats (Tiers)

- Board comments/input on the approach for identifying water quality threats?

Third-party Accountability

- Framework third-party accountability requirements:
 - Provide organizational structure
 - Transparency of ILRP fee expenditures
 - Notify members of violation notices

Third-party Accountability

- Role of 3rd Parties in ensuring individual grower compliance:
 - Informing growers of requirements
 - Receiving information from growers
 - Ensuring accuracy of information
 - Evaluating whether “best efforts” to improve water quality are being made
 - Dropping non-compliant growers from 3rd party
 - Informing Board of non-compliance

Enforcement: Third-parties

- Enforcement steps, in order:
 - Initial notification, third-party
 - Second notification, third-party and affected members
 - Third notification, disapproval of third-party
- *Public notice of enforcement*

Enforcement: Individuals

- To assess compliance, the Board must know what individuals are doing
- Enforcement steps, in order:
 - Iteratively require monitoring/practices
 - Enforcement action where iterative system fails
 - Require report of waste discharge

Accountability/Enforcement

- Board comments/input on accountability and enforcement issues?

Drinking Water Project Funds

- Supplemental Environmental Projects
- Cleanup and Abatement Account
- Water Code section 13304 orders

Supplemental Environmental Projects

- Drinking water projects may be funded by dischargers subject to administrative civil liability
- Up to 50 percent of penalty may go towards project – may be higher with Office of Enforcement approval

Cleanup and Abatement Account

- Administered by State Water Board
- Funding available to agencies with authority to cleanup or abate waste
- Regional Water Boards provide recommendations for project funding

Cleanup and Abatement with Section 13304 Order

- May be used to provide alternate drinking water supply
- To issue an order, there must be a link between the entity responsible for the waste discharge and the condition of pollution

Drinking Water Projects

- Board comments/input on drinking water projects?

Reporting

- Board needs information to determine compliance (management practices implemented)
- Three basic approaches
 - 3rd parties collect information/submit summarized information
 - Individual discharges collect/submit all information
 - Combination

Reporting ILRP & Other Programs

	Current Program	Central Coast	Dairy	Industrial Storm-water	NPDES
Individual		 		 	 
3 rd Party	 	 	Option  	Option  	Option  

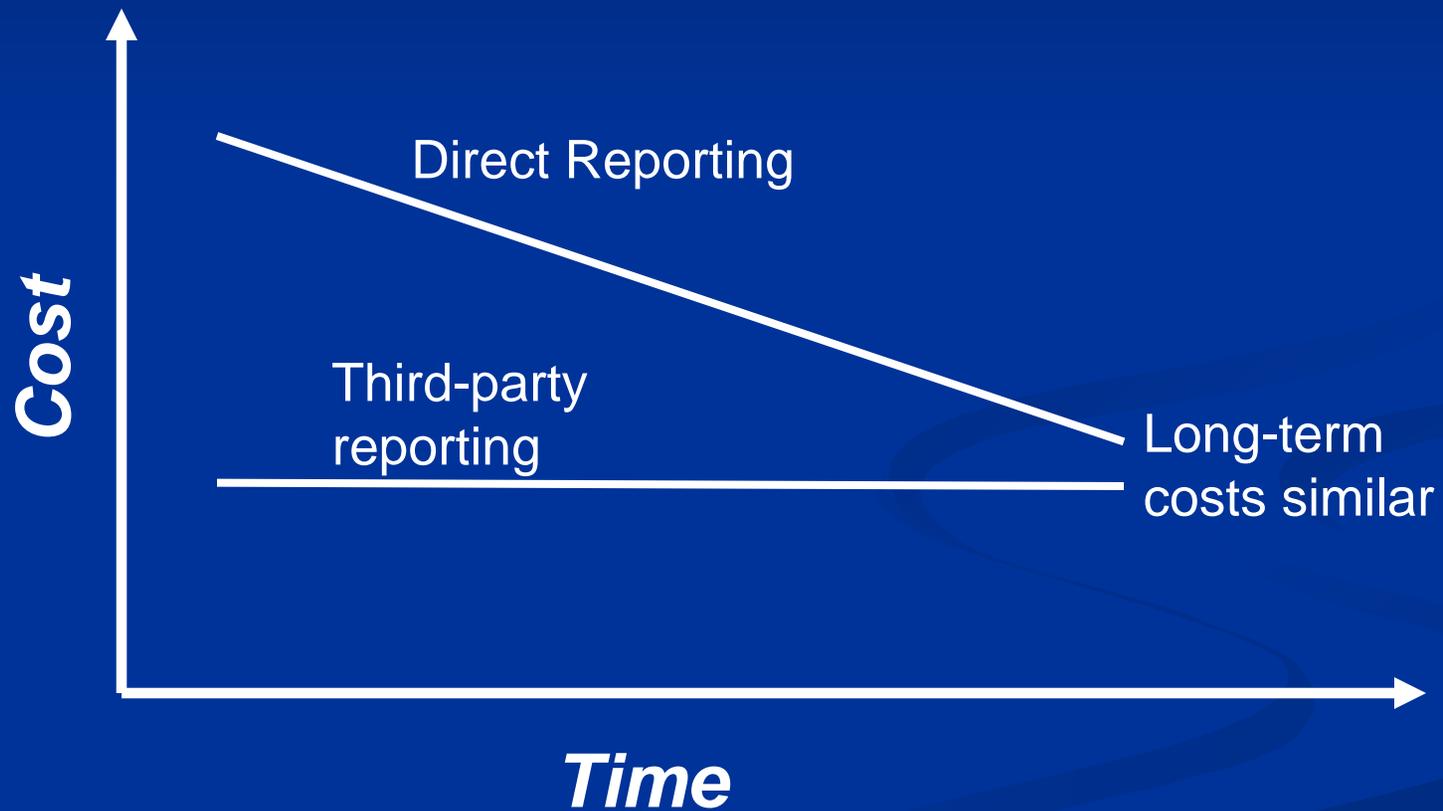
Reporting to Third-party

- (+) Maintains current grower/coalition relationship
- (+) 3rd Party compiles/analyzes information
- (+) 3rd Party provides technical assistance for submitting data
- (-) Difficult to measure individual compliance
- (-) Board cannot review raw data sets
- (-) Data collected may differ

Reporting Directly to the Regional Board

- (+) Individual compliance assessment
- (+) Facilitates data review/analysis
- (+) Data collection consistent
- (-) Technology (computer, internet)
- (-) Board provides technical assistance for submitting information

Consideration of Costs



Combination Reporting Option

- Growers report information to 3rd Party
 - 3rd Party determines whether data submittal is electronic/hard copy
- Individual grower information submitted electronically to Board from 3rd Party
- Board establishes information requirements

Combination Reporting Option

- (+) Maintains current grower/coalition relationship
- (+) Individual compliance assessment
- (+) 3rd Party compiles/analyzes information
- (+) 3rd Party provides technical assistance for submitting information
- (+) Data collection consistent
- (+) Facilitates data review/analysis

Reporting Analysis Summary

- Total costs:
 - Short-term costs of direct reporting higher than third-party summary reporting
 - Long-term costs similar
- Concerns with direct reporting may be mitigated
- Direct, and combination reporting options provide increased accountability at similar cost - recommended

Presentation Summary

- Staff will use Framework as launching point for Order development
- Significant policy issues will need to be addressed as Orders are brought to the Board