

ATTACHMENT 2

to ESJWQC's Comments on Tentative WDRs for Growers Within the Eastern San Joaquin River Watershed Area

Additional Language and Revisions for Consideration

Edits are made with track changes based on current Tentative Order verbiage.

Draft WDR, Findings:

- 13 To apply for coverage under this Order, a grower that is not a current Member in the third-party group will have different application requirements depending on the timing of its request for regulatory coverage (see section VII.A of this Order for specific requirements). Growers that enroll within ~~90-120~~ days of the ~~adoption of this Order~~ third party's receipt of a Notice of Application (NOA) will enroll under this Order by obtaining membership in the third-party group. This will streamline the initial enrollment process for the bulk of the irrigated agricultural operations within the Eastern San Joaquin River Watershed. Growers who do not enroll within ~~90-120~~ days of ~~the third party receiving an NOA~~ adoption of this Order, or whom are prompted to apply by Central Valley Water Board enforcement or inspection, are required to submit a Notice of Intent (NOI) to comply with the terms and conditions of this Order to the Central Valley Water Board and obtain membership with the third-party group. This additional step for late enrollees is intended to provide incentive for growers to enroll promptly. There will be an administrative fee for submitting an NOI to the board. The fee will help recover costs for board efforts to conduct outreach to ensure growers subject to this Order enroll or submit reports of waste discharge.

Draft WDR, Section IV.C.8:

8. Within ~~60~~120-days after ~~receiving~~sending the Farm Evaluation ~~from to~~ its Members as specified in section VII.B below, the third-party shall notify the sub-set of Members that are required to prepare and implement a Sediment and Erosion Control Plan based on information contained in the Farm Evaluation. The third-party's determination of whether or not a Member is required to prepare a Sediment and Erosion Control Plan shall be based on the Member's potential to discharge sediment to surface waters or cause erosion, and other appropriate factors that are identified on the Farm Evaluation Template.

Draft WDR, Section IV.C.9.b:

- 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., ~~estimate the number of growers that did not attend the events, and describe the process used to ensure those growers who did not attend outreach events were provided the information discussed at the outreach events.~~

Draft MRP, Section IV.A:

A. Groundwater Vulnerability Designations

The third-party and staff of the Central Valley Water Board will evaluate available information pertaining to discharges of waste from irrigated lands to groundwater pursuant to the procedures set forth in section IV.B below. The third-party will use this information in conjunction with hydrogeologic data to refine and prioritize high vulnerability designations specific to groundwater within the Eastern San Joaquin River Watershed. The third-party may also propose low vulnerability areas where reduced program requirements would apply. Vulnerability determinations may be based on factors including, but not limited to, that focus on the physical conditions of the area (soil type, lithologic characteristics of the geologic setting [higher permeability materials] beneath the shallower soil profile, depth to groundwater, beneficial uses, etc.), ~~and the practices used for irrigated agricultural fields and operations (pesticide permit and use conditions, label requirements, application method, etc.).~~ Vulnerability determinations will consider the areas previously designated by the Department of Pesticide Regulation/State Water Board¹. The third party will use the comprehensive assessment of physical factors conducted as part of the Groundwater Assessment Report (GAR) to demonstrate applicability of existing vulnerability designations or the third party may provide evidence supporting new higher and lower vulnerability designations in the GAR.

High vulnerability designations for groundwater are required by this MRP as part of the Groundwater Assessment Report identified in section IV.B below. Vulnerability designations may be refined/ updated periodically during the Annual Monitoring Report process. The Executive Officer will make the final determination regarding vulnerability designations.

~~**Low vulnerability areas** do not have exceedances of water quality objectives for which irrigated agriculture waste discharges are the cause or a contributing source and are not deemed vulnerable by the Department of Pesticide Regulation/State Water Board.²~~

~~**High vulnerability areas** have exceedances of water quality objectives for which~~

¹ Previously designated high vulnerability areas for groundwater include areas identified by the State Water Board as high vulnerability areas, or identified by the Department of Pesticide Registration as Groundwater Protection Areas (leaching and runoff).

~~irrigated agriculture waste discharges are the cause, or a contributing source, or are deemed vulnerable by the Department of Pesticide Regulation/State Water Board.~~

The third party may also prioritize the areas designated as high vulnerability areas for purposes of preparing trend and representative groundwater monitoring programs. When establishing relative priorities for high vulnerability areas, the third party shall consider the following:

- Identified exceedances of water quality objectives for which irrigated agriculture waste discharges are the cause, or a contributing source;
- The proximity of the high vulnerability area to areas contributing recharge to urban and rural communities where groundwater serves as a significant source of supply;
- Existing field or operational practices identified to be associated with irrigated agriculture waste discharges that are the cause, or a contributing source; and
- The largest acreage commodity types in the third-party area (and also high vulnerability areas), including the most prevalent commodities comprising up to at least 80% of the irrigated agricultural acreage in the third-party area (this factor considers such differences in irrigation and fertilization practices as may exist for different commodities).

Draft MRP, Section IV.B (p. 15, first paragraph):

- Information on existing groundwater data collection and analysis efforts relevant to this Order (e.g., Department of Pesticide Regulation [DPR] United States Geological Survey [USGS] State Water Board Groundwater Ambient Monitoring and Assessment [GAMA], California Department of Public Health, local groundwater management plans, etc.). This groundwater data compilation and review shall include readily accessible information relevant to the Order on existing monitoring well networks, individual well details, and monitored parameters. For existing monitoring networks (or portions thereof) and/or relevant data sets, the third-party should assess the possibility of data sharing between the data-collecting entity, the third-party, and the Central Valley Water Board.

Draft MRP, Section IV.D (p. 18, third paragraph):

~~“These Trend wWorkplans shall be submitted within one (1) year following the approval of the GAR, including the designated high vulnerability areas and their prioritization of third-party receipt of a NOA from the board.”~~

Draft MRP, Section IV.D, Table 3 (p. 19):

Table 3: Trend Monitoring Constituents

Annual Monitoring Conductivity (at 25 °C) pH Dissolved oxygen (DO) Temperature Alkalinity Nitrate + Nitrite as Nitrogen Total Kjeldahl Nitrogen
Trend monitoring wells will also be sampled initially and once every five years for the indicator parameters and the following larger list of COCs: Total dissolved solids (TDS) General minerals: Anions (carbonate, bicarbonate, chloride, sulfate, and nitrate) Cations (arsenic , copper , iron , manganese , zinc , boron , calcium, sodium, magnesium , and potassium)

Draft MRP, Section V.A (p. 20):

V. Third-Party Reporting Requirements

Reports and notices shall be submitted in accordance with section IX of the Order, Reporting Provisions.

A. Quarterly Submittals of [Surface Water](#) Monitoring Results

Each quarter, the third-party shall submit the previous quarter's [surface water](#) monitoring results in an electronic format. The deadlines for these submittals are listed in Table 4 below.

B. [Annual Groundwater Monitoring Results](#)

[Annually, the third-party shall submit the prior year's annual groundwater monitoring results in an electronic format. The annual groundwater monitoring results shall be included in Annual Monitoring Report and discussed per the relevant components described in Section V.C. Alternatively, the results can be submitted in a separate report due of the same date as the AMR.](#)

[BC. Annual Monitoring Report](#)

The Annual Monitoring Report shall be submitted by 1 May, covering the monitoring periods from the previous hydrologic water year. The report will encompass the following periods: 1 October through 31 December two years prior to the Annual

Report year, and 1 January through 30 September of the year prior to the Annual Report year. Each report shall include the following components:

Draft MRP, Section V.C (p. 25):

C. Surface Water Exceedance Reports

The third-party shall provide exceedance reports if monitoring results show exceedances of adopted numeric water quality objectives or trigger limits, which are based on interpretations of narrative water quality objectives. For each surface water quality objective exceeded at a monitoring location, the third-party shall submit an Exceedance Report to the Central Valley Water Board. The estimated flow at the monitoring location and photographs of the site must be submitted in addition to the exceedance report but do not need to be submitted more than once. The third-party shall evaluate all of its monitoring data and determine exceedances no later than five (5) business days after receiving the laboratory analytical reports for an event. Upon determining an exceedance, the third-party shall send the Exceedance Report by email to the third-party's designated Central Valley Water Board staff contact by the next business day. The Exceedance Report shall describe the exceedance, the follow-up monitoring, and analysis or other actions the third-party may take to address the exceedance. ~~For exceedances related to pesticides~~ Upon request, the third-party shall also notify the agricultural commissioner of the county in which the exceedance occurred and/or the director of the Department of Pesticide Regulation.

Draft MRP, Section VI.A (p. 26):

A. Third-Party - Farm Evaluation Template

The third-party will develop a template or web-based information system to gather Farm Evaluation information from Members. At a minimum, the template must be designed to collect the following information:

- Identification of on-farm management practices implemented to protect surface and groundwater quality. Specifically track which management practices recommended in management plans have been implemented at the farm.
- ~~Description of a self-inspection plan (including description of timing and frequency of inspections) to confirm practices are working as expected (i.e., visual checking of berms, levees, etc.)~~
- Location of the farm
- Identification of whether or not there is areas of the farm that have movement of soil during storm events and/or during irrigation drainage events (sediment and erosion risk areas) and a description of where this occurs

- Identification of ~~points on the farm where~~whether or not water leaves the property and is conveyed downstream and a description of where this occurs.