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State Water Resources Control Board

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Arnold Schwarzenegger
Governor

TO: Pamela Creedon, Executive Officer
Central Valley Regional Water Quality
Control Board (Sacramento)

FROM: Dorothy Rice
Executive Director
EXECUTIVE OFFICE

DATE: MAY 18 2007

SUBJECT: CONDITIONAL WAIVERS FOR DISCHARGES OF WASTE FROM IRRIGATED
LANDS (CONDITIONAL WAIVERS)

As you know, the Conditional Waivers issued and reissued by the Central Valley Water Quality Control Board (Regional Water Board) for discharges from irrigated lands have been and continue to be a matter of great interest to the State Water Resources Control Board (State Water Board). The State Water Board recently declined to review several water quality petitions that challenge various provisions in the Conditional Waivers. The State Water Board has elected, instead, to continue to work with the Regional Water Board in hopes that the Conditional Waivers will expand and improve with time.

In this light, I would like to schedule a joint informal meeting of the State and Regional Water Boards for the first week of August to discuss and hear comments on possible future changes in the Conditional Waivers. This open meeting will afford the interested members of the agricultural community and the public an opportunity to hear staff updates on implementation of the Conditional Waivers and to address questions and suggestions to the decision makers. The State Water Board staff has identified several issues that they believe ought to be addressed.

To date, the issues that I believe should be considered at the joint meeting are:

Monitoring and Reporting Program (MRP)

- What revisions do the Regional Water Board intend to make to the MRP?
- What questions do the Regional Water Board believe will be answered by the revised MRP?

- Does the Regional Water Board intend that the revised MRP will require submissions that are compatible with the State Water Board's Surface Water Ambient Monitoring Program (SWAMP)?
- What actions do the Regional Water Board expect to take to ensure that the revised MRP will be fully implemented by the coalitions?

Discharger Participation

- Is current participation by growers in the irrigated lands program at satisfactory levels?
- What actions, if any, do the Regional Water Board plan to take to increase levels of participation?

Water Quality/Management Plans

- Does the Regional Water Board have good data on exceedances of water quality objectives in surface water bodies within the Central Valley that receive agricultural discharges?
- Does the Regional Water Board have good data on exceedances of water quality objectives in groundwaters within the Central Valley that receive agricultural discharges?
- What actions do the Regional Water Board and the coalitions plan to take to address any violations or exceedances that are found?
- Will the Regional Water Board require the preparation and implementation of more management plans in response to violations that are found?
- Does the Regional Water Board expect that the use of such management plans will fully address the elements of the State Water Board non-point source policy?

Coordination with Other Agencies

- What is the Regional Water Board currently doing to coordinate with other agencies involved in agriculture, including the Department of Pesticide Regulation, Department of Food and Agriculture, County Agricultural Commissioners, and the U.C. Extension Farm Advisors?
- What does the Regional Water Board plan to do to coordinate with these agencies in the future?

Coalition Compliance with Conditional Waivers Conditions

- How will the Regional Water Board track failure to comply with waiver conditions?
- Does the Regional Water Board plan to issue notices of violations when a waiver condition, such as a failure to submit a report, is not met?
- Does the Regional Water Board intend to decertify coalitions that engage in a continuing series of violations?

Long Term Program

- What is the current status of the Regional Water Board's plan to develop a long term program to address agricultural discharges including threats to groundwater?
- What is the schedule for adopting the final program?

I will shortly have my staff prepare a notice and set up a schedule for the meeting. Darrin Polhemus will be coordinating this meeting.

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