



August 6, 2014  
140268:EC



Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Via Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Subject: Comments and Recommendations for the Expert Panel on the Draft Conclusions of the  
Agricultural Expert Panel: Recommendations to the State Water Resources Control Board  
Pertaining to the Irrigated Lands Regulatory Program

Dear Members of the Agricultural Expert Panel:

On behalf of the Sacramento River Source Water Protection Program (SRSWPP), thank you for the opportunity to provide comments and recommendations on the Draft Conclusions of the Agricultural Expert Panel: Recommendations to the State Water Resources Control Board Pertaining to the Irrigated Lands Regulatory Program (Draft Conclusions Report). The SRSWPP is sponsored by the City of Sacramento, the City of West Sacramento, and the Sacramento County Department of Water Resources; this program is coordinated with other agencies that draw drinking water from the Sacramento River (or have plans to do so), including East Bay Municipal Utility District and the Woodland-Davis Clean Water Agency. We serve drinking water to more than 650,000 people in Northern California.

The SRSWPP seeks to maintain the high quality of the Sacramento River drinking water supply for the current and future generations. It is our responsibility as water utilities to ensure that our water is both healthful and free of any unpleasant taste, odor, or other aesthetic effects. Watershed management programs are essential for preserving the high quality of the Sacramento River watershed. We actively provided stakeholder input during the development of the Long-Term Irrigated Lands Regulatory Program (ILRP) orders in the Central Valley, because they have the potential to impact source water quality for current and future water quality constituents of interest.

Agriculture has the potential to contribute numerous constituents of interest to our surface water supply. Our key interests for the Sacramento River drinking water supply, in addition to pesticides, include turbidity, organic carbon, and pathogens. Historical data collected as part of the ILRP indicates that these constituents are

contributed by agriculture. Fortunately, our surface water supply does not currently have elevated levels of nutrients, specifically nitrate.

Over the last two decades, USGS and other monitoring programs have detected pesticides in the Sacramento River. The presence of pesticides in the river demonstrates that there are pathways for water pollutants in agricultural discharges to reach downstream water supplies. Our ongoing drinking water source assessments continue to identify agriculture as a significant possible contaminating activity in our watershed. Possible contaminating activities are human activities that are actual or potential origins of contamination for a drinking water source; these include sources of both microbiological and chemical contaminants that could have adverse effects upon human health.

We appreciate the significant efforts of the coalition groups in the Sacramento Valley to implement extensive monitoring programs, management plans, and education and outreach efforts to their members as part of the Conditional Waivers for the ILRP. This has resulted in significant reductions in frequency and detected levels of pesticides in the Sacramento River.

The original scope of the Agricultural Expert Panel was focused on nitrate in groundwater, which is not a primary concern for the SRSWPP. As the State Water Resources Control Board (State Water Board) expanded the scope of the panel to include three questions related to surface water impacts of agricultural discharges, we reviewed the Draft Conclusions Report with regard to the conclusions and recommendations for Questions 3, 4, and 11. We appreciate the State Water Board soliciting input on Questions 3, 4, and 11 at an earlier date per request of the Agricultural Expert Panel; we were not able to provide a response at that time due to the tight schedule.

The following are our comments and recommendations on Questions 3, 4, and 11:

#### **Request for Summary Responses for Each Question**

This Draft Conclusions Report includes presentations of the questions to be addressed, discussions of various categories of information related to the ILRP, and key points related to those categories. Specific responses are not provided to address each question; this does not provide the opportunity to completely review the conclusions and recommendations related to surface water concerns.

*We recommend that the Expert Panel present a summary response to each question, delineating the applicability to groundwater and/or surface water.*

#### **Request for Clarifications if Key Points Relate to Nitrate Only**

The majority of the information presented, discussed, and evaluated in the Draft Conclusions Report is related specifically to nutrient application and nitrate concentrations. It is unclear if the intent of the document is for the Key Points to be applied only to nitrate and nutrient management activities, or more broadly to other

constituents. Nutrients, including nitrate, have very specific application, management, and fate and transport mechanisms that can vary greatly by site and medium (groundwater versus surface water). These characteristics cannot be equally applied to other water quality concerns, and it is not applicable to relate decisions based solely on nitrate to other constituents.

*We recommend that the Expert Panel clarify which Key Points and recommendations only apply to nitrate issues in groundwater. If various Key Points and recommendations apply to other constituents, we recommend that the report include more supporting materials on the other constituents, explanations of the validity of any extrapolation to other constituents, and clarification if the conclusions apply to groundwater and/or surface water.*

#### **Clarification on Question 4.d**

The original Question 4.d asks the Expert Panel to evaluate and develop recommendations for the current approaches taken to assessing risk to or vulnerability of surface water on High Vulnerability Areas Methodology (as developed by the Central Valley Regional Water Board in a series of Waste Discharge Requirements issued to agricultural coalitions in the ILRP). Appendix C includes a brief that revised the question to specifically include sediment/erosion risk as well as Surface Water Quality Management Plans. However, the Draft Conclusions Report doesn't include a discussion on solids loading to surface water or any evaluation of the management plan programs.

*We recommend that the Expert Panel clarify whether they addressed the original Question 4.d or the revised Question 4.d in the Draft Conclusions Report, and include additional information as necessary to support any conclusions and recommendations.*

#### **Key Point B**

Key Point B in Section 3.2.1 states, "The Panel was not confident that the designation of high or low "risk" or "vulnerability" should even be relevant for regulation. However, risk level may be considered in the administration of responsibilities of growers to the coalitions." Per Table 1, this Key Point is applied to Questions 3 and 4 related to surface water. The discussion on vulnerability and risk presented in Section 3.2.1 is completely focused on the nitrate in groundwater issues. There is no supporting information presented related to surface water or any other constituents of interest. In the Central Valley, the determination of vulnerability is different for surface waters and groundwater, as described in the Sacramento River Watershed Order, Attachment E Items 14 and 15.

*We recommend that the Expert Panel clarify that the discussion on vulnerability and risk presented in Section 3.2.1 is only applicable to the evaluation of groundwater risk and remove its applicability to Questions 3 and 4 - or present information related to the risk and vulnerability determinations for surface waters.*

## Key Point J

Key Point J in Section 3.2.2 states, “Regulatory programs must meet the challenge of being meaningful without being overly complex. Programs with excess complexity and excessive data collection/reporting will likely fail.” However, there is no supporting information provided to show the likelihood of failure. The interpretation of Key Point J regarding excess complexity and excessive data collection/reporting could be very wide ranging and possibly used to discourage a scientifically appropriate, cost-effective, and informative monitoring design. Some constituents, such as pesticides, have programs in place which could facilitate data evaluations, and there are regulatory agencies, such as USEPA, which can assist by providing access to existing tools. Per Table 1, this Key Point is applied to Question 4 on surface water. The discussion in Section 3.2.2 is focused on groundwater nitrate concerns, so it is unclear how Key Point J would apply to surface waters.

*We recommend that the Expert Panel clarify that Key Point J is only applicable to nitrate programs and remove its applicability to Question 4 - or present information to explain and support their concerns about program complexity and data collection for surface waters.*

## Surface Water Discharge Evaluation

The discussion on surface water discharges presents three concerns associated with individual farm/field monitoring. Although we understand that this type of monitoring is least efficient, we note that the concerns presented in Item 2 may not be entirely valid. Since growers know the timing of their chemical use and their irrigation practices, timing of sample collection can be coordinated to ensure that high risk periods are sampled, such as during pesticide use application or during a storm event. Also, some constituents of interest in surface water quality can be collected and preserved for many days prior to analysis. Good preparation can address the concerns on timing for laboratory analysis.

We concur with the Expert Panel that a network of receiving water sampling locations is the correct starting point for an ILRP monitoring program. Sampling locations and timing need to account for watershed-specific factors such as constituents of interest, fertilization practices for the crops in the watershed, pesticides used, pesticide application methods, annual pesticide and fertilizer application schedules, irrigation practices, and typical management practices in place in the watershed, as well as other factors including weather. A good example of a watershed-specific regional monitoring program is in the Sacramento River Watershed Order’s Monitoring and Reporting Program, which has identified representative, integration, and special monitoring sites.

*We suggest that the Expert Panel consider this input during finalization of the report.*

We appreciate the opportunity to provide comments and recommendations for consideration by the Expert Panel. Please do not hesitate to contact me via phone at 916-808-1424 or email at [ecallman@cityofsacramento.org](mailto:ecallman@cityofsacramento.org) if you would like to discuss the above.

Sincerely,



Elissa Callman  
Senior Engineer

Cc: Dave Brent, Director  
Bill Busath, Engineering and Water Resources Division Manager  
Michael Malone, Operations and Maintenance Division Manager  
Sherill Huun, Supervising Engineer  
Pravani Vandeyar, Water Quality Superintendent  
Dave Phillips, Water Treatment Superintendent  
Dan Mount, City of West Sacramento  
Paulina Benner, City of West Sacramento  
Vicki Butler, Sacramento County Water Agency  
Dan Gwaltney, Sacramento County Water Agency  
Eileen White, EBMUD  
Hubert Lai, EBMUD  
Dennis Diemer, Woodland-Davis Clean Water Agency  
Bonny Starr, Starr Consulting  
Kelly Moran, TDC Environmental