

IRRIGATED LANDS REGULATORY PROGRAM UPDATE REPORT JUNE 2009

This month's Irrigated Lands Regulatory Program (ILRP) monthly report will provide an update on activities of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) ILRP, as reported in the Central Valley Water Board's April 23-24, 2009 Executive Officer's report. Future ILRP monthly reports will alternate between the Central Coast, Los Angeles, Santa Ana, Colorado River Basin, San Diego, and Central Valley Regional Water Quality Control Board programs. English and Spanish translations of current and past ILRP program monthly reports can be found on the State Water Boards Irrigated Agricultural Waiver Program website:

http://www.waterboards.ca.gov/water_issues/programs/agriculture/

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CENTRAL VALLEY WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM

(As reported in the Central Valley Water Board's April 23-24, 2009 Executive Officer's report)

Long-term Program / Environmental Impact Report (EIR)

On 17 February, staff conducted the third long-term program stakeholder advisory workgroup meeting. The meeting was facilitated by the Regional Water Board's contractor, CSU Sacramento Center for Collaborative Policy (CCP). At the 17 February meeting, workgroup participants presented proposed alternatives for the long-term program. Interest groups that presented alternatives included:

- Coalitions and commodity groups developed joint alternatives for surface and groundwater.
- Clean Water Action, California Rural Legal Assistance Foundation, and Community Water Center representatives developed a joint groundwater alternative.
- El Dorado County developed a "Low Threat" waiver alternative for discharge to surface water.
- South San Joaquin Valley Water Quality Coalition developed alternatives for surface and groundwater that are similar to those developed by the coalition and commodity groups.
- South San Joaquin Irrigation District commented that groundwater should not be a part of the irrigated lands program.
- Westlands Water District developed an alternative for discharges to ground and surface water.
- Westlands main concern is coordination between the long-term ILRP and the WDRs being developed for irrigated lands in Westlands.
- Wildlands Inc., developed an alternative for discharges to surface waters.

Staff will be working with these interest groups to develop the details of the alternatives for more in depth analysis and comment by the workgroup. Staff will also be developing additional alternatives, as necessary, to ensure that a reasonable range of alternatives is considered. The next long-term program workgroup meeting is scheduled for 15 April 2009 and will be an informational session on nitrates in ground water.

On 28 January staff met with Glenn and Butte County Agricultural Commissioners to discuss commissioner involvement in the long-term program. Glenn and Butte County Agricultural Commissioners will be meeting with coalition groups in the near future to pursue the development of a joint alternative that will include agricultural commissioners.

On 2 February staff conducted a long-term program workgroup informational session. The session included presentations by Polly Lowry, Regional Water Board staff, and John Troiano, Department of Pesticide Regulation, on groundwater issues facing irrigated lands. Tess Dunham of Somach, Simmons and Dunn also lead a legal discussion on the statutory requirements of the long-term program. Terry Rivasplata from ICF - Jones and Stokes provided a presentation on the California Environmental Quality Act as it affects the long-term program. The informational session was well attended and received by the advisory workgroup.

On 4 March staff met with representatives from Clean Water Action, California Rural Legal Assistance Foundation, and the Community Water Center, to discuss the details of their proposed groundwater alternative. Also on 4 March, staff met with representatives from El Dorado County, Upper Watershed, Rice Commission, and Sacramento Valley Coalition to discuss the "Low Threat" long-term program alternative developed by El Dorado County.

Staff has developed a series of draft groundwater nitrate summary maps using existing data from the Department of Pesticide Regulation, United States Geological Survey, Department of Water Resources, and Regional Water Board Dairy Program data. These maps graphically depict areas throughout the Central Valley where well data for nitrates exceeds Department of Public Health MCLs. These maps were developed to address comments received during the scoping phase of the long-term program and to assist in the development of the long-term program. Staff will be presenting these draft maps to the long-term program workgroup.

Enforcement

California Water Code section 13267 Orders

On 28 January 2009, the Executive Officer issued 15 Notices of Violations (NOVs) to landowners and operators in Sacramento, San Joaquin, Solano, and Yolo Counties for failure to respond to a CWC 13267 Order. The 13267 Orders required landowners to fill out a one page form briefly describing why their parcel was not enrolled in the ILRP.

On 29 January, 162 CWC §13267 Orders were issued to growers in Stanislaus and El Dorado Counties who were identified as not being enrolled in the ILRP. The recipients of these Orders were first issued an information postcard on 11 December 2008. Because they didn't respond to the postcard, they subsequently received 13267 Orders.

On 30 December 2008, the Fresno Office sent CWC §13267 Orders to owners of 2,621 parcels representing approximately 229,000 acres (a total of 681 Orders). Owners of these parcels had been dropped from the 2008 Southern San Joaquin Valley Water Quality Coalition (Coalition) participant list by the Kern River sub-watershed. The Orders required recipients to submit a technical report by 20 February 2009 describing their irrigated lands. Seventy-one Orders were returned because of incorrect mailing addresses supplied by the Coalition. Follow-up

correspondence was sent to 53 recipients of the Order who had not responded by 3 March 2009. As of 18 March 2009, 17 recipients who received the Order and follow-up correspondence have failed to respond. To date, the Fresno office has received responses from owners of 2,302 parcels (88%). Of those responses owners of 1,774 parcels (77% of respondents or 165,356 acres) want to reapply to the Coalition. Owners of the remaining 528 parcels (23% or 38,200 acres) have indicated that they have sold the property, have no potential to discharge, are covered under separate WDRs, or otherwise wish to remain off the Coalition's participant list. Seventy-one Orders have been resent with corrected mailing addresses requiring submittal of a technical report by 24 April 2009.

On 23 March, 33 CWC §13267 Orders were issued to growers in the Sacramento Valley and 42 Orders were mailed to landowners in the Delta Pilot Project area. These growers were identified as not being enrolled in the ILRP. The recipients of these Orders were first issued an information postcard giving them an opportunity to voluntarily enroll in the ILRP.

Outreach Postcards to Growers

On 10 March 2009, 110 postcards were mailed to growers in San Joaquin County's portion of the Legal Delta who are not currently enrolled in a coalition. The intent of the postcards is to inform growers of the ILRP and their responsibility for waste discharge from irrigated agriculture. The postcards provide a potentially more cost effective means (over 13267 Orders) to enroll non-participating growers in the ILRP. In addition, growers who apply to enroll in a Coalition in response to the postcard save \$150 on their application fee.

Applications for Regional Water Board Approval to Join Coalition Groups

Since January 2007, 564 applications have been submitted to the Regional Water Board, encompassing over 129,000 acres of land. On 2 February and 12 March, approval letters were mailed to applicants, thus allowing them to join Coalition Groups. This brings the total approved applicants to 498, encompassing 117,000 acres. Other applicants were either already members of coalition groups, withdrew their application, or their applications are pending review.

Coalition Groups

California Rice Commission (CRC)

On 17 February, the CRC was sent Monitoring and Reporting Program (MRP) Order No. R5-2009-0809, which will be in effect until 31 December 2009. The MRP Order is specific for the rice operations in the Sacramento Valley and includes an information sheet outlining the objectives and basis of the MRP order.

On 18 March 2009, the CRC was sent a letter on the review of its 2008 Annual Monitoring Report. Most items requiring corrections or missing data were closed. Two items referring to quality control data for analytical methods will be addressed in the new Quality Assurance Project Plan (QAPP) to be submitted by 17 April 2009 as required by MRP Order 2009-0809.

East San Joaquin Water Quality Coalition (ESJWQC)

On 10 February staff met with the ESJWQC representatives to discuss the Management Plan progress and updates. This meeting is the first of a series of quarterly meetings. The ESJWQC updated staff on the number of growers contacted, number of acres represented, future expected changes in management practices, and an overall summary of the success of the "Individual Contact" strategy in the high priority/pilot watershed of Dry Creek at Wellsford Road. Given the rate of success in this watershed, the "Individual Contact" strategy will be applied to the other two priority areas: Prairie Flower Drain at Crows Landing Road and Duck Slough at Hwy 99, and subsequently to the remaining 20 sites identified in the Management Plan.

On March 1, the ESJWQC submitted its Semi-Annual Monitoring Report. Staff will be reviewing and preparing a response letter shortly.

Goose Lake Coalition

On 23 December 2008 staff received the Goose Lake Coalition's Semi-annual Monitoring Report, covering the monitoring period from April through August 2008. The SAMR fully met requirements of the ILRP, as stated in the Regional Water Board's response letter provided to the Coalition on 26 January 2009. The Coalition will begin monitoring under their new MRP Plan during spring 2009.

Sacramento Valley Water Quality Coalition (SVWQC)

On 26 January 2009 staff received the final version of the SVWQC Management Plan, which was approved by the Executive Officer on 2 February. Management Plan activities have been initiated by the Coalition. On 31 December 2008, the Coalition submitted their Semi-annual Monitoring Report. Staff comments are currently in prepared and will be provided to SVWQC. In mid-February, Northern California Water Agencies (NCWA) announced that they hired a new staff person and Coalition lead, Bruce Houdesheldt, to replace Tina Lunt.

On 11 February, staff provided an update on ILRP monitoring program and compliance activities during the Annual Growers Meeting of the Placer-Nevada-South Sutter-North Sacramento subwatershed group of the SVWQC in Auburn. The meeting agenda included items concerning the Subwatershed Group's budget, recent monitoring results, the 2009 monitoring plan, and a presentation from UCD Farm Advisors on management practices for row crops and orchards.

On 25 February, staff met with Bruce Houdesheldt, NCWA's new Coalition manager for the SVWQC. The purpose of this meeting was to become acquainted with Bruce and to provide him with an overview of the current status of Coalition tasks and work products for 2009.

On 26 February, staff attended the quarterly board meeting of the SVWQC's Colusa-Glenn subwatershed group in Willows. Agenda topics included January monitoring results, financial reports, the Glenn County RCD's Outreach and Education update and 2009 tasks, the subwatershed Field Tour on March 19, the Coalition's recently approved Management Plan, and how managed wetlands will be addressed in the Long-term ILRP.

On 27 February, staff participated in a Dixon/Solano Subwatershed field tour provided for new Water Board and NCWA staff. The tour group included John Currey (Dixon RCD), Jim Allan (Solano Agricultural Commissioner), Walt Cheecho (NRCS), Chris Rose (Solano RCD), and Bruce Houdesheldt (NCWA). John Currey provided an overview of the sub-watershed's irrigation systems and Coalition monitoring sites. Participants were then provided a driving tour of the major features of agricultural operations in the area, including stops at water diversion features and water quality monitoring stations.

On 3 March, staff participated in a Yolo Subwatershed field tour provided for new Water Board and NCWA staff. The tour group included Tim O'Halloran (Yolo County Flood Control and Water Conservation District), Denise Sagara (Yolo County Farm Bureau), Rick Landon (Yolo Agricultural Commissioner) and Bruce Houdesheldt (NCWA). Tim O'Halloran provided a comprehensive overview of the Yolo Flood Control District's irrigation and drainage system. Participants were provided a driving tour of agricultural irrigation facilities, including stops at one of the District's main irrigation canals, the Capay Diversion Dam and Willow Slough Bypass.
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San Joaquin County and Delta Water Quality Coalition (SJCDWQC)

On 31 December 2008 staff received revisions to the SJCDWQC's June 2008 Semi-annual Monitoring Report in response to staff's 22 December comments. On 12 January staff received a revision to the Coalition's August 2008 MRP Plan, which modified the Plan by exchanging a monitoring site for another, more representative monitoring site. On 23 January the revised -30 September 2008 Management Plan was approved by the Executive Officer. The Management Plan outlines actions that the Coalition will take to address water quality impairments in the Coalition region.

On February 19, staff attended the San Joaquin County Resource Conservation District's monthly Board meeting. Staff answered questions from Board members regarding the use of water quality criteria and trigger limits for identify exceedances, the Long-Term Irrigated Lands Regulatory Program, and the necessity of the Coalition's monitoring of analytes that are not applied by agriculture.

Southern San Joaquin Valley Water Quality Coalition (SSJVWQC)

The SSJVWQC was issued a Notice of Violation on 11 March 2009 for an unacceptable Monitoring and Reporting Program Plan (MRP Plan). The SSJVQC must submit an acceptable management plan by 8 May 2009 or the Executive Officer will issue a Coalition-specific MRP Order. Without an approved MRP Plan, the SSJVWQC is required to continue to operate under Monitoring and Reporting Program Order No.R5-2005-0833.

Westlands Stormwater Coalition

On 6 November Pleasant Valley Water District inquired whether the Central Valley Water Board would require additional monitoring sites to monitor discharges from Pleasant Valley irrigated lands, should Pleasant Valley Water District merge with Westlands Stormwater Coalition. On 18 December staff sent a letter to Pleasant Valley Water District allowing the current monitoring site to fulfill monitoring requirements under the stipulation that if exceedances are detected, additional monitoring sites may be required.

Staff reviewed USGS Report 02-4286 in response to the Westlands Coalition's request to waive a management plan requirement for electrical conductivity on Panoche-Silver Creek. A response to the request is currently being prepared.

On 25 March, the Executive Officer conditionally approved the Westlands Stormwater Coalition Monitoring and Reporting Program Plan. Westlands is a unique coalition monitoring three ephemeral streams that may remain dry for multiple years until sufficient rainfall in the upper watersheds produce stormwater runoff. The Westlands Water District has an enforceable policy that does not allow their growers to discharge tail water. The MRP Plan is designed to ensure the collection of as much data as possible during the highly transient periods of stream flow. The Annual Monitoring Report for the 2007- 2008 storm season is currently under staff review.

Westside San Joaquin River Watershed Coalition (WSJRWC)

On 31 January the WSJRWC submitted a draft management practice report describing the interim performance goals they will use to evaluate management practice implementation and effectiveness in the high priority watersheds, Hospital and Ingram Creek watersheds, identified in the approved Management Plan. On 5 and 12 February staff met with the WSJRWC to discuss comments on the report. The WSJRWC submitted the draft final for staff review on 19 February. t

Data Management

In March staff updated the ILRP Participant Monitoring Data website with monitoring data through March 2008 for the California Rice Commission and the Westlands Storm Water Coalition. Future updates are planned to include the 2008 Coalition monitoring data and thereafter data submitted by the Irrigation Districts this spring.

A meeting between the Southern San Joaquin Valley Water Quality Coalition and the SWAMP Quality Assurance (QA) Team from the State Water Board previously scheduled for 29 January 2009 was postponed. This meeting was scheduled at the Coalition's request and is to discuss and develop Coalition tools to achieve SWAMP comparable data as well as assist in laboratory performance issues. The SWAMP QA Team is funded by Proposition 50, and cannot be utilized until the State budget details have been determined. Rescheduling will take place as soon as the Proposition 50 funds are released.

Staff continues to work closely with stakeholders and the SWAMP program to maintain the flow of information and consistency with the SWAMP 2.5 comparability goals.

Individual Dischargers

Turlock Irrigation District (Turlock ID)

On 5 January Water Board staff met with Turlock ID to discuss and clarify Management Plan requirements. As a result of the meeting, Turlock ID will be submitting a Management Plan on 1 June to address EC, TDS, and diuron exceedances.

Modesto Irrigation District (Modesto ID)

On 23 February Modesto ID submitted its annual monitoring report. Staff will be reviewing and preparing a response letter shortly.

Grant Management

Proposition 84

Staff continued to work with the grant applicant, the Coalition for Urban/Rural Environmental Stewardship (CURES), on a grant agreement with a scope of work that will meet the Prop 84 and Division of Financial Assistance (DFA) requirements. Grant funding is still suspended due to the State budget issues, but a grant agreement should be ready for approval and execution when the suspension is lifted.

MOU Pilot Program

On 28 January, staff met with the Butte and Glenn County Agricultural Commissioners in Sacramento to discuss the next steps for the MOU Pilot Program and role of agricultural commissioners in a long-term ILRP. In March, staff submitted a progress report on the pilot program to the State Water Board summarizing the accomplishments of the program and requesting funding for next fiscal year.