



san joaquin county & DELTA WATER QUALITY COALITION

Member Name
Member Address
Member State, Zip

April 22, 2016

Dear Member:

The State Water Resource Control Board (State Board) has issued a proposed order on the East San Joaquin Water Quality Coalition Waste Discharge Requirement (Proposed ESJ Order). Interest groups who felt the current ESJ irrigated lands regulatory program was not sufficiently protective of water quality, appealed to the State Board. The Proposed ESJ Order responds to that appeal. The State Board has stated that its final order will be “precedential” and will require changes to all other irrigated lands regulatory programs - including the program that currently governs our Coalition.

The State Board will be holding public workshops in Sacramento and Fresno to take comments on the Proposed ESJ Order at the following times and locations:

Wednesday, May 4, 2016 at 9:00 am
Sacramento - EPA Building, 1001 I Street

Tuesday, May 17, 2016 at 9:00 am
Fresno - San Joaquin Valley Air Pollution Control District, 1990 E. Gettysburg Avenue

The Coalitions are encouraging all members to participate in the workshop or submit written comments to the State Board by **May 18th**. More information about the hearing can be found on the State Boards website at

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2239_sanjoaquin_ag.shtml.

Enclosed is a fact sheet to inform you of the changes that may occur and the effect on your operation and the data that must be reported, assuming the State Board adopts its Proposed ESJ Order as currently written. We also have more information about the Proposed ESJ Order on our website at www.sjdeltawatershed.org.

Sincerely,

Michael Wackman

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Summary of Changes to Program in State Board's Proposed East San Joaquin Order

1. New Field Level Data Reporting directly to the Regional Board

- a. Coalition must submit Private Well Monitoring Data, Farm Evaluations and Nitrogen Summary Reports to Regional Board
 - i. The Coalition will be required to submit all field level data to the Regional Board with field level ownership, location and farming information.
- b. By May 2019, the Coalition must submit the information through the GeoTracker Database where all the information is available to the public.
 - i. The Coalition is concerned about making such a large amount of private data available to the general public, out of context. Currently the Coalitions submit data to the Regional Board on a summarized township basis, which protects privacy but still allows for further individual investigations when warranted.
 - ii. Making all private, individual data public will expose farmers and landowners to private nuisance lawsuits - as has occurred in the dairy industry.
- c. With the new reporting obligations proposed in the ESJ Proposed Order, the costs for the coalition and members to comply with the new order will increase exponentially (reason discussed in No. 2)

2. The removal of the High/Low Vulnerability Designations

- a. Currently only growers in high vulnerable areas have to do annual reporting to the Coalition which includes annual farm evaluation plans and report nitrogen usage each year. Growers in low vulnerable areas only have to report Farm Evaluation Plans every 5 years and are not required to report nitrogen usage.
- b. The proposed Order would require all growers to report nitrogen usage and complete farm evaluation plans every year.
- c. The Coalition is concerned that:
 - i. The Coalition spent significant time and money on a Groundwater Assessment Report (GAR) to identify high and low priority areas - which will be wasted.
 - ii. Requiring global nitrogen reporting will greatly increase costs of the program without a connection to impacts to groundwater. For example, in the area of the Delta, where groundwater is artesian (moving upward toward the ground surface) there is no logical connection between nitrogen application and groundwater.

(Over)

3. New Private Drinking Water Supply Well Monitoring and Reporting to Regional Board

- a. All domestic wells on a Coalition member's property or the property a Coalition Member is leasing will have to be tested annually for nitrate levels. If the well exceeds the nitrate limits of 10 mg/L of nitrogen, the member will have to provide an alternate drinking water supply.
- b. All domestic well results will have to be loaded to the GeoTracker Database where all the information is available to the public.
- c. The Coalition believes this type of private drinking water regulation should be done through the County Department of Health, and is outside the purview of the Irrigated Lands Regulatory Program.

Please visit our website at www.sjdeltawatershed.org for more information and sample letter you can use to make comments on the proposed ruling at the State Board.