

San Joaquin County & Delta Water Quality Coalition

Watershed News

May 2011

Water Quality Management Objectives

- Identify potential sources of water quality issues at specific monitoring sites
- Inform growers of results of monitoring
- Gather information on management practices
- Provide landowners with additional management practices to improve water quality
- Evaluate management practices
- Provide information on water quality issues & solutions for improving water quality

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"Any waste (e.g., pesticides, nutrients, and sediment) that leaves the irrigated land surface and reaches groundwater or surface water is regulated." Regional Board Framework

RCD Board to Challenge PEIR in Court

*By John Herrick,
RCD Board Member*

The San Joaquin County RCD Board intends to sue the state over proposed regulations on irrigated agriculture. These sorts of legal challenges only deal with whether the regulatory package adequately analyzed project impacts. They don't result in challenges "getting what they want," even if they win. The current Irrigated Lands Regulatory Program (ILRP) was always understood to be an interim one until the Regional Water Board (RWQCB) developed a more comprehensive program. The RWQCB completed an environmental review of various alternatives for such a long term program and in April adopted a Programmatic Environmental Impact

Report ("PEIR") that analyzed various alternatives. The PEIR reviewed a number of possible programs and a combination of alternatives, but did not specify a preferred alternative. It remains unclear what effect any long term program will have on any of us, though RWQCB staff documents indicate some sort of groundwater program will be added to the current program. To do this, each coalition must develop "waste discharge requirements" to monitor, sample, test and improve both surface and ground water in its area.

Our Coalition and others submitted written and oral comments to the PEIR and the staff documents. These comments identified various issues with the PEIR and objected to the scope, basis, and burden of a

groundwater program. Based on these comments and an evaluation of the probable ground water program, the RCD Board voted to challenge the PEIR in court. Coalition assessments will fund the effort. The RCD Board believes such a challenge ultimately will affect the burdens of a long term ILRP. It is believed other coalitions and environmental groups will also file or join such a suit.

The RCD will remain the lead agency for the Coalition so that all local farmers remain in compliance with state water quality laws. While the PEIR is being challenged, our Coalition will work diligently with RWQCB staff to develop a workable and cost effective framework for a long term program.

Regulations on groundwater coming

The Regional Water Quality Control Board (RWQCB) is likely to adopt groundwater regulations as part of the long-term Irrigated Lands Regulatory Program (ILRP). Within all alternatives proposed under the Programmatic Environmental Impact Report

(PEIR) for the long-term ILRP, there is an element that seeks to impose these new regulations on the "discharge of waste to groundwater". The RWQCB assumes all irrigated lands discharge to groundwater without considering the depth of the aquifer nor any other fac-

tors that affect water percolation into the aquifer.

The RWQCB defines groundwater as "first encountered" groundwater. So, if a perched water table exists (that may or may not be a source of domestic drinking water),

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Management plans and high priority watersheds

By Melissa Turner MLJ-LLC

The San Joaquin County and Delta Water Quality Coalition (Coalition) developed a Management Plan for constituents which have exceeded a Water Quality Trigger Limit (WQTL) more than once in a three year period. The Management Plan strategy focuses on reducing agricultural runoff of applied pesticides such as Lorsban through the implementation of best management practices (BMPs).

The Coalition's Management Plan must succeed as a strategy for protection downstream beneficial uses to ensure compliance with current regulations

The Coalition's Management Plan includes a process for documenting and tracking grower efforts to reduce agricultural runoff and associated water quality improvements based on the following steps:

1. Contact Coalition members that have the highest potential to directly drain into a downstream waterbody
2. Conduct meetings with agricultural experts regarding current management practice research and efficacy to offer new and updated information for BMP implementation
3. Have growers fill out surveys documenting current BMPs and any future BMPs that are planned for the following year
4. Conduct water quality monitoring during the following year to determine if newly implemented BMPs have resulted in improved water quality
5. Follow up with growers to document newly implemented BMPs

Focusing on watersheds with known water quality issues

From 2009 through 2011, the Coalition conducted meetings and collected surveys in the following sub-watersheds:

- Lone Tree Creek
- Duck Creek
- Temple Creek
- Littlejohns Creek
- Union Island Drains (draining south into Grant Line Canal)
- French Camp Slough
- Mokelumne River
- Terminous Tract Drain

Participating in meetings keeps growers aware of key water quality issues

Meetings focus on crop specific management practices which include spray drift management for orchards, herbicide application management practices, alfalfa/row crop low risk pesticide alternatives and timing of applications to ensure efficacy of treatments while reducing runoff potentials.

As water quality problems continue to exist, additional practices need to be implemented and documented

Monitoring in Lone Tree Creek, Duck Creek and Temple Creek in 2009 and 2010 resulted in continued water quality impairments due

to elevated amounts of chlorpyrifos (Lorsban) that also resulted in toxicity to invertebrates.

Information obtained from surveys allows the Coalition to document the efforts of Coalition members to keep applied pesticides on their property through spray drift control, irrigation efficiency,

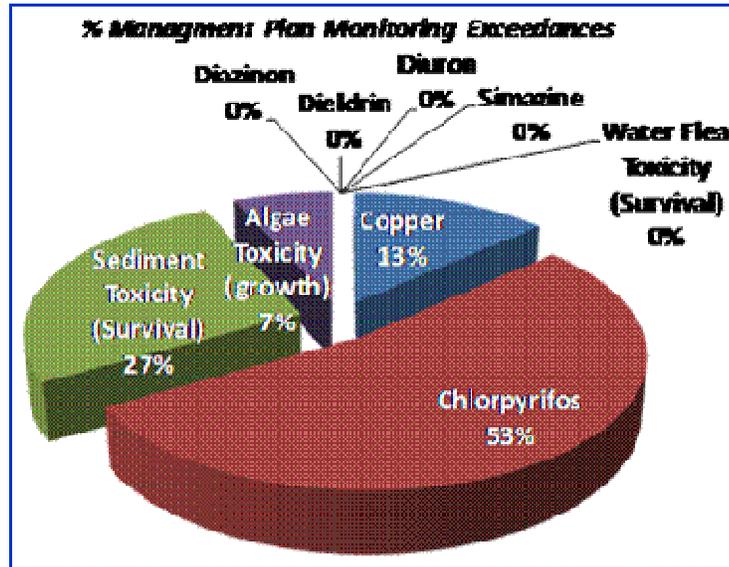
application timing to avoid storm runoff and sediment control.

2011—Improved water quality?

Monitoring will continue in 2011 to evaluate changes in water quality compared to previous years in all eight priority subwatersheds. In addition, the Coalition continues to conduct representative monitoring across the Coalition region to ensure compliance with established water quality standards and objectives.

The Coalition anticipates that monitoring results from 2011 will indicate an improvement in water quality that can be attributed to additional management practices implemented by growers within these subwatersheds as documented through surveys filled out by members.

The Coalition's Management Plan and associated annual updates can be found on the Coalition's website in addition to 2011 grower meeting summaries.



Finances of the Coalition

By John Brodie

Financial Officer for the San Joaquin County and Delta Water Quality Coalition

Conservative budgeting and tight fiscal management by the San Joaquin County Resource Conservation District (RCD) have the Coalition on sound financial footing as we seek your membership renewal for 2011. Subject to a last minute state budget "catastrophe," the RCD has approved lowering 2011 annual membership dues. An explanation follows in this summary.

Total expenses for the Coalition in 2010 were \$963,698.85. Of that total, water quality monitoring, analysis, and reporting accounted for \$599,096.58 or over 62% of expenses. Education and outreach to our grower members accounted for \$168,260.44 or about 17.5% of expenses. Nearly all of the Coalition's education and outreach is paid for with grant funds. Other Coalition compliance expenses included payment of water board fees, regular contact with Regional Water Quality Control Board (RWQCB) staff, enrollment and membership activities, and miscellaneous expenses including computer software and legal consultation. The total expended for these activities in 2010 was \$148,261.62 or nearly 15.5% of expenses.

Once again, the RCD was able to keep Coalition administrative costs below 10%. In 2010, Coalition administrative costs were \$48,080.21 or just about 5% of expenses. Just about 95% of all Coalition expenses went to compliance with state of California water quality regulations.

Legal fees referenced above were expended on a review of environmental and other documents the state of California is required to complete as part of implementing a Long-Term Irrigated Lands Regulatory Program (LT-ILRP) to replace the current program. The long-term program as proposed will be broader and more intrusive to you, the grower.

The LT-ILRP's affect on the budget is that costs will almost surely be going up. The LT-ILRP expands the current irrigated lands program to include ground water (the current program focuses on surface water only). The RWQCB will finalize those new regulations in the next few months, and the Coalition will be negotiating the requirements for our area as we move through the year.

For 2011, the RCD has approved a Coalition membership rate of \$1.50/acre. This total is not enough to cover projected expenses for 2011. However, the sound fiscal management that led to income

exceeding expenses in previous years has resulted in a reserve fund. That fund will be used to make up the shortfall between projected income and expenses this year, essentially refunding previous years carryover back to you, the individual members.

As state budget negotiations move forward, there is a distinct chance for even higher costs. Currently, the Coalition is charged \$0.12/acre by the State to administer the program. The State's program administration does include some general fund support. Current budget negotiations remove that general fund support. RWQCB staff has already notified Coalitions that these regulatory fees could rise to \$0.50/acre or more if general fund support for regulatory administration is removed.

What can you do to help keep the compliance costs, and therefore your membership costs, down? Communicate with your state assembly member and state senator. Let them know what the costs of compliance are doing to your farming operation. Visit the Coalition's website, www.sjdeltawatershed.org, regularly for important updates. Lastly, respond promptly and completely to Coalition requests for information regarding management practices and attendance at grower meetings in your area.

New irrigated lands regulatory program to be adopted

The Central Valley Regional Water Quality Control Board (RWQCB) is set to implement a long-term irrigated lands regulatory program. The program has been under development during the past two years. The current program will be replaced with individual Waste Discharge Requirements (WDRs).

These WDRs will cover geographic areas similar to the current water quality coalition boundaries. A new aspect to the long term program is the addition of groundwater.

There will be new requirements for surface water, but the monitoring

program should be similar to the current program where the Coalition conducts monitoring and implements management plans to address water quality impairments. A Programmatic Environmental Impact Report (PEIR) that examined five different alternative programs was adopted by the RWQCB in April, but they did not adopt a preferred alternative. RWQCB staff has indicated that individual WDRs can be developed to include aspects from the different alternatives within the PEIR, but staff will follow the directions set out as a sixth alternative. This staff alternative was developed by taking

parts of each of the other five program alternatives in the PEIR.

Alternative six includes developing surface water monitoring and implementing management practices to address surface water quality. All of irrigated agriculture under this alternative is assumed to have the potential to affect ground water. Under this proposal, farmers would be required to: 1), implement management plans to prevent any discharges of waste to first encountered groundwater; 2), develop nutrient management plans and submit those plans

(See "New Regulatory Program" on page 4)

Regional Board

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farmers will be required to implement practices to prevent irrigation water from discharging any constituents that may affect groundwater.

Nitrates are the main constituents of concern regarding groundwater, and they have been a concern of the RWQCB for years. There are ongoing efforts to regulate the amount of nitrate applied to agricultural lands because of an assumed connection between agricultural fertilization and nitrates.

Another concern is several herbicides such as Simazine have been detected in groundwater throughout the Valley. The Department of Pesticide Regulation has already implemented groundwater protection zones that set restrictions and limits on the use of such products

in those zones.

In order to address the nitrate issue and concerns by some that the DPR program is inadequate, the RWQCB may require farmers to prepare and submit management plans that have been prepared by a certified crop advisor. The plan will have to meet any additional requirement determined by the RWQCB, including third part review of the plans, which will be contained in specific regulations to be negotiated for different geographic areas of the state.

The Coalition is working to develop a groundwater plan that will be acceptable to the RWQCB, in addition to mounting a legal challenge to the regulatory PEIR adopted by the RWQCB in April. (More information on the legal challenge is contained in the page 1 article "RCD Board to Challenge PEIR in Court")

Funding available to farmers for water quality improvement projects

Farmers in the Central Valley can begin applying for \$8 million in funding to install management practices to prevent sediment and farm inputs from reaching regional streams and rivers. The funding comes from a grant provided by the State Water Resources Control Board through Proposition 84, a bond initiative approved by state voters in 2006 and administered by CURES (Coalition for Urban/Rural Environmental Stewardship)

The grant will pay farmers 75% of the cost of management practices such as holding ponds, recirculation systems and drip systems on farms. Funding will be directed to farms in watersheds where water quality monitoring by the Coalition has identified problems associated with releases from irrigated agriculture.

Applications for Prop 84 funding can be made by contacting the Coalition or by going to www.curesworks.org.

New regulatory program to be developed this year

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to the coalitions and eventually the Regional Board.

Alternative one is a no project (no change) alternative which keeps the current program in place. It is a surface water regional monitoring program with the implementation of management practices by farmers to address water quality impairments. The monitoring and reporting along with outreach and education is coordinated by watershed-scale water quality coalitions throughout the Valley.

Alternative two was developed and is supported by Central Valley water quality coalitions. This alternative consists of the current surface water program plus using existing Groundwater Management Plans to monitor and manage groundwater. If an area does not have an existing plan, a coalition could develop a Groundwater Quality Management Plan that would monitor groundwater and determine management practices that address ground water issues.

Alternative three includes individual farm management plans with farmers reporting all management practices to the Regional Board. On-farm implementation of effective water quality management practices would be the mechanism to reduce or eliminate discharges to state waters.

Alternative four consists of growers working directly with the Regional Board; they would be responsible for applying for coverage, developing Farm Water Quality Management Plans, and conducting any required monitoring and reporting for both ground water and surface water. There would be regional monitoring of surface and groundwater.

Alternative five requires all farmers to monitor water leaving their property, develop Farm Water Quality Monitoring Plans for both surface and groundwater. It would also require farmers to develop nutrient manage-

ment plans and report all information on farming practices to the Regional Board.

Many stakeholders, especially the environmental groups, continue to pressure the Regional Board to adopt portions or all of Alternatives four and five into any WDR that is written. They believe agriculture is not addressing the water quality impairment in the streams and rivers in the central valley. The Coalitions believe alternative two works best.

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