

IRRIGATED LANDS CONDITIONAL WAIVER PROGRAM – CENTRAL VALLEY WATER BOARD

Long-term Program / Environmental Impact Report (EIR)

The Regional Water Board's contractor, Jones and Stokes Associates (JSA) is continuing to update the surface and ground water quality data in the Existing Conditions Report (ECR). Information gaps that were identified during the public comment period on the ECR are being addressed. A vacancy for a Senior Water Resources Control Engineer (Specialist) has been announced. The senior specialist will have primary responsibility for overseeing the development and implementation of the long-term program and EIR.

Request for Contract Funds

Regional Water Board staff is working with State Water Board staff to identify potential resources to address the ILRP's contract funding needs. The State Water Board is currently considering how to disburse over \$13 million of Proposition 84 funds that are available for agricultural implementation projects. These funds could be used to support projects that reduce polluted runoff from irrigated lands.

Regional Water Board staff is also evaluating how to allocate the remaining Clean up and Abatement funds available to the ILRP. The first priority will be to fund the long-term program / EIR development. Other funding needs include monitoring and student assistant support.

Enforcement

Administrative Civil Liability Complaints:

In September 2007, a Regional Water Board Assistant Executive Officer issued five Administrative Civil Liability (ACL) Complaints to landowners in Colusa, Glenn, Sutter and Merced counties for failure to respond to California Water Code (CWC) section 13267 Orders. The five landowners were issued the Orders along with a one-page technical report form to fill out and mail back, which would allow the Regional Water Board to assess the operations and need for compliance. After the landowners failed to respond, the Regional Water Board issued Notices of Violation (NOVs) to give them a second chance to respond to the Orders. The complaints proposed that the landowners pay \$3,000 in administrative civil liability. Four of the complaints have been addressed, with one being withdrawn by the Assistant Executive Officer after the recipient provided evidence of compliance that occurred approximately one year prior to issuance of the complaint (in response to the NOV); one being paid in full (\$3,000); and two complaints being withdrawn and each re-issued in the amount of \$200 after the recipients provided additional information that was not previously available to the Assistant Executive Officer for consideration when

setting the amount of the complaints. These latter complaints have been paid in full. All four recipients are in compliance with the CWC section 13267 Orders. Of the four recipients, two had enrolled their property in Coalition Groups prior to the 31 December 2006 deadline, one stated on his technical report that there is no discharge (and thus coverage has not been obtained), and one is working with staff to obtain coverage under the waiver for individuals. The fifth complaint is still pending. The recipient waived the right to a hearing before the Board within 90-days of issuance of the complaint. Staff is working with this recipient to obtain information that will bring him into compliance with the CWC section 13267 Order, and to address the complaint.

California Water Code section 13267 Orders:

Staff is continuing to conduct follow up on the 1400 CWC section 13267 Orders the Regional Water Board issued to recipients in 19 of the 38 counties within it's boundaries, accounting for 6,683 parcels and more than 930,000 parcel acres. Issuance of new CWC section 13267 Orders to counties not yet covered is pending a staff evaluation of the resource implications of issuing additional CWC section 13267 Orders (based on experience with the first set of orders and resulting ACL's).

An issue paper is being developed for Executive Management, and an item may be brought to the Regional Water Board, scheduled tentatively for its 24/25 April 2008 meeting. As information on this is developed, it will be summarized in the Executive Officer's reports.

Applications for Regional Water Board Approval to Join Coalition Groups

As of 18 December 2007, 216 applications had been submitted to the Regional Water Board, encompassing over 49,000 acres of land and 602 parcels. One hundred and four applications have been processed to date. Staff is working with applicants to obtain complete information from them, evaluate the applications and prepare recommendations for the Executive Officer. The Executive Officer must approve all applications to join a Coalition Group. The issue paper mentioned in the previous section (CWC section 13267 Orders) will also discuss the application process and conditions specified in the waiver that would allow persons to join a Coalition Group after the deadline. Elements of the Orders and the application process are interrelated, which will be discussed, along with program resource implications and potential approaches for addressing impacts.

Data Management

The manual entry, formatting, and upload of water quality monitoring data to the SWAMP comparable database format is a continuous priority for Monitoring and Assessment Unit Staff. This activity must take place for the ILRP dischargers that do not yet submit SWAMP comparable electronic data deliverables – a majority

of the coalitions and individual dischargers. At this time only two coalitions submit their data in the correct format. Staff continues to meet with State Water Resources Control Board SWAMP data management representatives to coordinate efforts and maintain comparability. Staff also serves as informational and technical support for ILRP Dischargers who wish to begin or continue providing SWAMP comparable electronic data deliverables.

During the past month Staff has been working closely with the newly formed Region 5 SWAMP Data Center at UC Davis. Discussions have been focused on the initiation of transferring completed datasets to a centralized location for upload into the California Environmental Data Exchange Network (CEDEN). The first set of data was planned to be transferred to the Data Center at UC Davis prior to the close of the year. These efforts demonstrate a newly formed long lasting collaboration of the ILRP program with SWAMP and CEDEN to add to the collective water quality data shared throughout the State.

Technical Issues Committee

There are several ILRP Coalitions that are engaged in the process of developing Management Plans for E-coli exceedences that have occurred during the last three years of monitoring. There are various technical questions associated with the source identification portion of Management Plan development that are very challenging. For this reason, those Coalitions requested that a new Technical Issues Committee Focus Group be formed to address this topic. The initial membership of the new Focus Group is largely that of those Coalitions that are engaged in the Management Plan development, as well as some representation from UC Cooperative Extension, and drinking water interests. Their first meeting was held on 20 December 2007. Follow-up to this meeting will include a presentation on 15 January 2008 by Mike Johnson regarding the findings from his preliminary source Identification studies conducted for some of the Coalitions. The 15 January meeting is open to all interested parties.

Memorandum of Understanding (MOU) with Butte and Glenn Counties

On 5 December, Margaret Wong attended the Natural Resources Protection Committee meeting for the California Agricultural Commissioners and Sealers Association Conference in Sacramento. Richard Price (Butte County) and Mark Black (Glenn County) presented an update on the MOU Pilot Program at the meeting.

On 14 December, Margaret Wong met with the Richard Price, Mark Black, and their staff in Oroville to plan and discuss future work for the MOU Pilot Program and to provide an update on the tentative MRP for Coalition Groups. A contract to continue work in 2008 under the MOU Pilot Program is being processed.

Coalition Group Updates

California Rice Commission

On 12 December, Regional Water Board staff met with the California Rice Commission (CRC) to discuss the 2008 Monitoring and Reporting Program (MRP) Order for the CRC under the ILRP, and the development of management plans. A one-year interim MRP Order was approved by the Executive Officer on 24 December 2007. This MRP Order is intended for implementation during 2008. The CRC will continue to work with Regional Water Board staff during 2008 to develop a long-term CRC MRP that is consistent with the pending Coalition Group MRP.

Staff is also working with the CRC to discuss the format and content of Management Plans to meet the objectives of the ILRP. East San Joaquin Water Quality Coalition The East San Joaquin Water Quality Coalition submitted a proposal during the month of November to modify its Monitoring and Reporting Program Plan for the upcoming storm season. Some recommendations for reductions in monitoring requirements have been approved, based on the Coalition achieving the required frequency of monitoring and the absence of exceedences. Meetings were held with Coalition representatives to discuss the data and the decision process that was being used to approve the reductions.

Goose Lake Water Quality Coalition

The Goose Lake Water Quality Coalition completed a BMP Demonstration Projects Implementation Plan and all necessary CEQA documentation. The Coalition also submitted a first draft Management Plan for Lassen Creek Ceriodaphnia toxicity and a project work schedule.

Sacramento Valley Water Quality Coalition

On 2 November 2007, Staff met with the Sacramento Valley Water Quality Coalition and Subwatershed representatives to discuss the Management Plan requirements in the Sacramento area. A draft list of waterbodies in which 2 or more exceedences have been identified and a process for determining necessary actions were provided by Staff. Coordination with the Coalition will continue in order to ensure the development and submission of an approvable Management Plan to the Executive Officer by February or March of 2008.

On 5 December 2007 Sacramento Valley Water Quality Coalition (SVWQC) submitted their Final Draft of a proposed 2008 Monitoring and Reporting Program Plan (MRP Plan). Regional Board staff has also requested the addition of a monitoring site in the Delta for their proposed MRP Plan. Site selection in coordination with the Coalition and the Agricultural Commissioners is ongoing. Regional Board staff has reviewed the draft MRP Plan and on 11 December 2008 provided comments the Coalition. SVWQC has committed to submit a revised Final Draft version of their 2008 MRP Plan. Regional Board staff has communicated to the SVWQC that the monitoring and reporting for 2008 will

follow the current 2007 MRP Plan until a revision has been re-submitted and approved by the Regional Board Executive Officer.

San Joaquin County and Delta Water Quality Coalition

The San Joaquin County & Delta Water Quality Coalition (Coalition) submitted a proposal on 19 November 2007 to modify its Monitoring and Reporting Program Plan (MRP Plan) for the upcoming storm season. On 14 December, based on the proposal as well as other criteria, approval for certain modifications in the monitoring were granted by the Executive Officer.

Westlands Water District

The Westlands Water District is prepared to begin Phase II monitoring during the upcoming 2007-2008 stormwater season. ILRP staff discussed the upcoming sampling season and requirements with the Westlands Water District representative on 1 November 2007.

Westside San Joaquin River Watershed Coalition (Westside Coalition)

The Westside Coalition's development of their revised Monitoring Plan and their Management Plan continued in November and December. Conference calls to discuss comments and revisions to these plans were held with Coalition representatives on November 14, November 29 and December 3. Focused, written comments on the Management Plan were provided to the Coalition on December 7. Based on the progress of the development of these plans, it is expected that both plans will be finalized, approved and implemented by March. The Westside Coalition's revised Monitoring Plan, when approved and implemented, will make more efficient use of resources. The plan was designed to be generally consistent with the components of the Tentative Coalition Group Monitoring and Reporting Program Plan. It is expected to provide more of the data needed to evaluate water quality, while reducing the frequency and cost of analyses. The comprehensive monitoring that the Coalition has conducted in the past has contributed significantly to the ability to reduce monitoring at some locations and to refine their monitoring approach.

Coalition Group Coordination

On 3 December, staff met with the San Joaquin County and Delta water Quality Coalition, and the East San Joaquin Water Quality Coalition to discuss the format and content of Management Plans to meet the objectives of the Irrigated Lands Regulatory Program. Staff scheduled monthly progress meetings January through April with the Coalitions to continue the development of effective Management Plan design.

On 13 December, Joe Karkoski and Margie Read participated in a Coalition Group Coordination Meeting that was held at the Farm Bureau Office in Modesto. Discussion topics included membership, enforcement and monitoring and reporting topics as well as future activities related to the ILRP. All Coalition

Groups were represented with the exception of the Goose Lake Water Quality Coalition.

On 14 December, Margie Read and Jodi Pontureri attended a telemeeting organized by Joe McGahan (Westside Coalition) and Tina Lunt (Sacramento Valley Water Quality Coalition) to communicate with Coalition Representatives regarding management plan development for E. coli. A two-pronged approach was discussed, which included the development of a Pathogen Focus Group of the Technical Issues Committee.