

IRRIGATED LANDS REGULATORY PROGRAM UPDATE REPORT JULY 2008

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 June 2008 Executive Officer's report. Future ILRP monthly reports will alternate between the Central Coast, Los Angeles, 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 June 2008 Executive Officer's report)

Long-term Program / Environmental Impact Report (EIR)

Regional Water Board staff has initiated follow-up meetings and is gathering additional information based on the long-term ILRP public workshops held in March and April 2008.

In April 2008 Regional Water Board and CA Department of Pesticide Regulation (DPR) staff met to discuss coordination of regulatory programs for irrigated lands. Regional Water Board staff is preparing a follow-up letter to DPR to describe the major topics for coordination.

In separate meetings in April 2008, staff met with representatives of irrigation districts currently under individual waivers; three sub-watershed groups in the higher elevation of Sacramento Valley; and wetland managers. In May 2008 Regional Water Board staff met with California Citrus Mutual to discuss the long-term program.

On April 28, 2008, the Regional Water Board received a letter from the South San Joaquin Valley Coalition requesting that discharges to the Tulare Lake Basin from irrigated lands be regulated under a General Order, rather than the current

conditional waiver. The letter included a copy of a Coalition proposed General Order of Waste Discharge Requirements for Discharges from Irrigated Lands. By letter, the Executive Officer indicated that the proposal would be considered as part of development of the long-term program. The deadline for comments on the scope of the ILRP is May 30, 2008. Regional Water Board staff will be preparing a response summary for written and verbal comments. Regional Water Board staff will continue to meet with stakeholders to help develop the program alternatives to be evaluated in the EIR. The Regional Water Board's contractor, Jones and Stokes Associates (JSA) is continuing to update the surface and ground water chapters of the Existing Conditions Report (ECR). In addition, JSA is updating the management practices section of the ECR. Information gaps that were identified during the public comment period on the ECR are being addressed.

Enforcement

California Water Code section 13267 Orders and Notices of Violation

On March 27, 2008, eleven section 13267 Orders were issued to potential irrigated agricultural parcel owners who are not current coalition group participants within portions of Contra Costa, Sacramento, San Joaquin and Solano Counties that are located within the legal boundaries of the Sacramento-San Joaquin Delta. The section 13267 Orders require landowners to provide information regarding their property and to indicate why they are not participating in the ILRP. To date, RB staff have received three applications to join a coalition group out of the eleven section 13267 Orders sent. These three applications represent 17 parcels and approximately 4,000 acres. On May 2, 2008, four Notice of Violations (NOVs) were issued to landowners who failed to respond to the March 27, 2008 issuance of section 13267 Orders. Those landowners have fifteen calendar days to respond. Staff intends to issue ACLs to landowners who fail to respond to the NOVs. On May 12, 2008, twenty-nine section 13267 Orders were issued to potential irrigated agricultural parcel owners who are not current coalition group participants within Fresno, Kings, Merced, San Joaquin, Shasta, and Tulare Counties. This mail-out represents 69 parcels and approximately 7,500 acres. The Executive Officer will continue to issue section 13267 Orders, approximately every 2-3 weeks to increase participation in the ILRLP.

Applications for Regional Water Board Approval to Join Coalition Groups

On April 24, 2008, the Regional Water Board adopted amendments to the Coalition Group Waiver allowing all growers who wish to join a coalition group a limited opportunity to do so with the approval of the Executive Officer. As of May 12, 2008, 270 applications had been submitted to the Regional Water Board, encompassing over 70,000 acres of land. Fifty-one applicants had been approved prior to the changes to the Coalition Group waiver. The Executive Officer has approved an additional 184 applicants. Other applicants were either already members of Coalitions or withdrew their application.

Recommendations for Fee Modifications

Staff has conducted an analysis of time spent overseeing dischargers under the Individual Waiver (including Irrigation Districts) and processing applications to join coalition groups. Recommendations for modifications to the current fee schedule were submitted to State Water Board staff for review. State Water Board staff is currently developing potential changes to the fee schedule.

Discharges and Complaints

On April 21, 2008, staff received a report from the Office of Emergency Services regarding a fertilizer spill from a farm which released 400-1000 gallons into a Merced River irrigation supply canal. The incident was report by J. Simplot Company, which was filling the tank at the time and involved an estimated 500-1000 gallons liquid fertilizer. Staff has contacted the East San Joaquin Water Quality Coalition who has discussed the issue with the grower.

On May 2, 2008, the City of Brentwood observed and reported a fish kill to the Regional Water Board and Department of Fish and Game (DFG). Staff immediately conducted a site visit to Marsh Creek and observed approximately 30 fish carcasses downstream of the City of Brentwood wastewater treatment plant and an adjacent city storm drain. The DFG collected fish carcasses for analysis. The wastewater treatment plant immediately collected samples according to its NPDES permit and for toxicity analysis. Chemistry and toxicity results are pending. The DFG and Contra Costa Agricultural Commissioner will be leading any follow up. This is the third reported fish kill at this site since late 2005.

On May 6, 2008, staff of the Redding Office received a complaint regarding lack of fish at Walker Creek in Glenn County. Details were forwarded to ILRP staff for follow-up and collaboration with the DFG.

Coalition Groups

California Rice Commission (CRC)

CRC representatives and Regional Water Board staff held several discussions regarding appropriate monitoring design for the CRC Monitoring and Reporting Program Plan (MRP Plan) and Management Plans. A schedule is being developed by staff for the necessary Management Plan and Quality Assurance Program Plan deliverables.

East San Joaquin Water Quality Coalition (ESJWQC)

ESJWQC representatives submitted the semi-annual monitoring report (SAMR) on January 14, 2008. Staff is currently reviewing the SAMR and preparing a review summary. On April 2, 2008, staff received the ESJWQC draft Management Plan for exceedances in the coalition region. The Management Plan is currently under staff review and comments will be shared with ESJWQC at a meeting to be held on May 15, 2008. On April 8, 2008 and May 15, 2008, Regional Water Board staff and ESJWQC representatives met to discuss the

MRP Plan content and format. The MRP Plan is due to the Regional Water Board by July 25, 2008, and ESJWQC representatives agreed to also submit the revised Management Plan by this date. Monthly progress meetings are scheduled for April through June 2008 to develop the MRP Plan.

Sacramento Valley Water Quality Coalition (SVWQC)

On 7, 12 and 21 April 2008, staff met with SVWQC representatives to coordinate and develop the MRP Plan and Management Plans. Staff and representatives discussed alternatives to the Monitoring Design and the progress that needs to occur to meet the July 25, 2008 deadline for submission of an approvable MRP Plan.

San Joaquin County and Delta Water Quality Coalition (SJCDWQC)

On April 2, 2008, staff received the SJCDWQC draft Management Plan for exceedances in the Coalition region. The Management Plan is currently under staff review. On April 15, 2008 and May 7, 2008, staff and SJCDWQC representatives met to discuss the MRP Plan content and format. The MRP Plan is due to the Regional Water Board by July 25, 2008. Monthly progress meetings are scheduled for April through June 2008 to develop the MRP Plan.

Westside San Joaquin River Watershed Coalition (WSJRWC)

On May 5, 2008, WSJRWC representatives provided a revised MRP Plan incorporating changes that were discussed during the March 12, 2008 meeting with Dr. Brock Bernstein, who has assisted in the development of the Regional Water Board Monitoring Design Guidance. Staff requested a small number of minor revisions. The revised MRP Plan is expected to be re-submitted by May 30, 2008. A revised QAPP is also being prepared, and will be submitted in July 2008. As part of their Management Plan, the Coalition is also preparing a focused water quality improvement plan for the watersheds of Ingram Creek and Hospital Creek. The purpose of the focused approach is to conduct more specified and aggressive management practice implementation efforts on prioritized watersheds. The revised plan should be ready for submittal to staff by May 30, 2008.

Goose Lake Coalition

On March 23, 2008, the Coalition held its second quarterly Coalition Meeting and Grower Workshop. The workshop was presented by Dr. Ken Tate, Rangeland Watershed Specialist at UC Davis, on the topic Management Practices to Reduce E. coli in Irrigated Pasture Runoff. On March 27, 2008, staff received a letter from the Coalition requesting several modifications to their MRP Plan for the 2008 monitoring season. On April 9, 2008, the Executive Officer issued a letter to the Coalition approving the modifications. The Coalition submitted a draft Lassen Creek Management Plan on April 4, 2008 for Ceriodaphnia toxicity that occurred during the 2007 irrigation season. The Coalition is currently revising the plan based on comments provided by Regional Water Board staff on April 15, 2008.

Westlands Coalition

On May 14, 2008, staff held a meeting with Westlands Coalition representatives to discuss the preparation of the Coalition's MRP Plan, as well as the transition of Regional Water Board staff oversight from the Sacramento office to the Fresno office.

Southern San Joaquin Valley Water Quality Coalition

On April 9, 2008, staff attended a meeting at the Kings River Conservation District office to discuss a variety of issues including: MRP Plan preparation, coordination of Coalition and Sub-Watershed submittals, and discharges identified from irrigation systems into Coalition waterways. The meeting included a trip to the San Joaquin River to view irrigation district return flows. On April 21, 2008, staff sent a letter requesting a meeting with the Coalition to discuss progress in the preparation of the management plan for the Main Drain Canal in Kern County. A response has not yet been provided by the Coalition. On May 7, 2008, staff sent a letter to the Coalition requesting submittal of a management plan for the Tule River for exceedances to the warm freshwater habitat, water quality toxicity standard (toxicity to aquatic life – fathead minnow).

Individual Dischargers

BerryBlest Farms

On April 23, 2008, staff prepared an enforcement letter to BerryBlest Farm for failing to submit a complete QAPP with the MRP Plan. Staff has reminded BerryBlest Farm of the QAPP requirement in various correspondence beginning in 2006, and as recently as December 2007.

Modesto Irrigation District

On April 25, 2008, Modesto ID submitted a revised MRP Plan and Quality Assurance Program Plan (QAPP). The QAPP included a method validation package for aminopyralid, which Modesto ID is planning to start using in the near future. Staff reviewed the method development for aminopyralid and its validation package (prepared by North Coast Laboratories, Ltd.) and verified that the requirements of the MRP Order and the Environmental Laboratory Accreditation Program (ELAP) are met. Response comments were submitted on May 12, 2008. Staff is currently reviewing and preparing a response for the remaining portion of the QAPP, MRP Plan, AMR, and Technical Report.

Oakdale Irrigation District

On February 29, 2008, staff received the Oakdale ID 2007-2008 AMR. Staff is currently preparing a response.

South San Joaquin Irrigation District

On April 30, 2008, staff completed review of the 2007 AMR and prepared a comment summary that is undergoing internal review.

Grant Management

Goose Lake Coalition

An amendment to the Goose Lake Coalition's grant agreement is being prepared. The amendment request will include a time extension, due date changes, and budget adjustments.

San Joaquin County Resource Conservation District (SJCRC)

On April 21, 2008, staff received the SJCRC's grant invoice, progress report, amended QAPP, and Project Assessment and Evaluation Plan for the grant titled "Measuring the Effectiveness of Agricultural Management Practices". The invoice and reports are under staff review.

Other ILRP Activities

MOU with Butte and Glenn County Agricultural Commissioners

The 2008 First Quarter Report for the MOU Pilot Program has been posted on the ILRP website. This report contains a summary of the work performed from January 1, 2008 to March 31, 2008. Work for the MOU Pilot Program continues under a new contract. On April 8, 2008, staff attended a meeting in Oroville with the Butte and Glenn County Agricultural Commissioners' offices to review the status and progress of work performed under the MOU.

UC Davis Monitoring

Researchers at UC Davis are now preparing the draft summary report for all sampling conducted under this contract. The summary will be submitted by UC Davis to staff for review in June 2008 and will subsequently be finalized and posted on the ILRP website.