

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF JULY 8, 2004

Prepared on June 28, 2004

ITEM NUMBER: 3

SUBJECT: Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

SUMMARY

The Regional Board released an Initial Study and Negative Declaration under the California Environmental Quality Act for a proposed Conditional Waiver of Waste Discharge Requirements for discharges from irrigated lands on March 22, 2004. This Supplemental Sheet includes staff's response to comments received after the staff report for the July 8, 2004 Board meeting was prepared (Attachment 1). The Supplemental Sheet also includes additional information on the proposed cooperative monitoring program (Attachment 2), and additional information on implementation costs (Attachment 3). Copies of letters received are included as Attachment 4. Attachment 5 contains revised time schedules for cooperative monitoring in strikeout versions. Attachment 6 is a response to the March 19, 2004 Agricultural Group's monitoring proposal.

DISCUSSION

Attachment 1 contains comments received subsequent to preparation of the Staff report for the July 8 Board meeting. A large number of letters were received with identical comments. All letters received are listed in Attachment 1, but only one of the identical letters is included in the mailing, and posted on the Regional Board's website.

Attachment 2 contains additional clarification on the cooperative monitoring program and discussion of a possible approach to phasing in the program, with revised timelines and additional milestones. This approach is being proposed in consideration of the high level of

concern expressed by the agricultural industry about the time needed to establish a cost allocation formula to equitably distribute costs and a desire for an opportunity for review of the cooperative program after initial implementation.

Staff is proposing initial start-up of the cooperative monitoring program in two highly impacted areas, the lower Salinas and Santa Maria watersheds. This approach will allow the agricultural industry's Cooperative Monitoring Program time to establish organizational capacity, develop data management capability, and create a cost allocation process. Initial monitoring will be funded through a combination of settlement funds and agricultural water quality grants. Full regionwide monitoring must be initiated no later than July 1, 2006, but should begin as soon as grant funds become available. Failing receipt of grant funds, the cooperative program must be fully supported by the agricultural industry by July 1, 2006. The Regional Board may review and revise the monitoring program at any time, through a public hearing process. A revised time schedule is included in Attachment 5.

Attachment 3 contains additional information on anticipated costs of the waiver program to small, medium and large growers. A table of projected costs was included as Attachment 5 in a Supplemental Sheet prepared for the February 5, 2004 Board workshop. Since then, staff has further refined cost estimates for education, management practice implementation and monitoring. These estimates are included in Attachment 3. Costs to growers include education, plan

development, monitoring costs and costs associated with implementing management practices. In the future, fees may be imposed by the State Water Resources Control Board, but there are currently no fees in place.

Staff has developed a revised projected cost table, which includes monitoring costs for individual and cooperative monitoring approaches, and for three different discharge scenarios: tailwater to surface water, tailwater to ponds, and stormwater only. Under the cooperative monitoring program, the agricultural industry itself will develop a dues structure, so costs are recommendations only. Considerable discussion has focused on uncertainties with the cooperative approach. Staff believes that a cooperative approach is the most reasonable, cost-effective and scientifically defensible approach to meeting the requirements of the law to demonstrate the effectiveness of the waiver program. Staff will work closely with the agricultural community to develop an equitable cost allocation formula. Staff recommends that such a formula include a cap to ensure that a few participants will not bear the cost for the entire program should large numbers fail to enroll, and include a "low-threat" category based on management practices already in place.

Costs of management practices vary from actual cost savings in some cases to very expensive infrastructure improvements. A few representative management practice costs are included, but this list is not meant to be exhaustive. Operations have great flexibility in developing plans and identifying practices that will be implemented, to allow costs to be spread over time.

Many growers have already invested considerable amounts of money in practices such as field leveling, improved irrigation systems and tailwater recycling systems. For

these growers, the main additional expenses will come from monitoring costs and any future fees assessed by the State Water Resources Control Board. For others, a wide choice of management practices, the ability to phase in practices, and availability of assistance programs should keep implementation costs at a reasonable level. Growers are also encouraged to take advantage of grant and cost-share programs and the availability of settlement funds in some areas of this region.

Attachment 4 contains copies of all additional letters received. As noted above, many identical letters were received. One representative letter is included.

Attachment 5 contains a revised time schedule for the cooperative monitoring program in strike-out version of portions of Order and MRP No. R3-2004-0117.

Attachment 6 is a letter sent to the agricultural organizations in response to the monitoring proposal submitted at the March 19, 2004 Board meeting.

ATTACHMENTS

1. Additional Response to Comments
2. Proposed Phase-in of the Cooperative Monitoring Program
3. Revised Projected Costs
4. Comment Letters
5. Strike-out version of pp.7-8 and 14-15 of Order No. R3-2004-0117 and pp.2-3 of MRP No. R3-2004-0117
6. Response to Agricultural Monitoring proposal submitted March 19, 2004

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