

State Water Resources Control Board  
Ex Parte Communication Disclosure Regarding Pending Order

Pending Order

Draft Order WQ re: Waste Discharge Requirements General Order R5-2012-0116

Name, title, contact information of person completing form

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Date, time, location of meeting

January 8, 2018 – CAL EPA Building

Type of Communication

Oral communication occurred and written communication was provided at the meeting. (See Attached.)

Participants

Board Chair – Felicia Marcus  
Darrin Polhemus  
Phil Wyels  
Emel Wadwhani  
Brianna St. Pierre  
Jennifer Clary  
Phoebe Seaton  
Tess Dunham

Name of person(s) who initiated the communication

Tess Dunham

Describe Communication

Discussion regarding proposed Groundwater Protection Target Language and agreement between EJ representatives and Ag Coalition representatives. Walked through draft Groundwater Protection Target language, answered Board staff questions regarding draft language, and explained that this was an essential element of the agreement between the parties. Also discussed concerns with proposed Surface Water portions of the draft order.

PROPOSED GROUNDWATER QUALITY PROTECTION TARGET LANGUAGE IN EAST SAN JOAQUIN RIVER ORDER

**Amendments to WDR:**

*Finding 23, Second paragraph:* Therefore, through the reporting and evaluation of applied nitrogen versus removed nitrogen, the Management Practices Evaluation Program, development and utilization of Groundwater Protection Targets, the Surface Water Quality Management Plans and Groundwater Quality Management Plans, the third-party must evaluate the effectiveness of management practices in protecting water quality. In addition, Members must report the practices they are implementing to protect water quality, and comply with Surface and Groundwater Quality Management Plans as applicable. Through the evaluations and studies conducted by the third-party, the reporting of applied and removed nitrogen as well as the management practices used by the Members, and the board's compliance and enforcement activities, the board will be able to determine whether a Member is complying with the Order.

*WDR, Provision VIII.E.* – This Order's strategy for evaluating groundwater quality and protection consists of (1) Drinking Water Supply Well Monitoring, (2) a Groundwater Assessment Report, (3) a Management Practices Evaluation Program, ~~and~~ (4) a Groundwater Quality Trend Monitoring Program, and (5) Groundwater Quality Management Plans that include Groundwater Protection Targets. ~~Each of these Elements 1 through 4 has~~ have its their own specific objectives briefly described below, with more detail provided in the attached MRP. Element 5 is described briefly in section VIII.I, and is further detailed in the attached MRP.

**Additions to MRP IV.E. Management Practices Evaluation Program**

6. Groundwater Protection Formula. By July 1, 2020, the third-party shall amend the workplan to propose a Groundwater Protection Formula (GWP Formula) to the Executive Director. The purpose of the GWP Formula is to generate a value (the Groundwater Protection Value or GWPV), expressed as either a nitrogen loading number or a concentration of nitrate in water (e.g. mg/l) as appropriate<sup>1</sup>, reflecting the total applied nitrogen, total removed nitrogen, recharge conditions and other relevant and scientifically supported variables that influence the potential average concentration of nitrate in water expected to reach groundwater in a given township over a given time period. The Executive Director shall approve the proposed Formula and any proposed revisions to the proposed Formula after opportunity for public comment. The third party shall use the Formula to compute GWPVs for each township in high vulnerability areas as part of its GWMP. GWPVs shall be developed and included in the GWMP no later than 6 months from Executive Officer approval of the GWP Formula.

7. Groundwater Protection Targets by Township. The first year following the third party's inclusion of GWPVs in the GWMP, the third party shall develop Groundwater

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<sup>1</sup> Appropriate metric to be determined as part of workplan development

Protection Targets for each township for which a GWPV was computed the prior year. The purpose of the GWP Targets is to set a desired value that will illustrate compliance with the Receiving Water Limitations for Groundwater described in the order, Section III B<sup>2</sup>. The Targets shall be informed by the GAR, MPEP and trend groundwater monitoring program. The GWP Targets shall be reviewed and subject to approval by the Executive Director after opportunity for public review. The Targets shall be reviewed and revised as necessary every five years.

**Additions to MRP-1 I. Management Plan Development and Required Components**

Additions to Groundwater Quality Management Plan requirements to incorporate GWP Targets. We have not developed specific language, but agree that GWP Target language should be included in the following sections

I.C.4 Management Plan Strategy (section e., Establish measurable performance goals)

I.E. Data Evaluation (addition to section (2))

I.F. Records and reporting (addition to section (12) An evaluation of progress in meeting performance goals and schedules)

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<sup>2</sup> Waste discharges from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying aquifer, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.