

KRCD's Monitoring Finds No Problems

KRCD's first monitoring results under the Irrigated Lands Waiver show no water quality problems in the Kings River system. These results are consistent with KRCD's independent water quality monitoring conducted for nearly 3 decades at over 137 sites along the river.

Under the waiver, four sites were monitored by KRCD. The location of the sites are Manning Avenue at the Kings River, Lemoore and James Weirs, and the Jackson Avenue Bridge.

Five individual samples were collected. Two during irrigation events in July and August, one sediment event in October, and two during storm events in January and February. The samples were analyzed for toxicity to test organisms and exceedances of water quality standards. The results of the tests will be included in the annual Monitoring Report due in April 2005.

Watershed coalitions were required to begin sampling streams, sloughs and canals on July 1, 2004. Each coalition is charged by the regulations to "characterize agricultural drainage" then develop plans using Best Management Practices to solve problems found during monitoring.

Regional Water Board Update

At the January 28 Regional Water Board meeting, several items were discussed that have implications to the Kings River Sub-watershed including revisions to the Irrigated Lands Waiver to include groundwater.

Regional Board staff recommended to the Board to extend the waiver to deal with discharges to groundwater. Staff reported their Environmental Impact Report is going to deal with groundwater and this will clarify the definition of a discharger by acknowledging that most, if not all growers in the Central Valley discharge to groundwater.

KRCD, like many in the ag water community, does not support this position. Many had embraced the original waiver concept based on the understanding that it did not deal with groundwater. Groundwater monitoring is much more complex, and the Kings River Sub-watershed is not equipped to address this issue.

Also at the meeting, regional staff reported that letters had been sent to selected growers to confirm their participation in a watershed coalition. Regional staff also recommended a 1-year waiver extension. Watershed coalitions would rather see a longer extension to allow for more in-depth monitoring data to be developed.

Water Quality Newsletter Launched

Water quality regulations are becoming an increasing concern for irrigators of farmland. It is important for growers to understand how these regulations affect farming operations and how to stay in compliance with State regulations. The purpose of the *Kings River Water Quality News* is to update growers in KRCD's service area on the activities of the Kings River Sub-watershed Water Quality Coalition and inform them about issues concerning water quality and ag discharge. The newsletter will be published bi-annually by KRCD.

KRCD Forms Advisory Committee

KRCD has taken a lead role in forming the Kings River Sub-watershed Water Quality Coalition, which is implementing the requirements of the Irrigated Lands Waiver. To meet the requirements of the waiver, KRCD is forming a Technical Advisory Committee to support the technical aspect of the Kings River Sub-watershed Coalition.

The Advisory Committee will address areas of the waiver including: evaluating current and historic monitoring data; developing an inventory of management practices that are currently used in the Sub-watershed; and promoting Best Management Practices in areas where potential water quality problems exist. The Committee will also coordinate with organizations that are engaged in water quality programs on the San Joaquin River. Additionally, the Committee will track the waiver to keep current on newly developed requirements from the Regional Board.

Participants of the Advisory Committee include representatives from the Kings River Water Association, Regional Water Quality Control Board, Farm Bureaus, County Ag Commissioners, California Water Institute, local farmers, commodity groups, irrigation districts, Department of Pesticide Regulation and the Natural Resource Conservation Service.

Coalition Sign-ups Continue

If you apply irrigation water to your agricultural property, you are subject to the regulations set forth by the Irrigated Lands Waiver. If you have not already selected your method of compliance, you need to make your decision soon. To enroll in the Coalition call (559) 237-5567 and request an enrollment form, or download the form directly from KRCD's website. Go to www.krccd.org and click on the Coalition Membership Form link.

Regional Board Focuses On Enforcement

The State Water Resources Control Board is gearing up with a proposal for new staff positions, funded through landowner fees, to start enforcing discharge requirements for irrigated lands. The local Regional Water Board staff has several enforcement actions, both informal and formal, that could be taken if someone ignores the laws on discharges and does not file for a waiver or a permit.

Informal Actions

- Have verbal, informal consultation with discharger;
- Issue an informal letter to the discharger;
- Issue a Notice of Violation (highest level of informal enforcement action).

Formal Legal Actions

- Issue a "California Water Code 13267" letter requesting more information;
- Issue a Cleanup and Abatement Order;
- Issue a Cease and Desist Order;
- Issue an Administrative Civil Liability or monetary penalty of up to \$1,000 for each day of violation. There is no maximum penalty.

The Clean Water Act and the Porter-Cologne Act requires anyone who is causing, or threatens to cause, a discharge of waste to the "Waters of the State" to report this to the Regional Board. Which action the Regional Board staff takes depends on how extensive and/or serious is the violation of the Report of Waste Discharge.

Currently, the Regional Board staff is requesting pesticide permit holder lists from counties. Letters of inquiry will be sent to permit holders to determine who is a member of a coalition. If a grower is covered by a waiver through their membership to a coalition, they are not required to file a Report of Waste Discharge.

Pesticide permit holders who irrigate and do not have a waiver or a permit may be subject to one of the enforcement actions. As resources allow, Regional Board staff may also compare lists of parcel holders in agricultural zones to existing Regional Board data to see who may be irrigating without a waiver or a discharge permit.

The simplest way for a landowner within the KRCD service area to avoid enforcement is to join the Kings River Sub-watershed Water Quality Coalition. You can call (559) 237-5567 and request an enrollment form, or download the form directly from KRCD's website. Go to www.krccd.org and click on the Coalition Membership Form link.

State Board Proposes Waiver Fees

The State Water Resources Control Board told watershed coalition managers in late November that landowner fees to fund staff resources to implement the Irrigated Lands Waiver would likely be assessed by mid 2005.

State law authorizes the State Water Board to collect fees to cover staff needed to implement the Conditional Waiver Program. In the 2004-05 State budget, \$3.1 million is being requested for 22 new positions to manage the Irrigated Lands Waiver programs statewide. Thirteen of those positions are for the Central Valley waiver program. The new fees on irrigated lands would cover program costs in 2005-06 and subsequent years.

State Water Board officials are proposing fees for all irrigated lands in the state at \$100 per landowner plus 15 or 25 cents per acre. The lower per-acre fee would be for landowners who belong to watershed groups or coalitions (if the coalition collects the fee for the state), and the 25 cents per acre is for landowners who are not in a coalition. The State Board estimates that collecting fees from an estimated 7 million irrigated acres in California would raise \$1.9 million the first year.

State Water Board officials emphasize that the fee schedule and collection scheme are draft proposals only and any plan must first be reviewed at Water Board public hearings and then be approved by the Board (likely at its May 2005 meeting). Authority for the fees comes from SB 390, passed in October 1999, which requires the State Water Board to cover waiver program costs with fees collected from program users.

KRCD is working with the State Water Board to develop a fee structure to reflect actual services performed in support of waiver implementation and oppose anything that is in excess of those defined services.



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For more information contact
Mike Mendes at
(559) 237-5567 ext. 126
www.krccd.org

Kings River Conservation District
4886 E. Jensen Avenue
Fresno, CA 93725-1899

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