

*Kings River Watershed  
Coalition Authority*

UPDATE

*Spring 2012*

*Member of the Southern San Joaquin  
Valley Water Quality Coalition*

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## **Regulatory Program Changes Include Groundwater Monitoring**

As reported in the fall, the most significant change to the current Irrigated Lands Regulatory Program (ILRP) is to include discharges to groundwater. The Central Valley Regional Water Quality Control Board's conclusion to include discharges to groundwater ensures that *virtually all irrigated agricultural operations will fall under the Program*. The amended ILRP will begin with the assumption that *every irrigator* is a discharger simply with the inclusion of groundwater.

For the past 10 years, the Southern San Joaquin Valley Water Quality Coalition (Coalition) has attempted to hold firm in its efforts to provide a reliable water monitoring option for landowners and farmers within the Tulare Lake Basin watershed. The Coalition has maintained this role in order to assist growers in the four local watersheds while the Central Valley Regional Water Quality Control Board (Regional Board) has continued to amend and change various components of its ILRP, more recently with the proposed General Order.

The goal of the Coalition has been and continues to be, to develop a reasonable monitoring program that allows farmers to comply with the requirements of the Porter-Cologne Water Quality Control Act as it relates to waste discharge in an effective and efficient manner. We believe that a reasonable, locally-managed program continues to be the best alternative for landowners and farmers; without such a program, individuals will have to provide for their own waste discharge requirements under a separate order.

Since our last *Update* (Fall 2011), the State Water Resources Control Board (State Board) denied our petition challenging the adequacy of the CEQA (California Environmental Quality Act) document for the ILRP. In early May 2012, the Coalition entered into an agreement with other entities, including those from the environmental community, to suspend the legal deadline for filing a legal challenge in court. Just several weeks later, and in complete surprise to the Coalition, the environmental parties to that agreement filed notice on May 25, of their intent to file a lawsuit, thus negating the provision of the agreement. Coalition interests are currently evaluating strategies for response.

## **Timeline and Outreach Meetings**

The State Board will conduct a workshop in Rancho Cordova on June 7, 2012, to bring new board members up to speed on the program. At that time, it will also receive comments regarding the East San Joaquin Coalition's General Order, which likely provides much of the framework for other General Orders, including ours. Members are encouraged to attend or to stay informed about these proceedings.

The Regional Board is expected to release a draft of the General Order for public review, covering the Coalition's service area around July 1, 2012. The Coalition will provide thorough comments during this review. The Regional Board will process any comments and input that have been provided, and will release a new draft in late-2012. The Regional Board is scheduled to take action to adopt our General Order in February 2013.

We have been urging the Regional Board staff to conduct workshops in our area to educate growers about the scope of the new program. We expect that such meetings would take place this summer. The Coalition will also conduct workshops later this year to discuss the scope of the new program and its impacts on landowners and irrigators.

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## Groundwater Monitoring

The Coalition has been working with other coalition groups to develop a groundwater monitoring program that will allow representative sampling of commodities and like-geographic areas to eliminate duplicative monitoring throughout the Central Valley where similar conditions exist. That being said, costs for the program will be high – groundwater monitoring is not going to be cheap. The Regional Board’s programmatic document, which assessed the environmental and economic impacts of the program, estimated that the cost of administration, monitoring, and reporting ranges from more than \$4 million to \$80 million per year for the Tulare Lake Basin and that total cost to the grower ranges from \$216 million to \$1,321 million per year, or \$30 to \$189 per acre. The Regional Board notes that “... most of those costs are associated with implementation of improved management practices to protect water quality and represent the greatest source of uncertainty in the cost estimate.”

The Coalition and Regional Board will meet June 1 to start defining representative sampling in terms of what will be required. The challenge will be to find and develop an effective representative monitoring program that crosses the Coalition’s geographic areas, combined with different commodity types, so that we can start to learn and understand what the current Best Management Practices are that are being utilized.

“We need to figure out where we can monitor groundwater quality, for example, under a specific commodity to determine whether or not the nutrient, nitrate, and pesticide application methods are protective of groundwater quality,” said David Orth, coordinator of the Coalition. “And if they are not, we need to determine what will make them protective. I don’t think we need to monitor every citrus grove and almond crop in the valley to know that. We can find a number – two or three – and take representative monitoring from there. “It will be critical for all of us in our service area to get on the same page for this to work,” Orth said.

## Other Plan Elements

- ✓ Surface Water Monitoring – The Coalition will continue to urge the current program’s requirements of core and assessment monitoring be maintained.
- ✓ Nutrient Management Plans – The Coalition will continue to seek small farm protections with respects to costs. The Regional Board wants to require third-party certification of all NMPs, which would require the hiring of a CCA (certified crop advisor) for certification.
- ✓ Best Management Practices and Education – Once Best Management Practices are identified for a specific constituent in an area, the Regional Board wants to implement an education process that then includes all growers using that constituent. In other words, the regulators want the Coalition to identify growers, and conduct the education events, maintaining attendance lists of those events. The Coalition continues to oppose any effort to become an extension of the Regional Board’s enforcement efforts.
- ✓ Coalition Certification – Despite our effective representation of growers for the past 10 years, including extensive monitoring of surface water and follow-up where necessary, the new program requires the Coalition to recertify itself as a valid third-party group performing its functions for the landowners and growers of its service area. The Coalition is a public agency, operating in an open and transparent manner, yet the regulators are questioning our meeting structure and membership.

## Next Steps

The Coalition will continue to meet with the Regional Board staff and represent the landowners/growers in an effort to obtain a General Order that best represents water quality issues and conditions for the Tulare Lake Basin. The ability of the Coalition to continue representing the landowners under the regulation of the ILRP will depend ultimately on how the Regional Board decides to implement these additional requirements. Questions or comments are welcomed and should be directed to the Coalition Steering Committee representative for your region.

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### **Regional Board Issues Nearly \$150,000 in Fines Under the ILRP**

The Central Valley Regional Water Quality Control Board last week levied a nearly \$47,000 fine against a 300-acre Delta farming operation for alleged failure to obtain required regulatory coverage for their water waste discharges.

The Jaime & Ramona Rodriguez Trust received a fine notice for \$46,950. The trust was fined \$3,000 in 2009 for failure to respond to a Regional Board Order. Another Order issued in 2011 required the trust to either submit a waste discharge report or secure membership in a water quality coalition.

Also last week, the Regional Board issued a fine of \$123,191 to Del Mar Farms, Jon Marin, Lee Del Don, and the Bernard N. & Barbara C. O’Neill Trust for discharging sediment-laden waters into a tributary (Amaral Line) to the San Joaquin River.

Both cases are expected to go before the Board in August.