

Watershed Coalition

News

INFORMATION FOR CENTRAL VALLEY AGRICULTURE

WINTER/SUMMER 2009 RECAP

**SOUTH
VALLEY**

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Long Term Irrigated Lands Program In Development

Groundwater and farm nutrients received the most attention in public meetings held this past winter and spring between the Regional Water Board, agriculture coalitions and public interest groups. With the existing Irrigated Lands Regulatory Program (ILRP) set to expire in 2011, the Regional Board is asking for input from stakeholders on how the next program should look. Multiple meetings have been held since February 2009 as well as the Regional Water Board requesting that all interested stakeholders submit their approaches to regulating ground and surface waters.

If early comments and meeting discussions are any indication, the future surface water program will likely look similar to the existing ILRP. How groundwater will be regulated is far less certain. The Regional Water Board in July released a draft of five alternative approaches to regulate groundwater. One of those approaches, or a combination of several, will ultimately be adopted by the Board in 2011.

In an October 2008 stakeholder meeting, the Regional Water Board laid out an aggressive timetable for developing a draft long term program, asking for a near complete outline by October 2009. The draft Environmental Impact Report is due Spring 2010 with a final certification by Regional Water Board expected by Winter 2010.

In comments sent to the Regional Water Board in mid-2009, watershed coalitions and other agricultural interests suggested using a multifaceted approach to regulate groundwater in the Central Valley. The basic principles include:

- Reliance on local agencies (irrigation districts, county agencies, etc.) to be responsible for determining the need for groundwater quality protection requirements, using Integrated Regional Groundwater Management Plans,

AB1938 or AB3030 plans as the basis;

- Relying on a third-party entity (watershed coalition, commodity group, etc.) to develop groundwater quality management plans for areas where problems have been identified. Farmers in those areas would need to adopt practices should crop inputs be the source (fertilizer or pesticides).

In such an approach, third parties would start out by evaluating available groundwater data then identifying areas and constituents of concern, then prioritize areas to address first. Also identified would be agricultural practices that may be causing or contributing to problems and management practices that growers could use to address the constituents of concern. To be in compliance, growers would complete acknowledgement forms, agreeing to implement identified management practices to the maximum extent practicable.

In the approach supported by public interest groups such as Clean Water Action, California Rural Legal Assistance Foundation and Community Water Center, agriculture would be required to develop watershed or regional plans that include identification of high risk areas, reporting of nutrient and pesticide application on a farm by farm basis, adoption of BMPs and monitoring of shallow groundwater.

Whichever program is ultimately adopted, ample opportunity still exists for public input. The "alternative approaches" for the new program are to be evaluated in an Environmental Impact Report (EIR) not expected to be finalized until Fall 2010. The alternatives to be examined by the EIR, which the Water Board is anticipated to combine into a single approach, were finalized in August 2009. The final program goes to the Water Board for a vote in Summer 2011. ☞

DPR Moving On Irrigation Runoff Regs

Draft regulations targeting pesticides in irrigation runoff began the lengthy public review process in April. In an unusual step, the California Department of Pesticide Regulation (DPR) sent the draft rules first to the Water Board for comment. County agricultural commissioners also were given the chance to review the draft regulations. By mid-summer, agricultural organizations had not seen a copy of the new rules.

DPR said in 2008 that the rules would be patterned after the dormant spray regulations for orchards and will focus on insecticides and her-

bicides frequently detected by watershed coalition sampling. Growers will need to follow Best Management Practices should specific pesticides be applied before irrigating fields that drain into waterways.

As with the dormant spray regulations, growers will have a menu of management practice options to choose from. Such practices would target the pathway for all types of farm inputs entering waterways. DPR expects a lengthy public review process and adoption no sooner than 2010. ☞

Spring 2009 Finds Exceedances in Westside Waterways

Low flows in Westside San Joaquin Valley creeks and drains continued this past winter and early spring, largely due to below normal rainfall and lack of irrigation water deliveries to farmers. Low creek flows don't always mean fewer problems with pesticide runoff but in early Spring, it seemed to be the rule. In February sampling of a storm event, Blewett Drain, Ingram Creek, Hospital Creek and Poso Slough, showed exceedances of chlorpyrifos. In March and April 2009, only the herbicide diuron (Karmex) was detected both months in Salt Slough at Sand Dam above state limits set for the product with Ingram Creek showing another chlorpyrifos exceedance. All other sites showed no other currently registered pesticide exceedances in all three months.

In May, pest pressure increased and pesticides were again showing up in regional

waters. The most common exceedance was for chlorpyrifos (Lorsban, Lock On, Govern, NuPhos), which exceeded state standards in Hospital Creek, Ingram Creek and Salt Slough. Diuron herbicide was also found in May in Ramona Lake above state standards.

In June, the long banned insecticide chlordane was detected in Marshall Road Drain and Orestimba Creek. Chlordane was once widely used for spider and termite control but commercial sales were discontinued in 1988. Chlordane was also found in Salt Slough in May. The only other pesticide detection in June was for methamidophos (Monitor), found at Del Puerto Creek.

DDE, the breakdown product of DDT insecticide, continued to be detected throughout the Spring months in numerous Westside waterways, still at very low levels.

East San Joaquin Seeing Fewer Pesticide Problems

Frequent exceedances of pesticide standards have hindered the water monitoring program of the East San Joaquin Water Quality Coalition (ESJWQC) since its inception in 2005. That fortune may be changing as the coalition logged its first winter (October - March) with no pesticide exceedances in all but two of its sampling sites. A chlorpyrifos exceedance was found in November in the Merced River at the Santa Fe bridge where the insecticide was found above state standards.

The string of no pesticide exceedances continued in the spring and early summer months through June, with the only other exception being chlorpyrifos and diuron exceedances at Mootz Drain in December, February and June (chlorpyrifos only). This sample site in eastern Stanislaus County is located on a drain that serves a limited number of fields and has stagnant water conditions much of the year. The coalition is currently petitioning the Regional Water Board to drop the site and move to another location.

In other activities, the ESJWQC is focusing considerable efforts on its management plan implementation, which targets outreach activities to three priority watersheds: Dry Creek in eastern Stanislaus County; Prairie Flower Drain west of Modesto; and Mariposa Creek/Duck Slough in Merced County. With 22 waterways in the ESJWQC region under management plans, Regional Water Board allowed the coalition to begin efforts to mitigate problems believed to originate from farm runoff in the three priority waterways. These efforts include holding workshops within the watersheds with follow up visits to landowners with parcels located directly on the waterways. Since February, ESJWQC board members Parry Klassen and Wayne Zipser have contacted 59 landowners in the three watersheds and completed management practice surveys during on farm discussions. Response by coalition members has been extremely favorable with a unanimous commitment to solving water quality problems originating from farming activities.

Westside San Joaquin Monitoring for Fall/Winter 2009 Finds Few Problems

Water monitoring in the Westside of the San Joaquin Valley in Fall 2008 found few exceedances of water quality standards and only one currently used pesticide above state standards. In sampling for September 2008 performed by the Westside San Joaquin River Watershed Coalition, chlorpyrifos (Lorsban, Lock-On, Govern, NuPhos) was found above state standards in Mud and Salt Slough and the San Joaquin River at Sack Dam (the latter just slightly above the standard). Another chlorpyrifos exceedance was logged in November in the Delta Mendota Canal at a site near the Del Puerto Water District office.

DDE, the breakdown product for the legacy pesticide DDT was found only once, in November 2008. That exceedance occurred in Mud Slough. DDT was found in January 2009, the lone pesticide exceedance for that month. Other than these four exceedances, no other currently used pesticides were found above standards in the sites sampled on the Westside from September 2008 through January 2009. Sampling did find frequent exceedances of EC, a measurement of salt levels in the water. High EC levels are common on the Westside, a result of higher salinity soils and elevated levels in surface water supplies.

Chemistry Tests Reveal Sediment Toxicity Sources

For the first time, Central Valley watershed coalitions were required this past spring to perform chemistry analysis on sediment samples that showed toxicity to the test organism *hyalella azteca*. Sediment samples are typically taken in spring, representing winter runoff, and late summer, to represent the just completed irrigation season. Chemistry analysis are triggered when 80% or less of *hyalella azteca* survive after exposure to creek bed sediments in the laboratory.

The Westside San Joaquin River Watershed Coalition began performing chemistry analysis in 2008 ahead of other groups. Its March sediment sample exceeded the 80% trigger at three monitoring sites: Blewett Drain, Hospital Creek and Ingram Creek. Different pesticide combinations apparently contributed to the toxicity. At Blewett Drain, pesticides detected were bifenthrin (Capture), Lambda-Cyhalothrin (Warrior) and DDE, breakdown of DDT. At Hospital Creek, bifenthrin, chlorpyrifos (Lorsban, Lock On, Govern, NoPhos) and DDE combined to create the toxicity. At Ingram Creek, analysis found Lambda-Cyhalothrin and DDE. Pyrethroid insecticides, including Capture and Warrior, are known to be transported off treated fields via sediment suspended in irrigation or storm water runoff, as is the case for chlorpyrifos.

Nicole Bell Appointed to Regional Board

Irrigated agriculture has a new representative on the Central Valley Regional Water Quality Control Board. Nicole Bell, formerly a subwatershed coordinator for the Sacramento Valley Water Quality Coalition/Sacramento-Amador Water Quality Alliance, was appointed by the governor in May. Bell's experience in agriculture includes industry relations and alumni manager for the California Agricultural Leadership Foundation since 2008 and a consultant for Valley Agricultural Consulting Service since

2005. She also served as secretary for Lower Consumes Resource Conservation District and was the executive director for the U.S. Department of Agriculture-Sacramento/Amador County Farm Service Agency and the Imperial County Farm Service Agency from 1993 to 1994. Bell is also vice president of the Sacramento Farm Bureau Agriculture Education Foundation and serves on the Sacramento County Farm Bureau, California Farm Bureau Federation and Young Farmers and Ranchers State Committee. ☞

Water Board Targets Enforcement Activities

The Regional Water Board is taking a new approach for contacting non-participants in the Irrigated Lands Regulatory Program: mailing postcards to landowners in targeted regions. The effort began in September 2008 in the San Joaquin-Sacramento Delta where 95 postcards were sent to landowners identified as non-participants. Water Board staff is calling the postcard mailings a more cost effective approach than 13267 Orders, an official request for information that can lead to a fine if not responded to. Failure to respond to a postcard triggers issuance of a 13267 Order.

Earlier this summer, the Regional Water Board sent out 13267 Orders by registered mail to 16 landowners in Butte, Sacramento, Solano Counties who were not participating in the ILRP. Another 12 Orders were sent to landowners in Stanislaus County. That was on top of four Notice of Violations (NOV) issued in March.

In June, 10 Notices of Violations were issued to landowners who failed to respond to Orders mailed in Spring 2008. Another 10 NOV's were issued in August. The largest fine to date for an NOV was \$3000, paid by a grower from Merced County. ☞

State Fiscal Problems Sink BMP Grant

Another casualty of the state's fiscal crisis: nearly \$8 million in grants set to go to Central Valley farmers to help improve water quality in local streams and rivers appears will likely not be spent. The funding, approved through Proposition 84, a water bond passed in 2006, was to go toward cost sharing on projects such as sediment ponds and irrigation recirculation systems. A freeze was ordered by the Governor in December 2008 on all grant spending just as the contract for the project was being finalized with CURES, the project manager. Some expect the project to be reinstated, although the state's continuing budget woes make such a prospect unlikely. ☞

New State Fee for Joining Coalition Late

While requirements have been eased for joining a coalition, a new fee has been approved for those seeking coverage by a watershed coalition after September 1, 2008. A \$50- \$200 fee can be assessed for each application to cover the cost for Regional Water Board staff time to process paperwork. No fees will be applied to those starting new farming operations or creating new entities to farm irrigated

lands. Existing coalitions members are allowed to add newly purchased property to memberships. Previously, potential dischargers who applied after the December 31, 2006 deadline were required to file for an Individual Discharger Conditional Waiver or for Waste Discharge Requirements except under circumstances such as purchasing land or adding irrigation to cropland. ☞

State Acreage Fees Unchanged For 2009-10

Acreage fees paid by watershed coalitions for every member acre will remain unchanged during the state's fiscal year 2009-10. The 12 cent per acre charge is paid annually by all Central Valley coalitions to the State Water Resources Control Board and is used to cover the cost of staffing the Irrigated Lands Regulatory Program. Most coalitions include the state fees in their membership charges, which range from \$1 to \$2 per acre and cover expenses such as monitoring, reporting and outreach required under the ILRP. ☞

Watershed Coalition News asks readers to pose questions to the Water Board. The question this issue is answered by Joe Karkoski, Acting Assistant Executive Officer, Central Valley Regional Water Quality Control Board.

The information requests from my watershed coalition are going beyond what I'm comfortable providing. What are my other coverage options?

You are likely farming in a watershed where coalition water or sediment sampling has found two or more exceedances of State water quality standards. When that happens, watershed coalitions are required to prepare Management Plans for that waterway. These plans often include the commitment by the coalition to send out management practice surveys to landowners with questions about your farming practices. Coalitions use the information to help determine the potential sources of those exceedances or to learn more about practices that best protect water quality. The coalitions will then encourage growers to implement management practices that work for their farm and protect water quality. Should growers fail to provide the necessary management practice information to the coalition, the Regional Water Board will consider those growers to be in violation of the Coalition Conditional Waiver. We anticipate taking the following steps with those non-compliant growers:

- Issue an order under section 13267(b) of the California Water Code (13267 Order) requiring the grower to submit the management plan information to the Central Valley Water Board; and
- Working with the coalition to rescind the non compliant grower's regulatory coverage under the Coalition Conditional Waiver.

Once coverage under the Coalition Conditional Waiver is rescinded, the grower would be required to obtain regulatory coverage in one of the following ways:

- Submit a Notice of Intent for coverage under the Individual Discharger Conditional Waiver for discharges from irrigated lands. Annual fees are based on acreage: for example, \$1000 for a 50-acre farm or \$2625 for a 250-acre farm. In addition, landowners would need to develop a site-specific monitoring and reporting program, which can cost \$10,000 to \$15,000 annually; or
- Submit a Report of Waste Discharge for coverage under Individual Waste Discharge Requirements (WDRs). Cost for coverage under this option is based on potential threat to water quality and complexity of waste discharges from irrigated lands. A typical annual fee for WDRs is \$6006. Site specific monitoring is also required.

Should a grower not obtain coverage under one of these options, the Regional Water Board may pursue enforcement actions that could include fines of thousands of dollars depending on the nature and extent of the grower's non-compliance.

Send your questions for "Ask the Water Board" to pklassen@unwiredbb.com.

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