

East San Joaquin Draft Revised Order

March 2016



Introduction

- East San Joaquin Order: CEQA case filed by KRWCA and others lost
- Order amended in response to additional petitions at the State Board level and released February 8, 2016
- Implemented order will be considered precedential
- Major changes to member reporting requirements, monitoring requirements, and regional board oversight



Member Changes

- Farms categorized as small (<60 acres) medium (>60 acres), large (>250 acres)
- Farms are no longer classified as being in high vs low groundwater vulnerability areas
- NMP updated to include irrigation planning: INMP, summary includes yields, Nitrogen Applied/Removed ratio, Applied-Removed
 - Reporting frequency increases to annually for all members, irrelevant of size or vulnerability
 - INMP may be valid for up to three years for consistent crops
- Domestic well monitoring required for all enrolled acreage
 - Members cost: Annual tests if >8 mg/l N (5 years <8 mg/L)
 - Must notify affected residents of results above MCL



Coalition Changes

- Coalition must develop coefficients to convert yield to N removed for all growers, supply coefficients to all growers
 - A/R ratios to be analyzed by crop type, irrigation method, soil conditions, and farming operation size
 - Members with greater than 1 St. Dev of the average A/R will be notified and field data identified to the Water Board
- Field level data INMP and Farm Evaluation to be submitted annually with A/R information uploaded to Geotracker (by 2019)
- Must report domestic well monitoring results in annual report and ensure affected residents are notified
- Management plans must provide list of recommended practices



Regional Board Changes

- Receive field level data of both INMP and Farm Evaluations
 - Requires large investment in updating/modifying Geotracker
 - Large increase in Regional Board review hours
 - Information now publicly available
- Create acceptable ranges of A/R ratios based on submitted field level data (by 2019)
 - Complex technical analysis, massive amount of data
- Validate reported management practices/Nitrogen application with water quality trends
 - Complex technical analysis, massive amount of data



Implementation

State Water Board Provided Alternatives

- **Alternative 1: All Field Level Data with Identification by 2019**
 - All growers submit information to the Coalition, starting 2019 the Coalition provides field-level data set identified by field location to Regional Board. Board develops target 3 year ratios for A/R and evaluates submitted data to determine effective management practices as shown by water quality trends
- **Alternative 2: All Field Level Data with Identification Immediately**
 - Coalition begins to provide field-level data to the Regional Board effective the first year of implementation of the revised permit. Submitted data used to confirm coalition submissions, analyze reporting trends, and evaluate follow up actions.
- **Alternative 3: All Field Level Data, Only Some Identified**
 - Coalition would submit most field-level data without identifying the name or location to the Regional Board. When the field is 1) in a Management Plan area 2) has a N indicator substantially higher than the N application in similar fields the location data & name will be released. Data analyzed by the Regional Board to verify Coalition efforts in areas not meeting WQ requirements. Discretion to request all field data.



Cost Analysis

Requirement	Affected Party	Cost Change
Annual INMP Summary & Farm Evaluations for all members	Members & Coalition	Increase
Certified INMPs valid up to 3 years	Members	Decrease
Drinking Water Well Monitoring & Reporting	Members & Coalition	Increase
Submit all field level information to the Regional Board in order to create acceptable A/R ranges	Water Board	Increase
Development of N Removed Coefficients	Coalition	Increase
Analyze A/R Ratios by multiple factors	Coalition	Increase
Additional Training & Outreach regarding A/R ratios and new reporting	Coalition	Increase
Removal of high vulnerability area; workplans, management plans applicable to all coalition areas	Members & Coalition	Increase

Basis for Amendments

- Agricultural Expert Panel Report
 - Technical Recommendations followed
 - A/R Ratio metric
 - Discard high vulnerability areas
 - Implementation Recommendations Ignored
- Non-Point Source Policy (Central Coast Trial Court Decision)
 - Programs must achieve and maintain WQO, including meeting all anti-degradation requirements
 - Must define and mandate implementation of management practices and provide feedback metrics to ensure attainment
 - Sufficient monitoring and reporting to link implementation requirements to expected water quality outcomes, and incorporate monitoring and reporting sufficient to verify that link



Concerns

- Still no pathway to compliance for Ag
 - 3 years until an 'ideal' A/R metric is established, 10 years to meet receiving water limitation under a Management Plan
- Did not incorporate Expert Panel implementation recommendations
- No consideration of increased costs for members, coalitions, **OR** regional board
- Domestic well monitoring is an undue burden on growers and the ILRP is an inappropriate program to provide public health information
- Loss of grower privacy with publicly available field level data in Geotracker, including yield values with potential exposure of trade secrets and specific operation management.



Concerns

- Publicly available data increases risk against growers/members and is an invasion of privacy.
- Erosion of confidence in the Coalition, and loss of Coalition benefit to the grower
- Current outreach and training efforts made redundant, loss of ability to phase implementation by High Vulnerability Areas
- Considers the current program administered by the Regional Board as insufficient; despite no data collection or analysis
- Compliance metric of less than “1 standard deviation of the mean” is impossible to meet. Guarantees large percentage of growers to always receive increased scrutiny.



Actions

- Coalition Response
 - February 29th Review by Coalitions
 - March 11th Further Review by Coalitions
 - Push for Central Valley local hearing
- Workshop in May, comment letter due thereafter
 - Complete economic analysis of impact on members, coalitions, and the Regional Boards
 - Review impact to growers and Coalitions, lack of technical basis of recommendations

