



NCWA
Northern California Water Association

*To advance the economic, social and environmental sustainability of Northern California
by enhancing and preserving the water rights, supplies and water quality.*

June 1, 2016

Felicia Marcus, Chair
State Water Resources Control Board
1001 "I" Street, 24th Floor
PO Box 100
Sacramento, California 95812-0100

RE: Comments to A-2239(a)-(c)

Dear Chair Marcus:

The Northern California Water Association (NCWA), on behalf of the 7750 owners and operators of irrigated land enrolled in the Sacramento Valley Water Quality Coalition (Coalition), appreciates the State Water Resources Control Board's (State Water Board) careful and thoughtful deliberations in the above referenced matter. Since the State Water Board staff released the proposed revisions to the Eastern San Joaquin (ESJ) Waste Discharge Requirements (WDR) you and your colleagues have offered appropriate direction to accomplish the mutually shared goal of improved nutrient management to protect both groundwater quality and drinking water sources. The Board's objective questioning during nearly 15 hours of testimony at the two public workshops showed a desire to craft a solution that takes into account the different regional agricultural and aquifer characteristics not just throughout the Central Valley and but the State.

As you further evaluate the draft order, we urge you to emphasize that the Central Valley is not homogenous and different parts of the Valley require tailored approaches that will lead to our mutual goal to improve groundwater quality.

More specifically, in the Sacramento River hydrologic region, the Sacramento Valley Water Quality Coalition area comprises approximately 1.3 million irrigated acres (rice acreage excluded) in a drainage that is around 17.4 million acres. It ranges from Solano County to Goose Lake on the California-Oregon border, is home to habitat for 50% of the threatened and endangered species in California, including the winter-run and spring-run salmon, steelhead, plus many other fish species and has six National Wildlife Refuges, more than fifty state Wildlife Areas, and the Pacific Flyway.

Ringed the Valley floor are the small acreage vineyards and orchards of the Coast Range and foothills the summer pastures of the mountain valleys of the Sierra Nevada. These areas in most cases don't overlie groundwater basins and have little if any nitrogen applications.

In our area we understand our groundwater conditions and are prepared to take necessary actions to protect it and our livelihood. The results of recent CV-SALTS technical studies and the Coalition's own Groundwater Quality Assessment Report (GAR) completed in 2014, show limited impacts on groundwater quality from nitrates. The Coalition's GAR showed that the average nitrate concentration is 11 mg/L, which is well below half the MCL (maximum contaminant limit) of 22.5 mg/L for drinking water, in the 2,645 recent well samples reviewed. Only 5% of all recent well samples had concentrations above the MCL of 45mg/L for drinking water. This data, plus the analysis of groundwater conditions and assimilative capacity of Bulletin 118 groundwater basins conducted as part of the Central Valley Salinity and Nitrate Basin Plan Amendment, show the excellent groundwater quality conditions in the Sacramento Valley.

The CV-SALTS scientific and technical work undertaken through the collaborative stakeholder process underscores the difference in aquifer characteristics throughout the Central Valley. The conclusions of the *Nitrate Implementation Measure Study (NIMS)*, completed by CDM Smith as part of the CV SALTS Technical Studies finalized on March 31, 2016 are the lowest nitrate priority is in the Sacramento Valley, based ambient groundwater quality conditions in shallow wells tested between 2003-2012. (*NIMS, page 4-4 thru 4-10*). The conclusions drawn from this work: not all groundwater basins are impacted similarly by waste discharges, whether they be from agricultural operations or other dischargers.

This CV-SALTS work is not, but should be, part of the record on which the State Water Board makes any recommendations on the ESJ Waste Discharge Requirements. The technical and scientific work completed in the last three years by the CV-SALTS stakeholders has resulted in a framework that represents a set of environmentally and economically sustainable solutions across the diverse and broad landscape of the Central Valley. The NIMS work provides a strategic direction to focus efforts on the highest priority areas in the Central Valley based on groundwater quality conditions. This includes portions of Solano and Yolo Counties in the Sacramento Valley.

In NCWA's view, applying uniform reporting requirements across region is inconsistent with the results of these CV-SALTS studies and the principle of subsidiarity, embodied in Governor Brown's *Water Action Plan*. Rather than make the proposed revisions to the ESJ Waste Discharge Requirements precedential, NCWA urges the State Water Board follow the principle of subsidiarity letting local conditions determine the necessary level of reporting and management. Local collaborative initiatives like the CV-SALTS stakeholder process hold the promise of implementable solutions.

From extensive scientific and technical studies it is clear the Sacramento River hydrologic region is a distinctively different hydrologic region with the "truly significant site-specific conditions" cited by the State Water Board on Page 8 of the Draft Order as justification for not applying the revisions proposed to the Eastern San Joaquin WDR in the Sacramento Valley Water Quality Coalition area.

Additionally, appropriate time should be given for the current nitrogen management planning and reporting requirements of the adopted irrigated lands WDRs to materialize, before implementing an expanded set of requirements, which could be counterproductive to the mutually shared goal of improving water quality.

Rather than adopt the proposed changes, NCWA suggests that the State Water Board remand this process back to the Regional Water Quality Control Board to make appropriate changes to the ESJ Order based on your direction and desire for increased transparency and accountability. Should the State Water Board wish to issue proposed revisions to the ESJ Order, NCWA requests that

- **High and Low vulnerability designations be retained** – Increasing the scope and scale of data must match the necessity of the information. As the CV-SALTS groundwater quality technical studies show there are groundwater basins in the Central Valley where the ambient groundwater quality is high quality. The proposed revisions related to uniform reporting requirements exceeds the threshold of necessary and reasonable data required to improve nutrient management and protect groundwater quality. Expanding the scope and scale of nitrate analysis and reporting, especially where agricultural operations (e.g. irrigated pasture) pose no risk to groundwater quality, where no groundwater basins exist, or where the ambient groundwater quality is sufficient assimilative capacity is unnecessary.
- **Confidentiality of Information is key to working with the agricultural community** - During the past decade Agricultural Water Quality Coalitions have been working with the agricultural community to improve surface water quality. Many success stories have emerged. The Central Valley Water Quality Coalitions in partnership with the California Department of Food and Agriculture (CDFA), UC Davis and Cooperative Extension crop advisors have invested substantially in advancing knowledge of nitrogen management. This includes research and studies to better determine what leaches beyond the root zone and potentially impacts groundwater quality.

Having growers file information directly with the State Water Board undermines the credibility of the Coalitions with its members. Growers will see this as a disincentive for joining or remaining in a Coalition requiring the Regional Water Board to regulate an increasing number of individual growers, setting back efforts to improve groundwater quality.

- **A new economic analysis is warranted** – The number of changes (e.g., adding irrigation to the Nitrogen Management Plan) to reporting requirements, the requirement of certified reporting by all growers, expanded data management and storage requirements, plus the potential applicability of the State Water Board’s proposed revisions to other regions of the state, warrant a full economic analysis.
- **Eliminate the requirement for domestic well testing** - This burdens owners of irrigated lands with costs and reporting requirements not shared equitably with other owners of domestic wells who could also be contributing to groundwater quality degradation. This is a landlord tenant issue, best handled by local government.

The Coalition appreciates the State Water Board’s careful deliberation in this matter.

Sincerely,



Bruce Houdesheldt
Director Regulatory Affairs
Northern California Water Association

cc: Fran Spivey Webber
Tam Doduc
Steven Moore
Dee Dee D'Adamo
Emel Wadhvani
Darrin Polhemus