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East San Joaquin Surface Water Quality Monitoring Program Review Panel

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Correct the Term “Petitioners”

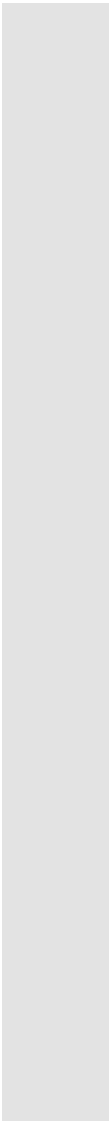
Page 1 – “Following implementation of the General Order for the ESJ region in 2012, environmental interests (**the Petitioners**) filed petitions with the State Water Resources Control Board (State Board) challenging the adequacy of numerous aspects of the General Order, including the Program’s design and reporting requirements.”

Page 3 - **Petitioners Environmental Community**

- Sean Bothwell - California Coastkeeper
- Lisa Hunt - American Rivers
- **Richard McHenry – California Sportfishing Protection Alliance**



Sampling Design Transferability

- **Recommendation:** Better emphasize the lack of “Transferability of the Program” by moving this section from pg. 7-8 up to the Executive Summary.
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A Different Set of Goals – Regional Board’s Goals

Pg. 20 “The Panel disagrees with these critiques and believes they reflect the Petitioners’ interpretation that the Program should be based on a different set of goals than those the Panel finds are specified in the General Order establishing the Program.”

Pg. 6: “The Panel concludes that the Program is, on the whole, appropriately designed and implemented to meet the monitoring program goals laid out in the 2012 Order.”

Pg. 20 “4.1.1: The Panel believes the intent of the Program – as articulated in the Order establishing the Program – is to achieve collective watershed-scale compliance, not individual grower compliance”

A Different Set of Goals – State Water Board’s Goals

State Water Board’s 2018 Order “The General WDRs assign certain requirements to the **individual growers**(Members) and certain requirements to the coalition (Third Party). **Each Member must meet receiving water limitations** (except where the Third Party is implementing a management plan to address known exceedances caused by agricultural discharges), which **prohibit the Member from causing or contributing to exceedances of applicable water quality objectives in surface water and groundwater.**”

A Different Set of Goals – the State Water Board's Goals

- Forget watershed compliance vs. individual compliance.
- What are the State Water Board's goals as articulated on pages 53-59 of the 2018 Order?
- State Water Board 2018 Order – “An effective receiving water monitoring program must pursue exceedances in upstream channels and narrow down the source of the exceedances”

A Different Set of Goals – State Water Board’s Goals

Central Coast Order – “The better approach may be to rely on receiving water monitoring data and to require the third party monitoring groups administering receiving water monitoring to pursue exceedances with increasingly focused monitoring in upstream channels designed to narrow down and identify the sources of the exceedances.”

Agricultural Expert Panel Report – “A single measurement point at the downstream discharge of a very large watershed would be insufficient. When/if problems are identified, sampling should move upstream to locate the source of the problem.”

A Different Set of Goals – State Water Board’s Goals

State Water Board DRAFT Order, pg. 46 “The approach taken by the Eastern San Joaquin Agricultural General WDRs may be effective in monitoring for a narrower set of purposes, such as determining the effectiveness of a certain set of management practices, but it does not appear to be comprehensive enough to identify problem areas throughout the watershed.”

Pg. 46-47 “The representative monitoring of the General WDRs is not likely to meet [the sufficient feedback] mandate. Especially given that monitoring to date has indicated that discharges from irrigated lands are leading to some exceedances of receiving water limitations, a more comprehensive ambient monitoring program is in order.”

A Different Set of Goals – State Water Board’s Goals

State Water Board DRAFT Order, pg. 47 “Any revised program must be on a scale sufficient to track water quality progress across the entire basin and collect data sufficient to cover conditions throughout the watershed.

“The revised program must incorporate monitoring elements that require the Third Party to pursue exceedances with increasingly focused monitoring in upstream channels designed to narrow down and identify the approximate area and sources of the exceedances.”

Recommendations

- **Recommendation One:** Add a statement to emphasize that the current monitoring scheme **CANNOT** determine whether a grower is causing or contributing to exceedances of applicable water quality objectives in surface water.
- **Recommendation Two:** Add a statement to emphasize that the current monitoring scheme **DOES NOT** pursue exceedances with increasingly focused monitoring to detect the source of the problem.
- **Recommendation Three:** Remove or heavily change the analysis in 4.1.1. to address the State Water Board's concerns articulated in the 2018 Order, pages 53-59. **DO NOT** focus on the 2012 Order.

State Water
Board Issue
One -
Representative
Monitoring??

Pg. 2 Overview of the ESJ Surface Water Monitoring Program

“Core sites represent the zone as a whole, while represented sites represent one or more sub-watersheds within the zone; water quality at represented sites and core sites is expected to be similar.”

- Is the Panel just summarizing what they read from the Order and/or heard from the Regional Board? Or is it what they believe?
- We do not see any analysis in the report that this is accurate.

Are Representative Sites Representative?

State Water Board's 2018 Order (Pg. 55): "First, is there information to support the premise that when the core site and the represented sites have similar hydrology, crop type, land use, soil type, and rainfall, and are assumed to be managed similarly, a water quality problem at a core site would be indicative of an exceedance at a represented site?"

"Our review of the data found monitoring at represented sites can reveal exceedances for a different set of constituents than those found at the core sampling sites, even where the physical characteristics are similar."

Recommendations

- **Recommendation One (Preferred):** Review existing monitoring data to answer the State Water Board's question and resolve their concern that core sites and representative site data does not match.
- **Recommendation Two:** At a minimum, state in the report that the data wasn't analyzed to determine representativeness and require the monitoring coalition to conduct a special study to monitor both sites at the same time to determine whether each site is representative.

State Water Board Issue 2 – Spatial Density

2018 Order pg. 56 “Second, are the core and represented monitoring sites, collectively, of sufficient spatial density or distribution to be able to reasonably **identify exceedances throughout** the watershed?”

Spatial Density

Panel's Findings

Panel Report 5.1, pg. 27: “Yes, the Panel supports the overall monitoring design (see Key Finding 3.1). The Panel believes that altering the design to include a larger number of sampling sites would only be needed if the Program were addressing a different monitoring goal – one that prioritizes farm-specific compliance, rather than regional compliance (see Section 4.2).”

State Water Board 2018 Order pg. 56: “We stated that **an effective receiving water monitoring program must pursue exceedances in upstream channels and narrow down the source of the exceedances.** The General WDRs eschew this framework in favor of requiring management practice improvements by all Members identified as potential sources of discharges in the affected watershed.”

Recommendation

State Water Board's Question: "Are the core and represented monitoring sites, collectively, of sufficient spatial density or distribution to be able to reasonably identify exceedances throughout the watershed?"

Recommendation: Given the limited hydrologic connectivity and the 2012 Order's goal to only assess regional compliance, the Panel should answer the State Water Board's question in the negative – the core and represented monitoring sites are NOT able to reasonably identify exceedances THROUGHOUT the watershed.

Toxicity Recommendation

- We greatly support the recommendations on Toxicity and Dissolved Oxygen Testing.
- Recommendation: Before closing a pesticide related management plan, require a multi-species toxicity test (or two quarters of clean, no toxicity results).

Biostimulatory Recommendations

- Review the literature and recommend a N value between .5 and 4.
- Stop reporting nitrate results less than 10 mgL to be “no exceedance.”
- Add a footnote referencing some of the literature and note that 10 mgL is certainly biostimulatory. The panel should also note that it has been directed to not weigh in on what the appropriate N limit should be.

Thank You

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