

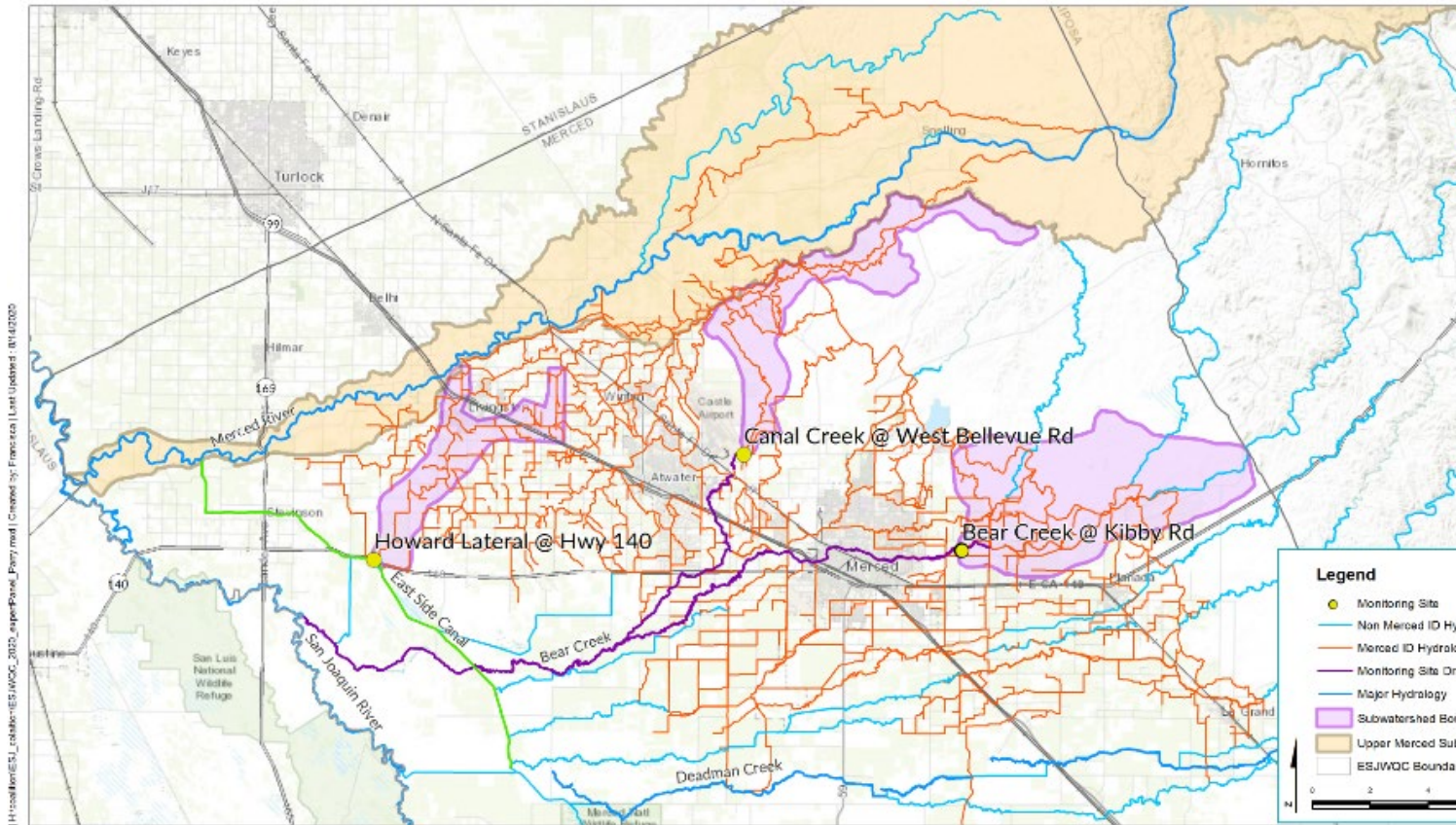
Review of Draft Findings and Recommendations of the Expert Review Panel for the Eastern San Joaquin Surface Water Monitoring Program

Parry Klassen

Executive Director

East San Joaquin Water Quality Coalition





“The Panel concludes that the Program is, as a whole, adequate and appropriate to achieve the Program’s overarching goals. Specifically, the Panel endorses the Program’s overall monitoring design, data collection and analysis methods, adaptive nature, and use of data to inform management practices.”

Program is result of collaboration between ESJWQC technical consultants and Regional Water Board staff.

Program structure developed through iterative process i.e. years of work in the field combined with innovative approaches; this will continue.

Merced Irrigation Network

ESJWQC

ESJWQC is a 501(c)(3) non-profit organization. Our mission is to protect and improve the water quality of the Merced River and its tributaries. We are committed to transparency, accountability, and community engagement. For more information, please visit our website at www.esjwqc.org.



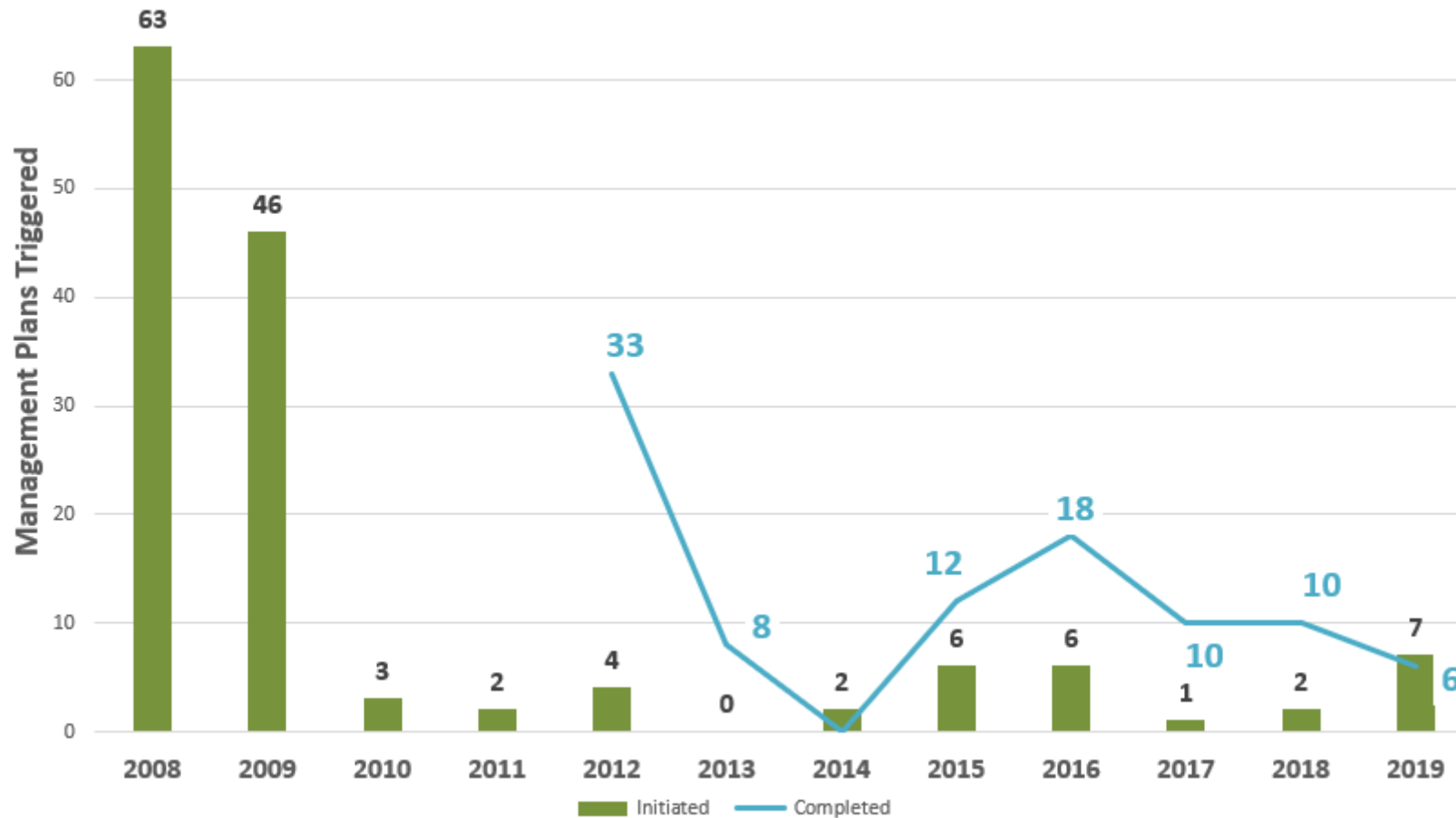
The Program's approach to identifying constituents with exceedances and conducting [outreach to all operations within the watershed](#) is an [efficient and extensive approach](#) to promote proper management practices by a large number of growers.

Grower outreach continues to focus only on constituents originating from irrigated agriculture.

“What should I do?”

“What should I not do?”





The existing Program has routinely led to identification of exceedances and the completion of management plans for responding to those exceedances, suggesting that the Program has been effective in improving receiving water quality.

We are achieving the goal of minimizing impact of irrigated agriculture on surface water

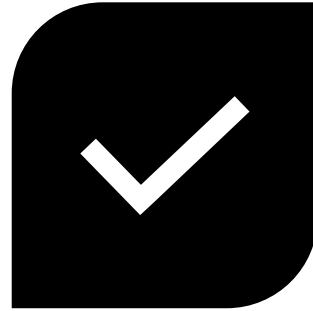
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Tess Dunham, Kahn, Soares & Conway
Legal Counsel to East San Joaquin Water
Quality Coalition



KAHN, SOARES & CONWAY, LLP

Overall Impressions



WELL ORGANIZED



THOUGHTFUL



RATIONALE PROVIDED FOR
RECOMMENDATIONS



RESPONSIVE TO THE
QUESTIONS ASKED

Findings & Recommendations Create New Policy Questions

- Should toxicity testing that is being required as part of determining permit compliance be required if the methods are not EPA approved or yet accredited by the Environmental Laboratory Accreditation Program?
- Are permittees responsible for driving the limits of analytical chemistry methods?
- Should permittees be required to pay for constituent analysis using non-standard methods to improve detection limits? Especially in circumstances where water quality criteria are not established?
- Does the burden of implementing additional dissolved oxygen monitoring provide any useful information regarding impacts from irrigated agriculture?

Water Board Monitoring Authority Derives from Water Code Section 13267


- “The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.”



Costs of Recommendations are Significant

- Surface water program is only one element of the ESJ Order.
 - Other priorities include: nitrate contamination in groundwater, drinking water, groundwater protection elements, etc.
- Current surface water program costs **\$1.4 million per year**.
- Forces permittees to drive limits of analytical methods.
- No established criteria/trigger limits for new use pesticides; additional cost not appropriate.





Need for Information Unclear

- Lack of Trigger Limits
- Unapproved & unaccredited methods
- Unreliable results
- Waterbodies are constructed canals and drains – not reference streams



Proposed new toxicity tests are unlikely to provide value

- Despite the claim that water column tests for Chironomus are performed by a variety of labs, there are very few labs that can reliably perform the test
- Regulatory standard methods are not available for water column tests for Chironomus
- Introducing Chironomus testing will require significant method development



Lack of Aquatic Life Beneficial Uses

- Constructed canals
- Questionable application of aquatic life beneficial uses
- Infrequent hydrologic connectivity to streams



Dissolved Oxygen Recommendations Unlikely to Yield Useful Information

- State Board has ongoing process for biostimulatory objectives development.
- ESJ Dissolved Oxygen monitoring has little value depending on character and nature of water body in question.
- Special study approach more appropriate to obtain insights re: impact of agricultural practices on Dissolved Oxygen.



RETHINK



Request
Reconsideration of
Recommendations