

Watershed Coalition

News

INFORMATION FOR CENTRAL VALLEY AGRICULTURE

SUMMER 2008 RECAP



IN THIS ISSUE

- Regional News
- In the News
- Coalition Contacts



Long Term Irrigated Lands Program In Development

Talks were started between agriculture, interest groups and the Regional Water Board in October 2008 on what's being called the "long term" Irrigated Lands Regulatory Program. The existing program, labeled "interim" by State regulators, is set to expire in 2011. While much of the new program could end up looking similar to the existing ILRP, several groups are pushing for inclusion of groundwater in the new regulations. Groundwater was identified as lacking adequate protections in early versions of an Environmental Impact Report (EIR) being written for the existing program. The EIR, scheduled for completion in 2009, is expected to set the stage for likely changes in the program. At a joint meeting of the State and Regional Water Boards in August 2007, members from both Boards directed staff to begin planning how to include groundwater in the long term program.

In summer 2008, the Regional Water Board held three "listening sessions" in the Central Valley

and also asked for written comments on how the new program should look. Several watershed coalitions and agricultural organizations responded, encouraging the Water Board to not add groundwater at this time and at the least, examine existing groundwater studies to determine where problems are caused by irrigated agriculture. And if the Water Board moves forward, it should describe how non-agricultural dischargers to groundwater will be assessed their fair share of program costs when a groundwater basin is impacted by others besides agriculture.

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 in 12 months. The draft EIR is due in Spring 2009 with a final certification by Regional Water Board expected by Summer 2009. ☞

DPR Developing Irrigation Runoff Regs

New statewide regulations targeting pesticides in irrigation runoff are being considered by the California Department of Pesticide Regulation. The new rules, patterned after the dormant spray regulations for orchards, are early in development at DPR. At a recent meeting, DPR staff said draft regulations should be ready for public comment next year with adoption possible by 2010.

While few specifics were offered on language in the regulation, DPR did say that insecticides and herbicides frequently detected by watershed coalition sampling are the first to be covered. Growers would 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 would have a menu of management practice options to choose from. Such practices would target the pathway for all types of farm inputs entering waterways.

The dormant spray regulations passed in 2006 impose restrictions on orchards that could generate runoff and are not in "hydrologically isolated areas." Such fields are exempt from the rules and are "any treated area that does not produce runoff capable of entering any irrigation or drainage ditch, canal, or other body of water."

Should a field have the potential for storm runoff, dormant insecticide applications are prohibited if:

- Soil moisture is at field capacity and a storm event is forecasted within 48 hours following the application or;
- A storm event likely to produce runoff from the treated area is forecasted within 48 hours following the application. If storm runoff from an orchard can reach a waterway, growers are required to divert any runoff with an on-farm recirculation system and/or hold any runoff for 72 hours before releasing into a sensitive aquatic site. Such sites are any irrigation or drainage ditch, canal, or other body of water in which the presence of dormant insecticides could adversely impact any of the beneficial uses of the water way.

The proposed irrigation drainage regulations are expected to take a similar approach, exempting fields that don't generate drainage while requiring certain practices for those that do. Once DPR has completed its internal review, the proposed regulations go to the State Water Resources Control Board and County Agricultural Commissioners for review and comment. A draft regulation would then be released to agriculture and other interests for public comment. ☞

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EDITOR:

Parry Klassen pklassen@unwiredbb.com

Management Plans in Final Review

The final draft of a "Management Plan" detailing actions to be taken on several waterways in the Sacramento Valley is being review by the Regional Water Board. Prepared by the Sacramento Valley Water Quality Coalition, the plan outlines steps the coalition and its 10 regional subwatersheds expect to take over the next three years to correct water quality problems traced to irrigated lands. Management Plans (MP) are work plans, written by the Coalition and approved by the Water Board, that describe known and potential sources of water quality problems and ways to address each problem.

The Water Board is allowing several Central Valley coalitions to prioritize either waterways or constituents for MP development where sampling shows two or more exceedances of state water quality standards, the trigger for writing an MP. In the Sacramento Valley, the subwatersheds

are prioritizing constituents found in each waterway based on how likely the source is crop production inputs or farming activities. The highest priority constituents showing two or more exceedances are pesticides and toxicity followed by medium priority constituents including E. coli, legacy pesticides, and trace metals, followed by lower priority constituents including dissolved oxygen, pH and salinity. The most frequent pesticide exceedance, found in four waterways in the Valley, is chlorpyrifos (Lorsban, Lock-On, Govern). Those waterways are Willow Slough (Yolo County), Walker Creek (Glenn County), Coon Creek (Placer County) and Pine Creek (Butte County). Toxicity to water flea (*C. dubia*) was also found in two waterways. Uses for chlorpyrifos insecticide include almond hull split sprays, codling moth sprays in walnuts and worm sprays in alfalfa, among other crops and pests. ☞

Watersheds Use BMP Surveys to Develop Baseline

The Regional Water Board is holding Central Valley watershed coalitions to a 100% response rate for members asked to fill out surveys describing management practices used on their farms. Survey response rate is considered a primary success measurement for compliance with the Irrigated Lands Regulatory Program.

Surveys are being triggered when watersheds have two or more exceedances of water quality standards, which prompt the development of a Management Plan (MP). Under an MP, coalition members are being to asked provide information on farming practices such as irrigation management and pesticide application timing. The management practice surveys are being mailed to growers in each priority watershed. Answers will help subwatershed managers begin to understand where to focus efforts to correct the problem. Coalitions are assuring members that individual farm identity and information is being kept confidential. Answers are compiled into watershed level reports that are then submitted to the Regional Water Board.

Reaching a 100% response rate will likely take a concerted effort in some subwatersheds, starting with mailings then follow up calls to those not responding. Some subwatershed coalitions in Sacramento Valley have already begun collecting farming practice information, making it a membership requirement for belonging to the group. The Regional Water Board is suggesting that Coalitions drop members who don't respond to information requests then turn those names over to the Water Board for follow up actions. ☞

Winter 2007-08 Storm Runoff Shows Few Exceedances

Storm sampling in the Sacramento Valley during Winter 2007-08 found few problems in the 35 different sites sampled by the Sacramento Valley Water Quality Coalition. A total of four storms were sampled last winter with water typically collected within 24-48 hours of the storm peak flows.

Throughout the Sacramento Valley, 10 of the samples taken during the four storms showed toxicity to water flea (*C. dubia*) and four to algae (selenastrum). Two fathead minnow (pimephales) tests showing toxicity latter turned out to be a testing error.

Pesticide exceedances were found in 13 of the samples taken in the four storms, some from pesticides no longer in use (aldrin, DDT and its breakdown product, DDE). The most common pesticides detected were simazine and diuron herbicides, the latter tied to toxicity to algae in one sample. Only one exceedance of diazinon was found in all four storms, an important fact since the Sacramento and Feather Rivers are under a mandated Total Maximum Daily Load (TMDL) for diazinon. ☞

Where Are the Pesticide Problems?

Just before the Irrigated Lands Regulatory Program was passed in 2003, some activists expected tributaries to the Sacramento River surrounded by farm land to show widespread pesticide problems. After four years, exceedances of state standards for pesticides and even detections of pesticides below standards have proven to be a rarity. A review of results from the Sacramento Valley Water Quality Coalition show that more than 98% of all pesticide analysis find levels below detection limits (editors note: in the world of laboratory science, there is never a "zero," only below the measuring instrument's detection limit). The most widely used herbicide in the region, glyphosate, has been detected in six coalition sample sites over the past four years but levels never approach concentrations likely to cause toxicity to algae, the most sensitive organism to herbicides. Pesticides never detected in the water column include paraquat and the more than six pyrethroid insecticides applied to farmland. ☞

Late State Budget Attracts Water Quality Amendment

Middle of the night state budget negotiations are renowned for surprise provisions and the much-delayed 2008-09 budget was no exception. The "Supplemental Report to the Budget Act" signed by the governor contained a small amendment that may have big ramifications for Central Valley agriculture. Entitled simply "Agricultural Water Runoff," the language directs the State Water Resources Control Board to prepare a report for the legislature and relevant policy committees that details the "precise actions the SWRCB would have to undertake to obtain a 30 percent reduction to agricultural pollution runoff in to the Sacramento-San Joaquin Delta and its tributary watersheds by 2012." Additionally, the report is to detail the cost of those actions and "which of those actions can be completed administratively and which would require legislation to implement." The report, due on March 30, 2009, will likely cite the Irrigated Lands Regulatory Program and activities already undertaken to correct water quality problems identified by watershed coalitions. However, it's unclear if those ongoing activities will prevent legislators from coming up with plans of their own. ☞

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Ingram, Hospital Creeks Targeted for Management Plans

The Regional Water Board has accepted the Westside San Joaquin River Watershed Coalition's request to name two Westside Creeks as priority waterways for implementing Management Plans (MP). Ingram and Hospital Creeks were selected for the focused effort required for waterways when Coalition sampling finds two or more exceedances of state water quality standards. Both creeks have had multiple exceedances of pesticide standards and toxicity to indicator species.

The Water Board is allowing all Central Valley coalitions to prioritize two or three waterways for MP development even if multiple waterways have two or more exceedances of state water quality standards. Management plans are work plans, written by the Coalition and approved by the Water

Board, that describe known and potential sources of a water quality problems and plan ways to begin addressing the problem.

In the Westside Coalition region, all 19 waterways sampled since 2003 have triggered the requirement. Focused MP efforts in the 17 other waterways will be phased in starting in 2011. Priority constituents for all waterways include pesticides and sediment. Chlorpyrifos insecticide is the most frequent insecticide exceeding state standards in Ingram and Hospital Creeks (other Westside waterways as well). Sediment toxicity, believed to be caused by pyrethroid insecticides, was also found in both waterways. Water flea (*C. dubia*) and algae toxicity also often occurred when single or multiple pesticides exceeded state standards. ☞

Westside San Joaquin Summer 2008 Water Monitoring Results

Although the drought continued to reduce overall flows in Westside San Joaquin River Watershed Coalition waterways during July and August, several widely used insecticides were found to exceed state standards. In July 8 sampling, chlorpyrifos (Lorsban, Lock-On, Govern) exceedances occurred in seven waterways: Hospital, Ingram and Orestimba Creeks; Marshall Road Drain; Poso and Salt Sloughs; and the San Joaquin River at Vernalis. The site at Lander Ave. on the San Joaquin River also had an exceedance of diazinon insecticide.

In the August 12 sampling, chlorpyrifos was again above state standards in seven

waterways: Salt Slough; Hospital, Orestimba and Los Banos Creeks; Newman Wasteway; Marshall Road Drain; and San Joaquin River at Sack Dam, downstream at the Patterson Irrigation District Pumps and at the Highway 132 crossing. On the same date, dimethoate insecticide was also above standards in Ingram and Los Banos Creeks, Ramona Lake and Wesley Wasteway. Uses for chlorpyrifos insecticide in July and August include almond hull split sprays, codling moth sprays in walnuts and worm sprays in alfalfa. Dimethoate insecticide is often used for aphid control in alfalfa, beans and other crops. Diazinon is labeled for a variety of orchard and row crops. ☞

Winter 2007-08 Westside Samples Mostly Clean Except for January Storm Runoff

The monthly monitoring in winter 2007-08 was showing few problems at the Westside San Joaquin River Watershed Coalition's 28 sample sites until a rain storm in late January. This first significant storm of the winter was preceded by a dry November and December when 25% of the sites had no flows to sample. None of the sites with flows – except for Salt Slough in November when water flea (*C. dubia*) toxicity occurred – showed significant toxicity or detections of pesticides. The Salt Slough toxicity was not associated with any pesticides.

The January 2008 storm created runoff only in sites north of Gustine, with three of those sites showing toxicity to water flea: Del Puerto and Hospital Creeks and Ramona Lake. Water flea toxicity at Hospital Creek was traced to three insecticides: diazinon, chlorpyrifos and methyl parathion. DDE, a breakdown of DDT, was also found above state standards. No pesticides were detected at Del Puerto Creek or Ramona Lake so source of toxicity was unknown. In the same January storm, toxicity to algae was found at Hospital, Ingram and Orestimba Creeks and Marshall Road Drain. Diuron (Karmex) herbicide and copper were identified as likely sources of the algae toxicity. The last monthly sampling for the winter 2007-08 was scheduled for February 12 but sampling crews found all waterways dry. ☞

Water Quality Standards Abound

A core element of coalition water and sediment sampling is whether results exceed state standards for farm inputs or other physical parameters such as pH or dissolved oxygen. A list of standards for the Central Valley is now available in the July 2008 edition of "A Compilation of Water Quality Goals." The report contains numerical water quality limits from government and scientific literature for over 850 chemical constituents and water quality parameters. The tables are available on the Regional Water Board site at http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_standards_limits/water_quality_goals/. And like many regulatory documents, these are not the final numbers. The water quality goals are being reviewed by the Regional Water Board Executive Management Group and will be posted on the website upon final approval. ☞

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 San Joaquin-Sacramento Delta was targeted in September, with 95 postcards 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, and Solana 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. ☞

Grant Funds Available for BMP Installations

Nearly \$8 million in grants will be offered to Central Valley farmers to help improve water quality in local streams and rivers. Funding from Proposition 84, a water bond passed in 2006, will be available for cost sharing on projects such as sediment ponds and irrigation recirculation systems. Growers will be asked to provide 25% in matching funds for projects that must be located in watersheds under a coalition Management Plan. Project proposals will be reviewed by a panel of state agencies, coalition representatives and the Regional Water Board. Other management practices eligible for funding include drip/micro irrigation systems, fencing around waterways, sprayer calibrations or purchase of equipment to facilitate use of water quality improvement technology (i.e. PAM or enzymes). Contact the watershed coalition in your region for a list of watersheds under Management Plans. ☞

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 the paperwork. The fee was approved by the State Water Resources Control Board in September 2008. The fee is expected to be retroactive to June 30. No fees will be applied

to those starting new farming operations or creating new entities to farm irrigated lands. Existing coalition 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. ☞

Betancourt Off Water Board

Agriculture lost an important representative on the Regional Water Board when Paul Betancourt was not reappointed to serve a second term by the governor's office. According to several reports, Betancourt, an almond and cotton grower from Kerman, was not reappointed due to an eligibility rule restricting income to less than 10% from an entity regulated by the Regional Water Board. Betancourt violated the rule because his almond processor holds a construction permit with the Regional Water Board. Several candidates for the agriculture representative position are being encouraged by watershed coalitions to apply for the position set to be vacant by December 1. ☞

State Acreage Fees Unchanged For 2008-09

Acreage fees paid by watershed coalitions for every member acre will remain unchanged during the state's fiscal year 2008-09. 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 asked readers to pose questions to the Regional Water Board. The questions this issue are answered by Brett Stevens, Senior Environmental Scientist, Compliance, Outreach, & Planning Unit, Irrigated Lands Regulatory Program.

My watershed coalition recently sent me a management practice survey to fill out. What is that about and what happens if I don't fill it out?

The survey is intended to collect management practice data so that watershed coalitions can track and measure improvements in water quality. The Water Board understands that the coalitions will maintain confidentiality between the growers and coalition as long as the growers continue to fulfill their responsibilities with the coalition. These responsibilities may include paying coalition fees, responding to surveys and other coalition information requests and working with the coalition to implement management practices where appropriate. Understanding the type and extent of management practice implementation is critical for the coalition to make recommendations to growers for additional improvements and for the coalition to be able to validate its effectiveness in Management Plan implementation. The coalition alone will maintain the name and location information that is provided in the grower survey, and will only describe survey responses for a specific watershed in its reports to the Water Board. The coalition will have no reason to provide individual names and the specific management practices that you do or don't implement on your farm to the Water Board as long as the growers continue to fulfill their responsibilities to the coalition. It is important that growers understand that they have the responsibility to cooperate with the coalition to address water quality concerns in their watersheds or areas. Failing to cooperate may affect your Conditional Waiver coverage.

Will regulatory actions be taken against me if my answers indicate non-compliance with regulations?

The Regional Water Board will not use the survey to seek out potential violations. Consider completing the survey as one of your obligations to continue to be a member of the coalition and be covered under the Irrigated Lands Regulatory Program.

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

Watershed Coalition

Sacramento Valley Watershed Coalitions Contact Information

Subwatershed Group Contacts for Sacramento Valley

Butte-Yuba-Sutter Water Quality Coalition

Danielle Coleman

530-673-6550

yuba-sutterfb@sbcglobal.net

Colusa Glenn Subwatershed Program

Larry Domenighini, 530-570-2084

Kandi Manhart, 530-934-8036

cgsubwatershed@sbcglobal.net

Dixon/Solano Resource Conservation District Water Quality Coalition

John Currey

707-678-1655

John.Currey@ca.nacdnet.net

El Dorado County Agricultural Water Quality Management Corporation

Valerie Zentner

530-622-7773

edcfarmbureau@edcfb.com

Lake County Agricultural Lands Subwatershed Group

Chuck March

707-263-0911

lcfarmbureau@sbcglobal.net

Napa County Putah Creek Subwatershed Group

Sandy Elles

707-224-5403 x13

selles@napafarmbureau.org

Northeastern California Water Association (Pit River)

Helen Albaugh

530-336-5972

halbaugh@hdo.net

Placer/Nevada/South Sutter/North Sacramento Subwatershed Group

Linda Watanabe

916-645-1774

cleanwaters@netscape.com

Sacramento-Amador Water Quality Alliance

Dan Port

209-274-4351

ports@winterportfarm.com

Shasta-Tehama Water Education Coalition

Robert Harris

530-472-1436

rising-eagle@prodigy.net

Upper Feather River Watershed Group

Carol Dobbas

530-994-3057

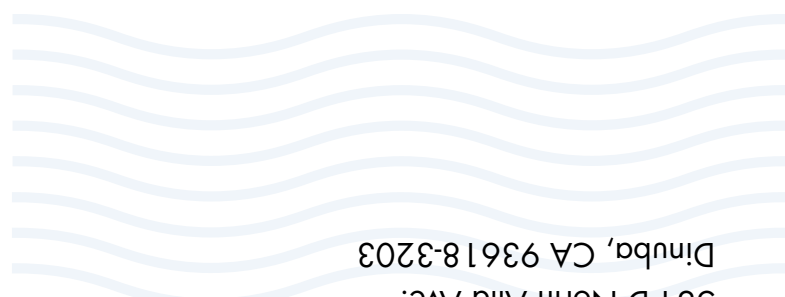
cdobbas@peoplepc.com

Yolo County Farm Bureau Education Corporation

Denise Sagara

530-662-6316

denise@yolofarmbureau.org



Coalition for Urban/Rural Environmental Stewardship
531-D North Alta Ave.
Dinuba, CA 93618-3203

