

**STATE WATER RESOURCES CONTROL BOARD
EX PARTE COMMUNICATIONS REGARDING PENDING GENERAL ORDERS
DISCLOSURE FORM**

Note: This form is intended to assist the public in providing the disclosure required by law. It is designed to document meetings and phone calls. Written communications may be disclosed by providing a complete copy of the written document, with attachments. Unless the board member(s) provided you with a different contact person, please send your materials to: commentletters@waterboards.ca.gov

Use of this form is not mandatory.

1. Pending General Order that the communication concerned:

2. Name, title and contact information of person completing this form:
Note: Contact information is not mandatory, but will allow the Water Board to assist you if additional information is required. If your contact information includes your personal residence address, personal telephone number or personal email address, please use a separate sheet of paper if you do not want that information posted on our website. However, this information may be provided to members of the public under the Public Records Act.

3. Date of meeting, phone call or other communication:

Time:

Location:

4. Type of communication (written, oral or both):

5. Names of all participants in the communication, including all board members who participated:

6. Name of person(s) who initiated the communication:

7. Describe the communication and the content of the communication. *Include a brief list or summary of topics discussed at the meeting, any legal or policy positions advocated at the meeting, any factual matters discussed, and any other disclosure you believe relevant. The Office of Chief Counsel recommends that any persons requesting an ex parte meeting prepare an agenda to make it easier to document the discussion properly. Attach additional pages, if necessary.*

8. **Attach a copy of handouts, PowerPoint presentations and other materials any person used or distributed at the meeting. If you have electronic copies, please email them to facilitate web posting.**

Participants discussed proposals for data reporting for nitrogen management and farm evaluations, and target development, previously presented to the State Board by a group of agricultural and EJ stakeholders (as disclosed in ex parte communication forms posted March-June 2017), and integration of the management practices evaluation program with such data reporting. Participants also discussed surface water monitoring program adequacy.

Potential Talking Points for Ex Parte Conversation with State Board Member Tam Doduc (12/4/17)

Surface Water Monitoring

1. Central Valley Water Board questions
 - a. Did State Board consider the evolution of the current surface water monitoring strategy?
 - Technical experts were used to develop current approach including contracting with Brock Bernstein – a leader in the development of regional monitoring programs for NPS programs
 - initial monitoring was more comprehensive and pursued exceedances in upstream monitoring
 - following exceedances upstream addresses consistently-present constituents but ILRP discharges tend to be inconsistent (especially pesticides and toxicity)
 - new pesticide evaluation protocol accounts for spatial and temporal differences in pesticide use
 - b. What is the basis for density (spatial and temporal) concern and where is the data supporting representative monitoring concerns?
 - c. How will a statewide approach address the hydrologic complexities of the numerous unique watersheds in the Central Valley?
 - d. Did State Board consider the potential unintended impacts to other water board large NPS programs such as MS4 programs that rely extensively on representative monitoring?
2. Proposed solution to address State Board concern - external audit of existing surface water monitoring
 - a. Consistent with Agricultural Expert Panel's direction to clearly understand watershed hydrology
 - b. Best to address unique watershed characteristics on a coalition vs statewide scale
 - c. Addresses appropriateness of representative monitoring
 - d. Addresses adequacy of temporal and special density
 - e. Addresses NPS Policy compliance
 - f. Provides transparent process with ample opportunity for public input
 - g. Provides a more timely and focused process than expert panel (timeliness is a concern raised by an environmental group about the expert panel)
3. Remove Draft Order language implying current monitoring program is inadequate (to be consistent with Nov 27th Workshop presentation by State Board staff). Instead state that given the importance of the monitoring, it should receive additional review with an external audit.

Domestic Well Monitoring for Nitrate

There is uncertainty regarding State Board expectations after nitrate exceedances are found in domestic wells. The Draft Order states that the Regional Board is expected to ensure members provide replacement water as appropriate. During the Nov 27th workshop, State Board staff maintained that the only requirement was for potential users to be notified if there is an exceedance. Clarification on State Water Board expectations regarding Regional Board action is needed.

Unrealistic Time-lines for Some Requirements

1. INMP Requirements for ~30,000 growers (~ 60% in HVA)
 - a. Certification and summary reporting requirement for all (2020/2021)
Capacity Issue (limited trainers for growers and CCAs) – recommend moving this out by an additional year or two
 - b. Breakdown of N in summary report (2019)
N in organic materials is currently being studied, and there is much uncertainty in this area – recommend clearly stating that this number can be a very gross estimate and State Water Board supports more research to obtain better estimates for nitrogen in organic materials
 - c. New Temples: (INMP, INMP SR, MPIR)
Need time to finalize and approve (4 months)

All Management Practices to be Electronically Reported to Board

Draft Order may cause unintended impact to other statewide NPS programs – industrial and construction programs, etc. Individual management practices are not currently reported electronically by dischargers in those programs. Wording in the Draft Order (p 31) could result in all other programs having to report individual management practices. This would be administratively cumbersome and not necessary for the Board to do its job.

Impacts on Current ILRP

Requirements in the Draft Order will divert ILRP staff from our current work to revisit the basic elements of the program and to revise the other ILRP General Orders. Compliance and enforcement work to ensure growers comply with the Orders will be greatly reduced (if not completely stopped) to implement the new requirements in the Draft Order and to update the other ILRP General Orders. Staff is working on a more detailed analysis of what this impact will be.