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:

   Eastern San Joaquin Agricultural Waste Discharge Requirements

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.

   Adam Laputz, Assistant Executive Officer
   (916) 464-4726

3. Date of meeting, phone call or other communication: December 21, 2017

   Time: 1100

   Location: Sacramento

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

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

   Steven Moore, Karl Longley, Pamela Creedon, Adam Laputz, Sue McConnell, Patrick Pulupa, David Lancaster, Darrin Polhemus, and Emel Wadhwani,

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

   Adam Laputz

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.*

   Surface water monitoring program and expert panel, drinking well monitoring provisions, timing of draft order requirements, CV-SALTS, see attached talking points

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.**

Talking Points for Ex Parte Conversation with State Water Board Member Steven Moore (12/21/17)

Surface Water Monitoring

1. Central Valley Water Board questions
    a. Was there a thorough consideration of 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. How will a statewide approach address the hydrologic complexities of the numerous unique watersheds in the Central Valley?
    c. 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. Important to remove Draft Order language implying current monitoring program is inadequate, which could bias the results of an external audit.

Domestic Well Monitoring for Nitrate and Acknowledgement of CV-SALTS

The Draft Order states that the Regional Board is expected to ensure members provide replacement water as appropriate. It is important that the CV-SALTS process be acknowledged in the Order and any replacement water efforts are fully aligned with the CV-SALTS efforts.

Application of the A/R Metric

While we support the use of the A/R metric as a tool for assessing nitrogen management as it relates to groundwater protection, it might not be appropriate everywhere and additional tools may be developed that are site-specific in nature. The ILRP would benefit from having some flexibility in the use of this tool. Also, there needs to be recognition of the critical role CDFA plays in the development of the nitrogen removed coefficients.

All Management Practices to be Electronically Reported to Board

The 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, develop new elements, and to revise the other ILRP General Orders. Compliance and enforcement work to ensure growers comply with the Orders and other current ILRP activities will be greatly reduced to implement the new requirements in the Draft Order and to update the other ILRP General Orders. Having the ability to prioritize our work will help provide some relief to ILRP staff.

Unrealistic Time-lines/Requirements

1. INMP Requirements
    a. Certification and summary reporting requirement for LVA (2020/2021)
    Capacity Issue (limited trainers for growers and CCAs) – recommend LVA certification by 2023 but keeping summary reporting at 2021
    b. New Templates: (INMP, INMP Summary Report)
    Allow templates to be finalized and Coalition outreach to growers to occur in 2018 – recommend reporting start in March 2019
2. MPIR Templates
    a. Unique template for each management plan not feasible – hundreds of management plans and some practices are the same for multiple constituents
    b. Allow report timing to be the same as INMP templates