**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:

   In the matter of Review of General Order R5-2012-0116, SWRCB/OCC Files A-2239(a)-(c)

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.*

   Andrew Deeringer, Staff Counsel
   andrew.deeringer@waterboards.ca.gov
   916-322-3575

3. Date of meeting, phone call or other communication: 9/12/2016

   Time: 3:30pm

   Location: 1001 I Street, 24th Floor, Sacramento, CA 95814

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

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

   Dorene D'Adamo, Darrin Polhemus, Emel Wadhwani, Phil Wyles, Dr. Thomas Harter, Pamela Creedon, Adam Laputz, Clay Rodgers, Patrick Pulupa, Sue McConnell, Andrew Deeringer

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.*

   See attachment

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.**

# State Water Board Member Briefing Document – 12 September 2016

| CVWB Adopted Order | State Board Draft Order | CVWB Recommendations for Updated Order |
|---|---|---|
| Management Practice Evaluation Program (MPEP) assesses whether current management practices are protective of groundwater quality in light of site-specific conditions and identifies practices protective of groundwater quality.<br><br>Summary of reported nitrogen data provides statistical summary of nitrogen consumption ratios and characterizes input, uptake and loss of nitrogen fertilizer applications by crop. Summary will describe the range, percentiles and any outliers. | Require field-level data so Central Valley Water Board (CVWB) can develop multi-year A/R ratio as the metric of nitrogen management.<br><br>CVWB and coalitions to develop acceptable ranges for multiple-year A/R for each crop within 3 years of availability of R removed coefficient, with refinement over time for different conditions for each crop.<br><br>*Goal: numeric metric to assess nitrogen loading* | **Recommendation: Explicitly require development of numeric metric linking nitrogen management to groundwater quality in MPEP**.<br><br>Data collected from (1) the MPEP, and (2) Nitrogen Summary Reports can provide the basis for developing a metric linked to groundwater quality. The metric does not necessarily have to be a multi-year A/R ratio but should include information regarding the nitrogen applied and removed. Justification and rationale for the proposed metric should be required with its development.<br><br>• Field-level data submittal to CVWB is not needed for development of the numeric metric through the MPEP<br>• MPEP will provide opportunities for public participation.<br>• **<u>In interim</u>**, Coalitions will work to minimize nitrogen discharges to groundwater:<br>- Address abandoned wells and wellhead management for active wells<br>- Continue nitrogen management plan training for growers<br>- Outreach to all growers who provided NMP Summary Reports with a focus on outlier outreach<br>- Develop outreach materials involving early implementation of management practices to reduce nitrogen loading to groundwater |
| Allows Coalition to aggregate field-level data on a township scale per crop for reporting to CVWB.<br><br>Executive Officer has authority to require field-level data as needed. | Use individual field-level data to verify the following:<br><br>1) accuracy and completeness of Coalition submittals,<br><br>2) adequacy of Coalition follow-up actions with members, and<br><br>3) effectiveness of ILRP in protecting groundwater quality. | **Recommendation: Rely on audits rather than mandatory field-level reporting to ensure accountability.**<br><br>• Program already includes numerous reports available online (see Table 1)<br>• Accuracy and completeness of Coalition submittals can be verified with transparent audits (in separate process from Order)<br>• All groundwater reports posted on-line for public review and comment<br>• Outreach to outliers and other Coalition actions are provided in annual report (online) and non-compliant members identified in annual member list<br>• Current program has required field-level data be submitted to the CVWB for non-compliant growers<br>• Field-level reporting will not aid the public's understanding of who is polluting groundwater. In many areas, it is infeasible to link a groundwater quality trend with current practices due to the time lag between the two and uncertainty as to the historical movement of groundwater. |

**CV-SALTS**

- **R5 ILRP is a source control program; CV-SALTs is working to address pollution that has already occurred, drinking water replacement, and salt and nutrient balance throughout the Valley**
- **MPEP is a scientific approach to developing practices and targets; MPEP supports CV-SALTS**
- **Township level data and monitoring approach supports CV-SALTS management zone concept**

**Additional topics for discussion**

- Lessons learned from first summary of reported nitrogen data
- Need for annual farm evaluations everywhere?
- Challenges with requiring certification of all nitrogen management plans

**Table 1. Partial list of Coalition's groundwater reports that are posted online for public review**

| | |
|---|---|
| Groundwater Quality Assessment Report (GAR) | Assesses and reports on all available and relevant groundwater data to determine the high and low vulnerability areas and provides the technical basis to inform groundwater monitoring plans, conduct management practice effectiveness studies, and prioritize management plan implementation. |
| Nitrogen Management Plan (NMP) Summary Analysis | Summarizes and analyzes members' NMP Summary Reports to characterize input, uptake and loss of nitrogen fertilizer by specific crops. Members provide nitrogen applied (A) and A/Y (yield) ratios. Coalition calculates nitrogen removed (R) and A/R ratios, when R calculators are available. An aggregate of data submitted to the Coalition is provided at the township level. Members are provided individual reports showing how their A/Y or A/R ratio compares to that of other growers of the same crop. |
| Groundwater Quality Management Plan (GQMP) | Describes approach, with performance goals and timelines, utilized to address constituents of concern in a priority fashion to achieve compliance with groundwater receiving water limitation - by educating growers and implementing effective management practices. Identifies/discusses crops, potential sources of constituents of concern, beneficial uses, existing management practices, soil types, and geology and hydrogeology that may be influencing concentrations in GQMP area. |
| Management Practices Evaluation Program (MPEP) Workplan | Determines effect irrigated agricultural practices have on groundwater quality and addresses constituents of concern identified in GAR. Identifies management practices that are protective of groundwater quality, determines if newly implemented practices are improving groundwater quality, applies a mass balance to estimate member discharges of constituents of concern, and determines if implemented practices need to be improved. Provides information to develop numeric target for nitrogen loading. |
| Annual Monitoring Report (AMR) | Reports on monitoring conducted, rainfall, sampling sites, crops, land uses, sampling and analytical methods, exceedances, actions takes to address exceedances, management practices implemented, spatial trends and patterns, and management practice information collected in Farm Evaluations, mitigation monitoring, and education and outreach events. Includes NMP Summary Analysis. |