

26 May 2003

Mr. Robert Schneider, Chair
California Regional Water Quality Control Board
Central Valley Region
3443 Routier Road, Suite A
Sacramento, CA 95827-3003

Re: Supplemental Comments on Staff Proposal for Amending the Existing
Conditional Waiver of Waste Discharge Requirements for Discharges from
Irrigated Lands

Dear Chairman Schneider and Members of the Board,

We are submitting these supplemental comments on behalf of DeltaKeeper, San Francisco BayKeeper, Natural Resources Defense Council, Environment California, the Ocean Conservancy and the California Sportfishing Protection Alliance. On Friday, 23 May 2003, a power outage shut down the websites, servers and printers of both the state and regional water boards. Consequently, Regional Board staff was unable to transmit requested information to us and we were unable to download needed information from the Board's website. Not until Sunday afternoon was staff finally able to send us the requested biographical sketches that are attached to these comments.

The Regional Board is fortunate to have a dedicated team with significant technical expertise and experience assigned to the task of developing revised waiver conditions. We're disappointed that Regional Board Members with little scientific expertise took precipitous action to reject staff's technical recommendations before the close of the public comment period.

Staff informed us that their recommendations on the revised Conditional Waiver were based on their "best professional judgement" and accumulated experience in addressing water quality monitoring, regulatory and watershed issues. Personal communication between Bill Croyle and Shakoora Azimi-Gaylon and Bill Jennings. In the absence of explicit technical objections, we believe Board Members should have accorded staff's recommendations considerable deference.

Staff further characterized the proposed monitoring plan as the minimum requirements necessary to acquire necessary information for the scheduled EIR and to identify threats to the state's waters. *Id.* Also see staff report at page 66; "Staff has proposed minimum monitoring requirements" and "[t]he proposed Conditional Waiver includes a Monitoring and Reporting Program similar to those approved by the Regional Board and the Executive Officer for Dischargers regulated by other programs."

We understand that the power outage also delayed the submission comments by Steven Bond and Dr. Susan Kegley. We incorporate Mr. Bond's and Dr. Kegley's letters by reference as they buttresses many of the statements contained in Mike Lozeau's letter and the coalition policy statement.

Dr. Kegley's expert opinion is that:

1. Large watershed groups will likely be unworkable. Consequently, small watershed groups should be formed to focus on specific waterbodies.
2. Identification of dischargers is necessary.
3. Individual farmers should be required to file farm management and monitoring plans.
4. The watershed group could implement these individual-monitoring plans.
5. The monitoring program must include the small tributaries that serve as spawning grounds and nurseries for aquatic life.
6. Data should be submitted in a standardized electronic format.
7. Monitored constituents should include all parameters that are applied, created or mobilized by farming operations.
8. An enforceable framework requiring quantifiable reductions in pollutant loading including timelines and accountability is essential.
9. A waiver without an enforceable mandate of pollution reduction is equally likely to result in greater pollution from agricultural discharges.

Mr. Bond's expert opinion is that:

1. Discharge points must be monitored.
2. Monitoring must encompass all constituents likely to be in the discharge, as well as toxicity.
3. Sample collection must coincide with the most likely period of time that discharge of pollutants would occur.
4. Mass loads must be assessed.
5. A monitoring point every 5,000 acres will not provide accurate or necessary information.
6. Monitoring must include a comprehensive ambient monitoring program.

Should you have questions, I can be reached at 209-464-5090. Thank You.

Sincerely,

Bill Jennings, DeltaKeeper

Cc: Michael Lozeau, Esq., Earthjustice
 Sejal Choksi, Esq., San Francisco BayKeeper
 Jonathan Kaplan, NRDC
 Linda Sheehan, Esq., The Ocean Conservancy
 Sujatha Jahagirdar, Environment California
 John Beuttler, California Sportfishing Protection Alliance
Central Valley Regional Board Agricultural Waiver Staff Qualifications

Bill Croyle P.E., Chief, Irrigated Lands Unit of the Central Valley Regional Water Quality Control Board.

- BS from CSUS in Civil Engineering
- Worked for Board since 1984 in a wide variety of programs:
 - Discharge to Land
 - Chapter 15 / Title 27
 - NPDES
 - Basin Planning
 - Special Studies (abandon mines, Delta dredging, freshwater sediment quality, toxicity in major water bodies)
 - Information Technology

- Senior Engineer - Central Valley Regional Water Quality Control Board
 - Sacramento Office
 - Waste Discharge to Land Unit, Sacramento Watershed

Shakoora Azimi-Gaylon: Environmental Scientist with the Irrigated Lands Unit of the Central Valley Regional Water Quality Control Board.

Ms. Azimi received B.S. degrees in Chemistry and Biology and a Masters in Environmental Science and Business Management. Prior to coming to the Regional Board she had over 14 years of experience as a scientist/chemist in environmental consulting and analytical testing laboratories. As a scientist/chemist her expertise included development and implementation of laboratory quality assurance (QA) programs and project quality assurance project plans (QAPPs) for government and private sector projects, performing QA audits of environmental laboratories, analytical data validation, data interpretation, developing field sampling plans (FSPs) and preparation of remedial investigation reports. She joined the Regional Board in December 1999 as an Environmental Scientist to work as a project lead for the development for Total Maximum Daily Loads (TMDLs) of organophosphorous pesticides for the Lower San Joaquin River Basin. In this capacity, she has reviewed and evaluated data to be used in development of the technical TMDL. Since December 2002 she has worked in the irrigated land unit to design a monitoring program for the Regional Board and help coordinate monitoring plans with watershed groups and individuals enrolled in this program. She has taught numerous courses in environmental data collection and analysis at University of California at Davis and California State University at Sacramento.

Kelly Briggs: Environmental Scientist with the Irrigated Lands Unit of the Central Valley Regional Water Quality Control Board.

Ms. Briggs received B.S. degrees in Biochemistry and Biology from San Francisco State University (89). She worked as an analytical chemist at a contract GLP laboratory, serving as principal investigator or study director on the analytical phases of pesticide magnitude of the residue and environmental fate studies for submission to the US EPA for product registration under FIFRA. She later established a state accredited (DOHS) laboratory for an environmental consulting firm, to conduct pesticide and petroleum hydrocarbon analyses in soil and water samples. While working as a chemist, she earned a Juris Doctor degree from San Joaquin College of Law (96). She has been with the Regional Board for the past four years, serving on the Sacramento River Watershed Program's Organophosphate (OP) Pesticide Focus Group and the Agricultural Practices Workgroup, handling Regional Board coordination activities on California's Nonpoint Source Pollution Control Program, working with groups on nonpoint source implementation projects, and working on the conditional wavier for discharges from irrigated lands.