

# SAC-VALLEY NEWS

SVWQC actions, accomplishments, and updates

1.1+ MILLION IRRIGATED ACRES

7300+ PARTICIPANTS

11 SUBWATERSHEDS

## California Court of Appeal Rejects Environmental Challenges and Maintains Anonymous Reporting of Fertilizers for Central Valley Farmers

*Excerpts taken from Article Authored by  
Tess Dunham, Kahn, Soares, and Conway*

On March 17 the Third District Court of Appeal issued a landmark decision regarding the Central Valley's Irrigated Lands Regulatory Program (ILRP), which is essentially administered by 13 geographically based water quality coalitions and one commodity-based water quality coalition. The Court of Appeal rejected the claims brought in three cases by environmental plaintiffs (Environmental Law Foundation, Protectores Del Agua Subterranea, and Monterey Coastkeeper, et al.) against the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board (collectively, "Water Boards"), challenging adoption of the general waste discharge requirements for growers within the Eastern San Joaquin Watershed (General WDRs). In general, the environmental plaintiffs sought to undermine the value and role of the irrigated lands coalitions in administering the Central Valley's irrigated lands program by arguing the Water Boards were required by law and policy to impose more restrictive requirements on growers directly.

On other issues, the Court upheld (1) the Water Board's approval of representative monitoring programs for receiving waters rather than costly end-of-field



### *The latest in this issue:*

UPPER FEATHER RIVER  
EXCEMPTION

REGIONAL BOARD  
ENFORCEMETN EFFORTS

NEW STAFF AT REGIONAL  
BOARD

WELCOME IVY BRITAIN

### MEMBER INFORMATION

ANNUAL REPORTING DUE  
NOW!!!

ON-FARM DRINKING WATER  
WELL PROGRAM

INMP CEUS

## ***California Court of Appeal Rejects Environmental Challenges Continued...***

measurements; and, (2) the Water Boards approach for determining compliance with the State's Antidegradation Policy was appropriate and consistent with the Policy and this Court's previous decision in AGUA.

Overall, the Court's decision supports the Water Boards need to create a reasonable ILRP that balances the need to ensure a reliable food supply and preserving the economic viability of agriculture against the need to protect the waters of the state. It also upholds the role and value of Coalitions in the administration of the ILRP, as relied on by the Water Boards. The Court's decision has been Certified for Publication, meaning it has precedential value for other irrigated lands programs throughout the State. The agricultural intervenors/respondents were represented by Tess Dunham of Kahn, Soares & Conway, LLP, Jennifer Spaletta of Spaletta Law, and Kari Fischer for the California Farm Bureau Federation.

To read the whole update, please visit <http://ksclawyers.com/news/legislative-updates/california-court-of-appeal-rejects-environmental-challenges-and-maintains-anonymous-reporting-of-fertilizers-for-central-valley-farmers/>

For any questions regarding the information above, please contact Tess Dunham at [tdunham@kscsacramento.com](mailto:tdunham@kscsacramento.com).

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## ***Regional Board Exempts Upper Feather River from the ILRP***

On February 23, 2023, the Central Valley Regional Quality Control Board (Regional Board) unanimously voted to exempt the Upper Feather River Watershed from the Irrigated Lands Regulatory Program. In doing so, Regional Board staff and Members referenced the "Adaptive Management" goal of their Strategic Plan, which sets the table for consideration of similar decisions in the Pit River and areas where irrigated pasture, alfalfa, and grass hay operations demonstrate and document that practices and water quality results pose little to no risk to impairment of surface and groundwater quality.

This day could not have been achieved without the word of many including Dr. Ken Tate, Dr. Tina Saitone, Tracy Schror, David Lyle, Carol Dobbas, Pam Giacomini, and owners and operators in these areas, as well as the commitment of Regional Board staff and Regional Board Members. The comprehensive and thorough work done by all is deeply appreciated.

As the documentation process to advance similar exemptions for low-threat crops takes at least a year, work will begin internally soon on the Placer Nevada South Sutter North Sacramento (PNSSNS) area, the intermountain areas of Shasta County, and other foothill irrigated pasture operations.



## Regional Board Performs Enrollment Outreach to 216 Unenrolled Landowners

The Regional Board conducts compliance and outreach efforts associated with obtaining appropriate enrollment in the ILRP throughout the year. Using the new 2019 Department of Water Resources (DWR) land use data, membership lists, dairy parcels, WDR land application sites, and past inspection data, Regional Board staff identify landowners who may need to be enrolled but are not (known as non-filers). In February 2023, the Regional Board sent Reminder Letters to 216 potential non-filers to provide them with information on the ILRP and steps for enrolling in the program. Landowners have 15 days to respond to the letter by contacting either the Regional Board or the Coalition to enroll or claim an exemption if they are non-irrigated or non-commercial. The Regional Board then follows up with 13260 Enrollment Directives as needed.

These enrollment efforts are absolutely critical to ensure equity and fairness for landowners who have maintained compliance with the ILRP throughout the years.

*If you are a Coalition Member and receive one of these letters, please contact your Subwatershed **immediately**. In most cases, this simply means that we have no record of the associated APN and need to add it to your membership or receive confirmation that it is not subject to the ILRP (e.g., non-irrigated, non-commercial, etc.). We also advise you to contact the Regional Board with this information.*

### New Staff in the Regional Board's Compliance and Enforcement Unit

The Central Valley Regional Water Quality Control Board (Regional Board) has hired two new individuals for the Compliance and Enforcement Unit. The Compliance and Enforcement Unit is responsible for ensuring landowners in the Central Valley are in compliance with the ILRP, this includes enrollment and the completion of required annual reports.

**Dennis Costache** will be working with the Colusa, Glenn, Solano, and Yolo county Subwatershed areas.

**Jessa Rego** will be with the Lake, Napa/Putah Creek, Shasta and Tehama, and Pit River Subwatershed areas.

**Gurbinder Dhaliwal** will continue to work with the Butte, Yuba, Sutter, Placer, Nevada, El Dorado, Sacramento, and Amador Subwatershed areas.

### NCWA Welcomes Ivy Brittain as Legislative Affairs Director

The Northern California Water Association (NCWA) is pleased to welcome Ivy Brittain as the new Legislative Affairs Director. Ivy has a B.A. in Political Science and Government from the University of California, Irvine. She is also a graduate of the Water Education Foundation Water Leaders Program and staffed the Association of California Water Agencies (ACWA) Agricultural Committee. Having been born and raised in the Sacramento Valley, Ivy is passionate about this region. She will bring her legislative and regulatory experience, as well as her tremendous skills to represent NCWA, the Sacramento Valley, and the Coalition in the State Capitol. Please join us in welcoming Ivy to our Sacramento Valley team.

## History Made with the January 2023 Monitoring Event!

The Coalition's 201st monthly surface water monitoring event took place in January 2023 and despite the incredible amount of precipitation during the month of January, **ZERO EXCEEDANCES** of any monitored constituents were observed! There was no toxicity, no pyrethroids, no *E. coli*, and no salinity exceedances at any of the 18 samples taken. The very first monitoring event took place on January 26, 2005, and in the 18 years since, this is the first time zero exceedances were observed. What a fantastic way to start the 2023 calendar year!

## More on Surface Water Monitoring and Pyrethroids...

The 2022-2023 Surface Water Monitoring Year, which runs from October 2022 to September 2023, is a core monitoring year for all Valley Floor Areas (Shasta, Tehama, Colusa, Glenn, Butte, Yuba, Sutter, Placer, Nevada, Sacramento, Amador, Yolo, and Solano counties). No monitoring will take place in Subwatersheds with the Reduced Monitoring Option (Napa, Lake, Pit River, and El Dorado regions).

During core monitoring years, only sampling needed for management plan or TMDL implementation takes place. As a result, surface water monitoring costs are significantly reduced over assessment year monitoring. In fact, the 2022-2023 surface water budget decreased by over \$345,000 from the

2021-2022 budget. The next assessment year will take place in 2025.

With zero exceedances observed in Event 201 for January 2023, the Coalition continues its legacy of good quality water. Currently, the Coalition has only five active management plans, with one management pending approval of completion with the Regional Board. **To complete the remaining management plans and avoid triggering new ones, it is very important to exercise EXTREME CAUTION when applying all pesticides, especially pyrethroid pesticides.**

### Active Management Plans

| Subwatershed | Site                              | Analyte                                  | Trigger Date | Earliest Completion Date  |
|--------------|-----------------------------------|--|--------------|---------------------------|
| Solano       | Ulatris Creek                     | <i>Hyalella</i> Toxicity and Pyrethroids | 4/18/2019    | 8/1/2025                  |
| BYS          | Gilsizer Slough                   | Diazinon                                 | 1/17/2020    | RTC submitted in March 15 |
| BYS          | Lower Snake River at Nuestro Road | Pyrethroids                              | 7/22/2021    | T.B.D.                    |
| BYS          | Pine Creek at Hwy 32              | Pyrethroids                              | 8/19/2021    | T.B.D.                    |
| BYS          | Lower Honcut Creek at Hwy 70      | Pyrethroids                              | 1/18/2022    | T.B.D.                    |



## Coalition Member Information Hub



# DUE IMMEDIATELY: CROP YEAR 2022 REPORTING

According to the Waste Discharge Requirements, all Coalition Members are required to complete their member reports by at least March 1 annually. If you have not completed your reporting, please contact your Subwatershed and complete your required reports **IMMEDIATELY**. Members who fail to complete their annual reporting will have their names submitted to the Regional Board for follow-up and possible fines.

## ON-FARM DRINKING WATER WELL SAMPLING PROGRAM

The deadline to complete the first sampling event for the On-Farm Drinking Water Well Program was **December 31, 2022**. This sampling requirement applies to wells on **ENROLLED** parcels that are **ACTIVELY** used for drinking or cooking. If you believe you are exempt or have questions, contact Phil Carter with the Regional Board (916-464-4487; [Phil.Carter@waterboards.ca.gov](mailto:Phil.Carter@waterboards.ca.gov)).

[https://www.waterboards.ca.gov/centralvalley/water\\_issue/s/irrigated\\_lands/drinking\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issue/s/irrigated_lands/drinking_water/).

## INMP Self-Certification CEU Opportunities

In order to remain eligible to self-certify INMP Worksheets, participants in the INMP Training Program must complete three hours of CEUs within the three-year eligibility period. CEUs are available in-person and online. To view the full list of CEUs, please visit:

[https://www.cdfa.ca.gov/is/ffldrs/frep/continuing\\_education.html](https://www.cdfa.ca.gov/is/ffldrs/frep/continuing_education.html)

If you would like to become self-certified, the Training Program can be found online at:

<https://www.cdfa.ca.gov/is/ffldrs/frep/training.html#grower>

## General Questions

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