

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

June 2012

This month's Irrigated Lands Regulatory Program (ILRP) report covers the June 2012 period and will provide an update on the activities of the North Coast, San Francisco, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board ILRPs.

Future monthly reports will alternate between the status of the ILRP from the Central Valley Water Board for one month, and the status of other Regional Water Board ILRPs for the alternate month. Current and past ILRP monthly reports can be found on the [State Water Boards Irrigated Lands Program](#) website.

NORTH COAST REGION

Staff of the North Coast Regional Water Quality Control Board are developing a water quality compliance program to address water quality impacts associated with discharges from agricultural lands. The program is intended to improve water quality, satisfy the requirements of the State Nonpoint Source Policy, and implement TMDLs in the North Coast Region.

To help develop the program, staff have formed a Stakeholder Advisory Group composed of representatives from various interests related to agriculture in the North Coast Region. The group's purpose is to provide input to Regional Water Board staff on the different elements of the program. Advisory Group meetings started in December 2011 and are scheduled through spring 2013, with a Regional Water Board adoption hearing scheduled for fall 2013.

Between May 3 and 9, 2012, staff held four sub-group meetings around the North Coast to discuss the draft scope and framework elements of the Program. These discussions continued June 26, 2012, at the meeting of the full Advisory Group. Staff are currently working on providing an updated version of the program scope and framework document based on the comments and suggestions received at the June 26 meeting.

The Advisory Group will begin discussing other program elements such as enrollment and permit requirements at the upcoming subgroup meetings, which will be in August/September 2012. Regional Water Board staff will also be holding an informational webinar on the different types of monitoring on July 26, 2012.

SAN FRANCISCO BAY REGION

Grazing Waiver for Napa River and Sonoma Creek Watersheds:

The Water Board adopted a Conditional Waiver of waste discharge requirements (Waiver) for grazing operations in the Napa River and Sonoma Creek watersheds on September 14, 2011. The goals of the Waiver are to reduce the discharge of sediment and pathogens to the Napa River and Sonoma Creek, and to protect stream and riparian areas. This program is a key element to implementing TMDLs for these two watersheds.

Regional Board staff continues its stakeholder outreach efforts to make sure all eligible ranchers have been notified and are aware of the Waiver and its requirements. As part of the outreach, Regional Board staff is working with UC Cooperative Extension (UCCE), and the Napa and Sonoma Resource Conservation Districts in identifying and contacting those eligible ranch operations that have yet to enroll. Staff has also participated in UCCE sponsored trainings on ranch plan preparation, mapping, evaluation of ranch activities, and selection potential best management practices. Additional trainings are planned for June and August 2012 to discuss proper ranch roads management and monitoring methods.

Grazing Waiver for Tomales Bay Watershed:

No update for this period.

Vineyard Waiver for Napa River and Sonoma Creek Watersheds:

Region 2 is developing a Conditional Waiver for vineyard properties in the Napa River and Sonoma Creek watersheds to require that effective management practices be implemented to control human-caused discharges of pollutants from vineyard facilities. The vineyard Waiver would cover existing vineyards, vineyard replants, as well as new vineyard development. The Conditional Waiver will affect about 67,000 acres of planted vineyards in the two watersheds.

Regional Board staff held a fourth and final Stakeholder Advisory Group meeting on the vineyard Waiver on May 15, 2012. The Stakeholder Advisory Group was convened in 2011 to help refine the vineyard waiver requirements and conditions. The Stakeholder Advisory Group consists of representatives from Napa and Sonoma counties, Sonoma County Grape Growers, Napa County Vintners, Sonoma and Napa County Farm Bureau, the Resource Conservation Districts, UC Cooperative Extension, other agencies, and environmental groups. Staff is revising the draft vineyard Waiver and anticipates completion of a draft waiver for public review this July 2012.

CENTRAL COAST REGION

On March 15, 2012, the Central Coast Water Board adopted an updated Conditional Waiver of Waste Discharge Requirements (Agricultural Order No. R3-2012-0011). The

Order places farms in one of three tiers, based on risk to water quality. For many farms (Tier 1 and Tier 2), the new requirements are similar or have decreased monitoring and reporting than the previous Order. Farms in Tier 3 have increased monitoring and reporting requirements.

In the first 90 days of the updated Agricultural Order, Water Board staff implemented many activities to advance implementation and inform growers of the updated requirements. These activities are summarized below.

Enrollment:

Growers continue to enroll in the Agricultural Order using the electronic-Notice of Intent (eNOI) in the Water Board's GeoTracker data management system. Table 1 below includes enrollment statistics for the Agricultural Order as of May 2012. Current enrollment includes approximately 395,988 acres, which reflects both new enrollments and terminations, resulting in a net increase of approximately 8000 acres since December 2011.

In the Central Coast Region has an estimated 435,000 acres of irrigated agriculture. Of that, 395,988 acres have been enrolled in the program. The total number of eNOIs submitted is 1,690.

Farm Tier Identification:

In May 2012, Water Board staff assigned individual farm/ranch tiers based on the information provided by growers in the electronic-Notice of Intent (eNOI) and the location of the farm/ranch compared to impaired surface water bodies and public drinking water wells with nitrate exceedances above the drinking water standard (as described on page 16-17 of the Agricultural Order). In April 2012, Water Board staff updated GeoTracker, so the farm/ranch tier is displayed on the eNOI database page for each individual farm/ranch (approximately 3800). In addition, staff provided a packet of information to all enrolled operations (approximately 1700) including identification of the individual farm/ranch tier(s), a copy of the Agricultural Order and Monitoring and Reporting Program(s) for applicable tier(s), a 5-year Compliance Calendar, a list of Water Board staff contacts, and a list of technical assistance providers.

The cover letter sent with this packet informed growers that for cases where the grower finds that the farm/ranch was assigned to the incorrect tier, the grower may request a tier review. Water Board staff developed a Tier Review Request Form and posted on our webpage to enable growers to provide information so that staff can confirm the correct tier. The letter requested these forms within 30 days of the letter date (May 17, 2012) but staff extended that date until July 1, 2012 to give growers more time to submit the requests and because the Tier Review Request Form was not completed and available to growers on our webpage until May 29, 2012. Staff instructed growers to submit the Tier Review Request Form by July 1, 2012 so that the requests can be reviewed and approved prior to the submittal of annual compliance information for Tier 2 and Tier 3 farms/ranches in October 2012. Staff intends to review requests and inform growers as efficiently as possible. In the meantime, growers must

comply with requirements of the assigned tier until changes to the assigned tier are approved.

Informing Stakeholders of Updated Agricultural Order and Grower Workshops:

In April 2012, Water Board staff developed a Fact Sheet to briefly summarize the updated requirements for each tier and translated the Fact Sheet to Spanish and Chinese. The Fact Sheets were posted to the Water Board's website and distributed broadly to growers, agricultural industry representatives, technical assistance providers, consultant, and other stakeholders.

From May 11 to June 1, 2012, Water Board staff held seven general grower workshops, three workshops for Spanish-speaking growers, and one workshop for Chinese-speaking growers. Workshops were held throughout the Central Coast region (San Luis Obispo, Paso Robles, Watsonville, Morgan Hill, Goleta, Salinas, and Santa Maria), with more than 550 growers in attendance. In addition, staff also participated in a workshop specifically designed to inform technical assistance providers and consultants of the updated requirements. Staff received many positive comments from growers regarding the opportunity to learn about the updated requirements at the workshops.

Staff has also met with specific groups that aid growers to ensure accurate understanding of the updated requirements, such as the Central Coast Agricultural Water Quality Coalition and others. Staff also provided presentation materials to technical assistance providers, so that they could deliver similar presentations to additional grower groups, as necessary. On June 13, 2012, staff will present an update on the Agricultural Regulatory Program at the Groundwater Resources Association (Nitrate and Salt in Groundwater Symposium in Fresno, CA).

Compliance Assistance Tools and Resources:

Water Board staff developed the 5-Year Compliance Calendar as a one-page compliance assistance tool for growers to view an "at-a-glance" summary of requirements for their farm/ranch tier(s), a reference to the location of specific requirements in the Order, the due date for the requirement, and the specific year(s) the requirement is due. Growers have provided very positive feedback about the Compliance Calendar as an easy-to-use tool for growers. The 5-Year Compliance Calendar is available on the [Region 3 website](#).

Additionally, staff has also initiated development of compliance assistance resources and tools related to backflow prevention devices, photo monitoring, and groundwater monitoring and reporting requirements to be available to growers in July 2012. Staff has targeted completing these compliance assistance resources and tools in July 2012 to insure they are available at least one month ahead of the compliance due dates associated with them (e.g. photo- documentation due in October 1, 2012).

Staff is currently completing the Annual Compliance Form and adding it to the eNOI so Tier 2 and Tier 3 growers can electronically submit the annual reporting information

that the Agricultural Order requires in October.

The Agricultural Order specifies that the Water Board will prioritize assistance for limited resource farmers, including but not limited to technical assistance, grant opportunities, and necessary flexibility to achieve compliance with the Order (e.g., adjusted monitoring, reporting, or time schedules). In May 2012, the Water Board released a Request for Qualifications (RFQ) to award grants funds for the purpose of implementing a compliance assistance program to provide free groundwater sampling and data collection services for growers. The compliance assistance program prioritizes small and/or economically disadvantaged growers who qualify as “Limited Resource Farmers/Ranchers or Socially Disadvantaged Operators” as defined by the US Department of Agriculture. The compliance assistance program will be implemented in coordination with a broader domestic well sampling program, available to all domestic well owners.

The Agricultural Order specifies that a technical advisory committee will evaluate proposals for third party groups to implement alternative water quality management practices or cooperative monitoring and reporting programs. Staff has initiated outreach to stakeholders and some individuals who proactively expressed interest in participating on this technical advisory committee. The purpose of this phase of outreach is to clarify the role of the technical advisory committee and to consider who should be on the committee and how best to solicit their involvement.

Extension of Date to Elect Cooperative Groundwater Monitoring:

In response to a request from agricultural representatives, the Executive Officer approved an extension of the date to elect cooperative groundwater monitoring until August 1, 2012, and staff updated the Monitoring and Reporting Program No. R3-2012-0011 to reflect this change. Staff also updated the eNOI to add a box for growers to check to indicate if they elect individual or cooperative groundwater monitoring, as provided in the Monitoring and Reporting Program.

Next Steps:

At this time, the highest priority for staff’s implementation of the updated Agricultural Order is to finalize content for the Annual Compliance Form and include annual compliance reporting functionality associated with the eNOI in GeoTracker so that growers can electronically submit the Annual Compliance Form in October 2012. In addition, staff is also working to ensure that growers can successfully upload the required groundwater monitoring information in GeoTracker, also required in October 2012. Staff intends to provide compliance assistance through workshops and via phone in advance of and in October when these requirements are due.

Additional information about the Agricultural Regulatory Program, including a copy of the Agricultural Order and associated Monitoring and Reporting Program, is available on the [Region 3 website](#).

LOS ANGELES REGION

Compliance with the Renewed Conditional Waiver:

The Nursery Growers Association Los Angeles County Irrigated Lands Group (NGA-ILG) and the Ventura County Agriculture Irrigated Lands Group (VCAILG) are the two discharger groups in the Los Angeles Region that have formed to comply with the Conditional Waiver. The Conditional Waiver requires dischargers to conduct a Bacteria Special Study to characterize potential discharges of bacteria from irrigated lands. The Regional Board received a Bacteria Special Study work plan from NGA-ILG on November 3, 2011. Regional board staff reviewed the document and sent comments to NGA concerning issues with the document on March 12, 2012. NGA revised the document according to recommendations made by Regional Board staff, and the revised document was approved on June 22, 2012. This study will last two years and will characterize wet and dry weather discharges and allow comparison to bacteria water quality objectives. The discharger groups are currently complying with existing MRPs and water quality management plans (WQMPs) that were developed in accordance with the previous waiver.

Enrollment:

Regional Board staff sent Notices to Re-enroll in the Conditional Waiver to over 300 growers in Ventura County on April 16, 2012. The Regional Board has received dozens of calls and letters in response to the Notice, and VCAILG has informed staff that many growers have enrolled in the Conditional Waiver.

Throughout May and June, staff conducted site visits of properties that growers claimed were exempt from the Conditional Waiver program. It was discovered that several properties met the "Hobby Growing/Gardening" category defined in the Conditional Waiver and were therefore exempt from complying.

Education Workshops:

VCAILG organized 3 educational events for growers in Ventura County in early June. One event, sponsored by the UCCE in Ventura County, is being conducted entirely in Spanish. NGA-ILG also organized a vineyard seminar in early June, covering irrigation research and technology, Integrative Pest Management strategies, and grapevine physiology. Since renewal of the waiver, both VCAILG and NGA-ILG have provided numerous opportunities for their members to receive all eight hours of education credit required by the Conditional Waiver.

Grant Management:

Staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach to implement BMPs in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the renewed Los Angeles Region Conditional Waiver for Irrigated Lands, and specifically implements BMPs according to VCAILG's WQMP.

Staff is overseeing a Proposition 84 grant for a mobile irrigation laboratory to improve

irrigation efficiency on farms in Ventura County (Grant Agreement No. 10-417-554). The grantee is the Ventura County Resource Conservation District (RCD). Under the grant, RCD staff travels to farms, evaluates irrigation efficiency, recommends improvements, and provides cost share funding to implement the recommended improvements. The goal of the grant is to reduce dry- weather loading of agriculture-related pollutants.

On March 7, 2012, a new Clean Water Act section 319(h) grant was executed for the purpose of identifying the contribution of and reducing metal loadings from nurseries and other irrigated agricultural lands in the San Gabriel River Watershed (Grant Agreement No. 11-098-554). The grantee is the Council for Watershed Health. The grantee will identify priority locations for BMP implementation, implement procedural BMPs at the priority locations, evaluate BMP effectiveness, and submit an Implementation Recommendation Report to Regional Board staff. The grantee submitted their first invoice and progress report on April 19, 2012.

COLORADO RIVER BASIN REGION

Colorado Regional Water Quality Control Board staff continues to develop a proposed Waiver of Waste Discharge Requirements (WDRs) for discharges of wastes from agricultural operations in the Palo Verde Valley in Riverside and Imperial Counties along the Colorado River. A workshop on the Waiver Program is tentatively scheduled to be held in Blythe at the Palo Verde Irrigation District's office in July. CEQA documents and a staff report are currently being drafted. The goal is for the Regional Water Board to consider the regulatory package by the end of 2012.

In Imperial County, Regional Water Board staff is assisting the Imperial County Farm Bureau with its annual Drain-shed Meetings for all farmers. Eight meetings are being held at various locations during May and June 2012. The meetings are required of all farmers prior to their submission of annual water quality farm plans as part of the Conditional Waiver Program for Imperial Valley Drains and Rivers.

SANTA ANA REGION

Board staff is proposing that all operators of irrigated and dry-farmed lands over 10 acres, subject to inundation by flooding, and of other agricultural operations not already regulated by the Regional Board, enroll in a conditional waiver of waste discharge requirements. Regional Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). Regional Board staff proposes that the CWAD program be developed and implemented watershed-based phased approach. The first phase of this program is being developed for waste discharges from agricultural operations (i.e. irrigated and non-irrigated) located in the San Jacinto, Salt Creek and Lake Elsinore Watersheds. The Regional Board adopted a separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake

Elsinore. The CWAD program is being designed to be part of the implementation program for these TMDLs.

Regional Board staff has developed a "CWAD Program Advisory Group" which consists of about 20 members including agricultural farmers, local growers, industry groups, and major stakeholders, etc. Last CWAD advisory group meeting was held on April 5, 2012. The following major topics of discussion are as follows:

- Discharges for the San Jacinto watershed. The Advisory Group conducts stakeholder meetings on a quarterly basis, when possible. Discussions include new modeled information about pollutant loading from subwatersheds;
- Updated information concerning the total acreage of various agricultural land uses, updated information concerning the number of agricultural operators who will be subject to the waiver - approximately 343 operations, proposed waiver condition concerning continuing education, remand of Region 7's Basin Plan agricultural conditional prohibition, and updated information about the watershed's hydrology;
- Internal draft agricultural conditional waiver and draft CEQA Neg. Dec. is currently circulating in-house for edits, comments and revisions. First round of in-house comments has been completed;
- Regional Board staff is presently working on the agricultural Conditional Waiver staff report;
- On May 30, 2012 staff attended WRCAC (Western Riverside County Ag. Coalition) regular technical committee meeting. WRCAC is a major stakeholder in CWAD program; and
- Next CWAD advisory group meeting is scheduled on Thursday, August 16, 2012 at Riverside County Farm Bureau office.

SAN DIEGO REGION

Enforcement Actions:

Notice of Violation No. R9-2012-0046 was issued to the Boyer Ranch Group on May 10, 2012 for failing to submit a monitoring and reporting plan and a quality assurance plan as required by Order No. R9-2007-0104, Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations.

Amendment to Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations:

The San Diego Water Board is requesting that the State Water Board approve Resolution No. R9-2011-0020 to amend the Basin Plan and issue the Notice of Opportunity for Public Comment. The Basin Plan amendment includes a definition of "agricultural and nursery operations" in Conditional Waiver No. 4. The San Diego Water Board adopted a resolution to amend Conditional Waiver No. 4 for Agricultural and Nursery Operations (one of 11 conditional waivers in the Basin Plan) to define the

term "agricultural and nursery operations" as it appears in the waiver on February 9, 2011. The definition specifies that only commercial operations that generate gross sales of at least \$1,000 per year, as an average, are subject to the waiver's requirements.

Renewal of Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations:

The San Diego Water Board is in the process of evaluating its conditional waivers, including Conditional Waiver No. 4, and revising/reissuing them as needed. A schedule to complete this task is being developed.

Organizational Change:

Management of Conditional Waiver No. 4, Discharges from Agricultural and Nursery Operations, is being transferred from the Monitoring, Assessment, and Research Unit (MARU) to the Land Discharge Unit (LDU). This will allow for a more consistent management of all conditional waivers. The MARU will continue to provide oversight of the monitoring programs. It is anticipated that this transition will be complete within the next three months.