

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

August 2011

This month's Irrigated Lands Regulatory Program (ILRP) report covers the August 2011 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 Boards for the alternate month. Current and past ILRP monthly reports can be found on the [State Water Boards Agriculture Program](#) website.

NORTH COAST REGION

Staff of the North Coast Regional Water Quality Control Board is developing a water quality compliance program to address discharges from irrigated lands. The program is intended to satisfy the requirements of the State Nonpoint Source Policy and implement TMDL in the North Coast Region.

Regional Water Board staff have contracted with the Center for Collaborative Policy (CCP) out of Sacramento State University to assist with stakeholder involvement. Staff and CCP are in the process of contacting stakeholders regarding program development and gather information concerning agriculture in the North Coast Region. Two notices were sent via email on July 13, 2011. The first was general information on the program and stakeholder process that was sent the Regional Board's general mailing list. A second notice was sent to a select list of stakeholder representatives that are potential candidates to participate in working groups. After the notices went out, Regional Board staff and CCP began calling stakeholder representatives on the list. The initial phone calls have led to expansion of the stakeholder list and notices are continually being sent out to the new contacts.

On August 23, 2011, CCP sent out a link to an online survey (developed with input from Regional Board staff) via email to the contacts list. The survey queries stakeholders on their perspectives on past interactions with the Regional Board and their staff and also asks questions about their rough availability and interest in participating in one of the working groups. For the opinion part of the survey, the identities of the respondents will be kept confidential from Regional Board staff and will instead be presented in a consolidated format as a stakeholder assessment. This is to encourage more candid responses. There will be a follow up survey sometime in September 2011 to a refined list of contacts to provide more information regarding the logistics of how the working groups will be formed, i.e. by commodity, geography, etc. After the result of the surveys are evaluated, CCP and Regional Board staff will contact

stakeholders interested in participating the stakeholder workgroup(s) that will provide a forum for input on the development of the program. This initial outreach phase will continue through the summer of 2011 with the first stakeholder advisory group meetings planned to begin before the end of 2011.

SAN FRANCISCO BAY REGION

Overview:

The San Francisco Bay Regional Water Board administers the Tomales Bay grazing waiver program and is currently developing grazing and vineyard waiver programs for the Napa River/Sonoma Creek Watersheds.

Grazing Waiver for Napa River and Sonoma Creek Watersheds:

The Region 2 Water Board will consider adoption of a conditional waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek (Napa/Sonoma Grazing Waiver) on September 14, 2011. Grazing operations were identified as sediment and pathogen sources in the Napa River and Sonoma Creek sediment and pathogens TMDLs. The conditions and requirements proposed in the Napa/Sonoma Grazing Waiver are closely modeled after the Tomales Bay Grazing Waiver program (see below). The draft Napa/Sonoma Grazing waiver and supporting CEQA documentation may be found on the [Region 2 website](#).

Grazing Waiver for Tomales Bay Watershed:

Region 2 staff provided a report to our Board on the status of the Tomales Bay Grazing Waiver Program at our June Board hearing. The report discusses the Grazing Waiver's background and requirements, outreach efforts and funding, enrollee compliance, ongoing watershed efforts, and lessons learned.

The report also describes the efforts of the Tomales Bay Watershed Grazing Land Partnership (Partnership) in assisting the agricultural community in complying with the requirements of the Grazing Wavier.

Staff believes that the success of the Grazing Waiver Program is rooted in the local relationships established with the Partnership, the substantial amount of technical assistance provided to ranchers by Water Board staff and the Partnership, and the success of partners in obtaining grant funding.

It should also be noted that the Staff Report includes references to two recent publications that provide independent evaluations regarding the effectiveness of the Tomales Bay Grazing Waiver Program.

The Staff Report and referenced publications may be found on the [Region 2 website](#).

Vineyard Waiver for Napa River and Sonoma Creek Watersheds:

Region 2 staff is developing a Vineyard Waiver to require that effective management practices be implemented to control human-caused discharges of pollutants from vineyard facilities. Potential pollutants from vineyard facilities include sediment, erosive forces (that cause excessive erosion and sedimentation), heat (human-caused effects on channel or riparian conditions that may cause increases to stream temperature), nutrients, pesticides, and pathogens. The Vineyard Waiver would cover existing vineyards, vineyard undergoing replanting programs, as well as new vineyard development. Preliminary estimates indicate the Vineyard Waiver will affect at least 42,000 acres of planted vineyards.

On June 10, staff held the first stakeholder meeting at the Napa County Flood and Conservation District conference room. The goals of the meeting were as follows:

- Exchange information;
- Make improvements and refinements to the draft Vineyard Waiver;
- Discuss and encourage third-party and technical assistance programs;
- Discuss ways to streamline the process and avoid conflicts with local requirements or necessary growing practices; and
- Improve implementation of (and compliance with) the Vineyard Waiver.

Stakeholders representing growers, local government, environmental groups, and other interests attended. The meeting was very productive, and several key issues were discussed, including:

- Benefits to the grower, of enrolling in the Vineyard Waiver program;
- Definition of several terms including sensitive species, streams, and heat as a pollutant;
- Reporting requirements; and
- Monitoring (i.e. how will people know that the program is improving stream conditions).

Staff is considering the comments received and anticipates scheduling a second stakeholder meeting later this summer.

Additional information about the Vineyard Waiver may be found at the [Region 2 website](#).

CENTRAL COAST REGION

A panel of four members of the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) conducted a hearing to receive comments on the Updated Conditional Waiver of Waste Discharge Requirements for Irrigated Agricultural Waste Discharges, Draft Agricultural Order No. R3- 2011-0006 (Draft Agricultural Order) on March 17, 2011 and May 4, 2011. The Central Coast Water Board did not have a quorum of members eligible to participate in and vote on the Draft Agricultural Order at that time and continued the hearing to September 1, 2011. On July 7 and August 10, 2011, the Central Coast Water Board made documents

available to interested parties for the September 1, 2011 hearing on the Draft Agricultural Order. On August 23, 2011, the Central Coast Water Board issued a public notice to postpone the hearing scheduled for September 1, 2011 because there is still not a quorum of Water Board members who can vote on the Draft Agricultural Order, Monitoring and Reporting Program (MRP), and certification of the Subsequent Environmental Impact Report (SEIR) at the September 1, 2011 hearing.

The Central Coast Water Board will reschedule consideration of adoption of the Draft Agricultural Order, MRP, and certification of the SEIR to another meeting when there is a quorum of members that can vote on this item. The Central Coast Water Board will distribute a public notice announcing that meeting once it is scheduled. Currently, the written public comment period is complete. The Central Coast Water Board will not accept any additional written comments on the Draft Order and associated documents. The Central Coast Water Board will provide an opportunity for oral comments at the rescheduled hearing.

For a copy of the Public Notice postponing the September 1, 2011 Board Hearing and more information on the Agricultural Order Renewal, including copies of the staff Report, Draft Agricultural Order, and MRP, provided to Board Members and interested parties.

LOS ANGELES REGION

Enrollment in Renewed Conditional Waiver:

Regional Board staff continued to conduct inspections of properties to determine if the properties should enroll in the renewed Conditional Waiver for Discharges from Irrigated Lands (Order No. R4-2010-0186). The inspections are a follow up to the second notice to enroll that staff issued in May 2011. In response to the notice, numerous property owners/operators responded that they do not belong in the program, and in many instances, inspections are necessary to evaluate the requests.

Staff also continues to review enrollment documents submitted by the Los Angeles Irrigated Lands Group (LA-ILG) and the Ventura County Agriculture Irrigated Lands Group (VCAILG) for the renewed Conditional Waiver and will be issuing notices of applicability shortly. Once staff issues notices of applicability, the groups must begin monitoring under the monitoring and reporting plan. Annual reports are due within one year of the notice of applicability. Based on the results of monitoring, discharger groups must submit water quality management plans. The discharger groups are currently complying with the existing water quality management plans that they developed in accordance with the previous waiver.

Education Workshops:

Staff presented at four VCAILG workshops in June and July 2011 to educate growers and to increase implementation of BMPs. The workshops took place in 4 watersheds

in Ventura County and focused on watershed-specific water quality impairments and required BMPs. The workshops count towards four of the eight hours of required education.

Enforcement:

The Regional Board considered a complaint at the July Board Hearing to assess administrative civil liability against Balcom Ranch for failure to enroll in the Conditional Waiver or, alternatively, for failure to submit a report of waste discharge, when so requested by the Regional Board. A hearing was held before a panel of the Regional Board on March 17, 2011. At the July 2011 Board Hearing, the Hearing Panel recommended a penalty in the amount of \$180,500 to the full Board and the full Board upheld the recommended penalty.

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.

A final grant agreement for Proposition 84 funding for a mobile irrigation laboratory to improve irrigation efficiency on farms in Ventura County was executed on August 15, 2011 (Grant Agreement No. 10-417-554). The grant will be overseen by the Ventura County Resource Conservation District (RCD). Under the grant, RCD staff will travel to farms, evaluate irrigation efficiency, recommend improvements, and provide cost share funding to implement the recommended improvements. The goal of the grant is to reduce dry-weather loading of agriculture-related pollutants.

COLORADO RIVER BASIN REGION

Imperial Valley Sediment TMDLs:

Grower participation in the Imperial County Farm Bureau TMDL program has a high rate of enrollment because it offers growers and landowners a streamlined path to compliance with the mandatory TMDL regulations. Farmers implement a variety of Best Management Practices (BMPs) to reduce silt and mineral runoff on their own farms, and maintain a record of their efforts, and attend annual meetings to keep up-to-date and share information relating to BMPs and TMDL management on their farms. Annual self-determined Sediment Control Plans (Water Quality Management Plans) for each farm (about 6,000 for 450,000 acres) must be submitted each September.

The Imperial Irrigation District is also a responsible party for the Sediment TMDLs. They were awarded a Proposition 50/84 grant for \$900,000 several years ago and the work began last year on the Precision Agricultural Drain Cleaning BMP Plan. The project implementation work includes:

- Drain Improvement Program;

- Vegetation Management Program;
- GPS-guided Drain Cleaning Program; and
- Drain Water Quality Improvement Plan monitoring.

Palo Verde (PV) Agricultural (Ag) Discharge Prohibition:

The Palo Verde Ag Prohibition was adopted by the Regional Board on January 20, 2011. RB staff is currently completing actions needed to bring the amendment before the State Water Board. The PV Ag Discharge Prohibition and supporting documents can be viewed at the [Region 7 website](#). The intent of this prohibition is to ensure Ag wastewater discharges and drain maintenance discharges occur in a manner that does not adversely affect the beneficial uses of the Palo Verde Valley Drains, and the Palo Verde Valley Lagoon and Outfall Drain. Accordingly, the amendment establishes a conditional prohibition for Ag wastewater discharges originating within the Palo Verde Valley and Palo Verde Mesa, and incorporates an implementation plan. The amendment also establishes a conditional prohibition for drain operation and maintenance discharges occurring in these regions.

Imperial Valley Pesticide TMDL:

Region 7 is developing a TMDL to address impairments in the Alamo and New Rivers by the current use of the pesticides chlorpyrifos and diazinon. Agriculture is currently the dominant user and discharger of these two pesticides in both watersheds. Regional Board staff is working with Imperial County Farm Bureau (ICFB) to develop a regulatory certified program to correct the impairment. The TMDL may be taken to the Regional Board for adoption in 2012.

SANTA ANA REGION

Board staff is proposing that all operators of irrigated land, dry-farmed land 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. Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). The Regional Board staff proposes that the CWAD program will be developed and implemented watershed-based phased approach. The first phase of this program is being developed for waste discharges from agricultural operations in the Lake Elsinore / San Jacinto Watershed. The Regional Board adopted 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 15 members including agricultural farmers, local growers, industry groups, and major stakeholders, etc.

Regional Board staff has recently updated the CWAD program draft schedule which contained major milestones. The draft schedule included initiation of the CEQA

process, initial study, and CEQA process leading to the CEQA checklist, internal review, and CEQA Negative Declaration Determination. Advisory Group review of the CWAD waiver requirements and internal review process will be taking place soon.

The Regional Board holds regular quarterly meetings with the CWAD program Advisory Group and in these meetings group members' feedback on CWAD program development is sought. The Regional Board staff anticipates these meetings will lead to adoption of waiver requirements, sometime in the second quarter of the year 2012.

A CWAD Program Advisory Group meeting was held on July 28, 2011, at the Riverside County Farm Bureau office. Regional Board staff solicited the advisory group's consensus on choosing specific conditions and prohibitions on application of fertilizers and herbicides during the wet season in view of flooding situation in the project area during and after the rain events. The listed action items and proposed topics for the next meeting are scheduled to be discussed along with the action items from the previous CWAD Advisory Group (April 18, 2011) meeting and are as follows:

- Coalition forming, monitoring program and pollutants trading project-by WRCAC staff;
- Wet season and flooding season clarification-by Riverside County Flood Control staff;
- CWAD program schedule updates;
- CEQA Negative Declaration Initial Study Checklist;
- Manure application prohibition in the project area based on the high TDS levels in local groundwater;
- Resolution by Western Riverside County Agricultural Coalition (WRCAC) Board to Support its lead role in the CWAD program; and
- CWAD Program Cost Analysis Study.

SAN DIEGO REGION

Enrollment in Conditional Ag Waiver:

On August 5, 2011, approximately 1,800 letters were sent to owners of properties with agricultural land use (per County Assessor Parcel information) that have not enrolled under the Ag Waiver. As of August 29, 2011, over 100 individuals have called with questions regarding the letters and 371 response forms have been received. The following table summarizes information obtained from the response forms regarding enrollment status:

Enrollment Status	Total	Percent of Responses
Enrolled	66	18
Will Enroll	7	2
Exempt	298	80

Due to differences in property owner names between the NOIs and the Assessor information (e.g., Robert Jones as listed on the NOI rather than Bob Jones on the Assessor information) a small percentage of letters were sent to individuals already enrolled in the Ag Waiver. Although only 21 percent of the letters have been returned to date, the very low number of individuals who are commercial growers and indicated that they will enroll in the Ag Waiver indicates that the outreach previously conducted by the San Diego Water Board and the monitoring groups was successful in getting the commercial growers to enroll in the Waiver.

The responses are due no later than September 16, 2011. At that time options for additional follow-up and/or enforcement will be made.

Five-Year Waiver Review:

An internal meeting was held to discuss the five-year waiver review for the Ag Waiver. The Ag Waiver needs to be either renewed or replaced no later than February 2014. In addition to discussing scheduling and timing of the review process various changes to the Ag Waiver were discussed. Possible changes to the Ag Waiver include:

- Including a fee for enrollment in the waiver;
- Using a tiered fee schedule and requirements based on crop type, agricultural methods, acres under cultivation, and volume of irrigation applied to crops;
- Requiring a single monitoring group to oversee the monitoring and reporting;
- Changes to the definition of a Commercial Grower that incorporates crop type, agricultural methods, acres under cultivation, and volume of irrigation applied to crops; and
- The use of a “web-based” system for enrollment, submitting monitoring reports, and tracking compliance with self-assessments and education requirements.

Amendment to Ag Waiver:

The Amendment to define “Commercial Grower” will be heard at the August 16, 2011 State Board meeting.