

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

October 2013

This month's Irrigated Lands Regulatory Program (ILRP) report covers the month of October 2013 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 Regional Water Board for one month, and the status of other Regional Water Board ILRPs for the alternate month.

Current and past ILRP program monthly reports can be found on the [State Water Board Irrigated Lands Regulatory Program](#) website.

STATE WATER BOARD

On October 1, 2013, ILRP staff met with CalRecycle staff to discuss draft In-vessel digestion regulations.

On October 10, 2013, ILRP staff participated in the California Roundtable for Agriculture and the Environment meeting.

On October 17, 2013, ILRP staff met with the Leafy Green Marketing Agreement Food Safety technical group to discuss the United States Department of Agriculture Food Safety Modernization Act.

On October 21, 2013, ILRP staff participated in a Farm Food Safety Conservation Network steering committee meeting to discuss proposed revisions to the United States Department of Agriculture Food Safety Modernization Act.

On October 22, 2013 ILRP staff participated in the Natural Resources Conservation Service (NRCS) State Technical Guide Committee meeting to review revisions made to several Best Management Practice (BMP) Standards. After reviewing and approving the BMP Standards, the committee had a lengthy discussion on how best to implement the Standards. The committee also discussed and reviewed a recent study titled "Long-term Fate of Nitrate Fertilizer in Agricultural Soils".

On October 23, 2013, ILRP staff met with California Department of Pesticides Regulation (DPR) staff to discuss a recent DPR study titled "Pesticide and Nitrate Trends in Domestic Wells where Pesticide Use is Regulated in Fresno and Tulare Counties"

On October 29 and 30, 2013, ILRP staff attended the California Department

of Food and Agriculture Fertilizer Research Education Program (FREP) annual conference.

NORTH COAST REGION

North Coast Regional Water Quality Control Board (Regional Water Board) staff has been developing the Agricultural Lands Discharge Program since 2011. Recently, Regional Water Board staff drafted a proposal to develop a series of targeted permits specific to agricultural commodities or geographic areas, as opposed to a single general permit for all the North Coast Region.

In the near term, Regional Water Board staff will focus efforts on developing either Waste Discharge Requirements (WDRs) or conditional waivers of WDRs for each of the following commodities/areas: vineyards and orchards, agriculture in the Tule Lake watershed, and outdoor lily bulb cultivation. Regional Water Board staff will continue to implement the Scott and Shasta River TMDL Conditional Waiver of WDRs and participate in the development of the statewide Grazing Regulatory Action Plan. Regional Water Board staff will continue to address discharges from marijuana cultivation through education, compliant response, and enforcement but are also developing regulatory options for the Board's consideration. Finally, Regional Water Board staff are proposing to study groundwater and surface water quality in Butte Valley to help assess the risk from agricultural discharges.

Regional Water Board staff presented the proposal to the Stakeholder Advisory Group, which Regional Water Board staff has been working with to develop the program, at a September 10, 2013 Advisory Group meeting. The majority of the Stakeholder Advisory Group was in support of the proposal, with some concerns. Regional Water Board staff presented the proposal and feedback to the North Coast Regional Water Board on September 26, 2013. The Regional Water Board gave staff direction to move ahead to implement the proposal. Regional Water Board staff are now working on project plans for developing the three separate permits noted above.

SAN FRANCISCO BAY REGION

The San Francisco Regional Water Board (Regional Water Board) is working on developing a general waste discharge requirements (WDRs) Order for vineyard operations in the Napa River and Sonoma Creek watersheds, renewal of a conditional waiver of WDRs for grazing operations in the Tomales Bay watershed (Tentative Order), and renewal of a paired conditional waiver of WDRs Order and general WDRs Order for confined animal facilities.

Progress on the Vineyard Order continues. The Regional Water Board has continued to coordinate with the North Coast Regional Water Quality Control Board agricultural program and maintain momentum on fostering additional third-party technical

assistance capacity in both watersheds. The Regional Water Board has backfilled a key staff position and expect to restart working on the vineyard WDRs and related CEQA documentation in mid-November 2013.

The Tomales Bay Tentative Order was released for a 30-day public comment period on September 16, 2013. Prior to its release, Regional Water Board staff attended a Marin Farm Bureau meeting to introduce the Tentative Order and explain key differences between it and the 2008 Conditional Grazing Waiver that it renews. During the comment period, Regional Water Board staff conducted additional outreach by attending an October 2, 2013 Animal Committee meeting in Petaluma and by hosting a public workshop on October 10, 2013, at the Marconi Center in Marshall. At each meeting, Regional Water Board staff explained that the requirements of the Tentative Order remain unchanged as compared to the 2008 Grazing Waiver, except for a new requirement for the measurement and reporting of residual dry matter. Regional Water Board staff is reviewing comments received and anticipates bringing the Tentative Order before our Board for their consideration later this fall.

The Regional Water Board is working to renew its waiver of WDRs and general WDRs for confined animal facilities. The proposed Orders fundamentally maintain previous permit requirements yet include additional requirements for grazing pastures associated with confined facility operations, drinking water well testing, and adjusted fees. The Tentative Orders further clarify the scope of the permits to make clear that they apply to various types of confined animal facilities (e.g., horse facilities), not just cow dairies. Like the Tomales Bay Grazing Tentative Order, Regional Water Board staff is engaging in stakeholder outreach efforts prior to, and overlapping with, the public release of the draft which is anticipated for November 2013.

CENTRAL COAST REGION

On September 24, 2013, the State Water Resources Control Board (State Water Board) issued Water Quality Order 2013-0101 (State Order) for the Central Coast region which requires farmers or coalitions of farmers to prioritize drinking water sampling and assessment for nitrate and notify well users if those nitrate levels exceed public health standards for drinking water, and further requires some farmers to report the amount of nitrogen they apply to crops.

The State Order resolves all the petitions filed by environmental and agricultural interests seeking review of the Agricultural Order. The State Water Board allowed four written public comment periods and conducted three public meetings on proposed draft orders prior to adopting the State Order.

The State Order supports in large part, but modifies the Central Coast Regional Water Quality Control Board's (Regional Water Board) Conditional Waiver of Waste Discharge Requirements and Monitoring and Reporting Programs for Discharges from Irrigated Lands ("Central Coast Agricultural Order"), Central Coast Water Board Orders No. R3-

2012-0011, R3-2012-0011-01 R3-2012- 0011-02, and R3-2012-0011-03).

The Regional Water Board's Agricultural Order, with revisions directed by the State Order, will provide enhanced implementation and monitoring of agricultural management practices and monitoring of water quality. The State Order also directs an expert panel to be convened to provide a more thorough analysis and long-term statewide recommendations regarding many of the issues implicated in the Agricultural Order, especially focused on requirements related to nutrient management practices and nitrogen reporting.

The Regional Water Board is implementing the Agricultural Order, as modified by the State Order. One such modification is the revision of the Annual Compliance Form which became available to Central Coast growers on October 22, 2013. The Regional Water Board Irrigated Lands Regulatory Program staff is implementing additional changes in response to the State Order and will provide an update to the Central Coast Water Board at its December 2013 Board Meeting.

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. To comply with the Conditional Waiver, these groups must submit Water Quality Management Plans (WQMPs) to reduce pollutants discharged from their members' growing operations. VCAILG submitted their 2012 WQMP in March 2013. Los Angeles Regional Water Control Board (Regional Water Board) staff provided lengthy comments on the WQMP in July 2013 and VCAILG is currently revising the WQMP in response to comments. NGA-ILG submitted their 2013 WQMP on July 26, 2013. Regional Board staff is currently reviewing the document. These WQMPs are crucial to effective BMP implementation and Regional Water Board staff is working closely with VCAILG and NGA-ILG to ensure that the WQMPs will result in water quality improvement.

Enrollment:

Regional Water Board staff sent out Notices to Enroll on August 29, 2013 to 69 growers in Ventura County who did not pay annual fees to VCAILG, and Notices of Violation to 12 growers in Ventura County on October 17, 2013 who did not respond to the Notices to Enroll. As a result, several growers have contacted Regional Water Board staff to confirm that they will be enrolling in the Conditional Waiver. Regional Water Board staff will continue to conduct enforcement, as necessary.

Regional Water Board staff is currently involved in talks with the Los Angeles Department of Water and Power (DWP) and Southern California Edison (SCE) to enroll the nursery growers leasing DWP and SCE property. On September 24, 2013

staff from DWP and the Regional Water Board met to discuss the results of a letter that will be sent to DWP tenants in November 2013. The letter will give growers information about the Conditional Waiver and the Regional Water Board, and also inform tenants that their lease could be at risk if they do not enroll in the Conditional Waiver program. On September 11, 2013 SCE sent out a packet to all their tenants that included information about the Conditional Waiver, an enrollment form for NGA-ILG, and a letter stating if tenants do not enroll in the Conditional Waiver program in 45 days their lease could be terminated. Once SCE and NGA-ILG have processed all the information from growers in response to this letter, Regional Water Board staff will meet with both parties to discuss the results from this effort and decide what the next steps will be to enroll growers.

GIS Database:

Regional Water Board staff has been creating a geographically referenced database of data relevant to the Irrigated Lands Program in Region 4. Data includes water quality monitoring results and mailing addresses of Conditional Waiver program members and growers that are targeted for outreach/enforcement actions. This database is consistently being updated as Regional Water Board staff receives more information on enrollment and BMP implementation. Regional Water Board staff also recently received GIS data from the Los Angeles County Agricultural Commissioner. This file contains the locations of all known agricultural operations within Los Angeles County, and includes basic information of the types of crops in production. Regional Water Board staff will use this data to locate irrigated agricultural operations that are not currently enrolled in the Waiver program. The Ventura County Assessor's office also recently sent updated parcel data with assessor parcel numbers to assist Regional Water Board staff in updating the VCAILG membership database.

Education Workshops and Outreach:

VCAILG provided three classes during September 2013. One of the classes is being offered online to allow growers flexibility in attaining their eight required hours of education. The class takes approximately two hours to complete and has a quiz at the end to ensure that participants have absorbed the material. NGA-ILG provided two classes in September 2013 and supported the California Nursery Conference on October 7, 2013 which provided some education credit to the growers who attended. Since renewal of the Conditional 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:

Regional Water Board 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. Regional Water Board staff reviews invoices and attends

regular technical advisory committee meetings, including a meeting in September 2013, as part of their oversight of this grant.

Regional Water Board staff continues to manage a Clean Water Act section 319(h) grant which 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 (CWH). The CWH has reported the status of their project in bi-monthly meetings with Regional Water Board staff and other stakeholders and has identified priority locations for BMP implementation along the San Gabriel River. The drought has negatively affected the project, however, preventing collection of baseline copper data imperative to assess the effectiveness of implemented BMPs. CWH recently requested an extension of one year to wait for rain to create enough runoff to collect samples. The request was approved on August 23, 2013.

COLORADO RIVER BASIN REGION

Colorado River Basin Regional Water Board (Regional Water Board) staff is implementing Board Order R7-2012-0047, a Conditional Waiver of Waste Discharge Requirements (WDRs) for agricultural wastewater discharges and discharges of wastes from drain operation and maintenance activities within the Palo Verde Valley in Riverside and Imperial Counties. In October 2013, Palo Verde Irrigation District (PVID) submitted its Coalition Group's membership farming over 6 acres in the compliance program. The enrollment of irrigated lands covered 93,000 acres and over 99% of the farms. A Quality Assurance Project Plan submitted by PVID in compliance with the Conditional Waiver was approved on October 25, 2013. The water quality monitoring and reporting program will begin this winter.

Board Order R7-2013-0002 for the Bard Unit of Reservation Division (Imperial County) Conditional Waiver was adopted on January 17, 2013. This Conditional Waiver affects about 7,000 acres of farmland along the Colorado River near Yuma, Arizona. Implementation will not begin until 2014 though staff continues to coordinate with the Bard Water District representatives on the formation of a local coalition group.

Staff is actively working with interested parties in the Coachella Valley to develop a Conditional Waiver of WDRs for consideration for adoption in early 2014. This Conditional Waiver affects about 60,000 acres of farmland in central Riverside County north of the Salton Sea. Regional Water Board staff is preparing the environmental documents to be prepared pursuant to CEQA and the draft conditional waiver. In September 2013, Regional Water Board staff received notification of the incorporation of the Coachella Valley Irrigated Lands Coalition group.

Riverside County Farm Bureau and Coachella Valley Water District assisted the formation of this coalition group, and through a Memorandum of Understanding, are providing funding for start-up costs.

Regional Water Board staff is also coordinating with interested parties in the Imperial Valley (over 450,000 acres of irrigated lands) to develop a Conditional Waiver of WDRs for consideration for adoption in 2014.

Grant Management:

Regional Water Board staff is overseeing a \$900,000 Proposition 50/84 Agricultural Water Quality Grant Program project (Grant Agreement 09-351-557) titled the Precision Drain Cleaning BMP Plan. The grantee is the Imperial Irrigation District. The goal of the grant project is to reduce impacts of IID's dredging and maintenance operations throughout the over 1,300-mile drainage system by implementing a drain improvement program. Under the grant, IID staff will complete the following:

- Develop a protocol to classify, prioritize, and rectify substandard earthen drainage segments;
- Implement drain improvements as determined necessary;
- Implement a program to utilize vegetation (i.e., salt grass) as a drain erosion inhibitor; and
- Implement a GPS-guided drain cleaning program.

Regional Water Board staff is also managing a \$340,000 Clean Water Act section 319(h) grant which was executed for the purpose of completing the construction of treatment wetlands for diverted flow from the Alamo River in Imperial County where suspended solids, nitrogen, phosphate, and fecal coliform originating from agricultural lands will be removed through organic activities prior to being released back to the Alamo River on its journey to the Salton Sea (Grant Agreement 12-411-257). The grantee is Desert Wildlife Unlimited.

SANTA ANA REGION

Santa Ana Regional Water Quality Control Board (Regional Water Board) staff is proposing that all operators of irrigated lands over 20 acres, enroll in a conditional waiver of waste discharge requirements. Regional Water Board staff is calling their agricultural regulatory program the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD).

Regional Water Board staff has developed a "CWAD Program Advisory Group" which consists of about 20 members including agricultural farmers, local growers, industry groups, NGOs, and major stake-holders. The last CWAD advisory group meeting was held on Thursday, July 25, 2013. The following were the major topics of discussion during the meeting:

- CWAD Program updated status and discussions on the revised CWAD Program schedule;
- Discussion and presentation of Eastern Municipal Water District's (EMWD) Data which was sent to the Regional Board by the EMWD, inviting feedback from the advisory group members;

- Discussions on setting up and streamlining administrative process by Western Riverside County Ag. Coalition (WRCAC) on the CWAD program;
- A brief presentation on CWAD Program cost estimates and CWAD Notice of Intent (NOI) to the advisory group and soliciting the group members comments and feedback;
- Internal draft agricultural conditional waiver, staff report, and draft CEQA Negative Declaration is currently circulating in-house for edits, comments and revisions. Second round of in-house comments has been completed. Regional Water Board staff is presently incorporating these comments in the draft conditional waiver order. Regional Water Board staff will provide review and comment opportunity to the CWAD Advisory Group and other stakeholders for their feedback and comments; and
- Other related issues/discussions.

Regional Water Board staff has been regularly attending Western Riverside County Agricultural Coalition (WRCAC) monthly technical committee meeting. WRCAC is a major stakeholder in the CWAD program. Regional Water Board staff has been coordinating with the WRCAC to identify proposed CWAD program sampling station locations in the San Jacinto River Watershed area where this program is being developed and will be implemented.

Next scheduled CWAD advisory group meeting is scheduled for November 7, 2013 at 10:00 a.m. at the Riverside County Farm Bureau Office, located in Moreno Valley, CA.

SAN DIEGO REGION

San Diego Regional Water Quality Control Board (Regional Water Board) staff continues to progress on several fronts related to our current Conditional Waiver of Waste Discharge Requirements for Discharges from Agricultural and Nursery Operations (Ag Waiver). Our general tasks currently include conducting inspections at randomly selected facilities to assess the level of Discharger familiarity with the Ag Waiver conditions, developing the informal enforcement processes for documented noncompliance, and working through processes associated with renewing the Ag Waiver in 2014.

Regional Water Board staff is working through an additional list of 135 agricultural operations that have reportedly left the existing agricultural monitoring groups/coalitions and failed to file an individual notice of intent (NOI) for coverage under the Ag Waiver. The identified operations are being investigated by the Compliance and Enforcement Assurance Unit to evaluate enforcement alternatives and prioritize further actions according to available resources.

Regional Water Board staff continue to research and develop a list of potential agricultural operations that may be classified as “non-filers” (e.g., failed to enroll in a monitoring group or file a notice of intent (NOI) to enroll as an individual

operation).

Regional Water Board staff had teleconferences and attended meetings with Rainbow Municipal Water District (RMWD) Board member Griffiths to discuss RMWD Board's desire to form a monitoring group.

Regional Water Board staff sent out over 100 letters to notify agricultural operators, which are eligible for enrollment or enrolled in the Ag Waiver, of our intent to conduct site visits/inspections during the week of September 20 through 27, 2013. Although there were a couple of mis-communications with dischargers during the period while our office phone system was off-line, staff successfully scheduled and completed 46 inspections/site visits at agricultural operations between September 18 and October 1, 2013.

Regional Water Board staff continues to develop draft revisions to the Ag Waiver, draft Monitoring and Reporting requirements, and associated CEQA documents for regional management review and comment prior to release for public review.

On October 9, 2013, Regional Water Board staff sent out 255 letters to members of Rainbow Municipal Water District Monitoring Group (RMWDMG) to notify them that RMWDMG is not recognized by the San Diego Water Board as a monitoring group. San Diego Water Board further advised these members that in order to comply with our Ag Waiver they may form or join a new approved monitoring group or submit a complete NOI for coverage as an individual discharger.