

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **January 2014**

This month's Irrigated Lands Regulatory Program (ILRP) report covers the month of January 2014 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 January 6, 2014, 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 January 7, 2014, ILRP staff attended the State Board of Food and Agriculture meeting regarding draught conditions.

On January 8, 2014, ILRP staff participated in a National Water Quality Initiative (NWQI) meeting with Natural Resource Conservation Service (NRCS) and USEPA Region 9 to discuss NWQI monitoring criteria. Tetra-Tech also participated in the meeting and stated they would be able to provide training on setting-up a monitoring network in Calleguas Creek. Tetra-tech stated they would assist in providing similar training in other regions of the state.

On January 13, 2014, ILRP staff participated in a California Department of Pesticide Regulation (DPR) pyrethroid webinar.

On January 14 -15, 2014, ILRP staff participated in a panel discussion at the CASA Winter Conference. Panel discussion focused on new bioenergy recovery technology and opportunities.

On January 16, 2014, ILRP staff person was voted to represent the State Water Resources Control Board on the California Certified Crop Advisors Board of Directors.

On January 21, 2014, ILRP staff participated in a California Bioresource Alliance (CBA) planning committee meeting to initiate planning of this year's annual CBA symposium.

On January 23, 2014, ILRP staff participated in a town hall meeting in Bakersfield. The town hall meeting was called by Assemblyman Rudy Salas to discuss impacts of

biosolids land application in Kern County.

On January 31, 2014, ILRP staff participated in a Farm Food Safety Conservation Network (FFSCN) planning committee meeting to discuss the next annual FFSCN symposium.

## **NORTH COAST REGION**

North Coast Regional Water Quality Control Board staff continue to develop the Agricultural Lands Discharge Program, focusing on a series of targeted permits specific to agricultural commodities or geographic areas. In the near term, staff will focus efforts on developing permits for discharges from each of the following commodities/areas: vineyards and orchards, agriculture in the Tule Lake watershed, and outdoor lily bulb cultivation. Staff will continue to implement the Scott and Shasta River TMDL Waivers of Waste Discharge Requirements and participate in the development of the statewide Grazing Regulatory Action Plan. Staff will continue to address discharges from marijuana cultivation through education, compliant response, and enforcement, while also developing regulatory options for the Board's consideration. Finally, staff are proposing to study groundwater and surface water quality in Butte Valley to help assess the risk from agricultural discharges.

Staff have completed project plans for the development of the vineyards and orchards, agriculture in the Tule Lake Basin, and lily bulb cultivation discharge permits.

### **Agriculture Discharges in the Tule Lake Basin:**

This permit and the lily bulb cultivation discharge permit are scheduled to be developed in parallel and prior to the vineyards and orchards discharge permit. Staff are currently in discussions with stakeholders to explore the potential for a third-party program to facilitate compliance with the permit. Staff will prepare a draft permit for discussion and comment at the next formal meeting of the Tule Lake Basin Advisory Group scheduled for early to mid-2015.

### **Lily Bulb Cultivation:**

This permit and the Tule Lake Basin discharge permit are scheduled to be developed in parallel and prior to the vineyard and orchards discharge permit. Regional Water Board staff plan to meet with stakeholders interested in the development of this permit in February 2014. Staff will prepare a draft permit for discussion and comment at the next Lily Bulb Advisory Group meeting scheduled for mid-2015.

### **Vineyards & Orchards:**

With input from Advisory Group members and other stakeholders, staff plan to develop draft requirements for third party programs, including certification programs, by mid-2014. Through 2015, staff will focus more closely on the lily bulb and Tule Lake Basin discharge permits, however work will continue simultaneously on certain

elements of the vineyard and orchard discharge permit. This effort will include coordination with the San Francisco Bay Region's development of a discharge permit for vineyards in the Sonoma Creek and Napa River watersheds.

## **SAN FRANCISCO BAY REGION**

December 11, 2013, the Regional Water Board renewed the Tomales Bay Grazing Waiver (Resolution R2-2013-0039) for a second, five year term.

Regional Water Board staff continued to work on developing general waste discharge requirements (WDRs) for vineyard operations in the Napa River and Sonoma Creek watersheds, the renewal of a paired conditional waiver of WDRs Order and general WDRs Order for confined animal facilities, and scheduling and conducting field inspections of properties enrolled under the Tomales Bay Grazing Program.

Progress on the Vineyard Order is ramping up with the replacement of key staff. Regional Water Board staff is meeting with key stakeholders to introduce staff and to reinitiate dialogue, continuing to coordinate with the North Coast Regional Water Quality Control Board, and to support the development of third-party technical assistance capacity in both watersheds to help implement the WDRs. Regional Water Board staff has secured contract support to assist in CEQA impact analysis and documentation. The goal is to publicly notice a tentative Order and CEQA document by mid-summer.

With the renewal of the Tomales Bay Grazing Waiver the Regional Water Board plan to mail out compliance reminders to current permittees and other eligible operations, and over the next calendar quarter, conduct field inspections in the watershed.

Regional Water Board staff is also working to renew the waiver of WDRs and general WDRs for confined animal facilities (CAFs). Although Regional Water Board staff expect to maintain previous permit requirements, staff propose to include additional requirements for grazing pastures associated with confined facility operations, surface and water well testing, and adjusted fees. These changes should align the Regional Water Board CAF permit with the requirements set forth by the North Coast Regional Water Board for cow dairies.

Furthermore, the geographic scope of the permit will extend region-wide and it will apply to various types of confined animal facilities (e.g., horse facilities), not just cow dairies. Regional Water Board staff is developing a focused technical assistance group, and will be meeting stakeholders prior to, and overlapping with, the public release of the draft which is anticipated for late winter or early spring.

## CENTRAL COAST REGION

This update provides information on the status of the following activities: enrollment, numbers of farms/ranches and acreage in tiers, status of compliance with nitrate loading risk determination reporting requirements, inspections, cooperative groundwater monitoring and status of drinking water notifications.

### **Enrollment:**

Since the launch of the electronic-Notice of Intent (eNOI) in 2010, enrollment in the Agricultural Order has continued to experience a steady increase over time. Current enrollment includes approximately 426,208 acres, which is 98% of the estimated irrigated acreage in the Central Coast region.

As of January 6, 2014, there were approximately 426,208 acres of irrigated agriculture enrolled in the program. The enrolled acreage accounts for 1,748 eNOIs for 4,305 farms/ranches. The table below includes numbers of farms/ranches and acreage in each Tier.

### **Status of Nitrate Loading Risk Reporting:**

The State Water Resources Control Board Order WQ 2013-0101 (State Order) required growers with Tier 2 and Tier 3 farms to comply with the Agricultural Order Groundwater Nitrate Loading Risk Determination reporting by January 15, 2014 and then annually by October 1. As of January 16, 2014, more than one thousand Tier 2/Tier 3 farms/ranches have reported the nitrate loading risk determination (~60% compliance). While growers continue to come into compliance, this reflects a significant effort by growers in response to a new reporting requirement.

### **Inspections:**

During December 2013, Central Coast Regional Water Quality Control Board (Regional Water Board) staff conducted inspections of nine farms/ranches. Currently, Regional Water Board staff is following up with growers regarding the results of inspections. The purpose of the farm/ranch inspections is for Regional Water Board staff to visit the enrolled farm/ranch and engage in dialogue with the grower and/or landowner to do the following:

- Discuss and evaluate compliance with the Agricultural Order;
- Verify accuracy of information reported to the Water Board (e.g. eNOI, Annual Compliance Form);
- Identify, observe, and document areas where the grower and/or landowner is successfully implementing management practices;
- Identify, observe, and document areas of concern and improvement needed;
- Assess how the grower is using an iterative process to implement management practices to protect and improve water quality (e.g., How is the grower implementing practices? How is the grower evaluating practices? What plans does the grower have for improvement, if practices are not successful in controlling discharge?);
- Provide an opportunity for the grower and/or landowner to take follow-up

- actions using an iterative, adaptive management approach to implement improved management practices to protect and improve water quality; and
- Require additional information or actions, as appropriate.

To help growers anticipate inspections, staff developed a [farm/ranch inspection grower resource document](#). This document is available with other grower resource documents on the Water Board's website.

### **Drinking Water Notifications:**

Based on results of individual groundwater monitoring, Regional Water Board staff issues "Drinking Water Notification" letters to those growers and landowners whose domestic water supply wells exceed the drinking water standard for nitrate or nitrogen. The purpose of these letters is to notify growers that their domestic well exceeds the drinking water standard for either nitrate or nitrogen and presents a health risk to those who may be drinking or cooking with the water. The letter also includes a grower resource document titled "Nitrate in Drinking Water" which provides important information about the domestic well, human health risks associated with drinking water containing elevated levels of nitrate/nitrogen, and a list of resources and contacts where growers and persons using the well can obtain additional information and assistance. This guide is also available on our website and in English and Chinese translations.

As of January 6, 2014, the Regional Water Board has issued 60 drinking water notification letters to growers and landowners who have one or more domestic drinking water wells which exceed the drinking water standard – some farms/ranches have multiple groundwater wells with exceedances. The letter requests that the grower provide confirmation that they have notified the domestic well users of the nitrate exceedance, posted an appropriate public health notification, and identify any treatment method or alternative drinking water supplies provided to ensure safe drinking water, if applicable.

### **Cooperative Groundwater Monitoring:**

On November 1, 2013, the CCGC submitted a revised workplan to the Regional Water Board to address the new requirements in the State Order. In addition, the CCGC also submitted a new workplan to add members and groundwater monitoring in the southern counties (San Luis Obispo, Santa Barbara, and Ventura Counties). The Executive Officer approved these workplans on December 17, 2013 and December 18, 2013, respectively. In addition, the CCGC submitted their final membership list on November 22, 2013. More detailed information regarding the CCGC and implementation of cooperative groundwater monitoring requirements is available on the [CCGC website](#).

### **Conclusion:**

Regional Water Board staff continues to implement the Irrigated Lands Regulatory Program to improve and protect water quality and make progress towards the Regional Water Board goals of clean groundwater, healthy aquatic habitat and

properly managed land that protects watershed functions. Future updates to the State Water Board will continue to report out on the status of implementation, including compliance. For additional information about the [Central Coast Water Board's Irrigated Lands Regulatory Program](#), visit the regional program website.

In addition, the Regional Water Board receives routine Irrigated Lands Regulatory Program updates at each Board Meeting. More detailed information regarding [status of implementation](#) may also be found in the related staff reports on the regional program 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. 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. Regional Water Board staff provided lengthy comments on the WQMP in July 2013 and after two revisions VCAILG submitted their final version on January 7, 2014. Under the new WQMP, VCAILG has created a new survey to collect and quantify BMP implementation which will assist Regional Board staff in determining the location and size of best management plans (BMPs) and how they relate to the water quality monitoring data in Ventura County.

NGA-ILG submitted their 2013 WQMP on July 26, 2013. Regional Water Board staff reviewed the document and provided comments on November 26, 2013. NGA-ILG submitted their revised draft on January 27, 2014. NGA's WQMP requires all growers in Los Angeles County to implement BMPs. The amount of implementation is dependent on the size of the facility and its risk to water quality. BMPs will be monitored through yearly site visits and reported to the Regional Water Board. 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 of Violation to 12 growers in Ventura County on October 17, 2013 for non-enrollment in the Waiver. 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. Staff from DWP plan to send a letter to tenants in February 2014. 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 Waiver program. On September 11, 2013 SCE sent out a packet to 118 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 Waiver program in 45 days their lease could be terminated. This effort resulted in 56 tenants enrolling in the Conditional Waiver program. Out of the remaining tenants 17 were found to be exempt from the program, 10 responded but have not yet enrolled, and 35 did not respond. Regional Water Board and SCE staff will coordinate on how to enroll the remaining growers in the Conditional Waiver program.

#### **GIS Database:**

Regional Water Board Staff has been creating a geographically referenced database of data relevant to the Irrigated Lands Program in the Regional Water Board region. 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 recently updated known areas of commercial agricultural activity using data provided by the Los Angeles County Agricultural Commissioner and updated geographically referenced surface water monitoring data in Ventura County.

#### **Education Workshops and Outreach:**

VCAILG provided three classes in January 2014. 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 organized a conference in January 2014 for growers concerning regulatory updates and BMP implementation at nurseries. 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.

#### **Interagency Coordination:**

Regional Water Board staff has been working with the Ventura County Resource Conservation District (RCD) to apply for 319(h) grants to improve conditions at the Central Ditch in the Calleguas Creek watershed. The Central Ditch is impaired for Organochlorine pesticides. The RCD submitted their full proposal for 319(h) funding in January 2014. Regional Water Board staff continues to work with the NRCS, EPA, and State Board staff on the National Water Quality Initiative (NWQI) in the Calleguas Creek watershed. The NWQI program provides financial assistance to help farmers and ranchers implement conservation systems to reduce nitrogen, phosphorous, sediment and pathogen contributions from agricultural land. In December 2013 and

January 2014, Regional Water Board staff provided data to Tetra Tech on the Calleguas Creek watershed and VCAILG's surface water monitoring program. Tetra Tech will analyze the current monitoring program and make recommendations as to how Regional Water Board staff can better determine the effectiveness of BMPs implemented under the NWQI program. Regional Water Board staff also continues to work with local NRCS staff in Ventura County to reach out to growers about the NWQI.

**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. 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 January 2014, 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 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.

Regional Water Board 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 (IID). 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**

No change in program status from Santa Ana Regional Water Quality Control Board (Regional Water Board). The Regional Water Board ILRP coordinator retired, as result, all work to develop the Regional Water Board CWAD waiver has temporarily come to a halt. The Regional Water Board will be hiring to fill the position which includes the nonpoint source (NPS) program as well as work on CWAD). The Regional Water Board will get their ag waiver moving again as the new hire comes up to speed.

## **SAN DIEGO REGION**

San Diego Regional Water Quality Control Board (Regional Water Board) staff continues to progress on several fronts related to their current Conditional Waiver of Waste Discharge Requirements for Discharges from Agricultural and Nursery Operations (Ag Waiver). 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 miscommunications 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. An administrative draft of the California Environmental Quality Act (CEQA) Initial Study and Environmental Checklist for the Tentative General Waste Discharge Requirements for Discharges of Wastes from Commercial Agricultural and Nursery Operations within the San Diego Region has been released.

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.

On January 17, 2013, San Diego Water Board staff sent out 51 letters to growers who may no longer be participating in the San Diego Region Irrigated Lands Group. San Diego Water Board advised them that the Ag Waiver requires any member who ceases to participate in a monitoring group to file a Notice of Intent (NOI) with the San Diego Water Board to enroll as an individual under the Ag Waiver. The NOI must be filed with the San Diego Water Board within 30 days of ceasing to participate in the monitoring group.