

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

December 2009

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

Future monthly reports will alternate between the status of the ILRP at the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. English and Spanish translations of current and past ILRP monthly reports can be found on the [State Water Boards Agriculture Program](#) website.

CENTRAL COAST REGION

Agricultural Order Renewal:

At a December 10, 2009 meeting, the Central Coast Water Board directed staff to release a draft of a proposed order regulating discharges from irrigated lands. The release of the draft proposed order will be on February 1, 2010 for members of the public to review and comment. The Central Coast Water Board also agreed to consider alternative recommendations for regulating discharges from the agricultural industry, environmental organizations, or any other party, in a public workshop on May 12, 2010. The Board encouraged any party who wants to present such an alternative, to provide recommendations in writing by April 1, 2010, so Board members and other members of the public have time to review and comment on all proposed options at the public workshop on May 12, 2010.

Non-point sources of pollution, primarily from agricultural sources, are a major cause of water quality impairment that severely impacts drinking water, aquatic life and other beneficial uses of surface and groundwater in the Central Coast Region. The Water Board currently regulates discharges from irrigated Lands with a Conditional Waiver of Waste Discharge Requirements that expires in July 2010 (Order No. R3-2009-0050). Irrigated agriculture discharges are regulated by the Conditions in that order. To receive updates on the Agricultural Order Renewal via email, interested parties are encouraged to subscribe to the [Agricultural Dischargers email list](#).

Enforcement:

The Central Coast Water Board penalized Pacifico Azul, Inc., a Watsonville agricultural operation, \$7,455 for failing to comply with the enrollment and monitoring requirements of the Water Board's Agricultural Regulatory Program.

LOS ANGELES REGION

Staff continued follow up work on 5 ACLs issued on May 5, 2009. All ACL recipients have enrolled in the Los Angeles Region Conditional Waiver for Irrigated Lands program. One ACL recipient paid the penalty and the case is completed. Staff met with ACL recipients who wished to engage in settlement discussions. Three ACL recipients have verbally agreed to settlements. Staff is currently working with legal counsel to draft the settlement agreements and complete these cases. One ACL recipient elected to pursue a Regional Board panel hearing. The hearing is scheduled for January 28, 2010. Staff is preparing evidence documents required for the hearing.

Staff is developing new enforcement cases against landowners for failure to enroll in the Conditional Waiver for Irrigated Lands.

Staff continues to work with the Ventura County Agricultural Irrigated Lands Group (VCAILG) on the implementation of their Water Quality Management Plan (WQMP). Best management practice (BMP) survey results from first tier priority growers are available. Staff is working with VCAILG to evaluate the results in a county wide context. BMP implementation is underway in the first-tier priority drainages. Second tier priority growers are expected to complete BMP surveys in spring 2010. Second tier priority growers are the primary target of ongoing outreach. Staff, in cooperation with the NPS program, solicited 319 (h) grant concept proposals from agriculture stakeholders.

COLORADO RIVER REGION

The Palo Verde Ag Prohibition has had legal review; staff is completing final edits. Staff anticipate circulating the prohibition for public comment next spring.

Staff conducted the first TAC meeting for the Coachella Valley Ag Prohibition on December 14th at the Coachella Valley Water District. Presentations were given by Johnny Gonzales (State Water Board) on The Cooperative Approach to Assess and Protect Water Quality in Agricultural Areas, and Jon Rokke (RB-7) on The Role of the TAC. Discussion was facilitated by Gita Kapahi (State Water Board).

The TAC agreed to conduct monthly meetings at the Coachella Valley Water District on the third Wednesday of each month. TAC meetings will be held from 1:00 P.M. to 5:00 P.M. for six consecutive months, beginning January 20, 2010. Meetings are scheduled as follows:

- January 20, 2010
- February 17, 2010
- March 17, 2010
- April 21, 2010
- May 19, 2010
- June 16, 2010

Staff is reviewing the Imperial County Farm Bureau 319(h) concept proposal submitted for the 2010 competition.

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 on a 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, and the CWAD program is being designed to be part of implementation program for these TMDLs.

In order to formulate a strategy to develop a CWAD program, the Regional Board staff has been consulting with State Water Board staff and conducting meetings with key stakeholders, including the Western Riverside County Agricultural Coalition (WRCAC), a NGO, and the Lake Elsinore San Jacinto Watershed Authority (LESJWA), a joint powers authority that includes the Cities of Canyon Lake and Lake Elsinore, Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Santa Ana Watershed Project Authority.

During last few months, the Regional Board staff have also met with other potential stakeholders and related agencies, including the Riverside County Farm Bureau and Riverside County Agricultural Commissioner's offices. Board staff is coordinating with representatives of WRCAC and LESJWA and the Southern California Coastal Water Research Project (SCCWRP) explore establishing a CWAD program monitoring program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring. Also, in coordination with RWQCB 9, SCCWRP and State Water Board, the Regional Board is exploring ways to integrate monitoring programs for both RWQCB 9's ag. waiver and the Santa Ana Region's CWAD program into the regional water quality monitoring program for Southern California coastal watersheds that is being developed and implemented by the Stormwater Monitoring Coalition (SMC).

During last several months, Regional Board staff conducted field surveys of various agricultural operations in the CWAD Program project area and have been meeting with local growers and farmers to introduce upcoming CWAD program and to get their feedback. Regional Board staff is also coordinating with TMDL staff and staff of other regions, particularly Regions 4 and 9, as well as State Water Board staff to establish criteria for the minimum acreage threshold for enrollment in its CWAD program.

On November 17, 2009, Regional Board staff conducted a public information meeting regarding its upcoming CWAD program as a part of its public outreach aspect of this program. This meeting was held in Eastern Municipal Water District's Board room. At this meeting, State and Regional Board staff gave presentations on statewide prospective of irrigated ag. program in various regions and regional board staff presented the status its CWAD program. Also, information on the upcoming CWAD program and its stakeholders' potential role in the program was also discussed. The meeting was attended by over 50 people representing growers, local farmers and various stakeholder groups. Regional Board staff received feedback from local growers during its question and answers session.

At this meeting, Board staff also discussed the proposed program, and solicited suggestions about how best to put the CWAD program in place. Possible topics for workshop discussions will include:

- Are all farming operations going to be covered, or are there exemptions from the program;
- Criteria to establish minimum acreage enrollment requirement for the program;
- Have "third party representatives" been formed and will there be a cost to be represented;
- How the Regional Board identified operators who will be required to be in the CWAD program; and
- The schedule for putting the CWAD program in place.

The Board staff is planning to schedule another evening public information meeting, sometimes in February 2010. The meeting place and agenda will be announced in near future. The public information meeting will be publicized on the Regional Board's website, through direct email contact, and through stakeholders throughout the watershed.

SAN DIEGO REGION

During the month of December, staff continued to develop basic monitoring criteria that will be required in monitoring plans, once the waiver enrollment period ends. Monitoring groups and individual dischargers are required to submit monitoring plans between January 1, 2011 (the enrollment deadline date) and December 31, 2011.

Final adoption of the San Diego Region's Ag Waiver occurred in February of 2008. Growers subject to the Waiver must file a Notice of Intent for enrollment (either individually or as a member of a monitoring group) by January 1, 2011. During the summer of 2009, the Regional Board finished mailing out notification letters to all known growers in the region. The information used to generate a mailing list was taken from sources such as pesticide users lists, and fertilizers users lists. However, the San Diego Region is home to an unusually large number of small growing operations, who are not easily identified using available databases. Therefore, identification and notification of growers remains a high priority.