

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

December 2012

This month's Irrigated Lands Regulatory Program (ILRP) report covers the December 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.

NORTH COAST REGION

Agricultural program has been developing for almost a year now. Stakeholders need to see the whole program at once and not a "piece meal" process. Staff is putting the documentation together by June 2013. Staff will continue to exclude grazing because the Regional Board is relying on the statewide grazing project to produce the regulatory tools needed to regulate the grazing industry. The region wide permit will be ready in the fall of 2013 and staff will release to the public at that time.

To help develop an effective and viable program, staff is working with 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. The Advisory Group meets as a full group and as subgroups representing four different geographic areas in the North Coast Region.

Staff recently developed draft conditional waiver language and a draft outline of a farm water quality plan for review by the Advisory Group. Staff held a series of meetings with the subgroups in October 2012 to discuss the draft language and receive input from the subgroups. Staff will make revisions based on oral comments received at the meeting and written comments, which are due November 7, 2012.

SAN FRANCISCO BAY REGION

On November 16, 2012, the Regional Water Board published a Draft Conditional Waiver of Waste Discharge Requirements for Vineyard Properties in the Napa and Sonoma Creek Watersheds (Conditional Waiver) and a proposed Initial Study and Mitigated Negative Declaration for public comment.

The adoption of the Conditional Waiver would establish a regulatory mechanism to reduce and control erosion and discharges of pollutants from new, existing, and

replanted vineyards, including roads on vineyard properties. The proposed Conditional Waiver is consistent with and will implement the Napa River and Sonoma Creek sediment Total Maximum Daily Loads (TMDLs), which call for vineyards to be regulated through waste discharge requirements (WDRs) or waivers of WDRs.

The proposed regulation would apply to most vineyard properties in the Napa River and Sonoma Creek watersheds that are located on relatively flat (less than 5 percent average slope) parcels 40 acres or greater in size and on hillside (greater than 5 percent average slope) parcels 20 acres or greater in size. Flatland vineyards containing established riparian setbacks that provide water quality and habitat protections are considered low threat water quality facilities and would be exempted from coverage under the Conditional Waiver.

The Conditional Waiver includes a process for approval of third-party agricultural technical assistance groups to help vineyard owners or operators prepare acceptable farm plans, implement effective management practices, and comply with reporting requirements. Third-party Groups may also assist the State Water Board with fee collection. Several technical assistance groups are already working with farmers in Napa Valley and Sonoma Valley, including the Resource Conservation Districts, Fish Friendly Farming/Napa Green, U.C. Cooperative Extension, and the California Sustainable Winegrowers Alliance. The Regional Water Board staff has been collaborating with these groups to ensure adequate technical support will be available to help farmers comply with Conditional Waiver requirements once it is adopted.

Regional Water Board staff has participated in numerous field trips, workshops, and conferences throughout the Conditional Waiver's development. Most recently, on December 13, 2012, Sandi Potter presented a Conditional Waiver update at a seminar on *Sustainable Vineyard Practices, Replant Strategies and Economics*, sponsored by the Napa Valley Grape Growers. The seminar focused on opportunities and challenges facing farmers planning to replant vineyards in Napa Valley in the next 5 to 8 years.

The public hearing on the Conditional Waiver and Mitigated Negative Declaration is scheduled for the March 13, 2013, Board meeting. The draft conditional waiver and associated California Environmental Quality Act (CEQA) document and a summary fact sheet with frequently asked questions are posted on the [San Francisco Water Board's website](#).

CENTRAL COAST REGION

The Central Coast Water Board continues to expand outreach and communication efforts during implementation of the 2012 Agricultural Order. A Central Coast Water Board goal is to ensure that all stakeholders have opportunities to understand how to implement and comply with the 2012 Agricultural Order and improve water quality.

Central Coast Water Board staff is currently engaged in the following outreach activities:

- Providing status information and compliance assistance on our webpages;
- Providing specific assistance to the Spanish speaking community with little or no access to computers;
- Providing individual and phone assistance to growers and technical assistance providers about the requirements;
- Coordinating with laboratories and consultants regarding monitoring and reporting requirements;
- Allocating grant funds to assist small and/or limited resource growers;
- Engaging with technical assistance providers, industry and agency representatives, commodity groups, and the academic community at conferences and meetings; and
- Evaluating and reporting to the Board and stakeholders on status of compliance with various requirements.

Some specific examples include the following. On November 12-13, 2012, staff presented an update of the 2012 Agricultural Order at the Sustainable Ag Expo in Monterey, CA, and participated in a panel discussion titled “Protecting Surface & Groundwater Quality: Current Data, Waiver Update, and Grower Innovation”. On November 15, 2012, staff presented information about the 2012 Agricultural Order at the University of California, Agriculture and Natural Resources Strategic Initiative Conference on Water in Davis, CA, and participated in a panel discussion titled “Water: Opportunities and Challenges – Irrigated Lands”. The audience for this discussion included researchers and technical assistance providers (UC Cooperative Extension) who support the agricultural industry and growers with information on water quality management. Also, Regional Water Board members toured farms and discussed farming operations with growers in the Santa Maria Valley on December 5, 2012, and in the Salinas Valley on December 14, 2012.

In November 2012, the Central Coast Water Board sent letters to all enrolled growers reminding them of upcoming requirements and revised compliance dates per the State Water Board’s Stay Order WQ-2012-0012.

Staff assisted hundreds of growers via phone calls to meet requirements to update their electronic enrollment information by October 1, 2012, submit the annual compliance form by December 1, 2012, and sample groundwater by December 31, 2012. As of December 14, 2012, 4,193 farms (412,247 acres) are enrolled in the Order and growers submitted annual compliance forms for more than 1550 farms (indicating an approximate compliance level of 80% of those required, farms in Tiers 2 and 3).

Also, in the next coming months, staff is planning to conduct site visits and inspections to learn how growers are implementing requirements and to answer questions in the field. They will also be seeking collaboration with growers and technical assistance providers to develop tools to implement requirements such as nutrient budgeting and to evaluate effectiveness of management practices. Staff is meeting on January 8, 2012, with staff from the California Department of Food and Agriculture to discuss that agency’s efforts for developing nitrogen budgeting tools and to see if we can use

similar tools for implementation of the Order.

We are also considering presenting staff's assessment of implementation at informal meetings with growers and inviting growers to report to staff and the Board on their own perspectives about how implementation is progressing.

LOS ANGELES REGION

Regional Board staff has been conducting lots of stakeholder outreach and moving forward with implementation of best management practices (BMPs). Staff met with the coalition groups concerning their water quality management plans. The plans were somewhat disappointing during the last Waiver period, and staff wants to ensure they have more comprehensive plans on how to implement BMPs and where.

Staff is conducting inspections and working with growers regarding enrollment. Enrollment is still being pushed in both counties, but staff has encountered significant issues with enrolling irrigated lands operations in Los Angeles County. Staff will be sending out another notice to enroll in the first week of January 2013. Staff is hoping to send out Notice of Violation's (NOV) and moving forward with Administrative Compliance Letters (ACLs) and developing templates for both.

The Farm Bureau group, Ventura County Agricultural Irrigated Lands Group (VCAILG), has been working with Regional Board staff throughout the Conditional Waiver program. VCAILG represents the growers well in Ventura County. They have provided many opportunities for growers to achieve education requirements for the Conditional Waiver program.

Grant Management:

Staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach to implement best management practices (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.

Staff continues to manage a Clean Water Act section 319(h) grant that 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 Board staff and other stakeholders and has recently identified priority locations for BMP implementation along the San Gabriel River. They also recently developed a draft Quality Assurance Project Plan (QAPP), currently being reviewed by staff. Following outreach to the priority locations, the CWH will implement procedural BMPs at these locations, evaluate BMP effectiveness, and submit an Implementation Recommendation Report to Regional Board staff.

COLORADO RIVER BASIN REGION

Colorado River Basin Regional Water Quality Control Board (Regional Water Board) staff has started 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 and Mesa areas in Riverside and Imperial Counties. The Regional Water Board adopted the Conditional Waiver during a public hearing on September 20, 2012, in Palm Desert. This Conditional Waiver affects about 120,000 acres of farmland along the Colorado River.

Draft Board Order R7-2013-0002 for the Bard Unit of Reservation Division (Imperial County) Conditional Waiver is tentatively scheduled for a public hearing on January 17, 2013. A public workshop on the matter was held in Winterhaven, California, on December 11, 2012. This Conditional Waiver affects about 7,000 acres of farmland along the Colorado River.

Staff will work with interested parties in the Coachella Valley to develop a Conditional Waiver of WDRs for consideration for adoption in late 2013. A Conditional Waiver for the Imperial Valley is targeted for consideration for adoption in 2014.

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. 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, using a conditional waive, watershed-based phased approach. The first phase of this program is being developed for waste discharges from agricultural operations San Jacinto, Salt Creek and Lake Elsinore Watersheds. The Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore. he CWAD program is being designed to be part of the implementation program for these TMDLs.

On September 10, 2012, the Regional Board staff gave a comprehensive tour of the CWAD program watershed area (San Jacinto River Watershed) to the US-EPA and State Water Board Non-point source staff, during which different areas of various agricultural activities in the region were observed and inspected. The tour was followed by a meeting with the local stake-holders' coalition group (with Pat Boldt and Bruce Scott of Western Riverside County Agricultural Coalition-WRCAC), and a boat tour of the Canyon Lake (a drinking water Lake in the CWAD program watershed area).

On December 6, 2012, Regional Board staff organized a tour of the Scott Brothers Dairy Farm located in the CWAD program area (City of San Jacinto). Tour participants included State Water Board's Non-Point Source Program and, Western Riverside County Ag. Coalition (WRCAC) staff. The tour included observation of the proposed dairy wash water gasification project under construction at the dairy property which will utilize the dairy milk barn wash water to produce energy (biofuel). The Project's consultant (Agri. Waste Management-AWM) gave a power-point presentation on this project to the visiting group.

Regional Board staff has developed a "CWAD Program Advisory Group" which consists of about 20 members including local farmers, industry groups, and major stakeholders, etc. Last CWAD advisory group meeting was held on November 15, 2012. The following are the major topics of discussion:

- CWAD Program updates and discussions on the revised CWAD Program schedule;
- Some specific issues related to excessive manure dumping in the CWAD program watershed area and high TDS concentration in the project groundwater basin were discussed by the group members;
- The recent increase of dry farming in the CWAD project versus the irrigated land farming and its potential implications on the CWAD program were discussed by the WRCAC and other group members;
- Internal draft agriculture conditional waiver and draft CEQA Neg. Dec. being circulated in-house for edits, comments and revisions; and
- The revised CWAD program schedule.

Staff is presently working on the Ag. Waiver staff report review. Regional board staff regularly participates in WRCAC (Western Riverside County Agriculture Coalition) monthly technical committee meetings. WRCAC is a major stakeholder in CWAD program.

Next scheduled CWAD advisory group meeting will be scheduled sometime in the first quarter of 2013. Board staff will soon be in process of working on the agenda, presentations, and action items to be presented in the next meeting.

SAN DIEGO REGION

The San Diego Water Board members recently heard from representatives at the Santa Margarita Irrigated Lands Group during the Public Forum at the San Diego Regional Water Quality Control Board meeting on November 13, 2012. The representatives included Rancho California Water District Board Member, Mr. Ben Drake, and Mr. Gary Woodworth, who conveyed their frustration and concerns regarding enrollment and compliance with the Conditional Waiver of Waste Discharge Requirements for Discharges from Agricultural and Nursery Operations (Ag Waiver). In summary, Mr. Drake and Mr. Woodworth expressed concern over the costs associated with implementing the monitoring requirements specified in the Ag Waiver, and the perceived lack of enforcement action undertaken by San Diego Water Board staff to address the issue of “non-filers”. In response to their statements and concerns regarding non-filers, San Diego Water Board staff prepared an Executive Officer Report and attached an issue paper to update the Board members and public on the current situation and activities performed to work with the agricultural community and local agencies to ensure compliance with the Ag-Waiver to date.

The San Diego Water Board staff responded to written comments and concerns from the Santa Margarita Irrigated Lands Monitoring Group about the network on monitoring stations in the upper Santa Margarita River watershed.

The staff had also follow-up conversations and a visit with Mr. Blaine Boyers who is a primary point of contact with the Organic Growers located in the San Diego Region. Mr. Boyers has helped staff become more familiar with the documentation and third-party certifications for Organic Growers, so that we may more effectively understand potential discharges (or lack thereof) from those operations in the San Diego Region.

San Diego Water Board staff is developing a list of facilities (enrollees) scheduled for staff inspections to assess compliance with the San Diego Water Board’s existing Ag-Waiver. A series of letters, sent to the leaders of the Irrigated Lands Monitoring Groups and contacts for 25 individual operations, were sent notifying the recipients of the San Diego Water Board’s intent to schedule inspections for selected agricultural operations.

Staff is developing a list of potential 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).

Additionally, San Diego Water Board staff has initiated the process of working with stakeholders to renew our existing conditional waivers of WDRs, including the Ag-Waiver by February 2014.