

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

February 2012

This month's Irrigated Lands Regulatory Program (ILRP) report covers the October 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 Irrigated Lands Program](#) website.

NORTH COAST REGION

Staff of the North Coast Regional Water Quality Control Board are developing a water quality compliance program to address water quality impacts associated with discharges from agricultural lands. The program is intended to improve water quality, satisfy the requirements of the State Nonpoint Source Policy, and implement TMDLs in the North Coast Region.

To help develop the program, staff formed a Stakeholder Advisory Group composed of people that represent the various stakeholder 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, such as permit requirements, management practice implementation tracking, monitoring, and enforcement.

The Stakeholder Advisory Group will meet in both large meetings of the full Advisory Group and smaller sub-regional meetings. The intent is for the sub-regional groups to focus on local issues, while the full Advisory Group meetings provide the opportunity to exchange ideas and ensure consistency regionwide. The Program will be able to accommodate the diversity of locations, types of agriculture and uses, and risks to water quality present in the North Coast Region, while maintaining procedural consistency to the extent practicable. The geographic areas of the sub-regional groups are as follows:

- Sonoma, Mendocino, and Marin counties Del Norte, Humboldt, and Trinity counties; and
- Scott River and Shasta River watersheds, and the Upper Mid-Klamath area, and Tule Lake area and Butte Valley.

The Advisory Group has met once as a full group in December 2011 in Redding and as four subgroups in Santa Rosa, Eureka, Yreka, and Tulelake in February 2012.

Advisory Group meetings are scheduled throughout this year and through April 2013. At that point, staff will have the draft order(s)/permit(s), which will be circulated for public comment as part of the official public review period. The public comment period is scheduled for summer 2013 with the associated public workshops and opportunities for comment. The Regional Water Board adoption hearing is scheduled for fall 2013.

SAN FRANCISCO BAY REGION

Grazing Waiver for Napa River and Sonoma Creek Watersheds:

The Water Board adopted a Conditional Waiver of waste discharge requirements (Waiver) for grazing operations in the Napa River and Sonoma Creek watersheds on September 14, 2011. The goals of the Waiver are to reduce the discharge of sediment and pathogens to the Napa River and Sonoma Creek, and to protect stream and riparian areas. This program is a key element to implementing TMDLs for these two watersheds.

Ranchers were required to submit a Notice of Intent (NOI) to comply with the Conditional Waiver by November 15, 2011. To date we have received 29 NOIs out of the approximately 50 that were projected.

Board staff is continuing with stakeholder outreach to make sure all eligible ranchers have been notified and are aware of the Waiver and its requirements. To that end, we have submitted a newsletter item in the Sonoma Farm Bureau; and are working with UC Cooperative Extension, and the Napa and Sonoma Resource Conservation Districts in identifying those eligible ranch operations that have yet to enroll.

Furthermore, staff participated in a UC Cooperative Extension sponsored training held back on November 3, 2011, that was held to educate ranchers on the requirements of the Waiver and to help them in completing the NOI paperwork. Future trainings are planned for February 28, and March 15 and 29 this year to help ranchers in the preparation of their farm water quality plans.

Grazing Waiver for the Tomales Bay Watershed:

No update for this period.

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. The Vineyard Waiver would cover existing vineyards, vineyard replants, as well as new vineyard development. Preliminary estimates indicate the Vineyard Waiver will affect at least 42,000 acres of planted vineyards.

Back in December 2011, staff held their second stakeholder meeting at the Schellville Fire Station, located in Shellville, California, just outside Sonoma. Stakeholders

representing growers, local government, environmental groups, and other interests attended. At that meeting Water Board staff received stakeholder input on a variety of topics including establishing qualifications for third-party assistance programs, establishing a procedure by which third-party groups would be evaluated and approved by the Water Board, and input on ways to improve implementation, and ultimately compliance, with the Vineyard Waiver.

CENTRAL COAST REGION

Public Workshop (February 1, 2012):

On February 1, 2012 in Salinas, the Central Coast Water Board held a workshop regarding renewal and revision of the conditional waiver of waste discharge requirements for discharges from irrigated lands. The workshop was scheduled at the request of interested persons to provide the opportunity for Board members to become more familiar with the record in this matter and to hear comments by the public on the proposed 2012 Draft Agricultural Order. In an Order issued on January 8, 2012, the Chair of the Water Board granted the request by the interested persons for the Board to hold an additional workshop. The Chair's Order is available on the [Region 3 website](#).

At the workshop, staff provided a brief summary of the current status of updating the Draft Agricultural Order and overall proceedings to date, and the public had an opportunity to make oral comments. As the written record is now closed, the Water Board is not accepting additional written comments into the record. The Staff Report and presentations from the February 1, 2012 are available on the [Region 3 website](#).

Public Hearing (March 14-15, 2012):

At a hearing scheduled at the Water Board's regularly scheduled meeting on March 14-15, 2012, the Water Board will consider adoption of an Agricultural Order. Notice and process for that hearing will be published later. More information, including the latest version of the proposed Draft Agricultural Order is available on the [Region 3 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. Discharger groups were required to submit a notice of intent (NOI), a monitoring and reporting plan (MRP), and a quality assurance project plan (QAPP) by April 7, 2011 in order to comply with the Conditional Waiver, which was renewed on October 7, 2010. Regional Board staff has reviewed the enrollment documents submitted by NGA-ILG and VCAILG. The Regional Board issued a notice of

applicability to VCAILG on September 13, 2011. The Regional Board received the MRP and QAPP from NGA-ILG in compliance with the Conditional Waiver on April 11, 2011. A NOI was also electronically submitted to the Regional Board on December 9, 2011. The Regional Board issued a notice of applicability to NGA-ILG on February 10, 2012. Annual reports are due within one year of issuance of the notices of applicability. The discharger groups are currently complying with existing MRPs and water quality management plans (WQMPs) that were developed in accordance with the previous waiver.

Education Workshops:

Staff attended one workshop in LA County for the NGA-ILG in January 2012, for which the group received four out of eight hours of required education. VCAILG has planned three educational tours for February, March, and April of 2012. Since renewal of the waiver, 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:

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.

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 also is in the process of executing a new Clean Water Act section 319(h) grant 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. The grantee will identify priority locations for BMP implementation, implement procedural BMPs at the priority locations, evaluate BMP effectiveness, and submit an Implementation Recommendation Report to Regional Board staff.

COLORADO RIVER BASIN REGION

At its January 10, 2012 Board meeting, the State Water Resources Control Board denied a basin plan amendment proposed by the Colorado River Basin Water Board to use a conditional prohibition to regulate agricultural discharges in the Palo Verde

Valley and Palo Verde Mesa. The State Water Board remanded the matter back to the Colorado River Basin Water Board to adopt waste discharge requirements or a waiver of waste discharge requirements, in lieu of, or in addition to, the proposed conditional prohibition for agricultural wastewater discharges. The Colorado River Basin Water Board is assessing how it will regulate discharges from agricultural lands.

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 in a 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. 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. The last CWAD Program Advisory Group meeting was held on November 17, 2011 at the Riverside County Farm Bureau office. Next CWAD Program Advisory Group meeting is scheduled for April 5, 2012. 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 (July 28, 2011) meeting are as follows:

- CWAD Program Coalition forming, monitoring program and pollutants trading project- by WRCAC staff;
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- CWAD program schedule updates;
- CEQA Negative Declaration and draft Initial Study Checklist CWAD Program Cost Analysis Study;
- CWAD Program Draft Notice of Intent (NOI); and
- CWAD Program draft Ag. Waiver Requirements (Ag. Waiver Order).

SAN DIEGO REGION

Monitoring Plans:

Monitoring plans were submitted by the four monitoring groups. A Notice of Violation was issued to one monitoring group because rather than submitted a signed, final report they submitted a draft monitoring plan. A final monitoring plan was subsequently submitted. The monitoring plans are currently under review.

Ag Waiver Review and Re-Issue:

Staff continue work on the Ag Waiver re-issue. One Stakeholder meeting was held to discuss proposed changes with the regulated community. The major anticipated changes will be on how to define a "Commercial Grower" and to provide additional detail on the required monitoring plans. Several internal meetings are planned during March 2012.