

IRRIGATED LANDS REGULATORY PROGRAM UPDATE September and October 2016

This Irrigated Lands Regulatory Program update provides a summary of significant activities of the State Water Board, North Coast, San Francisco Bay, Central Coast, Los Angeles, Colorado River, Santa Ana, Central Valley, and San Diego Water Boards' staff in September and October 2016.

STATE WATER BOARD:

In September 2016, Irrigated Lands Regulatory Program staff participated in various meetings with outside groups including the California Department of Food and Agriculture to discuss support for the California Association of Resource Conservation Districts' proposal for the USDA Regional Conservation Partnership Program. On September 13th, staff participated in the California Roundtable on Agriculture and the Environment. In addition, program staff met with the California BioResources Alliance, California Agricultural Partnership Forum, California Association of Pest Advisers/Certified Crop Advisers, Farm Food Safety Conservation Network, and the Association of Clean Water Administrators.

Program staff participated in the quarterly roundtable meeting on September 7th and 8th in Santa Rosa at the North Coast Regional Water Quality Control Board. Program staff is also working with the Division of Administrative Services' Fees Branch to discuss developing an alternative fee schedule to address drought specific fallowed acreage.

In October 2016, ILRP staff participated in various meetings with outside groups. Program staff met with the sustainable winery industry and the wine institute to discuss the Water Boards' proposed Winery and Vineyard General Order. Program staff participated in a meeting with the Natural Resources Conservation Service (NRCS) State Technical Advisory Committee to discuss Farm Bureau funding allocations for FY 2015-16 and the 2016-17 priority project categories. Staff met with the California Bioresources Alliance (CBA) to finalize this year's November 1-2, 2016 CBA Annual Symposium titled "Renewable Carbon Management in California." In addition, program staff spoke with Danish delegation from the Ministry Of Foreign Affairs Of Denmark Innovation Centre Denmark to discuss the regulatory drivers within agriculture and water in California. They provided insight into how regulation is designed in Denmark, which has also been dealing with water quality issues related to nitrates, phosphorus, and pesticides.

On October 19, 2016, the State Water Board held a public staff workshop for the Eastern San Joaquin Agricultural Order Petition draft. The purpose of the workshop was to allow staff to ask parties and representatives of stakeholder groups detailed questions about specific comments submitted on the draft order that was released on February 8, 2016, and to allow for in-depth dialogue on several issues raised in comment letters and oral comments to the Board.

REGIONAL WATER BOARDS:

As of October 1, 2016, the **North Coast Water Board** had a total of 597 entities enrolled in the conditional Waiver of Waste Discharge Requirements for discharges from cannabis cultivation and associated activities. There are an additional 181 entities that have submitted a notice of intent, but have not completed the enrollment process.

On July 15, 2016, the **San Francisco Bay Water Board** released draft general waste discharge requirements (GWDRs) and a related environmental impact report for a 45-day public comment period. Several requests were received to extend the comment period on the draft GWDRs due to timing conflicts associated with the fall harvest. In response to these requests, the comment period on the draft environmental document was extended to September 14, and the comment period on the draft GWDRs until December 12. The GWDRs will require actions to control discharges of sediment, nutrients, and pesticides from vineyard properties located in the Napa River and Sonoma Creek watersheds and implement total maximum daily loads completed for these watersheds. Third-party technical assistance groups are expected to provide an important function by assisting producers in complying with the requirements of the proposed GWDRs. Project information, including a fact sheet, the draft GWDRs, and the environmental impact report can be found at:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/vineyard/index.shtml

On September 28, 2016, **Central Coast Water Board** ILRP staff, presented staff's update on the renewal of the current Agricultural Order as agenda [item-11](#); the current Agricultural Order (a waiver of waste discharge requirements) expires on March 14, 2017. The board provided staff direction regarding: 1) the term of the next Agricultural Order, indicating that the term of the next order should be less than five years, aligned with when pending lawsuits and petitions might be resolved; and 2) a favored expansion of the total nitrogen applied requirement relative to current reporting requirements, thereby requiring most growers growing high risk crops to report total nitrogen applied. Staff held outreach meetings with growers, grower consultants, and environmental advocates in August, prior to the September board meeting. Stakeholders recommended changes to the current Agricultural Order; many of these changes are being incorporated into drafts of the replacement Agricultural Order. Staff intends to post a draft Agricultural Order for public comment on or about November 1, 2016, thereby providing a 60 day comment period prior to the March 2017 board meeting. The Executive Officer issued revised monitoring and reporting programs associated with the current Agricultural Order that will be implemented beginning in January 2017; the revised MRPs gave the cooperative monitoring programs information needed for planning/budgeting 2017 monitoring. The revised MRPs include groundwater well monitoring and the addition of neonicotinoid pesticide monitoring in surface water in 2017. The revised MRPs were petitioned for review in abeyance by Grower Shipper Association, Monterey County Farm Bureau, *et al.*

The **Los Angeles Water Board** staff is continuously working with the Discharger Groups regarding enrollment and re-enrollment of the growers in the Conditional Waiver, Order No. R4-2016-0143, adopted on April 14, 2016. Regional Board staff continues to have meetings and/or conference calls with the Discharger Groups regarding enrollment, farm evaluation plan templates (Management Practices Survey), and new Waiver requirements compliance. The Regional Board staff is currently focusing their efforts on outreach to increase enrollment. As part of this effort, on September 27, 2016, the Water Board staff presented the new Conditional Waiver requirements in a class provided by the Farm Bureau of Ventura County.

The **Central Valley Water Board** is implementing their Irrigated Lands Regulatory Program and responding to the State Water Board's draft order regarding the petition of the Eastern San Joaquin Waste Discharge Requirements.

Central Valley Water Board staff holds quarterly stakeholder meetings to provide an open forum for communication between Water Board staff, agricultural coalitions, environmental justice groups, and other interested parties in Central Valley Region. The July stakeholder meeting focused on the East San Joaquin Water Quality Coalition's Groundwater Quality Management Plan. The October 11th stakeholder meeting will focus on the Northern San Joaquin/Sacramento Coalitions' Group Management Practices Evaluation Program.

On July 22nd, August 8th, and August 26th, Central Valley Water Board staff participated in meetings with the representatives of agricultural coalitions and environmental groups to discuss issues raised during the State Water Board Workshops regarding the Eastern San Joaquin Waste Discharge Requirements petition response.

On August 19th, the Central Valley Water Board heard an information item regarding the East San Joaquin Water Quality Coalition's Groundwater Quality Management Plan and Nitrogen Management Plan Summary Report Analysis.

Central Valley Water Board staff concentrated compliance, outreach, and enforcement efforts on the following areas: agricultural parcel inspections; Water Code section 13260 Directives; Notices of Violation for failure to respond to a Water Code section 13260 Directive and failure to comply with Orders; Pre-Administrative Civil Liability Notification Letters; and Administrative Civil Liability Complaints.

The Central Valley Water Board has directed staff to arrange an enforcement hearing panel to be held in Fresno on November 3rd and 4th. Board staff recently issued 14 Administrative Civil Liability Complaints to dischargers for either failure to comply with a Water Code section 13260 Directive, or for failure to submit a farm evaluation pursuant to the applicable general order. Proposed fine amounts for the ACL Complaints range from \$15,210 to \$70,980. Additional information can be found at the following link:

http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/index.shtml

On September 15 2016, the **Colorado River Basin Water Board** approved a Special Order that further clarifies the applicability of the Imperial Valley Conditional Waiver to storm water discharges. In October, the Executive Officer approved three 2015 Annual Monitoring Reports sent in by coalition groups in the Palo Verde Valley, Bard Unit, and Coachella Valley. The Executive Officer agreed with staff recommendations to revise coalition monitoring programs based on past monitoring results. Staff is continuing with the development process of a General Order of Waste Discharge Requirements to replace the Conditional Waiver for the Palo Verde Valley. A draft of the proposed WDRs Order and supporting CEQA documents are being reviewed by the Board's management team. Staff plans to bring the General Order before the Colorado River Basin Water Board in January or March 2017.

The **Santa Ana Water Board** adopted the Conditional Waiver of Waste Discharge Requirements for Agricultural Operations in the San Jacinto River Watershed ([Order No. R8-2016-0003](#)) and its associated Mitigated Negative Declaration at their July 29, 2016 meeting. During the July 29, 2016 Regional Water Board meeting, the Board extended the schedule and due date to enroll in the Conditional Waiver from six (6) to nine (9) months. They also directed Water Board staff to work with the agricultural operations to develop an agricultural coalition in the watershed, which will allow for lower fees and alternative compliance responses. Water

Board staff continue to reach out to the agricultural dischargers to respond to the newly adopted regulations.

On November 9, 2016, the **San Diego Water Board** will consider adoption of the following:

- [Tentative Order No. R9-2016-0004](#), *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region.*
- [Tentative Order No. R9-2016-0005](#), *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers Not Participating in a Third-Party Group in the San Diego Region.*
- [Tentative Resolution No. R9-2016-0136](#), *Adoption of a Negative Declaration and Initial Study for General Waste Discharge Requirements for Discharges from Agricultural Operations in the San Diego Region.*