

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

April 2019

This month's Irrigated Lands Regulatory Program update provides a summary of significant activities of State Water Board from March 15, 2019 to April 15, 2019; and the North Coast, San Francisco Bay, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Water Boards from February 15, 2019 to April 15, 2019. Next month's report will present activities of the Central Valley Water Board's program and cover the time-period from March 15, 2019 to May 15, 2019.

STATE WATER BOARD

On March 19, 2019, Irrigated Lands Regulatory Program staff (staff) participated in a conference call with Natural Resource Conservation System (NRCS) and US Environmental Protection Agency (USEPA) staff to discuss Source Water Protection areas. Source Water Assessments were completed in 2003. The Source Water Assessment and Protection Program website has information on [drinking water](#). The Waterboards [Source Water Protection frequently asked questions](#) are available on the State Board website.

On April 3, 2019, staff participated in the California Bioresources Alliance (CBA) meeting to discuss concepts for the 2019 workshop symposium and potential lectures. CBA plans to focus a significant portion of the symposium on ideas for streamlining permitting. Speakers could identify barriers and opportunities to overcome these barriers.

Additionally, on April 3, 2019, staff attended the Certified Crop Advisory Board of Director's emergency meeting. The meeting was to discuss the future impact of the International Certified Crop Advisers and the Western Region Certified Crop Advisers Executive Committee decision to end the administrative contract with California Association of Pest Control Advisers.

On April 4, 2019, staff met with the Nonpoint Source Unit of the State Water Resources Control Board to assist in developing the 5-year plan for the Irrigated Lands Program (ILRP). The two big steps for the program over the next 5 years are to wrap up adoptions, and to begin data- driven planning.

On April 9-10, 2019, staff attended the Department of Pesticide Regulation (DPR) Best Management Practice Symposium. DPR presented several different ways to mitigate pesticide contamination in surface and ground water. Retention ponds, vegetation treatments, woodchips, and biochar were among the many strategies explored.

On April 10, 2019, staff also attended a stakeholder meeting held by Central Valley Regional Water Board staff in Modesto. Discussions included enrollment, potential

changes to the fee structure, and management plans.

On April 12, 2019, staff met with the Northern California Water Quality Association staff regarding the development of an alternative fee schedule. Comments on the potential fee structures were received following February's fee stakeholder meeting. Comments are currently being reviewed and will be presented to all staff at the ILRP roundtable meeting on April 25, 2019.

NORTH COAST REGION

North Coast Regional Water Quality Control Board staff are currently developing an administrative vineyard and orchard discharge draft permit and plan to get input from an existing Stakeholder Advisory Group once the draft is ready for review. Staff provided an update to the Regional Water Board in February 2019 on the program scope and progress towards developing the draft order.

The lily bulb growers responded to the California Water Code 13267 Order issued by the Regional Board's Executive Officer requesting technical information. The information will be used to develop a draft water quality management plan that will be further refined through a stakeholder process. Staff are working to finalize monitoring locations and landowner access for upcoming sampling with the monitoring team composed of federal and state agencies and the Tolowa Dee-ni' Nation. The Environmental Law Foundation, the Institute for Fisheries Resources, and the Pacific Coast Federation of Fishermen's Associations filed a petition asking the Regional Water Board to develop a permit mechanism to regulate discharges of waste associated with lily bulb cultivation. The EO agreed to develop a timeline by the end of 2019 to develop a permit for discharges from lily bulb operations based on the elements from the Smith River Plain Water Quality Management Plan. A preliminary draft of the management plan is scheduled to be complete by June 2019. Staff updated the Regional Water Board on the process to develop the management plan in February 2019.

SAN FRANCISCO BAY REGION

San Francisco Bay Regional Water Quality Control Board staff continue the roll-out of 2017 General Waste Discharge Requirements (Permit) for vineyards located within the Napa River and Sonoma Creek watersheds. The focus is on outreach, enrollment, reconciling land parcel information in GeoTracker, review of annual reports, and enforcement. Recently, over 140 directives to enroll were sent via certified mailing to property owners, who, based on available parcel data, likely own and operate vineyards that qualify for the Permit.

Staff are preparing for a second round of enrollment in mid-summer when 2017 wildfire- impacted vineyards, which were given a time extension on enrollment, are

expected to come into the Program.

Staff are working with the Napa and Sonoma County farm bureaus, resource conservation districts, and other agricultural organizations, on other various aspects of the Permit, including group monitoring, farm plan development, and group fee collection.

Additional Vineyard Program information can be found on the [Regional Board website](#).

CENTRAL COAST REGION

Central Coast Regional Water Quality Control Board staff are working on development of Agricultural Order 4.0. The current order regulating waste discharges from irrigated agricultural lands, R3-2017-0002, known as Ag Order 3.0, was adopted on March 8, 2017, and is a conditional waiver of waste discharge requirements with a three-year term, expiring March 8, 2020.

Ag Order 4.0 seeks to provide solutions to five water-quality problems associated with agricultural operations. The solutions are as follows:

- Excessive nitrate discharges to groundwater, causing significant, widespread degradation of drinking water resources;
- Excessive nutrient discharges to surface waters, causing significant biological impacts;
- Toxicity from pesticide discharges to surface waters;
- Wetland and riparian habitat impact due to agricultural activities and discharges; and
- Water quality impacts due to excessive sediment discharges.

These five specific water quality problems establish the framework Central Coast Water Board staff has used to communicate potential and, ultimately, recommended Ag Order 4.0 content, in the form of five options tables. As part of a two-day March 2019 Board agenda item, staff updated the options tables and proposed conceptual requirements and timelines to address the five water-quality problems cited above.

The updated conceptual options tables incorporate stakeholder suggestions received during the comment period and throughout the extensive Ag Order 4.0 outreach process. These proposed updated options tables provide a framework for an order that sets a course for solving the five water quality problems discussed above, complies with all relevant plans and policies, including the NPS Policy and meets the precedential requirements in the ESJ order. The following are proposed tables for the new Order are as follows:

- Irrigation and Nutrient Management for Groundwater Protection;
- Irrigation and Nutrient Management for Surface Water Protection;
- Pesticide Management for Surface Water and Groundwater Protection;
- Sediment and Erosion Management for Surface Water Protection; and
- Riparian Habitat Management for Water Quality Protection.

The current order requires growers to report information annually by March 1. Water Board staff assisted growers in updating and submitting the following information electronically, mostly through GeoTracker. Thousands of reports, forms and updates, were received. The following document types were received:

- Electronic Notice of Intent;
- Annual Compliance Form;
- Total Nitrogen Applied Report;
- Individual Discharge Monitoring Reports;
- Irrigation and Nutrient Management Plan Effectiveness Reports; and
- Water Quality Buffer Plans.

Staff is currently conducting compliance evaluations on an individual ranch basis, with the intent of issuing Notice of Violations for growers that failed to report by March 1, 2019.

LOS ANGELES REGION

Los Angeles Regional Water Quality Control Board staff received the Annual Monitoring Report (AMR) and Water Quality management Plan (WQMP) from the Ventura County Agricultural Irrigated Lands Group (VCAILG) on December 14, 2018, in compliance with Order No. R4-2016-0143. The WQMP was noticed for public comment and no comments were submitted. The Los Angeles Water Board staff is currently reviewing the WQMP. On March 27, 2019, the Los Angeles Water Board staff sent an e-mail to VCAILG addressing some preliminary comments and scheduled a conference call in April to discuss these comments.

The Nursery Growers Association-Los Angeles County Irrigated Lands Group (NGA-LAILG) submitted their AMR and WQMP on February 7, 2019 in compliance with the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands (Order No. R4-2016-0143). On February 25, 2019, the Los Angeles Water Board noticed the WQMP for public comment. No comments were submitted during the comment period, which had a final date of March 21, 2019. The Los Angeles Water Board staff is currently reviewing the WQMP.

On February 26, 2019, the Los Angeles Water Board staff had a conference call with the NGA- LAILG representatives to discuss growers' enrollment and compliance with the Conditional Waiver.

In March 2019, staff performed two inspections in Ventura County in response to the exemption requests from the growers.

In April 2019, staff reviewed and approved one education credit request for a class offered by the NGA-LAILG.

On April 1, 2019, VCAILG sent the Los Angeles Water Boards staff a list with

terminated members due to nonpayment. The Los Angeles Water Boards staff is currently working on Notices to Re-enroll to be issued to these growers.

On May 17, 2018, the Los Angeles Water Board sent Notices to Enroll in the Conditional Waiver to 187 growers in Los Angeles County. As of April 2019, 36 of these growers enrolled in the Conditional Waiver; 30 were determined to be exempt; and 5 growers did not receive the notice. Staff is seeking further enforcement actions on the remaining growers.

In April 2019, staff attended the DPR Best Management Practice Symposium organized by the in Sacramento.

COLORADO RIVER BASIN REGION

Colorado River Basin Regional Water Quality Control Board held a public workshop in Blythe on March 7, 2019 for the development of a General Order of Waste Discharge Requirements to replace the Agricultural Conditional Waiver for the Palo Verde area. State Water Board staff gave a broad overview of agricultural regulatory programs statewide. State Water Board Assistant Chief Counsel presented information about State Water Board Order WQ 2018-0002 that impacts agricultural regulatory programs statewide. Francisco Costa, Regional Water Board staff, presented information about the requirements of General WDRs For Agricultural Discharges in the Palo Verde area. Several workshop participants from the public spoke out about the draft General WDRs. Regional Water Board staff intend to present the General WDRs to the Regional Water Board for consideration of adoption on May 15, 2019 in Blythe. The workshop was broadcasted and the recorded to be viewed on [CalSpan](#).

Regional Water Board staff are continuing with the development process of an Agricultural General Order of Waste Discharge Requirements to replace the Conditional Waiver for the Bard Unit of Reservation Division. The Waiver for the Bard Unit expired in January 2018. Staff are continuing the process for Board adoption, and plan to hold a public workshop in Blythe on May 15, 2019. Staff plan to take the order to the Regional Water Board for action in Yucca Valley on June 13, 2019.

Regional Water Board staff are continuing with the development process of an Agricultural General Order of Waste Discharge Requirements to replace the Conditional Waiver for the Coachella Valley. The Waiver for the Coachella Valley will expire on June 25, 2019. Staff are drafting a Resolution of a one-year Renewal of the Waiver. Staff plan to take the Waiver Renewal Resolution to the Regional Board for action in Yucca Valley on June 13, 2019. Staff are also continuing the process for Board adoption of the draft General Order, and plan to hold a public workshop in Palm Desert on July 11, 2019. Staff plan to take the draft General Order to the Regional Board for action in Palm Desert, CA on September 19, 2019.

Also, in March, Regional Water Board staff received 2018 Annual Reports from coalition

groups. Staff are reviewing the reports.

SANTA ANA REGION

Santa Ana Regional Water Quality Control Board staff continue to verify enrollee information for the Conditional Waiver for Agricultural Discharges in the San Jacinto River watershed (Order No. R8-216-0003 as amended by Order No. R8-2017-0023; the CWAD). There are currently 33 eNOIs for 28 different agricultural operations in the CWAD program. There are two agricultural operators with two or more separate eNOIs due to conditions within their leases with the landowner. There are 27 additional enrollees that are currently deemed exempt from the CWAD program. Properties given exempt status were those that do not have current agricultural activities or activities meeting the CWAD requirements.

As of April 2019, four agricultural operations have been identified as non-filers for the CWAD program. First and Second notices of Failure to Apply have been sent certified/return receipt to the four operations. Drive-by inspections of three of the four properties show active farming operations which meet the criteria of the CWAD; use of irrigation, fertilizer, mulch, manure and/or pesticides. Additional drive-by inspections are planned by the end of April 2019. The Santa Ana Regional Board staff are drafting a Notice of Violation letter with an estimated mail date of May 2019.

As of October 2018, the San Jacinto Coalition, coordinated by Eastern Municipal Water District (EMWD), is the only coalition available in the San Jacinto Watershed. We continue to work with and encourage those that do not meet the requirements for the San Jacinto coalition to combine their efforts in establishing a second coalition that would encompass the remaining operations. Staff continues to meet with outside agencies to assist in identifying an agency that can assist the remaining operators. In addition, Staff continue to meet with growers to discuss the concerns of the agricultural operations who do not have a representative coalition.

The CWAD is the primary mechanism directing agricultural operations in the watershed to compliance with the Lake Elsinore and Canyon Lake nutrients Total Maximum Daily Loads (TMDLs; Order No. R8-2004-0037), which allocate a portion of the nitrogen and phosphorus loads to agriculture. The TMDLs are undergoing a technical evaluation to establish revised allocations; Santa Ana Water Board staff is working cooperatively with agricultural representatives and other stakeholders in this ongoing process.

SAN DIEGO REGION

San Diego Regional Water Quality Control Board staff continue to focus on enrollment which involves taking enforcement actions on growers who have failed to enroll in [Order No. R9-2016-0004](#) (Order). In March and April 2019, staff issued five letters directing

non-filers to enroll, and a Notice of Violation to one grower for failing to enroll in the Order by the deadline associated with a directive letter issued in November 2018.

As a follow-up to a field inspection in February, staff issued a Notice of Violation to one grower for failing to minimize or prevent the discharge of waste to waters of the State, and an Investigative Order requiring a description of improved management measures to correct the alleged violations.