

North Coast Regional Water Quality Control Board Agricultural Lands Discharge Program

Advisory Group Meeting
June 26, 2012



Goals for Today

Item 3: Discuss changes to Draft Scope & Framework

Item 4: Review recommendations from subgroups

Item 6: Develop recommendations of the full Advisory Group

- Consensus seeking
- Document differing recommendations
- After meeting staff will incorporate revisions and develop draft final recommendations (including all variations, if any)

Item 7: Discuss our next steps & schedule

Item 8: Receive recommendations on stakeholder process

Item 2
Introduction, Meeting Logistics,
and Agenda Review

Item 3

Overview of Changes to the Draft Scope & Framework

Purpose of Presentation

- Present changes to Draft Scope and Framework since the May subgroup meetings
- Respond to written and oral comments

Versions

04/26/2012

DRAFT FOR DISCUSSION PURPOSES ONLY

**North Coast Regional Water Quality Control Board
Water Quality Compliance Program for Discharges from Agricultural
Lands in the North Coast Region (Program)**

**Program Scope and Program Framework
DRAFT – For Advisory Group Discussion
04/26/2012**

SCOPE OF PROGRAM

Land Use Types Within Scope

- All cultivated acreage, including vineyards, orchards, row crops, field crops
- Forage crops
- Medicinal marijuana farms
- Nurseries
- Irrigated Pasture

Land Use Outside of Scope

- Non-commercial agriculture or hobby agriculture of with a revenue of \$ or less with no tailwater discharge to waters of the state including all ditches, drains, and other water conveyances that are hydrologically connected to waters of the state.
- Commercial agriculture on less than the following acreages with no tailwater discharge to waters of the state including all ditches, drains, and other water conveyances that are hydrologically connected to waters of the state:
 - Vineyards and orchards < acres
 - Row crops < acres
 - Field crops < acres
 - Forage crops and irrigated pasture < acres
 - Nurseries < acres
- Agriculture exclusively for 4H or FFA projects with no tailwater discharge to waters of the state including all ditches, drains, and other water conveyances that are hydrologically connected to waters of the state

Land on Property Within Scope

Once the operation is identified as falling within the scope of the program, the following refines the scope to identify which lands and facilities on the property would be included:

- Agricultural lands including fields, pastures, orchards, vineyards, irrigated pasture, and all other areas where agricultural crops are produced
- All associated facilities including buildings, equipment yards, and roads on the property that access agricultural lands.

06/08/2012

DRAFT FOR DISCUSSION PURPOSES ONLY- JUNE 8, 2012

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

**DRAFT Agricultural Lands Discharge Program Scope and Framework
June 8, 2012**

Scope of Program

The North Coast Regional Water Quality Control Board (Regional Water Board) Agricultural Lands Discharge Program (Program) is expected to address waste discharges from agricultural lands as defined below. Additionally, this effort is intended to augment, but not supersede, existing Regional Water Board programs, such as the total maximum daily load (TMDL) programs in the Scott, Shasta, and Garcia watersheds and the Dairy Permitting Program. Permit conditions for the Program will be defined in such a way that compliance can be combined with other water quality programs to simultaneously meet all regulatory requirements.

This section describes the specific activities proposed for inclusion in the Program.

Land Use Types and Agricultural Activities in Scope

- Vineyards
- Orchards
- Row crops
- Field crops
- Medicinal marijuana farms with x or more plants
- Irrigated pasture
- Cultivated forage crops with ground disturbance
- Associated facilities¹
- Activities with discharges to waters of the state (including groundwater)

Out of Scope:²

- Farming activities that result in a land disturbance of less than one acre
- 4H and FFA projects
- Academic research projects
- Medicinal marijuana farms under x plants
- Dryland grazing³

¹ See glossary in Appendix A.

² The Regional Water Board Executive Officer may require participation/enrollment in the Program for a farm/operation identified as an out-of-scope activity/farm/operation if it poses a threat to water quality.

³ Management practices for dryland grazing are not included in this Program unless specifically required by other existing water quality programs, such as the Scott and Shasta TMDLs. All growers/operators will have the option of including any and all grazing operations in Farm Water Quality Management Plans for this Program to minimize permit redundancy. See Appendix A for the definition of Farm Water Quality Management Plans.

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Revisions to the Scope

Old Draft: Variable Acreage Threshold	New Draft: Land Disturbance \geq 1 ac.
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- Many comments received on size criterion
- Justification:
 - Size is a good surrogate for risk to water quality
 - EO can require operations $<$ 1 ac. to enroll in Program if needed
 - Necessary to limit number of entities in the Program
 - 1 acre threshold based on construction stormwater program
- Removed commercial/revenue criteria

Revisions to the Scope

Old Draft: All Medicinal Marijuana Included	New Draft: Farms with $\geq x$ plants or $\geq x$ square feet
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- Outstanding issue – looking for suggestions
- Working with law enforcement agencies on illegal growing operations

Revisions to the Scope

Associated Facilities

New Draft:

- See the Glossary (Appendix A)
- Includes buildings, staging areas, equipment storage areas, other associated facilities
- Includes animal feeding areas if areas are associated with farming activities that are in scope
- Includes roads. See definition of “appurtenant road”

Justification:

- Associated facilities can be the source of discharges or potential discharges to waters of the state

Note: Fees are not based on the acreage of associated facilities

Revisions to the Scope

Discharges of Waste to Waters of the State

- Program will regulate discharges of waste associated with named land use activities within scope
- Comment: Groundwater has not been included up to this point.
 - Waters of the state includes ground water and Program will regulate discharges of waste to groundwater
 - Groundwater is only a concern in some areas of the region

Revisions to Scope

Cultivated Forage Crops and Irrigated Pasture

- Comments:
 - Forage crops with no ground disturbance and permanent pasture generally pose less risk to water quality compared to other land uses
- New Draft – Activities in Scope:
 - Cultivated forage crops with ground disturbance over 1 acre
 - All irrigated pasture
- Proposed Revision to Irrigated Pasture:
 - Include irrigated pasture with tailwater discharge
 - Irrigated pasture with no tailwater runoff covered through other programs or as part of a future grazing program
- Encourages elimination of tailwater on irrigated pasture

Revisions to the Scope

Dryland Grazing

- Program will continue to exclude dryland grazing
- Goal: Minimize permit redundancy
- Program will be coordinated with existing or future program
 - Scott and Shasta TMDL Waivers
 - Permit(s) that may be adopted as part of statewide process to address grazing
- Landowners conducting activities that fall within scope can voluntarily cover their entire operation under one permit

Revisions to the Scope

- Nurseries
 - Inadvertently removed from being in Scope
 - Staff to add back in and define
- No change to exclusion for 4H & FFA
- Added exclusion for academic research projects

Revisions to Framework

Comments:

- Desire for a way into Tier 1 besides meeting physical criteria
- Good management should qualify operations for Tier 1
- Slope should not be included as Tier 1 criteria
- Where did 35 foot buffer on Class III streams come from?
- Why isn't a clean discharge of tailwater, frost water, or subsurface drainwater allowed in Tier 1?
- Concerns about monitoring costs

Revisions to Framework

Tier 1

Staff proposing two paths to Tier 1 in response to comments

1. Low risk category for farms that meet certain verifiable criteria related to risk

- Includes slope - criteria will be developed through GIS analysis and group input
- Roads are less than x% hydrologically connected to a stream
- 35 foot buffer from Class III stream or other conveyance
- No discharge of polluted tailwater, subsurface drainage water or frost water to surface water

2. Stewardship category that recognizes good management

- Implementing a farm water quality plan or in compliance with an approved third party program
- Management practices are currently being implemented and are effective

Revisions to Framework

Tier 1 Benefits

- Enrollment requirements may differ from Tier 2
 - Verification process for Tier 1 will be discussed at future subgroup meeting
- Will have less monitoring and reporting over time compared to Tier 2
 - Monitoring and reporting to be discussed at future subgroup meeting

Revisions to Framework

Tier 2 – Moderate Risk

- Operations do not meet Tier 1 criteria
 - Do not meet physical characteristics
 - Are not implementing an approved farm water quality plan
 - Management practices are not being implemented and/or are not effective
- Higher scrutiny compared to Tier 1
- Ability to move to Tier 1 through planning and implementation of effective management practices that meet permit conditions

Revisions to Framework

Tier 3 – Individual Waste Discharge Requirements

- Report of Waste Discharge may be submitted by owners/operators that choose not to enroll in Tier 1 or 2
- May be adopted by the Regional Water Board to address high risks to water quality
- May be developed for farms regardless of size or type of operation

Other Comments

Definitions

- Many now in the Glossary (Appendix A)
- “Agronomic rates” will be added
- “De minimis” to be removed and replaced with the concept of low risk.
- “Hydrologic connectivity” will be revised
- “Waste” will be added

Open Discussion

Opportunity for discussion regarding changes to the Draft Scope and Framework.

Item 4
Updates & Recommendations
from Sub-Regional Groups

Item 6
Program Scope & Framework:
Developing Advisory Group Recommendations

Scope of Program

- Discharges or potential discharges of waste to waters of the state associated with land use activities within the scope
- Land use activities within scope
 - Vineyards, orchards, row crops, field crops
 - Medicinal marijuana farms
 - Irrigated pasture with tailwater runoff
 - Cultivated forage crops with ground disturbance
 - Nurseries
 - Associated facilities
- Out of Scope
 - Less than 1 acre of ground disturbance
 - Medicinal marijuana farm with less than x plants or less than x sq ft.
 - 4H, FFA, and academic research projects
 - Dryland grazing

Tier 1 – Low Risk

- Slopes less than 10% - to be refined based on GIS analysis
- Roads less than x% hydrologically connected to stream
- No land within riparian zone or 35 feet of Class I or II stream
- No land within 35 feet of a Class III stream or other conveyance to a Class I or II
- No use of certain pesticides
- No tailwater, subsurface drainage water, or frost water (polluted) discharge of waste to surface waters, direct or indirect
- Fewer monitoring requirements and minimal/no fees

Tier 1 – Water Quality Stewardship

- Requires verification that an approved farm plan is in place or third party program requirements are being met
- Management practices as described in the plan/third party program are being implemented
- Management practices are effective at addressing risks to water quality and meeting permit conditions
- Implementation and effectiveness can be verified through reporting
- Fewer monitoring requirements and minimal/no fees

Tier 2 – Moderate Risk

- Operations do not have an approved water quality farm plan or third party certification and/or
- Management practices are not being implemented and/or are not effective
- Ability to move to Tier 1 through planning and implementation of effective management practices that meet permit conditions
- Increased monitoring and oversight
- Higher fees

Tier 3 – Individual WDRs

- Individual Waste Discharge Requirements (WDRs)
 - Application may be submitted by owner/operators that choose not to participate in the Ag Lands Program
 - May be adopted by the Regional Water Board to address high risks to water quality
 - May be developed for farms regardless of size or type of operation

Item 7

Next Steps

Proposed Schedule

June 26, 2012	<p style="text-align: center;">Full Group Scope and Tier Framework</p>
July 26, 2012	<p style="text-align: center;">Full Group Webinar Introduction of Monitoring Types</p>
Aug/Sept 2012	<p style="text-align: center;">Sub-Regional Groups Enrollment, Documentation, Approval Process, Standard Language Provisions</p>
Oct/Nov 2012	<p style="text-align: center;">Sub-Regional Groups Farm Plans, Monitoring, Reporting, 3rd Party Certifications</p>
January 2013	<p style="text-align: center;">Full Group Recommendations on Topics from Previous 2 Sub-Regional Group Meetings</p>
May/June 2013	<p style="text-align: center;">Full Group Draft Permit & CEQA Documents</p>
Summer 2013	<p style="text-align: center;">Public Workshops</p>

Item 8

Process Evaluation