

# North Coast Regional Water Quality Control Board Agricultural Lands Discharge Program Development

Oct. 15<sup>th</sup> – Santa Rosa

Oct. 18<sup>th</sup> – Eureka

Oct. 23<sup>rd</sup> – Klamath Falls

Oct. 24<sup>th</sup> – Yreka



# Purpose of October Subgroup Meetings

- Review conditional waivers and their uses
- Discuss draft waiver language
- Discuss Water Quality Plan elements and options for development

# Approach to Ag Lands Program

- BMP Based Program
  - Operators select and implement practices most appropriate for their operations
  - Implementation is monitored and reported to the Board
- Selected Practices Documented in Water Quality Management Plans
  - Plans can be developed by an individual, by a group, or through a 3<sup>rd</sup> party program
- Periodic inspection by Regional Board staff or third party
  - Provides assurance and feedback for adaptive management

# What is a Conditional Waiver?

- Type of permit adopted by the Regional Board as an “order”
- Orders are documents that formalize regulatory actions by the Regional Board
- Contains specific enforceable requirements (conditions) that must be met in order to permit discharges for a specific activity
- Contains standard language and language specific to the regulated activity or water quality concern

# General Conditional Waiver as a Permitting Mechanism

- Most common type of permit for nonpoint sources
- Individuals obtain waiver coverage by meeting stated requirements
- Must be considered for renewal by the Regional Water Board every five years
- Must include monitoring and reporting requirements
  - can be met by individuals, groups, coalitions, or via 3<sup>rd</sup> party programs

# Waiver Outline - Findings

- Waiver Purpose and Need
  - General water quality concerns related to agriculture
  - Statewide direction to develop program
- Board Authorities
  - Authority to regulate discharges of waste to waters of the state
  - Authority to issue WDRs and waivers
  - Authority to require technical reports
- Scope – from scope and framework document
- Summary of Required Actions

# Waiver Outline - Actions

- Administration – (standard language effectuating waiver)
- Eligibility and Definition of Tiers (from scope and framework document)
- Waiver Performance Standards (ag-specific)
- Discharge Prohibitions (standard and ag-specific)
- Water Quality Management Plans (ag-specific)
- Enrollment and Other Procedures
- Standard Provisions
- Monitoring and Reporting
- Time Schedules

# Draft Language for Discussion Today

- Administration – (standard language effectuating waiver)
- Eligibility and Definition of Tiers (from scope and framework document)
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# Waiver Performance Standards

- Standards are met through implementation of practices selected by operators
- Standards must be protective of water quality
- Not all standards will be relevant to all operations
- Practices to meet standards should be reasonable to implement

# Waiver Performance Standards

1. Minimize bare soils
2. Prevent erosion through source control and treatment
3. Stabilize unstable areas - only applies to sources related to ag activities
4. Construct and maintain roads, ditches and other facilities to minimize discharges
5. Manage riparian areas to promote riparian function

# Waiver Performance Standards

6. Prevent livestock from disturbing bare soils and creating erosion
7. Prevent livestock from entering surface waters except when crossing (may need to revise to include established watering locations)
8. Store and apply fertilizers to prevent and minimize discharges
9. Store and apply pesticides and other chemicals to prevent and minimize discharges
10. Minimize concentrations of chemicals in runoff and/or minimize quantity of runoff

# Advisory Group Input

- Are the performance standards adequately protective of water quality?
- Are the standards complete and clearly stated?
- What practices might be implemented to meet these standards?
- Are these standards in conflict with existing best management practices?

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# Discharge Prohibitions

- Specify types of discharges that are not allowed
- Provide a clear enforcement mechanism where water quality impacts are significant
- Some prohibitions are standard to all Regional Board permits, some are specific to agriculture

# Agriculture Specific Prohibitions

1. No discharge of waste not regulated by this order (i.e. hazardous waste and human waste)
2. No stockpiling soil and debris where it could wash into streams
3. No dumping chemicals down well casings or placing them where they could reach surface or groundwaters
4. No dumping pest control chemicals or bait traps...
5. No dumping trash...

# Standard Prohibitions

6. Do not cause or contribute to water quality standard violations
  - Time will be provided for compliance
7. No adverse impact to human health or environment or beneficial uses
8. Cannot cause or threaten pollution, contamination or nuisance
9. No discharge of waste not controlled through BMPs (considering removing or revising)



# Advisory Group Input

- Do the discharge prohibitions adequately protect water quality?
- Are the prohibitions complete and clearly stated?
- What practices might be implemented to prevent violation of the prohibitions?

# Water Quality Management Plans

- Tiers 1 and 2 both require Water Quality Management Plans
- Plans must include:
  1. Management practices selected to meet performance standards and prohibitions
  2. Includes means for monitoring and reporting to the Board
- Individual planning needs vary by operation
- Water Quality Plans may already exist as part of NRCS or other farm plan
- Ability to develop plans in a way best suited to individual operations

# Water Quality Management Plans

## Common Elements

1. Contact info
2. Description of operation relevant to water quality and program scope
3. Farm/Ranch map
4. Description of streams and local conditions
5. Management practices that address specific water quality concerns
6. Implementation timeline
7. Monitoring and reporting

# Options for Plan Development

- Plans may be developed:
  - For an individual operation (template may be used)
  - For a group of operations (IDs, RCDs, etc.)
  - As part of an approved 3<sup>rd</sup> party certification program

# Advisory Group Input

- Are the suggested plan elements sufficient to document compliance with waiver conditions?
- What existing plans and programs (3<sup>rd</sup> party or other) could be used to fulfill water quality planning requirements?
- Are there existing plan templates that might be useful?
- What groups might develop group plans?

# Next Steps

- Comments on draft language due November 7<sup>th</sup>
- Suggestions for examples of water quality planning documents, templates, and existing programs most welcome by November 7<sup>th</sup>
- Staff will make revisions to draft language and release back to the group