

**North Coast Regional Water Quality Control Board
Agricultural Lands Discharge Program**

Re-scoping Proposal

July 18, 2013

Progress to Date

Since 2011, the North Coast Regional Water Board (Regional Water Board) and Stakeholder Advisory Group have been in discussions to develop the Agricultural Lands Discharge Program, which would include a region-wide permit for agricultural discharges.

To date, the concept has centered on a tiered permit system in which agricultural operators develop water quality management plans and implement best management practices (BMPs) to prevent and limit agricultural discharges. Operators/landowners would receive regulatory coverage for discharges resulting from their activities and associated facilities if they comply with the conditions of the permit. Draft permit conditions discussed with the group include, for example, the development of a water quality management plan, implementation of BMPs, BMP effectiveness monitoring, and reporting to the Regional Water Board. The group also discussed a tiered system that incentivizes (1) the development of certified water quality management plans and (2) the verification that BMPs are effective at adequately minimizing risks to water quality. The permit would allow for specific plans to be prepared by “third parties” that would cover a grower or group of growers. Areas at increased risk to water quality or with intensive agricultural use would be the initial focus for regulatory coverage.

What We’ve Heard

The North Coast Region contains a wide variety of climates, hydrology, topography, soil types, vegetation, and agricultural practices. As such, stakeholders have repeatedly commented that a region-wide permit may not be capable of addressing specific agricultural issues across a diverse landscape.

Proposal to Re-Scope the Program

Based on this input from the Advisory Group and the desire to develop a more efficient and effective program, Regional Water Board staff are proposing to ‘re-scope’ the program. Rather than develop a single region-wide permit, staff propose to address agricultural discharges by developing a series of separate permits tailored to specific commodities and/or geographic areas. These permits would retain the same framework and basic components that have been discussed with the Advisory Group to date. For example, in most cases, they would remain general permits utilizing the tiered approach and would require water quality planning, implementation, monitoring, and reporting.

Proposed Permit Development

The first permits to be developed would be either Waste Discharge Requirements (WDRs) or conditional Waivers of Waste Discharge Requirements for discharges associated with the following crop commodities/geographic areas:

- Lily Bulbs
- Vineyards and Orchards
- Agricultural Lands in the Tule Lake Watershed

Proposed Approach to Other Agricultural Discharges

As part of the re-scoping proposal and in addition to developing the three permits listed above, Regional Water Board staff propose the following approaches to address other agricultural-related discharges:

- Scott River and Shasta River Watersheds
Agricultural discharges in the Scott River and Shasta River watersheds would continue to be addressed through the existing conditional Waivers of WDRs, which were adopted by the Regional Water Board in October 2012 and remain in effect until October 2017. Since these waivers were developed as part of TMDL implementation, they currently only address pollutants associated with the site-specific 303(d) list impairments (e.g., the Scott TMDL Waiver addresses sediment and temperature impacts and the Shasta TMDL Waiver addresses temperature and dissolved oxygen/nutrient impacts). As part of the renewal process for the existing waivers, the scope of pollutant coverage would be expanded to be consistent with the other agricultural discharge permits.
- Marijuana Cultivation
In the near term, staff will continue to address discharges from marijuana cultivation through outreach and education, complaint response, and coordinated enforcement. Staff are currently assessing the legality of developing a permit specific for marijuana-related discharges.
- Butte Valley
Staff would focus on assessing groundwater and surface water quality in Butte Valley in the near term. The data would be used to help assess risk to water quality from agricultural discharges and the priority of permit development in Butte Valley.
- Dryland Grazing
As previously planned, dryland grazing would be addressed through the ongoing Statewide Grazing Regulatory Action Project. Any irrigated grazing outside of the Scott River and Shasta River watersheds that would have fallen under the region-wide permit scope would also be addressed through the statewide process.
- All Other Agricultural Discharges
Agricultural discharges from other types of operations, such as those from nurseries or smaller farms, would be addressed as needed based on risk to water quality. As with any threat to water quality in the North Coast, the Regional Water Board Executive Officer may require regulatory coverage through individual WDRs or initiate enforcement action to address an individual agricultural operation that poses a significant threat to water quality, even if it otherwise falls outside of the scope of existing permits.

Rationale for the Proposal

There are several reasons for developing a series of permits as opposed to a single region-wide permit. First, as mentioned above, stakeholders have provided feedback that a region-wide permit may not be capable of adequately addressing specific agricultural issues or activities across the diverse landscape of the North Coast Region. Second, streamlining the Program to directly address those commodities/areas with the greatest risk to water quality creates a more efficient way to address agricultural discharges than a single, region-wide permit. A commodity/area-based approach is more flexible because permit conditions can be made more specific to the water quality risks associated with a particular commodity or geographic area. Further, the permits can be revised individually as needed, without the need to consider the effect on other commodities/areas as would be the case with revisions to a region-wide permit. Third, considering the existing permits in the Scott and Shasta watersheds and the development of the three named permits above, the majority of agricultural acreage in the North Coast Region originally within the scope of the region-wide permit will have permit coverage. The State Nonpoint Source Policy would be satisfied for agricultural discharges in those areas.

Impact on Stakeholder Advisory Group Activities

Shifting the focus from a single region-wide permit to commodity/area-based permits will necessarily alter the structure of the Advisory Group. Instead of a single Advisory Group with individual, sub-regional groups, the sub-regional groups will be restructured somewhat to help develop the commodity/area-based permits. Since it is likely that some similarities will exist across all agricultural permits in the North Coast, the full Advisory Group could be reconvened occasionally to discuss agricultural issues as a whole.

A full meeting of the Advisory Group will be held on September 10, 2013, in Redding to discuss this proposal further. We are looking for your input and recommendations. Regional Water Board staff will then present this proposal and stakeholder input at the Regional Water Board meeting currently scheduled to be held in Fortuna on September 26, 2013. In the meantime, staff will work with stakeholders to answer questions about this revised approach in preparation for the September 10th meeting.