



California Regional Water Quality Control Board Central Coast Region



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Arnold Schwarzenegger
Governor

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Dear Agricultural Advisory Panel Participant:

The Central Coast Water Board invites you to participate in the renewal of the *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands* (Irrigated Ag Order). The existing Order expires in July 2009 and must be renewed, revised or replaced. When we bring the Irrigated Ag Order to the Water Board for consideration in 2009, I will propose specific revisions to clarify existing requirements, and new requirements where necessary to directly address and resolve the major water quality issues associated with irrigated agriculture in our Region. These revisions will include time schedules to achieve compliance, milestones, and compliance verification monitoring to address each issue (surface and groundwater pollution, erosion and sedimentation, and habitat degradation). This letter briefly summarizes the main water quality issues we will address, and requests your participation in a series of meetings with us to discuss the Irrigated Ag Order revisions I will propose to the Water Board in July 2009.

The requirements, time schedules, milestones, and compliance verification monitoring I will include in the draft Irrigated Ag Order are similar to the requirements we include in other permits, waivers, Total Maximum Daily Load Orders (TMDLs), Stormwater Management Plans, Timber Harvest Plans, and other regulatory tools. This approach is also necessary to comply with the State and Regional Boards' 2004 Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. Our approach is based on this Policy, so I ask that you read the Policy prior to our Ag Advisory Panel meetings, especially the section beginning on page 11, titled "The Key Elements of an NPS Pollution Control Implementation Program." You can review the Policy on-line at:

http://www.waterboards.ca.gov/water_issues/programs/nps/docs/oalfinalcopy052604.doc

Clarifying Water Quality Requirements in the Irrigated Ag Order

The draft Irrigated Ag Order will clarify how growers and property owners will comply with existing requirements, and will include new requirements where necessary to achieve compliance. The Irrigated Ag Order will be revised to require growers and property owners to demonstrate compliance with the following conditions per defined schedules:

- Eliminate toxic discharges of agricultural pesticides to surface waters and groundwater
- Reduce nutrient discharges to surface waters to meet nutrient standards
- Reduce nutrient discharges to groundwater to meet groundwater standards
- Minimize sediment discharges from agriculture lands
- Protect aquatic habitat (riparian areas and wetlands) and their buffer zones

Defining specific requirements, time schedules, milestones, and verification monitoring in the Irrigated Ag Order for each issue above ensures that the regulated community understands its obligations to meet discharge requirements and its role in helping to achieve water quality objectives and protect resources, while allowing reasonable time to reach full compliance. We

understand that these requirements will not be achieved in a short time frame. The purpose of defining schedules and verification monitoring is to ensure that reasonable progress is being made towards compliance and that growers understand their obligation to comply with water quality requirements.

Water Quality Issues

Below is a brief summary of the major water quality issues associated with irrigated agriculture in our Region, based on data from our office's Central Coast Ambient Monitoring Program, the Bay Protection and Toxic Cleanup Program, the agricultural Cooperative Monitoring Program, and extensive research done in several of our watersheds. We recognize the effort the Cooperative Monitoring Program has made to ensure farmers are aware of these water quality problems. Some growers are changing practices in response to information provided by the Cooperative Monitoring Program, outreach coordinators, and technical assistance providers, and we appreciate these efforts. Other growers are not making progress, and severe water quality problems continue. The high levels of nitrate and significant amount of toxicity we see at many sites, along with habitat degradation and the documented removal of vegetation that can protect water quality, make it imperative that we aggressively address these problems.

Pesticide Toxicity

The Cooperative Monitoring Program has found the pesticides chlorpyrifos and diazinon at concentrations that exceed water quality objectives, at concentrations known to cause toxicity, and these data and data from several other researchers indicate that these two chemicals are responsible for much of the widespread water toxicity found in watersheds where agriculture is the dominant land use. In addition, the Cooperative Monitoring Program has documented widespread sediment toxicity at many of its sites. Although the CMP has yet to follow up on this problem with chemical monitoring, related research in the area has pointed to pyrethroid pesticides, as well as chlorpyrifos, as primary sources of toxicity. There are data showing high toxicity in water and sediment from agriculture-dominated surface waters in our region, and concurrent impacts on benthic macroinvertebrate communities. The Central Coast Water Quality Control Plan (Basin Plan) specifically prohibits discharges of waste containing substances that cause or contribute to toxicity or which produce detrimental physiological effects in aquatic life.

Nutrients/Nitrate

Groundwater and surface water salt and nitrate pollution is prevalent in some agricultural areas within our region. The Basin Plan prohibits discharges that could result in groundwater or surface water nitrate concentrations above 45 milligrams per liter (mg/L) as nitrate, or 10 mg/L as nitrogen. Thirty out of the 50 Cooperative Monitoring sites consistently exceed water quality standards for nitrate. In addition, constituents such as orthophosphate consistently exceed recommended levels in some areas. Nitrate levels necessary to protect aquatic life are substantially less than the limits noted above, which further illustrates the magnitude of the problem.

Nutrient discharges may contribute to algal blooms in both fresh and saltwater environments. These nutrient induced algal blooms are a major impact to aquatic life over large geographic areas, and are becoming more intense and more prevalent in some areas.

Sediment

Sediment eroding off bare ditch banks and farm fields contribute directly to water quality impairment, through the sediment itself and by carrying attached pesticides and other constituents. Minimizing sediment movement from farm fields and ditches is a critical requirement for protecting water quality.

Habitat Degradation

Land use management activities have significantly degraded aquatic habitat (riparian areas and wetlands) throughout the Central Coast and California. For example, over 90% of wetlands have been lost in California over the past 100 years. Healthy riparian habitat and wetlands, including buffer zones, are critical to protect the beneficial uses of our waters. They help to reduce flood impacts by helping to attenuate peak flood flows, recharge groundwater, stabilize streambanks, provide critical habitat for a wide diversity of wildlife, and filter nutrients and pathogens, among many other benefits. The Basin Plan requires the protection of riparian habitat and the maintenance of adequate buffer zones. The food safety issue has resulted in some growers removing riparian habitat and buffer zones on and around irrigated agricultural fields, which is a direct violation of the Basin Plan.

Verifying Compliance

In addition to the Cooperative Monitoring Program, we will also include a tiered compliance verification monitoring program in the Irrigated Ag Order. The tiered monitoring program will range from minimal monitoring requirements for growers who are already in compliance or who are making significant progress in reducing pollutant discharges, to comprehensive monitoring for growers who are not in compliance or not making progress toward compliance with discharge requirements. We will work with the Panel to develop reporting tools and a tiered structure that focuses on threats to water quality, known water quality problems, and other factors. This approach is similar to the tiered monitoring program we developed for timber harvesting and the scaled monitoring efforts we require for other dischargers. Verification monitoring may incorporate several elements, including management practice reporting, photomonitoring, and individual water quality testing.

Proposed Renewal Process

We request the help of the Agricultural Advisory Panel in developing appropriate milestones, timetables, and verification monitoring requirements to reach the required goals, all of which will be incorporated in our recommendations to the Central Coast Water Board for an improved Irrigated Ag Order.

We also request the help of the Panel in making other improvements to the Irrigated Ag program. Based on prior input received from the Panel and from Water Board staff and management, topics for discussion include additional education requirements, outreach strategies, farm planning and assessment, enforcement strategies, and monitoring program

modifications. Panel members may wish to add other topics. We value your insight and we need your assistance in developing practical methods to achieve our mutual goals.

As part of the Irrigated Ag Order renewal process, Water Board staff will work with the Panel to develop recommendations to staff. The Panel will develop ground rules for working together and Panel recommendations will be based on the consensus of Panel members. Staff may provide draft language or work with the panel to develop language. I will consider all recommendations from the Panel.

Proposed Schedule of Meetings

We propose to hold approximately five meetings of the Panel between December 2008 and April 2009. The Panel may wish to recommend additional meetings or the formation of subcommittees to work on specific topics as a way to make the best use of the Panel's time.

Panel Membership

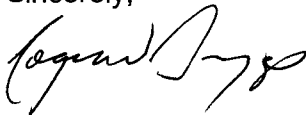
Attached is a table of participants and their affiliations. Please review the list for errors and let us know if corrections are needed. In some cases we have included alternates. We believe the process will be best if one representative attends all meetings but this may not always be possible. We have attempted to contact as many interested parties as possible. Some of those contacted felt that their interests were adequately represented by the panel and asked only to be kept informed. We have also attempted to limit the size of the group, in order to facilitate discussion and exchange of views, yet include as broad a representation as possible. Upon reviewing the list, if you feel that some important representation is missing, please contact us.

We will hold the initial Panel meeting at the Central Coast Water Board offices in San Luis Obispo on December 18, 2008, from 10 am until 3 pm. Staff will provide an agenda and meeting materials prior to the meeting.

The first five years of the Irrigated Ag Program have been challenging but also rewarding. The support of the agricultural and environmental communities in developing the program has been a vital part of the progress we have made to date. We thank you for your willingness to continue working on these important issues and look forward to working with you to make additional progress in improving water quality.

If you have questions, please contact Alison Jones of my staff, at (805) 542-4646.

Sincerely,



Roger W. Briggs
Executive Officer