
North Coast Regional Water Quality Control Board

Agricultural Lands Discharge Program Program Development Questions

This document reflects the Regional Water Board staff's current thinking on key questions to be considered by the Stakeholder Advisory Work Group regarding the development of the Agricultural Lands Discharge Program (Program). As a result, answers to the questions below (and the concepts they represent) are likely to change based on Regional Water Board staff and stakeholder input as development continues. The answers are being provided as a reference to be used at future meetings of the Advisory Group on these topics.

Program Implementation

1. Will there be time provided for growers to come into compliance with the Program?

Yes. Regional Water Board staff will work with individuals to develop timelines for meeting permit requirement and implementing practices. The timelines will consider the relative risks to water quality, the resources available, and the feasibility of implementing the required actions. The operator will be in compliance as long as the timelines are met.

2. Will the program allow assessments by third parties instead of Regional Water Board staff?

Yes, as currently proposed. It is the intent of the Regional Water Board to be able to rely on third party programs to leverage resources. Regional Water Board staff are working with third party programs to develop and adapt their standards to the requirements of the Program. Once the programs are coordinated, a third party would be able to perform the role of assessor and/or inspector. However, especially in the initial phases of Program implementation, it will be necessary for Regional Water Board staff to do spot checking or auditing of the third party inspections.

3. Will operators be required to fence streams and keep out livestock?

No, as currently proposed. It is not the prerogative of the Regional Water Board to dictate the mode of compliance. As we have heard from the Advisory Group meetings, fencing is but one method for addressing livestock impacts to riparian areas and streamside shading. The Regional Water Board recognizes that other means exist for supporting the essential function of riparian areas on ranches and intends to coordinate with operators and technical assistance providers to implement practices that work best for a particular situation.

Water Quality Management Plans

4. What is a water quality management plan?

A water quality management plan is a comprehensive inventory and assessment of agricultural lands and roads, which details management practices at the property. In addition to documenting existing management practices, the plan should include a strategy, tailored to the individual site, for implementing management practices and projects as necessary to meet waiver water quality requirements. It must address all sources of waste discharges and other controllable water quality factors related to facilities and roads. The requirements for the content of a water quality management plan are still being developed with input from the Advisory Group.

5. How can water quality management plans be developed?

As currently proposed, the Program will provide several options for developing plans in order to make use of existing programs and planning documents and to make administration more efficient. Regional Water Board staff recognize that some operators have already developed a farm plan that addresses water quality management.

Regional Water Board staff are proposing the following options for the development of water quality management plans:

1. Plan is developed for an individual operations (templates can be provided)
2. Plan is developed for a group of operations
3. Plan is developed as part of an approved third party program.

Growers are encouraged to form groups and develop group water quality management plans that are either watershed specific, commodity specific, or specific to a geographic area. The Regional Water Board staff intends to be available to work with groups to develop plans and ensure Program requirements are addressed. Likewise, the Regional Water Board will also encourage group reporting.

6. Will the program recognize the good management practices that are already in place?

Yes. The Regional Water Board staff are developing the Program to recognize good work that is already being done to protect water quality and build on those efforts. Since the Program relies on operators developing site-specific management practices, it will rely heavily on practices that have already been developed and are shown to be effective. To the extent that an individual is already implementing effective practices, it is likely that no further actions will be required by this Program except for reporting the existing practices to the Regional Water Board and documenting them in the water quality management plan. Where group plans or programs already exist, Regional Water Board staff intend to work with those programs to ensure the practices identified in those plans are sufficient to meet requirements.

Monitoring and Reporting

7. What types of monitoring might individuals need to perform as part of the Program?

The monitoring requirements under the Program are still being developed and will be discussed with the Advisory Group. Regional Water Board staff are likely to propose that, for individuals, the primary monitoring requirement involves tracking the implementation and effectiveness of management practices selected by the operator. Upslope implementation and effectiveness monitoring methods that have worked successfully in other programs include photo-monitoring and visual site inspections before and after rain events or at other times when discharges are likely to occur. Individual monitoring requirements may also include evaluating the effectiveness of practices after they are installed. Staff are likely to propose that only under certain circumstances will individuals be required to take water samples on an individual basis. The Program will likely allow for monitoring requirements involving water sampling to be fulfilled on a group basis or in coordination with existing monitoring efforts.

8. When would water sampling be required?

The Agricultural Lands Discharge Program is charged with addressing the effects of agriculture on water quality, and it is in this capacity that water sampling is most useful to the Program and most likely to be required. It is not the objective, nor the responsibility, of the Program participants to track overall trends in a watershed with multiple land uses contributing to instream water quality. The role of water quality sampling in the context of the Program will focus on addressing a particular water quality problem related to agricultural practices. Sampling might be required where the effect of agriculture on water quality can be isolated and evaluated or where instream trend monitoring is needed to provide feedback on the effectiveness of practices being implemented as part of the program. In this case, the Program may require that operators, on a group basis, monitor at certain locations to answer narrowly defined questions, or to screen for the presence of agricultural chemicals. The Regional Water Board will work with operators to develop a monitoring plan specific to a geographic area or crop type and will take into account all the factors that might affect the monitoring results. All monitoring will be conducted according to appropriate quality control and quality assurance protocols.

9. What baseline data will be used as a comparison to water sampling results?

Where water sampling is used to determine program effectiveness, baseline data might include any relevant historical data sets as well as current sampling results. When evaluating the effectiveness of the Program, the Regional Water Board will use water sampling data that are relevant to the impact of agriculture on water quality. Regional Water Board staff do not intend for the Program to track overall trends in a watershed with multiple land uses contributing to instream water quality.

10. What is the Regional Water Board staff's current thinking on whether water quality plans will be available for public review?

Regional Water Board staff are currently considering that water quality management plans remain on site and be made available for Regional Water Board staff review during site inspections. Staff are considering plans not be available for public review. The exception to this is for operators wishing to enroll in the Water Quality Stewardship option under Tier 1. For such operations, staff are considering a requirement that water quality management plans be reviewed and approved by the Regional Water Board's Executive Officer. Once sent in to the Regional Water Board office, water quality management plans would be available for public review. However, personal information and trade secrets would be kept private and withheld from public review.

11. What is the Regional Water Board staff's current thinking on what types of information will be required in reports?

The Program may require, depending on the tier an operation falls under, that operators report periodically on the implementation of management practices. Staff are likely to propose that reports be sent into the Regional Water Board. Again, once sent in, the documents would be available for public review with personal information and trade secrets redacted. The report would only contain information necessary to show compliance with the Program. It would not include anything that is deemed a trade secret by the operator. Where information is to be submitted on a group basis, the Regional Water Board will work with those groups to identify what information is needed for the purposes of Program administration and compliance assurance. The details of what information needs to be sent in will be a topic of discussion at the next Advisory Group meeting.