

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

October 2009

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report will provide an update on the activities of the Central Coast, Los Angeles, Riverside and San Diego Regional Water Quality Control Board programs. The Colorado River Basin Water Board did not submit an update report this month for their agricultural program.

Future monthly reports will alternate between the status of the ILRP at the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. English and Spanish translations of current and past ILRP monthly reports can be found on the [State Water Boards Agriculture Program](#) website.

CENTRAL COAST REGION

Enrollment:

Currently, Region 3 has more than 400,000 acres (approximately 1700 individual growers) enrolled in the current ag order, representing about 90% of irrigated acreage in the Central Coast. As of June 2008, we estimated that approximately 500-800 growers were not enrolled, representing approximately 40,000 acres. In 2007, staff issued more than 100 NOV's related to non-enrollment, resulting in 5 ACLs (see attached press releases). Since that time, 4 of the 5 farms have enrolled and paid all past due monitoring costs and fees, and many new enrollments have occurred.

Currently, staff will continue to follow up with our non-enrollment enforcement efforts, as well as enforcement against growers that do not meet their legal monitoring obligations. In addition, staff continues to pursue compliance and enforcement steps related to groundwater and surface water discharge contributing to water quality impairment (based on watershed prioritization related to severity of impairment and beneficial uses).

Watershed Implementation Strategy:

Central Coast Water Board staff has initiated a coordinated watershed approach to implement the Agricultural Regulatory Program. This approach emphasizes priority water quality issues, such as toxicity, nutrients, and sediments. Initial efforts focus on the Salinas River, Santa Maria, and Pajaro River watersheds. Staff will continue assessing implementation and compliance and targeting enforcement actions as necessary. Addressing priority agricultural water quality issues, on a watershed basis using a focused and systematic approach, in coordination with other Water Board programs and efforts, enables us to maximize our effectiveness toward tangible improvements in water quality and sustainable land management. In addition, we will assess and track our progress at the watershed scale, using specific, tangible operational measures, and adapt to the feedback our tracking provides.

Irrigated Agriculture Order Renewal:

The Central Coast Water Board adopted the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Irrigated Ag Order) on July 9, 2004. As such, this order is due for review in July 2009. However, staff was not able to prepare a new draft Irrigated Ag Order for the July 2009 Water Board meeting due to the complexity of the water quality, aquatic habitat, cultural, and economic issues we are addressing as part of renewal, including compliance with the California Environmental Quality Act. Staff needs more time to address the relevant issues and develop a comprehensive draft Order for Board consideration. Since the existing Irrigated Ag Order expires in July 2009, staff is proposing that the Water Board re-issue the existing Order "as is" for up to one year, until July 2010. In the interim, staff will continue to work on the relevant issues and will bring a comprehensive draft Irrigated Ag Order to the Board for consideration as soon as possible (before July 2010 if possible). Central Coast Water Board staff will complete significant work (described below), prior to bringing a new order to the Board; the new order will build on successes of the existing program and directly address water quality problems from agricultural discharges that are not adequately served by the existing order.

Surface Water Quality Impacts:

The Cooperative Monitoring Program continues to show significant impacts from agricultural operations, specifically, toxicity related to pesticides and high nutrient levels. Overall, nearly half of the cooperative monitoring program sites have shown significant toxicity to invertebrates and 60% of the sites have averaged greater than the current Basin Plan objective for nitrate in drinking water (10 mg/L of nitrate as nitrogen) over the past four years. For nitrate, there is currently no numeric objective to protect aquatic life, but the literature suggests an aquatic life nitrate objective would be significantly lower than the drinking water objective, at approximately 1 mg/L. Staff is continuing work to develop an appropriate nitrate level for the protection of aquatic life.

Groundwater Quality Impacts:

The Board's records included limited groundwater data during development of the first conditional waiver in 2004, with most of the information primarily focused on the Salinas Valley. According to Department of Water Resources Bulletin 118, at least 93 public supply drinking water wells in the Central Coast have nitrate concentrations greater than the drinking water standard (10 mg/L as nitrogen); however, the number of polluted wells is likely to be significantly higher, since this number does not include rural domestic wells. Staff's uncertainty regarding the exact number of wells reflects both how incomplete the data currently are and how difficult collecting private well water quality information can be. As part of the Irrigated Ag Order renewal, staff is currently gathering groundwater data from all our groundwater basins (e.g., ambient water quality, concentration trends over time for specific pollutants, sensitive recharge areas, preferential pathways, etc.). This includes looking at basins that have significant agricultural acreage and identifying trends and actions necessary to improve and protect groundwater basins in agricultural areas. Staff is also planning to participate in a joint project with Monterey County Water Resources Agency (MCWRA) and the

State Water Board to do a pilot project in Salinas to look at groundwater nitrate impacts.

Aquatic Habitat Impacts:

Protecting aquatic habitat is critical for protecting beneficial uses. Staff is currently assessing the state of aquatic habitat health throughout the region and assessing the impact that irrigated agricultural and food safety requirements are having on riparian and wetland habitat. Staff is also reviewing all available information on aquatic habitat protection requirements, ordinances, and regulations nationwide, looking at economic costs associated with both loss and protection, and coordinating with efforts in other regions.

Marine Area Impacts:

Water Board staff is gathering available information on marine environments in the region, including Marine Protected Areas, to assess potential impacts from irrigated agriculture. Staff will look at pollutant loading and assess impacts to aquatic and public health in order to develop adequate requirements to protect marine areas throughout the region.

LOS ANGELES REGION

Staff issued 5 ACLs (on May 5, 2009) to growers for failure to enroll in Conditional Waiver for Irrigated Lands. All growers had previously received a notice of violation (NOV) and failed to respond/enroll in response to the NOV. Staff plans to continue periodic enforcement action to maintain integrity of the Conditional Waiver program. ACLs developed by ILRP staff with guidance from the enforcement unit.

Staff continues to work with the Ventura County Agricultural Irrigated Lands Group (VCAILG) on the implementation of their Water Quality Management Plan (WQMP). Best management practice (BMP) priority areas have been identified. First tier priority growers expected to complete a BMP survey and initiate BMP implementation in summer 2009.

Staff has provided a second round of comments to the LA County – NGA Irrigated Lands Group (NGA Group) on their WQMP document. Staff continues to work with this discharger group to develop a document that will meet the requirements outlined in the Conditional Waiver and address water quality benchmark exceedances.

Staff also continues general outreach (workshops, site visits etc.) with the grower community.

Staff met with VCAILG, representing agriculture dischargers, regarding upcoming TMDLs. Agriculture dischargers will be assigned a load allocation in these TMDLs. The Conditional Waiver for Irrigated Lands will be used to implement the TMDL load allocations.

COLORADO RIVER BASIN REGION

Staff provided Legal with the Draft Staff Report to establish a Conditional Prohibition and Implementation Plan for Agricultural Discharges originating within the Palo Verde Valley and the Palo Verde Mesa. The draft staff report will be finalized to incorporate the following changes from Legal:

- Staff will meet with the Palo Verde Irrigation District (PVID) to ensure PVID fully understands the report, and their requirements/responsibilities. In addition, staff will inquire if PVID has additional input/changes;
- The report will be updated/finalized to incorporate PVID input (if any); and
- The report will be circulated for public review.

Staff is also in the initial stages of two other Conditional Prohibitions for Agricultural Discharges; one for Coachella Valley, and the other for Bard Valley. CEQA Scoping meetings have been conducted for both prohibitions, and a TAC was recently formed for the Coachella Valley prohibition. The first TAC meeting is scheduled for November 10. State Board staff Gita Kapahi, Johnny Gonzales, and Jodi Pontureri will be in attendance. Gita Kapahi will be facilitating the TAC meeting and Johnny Gonzales will be presenting from a state-wide perspective.

SANTA ANA REGION

Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and of other agricultural operations not already regulated by the Regional Board, enroll in a conditional waiver of waste discharge requirements. Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). The Regional Board staff proposes that the CWAD program will be developed and implemented watershed-based, phased approach. The first phase of this program is being developed for waste discharges from agricultural operations in the Lake Elsinore / San Jacinto Watershed. The Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore, and the CWAD program is being designed to be part of implementation program for these TMDLs.

In order to formulate a strategy to develop a CWAD program, the Regional Board staff has been conducting meetings with key stakeholders, including the Western Riverside County Agricultural Coalition (WRCAC), a NGO, and the Lake Elsinore San Jacinto Watershed Authority (LESJWA), a joint powers authority that includes the Cities of Canyon Lake and Lake Elsinore, Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Santa Ana Watershed Project Authority.

During the last few months, the Regional Board staff have also met with other potential stakeholders and related agencies, including the Riverside County Farm Bureau and

Riverside County Agricultural Commissioner's offices. Board staff is coordinating with representatives of WRCAC and LESJWA and the Southern California Coastal Water Research Project (SCCWRP) to explore establishing a CWAD program monitoring program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring. Also, in coordination with RWQCB 9, SCCWRP, the State Water Board, and the Regional Board are exploring ways to integrate monitoring programs for both RWQCB 9's ag. waiver and the Santa Ana Region's CWAD program into the regional water quality monitoring program for Southern California coastal watersheds that is being developed and implemented by the Stormwater Monitoring Coalition (SMC).

During last several months, Regional Board staff conducted field surveys of various agricultural operations in the CWAD Program project area and have been meeting with local growers and farmers to introduce upcoming CWAD program and to get their feedback. Regional Board staff is also coordinating with TMDL staff and staff of other regions, particularly Regions 4 and 9, to establish criteria for the minimum acreage threshold for enrollment in its CWAD program.

On September 17, 2009, Regional Board staff participated in a stakeholder meeting focusing on planning the agenda for the San Jacinto River Watershed Council for the next several years. In this meeting, information on the upcoming CWAD program and the council's potential role in the program was also discussed. Over the next several weeks (possibly by mid-November), Regional Board staff will be conducting another public information meeting with CWAD program potential key stakeholders, including growers' groups. At this meeting, Board staff will discuss the proposed program, and solicit suggestions about how best to put the CWAD program in place. Possible topics for workshop discussions will include:

- Are all farming operations going to be covered, or are there exemptions from the program?
- Criteria to establish minimum acreage enrollment requirement for the program.
- Have "third party representatives" been formed? Will there be a cost to be represented?
- How the Regional Board identified operators who will be required to be in the CWAD program?
- What's the schedule for putting the CWAD program in place?

The public information meeting will be publicized on the Regional Board's website, through direct email contact, and through stakeholders throughout the watershed.

SAN DIEGO REGION

Final adoption of the San Diego Region's Ag Waiver occurred in February of 2008. Growers subject to the Waiver must file a Notice of Intent for enrollment (either individually or as a member of a monitoring group) by January 1, 2011. During the summer of 2009, the Regional Board finished mailing out notification letters to all known growers in the region. The information used to generate a mailing list was taken

from sources such as pesticide users lists, and fertilizers users lists. However, the San Diego Region is home to an unusually large number of small growing operations, who are not easily identified using available databases. Therefore, identification and notification of growers remains a high priority.

Regional Board staff are heavily focused on preparing an overall plan for conducting monitoring. Staff is working with the Region 8's agricultural regulatory program, Southern California Coastal Water Research Project (SCCWRP) and the San Diego and Riverside County Farm Bureaus to develop an approach that utilizes other existing sources of monitoring data (such as regional monitoring conducted by municipalities pursuant to municipal stormwater monitoring permit requirements and POTW monitoring) to develop a network that allows us to assess not just pollutant impacts, but background levels of monitored parameters and an assessment of the overall condition of individual watersheds. The plan calls for using both probabilistic and targeted sampling to collaboratively (i.e., through the cooperation of various stakeholders) achieve a unified and coordinated monitoring program. By developing this plan soon, we hope to assist the Farm Bureaus who are engaged in assembling monitoring groups, in determining what the costs of monitoring will be so that they can provide this information to prospective enrollees.