

**STATE WATER RESOURCES CONTROL BOARD
BOARD WORKSHOP SESSION – OFFICE OF THE CHIEF COUNSEL
JULY 23, 2013**

ITEM 11

SUBJECT

WORKSHOP TO RECEIVE ORAL COMMENTS REGARDING A PROPOSED ORDER AMENDING, IN PART, CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2012-0011 FOR DISCHARGES FROM IRRIGATED LANDS, MONITORING AND REPORTING PROGRAM ORDER NOS. R3-2012-0011-01, R3-2012-0011-02, AND R3-2012-0011-03, AND RESOLUTION NO. R3-2012-0012, ISSUED BY THE CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD. (SWRCB/OCC FILES A-2209(A)-(E)).

DISCUSSION

On March 15, 2012, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted, pursuant to Water Code section 13269, a waiver of waste discharge requirements, [Order No. R3-2012-0011](#) and associated monitoring and reporting orders, [Orders Nos. R3-2012-0011-01](#), [R3-2012-0011-02](#), and [R3-2012-0011-03](#) (collectively “Agricultural Order”) that regulate the discharge of irrigation return flows and storm water from irrigated lands in the region. The Agricultural Order supersedes a conditional waiver of waste discharge requirements in effect since 2004. The provisions of the Agricultural Order address discharges to both surface water and groundwater and apply to approximately 435,000 acres of irrigated lands.

The State Water Resources Control Board (State Water Board) received five petitions challenging various provisions of the Agricultural Order (SWRCB/OCC Files A-2209(a)-(e)). Two of the petitioners also submitted complete requests that the State Water Board stay certain provisions of the Agricultural Order, which were granted in part and denied in part with an order on September 19, 2012.

On June 6, 2013, the State Water Board issued a [proposed order](#) resolving the petitions. The proposed order upholds most of the Agricultural Order but amends several requirements, including those with regard to approval of alternative third party water quality improvement projects and monitoring and reporting programs, authority of the executive officer to change tier designations, maintenance of containment structures, recording of practice effectiveness and compliance in the farm plan, photo monitoring, monitoring of individual surface water discharges, reporting of total nitrogen application, reporting of elements of the irrigation and nutrient management plan, compliance with nitrogen balance ratio milestones, and effective control of certain pollutants.

Written comments on the proposed order were due July 16, 2013. The purpose of the workshop is to receive oral comments from parties and interested persons regarding the proposed order.

POLICY ISSUE

The State Water Board has committed to convening an expert panel to assess existing agricultural practices and propose practices protective of water quality. The panel will consider many of the issues in the petitions, including, generally, indicators and methodologies for determining risk to surface and groundwater quality, the appropriate targets for measuring progress in lowering that risk, and the efficacy of groundwater and surface water discharge monitoring in evaluating practice effectiveness. Accordingly, the proposed order represents an interim determination as to how to move forward on the difficult and complex questions related to agricultural practices, costs, public health, and water quality raised in the petitions. The policy issue to be considered is whether, in the short term, the proposed order appropriately balances the technical and fiscal constraints faced by agricultural dischargers with the need to protect public health and the environment, while longer-term solutions and recommendation are developed by the expert panel.

FISCAL IMPACT

None at this time – workshop only, no final action will be taken. Final action of the Board will be scheduled for a subsequent date. The final action may impact costs to dischargers in implementing the Agricultural Order.

REGIONAL BOARD IMPACT

None at this time – workshop only, no final action will be taken. Final action of the Board will be scheduled for a subsequent date. Because implementation of the Agricultural Order is currently underway, the final action may disrupt implementation and require additional cost and time for implementation of the Agricultural Order by the Central Coast Water Board.

STAFF RECOMMENDATION

N/A

State Water Board action on this item will assist the Water Boards in reaching Goals 1 and 2 of the Strategic Plan Update: 2008-2012 to support beneficial uses of impaired water bodies by 2030 and to improve and protect groundwater quality in high-use basins by 2030, by establishing interim regulatory strategies, and developing long-term strategies, for protecting surface waters and ground waters from agricultural discharges.