

ITEM: 24

SUBJECT: Workshop on Draft WDRs for Discharges from Irrigated Lands for Individual Growers

BOARD ACTION: *No board action. Workshop Item.*

BACKGROUND: On 15 November 2012, staff circulated draft waste discharge requirements for discharges from irrigated lands for growers not participating in a third-party group (draft order) for informal review and comment by interested persons. Interested person comments were due on 10 January. Next steps include staff revision of the draft order based on interested person comments and a formal public review to begin in late February of this year. Staff intends to bring a tentative order before the board for consideration at the 30/31 May hearing. The draft order, attachments, except Attachment D, CEQA Findings, and comment letters received are included in this agenda package.

The long-term irrigated lands program is being implemented through the development of a series of geographically-based orders, one commodity-based order (Sacramento Valley rice), and an order for individual growers. The draft order represents the order for individual growers and is the only long-term irrigated lands program order that would implement waste discharge requirements applicable to individual growers that are not participating in a third-party group, or coalition. Even though board staff does not anticipate broad enrollment in the order, it is appropriate to make general waste discharge requirements available for cases where a grower does not choose to enroll in a coalition group, where coalition group coverage is unavailable, or where the third-party approach is not working (e.g., non-compliance of third-parties or growers). Based on experience implementing the current coalition group-based irrigated lands program, these cases are expected to be rare.

The draft order would establish waste discharge requirements designed to protect groundwater and surface water from discharges associated with irrigated agriculture. All enrolled operations would be required to (1) develop and implement a farm water quality plan, including a certified nitrogen management plan; (2) monitor discharges of tailwater and storm water to surface water; (3) monitor existing groundwater wells and install monitoring wells if directed by the Executive Officer; (4) provide information on nitrogen application and pesticides used; (5) develop and implement plans to address water quality problems; and (6) submit an annual monitoring report to the Central Valley Water Board.

The groundwater monitoring described in the draft order includes monitoring of existing supply wells and where needed, based on a series of threat factors, installation and sampling of monitoring wells as directed by the Executive Officer. Monitoring of existing wells will provide information on general groundwater quality trends, but cannot be used to evaluate the potential effect of waste discharge on groundwater quality. Therefore, staff is proposing to include the requirement that growers, either individually or as part of a cooperative effort, evaluate whether their practices are protective of groundwater quality. This

change would ensure that the board has the information to evaluate whether current discharges to groundwater under the order are meeting receiving water limitations.

In April 2011, the board approved a resolution certifying a program EIR for the long-term ILRP (PEIR). The draft order, based on Alternative 5 of the PEIR, relies on the PEIR for compliance with CEQA. The potential environmental impacts of the draft order are associated with implementation of water quality management practices, installation of monitoring wells, and potential loss of important farmland due to increased regulatory costs. Mitigation measures have been identified that will reduce other potentially significant effects of the order to a less than significant level. The draft order requires implementation of the mitigation measures and includes a mitigation monitoring and reporting program.

There is no staff recommendation for this workshop item. The board may provide direction to staff based on the staff presentation and comments received from the public.

Mgmt. Review \_\_\_\_\_  
Legal Review \_\_\_\_\_ APM \_\_\_\_\_

31 January/1 February 2013 Board Meeting  
11020 Sun Center Dr. #200  
Rancho Cordova, CA 95670