

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
8:30 a.m., October 4, 2012
Yreka, California

ITEM: 5

SUBJECT: Update on the Agricultural Lands Discharge Program (Ben Zabinsky)

BOARD ACTION: Informational Item

BACKGROUND: The Water Quality Compliance Program for Discharges from Agricultural Lands (Program) is being developed by Regional Water Board staff to ensure agricultural operators in the North Coast Region implement practices to address discharges of waste associated with their operations. Agricultural lands that discharge waste to waters of the state can affect water quality through, for example, the over-application of fertilizers and pesticides, human-caused erosion of sediment, pollutants in tailwater return flows, and the removal and suppression of riparian vegetation. The Program is also being developed to meet the requirements of the California Water Code, the State Nonpoint Source Policy, and the Klamath River Total Maximum Daily Loads.

Regional Water Board staff are developing the Program to include a conditional waiver of waste discharge requirements (WDRs), options for individual WDRs, and an outreach and education component. Together, the waiver and individual WDRs are intended to provide coverage for waste discharges associated with agricultural operations.

ISSUES: This presentation will provide the Regional Water Board with a summary of the scope and framework of the Program, an update on the development of the Program to date and the Stakeholder Advisory Group process, and an overview of the next steps.

Scope of the Program

While the scope of the Program is not finalized, it will likely address existing and proposed discharges of waste to waters of the state, as well as other controllable water quality factors, associated with agricultural operations. Regional Water Board staff expect the Program to address waste discharges from agricultural lands such as vineyards, orchards, row crops, field crops, wholesale nurseries,

medicinal marijuana farms, and irrigated pasture and forage crops where tailwater is discharged.

Staff also expect that several types of agricultural operations will fall out of the scope, including operations smaller than five acres, 4H and FFA projects, academic research projects, small medicinal marijuana operations, dry grazing lands, and irrigated pasture and forage crops without tailwater runoff.

Program Framework

The Program requirements are being organized around tiers that reflect both the inherent risk to water quality and the level of assurance provided by the operators that practices are effective at adequately protecting water quality.

Stakeholder Advisory Group Process

In order to develop an effective and viable Program, staff are working with a Stakeholder Advisory Group that advises staff and provides comments on the Program concepts and draft documents. The Advisory Group meets as both a full group and also as four separate sub-regional groups (subgroups). The geographic areas of the subgroups are:

1. Sonoma, Mendocino, and Marin counties;
2. Del Norte, Humboldt, and Trinity counties;
3. Scott River and Shasta River watersheds, and the Upper Mid-Klamath area; and
4. Tule Lake area and Butte Valley.

The Advisory Group has met twice as a full regionwide group and twice in their respective subgroups (a total of eight subgroup meetings to date). The list below summarizes the meetings of the Advisory Group to date.

1. December 2011 and February 2012 – One full Advisory Group meeting and a first round of subgroup meetings where staff introduced the Program development process, provided background information on legal obligations, and heard recommendations and general concerns.
2. April 2012 – Second round of subgroup meetings where members commented on a draft Scope and Framework document that was developed by Regional Water Board staff at the request of the

Advisory Group. The document describes the types of agricultural operations and waste discharges that fall within the scope, and proposes a tiered framework for enrolling agricultural operations in the Program.

3. June 2012 – Full group meeting to discuss a revised draft Scope and Framework document based on recommendations received from the subgroups in April. Staff received more feedback from the group in June and sent out another revised draft in September 2012. This draft will inform future development of the Program, but will not be revised again until the other pieces of the Program are developed, including Program enrollment, permit requirements, and monitoring and reporting requirements.

Next Steps

The list below summarizes the next round of subgroup meetings to discuss Program enrollment and permit requirements:

- October 15 Santa Rosa or Ukiah,
- October 19 Eureka or Crescent City,
- October 23 Klamath Falls, and
- October 24 Yreka.

Following the October meetings, there will be another round of subgroup meetings in early spring 2013 to discuss monitoring and reporting requirements. After receiving comments on both the enrollment and permit requirements and the monitoring and reporting requirements, Regional Water Board staff will synthesize comments and develop a draft conditional waiver of WDRs that will be presented to the full Advisory Group. The Advisory Group process is scheduled to run through the summer of 2013. Public workshops will be held in the fall of 2013 as part of the public review process leading up to a Regional Water Board hearing before the end of 2013.