

Agricultural Lands Discharge Program

Webinar

North Coast Regional Water Quality

Control Board

April 3, 2013

Purpose of Webinar

- Provide clarity on frequently asked questions
 - Regional Board's jurisdiction
 - Present staff's current thinking on Program development
- Provide time for clarifying questions
- Question and answer sheets will provide a reference sheet for future Advisory Group meetings
- Next steps in Advisory Group process

Agricultural Lands Discharge Program

Frequently Asked Legal/Policy Questions
(LP)

Regional Board's Permitting Jurisdiction

- From Porter-Cologne Water Quality Control Act (LP 1)
“All persons discharging waste, or proposing to discharge waste to areas that could affect the quality of the waters of the state...shall file a report of waste discharge.” (CWC Sec. 13260)
- Jurisdiction is broad
- Waters of the state includes agricultural drains (LP 3)
- Individual discharge does not have to cause a problem to fall within jurisdiction (LP 6)

Determining Jurisdiction

- Most agricultural operations discharge waste and are within permitting jurisdiction (LP 7)
- Program will use a general permit to address similar operations with similar discharges
 - Regional Board does not have to identify discharges of waste for each operation
 - Program will include a way to account for operations that have no discharge
 - Choosing not to participate can lead to enforcement

Other Topics

- Program addresses impaired and high quality waters (LP 8)
- Program addresses only discharges and other water quality factors associated with human 'habitation' (LP 9)
- Once permitting is triggered by a discharge, it extends to all other controllable factors (LP 12)

Compliance Assurance (LP 15)

1. Implementation of management practices on a time schedule
2. Monitoring to track implementation and effectiveness
3. Reporting to Regional Water Board
4. Inspections
5. Enforcement

Agricultural Lands Discharge Program

Frequently Asked Program Development Questions
(PD)

Program Development Questions

- Questions/answers address programmatic issues where Board has more flexibility
- Represents staff's current thinking
- Intended to guide future discussion
- Answers may change as program develops

Compliance Timelines (PD 1)

- Time will be provided to develop plans and implement practices
- Operators may be in compliance even though they haven't met program requirements yet
- Two types of timelines
 - Specified in permit
 - Developed by operator and put in water quality management plan
- Operators are only out of compliance when they do not meet the timeline

Third Party Assessments (PD 2)

- Regional Board staff will coordinate with third party programs to develop protocols
- Ag Program will contain minimum qualifications for third party programs
- Third party programs need Regional Board approval to function within Ag Program
- Regional Board would do spot checks and audits, especially in beginning of program implementation

Livestock Fencing (PD 3)

- Regional Board does not dictate manner of compliance
- There may be other ways to get to end result of protecting riparian functions besides exclusionary fencing

Water Quality Management Plans (PD 4-6)

- Implements program requirements at the farm level
- Include site specific management practices and timelines
- Can use existing plans and templates and adapt to individual farm
- Can document existing BMPs and natural sources of pollution

Monitoring Objectives and Methods

	Photo	Visual	Water Sampling
Implementation of Practices	X	X	
Effectiveness of Practices	X	X	X
Instream Trends			X

Monitoring (PD 7-9)

- Primary monitoring objectives are implementation and effectiveness of management practices
- Sampling will be required as needed depending on relevance of data to effects of agricultural practices
- Sampling will likely be done as a group at the watershed or sub-watershed scale
- Operators are not solely responsible for tracking overall trends in a watershed

Reporting and Disclosure of Information (PD 10-11)

- Staff currently thinking that plans will remain onsite
- Need information to inform Board and adaptively manage program and for program transparency
- Only need to report information relevant to water quality
- Reporting may be done at group level

Next Steps

- Summer 2013 – Sub- Advisory group meeting
 - Draft program planning document describing all program elements
- Fall 2013
 - Revisions to program planning document based on group input
- Spring 2014 – Full Advisory Group meeting
 - Present draft permit, CEQA documentation, and staff report
- Spring/summer 2014 – Public review
- Summer 2014 – Regional Board hearing