

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

May 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

The Central Coast Water Board established specific goals related to healthy aquatic habitat, sustainable land management, and clean groundwater to achieve its Vision for Healthy Watersheds. Currently, we are advancing our efforts to structure and align the Agricultural Regulatory Program, and all of our work, in the context of that Vision by focusing on our highest priority issues and actions. We are maximizing our effectiveness by identifying and prioritizing actions that address the most significant agricultural water quality problems we face in the Central Coast Region, including pollutants in agricultural tailwater, nitrates in groundwater from fertilizer, surface water toxicity resulting from pesticides, lack of aquatic habitat, surface water nutrients from fertilizer, and sediment discharge. We anticipate moving toward a watershed focused implementation approach to address these priority issues. In addition, we will assess and track our progress using specific, tangible operational measures, and adapt to the feedback our tracking provides.

Irrigated Agriculture Order Renewal:

Central Coast Water Board staff has initiated work in renewing the existing order regulating discharges from irrigated agriculture, which expires July 2009. As part of this effort, staff is working with a stakeholder group of environmental and agricultural representatives to develop recommendations, including milestones, compliance monitoring, and timelines, to meet water quality requirements anticipated in the new order. As currently planned, this group will meet regularly through the calendar year to complete their recommendations. Staff is also compiling and assessing existing water quality data related to surface and groundwater impacts from irrigated agriculture (and other sources), costs of existing impacts and their potential mitigation, information on adequate protection for aquatic habitat and other technical information as supporting documentation for the development of the new order. Staff will request an extension of the existing order at the Central Coast Water Board's July 2009 meeting, to provide adequate time to prepare the new draft order.

Enforcement:

In late 2007, the Central Coast Water Board Assistant Executive Officer issued administrative civil liability (ACL) complaints to five farming operations for their failure to enroll into the Irrigated Ag Order, self-monitor water quality or contribute to cooperative monitoring costs, train personnel, develop water quality management plans, and pay enrollment fees. Each operation agreed to enter into negotiations to settle the alleged violations. During the settlement process, each operation enrolled into the Irrigated Ag Program, and either achieved compliance or adequately arranged to comply with the other requirements. In Fall 2008, the Central Coast Water Board Enforcement Team and each farm agreed to settlement terms, which included payments toward liability and a supplemental environmental project (SEP) to enhance the existing cooperative monitoring program by funding additional monitoring. Four of the five farming operations have complied with the Irrigated Ag Order and satisfied the payment requirements within the Executive Officer's respective stipulated ACL orders. Completion of the fifth settlement agreement is pending. The third-party purveyor of the cooperative monitoring program will complete the SEP conditions by conducting the enhanced monitoring and reporting the results to the Central Coast Water Board within the next twelve months.

Food Safety:

Central Coast Water Board staff continues their involvement in food safety issues that have the potential to affect water quality. Staff also continues to work with various partner agencies and organizations to increase awareness of the detrimental water quality impact of some food safety practices.

On April 17, 2009, Central Coast Water Board staff attended a food safety and conservation practices focus group. The meeting was organized by State Water Board staff with assistance from Central Coast Water Board staff and EPA Region 9 staff. In attendance were representatives of the agricultural industry, state environmental and health agencies and non- governmental organizations. The meeting was convened to address the impact of on-the- ground food safety practices to various agency goals and missions. State Board staff is looking at information from this meeting and subsequent meetings to help determine how to promote the co-management of food safety and conservation practices to protect water quality and the goals of the Irrigated Agricultural Lands Program. Central Coast Water Board staff supports assistance from State Water Board staff to address this very political, market driven and complex issue.

Department of Pesticide Regulation Coordination:

In 2008 the Central Coast Water Board and the Department of Pesticide Regulation (DPR) established a coordinated, collaborative approach to addressing violations of water quality objectives due to the presence of pesticides in surface water. The interagency collaboration is in keeping with the State Board Management Agency Agreement with DPR and the interagency "Process for Responding to the Presence of Pesticides in Surface Waters." In the last few months, Central Coast Water Board staff, DPR staff and the San Luis Obispo County Agricultural Commissioner's Office (CAC)

have been involved in the development of a water quality pilot project. The CAC is coordinating a three-year project funded by DPR to prevent surface water contamination from chlorpyrifos and diazinon use in vegetable row crops, for control of soil borne insects, in San Luis Obispo County.

Central Coast Water Board staff and DPR staff also discussed comments on “DPR’s Draft Regulations to Address Pesticide Drift and Runoff to Protect Surface Water.”

Central Coast Water Board staff is coordinating with DPR staff and pyrethroid registrants regarding the DPR reevaluation of synthetic pyrethroids, and the associated data requirement proposal.

LOS ANGELES REGION

Los Angeles Regional Board staff presented to the Nonpoint Source (NPS) Roundtable on April 28, 2009 regarding the Los Angeles Region Conditional Waiver for Irrigated Lands. The presentation included an overview of the waiver and the development and progress of the program over the last 2 years. The presentation also discussed the goals of the Conditional Waiver program for the upcoming year and how these goals will mitigate NPS pollution from agriculture sources in the Los Angeles Region. Staff has continued to work with agriculture stakeholders to approve BMP educational workshops so all growers can obtain the required 8 hours of BMP education credit. Additionally, staff has continued to follow up with growers regarding outstanding NOV's and other notices to ensure all enrollee and property information on record with the Regional Board is current.

COLORADO RIVER BASIN REGION

No information submitted.

SANTA ANA REGION

Board staff is proposing that all operators of irrigated or dry-farmed land, 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 in watershed based phased approach. The first phase of this program is being developed for waste discharges from agricultural operations (irrigated and non-irrigated) in the Lake Elsinore / San Jacinto Watershed. The Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore. The TMDLs are now part of the Basin Plan.

In order to formulate a strategy to develop a CWAD program, the Regional Board staff has been conducting meetings with potential stake-holders, like, Western Riverside County Agricultural Coalition (WRCAC), Lake Elsinore San Jacinto Watershed Authority (LESJWA-which is joint-powers authority that represents 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, Regional Board staff have also met with other potential stake- holders and related agencies, such as Riverside County Farm Bureau and Riverside County Agricultural Commissioner's office. In order to establish a CWAD program monitoring group, the Board staff also plans to meet with the members of WRCAC/LESJWA and Southern California Coastal Water Research Project (SCCWRP). This meeting is scheduled to take place on March 23, 2009.

Regional Board staff is actively pursuing to form a stake-holder coalition group, and a potential CWAD program monitoring group(s). Regional Board staff have been in discussion with local stakeholders and potential watershed group(s) to update and streamline the available agricultural users' data in our region.

Over the next several months, Regional Board staff will continue meeting with key stakeholders, and conducting semi-formal public workshops to get ideas 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;
- Is there a minimum acreage for the program;
- Have "third party representatives" been formed and will there be a cost to be represented;
- How is the Regional Board identifying operators who are supposed to be in the CWAD program; and
- What's the schedule for putting the CWAD program in place?

Workshops will be publicized on the Regional Board's website and through stakeholders throughout the watershed.

SAN DIEGO REGION

Conditional Waiver No. 4 (the Ag Waiver) requires growers who use irrigation to produce commercial crops to enroll in the waiver by December 31, 2010. The current emphasis of the Ag Waiver program in Region 9 is providing information to growers to make them aware of the requirements. Currently, the process for disseminating information includes mailing out a notification letter which outlines waiver requirements including deadlines for enrollment and submittal of monitoring plans and reports. Also, Regional Board staff have regularly performed presentations at workshops and other

special events that are attended by growers. In creating public awareness of the ag waiver, a special emphasis is being placed on informing growers of the advantages of enrolling in a monitoring group. The public outreach process implemented in the last two months includes the following.

On March 11, 2009 Pete Peuron provided an update to members of the San Diego Regional Board at the monthly Regional Board public hearing. The update included a discussion of impairments in the region related to agriculture, the regulatory background/history of the waiver, specific requirements of the waiver and the status of waiver implementation. Regional Board members suggested modifications to the notification letter that is being mailed out. Currently, the notification letter is being altered pursuant to these suggestions. Eric Larson, San Diego Farm Bureau CEO and group leader of the San Diego Region Irrigated Lands Group also presented an overview of the status of his program during the update session. Currently, the Irrigated Lands Group is the region's only monitoring group and it has already enrolled nearly half of the agricultural acreage in the region.

During the month of March, over 1,000 letters were mailed which notified growers of their responsibility to enroll by 2011 (prior to the board hearing). Also, Regional Board staff participated in an event known as Grape Day in Temecula, California. Requirements of the Total Maximum Daily Loads Program that will affect grape growers were discussed, along with a presentation of the Ag Waiver's requirements.

Recently, Regional Board staff have been engaged in preparing the approach for regional monitoring that will be implemented beginning in 2011. An outline of the approach has been prepared based on the Los Angeles Region's current approach and a meeting has been scheduled to discuss the approach with the San Diego Region Irrigated Lands Group. In conjunction with this effort, Regional Board staff working on the ag waiver will coordinate with other staff that are involved in region-wide monitoring so that existing monitoring efforts can be integrated with monitoring performed pursuant to the waiver.