

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

May 2014

This month's Irrigated Lands Regulatory Program (ILRP) report covers up to the month of May 2014 and will provide an update on the activities of the North Coast, San Francisco, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board ILRPs. Future monthly reports will alternate between the status of the ILRP from the Central Valley Regional Water Board for one month, and the status of other Regional Water Board ILRPs for the alternate month. Current and past ILRP program monthly reports can be found on the [State Water Board Irrigated Lands Regulatory Program](#) website.

STATE WATER BOARD

On May 5 - 9, 2014, Irrigated Lands Regulatory Program (ILRP) staff participated in SBX2 1 Agricultural Expert Panel Public Meetings held in San Luis Obispo, Tulare, and Sacramento.

On May 8, 2014, ILRP and Nonpoint Source (NPS) staff met with United States Department of Agriculture – Natural Resource Conservation Service (NRCS) to develop an agenda for a joint agency meeting between the State Water Board and NRCS management. The meeting will be to identify each agencies role in a formal partnership to develop water quality improvement projects and to assist growers comply with ILRP requirements.

On May 13, 2014, ILRP staff participated in a Bacterial Objectives for Rec 1 standard. Attending the meeting were agricultural representatives.

On May 13, 2014, ILRP staff participated in a meeting to develop an agronomic rate calculation tool kit that could be used by dischargers under the proposed Recycled Water Order.

On May 16, 2014, ILRP staff participated in a meeting with Natural Resource Conservation Service (NRCS) to discuss the interpretive rule regarding the applicability of CWA 404(f)(1)(A).

On May 20, 2014, ILRP and Office of Information Management and Analysis (OIMA) staff met with regional board subject matter experts to continue the development process of the ILRP Information Management Solution.

On May 30, 2014, ILRP staff participated in a Farm Food Safety Conservation Network (FFSCN) planning committee meeting to discuss the next annual FFSCN symposium.

NORTH COAST REGION

Update on Permit Development:

North Coast Regional Water Quality Control Board (Regional Water Board) staff continue to develop the Agricultural Lands Discharge Program, focusing on a series of targeted permits specific to agricultural commodities or geographic areas. In the near term, Regional Water Board staff is developing permits for discharges from vineyards and orchards, agriculture in the Tule Lake watershed, and outdoor lily bulb cultivation. An update on each of the three permits under development follows.

Agriculture Discharges in the Tule Lake Basin

Regional Water Board staff continue to work with stakeholders in the Tule Lake Basin on development of the permit program. Regional Water Board staff are working with the Tule Lake Irrigation District to draft a letter to landowners explaining the basis for the upcoming permit program. The letter is intended to initiate participation in the program and to involve the local community. Concurrently, staff are working on a draft permit.

Lily Bulb Cultivation

Regional Water Board staff met with agricultural interests and environmental interests in April 2014 to get input on permit development and to discuss recent water sampling results that included toxicity testing. Lily bulb growers are working with Regional Water Board staff to develop a water quality management plan for their area to guide compliance with the upcoming permit program. Staff will develop the draft lily bulb permit following work on the Tule Lake permit.

Vineyards & Orchards

Regional Water Board staff are participating in a Technical Advisory Group to help develop a local RCD program for vineyards and orchards. The primary purpose of the program is to help landowners comply with the upcoming Regional Water Board permits and local county ordinances. North Coast Regional Water Board staff are also coordinating with the San Francisco Bay Region's development of a discharge permit for vineyards in the Sonoma Creek and Napa River watersheds. Regional Water Board staff have been attending local grower meetings to reach out to the local agricultural community regarding the upcoming permit and working with the Sonoma County Ag Commissioner to coordinate regulations.

Additionally, Regional Water Board staff continue to implement the TMDL Waivers of Waste Discharge Requirements for the Scott and Shasta River watershed and are scoping regulatory options for addressing discharges from marijuana cultivation.

SAN FRANCISCO BAY REGION

The San Francisco Bay Regional Water Quality Control Board (Regional Water Board) staff is working on developing general waste discharge requirements (WDRs) for vineyard operations (Vineyard WDRs) in the Napa River and Sonoma Creek watersheds.

Staff is preparing to issue a Notice of Preparation and to hold a scoping meeting, as required by the California Environmental Quality Act, to kick-off the environmental impact assessment process on the Vineyard WDRs.

Staff is also helping several third-party technical assistance groups to develop the expertise, tools, and templates necessary to assist growers with Vineyard WDRs compliance once the permit is adopted.

Additionally, staff is renewing a paired conditional waiver of WDRs and general WDRs for confined animal facilities and soliciting targeted input on elements of both permits from a small technical advisory group familiar with animal management.

Staff has been assessing permittee compliance via database review for grazing operations enrolled under the Napa River/Sonoma Creek Grazing Waiver (2011).

Staff is also preparing a second “compliance reminder” letter mailing to be a subset of ranching operations who have been unresponsive to our previous mailings and reminders or for which our mailing was returned to us “undeliverable.” The goal is to seek final confirmation as to whether these operations require permitting under the Tomales Bay Grazing Waiver.

CENTRAL COAST REGION

The following information is a status update regarding implementation of Agricultural Order R3- 2012-0011. Specifically, this update provides information on the status of the following activities: annual compliance form reporting, nitrogen reporting requirements, cooperative groundwater monitoring, drinking water notifications, and related grant opportunities.

Nitrogen Reporting for Tier 2 and Tier 3 Farms:

The State Order upheld requirements for growers with Tier 2 and Tier 3 farms that have a high groundwater nitrate loading risk determination to report total nitrogen applied by October 1, 2014.

Central Coast Regional Water Quality Control Board (Regional Water Board) staff coordinated with certified crop advisors, technical assistance providers, agricultural industry representatives and consultants, and growers to develop the total nitrogen reporting format in anticipation of reporting requirements.

Regional Water Board staff participated in a March 4, 2014 Certified Crop Advisor Nutrient Management Training in Salinas, CA convened by the California Department of Food and Agriculture.

Regional Water Board staff considered input received from the agricultural community to finalize the nitrogen reporting format and associated nitrogen record-keeping tools for growers.

Regional Water Board staff is participating on the Advisory Committee to the Nitrate Expert Panel. If the Expert Panel determines that modifications to the implementation of the Agricultural Order are necessary, Regional Water Board staff will coordinate with State Water Board staff to consider the appropriate adjustments.

Drinking Water Notifications:

Based on results of individual groundwater monitoring, Regional Water Board staff continues to issue "Drinking Water Notification" letters to those growers and landowners whose domestic water supply wells exceed the drinking water standard for nitrate or nitrogen.

As of March 28, 2014, the Regional Water Board issued approximately 68 drinking water notification letters to growers and landowners who have one or more domestic drinking water wells which exceed the drinking water standard and some farms/ranches have multiple groundwater wells with exceedances.

Cooperative Groundwater Monitoring (Central Coast Groundwater Coalition):

Regional Water Board staff continues to coordinate closely with the Central Coast Groundwater Coalition (CCGC) to implement cooperative groundwater monitoring program requirements. The CCGC issues drinking water notification letters for growers and landowners who are CCGC members.

As of March 28, 2014, the CCGC issued approximately 75 drinking water notification letters to growers and landowners who have one or more domestic drinking water wells which exceed the drinking water standard.

CCGC requested to further discuss the best ways to improve drinking water notification procedures following discussion at the January 2014 Regional Water Board meeting and subsequently with Regional Water Board staff. CCGC will propose potential modifications to the drinking water notification procedures to be discussed in an agenda item for the July 2014 Regional Water Board meeting in Santa Barbara.

Safe Drinking Water Project Grant Opportunity:

Regional Water Board staff recently released a Request for Proposals to implement a Safe Drinking Water grant project. Submissions were due May 1, 2014. The primary purpose of the grant project is to provide interim safe drinking water to individuals and small communities in agricultural areas affected by nitrate pollution from fertilizers.

Approximately \$118,000 is available to implement the Safe Drinking Water grant project and project implementation will be prioritized to limited resource growers and disadvantaged communities in the Salinas Valley.

This project is consistent with California's Human Right to Water and is also consistent with the Regional Water Board's priority to ensure safe drinking water and aid limited resource growers.

Operations that Failed to Pay 2013 ILRP Permit Fees:

In April 2013, Central Coast Water Quality Preservation Inc. (CCWQP) referred 295 operations to the State Water Board for failure to pay state permit fees and cooperative monitoring fees. The State Water Board sent invoices to these operations in June 2013 and sent three follow-up letters (e.g., Demand for Payment, Notice of Violation, and Collections Notification).

As of March 19, 2014, 128 operations have failed to pay state permit fees to the State Water Board. After several attempts to bring these operations into compliance, Regional and State Water Board staff are no longer conducting follow-up and State Water Board staff has now referred these operations to a collection's agency.

Items for Discretionary Review by the Regional Board:

State Order WQ-2013-0101 identifies specific items for which interested persons may seek discretionary review by the Regional Water Board. Provision 11 included approval or denial of a third-party project or program. At this time, the Regional Water Board has not received any third-party water quality improvement projects or programs for review.

Additionally, Part 2 of the MRP included approval or denial of a cooperative groundwater monitoring program. In July 2013, the Regional Water Board Executive Officer reviewed four cooperative groundwater monitoring program proposals and approved two. The May and July 2013 Central Coast Water Board Meetings included information items to discuss the review and approval of the cooperative groundwater monitoring programs.

Provision 18 included approval of a farm to transfer to a lower tier, or requirement of a farm to transfer to a higher tier. Since March 2012, staff has reviewed approximately 130 tier review requests from growers. Regional Water Board staff will post a list of tier review requests to the Central Coast Water Board's Internet site and update it periodically so that interested persons may review the status. The Regional Water Board Executive Officer has not yet required any farm to transfer to a higher tier.

Overall, Regional Water Board staff continues to implement the Irrigated Lands Regulatory Program to improve and protect water quality and make progress towards the Central Coast Water Board goals of clean groundwater, healthy aquatic habitat and properly managed land that protects watershed functions.

LOS ANGELES REGION

The Los Angeles Regional Water Quality Control Board (Regional Water Board) lost a key ILRP staff person and is in the process of hiring a replacement. Because of the lack of ILRP staff the Regional Water Board was not able to submit a monthly report for May 2014.

COLORADO RIVER BASIN REGION

Colorado River Basin Water Quality Control Board (Regional Water Board) staff is implementing Board Order R7-2012-0047, a Conditional Waiver of Waste Discharge Requirements (WDRs) for agricultural wastewater discharges and discharges of wastes from drain operation and maintenance activities within the Palo Verde Valley in Riverside and Imperial Counties. In October 2013, Palo Verde Irrigation District (PVID) submitted its Coalition Group's membership farming over 6 acres in the compliance program. The enrollment of irrigated lands covered 93,000 acres and over 99% of the farms. The Palo Verde Outfall Coalition Group's water quality monitoring program began in November 2013, and they submitted their first Annual Monitoring Report dated March 7, 2014 to the Regional Water Board, stating that the water quality objectives of the Basin Plan are being met.

Board Order R7-2013-0002 for the Bard Unit of Reservation Division (Imperial County) Conditional Waiver was adopted on January 17, 2013. This Conditional Waiver affects about 7,000 acres of farmland along the Colorado River near Yuma, Arizona. Implementation began in 2014 with the Bard Water District in the process of forming a nonprofit organization to represent landowners and farmers regulated by the Conditional Waiver. Bard Water District submitted a Notice of Intent to the Regional Water Board in February 2014, stating that it will develop and implement a Coalition Group Compliance Program for eligible members to obtain coverage under the Conditional Waiver.

Regional Water Board staff is working with interested parties in the Coachella Valley to develop a Conditional Waiver of WDRs for consideration at the Board hearing on June 26, 2014. This Conditional Waiver affects about 60,000 acres of farmland in central Riverside County. On April 25, 2014, Regional Water Board staff circulated the environmental documents prepared pursuant to CEQA and the draft Conditional Waiver. A public workshop was held on May 21, 2014.

Regional Water Board staff is also coordinating with interested parties in the Imperial Valley (over 450,000 acres of irrigated lands) to develop a Conditional Waiver of WDRs for consideration for adoption in late 2014. Regional Water Board staff assisted with outreach and education activities planned at the Imperial County Farm Bureau's four annual drain-shed meetings held May 14-16, 2014.

In anticipation of receiving PY authority to account for the Colorado River Basin Water Board's fee collection, the implementation and management of the Irrigated Lands Regulatory Program's Conditional Waivers is being transitioned to the Non-Point Source Program staff.

SANTA ANA REGION

There is no status change with RB8's pending, proposed Conditional Waiver of WDRs for Ag Dischargers (CWAD). Revised drafts of CWAD documents have been re-submitted for manager's review.

Regional Water Board staff responded to a request from Region 1, representing the DMC, for information needed to support the proposed BCP for an Agricultural Program.

On April 17, 2014, Regional Water Board staff conducted a quarterly meeting of the CWAD advisory group. Discussion focused on how to craft a monitoring plan that will comply with the proposed CWAD and address other WQ monitoring needs and requirements; and proposed management measures for nutrients in runoff and leachate from fields.

The Western Riverside County Agriculture Coalition, a leading CWAD stakeholder, has submitted a proposal to the USDA Conservation Innovation Grant program for a project to develop and pilot test a water quality trading program for creating and trading nutrient reduction credits in the San Jacinto River watershed.

SAN DIEGO REGION

The Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is developing Tentative General Waste Discharge Requirements for Discharges of Wastes from Commercial Agricultural and Nursery Operations within the San Diego Region (Ag Permit) to replace the Conditional Waiver of Waste Discharge Requirements for Discharges from Agricultural and Nursery Operations (Ag Waiver) that expired on February 4, 2014. Adoption of the Ag Permit is scheduled to be considered in June 2015.

An administrative draft of the California Environmental Quality Act (CEQA) Initial Study and Environmental Checklist for the Tentative Ag Permit was released for public comment on January 8, 2014. An informal stakeholder meeting was held on January 22, 2014. Comments were due by February 5, 2014.

An administrative draft of the Tentative Ag Permit was released for informal public comment on January 23, 2014. An informal stakeholder meeting was held on February 19, 2014. Comments were due by February 28, 2014.

The San Diego Water Board has met informally with several stakeholders, including the San Diego Farm Bureau, the San Diego Land Irrigated Lands Group, the North County Lands Irrigated Land Group, the Upper Santa Margarita Lands Irrigated Land Group, the San Mateo Irrigated Lands Group, Hines Growers, the County of San Diego, the City of Oceanside, and the Rainbow Municipal Water District.

The San Diego Water Board anticipates releasing a revised monitoring and reporting program (MRP) for informal public comment in Fall 2014.