

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

August 2019

This month's Irrigated Lands Regulatory Program update provides a summary of significant activities of State Water Board staff from July 15, 2019 to August 15, 2019; and the North Coast, San Francisco Bay, Central Coast, Los Angeles, Lahontan, Colorado River Basin, Santa Ana and San Diego Water Boards staff from June 15, 2019 to August 15, 2019. Next month's report will present activities of the Central Valley Water Board's program staff and cover the time-period from July 15, 2019 to September 15, 2019.

STATE WATER BOARD

On July 16, 2019, State Water Board staff (staff) participated in a Surface Water Sampling Expert Panel Advisory Group meeting. The purpose of the meeting was to finalize the primary agenda for the Expert Panel meeting anticipated to be held in early 2020.

On July 17, 2019, staff participated in the California Roundtable on Agriculture and the Environment (CRAE). Speakers from the Glenn Colusa Irrigation District and Bowles Farming lead a discussion on working lands conservation and designing a future that creates optimal outcomes for communities, ecosystems, and agricultural viability given the anticipated changes in water availability. The group also explored potential next steps for CRAE, including writing a letter for the [Governor's Water Resilience Portfolio](#), hosting a state summit, and engaging specific agricultural regions to discuss possible scenarios for the future of farming.

Staff held a stakeholder meeting in Sacramento to discuss potential fee schedule changes on July 22, 2019. Staff presented four potential fee structures to bring before the Board in September. Options included basing fees on surface and groundwater management plan requirements, Irrigation and Nitrogen Management Plan requirements, agricultural activities, and the current per-acre fee structure. Stakeholders suggested the combination of the Irrigation and Nitrogen Management Plan and agricultural activities structures. Stakeholders requested that staff update language, but generally supported this change in fee structure.

On July 24, 2019, staff participated in a conference call with the California Department of Food and Agriculture (CDFA). The discussion focused on a request by East Bay Municipal Utilities District for an exclusion from CalRecycle transfer station regulations.

Staff also attended a meeting with the California Bioresources Alliance (CBA) on July 24, 2019. The discussion focused on gathering the final information and commitment of speakers and panelist that will present at the CBA Annual Symposium scheduled for November 2019.

On July 25, 2019, staff attended a webinar about soil mapping hosted by the National Resource Conservation Service (NRCS). A presentation was given by Tiffany M. Allen, the Federal Lands Liaison for the United States Department of Agriculture's (USDA) NRCS. Allen discussed the utilization of digital soil mapping for a recent landform modeling project in the Great Smoky Mountains. She explained various lessons learned and knowledge gained of how to use digital soil mapping most effectively.

On July 31, 2019, the State Water Board hosted the quarterly Irrigated Lands Regulatory Program roundtable meeting in Sacramento. State and Regional Board staff discussed several program-related topics, including general program updates, possible fee changes, and enforcement reports. Staff from CDFA also presented updates on the Fertilizer Research and Education Program and recent Certified Crop Advisor trainings.

Staff attended another Surface Water Sampling Expert Panel Advisory Group meeting on August 1, 2019. The purpose of the meeting was to develop the list of necessary references and reading materials for the Expert Panel to review prior to the meeting scheduled for early 2020.

Additionally, on August 1, 2019, staff participated in a webinar about new crop research hosted by the Crop Production Services (CPS). Channah Rock from the University of Arizona and Trevor Suslow from Produce Marketing Association and University of California, Davis gave an in-depth presentation of recent field and farm-based research simulating both pre-harvest and harvest conditions and reflecting common industry practices. These study outcomes explain contaminant transfer scenarios on Romaine lettuce and insights to best management practices to reduce this potential. Research results will also be shared from commercial-scale evaluation of antimicrobial mitigation strategies for agricultural water and their impact on microbial survival in water, soil, and plant tissue.

State Water Board staff held a general fees stakeholder meeting on August 5, 2019. Staff presented the proposed fee changes for all programs under the Waste Discharge Permit Fund (WDPF). One of the programs discussed was the Irrigated Lands Regulatory Program and the proposed fee alternatives presented at the July 22, 2019 stakeholder meeting.

On August 7, 2019, staff participated in the State Water Board's National Pollutant Discharge Elimination System (NPDES) quarterly roundtable meeting. NPDES staff updated attendees about general program information, the Clean Water Act 106 Grant workplan for fiscal year 2019-2020, and the Waste Discharge Requirements for recycled water.

On August 13, 2019, staff attended a California Crop Advisory (CCA) meeting. The meeting focused on the CCA Irrigation and Nitrogen Management Plan (INMP) training criteria and the need to enhance partnership with University of California Agriculture and Natural Resources, CDFA, and the State Board to provide certification criteria to help

growers comply with the INMP precedential requirement of the Eastern San Joaquin Order.

Additionally, on August 13, 2019, staff participated in a Surface Water Sampling Expert Panel Advisory Group meeting. The Advisory Group finalized the document list, discussed potential locations for the meeting in early 2020, and development of a website.

On August 14, 2019, staff traveled to the California Department of Food and Agriculture (CDFA) office to attend an Irrigation and Nutrient Management Plan (INMP) Certification Training. The objective of the meeting was to share information and make progress on plans for the testing and certification structure of the CCA Nutrient Management Training Program. Luther Smith, Director of Professional Development and Business Relations at the Agronomy Society and the International CCA organization, will discuss the opportunities for certification and testing through the International Certified Crop Advisor program.

Staff traveled to the North Coast Region to attend a board meeting on August 15, 2019. The Board adopted the General Waste Discharge Requirements for Dairies in the North Coast Region (Order R1-2019-0001). Additionally, staff participated in an information item on the Governor's Water Resilience Portfolio. Comments received from the Board included recognizing forests as resources and prioritizing drought-tolerant root stalks in agricultural activities.

NORTH COAST REGION

North Coast Regional Water Quality Control Board staff are developing an administrative vineyard and orchard discharge draft permit and plan to get input from an existing Stakeholder Advisory Group once the draft is ready for review.

Regional Water Board staff sent a supplemental request for information pursuant to California Water Code Section 13267 to the lily bulb growers on June 12, 2019. The growers sent in their response as a group on July 19, 2019. From their response and by working with the Del Norte County Agricultural Commissioner, staff were able to assemble a more detailed characterization of the specific chemicals and application timings for pesticides applied to lily bulbs in the Smith River Plain. Staff are continuing to develop the Smith River Plain Water Quality Management Plan (SRPWQMP). As part of the plan, staff are developing a detailed map of the hydrology on the Smith River Plain that will group the lily bulb operational units into 'drainsheds' corresponding to the major waterbodies draining the cultivation area. Staff are developing another map for the purposes reporting the implementation of management practices. Each field will be assigned a field ID and growers will submit a list of practices being implemented by field for the current growing season. Staff met with lily bulb growers in August to field verify the maps and go over the reporting approach and upcoming water quality sampling. Staff also met with their agency and tribal partners to provide an update and to discuss

the team's approach to establishing toxicity endpoints against which water quality sampling data will be compared. A preliminary draft of the SRPWQMP is scheduled to be complete by September 2019. The draft will undergo review by the agency and tribal development team as well as by the growers. The timing of the growers' review is still uncertain and may be delayed until November 2019 to accommodate the upcoming lily bulb harvest, which runs from August through November. An informational item to the Regional Board is preliminarily scheduled for December 2019 in Santa Rosa.

SAN FRANCISCO BAY REGION

San Francisco Bay Regional Water Quality Control Board staff continue roll-out of the 2017 General Waste Discharge Requirements (Permit) for vineyards in the Napa River and Sonoma Creek watersheds, with a focus on outreach, enrollment, reconciling land parcel/owner information, and enforcement for failure to enroll.

Shortly after Permit adoption in 2017, north Bay wildfires impacted some vineyard properties in both watersheds. Burned properties were granted a one-year extension on enrollment from the original July 2018 deadline. Staff are now in the middle of the second round of enrollment for wildfire-impacted vineyards and are issuing notices of violation to a small subset of properties who missed the original July 2018 enrollment deadline.

Staff are working with the Napa and Sonoma County farm bureaus, resource conservation districts, and other local agricultural organizations, on other various aspects of the Permit, including group monitoring and group fee collection. Additional Vineyard Program information can be found on the [San Francisco Regional Water Board](#) website.

CENTRAL COAST REGION

Central Coast Regional Water Quality Control Board staff sent approximately 1,600 distinct emails to individual operators and/or responsible parties in June to provide them with a summary of their year 2017 ranch reported nitrogen application information in comparison to other ranches with similar crop types, in their local groundwater basin area. Staff received positive feedback from both growers and consultants. They appreciated this summary and comparison information.

In July, staff sent an email to approximately 4,500 enrolled ranches to remind them to update their eNOI and confirm their accurate assessor parcel number (APN) information. Staff provided general technical assistance to growers and their consultants to help with these APN updates. This is the first step in Region 3's re-focused effort to actively identify non-filers and issue 13267 directive letters and Notice of Violation Letters to dischargers that have not yet enrolled in the Irrigated Lands Program.

The current order regulating waste discharges from irrigated agricultural lands, R3-2017-0002, known as Ag Order 3.0, was adopted on March 8, 2017, and is a conditional waiver of waste discharge requirements with a three-year term, expiring March 8, 2020. A replacement order, Ag Order 4.0 is currently under development. Based on direction staff received during the May 2019 board meeting, staff are drafting Ag Order 4.0 following the framework described in the options tables presented to the Board.

LOS ANGELES REGION

Los Angeles Regional Water Quality Control Board staff sent a comment letter on the Ventura County Agricultural Irrigated Lands Group (VCAILG) Water Quality Management Plan (WQMP) on July 22, 2019. The Los Angeles Water Board expects VCAILG to submit a revised WQMP in August 2019.

On August 1, 2019, Los Angeles Water Board staff sent a comment letter on the Nursery Growers Association-Los Angeles County Irrigated Lands Group (NGA-LAILG) WQMP. The Los Angeles Water Board expects NGA-LAILG to submit revised WQMP and Monitoring and Reporting Plan (MRP) in October 2019 in response to the Los Angeles Water Board comments.

In June, July, and August 2019, staff reviewed and approved eight education credit requests for two classes offered by NGA-LAILG and seven classes offered by VCAILG.

On July 31, 2019, staff attended the ILRP roundtable organized by the State Board in Sacramento and discussed a variety of issues and challenges that the Regional Boards face in developing and implementing the program.

In September 2017, staff proposed five subwatersheds within the Calleguas Creek Watershed to be included in the National Water Quality Initiative (NWQI). On November 21, 2017, the United States Department of Agriculture approved two of the five proposed subwatersheds and continued funding four previously approved subwatersheds. On August 5, 2019, Los Angeles Water Board staff met with Natural Resources Conservation Service (NRCS), United States Environmental Protection Agency (USEPA) and VCAILG representatives to discuss an application for the NWQI readiness phase for the Calleguas Creek Watershed which would allow for longer funding period if approved. A follow-up meeting is scheduled for August 22nd.

Los Angeles Water Board staff continues to focus on outreach and enforcement in Ventura and Los Angeles counties. Staff continues to follow up with growers who received Notices of Violation for failure to enroll in the Conditional Waiver but have never responded. In August 2019, the Los Angeles Water Board is working on preparing Notices of Violation for failure to enroll under the Conditional Waiver for 30 additional growers in Los Angeles County that received a Notice to Enroll in May 2018. Staff continues responding to calls and emails regarding these Notices of Violation.

LAHONTAN REGION

Lahontan Regional Water Quality Control Board staff plan on holding a workshop to discuss program development in September 19, 2019. There are no other significant program updates for the Lahontan Region for the timeframe between June 15, 2019 to August 15, 2019.

COLORADO RIVER BASIN REGION

Colorado River Basin Regional Water Quality Control Board held a public hearing in Brawley on July 11, 2019 to consider adoption of General Waste Discharge Requirements (WDRs) for Agricultural Discharges in the Bard Valley. Logan Raub, Regional Water Board staff, gave an overview of the Non-Point Source Policy, described the State Board's Eastern San Joaquin Petition Order and the precedential requirements, gave an overview of the expired Bard Unit Conditional Waiver, presented the proposed Agricultural General WDRs for Bard Valley and its requirements, and described the main public comments received and responses to those comments. Several stakeholders commented at the hearing. The Regional Water Board adopted the General Order.

Regional Water Board staff are beginning implementation of the adopted Agricultural General WDRs for the Palo Verde Valley and Mesa, and Bard Valley areas. State Board GeoTracker staff and Regional Water Board staff finalized an electronic Notice of Intent (eNOI) form. Regional Water Board staff shared a link to the eNOI with Coalition staff, and GeoTracker staff and Regional Water Board staff are planning to hold a GeoTracker training at our office in Palm Desert in late August 2019.

Regional Water Board staff are continuing with the development process of an Agricultural General WDRs to replace the Conditional Waiver for the Coachella Valley. The Conditional Waiver for Agricultural Dischargers in the Coachella Valley originally expired on June 26, 2019 but was renewed for one-year and will not expire until June 26, 2020.

SANTA ANA REGION

Santa Ana Regional Water Quality Control Board staff continue to verify enrollee information for the Conditional Waiver for Agricultural Discharges in the San Jacinto River watershed (Order NO. R8-216-0003 as amended by Order No. R8-2017-0023; the CWAD). There are currently 33 Notices of Intent (eNOI) for 28 different agricultural operations in the CWAD program. There are two agricultural operators with two or more separate eNOIs due to conditions within their leases with the landowner. There are 27 additional enrollees that are currently deemed exempt from the CWAD program. Properties given exempt status were properties that do not have current agricultural

activities or activities meeting the CWAD requirements.

As of April 2019, four agricultural operations have been identified as non-filers for the CWAD program. First and Second notices of Failure to Apply have been sent certified/return receipt to the four operations. Drive-by inspections of three of the four properties show active farming operations which meet the criteria of the CWAD; use of irrigation, fertilizer, mulch, manure and/or pesticides. Santa Ana Regional Board staff mailed out Notice of Violation letters to three different agricultural operations, two of the three operations have reached out to Water Board Staff to determine the steps needed for CWAD compliance. Staff are working with the operators to meet CWAD compliance.

As of October 2018, the San Jacinto Coalition, coordinated by Eastern Municipal Water District (EMWD), is the only coalition available in the San Jacinto Watershed. We continue to work with and encourage those that do not meet the requirements for the San Jacinto coalition to combine their efforts in establishing a second coalition that would encompass the remaining operations. Staff continues to meet with outside agencies to assist in identifying an agency that can assist the remaining operators.

The CWAD is the primary mechanism directing agricultural operations in the watershed to compliance with the Lake Elsinore and Canyon Lake nutrients Total Maximum Daily Loads (TMDLs; Order No. R8-2004-0037), which allocate a portion of the nitrogen and phosphorus loads to agriculture. The TMDLs are undergoing a technical evaluation to establish revised allocations. Santa Ana Water Board staff are working cooperatively with agricultural representatives and other stakeholders in this ongoing process.

SAN DIEGO REGION

San Diego Regional Water Quality Control Board staff continue to take enforcement actions on growers who are subject to regulation but have failed to enroll in one of two agricultural orders issued by the San Diego Water Board (Order No. R9-2016-0004 and Order No. R9-2016-0005). In June and July 2019, staff issued eight letters directing non-filers to enroll, and three Notices of Violations for failing to enroll by the deadlines set forth in the Directive Letters. In addition, staff have been contacting non-filers to assist them in the enrollment process and connect them to a Third-Party Group. One challenge our enforcement and enrollment activities face are obtaining accurate contact information for land and operation owners.

Staff are planning compliance inspections in the coming months at operations based on GIS research that displays nutrient pollution distribution. This GIS display will be used to plan inspections upstream of locations with high nutrient measurements.

Staff also completed several outreach activities to increase enrollment. Staff prepared a letter to local growers and developed a bilingual (English/Spanish) color trifold explaining the need to enroll. The UC San Diego Cooperative Extension assisted the San Diego Water Board by emailing these documents to local growers using their

mailing list. Staff also shared the trifolds with several municipal storm water staff, requesting assistance with distribution. Staff is also reaching out to farmer's market managers to continue to get the message to the local growers.