

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF JULY 7-8, 2005**

Prepared on June 9, 2005

**ITEM NUMBER: 32**

**SUBJECT: Agricultural Discharge Regulation Update: Report on Implementing the New Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands**

**SUMMARY**

On July 9, 2005, the Central Coast Regional Water Quality Control Board adopted a new conditional waiver ("waiver") of waste discharge requirements for irrigated lands throughout the Central Coast Region. The adoption of the waiver was the culmination of a unique process during which agricultural and environmental interests from across the Region came together to work on appropriate conditions for the waiver.

The enrollment deadline for the conditional waiver was January 1, 2005. As of June 1, 2005, farmers representing approximately 334,000 acres throughout the Region had applied for coverage. This represents slightly more than 75% of the estimated 434,000 irrigated acres in the Region and far exceeds our target of 50% initial enrollment. This high enrollment level is a major accomplishment because it is a large step toward full compliance with the Water Board's irrigated agriculture requirements.

We will continue to work toward full enrollment, through continued outreach, notices to non-filers and enforcement actions as necessary. We are now in the process of sending out confirmation letters to all enrollees. Letters to potential non-filers will be issued by the end of July or early August. We are also working on the

longer-term effort of ensuring full compliance with all waiver conditions.

**DISCUSSION**

**Enrollment**

The Central Coast Region has an estimated 434,000 acres of irrigated agriculture. We originally set a target of 50% enrollment by the January 1, 2005, enrollment deadline. An initial rough count from hard copy submittals conducted in March indicated that in excess of 236,000 acres (approximately 54%) had enrolled; however, this figure did not include more than 200 on-line enrollments. In addition, enrollments have continued to come in even after the deadline, as more growers find out about the new requirements through the sustained outreach efforts of the agricultural industry and Water Board staff presentations at the on-going farm short courses and other venues.

Since most Notice of Intent enrollments were submitted in hard copy format, we have been going through the time-consuming task of entering all the submittals into the electronic database. We are now able to generate more accurate figures and estimate that approximately 75% of the Region's irrigated acres are enrolled. Some uncertainty in the data remains due to lack of precise information on the total irrigated acres in counties that span more

than one Regional Board jurisdiction, as well as duplicate entries and other errors. We will continue to work on refining the acreage and enrollment numbers. Enrollment forms are still being received and we will continue with outreach efforts to meet, or hopefully exceed, the goal of 80% enrollment by the end of the first year (January 1, 2006). The ultimate goal is, of course, full enrollment of all irrigated acreage and compliance with all irrigated agriculture requirements.

The success of the enrollment effort exceeded our expectations. Much of that success is due to the outstanding outreach efforts of the agricultural industry, the partnerships and communication networks that have been developed over many years, and the effort of Water Board staff to respond promptly to enquiries and to make presentations at as many venues as possible.

#### **On-line Enrollment System and Database Management**

More than 200 enrollees used the on-line system, which was consistent with our expectations. Although the usage represents only about 8% of potential enrollees, the system is already providing a valuable tool for managing and analyzing large amounts of data.

A full time staff person has been hired to manage the database system, develop ongoing modifications to the enrollment database, build reporting functions, initiate geographic information system (GIS) capability, and facilitate the capture and evaluation of analytical data from the cooperative monitoring program. Currently we are cleaning up the database, removing duplicates, generating confirmation letters, developing a list of potential non-filers, and providing summary information to staff, growers, the Board and the public.

A list of all enrollees who elected the cooperative monitoring option will be provided to the industry-led cooperative

monitoring program, so that they will have a complete mailing list of all cooperative monitoring program members. We are also mapping the areas that have enrolled under the waiver and mapping management practice implementation as reported on the checklists. Combined with water quality data, this information will be valuable in analyzing the relationship between practice implementation and water quality changes. This will help us better evaluate the long-term effectiveness and benefits of the program.

Other longer-term tasks include improving the on-line enrollment information management system and making modifications that will allow enrollees to access and update their information, and submit required annual reports and biannual management practice checklists electronically.

#### **Water Quality Monitoring**

Developing an agricultural industry-led cooperative monitoring program from the ground up is a monumental task, and the industry has faced some very ambitious timelines that were laid out in the waiver order. The Agricultural Committee has been formed, with representatives from all the counties in the Region. A non-profit foundation, Central Coast Water Quality Preservation, Inc. (CCWQP), has been established and manages monitoring activities. Monitoring began during the month of January as scheduled, and sampling has continued each month. The first quarterly data delivery was submitted at the end of June (not available at the time of writing). We will include a discussion of preliminary findings from the first quarter data delivery as well as summary information of current management practice implementation as part of the staff presentation. We are also holding discussions with the monitoring committee (a subcommittee of the Agricultural Committee) about where to begin follow-up monitoring projects, which are an important

component of the monitoring strategy. We plan to provide a complete discussion of Phase 1 data, findings, and follow-up activities to the Board at the end of the sampling year.

The cost allocation committee, which is another subcommittee of the Agricultural Committee, has begun work on the difficult issue of how to ensure a fair and equitable assessment of monitoring costs to growers. An update on the cooperative monitoring program will be provided by CCWQP in a separate presentation following staff's presentation at the July 8, 2005 Water Board meeting.

#### **Fees and Staffing**

The legislature has authorized twenty-two positions statewide to implement agricultural waiver programs. These positions are to be supported by fees assessed to all waiver holders. State Water Resources Control Board staff developed a draft fee schedule that was reviewed at a State Board hearing on June 16, 2005. In March 2005, staff from the State Board met with us, representatives of the Agricultural Advisory Panel, members of the cooperative monitoring program and other interested parties to explain the proposed fee schedule. The proposed schedule has a tiered structure that allows for both individual and group payment of fees. CCWQP has decided to enroll in the group tier of the proposed fee schedule, in order to lower costs for all participating growers. Those growers not participating in the cooperative monitoring program will be responsible for paying fees as individuals at a higher rate.

The Central Coast Region was allocated two staff positions out of the twenty-two to implement the conditional waiver program in this region. The positions have been filled by one new hire (Jill Wilson) and one internal transfer (Mark Angelo).

#### **Outreach Efforts**

We are currently working with a Spanish translator to have the Notice of Intent and other documents translated into Spanish. A waiver brochure that is being developed to explain the program will be in both English and Spanish.

University of California Cooperative Extension is continuing to offer their 15-hour farm water quality planning short courses to agricultural producers throughout the Region. The courses are tailored for specific crops and production systems, such as nurseries, orchards, vineyards, vegetables and strawberries. As of June 2005, thirty-five courses have been offered throughout the Region, providing education to approximately 1300 growers. We have made presentations at all courses. Another thirty classes are planned over the next eighteen months.

#### **Grant Funding**

An important and related component of the long-term strategy for agricultural water quality protection is devotion of grant funds to management practice implementation, technical support, and water quality monitoring. The statewide Agricultural Water Quality Grants Program recently funded eleven projects in this Region, for a total of more than seven million dollars. These funds will be leveraged with nearly two million dollars in matching funds. In addition, both Guadalupe and PG&E settlement funds are already providing technical support and helping growers implement management practices in the northern and southern parts of the Region.

#### **CONCLUSION**

We will move forward toward full enrollment through a series of actions planned for the next few months. By late June or early July, we will send letters to all enrollees confirming their enrollment, their tier, the due date of their annual report or management practice checklist update, and

their selected monitoring option. Notices to potential non-filers will be sent out by late July or early August. We anticipate that additional follow-up with some potential non-filers and enforcement actions directed at non-filing parties will likely occur late this year.

We will continue to inform growers of the new requirements by making presentations at farm water quality short courses and grower meetings. We will also be making site visits throughout the region as part of our on-going effort to work with growers on implementation and improvement of

management practices to protect water quality and to ensure full compliance with the conditions of the waiver. We will be reviewing water quality data and working with the cooperative monitoring program on follow-up activities where problems are identified, based on monitoring and enrollment information.

The conditional waiver program far exceeds any other Central Coast Water Board program in terms of number of participants. Successfully implementing a new program of this size requires considerable creativity and the hard work of many people within the nonpoint source/agricultural regulation programs.