

Regional Water Quality Control Board
North Coast Region
Executive Officer's Summary Report
Wednesday, February 20, 2019
Regional Water Board Office
Santa Rosa, California

ITEM: 6

SUBJECT: Update on the status of the Vineyard and Orchard Permit Development
(*Katherine Carter and Lynette Shipsey*)

BOARD ACTION: This is an informational item only; no Board action to be taken.

BACKGROUND: The purpose of this item is to update the North Coast Regional Water Quality Control Board (Regional Water Board) regarding the outcome of the technical assessments that staff conducted to help better define the scope and content of the vineyard and orchard permit.

There are approximately 320,000 acres of productive agricultural land in the North Coast Region. The attached map (Figure A) shows the distribution of agriculture in the North Coast Region by crop type. Vineyards and orchards comprise 20% of this agricultural acreage and have the potential to discharge pollutants to surface water and groundwater through the application of pesticides and fertilizer, erosion of sediment, removal and suppression of riparian vegetation, and runoff from tailwater return flows. The Regional Water Board has a statutory obligation under the Federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act to regulate discharges of waste to waters of the State, restore water quality in impaired waters, and maintain existing high-quality waters. As part of this requirement the State Water Resources Control Board's 2004 Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) states that all nonpoint source discharges of waste are to be regulated by either waste discharge requirements, waivers of waste discharge requirements, or prohibitions to ensure compliance with the law. Under the NPS Policy the Regional Water Board may prescribe general Waste Discharge Requirements (WDRs) and/or a waiver of WDRs for a category of dischargers if the discharges are produced by the same or similar operations, involve the same or similar types of waste, require the same or similar treatment standards, and are more appropriately regulated under a general WDR or waiver than individual WDRs.

In March of 2017, the Regional Water Board endorsed staff's recommendation to prioritize development of a general WDR or waiver specifically for vineyards and orchards. To support this decision and clearly define the scope of the vineyard and orchard permit (Permit), staff have conducted research and geographic information system (GIS) analyses to determine if a single permitting effort for both vineyards and orchards is warranted and if the permit should apply regionwide or be more limited in geographic scope. The exercise included identifying the spatial distributions, sizes, management practices, fertilizer and pesticide application rates, water use, water quality impairments, and other factors associated with vineyards and orchards in the North Coast Region. This information was utilized to answer the following scoping questions:

- 1) Does an assessment of readily available data confirm that the development of a single permit to address discharges of waste from both vineyards and orchards is appropriate?

- 2) Does an assessment of readily available data confirm that the development of a regionwide permit is appropriate?

Staff established a list of technical assessment questions that identified the key information to be gathered and used to provide the necessary framework to successfully answer these scoping questions. The answers to the scoping and technical assessment questions are presented in the supporting document titled *Vineyard and Orchard Permit Scoping*, which is attached, and the findings will be shared during the information item. As a result of the permit scoping technical assessment, staff recommend that a regionwide general WDR or waiver be developed to address the potential for waste discharges from vineyards alone and apply regionwide to all vineyards that meet certain enrollment criteria. Discharges of waste from orchards will be addressed in a separate permit to be developed by the Regional Water Board in the future. Staff recommend that until a WDR or waiver specific to orchards can be developed in the future, potential discharges from these operations should be addressed on a case by case basis using a stewardship approach where appropriate or through enforcement where necessary. When the Regional Water Board develops an agricultural permit for the Tule Lake area, orchards located in Modoc and Siskiyou Counties could be included in that permit.

As the scope of the Permit was being assessed, there has been no change in staff's recommended approach to key program development concepts, which have been previously shared during Stakeholder Advisory Group meetings conducted from 2011-2014. These concepts include the potential development of water quality farm plans, implementation of best management practices to control discharges of waste, and reliance on third-party groups or programs to assist land managers and property owners in achieving compliance with the Permit.

Summary of the Permit Development Schedule:

The following is a summary table with major milestones for permit development and represents the current best estimates of the time needed to complete each task.

Project Schedule	
<i>Process/Milestone</i>	<i>Time Frame</i>
Outreach to Advisory Group Members	Beginning Spring/Summer 2019
Tribal Consultations	Beginning Winter 2019
Administrative Draft of Permit	Winter 2019 – Summer 2020
CEQA Development	Winter 2019 - Summer 2020
Public Comment Period	Fall/Winter 2020
Public Workshops	Fall/Winter 2020
Adoption Hearing	Winter 2021

RECOMMENDATION: Informational item only. No Board action will be taken at this time.

SUPPORTING DOCUMENTS: Figure A: North Coast Region Agricultural Land Use Vineyard and Orchard Permit Scoping