

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

STAFF REPORT FOR REGULAR MEETING OF JANUARY 30, 2014

Prepared on January 6, 2014

ITEM NUMBER: 13

SUBJECT: Irrigated Lands Regulatory Program Update

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KEY INFORMATION:

Location: Region-wide
Type of Discharge: Irrigated Lands runoff and leaching to groundwater
Existing Orders: Order No. RB3-2012-0011 and WQ 2013-0101

THIS ACTION: Informational

SUMMARY

This is an information item to update the Board regarding implementation of Agricultural Order R3-2012-0011. Staff will not make a presentation to the Board, but will be available for questions. This update will provide information on the status of the following activities: enrollment, numbers of farms/ranches and acreage in tiers, status of compliance with nitrate loading risk determination reporting requirements, inspections, status of drinking water notifications, and list of outreach events. In addition, Parry Klassen – Executive Director of the Central Coast Groundwater Coalition will make a brief presentation to the Board regarding the status of the Central Coast Groundwater Coalition’s efforts to comply with cooperative groundwater monitoring program requirements.

Enrollment

Since the launch of the electronic-Notice of Intent (eNOI) in 2010, enrollment in the Agricultural Order has continued to experience a steady increase over time. Current enrollment includes approximately 426,208 acres, which is 98% of the estimated irrigated acreage in the Central Coast region. Table 1 below includes enrollment statistics for the Agricultural Order, as of January 6, 2014.

Table 1. Agricultural Order Enrollment Statistics¹

Central Coast Region Irrigated Agriculture Total Estimated Acreage	~ 435,000 acres
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Agricultural Order Total Enrolled Acreage	~ 426,208 acres	
	(~ 421,832 acres) Represented in eNOI	(~ 4,300 acres) Enrolled pre-2010, ~ 73 Growers have not submitted eNOI.
Total eNOI Submittals	1748 eNOI Submittals or 4305 farms/ranches	

¹Data reported in GeoTracker as of January 6, 2014.

At the December 2013 Board Meeting staff recommended that the Executive Officer terminate enrollment for specific operations for growers who were determined to be no longer in business. Staff received calls from many individuals confirming that these operations were no longer in business. The Executive Officer's determination will be provided as a supplemental sheet prior to the Board meeting. As a result, total enrolled acreage has decreased slightly since the last report to the Board due to termination of enrollment for operations no longer in business. In addition, staff is completing an evaluation to confirm that the properties where operations have enrollment terminated are enrolled under the new operator, if appropriate.

As discussed at the December 2013 Board Meeting, even after the terminations of enrollment discussed above, there are 4300 acres that individual growers previously enrolled, prior to 2010, for which these growers have not submitted an eNOI. Staff issued Water Code Section 13267 letter and Notices of Violation letters to these growers in 2010 and 2011, respectively, for failure to submit an eNOI. Staff has also requested assistance from industry groups to contact these operations and provide compliance assistance.

Numbers of Farms/Ranches and Acreages in Tiers

At the December 2013 Board Meeting, environmental representatives requested information regarding Tiers. Table 2 below includes numbers of farms/ranches and acreage in each Tier of the Agricultural Order, as of January 6, 2014. A regional map displaying the location of these farms/ranches will be provided as a supplemental sheet prior to the Board Meeting.

Table 2. Agricultural Order Tiers¹

	Number of Farms/Ranches	Acreage	Percentage
Tier 1	2,344	171,975	54.4%
Tier 2	1,812	220,413	42.1%
Tier 3	46	23,525	1.1%
Pending	103	5,919	2.4%

¹Tiers as of January 6, 2014. Pending Tiers are not yet assigned due to inaccurate reporting of farm locations or are new enrollments waiting for tier assignment. Farm/Ranches without eNOI are not included.

Annual Compliance Form – Status of Nitrate Loading Risk Reporting

At the December 2013 Board Meeting, Board Members requested information regarding the status of compliance with nitrate loading risk reporting. The State Water Resources Control Board Order WQ 2013-0101 (State Order) requires growers with Tier 2 and Tier 3 farms to submit Section C - Groundwater Nitrate Loading Risk Determination reporting by January 15, 2014 and then annually by October 1. As of January 6, 2014, 272 Tier 2/Tier 3 farms/ranches have complied with this reporting requirement, resulting in approximately 15% compliance.

On December 18, 2013, Water Board staff Monica Barricarte made a presentation to the Grower Shipper Association's Water and Environmental Committee Workshop to explain the Annual Compliance Form and upcoming nitrate loading risk reporting requirements. For most operations, methods to evaluate nitrate loading risk are straight-forward to utilize. However, for a limited subset of farms, either the soil type or crop type may be unavailable for selection in the nitrate loading risk determination section (Nitrate Hazard Index). In these cases, staff instructs growers and their consultants to identify substitute criteria with the similar characteristics (e.g. similar rooting depth, similar soil texture) and document selections and justification for substitute criteria in the Farm Plan. In addition, staff routinely works with growers to help them determine appropriate substitute selections, so that growers may complete this reporting requirement.

Inspections

During December 2013, staff conducted inspections of nine farms/ranches. At this time, staff is following up with growers regarding the results of inspections. The purpose of the farm/ranch inspections is for Water Board staff to visit the enrolled farm/ranch and engage in dialogue with the grower and/or landowner to do the following:

- Discuss and evaluate compliance with the Agricultural Order;
- Verify accuracy of information reported to the Water Board (e.g. eNOI, Annual Compliance Form);
- Identify, observe, and document areas where the grower and/or landowner is successfully implementing management practices;
- Identify, observe, and document areas of concern and improvement needed;
- Assess how the grower is using an iterative process to implement management practices to protect and improve water quality (e.g., How is the grower implementing practices? How is the grower evaluating practices? What plans does the grower have for improvement, if practices are not successful in controlling discharge?)
- Provide an opportunity for the grower and/or landowner to take follow-up actions using an iterative, adaptive management approach to implement improved management practices to protect and improve water quality;
- Require additional information or actions, as appropriate.

To help growers anticipate inspections, staff developed a farm/ranch inspection grower resource document. This document is provided as an Attachment 3 to the Staff Report and is available with other grower resource documents on the Water Board's website:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/resources/4growers/ilrp_inspection_form_121713.pdf

Drinking Water Notifications

Based on results of individual groundwater monitoring, Central Coast Water Board staff issues "Drinking Water Notification" letters to those growers and landowners whose domestic water supply wells exceed the drinking water standard for nitrate or nitrogen. The purpose of these

letters is to notify growers that their domestic well exceeds the drinking water standard for either nitrate or nitrogen, and presents a health risk to those who may be drinking or cooking with the water. The letter also includes a grower resource document titled "Nitrate in Drinking Water" which provides important information about the domestic well, human health risks associated with drinking water containing elevated levels of nitrate/nitrogen, and a list of resources and contacts where growers and persons using the well can obtain additional information and assistance. This guide is also available on our website and in English and Chinese translations.

As of January 6, 2014, the Central Coast Water Board has issued 60 drinking water notification letters to growers and landowners who have one or more domestic drinking water wells which exceed the drinking water standard – some farms/ranches have multiple groundwater wells with exceedances. The letter requests that the grower provide confirmation that they have notified the domestic well users of the nitrate exceedence, posted an appropriate public health notification, and identify any treatment method or alternative drinking water supplies provided to ensure safe drinking water, if applicable.

Cooperative Groundwater Monitoring - Central Coast Groundwater Coalition

On November 1, 2013, the CCGC submitted a revised workplan to the Central Coast Water Board to address the new requirements in the State Order. In addition, the CCGC also submitted a new workplan to add members and groundwater monitoring in the southern counties (San Luis Obispo, Santa Barbara, and Ventura Counties). The Executive Officer approved these workplans on December 17, 2013 and December 18, 2013, respectively. In addition, the CCGC submitted their final membership list on November 22, 2013. Parry Klassen, Executive Director of the CCGC will update the Board on the status of implementation of the cooperative groundwater monitoring program, including drinking water notifications for those growers who participate in the program and monitoring results indicate that that their domestic well exceeds the drinking water standard for either nitrate or nitrogen.

Staff Presentations and Grower Outreach Events

Below is a list of staff presentations and grower outreach events by date:

December 18, 2013 – Grower Shipper Association of Central California, Salinas, CA
Water and Environmental Committee Workshop – Annual Compliance Form
Presentation by staff Monica Barricarte

Conclusion

Staff continues to implement the Irrigated Lands Regulatory Program to improve and protect water quality and make progress towards the Water Board's goals of clean groundwater, healthy aquatic habitat and properly managed land that protects watershed functions. Future updates to the Board will continue to report out on the status of implementation, including compliance.

ATTACHMENTS

[NOTE: Attachments 1 and 2 will be provided as a supplemental sheet prior to the Board Meeting]

1. Executive Officer Determination Regarding Termination of Enrollment for Agricultural Operations No Longer in Business
2. Map of Farms/Ranches in Each Tier
3. ILRP Program – Resources for Growers: Farm/Ranch Inspections