

SUMMARY

PUBLIC WORKSHOP ON ADMINISTRATIVE DRAFT OF TENTATIVE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM AGRICULTURAL AND NURSERY OPERATIONS WITHIN THE SAN DIEGO REGION

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

July 14 and 15, 2015

Prepared by the Center for Collaborative Policy, CSU Sacramento

WORKSHOP SYNOPSIS

The San Diego Regional Water Quality Control Board (San Diego Water Board) is developing Tentative Waste Discharge Requirements for Discharges from Commercial Agricultural Operations and Nurseries within the San Diego Region (Tentative General Order). It is anticipated that the San Diego Water Board will consider adoption of the Tentative General Order in late 2015. As part of its public participation process an Administrative Draft of the Tentative General Order (Admin Draft) was prepared and made available for public review and comment. Public comments will be considered as the Tentative General Order is finalized.

The San Diego Water Board of a hosted two public workshops on July 14 and 15, 2015 to discuss the Admin Draft. The San Diego Water Board sought to gain a greater understanding of the perspectives that stakeholders have on the key elements of the Admin Draft. Staff will consider those perspectives as they finalize the Tentative Order later this year.

Dave Gibson, San Diego Water Board Executive Officer, attended the first day of the workshop. He provided perspective on the San Diego Water Board's intention to develop a targeted, watershed-by-watershed approach to regulations where high priority watersheds and pollutants of concern are identified and addressed, resulting in higher water quality standards for the region. He further emphasized the San Diego Water Board's desire to work collaboratively with stakeholder to create an effective and practicable order.

Over the course of the two days, Mr. Barry Pulver, San Diego Water Board Engineering Geologist, provided short presentations on the various subcomponents of the Admin Draft, including enrollment criteria, application requirements, Best Management Practices and Management Measures, monitoring and reporting requirements, and effective implementation requirements. Mr. Dorian Fougères, facilitator from the Center of Collaborative Policy, CSUS, discussed pre-workshop preparatory interview findings on the same topics, as well as drivers and trends of agriculture in the San Diego Region, and historical stakeholder engagement.

Workshop participants engaged in open discussion and questions with San Diego Water Board staff, and offered suggestions on ways to improve or revise the Tentative Order. Staff will revisit the recommendations from stakeholders, and consider how to incorporate appropriate

changes into the Tentative Order. A subsequent workshop will be held in August where San Diego Water Board staff will present on how they addressed comments made at these meetings, and any revisions made to the Tentative Order.

Presentations and handouts available on the San Diego Water Board website:
http://www.waterboards.ca.gov/sandiego/water_issues/programs/irrigated_lands/irrigated_ag_d.shtml

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ACTION ITEMS

1. **All Participants** to provide further comments (if desired) to Barry Pulver by COB July 31.
2. **Adriana Nunez**, San Diego Water Board, to investigate potential for hosting workshops in agricultural communities with multiple Board members.
3. **Dave Gibson**, San Diego Water Board, to invite staff enforcement officer to future meetings with agricultural communities to discuss procedures, intensity, and public noticing.
4. **Dave Gibson** to convene monitoring group coordinators and develop letter addressing the current transition period between the expired Agricultural Waiver and the Tentative Order.
5. **San Diego Water Board Staff** to clarify their anticipated process for preparing a CEQA negative declaration for the Tentative Order.
6. **Barry Pulver**, San Diego Water Board, to circulate copy of July 14 and July 15 presentation slides.
7. **Johnny Gonzalez**, State Board, to provide link to electronic copy of BMP brochure developed with UC Davis & NRCS.
8. **Alicia Appel** (Escondido) and **Mo Lahsaie** (Oceanside) to check on availability of respective City Council chamber meeting space.
9. **Cori Calvert**, NRCS, to provide website address for NRCS information and resources on BMPs.

10. **Ryan Wann**, County of San Diego, to provide link from CDFA website that lists allowed pesticides due to proximity of threatened and endangered species.
11. **Dorian Fougères**, CCP, to circulate (via Barry) the eight interview questions asked during the pre-workshop preparatory interviews, draft interview findings, and July 14 and 15 action items.
12. **Meagan Wylie**, CCP, to complete draft July 14 and 15 meeting summaries by July 28 and 29.

1. WELCOME AND OPENING REMARKS – JULY 14TH

Dave Gibson, San Diego Regional Water Quality Control Board (San Diego Water Board) Executive Officer, welcomed participants to the stakeholder meeting to discuss the *Administrative Draft of Tentative General Waste Discharge Requirements for Discharges from Commercial Agricultural Nursery Operations within the San Diego Region (Admin Draft)*.¹

Following self-introductions by meeting participants and project staff, Mr. Gibson provided contextual information on the Admin Draft and made additional remarks:

- Mr. Gibson was appointed Executive Officer of the San Diego Water Board in 2009, and since his appointment has been interested in a developing a better approach to managing irrigated lands and non-point source (NPS) pollutants.
- Currently the San Diego Water Board is not well structured to manage farms and nurseries of large or small scale, and there are no full-time San Diego Water Board staff assigned to the Irrigated Lands Regulatory Program (ILRP). Mr. Gibson recognizes that dedicated program staff are necessary to the success of this effort.
- The Water Boards are built around regulating point source pollutants, and that style and approach is not appropriate for managing irrigated lands waste discharge. The development of a new approach will be collaborative.
- The San Diego Water Board and Mr. Gibson have made two commitments:
 1. To bring the Tentative General Order before the San Diego Water Board by December 2015, where they may consider adoption of the Order.
 2. To create San Diego Water Board staffing positions for the ILRP such that these “boots on the ground” staff will work with stakeholders to meet the waste discharge requirements.
 - The San Diego Water Board will initially seek financing for one full time staff position by December 2016, with the hope of growing to four full time staff.

¹ For the purposes of this summary, the term Admin Draft refers to the Administrative Draft of the Tentative General Order for Discharges from Commercial Agriculture and Nurseries within the San Diego Region. The Admin Draft was made available for public review and comment on July 3, 2015. The term Tentative General Order refers to the Tentative General Order for Discharges from Commercial Agriculture and Nurseries within the San Diego Region. The Tentative General Order is anticipated to be released for a 45-day public comment period in late August 2015. The term General Order refers to the final adopted Order.

- One of the San Diego Water Board’s Board of Directors’ most recent priorities has been the Tijuana River Valley Recovery Strategy. As several goals related to this project have now been achieved, Mr. Gibson can dedicate roughly 25% of his time to the ILRP for the duration of the calendar year.
- In order to meet these commitments and achieve the desired results of the General Order, the San Diego Water Board anticipates hosting regular ongoing collaborative meetings with stakeholders to develop new approaches to addressing the complex topic of irrigated lands, and to recommend improvements to the monitoring and assessment program.
 - The San Diego Water Board seeks to develop a targeted, watershed-by-watershed approach to regulation where high priority watersheds and pollutants of concern are identified. Best Management Practices (BMPs) will be employed to address key discharge issues.
- The Tentative Order will also be grounded in the authority of enforcement of the Water Boards. All stakeholders will be treated equally and monitoring data (likely in the form of Watershed Report Cards) will set the basis for any enforcement action.
- The San Diego Water Board is dedicated to a collaborative approach regarding the content of the Tentative Order requirements and how the San Diego Water Board regulates NPS pollutants, and has a goal of maintaining continuous engagement with stakeholders.
 - The San Diego Water Board is open to creative/innovative alternatives and ideas from stakeholder for improving the Tentative Order to both achieve the desired water quality results and maintain a viable agricultural community in San Diego.
 - The San Diego Water Board staff will consider all input provided during these meetings and may conduct substantial revising and editing of the Tentative Order over the next several weeks per stakeholder feedback.

Following Mr. Gibson’s opening remarks, Dorian Fougères, meeting facilitator from the Center for Collaborative Policy (CCP), California State University Sacramento, reviewed the agenda, meeting ground rules, and the following meeting goals:

1. Ensure participants understand the context, purpose, and process for developing a Tentative Order.
2. Obtain feedback on key components of the Admin Draft.
3. Obtain advice on how to best communicate and share information with agricultural communities.

Questions and discussion followed:

- Thank you for the commitment to engage with stakeholders, and for the interactive approach to this meeting. It appears that the growers and those who will be directly impacted by the General Order are not well represented at this meeting. Does the San

Diego Water Board anticipate holding additional meetings where more growers may attend?

- **Mr. Gibson:** Yes, the San Diego Water Board is willing to host additional public workshops at a time more convenient to growers' schedules. Additionally, it is anticipated that the San Diego Water Board will host a relatively unstructured workshop to allow for free-flowing dialogue from growers this summer or fall, or later if necessary.
- **Mr. Gibson:** Also note that there are six to seven government-appointed individuals who serve as our Board will make the final decision as to the requirements and stipulations of the Tentative Order.
- What are the San Diego Water Board's processes for reaching out to stakeholders?
 - **San Diego Water Board Staff:** The San Diego Water Board disseminated information through their website and associated email list serves. Staff also conducts personal outreach to individual growers and coalition groups.
 - **Mr. Fougères:** In the workshop preparatory interviews conducted by CCP, the need for local meetings held in the evenings or on weekends was emphasized, as was the need for additional liaisons and network contacts with agricultural communities.
 - **Mr. Gibson:** The San Diego Water Board is interested in discussing different methods of stakeholder outreach and strategies for communications to improve its effectiveness, and welcomes suggestions from participants.
 - **Comment:** Many of the grower representatives have mailing lists that can be used to disseminate information.
 - **Comment:** One participant suggested keeping the duration of future workshops to two hours for growers.
- The San Diego Water Board is invited to host a workshop in Riverside. Many of these stakeholders have confusion about which irrigated lands are subject to enforcement.
 - **Mr. Gibson:** The San Diego Water Board generally welcomes that opportunity, and will need to confer with its attorney on the legal logistics of doing such, including Board member participation. A workshop of that nature may be required to be a publically noticed meeting, which is possible if necessary.
- There is a strong attitude of compliance fatigue and fear among farmers in the community. The San Diego Water Board has an opportunity to turn that attitude around with on the ground BMPs and significantly improved monitoring/reporting procedures. The Natural Resources Conservation Service (NRCS) has a long-standing history of successful BMP implementation and can assist.
 - **Mr. Gibson:** Staff agree with the need to implement BMPs and refine the monitoring procedures to have a faster turn-around time. Previously it took up to 17 years to develop comprehensive monitoring reports, which is unhelpful to real-time decision making.

- **Mr. Gibson:** Occasionally enforcement for compliance of regulations is needed as well. However, the San Diego Water Board does not receive any revenue from the fines that are imposed, and prefers to avoid creating hours of staff work related to compliance on thousands of small farms if there are more effective approaches.
 - **Mr. Gibson:** The San Diego Water Board is also interested in the support of the Resource Conservation Districts (RCD).
- Has the Tentative Order already been finalized?
 - **San Diego Water Board Staff:** No. The San Diego Water Board anticipates presenting the draft Tentative Order to the Board of Directors in December of this year. The dates listed in the draft Tentative Order are projected dates only.
- The draft Tentative Order states a negative declaration will be issued with respect to the California Environmental Quality Act (CEQA). Was an assessment made on the economic impact of the fees and record-keeping needs, and to the public for indirect expenses and possible loss of farming operations?
 - **Mr. Gibson:** The San Diego Water Board is required to comply with CEQA, and the reasons for choosing to make a negative declaration warrant a longer discussion, as the issue is complex. The declaration is still in progress and has not yet been submitted to the state clearinghouse. It will move forward roughly in tandem with the release of the Tentative Order. There will be an opportunity for public comment on the declaration.
 - **ACTION ITEM:** **San Diego Water Board Staff** to clarify their anticipated process for preparing a CEQA negative declaration for the Tentative Order.
- Local farmers work to minimize their use of fertilizers and pesticides. Has there been a direct statement made regarding agriculture's contributions to non-point source discharge? Have the impacts of residents' use of fertilizers and pesticides to water quality degradation been quantified? The concern is that commercial farmers will become the scapegoat for these pollutants, regardless if they are the primary contributors, because the San Diego Water Board has the ability to regulate them and cannot regulate residents.
 - **Mr. Gibson:** Residential pesticide use is major concern. Any homeowner can purchase gallons of poisons with no limitations at big-box stores such as Lowe's. One of the issues the San Diego Water Board is trying to address is how to better regulate stormwater from multiple sources.
- The \$10,000 threshold for monitoring coalition requirements is equivalent to one acre of avocados, and could be up to 40% of the total income for small farms. This has the potential to be an enormous financial burden.
 - **San Diego Water Board Staff:** Staff acknowledge this concern, and the discussion of enrollment criteria has a dedicated agenda item later in the day. Staff are

open to creative approaches on how to address small farms, such as aggregating lands or taking a watershed approach.

- One grower who manages a 2.5-acre property noted that he receives four different inspections from the County annually – hazardous waste, stormwater, business and irrigated lands monitoring. It was suggested that a consolidation of these inspections be made.
 - **Mr. Gibson:** The San Diego Water Board would support working collaboratively with agencies to consolidate the necessary annual inspections.
- The San Diego Water Board should look carefully into if the Admin Draft will have unintended conflicts with, or impacts to, Cal Recycle laws and compost applications.
 - **Mr. Gibson:** The San Diego Water Board supports land applications of compost and will work with Cal Recycle to ensure there are no unintended consequences.

Johnny Gonzalez, Irrigated Lands Regulatory Program, State Water Resources Control Board, provided the following comments:

- As the State’s agriculture programs have matured, the constituency of stakeholders at public workshops such as this is now predominantly growers.
 - The County Agricultural Commissions, Farm Bureaus, and University of California Extension programs are involved in outreach to the growing community. Agency and organization coordinators should increase interactions with local Resource Conservation Districts (RCDs) as well. This method of outreach and communication to growers can be used to identify the priority areas for addressing NPS pollution.
 - The building of relationships between agencies and the Water Board is a positive development, and should continue to be cultivated.
- Agriculture waivers have been in place since the 1980s. Senate Bill 390, developed in 1999, included 48 categories of agricultural waivers that terminated in 2003, including one for irrigated agriculture.
 - The current Irrigated Lands Regulatory Program (ILRP) was formalized in 2003, allowing for the regulation of irrigated agriculture.
- The State Board supports the collaborative stakeholder approach to developing regulations taken by the San Diego San Diego Water Board. The State Board may provide resources to help San Diego’s San Diego Water Board achieve its goals listed in the Admin Draft.
- The State Board is currently developing a database tool that will assist regions with water monitoring and data collection, and the subsequent identification of priority areas for addressing water quality concerns.

Questions and discussion followed:

- Is there a publicly available database or website where growers can go to learn of BMPs to help address problems with NPS pollution (such as improved methods for application of fertilizers)?
 - **Mr. Gonzalez:** The State Board produced a brochure in collaboration with University of California, Davis, approximately six months ago that listed BMPs that addressed water quality. Additionally, the aforementioned database will include BMP information as well as geospatial layers that demonstrate where BMPs are in practice and, eventually, their effectiveness.
 - The RCDs, NRCS, UC Extension and Farm Bureau also have references and resources.
 - Drake Enterprises developed a sustainable practices workbook several years ago.
 - **ACTION ITEM:** Cori Calvert, NRCS, to provide website address for NRCS information and resources on BMPs.
 - **ACTION ITEM:** Johnny Gonzalez, State Board, to provide link to electronic copy of BMP brochure developed with UC Davis and NRCS.

- Farmers must also consider the costs of implementing BMPs, such as the costs of applying compost to their land.
 - **Mr. Gibson:** This is an area where partnerships and incentives are developed that can be mutually beneficial and environmentally positive.

- Who is the certifying agency for Central Coast grape growers?
 - **Mr. Gonzalez:** Sustainability in Practice group provides certification. They are a recognized third party certifier.

- Have there been any positive benefits to farming operations stemming from agricultural regulations?
 - **Mr. Gonzalez:** Benefits stem from determining the most environmentally friendly way for farms to operate, developing tools that are uncomplicated to help growers satisfy regulation requirements, and documenting best practices on paper. For example, regulations review the economic rate for fertilizer applications. In the past, these calculations were all based on yield and did not consider leaching. Calculations will be revised and updated appropriately, and will hopefully provide farmers with cost-saving statistics.
 - **Mr. Gonzalez:** There are also societal benefits to regulating discharge from agriculture. The State cannot formally address issues such as lakes that are impaired due to nitrogen overloading without a formal program. Agricultural regulations help to focus the State's resources.

- Many farmers are already proficient at managing their resources for cost-saving purposes. The Water Boards should ask the growers directly how farm management could be improved for the benefit of water quality, rather than prescribing actions without consulting farmers.

- **Mr. Gonzalez:** The State Board has been having similar conservations with crop providers. The intent of these actions is to help the growers.
- The San Diego Water Board is encouraged to take a more directive approach with Cal Recycle regarding Title 14 and Title 27, such that Cal Recycle can be more aligned with the San Diego Water Board’s intentions.
 - **Mr. Gonzalez:** Agriculture rates for land application of compost are identified by the California Department of Food and Agriculture (CDFA).

2. OVERVIEW OF THE PROCESS

Barry Pulver, Engineering Geologist, San Diego Regional Water Quality Control Board, provided information on historical efforts and agriculture in the San Diego Region, and the process timeline and milestones for the current Tentative Order.

A. Historical Efforts of Agriculture

- Agriculture waivers have been in place since the 1980s.
- The most recent (though now expired) Agricultural Waiver was instituted in 2007.
- Meetings were held in 2012 to discuss the renewal of the 2007 Agricultural Waiver, and subsequently the first draft Tentative Order was developed in 2014.
- The first draft Agricultural Waiver evolved to incorporate stakeholder input collected through two public workshops held in 2014, such as making improvements to the required monitoring to ensure the data collected is useful and informative.
- The second iteration of the Draft Tentative Order is what this stakeholder group is currently discussing. There have been significant changes made from the 2014 draft version.

B. Current Process Timeline and Goal for Stakeholder Engagement Meetings

- This is the first of three scheduled public workshops to solicit feedback on the administrative draft. The next meetings are scheduled for July 15 and August 3.
 - As Mr. Gibson noted, if more workshops are needed then the San Diego Water Board could accommodate that need.
- Feedback on the Admin Draft is requested by July 31, 2015. The San Diego Water Board will then consider comments and suggestions, revise the draft Tentative Order as appropriate, and then issue a revised Tentative Order late summer.
 - The Admin Draft is subject to change on every word. The goal of the San Diego Water Board is to make the revised Order workable and requirements realistic. The San Diego Water Board is interested in hearing how the Admin Draft can be further improved, and what components included may not make sense for implementation and why.

- Once the Tentative General Order is issued, there will be a 45-day public review and comment period, for which the San Diego Water Board will prepare a formal response to comments.
- Currently the Tentative Order is scheduled to be presented to the Board of Directors in December 2015, which will provide a third opportunity for public review.
- Note that this projected timeline is subject to revision.

Questions and discussion followed:

- The review process seems rushed, especially as there are only a few growers in attendance today. Will there be time for the growers, and others, to provide responses to the San Diego Water Board, and for the San Diego Water Board to incorporate their feedback?
 - **Mr. Gibson:** The draft waste discharge requirements are ready for revisions, and if the Board of Directors would like to delay the timeline a bit longer, then the San Diego Water Board staff will comply. Furthermore, the Board of Directors can re-open the General Order for revisions at any time in the future if they believe the regulations are not working effectively.
 - **Mr. Gibson:** While most growers may be doing exactly the right thing, the San Diego Water Board wants to acknowledge them for their practices and at the same time recognize that there are always places for improvement. Similarly, agricultural discharge requirements will never be perfect, but they need to be workable.
- What are the requirements for monitoring in the interim between waivers?
 - **San Diego Water Board Staff:** As the current waiver is expired, at this time there is no requirement to conduct monitoring. However the hope is that growers are still conducting best practices, and that the monitoring groups continue their engagement with the San Diego Water Board through the development of the new General Order.
- Is it possible for the San Diego Water Board to prepare a letter addressing the current transition period?
 - **Mr. Gibson:** Yes, the San Diego Water Board can prepare a letter.
 - **ACTION ITEM: Dave Gibson** to convene monitoring group coordinators and develop letter addressing the current transition period between the expired Agricultural Waiver and the Tentative Order.
- The monitoring coalitions have not received any results or feedback from the San Diego Water Board regarding their water quality testing data. After years of data collection, how do monitoring groups then report back to their members and let them know if they are taking appropriate BMP measures, etc.?

- **Mr. Gibson:** That dynamic will be changing with the implementation of the new Order. Monitoring groups will be receiving feedback on their monitoring in the form of “report cards.” Furthermore the requirements for monitoring will shift to a question-driven approach.
- Is it possible to conduct quarterly meetings with the monitoring coalitions?
 - **Mr. Gibson:** Yes, this is a possibility. The Water Boards staff will be much more actively engaged in these efforts moving forward.
- Was any baseline monitoring data collected in 2007, when the first Agricultural Waiver was instituted?
 - **San Diego Water Board Staff:** Only three seasons were monitored during that time period, and those were drier-than-usual years. Therefore it is not adequate baseline data. It is not possible to state if there was any statistical change in terms of loading, etc., during that time period from 2007-2014.
 - **Mr. Gibson:** While it may not be possible to determine statistical change, the levels of contaminants themselves is unacceptable and they are contributing to impaired water bodies. There are fourteen 303(d) listed water bodies in the region. Status quo in this area is not acceptable. If the San Diego Water Board of Directors, for whatever reason, decides not to take action to improve water quality, then the hope would be for the State Board to appeal and do so. The job of the San Diego Water Board staff is to keep that from being a necessary action by working together with stakeholders. Monitoring will help select pollutants of concern and water bodies to focus remediation efforts on.
- Has there been any outreach conducted to retail sellers of fertilizers in the county regarding this program?
 - **San Diego Water Board Staff:** Not yet, though if they have something to add to this discussion they should be in attendance. The San Diego Water Board will add them to the outreach list.
- It would be beneficial for the San Diego Water Board to present on the monitoring data they have historically collected from monitoring groups and discuss what is being done with the data.
 - **San Diego Water Board Staff:** This may be possible. Staff has been asked to prepare a presentation for the Board of Directors on the conditions of our water. The San Diego Water Board can check with the Monitoring Assessment and Research Unit (MARU) to see if there are particular water bodies that require immediate focus. There may not yet be enough data to provide this diagnosis, however.
 - **San Diego Water Board Staff:** In reference to the slide displaying “Ag Waiver Monitoring Results” for total dissolved solids (TDS), Nitrogen (N) and Phosphorous (P), there is some data demonstrating constituents that need to be addressed.

- Water that is processed through a sewage treatment plant can be used for groundwater basin recharge with a total dissolve solids (TDS) level of 500 mg/L. That water is then pumped and used for agricultural and residential landscape purposes, and is supposed to meet a water quality objective of 750 mg/L. This target objective is extremely difficult to meet.
 - **Mr. Gibson:** The San Diego Water Board agrees this is an issue, and recognized that the water San Diego received from the Colorado River has a high salt and nutrient content contributing to the base level of TDS. It is the hope that in the future the County can financially support a brine line and improved water recycling facilities.
 - **San Diego Water Board Staff:** The drought may allow for the County to supply low-salt water.

- The Temecula Valley district area is looking into both indirect potable reuse (IPR) and installing a brine line.

- How did the San Diego Water Board arrive at its listed water quality objectives?
 - **San Diego Water Board Staff:** They were derived from the Basin Plan, and were based on existing and anticipated water quality conditions from the 1970s. San Diego has changed dramatically in the last 40 years, and there will be a thorough review of the Basin Plan over the next three years. Currently the review is focusing on bacterial indicators and metals in Chollas Creek.
 - **Mr. Gibson:** While the water quality objectives are dated and need to be reviewed, they are also protective.

- The concept of water quality and associated measurements can be difficult for the public to grasp. Will general education be a part of the San Diego Water Board's outreach program? Also, will there be any institution of greywater programs?
 - **Mr. Gibson:** Yes, that is part of the outreach program. One challenging piece is taking science and converting it into useful and understandable data. The San Diego Water Board does not currently have a university staff but is building that into its culture moving forward. Project partners help with this education and outreach as well.
 - **Mr. Gibson:** The San Diego Water Board has asked the State Board to look into developing greywater guidelines, though not regulations. However there is a more immediate need for a salt and nutrient management plan.

- NRCS can also provide limited financial incentive to improve pollution control measures.

- With the current drought and potential increases in agricultural regulations, there are concerns about how local farmers will compete for sales with growers from other countries.

- The San Diego Water Board should look at agricultural irrigated lands as compared to golf course irrigated lands for our region for water use, runoff, etc.
 - **Mr. Gibson:** Agreed, golf courses should be regulated like they are farms, but currently that is out of the purview of Admin Draft.

C. Interview Findings from Facilitator

CCP conducted a series of pre-workshop preparatory interviews with key stakeholders in order to obtain candid feedback regarding a new Agricultural Order, and to help CCP and the San Diego Water Board plan for and facilitate these meetings. A series of eight questions were discussed with 14 interviewees, and findings were compiled and documented without attribution. One additional interview is scheduled for later in July. The final “Interview Findings and Recommendations” document will be available to stakeholders by July 31st.

Mr. Fougères reviewed the list of interviewees and then discussed the key findings related to the following topics (refer to PowerPoint slides for details):

- Drivers and Trends
- Board Status
- Use of Science

Questions and discussion followed:

- Is the Center considering adding other interviewees? There was no representative from the solid waste or compost industry interviewed.
 - **Mr. Fougères:** The intent was to focus the interviews to the core interest groups. CCP can discuss options for adding additional interviews with staff.
- More growers should be interviewed, as growers and representatives have differing opinions and perspectives.
 - **Mr. Fougères:** For transparency purposes, CCP and San Diego Water Board did not realize that responses from growers and the irrigated lands monitoring group coordinators would differ so greatly. This is noted and will be discussed with staff.
- **ACTION ITEM:** Dorian Fougères, CCP, to circulate (via Mr. Pulver) the eight interview questions asked during the pre-workshop preparatory interviews, draft interview findings, and July 14 and 15 action items.

3. ENROLLMENT CRITERIA AND APPLICATION REQUIREMENTS

Mr. Fougères reviewed the key findings related to the following topics (refer to PowerPoint slides for details):

- Enrollment Criteria for Individuals and Monitoring Groups
- Enrollment Procedure for Individuals and Monitoring Groups

A. Enrollment Criteria

Mr. Pulver next reviewed the proposed enrollment criteria for individuals and monitoring groups. He noted that the San Diego Water Board was developing the enrollment criteria during the time period that CCP was conducting the pre-workshop interviews, and did not have the feedback from interviewees available for consideration at that time. He invited stakeholders to further explore the ideas that were outlined in the interview findings.

Mr. Pulver explained that the proposed \$10,000 or greater of annual sales enrollment threshold was discussed in 2014. The threshold value is a difficult number to quantify, and comes from the general reasoning that the greater the sales, the larger the farm, thus the more pesticides and fertilizers applied to land. The San Diego Water Board recognizes this is a generalization and is not always the case.

The San Diego Water Board also reviewed federal considerations and their related enrollment criteria. If the farm operation is adjacent to a surface water body or poses a significant threat to water quality, the land owners would have to enroll regardless of the annual sales.

B. Enrollment Procedure

Mr. Pulver briefly described the enrollment procedure for individuals and monitoring coalitions:

- An individual discharger would be required to file a notice of intent and provide a Water Quality Protection Plan to the San Diego Water Board. The Water Quality Protection Plan would include information such as:
 - Location of the discharge sites
 - BMPs and management measures and practices in place
 - Procedure for determining how much fertilizer to apply
 - A monitoring plan and quality assurance plan, if required
- A monitoring coalition group would be required to provide the San Diego Water Board with information such as:
 - Coalition and membership structure
 - Methods for conducting outreach to membership
 - Copies of notices of intent

- Membership lists
- Water Quality Protection Plan
- Compiled parcel information

Mr. Pulver invited participants to share feedback on whether these proposed criteria and procedures seem reasonable to meet. And if not, to share suggestions on how the associated components of the Admin Draft might be adjusted.

Questions and discussion followed:

- The industrial stormwater permits may be a good example to review for exemptions. They state that if a potential discharger does not have exposure, they are exempt from the permit requirements. There will likely be analogous situations in agriculture. For example, tomato vines watered entirely on drip irrigation or indoor nurseries that do not generate runoff. Thus, if growers are not creating discharge, they could/should be exempt from enrollment.
 - **San Diego Water Board Staff:** The San Diego Water Board is open to exploring various growing conditions that could be considered exempt from the permit. There will be complicating factors to consider, such as how to manage runoff generated from heavy annual rain events.
 - The stormwater permits also list criteria for various categories of rain events.
- Potential stormwater dischargers are required to file a notice of non-applicability (NONA) annually stating they are exempt from the stormwater permit. Could a similar form for the agriculture permit be filed with the San Diego Water Board?
 - **San Diego Water Board Staff:** This may be feasible.
- Please provide further clarification on the application fees. Is it an annual fee or an initial fee? Will the fee vary by acreage? Will existing monitoring coalitions be required to pay this new fee or can they be grandfathered in?
 - **San Diego Water Board Staff:** Annual fees are reviewed and set by the State Board; the San Diego Water Board does not have the authority to set this fee. The State Board reviews programs across the regions and adjusts or establishes fees as needed annually. There is currently a three-tier structure for the State Board fee system.
 - **Mr. Gonzalez:** In the Central Coast, if a member drops out of a monitoring coalition they must inform their Water Board. They are then required to enroll in the “individual tier” which is significantly more expensive. Often they ask to re-join their coalition on this basis, and this is left to the discretion of that particular group.
 - **San Diego Water Board Staff:** For the agriculture program that is being discussed for San Diego, this proposed application fee is separate from the annual fee. The previous fee schedule included discretionary language that allowed the San

Diego Water Board to either require or waive a \$200 fee. For example, if enrollment in a monitoring program was made voluntarily, the fee could be waived. However, this language is no longer in the fee schedule so the San Diego Water Board would need to think further on creative approaches to circumventing an application fee.

- **San Diego Water Board Staff:** The development of the application fees is a process separate from the development of the Tentative Order. The San Diego Water Board's irrigated lands program does not have control on determining what specifically those fees would be. The San Diego Water Board attorney can explore the San Diego Water Board's power to waive an application fee if a grower was previously enrolled in a coalition.
- Will existing monitoring groups be required to resubmit the same or similar application information that they did in 2008 (e.g. GIS maps, engineering studies, etc.)? Compiling this information is very expensive.
 - **San Diego Water Board Staff:** If existing information is still applicable then it could be carried forward. In this case, the respective language in the Admin Draft will need to be revised. However, there are additional information requests in the Admin Draft.
 - **Mr. Gibson:** The San Diego Water Board will need to discuss this further as part of the considerations for transitioning between waivers. They will need to confer with legal counsel on how to identify groups that are already enrolled and carry their information forward. The San Diego Water Board intends to regulate on the basis of good faith.
- It is unreasonable to ask 1,400+ people from one coalition to resubmit historical information, and there may be no way of knowing if all of the farming operations are the same as they were five years ago.
- Asking existing members for a new application fee will reflect poorly on both the coalition coordinators and the San Diego Water Board. Existing coalitions want to work cooperatively in this manner and would prefer to waive fees for existing members. Although if members have dropped out in the past and would like to re-enroll, they should be subject to the fee.
- If compost BMPs can be employed for agriculture as they can be for meeting certain stormwater permit requirements, coalition/compliance groups could be trained by Qualified Industrial Stormwater Practitioners (QISP). This would require understanding the intent of the agriculture permit and questions that monitoring and BMP effectiveness are trying to address. This issue is very complex as there is so much diversity in agriculture in our county. For example, wineries now fall under new industrial stormwater operations *and* agricultural operations.
 - **Mr. Gibson:** There may be parties in existence that can help with that role, such as the RCDs and the Certified Crop Advisors. It warrants further exploration.

- **Mr. Fougères:** The interview findings revealed that many good resources already exist and growers are interested in having the San Diego Water Board partner with established, respected organizations for both education and technical assistance.
 - **San Diego Water Board Staff:** Discharge permitting for establishments like wineries should be reviewed to ensure they are not subject to double regulating, and the consolidation of permits should be conducted where possible.
 - **Mr. Gibson:** The State Board is already considering establishing a separate permit for wineries.
- What is the State Board doing to help the San Diego San Diego Water Board with the process of developing the Tentative Order? Is the State Board able to supply any funding for San Diego Water Board staffing needs, etc.?
 - **Mr. Gonzalez:** The role of the State Board is to assist the San Diego Water Board in developing their programs, and primarily functions as an information exchange.
 - **Mr. Gonzalez:** The State Board is drafting a strategic plan for a statewide approach to address discharge and impaired water bodies. They would like all regions to begin by addressing their top ten agricultural-related constituents of concern, and for regions that are developing programs to do this, the State Board can provide resources. They will support the use of technology service providers to train growers on nutrient management plans.
 - Mr. Gonzalez can document and relay to his superiors that there is work being conducted in Region 9 and that they are in need of resources.
 - **Mr. Gibson:** The State Board is hesitant to raise fees to supply resources to the regional Water Boards. Rather they must ensure that all those responsible to pay fees do so. Financial support from the State Board is ultimately at the discretion of the Governor and his budget.
 - **Mr. Gonzalez:** Further, the State Board is developing a database that would house this data and information, and will allow for Notices of Intent to be efficiently completed.
- RCDs and NRCS have had to cut back on technical funding. If possible, the Water Boards should offer grants to these organizations to support providers and partnerships.
- San Diego Water Board staff should give further consideration to interactions with farm management companies, and perhaps improve outreach to and education of these businesses. The managers will complete permit application paperwork for the growers who employ them.
- The Admin Draft notes that growers will be required to enroll if they are near a service water body, such as intermittent streams, drainage ditches and ponds. The San Diego Water Board needs to put clear and appropriate parameters on these defined water bodies with the intention of controlling the regulations rather than controlling the farm.

- GIS maps of water bodies and streams should be provided to growers, coalitions, and farm management business as a tool to help identify which properties need to comply with the permit.
 - **Mr. Gonzalez:** The State Board is currently engaged in this project as part of the new database structure.

- Is it true that there is no funding for enforcement to be conducted by the San Diego Water Board?
 - **Mr. Gibson:** No, that is not true. San Diego Water Board staff recently contacted all growers who were not enrolled in coalition or monitoring effort. If necessary, the San Diego Water Board will use their enforcement authority with more frequency moving forward. I will remove myself from my role as the enforcement hearing officer and conduct enforcement myself, if needed, to demonstrate the San Diego Water Board is firm on this issue.
 - **Mr. Gibson:** There is also other legislation that can be drawn upon for compliance assurance, if necessary, such as the Porter-Cologne Act.

- The grower community is small and they communicate well amongst themselves. Many do not want to call in their neighbors for non-compliance. Thus, the growers and coalitions will need to be clear on what enforcement procedures the San Diego Water Board will follow and how actively they will follow up. For example, how many warning letters will be sent out, and at what point do enforcement actions become public information?
 - **Mr. Gibson:** San Diego Water Board staff person Chiara Clemente, or other, can likely be brought into a subsequent workshop to discuss compliance procedures.
 - **ACTION ITEM: Dave Gibson,** San Diego Water Board, to invite staff enforcement officer to future meetings with agricultural communities to discuss procedures, intensity, and public noticing.

- The City of Oceanside worked with NRCS and UC Cooperative Extension to develop a system for self-training and self-inspection reports for stormwater permittees. The system includes random compliance inspections. This helps with gaining trust from permittees, and the same could be done with farmers.

- Growers could welcome a self-certification program. The proposed \$10,000 enrollment threshold seems reasonable. Perhaps farmers who do not meet these criteria could be considered “enrolled” without being subject to a fee, though still subject to compliance certification and random inspections. In this way even small farms would contribute to the success of sustainable farming and monitoring programs.

- A tiered enrollment fee structure should be further explored. If growers have to pay 10% of their income in order to participate in a coalition, then many people will start to

leave agriculture. In our region, we need people to enter into farming. Therefore the fee must be set at a level that supports active participation.

- If certain growers elect to enroll as individuals, some portion of the monitoring should be their responsibility.
- Golf courses and cannabis growers have some of the highest applications of fertilizers. They should be subject to these permit requirements.
 - **San Diego Water Board Staff:** The Tentative Order would cover cannabis growers. The Tentative Order would not include golf courses or horse ranches.

4. NEXT STEPS AND CLOSING REMARKS – JULY 14TH

San Diego Water Board staff noted that they were concerned about hosting evening or weekend meetings in case agencies would not be able to participate, however they are open to doing both. They requested feedback from meeting participants:

- One participant expressed his appreciation for the interactive format of the day's meeting. He noted that many farmers and agricultural waiver permittees could only meet in the evenings, however many of these individuals might not be familiar with permit and details. He suggested condensing meeting times to two hours and to simplify content where possible to maintain the interactive nature of future meetings.
- One member from NRCS stated she comes primarily to hear from other farmers on ways to improve their programs, and is open to attending meetings at any time.
- Several other agency folks noted that they would participate in evening and weekend meetings if needed.
- One participant commented that he acts as a representative of 112 farmers and would report back to them regardless of if the farmers attended evening meetings personally.

The San Diego Water Board then requested venue suggestions for hosting larger and evening/weekend meetings:

- The Board Room at Rancho Water District is available.
- The City of Vista has a new City Hall that may be available.
- The Farm Bureau's boardroom accommodates 70-80 people and can be used free of charge.
- **ACTION ITEM:** Alicia Appel (City of Escondido) and Mo Lahsaie (City of Oceanside) to check on availability of respective City Council chamber meeting space.
- **ACTION ITEM:** Adriana Nunez, San Diego Water Board, to investigate potential for hosting workshops in agricultural communities with multiple Board members.

Brandi Outwin-Beals, San Diego Water Board, noted that the Admin Draft has changed significantly since the last time it was presented in 2014, and encouraged all stakeholders to read through the details and submit any further comments by July 31st. Any of the four San Diego Water Board staff working on the Tentative Order can be contacted with additional questions: Barry Pulver, Roger Mitchell, Brandi Outwin-Beals, and David Barker.

- **ACTION ITEM:** All participants to provide further comments (if desired) to Barry Pulver by COB July 31, 2015.

Mr. Gibson, Ms. Outwin-Beals and Mr. Pulver all expressed their thanks for candid and productive conversation with stakeholders.

5. WELCOME AND OPENING REMARKS – JULY 15TH

David Barker, San Diego Regional Water Quality Control Board Supervising WRC Engineer, opened the meeting, noting the focus of the day's discussions on monitoring and reporting requirements outlined in the Tentative Order.

Following self-introductions by meeting participants and project staff, Dorian Fougères, meeting facilitator from the Center for Collaborative Policy, provided a brief topical overview of the previous day's (July 14th) discussion and reviewed meeting ground rules.

6. MANAGEMENT MEASURES AND BMPS

Barry Pulver, Engineering Geologist, San Diego Regional Water Quality Control Board, presented an informational PowerPoint slide related to Best Management Practices (BMPs) and Management Measures (MMs). He noted that these practices and measures are the cornerstone of success to accomplishing the goals of the Tentative Order, and that BMPs and MMs can be thought of as synonymous terms.

The Tentative Order does not specifically designate what BMPs a farm should employ, as the San Diego Water Board recognizes that farming facilities operators are capable of independently implementing appropriate measures to achieve the results outlined in the Tentative Order. The draft Tentative Order includes a reference list of BMPs supplied by the University of California Cooperative Extension (Cooperative Extension). There are additional resources that can be made available to the growers, also.

The San Diego Water Board is interested in learning from farmers what they do to mitigate waste discharge into waterways. It is important to the San Diego Water Board to ensure that operators are conducting regular inspections and repairs. The Water Quality Protection Plan (WQPP) is where these measures are memorialized and submitted to the San Diego Water Board. This Plan is not as specific as a nutrient management plan. It may include information such as:

- Descriptions of the various management measures being employed (e.g. irrigation by X method, fertilizer application by X method)
- Inspection information and minimum goals (e.g. once monthly and during three storm events)

The information included in the WQPP ties into the annual report, which includes a self-assessment survey and requires copies of the inspections. This documentation will help the San Diego Water Board to understand if management measures are working, if they are showing improvements, how they can be refined, etc.

Mr. Pulver next invited participants to share their perspectives and opinions to this approach.

Questions and discussion followed:

- The term BMP is often seen in stormwater permits. Why did the San Diego Water Board elect to use both terms “Best Management Practice” and “Management Measures” within the Tentative Order, rather than consolidating terminology?
 - **San Diego Water Board Staff:** In the original draft Order, BMP was defined as a structural device, and MM was defined as an action for controlling run-off at a site (e.g. fertilizer application). Stormwater uses the term “BMP” to cover both of these methods.
 - **San Diego Water Board Staff:** The San Diego Water Board will look into consolidating terminology to “management practices” for comprehensiveness and consistency. As there are legal definitions for both terms, this will need to be further vetted with legal counsel.
- Cooperative Extension documents define “Management Goals,” and list management practices following the defined goal. They will continue to use this terminology as the documents are updated. The San Diego Water Board may also consider similar terminology to allow for easier cross-referencing.
- In reference to pages E-3 and E-4 in the Tentative Order, there is an opportunity here to get more small growers on board with the monitoring plans. Individual enrollees and those in the \$10,000-25,000 annual gross sales brackets are a prime group to contribute to regional monitoring. These smaller growers/groups represent the uniqueness of San Diego agriculture. Participating in regional monitoring would validate their own certifications, increase their knowledge base, contribute to the overall improvement of water quality for San Diego County, and provide the San Diego Water Board the opportunity to inspect their operations on a random basis. In order for this to be possible, and enrollment fee *de minimis* may need to be offered. This is a difficult issue for the Water Boards to handle as the amount of micro-farms in San Diego is exceptional.
 - **San Diego Water Board Staff:** The idea of tiering enrollment costs further can still be explored. One possibility is to follow the General Order with development of a waiver for those who are below the current proposed enrollment threshold. Further conversation would be needed to determine if a fee would still be required to enroll under a waiver.
 - **San Diego Water Board Staff:** Another concept is to determine tiering within the monitoring program. For example, if a grower is at the minimum of the threshold (\$10,000), they could still be required to enroll and pay an annual fee, though might not have to participate in monitoring unless they are adjacent to surface waters of TMDLs.
 - **San Diego Water Board Staff:** The San Diego Water Board is especially concerned about causing significant financial burdens for small farms, as their profit margins change year-to-year and income is dependent on markets.

- Why did the San Diego Water Board choose to use dollar revenue to set a minimum enrollment threshold as opposed to farm size? Also, the United States Department of Agriculture has historically used gross sales, not net sales, to set thresholds.
 - **San Diego Water Board Staff:** The San Diego Water Board considered various metrics, like crop type, County annual crop report, amount of fertilizer and pesticide required for different crops, acreage, etc. They also asked around the State to learn from what other areas have done, and most seemed satisfied with using revenue thresholds. In general, the revenue amount does seem to be relevant to the intensity of operations of the farm.
 - **San Diego Water Board Staff:** However, the San Diego Water Board is hearing that there are more factors that stakeholders may want to consider for setting threshold criteria. One option would be to develop a simple table for various metrics farmers could use to determine if they qualify.
 - Both rationales are understandable. The simple matrix with perhaps five or fewer characters of risk seems a good approach. If possible, a draft of this should be developed before the December deadline.
 - A balance must be found for how to address something that is so complex and adequately assesses risk while developing something simple enough that growers/coalitions will actually utilize the form.
 - **Mr. Fougères:** There were many comments made during the pre-workshop interviews on how to factor in crop type, farming practices, water use, pesticide use, and soil erosivity.

- Perhaps one basic criteria for the matrix could be the amount of water used per acre. Dry land farming does not produce much runoff. Drip and micro spray are efficient watering systems, and any chemicals from those watering practices tend to be deposited in the “outer dry zone” of the crops.
 - **San Diego Water Board Staff:** The San Diego Water Board is considering both non-stormwater and stormwater runoff, looking at sediment and pesticide runoff when it is raining and not raining.
 - From the perspective of NRCS, sediment remains a huge issue to water quality and is not just tied to irrigation. Some farms do not do an adequate job of managing their farm roads.

- Income-based enrollment is not the best approach, and instead enrollment should be based on threat to water quality, similar to what is done for stormwater. Stormwater uses Municipal Separate Storm Sewer System (MS4) permits to classify threats as high, medium or low. The San Diego Water Board could develop similar “threat” criteria for enrollment. For example, if farming operations are in a biologically sensitive area, within 200 feet of a waterway, within a TMDL, etc.

- How is a farmer expected to prove or disprove if they meet the enrollment threshold or not? And how will the San Diego Water Board determine if someone is required to comply?
 - **San Diego Water Board Staff:** This is not yet determined. The San Diego Water Board understands that in many ways they are trusting in farmers, people, to do the right thing.
 - **San Diego Water Board Staff:** The San Diego Water Board will need to take responsibility to follow up with farms, whether via a phone call, site visit, periodic audit, or other effort to verify they do not meet the criteria.
 - The County at one time had a Farmworker Housing Program, and those that were enrolled had to complete Form F on their income tax returns. A third-party would review this form and determine if revenue was above or below a certain amount to qualify/disqualify that person for the program. This concept may also be applicable here.

- There are some farms that will fall out of the coalition with the new regulations and thresholds. What will happen with these farms?
 - **San Diego Water Board Staff:** Again this flags the need for a transition plan that was being discussed yesterday.
 - **San Diego Water Board Staff:** There are about 6,000 growers in the San Diego region. One idea that was brought up previously that warrants further exploration is the requirement to file a Notice of Non-Applicability form for those farms that do not enroll either individually or via a coalition.
 - **Comment:** A Notice of Non-Applicability is easy to track, and can be supported from the perspective of the City of Escondido.

- Other than creating more work for farmers, why would the San Diego Water Board *not* require a Notice of Non-Applicability?
 - **San Diego Water Board Staff:** That is the primary reason. It would put a burden on the ~3,000 farmers who are not required to enroll, but it still warrants further consideration. There may be a simpler way of requiring this form as the San Diego Water Board moves to full online form submission.

- Trying to require a notice (either of non-applicability or of enrollment) from ~6,000 growers in the County does not seem practical if the San Diego Water Board's goal is to encourage these growers to participate in their programs. One might consider various ways of making participation easier, like the way apps are made for smartphones.
 - **San Diego Water Board Staff:** Part of this program includes State mandated fees that the San Diego Water Board does not have control over. Reduction or tiering of these fees would help make entry into the program easier, but that would require the public attending annual State Board meetings and giving comment. The Tentative Order is trying to circumvent this somewhat by determining a threshold.

- **San Diego Water Board Staff:** Also, Johnny Gonzalez from the State Board had mentioned yesterday that the State Board is undergoing efforts to create easier methods for electronic enrollment.
- The landscape of San Diego agriculture is in flux. Our community is an epicenter of permaculture, as evidenced by the large permaculture conference held here in March. Suburban farming could significantly escalate, and aggregate organic micro-farms could still be a threat to water quality.
- In reference to small acreage farms, there are parts of our county where there are numerous small properties adjacent to each other all growing the same crop, and they all likely have grove managers. Each of those micro-farms individually could say do not qualify. However, if there are ~50-100 of the farms next to each other on an adjacent drainage, these operations will have a collective impact. The San Diego Water Board needs a plan to address situations such as this.
- Regardless of income or farm size, if a grower were farming adjacent to a water body would they still be required to enroll?
 - **San Diego Water Board Staff:** Yes, that is correct. Farming next to a waterway poses a much higher threat to water quality as opposed to farms with effective buffer zones.
- How will the San Diego Water Board know if a grower adjacent to a stream or surface water has enrolled or not? This could require a very large amount of work.
 - **San Diego Water Board Staff:** This relates back to the discussion on enforcement and the need to conduct site inspections.
 - **San Diego Water Board Staff:** Also there is a Monitoring Assessment and Research Unit of the San Diego Water Board that conducts stream monitoring and consequently records the locations of farming operations. This information can be cross-referenced with the list of enrollees.
 - **San Diego Water Board Staff:** The San Diego Water Board may need to review and provide GIS maps and/or conduct outreach to individual farms letting them know they are in proximity and are subject to enrollment.
- Property owners may build ponds and drainage ditches on their properties. If the San Diego Water Board considers these “surface waters”, then farmers will find the requirements of the General Order too onerous.
 - **San Diego Water Board Staff:** The San Diego Water Board will work with their attorney to provide clarification in the Tentative Order of the definition of a water body. Recognized water bodies are listed in the Region’s Basin Plan and a legal definition does exist.

- The California Department of Food and Agriculture (CDFA) website provides a list of certain pesticides that are permitted for use within the proximity of threatened and endangered species.
 - **ACTION ITEM:** Ryan Wann, County of San Diego, to provide link from CDFA website that lists allowed pesticides due to proximity of threatened and endangered species.

7. MONITORING AND REPORTING REQUIREMENTS

A. Interview Findings from Facilitator

Mr. Fougères reviewed the key findings from the pre-workshop preparatory interviews related to monitoring and reporting requirements (refer to PowerPoint slides or draft findings for details). He emphasized the following findings:

- Need to focus on addressing data-based water quality impairments or concerns.
- Need to share Board analyses of data, and use analyses to clarify goals and questions for sub/watersheds, and adjust requirements over time.
- Enough monitoring needs to occur for the data to be meaningful, but it cannot be so much that it becomes burdensome and consuming.
- There are many existing tools, protocols and examples of monitoring programs that can be utilized/referenced for the San Diego Water Board's programs.

Questions and discussion followed:

- The Admin Draft requires the Coalition Groups to , conduct the actual monitoring. It is anticipated that the Coalition Groups will distribute the costs of monitoring throughout their membership. Will individual operators within the existing coalitions have to also conduct individual monitoring under the Admin Draft?
 - **San Diego Water Board Staff:** No, the coalition will conduct monitoring on behalf of the grower. The coalition groups are also responsible for inspection and management of data.
 - **San Diego Water Board Staff:** The San Diego Water Board has developed a regional monitoring framework within this new draft of the Tentative Order, such that data collected can provide important information for future management decisions. The San Diego Water Board intends to work collaboratively with farmers/operators to continue developing the management questions that need to be answered by monitoring data (e.g. are the BMPs working?).
 - **San Diego Water Board Staff:** The San Diego Water Board is working with their internal monitoring group that conducts stormwater monitoring, and they have collectively identified 13 locations that are influenced by agriculture. This data can be looked at collectively with monitoring data for a more integrated, holistic picture of the region's watersheds. Furthermore, this collaboration results in

cost savings to farmers/coalitions as the frequency of monitoring events can be reduced and the Stormwater Monitoring Coalition (SMC) will collate the data.

B. Stormwater Monitoring Coalition Stream Survey Overview and Future Directions

Raphael Mazor, Southern California Coastal Water Research Project (SCCWRP), coordinator of the Stormwater Monitoring Coalition (SMC), presented on the SMC stream survey and collaborative monitoring (refer to PowerPoint slides for details). Key points covered were:

- Overview of the history and purpose of the SMC
 - Created in 2001, with the stream monitoring program initiated in 2009
- Purpose of collaborative monitoring
 - Coordinate efforts to leverage resources and knowledge, reduce redundant monitoring, and to maintain costs
 - Answer regional questions and provide context for site-specific management issues. For example, what are the conditions of streams in California, and are they improving or degrading over time?
 - Create platform for more in-depth future studies
- Why bioassessment data is preferred
 - Insects that live in streams integrate myriad stressors that directly link to beneficial uses of the water body
 - Ease of sampling
- How the data are used
 - Fulfill permit monitoring requirements (e.g., MS4)
 - Provide context for compliance monitoring and impact assessment
 - Guide statewide and regional policies (e.g., nutrient criteria, biological objectives)
 - 305b/303d listing. The SMC serves as the southern California implementation of the statewide Perennial Stream Assessment
 - Causal assessment: comparing one site to others to help understand the cause of the conditions
- Findings for four different indicators for the south coast
 - About 25% of perennial stream-miles are healthy
 - Note: each dot on map represents a single site sampled over a 5 year period
 - Altered habitat and elevated nutrients seemed to contribute to streams being in poor condition.
- Hard to see trends: very few agricultural sites were sampled via this program (less than 12 per year), and sites have not yet been revisited.
- SMC is looking to form new partnerships with agricultural groups, water monitoring groups, and national parks and forests.
 - Participants provide their own data (i.e., no pay-to-play)
 - Participants follow the SMC work plan (available on the SCCWRP website)
 - Full engagement by representatives who attend technical workgroup meetings

- Group reports represent group consensus, but participants are encouraged use data for their own purposes.

Questions and discussion followed:

- Will it be necessary for coalition groups to hire diff entities to monitor for the biological components versus chemical components?
 - **Mr. Mazor:** Not necessarily. This depends on training of the consultants hired. For example, AMEC collects both biological and chemical data.
- Is nutrient overload the primary mechanism causing stream degradation?
 - **Mr. Mazor:** Nutrient overload is widely associated with stream degradation, especially in coastal areas. This is potentially due to toxicity from algae, oxygen fluctuation, and overall habitat degradation/physical modification of the stream.
- Via this monitoring process, will the SMC be able to gather enough data to explain the current status of a water body?
 - **Mr. Mazor:** SMC is still setting the groundwork to be able to make these types of assumptions, as it takes years. Hopefully soon they will be able to determine causes of poor conditions of water bodies.
- There is not enough money to be able to conduct the amount of monitoring the SMC requires needed to form an opinion on the status of a water body.
 - **Mr. Mazor:** That is the rationale for collecting data collaboratively.
- To what extent are farm operations contributing to water quality degradation? This appears to be another method for the San Diego Water Board to acquire cheap or free data.
 - **Mr. Mazor:** To date the SMC has not had much participation from the agriculture community. It is primarily stormwater folks.
 - **San Diego Water Board Staff:** The San Diego Water Board envisions all monitoring data will be evaluated through the SMC, and their analyses would inform the basis for future management actions.
 - **San Diego Water Board Staff:** The San Diego Water Board seeks to establish monitoring requirements as a method for determining (1) if agriculture is impacting our watersheds, and (2) if BMPs are effective for protecting our water bodies. In the 2014 draft of the Tentative Order, agriculture was required to conduct monitoring and analyze data on their own. It was realized that the cost for requiring this was too high. In order to make monitoring both useful and economical, the San Diego Water Board is exploring ways to collaborate with the SMC by providing them raw data from 3,000+ growers in a format that they can accept and analyze on behalf of the agriculture industry. By coordinating with the SMC in this way, an 80-90% cost savings to growers is recognized. Growers

can use the SMC generated reports to share their stories and to make management decisions.

- **San Diego Water Board Staff:** Furthermore, the SMC has access to certain monitoring sites already, and can help growers and coalitions determine where other monitoring sites should be established.
- Currently, there is no “story to tell” with the data available. Substantial baseline data and BMP protocols do not exist. Farm operators cannot, at this time, determine what BMPs they need or how to improve the ones they have in place. Does the San Diego Water Board have any idea on when this might be available? Will it require another 5 years of monitoring these SMC sites?
 - **Mr. Mazor:** SMC has developed a new index of integrity, currently in publication, that will be used to determine stream condition with a much more rapid turn-around time.
- On the map displayed, it appears that all water downstream is impacted. How do you tease out that data to see what the contributing factors are and where they are coming from?
 - **San Diego Water Board Staff:** Bioassessments provide a regional, long-term look (every 5 years) of the conditions of the water bodies. The San Diego Water Board would prefer to conduct these assessments annually to help with recognizing trends and sources, though that is likely cost-prohibitive. However, other constituents are analyzed with annual (or greater) frequency that provide information on the health of the waters. Chemical data, for example, provides adequate information though is not as indicative of the water body’s beneficial use as bioassessments are.
 - **San Diego Water Board Staff:** The San Diego Water Board conducts/requires both regional monitoring and core monitoring. Core monitoring is designed to provide information on what is happening at an actual site. For example, on-going visual assessment of farming operations, and annual review of BMPs/MMs. Trend monitoring will designate a smaller subset of analytes more indicative of agricultural activities, and be measured on a quarterly basis.
 - **San Diego Water Board Staff:** Scoring has been developed for bio indices, including for bugs and algae in wetlands. If a score comes back as poor, we may know that it due to the farm or possibly upstream, as bioassessments can look at cumulated conditions of the water over a time. But follow-up is required; it is not an immediate diagnostic tool. Sampling for nutrients will produce different results every day. Thus is the need to look at multiple parameters to begin to draw conclusions on the health of the water.
 - Still, what are needed from these data results is not only a directive for BMPs, but also an improved way to understand if the water quality of a particular area is healthy. There are not reference points or normal ranges defined for “healthy” water bodies.

- How long has the SMC been doing these surveys?
 - **Mr. Mazor:** The program formally started in 2009, though bioassessments have been conducted since the late 1990s.
- Where can those interested find more information on the methodology of the surveys?
 - **Mr. Mazor:** Information can be found on the SCCWRP website. Also please feel free to email Mr. Mazor directly with questions – raphaelm@sccwrp.org.
 - **San Diego Water Board Staff:** Sampling methodologies have been driven by the State, as about 100 entities in San Diego County conduct them (including the US Fish and Wildlife Service, California Fish and Game Commission, and California Water Boards).
 - **Mr. Mazor:** Bioassessments are now conducted by sampling the actual organisms living in streams/creeks, rather than extracting water samples and exposing organisms to those water samples in the lab.
- There are 32 items listed for monitoring in the Admin Draft. Is this the same as the 2014 version?
 - **San Diego Water Board Staff:** Bioassessment data was previously required under the Waiver, and is now being incorporated into the Admin Draft as coalition groups requested more specificity/clarity as to what is required.
 - **San Diego Water Board Staff:** The Admin Draft still discusses monitoring once every five years, though a few stations have been added. The constituents are mostly the same, though an exact cross-checking has not been conducted.
- Requiring monitoring for 32 constituents is an excessive demand of farmers, especially if the requirement to complete several new articles of paperwork is also instituted. Many will refuse to do so, and the water bodies will suffer.
- In reviewing the coalition group monitoring requirements, it seems that the coordinator is supposed to visit every operation enrolled annually and ensure they have BMPs/MMs in place and effective by providing photo documentation. If this is required, then coalitions will need to contract out this work for site visits to up to 1,000 farms, and thus increase enrollment fees.
- Collecting photos from hundreds of farms it is not a feasible responsibility for coalition coordinators. Also, the majority of farms hire grove managers who store pesticides and equipment off-site, so photographs may not even provide an accurate look at the farm.
- To offer some perspective, a full time staff of five at NRCS can visit about 200 farms a year.
- **San Diego Water Board Staff:** This was this initial suggestion of the San Diego Water Board based on the assumption that growers would rather have coalition organizers on

their property rather than San Diego Water Board staff. However, it seems that it is not a feasible assumption on the part of the San Diego Water Board. The ultimate goal of including this activity is to ensure that those farms enrolled are knowledgeable about BMPs.

- **San Diego Water Board Staff:** Self-reporting will work to the extent that San Diego Water Board and/or coalition leads are also conducting random auditing.
- One suggestion is for coalition coordinators to be responsible for completing a certain percentage of random site checks annually. Another suggestion is to develop and provide growers a simple checklist of BMPs that they could sign off on, that coalitions could compile and submit to the San Diego Water Board.
- Can the San Diego Water Board clarify within the Admin Draft how various “unique conditions” will be approached? For example, how growers owning multiple disparate properties throughout the region will be considered? Or how downstream impacts to water quality will be measured for properties that farm on a hill and run-off fans out in all directions?
 - **San Diego Water Board Staff:** The San Diego Water Board will work on providing these clarifications, while not being overly prescriptive.
- Regional monitoring requirements appear to be an expansion of what was in the waiver, though they do fit within the concept of the coalition. Coalitions may have to do more on a regular basis, but they may not have to do as much individual monitoring.
- How did the San Diego Water Board/SMC select the regional monitoring locations? It appears that three sites are on the same stretch of creek.
 - **Mr. Mazor:** These stations were identified and sampled by the SMC in the past, and based on land use evaluations it is known that agriculture occurs next to that stream. Also, it is known that they are sample-able (e.g. no access restrictions).
 - **San Diego Water Board Staff:** There is language in the Admin Draft that the coalitions can provide other monitoring sites if desired, and within reason. There is flexibility built into the requirements in this way.
- Another approach would be to require growers to conduct an annual self-assessment or complete a checklist, and keep the paperwork filed for presentation for when random audits occur. Eventually all forms will be submitted electronically.
 - **San Diego Water Board Staff:** One of the questions will be “are there BMPs installed and are they being maintained?” It would be useful to have this evidence available for when the San Diego Water Board asks farm operators these questions. That would require collecting information in any particular year, rather than guessing what was in place ~5 years prior.

- The University of California Cooperative Extension program has a basic self-assessment checklist that may be a good example to use.
- Page E3 requires monthly observation/documentation of BMPs/MMs and page E-7 implies only annual observation/documentation. This should be made consistent, and please consider requiring this only on an annual basis. Also, consider augmenting the language to include the use of a checklist with the property owner bearing the responsibility of reporting.
- Some requirements will not be viable for the coalitions. For example page 6, item B(1)C regarding transparency between members. This involves risk, liability, and a significant amount of paperwork that staff time and financial resources cannot support. The San Diego Water Board is on the brink of making requirements too stringent for coalition groups to survive.
- It is necessary to mention adaptive capacity within the BMP and monitoring structure, and to provide clarity and connection as to how monitoring ties back to BMPs. A solid feedback mechanism and communication method to farmers is key.
- Rather than relying on farmers to photo-document BMPs, would the San Diego Water Board be open to relying on predictive science to measure success, similar to what NRCS does?
 - **San Diego Water Board Staff:** To an extent, yes. Predictive science is what operators should be using to determine what BMPs to install. However the San Diego Water Board will still require some kind of evidence that proves BMPs have been installed in the right places, etc.
- The UC Cooperative Extension program had previously developed lists of BMPs that would be applicable to San Diego County farm, and also those specific to Rainbow Creek TMDL. Also, Nestor Silva, Agricultural Inspector at the County of San Diego, personally visits nurseries and reviews BMPs for water use, pesticide application, and others. He is familiar with self-assessment programs and in many ways acts as a farm advisor.
- There are gaps in the comprehension of downstream water quality and the effects of nutrient loading due to agricultural practices. Education for farmers (in multiple languages) should be increased.
- If a farming operation crosses several jurisdictions and the County comes to inspect BMPs every year, would inspections by San Diego Water Board be considered duplicative?
 - **San Diego Water Board Staff:** The San Diego Water Board will consider how to coordinate inspections with County for those facilities that have ongoing BMP inspections through the stormwater program to reduce duplicative monitoring.

- Why is the San Diego Water Board now requiring monitoring four times a year instead of two?
 - **San Diego Water Board Staff:** Quarterly monitoring is required for a different set of analyses and purposes, and data is meant to comply with TMDL and trend analyses. San Diego Water Board originally recommended monthly monitoring. They are open to discussing appropriate monitoring frequency.

8. NEXT STEPS AND CLOSING REMARKS – JULY 15th

Mr. Pulver thanked participants for their thoughtful comments and insights, and remarked that stakeholder feedback has provided the San Diego Water Board with new ideas to further consider and develop for ways to improve the Tentative Order and make it practicable for farm operators. Mr. Pulver may be contacting some individuals directly to follow up with their suggestions.

As the concept of creating an Advisory Committee was tabled due to time constraints, further thoughts on that proposal were encouraged to be included in follow-up comments. Comments should be submitted to Mr. Pulver by close of business July 31st. Note as this is an informal comment period, formal written responses will not be provided by the San Diego Water Board.

Over the next several weeks, San Diego Water Board staff will revisit the suggestions and recommendations from stakeholders, and consider how to incorporate appropriate changes into the Tentative Order. Many of the suggestions provided could have legal ramifications if they were instituted, thus the San Diego Water Board will be consulting with their attorney before revising the Tentative Order.

A subsequent workshop will be held in August (tentatively scheduled for August 3rd) where San Diego Water Board staff will present on how they addressed comments made at these meetings, and the revisions made to the Tentative Order.

Participants were reminded that there will be another formal review period once the Tentative Order is officially submitted to the Board of Directors late this year.

Ms. Outwin-Beals also thanked stakeholders and offered to schedule meetings with individuals should they be interested in talking further through any of the requirements or concepts of the Tentative Order.

ACTION ITEM: Barry Pulver, San Diego Water Board, to circulate copy of July 14 and July 15 presentation slides and attendance list.

ACTION ITEM: Meagan Wylie, CCP, to complete draft July 14 and 15 meeting summaries no later than July 28 and 29.

9. ATTENDANCE

Attendance is listed alphabetically by last name.

ATTENDEES

FIRST	LAST	AFFILIATION	July 14 th	July 15 th
John	Adriany	San Mateo Irrigated Lands Group	X	X
Alicia	Appel	City of Escondido	X	X
Loretta	Bates	University of California Cooperative Extension	X	X
Clem	Brown	City of San Diego		X
Cori	Calvert	Natural Resources Conservation Service	X	X
Jesse	Castro	Pala Environment		X
Mark	Collins	Evergreen Nursery	X	X
Ben	Drake	Rancho California Water District, Riverside Farm RMC, Upper Santa Margarita Irrigated Lands Group	X	
Kourtney	Drake	Upper Santa Margarita Irrigated Lands Group		X
Colleen	Foster	City of Oceanside	X	
Justin	Gamble	City of Oceanside	X	
Johnny	Gonzalez	State Water Resources Control Board	X	
Katie	Greenwood	City of Oceanside	X	
Vicki	Kalkirtz	City of San Diego	X	
Tom	Kennedy	Rainbow Municipal Water District	X	
Eric	Klein	County of San Diego		X
Craig	Kolodge	Summit Erosion Control	X	
Mo	Lahsaie	City of Oceanside	X	X
Taya	Lazootin	San Diego Coastkeeper	X	X
Joann	Lim	San Diego Regional Water Quality Control Board	X	
Jose	Lopez	Lopez Nursery	X	
Guillermo	Lopez	Lopez Nursery	X	
Mary	Matava	AgriService	X	X
Raphael	Mazor	Southern California Coastal Water Research Project		X
Andre	Monette	Best, Best and Krieger	X	X
Scott	Murray	Mission Resource Conservation District	X	
Justin	O'Brien	San Diego Regional Water Quality Control Board	X	X
Manuel	Ortiz	The Piney	X	
Steve	Plyler	Rincon Water	X	

Kathy	Rathbun	San Diego County Farm Bureau	X	X
John	Rudolph	AMEC	X	X
Paul	Ryan	California Refuse Recycling Council	X	
Hiram	Sarabia-Ramirez	San Diego Regional Water Quality Control Board	X	
Kathleen	Thuner	none	X	X
Ryan	Wann	County of San Diego	X	X
Jo Ann	Weber	County of San Diego	X	
Orven	Zaragoza	West Coast Tomato Growers	X	

LEADERSHIP AND PROJECT STAFF

FIRST	LAST	AFFILIATION	July 14 th	July 15 th
David	Barker	San Diego Regional Water Quality Control Board	X	X
Dorian	Fougères	Center for Collaborative Policy, CSUS	X	X
Dave	Gibson	San Diego Regional Water Quality Control Board	X	
Roger	Mitchell	San Diego Regional Water Quality Control Board	X	X
Adriana	Nunez	San Diego Regional Water Quality Control Board	X	X
Brandi	Outwin-Beals	San Diego Regional Water Quality Control Board	X	X
Barry	Pulver	San Diego Regional Water Quality Control Board	X	X
Meagan	Wylie	Center for Collaborative Policy, CSUS	X	X