

IRRIGATED LANDS REGULATORY PROGRAM UPDATE April 2008

This month's Irrigated Lands Regulatory Program (Ag Waiver Program) report will provide an update of activities of the Central Coast, Los Angeles, Colorado River Basin, and San Diego Regional Water Quality Control Board programs. Future monthly reports will alternate between the status of the Ag Waiver Program at the Central Valley Water Board and at other Regional Water Boards.

CENTRAL COAST REGION

Presentations and Outreach:

Ag program staff presented an overview of the program at the Agriculture and the Environment Conference hosted by the Agricultural Water Quality Alliance at Asilomar in November. In mid-November, staff participated as a member of the Food Safety and the Environment panel discussion at the California Water Policy Convention held in Los Angeles and hosted by Public Officials for Water and Environmental Reform. In January, staff spoke at both a pre-conference training and conference break-out session on Food Safety and Water Quality as part of the Ecological Farming conference at Asilomar.

Food Safety:

Federal Marketing Agreement

Ag program staff has continued our involvement in food safety issues that have the potential to affect water quality. Recently, staff responded to a call for comments on a federally proposed rulemaking that would establish a federal marketing program with food safety standards set for leafy greens on a national level (see attached letter). In our letter to the USDA, staff requested that public NEPA review, an administrative committee inclusive of wildlife and water quality representation, cross-disciplinary peer review and a ceiling on management practice requirements be included in any federal marketing program to help avoid conflicts, like we are seeing in California, with existing water quality and wildlife regulations.

Buyer's Meeting

On another food safety front, staff attended a much-anticipated buyers' meeting held in Salinas on December 10, 2007. This meeting was organized by the California Roundtable for Agriculture and the Environment (CRAE) and included buyers, growers and shippers of lettuce and leafy greens in the Salinas Valley and members of the environmental and regulatory communities. This meeting was an important first step in creating dialogue between the handlers and other parties involved in the food safety issues in our region. What was most apparent from this meeting is that all parties are frustrated with food safety metrics that go above and beyond the California Leafy Greens Marketing Agreement and associated Good Agricultural Practices. Most parties want to see a standardized

set of requirements that put an end to the market driven “one-upmanship” between competing handlers of leafy greens. It remains to be seen if a federal marketing agreement would do this. It was also apparent from this meeting that communication with the large retail buyers needs to occur.

Cooperative Monitoring Program:

Central Coast Water Quality Preservation, Inc. submitted a proposal for 2008 follow-up monitoring, to do upstream monitoring in several watersheds beginning in January. They will also submit a proposal for education and outreach and summer flow monitoring in several watersheds to focus on tailwater reduction. Follow-up projects are funded by regular program fees and by a Proposition 40 grant and are a mandatory component of the Cooperative Monitoring Program established by the Conditional Waiver.

Inspections:

The ag regulatory program is relatively new at the Water Board. Previously, irrigated farming operations were not regularly inspected by Water Board staff. In developing a comprehensive agricultural inspection program, staff met with several growers, as well as representatives of National Resource Conservation Service, UC Cooperative Extension, water agencies, resource conservation districts, agricultural consultants, county agricultural commissioners, and county farm bureaus, to become familiar with cropping systems and agricultural management measures that can be implemented to protect water quality in the Central Coast.

Staff began conducting inspections in September 2007. We established a goal of completing a minimum of 120 inspections by January 2009; a combination of random inspections and ones in response to complaints and water quality concerns. The random inspections are intended to give staff an overall picture of the level and effectiveness of the ag program. Staff is conducting random inspections throughout the region. However, to date most inspections have been in response to complaints or identified problems. Staff has completed approximately 25 inspections as of mid-January 2008.

Solving Water Quality Problems on a Watershed Scale:

Many of our watersheds have multiple water quality problems, and our data also suggest that there are often multiple contributors to the problems. Staff is exploring the effectiveness of using inspections as part of a watershed-scale, problem-solving approach, beginning with a watershed in Monterey County where the land use is predominantly irrigated agriculture. We selected this watershed based on complaints as well as known toxicity and nitrate exceedances. Concentrations of the pesticides diazinon and chlorpyrifos have been detected in the water column above the limits for freshwater aquatic life protection. Analysis of pesticide use records in the watershed indicated that chlorpyrifos was primarily being applied to broccoli. Sprinkler irrigation of broccoli contributes to tailwater discharges from irrigated fields into the drainages

of the creek. Growers are reluctant to produce summer broccoli crops on drip because of economic and other production concerns. Staff conducted inspections at all farming operations in the watershed; in addition, staff attended meetings with the local farm bureau, County Public Works, the Cooperative Monitoring Program, and growers in the watershed. As a result, one grower in the watershed has initiated a trial drip irrigated broccoli crop for the 2008 season and the County and growers have agreed to work toward coordinated maintenance of the ditch and adjacent lands to address sediment and erosion issues.

We will continue to track progress and if this approach proves effective in solving problems, we will expand it to other watersheds soon. At the same time, where an individual is identified as causing problems without adequate attempts to address them, we will pursue individual enforcement actions as warranted.

Enforcement Actions:

We are continuing enforcement actions against farming operations that have not enrolled in the Conditional Waiver for Irrigated Lands. The Assistant Executive Officer issued five administrative civil liability complaints in December. Additional complaints will be issued in January to ensure that all commercial irrigated farming operations are enrolling. We will also issue complaints to Cooperative Monitoring Program participants that do not pay their fees for cooperative monitoring.

LOS ANGELES REGION

The California Regional Water Quality Control Board Los Angeles Region (Regional Board) adopted a Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Order No. R4-2005-0080) on November 3, 2005. The objectives of the program are to monitor the water quality effects, and, if required, mitigate those impacts from runoff from irrigated agriculture facilities in the coastal watersheds of Los Angeles and Ventura Counties. Currently, 75% of the irrigated acreage in the Region is enrolled in the Conditional Waiver program. On November 15, 2007, the Regional Board sent notices of violation to approximately 400 growers who had not yet enrolled in the Conditional Waiver program. The notices of violation generated positive feedback from the stakeholder community and approximately 12,000 additional acres were enrolled in the Conditional Waiver program. In addition, growers in the Los Angeles Region have completed a combined total of 11,187 hours of required water quality education.

The Los Angeles Region Conditional Waiver program requires agriculture dischargers to conduct water quality monitoring. Currently, monitoring is done on a group basis for constituents such as, nutrients, pesticides, salts, and toxicity; there are 37 monitoring sites located in agricultural areas throughout the Region. The discharger monitoring groups submitted the first annual monitoring reports to the Regional Board in February 2008 for Ventura and Los Angeles Counties. The next step of the Conditional Waiver for Irrigated Lands Program will be to work with discharger groups and growers to

develop Agriculture Water Quality Management Plans targeted to reduce pollutant loads to surface waters.

COLORADO RIVER BASIN REGION

Introduction:

The Imperial Valley portion of the Salton Sea Transboundary Watershed has been targeted for the purposes of watershed management, including the development and implementation of Total Maximum Daily Loads (TMDLs) and implementation of the state nonpoint source management program plan. Priority water quality issues in the region include management of sedimentation of the New and Alamo Rivers and the Imperial Valley Drains.

To address these water quality issues, the state of California has awarded grant funds to the Imperial Irrigation District and the Imperial County Farm Bureau to implement monitoring and public outreach programs. The progress of these two projects is reported to the Colorado River Basin Regional Board quarterly.

Background:

The Imperial Valley receives more than 2.5 million acre-feet of Colorado River water every year to irrigate approximately 478,000 acres of farmland. The runoff that leaves these fields is collected in an agricultural drainage system consisting of 1,450 miles of surface drains, the Alamo River, the New River, and the Salton Sea. This drainage system is responsible for collecting the surface runoff and subsurface drain flows from agricultural operations, storm water flows, municipal wastewater treatment plant effluent, industrial discharges, and the highly contaminated water that comes from the Mexican portion of the New River.

Section 303(d) of the Clean Water Act identifies the water quality of the Alamo River, New River, Imperial Valley agricultural drains, and Salton Sea as being impaired. These impairments are due to elevated levels of one or more constituents that do not support the designated beneficial uses that the Regional Board has identified for these water bodies. Alamo River impairments include suspended silt, pesticides, and selenium. New River impairments include suspended silt, pesticides, nutrients, and several other impairments that are discharged from a combination of industrial point sources, wastewater, and out-of-state sources. Imperial Valley agricultural drain impairments include suspended silt, pesticides, and selenium. Salton Sea impairments include nutrients and salinity.

Pursuant to Section 303(d) of the Clean Water Act, the Regional Board approved a Siltation/Sedimentation TMDL for the Alamo River in 2001. The TMDL was developed because sediment concentrations in the river violate the water quality standards established by the Regional Board to protect the beneficial uses of the river. The Implementation Plan of the TMDL identifies the monitoring and tracking of the pollutants of concern to determine compliance with the TMDL.

Imperial County Farm Bureau (ICFB):

ICFB's TMDL Voluntary Compliance Program (Program) is currently funded primarily by Clean Water Act 319(h) monies with local matching funds.

The primary goal of the Program is continued reduction of silt, and other TMDL constituents, being transported from agricultural fields into the Imperial Valley drainage system. Using previously awarded 205(j) and 319(h) grants, the ICFB has been facilitating this Program by enlisting the practical knowledge of its growers to develop realistic water quality goals and devise workable Farm Water Quality Management Plans. The very large (478,000 farmable acres) drainage system has been divided into ten sub-regions (drainsheds) that are of a workable size and can be hydrologically isolated. The drain-shed working groups meet periodically to combine individual efforts and to share experiences with Best Management Practices (BMPs) and other aspects of good water quality stewardship.

The Program focuses on the implementation of on-farm BMPs within each drain-shed through technical assistance to growers and participation within the drain-shed working groups, as guided by the TMDL process. In order to achieve and maintain widespread cooperation of individual growers, it is imperative to actively encourage the use of BMPs through the Voluntary TMDL Compliance Program's outreach efforts. The Program also seeks to demonstrate the effectiveness of recommended practices, and to facilitate the implementation of BMPs by providing training and on-farm consultation services.

Between October 1, 2007 and December 31, 2007, the ICFB met several quarterly objectives of the Voluntary TMDL Compliance Program, such as the following:

- Promoted the program using various media sources;
- Compiled a list of farmers/growers who failed to update their required Farm Water Quality Plans. ICFB contacted each one and all updates were completed;
- The On-Farm Consultant visited twelve farmers/growers to assess the field conditions and offered suggestions on how to improve problem erosion areas on their fields. In addition, the consultant monitored drain maintenance activities;
- A series of telephone consultations for local farmers/growers were conducted by the On-Farm Consultant;
- ICFB met with the Imperial Irrigation District and the Regional Board staff to continue discussing drain maintenance issues affecting the TMDL program;
- One report was added to the ICFB's TMDL website, providing Program participants with information on upcoming events and new regulations; and
- The ICFB also maintains a database of farmers/growers participating in the TMDL Program. Parameters include participant names, addresses, field location, crop type, and BMP activity (in-use and planned).

Imperial Irrigation District (IID):

As part of the Drain Water Quality Improvement Plan, IID monitors the Imperial Valley Drains monthly at various sites for a variety of constituents, including flow in acre-feet. Water samples were analyzed by an outside laboratory and analytical results were input into an Excel spreadsheet.

The overall objective of this project is to obtain valid data of known and documented quality, which can be utilized in determining the compliance with the water quality objectives as set forth in the Alamo River Sediment TMDLs.

The project consists of monthly and quarterly sampling events, in which water samples will be collected and field measurements taken at 14 sampling stations.

SAN DIEGO REGION

San Diego County Farm Bureau (SDCFB) adopts workplan to form a region-wide monitoring group. Mr. Eric Larson, Executive Director of the SDCFB, reported that the SDCFB's Board of Directors recently adopted a detailed workplan for putting in place a region-wide agricultural monitoring group in time to submit a Notice of Intent (NOI) to the San Diego Water Board by the deadline of December 31, 2010. Submittal of an NOI, either as part of a monitoring group or as an individual grower, is required of growers by a condition of the new waiver for irrigated agricultural discharges. All growers who elect to join the monitoring group would be covered by the SDCFB's NOI. The SDCFB has also communicated with the Riverside and Orange County Farm Bureaus to inform them that there will be growers in those counties who may wish to be included in the SDCFB NOI. Mr. Larson stated that, to date, the Riverside and Orange County Farm Bureaus are supporting the SDCFB's work on this issue. In brief, the year by year workplan tasks are as follows:

2008:

- Study existing monitoring group structures in California;
- Choose best case models;
- Select legal and professional consultants for recommendations on group structure;
- Submit organizational alternatives to SDCFB board for consideration; and
- Select organizational structure.

2009:

- Create monitoring group as a legal entity and organize;
- Begin first phase of education for grower community;
- Solicit RFP's from firms qualified to do monitoring and reporting;
- Select firm;
- Set fee structure for participants; and
- Develop recruitment material.

2010:

- Recruit monitoring group participants; and
- Submit NOI to San Diego Water Board.

In addition to the workplan for the monitoring group and NOI, the SDCFB has talked to the University of California Cooperative Extension Service regarding how SDCFB can help growers meet the waiver's educational land record keeping requirements this year. Although San Diego Water Board staff has not reviewed the workplan, we appreciate and commend the SDCFB for its proactive work on timely compliance with the conditions of the new waiver for irrigated agricultural discharges.