

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **May 2010**

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report will provide an update on the activities of the Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board programs.

Future monthly reports will alternate between the status of the ILRP at the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. Current and past ILRP monthly reports can be found on the [State Water Boards Agriculture Program](#) website.

### **CENTRAL COAST REGION**

On February 1, 2010, Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff released preliminary draft staff recommendations for an order conditionally waiving individual Waste Discharge Requirements (WDRs) for discharges from irrigated lands (Agricultural Order). The next workshop is scheduled for May 12, 2010. The purpose of the May 12, 2010 Board Workshop is to have staff summarize its preliminary draft staff recommendations, provide an opportunity for public comments on these recommendations, and to provide an opportunity for the public to present proposed alternatives for regulating agricultural discharges. This staff report presents background information and the context for renewing the Agricultural Order, a general overview of the preliminary draft staff recommendations, a preliminary summary of key public comment areas, and a preliminary review of alternatives submitted by interested persons.

#### **Context for Renewing Agricultural Order:**

The Central Coast Water Board has the statutory responsibility to protect water quality and beneficial uses such as drinking water and aquatic life habitat. Any waiver of waste discharge requirements adopted by the Water Board must be consistent with Basin Plan, be in the public interest, and must include monitoring. The renewed Agricultural Order is based on the existing order and the information collected in implementing that order.

#### **Water Quality Conditions:**

Agricultural discharges are a major cause of water pollution in the Central Coast Region. Despite efforts to implement the existing Agricultural Order, agricultural discharges (primarily contaminated irrigation runoff and percolation to groundwater) continue to load additional pollutants to already severely impaired surface water bodies and groundwater basins. The pollution affects municipalities who must treat drinking water sources and rural communities who may be exposed to contaminated water and

who may be unable to afford treatment, and results in rivers and creeks that are not swimmable, fishable, or healthy for fish and other aquatic life.

**Water Board Action:**

In response to the scale and severity of pollution in agricultural areas, staff are proposing new or revised conditions in a waiver to assure consistency with the Basin Plan, to provide adequate protection of water quality and beneficial uses, to reduce pollution, and to measure progress towards water quality improvement.

**Public Outreach Efforts:**

The Central Coast Water Board continues to make a significant effort to conduct outreach to stakeholders and provide opportunities for the regulated community and public to provide input about the preliminary draft Agricultural Order. A wide range of stakeholders and diverse interests have provided the Central Coast Water Board with significant constructive ideas with respect to renewal of the Agricultural Order.

**Public Outreach Outcomes:**

Staff is already considering specific changes to the preliminary draft Agricultural Order in response to public comments, such as:

- Removing conditions related to rainwater and containerized plants;
- Clarifying the intent to address surface irrigation runoff in the short term with immediate conditions vs. tile drains in the long term;
- Removing “tributaries” as a consideration for prioritizing farming operations near impaired waterbodies for more stringent or immediate conditions;
- Revising the table of high-risk pesticides;
- Revising aquatic habitat conditions;
- Revising the level of prescription in conditions vs. required outcomes;
- Using something other than the Farm Plan as a compliance document;
- Including evaluations or milestones for pollutant loading in exchange, or in addition to, pollutant concentrations;
- Evaluating additional ways to define tiers of dischargers and associated conditions based on relative risk to water quality; and
- Evaluating additional options for monitoring and reporting.

**Next Steps:**

Staff will continue to review comments and alternatives, conduct outreach, consider public feedback, and work towards producing a revised version of the preliminary draft Agricultural Order. Current efforts are engaging diverse stakeholder representation, providing effective opportunities for public input, and producing more constructive feedback on the Agricultural Order than ever before. Staff’s intent is to continue with the current efforts and build upon the meaningful dialogue achieved thus far to update the Agricultural Order. Following the May 12, 2010 Board Workshop, staff will complete its review of comments and alternatives received, continue to conduct outreach and provide opportunities for additional public input, and consider such feedback in the development of the next draft version of the Agricultural Order.

Specifically, staff recommends another Board workshop in July 2010 to allow for additional public/Board discussion in the northern part of the region. The existing Agricultural Order (Order R3- 2009-0050) expires on July 10, 2010, and staff plans to recommend an additional time extension of the existing Agricultural Order to the Board at the July 2010 Board Meeting. In September 2010, staff will present the Board with a revised schedule for continuing development of the new Agricultural Order.

## **LOS ANGELES REGION**

Staff has continued follow-up work on 4 ACLs issued on February 18, 2010. All ACL recipients have enrolled in the Los Angeles Region Conditional Waiver for Irrigated Lands program. All ACL recipients waived the 90-day hearing requirement and will engage in settlement negotiations with staff. Staff is currently working with legal counsel to initiate settlement negotiations and complete these cases.

Staff also continued follow-up work on 5 ACLs issued on May 5, 2009. Formal settlement agreements were signed for two ACL complaints. Staff expects the final order for these settlements to be signed in April 2010. One ACL complaint was presented at a Regional Board panel hearing on March 15, 2010. The Regional Board panel upheld the complaint; however, the penalty was reduced due to economic considerations. The panel will make their recommendation to the full Board at the May 6, 2010 regular Board meeting.

Staff continues to work with the Ventura County Agricultural Irrigated Lands Group (VCAILG) on the implementation of their Water Quality Management Plan (WQMP). BMP survey results from second tier priority growers are collected and being tabulated. BMP implementation is underway in first and second tier priority drainages. Grower education and outreach efforts are ongoing.

Staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the Los Angeles Region Conditional Waiver for Irrigated Lands, and specifically implements BMPs according to VCAILG's WQMP.

Staff participated in an information sharing / strategy meeting with staff from Southern California Edison (SCE). The objectives for this meeting included the following:

- Present requirements of SCE right of way lease agreements to Regional Board staff. Right of way areas are utilized as growing grounds by nursery growers in Los Angeles County;
- Present the Los Angeles Region ILRP requirements to SCE staff; and
- Identify areas for cooperation with the goal of increasing ILRP enrollment in Los Angeles County.

## **COLORADO RIVER BASIN REGION**

No information provided.

## **SANTA ANA REGION**

Regional Board is also scheduled to conduct its second evening time public information meeting on its upcoming CWAD program. This meeting is scheduled on Thursday, April 28, 2010, from 7:00-8:30 p.m. in Eastern Municipal Water District Board room, located in the City of Perris. Regional Board staff will discuss the proposed CWAD program and solicit suggestions about how best to put the CWAD program in place. Possible topics of discussions will include:

- CWAD program status;
- Are all farming operations going to be covered, or are there exemptions from the program;
- Criteria to establish minimum acreage enrollment requirement for the program;
- Have “third party representatives” been formed and will there be a cost to be represented;
- How the Regional Board identified operators who will be required to be in the CWAD program; and
- What’s the schedule for putting the CWAD program in place?

## **SAN DIEGO REGION**

During the months of March and April, staff continued to develop basic monitoring criteria that will be required in monitoring plans, once the waiver enrollment period ends. Monitoring groups and individual dischargers are required to submit monitoring plans between January 1, 2011 (the enrollment deadline date) and December 31, 2011. We are continuing to work with the Riverside County Farm Bureau in their efforts to form a group for growers in southern Riverside County. Also, we continue to meet with other current and prospective monitoring groups, including the Fallbrook Public Utilities District, to discuss waiver requirements and assist them in understanding what their future obligations will be. During the last two months, Regional Board staff also provided comments on a self-assessment checklist which was prepared by the San Diego County Farm Bureau (working with UC Davis). The checklist will be used by growers to annually assess the adequacy of their Best Management Practices (a requirement of the waiver). Staff attended the SWRCB and DPR Regulation 101 course and MAA meeting on April 20-21, 2010.