

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **October 2010**

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report covers the September through October 2010 period and will provide an update on the activities of the North Coast, 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 from 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.

### **NORTH COAST REGION**

Regional Board staff are in the process of developing a water quality compliance program for grazing and irrigated agriculture in the Klamath Basin, pursuant to the Klamath River TMDL Action Plan. Staff are currently implementing the tasks outlined in a workplan that was presented to the Regional Board in June 2010. The first tasks include developing a stakeholder involvement plan for the Klamath Basin and conducting region-wide scoping meetings by spring 2011. The scoping meetings will serve the dual purpose of scoping for the Klamath Basin program as well as scoping for future agricultural programs region wide. Subsequently, staff will form advisory group(s) and meet with those group(s) to develop the compliance program. The Regional Board will use TMDL program contract funds to engage a consultant to both facilitate the stakeholder and advisory group meetings and to advise Regional Board staff throughout the compliance program development process. Staff are currently in the process of developing this contract. Staff intend to bring a grazing and irrigated agriculture water quality compliance program for the Klamath Basin for Regional Board consideration by December 2012.

### **CENTRAL COAST REGION**

#### **Agricultural Order Renewal:**

On July 8, 2010, the Central Coast Water Board extended the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Irrigated Ag Order R3- 2010-0040) through March 31, 2011 to ensure that farming operations are protecting and restoring water quality through the effective implementation of appropriate management measures. By law, all waivers must be reviewed, and renewed, revised, or replaced at least every five years. Central Coast Water Board staff plans to release a revised draft Agricultural Order in November 2010 and will bring a new draft Agricultural Order to the Board by March 2011. Related to the renewal of the Agricultural Order, the Central Coast Water Board held a CEQA scoping meeting on August 16, 2010 to discuss the regulation of waste discharges from

irrigated lands within the Central Coast Region

The process of renewing the Agricultural Order started in December 2008. Since that time, Central Coast Water Board staff has met with stakeholders and received numerous comment letters regarding the Agricultural Order. Stakeholders continue to have the opportunity to provide input to the draft Agricultural Order and staff will discuss consideration of any input provided in the staff report accompanying the draft Agricultural Order. A formal public comment period will follow the planned November 2010 release of the draft Agricultural Order and additional public input can be submitted at that time. In considering input to requirements, staff continues to encourage stakeholders to consider necessary actions to resolve water quality impairments, points of compliance, milestones to measure progress, compliance monitoring and reporting, and time schedules to compliance.

Information about the renewal of the Agricultural Order, including public comments received and a link to the electronic interested parties mailing list, can be found on the [Central Coast Water Board's program website](#).

## **LOS ANGELES REGION**

Staff continued follow-up work on 4 ACLs issued on February 18, 2010. Staff met with three ACL recipients who wished to engage in settlement discussions. The ACL recipients provided additional written and verbal evidence for staff's consideration. Staff is working with legal counsel to review the additional evidence. The fourth ACL recipient also waived the 90-day hearing requirement and will engage in settlement negotiations with staff. Staff is working to initiate the settlement process for this case.

Staff also continued follow-up work on 5 ACLs issued on May 5, 2009. The Executive Officer signed final stipulated orders for two ACL complaints on May 3, 2010. The penalty for one ACL complaint has been paid in full; this case is completed. The penalty for the second ACL complaint will be paid according to the deadline set forth in the settlement agreement. Staff expects this penalty to be paid by July 31, 2010. The Los Angeles Regional Board, at the May 6, 2010 regular Board meeting, approved the decision of the March 15, 2010 Regional Board panel hearing. The decision of the March 15, 2010 panel hearing was to uphold compliant number R4-2009-0052; however, the penalty was reduced due to economic considerations.

Staff is working on the renewal of the Los Angeles Region Conditional Waiver for Irrigated Lands (Order No. R4-2005-0080). Staff expects the revised Conditional Waiver to be available for public comment in late July and is planning to present the revised Waiver for adoption at the October Regional Board meeting. Staff has met with stakeholders to solicit input on revisions to the Conditional Waiver.

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.

## **COLORADO RIVER BASIN REGION**

### **Coachella Valley (CV) Ag Prohibition:**

The Technical Advisory Committee for the CV Ag Prohibition has agreed on draft recommendations for Best Management Practices, sampling locations, and parameters for the CV Stormwater Channel and drains.

### **Palo Verde (PV) Ag Prohibition:**

The PV Ag Prohibition went before the Regional Board for consideration of adoption on September 16th. The hearing was continued until January 20, 2011, pending the outcome of a workshop scheduled on November 16, 2010 at the PV Irrigation District Headquarters (180 West 14th Street, Blythe, CA). Documents for the PV Ag Discharge Prohibition can be obtained from the [Region 7 website](#).

### **Imperial Valley Sediment TMDL Implementation:**

The Imperial County Farm Bureau's CWA 319(h) grant funding terminated in September 2010 after many successful years of operation. The ICFB submitted a concept proposal in the 2011 319(h) grant competition, which is being reviewed by Water Board staff. The ICFB is also investigating alternative funding mechanisms to continue the Voluntary TMDL Compliance Program.

The Imperial Irrigation District submitted to the Regional Board in September its Vegetation Management Plan for the approximately 1,400 miles of agricultural drains that flow to the Salton Sea as requested by Regional Board staff. The Plan is under review. The IID also began work in July on the Ag Water Quality Grant Program, Prop 50/84 funded (\$900,000) project titled: Precision Drain Cleaning BMP Plan.

## **SANTA ANA REGION**

Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and other agricultural operations not already regulated by the Regional Board, to enroll in a conditional waiver of waste discharge requirements (WDRs). Board staff is calling their agricultural program the "Conditional Waiver (of waste discharge requirements) for Agricultural Discharges" (CWAD). Regional Board staff proposes that the CWAD program will be developed and implemented on a watershed-based, phased approach. The first phase of this program is being developed for waste discharges from agricultural operations (Irrigated and non-irrigated) in the Lake Elsinore / San Jacinto Watershed. The Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore. The TMDLs are now part of the Basin Plan. The CWAD program is being

designed to be part of the implementation program for these TMDLs.

In order to formulate a strategy to develop a CWAD program, Regional Board staff has been conducting meetings with key potential stakeholders, including Western Riverside County Agricultural Coalition (WRCAC), an NGO, and the Lake Elsinore San Jacinto Watershed Authority (LESJWA). LESJWA is a joint-powers authority that represents the Cities of Canyon Lake and Lake Elsinore, Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Santa Ana Watershed Project Authority.

During last few months, Regional Board staff have also met with other potential stakeholders and related agencies, including Riverside County Farm Bureau and Riverside County Agricultural Commissioner's offices. Board staff is coordinating with representatives of WRCAC and LESJWA and the Southern California Coastal Water Research Project (SCCWRP) to explore establishing a CWAD monitoring group program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring. Also, the Santa Ana Water Board is coordinating with RWQCB 9, SCCWRP and State Water Board to determine the possibility of integrating monitoring programs for both RWQCB 9's ILRP and the Santa Ana Region's CWAD program. The intent is to integrate the both the Region 8 CWAD and Region 9 ILRP monitoring programs into the regional water quality monitoring program for Southern California coastal watersheds that is being developed and implemented by the Stormwater Monitoring Coalition (SMC).

During summer of 2009, Regional Board staff conducted field surveys of various agricultural operations in the CWAD Program project area. Staff has been meeting with local growers and farmers to introduce the CWAD program to get grower feedback. Regional Board staff is also coordinating with State Water Board staff, TMDL staff and staff of other regions, particularly Regions 4 and 9, to establish criteria for the minimum acreage threshold for enrollment in its CWAD program.

Regional Board conducted its second evening public information meeting on the CWAD program. This meeting was scheduled on Thursday, April 22, 2010, from 7:00-8:30 p.m. The meeting was held at the Eastern Municipal Water District Board room, located in the City of Perris. At this meeting, Regional Board staff discussed the proposed CWAD program, various program elements, current status and solicited suggestions about how best to put the CWAD program in place. Topics of discussions and questions included:

- CWAD program introduction and 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 enroll in

- the CWAD program; and
- The schedule for putting the CWAD program in place.

At the end of Regional Board's presentation, there was a question and answer session in which several program related questions and concerns by the representatives of growers and agricultural groups were discussed. Although, the meeting attendance was light, some new ag. growers and farmers attended and actively participated in the discussions during this meeting.

Regional Board has developed a "CWAD Program Advisory Group" which consists of about 15 members belonging to ag. farmers, local growers, industry groups, and major stakeholders, etc.

On June 23, 2010, first CWAD Advisory Group meeting was held in Nuevo Water District's meeting room (meeting's final agenda, attached) to introduce and discuss status of CWAD program, its regulatory and enforcement options, and various ag. program permitting options (i.e. WDRs, General Permitting, Basin Plan Prohibitions, and Ag. Waiver). In this meeting, the Regional Board staff solicited feedback from group members on the presented items. Regional Board staff also discussed the CWAD program's proposed draft conditions and solicited comments and input from group members. Regional Board staff received several recommendation, suggestions and positive feedback from the group. Action items with follow up schedule were noted by the Board staff. It was decided by the group that the next Advisory Group meeting to be held on September 23, 2010, at the same time and place.

Presently, Regional Board staff is working on some follow up actions, discussed in the meeting.

## **SAN DIEGO REGION**

Conditional Waiver No. 4 (the Ag Waiver) requires growers who use irrigation to produce commercial crops to enroll in the waiver by December 31, 2010. There are currently three monitoring groups in the San Diego Region, all of which will close their enrollment periods by October 31st, 2010. They need to close enrollment well in advance of the enrollment deadline because they must organize the data provided by applicants including maintaining a BMP database and producing GIS maps which identify the locations of growers.

In September, Regional Board staff met with the monitoring groups and with the Southern California Coastal Water Research Project (SCCWRP) to discuss the design of a collaborative regional monitoring plan which will answer important questions pertaining to agricultural impacts to waters of the State. Questions we propose to answer include:

- What are the conditions of streams in Southern California;
- What are the major stressors to aquatic life;

- Are conditions in locations of special interest getting better or worse; and
- Where are improvements in BMPs needed?

A key goal of the monitoring approach is to link the program to other existing monitoring programs in order to leverage the resources of these other programs and thereby make the monitoring effort more cost-effective. A proposal for all of the groups to hire SCCWRP to design basic elements of the monitoring plan was rejected. However, two of the groups wished to continue discussions with SCCWRP to see if elements of the SCCWRP proposal could be used on a smaller scale. Also, it was determined that all of the groups along with the Regional Board would evaluate the feasibility of aligning ag waiver monitoring with the Southern California Stormwater Monitoring Coalition's monitoring program. The Southern California Stormwater Monitoring Coalition consists of municipalities that are conducting routine surface water monitoring to meet municipal permit requirements. On November 9th, the Regional Board and the monitoring groups will meet once again to discuss this issue as well as the overall design of the monitoring plan.