

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

April 2012

This month's Irrigated Lands Regulatory Program (ILRP) report covers the April 2012 period and will provide an update on the activities of the North Coast, San Francisco, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board ILRPs.

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 Board ILRPs for the alternate month. Current and past ILRP monthly reports can be found on the [State Water Boards Irrigated Lands Program](#) website.

NORTH COAST REGION

Staff of the North Coast Regional Water Quality Control Board are developing a water quality compliance program to address water quality impacts associated with discharges from agricultural lands. The program is intended to improve water quality, satisfy the requirements of the State Nonpoint Source Policy, and implement TMDLs in the North Coast Region.

To help develop the program, staff have formed a Stakeholder Advisory Group composed of people that represent the various stakeholder interests related to agriculture in the North Coast Region. The group's purpose is to provide input to Regional Water Board staff on the different elements of the program. Advisory Group meetings are scheduled throughout this year and through April 2013, with a Regional Water Board adoption hearing scheduled for fall 2013. See the March 2012 update for more information on the Advisory Group.

On April 18, 2012, the Regional Water Board held a teleconference/webinar meeting of the Advisory Group that focused Regional Water Board agricultural programs statewide. Johnny Gonzales of State Water Board staff gave a presentation comparing the programs. He also presented the fee schedule for agricultural lands.

The next meetings of the Advisory subgroups will be from May 3 – May 9 around the North Coast Region. Each group will be discussing the program scope and a draft program framework developed by Regional Water Board staff. The program framework is based on discharger tiers that correspond to risk to water quality, like tier-based programs developed in other regions.

SAN FRANCISCO BAY REGION

Vineyard Waiver for Napa River and Sonoma Creek Watersheds:

Region 2 staff is developing a Conditional Waiver for vineyard properties in the Napa and Sonoma watersheds to require that effective management practices be implemented to control human-caused discharges of pollutants from vineyard facilities. The vineyard Waiver would cover existing vineyards, vineyard replants, as well as new vineyard development. The Conditional Waiver will affect about 67,000 acres of planted vineyards in the two watersheds.

Staff is continuing its outreach efforts with the Stakeholder Advisory Group, which consists of representatives from Napa and Sonoma counties, Sonoma County Grape Growers, Napa County Vintners, Sonoma and Napa County Farm Bureau, the Resource Conservation Districts, UC Cooperative Extension, other agencies, and environmental groups.

Staff held their third Stakeholder Advisory Group meeting on March 1, 2012 at the Schellville Fire Station, located in lower Sonoma Valley. Johnny Gonzales, State Water Board, and Region 2 Water Board staff discussed State Water Board fees for agricultural waivers and received input on a revised working draft of the terms and conditions of the waiver. In addition, requirements for the contents of a Farm Water Quality Plan (a key component of the waiver) and procedures of approving third-party technical assistance groups were discussed. The next meeting of the Stakeholder Advisory Group is scheduled for May 15, 2012.

Grazing Waiver for Napa River and Sonoma Creek Watersheds:

The Water Board adopted a Conditional Waiver of waste discharge requirements (Waiver) for grazing operations in the Napa River and Sonoma Creek watersheds on September 14, 2011. The goals of the Waiver are to reduce the discharge of sediment and pathogens to the Napa River and Sonoma Creek, and to protect stream and riparian areas. This program is a key element to implementing TMDLs for these two watersheds.

Ranchers were required to submit a Notice of Intent (NOI) to comply with the Conditional Waiver by November 15, 2011. To date we have received 31 NOIs out of the approximately 50 that were projected.

Board staff is continuing with stakeholder outreach to make sure all eligible ranchers have been notified and are aware of the Waiver and its requirements. As part of the outreach, staff made a presentation at the Watershed Information Center and Conservancy Board meeting on March 22 to provide an overview of the grazing requirements. We are working with UC Cooperative Extension (UCCE), and the Napa and Sonoma Resource Conservation Districts in identifying and contacting those eligible ranch operations that have yet to enroll.

Staff participated in UCCE sponsored trainings held on March 15, and April 17. Topics included waiver requirements, ranch plan preparation, mapping, evaluation of

ranch activities, and selection potential best management practices. Future trainings are planned for June and August to discuss proper ranch roads management and monitoring methods. Staff also provided comments on UCEE's proposed ranch plan and reporting templates intended to help ranchers comply with their waiver paperwork.

Grazing Waiver for Tomales Bay Watershed:

No update for this period.

CENTRAL COAST REGION

On March 15, 2012, the Central Coast Water Board voted unanimously to adopt an updated Conditional Waiver of Waste Discharge Requirements from Irrigated Lands (2012 Agricultural Order). The Board's action comes after nearly four years of hearings, public comment and workshops on the Order, and several revisions to address the concerns of the agricultural community. The updated 2012 Agricultural Order is designed to improve water quality and protect public health and sources of drinking water in areas of heavy agricultural use. It improves accountability through more effective monitoring and reporting of irrigation practices and nutrient use. The 2012 Agricultural Order and Monitoring and Reporting Program, as well a Fact Sheet, are available at the link below.

The Order places farms in one of three tiers, based on risk to water quality. For many farms (Tier 1 and Tier 2), the new requirements are similar or less stringent than the previous Order. Farms in Tier 3 have more stringent requirements. The Fact Sheet summarizes the requirements for farms in each tier. Growers can view which tier their farm is in by accessing their eNOI in GeoTracker.

Growers must do the following to comply with the 2012 agricultural order:

- Enroll in the Order by filing an electronic Notice of Intent (eNOI);
- Develop and implement a Farm Plan;
- Implement management practices to protect water quality;
- Conduct surface water receiving monitoring and reporting (cooperatively or individually);
- Conduct groundwater monitoring and reporting (cooperatively or individually);
- Install backflow prevention devices;
- Submit an annual compliance form (for Tier 2 and Tier 3 ONLY);
- Conduct individual discharge monitoring reporting (for Tier 3 ONLY);
- Develop and implement certified Irrigation and Nutrient Management Plan (for Tier 3 ONLY); and
- Develop and implement a Water Quality Buffer Plan (for Tier 3 ONLY).

In May 2012, Water Board staff will contact enrolled growers to confirm the appropriate tier for their farm(s). Each grower enrolled in the Order will receive a packet of information (including a copy of the Order, a list of requirements for each tier, a 5-year compliance calendar, a list of Water Board contacts, and a list of resources and

assistance available to growers). In addition, Water Board staff will also announce dates for upcoming workshops in May and June 2012 to inform growers of the new requirements.

LOS ANGELES REGION

Compliance with the Renewed Conditional Waiver:

The Nursery Growers Association Los Angeles County Irrigated Lands Group (NGA-ILG) and the Ventura County Agriculture Irrigated Lands Group (VCAILG) are the two discharger groups in the Los Angeles Region that have formed to comply with the Conditional Waiver. The Conditional Waiver requires dischargers to conduct a Bacteria Special Study to characterize potential discharges of bacteria from irrigated lands. The Regional Board received a Bacteria Special Study work plan from VCAILG on October 11, 2011. Regional board staff reviewed the document and approved the work plan on April 9, 2012. This study will last two years and will characterize wet and dry weather discharges and allow comparison to bacteria water quality objectives. The discharger groups are currently complying with existing MRPs and water quality management plans (WQMPs) that were developed in accordance with the previous waiver.

Enrollment:

VCAILG staff informed the Regional Board that several growers who were enrolled in the 2005 Conditional Waiver did not re-enroll in the new Conditional Waiver. Regional Board staff responded on April 16, 2012 by sending letters to over 300 growers in Ventura County as notification that they need to re-enroll in the Conditional Waiver program. In response to the letter, dozens of growers have contacted the Regional Board and the Farm Bureau to enroll in the Conditional Waiver.

Education Workshops:

VCAILG has planned 5 education events for growers in Ventura County for April and June of 2012. One event, sponsored by the UCCE in Ventura County, is being conducted entirely in Spanish. Since renewal of the waiver, both VCAILG and NGA-ILG have provided numerous opportunities for their members to receive all eight hours of education credit required by the Conditional Waiver.

Grant Management:

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

Staff is overseeing a Proposition 84 grant for a mobile irrigation laboratory to improve irrigation efficiency on farms in Ventura County (Grant Agreement No. 10-417-554). The grantee is the Ventura County Resource Conservation District (RCD). Under the grant, RCD staff travels to farms, evaluates irrigation efficiency, recommends

improvements, and provides cost share funding to implement the recommended improvements. The goal of the grant is to reduce dry- weather loading of agriculture-related pollutants.

On March 7, 2012, a new Clean Water Act section 319(h) grant was executed for the purpose of identifying the contribution of and reducing metal loadings from nurseries and other irrigated agricultural lands in the San Gabriel River Watershed (Grant Agreement No. 11-098-554). The grantee is the Council for Watershed Health. The grantee will identify priority locations for BMP implementation, implement procedural BMPs at the priority locations, evaluate BMP effectiveness, and submit an Implementation Recommendation Report to Regional Board staff. The grantee submitted their first invoice and progress report on April 19, 2012.

COLORADO RIVER BASIN REGION

Colorado Regional Water Quality Control Board staff held a CEQA scoping meeting on April 3, 2012 in Blythe, CA regarding a proposed Waiver of Waste Discharge Requirements (WDRs) for discharges of wastes from agricultural operations in the Palo Verde Valley in Riverside and Imperial Counties along the Colorado River.

For background: At its January 20, 2011 meeting, the Regional Water Board approved a Conditional Prohibition Basin Plan amendment by adopting Resolution No. R7-2011-0014 to regulate the abovementioned agricultural wastewater discharges. The Regional Water Board also complied with the CEQA environmental review requirements applicable to amendments of Basin Plans. The Basin Planning program, which includes amendments of Basin Plans, was certified by the Secretary for the California Natural Resources Agency, pursuant to Public Resources Code section 21080.5, as having an environmental review program equivalent to that specified under CEQA and thus, the Basin Planning program is exempt from CEQA. (Section 15251(g) of the CEQA Guidelines, Cal. Code Regs., tit. 14. § 15000 et seq.) Agencies with certified regulatory programs that are exempt from CEQA may prepare substitute environmental documents in lieu of the traditionally required CEQA environmental documents of initial studies, negative declarations, and environmental impact reports. Accordingly, the Regional Water Board prepared substitute environmental documents when it conducted its environmental review of the proposed Conditional Prohibition Basin Plan amendment.

Section 13245 of the Water Code requires that any Basin Plan or Basin Plan amendment must be approved by the State Water Board before it can become effective. In accordance with this statutory requirement, the Regional Water Board submitted the Conditional Prohibition adopted at its January 20, 2011 meeting to the State Water Board for its review and approval. However, at its meeting on January 10, 2012, the State Water Board decided to disapprove the Conditional Prohibition. Its disapproval decision is reflected in State Water Board Resolution No. 2012-0004. A copy of this Resolution, which includes links to the underlying Regional Water Board

Resolution and Conditional Prohibition, may be viewed on the [Region 7 website](#). In relevant part in its disapproval Resolution, the State Water Board remanded the Conditional Prohibition back to the Regional Water Board and directed it to adopt WDRs or a Waiver of WDRs in lieu of, or in addition to, the proposed Conditional Prohibition for agricultural wastewater discharges. In accordance with this directive and because the proposed Waiver of WDRs is not exempt from the traditional CEQA review process and is, from a practical perspective, a different “project” for the purposes of CEQA, the Regional Water Board is starting a new CEQA review process for the proposed Waiver.

SANTA ANA REGION

On April 5, 2012, RB-8 staff held a meeting of the proposed Conditional Waiver of Agricultural discharges for the San Jacinto watershed Advisory Group, the latest in a series of more-or-less quarterly stakeholder meetings. Discussions included new, modeled information about pollutant loading from sub-watersheds, updated information concerning acreage of various agricultural land uses, updated information concerning the number of agricultural operators who will be subject to the waiver – approximately 343, proposed waiver condition concerning continuing education, remand of Region 7's Basin Plan agricultural prohibition, and updated information about the watershed's hydrology.

Internal draft agricultural waiver and draft CEQA negative declaration is circulating in-house for edits, comments and revisions.

SAN DIEGO REGION

No report submitted for this time period.