

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **February 2013**

This month's Irrigated Lands Regulatory Program (ILRP) report covers the month of February 2013 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 Regional Water Board for one month, and the status of other Regional Water Board ILRPs for the alternate month.

### **NORTH COAST REGION**

Staff have been developing the Agricultural Lands Program for over a year now. Staff is currently working on the remaining key components of the Program to provide stakeholders the ability to see the whole Program together versus through a more "piece meal" process. Staff is working to develop a draft of the remaining components for review and comment by the Stakeholder Advisory Group this coming summer.

To help develop an effective and viable program, staff is working with a Stakeholder Advisory Group composed of representatives from various 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. The Advisory Group meets as a full group and as subgroups representing four different geographic areas in the North Coast Region.

Staff is holding an online webinar meeting with the Advisory Group in April 2013. The group will discuss a FAQ sheet that is currently being developed by staff. The FAQ will address issues that continue to be raised at the Advisory Group meetings including public disclosure of private information and questions about jurisdiction.

### **SAN FRANCISCO BAY REGION**

On November 16, 2012, the Regional Water Board published a Draft Conditional Waiver of Waste Discharge Requirements for Vineyard Properties in the Napa and Sonoma Creek Watersheds (Conditional Waiver) and a proposed Initial Study and Mitigated Negative Declaration for public comment. The proposed regulation would apply to most vineyard properties in the Napa River and Sonoma Creek watersheds. It also outlined a process for Board approval of third-party agricultural technical assistance groups to help vineyard owners or operators prepare acceptable farm plans, implement effective management practices, and comply with reporting requirements.

The comment period closed on February 1, 2013 with anticipation that the Conditional Waiver and Initial Mitigated Negative Declaration would be brought before our Board for their consideration on March 2013. We received 19 comment letters on the draft Conditional Waiver that included a mix of comments on the Conditional Waiver and supporting CEQA documentation.

Due to the numerous comments received, staff turnover, and the need to evaluate our strategy considering the above, the March 2013 public hearing on the Conditional Waiver was cancelled. In the meantime, we continue to work with groups that have expressed interest in developing third-party technical assistance programs.

### **CENTRAL COAST REGION**

The Central Coast Water Board continues to provide outreach and compliance assistance during implementation of the 2012 Agricultural Order. Recent efforts have focused on working with growers to submit regulatory information using the Water Board's Agricultural Regulatory Program data management system. A Central Coast Water Board goal is to ensure that all stakeholders have opportunities to understand how to implement and comply with the 2012 Agricultural Order and improve water quality.

Central Coast Water Board staff continues to engage in the following outreach activities:

- Providing status information and compliance assistance on our webpages;
- Providing specific assistance to the Spanish speaking community with little or no access to computers;
- Providing individual and phone assistance to growers and technical assistance providers about the requirements;
- Coordinating with laboratories and consultants regarding monitoring and reporting requirements;
- Allocating grant funds to assist small and/or limited resource growers;
- Engaging with technical assistance providers, industry and agency representatives, commodity groups, and the academic community at conferences and meetings; and
- Evaluating and reporting to the Board and stakeholders on status of compliance with various requirements.

As of December 2012, 4,196 farms (419,872 acres) are enrolled in the Order. Growers submitted annual compliance forms for more than 1615 farms; this includes 1282 out of 1914 farms required to submit the forms for Tiers 2 and 3 (a compliance level of about 70%), and 333 submittals for Tier 1 farms for which submittal is optional.

Staff has been working with growers, laboratories, and technical assistance providers to complete the first round of individual groundwater monitoring (due by December 31,

2012) for the growers who selected individual groundwater monitoring, and to develop cooperative groundwater monitoring proposals (due by March 15, 2013) for the growers who selected cooperative groundwater monitoring. Several growers who elected individual groundwater monitoring have indicated that they now want to opt into a cooperative groundwater monitoring program. Staff is considering changing the monitoring and reporting requirements to provide an opportunity for growers to opt into cooperative groundwater monitoring programs (those submitted by the March 15, 2013 due date and approved by the Executive Officer). Staff is also providing compliance assistance for Tier 3 growers to develop Individual Surface Water Discharge Monitoring Plans, due March 15, 2013.

Staff will also be seeking collaboration with growers and technical assistance providers to develop tools to implement upcoming requirements such as nutrient budgeting and to evaluate effectiveness of management practices. Staff met on January 8, 2013, with staff from the California Department of Food and Agriculture (CDFA) to discuss that agency's efforts for developing nitrogen budgeting tools and to see if we can use similar tools for implementation of the Order. Staff will continue to meet periodically with staff from CDFA to insure good coordination on these issues.

Staff is providing regular updates (Board Meeting status reports) to the Central Coast Water Board on program implementation progress, successes, opportunities and challenges. Stakeholders are contributing comments and perspectives on program implementation and the issues raised by stakeholders are being evaluated for future program improvement, as appropriate. The January 31, 2013 Board Meeting report focused on enrollment, submittal of the annual compliance form and online reporting to the Agricultural Regulatory Program database. The March 15, 2013 Board Meeting will include two reports: one focused on cooperative groundwater monitoring proposals, and one describing overall program implementation status, near-term staff activities, and a five-year view of tasks to implement the 2012 Agricultural Order. Future updates will be targeted to focus on issues relevant to the program implementation schedule, largely defined by the compliance dates for the various requirements in the 2012 Agricultural Order.

## **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 discharger groups are currently complying with water quality management plans (WQMPs) that were developed in accordance with the previous waiver and are currently working on updating their documents for 2013. The new WQMPs will be submitted in March 2013.

**Enrollment:**

VCAILG recently updated their list of members for Regional Water Board staff. Staff will follow up with enforcement for growers who have never enrolled in the Conditional Waiver program but who have received several notices from the Regional Water Board to enroll.

On January 16, 2013, staff sent out 650 notices to enroll to growers in Los Angeles County. The Regional Water Board received 200 calls and over 100 letters regarding enrollment. Staff is currently going through responses and coordinating with NGA-ILG to determine whether growers need to comply with the Waiver or qualify for exemption as a hobby grower. Follow up enforcement action will be taken for growers who did not respond to the notice, or those who responded but have not yet enrolled in the program.

Staff is currently in talks with the Los Angeles Department of Water and Power (DWP) to enroll the nursery growers leasing DWP property. In December 2012, staff at DWP sent a letter to growers to gather information on the nature of their operations to determine whether they should be enrolled in the Conditional Waiver program.

**Education Workshops and Outreach:**

VCAILG has planned 5 classes for members through May of 2013. Topics covered include irrigation use efficiency, regulatory updates on the Conditional Waiver and TMDLs concerning agriculture, the use of moisture sensors, detention basins, and efficient fertilizer management techniques. One of the classes is being offered online to allow growers flexibility in attaining their 8 required hours of education. The class takes approximately 2 hours to complete and has a quiz at the end to ensure that participants have absorbed the material. NGA-ILG provided a class in January that covers BMP effectiveness and how growers can comply with the Waiver program. Two more classes are planned in March and June 2013, one of which has a segment with a Spanish speaking instructor. 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 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.

Staff continues to manage a Clean Water Act section 319(h) grant which 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 (CWH). The CWH has reported the status of their project in bi-monthly meetings with Regional Water Board staff and other stakeholders and has recently identified priority locations for BMP implementation along the San Gabriel River. They have developed a Quality Assurance Project Plan (QAPP) and Monitoring and Reporting Plan (MRP), both recently approved by staff. On February 12, 2013, Regional Water Board staff met with CWH and NGA-ILG to discuss moving forward with taking baseline water quality samples from chosen nurseries. Now that priority locations have been chosen, the CWH will implement procedural BMPs, evaluate BMP effectiveness, and submit an Implementation Recommendation Report to Regional Water Board staff.

### **COLORADO RIVER BASIN REGION**

Colorado River Basin Regional Water Quality Control Board (Regional Water Board) staff has started implementing Board Order R7-2012-0047, a Conditional Waiver of Waste Discharge Requirements (WDRs) for agricultural wastewater discharges and discharges of wastes from drain operation and maintenance activities within the Palo Verde Valley and Mesa areas in Riverside and Imperial Counties. The Regional Water Board adopted the Conditional Waiver during a public hearing on September 20, 2012, in Palm Desert. This Conditional Waiver affects about 120,000 acres of farmland along the Colorado River.

Board Order R7-2013-0002 for the Bard Unit of Reservation Division (Imperial County) Conditional Waiver was adopted at public hearing on January 17, 2013. A public workshop on the matter was held in Winterhaven, California, on December 11, 2012. This Conditional Waiver affects about 7,000 acres of farmland along the Colorado River.

Staff will work with interested parties in the Coachella Valley to develop a Conditional Waiver of WDRs for consideration for adoption in late 2013. A Conditional Waiver for the Imperial Valley is targeted for consideration for adoption in 2014.

### **SANTA ANA REGION**

Board staff is proposing that all operators of irrigated and dry-farmed lands over 10 acres, subject to inundation by flooding, and of other agricultural operations not already regulated by the Regional Water Board, enroll in a conditional waiver of waste discharge requirements. Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). The Regional Water Board staff proposes that the CWAD program will be developed and implemented watershed-based phased approach. The first phase of this program is being developed for waste discharges from agricultural operations located in the San Jacinto, Salt Creek and Lake Elsinore Watersheds. The Regional Water Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and

Lake Elsinore. The CWAD program is being designed to be part of the implementation program for these TMDLs.

Regional Water Board staff has developed a "CWAD Program Advisory Group" which consists of about 20 members including agricultural farmers, local growers, industry groups, and major stakeholders. Last CWAD advisory group meeting was held on November 15, 2012. The major topics of discussion were as follows:

- CWAD Program updates and discussions on the revised CWAD Program schedule;
- Some specific issues related to excessive manure dumping in the CWAD program watershed area and high TDS concentration in the project groundwater basin were discussed by the group members;
- The recent increase of dry farming in the CWAD project versus the irrigated land farming and its potential implications on the CWAD program were discussed by the WRCAC and other group members;
- Internal draft Ag. Waiver and draft CEQA Neg. Dec. is currently circulating in-house for edits, comments and revisions. First round of in-house comments has been completed;
- Staff discussed the revised CWAD program schedule with the advisory group members;
- Staff is presently working on the Ag. Waiver staff report review; and
- Regional Water Board staff attends WRCAC (Western Riverside County Agricultural Coalition) monthly technical committee meeting regularly. WRCAC is a major stakeholder in CWAD program.

Next scheduled CWAD advisory group meeting will be scheduled sometime in the first quarter of 2013. Regional Water Board staff will soon be in process of working on the agenda, presentations, and action items to be presented in the next meeting.

On February 20, 2013, Regional Water Board staff attended a technical committee meeting organized by WRCAC in which other local growers and stakeholders were present. In this meeting, the Regional Water Board staff updated the meeting participants with renewal status of general dairy permit (CAFO permit), and its upcoming CWAD program.

## **SAN DIEGO REGION**

The San Diego Regional Water Board staff has been moving forward on several fronts regarding our current conditional waiver of waste discharge requirements for discharges from Agricultural and Nursery operations (conditional Ag Waiver). Our general tasks currently include, conducting inspections at randomly selected facilities to assess the level of familiarity that dischargers have with the waiver conditions, begin informal enforcement processes for noncompliance, and initiate the processes associated with renewing our conditional waiver in 2014.

Regional Water Board staff are reviewing third party certifications for Organic Growers certification documents so that staff may more effectively understand potential discharges (or lack thereof) from those operations in the San Diego Region.

San Diego Regional Water Board staff also developed a list of facilities (enrollees), scheduled inspections and in the process of completing those inspections to assess compliance with the San Diego Regional Water Board's existing Ag- Waiver.

Staff has received acreage information for irrigated lands monitoring groups (or coalitions) and updated the CIWQS with specific information regarding those entities.

Staff sent letters to the coordinators of the five regional monitoring groups/coalitions, reminding them of their obligation to identify members who have left the monitoring group/coalition.

Additionally, staff has developed a list of agricultural operations that have left the monitoring groups/coalitions. More recently staff sent certified letters to those agricultural operations advising them of their options: a) to rejoin a monitoring group/coalition, b) file a notice of intent to apply for coverage under the conditional Ag Waiver, or c) provide evidence that they are no longer conducting agricultural operations that are required to enroll for coverage under the conditional Ag Waiver.

Staff is developing a list of potential operations that may be classified as "non- filers" (e.g., failed to enroll in a monitoring group or file a notice of intent (NOI) to enroll as an individual operation).

San Diego Regional Water Board staff has initiated the process of working with stakeholders to renew our existing conditional waivers of WDRs, including the Ag- Waiver in early 2014.

The San Diego Regional Water Board staff met with the San Diego Farm Bureau Executive Director (Eric Larson) to coordinate efforts and discuss actions to support the conditional Ag Waiver.

The San Diego Water staff met with the representatives of the Rainbow Municipal Water District to discuss staff progress and actions to support the conditional Ag Waiver and creating an additional monitoring group/coalition within their jurisdiction.

Staff coordinated with the State Water Board staff to process information on acreage under cultivation for each monitoring group/coalition (or discharger) enrolled in CIWQS, teleconference/review of draft white paper on data management needs for the Irrigated Lands Program, review draft CDFA white paper and State Water Board draft response, teleconference on fee collection and allocation of resources to regional implementation of Irrigated Lands Program, and review on ORPP proposal for the Irrigated Lands Program.

Staff attended a Board meeting of the Rancho California Water District to answer questions about renewal and revisions to the Ag Waiver and the renewal process for the waiver in 2014.

Staff continue to receive and respond to numerous phone calls and emails from owners/operators of agricultural operations regarding implementation of the conditional Ag Waiver.

The San Diego Water Board Executive Officer has met, on two separate occasions, with several members of the local Agricultural community to discuss staff progress and actions to support the conditional Ag Waiver.