

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

April 2018

This month's Irrigated Lands Regulatory Program update provides a summary of significant activities of State Water Board from March 15, 2018 to April 15, 2018; and, the North Coast, San Francisco Bay, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Water Boards' from February 15, 2018 to April 15, 2018. Next month's report will present activities of the Central Valley Water Board's Program and cover the time-period from March 15, 2018 to May 15, 2018.

STATE WATER RESOURCES CONTROL BOARD -

On March 16, 2018, Irrigated Lands Regulatory Program staff (staff) met with staff from the Santa Ana Regional Water Quality Control Board, US Environmental Protection Region 9, and Eastern Municipal Water District to discuss the roles and responsibilities of a Third-Party Coalition. Eastern Municipal Water District requested to act as a Coalition and the Santa Ana Regional Water Quality Control Board Executive Officer approved. The Coalition will represent the majority of growers as part of the Conditional Waiver for Agricultural Dischargers Program.

On March 30, 2018, staff met with staff from the Santa Ana Regional Water Quality Control Board, Western Riverside County Agriculture Coalition, and Eastern Municipal Water District to discuss the roles and responsibilities of a Third-Party Coalition. The Western Riverside County Agriculture Coalition is hesitant to take on such a role because of perceived liability concerns.

On April 2, 2018, staff participated in a meeting conducted by the California Air Resources Board who is working with the University of California, Berkeley and its partners at Lawrence Berkeley National Laboratory to co-host and fund a California Bioresources Economy Summit in summer 2018 at the David Brower Center in Berkeley. The Summit will focus on the highest beneficial uses of organic waste streams. The California Bioresources Economy Summit will address organic waste streams including forest and agricultural waste, food waste, urban green waste, and wastewater treatment plant biosolids. The goal of the Summit is to inform policies as State agencies implement plans to reduce greenhouse gas emissions, sequester carbon, and reduce open burning and wildfire pollution.

On April 9, 2018, staff participated in the quarterly Farm Food Safety Conservation Network Steering Committee meeting. The meeting included discussion on water recycling and reuse, updates from two US Food and Drug Administration summits attended recently. One on Biological Soil Amendments of Animal Origin in Houston in Dec. 2018 (see link below) <https://producesafetyalliance.cornell.edu/sites/producesafetyalliance.cornell.edu/files/shared/documents/Ingram-BSAAO-Risk-Assessment-Activities.pdf>

and the other on agricultural irrigation water in Cincinnati earlier this month (see link below) <https://producesafetyalliance.cornell.edu/water-summit>

and announcement of new Community Alliance with Family Farmers Hedgerow manual.

On April 11, 2018, staff participated in a California Association of Pest Control Advisers and Certified Crop Advisers meeting to discuss budget issues.

REGIONAL WATER QUALITY CONTROL BOARDS

North Coast Regional Water Quality Control Board - North Coast Regional Water Quality Control Board staff (staff) are currently developing an administrative vineyard and orchard discharge draft permit internally and plan to get input from an existing Stakeholder Advisory Group once the draft is ready for review. The North Coast Regional Water Board received funding for an additional PY for the Agricultural Lands Discharge Program. Once the position is filled, the person will be working solely on development of the vineyard and orchard permit.

The North Coast Regional Water Board will consider the renewal of the Conditional Waivers of WDRs for Discharges Related to Specific Land Management Activities in the Shasta and Scott Watersheds on April 19th, 2018 in Weed in Siskiyou County.

As of April 4, 2018, the North Coast Regional Water Board had a total of 2929 active sites enrolled in the North Coast Regional Conditional Waiver of Waste Discharge Requirements for discharges from cannabis cultivation and associated activities. Staff have also enrolled 24 active sites in the State Water Resources Control Board general permit and have 217 more sites in process.

The North Coast Board recently released a final report on sampling conducted by staff from 2013-2017 in the Smith River plain to better understand water quality conditions related to Easter lily bulb production. Staff will present an information item to the North Coast Regional Water Board at the April 19th, 2018 Board meeting and the North Coast Regional Water Board will consider the next steps to take towards regulating discharges associated with lily bulb production.

San Francisco Bay Regional Water Quality Control Board - The San Francisco Bay Regional Water Board adopted a General Permit that regulates pollutant discharges from vineyard properties in the Napa River and Sonoma Creek watersheds in July 2017. Recent staff efforts have been focused on outreach to facilitate program enrollment which begins in July 2018. Staff have created a vineyard permit fact sheet, an interactive map of parcels that are eligible for enrollment, and have scheduled a series of outreach meetings in each watershed for April/May 2018. Program information can be found at: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/vineyard/index.html

Central Coast Regional Water Quality Control Board – Central Coast Regional Water Board Staff (staff) presented an informational item to the Central Coast Regional Water Board and the public at the March 22-23, 2018 board meeting. The subject of the item was “Surface Water Quality Conditions and Agricultural Discharges in the Central Coast Region.” The discussion included speakers from the Department of Pesticide Regulation (DPR), UC Davis Marine Pollution Studies Laboratory, a representative from the agricultural Cooperative Monitoring Program, and several presentations by Regional Water Board staff. The topics included results of ambient monitoring in the central coast region, including those focused in watersheds dominated by agricultural land use; pesticide and toxicity monitoring results in surface waters; pesticide prioritization tools developed by DPR; indicator organisms used in toxicity monitoring; and riparian and wetland habitat condition. The May 2018 board meeting will include another

informational item, this time focusing on groundwater quality conditions in the central coast region.

Los Angeles Regional Water Quality Control Board – The Conditional Waiver of Waste Discharge Requirements for Dischargers from Irrigated Lands adopted by Order No. R4-2016-0143 (Conditional Waiver) requires agricultural operators (dischargers) to enroll irrigated agricultural land under the waiver to continue discharging agricultural runoff to waters of the state. If the dischargers no longer own or operate irrigated land for commercial crop production, then the dischargers can request a termination from the program. In March 2018, staff reviewed and prepared documents for three Notices of Termination (NOT), which were approved by the Executive Officer.

The Nursery Growers Association Los Angeles County Irrigate Lands Group (NGA-LAILG) 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. Order No. R4-2016-0143 requires that dischargers complete and submit management practice questionnaires prepared by the discharger groups and approved by the Executive Officer. On February 20 and March 22, 2018, staff met with NGA-LAILG representatives and discussed issues such as NGA-LAILG outreach to growers, enrollment, and compliance with the requirement to complete the questionnaire. On March 1, 2018, staff sent notices to complete the questionnaire to the members of NGA-LAILG that did not comply with this requirement.

During the end of the 2010 Waiver term, the Los Angeles Department of Water and Power (LADWP), which is one of the two major landowners of irrigated agricultural lands in Los Angeles County, enrolled growers who lease LADWP property in the Waiver. On April 2, 2018, staff met with LADWP and NGA-LAILG representatives to discuss coordination efforts and compliance with the Conditional Waiver, including the requirement to complete the questionnaire.

Staff are currently working to send Notices of Violations for failure to enroll in the Conditional Waiver to growers in Los Angeles County.

On February 26, 2018, staff sent notices to re-enroll to members of VCAILG who were terminated by the group due to non-payment.

In response to the continuous outreach efforts regarding the Notices of Violation sent to growers in Ventura County in March 2017, additional growers have enrolled in Order No. R4-2016-0143 in March 2018 without the need for additional enforcement action. Staff are currently performing inspections in Ventura County to continue follow ups on these Notices of Violations and will pursue further enforcement action as needed.

Colorado River Basin Regional Water Quality Control Board – In February 2018, Colorado River Basin Regional Water Board staff (staff) received annual monitoring reports from the Palo Verde, Bard Unit, and Coachella Valley coalition groups for 2017. Staff are reviewing the reports.

On March 9, our Executive Officer approved a Quality Assurance Project Plan for a two-year selenium study in Imperial Valley Drains to be completed by the Imperial Irrigation District. Several Imperial Valley waterbodies are currently listed on the State's Impaired Waters List as impaired by selenium. This study will enhance the understanding of selenium, and may ultimately result in recommendations of on-farm and drain practices for the management of

selenium in Imperial Valley waterbodies. Field work begins in May-June 2018. Final Reports are expected in late 2020.

On March 14, staff met with representatives from the Imperial Irrigation District-Imperial County Farm Bureau Coalition group at our office in Palm Desert. These quarterly Technical Management Committee meetings are an opportunity to discuss implementation of the Imperial Valley Conditional Waiver.

Water Board staff are continuing with the development process of a General Order of Waste Discharge Requirements (WDRs) to replace the Conditional Waiver for the Palo Verde area. The Waiver for the Palo Verde area expired in September 2017. A draft of the proposed WDRs Order and supporting CEQA documents is being reviewed by the Regional Water Board's management. Staff are continuing the process for Board adoption, and plan to bring the General Order before the Regional Water Board for consideration of adoption in June 2018.

Staff are continuing with the development process of a General Order of Waste Discharge Requirements to replace the Conditional Waiver for the Bard Unit of Reservation Division. The Waiver for the Bard Unit expired in January 2018. Staff are planning to bring the General Order before the Regional Board for consideration of adoption in September 2018.

Santa Ana Regional Water Quality Control Board – During this period Santa Ana Regional Water Quality Control Board staff (staff) have been working to support the startup of the Conditional Waiver for Agricultural Discharges in the San Jacinto River watershed (Order No. R8-2016-0003 as amended by Order No. R8-2017-0023; the CWAD). On March 15, 2018 the Santa Ana Regional Water Board Executive Officer approved Eastern Municipal Water District (EMWD) as the third party to administer a coalition of growers who receive EMWD reclaimed water.

The CWAD is the primary mechanism directing agricultural operations in the watershed in compliance with the Lake Elsinore and Canyon Lake Nutrients Total Maximum Daily Loads (TMDLs; Order No. R8-2004-0037), which allocate a portion of the nitrogen and phosphorus loads to agriculture. The TMDLs are undergoing a technical evaluation to establish revised allocations; staff are working cooperatively with agricultural representatives and other stakeholders in this ongoing process.

Staff have been working to develop a coalition for the growers who are not in the EMWD coalition. Staff along with State Water Board staff Johnny Gonzales attended the March 30, 2018 Western Riverside County Agricultural Coalition meeting to discuss the possibility of developing coalitions to cover other growers not covered by the EMWD coalition. On March 9, 2018 Sue Keydel of USEPA and Johnny Gonzales toured the San Jacinto Watershed agricultural areas with Regional Water Board staff. The group discussed issues concerning the startup of the CWAD.

The Santa Ana Water Board Executive Officer will issue Notices of Authorization (NOAs) to eligible enrollees in late April or May. The first CWAD monitoring and reporting requirements are due six months after the issuance of the NOAs. State Water Board annual fees will be assessed in the second half of 2018.

San Diego Regional Water Quality Control Board - The San Diego Regional Water Quality Control Board's Commercial Agriculture Regulatory Program is issuing Directive Letters to Agricultural Operations that have not submitted Notices of Intent to enroll in Waste Discharge

Requirements for Commercial Agricultural Operations (General Orders Nos. R9-2016-0004 and R9-2016-0005; collectively called the General Agricultural Orders). The Directive Letters have been successful in compelling one large Operation to join a Third-Party Group and seek assistance in enrolling in the General Agricultural Orders.

The San Diego Regional Water Board is also reviewing Monitoring and Reporting Program Plans (MRPs) submitted by the Third-Party Groups as required by Order No. R9-2016-0004. These plans include descriptions of proposed sampling locations, including bioassessment monitoring. Two of the four Third-Party Groups have submitted their MRPs and the other two are required to submit them in April 2018. If the MRPs meet the requirements of Order No. R9-2016-0004, then the San Diego Regional Water Board will approve them and the Third-Party Groups will implement them within 90 days of approval.