

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

December 2018

This month's Irrigated Lands Regulatory Program update provides a summary of significant activities of State Water Board from November 15, 2018 to December 15, 2018; and, the North Coast, San Francisco Bay, Central Coast, Los Angeles, Colorado River Basin, Santa Ana and San Diego Water Boards' from October 15, 2018 to December 15, 2018. Next month's report will present activities of the Central Valley Water Board's Program and cover the time-period from November 15, 2018 to January 15, 2019.

STATE WATER RESOURCES CONTROL BOARD

On November 15-16, 2018, Irrigated Lands Regulatory Program staff (staff) participated in the California Bioresources Alliance Annual Symposium. The theme of the symposium was "Organics: State Regulations and Municipal Opportunities". This year's symposium focused on the implementation of organic waste reduction goals and projects required by state regulations to achieve California's waste diversion, healthy soils, and renewable fuels goals. Other topics discussed included organics recycling, bioresources research updates, and biofertilizers.

On November 20, 2018, staff participated in a conference call with UC Merced research staff to discuss new irrigation technologies they are developing. The new technology is a moist-tube irrigation to replace conventional drip and sprinkler irrigation methodologies. The researchers claim that the moist-tube irrigation method significantly reduces leaching of fertilizer.

On November 28, 2018, staff participated in a webinar hosted by the Climate Action Reserve to provide an overview of the work they are conducting related to the Nitrogen Management Project Protocol Version 2.0 as a tool to help growers to earn carbon credits for implementing nitrogen fertilizer best management practices that reduce nitrous oxide (N₂O) emissions. The Climate Action Reserve is trying to determine eligible practices, crops and regions to create a cooperative structure toward developing performance thresholds, user-friendly tools for project eligibility determination and quantification to include monitoring, reporting, and verification requirements.

On December 4, 2018, staff met with a Fresno-based UC Cooperative Extension advisor and a California Farmer Justice Collaborative coordinator to discuss the impacts on historically underserved farmers and to determine if there are some opportunities to serve the underserved farmers regarding East San Joaquin Order requirements placed on them.

On December 13, 2018, staff participated in the quarterly meeting with the California Roundtable on Agriculture and the Environment. The meeting was held at the University of California Agriculture and Natural Resources office. Issues discussed included: CRAE members receiving updates on instream flow requirements and SGMA, and on Agriculture lands stewardship and FloodMar, CRAE members reviewing and discussing CRAE concerns and long-term implications in relation to instream flow requirements/ SGMA and Agriculture lands stewardship/ FloodMar, and CRAE members deciding on whether to add a second line of inquiry for 2019.

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.

As of December 6th, 2018, the North Coast Regional Water Board had a total of 3,124 active sites enrolled in the North Coast Region Conditional Waiver of Waste Discharge Requirements for discharges from cannabis cultivation and associated activities and the State Water Resource Control Board general permit combined. Staff of the North Coast Board also have 191 more sites that are Still Draft but will soon be active.

The North Coast Regional Water Board's Executive Officer issued a California Water Code 13267 Order letter requesting technical information of lily bulb growers in the Smith River Plain. The information will be used to develop a draft water quality management plan that will be further refined through a stakeholder process. Staff toured lily bulb farms in November 2018 to discuss the 13267 Order, better understand lily bulb operations, and to document existing management practices. The Pacific Coast Federation of Fishermen's Associations (PCFFA) has filed a petition asking the Regional Water Board to develop a permit mechanism to regulate discharges of waste associated with lily bulb cultivation. Staff are developing a response to the petition issues and are simultaneously moving forward with the development of the Smith River Plain Water Quality Management Plan in coordination with growers, agencies, and the Tolowa Dee-ni' Nation. Staff are also working with a monitoring group to develop a plan for the next phase of water quality monitoring in the Smith River Plain.

San Francisco Bay Regional Water Quality Control Board – San Francisco Bay Regional Water Board continues to concentrate on the roll-out of the San Francisco Bay Regional Water Board 2017 Vineyard General Permit. San Francisco Bay Regional Water Board staff's (staff) focus has been on outreach, enrollment, reconciling land parcel information in GeoTracker, and annual reporting. Staff developed an online annual report template to facilitate reporting. The first annual report is due in January 2019. Staff are working with the Napa County Farm Bureau and other local agricultural organizations to implement a group monitoring program to satisfy the monitoring requirements of the General Permit.

Additional Vineyard Program information can be found at:

https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2018/August/41_ssr.pdf

and
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) has developed conceptual option tables as the next step in the development and outreach process associated with the next order regulating waste discharges from irrigated agricultural lands, Ag Order 4.0. Staff has identified certain elements that must be included to create an effective and legally compliant order. Staff has also identified the five primary water quality-related challenges (also referred to as components) that must be addressed by Ag Order 4.0. These water quality challenges have been identified through review of monitoring data and are largely due to the impacts of irrigated agricultural discharges in the region; the five components being: irrigation and nutrient management for groundwater protection, irrigation and

nutrient management for surface water protection, pesticide management for groundwater and surface water protection, sediment and erosion management, and riparian habitat management.

Staff is using these option tables as a tool and framework to solicit stakeholder input on what the requirements of Ag Order 4.0 should ultimately look like. The elements and components within the framework are intended to inform stakeholders who might be interested in submitting alternative requirement options regarding what must be incorporated to comply with the Nonpoint Source Policy, the State Water Board's Eastern San Joaquin Order, and other relevant plans and policies that the Central Coast Regional Water Board must comply with in developing and adopting Ag Order 4.0. The requirements outlined in the option tables are conceptual at this time and address the five agricultural-related water quality issues: 1) nitrate loading to groundwater, 2) nutrient loading to surface water, 3) pesticide discharges to surface water and groundwater, 4) sediment discharges to surface water, and 5) the protection of riparian habitat. The option tables convey a range of regulatory requirements addressing each of these five water quality issues that could be included in Ag Order 4.0 relative to the existing Ag Order 3.0 requirements. Central Coast Regional Water Board has entered a 60-day public comment period. Written comments must be received by 12:00 noon, Friday, January 18, 2019.

Staff has also developed and has been implementing an outreach plan to solicit stakeholder input throughout the Ag Order 4.0 development process. This plan incorporates lessons learned from previous Ag Order renewal processes. Staff has engaged with diverse stakeholder groups early in the order development process via informational and listening sessions and continues to create ample opportunities for dialogue to continue. Several key events are described below.

Additional stakeholder discussions can be found in the Ag Order 4.0 section of the Central Coast Water Board's website at the following link:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order4_renewal

Los Angeles Regional Water Quality Control Board – In March 2017, the Los Angeles Regional Water Board sent Notices of Violation (NOVs) to Ventura County growers for failure to enroll in the Conditional Waiver, Order No. R4-2016-0143. Since that time, Los Angeles Regional Water Board staff (staff) have been following up with growers who received but did not respond to the NOVs for further enforcement action. To maximize efficiency of our limited resources, staff is following up with non-responders using a geographic approach, focusing on a few HUC-12 subwatersheds at a time. Staff first focused their efforts on 44 growers within three subwatersheds of the Calleguas Creek Watershed, sending e-mails, making phone calls, and conducting site visits to encourage growers to enroll. As of December 2018, 30 of these growers enrolled in the Conditional Waiver, 11 were determined to be exempt, and staff is following up with further enforcement action for the remaining three growers. Staff will next focus on 30 growers within three additional subwatersheds in the Calleguas Creek watershed. In total, since the March 2017 NOVs, 322 growers have enrolled and 82 were determined to be exempt.

In November 2018, staff reviewed and approved one education credit request for a class offered by the discharger group in Ventura County, the Ventura County Agriculture Irrigated Lands Group (VCAILG), in November 2018.

In November 2018, staff reviewed and approved one request for termination from the Conditional Waiver from a grower in Ventura County.

In November 2018, staff performed two inspections in Ventura County, one for termination and one for an exemption request.

On December 11, 2018, the Los Angeles Regional Water Board sent a comment letter to VCAILG on their Source Investigation Work Plan (SIWP). The SIWP is an element of the Water Quality Management Plan (WQMP) process required by the Conditional Waiver. Under the Conditional Waiver, discharger groups must prepare a WQMP to address exceedances of water quality benchmarks at discharger group monitoring sites. The WQMP must outline the management practices that discharger group members will implement to attain water quality benchmarks over time, with specific steps and milestones. Because the WQMP process had been in place for two waiver terms and water quality benchmarks were still not attained at many monitoring sites, the current version of the Conditional Waiver (Order No. R4-2016-1043) requires additional actions for discharger group monitoring sites that do not show decreasing trends in concentrations of constituents that exceed water quality benchmarks. For these sites, the Conditional Waiver requires a SIWP to investigate the source(s) of the exceedances, including edge of field monitoring at member sites that drain to the group monitoring sites. VCAILG is required to submit a revised SWIP based on the Los Angeles Regional Water Board comments in January 2019.

Colorado River Basin Regional Water Quality Control Board – On November 15, 2018, Colorado River Basin Water Board staff (staff) met with representatives from the Imperial Irrigation District-Imperial County Farm Bureau Coalition group at Imperial County Farm Bureau's office in El Centro CA. These quarterly Technical Management Committee meetings are an opportunity to discuss implementation of the Imperial Valley Conditional Waiver.

On November 30, 2018, Paula Rasmussen, the Colorado River Basin Regional Water Board Executive Officer and staff met with representatives from the Palo Verde Irrigation District and Palo Verde Outfall Coalition in Blythe CA to discuss the upcoming Palo Verde General Order.

During November 2018, staff conducted field inspections of agricultural lands in the Imperial Valley. Staff are continuing with enforcement activities on agricultural lands that have not obtained coverage under the Imperial Valley Conditional Waiver based on our records.

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 Colorado River Basin Regional Water Board's legal counsel. Staff are continuing the process for Board adoption, and plan to hold a public workshop in Palm Desert, CA on February 7, 2019, and take the order to the Colorado River Basin Regional Water Board for action in Blythe, CA on March 7, 2019.

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 Colorado River Basin Regional Water Board for consideration of adoption in early 2019.

Santa Ana Regional Water Quality Control Board – No new updates for December 2018.

San Diego Regional Water Quality Control Board - The Commercial Agriculture Regulatory Program (Program) continues to send letters to agricultural operations that are not enrolled

(non-filers) in [Order No. R9-2016-0004](#)¹ (Order). The letters direct the owners or operators to enroll in the Order and have proven to be an effective way to compel growers to seek regulatory coverage by joining one of four Third-Party Groups. From mid-October to mid-December, San Diego Regional Water Regional Water Board staff (staff) issued 10 directive letters.

The highest Program priority continues to be taking enforcement actions on non-filers, starting with operations located in watersheds upstream of surface waters impaired for nutrients or eutrophic conditions. The Program, however, continues to adapt to other emerging issues such as processing Notices of Termination (NOTs). Staff have developed templates for both NOT approvals and NOT return letters. Staff also issued 4 Notices of Violations for growers that are enrolled in the Order but have failed to pay annual fees.

Staff have reviewed the Third-Party Groups' Monitoring and Reporting Program Plans (Plans), which were required by the Order. One issue that has delayed acceptance of the Plans is the need for the Third-Party Groups to commit to bioassessment monitoring at 13 pre-determined stations. Staff held a meeting on November 20, 2018, with all four Third-Party Groups to facilitate a resolution for the issue and reach a consensus. The Third-Party Groups agreed upon a distribution of responsibility and committed to provide addendums to their Plans by December 20, 2018. Staff will issue Plan acceptance letters once it has been confirmed the Plan addenda include a commitment to collectively monitor all 13 bioassessment stations.

Finally, staff issued a Notice of Violation to the Upper Santa Margarita Irrigated Lands Group (USMILG; Third-Party Group) for numerous violations of the Order, including missing deadlines and failing to assist growers in developing their Water Quality Protection Plans. Many members of the USMILG have failed to develop Water Quality Protection Plans that meet the requirements of the Order (e.g., inadequate or missing maps of their operations). This resulted in USMILG members violating the Order and making themselves susceptible to enforcement, including assessment of civil penalties of up to \$5,000 per day.²

¹ *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region*

² Pursuant to Water Code section 13350.