

IRRIGATED LANDS REGULATORY PROGRAM UPDATE October 2018

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

STATE WATER RESOURCES CONTROL BOARD -

Johnny out of office

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 October 8th, 2018, the North Coast Regional Water Board had a total of 3058 active sites enrolled in the North Coast Regional 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 145 more sites that are Still Draft but will soon be active.

The North Coast Regional 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 are also initiating a process to develop a monitoring strategy in collaboration with other agencies and the Tolowa Dee-ni' Nation to track trends in water quality as the management plan is implemented.

San Francisco Bay Regional Water Quality Control Board – No new updates for October 2018.

Central Coast Regional Water Quality Control Board – Following the June 2018 board meeting, the Executive Officer, in consultation with the Central Coast Water Board Chair, and individual board members, determined that a workshop forum providing various stakeholder groups, including agriculture, environmental, and environmental justice groups an opportunity to speak to the board was appropriate, prior to issuance and discussion of preliminary Ag Order 4.0 options. The Central Coast Water Board held this workshop on September 20-21, 2018.

As Central Coast Water Board staff (staff) develop Ag Order 4.0, we want to engage stakeholders from all perspectives on how to address priority water quality issues. To help in this, staff framed six primary questions, based on these issues, for stakeholders to answer during the September workshop. In preparation for this item, staff requested that each panel devote half or more of their time to one or more of the following questions:

1. What can growers and the regional board do to demonstrate quantifiable progress to minimize nitrate discharge to groundwater to achieve water quality objectives?
2. What can growers and the regional board do to demonstrate quantifiable progress to minimize nutrient discharge to surface waters to achieve water quality objectives?
3. What can growers and the regional board do to demonstrate quantifiable progress to minimize toxicity in surface waters from pesticide discharges to achieve water quality objectives?
4. What can growers and the regional board do to ensure that riparian and wetland habitat is protected due to agricultural activities and discharges?
5. What can growers and the regional board do to demonstrate quantifiable progress to minimize sediment discharge to achieve water quality objectives?
6. How can the regional board use discharge permit requirements to ensure current and future affordable, safe, and clean water for drinking and environmental uses?

We acknowledge that there are other useful questions to ask that will help elicit meaningful comment, guidance, suggestions, and examples, with respect to developing and implementing an order that improves water quality conditions, and we will be asking many of these questions as we proceed through this order's development.

The stakeholder panelists provided presentations on the following topics:

- Farm Management Considerations
- Nutrient, Irrigation and Pesticide Management
- Generating Meaningful Data and Balancing Level of Detail with Reporting Burden
- Looking Forward / Summations
- Water Quality Protection and How to Achieve It
- Habitat Enhancement in Agricultural Land Use Areas
- Environmental Justice Implications and Recommendations for Ag Order 4.0
- Partnerships to Achieve Goals

Staff is using all this information to help inform the Ag Order 4.0 development process.

Los Angeles Regional Water Quality Control Board – The Nursery Growers Association Los Angeles County Irrigated 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 of Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands Within the Los Angeles Region (Order No. R4-2016-0143).

On October 4, 2018, the Los Angeles Regional Water Board staff (staff) had a conference call with NGA-LAILG representatives to discuss enrollment in the Conditional Waiver and management practices questionnaire compliance.

The Los Angeles Regional Water Board sent notices to enroll in the Conditional Waiver to growers in Los Angeles County and notices of violation for failure to enroll in the Conditional Waiver to growers in Ventura County in May 2018. Staff continues to follow up with growers in Ventura and Los Angeles counties who received the notices.

Staff continued to follow up with growers in Ventura County who did not respond to March 2017 notices of violation for further enforcement action. Staff focused their efforts on 44 growers

within three subwatersheds of the Calleguas Creek Watershed. As of October 2018, 28 of these growers enrolled in the Conditional Waiver, nine were exempt, and staff is following up with the remaining growers.

In September and October 2018, staff reviewed and approved four education credit requests for classes offered in Ventura County in September and October 2018.

In September 2018, staff reviewed and approved four requests for termination from the Conditional Waiver from growers in Ventura and Los Angeles counties.

On September 11, 2018, staff had a phone call with the irrigation and water resources advisor of the University of California Cooperative Extension to discuss the certified nutrient management plan requirements.

On October 1, 2018, VCAILG submitted their Source Investigation Work Plan (SIWP). Currently, staff is reviewing the SIWP.

Colorado River Basin Regional Water Quality Control Board – Colorado River Basin Regional Water Board staff (staff) are continuing with the development process of a General Order of Waste Discharge Requirements 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 documents are being reviewed by the Board's management. Staff are continuing the process for Regional Board adoption, and plan to bring the General Order before the Regional Board for consideration of adoption in January 2019.

Staff is 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 early 2019.

Staff has begun with the development process of a General Order of Waste Discharge Requirements to replace the Conditional Waiver for the Coachella Valley. Staff are planning to bring the General Order before the Regional Board for consideration of adoption in early 2019.

Santa Ana Regional Water Quality Control Board – During this period the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) continue to verify enrollee information for the Conditional Waiver for Agricultural Discharges in the San Jacinto River watershed (Order NO. R8-216-0003 as amended by Order No. R8-2017-0023; the CWAD). Additional Notices of Authorization were sent to those enrollees whose applications were deemed complete. There are currently 33 eNOI's for 28 different agricultural operations in the CWAD program. There are two agricultural operators with two or more separate eNOIs due to conditions within their leases with the landowner. There are 27 additional enrollees that are currently deemed exempt from the CWAD program. Properties given exempt status were properties that do not have current agricultural activities.

As of October 2018, the San Jacinto Coalition, coordinated by Eastern Municipal Water District (EMWD), is the only coalition available in the San Jacinto Watershed. The Santa Ana Regional Board staff (staff) are working with EMWD to notify the agricultural operators, who meet the requirements set by EMWD, that they have the option of joining the San Jacinto coalition. Staff continues to work with and encourages those that do not meet the requirements for the San Jacinto coalition to combine their efforts in establishing a second coalition that would

encompass the remaining operations. Staff continues to meet with outside agencies to assist in identifying an agency that can assist the remaining operators.

The CWAD is the primary mechanism directing agricultural operations in the watershed to be 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 is working cooperatively with agricultural representatives and other stakeholders in this ongoing process.

San Diego Regional Water Quality Control Board - The Commercial Agriculture Regulatory Program (Program) continues to work on successfully enrolling non-filers in [Order No. R9-2016-0004](#)¹ (Order) and compelling them to join one of four Third-Party Groups serving the San Diego Region. In September and early October 2018, staff issued ten Directive Letters to non-filers. The Program's highest priority remains enforcement actions on non-filers starting with issuance of Directive Letters and following up with assessing civil liabilities if necessary. Staff continues to collaborate with Third-Party Groups and storm water managers to educate growers within their jurisdictions about the need to enroll in the Order.

Staff are also processing Notices of Termination (NOTs), which includes evaluating the accuracy of the information in the NOTs. Staff are also initiating enforcement efforts on agricultural operations that are reported by the Third-Party Groups to have dropped out but have not submitted NOTs.

Staff has reviewed and provided comments on draft Monitoring and Reporting Plans submitted by the four Third-Party Groups servicing the San Diego Region. Staff is facilitating discussions amongst the four groups regarding the requirement to share responsibility of thirteen regional bioassessment monitoring stations, where monitoring is required twice every five years. The goal of the discussions is to find an arrangement to share costs, which may include the establishment of a Memorandum of Understanding and using one consultant to perform the work on behalf of all Third-Party Groups.

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*