

## **AGRICULTURAL LANDS REGULATORY PROGRAM UPDATE**

### **June 2018**

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

#### **STATE WATER RESOURCES CONTROL BOARD**

On May 15, 2018, Agricultural Lands Regulatory Program staff (staff) participated in the quarterly Certified Crop Adviser (CCA) Board of Directors meeting. Committee Reports were presented by the various Committees (Administrative, Finance, Testing/Exam, Standards and Ethics). The main topic of discussion was the Chairman's Report regarding outreach to insurance brokers regarding policy coverage for Irrigated Lands and Nitrogen Management Plans and guidance to CCAs on coverage needed. CCA is still waiting on proposals before submitting to legal and hopes to have an update for the August 2018 meeting. CCAs expressed concern about Central Coast Regional Water Board staff interpretation of precedential language set in the waste discharge requirements for the Eastern San Joaquin River Watershed coalition in the Central Valley Region (ESJ Order). It was recommended an outreach meeting be set up with the State Water Board to discuss.

On May 16, 2019, staff participated in the quarterly California Roundtable on Agriculture and the Environment (CRAE). Discussions included Natural and Working Lands Implementation Plan for California Air Resources Board's Scoping Plan, and questions of strategy and scaling up conservation. Presentations were given by Jenny Lester Moffit, Undersecretary of California Department of Food and Agriculture, and Keali'i Bright, Deputy Secretary for Climate and Energy, California Natural Resources Agency. Continued discussions were made concerning efforts to support viability of working lands in California and to refine goals and approaches for building strategy and coalitions with others, including from building, urban food movement, and corporations.

On May 23, 2018, staff participated in a monthly California Bioresources Alliance steering committee conference call to further develop the agenda for the Annual Symposium scheduled for November 2018.

On June 6, 2018, staff attended a biochar workshop and field day sponsored by the California Department of Food and Agriculture's Fertilizer Research and Education Program and with the University of California, Davis. The event included several presentations from researchers, industry representatives and other interested stakeholders that generated discussion on the feasibility of biochar use in agroecosystems. Presentations highlighted research, showcased available resources, and provided up-to-date information on biochar use in California agriculture.

On June 8, 2018, staff participated in a conference call with Board Member D'Adamo and representatives from California Association of Pesticide Advisers and Certified Crop Advisers regarding precedential language for third-party group liability limits established in the ESJ Order.

On June 14, 2018, staff participated in Fiscal Year 2018-19 Water Quality and Water Rights Fees Stakeholder Meeting held in the Sierra Hearing Room of the CalEPA Building.

## **REGIONAL WATER QUALITY CONTROL BOARDS**

**North Coast Regional Water Quality Control Board** received funding for an additional PY for the Agricultural Lands Discharge Program and have filled the position. The new staff person's primary responsibility is developing a vineyard and orchard discharge permit, which is currently in development with a plan to get input from an existing Stakeholder Advisory Group once the draft is ready for review.

On April 19, 2018, the North Coast Regional Water Board renewed the Conditional Waivers of WDRs for Discharges Related to Specific Land Management Activities in the Shasta and Scott Watersheds in Weed in Siskiyou County.

At the April 19, 2018 Board meeting, staff presented an information item to the Regional Water Board on the recently-released 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. At the meeting, the Regional Water Board directed staff to issue an information request to lily growers under the authority of California Water Code section 13267. The letter will request a draft water quality management plan that will be further refined through a stakeholder process. Staff are developing the draft letter and plan to send to growers prior to the July 2018 Board meeting. 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** staff are focused on outreach to facilitate program enrollment under the 2017 Vineyard Properties General Order. The San Francisco Bay Regional Water Board held three public meetings over the past two months, and mailed approximately 1,500 enrollment-reminder postcards to property owners that staff believe may be eligible for coverage under the General Order. Two additional watershed meetings are scheduled in June to further facilitate enrollment. To date, approximately 11,000 acres, or 25 percent, of the expected vineyard property acreage for 2018 have enrolled. Additional Vineyard Program information can be found at:

[https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/agriculture/vineyard/index.html](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/vineyard/index.html)

**Central Coast Regional Water Quality Control Board** staff presented an informational item to the Central Coast Regional Water Board and public at the May 10-11, 2018 board meeting on "Groundwater Quality Conditions and Agricultural Discharges in the Central Coast Region." The discussion followed a similar agenda item at the March 2018 board meeting focusing on surface water quality conditions. The May agenda item included presentations from external speakers such as Thomas Tomich, Director of the Agricultural Sustainability Institute at UC Davis. Mr. Tomich co-authored "The California Nitrogen Assessment" and centered his talk on this assessment. Other external speakers provided information on irrigation technologies and using lysimeters for monitoring below the crop rootzone. Staff provided presentations on assessment of groundwater quality in the Central Coast Region as well as current nitrogen loading to groundwater from agricultural activities. These and future agenda informational items are intended to inform the board and interested parties as staff continue to develop the next agricultural order.

**Los Angeles Regional Water Quality Control Board** staff sent notices of violation for failure to enroll in the Conditional Waiver to 24 growers in Ventura County on May 15, 2018. On May 17, 2018, staff sent notices to enroll in the Conditional Waiver to 187 growers in Los Angeles County. On May 31, 2018, staff sent notices of violation for failure to enroll in the Conditional Waiver to 28 growers in Ventura County. Currently, staff are responding to calls and emails regarding these notices.

Staff continue to follow up with growers in Ventura County who did not respond to March 2017 notices of violation for further enforcement action. Staff focus their efforts on 44 growers within three sub-watersheds of the Calleguas Creek Watershed. As of June 2018, 27 of these growers enrolled in the Conditional Waiver, nine were exempt, and staff is focusing their efforts on outreach to the remaining eight growers.

On May 16, 2018, staff sent a comment letter on the Ventura County Agricultural Irrigated Lands Group (VCAILG) Groundwater Management Practice Evaluation Plan (GMPEP). The Los Angeles Water Board expects VCAILG to submit a revised GMPEP in July 2018.

Staff reviewed and approved five education credit requests for classes offered in Ventura County in May and June 2018.

**Colorado River Basin Regional Water Quality Control Board** staff participated in a field trip to the Santa Ana Regional Water Board on May 5, 2018 to become knowledgeable about the irrigated lands program in the San Jacinto River watershed.

On May 11, 2018, staff received annual reporting information from the Imperial coalition group for 2017 and are reviewing the information.

Staff are continuing with the developmental 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. Staff are continuing the process for adoption, and plan to bring the General Order to the Regional Water Board for consideration of adoption in November 2018.

Staff are continuing with the developmental 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 Water Board for consideration of adoption in late 2018 to early 2019.

**San Diego Regional Water Quality Control Board** staff are gaining momentum in successfully enrolling non-filers in Order No. R9-2016-0004: *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* (Order) and compelling them to join one of four Third-Party Groups serving the San Diego Region. With the help of an engineering student assistant, staff have issued ten letters directing non-filers to enroll in the Order since February 2018. The directive letters successfully resulted in four non-filers initiating the enrollment process, while five non-filers still have time remaining to enroll without accruing fines. One non-filer failed to comply and staff is preparing a Notice of Violation for the operation.

Approximately 1,300 agricultural operations; representing 30,000 acres; have enrolled in the Order. 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. Program staff reached out to local storm water managers, in addition to the Third-Party Groups, to assist with educating growers within their jurisdictions about the need to enroll in the Order.

Program staff is in the process of reviewing the Third-Party Groups' Monitoring and Reporting Program Plans, which were required by the Order. Staff provided comments to the San Diego Region Irrigated Lands Group and the De Luz Ag Group, and are preparing comments for the Upper Santa Margarita Lands Group and Frog Environmental Group. Once accepted by the San Diego Regional Water Board, the Third-Party Groups must implement their monitoring plans within 90 days.