

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

June 2019

This month's Irrigated Lands Regulatory Program (ILRP or Agriculture Program) update provides a summary of significant activities of State Water Board from May 15, 2019 to June 15, 2019; and the North Coast, San Francisco Bay, Central Coast, Los Angeles, Lahontan, Colorado River Basin, Santa Ana, and San Diego Water Boards from April 15, 2019 to June 15, 2019. Next month's report will present activities of the Central Valley Water Board's Program and cover the time-period from May 15, 2019 to July 15, 2019.

STATE WATER BOARD

On May 15, 2019, State Water Board staff (staff) attended the Colorado River Basin Regional Water Board's meeting at which the Board adopted the General Order of Waste Discharge Requirements (WDRs) for Agricultural Discharges in the Palo Verde Valley and Mesa area and held a workshop on General Order of Waste Discharge Requirements (WDRs) for Agricultural Discharges in the Bard area. Discussions focused on requirements in those orders, precedential components of the Eastern San Joaquin Order, and how they apply statewide.

On May 21, 2019, staff held a stakeholder meeting in Sacramento to discuss possible fee schedule changes for the program. Staff presented a concept that would base fees on approved third-party membership and requirement to submit management plans. Staff requested comments on the potential change to be submitted by June 11, 2019. The next stakeholder meeting for potential ILRP fee schedule changes is scheduled for June 21, 2019.

On May 29, 2019, staff held a California Environmental Quality Act (CEQA) scoping meeting for proposed changes to the General Order for Composting Operations. The General Order for Composting Operations is proposed to be revised to allow for off-site materials to be brought on site for agricultural composting and for manure to be composted in Tier I if groundwater monitoring is conducted. Comments focused on impacts to air water quality from composting additional materials at agricultural operations.

Staff participated in the California Bioresources Alliance (CBA) Planning Committee Teleconference on May 29 and June 12, 2019. The conference calls focused on finalizing the agenda for the annual CBA Symposium scheduled to be held in November 2019 in Sacramento.

The general fees stakeholder meeting was held in Sacramento on June 11, 2019. Staff presented updated fee schedules for various programs, including the ILRP. All fees for the program are expected to be increased by 11.4% due to a deferral

approved in the previous fiscal year. The potential changes in fee structure were also presented. The next focused Agricultural fee stakeholder meeting will be held on June 21, 2019.

On June 13, 2019, staff participated in the California Good Agricultural Neighbors Workshop held in Stockton. Discussions included research conducted and impacts of pathogens on agricultural commodities.

NORTH COAST REGION

North Coast Regional Water Quality Control Board staff are developing a vineyard and orchard discharge draft permit and plan to get input from an existing Stakeholder Advisory Group once the draft is ready for review.

Regional Water Board staff sent a supplemental request for information pursuant to California Water Code Section 13267 to the lily bulb growers on June 12, 2019. The information requested will clarify the previous submittal by growers in February 2019. Staff are working to finalize monitoring locations and landowner access for upcoming sampling in 2019-2020. Staff are continuing to develop the Smith River Plain Water Quality Management Plan (SRPWQMP), which will address water quality problems identified through the Regional Water Board's monitoring program. In May 2019, Staff had their first quarterly update meeting with The Environmental Law Foundation, the Institute for Fisheries Resources, and the Pacific Coast Federation of Fishermen's Associations (PCFFA) who have filed a petition asking the Regional Water Board to develop a permit mechanism to regulate discharges of waste associated with lily bulb cultivation. A preliminary draft of the SRPWQMP is scheduled to be complete by August 2019. Staff are planning a trip to the Smith River in July 2019 to document management practices, clarify the information request, and to update growers on progress on developing the SRPWQMP.

SAN FRANCISCO BAY REGION

San Francisco Bay Regional Water Quality Control Board staff have no new updates for the Irrigated Lands Regulatory Program from April 15, 2019 to June 15, 2019.

CENTRAL COAST REGION

Central Coast Regional Water Quality Control Board staff presented an information/discussion item to the Central Coast Water Board (Board) on May 15-16, 2019. That agenda item was a continuance of the March 20-22, 2019 Board meeting discussion on Ag Order 4.0. At the March 20-22, 2019 Board meeting, staff provided presentations on the conceptual options tables 1-4 and stakeholders provided comments on tables 1-5 as part of agenda item 3, Agricultural Order 4.0

Requirements Discussion.

During the May 2019 Board meeting, the Board discussed the conceptual requirements in each of the conceptual options tables and provided direction to staff regarding these conceptual requirements for inclusion in draft Ag Order 4.0. Staff recommended that Ag Order 4.0 be drafted following the framework described in the options tables, including the incorporation of incentives and opportunities for third-party implementation programs to provide growers with implementation and tracking assistance. The Board ultimately directed staff to draft Ag Order 4.0 following the framework described in the options tables.

LOS ANGELES REGION

Los Angeles Regional Water Quality Control Board staff held a conference call with the Ventura County Agricultural Irrigated Lands Group (VCAILG) representatives on April 22, 2019, to discuss preliminary comments on the December 14, 2018, Annual Monitoring Report and Water Quality Management Plan (WQMP), submitted in compliance with Order No. R4-2016-0143. The Los Angeles Water Board staff is finalizing the comments on the WQMP.

On May 17, 2019, the VCAILG submitted their revised Groundwater Management Practice Evaluation Plan (GMPEP) in compliance with Order No. R4-2016-0143. Los Angeles Water Boards staff is reviewing the plan.

The Nursery Growers Association-Los Angeles County Irrigated Lands Group (NGA-LAILG) submitted their AMR and WQMP on February 7, 2019, in compliance with the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands (Order No. R4-2016-0143). On April 16, 2019, the Los Angeles Water Board staff had a conference call with NGA-LAILG's representatives discussing some preliminary comments. Los Angeles Water Board staff is working on finalizing the comments on the WQMP.

In May 2019, staff performed two inspections in Los Angeles County in response to the exemption/termination requests from the growers.

In May 2019, staff reviewed and approved four education credit requests for one class offered by NGA-LAILG and three classes offered by VCAILG.

In April 2019, VCAILG sent the Los Angeles Water Boards staff a list with terminated members due to nonpayment. On May 16, the Los Angeles Water Board sent Notices to Re-enroll to these growers. As of June 3, 2019, 9 growers enrolled in the Conditional Waiver.

On May 28, 2019, the Los Angeles Water Board sent Notices of Violation for failure to enroll under the Conditional Waiver to 30 growers in Los Angeles County that received

a Notice to Enroll in May 2018 but have never responded. Currently, Los Angeles Water Board staff are responding to calls and emails regarding these notices.

Los Angeles Water Board 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 focused their efforts on 21 growers within three subwatersheds of the Calleguas Creek Watershed.

LAHONTAN REGION

Lahontan Regional Water Quality Control Board staff are in the initial stages of quantifying the total number of irrigated acres and commodity types in the Lahontan Region, with estimates of 152,000 total acres in the region. Major commodity types within the region are alfalfa, idle crops, managed wetlands, mixed pasture, miscellaneous grasses and grains, and some orchard crops such as pistachios. The Lahontan Region is extremely diverse from north to south, spanning over 600 miles from the Oregon border in northeast California, to the Mojave Desert. Generally, agricultural areas at Owens Lake and north utilize surface water diversions and associated irrigated methods such as flood irrigation, pivot sprinklers, and wheel-line irrigation systems. South of Owens Lake and in the desert portion of the region, irrigation water for agriculture comes predominantly from groundwater sources. Irrigation methods in the desert portion of the region vary by commodity type, with alfalfa and other grass/grain crops irrigated by pivots and wheel line, and orchard crops irrigated with more water efficient drip systems. The developing permit at the Lahontan Region will need to account for the contrast in commodity types, irrigation methods, and threat to surface or groundwater quality between the northern and southern portions of the region.

Lahontan Water Board staff will be hosting a public workshop at its regularly scheduled board meeting in South Lake Tahoe on September 18-19, 2019. Staff will provide an overview of existing number of irrigated lands and commodity types in the Lahontan Region, a summary of the existing Irrigated Lands Programs by region state-wide, the precedential requirements of the East San Joaquin Order, a proposal and recommendation for a permitting approach, and a proposed timeline and schedule for development of an irrigated lands WDR.

COLORADO RIVER BASIN REGION

Colorado River Basin Regional Water Quality Control Board held a public hearing in Blythe on May 15, 2019 to consider adoption of a General Order of Waste Discharge Requirements (WDRs) for Agricultural Discharges in the Palo Verde Valley and Mesa area. Francisco Costa, Regional Water Board staff, gave an overview of the Non-Pont Source Policy, described the State Board's Eastern San Joaquin Petition Order and the precedential requirements, gave an overview of the expired Palo Verde Conditional

Waiver, presented the proposed Agricultural General Order for Palo Verde and Mesa and its requirements, and described the main public comments received and responses to those comments. Several stakeholders commented at the hearing. Ultimately the Regional Water Board adopted the General Order.

Regional Water Board staff are continuing with the development process of an Agricultural General Order of WDRs to replace the Conditional Waiver for the Bard Unit of Reservation Division. The Conditional Waiver for the Bard Unit expired in January 2018. Regional Water Board staff opened a Public Comment period from April 24, 2019 until May 31, 2019 for the proposed Agricultural General WDRs for agricultural dischargers in the Valley. The Regional Water Board held a public workshop in Blythe on May 15, 2019. Logan Raub, Regional Water Board staff, gave an overview of the Non-Pont Source Policy, described the State Board's Eastern San Joaquin Irrigated Lands Order and the precedential requirements, gave an overview of the expired Bard Conditional Waiver, and described the proposed Agricultural General Order for Bard Valley and its requirements. Several stakeholders from the public spoke out about the General WDRs. The Regional Water Board staff held a staff level informational workshop in Winterhaven on May 21, 2019, to better inform stakeholders in the Bard area of the proposed General WDRs. The Regional Water Board will hold a public hearing to consider adoption of the Proposed General WDRs in Palm Desert, California on July 11, 2019.

On May 28, 2019, Regional Water Board staff met with representatives from the Imperial Irrigation District-Imperial County Farm Bureau Coalition group at the Regional Water Board office in Palm Desert CA. These quarterly Technical Management Committee meetings are an opportunity to discuss implementation of the Imperial Valley Conditional Waiver.

Regional Water Board staff are continuing with the development process of an Agricultural General Order of WDRs to replace the Conditional Waiver for the Coachella Valley. Staff drafted a Board Order for a one-year renewal of the Conditional Waiver and opened a Public Comment period from April 24, 2019 until May 23, 2019. The Regional Water Board held a public hearing to consider adoption of the Waiver Renewal Order in Yucca Valley, California on June 13, 2019. Jennie Snyder, Regional Water Board staff, presented information about the Renewal of the Waiver. The Regional Water Board adopted the renewal. Without renewal, the Conditional Waiver for Agricultural Dischargers in the Coachella Valley would have expired on June 25, 2019.

SANTA ANA REGION

Santa Ana Regional Water Quality Control Board staff have no new updates for the Irrigated Lands Regulatory Program from April 15, 2019 to June 15, 2019.

SAN DIEGO REGION

San Diego Regional Water Quality Control Board staff continue to take enforcement actions on growers who are subject to regulation but have failed to enroll in one of two agricultural orders issued by the San Diego Water Board (Order No. R9-2016-0004 and Order No. R9-2016-0005). In April and May 2019, staff issued 35 letters directing non-filers to enroll, and two Notices of Violations for failing to enroll by the deadlines set forth in the Directive Letters. In addition, staff have been contacting non-filers to assist them in the enrollment process and connect them to a Third-Party Group.

Staff is evaluating an individual growers' response to an Investigative Order issued in March 2019. Staff issued a Notice of Violation to the grower for failing to minimize or prevent the discharge of waste to waters of the State, and the subsequent Investigative Order required a description of improved management measures to correct the alleged violations. Program staff is working with the San Diego Water Board's Compliance Assurance Unit (enforcement staff) to determine the most appropriate enforcement action to prevent subsequent discharge violations.

Finally, staff developed inspection forms to use with mobile devices and associated *Survey 123 for ArcGIS* software. This software geo-locates the photos taken in the field and superimposes them on maps using GIS. Staff inspected two agricultural operations in May 2019 using this new tool and will continue to make improvements to the forms and procedures.