

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF December 10, 2009**

Prepared on November 16, 2009

**ITEM NUMBER: 14**

**SUBJECT: Stakeholder Process for Renewing the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands**

**SUMMARY**

The staff of the Central Coast Water Board is currently in the process of developing revisions to the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (existing Ag Order) for adoption by the Board by July 2010. The purpose of today's item is to present staff's proposed public process leading to renewal of the existing Ag Order regulating irrigated agricultural discharges (new Ag Order) and to provide an opportunity for the public to provide input to staff and Board members about progress made, what has worked, and what has not worked in implementing the existing Ag Order. Members of the public who want to insure their information is distributed to and reviewed by Board members, should submit information and materials **by Wednesday, December 2, 2009.**

This is an informational item only related to the existing Ag Order. It is not the opportunity to address potential revisions to the existing Ag Order. This staff report does not discuss the various issues related to the new Ag Order. As discussed below, staff will provide a draft new Ag Order with supporting data and background information to key stakeholders for early input in January and February 2010. Staff also plans to provide subsequent drafts of the new Ag Order to all interested persons and hold two Water Board workshops, one in March 2010 and one in May 2010, specifically focused on soliciting input and discussion on the draft orders. Finally, interested persons will have the opportunity to provide input on the version of the new Ag Order that staff plans to recommend to the Water Board in July 2010. During the public process leading up to final adoption, the Board will have the opportunity to understand and deliberate on any proposed revisions prior to taking action.

**BACKGROUND**

In July 2008, the Water Board extended the existing Ag Order for up to one year.

Staff initiated development of a new Ag Order in 2008, and invited key stakeholders to participate on the Agricultural Advisory Panel (Ag Panel) via a letter sent in December 2008 (See Attachment 1). The letter explained the purpose of the Ag Panel and the approach that staff would take to develop recommendations for the new Ag Order. Staff planned structured discussions with the Ag Panel to identify milestones, targets, and schedules for achieving water quality objectives and protecting beneficial uses. A list of Ag Panel members is included in Attachment 2.

In January 2009, the Ag Panel began meeting to develop recommendations. The Ag panel met five times as a group and three times without Water Board staff through September 2009. At the

Ag Panel meeting on September 22, 2009, several members of the Ag Panel suggested that the forum and process were no longer productive for developing recommendations for elements of the new Ag Order.

Staff updated the Water Board of this development at the October 2009 Board meeting and indicated that staff members were reevaluating the public outreach and comment process for the new Ag Order. The Board directed staff to present the revised public input process to the Board and interested parties at the December 2009 meeting. Specifically, Board members discussed a public input process that provides adequate and transparent stakeholder participation; includes at least two Board workshops to allow broad discussion- one in the north and one in the south of the region; and makes all data understandable and accessible.

Also at the October Board meeting, Board members and staff discussed the possibility of holding a brief public workshop at the December 2009 meeting to provide a focused opportunity for stakeholders to provide input on the new Ag Order. Since the staff has not yet prepared a draft new Ag Order, a public workshop on a new Ag Order is not appropriate at this time.

## **PUBLIC INPUT PROCESS**

Staff plans the following key steps in the public input process:

- Meeting with Key Stakeholders- input on a preliminary draft- Jan-Feb 2010
- Public Workshop with Board- input on Draft Ag Order- March 2010
- Public Workshop with Board- input on Draft Ag Order- May 2010
- Board Decision on proposed new Ag Order after public hearing - July 2010

An expanded description of process is included in a Table format as Attachment 3. The table includes a description and proposed dates for the meetings and workshops listed above, a description of the written documents to be distributed and proposed dates for distributing them, and a description of the methods and proposed dates for the public to provide written and oral comments to staff and/or the Board. The Jan-Feb 2010 meeting with key stakeholders provides an early opportunity for key stakeholders (predominantly those participating in previous Ag Panel discussions and other inter-agency partners) to provide input on a preliminary draft of a new Ag Order.

Staff intends to recommend a new Ag Order to the Board in July 2010 that identifies milestones, targets, and schedules for achieving water quality objectives and protecting beneficial uses.

## **PUBLIC INPUT ON PROGRESS OF THE EXISTING AG ORDER**

This item includes an opportunity for the public to provide input to the Board and staff about the **existing** Ag Order. Some members from the agricultural community have specifically requested this opportunity to convey to staff and the Board members the progress that has been made in the initial years of the **existing** Ag Order. Staff is responding by including this discussion item to provide an opportunity for stakeholders to address the following questions:

1. What is working with the **existing** Ag Order?
2. What progress\*\*\* has been made with the *existing* Ag Order?
3. What is not working with the **existing** Ag Order?

\*\*\* Staff encourages stakeholders to explain how the progress made with the **existing** Ag Order relates to or contributes to measurable water quality improvement and how such progress can be measured.

Stakeholders should submit information and materials **by Wednesday, December 2, 2009** to insure their information and materials are distributed to and reviewed by Board members in advance of the Board meeting.

Staff will listen and consider input provided by stakeholders, as they develop requirements for the new Ag Order. Staff will bring all options presented and considered for new Ag Order requirements to the Board at future public workshops. Specifically, in a future Board item or as part of a future public workshop for the new Ag Order, staff will answer the questions above related to progress made with the existing Ag Order and describe how staff considered and/or incorporated the input regarding the above questions presented by stakeholders.

To reiterate, this public input opportunity is a discussion item only related to the **existing** Ag Order. Board members can listen to discussion regarding the **existing** Ag Order but must limit staff direction to areas where more information is needed or ways in which the Board would like to have information presented. The Board must wait until all public comments are received and the hearing in July is closed before stating opinions about the new Ag Order since that action is not before the Board today.

#### **ATTACHMENTS**

1. December 2008 Letter of Invitation to and Purpose of the Ag Panel.
2. List of Ag Panel Members
3. Table Describing Public Input Process and Schedule.