

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
April 10, 2024**

ITEM 4

SUBJECT

San Diego Water Board Workshop to discuss and receive public comments on Tentative Order No. R9-2024-0029, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations in the San Diego Region* (Tentative Order). (Cailynn Smith and Abigail Pashina)

STAFF RECOMMENDATION

Informational item only; no recommendation.

KEY ISSUE

- The Tentative Order consolidates existing waste discharge requirements (WDRs) adopted by the San Diego Water Board on November 9, 2016, 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 No. R9-2016-0004) and Order No. R9-2016-0005, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers Not Participating in a Third-Party Group in the San Diego Region* (Order No. R9-2016-0005).
- The Tentative Order updates existing WDRs to incorporate precedential requirements from State Water Board Order No. WQ 2018-0002, *In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group, Issued by the California Regional Water Quality Control Board, Central Valley Region* (ESJ Order).
- The Tentative Order updates existing WDRs to incorporate concepts and recommendations received during focused stakeholder meetings, the Board's May 2023 agricultural workshop, and the three August 2023 public workshops.
- The Tentative Order, where appropriate, updates existing regulatory language with common language to promote accessibility and comprehension within the regulated community.

PRACTICAL VISION

Chapter 4 of the *San Diego Water Board Practical Vision, Implement Racial Equity and Environmental Justice Measures*,¹ is focused on working towards equity in environmental protection and providing enhanced engagement with underserved communities during the Board's decision-making process. This workshop gives growers and community members, including those who may be part of underrepresented groups, the opportunity to address the Board about equity issues.

Chapter 8 of the *San Diego Water Board Practical Vision, Provide Effective Community Engagement and Communication*, is focused on engaging in outreach to improve communication and transparency, creating information sharing opportunities to both listen to and share with our communities, collaborating on development of mutually beneficial solutions to water quality issues, and informing the public about the goals of the Practical Vision. This workshop provides the San Diego Water Board an opportunity to engage and communicate with growers, other government agencies, and non-government organizations about water quality and agriculture within the San Diego Region.

DISCUSSION

The purpose of this item is to provide the San Diego Water Board, stakeholders, and members of the public with an opportunity to engage in a transparent dialogue about the Tentative Order. San Diego Water Board workshops help foster listening and learning opportunities and inform the San Diego Water Board's decision-making process through effective community engagement and communication.

The Board currently regulates discharges from commercial agricultural operations, including irrigation runoff and other non-storm water runoff through Order Nos. R9-2016-0004 and R9-2016-0005. The Orders require all owners and operators of commercial agricultural operations in the San Diego Region to implement management measures and/or best management practices to prevent or minimize the discharge of pollutants that may adversely impact the quality or beneficial uses of the waters of the State. The Orders define commercial agricultural operations as any agricultural business or trade activity, including farms, nurseries, and orchards, which produce crops or ornamental plants with the intent to make a profit. Order No. R9-2016-0004 applies to owners and operators of agricultural operations that form and/or join a Third-Party Group, approved by the Board, to collectively comply with the Order requirements. Order No. R9-2016-0005 applies to owners and operators of commercial agricultural operations that are not members of a Third-Party Group. The Orders do not regulate discharges from cannabis cultivations.

The Tentative Order consolidates the requirements of Order Nos. R9-2016-0004 and R9-2016-0005 and continues to allow growers to enroll either as a member of a Third-

¹ The 2021 Practical Vision can be viewed by visiting the following link: waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/docs/practicalvision_2021_final_09082021.pdf.

Party Group or as an individual. The Tentative Order includes:

- Updated language to clarify preexisting requirements, includes new and expanded requirements to better protect water quality and beneficial uses, and removes duplicative requirements. For example, Staff included new nitrogen reporting requirements in the Tentative Order, as required by the ESJ Order, and removed the quarterly and annual reporting requirements that are in the existing Orders. This action eliminates duplicative reporting requirements.
- New requirements that direct growers to line all wastewater ponds at their agricultural operation that they use to hold irrigation tailwater and other types of non-stormwater waste within five years of the adoption of the Tentative Order.
- New groundwater monitoring requirements for non-drinking water well monitoring.
- ESJ Order precedential requirements. These requirements include: (1) reporting the nitrogen applied at the growers' agricultural operations, (2) calculating the nitrogen removed and determining an annual and multi-year nitrogen applied to removed ratio and difference, (3) implementing sediment and erosion control practices, (4) reporting management practice implementation, (5) education and outreach, and (6) on-farm drinking water well testing and groundwater trend analysis.

California Assembly Bill 2108 requires the Water Boards to 1) consider how certain water quality projects or decisions may disproportionately impact low income and tribal communities, and 2) meaningfully engage with those communities. Staff began meeting with individual stakeholder groups in February 2023² to discuss the reissuance of Order Nos. R9-2016-0004 and R9-2016-0005 and ideas on how to incorporate the precedential ESJ Order³ requirements into the Orders. Staff also held an agricultural workshop during the May 10, 2023, Board meeting and three public workshops in August 2023. Staff considered the comments gathered from the stakeholder meetings and workshops while drafting the Tentative Order.

Staff plan to release the Tentative Order for a 45-day public comment period, between March 27, 2024, and April 3, 2024. Staff will consider all comments received during the workshop and will make any necessary changes to the Tentative Order prior to the Board's adoption hearing, which will happen at a future Board Meeting.

² Staff prepared an Executive Officer's report in August 2023 summarizing engagement activities associated with the renewal of Order Nos. R9-2016-0004 and R9-2016-0005.

³ Link to the ESJ Order:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2018/wqo2018_0002_with_data_fig1_2_appendix_a.pdf.

LEGAL CONCERNS

None.

PUBLIC NOTICE

The agenda notice for today's meeting was posted on the San Diego Water Board's website and sent to subscribers to the email list for Board meetings. This satisfies the Bagley-Keene Open Meeting Act requirements to publish the meeting notice and agenda.

SUPPORTING DOCUMENTS

None.