

IRRIGATED LANDS REGULATORY PROGRAM UPDATE
November 2008

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report will provide an update on the activities of the Central Coast, Los Angeles, Riverside and San Diego Regional Water Quality Control Board programs. Future monthly reports will alternate between the status of the ILRP at the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. English and Spanish translations of current and past ILRP monthly reports can be found on the [State Water Boards Agriculture Program website](#).

CENTRAL COAST REGION

Ag Waiver Enrollment Status as of June 30, 2008:

Enrollment Status	Number of Operations	Irrigated Acres	Tailwater Acres
Tier 1 (15 hours education and farm plan)	1,203	358,424	79,107
Tier 2 (incomplete education or farm plan)	526	37,120	5,517
Growers with more than 14 hours of education	1,127	319,320	71,120
Growers with completed farm plan	1,419	379,022	80,974
Total Enrolled	1735	396,030	84,802

Estimated number/acreage of non-enrollees is 500-800/40,000 acres.

Current Ag Waiver Requirements:

The following are the current program requirements for the Central Coast Region:

- Enrollment;
- Fifteen hours farm water quality education (one time);
- Onsite farm water quality plan/copy of Conditional Waiver Order;
- Implementing and reporting (two times) management practices for irrigation, nutrient, and pesticide management and erosion control;
- Monitoring (individual or cooperative);

- Not cause or contribute to condition of pollution or nuisance;
- Comply with the Central Coast Basin Plan;
- Not cause or contribute to exceedances of any Regional, State or Federal numeric or narrative water quality standard;
- Not discharge wastes to groundwater which could result in a groundwater nitrate concentration above 45 mg/l;
- Comply with applicable TMDLs; and
- Comply with applicable time schedules.

Conditional Ag Waiver Renewal Process:

Staff is planning internal stakeholder meetings in August to solicit management and staff input on the irrigated agriculture program. Staff will hold external stakeholder meetings with the Agricultural Advisory Panel to develop recommendations to staff for incorporation into the ag waiver program. Staff may also hold additional workshops and other outreach to receive input from other stakeholders.

Ag Waiver Renewal Timeline:

In August 2008, staff and management will hold internal Water Board stakeholder meetings.

From September 2008 to January 2009, meetings will be held for the Agricultural Advisory Panel and other outreach efforts.

In February 2009, a draft Conditional Waiver Order will be written.

From February 2009 to March 2009, the CEQA and public review process will begin.

In May 2009, a draft staff report will be written.

On July 9 and 10 of 2009, there will be a Board hearing for Order adoption

Agricultural Advisory Panel:

The Agricultural Advisory Panel was convened in February 2003 to provide staff with recommendations on requirements for the conditional ag waiver. Staff conducted extensive outreach to ensure broad representation from the agricultural and environmental communities, while at the same time keeping the size of the group to a workable level. Many groups contacted were willing to be represented by other groups that shared their interests. The panel members adopted ground rules and the mission statement as follows:

The goal of the panel is to assist staff in developing recommendations to the Regional Board for a replacement to the expired waivers that will be protective of water quality, the viability of Central Coast agriculture, and comply with state law.

The panel met for nearly 18 months and used a consensus-based process to reach

agreement on all recommendations. Staff incorporated the panel's recommendations into the Conditional Waiver Order that was adopted by the Central Coast Water Board on July 9, 2004. Listed below is the original representation on the Ag Advisory Panel. Staff is currently assessing the need for additional representation, as well as the interest of past members in continued participation. Some representatives have changed due to staffing changes at various organizations. Staff anticipates a shorter process for renewal, with possibly 35 meetings.

Areas of Board Concern and Items for Discussion:

Areas of Board concern include riparian and conservation practice removal, toxicity from OP and pyrethroid pesticides, and high tailwater flows with associated pesticide, nutrient and sediment movement. Possible topics for discussion include the need for additional education requirements, the frequency of management practice reporting, and the need for a small acreage or de minimus category, and any other issues raised by the panel.

LOS ANGELES REGION

Regional Board staff participated in the California Nonpoint Source Conference, held May 5 – 7, 2008 in San Diego; staff presented a poster on the Los Angeles Region Conditional Waiver for Irrigated Lands Program. The poster presentation included Conditional Waiver program requirements and water quality monitoring results collected to date. Moreover, Regional Board staff has been actively working with representatives of the Ventura County Agriculture Irrigated Lands Group and the Nursery Growers Association – Los Angeles County Irrigated Lands Group to discuss the preparation of Agriculture Water Quality Management Plans (AWQMP), which are required as part of the Conditional Waiver program. The AWQMPs outline a strategy for BMP implementation to reduce pollutants from irrigated agriculture sites. The AWQMPs are due to the Regional Board for review in September 2008. Regional Board staff looks forward to continued cooperation with the agricultural community to effectively implement the Irrigated Lands Program.

SANTA ANA REGION

The Regional Water Quality Control Board, Santa Ana Region is developing a Conditional Waiver of Waste Discharge Requirements for waste discharges from various types of agricultural operations in the Lake Elsinore / San Jacinto Watershed. Regional Board staff has determined that in the Lake Elsinore / San Jacinto Watershed, waste discharges from variety of sources are contributing to pollution in Canyon Lake and Lake Elsinore and causing violations of water quality standards. The non-point source (NPS) pollutants responsible for these violations are discharged from urban areas, open space, agricultural activities (i.e. includes, but not limited to, irrigated agricultural lands), transportation facilities and other land uses in the watershed. In response to these violations, the Regional Board adopted a Total Maximum Daily Load (TMDL) for Canyon Lake and Lake Elsinore. The TMDL is now

part of the Basin Plan. The TMDL includes a variety of tasks that need to be completed in order to achieve the TMDL's objectives. The TMDL assigns key individual stakeholders or groups of stakeholders in the watershed with the responsibility for implementing these tasks. The TMDL requires water quality monitoring plans, to gauge the effectiveness of the management plan. The TMDL also requires stakeholders to develop problem specific management plans, such as for nutrient management. Regional Board staff is proposing that all operators of irrigated or dry farmed land enroll in a conditional waiver of waste discharge requirements. The Regional Board is calling their program the Conditional Waiver for Agricultural Discharge (CWAD). The conditional waiver will allow agricultural operators to continue to discharge waste to waters of the state from their farming operations. The CWAD program will require participants take steps to comply with the TMDL, pay implementation fees and implement best management practices (BMPs) to reduce the pollutant load of their discharge.

The Conditional Agricultural Waiver will allow some conditions to be met through the collective action of a group or groups of agricultural operators who are enrolled in the program, or by a third party representing a group of enrollees. An example of a condition that could be met by a representative acting for a group of enrollees is a monitoring and reporting condition. The representative could obtain the required information for the group it represents and report the information to the regional board. Agricultural operators who do not enroll in the Conditional Agricultural Waiver will be required to apply for individual waste discharge requirements and will have the full responsibility for compliance.

Regional Board staff attended a meeting of State and Regional Board ILRP contacts in which Regions 3 and 4, along with the State Water Board, provided information to Regions 8 and 9 contacts in an effort to help begin the design and/or implementation of their respective ILRP programs and associated conditional waiver. On August 15, Regional Board staff participated in the ILRP Roundtable in Rancho Cordova. Regional Board staff is currently coordinating with State Water Board and Region 9 staff to put on enrollment and educational workshops in Orange and Riverside counties. The date for the workshop is set for November 6, 2008. Also, Regional Board staff are in the process of putting enrollment and educational materials on their website.

SAN DIEGO REGION

Conditional Waiver No. 4 for irrigated agriculture and nurseries was adopted by the San Diego Regional Water Quality Control Board (Region 9) on October 10, 2007. The Waiver requires all commercial agricultural and nursery operators in the San Diego Region to enroll under the waiver by January 1, 2011. Other general requirements of the waiver include implementation of Best Management Practices to control pollutant discharge, as well as monitoring and reporting. On March 27, 2008, June 20, 2008 and July 19, 2008 Regional Board staff presented an overview of the requirements of the waiver at grower workshops in San Diego County. On August 4, 2008, a Region 9

representative attended a meeting of State and Regional Board ILRP contacts in which Regions 3 and 4, along with the State Water Board, provided information to Regions 8 and 9 contacts to help begin the implementation of their respective ILRP programs. On August 14 and 15, Region 9 participated in the ILRP Roundtable in Rancho Cordova. The Regional Board is currently coordinating with State Water Board and Region 8 staff to put on enrollment and educational workshops in Orange and Riverside counties. The date for the workshop is set for November 6, 2008. Also, the Regional Board is in the process of putting enrollment and educational materials on their website.