

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

December 2010

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report covers the December 2010 period and will provide an update on the activities of the North Coast, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board programs.

Future monthly reports will alternate between the status of the ILRP from the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. Current and past ILRP monthly reports can be found on the [State Water Boards Agriculture Program](#) website.

NORTH COAST REGION

Regional Board staff are in the process of developing a water quality compliance program for grazing and irrigated agriculture in the Klamath Basin, pursuant to the Klamath River TMDL Action Plan. Staff are currently implementing the tasks outlined in a workplan that was presented to the Regional Board in June 2010. Regional Board staff are now planning the stakeholder development process with the help of consultants experienced in stakeholder involvement and natural resource planning. In January, Regional Board staff plan to meet with staff of UC Davis to discuss the framework for the stakeholder process. In addition, staff are developing a contract with the Center for Collaborative Policy (CCP) to assist Regional Board staff in the development of the Klamath Basin program. The CCP is a unit within the College of Social Sciences at Sacramento State University. The State Board Office of Statewide Initiatives maintains a contract with the CCP to provide consulting and facilitation services to the Regional Boards. Regional Board staff are defining a scope of work for the CCP contract that will be funded by existing contract funds and funds set aside for Klamath TMDL implementation. The existing contract funds will allow CCP to begin work on the project while the Klamath TMDL funds are being transferred to the CCP contract by spring 2011. Staff intend to bring a grazing and irrigated agriculture water quality compliance program for the Klamath Basin for Regional Board consideration by December 2012.

CENTRAL COAST REGION

Agricultural Order Renewal Overview:

On July 8, 2010, the Central Coast Water Board extended the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Irrigated Ag Order R3- 2010-0040) through March 31, 2011 to ensure that farming operations are protecting and restoring water quality through the effective implementation of appropriate management measures. By law, all waivers must be reviewed, and

renewed, revised, or replaced at least every five years. Central Coast Water Board staff plans to release a revised draft Agricultural Order in November 2010 and will bring a new draft Agricultural Order to the Board by March 2011.

Opportunities for Public Input to the Agricultural Order:

The process of renewing the Agricultural Order started in December 2008. Since that time, Central Coast Water Board staff has met with stakeholders and received numerous comment letters regarding the Agricultural Order. Stakeholders continue to have the opportunity to provide input to the draft Agricultural Order and staff will discuss consideration of any input provided in the staff report accompanying the draft Agricultural Order. A formal public comment period will follow the planned November 2010 release of the draft Agricultural Order and additional public input can be submitted at that time. In considering input to requirements, staff continues to encourage stakeholders to consider necessary actions to resolve water quality impairments, points of compliance, milestones to measure progress, compliance monitoring and reporting, and time schedules to compliance. A copy of public comments received regarding the Agricultural Order Renewal are available on the Water Boards website.

California Environmental Quality Act (CEQA) Process:

August 16, 2010 - CEQA Scoping Meeting for the Regulation of Waste Discharges. The Central Coast Water Board held a CEQA scoping meeting on August 16, 2010 to discuss the regulation of waste discharges from irrigated lands within the Central Coast Region. A copy of public comments received regarding the Agricultural Order Renewal CEQA process are available on the Water Boards website.

Draft Agricultural Order:

On November 19, 2010, Central Coast Water Board staff released recommendations for a new Agricultural Order. Staff's recommendations (including the Draft Agricultural Order, Draft Monitoring and Reporting Program, Staff Report including the Subsequent Environmental Impact Report for the Regulation of Waste Discharge from Irrigated Lands) are now available for public review and comment. The deadline for comments is January 3, 2011. All comments received before January 3, 2011 will be considered in the formulation of staff recommendations regarding the draft Agricultural Order. The Central Coast Water Board will not accept written comments or other written submittals on the draft Agricultural Order after January 3, 2011. On March 17, 2011, the Central Coast Water Board will hold a public meeting to consider staff's recommendations. Below are links to the documents and supporting attachments.

Public comments received regarding the Agricultural Order Renewal process are available on the Water Boards website. The Central Coast Water Board received a revised agricultural alternative on December 3, 2010 and is available for viewing on the Water Boards website.

LOS ANGELES REGION

Conditional Waiver Renewal:

On October 7, 2010 the Los Angeles Regional Board adopted an Order renewing the Los Angeles Region Conditional Waiver for Irrigated Lands (Order No. R4-2010-0186). The conditions established in the Order ensure that discharges from irrigated agriculture lands are managed such that they do not exceed water quality benchmarks. Water quality benchmarks are defined as Basin Plan requirements (including discharge prohibitions and water quality objectives), Statewide plan or policy requirements, USEPA criteria (including those in the California Toxics Rule and the applicable portions of the National Toxics Rule), and load allocations established pursuant to a TMDL. The Order establishes a regulatory program for irrigated agriculture lands that requires dischargers to quantitatively assess in-stream water quality conditions and attain water quality benchmarks through the implementation of targeted best management practices. The renewed Conditional Waiver for Irrigated Lands builds on the accomplishments and progress of the original waiver program established in November 2005. The primary requirements of the renewed Conditional Waiver for Irrigated Lands program are as follows:

- Submit a Notice of Intent (NOI) which is required for enrollment under the Conditional Waiver and contains information regarding site conditions and the agricultural operation;
- Submit a Monitoring and Reporting Plan (MRP);
- Conduct wet- and dry-weather monitoring;
- Submit a Water Quality Management Plan (WQMP), if water quality benchmarks are exceeded with the WQMP identifying BMPs to address water quality benchmark exceedances and presents a schedule for implementation activities;
- Implement BMPs in accordance with an approved WQMP; and
- Submit required monitoring reports.

The Conditional Waiver also implements eleven TMDLs. Each TMDL included in the Conditional Waiver identified irrigated agriculture as a source and assigned agriculture dischargers a load allocation. The Conditional Waiver is the regulatory program to implement and attain the load allocations for these TMDLs. The TMDL load allocations were directly incorporated into the Conditional Waiver as water quality benchmarks.

During the development and renewal of the Conditional Waiver, Regional Board staff worked with stakeholders, including the two established irrigated agriculture discharger groups, the Ventura County Agricultural Irrigated Lands Group (VCAILG) and the Nursery Growers Association - Los Angeles County Irrigated Lands Group (NGA-LAILG), as well as local environmental organizations. Staff met individually with stakeholders to address specific questions and comments.

Grant Management:

Additionally, staff continues to manage a Clean Water Act section 319(h) grant for

grower education and outreach in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the renewed Los Angeles Region Conditional Waiver for Irrigated Lands, and specifically implements BMPs according to VCAILG's WQMP.

COLORADO RIVER BASIN REGION

Palo Verde Ag Discharge Prohibition:

The Palo Verde Ag Prohibition went before the Regional Board for consideration of adoption on September 16. The Regional Board staff held a workshop on November 16, 2010 at the Palo Verde Irrigation District Headquarters (180 West 14th Street, Blythe, CA). The amendment is now scheduled to go before the Board January 20, 2011. Documents for the PV Ag Discharge Prohibition can be obtained from the [Region 7 website](#).

The intent of the proposed amendment to the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) is to ensure agricultural wastewater discharges and drain maintenance discharges, occur in a manner that does not adversely affect the beneficial uses defined in the Basin Plan for the Palo Verde Valley Drains, and the Palo Verde Valley Lagoon and Outfall Drain. Accordingly, the amendment establishes a conditional prohibition for agricultural wastewater discharges originating within the Palo Verde Valley and Palo Verde Mesa, and incorporates an Implementation Plan. The amendment also establishes a conditional prohibition for drain maintenance discharges that occur as a result of drain operation and maintenance (O&M) activities.

Agricultural wastewater discharges addressed in this prohibition include: (1) storm water runoff from irrigated lands; and (2) irrigation return water, which includes surface discharges (also known as "tailwater"), and subsurface discharges (known as "tile water" in tiled areas, and groundwater or "seepage" in areas not tiled). Most agricultural wastewater discharges in the Palo Verde Valley and the Palo Verde Mesa are collected in open drains dug at least one foot below groundwater levels of adjacent fields. These drains are tributary to the Palo Verde Outfall Drain (PVOD), which discharges into an old channel of the Colorado River. This old channel flows for eight miles before joining the active River channel in the Cibola National Wildlife Refuge, about one mile above Cibola Lake.

Pursuant to the conditions of this prohibition, Responsible Parties as defined in Section II.B below will be required to implement management practices that address their agricultural wastewater and drain maintenance discharges. As such, the amendment will establish:

- Conditions/requirements for any entity with an existing or potential agricultural wastewater discharge in the area;
- Conditions/requirements for Palo Verde Irrigation District (PVID) and any individual who operates and maintains drains that cause a

- discharge of wastewater or wastes, or both;
- Designated requirements for Compliance Programs; and
- The conditional prohibition will not prohibit drain O&M activities or limit the quantity of agricultural wastewater discharges released into drains (and ultimately into the Colorado River). Likewise, the conditional prohibition will not regulate or restrict the amount of water applied to private lands for agricultural purposes, such as to furrows, beds, and other ancillary structures.

Imperial Valley Sediment TMDL Implementation:

The Imperial County Farm Bureau's CWA 319(h) grant funding terminated in September 2010. The ICFB submitted a concept proposal in the 2011 319(h) grant competition, which was not invited back by the statewide selection committee. The ICFB continues to investigate alternative funding mechanisms to continue the Voluntary TMDL Compliance Program.

The Imperial Irrigation District continued startup of the Ag Water Quality Grant Program Prop 50/84 funded (\$900,000) project titled: Precision Drain Cleaning BMP Plan. This project started in July 2010.

SANTA ANA REGION

Regional Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and other agricultural operations not already regulated by the Regional Board, enroll in a conditional waiver of waste discharge requirements. Regional Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). Regional Board staff proposes that the CWAD program be developed and implemented watershed-based approach. The first phase of this program is being developed for waste discharges from agricultural operations in the Lake Elsinore / San Jacinto Watershed. The Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore, and the CWAD program is being designed to be part of implementation program for these TMDLs.

In order to formulate a strategy to develop a CWAD program, the Regional Board staff has been conducting meetings with key stakeholders, including the Western Riverside County Agricultural Coalition (WRCAC), a NGO, and the Lake Elsinore San Jacinto Watershed Authority (LESJWA), a joint-powers authority that includes the Cities of Canyon Lake and Lake Elsinore, Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Santa Ana Watershed Project Authority.

During this year, Regional Board staff have also met with other potential stakeholders and related agencies, including the Riverside County Farm Bureau and Riverside County Agricultural Commissioner's offices. Regional Board staff is coordinating with

representatives of WRCAC and LESJWA and the Southern California Coastal Water Research Project (SCCWRP) explore establishing a CWAD monitoring program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring. Also, in coordination with RWQCB 9, SCCWRP and State Board, the Regional Board is exploring ways to integrate monitoring programs for both the San Diego Water Board conditional agricultural waiver and the Santa Ana Region's CWAD program into the regional water quality monitoring program for Southern California coastal watersheds that is being developed and implemented by the Stormwater Monitoring Coalition (SMC).

During the summer of 2009, Regional Board staff conducted field surveys of various agricultural operations in the CWAD Program project area and have been meeting with local growers and farmers to introduce the CWAD program and to get their feedback. Regional Board staff is also coordinating with TMDL staff and staff of other regions, particularly Regions 4 and 9, to establish criteria for the minimum acreage threshold for enrollment in its CWAD program.

Regional Board has developed a "CWAD Program Advisory Group" which consists of about 13 members that include local growers, industry groups, and major stakeholders, etc.

On September 29, 2010, a second CWAD Advisory Group meeting was held in Nuevo Water District's meeting room to introduce and discuss the current status of the CWAD program. Discussions on this topic were expanded in order to get feedback from group members, and to present regulatory and enforcement options, as well as various ag. program permitting options (i.e. WDRs, General Permitting, Basin Plan Prohibitions, and Ag. Waiver). Regional Board staff solicited feedback from group members on the presented items. Regional Board staff also discussed the CWAD program's proposed draft conditions and solicited comments and input from group members. Regional Board staff received feedback from the group members. Feedback will be incorporated and will be discussed at the next advisory group meeting. The group members have been providing feedback in other matters related to the ag. waiver program.

Other topic of discussions from the group members included Sate Board's 2009-2010 Fee Schedule (Section 2200.6-Annual Waiver Fee Schedules). Some of the group members have some questions and requested clarification. Regional Board staff addressed the issues presented by the group. Group members also raised the issue of "wet season" vs. "the flooding time" in San Jacinto watershed area. Regional Board staff will explore this topic with Riverside County Flood Control District and will follow up with the group in a future meeting.

Regional Board CWAD program staff has been working on the comments received from CWAD advisory group regarding draft ag. waiver conditions, definition of agricultural operations, agricultural discharges, CWAD program coalition group formation, and pro/cons of different regulatory options available for implementation of

CWAD program.

Staff from the Western Riverside County Ag. Coalition (WRCAC), one of the local stakeholders, will provide input regarding "coalition forming". Further discussion and feedback from the group on this topic, will be continued at the next meeting.

On December 13, 2010, Board staff had a meeting with WRAC and a private consultant regarding CWAD monitoring program planning and strategy forming. Various options, including individual, group and watershed-based monitoring were discussed. Also discussed was how to link the ongoing TMDL monitoring efforts in San Jacinto watershed area with CWAD monitoring. Further discussions will be scheduled on this topic with stakeholder groups in near future.

The next Advisory Group meeting is scheduled for January 20, 2011, at the Riverside County Farm Bureau office. The agenda topics include a discussion from regional board staff and group members on action items regarding program fees, definitions, CWAD conditions, and winter farming in San Jacinto watershed area. The listed action items and proposed topics for the next meeting are as follows:

- Watershed specific non-irrigated winter cropping practices-by Don Domenigoni (Riverside County Agriculture Commissioner);
- Proposed Ag. operation categories in CWAD program-by Regional Board staff;
- Coalition Forming, fees, and monitoring-by WRCAC staff;
- Recycled water use in the project watershed and Boron issue-by Eastern Municipal Water District; and
- Wet season and flooding season clarification-by Riverside County Flood Control staff.

SAN DIEGO REGION

Conditional Waiver No. 4 (the Ag Waiver) requires growers in the San Diego Region to enroll in the waiver by December 31, 2010. There are currently three monitoring groups in the San Diego Region, all of which have closed their enrollment periods in order to prepare the group Notices of Intent. They will reopen enrollment at the beginning of January of 2011. In January, using information supplied in the monitoring group Notices of Intent, the San Diego Water Board will determine which growers have not enrolled and take appropriate enforcement action. On January 9th, we will meet with the Region's three monitoring groups to discuss the status of enrollment as well as the monitoring plans which the groups are required to submit by the last day of 2011. At February's board hearing, staff will present a proposal to amend the waiver to include a definition of "agricultural and nursery operation" in the waiver. It is proposed in the amendment that this term be changed to "commercial agricultural and nursery operation" and that such commercial operations be defined as only those operations which gross (not net) over \$1,000 per year (on average). The amendment is a Basin Plan amendment since the Ag Waiver was included in the Region's Basin Plan as an

amendment and therefore, both Regional and State Board approval of the amendment is required. Public noticing documents for the February hearing will be sent out during the week of December 20th.