

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **February 2011**

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report covers the February 2011 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 Water Board staff are in the process of developing a water quality compliance program for agriculture in the North Coast Region. Staff are considering a range of options regarding the scope of the program. As of January 2011, the proposed scope included discharges associated with both irrigated agriculture and grazing in the Klamath Basin. Staff are considering expanded the geographic scope of the program to include all of the North Coast Region, while at the same time limiting the types of discharges covered to those associated with irrigated lands. The scope would be expanded to address potential impacts to water quality across the Region in a more efficient way by making better use of staff resources by consolidating program development efforts. Expanding the geographic scope also provides an opportunity for all the ag-based stakeholders to participate in the development of this key program. Having a regionwide program will create a level playing field, while maintaining the flexibility for growers to form watershed or commodity-based groups and develop management plans specific to their area.

Staff are also considering removing discharges associated with grazing from the scope of the regional program in consideration of the statewide process to address grazing that is currently underway. This effort is being led by the Lahontan Region (South Lake Tahoe) in coordination with the other regions. North Coast Regional Water Board staff will be actively involved in the process to ensure the statewide program adequately addresses the water quality concerns and needs of the ranching communities in the North Coast Region.

Regional Water Board staff have contracted with the Center for Collaborative Policy (CCP) to assist in program development. Staff are currently working with CCP to develop a stakeholder involvement plan based on the new scope of the program. Staff are maintaining the timeline and workplan with the endpoint of a Board adoption hearing in December 2012. Staff are planning a presentation to the Board in May 2011 on the initial approach and progress towards implementing the workplan presented to the Board in June 2010. Staff intend to develop a program that is both

feasible for growers to implement and reasonably protective of water quality.

## **CENTRAL COAST REGION**

### **February 3, 2011 Board Meeting:**

At the February 3, 2011 Central Cost Water Board Meeting, Board Members heard three items related to the Agricultural Regulatory Program. Item 18 was an information item to summarize Water Board grant funds available to projects related to agriculture. Since the year 2000, the Water Boards have made over \$608 Million of public grant funds (Proposition 13, 40, 50, and 84) available statewide to aid on a variety of agricultural water quality related projects, including watershed protection, nonpoint source pollution control. Of these funds, approximately \$55 Million were awarded to agricultural water quality projects in the Central Coast region in the past 10 to 15 years. Item 19 was an information item to discuss technical services available to the agricultural industry. As part of this item, consultants gave presentations on emerging technologies available for nitrate remediation, and assistance related to certified crop advisors and nutrient management. Item 20 was a public workshop item related to the Draft Agricultural Order. As part of this item, the Central Coast Water Board Executive Officer and Assistance Executive Officer provided a brief overview of the Draft Agricultural Order released in November 2010 and the remaining process for renewing the Agricultural Order. Staff was available to answer questions related to the Draft Agricultural Order and members of the public provided comments to the Board. Information related to the February 3, 2011 Board Meeting is available on the [Central Coast website](#).

### **Agricultural Order Renewal Update:**

On November 19, 2010, Central Coast Water Board staff released recommendations for a revised Draft Agricultural Order. The public comment period ended on January 3, 2011. Staff is in the process of reviewing and responding to public comments received during the public comment period. Staff is also in the process of evaluating changes to the staff report, Draft Agricultural Order, and Monitoring and Reporting Program, and supporting documents, in preparation for a full Agricultural Order Renewal item for Board panel consideration at the March 17, 2011 Board Meeting. Information related to the Agricultural Order Renewal, including public comment letters received during the public comment period, is available on the [Central Coast website](#).

### **Electronic Notice of Intent (eNOI):**

On November 15, 2010, the Central Coast Water Board issued a Water Code Section 13267 letter, requiring all growers enrolled in the existing Agricultural Order to submit an updated Notice of Intent (NOI) by January 31, 2011. To simplify enrollment and future updates to information, and improve Agricultural Regulatory Program data management, the Water Board developed an electronic online NOI submittal tool that utilizes the Water Board's GeoTracker system. Water Board staff provided 75 days to meet the submittal deadline and provided technical assistance with the electronic online NOI for growers via phone, appointments and face-to-face clinics or workshops.

As of the submittal deadline, approximately 1379 NOIs were submitted electronically, representing approximately 316,935 acres or about 75% of irrigated land enrolled in the Agricultural Order. Information related to the electronic online NOI submittal tool is available on the [Central Coast website](#).

## LOS ANGELES REGION

### **Enrollment in Renewed Conditional Waiver:**

The Regional Board renewed the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Conditional Waiver) at their October 7, 2010 meeting as Order No. R4-2010-0186. The renewed Conditional Waiver requires dischargers to enroll by April 7, 2010. In the previous waiver term, the Los Angeles County discharger group, headed by the Nursery Growers Association (NGA), struggled with low enrollment. Los Angeles County is confronted with unique challenges, such as the small amount of irrigated acreage and the difficulties in identifying and communicating with small growers. In response to these challenges, staff is planning several enrollment workshops in the next few months in LA County with NGA and Southern California Edison (SCE), who leases their land to growers. These enrollment workshops are aimed at enrolling growers in the new waiver by the April 7, 2011 enrollment deadline. Staff believes that the workshops, especially with the cooperation of SCE, will increase the enrollment percentage in Los Angeles County. Staff met with representatives from SCE on January 11, 2011 and NGA on January 18, 2011 to begin planning these workshops, which will occur on March 9, 2011 and March 21, 2011. Staff is also working with the Ventura County Agriculture Irrigated Lands Group (VCAILG) to plan workshops to maintain the high levels of enrollment in Ventura County and increase implementation of BMPs. Staff met with representatives from VCAILG on January 4, 2011 to discuss these workshops. Staff will continue to meet with stakeholders in both Los Angeles and Ventura Counties on an ongoing basis to ensure successful implementation of the Conditional Waiver program.

### **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

The Palo Verde Ag Prohibition was adopted by the Regional Board on January 20th. RB staff are currently completing actions needed to bring the amendment before State Board (SB). A public notice is scheduled to be circulated by SB staff in March 2011. The PV Ag Discharge Prohibition and supporting documents can be viewed at the

[Region 7 website.](#)

The intent of this prohibition is to ensure Ag wastewater discharges and drain maintenance discharges occur in a manner that does not adversely affect the beneficial uses of the Palo Verde Valley Drains, and the Palo Verde Valley Lagoon and Outfall Drain. Accordingly, the amendment establishes a conditional prohibition for Ag 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 operation and maintenance discharges occurring in these regions.

## **SANTA ANA REGION**

Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and of other agricultural operations not already regulated by the Regional Board, enroll in a conditional waiver of waste discharge requirements. Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). The Regional Board staff proposes that the CWAD program will be developed and implemented in a watershed-based, phased 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. 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) and the Lake Elsinore San Jacinto Watershed Authority (LESJWA). 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 last few months, the 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. Board staff is coordinating with representatives of WRCAC and LESJWA to explore establishing a CWAD monitoring program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring.

During 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 upcoming CWAD program meetings to get stakeholder 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. Stakeholder meeting discussions included the following:

- CWAD program introduction and status;
- Are all farming operations going to be covered, or are there exemptions from the program;
- Criteria to establish minimum acreage enrollment requirement for the program;
- Have “third party representatives” been formed and will there be a cost to be represented;
- How the Regional Board identified operators who will be required to be in the CWAD program; and
- The schedule for putting the CWAD program in place.

At the end of Regional Board’s presentation, there was a question and answer session in which several program related questions and concerns by the representatives of growers and agricultural groups were discussed. Although, the meeting attendance was light, some new ag. growers and farmers attended and actively participated in the discussions during this meeting.

Regional Board has developed a “CWAD Program Advisory Group” which consists of about 13 members belonging to ag. farmers, local growers, industry groups, and major stakeholders, etc.

On January 20, 2011, the third CWAD Advisory Group meeting was held in Riverside County Farm Bureau meeting room. In this meeting, various ag. operations’ related definitions and draft ag. waiver conditions were discussed. On follow up questions from various group members, the board staff presented an update on Confined Animal Feeding Operations (CAFO) Federal permitting threshold requirements and designation requirements of small, medium and large size CAFO. The advisory group members were also briefed about regional board’s CAFO/dairy general permit and it was explained to the group that dairies under regional board’s general CAFO permit would be exempted from the ag. waiver requirements.

In a January 20, 2011 advisory group meeting, group members discussed available regulatory options to regulate agricultural discharges (i.e. waste discharge requirements (WDRs), basin plan prohibitions, and ag. Waive). The group members’ collective consensus was to recommend the conditional waiver option.

An advisory group member from the Riverside County Ag. Commissioner’s office gave a presentation regarding winter cropping in San Jacinto watershed area. The group also discussed current status of CWAD program, and discussions on various program related topics were expanded in order to get feedback from the group members. Topics of discussion included the selection of wet weather months and use of fertilizers and herbicides during these wet season months. It was recommended that there is a need for a separate prohibition requirement for herbicide application since its window of effectiveness is relatively short.

Regional Board CWAD program staff have continued working on comments and feedback received from CWAD advisory group on draft ag. waiver conditions, definition of agricultural operations, and agricultural discharges, CWAD program coalition group's formation, and pro/cons of different regulatory options available for implementation of CWAD program.

Staff member from WRCAC presented on ag. program's "coalition forming". Further discussion and feedback from the group on this topic will be discussed at the next meeting.

The next Advisory Group meeting is to be held on April 10, 2011, at Riverside County Farm Bureau's office. The agenda topics include discussion on follow up and feedback from regional board staff and group members on action items regarding definitions, waiver conditions, prohibitions, wet season, updates on aerial mapping data, coalition forming updates and monitoring station selection, etc. The listed action items and proposed topics for the next meeting include:

- Presentation of a draft CWAD program time schedule;
- Proposed Ag. operation categories in CWAD program-by Regional Board staff;
- Coalition Forming-fee, and monitoring-by WRCAC staff;
- Discussion on proposed CWAD program monitoring station map;
- Follow up on CAFO permitting program updates- Federal and State;
- Recycled water use in the project watershed and Boron issue-by Eastern Municipal Water District (tentative-subject to confirmation);
- Wet season and flooding season clarification-by Riverside County Flood Control staff

## **SAN DIEGO REGION**

Because of staff turn-over in the San Diego Water Board ILRP, no February 2011 report was submitted. The follow ILRP Monthly Report is a carry-over from the December 2010 report.

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.