

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

August 2012

This month's Irrigated Lands Regulatory Program (ILRP) report covers the August 2012 period and will provide an update on the activities of the North Coast, San Francisco, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board ILRPs.

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 Board ILRPs for the alternate month. Current and past ILRP monthly reports can be found on the [State Water Boards Irrigated Lands Program](#) website.

NORTH COAST REGION

Staff of the North Coast Regional Water Quality Control Board are developing a water quality compliance program to address water quality impacts associated with discharges from agricultural lands.

To help develop the program, staff has formed a Stakeholder Advisory Group composed of representatives from various interests related to agriculture in the North Coast Region. The group's purpose is to provide input to Regional Water Board staff on the different elements of the program. The Advisory Group meets as a full group and also as subgroups representing four different geographic areas in the North Coast Region. Advisory Group meetings started in December 2011 and are scheduled through summer 2013, with a Regional Water Board adoption hearing scheduled for fall 2013.

Staff are currently working on updating the draft program Scope and Framework document based on comments received at the June 26, 2012 full Advisory Group meeting. The revisions will be sent to the Advisory Group by August 31, 2012. Staff and the Advisory Group will then begin discussing the next draft program document that will address program enrollment and permit requirements. A draft Enrollment and Permitting Requirements document will be provided to the Advisory Group for comment prior to another round of subgroup meetings in October 2012. Staff will receive comments from the subgroups at those meetings and revise the draft to prepare it for the next full Advisory Group meeting that will be held in spring 2013. These draft program documents will be used to develop the draft permit language of the primary permitting mechanism for the Agricultural Lands Discharge Program.

SAN FRANCISCO BAY REGION

Grazing Waiver for Tomales Bay Watershed:

No update for this period.

Grazing Waiver for Napa River and Sonoma Creek Watersheds:

Background

The Water Board adopted a Conditional Waiver of WDRs for Grazing Activities in the Napa River and Sonoma Creek watersheds (Napa/Sonoma Grazing Waiver) in September 2011. The Napa/Sonoma Grazing Waiver implements the Napa River Sediment and Pathogen TMDLs, the Sonoma Creek Sediment and Pathogen TMDLs, and anticipates implementation of the nutrient TMDLS that are in development for both watersheds. The Napa/Sonoma Grazing Waiver was modeled after the Tomales Bay Grazing Waiver and hence, shares the common goals of reducing and controlling the discharge of sediment, nutrients, and pathogens to receiving waters, in this case the Napa River and Sonoma Creek watersheds and its tributaries.

Ranchers in the Napa River and Sonoma Creek watershed that have grazing operations that meet the eligibility criteria of the permit are required to enroll in the Program. They must prepare a Ranch Plan, or amend an existing plan, and provide an implementation schedule for the management practices identified in the plan. Unlike the Tomales Bay Grazing Waiver, the Napa/Sonoma Grazing Waiver applies to ranches larger than 100 acres in size, based on recommendations from the Technical Advisory Group which concluded that ranches 100 acres or larger account for approximately 90% of all the grazing lands acreage in the Napa River and Sonoma Creek Watersheds

Outreach

Regional Board staff continues working with UC Cooperative Extension (UCCE), and the Napa and Sonoma Resource Conservation Districts in identifying and contacting eligible ranch operations that have yet to enroll in the Grazing Program. Nine months following Board adoption of the Waiver, of the approximately 50 ranch operations potentially subject to the Napa/Sonoma Grazing Waiver, 36 (72%) are currently enrolled in our program. Twenty-two operations are enrolled in the Napa River watershed and 14 operations in the Sonoma Creek watershed.

Next Steps

We estimate that approximately 7 ranch operations per watershed have yet to enroll in the Program. To capture these 14 operations, our next steps will include verification of existing ranches via Napa and Sonoma County Planning Department file reviews and GIS mapping, and potential enforcement actions, including but not limited to, targeted field inspections to confirm the existence of waiver-eligible ranches, followed by targeted enforcement (Notices to Comply and/or Notices of Violation to facilitate enrollment in the program).

Vineyard Waiver for Napa River and Sonoma Creek Watershed:

Background

Regional Board staff is developing a conditional waiver of WDRs for vineyards and roads (Vineyard Waiver) in the Napa River and Sonoma Creek watersheds. This Vineyard Waiver will require that effective management practices be implemented to control discharges of pollutants from vineyard facilities and it will apply to existing vineyards, vineyard replants, and new vineyards. The Conditional Waiver will affect about 67,000 acres of planted vineyards in the two watersheds.

Stakeholder Advisory Group and Outreach

Regional Board staff created a stakeholder advisory group (SAG) in 2011 to help refine the requirements and conditions of the draft Vineyard Waiver. The SAG is comprised of representatives from Napa and Sonoma counties, Sonoma County Grape Growers, Napa County Vintners, Sonoma and Napa County Farm Bureau, the Resource Conservation Districts, UC Cooperative Extension, other agencies, and environmental groups.

Since our last SAG meeting on May 15, 2012, Regional Board staff has revised the draft permit to incorporate their concerns and has scheduled an additional, follow-up advisory group meeting for August 21 to discuss the changes we made to the permit.

Water Board staff has met on several occasions with parties that are interested in developing third-party technical assistance groups, as well as individuals concerned with how compliance with the permit could affect their current operations, and/or limit future efforts to expand or replant their vineyards.

Next Steps

The next step is completion of the CEQA analysis and preparation of a public review draft of the Waiver for public comment in early to mid-October. Adoption of the waiver is tentatively scheduled for December.

CENTRAL COAST REGION

Petitions for Review of Agricultural Order No. R3-2012-0011:

The State Water Board received five petitions for review of the Central Coast Regional Water Quality Control Board's Order No. R3-2012-0011, Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, and Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03 (Agricultural Order).

On August 30, the State Water Board will hold a hearing to consider issuance of a stay of certain provisions of the Agricultural Order. To review the petitions and the Hearing Notice, please go to the [Region 3 website](#).

Implementation Update:

Updates to Monitoring and Reporting Program Add Time and Flexibility for Growers

On August 19, 2012, the Central Coast Water Board updated the Monitoring and Reporting Program (MRP) for Agricultural Order R3-2012-0011. The changes relate to groundwater and photo monitoring and reporting requirements due this calendar year and are summarized below. The changes provide additional time, flexibility, and cost savings for growers to comply with the Agricultural Order. The updated MRPs for the Agricultural Order are posted on the [Region 3 website](#).

Groundwater Sampling Timeframe

This change affects all growers enrolled in the Agricultural Order (Tier 1, Tier 2, and Tier 3). Growers now have additional time to sample groundwater wells. The first round of sampling must be conducted from September – December 2012. The second round of sampling must be conducted from March – June 2013. See changes in MRP Part 2A (3)

Groundwater Depth Measurement

This change affects all growers enrolled in the Agricultural Order (Tier 1, Tier 2, and Tier 3). Growers DO NOT have to measure depth to groundwater during groundwater monitoring. See changes in MRP Part 2A (2) and Table 3.

Groundwater Reporting

This change affects all growers enrolled in the Agricultural Order (Tier 1, Tier 2, and Tier 3). Growers DO NOT have to submit photos of well condition and backflow prevention by October 1, 2013. Growers must maintain digital photos in the Farm Plan and submit upon request. See changes in MRP Part 2B.

Photo Monitoring and Reporting

This change affects Tier 2 and Tier 3 growers who have a farm or ranch that contains or is adjacent to a creek impaired for sediment, turbidity, or temperature. Growers DO NOT have to submit photos to the Water Board with the Annual Compliance Form. Growers must maintain digital photos in the Farm Plan and submit upon request. See changes in MRP Part 2A (2) and Table 3. Photo Monitoring Protocols approved by the Executive Officer are now available on the Water Board's website.

Annual Compliance Form

Staff has completed the Annual Compliance Form and beta-testing with selected growers enrolled in the Agricultural Order. The Annual Compliance Form will be available to growers in GeoTracker in early September. Staff has scheduled a workshop for technical assistance providers to learn about the Annual Compliance Form and is also scheduling workshops to provide compliance assistance to growers.

Compliance Assistance for Groundwater Monitoring

On July 25 staff held a workshop for laboratories and consultants interested in providing growers with groundwater monitoring and data submittal services, in

compliance with the Agricultural Order. State Board staff, Hamid Foolad, presented an overview of the GeoTracker data management system and the Electronic Submittal of Information requirements (ESI) process to upload grower groundwater data.

The Water Board is in the process of providing \$10,000 in grant funds to provide free groundwater sampling and data collection services for limited resource farmers. The compliance assistance program prioritizes small and/or economically disadvantaged growers who qualify as “Limited Resource Farmers/Ranchers or Socially Disadvantaged Operators” as defined by the U.S Department of Agriculture.

Enforcement:

Staff issued Administrative Civil Liability (ACL) complaints to six growers for failure to pay cooperative program monitoring fees and individual monitoring reports. For more information, please go to the [Region 3 website](#).

LOS ANGELES REGION

Compliance with the Renewed Conditional Waiver:

The Nursery Growers Association Los Angeles County Irrigated Lands Group (NGA-ILG) and the Ventura County Agriculture Irrigated Lands Group (VCAILG) are the two discharger groups in the Los Angeles Region that have formed to comply with the Conditional Waiver. To comply with the 2010 Conditional Waiver, water quality monitoring must be performed at representative sites twice during the dry season and twice during the wet season. This data is then reported to the Regional Board in Annual Monitoring Reports (AMR). NGA-ILG submitted an AMR for the 2011-2012 sampling season to Regional Board staff on June 29, 2012. Staff is still reviewing the document. VCAILG submitted their preliminary data from one wet season and two dry season events on August 16, 2012. VCAILG also made a request to alter the submittal dates for their annual reports and Water Quality Management Plans (WQMP). Staff reviewed the request and approved the changes in reporting dates on August 3 2012. The first AMR from VCAILG is now due February 26, 2013 and the first WQMP will be due March 15, 2013.

Chronic toxicity testing is required to evaluate compliance with the narrative toxicity objective in the Basin Plan for Region 4. During the first year of sampling, the discharger must conduct toxicity tests on three different species to determine which is the most sensitive. Once the most sensitive species is determined, further chronic toxicity tests will be conducted only on that one species. VCAILG submitted the results from their three species chronic toxicity tests and gave recommendations for the most sensitive species on June 18, 2012. Regional Board staff reviewed the results and sent an approval letter for the single species recommendations on June 28, 2012.

The discharger groups are currently complying with water quality management plans (WQMPs) that were developed in accordance with the previous waiver.

Enrollment:

Regional Board staff sent Notices to Re-enroll in the Conditional Waiver to over 300 growers in Ventura County on April 16, 2012. The Regional Board has received dozens of calls and letters in response to the Notice, and VCAILG informed staff that as of August 2, 2012, 114 more growers have enrolled in the Conditional Waiver as a result of the Notices.

Staff has conducted meetings with NGA-ILG representatives to determine the best way to improve enrollment in Los Angeles County. A list of growers who should be regulated under the Waiver is currently being updated by Regional Board staff with the assistance of NGA-ILG. Growers who have received several notices to comply from the Water Board will be targeted for enforcement action during the fall of 2012.

Education Workshops:

VCAILG submitted requests for approval of seven educational events for growers in Ventura County to be conducted September through November 2012. NGA-ILG also organized a nursery seminar at Pierce College on July 17, 2012, which Regional Board staff attended. Since renewal of the waiver, both VCAILG and NGA-ILG have provided numerous opportunities for their members to receive all eight hours of education credit required by the Conditional Waiver.

Grant Management:

Staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach to implement BMPs 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.

Staff is overseeing a Proposition 84 grant for a mobile irrigation laboratory to improve irrigation efficiency on farms in Ventura County (Grant Agreement No. 10-417-554). The grantee is the Ventura County Resource Conservation District (RCD). Under the grant, RCD staff travels to farms, evaluates irrigation efficiency, recommends improvements, and provides cost share funding to implement the recommended improvements. The goal of the grant is to reduce dry-weather loading of agriculture-related pollutants. Regional Board staff attended one of the evaluations of a small avocado orchard on August 8, 2012.

On March 7, 2012, a new Clean Water Act section 319(h) grant was executed for the purpose of identifying the contribution of and reducing metal loadings from nurseries and other irrigated agricultural lands in the San Gabriel River Watershed (Grant Agreement No. 11-098-554). The grantee is the Council for Watershed Health. The grantee will identify priority locations for BMP implementation, implement procedural BMPs at the priority locations, evaluate BMP effectiveness, and submit an Implementation Recommendation Report to Regional Board staff. The grantee submitted their first invoice and progress report on April 19, 2012.

COLORADO RIVER BASIN REGION

Colorado River Basin Regional Water Board staff has prepared draft Board Order R7-2012- 0047, a proposed Conditional Waiver of Waste Discharge Requirements (WDRs) for agricultural wastewater discharges and discharges of wastes from drain operation and maintenance activities within the Palo Verde Valley and Mesa, Riverside and Imperial Counties. A workshop on the Waiver Program was held in Blythe at the Palo Verde Irrigation District's office on August 23, 2012. A second workshop is scheduled for September 11, 2012 at the Blythe City Hall. CEQA documents and a staff report are currently out for public review. The Regional Water Board intends to consider adopting the Conditional Waiver during a public hearing on September 20, 2012 in Palm Desert.

Regional Water Board staff has contacted the Bard Water District in Imperial County to initiate a Conditional Waiver of WDRs for this area across the Colorado River from Yuma, Arizona. A CEQA scoping meeting will be scheduled for September 2012.

SANTA ANA REGION

Regional Board staff has developed a "CWAD Program Advisory Group" which consists of about 20 members including agricultural farmers, local growers, industry groups, and major stakeholders. The last CWAD advisory group meeting was held on August 16, 2012. The following topics were discussed:

- CWAD Program updates and discussions on the revised CWAD Program schedule;
- General Enforcement Mechanism and the group members concerns on excessive and illegal manure application in the San Jacinto River Watershed area, and discharge of reclaimed water usage as crop irrigation in the project watershed areas were discussed;
- Some specific issues related to excessive manure dumping in view of the nutrient management and high TDS concentration in the project groundwater basin were discussed;
- Mr. Johnny Gonzales from the State Water Resources Control Board gave a presentation on agricultural related water quality projects under the National Water Quality Initiative program, which drew much interest from the group members;
- Internal draft agricultural conditional waiver and draft CEQA Neg. Dec. is currently circulating in-house for edits, comments and revisions. The first round of in-house comments has been completed;
- Staff is presently working on the Ag. Waiver staff report;
- Regional board staff attends WRCAC (Western Riverside County Ag. Coalition) monthly technical committee meeting regularly. WRCAC is a major stakeholder in CWAD program; and
- Next CWAD advisory group meeting is scheduled on Thursday, November

15, 2012 at Riverside County Farm Bureau office.

SAN DIEGO REGION

No report submitted.