

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

April 2013

This month's Irrigated Lands Regulatory Program (ILRP) report covers the month of April 2013 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 Regional Water Board for one month, and the status of other Regional Water Board ILRPs for the alternate month.

NORTH COAST REGION

North Coast Regional Water Board staff has been developing the Agricultural Lands Program for over a year now. Staff is currently working on drafting the remaining key components of a general conditional waiver of waste discharge requirements for review and comment by the Stakeholder Advisory Group this coming summer.

To help develop an effective and viable program, staff is working with the Stakeholder Advisory Group, which is composed of representatives from various interests related to agriculture in the North Coast Region. The group's purpose is to provide input to Water Board staff on the different elements of the program. The Stakeholder Advisory Group meets as a full group and as subgroups representing four different geographic areas in the North Coast Region.

Staff held an online webinar meeting with the Stakeholder Advisory Group on April 3, 2013. The group discussed a FAQ sheet developed by staff. The FAQ addressed issues that continue to be raised at the Stakeholder Advisory Group meetings including public disclosure of private information and questions about jurisdiction.

Staff recently toured the lily bulb growing area in the Smith River basin in Del Norte County, one of the agricultural areas to be included in the program. Highlights included a presentation on growing practices, pesticide use, and monitoring history; and a field visit of planted fields, rotational grazing fields, and receiving waters. Starting in the summer of 2013, staff intends to conduct baseline monitoring of local water bodies in the Smith River basin that may be at risk from pesticide application. The monitoring is part of the Surface Water Ambient Monitoring Program (SWAMP) program and will be used to provide information on the effectiveness of the Agricultural Lands Program.

SAN FRANCISCO BAY REGION

Considering the comments received during the public comment period (November 16,

2013 to February 2, 2013) on the draft conditional waiver, staff plan on revising the waiver as a general waste discharge requirements Order. The San Francisco Regional Water Board is in the process of hiring to backfill the vacancy left by Sandi Potter, the primary staff person working on the waiver. Staff has also requested Water Board contract resources (project ranked high) for next fiscal year to prepare an Environmental Impact Report.

Meanwhile, staff continues to work with groups that have expressed interest in developing third-party technical assistance programs. Staff has made itself available to answer stakeholder questions and is setting up a meeting between some Water Board members and the dischargers (anticipate May 2013 time-frame) to facilitate discussion on the key elements of the vineyard program.

CENTRAL COAST REGION

The Central Coast Regional Water Board continues to provide outreach and compliance assistance during implementation of the 2012 Agricultural Order. A Central Coast Regional Water Board goal is to ensure that all stakeholders have opportunities to understand how to implement and comply with the 2012 Agricultural Order and improve water quality. Recent outreach efforts have focused on working with agricultural industry representatives to develop proposals for cooperative groundwater monitoring programs. Monitoring program proponents submitted proposals in response to the option for implementing cooperative programs (as an alternative to individual groundwater well monitoring), as provided in the monitoring and reporting program (MRP) associated with the 2012 Agricultural Order. Specific activities included:

- Meeting with industry representatives/proponents about conceptual programs and criteria for approval by Executive Officer;
- Discussing (via phone) program ideas, requirements and criteria for Executive Officer approval;
- Providing opportunity for proponents to present descriptions of programs to Central Coast Regional Water Board members and the public at a regularly scheduled Board meeting on March 15, 2013;
- Sending letters commenting on specific program proposals that were submitted; and
- Meeting with proponents of programs to discuss comments and options for responding to comments for Executive Officer approval.

Proposals:

The Central Coast Regional Water Board received four proposals to implement cooperative groundwater programs by March 15, 2013.

Northern Central Coast Cooperative Groundwater Program

Western Growers and the Grower-Shipper Association of Central California are actively assisting growers to pursue a cooperative groundwater monitoring program in the

northern part of the region. The specific boundaries of the study area are still under development, but project proponents have indicated that it will likely cover areas in the Counties of Monterey, Santa Cruz, Santa Clara and San Benito.

Cooperative Groundwater Monitoring Program for Irrigated Lands in Southern Region 3

Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties is pursuing a cooperative groundwater monitoring program in the southern part of the region and will likely cover areas in the northern part of Santa Barbara and the San Luis Obispo Counties.

Cooperative Groundwater Monitoring Plan for the Morro Valley Hydrogeologic Basin

A group of 32 growers in the Morro Valley in San Luis Obispo County is pursuing this program.

Cooperative Groundwater Monitoring Plan, Santa Rosa Creek Valley, Cambria, California

A small group of growers in the Santa Rosa Creek Valley in San Luis Obispo California is pursuing this program.

Proposal Reviews:

Central Coast Regional Water Board staff reviewed these proposals for consistency with the MRP, including requirements for adequate monitoring to characterize groundwater quality of the uppermost aquifer and groundwater used for domestic drinking water purposes, and criteria established by staff to evaluate the institutional capacity for the proposed programs. Consistency with these specific requirements is critical for compliance with the Agricultural Order and to resolve the severe water quality conditions in agricultural areas of the Central Coast Region and the significant threat to human health.

Staff has been working with growers, laboratories, and technical assistance providers to complete the first round of individual groundwater monitoring (due by December 31, 2012) for the growers who selected individual groundwater monitoring, and to develop cooperative groundwater monitoring proposals (due by March 15, 2013) for the growers who selected cooperative groundwater monitoring. Several growers who elected individual groundwater monitoring have indicated that they now want to opt into a cooperative groundwater monitoring program. The Executive Officer is changing the monitoring and reporting requirements to provide an opportunity for growers to opt into cooperative groundwater monitoring programs (those submitted by the March 15, 2013 due date and approved by the Executive Officer). Staff is also providing compliance assistance for Tier 3 growers to develop Individual Surface Water Discharge Monitoring Plans, which were due March 15, 2013.

Outreach and Compliance:

Central Coast Regional Water Board staff continues to engage in the following outreach activities:

- Providing status information and compliance assistance on our webpages;

- providing specific assistance to the Spanish speaking community with little or no access to computers;
- providing individual and phone assistance to growers and technical assistance providers about the requirements;
- coordinating with laboratories and consultants regarding monitoring and reporting requirements;
- allocating grant funds to assist small and/or limited resource growers;
- engaging with technical assistance providers, industry and agency representatives, commodity groups, and the academic community at conferences and meetings; and
- evaluating and reporting to the Board and stakeholders on status of compliance with various requirements.

Central Coast Regional Water Board staff is providing compliance assistance and implemented or is implementing the following tasks that must be completed in the near-term, based on grower due dates in the Agricultural Order:

- March 2013 – Finalized photo monitoring protocols (photo documentation due by June 2013).
- March to June 2013 – Review and approve Cooperative Groundwater Monitoring Program Proposals (due March 15, 2013).
- March to July 2013 – Review and approve Tier 3 Individual Surface Water Discharge Monitoring Sampling and Analysis Plan/Quality Assurance Project Plan (SAP/QAPP) (due March 15, 2013).
- March to May 2013 – Establish the Technical Advisory Committee in conjunction with State Board staff from the Office of Public Participation and contracted facilitator.
- May 2013 – Finalize total nitrogen reporting format for Tier 2 and Tier 3 farms (due in October).
- April to June 2013 – Evaluate potential improvements to Electronic Notice of Intent (eNOI) and GeoTracker based on discussions at January 31, 2013 Board Meeting; implement necessary changes in coordination with State Board staff and consultants (in advance of second year reporting).
- May 2013 – Update landowners on status of Ag Order - Send between 5000 to 10,000 letters or postcards to landowners who are identified on the eNOI for enrolled operations that will provide instruction for how to review requirements and stay informed on the Order.

Staff will also be seeking collaboration with growers and technical assistance providers to develop tools to implement upcoming requirements such as nutrient budgeting and to evaluate effectiveness of management practices. Staff met on January 8, 2013, with staff from the CDFA to discuss that agency's efforts for developing nitrogen budgeting tools and to see if we can use similar tools for implementation of the Order. Staff is participating as a member on their Nutrient Management Ad Hoc Committee. The committee will provide input to CDFA's Nitrogen Management Training and Certification Program for Certified Crop Advisors that they are developing in coordination with University of California Agriculture and Natural Resources (UCANR),

and the California Certified Crop Advisors. This training and certification program will assist growers in achieving compliance with irrigation and nutrient management requirements. Staff will continue to meet periodically with staff from CDFA to insure good coordination on these issues. Staff is participating in the Groundwater Resources Association of California webinar series on salt and nutrient management planning and participated in the 2013 Irrigation and Nutrient Management Meeting on February 26, 2013 in Salinas, sponsored by the University of California Cooperative Extension (UCCE) and Resource Conservation District (RCD).

Staff is providing regular updates (Board Meeting status reports) to the Central Coast Regional Water Board on program implementation progress, successes, opportunities and challenges. Stakeholders are contributing comments and perspectives on program implementation and the issues raised by stakeholders are being evaluated for future program improvement, as appropriate. The March 15, 2013 Board Meeting included two reports: one focused on cooperative groundwater monitoring proposals, and one describing overall program implementation status, near-term staff activities, and a five-year view of tasks to implement the 2012 Agricultural Order. Future updates will be targeted to focus on issues relevant to the program implementation schedule, largely defined by the compliance dates for the various requirements in the 2012 Agricultural Order.

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. VCAILG submitted several documents to Water Board staff in February and March 2013. They submitted their Annual Monitoring Report on February 26, 2013, their Water Quality Management Plan on March 15, 2013, and their updated Bacteria Special Study Work Plan on March 19, 2013. Water Board staff is reviewing these documents. NGA-ILG is currently working on their 2013 Water Quality Management Plan.

Enrollment:

Staff sent out Notices of Violation to six growers in Los Angeles County on April 19, 2013, and five growers in Ventura County on April 29, 2013. Several growers have contacted Water Board staff to confirm that they will be enrolling in the Conditional Waiver. Staff will continue to send out Notices of Violation as necessary.

On January 16, 2013, staff sent out 650 notices to enroll to growers in Los Angeles County. The Water Board received 200 calls and over 100 letters regarding enrollment. Several growers have enrolled in the Conditional Waiver with the NGA-ILG in response to this effort.

Staff is currently involved in talks with the Los Angeles Department of Water and Power (DWP) to enroll the nursery growers leasing DWP property. In December 2012, staff at DWP sent a letter to growers to gather information on the nature of their operations to determine whether they should be enrolled in the Conditional Waiver program. DWP staff indicated that it received responses from most of its growers. Water Board staff is continuing to coordinate with DWP to enroll these growers.

Education Workshops and Outreach:

VCAILG provided four- classes from February to April 2013. One of the classes is being offered online to allow growers flexibility in attaining their eight required hours of education. The class takes approximately two hours to complete and has a quiz at the end to ensure that participants have absorbed the material. On April 23, 2013, VCAILG provided a tour of Pyramid Flowers in Oxnard. Los Angeles Regional Water Board, State Water Board, and U.S. EPA Region 9 staff attended the tour. NGA-ILG provided one class in March 2013 concerning a system wide approach to prevent the spread of invasive and endemic pests and pathogens while protecting water quality. 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 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.

Staff continues to manage a Clean Water Act section 319(h) grant which 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 (CWH). The CWH has reported the status of their project in bi-monthly meetings with Water Board staff and other stakeholders and has recently identified priority locations for BMP implementation along the San Gabriel River. They have developed a Quality Assurance Project Plan (QAPP) and Monitoring and Reporting Plan (MRP), both recently approved by staff. Now that priority locations have been chosen, the CWH will implement procedural BMPs, evaluate BMP effectiveness, and submit an Implementation Recommendation Report to Water Board staff.

COLORADO RIVER BASIN REGION

Colorado River Basin Regional Water Board staff has started implementing Board Order R7- 2012-0047, a 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 areas in Riverside and Imperial Counties. This Conditional Waiver affects about 120,000 acres of farmland along the Colorado River. In March 2013, Palo Verde Irrigation District filed its Coalition Group's proposed compliance program and is now beginning to implement the approved compliance program.

Board Order R7-2013-0002 for the Bard Unit of Reservation Division (Imperial County) Conditional Waiver was adopted at public hearing on January 17, 2013. A public workshop on the matter was held in Winterhaven, California, on December 11, 2012. This Conditional Waiver affects about 7,000 acres of farmland along the Colorado River near Yuma, Arizona.

Staff is working with interested parties in the Coachella Valley to develop a Conditional Waiver of WDRs for consideration for adoption in late 2013. This Conditional Waiver affects about 60,000 acres of farmland in central Riverside County north of the Salton Sea. A CEQA scoping meeting is scheduled for April 29, 2013 in Palm Desert to seek public input on the appropriate scope and content of the environmental documents to be prepared pursuant to CEQA.

SANTA ANA REGION

Santa Ana Regional Water Board staff is proposing that all operators of irrigated and dry-farmed lands over 10 acres, subject to inundation by flooding, and other agricultural operations not already regulated by the Water Board, to enroll in a conditional waiver of waste discharge requirements. Water Board staff is calling their agricultural regulatory program the "Conditional Waiver (of waste discharge requirements) for Agricultural Discharges" (CWAD). Water Board staff proposes that the CWAD program will be developed and implemented watershed-based phased approach.

The first phase of this program is being developed for waste discharges from both irrigated and non-irrigated agricultural operations located in San Jacinto, Salt Creek and Lake Elsinore Watersheds. The Water 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 the implementation program for these TMDLs.

Regional Board staff has developed a "CWAD Program Advisory Group" which consists of about 20 members. Members include agricultural farmers, local growers, industry groups, and major stakeholders. The last CWAD advisory group meeting was held on April 25, 2013. The following were the major topics of discussion during this meeting:

- CWAD Program updated status and discussions on the revised CWAD Program schedule;
- Discussions and feedback from the group members regarding CWAD program agricultural activity categories and types, etc.;

- Discussions on specific issues related to excessive manure application, including illegal manure dumping issues in the program watershed area. High TDS concentration in the project groundwater basin were also discussed by group members;
- The discussions related to dry land farming to be included in the CWAD program, and its pros and cons;
- Internal draft agricultural conditional waiver and draft CEQA Neg. Dec. is currently circulating in-house for edits, comments and revisions. First round of in-house comments has been completed. Water Board staff is presently working in incorporating these comments into the agricultural conditional waiver order and staff report accordingly; and
- There was an information and discussion item presented by Ms. Tara Herrera, a local Nursery Consultant, regarding lesson learned and challenges faced by the Los Angeles Regional Water Board Irrigated Lands Regulatory Program.

Water Board staff have been regularly attending WRCAC (Western Riverside County Agricultural Coalition) monthly technical committee meeting. The next monthly meeting is scheduled for Tuesday, April 30, 2013. WRCAC is a major stakeholder in CWAD program.

Next scheduled CWAD advisory group meeting will be scheduled on Thursday, July 25, 2013, at 9:00 a.m. at Riverside County Farm Bureau's Office, located in Moreno Valley, California. Water Board staff will be developing the agenda, presentations, and action items to be presented in the next meeting.

SAN DIEGO REGION

The San Diego Regional Water Board staff has been moving forward on several fronts regarding our current conditional waiver of waste discharge requirements for discharges from Agricultural and Nursery operations (conditional Ag Waiver). General tasks currently include, conducting inspections at randomly selected facilities to assess the level of familiarity that dischargers have with the waiver conditions, begin informal enforcement processes for noncompliance, and initiate the processes associated with renewing our conditional waiver in 2014.

Staff met with the Boyers Ranch Monitoring Group of Organic Growers to discuss certification documents, provided by Mr. Boyers, so that we may more effectively understand potential discharges from those operations in the San Diego Region. Staff also discussed options for the Boyers Ranch Monitoring Group to come into compliance with the monitoring requirements of the Ag Waiver.

Staff met with the Hines Growers Monitoring Group to discuss their plans for monitoring and reporting to come into compliance with the monitoring requirements of the Ag Waiver.

The San Diego Regional Water Board staff is completing inspections of randomly selected operations to assess the Discharger's familiarity and compliance with the Conditional Waiver of Waste Discharge Requirements for Discharges from Agricultural and Nursery Operations (Ag Waiver). Of the selected 25 agricultural and nursery operations (operations), three operations were removed from the list, as they were found to not meet the criteria to be considered an operation. From the remaining 22 operations eligible for inspection, 12 operations (approximately 55 percent) were inspected during the first quarter of 2013, of which three operations were determined not to be members of a monitoring group and had not filed an individual Notice of Intent for enrollment under Ag Waiver. These three operations are under further consideration for enforcement by the San Diego Regional Water Board Compliance Assurance Unit. Our preliminary review of these data indicates that while operations may be members of a monitoring group, compliance with the requirements specified in the Ag Waiver may be characterized as marginal at this time. One of the more significant areas of non-compliance (for 75 percent of the inspected operations) appears to be fulfilling the requirements to attend 2-hours of water quality management training. The training is publicly available through the University of California Cooperative Extension program.

Staff is also developing web pages to more effectively communicate information about our regional Irrigated Lands Program to the regulated community and the public.

Staff received an additional list of 135 agricultural operations that have reportedly left the existing agricultural monitoring groups/coalitions and failed to file an individual notice of intent (NOI) for coverage under Ag Waiver. The identified operations have been routed to the Compliance and Enforcement Assurance Unit to evaluate enforcement alternatives and prioritize further actions according to available resources.

Staff additionally sent out two Notices of Violation to "non-filers" for failure to either join a cooperative monitoring group or apply for coverage as an individual operation under the Conditional Waiver for Agricultural and Nursery operations.

Staff continues to research and develop a list of potential operations that may be classified as "non-filers" (e.g., failed to enroll in a monitoring group or file a NOI to enroll as an individual operation).

Staff initiated the process of working with stakeholders to renew our existing conditional waivers of WDRs, including the Ag Waiver in early 2014.

Staff continue to receive and respond to numerous phone calls and emails from owners/operators of agricultural operations regarding implementation of the conditional Ag Waiver.

Staff also continues working to develop draft revisions to the Ag Waiver and associated CEQA document for management review and comment prior to release for public review.