

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **December 2014**

This month's Irrigated Lands Regulatory Program (ILRP) report covers up through the month of December 2014 and will provide an update on the activities of the Central Valley Regional Water Quality Control Board (Regional Water Board) ILRP as provided by the Regional Water Board December 4-5, 2014 Executive Officer report. 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. Current and past ILRP program monthly reports can be found on the [State Water Board Irrigated Lands Regulatory Program](#) website.

### **STATE WATER BOARD**

On December 4, 2014, Irrigated Lands Regulatory Program (ILRP) staff participated in a meeting with the Farm Food Safety Conservation Network (FFSCN) planning committee. The meeting was to determine the future direction that the FFSCN should go; or, if the FFSCN should disband. The planning committee decided that the FFSCN should continue its mission but revise its method of communication and advancing its mission. The [FFSCN mission statement](#) can be found on the AWQA website.

On December 4, 2014, ILRP and DWQ management staff participated in a California Roundtable on Agriculture and the Environment (CRAE) meeting. The meeting topic was "Big Data: What it means for agriculture and the environment." The intent of the meeting was to discuss: What is the definition of big data in the context of California agriculture and the environment; Identify how big data approaches are being used in the public and private sectors to manage ag and natural resources; Explore ownership and privacy implications of big data in ag and natural resources; Identify concerns, opportunities, and common ground that CRAE members have around big data; and the completion of year-end CRAE evaluation by members.

On December 10, 2014, ILRP staff participated in a meeting with CalRecycle and UCD staff. Meeting was to discuss the results of a UCD pilot project regarding green waste tillage on agricultural land as a soil amendment.

On December 11, 2014, ILRP staff participated in a meeting hosted by CalRecycle Organics Touch Base group. Topics of discussion included: Organics Grants update; Proposed State Water Board Compost Order; Land Application Research Update; Mandatory Organic Commercial Legislation, AB 1826; Green waste ADC phase out, AB 1594; Polyphagous Shot Hole Borer beetle: request by Temecula growers for a green waste land application ban in Riverside Co; Regulatory Revisions to Title 14 and 27

On December 12, 2014, ILRP staff participated in a conference call with staff from

NPS, EPA Region 9, Region 3, and an agricultural working group to discuss a proposed pilot project. The pilot project is grower driven and is intended to be developed in a watershed approach to comply with the Region 3 agricultural Order. The grower group is proposing that the Regional Board consider some regulatory relieve for the successful implementation of the project if water quality improvement can be achieved.

On December 16, 2014, ILRP staff participated in a joint meeting with CDFA staff. The meeting is part of ongoing efforts to advance partnership between our agencies as required by the State Water Board/CDFA MOU. Topics of discussion included: Introduction Updates; FREP's research priority topics for 2015; Current and future demonstration projects.

On December 18, 2014, ILRP coordinators participated in the quarterly ILRP Roundtable. Roundtable discussion topics included: Regional Board ILRP coordinator updates on their respective programs; Agricultural Expert Panel Report; SBX2 1 Risk area mapping; GeoTracker Presentation; ILRP Information Management Solution Project; SWAMP update; ILRP Fee Schedule alternatives; DMG/AEO Regional Board ILRP Issues.

## **CENTRAL VALLEY REGION**

### **Waste Discharge Requirements (WDRs) Development:**

#### **Grasslands Bypass Project/Grassland Drainage Area**

On October 31, 2014, an administrative draft WDR and MRP for discharges to groundwater for growers in the Grassland Drainage Area was released for public comment. Written comments will be accepted until December 1, 2014. A public workshop will be held during the February 5-6, 2015 Central Valley Regional Water Quality Control Board (Regional Water Board) meeting.

On September 19, 2014, a conference call was arranged between representatives of the Grassland Area Farmers and the U.S. Bureau of Reclamation to discuss the proposed schedule for the waste discharge requirements (WDRs) and monitoring and reporting programs (MRPs) for the Grassland Bypass Project and the Grassland Drainage Area. Issues discussed included reporting schedules and board presentations.

#### **Sacramento River Watershed WDR**

On June 4, 2014, the Executive Officer issued a Conditional Notice of Applicability and conditional approval of the Northern California Water Association (NCWA) to serve as the third-party group under Order R5-2014-0030. The conditional approval required submittal of an addendum containing additional documentation related to organizational governance and accountability to complete the NCWA's application. An addendum was submitted by NCWA on June 27, 2014, which partially met the requested documentation. On August 12, 2014, the Executive Officer issued a

Request for Supplemental Information from NCWA, which is due by September 12, 2014 and must include 1) the methods by which summaries of fees and revenues are readily available to Members, and 2) copies of bylaws of the subsidiary organizations and copies of agreements between collaborating organizations. NCWA submitted supplemental information on September 12, 2014; however, the submittal did not include the requested information and the Executive Officer issued a Failure to Provide Supplemental Information, requesting that complete information be submitted by October 27, 2014. Regional Water Board staff discussion of the request with NCWA is underway.

On October 30, 2014, the Executive Officer issued the final Farm Evaluation Template and final Managed Wetland Evaluation Template to the Coalition. The Farm Evaluation Template must be used by Members with irrigated agriculture operations to report on practices that protect water quality. The Managed Wetland Evaluation Template is for Members who are wetlands managers in the Coalition. Wetlands managers must use the template to report practices in managed wetlands in lieu of submitting the Farm Evaluation Template.

#### Tulare Lake Basin WDRs

On October 8, 2014, Regional Water Board staff released tentative waste discharge requirements proposing revisions to Waste Discharge Requirements General Order No. R5- 2013-0120 for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group (TLBA General Order). The proposed revisions to the TLBA General Order allows additional time for owners and operators of managed wetlands to obtain membership in an applicable third-party group and modifies the existing time schedule for submission of the Farm Evaluations and Nutrient Management Plans. The deadline for the submission of written comments on the proposed revisions was November 7, 2014.

#### **State Water Resources Control Board Agricultural Expert Panel:**

The State Water Board's Agricultural Expert Panel released their final report and recommendations on September 9, 2014 and presented it to the State Water Board at the State Water Board's meeting on September 23, 2014. The [final report](#) is available on the Water Board website.

#### **Compliance and Outreach:**

##### East San Joaquin and West San Joaquin Agricultural Parcel Inspections

In October 2014, Regional Water Board staff inspected 183 parcels in the East San Joaquin River Watershed. Also, in October 2014, Regional Water Board staff inspections began in the Western San Joaquin River Watershed area, with 20 inspections completed. The purpose of these inspections is to determine if the parcels are commercial irrigated lands that require coverage under the East San Joaquin River Watershed General Order, or the Western San Joaquin River Watershed General Order. Data gathered during these inspections will be used to focus and prioritize the issuance of 13260 directives to commercial irrigated lands that are not covered by the applicable Irrigated Lands General Order.

### *Tulare Lake Basin Agricultural Parcel Inspections*

In September and October 2014, Regional Water Board staff inspected 52 parcels in the Kings River Water Quality Coalition area and 50 parcels in the Tule Basin Water Quality Coalition area. Information gathered during the inspections was used to determine which parcels require coverage under the applicable Tulare Lake Basin General Order.

### *East San Joaquin Water Code section 13260 Directives*

In early November 2014, Regional Water Board staff mailed 22 Directives to landowners who were determined to own irrigated agriculture. Landowners in the Eastern San Joaquin River Watershed whose parcels are used for commercial irrigated lands (as determined by Regional Water Board staff inspections) are being mailed the directives that require the recipients to submit proof of coalition membership or a Notice of Intent to get regulatory coverage.

### *Tulare Lake Basin Water Code section 13260 Directives*

In October 2014, Regional Water Board staff issued 14 Directives to growers in the Kings River Water Quality Coalition area, and 17 Directives to growers in the Tule Basin Water Quality Coalition area. These directives were sent based on Regional Water Board staff inspections which confirmed the presence of irrigated agricultural operations. The recipients are required to obtain regulatory coverage for the identified parcels within 15 days of receipt of the Directive.

### *Final Notice Letters to Sacramento Valley Growers*

In September 2014, Regional Water Board staff mailed 5,472 final notice letters to likely owners of irrigated lands in the Sacramento Valley Water Quality Coalition area. The letters advised owners of irrigated lands to join the Coalition before the October 2, 2014 open enrollment deadline. After this deadline, new Coalition members must submit a Notice of Intent and processing fee to the Central Valley Water Board in addition to applying to join the Coalition.

Regional Water Board staff is working with Sacramento Valley Water Quality Coalition representatives to determine landowner response to the outreach letters. Follow up outreach to these landowners is pending response results.

### *Letters to Tulare Lake Basin Area Growers*

Since the last Executive Officer report, 202 outreach letters were issued throughout the Tulare Lake Basin Area informing potential owners of irrigated agricultural lands that new water quality regulations have been adopted. The letters were sent to landowners whose original outreach letters were returned as undeliverable. Regional Water Board staff updated the mailing addresses using alternative sources of information and reissued the outreach letters.

### *Enforcement*

On August 28, 2014, the Assistant Executive Officer of the Central Valley Water Board

issued a proposed settlement agreement (Stipulated Order) between the Central Valley Water Board Prosecution Team and David L. and Linda M. Davis Trust (Davis Trust). The settlement is for an Administrative Civil Liability Complaint (Complaint) issued to Davis Trust for failure to respond to a 13260 Directive to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

The Central Valley Water Board's Advisory Team has determined that, because of its precedential nature, the Davis Trust Stipulated Order should be considered by the Board. Consideration of this Order is therefore tentatively scheduled as an agenda item for the December 2014 Board hearing.

On September 12, 2014, the Assistant Executive Officer of the Central Valley Water Board issued an Administrative Civil Liability (ACL) Complaint to Larry W. and Shireen I. Slate (Slate) for failure to respond to a 13260 Directive to obtain regulatory coverage under the Irrigated Lands Regulatory Program. Because the Slate enforcement case is like Davis Trust's, the Slate ACL Complaint is also tentatively scheduled as an agenda item for the December 2014 Board hearing.

#### **Coalition Groups:**

##### *East San Joaquin Water Quality Coalition*

Based on discussions with staff regarding the Coalition's Sediment Discharge and Erosion Assessment Report (SDEAR), the Coalition submitted a revised approach for the SDEAR on August 15, 2014. To address additional Regional Water Board staff questions, a meeting will be scheduled with Coalition, Regional Water Board, and Natural Resource Conservation Service (NRCS) staff to discuss an appropriate threshold to be used when evaluating sediment erosion rates.

On September 26, 2014, the Executive Officer approved the Coalition request for extension of the sixth priority Management Plan Performance Goals, specifically for Performance Measures 2.1 and 2.2, which involve obtaining management practice surveys from targeted growers. The approved extension will not affect the subsequent Management Plan milestones.

##### *Sacramento Valley Water Quality Coalition (SVWQC)*

On August 1, 2014, the Sacramento Valley Water Quality Coalition (Coalition) submitted their surface water Monitoring Plan Update (MPU) for the 2015 water year. Per the WDR Order, the MPU provides a comprehensive monitoring schedule, including representative sites, special study sites, parameters and frequency of monitoring. Based on Regional Water Board staff review, additions were made to the MPU for clarification. Regional Water Board staff review of the revised MPU is underway.

On September 2, 2014, the Coalition submitted a Groundwater Assessment Report (GAR) Outline, per requirements of the WDR Order. Regional Water Board staff review is currently underway. The GAR determines high and low vulnerability areas, establishes priorities within high vulnerability areas, and provides a basis for further

workplan and management plan requirements. The Final GAR is due on June 4, 2015.

#### *San Joaquin County and Delta Water Quality Coalition*

On September 26, 2014, Regional Water Board staff and the San Joaquin County and Delta Water Quality Coalition held a meeting discussing the August 1, 2014 Monitoring Plan Update. As a result, the Coalition provided a revised Monitoring Plan Update on October 7, 2014. Regional Water Board staff review of the revised MPU is underway.

On October 13, 2014, the Executive Officer approved the July 23, 2014 San Joaquin County and Delta Water Quality Coalition's Groundwater Assessment Report outline. The proposed outline was submitted as required by the Order. The GAR is due to the Board by April 25, 2015.

#### *Tulare Lake Basin Area Third-party Groups*

On October 1, 2014, Regional Water Board staff met with coalition leads in Farmersville to discuss the proposed farm evaluation template.

#### *Western Tulare Lake Basin Area Third-Party Group*

At the request of the Westlands Water Quality Coalition (Coalition), Regional Water Board staff met with representatives of the Coalition to discuss possible revisions to the Western Tulare Lake Basin Area (WTLBA) Order on October 16, 2014. Revisions to the WTLBA Order may be needed to address conflicts regarding designation of high and low vulnerability areas and the deadlines for submission of the Farm Evaluation and Nitrogen Management Plans.

#### **Data Management:**

Data reports received in September 2014 for the 2nd quarter are currently being processed and loaded into the California Environmental Data Exchange Network (CEDEN) comparable database provided by the Central Valley Regional Data Center (CV RDC). Delays with CEDEN's templates have pushed the release of public data to late December.

Regional Water Board staff is currently processing the Westside San Joaquin Watershed Coalition data. Delays have occurred due to staff transitions. Once complete, these sets will complement the existing data on CEDEN, providing all the data submitted by the Coalition since program inception. The current goal is to complete and load the Westside San Joaquin River Watershed Coalition data to CEDEN by end of December 2014.

On October 10, 2014, Regional Water Board staff rejected Buena Vista's second quarter 2014 chemistry electronic data submittal based on the Central Valley Water Board's data management team review. The data submittal will require revisions before the Data Management Team can accept and continue the data package review.

In August of 2013, CEDEN released the most updated and consolidated version of their electronic data templates to Regional Water Board staff. Over the course of late 2014 and into early 2015, the ILRP will be transitioning to the use of these new CEDEN templates for Excel based data submissions from Coalitions. This transition will assist all parties in better maintaining comparability and efficient use of resources. Delays within CEDEN have pushed the next communication for late December 2014 and should provide an update on the status of the online tool, an updated webpage with links to the new templates and resources as well as provide a revised schedule for the transition.

#### **Managed Wetlands Workgroup:**

During the WDR Order adoption hearings for the Long-term ILRP, the Regional Water Board directed the Executive Officer and staff to address issues raised by wetlands managers. Following an initial meeting with the Executive Officer, a work group consisting of representatives from public and private managed wetlands formed to address concerns about the applicability of the ILRP framework for regulating discharges from managed wetlands. Following a meeting on March 19, 2014, the workgroup developed a preliminary list of desirable outcomes for a managed wetlands regulatory framework. During a meeting held on July 31, 2014, the Managed Wetlands Workgroup began discussing potential regulatory options. The key concerns expressed were the effects of regulatory program costs on the ability of wetlands managers to optimize wetland habitat and the lack of benefits to their programs under the current program. During meetings held on September 16 and October 20, 2014, the Workgroup discussed conducting a preliminary evaluation of existing water quality information as it relates to managed wetlands and reviewed a conceptual framework for elements of a wetlands-specific Order. Various regulatory options for managed wetlands are still under consideration.

#### **Rice Pesticides Program:**

On October 13, 2014, Regional Water Board staff met with the California Rice Commission (CRC) and Rice Pesticides Program (RPP) stakeholders in a meeting to discuss thiobencarb monitoring results for the 2014 season. RPP stakeholder's presentation included the representatives from the California Department of Pesticide Regulation, the cities of Sacramento and West Sacramento, and consultants. In their annual summary report, the CRC will identify management practices to address exceedances of the thiobencarb performance goal during 2014.

#### **Pesticide Evaluation Advisory Workgroup:**

The Waste Discharge Requirements for irrigated lands include requirements to monitor pesticides in surface water, which are to be identified as part of a process by Regional Water Board staff with input from qualified scientists and in coordination with the California Department of Pesticide Regulation (DPR). A Pesticide Evaluation Advisory Workgroup was formed, and meetings were held on July 9, August 5, September 25, and October 16, 2014. The Workgroup has reviewed pesticide monitoring prioritization efforts developed by other entities and incorporated elements into a preliminary

pesticides' prioritization process. Detailed discussion of the process will continue in the next meeting scheduled on December 16, 2014. [Additional Workgroup information](#) is available on the Region 5 website.