

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

**June 2011**

This month's Irrigated Lands Regulatory Program (ILRP) report covers the June 2011 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 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**

Staff of the North Coast Regional Water Quality Control Board are developing a water quality compliance program to address discharges from irrigated lands. The program is intended to satisfy the requirements of the State Nonpoint Source Policy and implement TMDL in the North Coast Region.

Regional Water Board staff have contracted with the Center for Collaborative Policy (CCP) out of Sacramento State University to assist with stakeholder involvement throughout the development of the program. The initial steps in the stakeholder strategy are as follows:

- Discuss program development concepts with key stakeholders;
- Survey stakeholders to gauge interest in participating in program development, likely via a stakeholder advisory group;
- Develop mailing list and distribute outreach materials;
- Create stakeholder advisory group(s), which may be multiple geographically-based or commodity-based focus groups throughout the region or, alternatively, one large group of 50 or fewer stakeholders; and
- Initiate workgroup process and draft a working group charter.

Staff and CCP are beginning to initiate outreach to stakeholders. Staff have developed talking points about the program and have also compiled a list of stakeholders. Staff and CCP are beginning to contact stakeholders on the list to inform them of the development of the irrigated lands discharge program and to gather information about agriculture in their area. After some initial scoping, CCP will develop a written stakeholder survey that will be sent out to further refine the list of interested parties and to explore relevant water quality and/or political issues around the region. After the result of the survey are evaluated, CCP and Regional Board staff will contact stakeholders interested in participating the stakeholder workgroup(s) that will provide a forum for input on the development of the program. This initial outreach phase will continue through the summer of 2011 with the first stakeholder advisory group meetings planned to begin before the end of 2011.

## SAN FRANCISCO BAY REGION

### **Overview:**

Region 2 staff is currently developing a Vineyard Waiver to require that effective management practices be implemented to control human-caused discharges of pollutants from vineyard facilities. Potential pollutants from vineyard facilities include sediment, erosive forces (that cause excessive erosion and sedimentation), heat (human-caused effects on channel or riparian conditions that may cause increases to stream temperature), nutrients, pesticides, and pathogens. The Vineyard Waiver would cover existing vineyards, vineyard undergoing replanting programs, as well as new vineyard development. Preliminary estimates indicate the Vineyard Waiver will affect at least 42,000 acres of planted vineyards.

### **Stakeholder Outreach:**

The stakeholder outreach plan includes multiple phases, including formation of a Technical Advisory Committee (TAC), as well as a broader Stakeholder Advisory Group (SAG). The mission of the TAC is to vet focused technical issues with local experts, while the SAG will cover a broader suite of issues, including implementation and policy. Staff has held two meetings with the TAC, which has resulted in important refinements and clarifications to the working draft Vineyard Waiver.

On June 10, staff held the first SAG meeting at the Napa County Flood and Conservation District conference room. The goals of the SAG process are as follows:

- Exchange information;
- Make improvements and refinements to the Vineyard Waiver;
- Discuss and encourage third-party and technical assistance programs;
- Discuss ways to streamline the process and avoid conflicts with local requirements or necessary growing practices; and
- Improve implementation of (and compliance with) the Vineyard Waiver.

Approximately 20 stakeholders representing growers, local government, environmental groups, and other interests attended. The meeting was very productive, and several key issues were discussed, including:

- Benefits to the grower, of enrolling in the Vineyard Waiver program;
- Definition of several terms including sensitive species, streams, and heat as a pollutant;
- Reporting requirements; and
- Monitoring (i.e. how will people know that the program is improving stream conditions).

Staff is considering the comments received and anticipates scheduling the second SAG meeting later this summer.

## CENTRAL COAST REGION

### **Agricultural Order Renewal:**

At the May 4, 2011 Board Meeting, the Central Coast Water Board conducted a panel hearing on the Updated Conditional Waiver of Waste Discharge Requirements for Irrigated Agricultural Waste Discharges, Draft Agricultural Order No. R3- 2011-0006 (Draft Agricultural Order), since the Water Board did not have a quorum for this agenda item. Central Coast Water Board staff recommended that the Board adopt the Draft Agricultural Order, with some changes to the version that was presented at the March 17, 2011 Board Meeting. The Water Board did not vote on the Draft Agricultural Order.

The Water Board decided to allow new information into the record for the Draft Agricultural Order. This information was provided by agricultural industry representatives at both the March 17, 2011 and May 4, 2011 Board meetings, after the close of public comment period for the Draft Agricultural Order. The Board also instructed staff to evaluate and compare the new information and the Draft Agricultural Order and staff's proposed changes and present the results of the evaluation and comparison in a subsequent staff report to the Water Board for the September 1, 2011 Board meeting. The staff report for the September Board Meeting will be available in July 2011.

### **Agricultural Water Quality Grant Project Completion: Demonstrating Best Management Practices for Coastal Vegetable Production (PG&E Grant #2009-0179):**

Consistent with the Central Coast Water Board's Vision of Healthy Watersheds, the Grants Program has prioritized agricultural water quality grant projects that effectively implement irrigation and nutrient management practices. Researchers at the University of California Cooperative Extension (UCCE) have successfully completed an agricultural water quality grant that demonstrated the implementation of efficient irrigation and nutrient management practices for coastal vegetable production in Monterey County. The results of this grant project demonstrated that total fertilizer application can be reduced substantially with minimal risk of reduced yield or quality for the lettuce crop. Furthermore, the results clearly show that reducing or eliminating early season nitrogen (N) fertilizer application can significantly reduce nitrogen loading rates. The results from this grant project indicate that participating growers used widely varying amounts of N fertilizer, seasonal N rates applications ranging from 76 to 233 lb/acre, averaging 134 lb/acre. In addition, the results of this grant project demonstrated that total fertilizer application could be reduced substantially (by 54% on average) in lettuce fields with high residual soil nitrate and that such fields can be identified simply by testing soil residual N using pre-sidedress soil nitrate testing (PSNT). The results clearly show that reducing or eliminating early season N application in fields with high residual soil NO<sub>3</sub>-N can significantly reduce N loading rates with minimal risk of reduced lettuce yield or quality.

## 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. Growers in the Region are represented by two discharger groups: the Los Angeles Irrigated Lands Group (LA-ILG) and the Ventura County Agriculture Irrigated Lands Group (VCAILG). Staff received notices of intent, monitoring and reporting plans, and quality assurance project plans from the discharger groups by the April 7, 2011 deadline. The notices of intent included the list of enrollees in each discharger group. Staff is currently reviewing these enrollment documents and will be issuing notices of applicability shortly. Once staff issues notices of applicability, the groups must begin monitoring under the monitoring and reporting plan. Annual reports are due within one year of the notice of applicability. Based on the results of monitoring, discharger groups must submit water quality management plans. The discharger groups are currently complying with the existing water quality management plans that they developed in accordance with the previous waiver.

Staff is also working with LA-ILG to continue to enroll individual growers into their discharger group. Even though staff sent notices to enroll and held workshops prior to the enrollment deadline, there are still numerous growers who have not enrolled in the program or responded to request exemption. Staff has sent follow up notices to these growers and has been responding to hundreds of calls to determine applicability of the Conditional Waiver growers and to encourage enrollment in the program as needed. The success of the program in Los Angeles County is largely dependent on the number of enrollees in the discharger group and staff will continue to work with LA-ILG to increase enrollment.

### **Education Workshops:**

VCAILG is planning eight workshops in June and July 2011 to educate growers and to increase implementation of BMPs. Staff is having ongoing meetings with VCAILG to discuss these workshops and will be presenting an overview of regulatory requirements at four of the workshops. The workshops will take place in 4 watersheds in Ventura County and will focus on watershed-specific water quality impairments and required BMPs. The workshops will count towards four of the eight hours of required education. VCAILG intends to follow up the watershed-specific workshops with crop-specific courses and field tours.

### **Enforcement:**

Enforcement is important to ensure equitable application of the Conditional Waiver and to encourage enrollment.

The Regional Board will consider a complaint at the July Board Hearing to assess administrative civil liability against Balcom Ranch for failure to enroll in the Conditional

Waiver or, alternatively, for failure to submit a report of waste discharge, when so requested by the Regional Board. A hearing was held before a panel of the Regional Board on March 17, 2011. The Hearing Panel will provide a report to the full Board and recommend a penalty in the amount of \$180,500 in this matter.

**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 also working to negotiate a final grant agreement for Proposition 84 funding for a mobile irrigation laboratory to improve irrigation efficiency on farms in Ventura County. It is expected that the grant will be finalized in June 2011. The grant will be overseen by the Ventura County Resource Conservation District (RCD). Under the proposed grant, RCD staff would travel to farms, evaluate irrigation efficiency, recommend improvements, and provide cost share funding to implement the recommended improvements. The goal of the grant is to reduce dry-weather loading of agriculture-related pollutants.

## **COLORADO RIVER BASIN REGION**

**Imperial Valley Pesticide TMDL:**

Region 7 is developing a TMDL to address Alamo and New Rivers impairments of the current use of the pesticides Chlorpyrifos and Diazinon. The TMDL may be taken to the Regional Board for adoption in November 2011.

**Imperial Valley Sediment TMDLs:**

Assistant Executive Officer Jose Angel participated in several Imperial County Farm Bureau annual drain-shed meetings throughout Imperial County in May and June 2011. Grower participation in the TMDL program is voluntary, however nearly all farmers in Imperial Valley participate because it offers growers and landowners a straightforward path to compliance with the mandatory TMDL regulation. Farmers implement a variety of Best Management Practices (BMPs) to reduce silt and mineral runoff on their own farms, and maintain a record of their efforts, and attend annual meetings to keep up-to-date and share information relating to BMPs and TMDL management on their farms.

**Palo Verde (PV) Agricultural (Ag) Discharge Prohibition:**

The Palo Verde Ag Prohibition was adopted by the Regional Board on January 20, 2011. RB staff are currently completing actions needed to bring the amendment before the State Water Board. 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 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.

Regional Board has developed a "CWAD Program Advisory Group" which consists of about 15 members including agricultural farmers, local growers, industry groups, and major stake-holders, etc.

Regional Board staff has recently updated the CWAD program draft schedule which contained major milestones. The draft schedule included initiation of the CEQA process, initial study, and CEQA process leading to the CEQA checklist, internal review, and CEQA Negative Declaration Determination. Advisory Group review of the CWAD waiver requirements and internal review process will be taking place soon.

The Regional Board holds regular quarterly meetings with CWAD program Advisory Group and in these meetings group members' feedback on CWAD program development is sought. The Regional Board staff anticipates these meetings will lead to adoption of the waiver requirements, sometime in the second quarter of the year 2012.

The next CWAD Program Advisory Group meeting is to be held on July 28, 2011, at the Riverside County Farm Bureau office. Regional Board staff will solicit the advisory group's consensus on choosing specific conditions and prohibitions on application of fertilizers and herbicides during the wet season in view of flooding situation in the project area during and after the rain events. The listed action items and proposed topics for the next meeting are scheduled to be discussed along with the action items

from the previous CWAD Advisory Group (April 18, 2011) meeting are as follows:

- Coalition forming, monitoring program and pollutants trading project-by WRCAC staff;
- Wet season and flooding season clarification-by Riverside County Flood Control staff;
- CWAD program schedule updates;
- CEQA Negative Declaration Initial Study Checklist;
- Manure application prohibition in the project area based on the high TDS levels in local groundwater;
- Resolution by Western Riverside County Agricultural Coalition (WRCAC) Board to Support its lead role in the CWAD program; and
- CWAD Program Cost Analysis Study.

## **SAN DIEGO REGION**

### **Enrollment in Conditional Ag Waiver:**

Approximately 2,500 growers have enrolled in Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations (Ag Waiver). Almost all these growers have joined a monitoring group. The monitoring groups are the following:

- Boyer Ranch Monitoring Group;
- Hines Nurseries Monitoring Group;
- Rancho Estates Mutual Water Co. Irrigated Lands Group;
- San Diego Region Irrigated Lands Group;
- San Mateo Irrigated Lands Group; and
- Upper Santa Margarita Irrigated Lands Group.

Based on comparison with information from the Assessor's Office of San Diego and Riverside Counties there are approximately 5,000 properties listed as agricultural that have not enrolled in the Ag Waiver.

### **Letters to Owners:**

In mid-July 2011, letters will be sent to owners of agriculturally zoned properties who have not enrolled in the Ag Waiver. The letter will include a tri-fold brochure describing the requirements of the Ag Waiver and a form to be completed and returned to the San Diego Water Board. The information requested in the form will allow us to decide if the property owner is exempt from the requirements of the Ag Waiver, or if they need to enroll. If they need to enroll the property owner must provide documentation of enrollment or when they will enroll.

### **Notification Letters to Elected Officials:**

On July 5, 2011, letters will be sent to elected officials whose districts are within the San Diego Region to notify them of the letters being sent to non-filers. The letters to be sent to 26 County Supervisors, State Senators, and State Assembly members will include all the documents sent to the non-filers and an expanded FAQ sheet. It is anticipated that the recipients of the letters will contact their elected officials to obtain

additional information and/or express their opinions regarding the letters. The information provided to the elected officials will assist them with responding to constituents' concerns.

**Outreach:**

The San Diego Regional Board Irrigated Lands Program met with the Upper Santa Margarita Irrigated Lands Group to discuss the monitoring requirements of the Ag Waiver. The discussion included guidance for selecting monitoring points, the use of Nutrient Numerical Endpoint tests, bioassessment, and which chemical and physical monitoring parameters should be used.

**Five-Year Waiver Review:**

An internal meeting was held to discuss the five-year waiver review for the Ag Waiver. The Ag Waiver needs to be either renewed or replaced no later than February 2014. In addition to discussing scheduling and timing of the review process various changes to the Ag Waiver were discussed. Possible changes to the Ag Waiver include:

- Including a fee for enrollment in the waiver;
- Using a tiered fee schedule and requirements based on crop type, agricultural methods, acres under cultivation, and volume of irrigation applied to crops;
- Requiring a single monitoring group to oversee the monitoring and reporting;
- Changes to the definition of a Commercial Grower that incorporates crop type, agricultural methods, acres under cultivation, and volume of irrigation applied to crops; and
- The use of a “web-based” system for enrollment, submitting monitoring reports, and tracking compliance with self-assessments and education requirements.

**Amendment to Ag Waiver:**

The Amendment to define “Commercial Grower” will be heard at the August 16, 2011 State Board meeting.