

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **June 2013**

This month's Irrigated Lands Regulatory Program (ILRP) report covers the month of June 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. Regional Water Board staff is currently working on drafting key components of the program for review and comment by the Stakeholder Advisory Group (Group) this coming summer. The next meeting of the Group is scheduled for September 2013. Regional Water Board staff will receive input from the Group and present an update to the North Coast Regional Board at the October 2013 Board meeting.

Starting in the summer of 2013, Regional Water Board staff will conduct baseline monitoring of water bodies in the lower Smith River basin to assess runoff from Easter lily bulb farms. The monitoring is part of the Surface Water Ambient Monitoring Program (SWAMP) and will be used to provide information on the effectiveness of the Agricultural Lands Program and current management practices.

### **SAN FRANCISCO BAY REGION**

The San Francisco Regional Water Board is developing waste discharge requirements (WDRs) for vineyard operations located in the Napa River and Sonoma Creek watersheds. Momentum on this project slowed following the departure of Sandi Potter, the lead staff tasked with working on the Order. The Regional Water Board is in the process of backfilling the position. Regional Water Board staff has decided to shift from consideration of a Conditional Waiver to General WDRs. Regional Water Board staff are also considering preparation of an Environmental Impact Report (EIR) rather than a mitigated negative declaration (MND) due to the significant number of comments received. Regional Water Board staff requested and is expecting to receive some minimal contract funding to support CEQA analyses.

Meanwhile, on May 21, 2013, at the request of a group of Napa River watershed stakeholders, Regional Water Board staff coordinated a meeting between Board chair

and vice-chair, John Muller and Dr. Young, Regional Water Board staff, and watershed stakeholders (grape growers, County representatives and other interest groups) to discuss the general status and timeline for the revised Order.

Issues discussed, and concerns expressed, generally revolved around the scope of the Order with respect to actions already taken by vineyard owners to address discharges, observed improvement in the Napa River water quality, vineyard roads and rural roads in general as sources of sediment, the geographic extent of the Order (facility vs. property), distinguishing owners from operators and allowing for each entity to comply separately, and recognition of third party programs.

Sonoma Creek watershed stakeholders and interest groups have similarly requested to meet with Regional Water Board staff to get a status update on the Order. Napa stakeholders have requested a second meeting with Regional Water Board members that would be a field tour. We are in the process of coordinating these stakeholder sessions.

## **CENTRAL COAST REGION**

This information is taken from a May 30-31, 2013 Central Coast Regional Water Quality Control Board staff report. The staff report was to update the Central Coast Regional Water Quality Control Board regarding implementation of the Agricultural Order R3-2012-0011, specifically an update on activities related to cooperative groundwater monitoring requirements. In addition, this Regional Water Board Regional Water Board staff report also summarizes recent Regional Water Board staff efforts to conduct outreach and education related to the Agricultural Regulatory Program.

### **Status of Cooperative Groundwater Monitoring Programs:**

The Agricultural Order and MRP were adopted on March 15, 2012 and provides growers with the option to conduct cooperative groundwater monitoring or individual groundwater monitoring. For growers who chose to comply with cooperative groundwater monitoring requirements, the Agricultural Order and MRP provided for 12 months to submit a cooperative groundwater monitoring program for Executive Officer approval. At a minimum, cooperative groundwater monitoring programs must include enough monitoring to characterize the groundwater in the local area of the participating growers, characterize the groundwater quality of the uppermost aquifer, and identify and evaluate groundwater used for domestic drinking water purposes. Adequate monitoring, which characterizes groundwater quality of the uppermost aquifer, and especially groundwater used for domestic drinking water purposes, is critical to both comply with the Agricultural Order and to resolve the severe water quality conditions in agricultural areas of the Central Coast region and significant threat to human health. As discussed at the March 14-15 Board Meeting, Regional Water Board staff received the following four cooperative groundwater monitoring program proposals by the March 15, 2013 due date:

1. Northern Central Coast Cooperative Groundwater Program;

2. Cooperative Groundwater Monitoring Program for Irrigated Lands in Southern Region;
3. Cooperative Groundwater Monitoring Plan for the Morro Valley Hydrogeologic Basin; and
4. Cooperative Groundwater Monitoring Plan Santa Rosa Creek Valley, Cambria, CA.

The [review process and schedule and a copy of the program proposals](#) are available on the Water Board's website.

Regional Water Board staff reviewed the program proposals using specific evaluation criteria developed to compare the program proposals against the minimum requirements contained in the MRP, to evaluate the institutional capacity for the proposed programs, and to ensure a consistent and thorough evaluation of all cooperative groundwater monitoring program proposals submitted to the Central Coast Water Board. Regional Water Board staff provided comments to the program proponents on April 17-18, 2013. Regional Water Board staff reviewed the Santa Rosa Creek cooperative groundwater monitoring program proposal and determined that it is approvable with some minor clarification. Regional Water Board staff found the other cooperative groundwater monitoring program proposals were unfinished or incomplete and did not meet the minimum requirements of the Agricultural Order and MRP. Furthermore, Regional Water Board staff found that the program proposals were not implementable. The proposals were plans to develop a plan without specific details for actual groundwater sampling (specific location, timeframe, or technical rationale). Regional Water Board staff determined that the most critical limitation of the program proposals was the lack of timely domestic drinking water well sampling and reporting.

Board Members and Regional Water Board staff met with the program proponents on April 26, 2013 to discuss Regional Water Board staff's comments and potential options to respond to the Water Board's comments, to confirm the approval schedule and next steps.

For the Executive Officer to consider approval of the proposed cooperative groundwater monitoring programs, proponents were requested to submit a revised program proposal and cover letter that describes how the revisions respond to Water Board comments by May 31, 2013. As the due date falls on the day of the May 31, 2013 Board Meeting, Regional Water Board staff will have limited time to review the proposals ahead of the Board Meeting and will not have sufficient time to determine whether or not the revised program proposals meet the requirements of the Agricultural Order and MRP and are responsive to Regional Water Board staff's comments.

The Executive Officer will inform the proponents of the status of their program approval by June 21, 2013. If the Executive Officer approves a cooperative groundwater monitoring program, the Water Board will notify growers in the program area who elected cooperative groundwater monitoring. The Water Board will notify

growers who elected individual monitoring that they have a specified amount of time to enroll in the cooperative groundwater monitoring program. If the Executive Officer does not approve a program, then growers who elected to participate in that program must conduct the individual groundwater monitoring requirements in Part 2 of the MRP.

**Outreach:**

Water Board Regional Water Board staff continues to participate in grower outreach events and stakeholder meetings, to interact with growers and other stakeholders and receive feedback on implementation of the Agricultural Order. Regional Water Board staff attended the World Ag Expo in Tulare in February 2013. Additionally, Regional Water Board staff made a presentation to Spanish speaking growers at the Monterey Ag Expo in Salinas on March 19, 2013 and made a presentation to the Paso Robles Wine Country Alliance on March 27, 2013. Regional Water Board staff also participated in the Spring Area Meeting of the Central Coast Region Resource Conservation Districts (RCDs) on April 24, 2013.

Regional Water Board staff aided State Board Deputy Division Chief who participated in a Joint Legislative Hearing for the Senate Select Committee on California's Wine Industry and Assembly Select Committee on Wine, and Assembly Select Committee on Sustainable and Organic Agriculture on April 18, 2013 Sustainability Certifications.

The California Department of Food and Agriculture (CDFA) invited Central Coast Water Board Regional Water Board staff to participate 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 (CCAs) that they are developing in coordination with University of California Agriculture and Natural Resources (UCANR), and the California Certified Crop Advisors (CaCCA). This training and certification program will assist growers in achieving compliance with irrigation and nutrient management requirements. Regional Water Board staff will participate on the Ad Hoc committee. The first meeting was held on April 25, 2013.

The Regional Water Board Executive Officer and Regional Water Board staff met with Undersecretary of CDFA and CDFA staff on May 1, 2013, so both agencies could exchange status of current activities related to agricultural regulation and water quality improvement. CDFA staff is coordinating with State Water Board staff to develop a process to create a Task Force that will develop a recommendation to the California Legislature on nitrogen tracking, monitoring and reporting. State and Regional Water Board staff encouraged CDFA staff to comment on the industry-developed nitrogen tracking and reporting form that Regional Water Board staff is providing to growers (for optional use) to comply with nitrogen reporting requirements in the Agricultural Order. CDFA staff indicated that they are progressing with development of the training and certification program and will seek additional input from members of the Ad Hoc committee. Regional Water Board staff informed CDFA staff that the Regional Water Board staff is notifying growers

who report high levels of nitrate in their private domestic drinking water wells about nitrate health effects, about the need to alert anyone drinking the water and the need to provide treatment or an alternative source of water.

Regional Water Board Executive Officer and Regional Water Board staff participated in a workshop to discuss the Pinto Lake water quality issues in Santa Cruz County on April 30, 2013. Regional Water Board staff will also attend the Strawberry Field Day on May 3, 2013 to meet with University of California farm advisors, professors, and representatives from the Santa Barbara Agricultural Commissioner's Office to discuss fumigant label changes, moisture and salinity distribution under drip irrigation, and other issues related to strawberry production and the environment.

On May 7, 2013, Regional Water Board Executive Officer and Regional Water Board staff met with Program Specialist from the Santa Cruz County Resource Conservation District, and with the Director of Restoration on Private Lands, Sustainable Conservation, to discuss their efforts working with agricultural industry leaders in the Pajaro Valley to develop a performance-based incentives project. This project focuses on developing efficient and effective ways to measure improvements to water quality and water conservation on farms, and to link public and private incentives to these measured environmental improvements.

Regional Water Board staff will participate in a Cal Poly Center for Sustainability training and panel presentation titled "Understanding and Testing Agricultural Nutrients" on May 17, 2013 in San Luis Obispo. The event will include discussion on state-of-the-art practices for testing soil and agricultural nutrients to achieve crop production and water quality protection.

On a day to day basis, Regional Water Board staff continues to work with growers to submit regulatory information using the Water Board's GeoTracker data management system and provide general assistance to help growers understand and achieve compliance with the Agricultural Order. These efforts have resulted in a growing number of farms and acreage enrolled in the program, and an increasing number of growers successfully reporting information to the Regional Water Board.

## **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. Regional Water Board staff is currently reviewing several documents submitted by VCAILG, including their 2012 Water Quality Monitoring Plan and their Bacteria Special Study updated Workplan.

**Enrollment:**

Regional Water Board staff sent out Notices of Violation to six growers in Los Angeles County and five growers in Ventura County on June 21. Several growers have contacted Regional Water Board staff to confirm that they will be enrolling in the Conditional Waiver. Regional Water Board staff will continue to conduct enforcement, as necessary.

Regional Water Board staff is currently involved in talks with the Los Angeles Department of Water and Power (DWP) and Southern California Edison (SCE) to enroll the nursery growers leasing DWP and SCE 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. Regional Water Board staff is continuing to coordinate with DWP to enroll these growers.

**GIS Database:**

Regional Water Board staff has been creating a geographically referenced database of data relevant to the Irrigated Lands Program in Region 4. Data includes water quality monitoring results and mailing addresses of Conditional Waiver program members and growers that are targeted for outreach/enforcement actions. In June, a new layer was created for BMP general locations and descriptions associated with a section 319(h) grant that funded implementation of management practices in the Calleguas Creek watershed. Regional Water Board staff intends to continue adding to this database using information collected from a management practice survey that was distributed to growers from 2009 to 2012.

**Education Workshops and Outreach:**

VCAILG provided four classes from May to June 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 2 hours to complete and has a quiz at the end to ensure that participants have absorbed the material. 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:**

Regional Water Board 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 Water Board 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 Regional Board staff and other stakeholders and has identified priority locations for BMP implementation along the San Gabriel River. The drought has negatively affected the project however, preventing collection of baseline copper data is imperative to assess the effectiveness of implemented BMPs. CWH recently requested an extension of one year to wait for rain to create enough runoff to collect samples. The request was approved by Regional Water Board staff and the request was sent to the Department of Finance on June 5, 2013.

### **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 May 2013, Palo Verde Irrigation District (PVID) began enrolling its Coalition Group's members farming over six acres in the compliance program. PVID held workshops for farmers on May 28 and 30, 2013 attended by Regional Water Board staff. The deadline for enrolling in the program is June 30, 2013. The water quality monitoring program will begin later this summer.

Board Order R7-2013-0002 for the Bard Unit of Reservation Division (Imperial County) Conditional Waiver was adopted on January 17, 2013. This Conditional Waiver affects about 7,000 acres of farmland along the Colorado River near Yuma, Arizona. Implementation will not begin until 2014.

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 was held 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. Regional Water Board staff toured the Coachella Valley Water District service area with CVWD board members and staff on May 22, 2013 to view the CVWD drainage system serving over 37,000 acres of farmland.

Staff is also beginning to work with interested parties in the Imperial Valley (over 450,000 acres of irrigated lands) to develop a Conditional Waiver of WDRs for consideration for adoption in 2014. Staff presented information on the compliance program at the Imperial County Farm Bureau's seven Drain-shed meetings in May and June at various locations throughout the valley. AEO Jose Angel, provided an informational update to the IID Board of Directors at its June 25, 2013 meeting on policy changes regarding the control of agricultural discharges, including the proposed

Conditional Waiver program.

**Grant Management:**

Staff is overseeing a \$900,000 Proposition 50/84 Agricultural Water Quality Grant Program project (Grant Agreement 09-351-557) titled the Precision Drain Cleaning BMP Plan. The grantee is the Imperial Irrigation District. The goal of the grant project is to reduce impacts of IID's dredging and maintenance operations throughout the over 1,300-mile drainage system by implementing a drain improvement program. Under the grant, IID staff will complete the following:

- Develop a protocol to classify, prioritize, and rectify substandard earthen drainage segments;
- Implement drain improvements as determined necessary;
- Implement a program to utilize vegetation (i.e., salt grass) as a drain erosion inhibitor; and
- Implement a GPS-guided drain cleaning program.

Staff has begun to manage a \$340,000 Clean Water Act section 319(h) grant which was executed for the purpose of completing the construction of treatment wetlands for diverted flow from the Alamo River in Imperial County where suspended solids, nitrogen, phosphate, and fecal coliform originating from agricultural lands will be removed through organic activities prior to being released back to the Alamo River on its journey to the Salton Sea (Grant Agreement 12-411-257). The grantee is the Desert Wildlife Unlimited.

**SANTA ANA REGION**

Santa Ana Regional Water Board staff is proposing that all operators of irrigated and dry-farmed lands over ten acres, 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. Regional Water Board staff is calling their program the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). Regional Water Board staff is developing the CWAD program in watershed-based approach. The first phase of the CWAD is being developed for waste discharges from agricultural operations located in the San Jacinto, Salt Creek, and Lake Elsinore Watersheds. The Santa Ana Regional Water Board adopted separate nutrient Total Maximum Daily Load's (TMDLs) for Canyon Lake and Lake Elsinore. The CWAD program is being designed to be part of the implementation program for these TMDLs.

Regional Water Board staff developed a "CWAD Program Advisory Group" (Advisory Group) which consists of about 20 members including agricultural farmers, local growers, industry groups, NGOs, and major stake-holders. A CWAD advisory group meeting was held on April 25, 2013. The following topics were discussed at the meeting:

- CWAD Program update on the revised CWAD Program schedule;



- Feedback from the Advisory Group regarding CWAD program agricultural activities, including farm operation categories and types, etc. (irrigated and non-irrigated operations);
- Specific issues related to excessive manure application, including illegal manure dumping in the watershed area. High TDS concentration in the groundwater basin were also discussed by the group members;
- The inclusion of to dry land farming in the CWAD program, and its pros and cons; and
- Information and discussion item presented by Ms. Tara Herrera, a local Nursery Consultant, regarding lesson learned and challenges faced by Region 4 in their Irrigated Lands Regulatory Program (ILRP).

Regional Water Board staff and management is reviewing a draft agricultural conditional waiver and draft CEQA Neg. Dec. First and second round of Regional Water Board in-house comments has been completed. Regional Water Board staff is incorporating comments into the agricultural conditional waiver order. Regional Water Board staff will provide the CWAD Advisory Group an opportunity to review the agricultural conditional waiver soon.

Regional Water Board staff has been attending Western Riverside County Agricultural Coalition (WRCAC) monthly technical committee meetings on a regular basis. WRCAC is a major stakeholder in CWAD program.

Next scheduled CWAD advisory group meeting is scheduled for Thursday, July 25, 2013, at 09:00 a.m. at Riverside County Farm Bureau's Office, located in Moreno Valley, CA.

## **SAN DIEGO REGION**

The San Diego Regional Water Board staff has continued to progress on several fronts related to our current conditional waiver of waste discharge requirements for discharges from Agricultural and Nursery operations (Ag Waiver). General tasks currently include: conducting inspections at randomly selected facilities to assess the level of Discharger familiarity with the waiver conditions; initiating the informal enforcement processes for noncompliance; and initiating the processes associated with renewing the Ag Waiver in 2014.

Regional Water Board staff developed a series of web pages to support the regional implementation of our Irrigated Lands Program

Regional Water Board staff also convened an Information Item for the San Diego Water Board members regarding water quality management training to support our Irrigated Lands Program. Many organizations provide information and/or assistance to our regional growers (i.e., County Farm Bureaus, Natural Resource Conservation Service, Resource Conservation Districts, University of California Cooperative

Extension [UCCE]). The UCCE staff was invited to speak about their water education course covering six water quality topics that alternate from year to year. UCCE staff informed our Board Members that a certificate of completion is provided in each class, and the tools for self-assessment and record keeping are available both in class and online, in addition to other grower resources to assist in employee training. The UCCE also provides a variety of management resources and BMP's on the UCCE website along with slide presentations on select agricultural water quality topics.

Regional Water Board staff is working through 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 the 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.

Regional Water Board staff continue 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 notice of intent (NOI) to enroll as an individual operation). Staff continues to develop and issue noncompliance/staff enforcement letters (total of 12), for failure to comply with multiple waiver conditions, during May and June 2013. Staff issued another Notice of Violation (NOV No. R9-2013-0114) for failure of an eligible agricultural operation to apply for coverage under the Ag-Waiver and requires that Discharger to report information about their compliance with applicable requirements.

Regional Water Board staff participated in a teleconference call with the San Diego County Farm Bureau to update them on the status of region-wide compliance with the Ag-Waiver, compliance with applicable monitoring/reporting requirements, and discuss the status of current monitoring efforts by the San Diego Irrigated Lands Monitoring Group.

As a follow-up to a previous meeting with the Rainbow Municipal Water District General Manager, Regional Water Board staff sent a letter to the Rainbow Municipal Water District GM with a request to confirm their decision on forming a monitoring group for the agricultural operations located within the District located in Rainbow Valley.

Regional Water Board staff also reviewed and provided written concurrence with proposed revisions to monitoring plans submitted by the Upper Santa Margarita River Irrigated Lands Group, Hines Monitoring Group, and San Diego Irrigated Lands Group.

Regional Water Board staff continue to receive and respond to numerous phone calls and emails from owners/operators of agricultural operations regarding implementation of the Ag Waiver.

Regional Water Board staff continues to develop draft revisions to the Ag-Waiver;

draft Monitoring and Reporting requirements; and associated CEQA documents for regional management review and comment prior to release for public review.