

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **October 2017**

This month's Irrigated Lands Regulatory Program update provides a summary of significant activities of State Water Board from September 15, 2017 to October 15, 2017; and, the San Francisco Bay, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Water Boards' from August 15, 2017 to October 15, 2017. Next month's report will present activities of the Central Valley Water Board's Program and cover the time period from September 15, 2017 to November 15, 2017.

### **STATE WATER BOARD**

On September 20, 2017, Irrigated Lands Regulatory Program staff (staff) met with staff from San Francisco Regional Water Board, CalRecycle, and California Department of Food and Agriculture (CDFA) to discuss the transfer station exclusion provision being requested by the East Bay Municipal Utility District. The exclusion eliminates redundant permitting for Publicly Owned Treatment Works (POTW) accepting anaerobically digestible material for co-digestion. Prior to the exclusion provision, local enforcement agencies may have required POTWs to obtain a Process Facility/Transfer Station permit from CalRecycle for an activity that may already be regulated pursuant to a National Pollutant Discharge Elimination System (NPDES) permit. CalRecycle determined this waste stream should be excluded from CalRecycle permitting requirements as it is being regulated under an NPDES permit.

On September 21, 2017, staff participated in a conference call with staff from the Natural Resources Conservation Service (NRCS) and United States Environmental Protection Agency (USEPA), Region 9, to discuss the proposal of adding a new project to the National Water Quality Initiative. It was decided that hydrologic unit code (HUC) 12 would be included in the Calleguas Creek project. A HUC is a hydrologic unit code (HUC) that defines a hierarchical, numeric code that uniquely identifies hydrologic units. There are six levels of Hydrologic Unit Code classification: 2-digit (region), 4-digit (subregion), 6-digit (accounting unit), 8-digit (cataloguing unit), 10-digit (watershed), and 12-digit (subwatershed). HUC 12 is a more local sub-watershed level that captures tributary systems, generally about 22 square miles in size. Also discussed was the potential to develop a California Initiative project to be funded by the NRCS Environmental Quality Incentives Program (EQUIP).

On September 27, 2017, staff participated in a California Roundtable on Agriculture and the Environment meeting. Topics discussed included the concept of a working lands program in California, with the idea of a NRCS or another program to support ongoing viability of agriculture and the conservation of working lands.

On September 27, 2017, staff participated in the California Bioresources Alliance planning committee meeting to finalize the Annual Symposium scheduled for

November 1-2, 2017. The theme of this year's symposium is "Building California's Sustainable Bioresource Economy," and will feature staff presentations from both State Water Board and the Central Valley Water Board.

On September 28, 2017, staff participated in a conference call with the California Agricultural Partnership Forum to discuss advancing the development of a framework to define the roles of USEPA, NRCS, and the Water Boards in identifying agricultural-related demonstration projects.

On October 5, 2017, staff participated in a workshop with a delegation from the New Zealand science institute that focuses on technology solutions for plant-based agriculture. Discussions included groundwater management and New Zealand and California agricultural related policy and technologies.

On October 10, 2017, staff attended a presentation by staff from the US Geological Survey describing online Non-Point Predictive Tool and Water Quality Trends tool developed for Groundwater Ambient Monitoring and Assessment program that could be useful in Water Board programs.

On October 11, 2017, representatives from the State Water Board's Division of Water Quality and Division of Drinking Water met with delegations from Germany to discuss several programs and policies. Included in these discussions was an overview of agriculture and best management practices to protect water quality.

On October 13, 2017, staff participated in a workshop presented by staff from the California Natural Resources Agency, California Department of Food and Agriculture, and California Air Resources Board on the Natural and Working Lands Implementation Plan, originally proposed in the Draft 2017 Climate Change Scoping Plan Update (January 2017). The workshop presented Version 2 of the California Natural and Working Lands Carbon and Greenhouse Gas Model (CALAND) and included a discussion on next steps for model refinement and use. The workshop also included a moderated discussion to gather stakeholder input on the methods and scope of CALAND.

## **SAN FRANCISCO BAY REGION**

On July 8, 2017, the San Francisco Bay Regional Water Quality Control Board (San Francisco Water Board) adopted general Waste Discharge Requirements for Vineyard Properties located in the Napa River and Sonoma Creek watersheds. The general permit implements the Napa River and Sonoma Creek sediment Total Maximum Loads (TMDLs). The Napa River and Sonoma Creek TMDLs establish performance standards for sediment discharge and storm runoff from vineyard properties. The general permit requires actions to control sediment and storm runoff from vineyards and unpaved roads, which are located throughout vineyard properties, and pesticides and nutrients from vineyards.

Over the next few months, staff will be involved in an education and outreach effort to answer questions about the general permit to facilitate the target date enrollment set at July 8, 2018.

### **CENTRAL COAST REGION**

The Irrigated Lands Regulatory Program (ILRP) staff and program manager conducted several outreach meetings as part of the first phase of developing a new agricultural order. These “listening sessions” were developed in order to provide growers, grower advocates and other interested parties an opportunity to provide oral comments on the pros and cons of the current and past agricultural orders in the Central Coast Region, as well as provide recommendations on how to improve agricultural orders. Staff hosted six outreach listening sessions from August 3 to August 16, 2017, as well as an update and listening session to the Central Coast Regional Water Quality Control Board on September 21, 2017. ILRP staff are coordinating with Department of Pesticide Regulation (DPR) staff to identify potential pilot ranches where DPR will work with growers to develop management practices aimed at minimizing surface water discharge of neonicotinoid pesticides as detections of Imidacloprid in the Central Coast Region, at concentrations well-exceeding aquatic life benchmarks, were found through DPR surface water monitoring efforts.

### **LOS ANGELES REGION**

Los Angeles Regional Water Quality Control Board staff (staff) continue to perform inspections in Ventura County to follow up on the 731 Notices of Violation issued in March 2017 to growers who have not enrolled under Order No. R4-2016-0143. Staff has also been following up with phone calls and e-mails to growers who have not responded to the Notices of Violation prior to initiating any additional enforcement actions. In response to these outreach efforts, several additional growers have enrolled under Order No. R4-2016-0143 without the need for additional enforcement actions.

On September 6, 2017, staff issued a comment letter on the Draft Water Quality Monitoring Plan (WQMP) submitted on April 14, 2017 by the Ventura County Agricultural Irrigated Lands Group (VCAILG). Per the requirements of Order No. R4-2016-0143, staff noticed the draft WQMP for public comment on May 31, 2017. No public comments were received. Staff’s comments focused on VCAILG’s approach for ensuring that its members will implement additional Best Management Practices (BMPs) to improve water quality, as specified in Appendix 3 of Order No. R4-2016-0143. VCAILG submitted a revised WQMP in response to comments on October 8, 2017.

Order No. R4-2016-0143 requires that dischargers complete two hours of educational training each year. Staff reviewed and approved three education classes in Ventura

County in August, September and October. The University of California Cooperative Extension hosted the August class, which focused on irrigation and nutrient management BMPs for berry and vegetable crop growers. The class fulfilled 3.5 hours of education credit. VCAILG hosted the September and October classes, which focused on the compliance requirements of Order No. R4-2016-0143. The VCAILG classes fulfilled two hours of education credit.

In August, staff presented a paper entitled, “Reducing Agricultural Pollution through Targeted Watershed Monitoring and Best Management Practices” at the International Water Association Diffuse Pollution and Eutrophication Conference (IWA DIPCON 2017). Staff received valuable comments and feedback from the international conference attendees about the Los Angeles Region’s approach to regulating waste discharges from agriculture.

In September, staff participated in three conference calls with the Natural Resources Conservation Service (NRCS), the United States Environmental Protection Agency, and the State Water Resources Control Board to discuss and propose priority watersheds for the National Water Quality Initiative (NWQI) grant application. Staff proposed five sub-watersheds within the Calleguas Creek Watershed to be included in the NWQI grant application and prepared detailed supporting documents for the proposal, including maps, monitoring data, and regulatory information. The application was submitted by NRCS on September 22, 2017.

## **COLORADO RIVER BASIN REGION**

September 2017, Colorado River Basin Regional Water Quality Board staff (staff) held Quarterly Technical Management meetings with Coalition Groups to discuss the implementation of the Conditional Waivers.

On October 4, 2017, staff met with United States Environmental Protection Agency staff to discuss the intent to address agricultural sources of the federal Clean Water Act, Section 303(d) impairment through the Waivers.

On October 5, 2017, staff gave a presentation regarding Colorado River Basin Regional Water Quality Control Board’s (Colorado River Water Board’s) Irrigated Lands Regulatory Program, at the Nonpoint Source Roundtable Face-to-Face meeting in San Luis Obispo.

In October 2017, staff sent out Directives to Obtain Regulatory Coverage to approximately 600 landowners in the Coachella Valley and Imperial Valley who have not obtained regulatory coverage for their land under the Conditional Waivers or have not paid the associated state fee. The certified letters give the landowners information on how to obtain regulatory coverage and the consequences for not obtaining coverage and is the first step in enforcement.

Staff are continuing with the development process of a General Order of Waste Discharge Requirements (WDRs) to replace the Conditional Waiver for the Palo Verde Valley. A draft of the proposed WDRs Order and supporting California Environmental Quality Act (CEQA) documents are being reviewed by the regarding Colorado River Water Board's management team. Staff are continuing the process for Board adoption, and plan to bring the General Order before the Colorado River Water Board for consideration of adoption in January 2018.

## **SANTA ANA REGION**

During August, September, and October of 2017, Santa Ana Regional Water Quality Control Board staff held several public workshops with stakeholders to discuss impediments to enrollment and coalition group formation under the Conditional Waiver for Agricultural Discharges (CWAD) in the San Jacinto River watershed (Order No. R8-2016-0003 as amended by Order No. R8-2017-0023). The CWAD is the primary mechanism directing the Watershed's agricultural operations compliance for the Lake Elsinore and Canyon Lake nutrients TMDLs. The deadlines for enrollment and coalition group formation are October 28, 2017 and January 28, 2018, respectively. As of October 15, one coalition group is in the process of forming. Staff expect enrollment in this coalition group to include between 50-80% of all irrigated acreage in the San Jacinto River watershed.

The region-specific electronic enrollment (eNOI) form was revised in a cooperative effort with State Water Resources Control Board (State Water Board) staff and was released for public use in July. Staff sent public announcements via subscription list messages describing CWAD requirements and providing instructions to locate and complete the eNOI form. As of October 15, fifteen enrollment forms have been submitted, and many more are partially complete and in progress.

The Lake Elsinore and Canyon Lake nutrients Total Maximum Daily Loads (TMDLs) (Order No. R8-2004-0037) allocate a portion of the nitrogen and phosphorus loads to agriculture. The TMDLs are undergoing a technical evaluation to establish revised allocations; staff are working cooperatively with agricultural coalition representatives and other stakeholders as Task Force members. Draft reports relating to the different sources and inputs of nutrients are under stakeholder review. As of October 15, staff are reviewing draft reports and providing comments to the Task Force.

## **SAN DIEGO REGION**

The San Diego Regional Water Quality Control Board's Commercial Agriculture Regulatory Program focused its efforts on enrolling commercial agricultural operations in General Orders Nos R9-2016-0004 and R9-2016-0005 (collectively called the General Agricultural Orders). Over 1,200 electronic Notices of Intent (eNOIs) and Water Quality Protection Plans (WQPPs) have been submitted using the GeoTracker

database. When the eNOIs and WQPPs are approved, the grower receives an electronic Notice of Applicability issued automatically through the GeoTracker system. To encourage enrollment in the General Agricultural Orders, staff began identifying commercial agricultural operations that have not enrolled in the General Agricultural Orders. Staff will be recommending enforcement actions for failure to enroll in the General Agricultural Orders.