

## **IRRIGATED LANDS REGULATORY PROGRAM UPDATE**

### **February 2010**

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report will provide an update on the activities of the Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board programs.

Future monthly reports will alternate between the status of the ILRP at the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. English and Spanish translations of current and past ILRP monthly reports can be found on the [State Water Boards Agriculture Program](#) website.

### **CENTRAL COAST REGION**

#### **Agricultural Order Renewal:**

On February 1, 2010, Central Coast Water Board staff released a preliminary report and preliminary draft order for the regulation of discharges from irrigated lands. The Preliminary Draft Report, Order, and attachments are available on the Central Coast Agriculture website.

In addition to responding to Water Board direction, staff transmitted the Preliminary Draft Report and Order to provide the public with background on the existing water quality conditions as impacted by agricultural discharges in the Central Coast Region and to provide the public with staff's preliminary recommendations about the types of terms and requirements necessary to resolve the significant water quality impairments. As indicated, the Preliminary Draft Report and Order are initial versions, and, staff fully expect these versions to evolve based on feedback from the public. The public will have additional opportunities to provide feedback on future versions of the Draft Agricultural Order prior to consideration by the Central Coast Water Board. Central Coast Water Board members request that members of the public submit comments or alternatives related to the Preliminary Draft Order in writing to staff by April 1, 2010. In addition, the Central Coast Water Board will hold a public workshop on Wednesday, May 12, 2010 in San Luis Obispo, to discuss the preliminary draft staff recommendations, comments on these recommendations, and other alternatives presented by any interested persons.

Agricultural Order Renewal documents on the Central Coast Water Board website include the following:

- Press Release;
- Transmittal Memo;
- Preliminary Draft Report on Water Quality Conditions;
- Draft Summary Table of Changes Related to Existing Conditional Waiver;
- Preliminary Draft Agricultural Order;
- Draft Surface Water and Riparian Monitoring Sampling Parameters;

- Preliminary Draft Initial Study and Environmental Checklist; and
- List of References Consulted and/or Cited for Preliminary Draft Agricultural Order.

## **LOS ANGELES REGION**

Los Angeles Regional Board staff issued Administrative Civil Liability (ACL) Complaints to growers and/or landowners in Los Angeles Ventura Counties for failure to enroll under the Conditional Waiver for Irrigated Lands. ACLs were developed by program staff with guidance from the enforcement unit. The parties receiving ACL Complaints and their recommended penalties are listed as follows:

- Balcom Ranch - \$35,700
- Big Seven Nursery - \$32,100
- California Nurseries - \$32,100
- Zuma Canyon Orchids - \$32,100

All growers receiving ACL Complaints had previously received a NOV and failed to respond/enroll in response to the NOV. Staff plans to continue periodic enforcement action to maintain integrity of the Conditional Waiver program.

Staff continued follow up work on 5 ACLs issued on May 5, 2009. Staff provided two ACL recipients formal settlement agreements. Staff is working to complete these cases. One ACL recipient elected to pursue a Regional Board panel hearing. The hearing is scheduled for March 15, 2010. Staff is preparing evidence documents required for the hearing.

## **COLORADO RIVER BASIN REGION**

In the Imperial Valley, the Imperial County Farm Bureau (ICFB) continues operating its Voluntary Sediment TMDL Implementation Program. The program includes enlisting growers, providing educational and technical assistance with installing BMPs, monitoring effectiveness of BMPs, calculating load reductions, and reporting to the Regional Board. The ICFB's latest grant concept proposal application in the 2010 CWA 319(h) competition was not selected by a statewide committee for the second year in a row. Their current grant funding terminates in September 2010. Regional Board staff is very supportive of this program and will continue to provide guidance in providing financial assistance opportunities to the ICFB.

A TMDL Roundtable meeting is scheduled to be held in Palm Desert on Feb. 24-25, 2010. It includes a field trip to the Imperial Valley, guided by ICFB consultant and local farmer, Al Kalin. There will also be a presentation by University of Redlands representatives who are managing a Proposition 50 funded grant project titled: "Imperial Valley Spatial Data Infrastructure Project".

In the Coachella Valley, staff conducted the third TAC meeting for the Coachella Valley Ag Prohibition on Feb. 18 at the Coachella Valley Water District Headquarters. Discussion was facilitated by Gita Kapahi of the SWRCB. Johnny Gonzales of the SWRCB provided a presentation on the statewide Irrigated Lands Regulatory Program. Meeting topics included "Waiver versus Prohibition", monitoring coalitions, and TAC workgroups. The next meeting will be March 17, 2010.

## **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 in a 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 and the CWAD program is being designed to be part of the implementation program for these TMDLs.

In order to formulate a strategy to develop a CWAD program, Regional Board staff has been conducting meetings with key stakeholders, including the Western Riverside County Agricultural Coalition (WRCAC), a NGO, and the Lake Elsinore San Jacinto Watershed Authority (LESJWA), a joint powers authority that the Cities of Canyon Lake and Lake Elsinore, Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Santa Ana Watershed Project Authority.

During last few months, Regional Board staff have also met with other potential stakeholders and related agencies, including the Riverside County Farm Bureau and Riverside County Agricultural Commissioner's offices. Board staff is coordinating with representatives of WRCAC and LESJWA and the Southern California Coastal Water Research Project (SCCWRP) to explore establishing a CWAD program monitoring program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring. Also, in coordination with RWQCB 9, SCCWRP and State Water Board, the Regional Board is exploring ways to integrate monitoring programs for both RWQCB 9's ag. waiver and the Santa Ana Region's CWAD program. The intent is to integrate these monitoring programs into the regional water quality monitoring program for Southern California coastal watersheds being developed and implemented by the Stormwater Monitoring Coalition (SMC).

During last several months, Regional Board staff conducted field surveys of various agricultural operations in the CWAD Program project area and also have been meeting with local growers and farmers to introduce upcoming CWAD program and to get their feedback. Regional Board staff is also coordinating with TMDL staff and staff of other

regions, particularly Regions 4 and 9, to establish criteria for the minimum acreage threshold for enrollment in its CWAD program.

On January 26 and 27, 2010, Regional Board hosted the quarterly Irrigated Land Regulatory Program (ILRP) roundtable meeting. This roundtable was conducted by State Board's ILRP liaison and was attended by various representatives from other regional boards, including representatives from Department of Pesticides Regulations and Department of Food and Agriculture. In this roundtable meeting the status of each regional board's agricultural waiver program and issues related to pesticide and food safety were discussed. On the second day of the roundtable, the group visited various local projects related to agricultural irrigation and research which consisted of a trip to Eastern Municipal Water District's reclaimed water project, University of California, Riverside/U.S. Salinity Laboratory joint turf grass research project, and citrus research projects.

Presently Regional Board staff is developing a list of its CWAD Program Advisory Group, which will include major stakeholders and local growers in the project watershed area.

Regional Board is also scheduled to conduct its second evening time public information meeting on its upcoming CWAD program. This meeting is scheduled on Thursday, April 22, 2010, from 7:00-8:30 p.m. in Eastern Municipal Water District Board room, located in the City of Perris. Regional Board staff will discuss the proposed CWAD program and solicit suggestions about how best to put the CWAD program in place. Possible topics of discussions will include:

- CWAD program status;
- Are all farming operations going to be covered, or are there exemptions from the program;
- Criteria to establish minimum acreage enrollment requirement for the program;
- Have "third party representatives" been formed and will there be a cost to be represented;
- How the Regional Board identified operators who will be required to be in the CWAD program; and
- The schedule for putting the CWAD program in place.

## **SAN DIEGO REGION**

During the months of January and February, staff continued to develop basic monitoring criteria that will be required in monitoring plans, once the waiver enrollment period ends. Monitoring groups and individual dischargers are required to submit monitoring plans between January 1, 2011 (the enrollment deadline date) and December 31, 2011. Late last month, the Rainbow Municipal Water District (RMWD) formed a monitoring group. There are now two monitoring groups, the San Diego County Farm Bureau's Irrigated Lands Group and the RMWD. We are continuing to work with the Riverside County Farm Bureau in their efforts to form a group for growers in southern Riverside County.