

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF MAY 4- 5, 2011
Prepared on April 7, 2011**

ITEM NUMBER: 4

SUBJECT: *Continuation of March 17, 2011 Panel Hearing - Staff Recommendation for an Updated Conditional Waiver of Waste Discharge Requirements for Irrigated Agricultural Waste Discharges, Draft Order No. R3- 2011-0006*

STAFF CONTACT: Angela Schroeter 805/542-4644 or aschroeter@waterboards.ca.gov

SUMMARY

The Central Coast Water Board held a panel hearing on March 17, 2011 to consider the staff recommendation for an updated Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Draft Agricultural Order). The Water Board heard a staff presentation and many hours of comments on the recommended Draft Agricultural Order. The Water Board continued the hearing to allow all members of the public who came to the meeting an opportunity to present their oral comments (the Chair provided an opportunity for anyone at the March meeting to come to the podium and address the Board if they would not be able to attend the next meeting in San Luis Obispo). The hearing was continued to the next Water Board meeting on Wednesday, May 4, 2011, beginning at 10:00 a.m. in San Luis Obispo. Members of the public who submitted testimony cards in Watsonville on March 17th, indicating their intent to provide oral comments at the March 17 Board Meeting, but who did not address the Board, will be able to provide their oral comments at the May 4, 2011 Board meeting. The Board established a written comment deadline of January 3, 2011, and is not accepting additional written comments.

All documents and supporting information for this Board Item are available on the Board's website at:

http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2011/march/Item_14/index.shtml

POSSIBLE CHANGES TO THE DRAFT AGRICULTURAL ORDER AND MONITORING AND REPORTING PROGRAM

Staff is considering the following changes to the Draft Agricultural Order and the Monitoring and Reporting Program in response to Water Board member questions and stakeholder comments at the March 17, 2011 meeting.

- Removing the Executive Officer's authority to change tiering criteria;
- Adding to the tiering criteria other pesticides found at levels which cause adverse water quality effects and toxicity, besides just chlorpyrifos and diazinon;

- Using individual farms instead of operations as the appropriate level to consider tiering criteria related to size and crop types with high potential to discharge nitrogen to groundwater;
- Using a more appropriate number of acres, instead of 1000 acres, as the size threshold for Tier 3 appropriate for individual farms;
- Providing dischargers with the option to use the Nitrate Hazard Index to evaluate nitrate loading risk;
- Changing compliance due dates in the Order and MRP. The current dates provide certain timeframes to comply with conditions of the Order and the MRP related specifically to the original date of the Central Coast Water Board hearing on the Agricultural Order, March 17, 2011. Staff recommends changing all the dates to allow for the same timeframes intended with the current dates by adjusting them related to the date of approval of the Draft Agricultural Order.

CONCLUSION

At the Board meeting on May 4, 2011, the Central Coast Water Board will complete the panel hearing initiated on March 17, 2011, to consider the staff recommendation for an updated Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Draft Agricultural Order). Once remaining public comments from those individuals who turned in cards at the March meeting are completed, staff will make concluding comments and may recommend these and/or additional edits to the Board.