

**STATE WATER RESOURCES CONTROL BOARD
BRIEFING PAPER
WATER QUALITY REGULATION OF AGRICULTURAL LANDS
MAY 24, 2013**

Background

California agriculture is extremely diverse and spans a wide array of growing conditions from northern to southern California. California's agriculture includes more than 400 commodities. The state produces nearly half of US-grown fruits, nuts and vegetables. Across the nation, US consumers regularly purchase crops produced in California. Many of the products are exported to markets worldwide.

Water discharges from agricultural operations in California include irrigation runoff, flows from tile drains, and storm water runoff. These discharges can affect water quality by transporting pollutants, including pesticides, sediment, nutrients, salts (including selenium and boron), pathogens, and heavy metals, from cultivated fields into surface waters. Many surface water bodies are impaired because of pollutants from agricultural sources. Groundwater bodies have suffered pesticide, nitrate, and salt contamination.

The State Water Resources Control Board and Regional Water Quality Control Boards (Regional Water Boards) (collectively referred to as “the Water Boards”) have developed the Irrigated Lands Regulatory Program (ILRP) to prevent agricultural discharges from impairing the waters that receive these discharges. The ILRP regulates discharges from irrigated agricultural lands and may also include dry land farming operations in some regions of the State due to impacts to groundwater. This is done by issuing waste discharge requirements (WDRs) or conditional waivers of WDRs (Waivers) to either agricultural coalitions or groups or individual growers. These WDRs and Waivers contain conditions requiring water quality monitoring of receiving waters and corrective actions when impairments are found. Across the nine Regional Water Boards there are differences in the regulatory approaches to the IRLP due, at least in part, to differences in agricultural practices and their potential impacts to water quality in each region. There are approximately 35,000 growers enrolled in the IRLP statewide, covering about 7 million acres.

Unlike industrial and municipal wastewater discharges, the runoff from agricultural lands does not lend itself to traditional point source treatment technology because (1) it is diffuse and (2) there is no treatment infrastructure. Although Regional Water Boards have issued Waivers for irrigated lands for many years, the Water Boards began developing a more rigorous regulatory program for irrigated lands beginning in the early 2000's. As an initial step, the Regional Water Board requirements for agricultural practices to manage agricultural runoff water quality were fairly general and tied to practices to respond to water quality violations, and generally, relied on group or watershed monitoring to identify potential water quality problems and an adaptive framework to address water quality problems. Some included provisions designed to promote application of fertilizers at agronomic rates, reduce runoff, and encourage integrated pest management. Over the years, however, the ILRP Orders have been revised to contain conditions requiring more targeted water quality monitoring and corrective actions when impairments are found. The Table below provides the current status of the ILRP in each region.

Regional Water Board ILRP Status Table

Regional Water Board	Status
North Coast	The North Coast Regional Water Board adopted Waivers, which include control of discharges associated with agriculture, to implement Total Maximum Daily Loads (TMDL) in the Shasta and Scott watersheds. The Regional Water Board is actively developing regulatory mechanisms, including a general Waiver, to control discharges associated with agricultural operations region-wide, and anticipates adopting the Waiver in 2014.

San Francisco Bay	The San Francisco Bay Regional Water Board initiated a process to develop a vineyard Waiver to implement a TMDL in the Napa Valley watershed. In light of comments received during the public comment period on the draft Waiver, staff plan on revising the Waiver as a general WDR, rather than as a Waiver. The Regional Water Board staff will be working on preparing an Environmental Impact Report for the general WDR, and will continue to work with groups that have expressed interest in developing third-party technical assistance programs.
Central Coast	The Central Coast Regional Water Board revised and renewed its agricultural Waiver on March 15, 2012. The Waiver has been petitioned to the State Water Board and is currently under review. Central Coast Regional Water Board staff is systematically implementing the Waiver throughout their region while the petition is being reviewed by the State Water Board.
Los Angeles	The Los Angeles Regional Water Board issued a revised Waiver for irrigated lands on October 7, 2010. The Ventura County Farm Bureau has been assisting the Regional Water Board in program implementation and working with growers to develop management plans and implement management practices.
Central Valley	The Central Valley Regional Water Board's ILRP was initiated in 2003, and the Regional Board is currently in the process of issuing regional and commodity-based WDRs. The most significant new issue these WDRs will address is regulation of waste discharges to groundwater. The Central Valley Regional Water Board adopted the first in a series of WDRs in December 2012. It is anticipated that the Central Valley Regional Water Board will complete its issuance of WDRs for irrigated lands by the end of 2013.
Lahontan	The Lahontan Regional Water Board adopted a Waiver for irrigated grazing and will adopt Waivers for alfalfa and other commodity specific agricultural discharges as TMDLs are being developed.
Colorado River	The Colorado River Regional Water Board adopted a Waiver on September 20, 2012 for irrigated lands in the Imperial Valley watershed to control discharges of sediment as part of a TMDL implementation plan. The Regional Water Board also is developing similar Waivers for Palo Verde Valley, Coachella Valley, and Bard Valley.
Santa Ana River	Santa Ana Regional Water Board staff are developing a Waiver for irrigated and dry-farmed lands over 10 acres, subject to inundation by flooding, and for other agricultural operations not already regulated by the Regional Water Board. The Waiver is being developed and implemented as a watershed-based phased approach, with the first phase being developed for waste discharges from agricultural operations located in the San Jacinto, Salt Creek and Lake Elsinore Watersheds. The Regional Water Board also adopted separate nutrient TMDLs for Canyon Lake and Lake Elsinore.

San Diego	The San Diego Regional Water Board adopted a Waiver on October 10, 2007 for Agricultural and Nursery operations in its region and has been recently focusing on conducting inspections at randomly selected facilities to assess the level of familiarity that dischargers have with the Waiver conditions, beginning informal enforcement processes for noncompliance, and initiating the processes associated with renewing the Waiver in 2014.
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Regional Water Board ILRP Elements

<i>Comparison of Key Program Elements Across the Regions</i>	North Coast	SF Bay	Central Coast	Los Angeles	Central Valley	Lahontan	Colorado River	Santa Ana	San Diego
Existing Waiver for Agricultural Lands			●	●	●				●
Developing Waiver for Agricultural Lands	●	●				○	●	●	
Requires Payment of Fees	○	○	●	●	●	○	○	○	○
Coalition Group or Individual Monitoring	○	○	●	●	●		●	○	●
Groundwater Monitoring and Requirements			●	○	○				○
Tiered Requirements Based on Risk/Size	○		●	●	○				
Requires Farm-Level Management Plans		○	●	●	○		●	○	○
Requires Nutrient Management Plans Prepared by Qualified Professional		○	●	○	○			○	○
Specifies Minimum Requirements for Farm-Level Management Plans	○	○	●	●	●		●	○	○
Specifies or Encourages Best Management Practices	○	○	●	●	●	●	●	○	●
Third Party Certifications	○	○	●	○	○			○	○

Blue Shaded = Regions with adopted conditional Waivers
 Yellow Shaded = Replacing conditional Waivers with WDRs
 ○ = Will include as program develops
 ● = Current requirement
 Blank Cell = Not required at this time