

UPDATE ON THE IRRIGATED LANDS REGULATORY PROGRAM

INFORMATION ITEM #7 GROWER ENROLLMENT

March 15, 2011

SURFACE WATER BODIES IMPAIRED BY AGRICULTURAL DISCHARGES



ENROLLMENT ISSUE

COALITION COMPLAINT

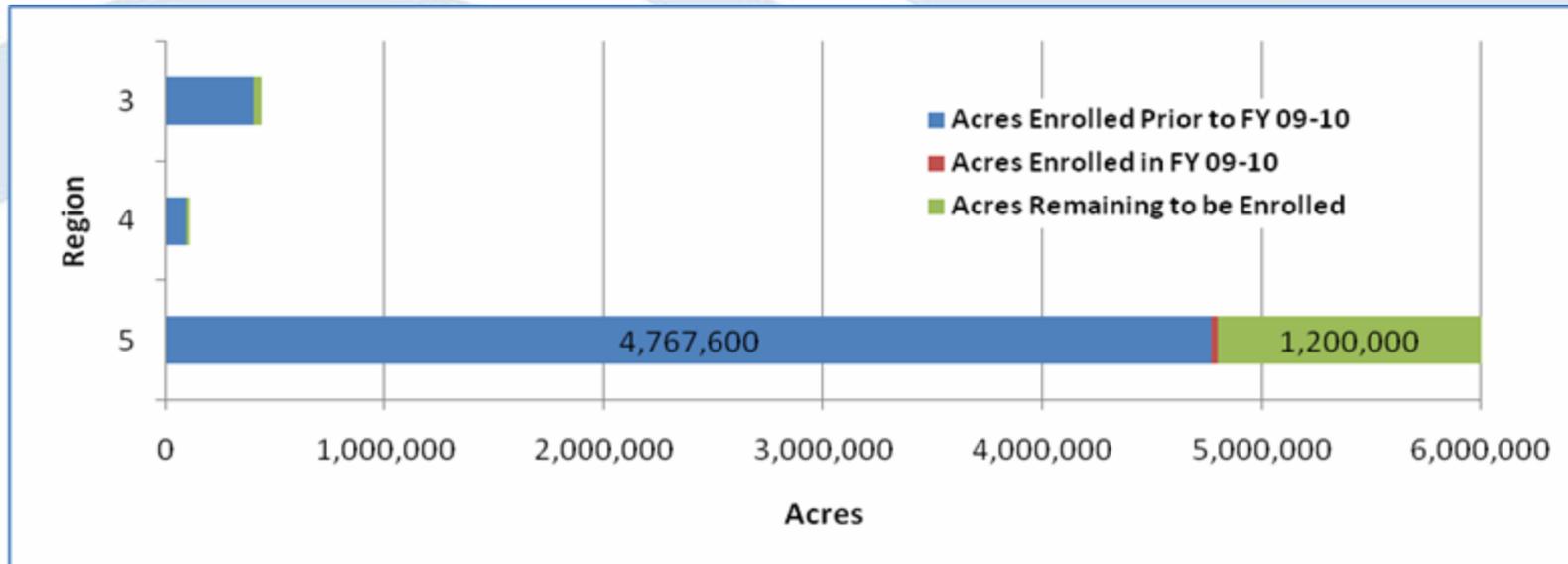
- Competitive Disadvantage
 - Irrigated Lands Regulatory Program Fees
 - 12 cents/acre current program General Fund support
 - 48 cents/enrolled acre if fully fee-funded
 - Estimated 39 cents/acre full enrollment (R 3, 4, 5)
 - Compliance Cost

ESTIMATED ACREAGE NOT ENROLLED IN REGIONS WITH CONDITIONAL WAIVERS

| Region | Estimated Total Acres | Estimated Total Acres Enrolled | Estimated Acres Enrolled in FY 09-10 |
|--------------|-----------------------|--------------------------------|--------------------------------------|
| 3 | 435,000 | 397,000 | 2,000 |
| 4 | 105,000 | 90,000 | 3,000 |
| 5 | 6,000,000 | 4,800,000 | 32,000 |
| TOTAL | 6,540,000 | 5,287,000 | 37,000 |

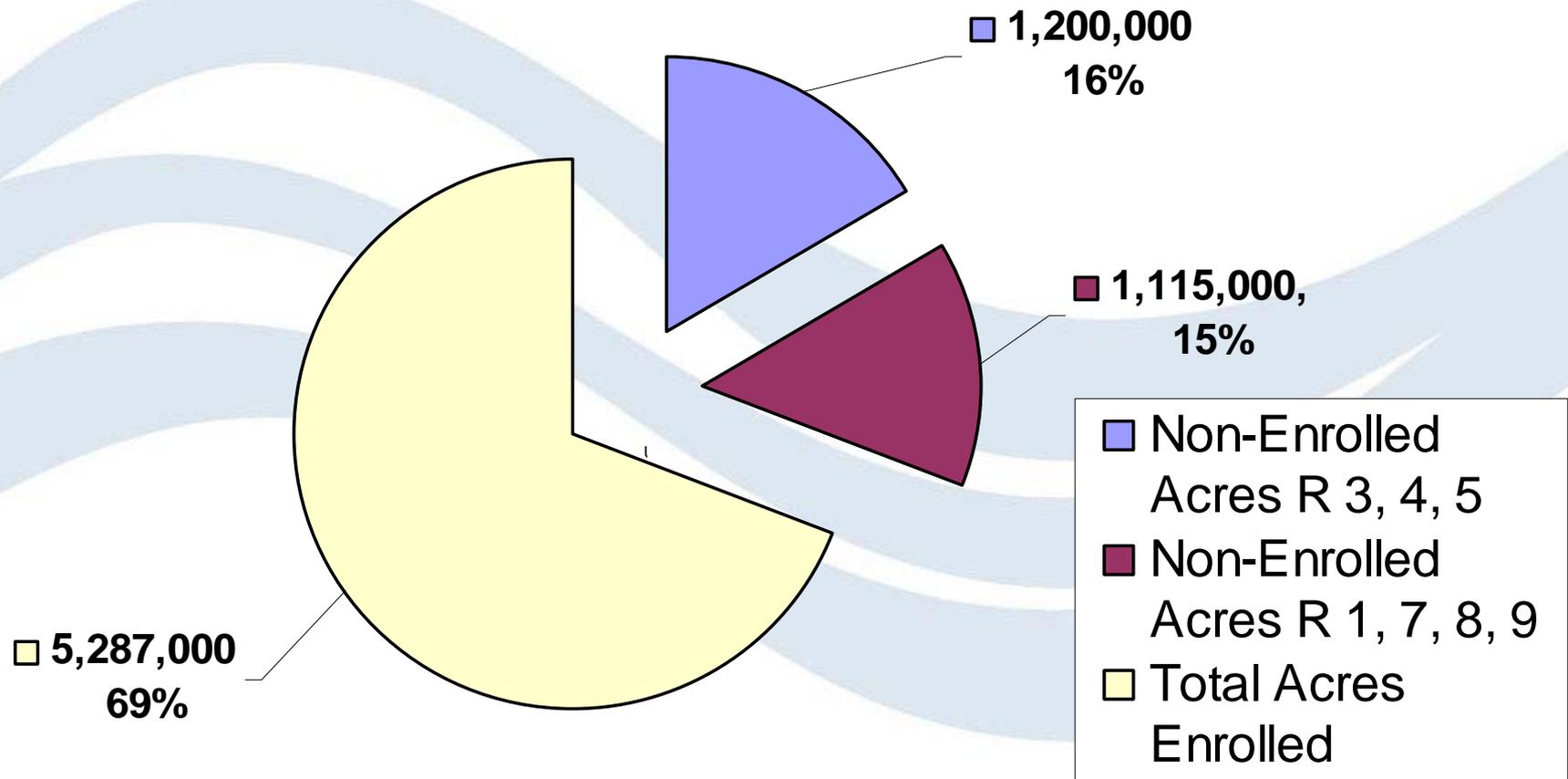
ESTIMATED NUMBER OF ACRES ENROLLED: 5,287,000

*ESTIMATED NUMBER OF ACRES REMAINING TO BE ENROLLED: 1,200,000
(19% Of Estimated Total Acres)*



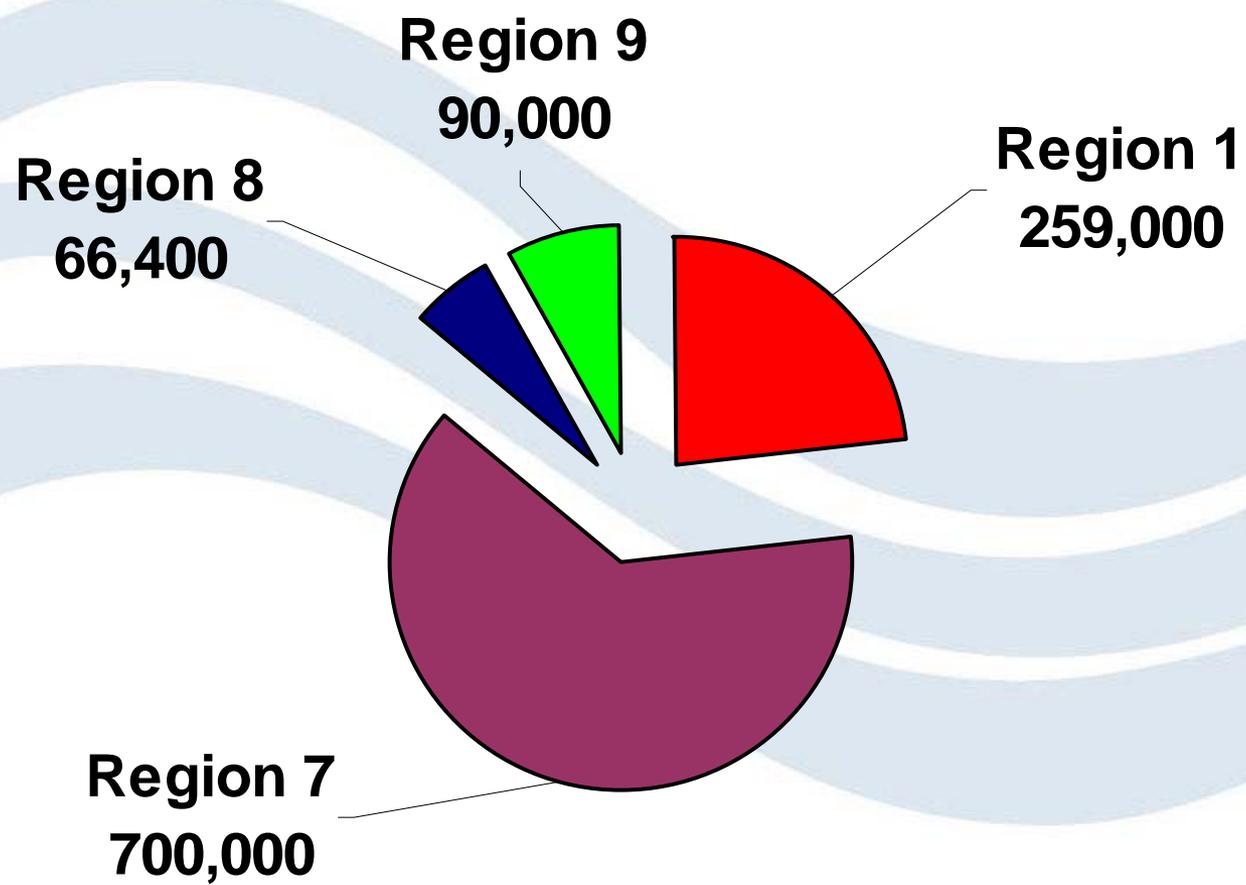
ESTIMATED NON-ENROLLED ACRES

7,655,000 Total acres that should be enrolled



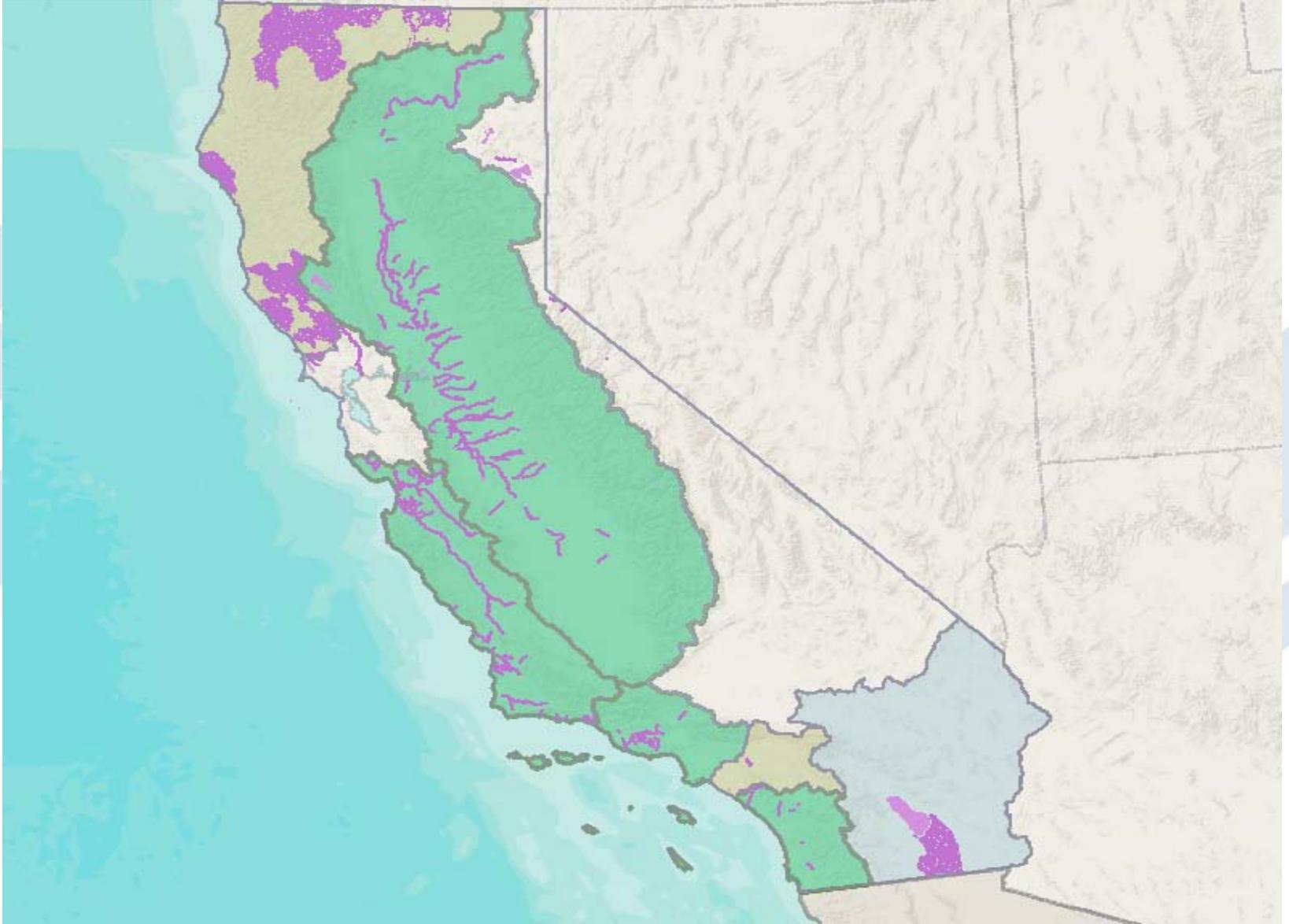
ESTIMATED ACREAGE IN REGIONS THAT DO NOT HAVE REGION-WIDE WAIVERS

1,115,000 TOTAL ACRES



REASONS FOR INCOMPLETE ENROLLMENT

1. No Conditional Waiver



REASON FOR INCOMPLETE ENROLLMENT

2. DEFINITION OF DISCHARGER

(Region 5)

- Current Conditional Waiver Targets Surface Water Discharges only
 - Does not cover effects on groundwater.
- No Surface Water Discharges and Minimum Stormwater Runoff in Some Areas
- Some Growers Contend They Do Not Meet Discharger Definition and Are Not Enrolling
- Region 5 Developing Long-Term Program
 - Includes a groundwater alternative.

REASON FOR INCOMPLETE ENROLLMENT

3. USE OF CONDITIONAL PROHIBITION

- Colorado River Water Board Uses Conditional Prohibitions Rather than a Conditional Waiver
 - Non Point Source Policy authorizes use of conditional prohibitions
- Limited to Single TMDL Area
 - Agricultural dischargers in other areas discharge without regulatory coverage.
- Limited to Single Pollutant Type
- No Fee Requirement for Conditional Prohibitions
 - Perceived competitive disadvantage.

REASON FOR INCOMPLETE ENROLLMENT

4. NON-FILERS

- Growers Not Enrolled As Required
- Limited Enforcement Because of Limited Staff Resources
 - Working with Office of Enforcement
 - Working with Division of Water Rights
- Enrollment Steadily Increasing
 - An estimated 80% of the total acreage is enrolled in regions with region-wide conditional waivers
- Ongoing Outreach and Enforcement

ENFORCEMENT

| RB | Notices to Enroll | 13267 Orders Issued | NOVs Issued | ACLs Issued | Next Steps for 2011 |
|----|-------------------|---------------------|-------------|-------------|---|
| 3 | 0 | 3123 | 810 | 5 | Continue to issue NOVs and ACLs as resources allow. Developed e-NOI submittal process. |
| 4 | 0 | 0 | 1100 | 9 | Focus on education outreach and enrollment workshops. Followed by NOVs, and ACLs as needed. |
| 5 | 2436 | 3518 | 368 | 6 | Issue informal post cards followed by 13267 Orders and ACL complaint. If no response staff will then issue a WDR. |

PROGRAM NEXT STEPS

- Region 5 Clarify Definition of Discharger in Long-Term Irrigated Lands Regulatory Program
- Support Regional Water Board Enforcement Activities in Dealing With Non-Filers
 - Office of Enforcement
 - Division of Water Rights
- Work With Other Agricultural Agencies to Get Assistance in Identifying Non-Filers
- Encourage All Regional Water Boards to Use Region-Wide Conditional Waivers to Regulate Agricultural Discharges