California Regional Water Quality Control Board
San Diego Region

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Arnold Schwarzenegger
Governor

TO: Interested Persons

FROM: John Robertus
Executive Officer

DATE: March 3, 2009

SUBJECT: CONDITIONAL WAIVER FOR AGRICULTURAL AND NURSERY OPERATIONS

This notice provides important information for agricultural operators in San Diego County and sections of Orange County and Riverside County regarding discharges of waste and storm water runoff from agricultural operations and nurseries that are located in the San Diego Region.

The San Diego Regional Water Quality Control Board (Regional Board) is the state regulatory agency responsible for protecting surface and groundwater quality within the 3,900 square mile area that forms the San Diego Basin. On October 10, 2007 the Regional Board adopted Conditional Waiver No. 4 for Discharges from Agricultural and Nursery Operations (Order No. R4-2007-0104).

Conditional Waiver No. 4 was drafted by the Regional Board in response to Federal and State legislation that requires that sources of pollution that have traditionally not been regulated under the established permitting programs (referred to as non-point sources of pollution) be required to either obtain discharge requirements for discharging waste (known as Waste Discharge Requirements or WDRs) or be regulated under waivers of Waste Discharge Requirements. Waivers of Waste Discharge Requirements expressly waive the requirement for a discharger, or category of dischargers, to submit a Report of Waste Discharge in application for Waste Discharge Requirements pursuant to California Water Code Section 13260.

Waivers impose less regulatory requirements than Waste Discharge Requirements. This alternative is intended for large groups of like dischargers to implement water quality related practices at lower cost and with relatively less effort (compared to WDRs). Since 1999, California State law has required all waivers to be conditional (i.e., waivers must stipulate minimum conditions that must be met to ensure that water quality is protected). Nearly all agriculture operations throughout California are regulated under a similar waiver process.

This memorandum provides basic information for enrolling in the Agricultural Waiver Program.

I. Requirements of Conditional Waiver No. 4

The major requirements of Conditional Waiver No. 4 are as follows:

- Submit a Notice of Intent to enroll under Conditional Waiver No. 4.
- Submit a Monitoring and Reporting Program Plan and Quality Assurance Project Plan for testing of site-related discharges.
- Conduct water quality monitoring.
- Submit a monitoring report.
- Implement any necessary measures (management practices) to minimize or eliminate the discharge of pollutants.

The Regional Board, with the support of agencies such as the Resource Conservation Districts, the National Resource Conservation Service and the UC Extension, will provide assistance and education in determining what management practices can be applied to reduce sources of pollution and control discharges.

II. Options for Enrollment In Conditional Waiver No. 4

There are 2 options for participation in the Agricultural Waiver Program.

1. Enroll in the program as an Individual Discharger, or
2. Enroll in the program as a member of a Monitoring Group.

It is advisable that all operators subject to the conditional waiver join monitoring groups. Monitoring groups implement waiver requirements on behalf of group members, including requirements for submitting monitoring plans, performing water quality testing and submitting monitoring reports. This significantly reduces the costs of compliance because some of these costs can be shared by all group members instead of being required of each individual agricultural operator. There is currently one monitoring group that is accepting members. The San Diego Region Irrigated Lands Group which is operated by the San Diego County Farm Bureau can be reached at (760) 745-3023 (contact Eric Larson) and www.sdfarmbureau.org.

Both Individual Dischargers and Monitoring Groups must submit to the Regional Board by **January 1, 2011** the following:

1. Notice of Intent (NOI).

By **January 1, 2012**, each Monitoring Group and any individual Discharger, must submit:

2. Monitoring and Reporting Program Plan (MRPP); and
3. Quality Assurance Project Plan (QAPP).

The NOI serves as the Discharger's or Monitoring Group's statement to the Regional Board that they intend to comply with the conditions of the waiver program. Surface water monitoring (and hence, the MRPP and QAPP) is needed in order to determine the effectiveness of measures implemented to minimize or eliminate the discharge of pollutants.

III. Fees

There is currently no fee associated with the conditional waiver. It is likely that the conditional waiver will be renewed in 2013 and that fees will be required at that time. Any farming operation that enrolls in a monitoring group, however, will have to pay fees to the monitoring group to offset the costs of conducting monitoring and reporting. Such fees should be significantly lower than the costs associated with monitoring as an individual.

IV. Additional Information

To obtain additional information about Conditional Waiver No. 4, please visit the Regional Board's website at:

http://www.waterboards.ca.gov/sandiego/html/waivers.html

Or,

For additional information regarding Conditional Waiver No. 4, or to request contact information for Monitoring Groups in the San Diego Region please contact Pete Peuron at (858) 637-7137 or ppeuron@waterboards.ca.gov.