



Irrigated Lands News

California Regional Water Quality Control Board Central Valley Region



Issue 1

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Why did the Regional Board consider and adopt a conditional waiver of Waste Discharge Requirements in July 2003?

The Central Valley Regional Water Quality Control Boards (Regional Board) regulate discharges of waste primarily through issuance of Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits. The California Water Code (CWC) provides that anyone discharging or proposing to discharge waste that could affect water quality must file a report of waste discharge (ROWD). This includes irrigation return flows and storm water runoff from agricultural lands. After receipt of a ROWD, the RWQCB has a statutory obligation to prescribe WDRs or an NPDES Permit Order.

The requirement for ROWDs and WDRs may be waived by a RWQCB for a specific discharge or type of discharge where such a waiver is not against the public interest. On 26 March 1982, the Central Valley Regional Water Quality Control Board (CVRWQCB) adopted Resolution No. 82-036 "Waiving Waste Discharge Requirements For Specific Types Of Discharge." The resolution listed 23 categories of waste discharges, including irrigation return flows and storm water runoff from agricultural lands, and the conditions required to comply with the waiver. This waiver had conditions, but due to insufficient resources, verification that dischargers were complying with conditions was not conducted, and thus the 1982 waiver was largely a passive program.

In 1999, Senate Bill 390 was signed by the Governor changing the section of the CWC authorizing waivers of WDRs. As a result of the changes, all waivers in place on 1 January 2000 would sunset 1 January 2003 if the Regional Board had not readopted them. This change in the law meant that the 1982 waiver, which included irrigation return flows and storm water runoff from agricultural lands in the Central Valley, would sunset.

On 5 December 2002, the Regional Board adopted Resolution No. R5-2002-0201 and an associated conditional waiver of WDRs for discharges from irrigated lands. Public comment on the December Conditional Waiver was significant and came from a broad spectrum of interests. Additionally, Regional Board members had questions on certain aspects of the newly adopted waiver. At the December meeting, the Regional Board directed staff to consider comments and questions, and synthesize this input into key issues, to analyze these issues, and provide options and recommendations that could address them. The Regional Board also directed staff to start developing a ten-year implementation program and to prepare an Environmental Impact Report for the program. Modifications to the waiver were proposed in April 2003, and based upon further public comment and Regional Board direction, further modifications were proposed in June 2003.

On 10 July 2003, Resolution R5-2002-0201 was rescinded and on 11 July 2003, the Regional Board adopted Resolution R5-2003-0105. This Resolution adopted two Conditional Waivers that were intended to remedy procedural concerns and clarify conditions outlined in the December 2002 waiver. Under Resolution No. R5-2003-0105, one Conditional Waiver is for Coalition Groups or other entities that form on behalf of individual Dischargers to comply with the CWC and the Regional Board Plans and Policies. The second Conditional Waiver is for individual Dischargers.

Resolution No. R5-2003-0105 is a first or interim step in an evolving Irrigated Lands Program. There are many issues that the Regional Board will continue to work with interested parties to address while the foundation for the 10-year program is being developed. Further, there are a number of issues that will require more data and analysis before they can be addressed. The 2-year interim Waivers are focused on building capacity of local groups, engaging with individual Dischargers, and starting data collection, all of which will be part of the foundation for the longer term program.

How can a Discharger apply for coverage under the Waivers and what do they need to do to retain the Waivers?

To receive Regional Board approval, a Coalition Group or individual Discharger must initially submit a Notice of Intent and General Report that contains the following information by **1 November 2003**.

Coalition Group:

- A completed and signed Notice of Intent form and Membership Document (participating landowners and operators);
- Identification of lead agencies or organizations;
- Key contacts;
- Description of the watershed;
- A written commitment to work with the Regional Board to satisfy the conditions of the Waiver;
- A detailed map of the area included within the Watershed Group;
- Identification of the funding mechanisms that will support the Watershed Group or Coalition to meet the costs necessary to ensure compliance with the Waiver; and
- Any other information as requested by the Executive Officer.

Individual Discharger:

- A completed and signed Notice of Intent Form;
- Identification of the owner/operator;
- Farm location;
- Key contact(s);
- Description of nearby surface waters;
- Detailed map of the farm area including identification of discharge points;
- A discussion addressing crops commonly grown, crop materials (pesticides, fertilizers) commonly applied; management practices utilized to reduce or eliminate the discharges of waste to surface water bodies, and details of any subsurface drainage collection system; and
- Any other information as requested by the Executive Officer.

To retain Regional Board approval, a more detailed report and other key deliverables must be submitted by Coalition Groups and individual Dischargers according to the following schedule. All deliverables must be submitted to the Regional Board in a timely manner, be complete, and be of professional quality.

- Watershed Evaluation Report (Coalition Groups)/Farm Evaluation Report (individual Dischargers) – 1 April 2004;

- Monitoring and Reporting Program Plan – 1 April 2004;
- Begin water quality or sediment sample collection – 1 July 2004;
- First Annual Monitoring and Reporting Program Report – 1 April 2005; and
- Management Plan – as required by the Executive Officer.

Status of the Environmental Impact Report for the Regulation of Discharges to Waters of the State from Irrigated Lands within the Central Valley Region

On 5 December 2002, the Regional Board adopted Resolution No. R5-2002-0201 for discharges from irrigated lands. In adopting the resolution, the Regional Board committed to preparing a 10-year implementation program to regulate discharges of waste from irrigated lands to assure compliance with water quality standards. In support of the 10-year program, the Regional Board directed staff to initiate the preparation of an Environmental Impact Report (EIR) for the regulation of discharges of waste to waters of the state from irrigated lands.

Since the Regional Board, acting as Lead Agency, has determined that an EIR is the appropriate level of environmental review for the proposed project, the preparation of an Initial Study is not necessary. Thus, the environmental review process can begin without the preparation of an Initial Study. On 14 February 2003, a Notice of Preparation describing the project and a schedule for scoping meetings were mailed to Responsible and Trustee Agencies and other interested parties. On 5 and 6 March 2003, scoping meetings were held in Fresno and Sacramento to allow the Regional Board to collect information from these stakeholders to define the scope for the EIR, and to solicit input on the range of actions, alternatives, mitigation measures and significant adverse environmental impacts that should be analyzed in the EIR. It is anticipated that additional scoping meetings will be conducted.

The Regional Board intends to fund and direct the preparation of a draft and final EIR by an independent contractor. A draft solicitation document has been prepared by staff. It is anticipated that a final draft document will be submitted to State Board by the end of October 2003. The amount of time State Board will require to review this document for administrative requirements is reportedly dependent on State Board resources and staff allocation; therefore, no specific assessment of a final date for RFP circulation and

publication is available at this time. *Additional information can be found at <http://www.swrcb.ca.gov/rwqcb5/programs/index.html> ~Agricultural Discharges.* For more information, contact Pete Osmolovsky at 559-445-6086 or OsmolovskyP@rb5f.swrcb.ca.gov.

University of California at Davis (UC Davis) Irrigated Lands Monitoring Project (Regional Board Phase I Monitoring):

On 23 November 2002, the Regional Board executed an interagency agreement with the University of California, Davis to conduct an evaluation of the water quality of the agricultural drains throughout the central valley. The Regional Board staff established a technical advisory committee to assist in developing and implementing the pilot monitoring program addressing discharges from irrigated lands. The advisory committee includes members from the Association of Northern California Water Agencies, agricultural groups, environmental groups, Department of Pesticide Regulation, Department of Fish & Game, and UC Davis. UC Davis developed the study plan entitled “*Investigation of Water Quality in Agricultural Drains of Central Valley.*” The objective of this study is:

- Evaluate water quality, primarily through use of aquatic species toxicity testing, in a limited number of agricultural drains in the San Joaquin River and Sacramento River watersheds.
- Identify the cause of any water quality impairments.
- Determine the sources of contaminants based on the identified cause of impairments.
- Recommend water quality investigation designs and approaches for future monitoring and assessment of agricultural runoff and drainage waters based on the lessons learned from this project.

Regional Board staff met with UC Davis and the technical advisory committee on 21 February 2003 to discuss the components of the study plan and to get the technical advisory committee’s input on the elements of this study plan. The study plan was revised considering input from the committee and Regional Board staff. You may download a pdf file of the UC Davis study plan - “*Investigation of Water Quality in Agricultural Drains of Central Valley.*” This document is dated March 2003. Meeting Minutes of the Technical Advisory Group on 21 February 2003 are also available in pdf format. *Additional information can be found at <http://www.swrcb.ca.gov/rwqcb5/programs/index.html> ~Agricultural Discharges*

The Regional Board Phase I monitoring will be discussed in more detail in the next issue of this newsletter.

Watch the Website!

The Irrigated Lands Program is very dynamic at this stage of its evolution. Dischargers and other interested parties are encouraged to stay informed and track implementation of the Waivers, Regional Board workshops, progress on the development of the 10-year implementation program and EIR, and other activities (e.g. monitoring, training, outreach, etc.). A quick and easy way to do this is to routinely check the Regional Board website. Staff will be making heavy use of the website and will be posting an FAQ, Fact Sheets, status reports on various activities, meeting calendars, and other program related items. There are three key areas worth visiting regularly:

- Public Notices – Agricultural Discharges: <http://www.swrcb.ca.gov/rwqcb5/publicnotices/index.html>
- Board Meetings (agendas and minutes): <http://www.swrcb.ca.gov/rwqcb5/boardmeetings/index.html>
- Programs – Agricultural Discharges: <http://www.swrcb.ca.gov/~rwqcb5/programs/index.html>

Future Topics

Regional Board staff intends to discuss topics that are related directly or indirectly to the Irrigated Lands Conditional Waiver Program. These topics include status updates on monitoring efforts by the Regional Board, Watershed Groups which have filed for coverage under the Irrigated Lands Waiver, sources of information and data for Watershed Groups and individual dischargers, status of TMDLs related to irrigated lands, and funding opportunities and alternatives.

If you have topics that you would like to see addressed in this newsletter, please send them by e-mail to agwaiver@rb5f.swrcb.ca.gov or by mail to Shakoora Azimi, Central Valley Regional Water Quality Control Board, 3443 Routier Road, Suite A, Sacramento, CA 95827.