



# Irrigated Lands News

## California Regional Water Quality Control Board Central Valley Region



---

Issue 2

March 2004

---

### **Irrigated Lands Waiver Brochure Now Available!**

The Central Valley Regional Water Quality Control Board (Regional Board) has developed a brochure entitled *Irrigated Lands Waiver*. The brochure is part of an effort to assist owners and operators of irrigated lands in understanding the Conditional Waivers of Waste Discharge Requirements for Discharges of Waste from Irrigated Lands (Conditional Waivers) adopted by the Regional Board on 11 July 2003 and upheld by the State Water Resources Control Board on 22 January 2004. With the adoption of the Conditional Waivers, owners and operators of irrigated lands that discharge waste that can degrade surface water quality must now select one of three options to obtain regulatory coverage under the California Water Code (CWC):

- Elect to join a Coalition Group approved by the Regional Board;
- File for an Individual Discharger Conditional Waiver; or
- File a Report of Waste Discharge for the purpose of receiving Waste Discharge Requirements, if appropriate.

The brochure contains information on these options, how to apply for regulatory coverage under the Conditional Waivers, how to maintain such coverage, and how to obtain more information regarding the Conditional Waivers. It is very important that owners and operators of irrigated lands select one of the above three options to obtain regulatory coverage for waste discharges to surface waters because failure to do so could result in enforcement action under the CWC.

To obtain an electronic copy of the brochure, go to

[http://www.swrcb.ca.gov/rwqcb5/programs/irrigated\\_lands/ag\\_waiver\\_brochure.pdf](http://www.swrcb.ca.gov/rwqcb5/programs/irrigated_lands/ag_waiver_brochure.pdf)

If after reviewing the brochure you have any questions, or need further assistance regarding the

Conditional Waivers, please contact the Regional Board at (916) 464-3291, send an email to [AgWaiver@rb5s.swrcb.ca.gov](mailto:AgWaiver@rb5s.swrcb.ca.gov), or visit our website at:

[http://www.swrcb.ca.gov/rwqcb5/programs/irrigated\\_lands/index.html](http://www.swrcb.ca.gov/rwqcb5/programs/irrigated_lands/index.html)

### **Sign-up for Electronic Distribution of Irrigated Lands Program Information**

In the past, the Regional Board has routinely distributed Irrigated Lands Program materials through the mail. In an effort to reduce costs, program information and meeting agenda items are now available for distribution via email. If you would like to receive Irrigated Lands Program information electronically rather than by regular mail, you can follow the instructions below to add your email address to the Regional Board's subscription system.

- Using your web browser software, go to the web site [www.swrcb.ca.gov/rwqcb5](http://www.swrcb.ca.gov/rwqcb5). *This will take you to the Central Valley Regional Board's home page.*
- Click on the [subscribe](#) link under "E-mail Subscription" on the right hand side of the home page. *This will take you to the Mailing List Subscription Form web page.*
- In the boxes provided, type your name and your email address. *Double check that your email address is accurately entered.*
- Check the "Irrigated Lands Conditional Waiver Information" box near the bottom of the window. *You may also check additional boxes to receive information on other topics.*
- Click the Subscribe button on the right. *You will be sent a confirmation email message. You must reply to that message to be added to the Regional Board mailing list(s).*

## Frequently Asked Questions

The Regional Board estimates there are greater than 25,000 potential dischargers who are eligible for coverage under the Conditional Waivers. For the past year, the Regional Board has been working with organizations such as county farm bureaus, commodity groups, resource conservation districts, irrigation districts, University of California Cooperative Extension, the USDA Natural Resources Conservation Service (NRCS), County Agricultural Commissioners, newly forming Coalition Groups, and others to provide education and outreach to dischargers on the Irrigated Lands Program. The following are some questions frequently asked about this program.

### ***What are irrigated lands?***

Irrigated lands are defined in Resolution No. R5-2003-0105 and the adopted Conditional Waivers as “lands where water is applied for the purpose of producing crops,” including, but not limited to, row and field crops, orchards, vineyards, rice production, nurseries, irrigated pasture, and managed wetlands.

### ***What is waste?***

Waste is broadly defined in the CWC and includes all waste substances associated with crop production and related activities (e.g., pesticides, nutrients, salt, selenium, boron, sediment, etc.).

### ***What are waters of the state?***

“Waters of the state” include groundwater and surface water. They include waters in public and private channels, and waters in constructed channels and natural channels. The Conditional Waivers address discharges to surface waters only. Groundwater will be addressed at a later point in the development of the Irrigated Lands Program.

### ***Am I a discharger?***

Any person or entity operating irrigated lands that discharges waste which can affect the quality of waters of the state is considered a Discharger. Discharges from irrigated lands can occur either directly or indirectly as surface tailwater or subsurface return flow (from tile drainage systems or deep open drains), stormwater runoff, or operational spills. Those affected may include owners and operators of irrigated lands, managers of wetlands, and local districts who discharge tailwater, water from underground drains, water from operational spills, and stormwater runoff flowing from irrigated lands to surface waters.

### ***Why should I be concerned about storm water runoff or tailwater?***

Many streams in the Central Valley are affected by runoff of waste discharges from irrigated lands to the point that some beneficial uses of these waters are impaired.

### ***Why should I care?***

Protecting water quality in our streams and rivers involves the work of everyone. Also, the state’s water quality laws require everyone discharging waste to the state’s waters to take actions to reduce the impact of their discharge.

### ***What are Waste Discharge Requirements?***

Anyone discharging waste that can affect the quality of the waters of the state must submit a report describing the discharge to the Regional Board. This is known as a Report of Waste Discharge (ROWD). After receiving the ROWD, the Regional Board develops requirements for the discharge that will protect water quality. The requirements are issued in a permit called Waste Discharge Requirements (WDRs).

### ***As an owner and/or operator of irrigated lands, will I have to go through this process?***

Not necessarily. The Regional Board has adopted two Conditional Waivers for discharges of waste from irrigated lands to surface water. One is for Coalition Groups and the other is for individuals. In order to be covered by a waiver you must either enroll as a member with a Coalition Group or submit a Notice of Intent to the Regional Board for coverage under the Conditional Waiver for individuals, and comply with all waiver conditions. If you discharge waste to surface water and do not obtain regulatory coverage under one of the Conditional Waivers, you must file a ROWD and obtain WDRs to be in compliance with the CWC.

### ***What is the difference between Waste Discharge Requirements and the Conditional Waivers?***

The CWC Section 13260 requires that any person who is discharging waste, or proposing to discharge waste, which could affect the quality of the waters of the state to file a ROWD with the Regional Board, along with a filing fee. Typical WDRs will contain prohibitions, discharge specifications, and provisions. The discharge prohibitions describe materials which may not be discharged to the waters of the state. Specifications will describe any conditions under which the discharge may be made. Specifications may include treatment processes such as requirements for desilting, nitrogen removal, etc. Additionally, dischargers prescribed WDRs will be

required to pay an annual fee to the Regional Board. Further, WDRs must comply with the California Environmental Quality Act (CEQA) and dischargers generally pay the costs to prepare the necessary documents.

The Conditional Waivers specifically waive the requirement for owners and operators of irrigated lands that discharge waste to surface water to file a ROWD with the Regional Board, issuance of WDRs, and annual fees (at this time).

It is important to understand that while the Conditional Waivers waive the requirement to submit a ROWD to the Regional Board, they do set forth specific conditions for discharges of waste from irrigated lands. Dischargers who obtain coverage under the Conditional Waivers will be required to prepare technical reports, monitor surface water, and implement management practices to protect the quality of waters of the state within the Central Valley Region.

Discharges currently under any other Regional Board regulatory program (Waste Discharge Requirements (WDRs), prohibition of discharge, etc.) are not eligible for coverage under the Conditional Waivers.

***What is a Coalition Group?***

A Coalition Group is any group receiving Regional Board approval to operate under the terms and conditions of the Coalition Group Conditional Waiver. In addition to dischargers, Coalition Groups may include representatives from diverse interests such as the county farm bureaus, County Agricultural Commissioners, resource conservation districts, the NRCS, UC Cooperative Extension farm advisors, local water agencies and water districts, irrigation districts, grower groups, environmental interests and other local, state or federal governmental agencies.

***What are the waiver conditions?***

Monitoring waste discharges from irrigated lands to surface waters is required to more accurately determine the effects of these discharges. If water quality is being degraded, management practices must be used to reduce or eliminate the impacts on water quality. Further, monitoring is needed to evaluate the effect of these management practices.

***Does anyone dictate what management practices I must use?***

Management practices are best developed by those with extensive knowledge of crop production, resource management and local conditions. These

are the growers themselves. Groups of growers combined into coalitions have a wealth of knowledge about these factors and can provide information about which management practices are most effective in certain areas. In addition, other entities (e.g., resource conservation districts, the NRCS, UC Cooperative Extension, commodity groups, etc.) can play a key role in the development and evaluation of management practices. Under certain conditions, growers not participating in a Coalition Group may develop their own management practices. Under the Conditional Waivers, the Regional Board does not dictate which management practices must be used. The Regional Board's objective is to improve and protect water quality and the Regional Board understands that there are different ways to accomplish this.

***How will the Conditional Waivers protect water quality?***

The Conditional Waivers require owners and/or operators of irrigated lands to manage their discharges of waste to surface waters so they do not cause or contribute to surface water pollution. The Conditional Waivers acknowledge that information on the nature and extent of water quality problems caused by irrigation return flows and storm water runoff from agricultural operations throughout the Central Valley is incomplete, that additional information about appropriate management practices is needed, and that some water quality problems will take longer than the term of the Conditional Waivers to solve. Therefore, these waivers include conditions that require water quality monitoring, implementation of management practices to address water quality problems and reporting to the Regional Board. In areas where water quality problems are detected through the monitoring process, the Regional Board will require the identification and implementation of additional management practices to scale back the discharge of waste and continued monitoring to assess whether the management practices are effective in restoring water quality.

The Conditional Waivers will allow time for Coalition Groups to form and begin to identify and deal with the problems in their watersheds. The Conditional Waivers are a part of an evolving water quality protection program. If these Conditional Waivers are found to be ineffective then Waste Discharge Requirements will be issued.

## Irrigated Lands Monitoring Projects:

### *Phase I Monitoring*

During the 2003 irrigation season, the University of California Davis (UCD) conducted sample collection and water column toxicity testing under a contract with the Regional Board. All fieldwork was completed by 1 November 2003. This work consisted of monitoring 25 sites beginning on 26 March 2003 and ending on 25 September 2003. A total of 189 samples were collected. These samples were tested for water column toxicity using *Ceriodaphnia dubia* and larval *Pimephales promelas* in 96-hour tests. Most sites were sampled eight to ten times. In 11 of the 110 water samples collected, there have been indications of toxicity (mortality) to the indicator test species. These toxic sites are located in various counties in the Central Valley. Sample results for some of the sites indicated extended periods (4 days) of high concentrations of chlorpyrifos. UCD recommends investigations to define the extent of these toxic pulses.

Phase I monitoring included a sediment toxicity monitoring program focusing on pyrethroids. This program was conducted by University of California, Berkeley (UCB) and Southern Illinois University in conjunction with a CalFed sediment toxicity monitoring program. UCB made an effort to take sediment samples on a subset of the UCD water column toxicity sites. Nine out of thirty two samples showed toxicity to *Hyalella azteca*. Seven out of seventeen locations were toxic at least once during the summer of 2003. Staff presented the data to the Technical Advisory Committee on 21 November 2003. UC Davis is currently working on a draft report scheduled for completion by June 2004.

### *Phase II Monitoring*

Staff prepared contracts with UCD and California Department of Fish and Game (CDFG) for the Phase II water quality investigation that includes sample collection, laboratory analyses and data management and reporting. It is anticipated that the contract will be executed by May 2004. Regional Board staff are currently working with the UCD and CDFG contract managers and technical staff to refine the monitoring requirements, prepare the quality assurance project plan, locate monitoring sites and coordinate sampling activities. Staff prepared the proposed draft monitoring sites with assistance from UCD and is currently being reviewed by Regional Board staff to ensure regional monitoring

coordination. Over the next several months, staff will be meeting with other agencies and Coalition Groups to coordinate monitoring sites and parameters.

If you have any questions about the Phase I or II Monitoring please send them by email to [agwaiver@rb5s.swrcb.ca.gov](mailto:agwaiver@rb5s.swrcb.ca.gov) or by mail to:

Shakoora Azimi-Gaylon  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

This newsletter was prepared by the Central Valley Regional Water Quality Control Board Irrigated Lands Waiver Unit. This newsletter will be published periodically to inform interested parties of the activities and documents available related to Irrigated Lands Program.

Please contact Shakoora Azimi at (916) 464-4852 or [azimis@rb5s.swrcb.ca.gov](mailto:azimis@rb5s.swrcb.ca.gov) for more information.