

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

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Public Notice No. 07-09-22
June 10, 2009

NOTICE OF INVITATION
TO PARTICIPATE IN A TECHNICAL ADVISORY COMMITTEE
FOR
DEVELOPMENT AND IMPLEMENTATION OF
A CONDITIONAL PROHIBITION FOR AGRICULTURAL DISCHARGES WITHIN THE
COACHELLA VALLEY

Staff of the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board), is inviting private and public entities interested in and/or potentially affected by the aforementioned prohibition to participate in a Technical Advisory Committee (TAC) to advise and provide comments on the development of a proposed amendment to the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan). The Basin Plan amendment will incorporate a conditional prohibition to address any water quality impacts caused by agricultural discharges within the Coachella Valley.

BACKGROUND

Beginning in 1983, the Regional Water Board issued waivers of waste discharge requirements for thirteen specific types of discharges. On October 10, 1999, Senate Bill 390 was signed into law, amending sections 13269 and 13350 of the California Water Code (CWC), requiring all waivers of waste discharge requirements existing on January 1, 2000, to expire on January 1, 2003. Following review of the discharge categories, the Regional Water Board determined that it was appropriate to renew nine of the thirteen waivers, allowing the waiver for agricultural discharges to expire, along with three others. Since then, agricultural discharges in the Coachella Valley, among other areas in the region, have been unregulated, even though CWC Section 13269 requires the Regional Water Board to regulate such discharges. The proposed agricultural discharge prohibition addresses this statutory requirement.

Agricultural discharges subject to this conditional prohibition include: 1) irrigation return water, which includes surface discharges (also known as "tailwater"), and subsurface discharges (known as "tile water" in tilled areas, or "seepage" in areas not tilled); and 2) storm water runoff from irrigated lands. These discharges may contain wastes that affect the quality of waters of the state.

Records from the Coachella Valley Water District indicate that approximately 53,855 acres in Eastern Coachella Valley were used for agriculture in 2007, with an estimated 37,425 acres with on-farm drains that discharge into the Coachella Valley subsurface drainage system.

Beneficial uses designated for the Coachella Valley Drains and Stormwater Channel include:

- a. Freshwater Replenishment (FRSH),
- b. Water Contact Recreation (REC-I),
- c. Non-contact Water Recreation (REC-II),
- d. Warm Freshwater Habitat (WARM),
- e. Wildlife Habitat (WILD), and
- f. Preservation of Rare, Threatened, or Endangered Species (RARE).

Beneficial uses designated for the Salton Sea include:

- a. Aquaculture (AQUA),
- b. *Industrial Service Supply (IND),
- c. REC-I,
- d. REC-II,
- e. WARM,
- f. WILD, and
- g. RARE.

* This is a potential use.

To ensure the conditional prohibition is addressed in a timely and appropriate manner, it is imperative the public is provided an opportunity to participate in the development of the prohibition. This opportunity will be available through public outreach, education, and participation in the Basin Plan amendment process.

DEVELOPMENT OF BASIN PLAN AMENDMENT

- A. The Basin Plan amendment process is a quasi-legislative (i.e., administrative rulemaking) process that follows the protocol below:
 1. The Regional Water Board identifies the need for a Basin Plan amendment based on water quality concerns, revised regulations/policies, and research. Regional Water Board staff develops the administrative record for the amendment, and prepares the required documents such as the staff report, draft amendment, and draft resolution.
 2. The Regional Water Board publishes a Notice of Public Hearing to consider adoption of the proposed amendment, and circulates the draft documents for public review and comment.
 3. Regional Water Board staff responds to comments received.

4. The Regional Water Board considers adoption of the amendment at a public hearing.
5. If the Board adopts the amendment, Regional Water Board staff transmits two copies of the administrative record to the State Water Resources Control Board (State Water Board) for review and approval.
6. The State Water Board considers the amendment, and if approved, transmits the amendment to the Office of Administrative Law (OAL) for review and approval of the regulatory portions of the amendment. Following OAL approval, Basin Plan amendments involving surface waters are forwarded to the United States Environmental Protection Agency (USEPA) for review and approval (not required for groundwater amendments). Because the agricultural discharges at issue for this Basin Plan amendment include direct discharges to surface waters (tail water discharges) as well as indirect discharges to surface waters (tile water discharges), this amendment is subject to USEPA review and approval.
7. Once the Basin Plan amendment is approved by OAL - and also the USEPA in the case of surface water amendments such as the subject conditional prohibition - Regional Water Board staff files a California Environmental Quality Act (CEQA) Notice of Decision with the California Secretary for Natural Resources, and then adds the amendment language to the Basin Plan.

PUBLIC PARTICIPATION

Pursuant to the Porter-Cologne Water Quality Control Act, the Regional Water Board is responsible for ensuring public participation in the Basin Plan amendment process. As mentioned earlier, public participation is critical for successful outreach and education, and to expeditiously develop and implement the conditional prohibition for agricultural discharges in the Coachella Valley. Participation will be achieved through interacting with stakeholder groups and the general public. Stakeholder groups are individuals or organizations in the government, private, or public sectors that have an interest in, or are affected by, the prohibition. Stakeholders in the Coachella Valley include: farmland owners, renters, lessees, and growers; the Coachella Valley Water District; the Coachella Valley Agriculture Stakeholder Water Quality Task Force; the Riverside County Farm Bureau; the Riverside County Agricultural Commissioner; academia; environmental groups, and the public at large. The Regional Water Board will encourage comments and recommendations from stakeholders and the public throughout the amendment process, and will provide periodic updates for the proposed amendment to interested parties. Individuals wishing to file written comments for consideration by the Regional Water Board are requested to do so at the earliest practicable date.

To encourage stakeholder participation, Regional Water Board staff proposes to form a Technical Advisory Committee (TAC) to facilitate development and implementation of the proposed Basin Plan amendment. The TAC will play a vital role in the amendment process, and is expected to provide expert resources, and scientific evaluations,

conclusions, and recommendations for implementation activities. TAC participation will be limited to those individuals, groups, and agencies wishing to be involved to this extent. At a minimum, TAC members shall assist Regional Water Board staff with the following:

1. Stakeholder outreach and education;
2. Evaluating water quality data;
3. Identifying major sources of pollution;
4. Researching fate and transport of pollutants from agricultural discharges;
5. CEQA documentation;
6. Identifying financial assistance for implementing controls;
7. Developing amendment language; and
8. Developing implementation plans.

Interested participants are requested to file a letter of intent with the Regional Water Board at the earliest practicable date, but no later than **July 25, 2009**. The letter of intent should indicate your area of expertise and main concerns. The first TAC meeting is tentatively scheduled for **August 27, 2009 at 10:00 A.M.** at the Regional Water Board office in Palm Desert. Individuals selected to participate in the TAC will be notified by mail two weeks in advance of the TAC meeting. Any comments and correspondence related to this matter should be addressed to the Board at the address provided below.

**California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
ATTN: Ms. Theresa Kimsey**

If you have any questions regarding this matter that require immediate assistance, please contact Ms. Kimsey at (760) 776-8971.

Finally, we appreciate your bringing the foregoing to the attention of any person you know who may be interested in this matter.

JOAN STORMO
Senior Engineering Geologist

File: Conditional Prohibition for agricultural discharges within the Coachella Valley