

## **Coachella Valley Agricultural Conditional Waiver Frequently Asked Questions**

On June 26, 2014, the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) adopted Order No. R7-2014-0046, a Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Waste from Drain Operation and Maintenance (O&M) Activities Originating within the Coachella Valley (Conditional Waiver). Agricultural or drain maintenance dischargers must meet the requirements of the Conditional Waiver or qualify for an exemption. Otherwise, you must submit a Report of Waste Discharge (ROWD) and apply for a discharge permit. This document presents answers to Frequently Asked Questions by dischargers and other stakeholders regarding the background and requirements of the Conditional Waiver.

### **◆ What is the Regional Board?**

The Regional Board is a State of California agency. It regulates water quality in Imperial and parts of Riverside, San Bernardino, and San Diego counties. The Regional Board acts under the authorities of the Clean Water Act and Porter Cologne Water Quality Control Act. The Regional Board is one of nine in the state. They are overseen by the State Water Resources Control Board. The State and Regional Boards are part of the California Environmental Protection Agency. Their mission is "to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."

### **◆ Why did the Regional Board adopt a Conditional Waiver?**

The Porter Cologne Water Quality Control Act states that discharges of wastes to waters of the state must be regulated. It must be done by permits or Conditional Waivers. Discharges of waste from irrigated lands contain wastes such as nutrients, pesticides and sediments. This waste discharge to waters of the state may affect water quality. The Conditional Waiver is designed to protect water quality. It also protects the beneficial uses of waters of the state for the public.

### **◆ What is waste?**

Waste is broadly defined under California law. It includes all waste associated with crop production. It also includes related activities. Examples of waste are boron, nutrients, pesticides, salt, sediment, selenium, etc.

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

"Waters of the State" include groundwater and surface water. They include waters in public and private channels. Waters may be in constructed or natural channels. It also includes saline waters within the boundaries of the state.

### **◆ What is agricultural wastewater?**

"Agricultural wastewater" is a waste. It includes storm water runoff and irrigation return water. Return water may be surface or subsurface. Surface discharges are known as "tail water." Subsurface discharges are known by two names. In tiled areas they are known as "tile water." In areas not tiled they are known as "seepage."

### **◆ What is an Agricultural Discharger?**

An Agricultural Discharger is a party who owns, rents/leases, or operates/grows. The party acts on irrigated agricultural land in the Coachella Valley. The party discharges, has the potential to discharge, or proposes to discharge waste. The waste could directly or indirectly affect the quality of waters of the state.

### **◆ What is a Drain Maintenance Discharger?**

A Drain Maintenance Discharger is a party who conducts drain operation and maintenance. The activities are the Coachella Valley. The party discharges, or has the potential to discharge waste. The waste could directly or indirectly affect the quality of waters of the state.

### ◆ **How do I know if I am exempt?**

You are exempt if your land use is a golf course or polo field. You also are exempt if your land is five (5) acres or less, and all of the following is true. Your land is used for gardens, vineyards, orchards, pastures or greenhouses. The crops and/or animals produced are for personal consumption. You do not hold a current Operator Identification Number/Permit Number for pesticide use reporting. You do not use the federal Department of Treasury Internal Revenue Service Form 1040 Schedule F Profit" or Loss from Farming to file federal taxes.

### ◆ **How can I comply with the Conditional Waiver?**

You have two options.

**Option 1:** Submit a Notice of Intent to comply with the Conditional Waiver; or

**Option 2:** Participate in a Coalition Group. The Coalition Group submits a letter of intent. The letter indicates the Coalition Group will implement a program to comply with the Conditional Waiver.

Under Option 1, the discharger must also do the following. Prepare a Water Quality Management Plan. If applicable, prepare a Drain Water Quality Improvement Plan. Monitor water quality. Prepare a Quality Assurance Project Plan. Submit annual monitoring reports.

Costs are generally higher for an owner/operator to enroll in the Conditional Waiver as an individual rather than enrolling with a Coalition Group. This is because monitoring and reporting is done at the local versus the regional level. The owner/operator is also working directly with Regional Board staff rather than the Coalition Group. For more information about agricultural and irrigated lands fees visit [www.waterboards.ca.gov/resources/fees/water\\_quality/](http://www.waterboards.ca.gov/resources/fees/water_quality/). See the heading entitled, "Agricultural and Irrigated Lands Fees":

### ◆ **What is a Coalition Group?**

A Coalition Group is a group of dischargers and/or organizations formed to comply with the Conditional Waiver. Groups tend to be formed based on similar geography or types of crops.

### ◆ **Does the Regional Board dictate what management practices must be used?**

The Regional Board does not mandate which management practices must be used. The goal of the Regional Board is to improve and protect water quality. The Regional Board understands that there are many ways to achieve this goal. Management practices are best developed by those with extensive knowledge of crop production, resource management, and local conditions. The discharger and other organizations (Resource Conservation Districts, the Natural Resources Conservation Service, UC Cooperative Extension farm advisors, commodity groups etc.), can play a key role in developing management practices.

### ◆ **Can I lose eligibility for coverage under the Conditional Waiver?**

If coalition groups or individual dischargers do not meet waiver conditions, they may lose their coverage under the waiver. They can also face enforcement action. The Regional Board has enforcement authority under section 13267 of the Porter Cologne Water Quality Control Act. Dischargers must submit reports required by the Conditional Waiver. The reporting schedule is set by the Regional Board. Dischargers who do not seek coverage under a conditional waiver or dischargers who lose their coverage must submit a ROWD to the Regional Board. Waste Discharge Requirements may be issued.

### ◆ **How do I obtain additional information?**

Please visit the following website to view the Conditional Waiver. See the heading, "Coachella Valley." [http://www.waterboards.ca.gov/coloradoriver/water\\_issues/programs/irrigated\\_lands/index.shtml](http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/irrigated_lands/index.shtml)

For additional information, please contact: Rosalyn Fleming at (760) 776-8948.  
For information in Spanish contact Frank Gonzalez at (760) 668-7692.