

New Ag Waiver for the San Diego Region (including Temecula Valley)

Water Quality Workshop
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Outline

- Waste Discharge Requirements (WDRs) vs. Conditional Waivers of WDRs
- Waiver Conditions
- Enrollment
- Monitoring Group vs. Individual
- Summary

WDRs vs. Conditional Waivers

WASTE DISCHARGE REQUIREMENTS

- Dischargers must file a Report of Waste Discharge (RoWD) & pay a fee.
- Cannot discharge until WDRs are issued. Must discharge in compliance with discharge requirements.
- Annual fees required.
- Annual monitoring and reporting required.
- WDRs do not have to be renewed, but termination must be requested to rescind WDRs.
- Monetary penalties may be assessed and enforcement actions may be taken for violation of WDRs or failure to pay fees.

CONDITIONAL WAIVERS OF WDRS

- Enrollment and enrollment fee may be included as conditions.
- Can discharge under waiver as long as in compliance with waiver conditions.
- Annual fees can be included as a condition.
- Monitoring and reporting can be included as conditions.
- Waivers expire every 5 years, but may be renewed with new conditions.
- Monetary penalties may be assessed and enforcement actions may be taken for violation of waiver conditions.

WDRs vs. Conditional Waivers

WASTE DISCHARGE REQUIREMENTS

- Report of Waste Discharge (RoWD) + Fee.
- Cannot discharge until WDRs are issued. Must discharge in compliance with discharge requirements.
- Annual fees required.
- Annual monitoring and reporting required.
- WDRs do not have to be renewed, but termination must be requested to rescind WDRs.
- Monetary penalties may be assessed and enforcement actions may be taken for violation of WDRs or failure to pay fees.

WAIVER FOR AG & NURSERY OPS

- File Notice of Intent (NOI). No enrollment fee.
- Can discharge under waiver as long as in compliance with waiver conditions.
- No annual fees (at this time).
- One year monitoring and one monitoring report required.
- Waiver expires December 31, 2012. Renewal expected with new conditions.
- Monetary penalties may be assessed and enforcement actions may be taken for violation of waiver conditions.

Waiver Conditions

- Facility Design and Management
- Application of Compost as Fertilizer, Amendment, or Mulch to Soil
- Application of Products
- Education and Enrollment
- Inspection and Reporting
- Specific Conditions

Waiver Conditions

- Facility Design and Management
 - Comply with any local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses.
 - Implement management measures (MMs) and/or best management practices (BMPs) to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the state.

Waiver Conditions

- Application of Compost to Soil
 - Prevent the direct or indirect discharge of composts used as fertilizers, amendments and mulches to any surface waters of the state.
 - Plant crop residues may be utilized as amendment or mulch.
 - Specific wastes cannot be included as component of compost used as an amendment or mulch unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality.
 - Amount of compost applied to soil must be reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch.
 - Apply compost to soil at site-specific rates appropriate to the season (i.e., dry vs. rainy).
 - Implement MMs/BMPs in areas with compost applied to soil to minimize or eliminate runoff and leachate

Waiver Conditions

- Application of Products
 - Prevent the direct or indirect discharge of any products used in operations to any surface waters of the state.
 - Apply products in accordance with manufacturer instructions and guidelines, but application must not have an adverse effect on the quality of any waters of the state .
 - Excessive amounts of any products used in agricultural or nursery operations spilled to land must be contained and properly disposed.
 - Any products used in agricultural or nursery operations applied to land must not adversely impact the quality or beneficial uses of groundwater.

Waiver Conditions

- Education and Enrollment
 - Perform annual self assessments to identify the pollutants present on the site and assess the potential for runoff and/or infiltration to waters of the state.
 - Complete at least 2 hours of water quality management related training annually. Training may include formal classroom training or meetings with a training component.
 - Be in regular contact with the local Farm Bureau, UCCE, NRCS, and/or RCDs so they can be informed of the latest MMs/BMPs and developments with water quality issues .
 - Maintain records pertaining to the water quality management efforts for the operation.
 - **No later than January 1, 2011**, owners/operators of agricultural and nursery operations must file a Notice of Intent, as either an individual operation or as part of a monitoring group, with the San Diego Water Board.

Waiver Conditions

- Inspection and Reporting
 - The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
 - Owners/operators must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.
 - **By March 31, 2011**, contact the San Diego Water Board to begin developing a Monitoring and Reporting Program Plan (MRPP) and a Quality Assurance Project Plan (QAPP) .
 - **By January 1, 2012**, submit MRPP/QAPP to the San Diego Water Board.
 - **By December 31, 2012**, submit Monitoring Program Report (MRP) to the San Diego Water Board consistent with the MRPP/QAPP.

Waiver Conditions

- Specific Conditions
 - **Agricultural Operations**
 - No surface waters of the state on or off the property can be altered, unless the proposed alteration has received a Clean Water Act section 401 Water Quality Certification, individual WDRs, or individual waiver from the San Diego Water Board.
 - **Minimize or eliminate the discharge of any pollutants (including pollutants in irrigation return waters) that could adversely affect any waters of the state.**

Waiver Conditions

- Specific Conditions
 - **Nursery Operations**
 - No surface waters of the state on or off the property can be altered, unless the proposed alteration has received a Clean Water Act section 401 Water Quality Certification, individual WDRs, or individual waiver from the San Diego Water Board.
 - Minimize or eliminate the discharge of any pollutants (including pollutants in irrigation return waters) that could adversely affect any waters of the state.
 - **Prevent the direct or indirect discharge of nursery irrigation return water to any surface waters of the United States.**

Waiver Conditions

- Summary
 - Manage operations to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the state.
 - Enrollment is a condition of the waiver. Enrollment is not required until January 1, 2011.
 - Allowing inspections is a condition of the waiver.
 - Monitoring and reporting are conditions of the waiver.
 - Monitoring and Reporting Plan (Nine months to develop with SDRWQCB)
 - One year of monitoring (During 2012)
 - One Monitoring Program Report (Due December 31, 2012)
 - Violation of any waiver conditions subject to civil liability penalties and enforcement actions.

Enrollment

- Monitoring Group or Individual
- Notice of Intent
 - Assessor parcel number(s)
 - Land info (parcel size, types of crops, irrigated acres)
 - Owner/operator info (names, contact info)
 - Description of irrigation, storm water runoff, nutrient, pesticide, erosion control, composting, and other site-specific MMs/BMPs that have been implemented
 - Maps of operation
- If not enrolled?
 - Discharges no longer eligible for waiver of WDRs.
 - Must submit RoWD and be issued WDRs or be subject to enforcement action for non-compliance with California Porter-Cologne Water Quality Control Act.

Monitoring Group vs. Individual

MONITORING GROUP

- File Notice of Intent.
- Prepare and submit Monitoring and Reporting Program Plan.
- Conduct monitoring.
- Prepare and submit Monitoring Program Report.
- Costs & compliance activities **can be divided** among monitoring group participants.

INDIVIDUAL

- File Notice of Intent.
- Prepare and submit Monitoring and Reporting Program Plan.
- Conduct monitoring.
- Prepare and submit Monitoring Program Report.
- Costs & compliance activities **are sole responsibility** of individual owner/operator.

Summary

- Complying with waiver conditions is easier and less expensive than obtaining and complying with waste discharge requirements.
- Waiver conditions basically require proper management of operations to minimize or eliminate discharges to waters of the state.
- Enrollment is a condition to continue discharging under waiver. If not enrolled, file RoWD for WDRs or face potential enforcement action.
- Monitoring and reporting are conditions of continuing to discharge under waiver.
- Costs for monitoring groups less than costs for individual enrollees.

Questions?

<http://www.waterboards.ca.gov/sandiego/misc/waivers.html>

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