

2005 SPRING AG OUTLOOK FORUM

Agricultural Water Quality: *Obligations and Options*

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Federal Obligations:

Clean Water Act

- Different Obligations for “Point Sources” and “Non-Point Sources”
- Point Sources
 - All discharges of pollutants to water of the United States from a Point Source require a (NPDES) permit
 - Exclusions include: Precipitation based run off from agricultural and silvicultural activities; return flows from irrigated agriculture; and discharges into a privately owned treatment works. (40 C.F.R. 122.3)
- Non-Point Sources
 - States are required to prepare and submit a “Non-Point Source Plan”
 - The Plan must: identify impaired waterways, describe a process to identify management practices to address causes of impairments; and submit for approval Plans for controlling pollution from NPS (33 U.S.C. 1329)



State Obligations:

Porter-Cologne Water Quality Control Act

- State Water Resources Control Board
 - Water Rights
 - Water Quality: sets state policy for water quality control

- Nine semi-autonomous Regional Boards
 - coordination and control of water quality through Basin Plans, Permits, Waivers, Etc.



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California's Regional Water Boards

- 1- North Coast
- 2- San Francisco Bay
- 3- Central Coast
- 4- Los Angeles
- 5- Central Valley
 - R- Redding Office
 - S- Sacramento Office
 - F- Fresno Office
- 6- Lahontan
 - SLT- South Lake Tahoe Office
 - V- Victorville Office
- 7- Colorado River
- 8- Santa Ana
- 9- San Diego



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State Obligations:

Porter-Cologne Water Quality Control Act

- Same Obligations for “Point Sources” and “Non-Point Sources”
- “[P]ersons shall file... a report of waste discharge [if they are] **discharging** waste, or proposing to **discharge** waste... that could affect the quality of the water of the state...” Water Code Section 13260(a) **Unless...**
- They discharge into a community sewer system or “[T]he requirement is waived...” Water Code Section 13260(b)
- Waivers are subordinate to requirements of Basin Plans, TMDLs, etc.



State Options:

Waivers from Waste Discharge Requirements

- Several Regional Boards have Waiver policies
 - San Diego; Los Angeles; Central Coast; Central Valley
- General Waiver Requirements
 - May not exceed five years; shall be conditional; in most cases monitoring; discretionary fee (soon to be mandatory)
 - Conditions are various and are determined on a region-by-region basis
- Proposed Fees
 - \$100 / Coalition Group, Plus \$0.12 / acre; or
 - \$100 / Coalition Group, Plus \$0.20 /acre; or
 - \$ 100 / farm, Plus \$0.30 /acre
- Potential Compliance costs
 - Watershed Group Participation
 - Individual Participation



Landowner Options:

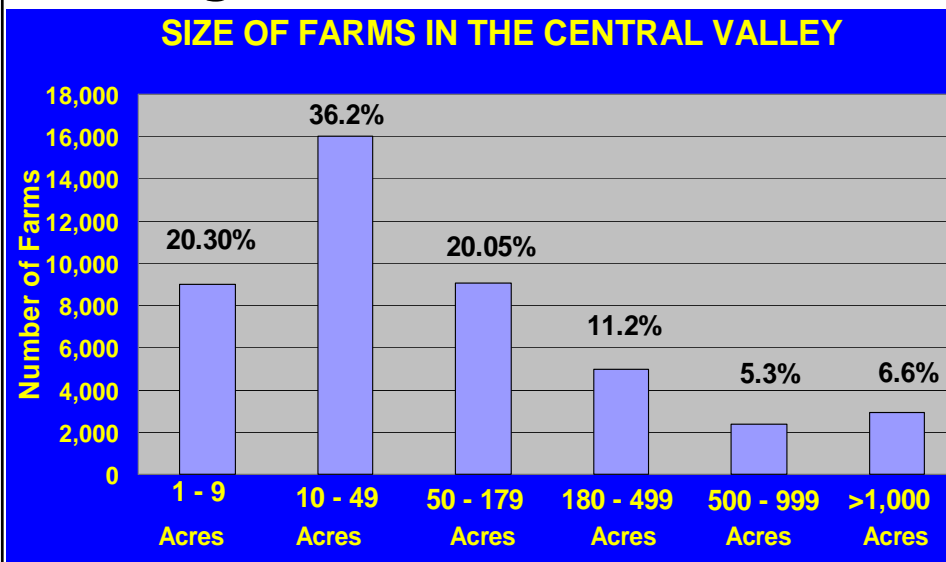
- If you discharge... a waiver or a permit is likely required
- Possible Joint and Severable Liability
- Physical Solution



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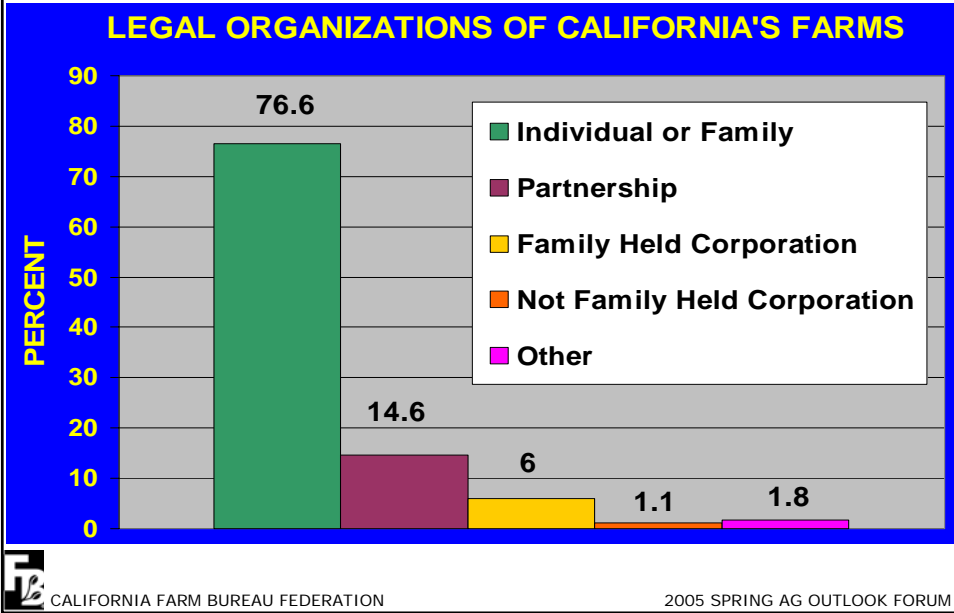
The Big Picture:



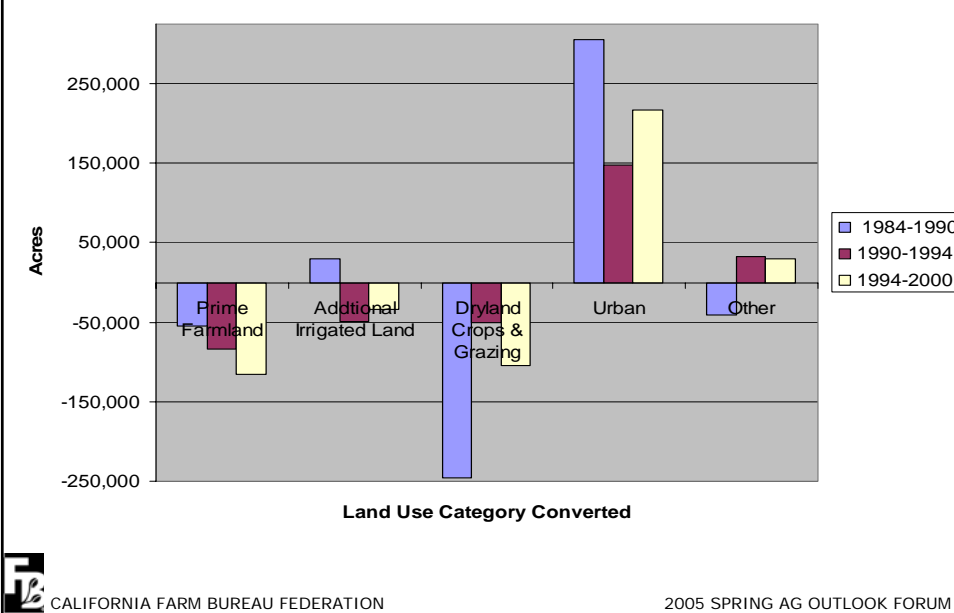
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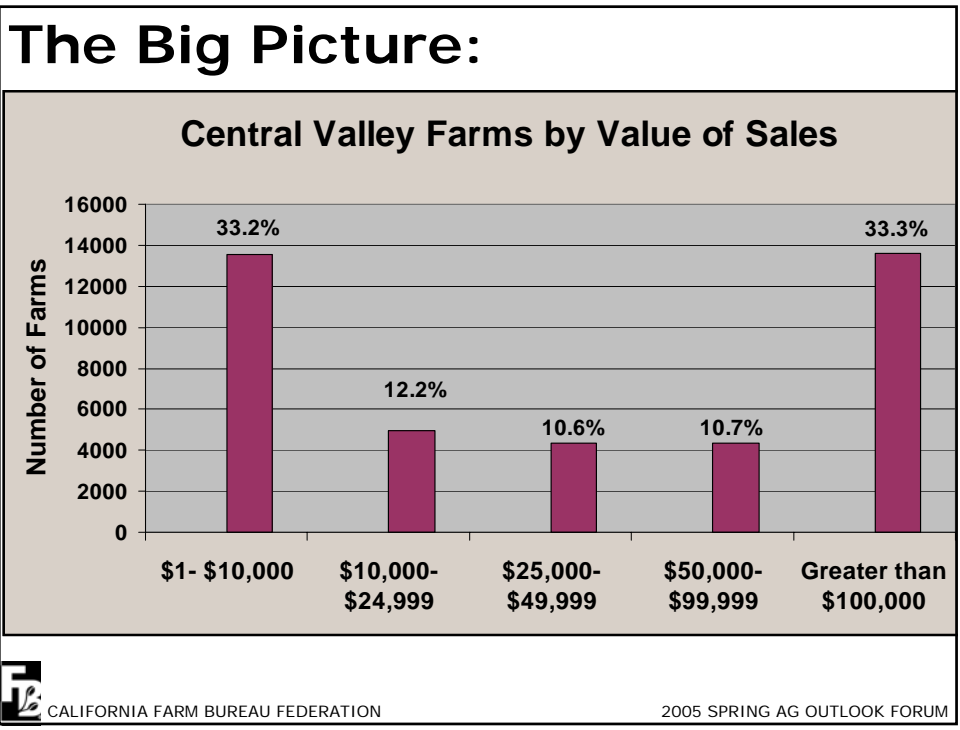
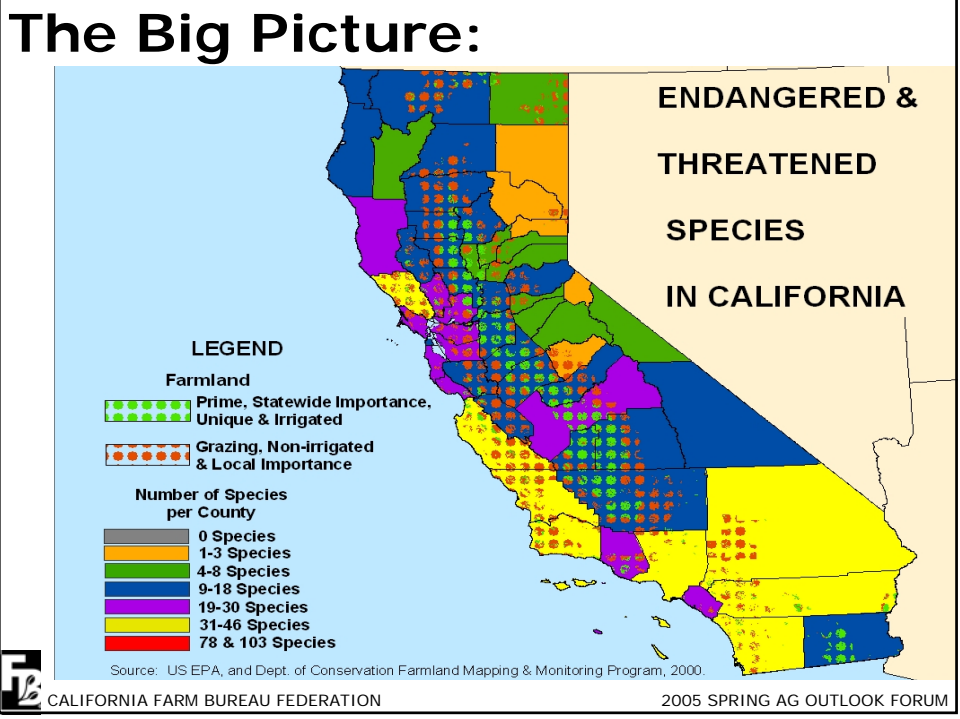
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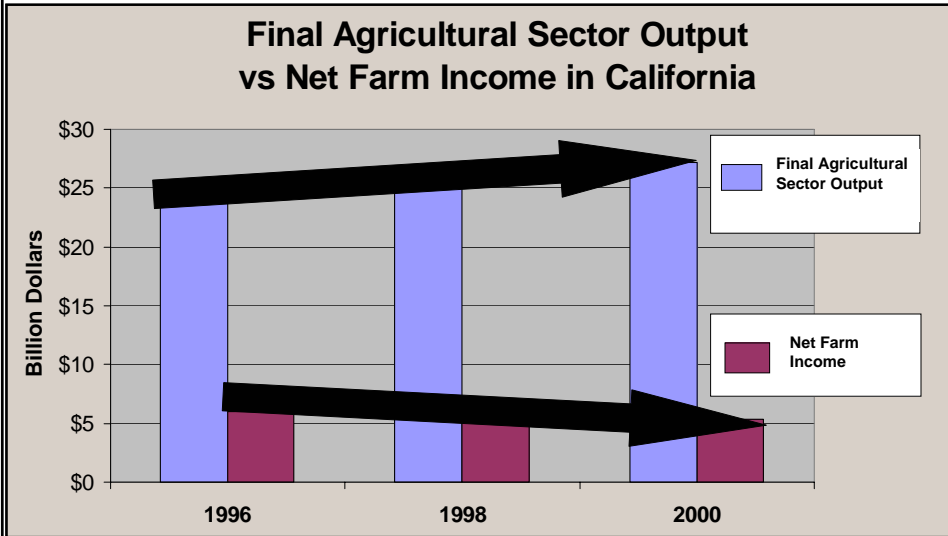


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