

Part IV

**Agricultural Waters
Task Force Report**

AGRICULTURAL WATERS TASK FORCE

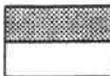
FACILITATOR	NANCY REICHARD P O. BOX 4963 ARCATA, CA 95521 PHONE: (707) 822-5985 FAX: (707) 822-6818 EMAIL: @northcoast.net	
INTEREST CATEGORY	MEMBER	ALTERNATE
POTW	JULIO S. GUERRA CITY OF MERCED, PUBLIC WORKS DEPARTMENT 678 W 18TH ST MERCED, CA 95340 PHONE: (209) 385-6893 FAX: (209) 384-7772	DONALD H. NELSON THOUSAND OAKS PUBLIC WORKS DEPT. 2100 THOUSAND OAKS BLVD THOUSAND OAKS, CA 91362 PHONE: (805) 449-2457 FAX: (805) 449-2475
STORM-WATER	DENNIS HUFF PLACER COUNTY PUBLIC WORKS DEPARTMENT 11444 B AVE AUBURN, CA 95603 PHONE: (916) 889-7592 FAX: (916) 885-3159	GENE ANDERSON RECLAMATION DISTRICT NO. 784 1594 BROADWAY MARYSVILLE, CA 95901-9632 PHONE: (916) 742-0520 FAX:
INDUSTRY	STEPHEN D. MURRILL S. D. MURRILL & COMPANY 7728 RIVER LANDING DR SACRAMENTO, CA 95831 PHONE: (916) 429-0650 FAX: (916) 429-0632	DEBORAH DONOVAN DUPONT AG STEWARDSHIP P.O. BOX 677, 1515 AVENIDA NUEVA DIABLO, CA 94528 PHONE: (510) 831-2033 FAX: (510) 831-2034
AGRI-CULTURE	JOSEPH C. MCGAHAN SUMMERS ENGINEERING, INC. P.O. BOX 1122 HANFORD, CA 93232 PHONE: (209) 582-9237 FAX: (209) 582-7832	KATI BUEHLER CALIFORNIA RICE INDUSTRY ASSOCIATION 701 UNIVERSITY AVE, STE 205 SACRAMENTO, CA 95825 PHONE: (916) 929-3986 FAX: (916) 929-0732
WATER SUPPLY	STEVE KNELL IMPERIAL IRRIGATION DISTRICT P.O. BOX 937 IMPERIAL, CA 92251 PHONE: (619) 339-8826 FAX: (619) 339-9215	JEFF J. JARACZESKI NORTHERN CALIFORNIA WATER ASSOC. 455 CAPITOL MALL, STE 335 SACRAMENTO, CA 95814 PHONE: (916) 442-8333 FAX: (916) 442-4035
ENVIRONMENTAL	ARTHUR WHIPP ENVIRONMENTAL ALLIANCE 845 WALNUT AVE WALNUT CREEK, CA 94598 PHONE: (510) 932-1433 FAX:	MARIO MENESINI ENVIRONMENTAL ALLIANCE 2406 CASCADE DR WALNUT CREEK, CA 94598 PHONE: (510) 935-1168 FAX: (510) 676-7211
PUBLIC HEALTH	NO MEMBER	NO ALTERNATE PROPOSED
U.S. EPA	MARIA REA U.S. EPA REGION 9, W-3-1 75 HAWTHORNE ST SAN FRANCISCO, CA 94105 PHONE: (415) 744-2005 FAX: (415) 744-1078	ALYDDA MANGELSDORF U.S. EPA REGION 9, W-5-1 75 HAWTHORNE ST SAN FRANCISCO, CA 94105 PHONE: (415) 744-2015 FAX: (415) 744-1078
FISH & WILDLIFE	BRIAN FINLAYSON DEPARTMENT OF FISH AND GAME 1701 NIMBUS RD, STE F RANCHO CORDOVA, CA 95670 PHONE: (916) 355-0138 FAX: (916) 355-0132	MICHAEL MORSE U.S. FISH & WILDLIFE SERVICE 3310 EL CAMINO AVE, STE 130 SACRAMENTO, CA 95821 PHONE: (916) 979-2110 FAX: (916) 979-2128
REGIONAL BOARDS	JEANNE CHILCOTT RWQCB - CENTRAL VALLEY 3443 ROUTIER RD, STE A SACRAMENTO, CA 95827-3098 PHONE: (916) 255-3088 FAX: (916) 255-3015	KENNETH COULTER RWQCB - COLORADO RIVER BASIN 73-720 FRED WARING DR, STE 100 PALM DESERT, CA 92260 PHONE: (619) 776-8946 FAX: (619) 341-6820
STATE BOARD	SYED KHASIMUDDIN SWRCB - FRESHWATER STANDARDS UNIT P.O. BOX 944213, 901 P ST SACRAMENTO, CA 94244-2130 PHONE: (916) 857-0644 FAX: (916) 857-2388	STEPHANIE ROSE SWRCB - FRESHWATER STANDARDS UNIT P.O. BOX 944213, 901 P ST SACRAMENTO, CA 94244-2130 PHONE: (916) 654-0529 FAX: (916) 657-2388
FOOD & AG	STEVE SHAFFER DEPARTMENT OF FOOD AND AGRICULTURE, OPCA 1220 N ST, P.O. BOX 942871 SACRAMENTO, CA 94271-0001 PHONE: (916) 654-1765 FAX: (916) 657-5017	
PESTICIDE REGULATION	MARSHALL LEE DEPARTMENT OF PESTICIDE REGULATION 1020 N ST SACRAMENTO, CA 95814 PHONE: (916) 324-4269 FAX: (916) 324-4088	

AGRICULTURAL WATERS TASK FORCE ATTENDANCE ROSTER

NAME	Interest Category	M/A	April 25	May 31	June 27	July 25	Aug 22	Sept 26
Syed Khasimuddin	SWRCB	M						
Stephanie Rose	SWRCB	A						
Don Nelson	POTW	A						
Julio Guerra	POTW	M						
Dennis Huff	Stormwater	M						
Stephen Murril	Industry	M						
*Michael Kiado	Public Health	M						
Maria Rea	USEPA	M						
Alyoda Mangelsdorf	USEPA	M						
Randall Stocker	Water Supply	M						
Steve Knell	Water Supply	M						
Steve Shaffer	C.D.F.A.	M						
Joe McGahan	Agriculture	M						
Michael Morse	Fish & Wildlife	A						
Brian Finlayson	Fish & Wildlife	M						
Kenneth Coulter	RWQCB	A						
Jeanne Chilcott	RWQCB	M						
Kati Buehler	Agriculture	A						
Jeff Jaraczski	Water Supply	A						
Marshall Lee	C.D.P.R.	M						
Nancy Reichard (Facilitator)		M						
Arthur Whipp	Environmental	A						
Deborah Donovan	Industry	A						
Gene R. Anderson	Stormwater	A						
Gail Linck	SWRCB	A						
Elston Grubaugh								
**Dave Smith	USEPA	M						
Mario Menesini	Environmental							
Al Vargas	RWQCB							
Jerry Troyan								
David Cohen								
Dave Kennedy								
Kathie Keber								
Gene R. Anderson								
Elizabeth Watson								
Markus Meier								
Dick Marshall								
Glen Bardzel								

M = Member

A = Alternate



= Present

= Absent

* M.Kiado resigned in June, Terry Young also resigned.

**Dave Smith substituted for A. Mangelsdorf.

**REPORT OF THE
AGRICULTURAL WATERS TASK FORCE
FOR CONSIDERATION
OF ISSUES RELATED TO THE
INLAND SURFACE WATERS PLAN**

October 1995

AGRICULTURAL WATERS TASK FORCE REPORT

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EXECUTIVE SUMMARY

The Agricultural Waters Task Force (AWTF) was formed by the State Water Resources Control Board (SWRCB) to make recommendations on how to best implement water quality standards in agricultural waters. The recommendations will be used by the SWRCB during the development of the Inland Surface Waters Plan (ISWP). Agricultural waters include natural water bodies dominated by agricultural drainage or management, natural water bodies which have been modified for the purpose of agricultural water management, and water bodies constructed for conveyance of agricultural water supply and/or drainage.

Throughout the course of its meetings, the AWTF agreed that agricultural water bodies are unique and may not support full beneficial uses traditionally associated with perennial, natural streams. The recommendations in this report attempt to address the limitations in the current regulatory framework for water quality control in agricultural waters. The hydrology of agricultural regions of the arid West is composed of managed flows and man-made channels which create limitations to fully supporting beneficial uses associated with perennial streams in natural hydrologic regimes.

Task force members initially identified a draft series of issues pertinent to agricultural waters (Appendix B). Due to time constraints, all the issues could not be addressed. However, most were discussed to a limited degree within one of the final issue categories presented in this document: policy; definitions; exemptions; categorization of water bodies; beneficial uses; objectives; and implementation.

The AWTF did reach consensus on a number of recommendations, which are summarized below. In addition, various options (nonconsensus), the reasoning behind most of the recommendations, as well as the reasoning and concerns with each option are included in the body of the report to provide background to the State Water Board when reviewing this document.

DEFINITIONS

The AWTF believes it is important to define the terminology used when discussing agricultural waters in the Inland Surface Waters Plan. The terms defined in the body of the report are intended to be used as working definitions, not as recommendations.

EXEMPTIONS FROM WATER QUALITY OBJECTIVES

The AWTF recognized the need to clearly indicate what water bodies and activities do not fall under regulation of the federal Clean Water Act or the Porter-Cologne Water Quality Control Act and therefore do not require the implementation of water quality objectives. The AWTF achieved consensus on the following three recommendations, and presented additional options on which consensus was not reached.

Recommendation #1: Exemption for Water in Agricultural Fields and On-Farm Ancillary Structures

Objectives set forth in the ISWP do not apply to water in agricultural fields, including but not limited to furrows, beds, and checks, nor to on-farm ancillary structures which

generally include ditches, sumps, and ponds contained on lands associated with agricultural operations. The determination of these agricultural production areas and what constitutes an ancillary structure shall be made by the Regional Boards.

Objectives do not apply to agricultural evaporation ponds or lagoons designed to meet requirements of the federal Clean Water Act or the Porter-Cologne Water Quality Control Act.

Recommendation #2: Guidance Document for Ancillary Structures

The SWRCB should prepare a guidance document concerning what may be considered an ancillary structure. This document would include a basic definition and criteria with examples, so Regional Boards can more easily and consistently make exemption determinations.

Recommendation #3: Exemption for Individual Closed Recirculating Systems

Objectives do not apply to closed recirculating systems (tail water recovery or closed irrigation systems) that service individual farms. It is, however, recognized that discharges to surface waters from such systems are subject to the ISWP. The State Water Board needs to provide guidance on what constitutes an individual farm for purposes of this exemption.

CATEGORIZATION OF WATER BODIES

Due to the unique hydrologic characteristics of agricultural waters, the AWTF developed three recommendations and five flow chart options for categorizing agricultural water bodies.

Recommendation #1: Water Body Categorization Framework

The AWTF supports a water body categorization framework similar to the one proposed by the SWRCB in the 1991 Inland Surface Waters Plan and recommends that, at a minimum, the Plan present a logical decision tree which would identify natural, agriculturally dominated natural, reconstructed natural, and constructed agricultural water bodies. This decision tree should be used as guidance by the Regional Boards, with the final category designations adopted through a public hearing process.

Recommendation #2: Flow Charts to Aid Categorization

The five flow chart options presented in the report should be evaluated and used to the maximum extent practicable as State Board staff prepares a water body categorization decision tree.

Recommendation #3: Reliance on Water Management Agencies for Categorization

Regional Boards would rely on the water management agencies to initially categorize the water bodies within their jurisdiction. Any water bodies not characterized would default to

the natural water body category for the purpose of assigning appropriate Beneficial Uses and numeric objectives. If there is disagreement with the categorization of a water body, it will be resolved through a Regional Board public hearing process. Regional Boards would then adopt the final categorization and submit it to the State Board for final adoption.

BENEFICIAL USE DESIGNATIONS

The AWTF agreed that water bodies dominated by agricultural drainage are unique waters which may not have all of the hydrologic, ecological and water quality characteristics necessary for the full attainment of the beneficial uses normally associated with perennial streams. The State at this time does not recognize that these water bodies have distinct beneficial uses. Therefore, the AWTF reviewed the characteristics and developed recommendations that address beneficial uses for these unique types of agricultural water bodies.

Recommendation #1: Recognition that Agricultural Waters are Unique

The State should recognize that water bodies dominated by agricultural drainage are unique waters which may not have all of the hydrologic and ecological characteristics and water quality necessary for the full attainment of the beneficial uses normally associated with perennial streams.

Recommendation #2: Ancillary Structures and Individual Closed Recirculating Systems do not Require Beneficial Use Designations

Exempted ancillary agricultural structures and individual closed recirculating systems do not require the designation of beneficial uses.

Recommendation #3: Need for New or Limited Beneficial Uses

The State Board should evaluate whether new or limited beneficial use categories would be more appropriate for agricultural dominated natural water bodies and constructed water bodies than the use categories currently recognized.

Recommendation #4: Protection of "Existing" Uses

Beneficial uses should be designated which, at a minimum, protect existing uses. Definition of existing uses should be clarified (see Policy Issue #3 in "Other Policy Issues" section).

WATER QUALITY OBJECTIVES

In the AWTF's limited time, it was not possible to develop and assign actual limits and levels of constituents to protect designated beneficial uses. The task force believed its responsibility was to provide guidance and input to the State Water Board in setting the appropriate limits and levels for water quality objectives for agricultural waters.

The Regional Boards are at varying levels in the process of designating or assigning beneficial uses to water bodies in their regions. Given these differences, objectives may need to be assigned in some water bodies to protect downstream resources even if beneficial uses are not yet designated.

The AWTF reviewed both narrative and numeric objectives. Consensus was achieved on one recommendation and several nonconsensus options were developed, as well.

Recommendation #1: Narrative Toxicity Objective for All Non-Exempted Inland Surface Waters

Upon adoption of the ISWP, a narrative toxicity objective should apply to all non-exempted inland surface waters. This narrative objective will be considered a permanent baseline.

Potential language: "All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal or aquatic life" (from Region 5 Basin Plan). For agricultural dominated and constructed water bodies, the State Board should recognize that aquatic habitat is likely to exist and be the most limiting use. The narrative objective should be implemented as follows:

<u>Water Body</u>	<u>Objective</u>
Agricultural dominated natural water bodies	No acute or chronic toxicity
Constructed agricultural water bodies	No acute toxicity

Flexibility is needed for objectives that would apply on a seasonal basis and during extremely high and low flow years.

IMPLEMENTATION

Recommendation #1: Goals

The Task Force recommends that implementation follow a logical sequence that allows for consistency while being flexible; prioritizes water quality problems while allowing realistic timelines; and allocates appropriate funding while avoiding duplication of effort. Implementation actions should consider a watershed philosophy where appropriate with the Regional Boards forming the initial watershed boundaries. The Regional Boards should identify watershed boundaries within their regions with the help of local stakeholders, to help prioritize areas of impairment and also determine if the watershed approach is the most effective mechanism for mitigating a beneficial use impairment. The steps in the implementation process should include: designation of area boundaries; initial assessment; prioritization of water quality concerns; development of a management plan; evaluation of the program; and as needed, refinement of the management plan, assessment/reassessment of beneficial uses and objectives, and further regulatory actions. Beneficial use impairments will be regulated through provisions of the State Nonpoint Source Management Plan (the three tiered process).

Recommendation #2: Hierarchy For Regulation

The following hierarchy should be followed when implementing the ISWP in agriculturally dominated systems:

- 1) Protection of downstream beneficial uses in natural water bodies.
- 2) Protection of beneficial uses to the extent to which they occur in agriculturally dominated natural streams.
- 3) Protection of beneficial uses to the extent to which they occur in constructed facilities.

The State should recognize that agricultural water management may provide net ecological benefits with incidental beneficial uses which would not otherwise be available. It is a goal of the ISWP to provide protection of incidental uses through reasonable management activities. Therefore, the hierarchy should be used to prioritize implementation activities, recognizing that not all beneficial uses and objectives will be attained in the short-run.

Recommendation #3: Process

The Task Force recommends that the overall implementation of the ISWP occur in two phases. The initial phase would consist of the planning process during which time water bodies are categorized; sub basins are developed within Regional Board boundaries to facilitate assessment; assessments are conducted; and areas as well as water bodies of concern are prioritized. The second phase would consist of actions taken based on the findings of the initial planning and assessment phase. The table below summarizes the two-phase process.

Table 1. Overall Inland Surface Water Plan Implementation in Agriculturally Dominated Water Bodies.

I. Planning

- A. Categorization of water bodies
- B. Development of sub basins for assessment
- C. Assessment
- D. Prioritization of areas and water bodies of concern

II. Response to Findings from the Planning Phase

- A. Area and/or water body not impaired or threatened
 1. Watershed management group formation encouraged
- B. Area and/or water body prioritized
 1. Activation of relevant interagency agreements
 2. Where action by Regional Board and State Board necessary
 - a. Actions as defined through the NPSMP
 - b. Actions as defined through a watershed management program