

Irrigated Agriculture: Today's Regulatory Framework

Protecting Our Water Quality is Crucial

Approximately 75% of the irrigated land in California is in the Central Valley (Valley). Depending on local conditions, discharges from irrigated farmlands can contain pesticides, sediments, salts, nitrates, heavy metals, and pathogens. These potential pollutants can be carried into surface waters via irrigation drainage or stormwater runoff or by leaching into groundwater. At high enough concentrations, these pollutants can harm aquatic life in surface water or make groundwater unusable for drinking water or agricultural uses.

Irrigated Lands Regulatory Program

The California Legislature in 1999 eliminated the waiver for agricultural waste discharges, which led to adoption in 2003 of the Irrigated Lands Regulatory Program (ILRP) by the Central Valley Water Board. The ILRP was developed to control and prevent waste discharges from irrigated lands from polluting surface waters and in 2012, groundwater regulations were added. The ILRP seeks to protect surface and groundwater resources and drinking water supplies, while maintaining a healthy, sustainable irrigated agricultural economy. Many farmers in the Valley join an ILRP Coalition that assists them complying with Waste Discharge Requirements while some chose to have an individual Waste Discharge Requirements.

Challenges with Current ILRP Process

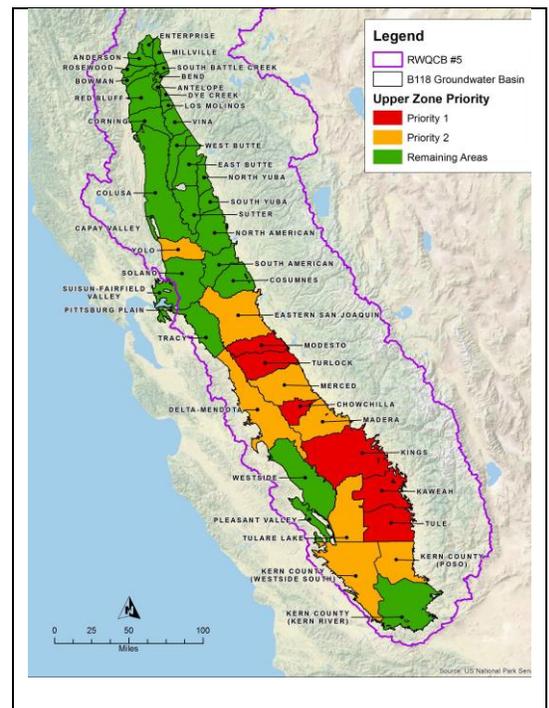
For the areas within the Central Valley with known problems of groundwater contamination by nitrates, the ILRP options do not address the urgent need for safe drinking water in these high-priority areas. The ILRP does not offer an extensive enough range of options for a farmer to be able to meet established water quality standards for nitrates as well as salts. Available regulatory options are limited and often not locally applicable. Irrigated agriculture is faced with implementing expensive and unnecessary treatment requirements at the source of the pollution that result in limited benefit for drinking water users. The new regulatory options, developed through the CV-SALTS initiative, will offer irrigated agriculture new, flexible regulatory tools that will allow more local flexibility.

Irrigated Agriculture: New Flexible and Localized Regulatory Framework Coming in Late 2018

In January 2017, after a 10-year collaboration between regulators and agricultural, urban and industry stakeholders, the *Salt and Nitrate Management Plan* (SNMP) was finalized. The new regulatory options in the SNMP become effective fall 2018 (at the earliest). The new regulations will offer greater local flexibility for compliance by irrigated agriculture while ensuring safe drinking water in affected areas. The new regulations will first be implemented in high-priority areas within the **Kaweah, Turlock, Chowchilla, Tule, Modesto, and Kings sub-basins and basins.**

BENEFITS of New Regulatory Options that are Coming

The new regulatory options are expected to be finalized in late 2018. They will provide greater flexibility with more local solutions for managing salt and nitrates in the Valley.



Local Management Zone. The formation of local or regional management zones (MZ) will save time, money, and resources. Farmers or landowners who join a MZ can work collectively and in a regulatory compliance unit. Members pool resources to implement water quality protection measures that ensure safe drinking water supplies. While working to provide safe drinking water, members will be legally authorized for certain discharges AND given more time to comply with current Waste Discharge Requirements.

Exceptions Policy. When prohibiting a discharge does more harm than good, and allowing the discharge to continue is determined to be better for the public good, an “Exception” can be authorized by the Central Valley Water Board. An Exception provides a farmer or landowners more time to implement a workable and effective regulatory solution that is site-specific to a Management Zone. Exceptions would be developed based on local conditions and commitments to meet criteria that leads to eventual improvements in water quality.

Assimilative Capacity Calculation Modified. Assimilative capacity is the ability of a natural body of water (e.g., lake, river, or groundwater aquifer) to receive discharged waste without harmful effects. Within a Management Zone or a groundwater basin/sub-basin, the use of assimilative capacity will be considered at the same time as the implementation of localized or site-specific management measures. This allows a farmer or landowner to better manage discharge and makes it easier to comply with Waste Discharge Requirements. The new requirements would tighten the compliance standard for assimilative capacity, while at the same time providing more clarity and flexibility for Exceptions.

Protection of Agricultural Beneficial Use. The current salinity requirements that protect agricultural (AGR) beneficial water uses vary widely depending on the crop grown or if water is used for animal livestock. Under the new regulations, protecting the agricultural beneficial use of water will be tailored to reflect local and regional differences in water use by agriculture.

Compliance Costs

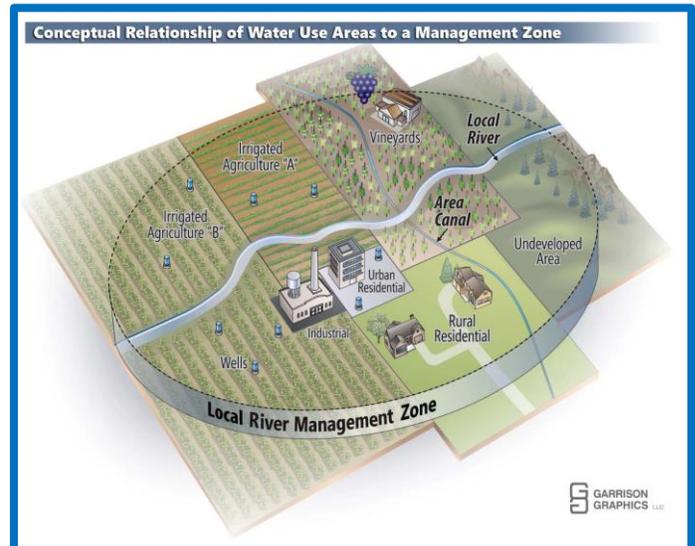
The costs associated with implementing the new regulatory options have yet to be determined. The approach of local management flexibility and collaborative action to address first the highest priority needs is expected to increase compliance efficiency. The start date is likely to be at the end of 2018. Growers are encouraged to be at the table now to help shape the future of the drinking water projects and alternative compliance projects in their area.

Coordinating New Regulations and ILRP

It is too soon to know how the CV-SALT-based regulations and the ILRP will be coordinated. With a common goal of controlling and protecting surface and ground waters from impairment by salts and nitrates, there will certainly be collaboration in meeting water quality objectives.

Get Involved Now

Without new, flexible and more localized management strategies for salts and nitrates, regulators will very likely continue to develop control measures that may make compliance even more difficult, especially for agriculture. Irrigated agriculture’s voice is critical in helping shape the future. The



regulatory options agreed upon by diverse interests through CV-SALTS, and presented in the SNMP, will increase the potential for success and sustainability for the Valley's farms, industries, and communities. Those who work in all aspects of irrigated agriculture are encouraged to participate and get involved today! Visit www.cvsalinity.org to learn more about getting involved.

POSSIBLE INFOGRAPHICS TO HAVE CREATED

- 1) Casey mentioned one along these lines: "show what the water code currently requires ...point of receiving water vs point of discharge, what happens in-between."
- 2) MY VERY VERY rudimentary version of an infographic that was mentioned a possible one to have made:



CV-SALTS = Initiative Supported by Central Valley Water Board and agricultural, municipal, and business activities that are regulated. Primary goal is to 1st provide safe drinking water in critical area, and work towards balancing salts and nitrates entering surface and ground waters, then restore aquifers where reasonable and feasible.

Irrigated Lands Regulatory Program (ILRP) = Central Valley Water Board Program that regulates discharges from Irrigated agricultural lands from polluting surface and ground waters.



Sustainable Groundwater Management Act (SGMA) = State program that provides a framework for sustainable, local groundwater management; requires groundwater-dependent regions to halt over-draft and bring basins into balanced levels of pumping and recharge.

State Water Rights = State Water Board reviews and allocates water rights for surface water diversions.

