



Central and Southern Central Valley Agriculture: Water Quality Regulations Moving Towards More Flexibility

Protecting Our Water Quality is Crucial

Ensuring a safe, reliable drinking water supply is the highest priority for managing nitrates and salts throughout the Central Valley. Depending on local conditions, discharges from irrigated farmlands can contain pesticides, sediments, salts, nitrates, heavy metals, and pathogens. These pollutants can be carried into surface waters via irrigation drainage or storm season 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.

Regulation: How it Works Now

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. Central Valley farmers may join an ILRP Coalition that assists them in complying with Waste Discharge Requirements, or they may choose to have an individual Waste Discharge Requirement.

Current Regulations Require More Local Flexibility

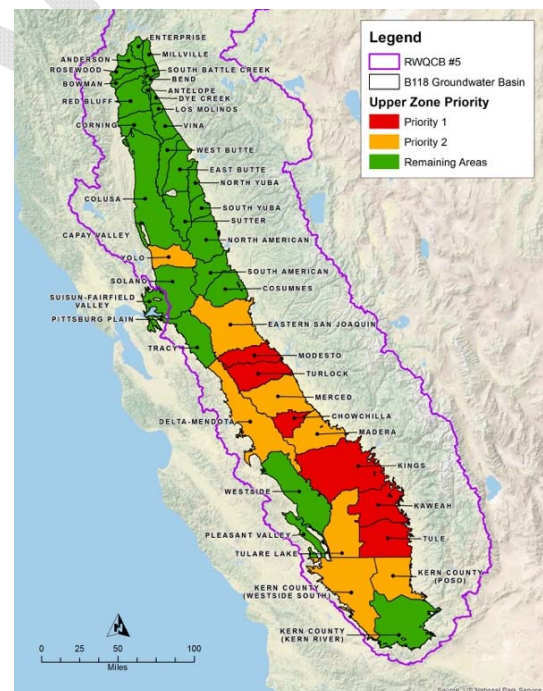
For the high-priority areas within the Central Valley with known groundwater contamination problems from nitrates (see red areas on map), the **ILRP options do not address the urgent need for safe drinking water**. The ILRP does not offer an extensive enough range of options for a farmer to be able to meet established water quality standards for nitrates and 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.

New, Flexible Regulations with New Solutions

The importance of protecting surface and groundwater quality, whether for aquatic life, drinking water, or agricultural supply, has become a significant public policy issue. Because not all areas of the Central Valley are impacted similarly, a toolbox of actions is needed.

When implemented, starting in late 2018, the regulatory options recommended in the CV-SALTS *Salt and Nitrate Management Plan (SNMP)* will offer greater local flexibility for compliance by all dischargers, including agricultural interests, while ensuring safe drinking water.

The new regulations will first be implemented in areas identified as **high-priority** in the Kaweah, Turlock, Chowchilla, Tule, Modesto, and Kings sub-basins and basins (see red areas on map above).



Priority Basins for Nitrate Management



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Local Collaboration is Key

Under the new regulatory options, **all dischargers**, including agriculture, will be asked to collaborate locally to implement necessary solutions to meet **water quality standards**. Similarly, the 2014 Sustainable Groundwater Management Act (SGMA) provides a framework for **water quantity**, through sustainable, local groundwater management. Going forward, there will be coordination between SGMA-based strategies and CV-SALTS SNMP-based water quality management.

Key Benefits of New Regulatory Process

The following are examples of proposed policy changes that will provide more local flexibility whether a discharger follows Pathway A (traditional permitting) or Pathway B (local management zones).

Local Management Zone. The formation of local or regional management zones will save time, money, and resources. Farmers or landowners who decide to join a management zone 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 may be 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 that provides a farmer or landowners more time to implement a workable and effective regulatory solution that is site-specific to a local management zone.

Assimilative Capacity. 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, coupled with the implementation of localized management measures, will be considered as a factor towards compliance. The new requirements would tighten the compliance standard for assimilative capacity, while providing more clarity and flexibility for Exceptions, and thereby making compliance easier.

Protection of Agricultural Beneficial Use. The current salinity requirements that protect agricultural beneficial water uses vary widely. With the new regulations, protecting the agricultural beneficial use of water will be tailored to reflect local and regional differences in water use by agriculture.

Coordinating New Regulations and ILRP. It is too soon to know how the CV-SALT SNMP-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.

Compliance Cost. 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. 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.

Why 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 farms, industries, and communities. Those who work in any aspect of irrigated agriculture are encouraged to participate and get involved today!

Visit www.cvsalinity.org to learn more about getting involved.