



# New Water Quality Regulations Provide Options for Flexibility San Joaquin Valley and Delta Agriculture

## Protecting Water Quality is Critical

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 salts, nitrates, sediments, pesticides, heavy metals, and pathogens. These pollutants can impact water quality via irrigation drainage or storm season runoff or by leaching into groundwater. At high enough concentrations, they can harm aquatic life in surface water or make groundwater unusable for drinking water or agricultural uses.

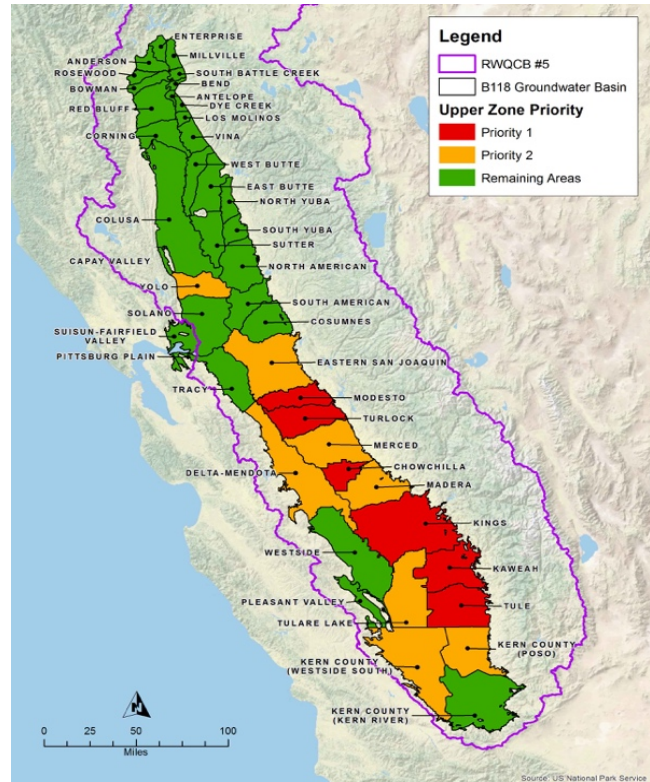
## Ag Regulation: How it Works Now

The California Legislature in 1999 eliminated the waiver for agricultural waste discharges. This led to adoption in 2003 of the Irrigated Lands Regulatory Program (ILRP) by the Central Valley Water Board (Water Board). The ILRP was developed to control and prevent waste discharges coming from irrigated lands from polluting surface waters. 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. Farmers may join an ILRP Coalition that assists them in complying with Waste Discharge Requirements or they may choose to comply under individual Waste Discharge Requirements.

## Current Regulations Limit Options

For the high-priority areas in the Central Valley with known groundwater contamination from nitrates (red areas on map), the existing ILRP regulatory 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.

Irrigated agriculture is faced with implementing expensive treatment requirements at the source of the pollution that result in limited benefit for drinking water users. Without the new regulatory options needed for the Water Board to allow local



*Nitrate Concentrations in Upper Groundwater Zone*

flexibility for compliance, the prohibition of discharges would be required.

## New Regulations Provide More Flexible Solutions to Comply

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 the Water Board has few options to best regulate the protection of water quality, additional tools are needed.

When implemented, starting in late 2018, the “toolbox” of new regulatory options in the CV-SALTS Salt and Nitrate Management Plan (SNMP) will offer greater local flexibility for compliance by all dischargers, while ensuring safe drinking water. The new options will first be implemented in areas identified as **high-priority** in the Kaweah, Turlock,



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Chowchilla, Tule, Modesto, and Kings sub-basins and basins (red areas on map).

## 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. While SGMA focuses on water quantity and the SNMP is focused on water quality, there will be close coordination between the two.

## Key Benefits of New Regulatory Options

The “toolbox” of new regulatory options will be available to **all dischargers** whether they choose to comply under a traditional permit or participate in a local management zone.

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 as part of 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 nitrate and salt 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 farmers 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, using assimilative capacity along with localized management measures will be considered as a factor towards compliance.

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 nitrates and salts, 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 the highest priority needs first 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.

## Get Involved, Shape Your Future

Without more flexible management options for nitrates and salts, regulators will likely continue to develop control measures that may make compliance more difficult, and even prohibit discharges. Irrigated agriculture’s voice is critical now to help shape the future of regulation. The “toolbox” of 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.

If you work in any aspect of irrigated agriculture, you are encouraged to participate and get involved now. Visit [www.cvsalinity.org](http://www.cvsalinity.org) to learn more.