

IRRIGATED LANDS REGULATORY PROGRAM

FAQ

Updated February 2016

The Irrigated Lands Regulatory Program (ILRP) was created to address discharge of wastes (e.g., sediments, pesticides, nitrates) from commercially¹ irrigated lands. At high enough concentrations, these pollutants can harm aquatic life or make water unusable for drinking water or agricultural uses. The goals of the ILRP are to protect surface water and groundwater and to reduce impacts of irrigated agricultural discharges to waters of the state.

Program background

In 1999, Senate Bill 390 was passed by the California Legislature and that eliminated an agricultural waiver for waste discharges to surface waters. The bill required the Regional Water Quality Control Board (Water Board) to develop a program to regulate agricultural lands under the Porter-Cologne Water Quality Control Act (California Water Code Division 7.) The resulting ILRP was formed in 2003 to regulate water discharges from agriculture and prevent agricultural discharges from impairing the receiving waters. For about 10 years, the ILRP regulated only surface waters. Between 2012 and 2014, the Water Board extended the regulations to discharges from both surface and ground waters. This means all commercially irrigated agriculture is now regulated under the ILRP.

Do I need to be in the program?

Under the ILRP, land that is irrigated to produce crops or pasture for commercial purposes is regulated. This means any irrigated property (regardless of water supply source) needs regulatory coverage for possible dischargers to surface and groundwater. Regulatory coverage is not required only if the property not used for commercial purposes or if the irrigated land is covered under the Dairy Program.

There are two options for regulatory coverage; 1) join a third-party coalition group that works with the Water Board on behalf of the grower, **or** 2) obtain coverage as an individual grower. Both programs are fee based and are assessed each year.

1. Coalitions work directly with their member growers to assist them in complying with Water Board requirements at a watershed level. This reduces/eliminates the grower working with the Water Boards to comply with the regulations. Coalitions assess fees to cover their costs and State Water Board fees; prepare and implement mandatory regional water quality management and monitoring plans; and report the results of the monitoring efforts and the effectiveness of the plans. Information on the coalition group in your area is located here:
http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers
2. Growers who choose the Individual Order work with the Water Board and do their own monitoring and reporting. Depending on the specific site conditions, growers with their own individual Waste Discharge Requirements (WDR) are required to monitor runoff from their property, install monitoring wells, and submit technical reports regarding their actions to comply with their WDR. Costs would include State administrative fees, cost to prepare a report of waste discharge, and monitoring and reporting costs. Generally, the costs are higher than the coalition option because monitoring and reporting is done at local vs. regional level and the grower is working directly with Water Board staff. Information on the individual order is located here:
http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_individual_reg_coverage

¹ For the purposes of the ILRP, commercial irrigated lands are irrigated lands that have one or more of the following characteristics: 1) The landowner or operator holds a current Operator Identification Number/ Permit Number for pesticide use reporting; 2) The crop is sold to a third party including, but not limited to, (a) an industry cooperative, (b) harvest crew/company, or (c) a direct marketing location, such as farmers' markets; 3) The landowner or operator files federal taxes using federal Department of Treasury Internal Revenue Service Form 1040, Schedule F *Profit or Loss from Farming*.

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The fee schedule for irrigated agricultural is located at this site, under Water Quality Fees:
http://www.waterboards.ca.gov/resources/fees/water_quality/

What are my responsibilities?

The primary responsibility of growers is to implement management practices and verify their practices are effective - meaning they protect water quality. All growers will be required to submit farm information to either their coalition or the Water Boards. These include 1) a farm evaluation and 2) a nitrogen management plan. The Farm Evaluation will help determine what farm practices are currently being implemented and whether any improvements can be made to protect water quality. Growers in areas where groundwater is susceptible to contamination or is known to be impacted by nitrate, pesticides or other constituents associated with agriculture will be required to have a certified nitrogen management plan.

How is water quality monitored?

Surface waters are monitored on a regional basis by the coalition groups. They work with staff in the ILRP to identify monitoring locations that represent the watershed. Growers with individual orders monitor discharges leaving their properties (on farm monitoring.) Groundwater will be monitored in a similar fashion, with the coalitions monitoring representative wells for an aquifer and growers with individual orders monitoring wells onsite. In some coalitions, groundwater monitoring will begin as early as 2017.

Based on the results of the water quality monitoring, some rivers and streams have been identified with problems associated with irrigated agriculture (for example, the pesticides chlorpyrifos and diazinon) and water quality problems that need additional study to identify sources (for example, e. coli, which is an indicator of potential pathogens.) When this occurs, the coalition groups prepare regional plans to address water quality problems. The growers are required to implement management practices to protect surface water in areas where monitoring has identified problems.

More information on the water quality monitoring, results, and regional plans is located here:
http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/index.shtml#waterquality

How is the program enforced?

There are currently three primary areas of enforcement in the ILRP: 1) ensuring growers who are required to have regulatory coverage have proper coverage; 2) ensuring the requirements of the Orders are implemented (such as filling out the proper forms and reporting to the coalition or Water Boards); and 3) addressing site-specific water quality problems through observations or complaints. Many times the compliance and enforcement is conducted at an informal level. In some cases, formal enforcement is necessary to ensure reporting or water quality problems have been addressed by working with coalitions and using the Water Board's enforcement authority. Cases of discharges of excessive amounts of sediment have resulted in fines ranging from \$10,000 to \$300,000.

How can I find out more information?

Irrigated Lands Program staff can also be reached via phone at (916) 464-4611, or via e-mail at IrrLands@waterboards.ca.gov. You can receive ILRP-related notifications, updates and other correspondence by email. Subscribe on-line to our electronic mailing list here by selecting the "Irrigated Lands Regulatory Program" option: http://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.shtml