

Requirements Under the New Irrigated Lands Regulatory Program (ILRP)

(adopted March 12, 2014)

On March 12, 2014 the Regional Water Board adopted Waste Discharge Requirements (WDR) and a new Monitoring Reporting Program (MRP), collectively known as the General Order, for the Sacramento River watershed. Since 2003, the Central Valley Regional Water Quality Control Board's (Regional Water Board) Irrigated Lands Regulatory Program (ILRP) has required owners and operators of irrigated lands to implement management practices necessary to protect and improve water quality. The new program applies to discharges from both surface water and groundwater. The groundwater component will address waste (i.e. salt, nitrate or pesticides) percolating past the root zone into groundwater. It will not address pumping of groundwater.

The following are some of the key components of the new program.

1. The new program applies to owners and operators of irrigated lands (excluding rice). Either the owner or operator may enroll an irrigated lands parcel under this Order.
2. The owners or operators that enroll the respective irrigated lands parcels are considered members (hereafter "Members") of the Subwatershed Group and the Sacramento Valley Water Quality Coalition. However, this Order regulates both landowners and operators of irrigated lands from which there are discharges of waste that could affect the quality of any waters of the state. Both the landowner and operator are ultimately responsible for complying with the terms and conditions of this Order.
3. The Member is required to provide written notice to the non-Member owner or operator that the parcel has been enrolled under the Order.
4. "Irrigated lands" means land irrigated to produce crops or pasture used for commercial purposes including lands that are planted to commercial crops that are not yet marketable (e.g., vineyards and tree crops). Irrigated lands also include nurseries, and privately and publicly managed wetlands (excluding the non-irrigated upland habitat associated with managed wetlands).
5. A Member who is covered under this Order must comply with Monitoring Reporting Program (MRP) Order R5-2014-0030, which is part of this Order, and future revisions thereto by the Executive Officer or board.
6. The water quality monitoring under this Order is representative in nature and does not measure individual field discharge.
7. Members must report the practices they are implementing to protect water quality. This Order does not require that Members implement specific water quality management practices. Management practice selection will be based on decisions by individual Members in consideration of the unique conditions of their irrigated agricultural lands; water quality concerns; and other benefits expected from implementation of the practice. Water quality management practices can be instituted on an individual basis, or implemented to serve multiple growers discharging to a single location.
8. Where potentially significant environmental impacts identified in Attachment D may occur as a result of Members' compliance activities, this Order requires that Members either avoid the impacts where feasible or implement identified mitigation measures, if any, to reduce the potential impacts to a less than significant level.

9. This Order requires Members to provide the Coalition with contact information of the person(s) authorized to provide access to the enrolled property for inspections.
10. Landowners or operators who are currently members in good standing of the Sacramento Valley Water Quality Coalition (SVWQC) are required to confirm their intent to remain covered for the new General Order by June 30 2015. The process for providing the Notice of Confirmation (NOC) will be tied to either the annual confirmation of the acreage which a member has enrolled or with the invoice from the Subwatershed Group in which the member is enrolled.
11. California Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Board. Currently the fee is 75 cents an irrigated acre. It is a portion of the annual costs members pay their Subwatershed Group.
12. Wastes discharged from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in surface or groundwater or a trend of degradation that may threaten applicable Basin Plan beneficial uses, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.
13. The Coalition will assist its Members in complying with the relevant terms and provisions of this Order, including required monitoring and reporting as described in MRP Order R5-2014-0030. However, individual Members of the third-party group continue to bear ultimate responsibility for complying with this Order.
14. Any landowners or operators electing not to be covered by the coalition program will be required to seek individual coverage directly with the Regional Board. Individual coverage in most cases will be more expensive than coalition coverage. The third party is required by the WDR to report those owners and operators who drop coverage from the SVWQC.
15. Owners and operators of irrigated lands are required to maintain a hard or electronic copy of the Regional Board's irrigated lands general order at the farm headquarters and shall be familiar with the contents of the General Order. The Sacramento River Watershed WDR and MRP can be found at:
http://www.swrcb.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2014-0030.pdf
16. Each Member in a designated "high vulnerability" area or governed by a Surface and/or groundwater quality Management Plan (SQMP/GQMP) shall stay informed about agricultural water quality by attending third-party sponsored outreach events, at least annually.
17. The Member shall provide annual confirmation to the third-party that the Member has attended an outreach event during the previous year and reviewed the applicable outreach materials.
18. Owners and operators of irrigated lands will be required to submit to the coalition a Farm Evaluation Plan specifying measures the farm is taking to protect water quality. In low vulnerability areas, these plans shall be kept at the farming headquarters and must be provided to the Regional Board upon request. Owners and operators of irrigated lands in high vulnerability areas must submit the plan to the Coalition for regional compilation. The compilation of information will not identify the responsible party submitting the information or identifying information (e.g. Assessor Parcel Number).
19. A copy of the Farm Evaluation shall be maintained at the Member's farming operations headquarters or primary place of business, and must be produced upon request by Central Valley Water Board staff.

20. Low and High Vulnerability areas will be identified by the Coalition, however the Regional Water Board makes the final determination.
21. Owners and operators of irrigated lands within high vulnerability areas for nitrate contamination of groundwater must prepare and implement a Nitrogen Management Plan summarizing the amount of nitrogen applied to the land and the amount of nitrogen used by the crop. Plans must be reviewed and signed by a Certified Crop Advisor (CCA) or a grower can obtain certification by the California Department of Food and Agriculture. Owners and operators of irrigated lands in low vulnerability areas must complete a plan but it remains on the farm and must be available for a Regional Water Board inspection. The Nitrogen Management Plan and Summaries documents will be prepared by the SVWQC and approved by the Regional Water Board.
22. Owners and operators of irrigated lands with the potential to discharge sediment to surface waters during irrigation events or storm events must prepare and implement a Sediment and Erosion Control Plan.
23. Owners and operators of irrigated lands shall permit representatives of the Regional Board, at reasonable hours, to enter premises to inspect, copy, or photograph any records or facilities. Owners and operators of irrigated lands shall provide phone numbers to the Coalition of individuals with the authority to provide consent to access facilities.
24. The Regional Board is likely to continue to increase enforcement actions against Owners and operators of irrigated lands and landowners that do not obtain regulatory coverage either through the coalition program or the individual program.
25. The Regional Board is likely to continue increased enforcement actions against Owners and operators of irrigated lands and landowners that do not effectively implement management practices to protect the quality of both surface water and groundwater.
26. Where applicable, the Member shall follow state, county or local agency standards with respect to water wells and groundwater quality when constructing new wells, modifying existing wells, or destroying wells. Absent such standards, at a minimum, the Member shall follow the standards and guidelines described in the California Department of Water Resources' Water Well Standards (Bulletins 74-81 & 74-90 combined).