

**Clean Water Action, California Rural Legal Assistance Foundation,  
Community Water Center  
Proposed Long-term Irrigated Lands Regulatory Program**

Long-term Program Alternative Development Template	
Author(s)	Community Water Center, California Rural Legal Assistance Foundation, Clean Water Action
Supporting Interest Group(s)	AGUA Coalition (la Asociación de Gente Unida por el Agua, or the Association of People United for Water)  Environmental Justice Coalition for Water (EJCW)

Executive Summary

The groundwater component of the Long-term Irrigated Lands Program should be designed to protect public health and the environment by reducing and/or treating polluted discharges from irrigated lands and reversing ongoing degradation of groundwater supplies.

The program should apply to all irrigated agriculture, but allow for tailoring of the level of best practices, monitoring, and enforcement based on the threat to water quality.

The Program shall include standards and plan-based requirements, including ensuring that receiving waters meet water quality objectives as established in the Basin Plan, and that groundwater quality management plans are developed and implemented. Watershed or regional plans shall include identification of high risk areas, reporting of nutrient and pesticide application, BMPs, and monitoring of shallow groundwater. All plans shall include reduction goals, strategies and timelines to meet groundwater objectives. Mitigation measures shall be implemented in the interim of meeting groundwater quality objectives. Additionally, farm-based and watershed/regional based monitoring and reporting shall be required. Dischargers may comply with these requirements through participation in a third party implementing entity, which may include districts or JPA structures already in existence, or may choose to engage directly with the regional board. However, all implementing agencies shall be liable for implementation and enforcement of the requirements of this program.

Waivers should be issued on a watershed basis for those areas whose discharges have not been shown to impact water quality, and who comply with waiver requirements. Each waiver granted shall adopted after a publicly noticed review and hearing.

WDRs shall be required for those watersheds which are not in compliance with Basin Water Quality Objectives.

<p>Statement of Purpose/ Objectives</p>	<p>Goals/objectives</p> <ol style="list-style-type: none"> <li>1. Protect public health and the environment by reducing and/or treating polluted discharges from irrigated lands.</li> <li>2. Reverse ongoing degradation of groundwater supplies</li> </ol> <p>The Porter-Cologne Act requires the State and Regional Boards to protect groundwater as well as surface water quality for all identified beneficial uses. Nitrate contamination of drinking water supplies is a critical problem throughout the San Joaquin Valley. Nitrate is an acute contaminant, meaning that it can cause death in infants in a matter of days of high exposure. Studies indicate that fertilizer from irrigated agriculture is a primary source of nitrate contamination of drinking water wells. Additionally, pesticides, salts, and other on-site contaminants are discharged into our groundwater aquifers and have been found in hundreds of drinking water wells. Public drinking water systems are faced with millions of dollars in costs and private well owners must invest in expensive treatment options or find new sources. Our state’s poorest families, those least able to buy alternative water sources, are given contaminated water in their homes. Any regulatory program adopted by the Board must address these acute public health threats.</p>
<p>Program Type</p>	<p>Groundwater</p>
<p>Application of Alternative</p>	<p>The program should apply to all irrigated agriculture.</p> <p>However, the proposal to include wetlands, nurseries, irrigated pasture and dryland farming should be evaluated as part of the program alternatives so the public can evaluate the potential environmental impacts of including or not including such practices within this or a separate regulatory framework.</p>

<b>Program Organization (select one element and provide details)</b>	
<b>Element</b>	<b>Description</b>
All Irrigated Agriculture	
Tailored	<p>A. The program should allow for tailoring of the level of best practices, monitoring, and enforcement based on the threat to water quality. For example, dischargers could be classified into tiers and that could be used to prioritize BMPs, enforcement monitoring and fee structure.</p> <p>Example:                      Tier 1 – lower threat to water quality (e.g., pesticide-free farms w/o pesticide application; farms with low-fertilizer application, i.e. drip or fertigation)</p> <p>Tier 2 – highly toxic or intensive chemical use, high nutrient budget (i.e., nitrogen applied above rates of uptake), fields located in a groundwater recharge area, and/or a number of domestic wells located in the vicinity</p> <p>B. Discussion and justification for tailored organization – enforcement and monitoring should be prioritized to target most vulnerable areas.</p>
<b>Core Requirements (select one element and provide details)</b>	
<b>Element</b>	<b>Description</b>

<p>Standard+Plan-based</p>	<p><u>Standard -</u></p> <p>The program shall require that all receiving waters, both ground and surface, must meet Basin Plan water quality objectives.</p> <p><u>Plan -</u></p> <p>The Program shall require nutrient and pesticide groundwater management plans, which shall include identification of high risk areas, reporting of nutrient and pesticide application, BMPs, and monitoring of shallow groundwater. Plans shall include reduction goals, strategies and timelines to meet groundwater objectives. Mitigation measures shall be implemented in the interim of meeting groundwater quality objectives.</p>
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<b>Lead Entity (select one element and provide details)</b>	
<b>Element</b>	<b>Description</b>
3 <sup>rd</sup> Party w/JPA	<p>Dischargers may organize themselves into JPAs or utilize existing agencies or governance structures in order to comply with this program. If dischargers do not wish to organize, they will be subject to individual enforcement by the Regional Board and incur higher fees in order to cover the increased administration costs borne by the Board.</p> <p>Examples of existing structures that could be utilized to serve as the implementing agency for the purpose of complying with this program may include: water districts with groundwater management plans, geographically centered commodity groups, or Integrated Regional Water Management Plan groups.</p> <p>However, any entity that serves as the implementing agency for this program will be liable for ensuring program implementation and enforcement, and will be required to be transparent in their implementation of the program and their handling of funds from participating farmers.</p>
<b>Monitoring (select one element and provide details)</b>	
<b>Element</b>	<b>Description</b>

<p>Watershed/ regional+Farm- based</p>	<p><b>General Monitoring requirements:</b></p> <p><u>Farm-based reporting &amp; monitoring requirements:</u></p> <ul style="list-style-type: none"> <li>- Fertilizer application (levels and timing)</li> <li>- Pesticide application (duplicate of DPR submittal)</li> <li>- Irrigation methods</li> <li>- Other discharge information</li> </ul> <p><u>Watershed/regional reporting &amp; monitoring requirements:</u></p> <ul style="list-style-type: none"> <li>- Where water quality objectives are being met, require basic WQ monitoring to catch problem events or declining water quality trends.</li> <li>- Where WQ objectives are not being met, require more specific monitoring to identify the source of the problem.</li> <li>- Test results would be submitted electronically to the Regional Board for inclusion in public databases.</li> </ul>
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<p><b>Implementation Mechanism (select one element and provide details)</b></p>	
<p><b>Element</b></p>	<p><b>Description</b></p>
<p>Combination-Waiver/WDRs/Conditional Prohibition</p>	<p>Waivers should be issued on a watershed basis for those areas whose discharges have not been shown to impact water quality, and who comply with waiver requirements. Each waiver granted shall adopted after a publicly noticed review and hearing.</p> <p>WDRs shall be required for those watersheds which are not in compliance with Basin Water Quality Objectives.</p>