



Regional Water Quality Control Board, Santa Ana Region

September 3, 2009

FACT SHEET: Conditional Waiver of Waste Discharge Requirements

for waste discharges from agricultural operations
in the Lake Elsinore / San Jacinto Watershed

What is a conditional waiver of Waste Discharge Requirements? The California Water Code gives Regional Water Quality Control Boards (RWQCBs) authority to regulate waste discharges by formally waiving waste discharge requirements for specific types of waste discharges, provided that certain conditions, established by the regional board, are met.

What's the problem? The Regional Board knows that in the Lake Elsinore / San Jacinto Watershed, waste discharges from a variety of sources are contributing to pollution in Canyon Lake and Lake Elsinore. The non-point source¹ (NPS) pollutants responsible are discharged from urban areas, open space, agricultural activities, transportation facilities and other land uses in the watershed.



Massive algae bloom in Lake Elsinore

What's being done? The Regional Board adopted separate nutrient [Total Maximum Daily Loads \(TMDLs\)](#) - watershed management plans for restoring water quality - [for Canyon Lake and Lake Elsinore](#). The TMDLs are now in the Regional Board's water quality control plan ("Basin Plan"). The TMDLs include a variety of tasks that need to be completed by watershed stakeholders to achieve the TMDLs' objectives of restoring water quality in Canyon Lake and Lake Elsinore.

Who are the stakeholders? Stakeholders include the Regional Board, and everyone in the watershed who is responsible for discharging pollutants that affect the quality of Canyon Lake and Lake Elsinore. With stakeholder assistance, Board staff is identifying agriculture operators that are

¹ Non-point source (NPS) pollutants come from a wide variety of activities and land uses, including agriculture, urban areas, forestry, marinas, highways and other transportation facilities, hydromodification of waterways, etc.

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stakeholders in the TMDLs, and notifying them of their responsibility to contribute their share of TMDL program costs. Dairy operators are already contributing to the TMDL program.

What's being proposed? Board staff is proposing that all operators of irrigated or dry-farmed land, and of other agricultural or livestock operations not already regulated by the Regional Board, enroll in a conditional waiver of waste discharge requirements. Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD, or "quad") program. The CWAD program is needed to implement the Lake Elsinore and Canyon Lake TMDLs. The CWAD program will also satisfy the State's policy for "Implementation and Enforcement of the Non-Point Source Pollution Control Program."



Efficient irrigation practices reduce runoff and NPS pollutant discharges

Is there a fee for the CWAD program? At this time, there is no fee for the conditional agricultural waiver proposed for the Santa Ana Region. However, in the future, an acreage-based fee and an annual fee will be required.

Is the regional board authorized to regulate discharges from agriculture?

State Water Resources Control Board policy and the California Water Code require regulation of all discharges of waste to waters of the state. This includes discharges of non-point source pollutants from agricultural operations.

What's next? Informational stakeholder meetings and public workshops to discuss:

- How is this different from the TMDL program?
- Why is the CWAD program even necessary?
- Are all farming operations going to be covered, or are there exemptions?
- Is there a minimum acreage for the program?
- How is the Regional Board identifying operators to participate in the CWAD program?
- What's the schedule for putting the CWAD program in place?

Workshops will be publicized on the Regional Board's website and through stakeholders throughout the watershed.

More next steps... A formal, publicly noticed workshop of the CWAD program will be held at a scheduled Regional Board meeting. Using information gathered at public meetings and at the Board workshop, staff will produce a draft of the conditional waiver and a staff report, circulate the draft waiver and report to known stakeholders and interested parties, and solicit comments. Following a 30 day public comment period, at a public hearing the Board will be asked to adopt the waiver. Once the conditional waiver of waste discharge requirements is adopted by the Board, affected agricultural operators will be required to enroll in the CWAD program, or to obtain individual waste discharge requirements.

For more information...

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