Appendix A

Fact Sheet

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

FACT SHEET[1]

Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands

SECTION 1. PURPOSE:

- This Fact Sheet has been prepared by staff of the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) to provide clarification to the public on questions raised with respect to the Irrigated Lands Conditional Waivers.

- No regulation is either expressed or intended. Persons who discharge waste or propose to discharge waste to waters of the State are required to comply with the California Water Code.

- This Fact Sheet may be revised from time to time, as appropriate.

SECTION 2. WHAT THE WATER CODE REQUIRES:

The Porter-Cologne Water Quality Control Act (found in California Water Code, Division 7) is very broad in scope. The California Water Code regulates any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State. The term "waste" is very broadly defined and the term "waters of the state" includes all surface water and groundwater within the State. The California Water Code applies to point sources and non-point sources. Persons who discharge waste (dischargers) can be regulated by a Water Board in several ways, including, for example, through prohibitions of discharge, waste discharge requirements (a permit), or a waiver of waste discharge requirements (individual or general). The Central Valley Water Board has adopted the Irrigated Lands Conditional Waivers to provide one way for dischargers to comply with the California Water Code.

What is a "discharge"?

A discharge would occur when any amount of wastewater that leaves your property enters surface waters of the State. The discharge does not have to be directly to surface water. For purposes of this program, it may first flow over a neighbor's property or through a toe drain along the edge of the field.

Who is a "discharger"?

A discharger may include persons, individuals, corporations, cities, special districts, farm owners, or tenant farmers who release waste that could affect the quality of the water of the State.

[1] This document is a draft that is still under development and may be revised from time to time, as appropriate.

What is "waste"?

Waste is broadly defined in the California Water Code to include any and all waste substances that may include, but are not limited to soil, silt, sand, clay, rock, metals, salts, boron, selenium, potassium, nitrogen, pesticides, and fertilizers.

What are "waters of the State"?

Waters of the State include any surface or groundwater within the boundaries of the State. Waters of the State include, for example, natural streams, irrigation ditches or canals, ponds, agriculturally-dominated waterways, and constructed agricultural drains

SECTION 3. WHO IS ELIGIBLE FOR COVERAGE UNDER THE CONDITIONAL WAIVERS:

The Conditional Waivers apply to discharges of waste from irrigated lands to surface waters of the State as a result of irrigation activities and/or storm water runoff, and as a result of certain water district operations. A discharge of waste to surface water subject to the Conditional Waiver is one that could directly or indirectly reach surface waters of the State, which include natural streams, constructed agricultural drains, agriculturally-dominated waterways, and other non-stream tributaries, or to other waters which may be hydrologically connected to such waters of the State. Direct discharges may include, for example, discharges directly from piping, tile drains, ditches or sheet flow to surface waters of the State. Indirect discharges may include, for example, discharges from one parcel to another parcel and then to surface waters of the State.

Is runoff from tailwater a discharge?

Yes, if it ultimately may reach a water of the State. However, if you recycle all tailwater, operate a "closed irrigation/drainage system, or use a high efficiency irrigation system, it may be possible to prevent tailwater runoff (discharges of waste) to surface waters.

Is runoff from storm water a discharge?

Yes, if it ultimately may reach a water of the State.

Is it possible to own or operate irrigated lands and not discharge?

Yes, it is possible, but a thorough site evaluation is recommended. In addition, you may consider consulting with technical or legal professionals to assist in better understanding your rights and obligations under the regulatory program.

How can I tell if I have runoff from my fields or property?

Whether you have irrigation or storm water runoff from your fields depends on a number of factors that may be evaluated by visually inspecting the field and/or consulting reference materials or professionals. These factors may include but are not limited to

site location and characteristics, the application rate of the water, existing soil moisture, the soil type, and the slope of the land.

What are some of the things I should keep in mind when evaluating my fields?

- Physical obstructions that keep water from running off your field; e.g., berms, roads, ponds, canal banks or other structures higher than surrounding land can capture and contain runoff.
- Historical drainage patterns.
- Conveyance facilities at or near the low spot(s) in fields.
- Proximity to conveyance facilities.
- Visual signs of erosion such as gullies or washouts that appear during or after irrigation or rainfall events.
- Field slope. Slopes greater than 1 or 2 percent for most soil types will result in runoff.
- If you are a member of an entity such as a drainage district that provides its members with access to pipes, canals or ditches to remove or drain tailwater or storm water in your area.

What if I do not directly discharge to surface water?

It does not matter. The discharge from your property does not need to be directly to a "surface water." If your irrigation or storm water runoff can flow across roads, through someone else's pasture or land, down a ditch, and eventually make it to surface water, then you are considered to have a discharge to surface water.

My land is located in an area of very little rainfall. Normally, rainwater that falls on my land infiltrates into the ground and does not run off the site. Are sites that only discharge under extreme rain events required to seek coverage under the Conditional Waiver?

The intent of the Conditional Waiver is to prioritize efforts with respect to storm water discharges from irrigated lands that occur during normal and slightly above normal rain events and not from rare or extreme storm events. The amount of rainfall that creates runoff under normal storm events varies throughout the region and is influenced by a number of factors. As a general rule, the Central Valley Water Board has prioritized its efforts on those storm events during which the combination of rainfall, soils, topography, and the layout of the operation and structures will not result in runoff to surface water from storm events that will not occur more than once every 25 years or so.

So if I do not have storm water runoff and I have no irrigation runoff, do I need to enroll in a conditional waiver? (For example, if I am on a drip system and have practices in place to prevent erosion?)

No. However, it is important to keep in mind that although drip systems are generally less likely than furrow or flood irrigation to result in runoff to waters of the State, there is still a potential effect on surface water if the system is not properly operated or

maintained, and management practices are not adequate to prevent the movement of waste to surface waters.

What if a grower farms in more than one region?

Growers must comply with the regulatory requirements of the Water Board where the farm is located. However, all Water Boards rely on implementation of best management practices to protect water quality.

SECTION 4. WHAT THE CONDITIONAL WAIVERS REQUIRE:

If you discharge waste from irrigated lands to surface waters of the State, you need to either file a Report of Waste Discharge (i.e., permit application), cease discharging, or obtain coverage under either the Individual Discharger or Coalition Group Conditional Waiver. The specific requirements for compliance can be found by getting information as identified below. However, the following conditions generally apply:

- Implement management practices to protect water.
- Comply with water quality standards.
- Conduct monitoring or join a Coalition Group that is conducting monitoring.
- Prevent pollution of surface water.
- Avoid nuisance conditions, such as odor.
- Pay applicable fees.

How do I get more information?

Additional information is available on the Central Valley Water Board's Irrigated Lands Conditional Waiver Program website at:

http://www.waterboards.ca.gov/centralvalley/programs/irrigated_lands/index.html

You may also send your questions and comments to Irrlands@waterboards.ca.gov or call program staff at (916) 464-3291 (an operator will direct your question or comment to the appropriate staff).

You may also sign up for email updates on the Central Valley Water Board's Irrigated Lands Conditional Waiver Program by going to http://www.waterboards.ca.gov/lyrisforms/reg5_subscribe.html and clicking on "Electronic Mailing List Subscription".

Approved: _____

Date: _____