

# IRRIGATED LANDS REGULATORY PROGRAM

## Frequently Asked Questions

Updated November 2016

The Irrigated Lands Regulatory Program (ILRP) addresses discharge of wastes (e.g., sediments, pesticides, nitrates) from commercial<sup>1</sup> irrigated lands. These wastes can harm aquatic life or make water unusable for drinking water or agricultural uses. The goal of the ILRP is to protect surface water and groundwater and to reduce impacts of irrigated agricultural discharges to waters of the State.

### Program background

In 1999, the California Legislature passed Senate Bill 390, which eliminated a blanket waiver for agricultural waste discharges. The Bill required the Water Boards to develop a program to regulate agricultural lands under the Porter-Cologne Water Quality Control Act. In 2003, the Central Valley Water Board adopted a conditional Waiver of Waste Discharge Requirements (WDRs) to regulate agricultural discharges to surface waters. In December 2012, the Central Valley Water Board started adopting WDRs that address discharges to both surface water and groundwater, thus requiring ILRP enrollment for all commercial irrigated agricultural operations.

### Do I need to be in the program?

Land that is irrigated (regardless of water supply source) to produce crops or pasture for commercial purposes must be enrolled in the ILRP. Regulatory coverage is not required only if the property is 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 coalition who assists growers with WDR compliance, **or** 2) obtain coverage as an individual grower. The two options have different fees and grower requirements.

1. Coalitions work directly with their members and assist them in complying with ILRP WDRs on a watershed level. This reduces/eliminates grower interactions with the Water Boards. 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 can be found using the link below: [www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_land/for\\_growers](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_land/for_growers)
2. Growers enrolled in the Individual Order work directly with the Water Board and do their own monitoring and reporting which depend on site-specific conditions. Typically, these growers are required to monitor runoff from their property, install monitoring wells, and submit technical reports regarding their actions to comply with their WDRs. Costs include State Water Board fees, cost to prepare a report of waste discharge, and monitoring and reporting costs. Information on the individual order is located here: [www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_land/regulatory\\_information/individual\\_growers\\_wdrs/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_land/regulatory_information/individual_growers_wdrs/index.shtml)

Generally, costs are higher for a grower to enroll in the individual order than to enroll with a coalition because monitoring and reporting is done at the local vs. regional level, and the grower is working directly with Water Board staff. The ILRP fee schedule can be found here, under Agricultural and Irrigated Lands Fees: [www.waterboards.ca.gov/resources/fees/water\\_quality/](http://www.waterboards.ca.gov/resources/fees/water_quality/)

<sup>1</sup> 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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### What are my responsibilities?

A grower's primary responsibility is to implement management practices, effective in protecting water quality. Also, growers are required to develop and submit farm information to either their coalition or the Central Valley Water Board, including farm evaluations and nitrogen management data. Farm evaluations provide management practice implementation information which allows the coalitions and Water Board to evaluate if additional practices are needed to protect water quality. Growers in areas where groundwater is vulnerable to contamination or is known to be impacted by nitrate or other constituents associated with agriculture will be required to have a certified nitrogen management plan and provide nitrogen summary reports to their coalitions.

### How is water quality monitored?

Surface waters are monitored on a regional basis by the coalitions and site-specifically by growers enrolled in the individual order. The coalitions work with ILRP staff to identify representative monitoring locations for watersheds with agricultural operations. Growers enrolled in the individual order must monitor discharges leaving their properties. Groundwater will be monitored in a similar fashion, with the coalitions monitoring representative wells for an aquifer and growers enrolled in the individual order monitoring their own wells onsite.

Water quality monitoring has identified some rivers and streams to have problems associated with irrigated agriculture (for example, elevated levels of agricultural pesticides) and water quality problems that need additional study to identify sources (for example, E. coli, a pathogen indicator). When this occurs, coalitions prepare management plans to address the water quality problems, typically by having growers implement additional management practices.

More information on water quality monitoring results and management plans can be found on the ILRP website: [www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands)

### How is the program enforced?

There are currently three primary areas of enforcement in the ILRP: 1) ensuring all commercial irrigated lands are enrolled in the ILRP; 2) ensuring all Order requirements are implemented (coalition and grower reporting and grower implementation of practices); and 3) addressing site-specific water quality problems (identified through complaints or staff observations). Many times, ILRP compliance and enforcement activities are conducted at an informal level. In some cases, formal enforcement is necessary to ensure enrollment, reporting or address water quality problems. Penalties of over \$60,000 have been issued to growers for not enrolling in the ILRP. Penalties of up to \$300,000 have been issued to growers for excessive sediment discharges, and penalties of up to \$70,000 have been proposed for growers who failed to submit their farm evaluations.

### How can I find out more information?

ILRP staff can also be reached via phone at (916) 464-4611 or via e-mail at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov). You can also receive ILRP-related notifications, updates and other correspondence by email. Subscribe on-line to our electronic mailing list using the link below and selecting the "Irrigated Lands Regulatory Program" box. [www.waterboards.ca.gov/resources/email\\_subscriptions/reg5\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.shtml)