

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

RESOLUTION R7-2013-0070

**CERTIFYING THE REVISED IMPERIAL COUNTY FARM BUREAU
SEDIMENT TOTAL MAXIMUM DAILY LOAD COMPLIANCE PROGRAM
AS ADEQUATE TO CORRECT IMPAIRMENTS OF
CHLORPYRIFOS AND DIAZINON IN THE ALAMO AND NEW RIVERS
IMPERIAL COUNTY, CALIFORNIA**

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) finds that:

1. The Imperial County Farm Bureau (ICFB) revised its Sediment Total Maximum Daily Load (TMDL) Compliance Program (ICFB TMDL Program) to implement proposed Management Practices (MPs) to correct by December 2018 impairments of chlorpyrifos and diazinon in the Alamo and New Rivers.
2. Water quality standards (WQSs) in California include: 1) designated beneficial uses; 2) narrative and/or numeric water quality objectives and numeric water quality criteria to protect the designated beneficial uses; and 3) an anti-degradation policy.
3. Beneficial uses are defined by the nine regional water boards (Water Boards) in their Water Quality Control Plans (Basin Plans).
4. Numeric and narrative water quality objectives are specified in each region's Basin Plan and numeric criteria are included in the California Toxics Rule, which are designed to be protective of the beneficial uses.
5. Section 303(d) of the federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.) requires all states to identify and list surface waters impaired by pollutants, and to establish TMDLs for the pollutants causing these impairments to ensure that the impaired waters attain WQSs.
6. TMDLs must account for all sources of the pollutants that caused the impaired waters to be listed. Federal regulations require that the TMDLs, at a minimum, account for contributions from point sources (federally permitted discharges) and nonpoint sources.
7. The U.S. Environmental Protection Agency (USEPA) is required to review and approve each state's proposed list of impaired waters and TMDLs. If USEPA does

not approve the state's list of impaired waters and/or proposed TMDLs, it is required to amend the list and/or establish different TMDLs.

8. The *Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options* (Impaired Waters Policy), adopted by the State Water Resources Control Board on June 15, 2006, pursuant to Resolution 2005-0050, and approved by the Office of Administrative Law on April 10, 2006, gives the Water Boards wide latitude and numerous options for determining, within certain legal parameters, how to address impaired waters. The Impaired Waters Policy acknowledges that the Water Boards generally have inadequate resources to timely address each and every water quality problem, and thus requires the Water Boards to prioritize the allocation of their resources to apply them where they will do the most good.
9. Regardless of whether CWA section 303(d) requires a TMDL, the process for addressing waters that do not meet applicable WQS must be accomplished through existing regulatory tools and mechanisms. The Impaired Waters Policy outlines those tools and mechanisms, and explains how those tools and requirements comply with the federal requirements to establish TMDLs.
10. The Impaired Waters Policy also establishes a certification process where the Water Boards can formally recognize actions of other entities as appropriate implementation programs when the Water Boards determine that those actions will likely result in attainment of WQSs. However, activities taken to achieve standards must be consistent with the SWRCB *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program*.
11. The Alamo and New Rivers are listed pursuant to section 303(d) of the CWA as impaired due to the current use of the pesticides chlorpyrifos and diazinon. Accordingly, the Alamo and New Rivers do not currently attain the WQSs for chlorpyrifos and diazinon set forth in the Basin Plan for the Colorado River Basin Region adopted by the Regional Water Board.
12. Chlorpyrifos and diazinon are man-made chemicals. Agriculture is the dominant user of these two pesticides, since their use in urban settings has been restricted. In the Imperial Valley, chlorpyrifos is primarily applied to alfalfa and sugarbeets, and diazinon is applied to sugarbeets, lettuce, and broccoli.
13. Data and source analyses show that irrigated agriculture in Imperial Valley is the only significant source of impairment of these two pesticides in the Alamo and New Rivers.
14. Chlorpyrifos annual use in Imperial County, that includes the watersheds of the Alamo and New Rivers, was 56,254 pounds in 2007 as compared to 71,023 pounds in 2011.

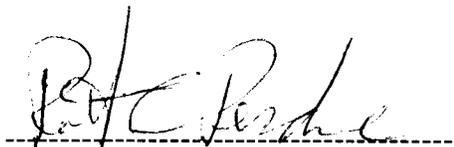
15. Diazinon annual use in Imperial County was 24,730 pounds in 2007 as compared to 2,293 pounds in 2011.
16. To date, the Regional Water Board has adopted three sediment TMDLs and a Sediment Agricultural Prohibition for surface water bodies in the Imperial Valley, including the Alamo and New Rivers. These TMDLs and the Prohibition were approved by the State Water Board, the Office of Administrative Law, and the USEPA. These TMDLs identified Imperial Valley farmers and the Imperial Irrigation District (IID) as the two major responsible parties for implementing the sediment TMDLs.
17. To assist Imperial Valley farmers to comply with the sediment TMDLs and the Prohibition, the ICFB instituted a program named the "ICFB TMDL Program," which included sediment management practices (MPs) that were identified by ICFB staff, Imperial Valley farmers, IID, and the University of California Cooperative Extension.
18. The chlorpyrifos water quality criteria to be addressed by this Resolution are 0.025 micrograms per liter (ug/L) as maximum concentration or acute (one-hour average) and 0.015 ug/L as continuous concentration or chronic (four-day average).
19. The diazinon water quality criteria to be addressed by this Resolution are 0.16 ug/L as maximum concentration or acute (one-hour average) and 0.10 ug/L as continuous concentration or chronic (four-day average).
20. These water quality criteria were developed by the California Department of Fish and Wildlife, used by the Central Valley Water Board and Central Coast Water Board, and approved by the USEPA.
21. These water quality criteria apply to receiving waters, and are applicable throughout the year.
22. To address diazinon impairments, ICFB proposed to focus its efforts (eg. MPs and technical assistances) to only areas where diazinon uses occur.
23. Regional Water Board staff is developing an agricultural waiver for the Imperial Valley (Ag Waiver) that is expected to be scheduled for consideration of approval by the Regional Water Board in 2014. As envisioned by Regional Water Board staff, and consistent with the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, the Ag Waiver would require dischargers in Imperial Valley to monitor for all agricultural water quality constituents of concern.
24. Regional Water Board staff has funding to monitor the levels of chlorpyrifos and diazinon until June 2014. Monitoring results will be used to assess the effectiveness

of the ICFB TMDL Program and the implemented MPs on addressing chlorpyrifos and diazinon impairments.

THEREFORE, BE IT RESOLVED THAT the Regional Water Board:

1. Certifies the revised ICFB TMDL Program as adequate for achieving chlorpyrifos and diazinon WQSs by December 2018 for the Alamo and New Rivers.
2. Directs that a copy of this Resolution be forwarded to the State Water Board.
3. Directs that a copy of this Resolution be forwarded to all interested parties.
4. Directs the Executive Officer to revise or revoke this certification if the Executive Officer finds that the ICFB TMDL Program is not adequately implemented or is no longer adequate to correct the chlorpyrifos and diazinon impairments.
5. Directs that this certification shall expire on December 2018, but that the Regional Water Board may extend the certification beyond this date if, upon review of the actions taken to address the impaired waters, significant progress has been made to correct the impairment, or it may direct staff to develop another regulatory solution to address the impairment.

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 19, 2013.

A handwritten signature in black ink, appearing to read "R. Perdue", is written over a horizontal dashed line.

ROBERT PERDUE
Executive Officer