



**Significant Proposed Revisions to the Irrigated Lands Regulatory Program (ILRP)
Potential Impacts to Your Farming Operation
****ACTION ENCOURAGED******

The State Water Resources Control Board (State Board) is considering significant changes to the General Order for the East San Joaquin Water Quality Coalition area (which was adopted by the Central Valley Water Board in December of 2012) that, if adopted as written, could impact your farming operation. The document in which the changes are being proposed will be referred to as the Draft Order.

In summary, the Draft Order would significantly alter the Central Valley Irrigated Lands Regulatory Program by:

- Expanding certification and reporting requirements on all growers in all areas,
- Expansion of Nitrogen Management Plan to Include Irrigation Information & N Removed Calculations
- Requiring all management practice and nitrogen application information to be publically reported on a field level basis (with location information).
- Requiring sampling of all domestic wells, reporting results on a public website, and, if MCL for nitrate is exceeded, notification and possibility of providing replacement water to users.
- Resulting requirements would inevitably lead to substantially increased coalition costs, and state regulatory fees, thus increasing cost to growers and membership fees.

The ILRP coalitions, agricultural trade associations and others are working diligently to challenge these proposed changes before the State Water Board at upcoming workshops in May and in written comments that are due June 1, 2016.

Statewide Implications:

The State Water Board proposes that these changes would be precedential in nature and will apply statewide. Specifically, the proposed order would give direction to the Central Valley Water Board and all other Regional Water Boards to update (or develop) their irrigated lands regulatory programs to be consistent with the proposed Draft Order. If adopted, current General Orders would be changed to comply with the State Board's findings. **Thus, these changes may impact your farming operation, even if you are not in the East San Joaquin area.**

Cost Implications:

The State Water Board has not conducted an economic analysis to determine the amount of additional costs to coalitions and their members to implement the changes to the Draft Order.

However, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) believes that the cost increases will be substantial. The Central Valley Water Board has estimated that the State Water Board's changes will require hiring a minimum of over 70 additional regional water board staff members, and result in tens of millions in additional costs to coalitions and their members.

Opportunities for Public Participation:

The State Water Board will hold a public workshop on **Wednesday, May 4, 2016**, at 9:00 a.m. at the Cal/EPA Building, 1001 I Street in Sacramento. **An additional public workshop will be held on Tuesday, May 17, 2016, at 9:00 a.m. at the Fresno Convention Center-Exhibit Hall III, 848 M Street in Fresno.** Written comments on the proposed Draft Order must be received by 12:00 p.m. on **Wednesday, June 1, 2016.**

Farmers and ranchers are strongly encouraged to attend one of the two workshops the State Water Board will be having to solicit public comment, as well as submitting written comments by the June 1, 2016 deadline.

Significant Revisions:

Highlighted below are some of the most significant revisions and potential impacts to your farming operation. You should carefully evaluate how the changes would impact your specific operation. For a full copy of the State Board's Order and proposed changes, go to http://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/a2239/a2239_proposed_order.pdf. Additional information can be found at <http://www.krwca.org/advocacy.aspx>.

Change 1 – Elimination of Vulnerability Determinations

Current Requirement: The Central Valley irrigated lands program distinguishes between high and low vulnerability areas. The agricultural coalitions evaluate data and information to make such determinations, and then provide their recommendations to the Central Valley Water Board as to what are the high and low vulnerability areas within their watersheds. Generally, growers in high vulnerability areas have certification and reporting requirements that are not applied to growers in the low vulnerability areas. For example, under the current program, all growers must prepare a Nitrogen Management Plan (NMP). However, if you are in a designated high vulnerability area, your plan must be certified by a Certified Crop Advisor or other qualified professional, or you must take an approved nitrogen management course to self certify your Nitrogen Management Plan. Also, operations in high vulnerability areas must submit annually a Nitrogen Summary Report to the third party coalition. Growers in low vulnerability areas must prepare a Nitrogen Management Plan, but the plan is maintained on the farm.

Proposed Change: The Draft Order would eliminate all vulnerability distinctions, and would apply all of the requirements equally to all growers in the Central Valley and across the state.

Impact:

- **All growers** would be required to have certified Irrigation and Nitrogen Management Plans (INMP) by either a certified professional, or through self certification after completing and passing a self certification course.
- **All growers** would be required to submit INMP Summary Reports to the coalition group for their area. As currently proposed, this requirement would apply even to growers that apply little to no nitrogen fertilizers (i.e., irrigated pasture etc.), and to growers in areas where nitrates in groundwater are not an issue.

Change 2 - Expansion of Nitrogen Management Plan to Include Irrigation Information & N Removed Calculations

Current Requirement: The Central Valley Irrigated Lands program requires preparation of Nitrogen Management Plans. To assist growers in preparing such plans, the coalitions and the Central Valley Water Board prepared a template that includes detailed instructions. Growers throughout the Central Valley have already received this template and instructions on how to complete the information. The current Nitrogen Management Plan Template focuses on the amount of nitrogen applied to a crop through commercial fertilizer, organic fertilizer and the amount of nitrogen in the irrigation water.

Proposed Change: The Draft Order proposes to expand the Nitrogen Management Plan to include irrigation management planning and grower calculated N Removed values.

Impact:

- Adds to each plan: irrigation method, crop evapotranspiration (ET) and anticipated crop irrigation applications (in inches), Applied N (A) minus Removed N (R) calculation (A-R)
- Growers will need to calculate before the crop season the amount of irrigation water being applied and the estimated crop ET. If irrigation water contains nitrate, the amount of water applied is used to calculate the amount of nitrogen applied to the land via irrigation.
- Growers will be required to calculate N Removed, A-R, and the A/R ratio as soon as the Order is implemented. The scientific background for N removed is not currently available for all crops grown in the Central Valley, and this information may be very costly to develop.

Change 3 - Expansion of Public Reporting to Include Field Level Location Information

Current Requirement: The current Central Valley Irrigated Lands Regulatory Program requires growers to submit a number of reports to third party coalitions. The coalitions then take the information provided to them by the growers and submit it to the Central Valley Water Board in an aggregated format without grower specific information. For example, nitrogen application information submitted to a coalition is aggregated before it is reported to the Central Valley Water Board. This process helps to protect grower privacy because it means that field level locations are not public records in the hands of a state agency or environmental groups. For the Central Valley Water Board, it helps to avoid receiving hundreds of thousands of data points that they do not have staff time or resources to review. Currently, the Central Valley Water

Board is comfortable with this approach because they retain the authority to review such records should there be questions or concerns about data submitted.

Proposed Change: The Draft Order's most significant proposed change is the level of information that must be reported by the coalition to the Central Valley Water Board.

Impact:

- Coalitions would be required to transmit all data and information to the Central Valley Water Board, including field level data by location in addition to reporting aggregated information.
- Information submitted to the Central Valley Water Board would then be considered public.
- Further, the State Board is developing a process whereby the information would be uploaded onto a publically available website.
- This proposed change would increase workload and staffing needs for the coalitions and the Central Valley Water Board, which would result in increased fees and costs for growers.

Change 4 - Requirement to Sample All Domestic Wells on lands covered by the Irrigated Lands Regulatory Program

Current Requirement: The existing Irrigated Lands Regulatory Program in the Central Valley does not require individual growers to sample domestic wells on properties that are covered by the Irrigated Lands Regulatory Program. There are many other coalition based monitoring requirements, but not individual domestic well sampling.

Proposed Change: The Draft Order proposes to require coalition members to sample all domestic wells on their property and report to property occupants if the well water exceeds the drinking water standard for nitrates. The well sampling results, along with well location, must then also be posted to GeoTracker, the State Board's public database that contains water quality information from throughout the state. Sampling must be initiated by Dec 31, 2016.

Impact:

- Sampling and testing of all Central Valley domestic wells will likely be a significant cost impact to growers (estimate between 4000 and 6000 wells in East San Joaquin coalition area alone).
- Private well information would be posted and be available on a public website.
- If the MCL for nitrate is exceeded, the member must give notice to domestic well water users and may have to provide replacement water.
- If the member does not notify users the Central Valley Water Board would inform users and likely take corrective actions.