Agricultural Water Quality: 

Obligations and Options

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California Farm Bureau Federation

Federal Obligations: 

Clean Water Act

- Different Obligations for “Point Sources” and “Non-Point Sources”

- Point Sources
  - All discharges of pollutants to water of the United States from a Point Source require a (NPDES) permit
  - Exclusions include: Precipitation based run off from agricultural and silvicultural activities; return flows from irrigated agriculture; and discharges into a privately owned treatment works. (40 C.F.R. 122.3)

- Non-Point Sources
  - States are required to prepare and submit a “Non-Point Source Plan”
  - The Plan must: identify impaired waterways, describe a process to identify management practices to address causes of impairments; and submit for approval Plans for controlling pollution from NPS (33 U.S.C. 1329)
State Obligations:

Porter-Cologne Water Quality Control Act

- State Water Resources Control Board
  - Water Rights
  - Water Quality: sets state policy for water quality control

- Nine semi-autonomous Regional Boards
  - coordination and control of water quality through Basin Plans, Permits, Waivers, Etc.

California’s Regional Water Boards

1- North Coast
2- San Francisco Bay
3- Central Coast
4- Los Angeles
5- Central Valley
- R: Redding Office
- S: Sacramento Office
- F: Fresno Office
6- Lahontan
- SLT: South Lake Tahoe Office
- V: Victorville Office
7- Colorado River
8- Santa Ana
9- San Diego
State Obligations:

*Porter-Cologne Water Quality Control Act*

- Same Obligations for “Point Sources” and “Non-Point Sources”
- “[P]ersons shall file... a report of waste discharge [if they are] discharging waste, or proposing to discharge waste... that could affect the quality of the water of the state...” Water Code Section 13260(a) Unless...
- They discharge into a community sewer system or “[T]he requirement is waived...” Water Code Section 13260(b)
- Waivers are subordinate to requirements of Basin Plans, TMDLs, etc.

State Options:

*Waivers from Waste Discharge Requirements*

- Several Regional Boards have Waiver policies
  - San Diego; Los Angeles; Central Coast; Central Valley
- General Waiver Requirements
  - May not exceed five years; shall be conditional; in most cases monitoring; discretionary fee (soon to be mandatory)
  - Conditions are various and are determined on a region-by-region basis
- Proposed Fees
  - $100 / Coalition Group, Plus $0.12 / acre; or
  - $100 / Coalition Group, Plus $0.20 /acre; or
  - $100 / farm, Plus $0.30 /acre
- Potential Compliance costs
  - Watershed Group Participation
  - Individual Participation
Landowner Options:

- If you discharge... a waiver or a permit is likely required
- Possible Joint and Severable Liability
- Physical Solution

The Big Picture:

<table>
<thead>
<tr>
<th>Size of Farms in the Central Valley</th>
<th>Number of Farms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 9 Acres</td>
<td>20.30%</td>
</tr>
<tr>
<td>10 - 49 Acres</td>
<td>36.2%</td>
</tr>
<tr>
<td>50 - 179 Acres</td>
<td>20.05%</td>
</tr>
<tr>
<td>180 - 499 Acres</td>
<td>11.2%</td>
</tr>
<tr>
<td>500 - 999 Acres</td>
<td>5.3%</td>
</tr>
<tr>
<td>&gt;1,000 Acres</td>
<td>6.6%</td>
</tr>
</tbody>
</table>
The Big Picture:

**LEGAL ORGANIZATIONS OF CALIFORNIA’S FARMS**

- Individual or Family: 76.6%
- Partnership: 14.6%
- Family Held Corporation: 6%
- Not Family Held Corporation: 1.1%
- Other: 1.8%

The Big Picture:

**Land Use Category Converted**

- Prime Farmland
- Additional Farmland
- Irrigated Land
- Orchard Crops & Grazing
- Urban

Acres:

- 1984-1990
- 1990-1994
- 1994-2000
The Big Picture:

Final Agricultural Sector Output vs Net Farm Income in California

- Final Agricultural Sector Output
- Net Farm Income

Billion Dollars