

# **Evolution of Using TMDLs to Address NPS/Ag Impaired Waters in California**

**National Workshop to Advance  
State TMDL Programs  
National Conservation Training Center  
Shepherdstown, West Virginia  
*June 24-25, 2008***

# Stats on California's Water Quality

10,000 lakes and streams

2006 303(d) List 2237+1 water body pollutant combinations

[http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/303d\\_lists2006\\_eпа.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/303d_lists2006_eпа.shtml)

1044's listings addressed

1781 listings need TMLDs



**Photograph credit:  
Karuk Tribe WQ monitoring program**



# 2006 CALIFORNIA 303(d) LIST \* OF WATER QUALITY LIMITED SEGMENTS



\* Includes waters requiring TMDLs, and those being addressed by completed TMDLs or actions other than a TMDL.



-  2006 303(d) listed bays, estuaries, lakes, and wetlands
-  2006 303(d) listed rivers and shorelines
-  Regional Board Boundaries
-  Non-303(d) listed California rivers and shorelines
-  Non-303(d) listed California lakes

Data Source: 2006 California 303(d) List of Water Quality Limited Segments  
Map created November 2007, Division of Water Quality, SWRCB

# California Water Board's Regulatory Structure (Boards)

Water Boards created in 1967

Cal/EPA – State Water Board – Regional Water Boards

- RWBs boundaries based on hydrologic basins

RWBs semi-autonomous to account for regional differences

Board structure means high level of public involvement

- Decisions are made in public meetings,
- Adoptions of TMDLs, permits, stds, policies

# California's Water Board's Regulatory Structure (laws and regulations)

Porter Cologne passed in 1969 predates CWA  
[http://www.waterboards.ca.gov/laws\\_regulations/docs/portercologne.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf)

Gives the Board broad discretion to regulate discharge of pollutants to Waters of the State

- Principal state agencies for water quality control
- both ground and surface water
- point and nonpoint sources, including ag discharges

State Water Board water rights responsibilities

# TMDLs' Role in Addressing Water Quality Impairments in California

TMDLs are planning Tools

TMDLs become regulation via incorporation into Basin Plans

- Each Regional Water Board has its own BP

Basin Plans are regulations and include water quality standards

Porter Cologne requires that TMDLs (BPA) include implementation plans

TMDLs rely on existing regulatory authorities



# History of NPS/Ag Regulation

## (Evolutionary, Not Revolutionary)

In the beginning there were Waivers – The old waiver said basically “don’t pollute”.

EPA approved CA’s NPS Management Plan  
January 1990

Coastal Zone Act Reauthorization  
Amendments of 1990

EPA and NOAA approve CA’s NPS Pollution  
Control Program (January 2000)



# History of NPS/Ag Regulation (Evolutionary, Not Revolutionary)

*Legislature forces Boards to repeal Waivers  
(SB 390-January 2000)*

[http://www.leginfo.ca.gov/pub/99-00/bill/sen/sb\\_0351-0400/sb\\_390\\_bill\\_19991010\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/99-00/bill/sen/sb_0351-0400/sb_390_bill_19991010_chaptered.pdf)

*State Water Board approves Policy for  
Implementation and Enforcement of the NPS  
Program (May 2004)*

[http://www.waterboards.ca.gov/water\\_issues/programs/nps/protecting.shtml](http://www.waterboards.ca.gov/water_issues/programs/nps/protecting.shtml)

*State Water Board approves TMDL Policies  
(June 2005)*

[http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/docs/iw\\_policy.pdf](http://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/iw_policy.pdf)

# AG TMDLs

## *Region 5 pesticide TMDL*

Accounts for synergistic effects of multiple pesticides

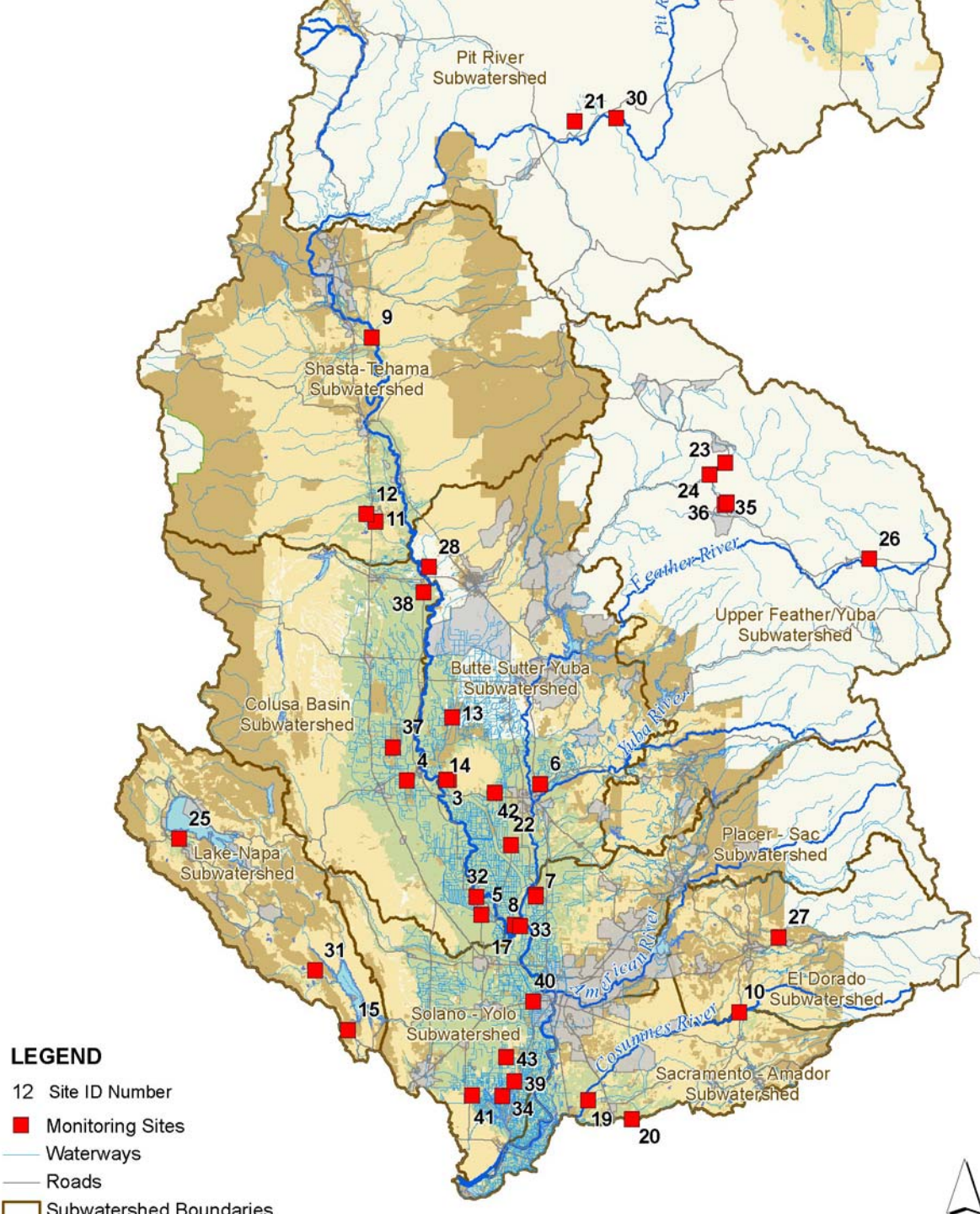
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/sacramento\\_feather\\_op\\_pesticide/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/sacramento_feather_op_pesticide/index.shtml)

## *Region 1 Shasta River TMDLs for Temperature, sediment, and “flow”*

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/tmdls/shasta\\_river/index.shtml](http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/shasta_river/index.shtml)

## *Central Coast Region use of TMDLs and Ag Waivers*

<http://www.waterboards.ca.gov/centralcoast/AGWaivers/Index.htm>



# Irrigated Lands Regulatory Program Central Valley Region

## Participation

- 2003
  - zero
- 2007
  - 9 Coalition Groups
  - 28,000+ growers
  - 5.4 million acres



# Agricultural Advisory Panel

## ◆ *Farm Bureaus*

- San Benito, Monterey, Santa Barbara, SLO, Coalition of CC Farm Bureaus

## ◆ *Environmental Groups*

- Ocean Conservancy, ECOSLO, Environmental Defense Center, Santa Barbara Channel Keeper

## ◆ *Regional Board*

## ◆ *Monterey Bay Sanctuary*

## ◆ *Other Ag Reps*

- ALBA, CC Winegrowers, Grower-Shipper, Jefferson Farms

# Take home message

Regulating NPS/Ag is politically difficult

- Lawsuits can be your friend!

Goodwill must be back-up with solid legal authorities

Need good science to show cause/effect

Requires extensive outreach and dialog with stakeholders

It will cost the state and the regulated community money

It takes time

## *Contact Information*

Ken Harris

Manager, TMDL Section

CA State Water Resources Control Board

1001 I Street, 15th Floor

Sacramento, CA 95814

Phone 916.341.5500

[kharris@waterboards.ca.gov](mailto:kharris@waterboards.ca.gov)

# *Regional Board AG Waiver Contacts*

## Central Coast Region

Alison Jones, Ag Waiver Supervisor  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
Phone 805. 549.3147

## Central Valley Region

Margie Read, REAll  
Monitoring and Implementation Unit  
Irrigated Lands Regulatory Program  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive Suite 200  
Rancho Cordova, CA 95670-6114  
Phone 916.464.4624