

**NPS Regulation in California  
Looking for the “Third Wave”**

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# Presentation Outline

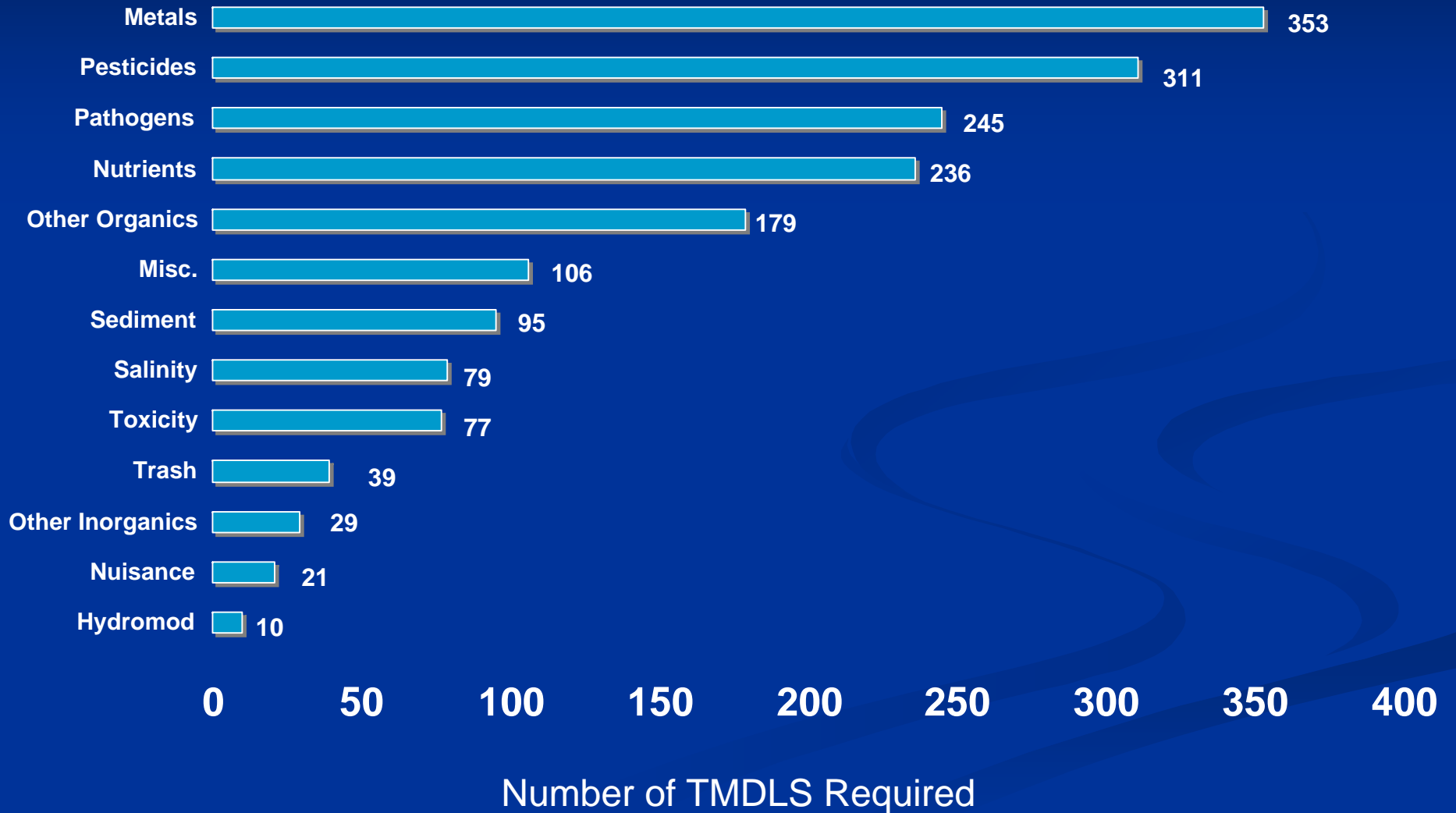
- **California Context**
- **Overview of Regulatory Authority**
- **Irrigated Ag Case Study**
- **Where Do We Go From Here?**

# Water Boards Protect Water Quality



State Board and  
9 Regional Boards  
Implement Federal  
Clean Water Act  
&  
California Water Code  
Porter-Cologne Water  
Quality Control Act  
&  
Water Quality Control  
Plans (Basin Plans)

# CA Water Quality Impairments



# Porter-Cologne Water Quality Control Act

*Discharge is a privilege, not a right*

- Applies broadly to all State waters including surface waters, wetlands, and ground water
- Covers waste discharges to land, surface and groundwater
  - “waste” associated with human habitation
- Applies to both point & nonpoint pollution

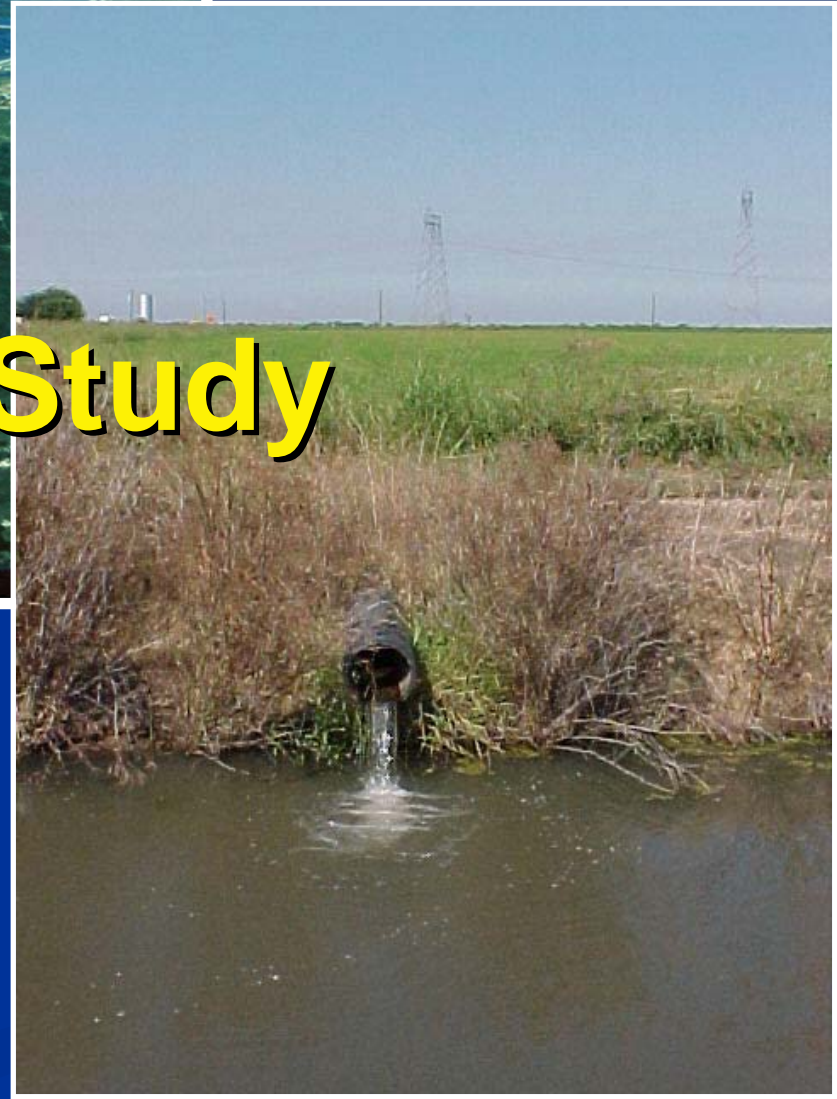


# Tools for Regulating Discharges of Waste

- Basin Plans
  - Establish WQ objectives, regulations & policies
- Waste Discharge Requirements (WDRs)
  - Essentially a permit that sets limits on discharge of waste constituents to surface or groundwater
- Waiver of WDRs
  - Must be conditional & may be terminated
  - Must be consistent with public interest & applicable state water quality control plan
  - May not exceed five years, but may be renewed
  - Must be enforced.
- Prohibition of Discharge
  - Prohibits discharge of waste in certain areas, unless specific conditions are met
- Enforcement



# Case Study



# Central Valley Irrigated Lands Regulatory Program

- Regulates 28,000 growers and 5 million acres of irrigated land
- Requires monitoring of surface waters
- Management plans when problems identified
- Growers have joined “Coalitions” to coordinate efforts / save \$\$



# Water Quality Problems Identified

Contaminant	# Waters
E-Coli	76
DO	69
pH	48
Chlorpyrifos	37
Toxicity, hyalella	28
Toxicity, water flea	26
Copper	21
Toxicity, algae	7
Other	156
Total	468

# Results from Implementation of Irrigated Lands Regulatory Program

- Over 100,000 water quality data points
- Plans in place to address high priority problems
- Grower participation 70-80%
- Few water quality successes at this point
- Evolving debate over appropriate water quality goals
- Working on long-term program – may include discharge to ground water

# Key Characteristics of Successful NPS Regulatory Efforts

- Staffing
- Problem & goals clearly defined, and “good” (watershed) plans are essential
- Work with groups representing growers
- Pressure on Water Board to use regulatory authorities
- Pressure on regulated community to address problems
- Other government agencies motivated to find solutions & third party involvement
- Compliance tools

# Sam's Suggested "Road Map"

*(looking for that "third wave")*



- Establish a "National NPS Regulatory Demonstration Program" to support and learn from State innovators.
- Develop meaningful and practical NPS compliance tools.
- Strengthen review and oversight of State NPS programs based on environmental outcomes (e.g., performance based management system).

- *Focus on accountability and results*  
⇒ *Communication (transparency)*
- *Learn & adjust*

# Resources/More Information

- **CA NPS Regulatory Solutions**

- [http://www.waterboards.ca.gov/water\\_issues/programs/nps/reg\\_solutions.shtml](http://www.waterboards.ca.gov/water_issues/programs/nps/reg_solutions.shtml)

- **CA NPS Enforcement Guidance**

- [http://www.waterboards.ca.gov/water\\_issues/programs/nps/docs/oalfinalcopy052604.doc](http://www.waterboards.ca.gov/water_issues/programs/nps/docs/oalfinalcopy052604.doc)

- **Improving Performance & Outcomes at the State Water Boards (January 2009)**

- <http://www.lhc.ca.gov/lhcdir/report195.html>