

Regulatory Environment affecting Agricultural Water Use



presented by

Katharine E. Wagner

kwagner@downeybrand.com

(916) 520- 5311

DOWNEY | **BRAND**
ATTORNEYS LLP

Irrigated Lands; Plans for Salt/Nutrients

- Regional Water Boards issue Conditional Waivers of Waste Discharge Requirements, and General WDRs, address discharges of return flows and stormwater. Most lands under coalition coverage
- Focus on surface water shifted to focus on groundwater impacts, including fertilizer management; costly plans/ reports
- Central Coast Conditional Waiver (No. R3-2012-0011) under appeal to State Water Board, Draft Order released
- Recycled Water Policy: Salt & Nutrient Plans

Increased Focus on Nitrate Contamination Challenges

- **Nitrate**
 - naturally present; necessary for plant growth
- **Nitrate Legacy Problem**
 - synthetic nitrogen fertilizers, dairies
 - increased application over decades
 - migration to groundwater
- **Coordination of Multiple Agencies**
 - State and Regional Water Boards
 - Drinking Water Programs of CA Dept. of Health, Counties and EPA
 - CA Department of Food and Agriculture

Safe Drinking Water Acts; Roles of DPH and CDFA

- Federal and State SDWA Acts regulate “public water systems.” 42 U.S.C. §§ 300f et seq.; H&SC §§ 116260 et seq.; 22 CCR Div. 4
- Permitting and Standards do not compel actual supply or address very small systems, typical in rural areas without infrastructure
- CA Dept. of Food and Ag coordinating with Water Boards in stakeholder/expert group on best practices, interagency task force on nitrogen management tracking and data needs