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

CA Water Quality Impairments

- Metals: 353
- Pesticides: 311
- Pathogens: 245
- Nutrients: 236
- Other Organics: 179
- Misc.: 106
- Sediment: 95
- Salinity: 79
- Toxicity: 77
- Trash: 39
- Other Inorganics: 29
- Nuisance: 21
- Hydromod: 10

Number of TMDLS Required
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

<table>
<thead>
<tr>
<th>Contaminant</th>
<th># Waters</th>
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<tbody>
<tr>
<td>E-Coli</td>
<td>76</td>
</tr>
<tr>
<td>DO</td>
<td>69</td>
</tr>
<tr>
<td>pH</td>
<td>48</td>
</tr>
<tr>
<td>Chlorpyrifos</td>
<td>37</td>
</tr>
<tr>
<td>Toxicity, hyalella</td>
<td>28</td>
</tr>
<tr>
<td>Toxicity, water flea</td>
<td>26</td>
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<tr>
<td>Copper</td>
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<tr>
<td>Toxicity, algae</td>
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<tr>
<td>Other</td>
<td>156</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>468</strong></td>
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</tbody>
</table>
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**

- **CA NPS Enforcement Guidance**
  - http://www.waterboards.ca.gov/water_issues/programs/nps/docs/oalfinalcopy052604.doc

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