

# Farms face new challenge

## Long-delayed pollution rules mean higher costs

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Since the federal government launched its first comprehensive attempt to protect lakes and rivers from degradation more than half a century ago, one of the nation's leading pollution sources has avoided the rigorous regulation applied to other waste dischargers. That era is coming to an end in California, and one of the state's most prominent industries has already begun confronting the consequences in such regions as the Central Valley and the Central Coast.

Ventura County farmers, a relatively small group that generates an implausibly large share of the region's economic activity, are next in line. Over the next year, they'll be required to bear new costs and navigate a daunting regulatory maze, as the anti-pollution regulations long ago applied to factories and municipal sewer plants began creeping across their orchards and fields.

The Environmental Protection Agency estimates that agriculture accounts for about half the pollution making its way into the nation's surface and ground waters. That pollution ranges from obvious contaminants such as pesticides, salts, metals, fertilizer residue and animal waste, to substances not commonly regarded as harmful, such as silt. Some are carried into waterways by irrigation drainage; others are mobilized by storm runoff.

The federal government adopted its first broad anti-pollution legislation in 1948, supplanting it with a tougher law in 1965 and then adopting the most-far-reaching law of all, the Clean Water Act, in 1972. Yet not until 1987, under amendments to the 1972 act, did anti-pollution regulations apply to nonpoint sources — the diffuse runoff from rural fields and urban storm drains that, unlike emissions from factories and sewage treatment plants, lacks an identifiable discharge point where pollution controls can be installed and monitored with relative ease.

California law, which mirrors the federal law, began addressing nonpoint sources in 1988. Yet even then, irrigated agriculture in the state remained exempt from the requirements applied to other dischargers, which were required to obtain costly permits that prescribed limits and remedies for harmful emissions. The regional water quality control boards in charge of enforcing state anti-pollution standards generally waived the requirements for farms, deeming it in the public interest to do so.

A 1999 state law banned that practice, requiring that all such blanket waivers expire on Jan. 1, 2003, and directing the nine regional boards to come up with an alternative. The boards governing the Central Valley, San Diego and the Central Coast went first; the Los Angeles board, which oversees Ventura County, adopted its program on Nov. 3.

The new program still allows farmers to avoid the cumbersome and costly process of applying for individual discharge permits like those required for factories and sewer plants. But to do so, they must obtain a conditional waiver of those requirements from the regional board. To obtain such a waiver, which is good for five years, they must set up a

monitoring program to test for contaminants in waterways downstream from their fields, develop management plans to reduce or eliminate contaminated drainage from their land, and submit periodic reports to the regional board about the test results.

Doing all this will not be cheap. At a workshop Tuesday in Oxnard, a consultant who's been working with the Ventura County Farm Bureau, local irrigation districts and other interest groups estimated that the first-year cost — which includes establishing the administrative and record-keeping elements of the program — could run more than \$808,000. Annual operational costs in future years for monitoring and analysis might range from \$154,540 to \$248,040.

Growers can go it alone, or they can join as one large group to share the costs and the paperwork, a course the Farm Bureau advises and is coordinating. If all 95,000 acres of irrigated land in the county are enrolled in the group program, the per-acre charge would range from \$8 to \$10 a year, the consultant estimates.

That's not as bad as many farmers had feared, although nobody likes spending more money and doing more paperwork. But there is a potential bright side for growers.

The program will help them demonstrate that they're doing everything they can to protect their urban neighbors, some of whom seem convinced that the county's strawberry fields and lemon orchards are little better than toxic-waste dumps. And by making that effort to be good neighbors, growers will secure the moral right to ask that urban dwellers extend them the same courtesy.