

Ventura County Agricultural Irrigated Lands Group

Summary of compliance costs associated with *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands*

Introduction

On Nov. 3, 2005 the Los Angeles Regional Water Quality Control Board adopted a *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands within the Los Angeles Region* (Order No. R4-2005-0080). The purpose of the regulations described by the Conditional Waiver is to assess the effects of and control discharges from irrigated agricultural lands in Los Angeles and Ventura Counties, including irrigation return flows, flows from tile drains, and storm water runoff.

The Conditional Waiver allows individual landowners and growers to comply with its provisions by working collectively as a Discharger Group. Various agricultural organizations, water districts and individuals joined together in March 2006 to form the Ventura County Agricultural Irrigated Lands Group (VCAILG), which is intended to act as one unified “Discharger Group” for those agricultural landowners and growers who wish to participate.

VCAILG submitted a Notice of Intent to comply with the Conditional Waiver to the Regional Board on Aug. 3, 2006. The Regional Board responded by issuing the Notice of Applicability to VCAILG on Dec. 18, 2006, signifying the Regional Board’s approval of VCAILG and its monitoring program.

VCAILG contracted with Larry Walker Associates to provide technical assistance and manage the monitoring and reporting activities required under the waiver. In mid-2006, VCAILG began billing landowners who had enrolled in the group. The initial billing covered program startup costs; subsequent years’ billings included the full cost of the required monitoring, lab analysis and reporting, as well as staff, overhead and administrative costs incurred by the Farm Bureau as VCAILG program manager.

Landowners are billed on a per-acre basis. Certain administrative, report processing and overhead costs are shared equally, whereas monitoring costs vary by watershed based on differences in the number of monitoring sites and the types of analysis required in each watershed. For administrative purposes, the county is divided into four watersheds: Ventura River, Santa Clara River, Calleguas Creek and Oxnard Coastal Plain.

Compliance and participation

VCAILG membership represents 92 percent of the irrigated agricultural acreage in Ventura County. The breakdown by watershed is as follows:

Watershed	Landowner count	Parcel count	Irrigated acres
Calleguas Creek	648	1,286	45,743
Oxnard Coastal	51	102	3,787
Santa Clara River	586	1,242	29,810
Ventura River	201	359	5,987
Enrolled total	1,486	2,989	85,327
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County total	1,646	3,388	92,585

Program costs

Total program expenditures, and the average annual per-acre cost to landowners, are as follows:

Year	Total expenses	Enrolled acreage	Per-acre cost
2005-06	\$258,605.81	74,366	\$3.48
2006-07	\$398,806.07	84,867	\$4.70
2007-08	\$587,598.28	85,327	\$6.89
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Cumulative	\$1,245,010.16	85,327*	\$14.59

The rising average per-acre cost reflects the increasing complexity of the program and the increase in number of monitoring events conducted each year (three in 2006-07 and four in 2007-08).

In the three years since program inception, Ventura County's agricultural landowners have spent nearly \$1.3 million to comply with terms of the Conditional Waiver — nearly \$15 per acre over the three years. The average cumulative cost per landowner has been \$838.

Cost savings

Had growers chosen to comply with the Conditional Waiver as individuals rather than as a group, they would be still be legally responsible for all the same monitoring, analysis and reporting activities being conducted on their behalf by VCAILG and its consultants.

Based on actual billing for the seven monitoring events conducted in 2007 and 2008 by VCAILG, the average cost per event at each site was \$4,526.04. If every landowner participating in VCAILG had conducted the seven monitoring events at each of the 2,989 enrolled parcels, the total cost borne by individuals for monitoring alone would have totaled \$94,698,334.90 — or \$63,727.01 per landowner.

* Landowners who enrolled after program establishment, or who added acreage to their total in subsequent years, were billed retroactively for prior-year assessments.

This represents the high end of the range; an unknown number of the parcels are contiguous, meaning multiple properties could have been monitored by an individual landowner with just one sampling site. Still, each of the 1,486 enrolled landowners would have had to establish at least one monitoring station and to have conducted at least seven monitoring events. That means the lowest cumulative cost would have been at least \$47,079,868.10 — or \$31,682.28 per landowner.

In addition, preparing each of the two reports submitted so far to the Regional Board on behalf of VCAILG members — the 2007 Annual Monitoring Report, and the 2008 Water Quality Management Plan — would have cost each landowner an estimated \$10,000 per report, according to estimates from Larry Walker Associates staff.

Added to the monitoring costs, that brings the total estimated cost of complying with the waiver as an individual to between \$51,682 and \$83,727 per landowner. It also raises the estimated collective cumulative cost over three years by \$29,720,000, from a low estimate of \$76,799,868 to a high of \$124,418,335.

Other considerations

Most of the property-specific information collected by VCAILG remains confidential; only the final reports — which aggregate monitoring results by watershed and sub-watershed, and are then submitted to the Regional Board — are public documents. Individually submitted monitoring records, however, would not confer such anonymity. Each property owner would be required to file reports with the Regional Board that include information specific to each property and to the agricultural operations on it, including data about ownership, management and specific contaminants found in discharges from that property. As public documents, those reports would be accessible to competitors, neighbors, news media and other third parties.

Conditional Waiver Summary

Since 2006, VCAILG members have spent \$15 per acre to comply with the Conditional Waiver, or an average of \$838 per landowner. Compared to the cost of complying individually, that represents an average cost savings per landowner of between \$50,844 and \$82,889.

Put another way, by establishing and administering VCAILG, the Farm Bureau has saved the Ventura County agricultural community between \$75.6 million and \$123.2 million.

Calleguas Creek TMDL

The total cost to agriculture of complying with state water-quality regulations includes more than just Conditional Waiver program expenditures. In August 2007, the Los Angeles Regional Water Quality Control Board approved a monitoring program for the Calleguas Creek watershed intended to address a range of pollutants subject to Total Maximum Daily Load allocations. Watershed stakeholders adopted a memorandum of agreement to administer the program on a watershed basis, and allocated program costs — which, like the Conditional Waiver Program, include expenditures for

monitoring, lab analysis and reporting — among the responsible parties according to the percentage of the total load allocated to them.

Irrigated agriculture was assigned 47 percent of the responsibility, and VCAILG was chosen as the mechanism by which to recover program costs from agricultural landowners. In February 2008, VCAILG members in the Calleguas watershed were billed \$17 per acre, for a collective \$777,631.

This means Ventura County growers have spent a collective \$2,022,641 over the past three years to comply with new state water-quality regulations.