

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**ORDER NO. R4-2023-0353**

**WASTE DISCHARGE REQUIREMENTS  
FOR DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS  
WITHIN THE LOS ANGELES REGION**

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The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) finds:

I. PURPOSE OF ORDER

1. This Order serves as general Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands that may affect waters of the state in the Los Angeles Region (General WDRs or General Order). The requirements established in this General Order ensure that discharges from irrigated agricultural lands do not cause or contribute to an exceedance of applicable water quality objectives or impair beneficial uses of waters of the state within the Los Angeles Region. This General Order establishes requirements to prevent and address water quality impacts to waters of the state as a result of irrigated agriculture.
2. Agricultural activities can generate wastes, such as sediment, pesticides, nutrients, and oxygen-demanding organic matter that, upon discharge to waters of the state, can degrade water quality and impair beneficial uses.
3. The Los Angeles Region has approximately 93,000 acres of agriculture under irrigation and approximately 2,200 operations. Agricultural activity is concentrated in Ventura County and occurs primarily in the Calleguas Creek, Santa Clara River, and Ventura River watersheds. In Los Angeles County, irrigated agricultural lands are dispersed, non-contiguous, and interspersed with other land uses such as urban and industrial land uses.
4. Irrigated agriculture can impact surface water quality. Waterbodies subject to agricultural discharge are included in the 2020-2022 Clean Water Act Section 303(d) list of impaired water bodies in the Los Angeles Region for nutrients, pesticides, metals, and bacteria.
5. The Los Angeles Water Board and the United States Environmental Protection Agency (USEPA) have established 17 Total Maximum Daily Loads (TMDLs) in the Los Angeles Region to address water bodies that are impaired due to sediment, pesticides, nutrients, bacteria, trash, and salts, and which identify irrigated agricultural lands as a source of pollutants and assign load allocations to discharges from irrigated agricultural lands.
6. Annual monitoring reports submitted pursuant to previous Los Angeles Water Board orders regulating discharges from irrigated agriculture (Order No. R4-2005-0080, Order No. R4-2010-0186, and Order No. R4-2016-0143, Order No. R4-2021-0045, Order No. R4-2021-0045-A01, and Order No. R4-2021-0045-A02) have also documented water quality exceedances in surface waters and at edge of field monitoring sites in every watershed monitored by irrigated agricultural dischargers, or a representative, within the Los Angeles Region.

Based on this data, the main water quality impacts from irrigated agriculture in the Los Angeles Region continued to be documented. A detailed discussion of surface water quality data is included in section 6 of the Staff Report.

7. Irrigated agricultural discharges can also impact groundwater quality. Groundwater basins in Ventura County underlying areas with irrigated agricultural lands contain levels of nitrate that exceed water quality objectives, including state drinking water standards. The Los Angeles Water Board has required groundwater monitoring for nitrate in orders regulating discharges from irrigated agriculture since 2010. This monitoring was used to assess trends in groundwater quality beneath irrigated agricultural lands and to assess the effectiveness of management practices on improving groundwater quality. The groundwater quality trend report submitted in December 2022 by dischargers in Ventura County under Order No. R4-2021-0045 indicated that there are increasing trends at some sampling locations and concentrations of nitrate above the Maximum Contaminant Level (MCL) at some sampling locations. A detailed discussion of groundwater quality data is included in section 6.1.3 of the Staff Report.
8. This General Order regulates owners and operators of irrigated agricultural lands (collectively, Dischargers) with the potential to discharge waste that may impact waters of the state. This Order also establishes substantive and procedural requirements for third-party representatives formed to assist Dischargers with their obligations to comply with this Order (Discharger Groups)
9. Under this General Order, Dischargers are required to: (1) comply with discharge prohibitions; (2) attain water quality benchmarks implementing applicable water quality standards and/or TMDL load allocations; (3) prepare monitoring plans, conduct monitoring, and report annually on monitoring results, including the identification of water quality benchmark exceedances; (4) develop, as required, a water quality management plan (WQMP), which identifies management practices that will address water quality benchmark exceedances; (5) implement the WQMP and management practices to attain water quality benchmarks; (6) assess the effectiveness of implemented management practices in attaining water quality benchmarks; (7) when necessary to attain water quality benchmarks, identify, implement, or upgrade management practices; (8) report on nitrogen applied and removed; (9) implement management practices that minimize sediment and erosion runoff, (10) participate in educational training; (11) conduct monitoring for on-farm drinking water supply wells; and (12) conduct groundwater monitoring for nitrate to assess trends in groundwater quality beneath irrigated agricultural lands and to evaluate whether management practices implemented to improve groundwater quality are effective.

10. This General Order also requires that, if TMDL-associated water quality benchmarks are not attained by the TMDL deadlines in Table 2 of this General Order, then Dischargers must comply with individual discharge limitations from the effective date of this General Order. In some cases, compliance with individual discharge limitations may be demonstrated through an alternative compliance pathway.

## II. DEFINITIONS

11. “Discharger” means the owner and/or operator of irrigated agricultural lands that discharge, have the potential to discharge, or propose to discharge waste that could directly or indirectly affect the quality of waters of the state.
12. A “Discharger Group” is any group of dischargers and/or organizations that forms to comply with this Order. Discharger Groups can be, but are not limited to, organizations formed on a geographic basis or formed with other factors in common, such as commodities.
13. “Discharges” are discharges of waste from irrigated agricultural lands, including surface discharges (also known as irrigation return flows or tailwater), subsurface discharges through drainage systems that lower the water table below irrigated agricultural lands (also known as tile drains), discharges to groundwater, and stormwater runoff flowing from irrigated agricultural lands.
14. “Discharge Limitation” means a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location as set forth in Appendix 5. A discharge limitation may be final or interim, and may be expressed as a prohibition. A discharge limitation does not include a receiving water limitation, a compliance schedule, or a management practice.
15. “Hobby Growing/Gardening” activities include growing crops for personal use (includes moderate fundraising and minor secondary incomes from sales at direct marketing locations only) and consumption only. Furthermore:
  - The crop is not sold, including but not limited to (1) an industry cooperative, (2) harvest crew/company, or (3) a direct marketing location, except in the case of moderate fundraising or minor secondary incomes.
  - The property owner/operator does not hold a current Operator Identification Number/Permit Number for pesticide use reporting.
  - The federal Department of Treasury Internal Revenue Service form 1040 Schedule F Profit or Loss from Farming is not used to file federal taxes.

16. "Irrigated Agricultural Lands" means lands where water is applied for producing crops and, for the purpose of this Order, includes, but is not limited to, lands planted for row, vineyard, pasture, field and tree crops, nurseries, nursery stock production, wholesale nurseries, and greenhouse operations with permeable floors, which are not subject to waste discharge requirements, including Municipal Separate Storm Sewer System (MS4) or other National Pollutant Discharge Elimination System (NPDES) permits.
17. "New Discharges" are defined as irrigated agriculture operations that did not commence discharge at a particular site prior to the adoption of this General Order.
18. "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal (Cal. Wat. Code § 13050 (d)).
19. "Water quality benchmark" means discharge prohibitions, narrative or numeric water quality objectives, criteria established by USEPA (including those in the California Toxics Rule and the applicable portions of the National Toxics Rule), and load allocations established pursuant to TMDL (whether established in the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) or other lawful means). Water quality benchmarks for Discharges from Irrigated Agricultural Lands are identified in Appendices 4 and 5 of this Order.
20. "Waters of the State" means any surface water or groundwater, including saline waters, within the boundaries of the state. (Cal. Wat. Code § 13050(e))
21. Unless otherwise specified above, all other terms used in this General Order shall have the same definition as that set forth in California Water Code Division 7.

### III. LEGAL AND REGULATORY CONSIDERATIONS

22. The Los Angeles Water Board's authority to regulate waste discharges that could affect the quality of the waters of the state, which includes both surface water and groundwater, is found in California Water Code Division 7, the Porter-Cologne Water Quality Control Act (Porter Cologne Act).
23. Water Code section 13260(a)(1) requires that any person discharging waste or proposing to discharge wastes (other than into a community sewer system)

that could affect the quality of the waters of the state within the Los Angeles Water Board's jurisdiction shall file a Report of Waste Discharge (ROWD) with the Los Angeles Water Board. The Los Angeles Water Board may, in its discretion, issue Waste Discharge Requirements (WDRs) pursuant to Water Code section 13263(a) for proposed, existing, or material changes in discharges of waste that could affect water quality. The Los Angeles Water Board may prescribe waste discharge requirements even when no ROWD has been filed. The WDRs must implement relevant water quality control plans and the Water Code, including sections 13267 and 13241.

24. Water Code section 13263(i) authorizes the Los Angeles Water Board to prescribe General WDRs for a category of discharges if all the following criteria apply to the discharges in that category
  - a. The discharges are produced by the same or similar operations;
  - b. The discharges involve the same or similar types of waste;
  - c. The discharges require the same or similar treatment standards; and
  - d. The discharges are more appropriately regulated under general requirements than individual requirements.

Discharges from irrigated agricultural operations that are regulated under this General Order are consistent with the criteria listed above.

The category of discharges in Los Angeles and Ventura Counties regulated by this General Order and relevant attachments (e.g., Appendix 2 and 3) includes (a) discharges produced by similar operations (e.g. nurseries and irrigated farms); (b) discharges which involve similar types of wastes (wastes associated with irrigated nurseries); (c) discharges that require similar water quality management practices (e.g. nursery operations and irrigated agriculture operations); and (d) due to the large number of nursery operations, these discharges are more appropriately regulated under general rather than individual requirements.

Irrigated agriculture in Los Angeles differs from Ventura County in terms of the size of operations, number of operations, types of crops grown, surrounding land uses, and TMDL findings and requirements. Therefore, this Order contains separate Monitoring and Reporting Requirements for Discharger Groups in Los Angeles County and Ventura County (Appendix 2 and 3, respectively). Nevertheless, General WDRs are an effective and efficient method to regulate the more than 2,000 irrigated agricultural operations in the Los Angeles Region.

25. California Water Code section 13263 requires that the Los Angeles Water Board consider the following factors, found in section 13241, when considering adoption of WDRs.
- a. Past, present, and probable future beneficial uses of water.
  - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
  - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
  - d. Economic considerations.
  - e. The need for developing housing within the region.
  - f. The need to develop and use recycled water.

The Los Angeles Water Board's consideration of these factors is described in section 14 of the Staff Report.

26. Water Code section 13267(b)(1) provides, in part, that:

*“In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*

27. All requirements for monitoring and reporting are established in this General Order pursuant to Water Code section 13267. These monitoring and reporting requirements are necessary to evaluate the following: (1) compliance with the terms and requirements of these General WDRs for discharges from irrigated agriculture lands; (2) the effectiveness of any measures or actions taken pursuant to this General Order (including WQMPs and implementation of individual monitoring and reporting or individual management practices when water quality benchmarks are exceeded after TMDL compliance deadlines); and (3) whether revisions to these WDRs and/or additional regulatory programs or enforcement actions are warranted. The burden of preparing technical and monitoring reports in accordance with these monitoring and reporting requirements is reasonable given the need and benefit of the reports. The costs of monitoring and reporting were evaluated prior to adoption of this General Order and are discussed in section 10 of the Staff Report.
28. Water Code section 13267(c) authorizes the Los Angeles Water Board or its authorized representatives to, in conducting an investigation of the quality of

waters of the state within the region, inspect the facilities of the Discharger upon consent, issuance of a warrant, or in an emergency affecting public health or safety, to ascertain compliance with this Order and to ascertain whether the purpose of the Porter-Cologne Act are being met. Inspections under Water Code section 13267(c) include sampling and monitoring.

29. The Los Angeles Water Board's Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs, plans and policies for protecting waters of the region, contains prohibitions on discharges of waste, and references the plans and policies adopted by the State Water Board.
30. The General WDRs specified in this General Order are consistent with State and Regional Board water quality control plans because they require compliance with water quality objectives, prohibitions, and TMDLs set forth in the Regional Board Basin Plan and pertinent state water quality control plans and policies, and they require protection of the beneficial uses in the Basin Plan.
31. Beneficial uses designated for groundwater and surface water in the Basin Plan include:
  - Municipal and Domestic Supply
  - Agricultural Supply
  - Industrial Process Supply
  - Industrial Service Supply
  - Groundwater Recharge
  - Freshwater Replenishment
  - Navigation
  - Hydropower Generation
  - Tribal Tradition and Culture
  - Water Contact Recreation
  - Non-contact Water Recreation
  - Commercial and Sport Fishing
  - Aquaculture
  - Water Freshwater Habitat
  - Cold Freshwater Habitat
  - Inland Saline Water Habitat
  - Marine Habitat
  - Tribal Subsistence Fishing
  - Estuarine Habitat
  - Wetland Habitat
  - Wildlife Habitat
  - Preservation of Biological Habitat
  - Rare, Threatened, or Endangered Species
  - Migration of Aquatic Organisms
  - Spawning, Reproduction, and Early Development
  - Shellfish Harvesting
  - Subsistence Fishing
32. This General Order implements the Basin Plan and other statewide plans and policies by requiring the implementation of management practices to achieve



compliance with water quality benchmarks based on water quality objectives, prohibitions, and TMDLs set to protect beneficial uses. This General Order requires implementation of a monitoring and reporting program to determine effects of discharges on water quality and the effectiveness of management practices designed to ensure that discharges comply with applicable water quality objectives. This General Order also requires that, if TMDL-associated water quality benchmarks are not attained by the TMDL deadlines in Table 2 of this General Order, then discharges must comply with individual discharge limitations from the effective date of this General Order.

33. The State Water Board has adopted the “Plan for California’s Nonpoint Source Pollution Control Program” (Nonpoint Source Program Plan) dated August 2015 and the “Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program” (Nonpoint Source Policy) dated May 2004. The purpose of the Nonpoint Source Program Plan is to improve the State's ability to effectively manage nonpoint source pollution and conform to the requirements of the federal Clean Water Act and the federal Coastal Zone Management Act. The Nonpoint Source Policy explains the authorities used to implement and enforce the Nonpoint Source Program Plan and describes three options for addressing nonpoint source pollution: (1) waste discharge requirements, (2) conditional waivers of waste discharge requirements, and (3) discharge prohibitions. The policy also describes implementation programs to prevent and/or reduce nonpoint source pollution including antidegradation requirements, management practices, time schedules, feedback to Los Angeles Water Board to evaluate the program progress, and appropriate Board actions to correct program deficiencies, if necessary.
34. This General Order constitutes a Nonpoint Source Implementation Program for the discharges regulated by the General Order, and it is consistent with the five key elements required by the Nonpoint Source Policy. These elements include (1) the purpose of the program must be stated and the program must address nonpoint source pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements; (2) the program must describe the practices to be implemented and processes to be used to select and verify proper implementation of practices; (3) where it is necessary to allow time to achieve water quality requirements, the program must include a specific time schedule, and corresponding quantifiable milestones designed to measure progress toward reaching specified requirements; (4) the program must include feedback mechanisms to determine whether the program is achieving its purpose or whether additional or different practices are required; and (5) the program must state the consequences of failure to achieve the stated purpose. This General Order is consistent with the Nonpoint Source Policy as described in section 14.2 of the Staff Report.

35. State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California (Antidegradation Policy) requires the Los Angeles Water Board, in regulating the discharge of waste, to maintain high quality waters of the state unless it is demonstrated that any degradation will be consistent with the maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality worse than that described in the Regional Board or State Water Board policies. This General Order is consistent with the Antidegradation Policy as described in section 14.3 of the Staff Report.
36. USEPA promulgated the California Toxics Rule (CTR) on May 18, 2000.<sup>1</sup> The CTR contains water quality criteria that, when combined with beneficial use designations in Los Angeles Water Boards' basin plans, constitute enforceable water quality standards for priority toxic pollutants in California surface waters. The CTR contains numeric water quality criteria (i.e., objectives) that implement the narrative toxicity objective in the Basin Plan, such that compliance with CTR criteria is consistent with the Basin Plan. The State Water Board adopted the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (known as the State Implementation Policy or SIP), which contains guidance on implementation of the CTR. The SIP states that implementation of the CTR for nonpoint source discharges shall be consistent with the Nonpoint Source Policy. Adoption of this General Order is consistent with the Nonpoint Source Policy as discussed in section 14.2 of the Staff Report.
37. On December 1, 2020, the State Water Board adopted statewide numeric water quality objectives for both acute and chronic toxicity, using the Test of Significant Toxicity (TST), and a program of implementation to control toxicity, which are collectively known as the Toxicity Provisions. The Toxicity Provisions do not require nonpoint source discharges to conduct chronic or acute toxicity monitoring. However, if a regional board requires a nonpoint source discharger to conduct acute or chronic testing, then Section III.E of the Toxicity Provisions requires nonpoint source dischargers to use the test methods and species and analysis and reporting requirements specified in the Provisions. The Toxicity Provisions also do not supersede TMDLs, including any associated implementation provisions, related to aquatic toxicity established prior to the effective date of the Toxicity Provisions. Nevertheless, the program of implementation in Section III of the Toxicity Provisions applies to all dischargers subject to TMDL requirements unless the regional board determines that the TMDL requirements are more protective than the comparable requirements in the Toxicity Provisions. The Toxicity Provisions take effect upon approval by the California Office of Administrative Law for purposes of state law and upon approval by the U.S. Environmental Protection

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<sup>1</sup> 40 CFR §131.38. Minor, non-substantive typographical corrections were made to the CTR by the USEPA on February 13, 2001.

Agency for purposes of federal law. The Toxicity Provisions were approved by OAL on April 25, 2022. This General Order implements state law. The requirements in Appendices 1-3 require individual dischargers and Discharger Groups to analyze chronic toxicity samples using the Test of Significant Toxicity using a chronic freshwater method based on the 2021 Revised State Policy for Water Quality Control: Toxicity Provisions.

38. On August 7, 2018, the State Water Board adopted Resolution No. 2018-0038, adopting bacteria provisions and water quality variance policy as (1) Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE); and (2) an amendment to the Water Quality Control Plan for Ocean Waters of California. The bacteria provisions established new statewide numeric water quality objectives for bacteria to protect water contact recreation (REC-1) based on U.S. EPA's 2012 Recreational Criteria. The statewide numeric objectives supersede any numeric water quality objective for bacteria for the REC-1 beneficial use contained in Regional Water Boards' water quality control plans, but they do not affect any existing narrative bacteria objectives nor do they supersede TMDLs for bacteria that were adopted before February 4, 2019. Resolution No. 2018-0038 was approved by the Office of Administrative Law on February 4, 2019 and U.S. EPA on March 22, 2019. On February 13, 2020, the Los Angeles Water Board adopted Resolution Number R20-001, "Amendments to the Water Quality Control Plan for the Los Angeles Region to Update the Bacteria Objectives for Fresh, Estuarine and Marine Waters Designated for Water Contact Recreation, based on the Statewide Bacteria Provisions." This Resolution amends the Basin Plan to update the numeric bacteria objectives for fresh, estuarine, and marine waters designated for water contact recreation, based on the Statewide Bacteria Provisions. On May 19, 2020, R20-001 was approved by the State Water Resources Control Board under State Board Resolution R2020-0017 including the Basin Plan amendment under R20-001. On June 22, 2021, State Board Resolution R2020-0017 was approved by OAL. This General Order implements the R2020-0017 Bacteria Provisions as a water quality benchmark in areas that are not subject to a TMDL for bacteria.
39. Section 303(d) of the federal Clean Water Act requires every state to evaluate all available water quality data and make a list of waterbodies that do not attain water quality standards (called the 303(d) List). Waters on the 303(d) List are considered impaired for a particular pollutant. States must develop TMDLs approved by USEPA to address the impairments. A TMDL is the maximum amount of a pollutant a waterbody can assimilate and still attain water quality standards. The Los Angeles Water Board adopts the TMDLs and associated implementation plans that identifies actions that should be taken to attain water quality standards within a reasonable time schedule. When the TMDL is implemented effectively, the waterbody will attain water quality standards and

be removed from the 303(d) List. TMDLs are not self-implementing, are not enforceable on their own, and do not replace existing water pollution control programs. TMDLs are only enforceable when incorporated into a regulatory program action, such as this General Order.

40. This General Order requires Dischargers to implement applicable TMDLs. The TMDLs listed in the table below assign load allocations to agricultural discharges. The interim and final TMDL load allocations are presented in Appendix 5.

**Table 1. Effective TMDLs with load allocations assigned to discharges from irrigated agricultural lands, listed by pollutant category**

<b>Pesticides and PCBs</b>
Calleguas Creek Watershed and Mugu Lagoon Organochlorine Pesticides, PCBs, and Siltation TMDL (Resolution No. R05-010)
Calleguas Creek Watershed and Mugu Lagoon Toxicity, Chlorpyrifos, and Diazinon TMDL (Resolution No. R05-009)
McGrath Lake PCBs, Pesticides, and Sediment Toxicity TMDL (Resolution No. R09-006)
Oxnard Drain No. 3 Pesticides, PCBs, and Sediment Toxicity TMDL (U.S. EPA-established TMDL)
Santa Clara River Estuary Toxaphene TMDL (established per Order R4-2010-0186)
<b>Nutrients</b>
Santa Clara River Nitrogen Compounds TMDL (Resolution No. R03-011)
Calleguas Creek Watershed Nitrogen Compounds and Related Effects TMDL (Resolution No. R08-009)
Malibu Creek Watershed Nutrients TMDL (U.S. EPA-established TMDL)
Los Angeles Area Lakes Nitrogen, Phosphorus, Mercury, Trash, Organochlorine Pesticides and PCBs TMDLs (U.S. EPA-established TMDLs)
Ventura River Algae TMDL (Resolution No. R12-011)
Malibu Creek and Lagoon TMDLs for Sedimentation and Nutrients to Address Benthic Community Impairments (U.S. EPA-established TMDL)
<b>Trash</b>
Ventura River Estuary Trash TMDL (Resolution No. R07-008)
Revolon Slough and Beardsley Wash Trash TMDL (Resolution No. R07-007)
<b>Metals</b>
Calleguas Creek Watershed and Mugu Lagoon Metals and Selenium TMDL (Resolution No. R06-012)
<b>Salts</b>
Calleguas Creek Watershed Boron, Chloride, Sulfate, and TDS (Salts) TMDL (Resolution No. R07-016)
Upper Santa Clara River Chloride TMDL & Revisions (Resolution No. R14-010)
<b>Bacteria</b>
Santa Clara River Bacteria TMDL (Resolution No. R10-006)

41. The Santa Clara River Estuary is identified on the 1998, 2002, 2006, 2010, 2012, 2014/2016, 2018, and 2020-2022 Clean Water Act Section 303(d) list of impaired water bodies as impaired due to Chem A and toxaphene in fish tissue. Approved 303(d) listings require the development of a TMDL in most cases. The Regional Water Board prepared a detailed technical document that provides the factual basis and analysis supporting a TMDL for toxaphene in fish tissue in the Santa Clara River Estuary, including a problem statement, numeric targets, source analysis, linkage analysis, load allocations, a margin of safety, and a consideration of seasonal variations and critical conditions. Based on the source analysis, the Regional Water Board finds that the implementation of the TMDL for toxaphene in fish tissue can effectively focus on source control and reduction of sediment loading from irrigated agriculture dischargers in the TMDL subwatershed area. According to the "Water Quality Control Policy for Addressing Impaired Waters" (State Water Board Resolution 2005-0050), "[i]f the solution to an impairment can be implemented with a single vote of the regional board, it may be implemented by that vote ... there is no legal requirement to first adopt the plan [TMDL] through a basin plan amendment. The plan [TMDL] may be adopted directly in that single regulatory action" (p. 5). The Regional Water Board finds, based on the technical documentation, that a single regulatory action through the Conditional Waiver can be used to implement this TMDL. This Order contains additional requirements for water, sediment, and fish tissue monitoring for toxaphene, chlordane, and dieldrin in the Santa Clara River Estuary and its subwatershed. In addition, this Order incorporates the toxaphene load allocation for sediment and the toxaphene numeric target for fish tissue as water quality benchmarks (Appendix 5). Based on these requirements and other requirements in this Order, the Conditional Waiver will implement the Santa Clara River Estuary toxaphene TMDL.
  
42. Adoption of these General WDRs constitutes a "project" pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. The Los Angeles Water Board is the lead agency for this project under CEQA. On April 14, 2016, the Los Angeles Water Board adopted a conditional waiver, waiving WDRs for discharges of waste from irrigated agricultural lands in the Los Angeles Region (2016 Waiver). When the 2016 waiver was adopted, the Los Angeles Water Board also adopted an initial study and Mitigated Negative Declaration finding that adoption of the Waiver of WDRs for discharges from irrigated agricultural lands, as mitigated, would not have a significant adverse effect on the environment (2016 Mitigated Negative Declaration). The 2016 Mitigated Negative Declaration described the potential environment impacts associated with implementation of the terms and conditions of the 2016 Waiver, including but limited implementation of water quality management practices and monitoring provisions.

43. Under CEQA Guideline section 15162, subsequent environmental review is only required where the lead agency determines, based on substantial evidence in light of the whole record, that 1) there are substantial changes proposed to the project that will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects 2) there substantial changes with respect to the circumstances under which the project is undertaken due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects or 3) where there is new information of substantial importance, which was not known and could not have been known, when the prior negative declaration was adopted that triggers subsequent environmental review under CEQA.
44. An addendum to the 2016 Mitigated Negative Declaration was prepared to evaluate whether the new or revised requirements in the General WDRs meet any of the conditions in CEQA Guideline section 15162. This addendum concludes that no subsequent environmental document is required pursuant to California Code of Regulations, title 14, section 15162. This Order is substantially similar to the 2016 Conditional Waiver and continues the program, with the only difference being the addition of new or revised monitoring and reporting requirements and an alternative compliance pathway for some discharge limitations. Where a prior environmental review document has been prepared, subsequent environmental review is only required if one of the conditions in CEQA Guidelines section 15162 is met. The new or revised requirements will neither result in any new significant environmental impacts nor substantially increase the severity of previously-disclosed impacts. Nor are there substantial changes in the surrounding circumstances which would require major revisions to the 2016 Mitigated Negative Declaration or new information of “substantial importance”, as that term is used in the CEQA Guidelines. Therefore, the 2016 Negative Declaration for the 2016 Conditional Waiver constitutes the environmental analysis under CEQA for this Order and no subsequent environmental document is required pursuant to California Code of Regulations, title 14, section 15162.
45. Water Code section 189.7 requires the Los Angeles Water Board to engage in equitable, culturally relevant community outreach to promote meaningful civil engagement from potentially impacted communities of proposed discharges of waste that may have disproportionate impacts on water quality in disadvantaged communities or tribal communities and ensure that outreach and engagement shall continue throughout the waste discharge planning, policy, and permitting processes. Water Code section 13149.2(c) requires regional water boards to make a concise programmatic finding on potential environmental justice, tribal impact, and racial equity consideration related to

the issuance of any regional WDRs. This General Order is satisfies the requirements of Water Codes section 189.7 and 13149.2(c) as discussed in section 14.4 of the Staff Report.

46. In adopting this order, the Los Angeles Water Board has considered Water Code Section 106.3, which states that that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This General Order advances the human right expressed in Water Code section 106.3 because it 1) requires dischargers to implement management practices to meet water quality objectives intended to protect water for municipal and domestic uses and 2) requires monitoring of all on-site wells that are or may be used for drinking water; and 3) requires reporting any exceedances or threatened exceedances of the MCL for nitrate to well users and to the Los Angeles Water Board.
47. In California, the Department of Pesticide Regulations (DPR), State Water Board, and the Regional Boards have mandates and authorities related to pesticides and water quality. In order to promote cooperation to protect water quality from the adverse effects of pesticides, DPR and the State Water Board signed a Management Agency Agreement (MAA) in 1997. The MAA, and its companion document, "The California Pesticide Management Plan for Water Quality," strives to coordinate interaction, facilitate communication, promote problem solving, and ultimately assure the protection of water quality. The MAA and Implementation Plan were updated in 2019. The intent of this General Order is to support and implement the MAA.
48. On March 7, 2017, the State Water Board adopted Resolution No. 2017-0012 Comprehensive Response to Climate Change. The State Water Board resolved to mitigate greenhouse gases through reducing greenhouse gas emissions, improving ecosystem resilience, responding to climate change impacts, relying on sound modeling and analyses, providing funding sources, outreach, and improving programmatic administration. On May 10, 2018, the Los Angeles Water Board also adopted "A Resolution to Prioritize Actions to Adapt to and Mitigate the Impacts of Climate Change on the Los Angeles Region's Water Resources and Associated Beneficial Uses" (Resolution No. R18-004). The resolution summarizes the steps taken so far to address the impacts of climate change within the Los Angeles Water Board's programs and lists a series of steps to move forward. These include the identification of potential regulatory adaptation and mitigation measures that could be implemented on a short-term and long-term basis by each of the Los Angeles Water Board's programs to take into account, and assist in mitigating where possible, the effects of climate change on water resources and associated beneficial uses.

49. Current and future impacts of climate change include increasing frequency of extreme weather events, heat waves, and more frequent and longer droughts, which have consequent effect on water quality and water availability. Examples of water quality impacts include, but are not limited to, dry periods and drought lowering stream flow and reducing dilution of pollutant discharges and more erosion and sedimentation caused when an intense rainfall event occurs. Climate change also affects the habitat and prevalence of crop pests and weeds. These climate change impacts will affect agriculture and therefore the Regional Board's program activities. This General Order encourages and can require dischargers to implement management practices in order to meet water quality benchmarks. Implementation of management practices improves water quality that could be impaired by climate change. Additionally, greenhouse gas emissions from irrigated agricultural lands include nitrous oxide emissions from the application of fertilizers, carbon dioxide emissions from operation of on-farm machinery, and methane emissions from saturated fields and anoxic decomposition of biological material. This General Order regulates fertilizer applications and nitrogen discharges that may result in reduced nitrogen oxide emissions, and therefore may help mitigate greenhouse gas emissions.
50. On February 7, 2018, the State Water Board adopted Order WQ 2018-0002 (ESJ Order), which modified the Central Valley Water Board's Order No. R5-2012-0116 for irrigated agricultural discharges in the Eastern San Joaquin River Watershed. The ESJ Order concluded that many of the findings and directions in the Order were appropriate for irrigated lands regulatory programs statewide. To that end, the State Water Board identified several requirements of the ESJ Order as precedential for all irrigated lands regulatory programs throughout the state and directed all regional water boards to revise their irrigated lands permits to be consistent with the ESJ Order. Nevertheless, the regional water boards retain discretion over the form and frequency of certain precedential requirements. This General Order incorporates the precedential requirements of the ESJ Order using the flexibility given to the regional boards in the ESJ Order as discussed in section 13.4 of the Staff Report.

#### IV. RATIONALE FOR WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS

51. Discharges from irrigated agricultural lands contain wastes, as defined in Water Code section 13050 that could affect the quality of the waters of the state.
52. The Los Angeles Water Board adopted a Waiver of Waste Discharge Requirements for discharges from irrigated agricultural lands on November 3, 2005 for a five-year term. On October 7, 2010, the Los Angeles Water Board renewed the 2005 waiver for a new five-year term that expired on October 7, 2015. On October 8, 2015, the Los Angeles Water Board renewed the 2010



waiver for a six-month period. The expiration date of Order No. R4-2015-0202 was April 15, 2016. On April 14, 2016, the Los Angeles Water Board adopted Order No. R4-2016-0143 which expired on April 14, 2021. The Los Angeles Water Board renewed the 2016 Waiver for one year on April 8, 2021, and amended the 2021 Waiver on April 14, 2022, Order No. R4-2021-0045-A01, extending its expiration date to December 31, 2022. On December 8, 2022, the Los Angeles Water Board amended 2021 Waiver for a second time, Order No. R4-2021-0045-A02, extending its expiration date to September 30, 2023.

53. The goal of this General Order is to improve and protect water quality and attain Water Quality Objectives in waters of the state by providing a program to regulate and manage discharges from irrigated agricultural lands that builds upon the knowledge gained from implementation of the waivers since 2005.
54. This General Order differs from previous orders because it serves as General WDRs rather than a conditional waiver of waste discharge requirements. It also updates the individual discharge limitations and monitoring requirements.
55. In order to improve and protect water quality, and as set forth in Appendices 1-3, an Individual Dischargers and Discharger Groups subject to this General Order are required to monitor locations where discharges from irrigated agricultural lands enter waters of the state according to a monitoring program approved by the Executive Officer. If results from the monitoring programs indicate that applicable water quality benchmarks are exceeded, the individual and/or group is required to submit a WQMP, as described Appendices 1-3. The WQMP requires improved management practices and additional monitoring, if necessary, to achieve and document compliance with water quality benchmarks. If TMDL-associated water quality benchmarks are not attained by the TMDL deadlines in Table 2 of this Order, then this General Order requires compliance with discharge limitations from the effective date of this General Order. In some cases, compliance may be demonstrated either through submission of individual Monitoring and Reporting Plans (MRPs) or individual farm-level Management Practice Plans (MPPs).
56. In order to improve and protect water quality, this Order also requires dischargers to implement management practices that minimize sediment and erosion runoff, to report nitrogen applied and removed, to participate in educational training, to monitor on-farm drinking water supply wells, and to conduct groundwater monitoring to assess trends in groundwater quality beneath irrigated agricultural lands and evaluate monitoring results to confirm whether management practices implemented to improve groundwater quality are effective.

V. SCOPE OF WASTE DISCHARGE REQUIREMENTS FOR  
DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS

57. This General Order applies to discharges of waste from irrigated agricultural lands to waters of the state.
58. This General Order regulates both landowners and operators of irrigated lands on or from which there are discharges of waste or activities that could affect the quality of any surface water or groundwater or result in the impairment of beneficial uses. Both the landowner and the operator of the irrigated agricultural land are considered Dischargers under this General Order. The Los Angeles Water Board will hold both the landowner and the operator liable for noncompliance with this General Order, regardless of whether the landowner or the operator is the party to enroll under this General Order.
59. Discharges from irrigated lands regulated by this General Order include discharges to surface water and groundwater, through mechanisms such as irrigation return flows, percolation, tailwater, tile drain water, stormwater runoff flowing from irrigated lands, stormwater runoff conveyed in channels or canals resulting from the discharge from irrigated lands, and runoff resulting from frost control or operational spills. These discharges can contain wastes that could affect the quality of waters of the state and impair beneficial uses.
60. This General Order applies to return flows from irrigated agriculture because such discharges are excluded from coverage under the NPDES permit program (40 CFR § 122.2).
61. This General Order does not apply to discharges of hazardous waste or human wastes. Discharges of such waste to waters of the state are prohibited unless regulated by other waste discharge requirements.
62. This General Order does not apply to discharges that are subject to the NPDES permit program under the federal Clean Water Act and does not relieve discharges of the obligation to apply for an NPDES permit if required.
63. This General Order does not apply to confined animal operations, parks, golf courses, cemeteries, and recreational fields. These are regulated under other regulatory programs and permits.
64. This General Order does not apply to hobby growing and or gardening.
65. This General Order does not preempt or supersede the authority of municipalities, flood control agencies, agricultural commissioners, pesticide

regulators or other agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.

66. This General Order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code section 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. section 1531 to 1544).

## VI. GENERAL FINDINGS

67. The Findings of this General Order, supplemental information and details in the Staff Report, and the administrative record of the Los Angeles Water Board relevant to the Irrigated Lands Regulatory Program, were considered in establishing these WDRs. The Staff Report, which contains background information and rationale for the requirements in this General Order, is hereby incorporated into and constitutes Findings for this General Order. Appendices 1-8 are also incorporated into this General Order.
68. The Los Angeles Water Board encourages Dischargers to participate in Discharger Groups or programs (e.g., certification program, watershed group, water quality coalition, monitoring coalition, or other third-party effort) to facilitate and document compliance with this Order. Third-party programs can be used to implement outreach and education, monitoring and reporting, management practice and/or water quality improvement projects. The formation, operation, and funding of Discharger Groups are the responsibilities of the local entities and/or members who are represented by the Discharger Group. However, permit fee reductions and alternative compliance pathways are available to Discharger Group members in some cases.
69. The Los Angeles Water Board may review compliance with this General Order at any time and may modify or terminate enrollment for Individual Dischargers, members of a Discharger Group, or an entire Discharger Group, as appropriate.
70. Pursuant to Water Code section 13263(g), discharge of waste to waters of the state is a privilege, not a right, and adoption of this General Order establishing General WDRs, and the receipt of a Notice of Applicability from the Executive Officer, does not create a vested right to continue the discharge.
71. The Los Angeles Water Board has notified interested agencies and persons of its intent to adopt WDRs as described in this General Order and has provided them with an opportunity to submit written comments and recommendations regarding the tentative requirements. This notice complied with the requirements of Government Code section 11125.

- a. On July 14, 2022, the Los Angeles Water Board held a Public Workshop on the pending General Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands at the regularly scheduled Los Angeles Water Board Meeting.
  - b. On April 14, 2023, the Los Angeles Water Board released an administrative draft of General Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands for public review.
  - c. On April 27, 2023, Los Angeles Water Board held a Public Workshop on the administrative draft of General Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands at the regularly scheduled Los Angeles Water Board Meeting.
  - d. On July 18, 2023, the Los Angeles Water Board released tentative General Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands for public review and comment.
  - e. Los Angeles Water Board staff have conducted outreach on the pending General Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands including grower specific workshops and meetings with discharger groups.
72. The Los Angeles Water Board, in a public meeting on September 28, 2023, heard and considered all comments pertaining to the discharges to be regulated under this General Order and to the tentative requirements of the General WDRs.
73. Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of adoption of this Order, except that if the thirtieth day following the date of this General Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions will be provided upon request or may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)
74. As specified in California Code of Regulations, title 23, section 2511(a), discharges covered by the General WDRs established by this General Order are exempt from the provisions of title 23 of the California Code of Regulations, Division. 3, Chapter 15, Discharge of Hazardous Waste to Land.

IT IS HEREBY ORDERED THAT:

In order to meet the provisions contained in Division 7 of the Water Code and regulations adopted there under, and those of the Los Angeles Water Board's Basin Plan, the Los Angeles Water Board hereby requires waste discharge requirements for discharges of wastes from irrigated agricultural lands.

Order No. R4-2021-00045 -A02 is terminated as of the effective date of this General Order except for the purposes of enforcement, and that pursuant to Water Code sections 13260, 13263, and 13267. Dischargers enrolled in this General Order, their agents, successors, and assigns, must comply with the following terms and conditions to meet the provisions contained in Water Code Division 7 and regulations, plans, and policies adopted thereunder.

VII. COVERAGE

1. Existing and future discharges from irrigated agricultural lands to waters of the State without coverage under individual WDRs or other applicable WDRs are required to obtain coverage under this General Order.
2. Dischargers required to be covered under this General Order bear the responsibility of complying with the provisions and conditions contained in this General Order and any applicable Appendices.
3. Dischargers may obtain coverage under this General Order in their individual capacity or as a member of Discharger Group.
4. A Discharger Group covered under this General Order is responsible for managing fee collection and payment, managing communications between Members and the Los Angeles Water Board, and for fulfilling certain monitoring and reporting requirements on behalf of its Members.
5. Requirements for individual dischargers are set forth in section VII.A and X.A of this General Order and Appendices 1, 4-8. Requirements for Members of a Discharger Group are set forth in section VII.C and X.C of this General Order and Appendices 2-8. Requirements for Discharger Groups are set forth in section VII. B and X.C of this Order and Appendices 2 and 3.
6. To obtain coverage under this General Order, Dischargers shall submit a Notice of Intent (NOI) either as an individual or through a Discharger Group submittal. The NOI shall be submitted according to the following timeframes:
  - a. **New Individual Dischargers or Discharger Groups:** must submit an NOI at least 90 days prior to discharge.

- b. **New Discharger Group Members:** must submit an NOI to the Discharger Group at least 45 days prior to discharge.
  - c. **Existing Discharger Group Members:** Dischargers enrolled under R4-2021-0045-A02 as of the effective date of this General Order, are automatically enrolled under this Order; however, this enrollment must be confirmed by the Discharger Group within 6 months of adoption of this General Order through the submission of a complete NOI to the Los Angeles Regional Board.
7. The Los Angeles Water Board will issue an NOA to the Discharger or Discharger Group once the NOI is deemed complete and eligible for coverage under this General Order.

**A. Individual Dischargers**

Individual Dischargers covered under this General Order shall:

8. File a Notice of Intent (NOI) that provides Individual Discharger information, billing address, site information, water supply, type of discharge, facility information (including type and volume of crops; type, quantity and frequency of pesticide applications; irrigation schedule; and management practices in place). The Individual NOI form is provided in Appendix 6;
9. Submit an MRP in accordance with the Monitoring and Reporting Requirements in Appendix 1 and attach it to the NOI;
10. Upon receipt of an NOA, implement the approved MRP in accordance with the requirements of Appendix 1;
11. Pay fees to the State Water Resources Control Board in compliance with the fee schedule contained in the California Code of Regulations, title 23, section 2200.6.

**B. Discharger Groups**

Discharger Groups covered under this Order shall:

12. Obtain authorization to serve as a third-party representative of Discharges.
  - a. **Existing Discharger Groups:** the Ventura County Agricultural Irrigated Lands Group (VCAILG) and the Nursery Growers Association – Los Angeles County Irrigated Lands Group (NGA) are currently the only approved Discharger Groups in the Los Angeles region. VCAILG

and NGA are automatically authorized to represent Dischargers under this General Order.

- b. **New Discharger Groups:** Any new Discharger Groups seeking authorization to represent Dischargers under this Order shall demonstrate to the Los Angeles Water Board's satisfaction that it has the ability to carry out its responsibilities under this General Order. An application to become a Discharger Group shall include:
    - a. Discharge group information, including the name of the Discharger Group, a mailing address, a telephone number, an e-mail address, and a primary contact person.
    - b. A brief description of the Discharger Group's commitment, ability, and staff resources that enable it to collect and report monitoring data on behalf of its Members and perform other duties as required under this General Order.
    - c. The program must have clearly stated and enforced Member eligibility requirements and must report on them to the Los Angeles Water Board as needed to document compliance.
    - d. A statement certifying that the Discharger Group applicant is not owned or managed by a Member.
13. Upon obtaining authorization to serve as Discharger Group, file an NOI on behalf of its Members according to the time schedules in section A.6. The NOI shall include a participant list that identifies the Dischargers participating in the group. The participant list shall include: (1) assessor parcel number, (2) parcel owner and operator name, (3) parcel size, (4) parcel watershed, and (5) parcel owner and operator mailing address. The NOI shall also include the billing address for the Discharger Group; general site information for group members; and descriptions of water supplies used by group members, types of discharges, types of crops, types of pesticides and application practices, irrigation practices, and other management practices. After the required documents are reviewed and approved by the Executive Officer, the Executive Officer will issue an NOA;
  14. Pay fees to the State Water Resources Control Board on behalf of group members in compliance with the fee schedule contained in California Code of Regulations, title 23 section 2200.6.

#### VIII. DISCHARGE PROHIBITIONS

1. The discharge of waste to waters of the state, from irrigated agricultural operations other than those define in the Findings of this General Order, is prohibited.

2. The discharge of hazardous waste, as defined in California Water Code section 13173 and Title 23 CCR section 2521(a), respectively, is prohibited.
3. The discharge of wastes (e.g., fertilizers, fumigants, pesticides) into groundwater via backflow through a water supply well is prohibited.
4. The discharge of any wastes (e.g., fertilizers, fumigants, pesticides) down a groundwater well casing is prohibited.

#### IX. GENERAL PROVISIONS

1. Dischargers shall comply with applicable water quality benchmarks according to Appendix 4 and 5.
2. Dischargers shall comply with all applicable provisions of the Basin Plan and State Water Board plans and policies.
3. This General Order does not relieve the Discharger from responsibility to obtain other required local, State, and federal permits to construct facilities necessary for compliance with this General Order, nor does this General Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.
4. The Discharger shall furnish, within a reasonable time not to exceed 30 days, any information the Los Angeles Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the Discharger's coverage under this General Order. The Discharger shall also furnish to the Los Angeles Water Board, upon request, copies of records required to be kept by this General Order.
5. The filing of a request by the Discharger for a General Order modification, revocation and issuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
6. This General Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from liability under federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge (Water Code section 13263(g)).



## X. SPECIFIC PROVISIONS

### A. Provisions for Individual Dischargers

1. Comply with the Discharge Prohibitions, General Provisions, and any other applicable requirements in this General Order and/or its Appendices, including but not limited to Appendix 1 and Appendix 8.
2. Develop a Monitoring and Reporting Plan and conduct monitoring in accordance with the Monitoring and Reporting Requirements in Appendix 1.
3. On December 15<sup>th</sup> and annually thereafter, submit an Annual Monitoring Report with the results of the water quality monitoring to the Los Angeles Water Board, in accordance with the Monitoring and Reporting Requirements in Appendix 1.
4. If water quality monitoring data collected under the Monitoring and Reporting Plan and documented in the Annual Monitoring Report indicate exceedances of applicable water quality benchmarks, identified in Appendix 4 and 5, develop a WQMP, and implement management practices identified in the WQMP in order to attain water quality benchmarks. The WQMP shall be revised every year, if water quality benchmarks are not attained, based on ongoing monitoring data collected under the MRP. If TMDL-associated water quality benchmarks are not attained by the deadlines specified in Table 2, then discharges must comply with individual discharge limitations from the effective date of this Order. Requirements for a WQMP are set forth in the Monitoring and Reporting Requirements, Appendix 1.
5. Prepare an Irrigation and Nutrient Management Plan and submit an Irrigation and Nutrient Management Report in accordance with the Monitoring and Reporting Requirements in Appendix 1.
6. For each Individual Discharger that has on-farm drinking water supply wells, monitor those wells in accordance with the requirements in Appendix 8.
7. Complete 2 hours of educational training every year on water quality impairments related to irrigated agricultural discharges, regulatory requirements, and management practices that treat or control discharges of waste. Training must be approved by the Executive Officer.
8. Provide any additional technical or monitoring program reports that the Executive Officer deems necessary to evaluate the discharge pursuant to California Water Code section 13267.
9. Maintain, for inspection by the Los Angeles Water Board, copies of any documents required to be retained as a condition of this General Order, including

but not limited to: an NOI, an NOA, an MRP, a WQMP, monitoring data, information documenting implementation of the WQMP, an Irrigation and Nutrient Management Plan, an Irrigation and Nutrient Management Report, and records of pesticide and fertilizer application information as required by other regulatory programs.

10. Maintain records for a minimum of ten years from the date of the sample, measurement, or report. This includes all calibration and maintenance records, copies of all reports required by this General Order, and records of all data used to complete the application for this General Order.
11. Los Angeles Water Board or its authorized representatives, may, at reasonable hours, inspect the facilities and irrigated agricultural lands of an Individual Discharger to ascertain whether the objectives of the Porter-Cologne Act are being met and whether the Individual Discharger is complying with the conditions of this General Order. The inspection shall be made with the consent of the Individual Discharger or authorized representative, or if consent is withheld, with a duly issued warrant. In the event of an emergency affecting the public health and safety, an inspection may be performed without consent or the issuance of a warrant.

## **B. Provisions for Discharger Groups**

1. Assist its members in complying with the relevant terms and provisions of this General Order, including Monitoring and Reporting Requirements in Appendix 2 or 3. However, members of the Discharger Group continue to bear ultimate responsibility for complying with this General Order.
2. Provide opportunities for educational training to Dischargers. Training must be approved by the Executive Officer.
3. Develop a Monitoring and Reporting Plan in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
4. Upon receipt of an NOA, implement the approved Monitoring and Reporting Plan in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
5. Submit an Annual Monitoring Report with the results of water quality monitoring, including a Water Quality Management Plan progress report where applicable, to the Los Angeles Water Board annually on December 15<sup>th</sup> in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.

6. Submit a Water Quality Management Plan by December 15, 2024. VCAILG and NGA shall continue to implement the existing WQMP required by Order No. R4-2021-0045-A02 until a newly submitted WQMP is approved by the Executive Officer. The Water Quality Management Plan shall be submitted every three years based on ongoing monitoring data collected under the Monitoring and Reporting Plan.
7. Develop (1) anonymous Member identification numbers and (2) field identification numbers for the reporting of group member data in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
8. Track anonymous identification numbers from year to year and provide the Los Angeles Water Board data for group members (without anonymous identifiers) upon request.
9. Submit for review and Executive Officer approval a survey, to be completed by its members for the purpose of assessing management practice implementation, within 120 days of the adoption of this order and make it available to its members after Executive Officer approval in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
10. Submit for review and Executive Officer approval an Irrigation and Nutrient Management Plan template and an Irrigation and Nutrient Management Report template within three months of adoption on this General Order and make the templates available to its members within 30 days of Executive Officer approval in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
11. Submit a list of group members who meet the Irrigation and Nutrient Management Plan and Report exemption criteria in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
12. Submit Irrigation and Nutrient Management Report data in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
13. Submit crop coefficients for total nitrogen removed for review and approval by the Executive Officer in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3. These coefficients cannot be used for nitrogen reporting until they are approved by the Los Angeles Water Board, in consultation with the State Water Board following an opportunity for public review and comment.
14. Submit for review and approval by the Executive Officer, a methodology to identify outliers in nitrogen application (Outlier Methodology) and provide

- training to outliers in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
15. Upon approval by the Executive Officer, implement the Outlier Methodology developed in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
  16. Submit a Groundwater Quality Trend Report for ongoing trend monitoring, in accordance with Appendix 2 or 3.
  17. Submit Groundwater Protection Formulas, Values, and Targets, in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
  18. Ensure all members are providing required information and taking necessary actions to address water quality benchmark exceedances. As part of the annual water quality monitoring and WQMP report, identify the growers who have: (1) failed to implement improved water quality management practices within the timeframe specified by an applicable WQMP; (2) failed to fully respond to an information request associated with a WQMP or other provisions of this General Order, including completion of a survey developed by the Discharger Group; (3) failed to participate in Discharger Group monitoring or studies for which the Discharger Group is the lead; (4) failed to provide confirmation of participation in an outreach event; or (5) failed to submit required fees to the third-party.
  19. Notify the Los Angeles Water Board of any member's failure to participate in group efforts in the annual monitoring and WQMP report. Failure to participate includes, but is not limited to, non-payment of fees, non-submittal of required information, non-participation in educational training, failure to implement and/or update management practices.
  20. Retain records of all monitoring information including all calibration and maintenance records, copies of all reports required by this General Order, and records of all data used to complete the application for this General Order. Records shall be maintained for a minimum of ten years from the date of the sample, measurement, or report. Back up files of these records must be stored in a secure, offsite location managed by an independent entity. This period may be extended during the course of any unresolved enforcement action, including, but not limited to, litigation regarding this discharge, or when requested by the Executive Officer.
  21. Provide any additional monitoring or technical reports that the Executive Officer deems necessary to evaluate the discharge of Group members pursuant to this Order.

### **C. Provisions for Discharger Group Members**

1. Comply with the Discharge Prohibitions, General Provisions, and any other applicable requirements in this General Order and/or its Appendices, including but not limited to Appendix 2, 3, and Appendix 8.
2. Review outreach materials provided by the Discharger Group to become informed of any water quality problems and the management practices that are available to address those problems.
3. Implement the management practices as set forth in any applicable WQMP according to the time schedule in the WQMP in order to attain water quality benchmarks. TMDL-associated water quality benchmarks must be attained by the deadlines specified in Table 2 of this General Order..
4. Complete the survey provided by their Discharger Group in accordance with the requirements in Appendix 2 or 3.
5. Prepare and implement an Irrigation and Nutrient Management Plan developed in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
6. Submit an Irrigation and Nutrient Management Report to their Discharger Group in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.
7. For Ventura County Discharger Group members, submit and implement an individual farm-level Management Practice Plan or Individual Monitoring and Reporting Plan to the Los Angeles Water Board in accordance with the Monitoring and Reporting Requirements in Appendix 3 if TMDL deadlines specified in Table 2 are not met. Sites included in an individual MPP are subject to inspection by the Regional Board. If inspections show the entire MPP is not being implemented as approved, members are subject to enforcement. If inspections show water quality is not improving and updated MPP is required.
8. Monitor any on-farm drinking water supply wells in accordance with the requirements in Appendix 8.
9. Provide notification of any exceedances of the maximum contaminant level for Nitrate in an on-farm drinking water supply well in accordance with the requirements in Appendix 8.
10. Complete 2 hours of educational training every year, and provide annual confirmation to the Discharger Group of attendance, on water quality

impairments related to agriculture discharges, regulatory requirements, and management practices that control waste discharges. Training must be approved by the Executive Officer.

11. Provide any additional monitoring or technical reports that the Executive Officer deems necessary to evaluate the discharge pursuant to California Water Code section 13267.
12. Maintain, for inspection by the Los Angeles Water Board, proof of participation in a Discharger Group, contact information for the Discharger Group, individual pesticide information as required by other regulatory programs, the Discharger Group WQMP, a copy of the survey, and a copy of the Irrigation and Nutrient Management Plan as specified in the MRP and WQMP.
13. The Los Angeles Water Board or its authorized representatives, may, at reasonable hours, inspect the facilities and irrigated agricultural lands of persons subject to this General Order to ascertain whether the purposes of the Porter-Cologne Act are being met and whether the member is complying with the conditions of this General Order. To the extent required by Water Code section 13267(c) or other applicable law, the inspection shall be made with the consent of the member or authorized representative, or if consent is withheld, with a duly issued warrant pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with section 1822.50). In the event of an emergency affecting the public health and safety, an inspection may be performed without the consent or the issuance of a warrant.
14. Provide their Discharger Group with the phone number(s) of the individual(s) with authority to provide consent to access its facilities as described in the section above.

**Table 2. TMDL Deadlines**

<b>TMDL Constituents</b>	<b>Compliance Date</b>
Malibu Creek Watershed Nutrients TMDL	October 14, 2022
Santa Clara River Nitrogen Compounds TMDL	March 23, 2004
Ventura River Estuary Trash TMDL	March 6, 2010
Calleguas Creek Nitrogen Compounds and Related Effects TMDL	July 16, 2010
Revolon Slough and Beardsley Wash Trash TMDL	March 6, 2010
Upper Santa Clara River Chloride TMDL	October 14, 2020
Calleguas Creek Watershed and Mugu Lagoon Siltation TMDL	March 24, 2015
Calleguas Creek Watershed and Mugu Lagoon Toxicity, Chlorpyrifos, and Diazinon TMDL	March 24, 2016
Ventura River Algae TMDL	June 28, 2019
McGrath Lake OC Pesticides and PCBs TMDL	June 30, 2021
Malibu Creek Watershed Sedimentation and Nutrients TMDL	October 14, 2022
Calleguas Creek Watershed and Mugu Lagoon Metals and Selenium TMDL	March 26, 2022
Calleguas Creek Watershed Boron, Chloride, Sulfate and TDS (Salts) TMDL	Dec. 23, 2023
Santa Clara River Estuary Toxaphene TMDL	October 7, 2025
Calleguas Creek Watershed and Mugu Lagoon OC Pesticides & PCBs TMDL	March 24, 2026
Oxnard Drain #3 Pesticides, PCBs, and Sediment Toxicity TMDL	April 14, 2026
Santa Clara River Bacteria TMDL	March 21, 2023 (dry) March 21, 2029 (wet)

**XI. SCHEDULE**

1. The table below presents the schedule of tasks for Dischargers enrolling under these General WDRs.

**Table 3. Schedule of Tasks**

<b>Task</b>	<b>Responsible Party</b>	<b>Due Date</b>
Submit Notice of Intent	New Individual Discharger or Discharger Group	90 days before commencement of discharge
	New Member of Discharger Group	45 days before commencement of discharge (submitted to the Discharger Group enrolling in)
	Existing Discharger Groups	6 months after adoption of General WDRs

<b>Task</b>	<b>Responsible Party</b>	<b>Due Date</b>
Submit Monitoring and Reporting Plan	New Individual Discharger or Discharger Group	90 days before commencement of discharge
	Existing Discharger Groups	6 months after adoption of General WDRs
Submit Annual Monitoring Report	Each Individual Discharger or New Discharger Group	December 15 <sup>th</sup> and annually thereafter
	Existing Discharger Groups	December 15, 2023, and annually thereafter
Submit Water Quality Management Plan	Each Individual Discharger	6 months after submittal of annual monitoring report if necessary, and every three years thereafter
	New Discharger Group	6 months after submittal of annual monitoring report and every three years thereafter
	Existing Discharger Groups	December 15, 2024, and every three years thereafter
Submit Irrigation and Nutrient Management Plan	Each Individual Discharger, New Discharger Group Member, or New Discharger Group	March 1 <sup>st</sup> and annually thereafter
	Existing Discharger Groups	March 1, 2025, and annually thereafter
Submit Irrigation and Nutrient Management Report	Each Individual Discharger, New Discharger Group Member, or New Discharger Group	March 1 <sup>st</sup> , one year after submittal of first Irrigation and Nutrient Management Plan, and annually thereafter
	Existing Discharger Groups	March 1, 2026, and annually thereafter
Submit Groundwater Quality Trend Plan	Each Individual Discharger or New Discharger Groups	December 15 <sup>th</sup>
	Existing Discharger Groups	December 15, 2024
Submit Groundwater Quality Trend Report	Each Individual Discharger or New Discharger Group	December 15 <sup>th</sup> , and annually thereafter
	Existing Discharger Groups	December 15, 2025, and every three years thereafter
Submit Outlier Methodology	New Discharger Groups	August 1 <sup>st</sup> , and revised as necessary
	Existing Discharger Groups	August 1, 2025, and revised as necessary
Submit Groundwater Protection Formula	New Discharger Groups	September 1 <sup>st</sup>
	Existing Discharger Groups	September 1, 2026



<b>Task</b>	<b>Responsible Party</b>	<b>Due Date</b>
Submit Groundwater Protection Values	New Discharger Groups	6 months after Executive Officer Approval of Groundwater Protection Formula
	Existing Discharger Groups	6 months after Executive Officer Approval of Groundwater Protection Formula
Submit Groundwater Protection Targets	New Discharger Groups	1 year after Executive Officer Approval of Groundwater Protection Values, reviewed and revised every 5 years as necessary
	Existing Discharger Groups	1 year after Executive Officer Approval of Groundwater Protection Values, reviewed and revised every 5 years as necessary
On-farm Drinking Water Well Sampling	Each Discharger with on-farm Drinking Water Well	Commences within 1 year of adoption on this General Order

## XII. COMPLIANCE AND ENFORCEMENT

1. Individual Dischargers and members of a Discharger Group are the responsible parties for meeting the conditions of this General Order. Failure by a Discharger to maintain compliance with conditions of this General Order may result in enforcement actions including imposition of civil liability under Water Code 13268 or 13350 (Water Code sections 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350).
2. Under the terms of this General Order, both owners and operators of irrigated agricultural lands have responsibility for compliance with the conditions of this General Order. Many management practices will be operational in nature and under the direct control of the operator, while structural practices, which remain in place through changes in leaseholders, will more likely be the responsibility of the landowner. In the event that the Los Angeles Water Board undertakes enforcement action, the owner and the operator may be held accountable. Owners and operators may consider delineating these responsibilities in lease agreements; however, both the owner and operator will retain full legal responsibility for complying with all provisions of this General Order.
3. Discharger Groups shall not be liable for individual compliance with the terms of this General Order or the Water Code in general.

4. This General Order requires the identification and implementation of management practices to attain water quality benchmarks. To satisfy this General Order, a Discharger or, where authorized under this General Order, a Discharger Group must submit technical reports and conduct required monitoring programs. In addition to the foregoing, a Discharger must, where necessary to attain water quality benchmarks, implement management practices, evaluate the effectiveness of those practices, and upgrade those practices to improve their effectiveness as necessary to attain water quality benchmarks. If a Discharger fails to implement any of the provisions in this General Order, including implementation of management practices and upgraded management practices as necessary to attain water quality benchmarks, then the Discharger may be subject to enforcement or individual discharge limitations. If TMDL-associated water quality benchmarks are not attained by the deadlines in Table 2, then the Dischargers are required to comply with discharge limitations, from the effective date of this Order. Compliance with discharge limitations must be demonstrated directly using edge of field monitoring data, unless an alternative compliance pathway has been authorized in this General Order or its Appendices. If a Discharger fails to comply with discharge limitations, or fails to implement actions required by an alternative compliance pathway, then the Discharger may be subject to enforcement.
5. Failure to submit a report in accordance with schedules established by this General Order, Monitoring and Reporting Requirements (Appendix 1, 2, and 3), including any changes to the Monitoring and Reporting Requirements as approved by the Executive Officer, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, or failure to comply with the conditions of the General Order, may subject a Discharger to enforcement action pursuant to section 13268 and/or 13350 of the Water Code and/or the directive to submit a ROWD to obtain individual WDRs.
6. This General Order and General WDRs shall become effective on September 28, 2023.

### XIII. TERMINATION

1. The Los Angeles Water Board may review this General Order at any time and may modify or terminate the General WDRs in their entirety.
2. Upon providing a Discharger or Discharger Group with reasonable notice and opportunity to be heard, the Los Angeles Water Board may terminate applicability of the General WDRs with respect to a Discharger or Discharger Group for cause. Cause for termination, includes but is not limited to:

- a. Violation of any term or condition contained in this General Order;
  - b. Obtaining this General Order by misrepresentation or failure to disclose all relevant facts; or
  - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
3. If a Discharger wishes to terminate coverage under this General Order, the Discharger shall submit a complete Notice of Termination (NOT) (Appendix 7) to the Los Angeles Water Board. Members of Discharger Group shall also provide a copy of the NOT to their Discharger Group. Termination from coverage is the date the termination request is approved, unless specified otherwise. All discharges must cease before the date of termination, and any discharges on or after the date of termination are violations of this Order, unless covered by other WDRs or waivers of WDRs. Any discharges on or after date specified in NOT will be considered in violation of the California Water Code, unless the discharge is regulated by a waiver or other waste discharge requirements.
4. Administrators of a Discharger Group may request termination of coverage for any members that fail to participate in the group efforts. The Discharger Group shall provide at least 30 days notice to a member before informing the Los Angeles Water Board of the member's failure to participate. Member's failure to participate may result in the Los Angeles Water Board terminating that member's coverage for cause in accordance with section 2 of the Termination provisions. Termination from coverage will occur on the date specified in the NOT, unless otherwise specified. All discharges shall cease before the date of termination, and any discharges on or after that date shall be considered in violation of the California Water Code, unless the discharge is regulated by a waiver or waste discharge requirements.
5. In the event that the Los Angeles Water Board issues an individual order with more specific requirements to a Discharger, the applicability of this General Order to that Discharger is automatically terminated, except for enforcement purposes, on the effective date of the individual order.

I, Susana Arredondo, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a General Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on September 28, 2023.

for Susana Arredondo  
Executive Officer