
Central Valley Regional Water Quality Control Board

14 February 2014

Mr. Jose Gutierrez
Westlands Water Quality Coalition
P.O. Box 6056
Fresno, California 93703

CONDITIONAL NOTICE OF APPLICABILITY (NOA) ISSUED TO THE WESTLANDS WATER QUALITY COALITION (COALITION) TO SERVE AS THE THIRD-PARTY UNDER GENERAL ORDER R5-2014-0001

On 3 February 2014, the Westlands Water Quality Coalition (WWQC or Coalition) submitted an application to serve as the third-party entity to represent owners and operators of irrigated lands located within the Coalition's boundary subject to Waste Discharge Requirements General Order R5-2014-0001 for Growers within the Western Tulare Lake Basin Area that are Members of a Third-Party (General Order). Central Valley Regional Water Quality Control Board staff (Staff) reviewed the application and concluded that the proposed boundary of the Coalition's coverage area is insufficient and that modifications are needed. Specifically, the application states in part that the WWQC will serve only the area that comprises the boundaries and jurisdiction of the Westlands Water District. The Coalition states that Westlands Water District members currently receive the benefit of an existing administrative infrastructure that they pay for as a landowner or water user in the District and that a new legally defined entity would need to be established to administer the General Order to those outside the Westlands Water District.

Section VIII.A. of the General Order identifies several factors that the Executive Officer will consider when determining whether to approve the Coalition's request to serve as the third-party, including the reasonableness of the proposed boundary. Based on the California Department of Conservation Farm Land Mapping and Monitoring Program (FMMP), more than 90% of all irrigated agricultural lands within the General Order's coverage area exist within the Westlands Water District boundary. The proposed boundary is not practicable as there are not a sufficient number of growers or acreage outside the Westlands Water District but within the General Orders coverage area, to establish another viable third-party group.

Staff recognizes your concerns regarding the formation of a separate legal entity; however, Finding 2 of the General Order states in part that the General Order is intended to provide all growers in a specific geographic area the opportunity to fulfill their regulatory obligations through membership in a third-party group. Section I.2 of the General Order states in part that the area to be covered by a third-party group will be identified in its Notice of Applicability (NOA). The boundaries of your coalition have been amended as indicated in Figure 1, Boundary Map (enclosed) of this NOA.

Based on Staff's review of your application, your Coalition meets the requirements of the General Order to serve as a third-party entity provided that you allow all existing and future owners and/or operators of irrigated lands to enroll parcels within the area indicated in Figure 1, Boundary Map, and that all Member lands are considered equally when addressing the requirements of the General Order.

This letter serves as a conditional Notice of Applicability and approval of the Westlands Water Quality Coalition to serve as a third-party entity under General Order provided your coalition accepts the conditions stated above. We believe your Coalition is well suited to meet the requirements of a third-party and to assist your members in complying with the General Order. We look forward to working with you and your members to protect water quality.

If these conditions are unacceptable, please notify the Regional Water Quality Control Board within 14 days so we may proceed with identifying alternatives that would offer all growers within the area the opportunity to attain coverage under the Long Term Irrigated Lands Regulatory Program.

If you have questions regarding this letter, please contact David Sholes at (559) 445-6279 or dsholes@waterboards.ca.gov.



FOR Pamela C. Creedon
Executive Officer

Enclosures: Figure 1, Boundary Map
Table of Compliance Dates

cc: Joe Karkoski, Supervising Engineer, Irrigated Lands Regulatory Program

FIGURE 1, MAP OF THE WESTLANDS WATER QUALITY COALITION BOUNDARY

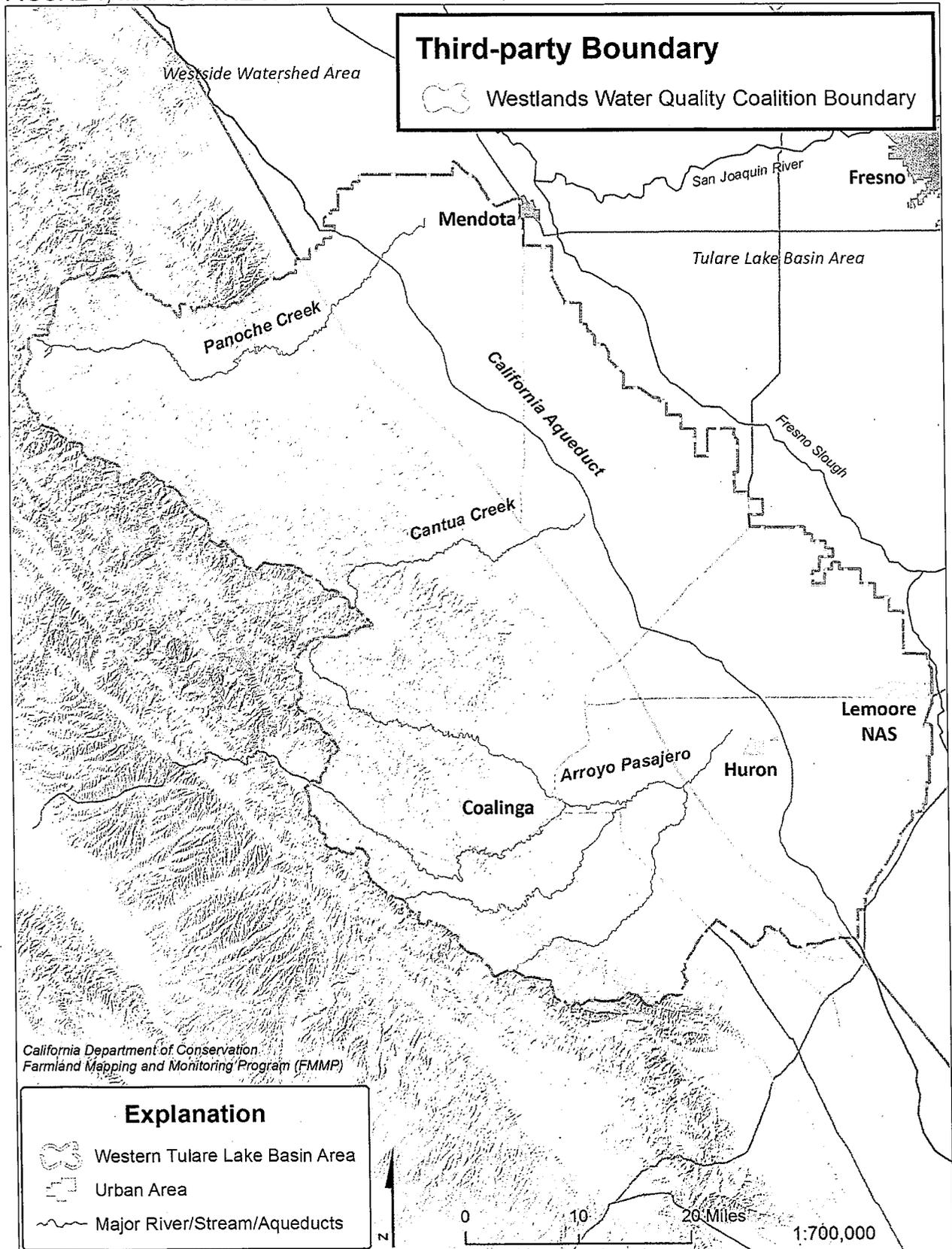


TABLE OF COMPLIANCE DATES ASSOCIATED WITH ISSUANCE OF THE NOA

| Due Date* | Requirements |
|---------------------------------|--|
| 17 March 2014 | Provide Notice of Confirmation to Members |
| 15 April 2014 | Surface Water Monitoring Plan Outline |
| 15 May 2014 | Outline for Groundwater Assessment Report |
| 16 June 2014 | Notice of Confirmation received from current Members Non-enrolled growers apply directly to Regional Board and Third-party |
| 13 August 2014 | Surface Water Monitoring Plan Membership List |
| 16 February 2015 | Sediment Discharge and Erosion Assessment Report (SDEAR) Groundwater Quality Assessment Report (GAR) |
| 1 March 2015 | Farm Evaluation Template (All high vulnerability areas) Nitrogen Management Plan Template (Large farms in high vulnerability areas) |
| 180 Days from approval of SDEAR | Sediment and Erosion Control Plan (Large farms) |
| 1 Year from approval of SDEAR | Sediment and Erosion Control Plan (Small farms) |
| 1 Year from approval of GAR | Groundwater Quality Trend Monitoring Workplan Management Practice Evaluation Workplan (third-party or group option) |
| 1 March 2016 | Farm Evaluation Template (Large farms in low vulnerability areas) |
| 1 March 2017 | Nitrogen Management Plan Template (Small farms in high vulnerability areas and all farms in low vulnerability areas) |
| 1 March 2018 | Farm Evaluation Template (Small farms in low vulnerability areas) |

*Based on the effective dates following the issuance of NOA as specified in the Order. The NOA issue date is 14 February 2014.