

ITEM: 4

SUBJECT: Waste Discharge Requirements General Order For Growers In The Tulare Lake Basin Area That Are Members Of A Third-Party Group

BOARD ACTION: *No board action at April 25 meeting.*

BACKGROUND: On 15 March 2013, the board circulated tentative waste discharge requirements for discharges from irrigated lands within the Tulare Lake Basin Area (tentative Tulare Lake Basin Area Order, tentative TLBA Order, or tentative Order) for review and comment by the public. The tentative Order represents the third in a proposed series of geographically-based orders, one commodity-based order, and a general order for individual growers that will implement the long-term irrigated lands regulatory program (long-term ILRP). Written comments on the tentative Tulare Lake Basin Area Order were due 15 April 2013. The tentative Order can be found at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/tulare_lake_basin_area_wdrs/index.shtml under the heading: Tulare Lake Basin Area Tentative WDRs and MRP for Discharges from Irrigated Lands.

The tentative Tulare Lake Basin Area Order, which is included in this agenda package, has been revised in response to comments received on the draft Tulare Lake Basin Area Order. Responses to comments on the tentative Order will be included in the agenda package for the Board Meeting at which this order will be considered for adoption.

The Board has received numerous requests from interested parties in the southern San Joaquin Valley for the opportunity to comment on the proposed Tulare Lake Basin Area Order. The Board will, therefore, conduct a workshop in Fresno to accept oral testimony convenient to people in the southern San Joaquin Valley.

The Tulare Lake Basin Area Order is part of a family of similar orders addressing the effects of irrigated agriculture on water quality within the Central Valley Region, and contains prohibitions, specifications, and monitoring and reporting requirements similar to the Eastern San Joaquin River Watershed Order adopted by the Board in December 2012, except where local conditions require a different approach. The Tulare Lake Basin Area Order is briefly summarized below.

General summary of tentative TLBA Order requirements

The tentative Tulare Lake Basin Area Order and the Eastern San Joaquin Order are similar in many respects. This is because staff identified no compelling reasons to recommend any major differences in the overall approach for protecting water quality in these areas. The tentative TLBA Order sets receiving water limitations; requires Nutrient Management Plans from all growers, with certification requirements for growers in high vulnerability areas only; requires preparation of a Sediment and Erosion Control Plan by growers with fields subject to erosion and discharge of sediment into a water of the state; and requires farm evaluations to assess current practices and changes in practices that may improve water quality. Small farming operations, those less

than 60 acres, have extended reporting timelines for the farm evaluations, nitrogen management plans, and sediment and erosion control plans. Monitoring and reporting requirements include a surface water monitoring program, a trend groundwater monitoring program, and a management practice evaluation program.

Summary of changes in the tentative TLBA Order requirements

The tentative TLBA Order differs from the Eastern San Joaquin River Watershed Order where crop type, farm practices, climate, geology, size, number of Members or potential members, or other factors require it. The major differences between the orders are briefly summarized below.

Templates –Templates will be provided to the third-party by the Executive Officer. This change recognizes the work on templates already being conducted by multiple third-party and commodity groups, who are preparing templates that can be used by all coalition groups in the Central Valley. These templates will be ready when needed by the TLBA third-party, making provisions for developing templates unnecessary in the TLBA Order. The tentative TLBA Order allows the third-party a comment period of 30 days for the E.O.-issued templates, to ensure that local conditions that may necessitate a change in a template can be addressed.

Enrollment period –The enrollment period has been extended from 120 days to 150 days following third-party receipt of a Notice of Applicability from the Executive Officer. This additional time is needed due to the anticipated large number of new Members who will have to be enrolled. The tentative TLBA Order allows up to 150 days for current Members of a third-party to submit a Notice of Confirmation to confirm that they would like to continue membership with the third party, and 150 days for growers not already enrolled to enroll with the third party.

Surface Water Monitoring requirements –The tentative TLBA Order requires a Surface Water Monitoring Plan, and several surface water monitoring requirements that differ from surface water monitoring requirements in the Eastern San Joaquin River Watershed Order. These differences, due to differences in the monitoring plans developed under the Conditional Waiver and drier climatic conditions, are summarized below.

A Surface Water Monitoring Plan is required to comprehensively address how to monitor surface waters of the state within the TLBA that may be affected by discharges from irrigated lands. Representative surface water monitoring sites may be selected, and sites on intermittent or ephemeral streams must be included. Executive Officer approval of the plan is required before it is implemented by the third party. Until the plan is approved, the tentative TLBA Order will require the third-party to continue surface water monitoring according to the requirements of the Conditional Waiver, and any approved surface water quality management plans. All surface water quality management plans triggered under the Conditional Waiver must be completed and implemented according to requirements of the TLBA Order.

Recommendation

There is no staff recommendation at this time, since the Board will not be taking action at the April 25 meeting.

Mgmt. Review_____

Legal Review_____

April 25, 2013

Fresno, CA