

ITEM: 23

SUBJECT: Waste Discharge Requirements General Order For Discharges from Irrigated Lands within the Central Valley Region for Dischargers not Participating in a Third-party Group

BOARD ACTION: *Consideration of Adoption of the Waste Discharge Requirements.*

BACKGROUND: On 20 March 2013, the board circulated tentative waste discharge requirements for discharges from irrigated lands within the Central Valley Region for dischargers not participating in a third-party group (tentative Individual Order) for review and comment by the public. The tentative Individual Order represents the second in a proposed series of several geographically-based orders, one commodity-based order, and one general order for individual growers that will constitute the long-term irrigated lands regulatory program (long-term ILRP). Written comments on the tentative Individual Order were due 22 April 2013. The tentative Individual Order and attachments have been revised based on comments received.

The tentative Individual Order is for individual growers and is the only long-term irrigated lands program order that would implement waste discharge requirements applicable to individual growers that are not participating in a third-party group (a.k.a. coalition). Even though board staff does not anticipate broad enrollment in the order, it is appropriate to make general waste discharge requirements available for cases where a grower does not choose to enroll in a coalition group or where the third-party approach is not working (e.g., non-compliance of third-parties or growers). Based on experience implementing the current coalition group-based irrigated lands program, these cases are expected to be rare.

The tentative Individual Order would establish waste discharge requirements designed to protect groundwater and surface water from waste discharges associated with irrigated agriculture. All enrolled operations would be required to (1) develop and implement a farm water quality plan, including a nitrogen management plan that must be certified within high vulnerability groundwater areas; (2) monitor discharges of tailwater and storm water to surface water; (3) monitor existing groundwater wells and, if within a high vulnerability groundwater area or if exceedances are measured in existing wells, develop and implement a management practices evaluation workplan that may include installing monitoring wells; (4) provide information on nitrogen application and pesticides used; (5) develop and implement plans to address water quality problems; and (6) submit an annual monitoring report to the board.

The groundwater monitoring requirements described in the tentative Individual Order include monitoring of existing supply wells and, where needed, the development of a management practices evaluation workplan to determine if practices are protective of groundwater quality. Monitoring of existing wells will provide information on general groundwater quality trends. Staff is also proposing to include the requirement that growers evaluate whether their practices are protective of groundwater quality to ensure that the board has the information to evaluate whether current discharges to groundwater under the order are meeting receiving water

limitations.

Provided below is a brief summary of the revisions to the tentative Individual Order relative to the March 2013 tentative version.

General summary of revisions

Degradation-based triggers for exceedance plans – The tentative Order has been modified to include triggers for exceedance plans based on a trend of degradation that may threaten a beneficial use (consistent with third-party Orders). Because of this additional trigger and purpose, exceedance plans have been renamed “action plans.”

Surface water pesticide monitoring – Surface water monitoring for atrazine and 2,4-D has been included based on comments received, an analysis of potential threats to water quality, and consultation with the Department of Pesticide Regulation.

Pesticide monitoring list – Revisions include indicating that staff will notify interested parties of revisions to the surface water pesticide monitoring list and that staff intends to review the list every five years.

Reduction in surface water monitoring after three years – The provision has been modified based on comments received. The provision allows the Executive Officer to approve a reduction in surface water monitoring frequency from annual to as infrequent as one year of monitoring in every five year period. The reduction may only be approved if there have been no exceedances, as well as no trends in degradation that threaten a beneficial use. The grower will need to annually certify that water quality management practices have not changed since the monitoring reduction was granted.

10-year compliance time frame for groundwater receiving water limitations – Modifications to clarify that as soon as a determination is made that a grower’s discharge is causing or contributing to an exceedance of a groundwater quality objective, the grower must develop and implement a groundwater action plan and that the management practices evaluation workplan must be revised/developed accordingly.

Formatting – a number of sections have been reformatted for clarity and ease of reading without making significant changes to the substance of the provision or requirement.

RECOMMENDATION: Adopt the proposed waste discharge requirements.

Mgmt. Review JK
Legal Review APM

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11020 Sun Center Drive, #200
Rancho Cordova, CA 95670