

ITEM: 8

SUBJECT: Revisions to the WDRs for Eastern San Joaquin River Watershed

BOARD ACTION: *Consider Adoption of Order to revise Waste Discharge Requirements*

BACKGROUND: On 7 December 2012, the board adopted waste discharge requirements for discharges from irrigated lands for growers that are members of the third-party group within the Eastern San Joaquin River Watershed (Order). On 12 August 2013, staff circulated proposed revisions to the Order. Interested-person comments were due by 12 September 2013. The proposed changes to the Order and attachments have been revised based on comments received, and staff prepared responses to interested person comments. The documents showing the proposed revisions to the Order and attachments, comments received, and staff responses are included in the agenda package.

General summary of proposed revisions to the adopted Order

Timeline for Members preparing nitrogen management plans and summary reports – In the Waste Discharge Requirements, deadlines for Members to prepare the first nitrogen management plans, and submit the first nitrogen management summary report have been extended by one year to allow the board to make any necessary adjustments based on findings and recommendations by the CDFA Task Force and SWRCB Expert Panel on nitrate issues.

Third-party reporting of nitrogen management information – In the Monitoring and Reporting Program, submission of individual data records along with the summary of nitrogen reports has been replaced by a requirement that the third-party aggregate and submit, at a minimum, a statistical summary of nitrogen consumption ratios by specific crops by township. The board still preserves its ability to require submittal of individual records of third-party Members.

Third-party reporting of management practice information – In the Monitoring and Reporting Program, additional language has been added to clarify that individual data records used to prepare the annual summary of management practices must be provided, although the Member and their associated parcel need not be identified.

Quality assessment of information collected from Members – In the Monitoring and Reporting Program, a requirement to include a quality assessment of the nitrogen management data and management practice data collected has been added. The third-party will have to evaluate if there are missing data, potentially incorrect/inaccurate reporting, and describe corrective actions to be taken for any identified issues with data quality.

Enforcement and compliance with the Order – In the Information Sheet, background information has been added to describe the approach for implementing and enforcing the Order, ensuring grower participation, field inspections, responding to water quality violations and complaints. The Executive Officer will report back to the board on an ongoing basis regarding any audits, field verification inspections, and make recommendations

regarding changes to the reporting requirements, if needed.

Clarifications – In the Information Sheet and in the Monitoring and Reporting Program, the discussion of reports and plans has been clarified to state that any interested person may request the board to review decisions or approvals to be made by the Executive Officer. In the General Order, the provision that Members must maintain a copy of the Order has been clarified such that either electronic or hard copy suffices to meet the requirement.

Edits and corrections – A number of sections have been edited for clarity and ease of reading without making significant changes to the substance of the provision or requirement.

RECOMMENDATION Staff recommends adoption of the Order.

Mgmt. Review __JK____
Legal Review __APM____
3/4 October 2013
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