

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2013-XXXX

REVISING ORDER NO. R5-2012-0116
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
FOR GROWERS WITHIN THE EASTERN SAN JOAQUIN RIVER WATERSHED
THAT ARE MEMBERS OF THE THIRD-PARTY GROUP

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board) finds that:

1. On 7 December 2012, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Order No. R5-2012-0116 Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-party Group (Eastern San Joaquin Order).
2. The Central Valley 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 the Porter-Cologne Water Quality Control Act (California Water Code Division 7).
3. The California Department of Food and Agriculture (CDFA) has convened a Task Force to provide recommendations regarding appropriate nitrogen tracking and reporting systems. The State Water Resources Control Board (SWRCB) is convening an Expert Panel to assess existing agricultural nitrate control programs and develop recommendations, as needed, to ensure that ongoing efforts are protective of groundwater quality. The deadlines for preparation of a nitrogen management plan and associated reporting for Members are revised by this Order to allow the board, should it choose to do so, to make any necessary adjustments to the Eastern San Joaquin Order after considering the recommendations from the Task Force and Expert Panel prior to the applicable compliance dates.
4. This Order revises the Eastern San Joaquin Order to include a number of clarifications regarding the reporting of information to the Central Valley Water Board and the board's intent regarding compliance and enforcement. The board recognizes that the type of nitrogen information to be tracked by the third-party group Members and the reporting scale of information provided to the board from the third-party may be adjusted based on the recommendations of the CDFA Task Force and the SWRCB Expert Panel. The board, therefore, finds it appropriate that initial nitrogen reporting includes summaries that will allow the board to identify outliers and track trends.
5. Adoption of this Order to amend Order No. R5-2012-0116 is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) in accordance with Title 14, California Code of Regulations, Section 15061 (b)(3). The changes to the provisions in the Eastern San Joaquin Order do not have a potential for causing a significant effect on the environment, since the changes are administrative in nature and do not change the substantive provisions of the Eastern San Joaquin Order. This Order does not change the original CEQA findings accompanying Order No. R5-2012-0116.

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6. The Central Valley Water Board has notified interested agencies and persons of its intent to adopt this Order for discharges of waste from irrigated lands within the Eastern San Joaquin River Watershed, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
7. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.
8. Any person affected by this action of the Central Valley Water Board may petition the State Water Board to review this action. The State Water Board must receive the petition within 30 days of the date on which the Central Valley Water Board adopted this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. R5-2012-0116 is revised by making the modifications identified in Attachment 1 of this Order.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX October 2013.

PAMELA C. CREEDON, Executive Officer

Attachment 1: Revisions to Waste Discharge Requirements R5-2012-0116

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