
Central Valley Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING

**Proposed changes to the Waste Discharge Requirements General Orders for Growers
within the Central Valley That are Members of a Third-Party Group:**

**Eastern San Joaquin River Watershed R5-2012-0116-R3
Tulare Lake Basin Area R5-2013-0120-R1
Western Tulare Lake Basin Area R5-2014-0001
Western San Joaquin River Watershed R5-2014-0002-R2
San Joaquin County and Delta Area R5-2014-0029-R1
Sacramento River Watershed Area R5-2014-0030-R1
Grassland Drainage Area R5-2015-0095**

The Central Valley Water Board is proposing to amend Irrigated Lands Regulatory Program (ILRP) Waste Discharge Requirements General Orders for growers within the Central Valley that are members of a third-party group (ILRP General Orders).

Managed wetlands regulated within some of the ILRP General Orders listed above are currently required to use the Farm Evaluation Template and prepare Nitrogen Management Plans (NMPs) and may be required to provide Nitrogen Management Plan (NMP) Summary Reports. Managed wetlands regulated under all of the listed Orders may be required to prepare Sediment and Erosion Control Plans (SECPs). Recognizing that managed wetlands do not apply fertilizers and generally act as sedimentation basins, it is not necessary to require the development of NMPs, NMP Summary Reports, or SECPs. In addition, the Wetland Evaluation Template issued by the Executive Officer on 29 July 2014 is a more appropriate tool for reporting managed wetlands practices.

Irrigated pastures regulated by all of the listed Orders are currently required to prepare NMPs and may be required to provide NMP Summary Reports, even though these operations generally do not apply fertilizers. Proposed changes include removal of the requirement to develop NMPs and NMP Summary Reports for irrigated pasture operations that do not use fertilizer. Proposed changes to each Order are summarized below:

- Eastern San Joaquin River Watershed R5-2012-0116-R3, Tulare Lake Basin Area R5-2013-0120-R1, Western Tulare Lake Basin Area R5-2014-0001
 - a) Allow the use of a Managed Wetland Evaluation Template.
 - b) Remove requirements for managed wetlands and irrigated pastures that do not use fertilizers to develop Nitrogen Management Plans and Nitrogen Management Plan Summary Reports.
 - c) Remove requirement for managed wetlands to develop Sediment and Erosion Control Plans.
- Western San Joaquin River Watershed R5-2014-0002-R2, San Joaquin County and Delta Area R5-2014-0029-R1, Sacramento River Watershed Area R5-2014-0030-R1

- a) Remove requirement for irrigated pastures that do not use fertilizers to develop Nitrogen Management Plans and Nitrogen Management Plan Summary Reports.
- b) Remove requirement for managed wetlands to develop Sediment and Erosion Control Plans.
- Waste Discharge Requirements for Growers in the Grassland Drainage Area R5-2015-0095 (adopted on 31 July 2015).
 - a) Remove requirements for managed wetlands and irrigated pastures that do not use fertilizers to develop Nitrogen Management Plans and Nitrogen Management Plan Summary Reports.

Electronic copies of documents showing the proposed changes to the ILRP General Orders are available on the Central Valley Water Board's website:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/#other

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114, on weekdays between 8:00 a.m. and 5:00 p.m.

A public hearing concerning the proposed revisions to the ILRP General Orders will be held in Rancho Cordova on 18/19 February 2016. The Board will only consider adoption of the proposed changes, and will not be re-considering other aspects of the ILRP General Orders. The hearing date and location are noted below:

Date: 18/19 February 2016

Meeting Start Time: 8:30 am

Place: City of Rancho Cordova
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

The final meeting agenda will be available at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2016 at least ten days before the meeting. The agenda will provide the hearing date for the amendments to the ILRP General Orders, indicate the anticipated order of agenda items, include all material related to this agenda item, and may include staff revisions.

Written comments on the proposed revisions are due no later than 5:00 pm on **18 January 2016**. Written materials submitted after 5:00 p.m. on 18 January 2016 will not be accepted and will not be incorporated into the administrative record absent a ruling by the Central Valley Water Board Chair. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Central Valley Water Board Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party.

Persons submitting written comments are encouraged to do so electronically by sending them to susan.fregien@waterboards.ca.gov. Otherwise, written comments may be sent to the Central Valley Water Board's address to the attention of Susan Fregien. Materials received by 18 January 2016 will be included in the administrative record; submitted comments will be considered, and a written response to the comments will be prepared by Board staff.

At the hearing, Board staff will present a final recommendation for the Central Valley Water Board's consideration. All persons will be provided the opportunity to present oral comments to the Central Valley Water Board at the hearing. Oral testimony will be limited in time by the Board Chair and should be limited in scope to the written comments received by the Board. Persons making oral comments may be asked to respond to clarifying questions from Central Valley Water Board members, counsel, staff, or others, at the discretion of the Board Chair. The Chair may, at his discretion, allow presenters to supplement their oral testimony with slides or other digital media. If you plan to use visual aids such as PowerPoint slides, contact staff prior to the meeting to arrange for equipment set-up. You must provide a printed or electronic copy of any visual aids.

Ex Parte Communications. Ex parte communications are allowed in this matter subject to the disclosure requirements of Water Code section 13287. **Ex parte communications are prohibited for a period beginning 14 days before the Board meeting at which the proposed order is scheduled for Board action.** For communications concerning any issue in this proceeding, ex parte communications are prohibited starting on 4 February 2016. If the Central Valley Water Board does not take action on 18/19 February 2016, the ex parte prohibition will remain in place until the Board, the Board Chair or the Executive Officer directs otherwise. Once lifted, the prohibition on ex parte communications may be reinstated for 14 days before the day of the Board meeting to which the decision is continued. The Board will provide notice via the Lyris email list for this item if the prohibition is lifted and/or reinstated.

The regulations governing adjudicatory hearings before the Central Valley Water Board may be found at California Code of Regulations, title 23, section 648 et seq., and are available online at: http://www.waterboards.ca.gov/laws_regulations/. Copies of these regulations will be provided upon request. Except as provided in Section 648(b), Chapter 5 of the California Administrative Procedures Act (Gov. Code, § 11500 et seq.) does not apply to this hearing. Questions regarding the hearing procedure should be directed to Ms. Kiran Lanfranchi-Rizzarda at (916) 464-4839.

Any questions regarding the proposed action should be directed to Susan Fregien at (916) 464-4813 or susan.fregien@waterboards.ca.gov.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzarda at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Original Signed by

ADAM LAPUTZ, Assistant Executive Officer
17 December 2015