

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

SPECIAL BOARD ORDER R7-2016-0010  
AMENDING BOARD ORDER R7-2015-0008  
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS  
FOR AGRICULTURAL WASTEWATER DISCHARGES AND DISCHARGES OF WASTES FROM  
DRAIN OPERATION AND MAINTENANCE ACTIVITIES WITHIN THE IMPERIAL VALLEY  
IMPERIAL COUNTY, CALIFORNIA

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board), finds:

1. This Special Board Order amends the time schedule contained in the Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Wastes from Drain Operation and Maintenance Activities within the Imperial Valley, Board Order R7-2015-0008 (Imperial Valley Agricultural Waiver), by making an amendment to one of the completion date milestones for the Imperial Irrigation District (IID)-Imperial County Farm Bureau (ICFB) Coalition Group. The amendment to the milestone, which is set forth on Page 20 of the Imperial Valley Agricultural Waiver in Ordered Paragraph D.5, would provide an extension for the IID-ICFB Coalition Group.
2. On January 15, 2015, the Colorado River Basin Water Board adopted the Imperial Valley Agricultural Waiver.
3. The Imperial Valley Agricultural Waiver applies to over 450,000 acres of irrigated lands in the Imperial Valley and regulates agricultural wastewater as follows: (1) storm water runoff from irrigated lands; (2) irrigation return water, which includes surface discharges also known as "tailwater", and subsurface discharges also known as "tile water" in tiled areas, or "seepage" in areas not tiled; and (3) drain operations and maintenance activities.
4. Responsible Parties for complying with the Imperial Valley Agricultural Waiver include individual farmers and the IID. ICFB has formed a Coalition Group (Coalition) that assists farmers to be in compliance with the Waiver. This Coalition is co-lead with the IID.
5. IID and ICFB have developed and are implementing a Coalition Group Compliance Program, which allows individual farmers enrolled in their Coalition to obtain coverage under the Imperial Valley Agricultural Waiver, pay the required acreage-based State Annual Agricultural and Irrigated Lands Fee (State Fee), as promulgated by the State Water Resources Control Board (Title 23, California Code of Regulations, Section 2200.6), and comply with the conditions of the Waiver as a group rather than having to comply on an individual basis through issuance of individual WDRs.
6. Under a Charter for the Coalition, IID manages billing and payment of the State Fee associated with the Waiver, and compliance monitoring that includes submitting an updated Drain Water Quality Improvement Plan (DWQIP). ICFB manages membership requirements, enrollment, and submission of members' Water Quality Management Plans (WQMPs).
7. Since adoption of the Imperial Valley Agricultural Waiver, the Coalition has made substantial progress with its recruitment efforts (i.e., enrolling members) and development of its Control Program.
8. Recently, a number of issues regarding applicability of the Waiver to certain parcels of land came up. These parcels (a) were or are still zoned for agricultural purposes but not currently used for that purpose, including solar farms, feedlots, and dairies located on land zoned for agriculture; and (b) are other irrigated areas that are not zoned for agricultural purposes, including golf courses,

Special Board Order R7-2016-0010  
Amending Board Order R7-2015-0008  
Imperial Irrigation District-Imperial County Farm Bureau Coalition

cemeteries, and school yards. Thus, the IID-ICFB Coalition Group required clarification from the Colorado River Basin Water Board staff. These issues have significant bearing not just on who needs to obtain coverage under the Imperial Valley Agricultural Waiver, but also on the Coalition's billing system, which is being designed to collect the State Fee for coverage under the Waiver.

9. Colorado River Basin Water Board staff met with Coalition staff on October 27, 2015, to clarify which Responsible Parties need to pay the State Fee. As a follow-up to that meeting, Board staff also provided written clarification in a letter dated November 24, 2015, regarding who needs to obtain coverage under the Imperial Valley Agricultural Waiver and which agricultural activities are exempt from it. Nevertheless, these issues have significantly delayed full implementation of the Waiver.
10. In a letter dated November 10, 2015, the ICFB requested that the Colorado River Basin Water Board amend the time schedule for the Waiver in order to provide the Coalition with additional time to fully implement its Control Program. The ICFB explained that the additional time was needed to restructure the outreach and education modules, membership requirements, and billing system for the Coalition. On that same date, Colorado River Basin Water Board staff requested by letter that the State Water Resources Control Board (State Water Board) not bill the Imperial Valley Agricultural Waiver Coalition for the fiscal year 2015-2016 State Fee while the Coalition restructures its Control Program.
11. On November 13, 2015, via email, the State Water Board granted the Colorado River Basin Water Board staff's request and thus, will not be billing Imperial Valley Agricultural Waiver Coalition Group the fiscal year 2015-2016 State Fee.
12. Ordered Paragraph B.12 of the Imperial Valley Agricultural Waiver states that "[t]he Colorado River Basin Water Board may review this Conditional Waiver at any time and may modify or terminate the Conditional Waiver in its entirety."
13. This Special Board Order amends the milestones contained in Board Order R7-2015-0008 by making an amendment to the milestone on Page 20, Ordered Paragraph D.5, to provide the requested extension of time.
14. Pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the Colorado River Basin Water Board was CEQA Lead Agency for the adoption of the Imperial Valley Agricultural Waiver. Accordingly, and pursuant to CEQA and its implementing Guidelines, it prepared an Initial Study dated December 10, 2014, in support of a proposed Negative Declaration for this Waiver. The Colorado River Basin Water Board adopted the Negative Declaration on January 15, 2015.
15. Issuance of this Special Board Order making a minor modification to Board Order R7-2015-0008 is categorically exempt from CEQA in accordance with Section 15301\_\_\_ (Title 14, California Code of Regulations).
16. The Colorado River Basin Water Board has notified the Responsible Parties and all known interested agencies and persons of its intent to adopt this Special Board Order amending Board Order R7-2015-0008, and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
17. The Colorado River Basin Water Board, in a public meeting, heard and considered all comments pertaining to this proposed Special Board Order.

**IT IS HEREBY ORDERED**, that Board Order R7-2015-0008 is amended in the manner specified below upon the effective date of this Special Board Order, and, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the federal Clean Water Act, and regulations and guidelines adopted thereunder, the Responsible Parties shall comply with the requirements in this Special Board Order as well as with those portions of Board Order R7-2015-0008 that were not amended by this Special Board Order:

1. Page 20, Ordered Paragraph D.5: **Modify Completion date of Milestone** as follows:

~~Within 120 days following adoption of this Conditional Waiver~~ **By June 30, 2016**, and in coordination and consultation with the IID, the ICFB shall file with the Colorado River Basin Water Board the Coalition Group's proposed Compliance Program for approval. The Compliance Program shall include, but need not be limited to:

- a) suggested format(s) to prepare Individual WQMPs, including deadlines for submittal;
- b) a proposal to establish and maintain membership requirements, including forms and requirements to enroll group member applicants into the Program;
- c) outreach and education activities, and scheduled workshops to coordinate with technical assistance agencies; and
- d) a map (scale 1" = 1000' or better) showing the Coalition Group's boundaries.

Once approved, these documents and IID's updated DWQIP and SWMRP shall become components of the IID-ICFB Coalition Group Compliance Program.

I, Jose Angel, Interim 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, Colorado River Basin Region, on January 14, 2016.

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JOSE ANGEL, Interim Executive Officer