

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

SPECIAL BOARD ORDER R7-2016-0034
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 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 clarifying its applicability.
2. On January 15, 2015, the Colorado River Basin Water Board adopted the Imperial Valley Agricultural Waiver.
3. The Imperial Irrigation District (IID) formed a Coalition Group (Coalition) in coordination with the Imperial Valley Farm Bureau to assist farmers in the Imperial Valley comply with the Imperial Valley Agricultural Waiver.
4. 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, but 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 are not currently used for that purpose, including solar farms, feedlots, and dairies located on land zoned for agriculture; (b) are other irrigated areas that are not zoned for agricultural purposes, including golf courses, cemeteries, and school yards; and (c) are agricultural lands that are not currently irrigated, but have the potential to be irrigated and/or to discharge storm water runoff.
5. Even though Colorado River Basin Water Board staff provided clarification regarding the parcels cited in Finding 4.a and 4.b, above, additional clarification is needed regarding the applicability of the Imperial Valley Agricultural Waiver to discharges of storm water runoff from the agricultural lands cited in Finding 4.c, above. These issues have significant bearing not just on who needs to obtain coverage under the Imperial Valley Agricultural Waiver to protect water quality of receiving waters, but also on the Coalition's billing system, which is being designed to collect the State Fee for coverage under the Waiver.
6. Ordered Paragraph B.12 of the Imperial Valley Agricultural Waiver states in relevant part 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."
7. On January 14, 2016, the Colorado River Basin Water Board adopted Special Board Order R7-2016-0010, which amended the Imperial Valley Agricultural Waiver by extending the compliance deadline for the Imperial County Farm Bureau to submit the Coalition Group's Compliance Program.

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8. This Special Board Order R7-2016-0034 further clarifies applicability of the Imperial Valley Agricultural Waiver.
9. 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 (Cal. Code Regs., tit. 14, § 15000 et seq.), 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, prior to adopting Board Order R7-2015-0008 in a public meeting held on that date.
10. Issuance of this Special Board Order, which makes a minor modification to Board Order R7-2015-0008, is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15301 (project involves negligible or no expansion of an existing use).
11. 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.
12. 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 identified in Board Order R7-2015-0008 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:

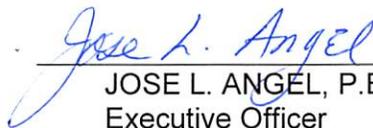
1. Board Order R7-2015-0008 establishes a Conditional Waiver of Waste Discharge Requirements (WDRs) to effectively regulate: (a) the quality of agricultural wastewater discharges from agricultural lands in the Imperial Valley into waters of the State; and (b) the potential water quality impacts from operation and maintenance (O&M) of Imperial Valley drains to ensure that such discharges and O&M practices are not causing or contributing to exceedances of the numeric and narrative water quality standards prescribed in the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) specified for the Imperial Valley Drains and the Alamo and New Rivers.
2. For the purposes of the Imperial Valley Agricultural Waiver, "agricultural wastewater" is a waste, which was defined in Finding 4 in Board Order R7-2015-0008, is now defined as including: (1) storm water runoff from agricultural lands, and (2) irrigation return water, which includes surface discharges (also known as "tailwater"), and subsurface discharges (known as "tile water" in tilled areas, or "seepage" in areas not tilled). This waste can contain constituents at concentrations that may adversely impact water quality and the beneficial uses of the waters of the state.

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3. "Agricultural Discharger," which was defined in Finding 5 in Board Order R7-2015-0008, is now defined to mean the owner, renter/lessee, tenant, and operator/grower of agricultural land in the Imperial Valley, who discharges, has the potential to discharge, or proposes to discharge waste, which could directly or indirectly affect the quality of waters of the state, including but not limited to the Alamo River, New River, Imperial Valley Drains, and Salton Sea, all of which are also waters of the United States.

4. Finding 20 in Board Order R7-2015-0008 is modified to read as follows: The Imperial Valley Agricultural Waiver shall not apply to discharges from agricultural lands equal to or less than five (5) acres that are used for gardens, vineyards, orchards, pastures or greenhouses to produce crops and/or animals for personal consumption. Further, it shall not apply to golf courses regardless of acreage. Owners and operators of agricultural lands meeting these criteria are not required to apply for coverage under the Imperial Valley Agricultural Waiver, provided that the owner/operator: (a) does not hold a current Operator Identification Number/Permit Number for pesticide use reporting; (b) is not registered under Section 46013.1 of the Food and Agriculture Code relating to Certified Organic Farming; and/or (c) does not use the federal Department of Treasury Internal Revenue Service Form 1040 Schedule F Profit or Loss from Farming to file federal taxes. However, it shall apply to agricultural land equal to or greater than 2 acres but less than 5 acres that is farmed commercially.

I, Jose L. Angel, 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 September 15, 2016.



JOSE L. ANGEL, P.E.
Executive Officer