

**REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
EXECUTIVE OFFICER ORDER NO. R3-2011-0017  
TO EXTEND TERMINATION DATE OF  
ORDER NO. R3-2004-0117  
AND  
UPDATE MONITORING AND REPORTING PROGRAM NO. R3-2011-0018**

**Conditional Waiver of Waste Discharge Requirements for Discharges of  
Waste from Irrigated Lands in the Central Coast Region**

The Executive Officer of the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), pursuant to authority delegated under section 13223 of the California Water Code, makes the following findings, orders the extension of the termination date of Order No. R3-2004-0117 and update of the Monitoring and Reporting Program:

1. On July 9, 2004, the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board or Board) adopted Order No. R3-2004-0117, the "Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands" that includes a Monitoring and Reporting Program (No. R3-2004-0117), waiving waste discharge requirements for discharges of waste from irrigated lands in the Central Coast Region (2004 Agricultural Order) and adopted a Negative Declaration under CEQA (2004 Negative Declaration). On July 10, 2009, the Board renewed the 2004 Agricultural Order without any substantive revisions for a term ending on July 10, 2010. On July 8, 2010, the Board renewed the 2004 Agricultural Order again without any substantive revisions for a term ending on March 31, 2011. The Central Coast Water Board did not have a quorum to take action to adopt a renewal of the 2004 Agricultural Order with modifications by the March 31, 2011 termination date. On March 29, 2011, the Executive Officer signed Executive Officer Order No. R3-2011-0208 to extend the 2004 Agricultural Order again for an additional six months, with a September 30, 2011 termination date.
2. The Central Coast Water Board has engaged in a lengthy public process to consider renewal of the 2004 Agricultural Order with modifications. Since the beginning of 2009, the Central Coast Water Board and/or staff has convened meetings with grower and environmental and community group representatives, met individually with many groups and individuals, held several public workshops and informational meetings, provided multiple documents for written comments, and prepared and circulated documents pursuant to the California Environmental Quality Act (CEQA). On November 19, 2010, the Central Coast Water Board released for public comment a draft

Order to renew the 2004 Agricultural Order with modifications (November 2010 Draft Order) and received significant numbers of comments on the Draft.

3. The Central Coast Water Board intended to hold a hearing on March 17, 2011 to consider adoption of an Order renewing the 2004 Agricultural Order with modifications. Due to Board member conflicts, the Central Coast Water Board did not have a quorum to take action to adopt a renewal of the 2004 Agricultural Order with modifications by the March 31, 2011 termination date. On March 17, 2011, the Board held a panel hearing consisting of the four current Board members who do not have a conflict. Due to time constraints, the Board continued the hearing until May 4, 2011. On May 4, 2011, the Board continued the hearing initiated on March 17, 2011, but still did not have a quorum. At the May 4, 2011 meeting, the Board decided to allow new information into the record for the Draft Agricultural Order and instructed staff to evaluate and compare the new information, and present the results of the evaluation and comparison in a subsequent staff report to the Board for the September 1, 2011 Board meeting. Staff prepared the staff report and distributed two versions- one for public comment on July 8, 2011 and a revised staff report with responses to public comments on August 16, 2011. The Board postponed the hearing scheduled for September 1, 2011 on the Draft Agricultural Order because the Board still did not have a quorum.
4. Water Code section 13223 authorizes the Central Coast Water Board to delegate any of its powers and duties to its Executive Officer except "(1) the promulgation of any regulation; (2) the issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirements; (3) the issuance, modifications, or revocation or any cease and desist order; (4) the holding of any hearing on water quality control plans; and (5) the application to the Attorney General for judicial enforcement . . .". The Central Coast Water Board has delegated to the Executive Officer all of its powers and duties except those enumerated above. Pursuant to that delegation, the Executive Officer has the power to extend the termination date of the 2004 Agricultural Order. The Order is not a regulation, water quality control plan, or waste discharge requirement, nor does it constitute the adoption of water quality objectives.
5. Water Code section 13269 authorizes the Central Coast Water Board to waive waste discharge requirements as to specific types of discharges. Water Code section 13269(f) requires that prior to renewal of any waiver that the regional board shall review the waiver at a public hearing. On July 8, 2010, the Central Coast Water Board held a public hearing to renew the 2004 Agricultural Order and extended the termination date to March 31, 2011. On March 17, 2011 and May 4, 2011, the Central Coast Water Board held additional public hearings on the waiver.

6. Water Code section 13267 authorizes the Water Board to order a monitoring program in establishing or reviewing any waste discharge requirements to investigate the quality of any waters of the state within its region. In conducting such an investigation the Water Board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste, that could affect the quality of waters within its region, shall furnish technical or monitoring program reports. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the Water Board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
7. The Executive Officer is ordering dischargers of waste from irrigated lands covered by Order No. R3-2004-0117, the 2004 Agricultural Order, to implement Monitoring and Reporting Program R3-2011-0018, which supersedes and replaces Monitoring and Reporting Program No. R3-2004-0117 required by the 2004 Agricultural Order.
8. The monitoring and reports required by Monitoring and Reporting Program R3-2011-0018 are to evaluate effects of discharges of waste from irrigated agricultural operations and individual farms/ranches on waters of the state and to determine compliance with the Order. The water quality effects on the region's waters are severe and widespread, and, in many cases, exceed water quality standards, where irrigated agricultural discharges are present. The information required in Monitoring and Reporting Program R3-2011-0018 will indicate the general conditions of waters receiving irrigated agricultural discharges and whether compliance with the conditions in the 2004 Agricultural Order (e.g., implementation of management measures to control nutrient, pesticide and sediment discharges) are improving water quality.
9. Monitoring and Reporting Program R3-2011-0018 provides that dischargers have the option of complying with surface receiving water quality monitoring conditions, either individually or through a cooperative monitoring program. The Central Coast Water Board encourages Dischargers to participate in a cooperative monitoring program to comply with surface receiving water quality monitoring conditions. In the development of any cooperative monitoring program fee schedule, the Central Coast Water Board encourages Dischargers to scale the assessment of fees based on relative level of waste discharge and threat to water quality.
10. This Order to Extend the Termination Date of Order No. R3-2004-0117 and require Monitoring and Reporting Program R3-2011-0018 does not modify the conditions in that Order (but issues an updated Monitoring and Reporting Program). As such, no further public hearing is necessary prior to this

extension of the termination date. Order No. R3-2004-0117 contains findings required by Water Code section 13269 and CEQA and those findings are incorporated by reference into this Order to Extend the Termination Date.

11. The adoption of this Executive Officer Order to Extend the Termination Date of Order R3-2004-0117 and require Monitoring and Reporting Program R3-2011-0018 is in the public interest because it continues the conditional waiver of waste discharge requirements to protect water quality that requires actions by dischargers to control discharges of waste and compliance with water quality standards, continues a monitoring and reporting program, and continues the payment of fees, pending the availability of a quorum of the Central Coast Water Board to adopt a renewed and modified waiver of waste discharge requirements or other order that supersedes the existing order.
12. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board to review the action in accordance with Section 13320 of the California Water Code and CCR, Title 23, Section 2050. The State Water Board, Office of Chief Counsel, must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE IT IS ORDERED pursuant to sections 13223 and 13269 of the California Water Code:

1. The termination date of Central Coast Water Board Order No. R3-2004-0117, a Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, including the requirement for a Monitoring and Reporting Program, is hereby extended until September 30, 2012.
2. No modifications are made to the terms of Order No. R3-2004-0117, but dischargers must implement Monitoring and Reporting Program Order No. R3-2011-0018, which supersedes and replaces the Monitoring and Reporting Program Order No. R3-2004-0117.
3. Any person enrolled in Order No. R3-2004-0117 is not required to submit a new notice of intent to enroll in the Order and must continue to update enrollment information to ensure its accuracy, as required by the Water Board.

**CERTIFICATION**

I, Roger W. Briggs, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of Executive Order No. R3-2011-0018 issued on September 30, 2011.



Roger W. Briggs, Executive Officer