

ITEM: 4

SUBJECT: Waste Discharge Requirements General Order For Growers Within the Western Tulare Lake Basin Area that are Members of a Third-Party Group

BOARD ACTION: *Consideration of Adoption of the Waste Discharge Requirements*

BACKGROUND: The proposed Waste Discharge Requirements General Order for Growers Within the Western Tulare Lake Basin Area that are Members of a Third-Party Group (Western Tulare Lake Basin Areas Order, WTLBA Order, or Order) represents the fourth in a proposed series of geographically-based orders, one commodity-based order, and a general order for individual growers that will implement the long-term irrigated lands regulatory program (long-term ILRP). In July 2013, a board workshop was held in Los Banos to receive input from the public and address written comments regarding a draft version of the WTLBA Order. On 29 October 2013, the board circulated a tentative version of the WTLBA Order for review and comment by the public. Written comments on the tentative WTLBA Order were due 2 December 2013.

ISSUES: ***General Summary of Tentative WTLBA Order Requirements***
The tentative Western Tulare Lake Basin Area Order is similar in many respects to other waste discharge requirements adopted by the Board as part of the long-term ILRP. This is because staff identified no compelling reasons to recommend any major differences in the overall approach for protecting water quality in these areas. The tentative Order also contains considerable flexibility with respect to how the third party may take local conditions into account when implementing the Order's provisions. The tentative WTLBA Order sets receiving water limitations; requires Nutrient Management Plans from all growers, with certification requirements for growers in high vulnerability areas only; requires preparation of a Sediment and Erosion Control Plan by growers with fields subject to erosion and discharge of sediment into a water of the state; and requires farm evaluations to assess current practices and changes in practices that may improve water quality. Small farming operations, those less than 60 acres, have extended reporting timelines for the farm evaluations, nitrogen management plans, and sediment and erosion control plans. Monitoring and reporting requirements include a surface water monitoring program, a trend groundwater monitoring program, and a management practice evaluation program.

Summary of Revisions

Staff does not recommend any major changes in the overall Irrigated Lands Regulatory Program approach for protecting water quality in the areas covered by the WTLBA Order. Based on comments received, the tentative Order includes the following changes from the version circulated for public comment:

Small Farms –Finding 12 of the tentative Order has been modified to indicate that there are some farms within the WTLBA that do meet the criteria to be defined as a small farm under the tentative Order.

Coordination and cooperation with other agencies—A finding (Finding 52 of the tentative Order) was added that indicates that the United States Department of Agriculture Natural Resources Conservation Service (NRCS) administers a number of programs related to water quality and encourages Members and third-party groups to utilize the information and resources available through the NRCS to meet the requirements of the Order.

Cost estimates—Cost Estimates in the tentative Order and the Information Sheet (Attachment A) have been revised to reflect an increase in State Board fees that occurred after staff released the tentative Order for public review.

RECOMMENDATION: Staff recommends adoption of the Order.

Mgmt. Review _____
Legal Review ___APM_____

9 January 2014
Los Banos, CA