

ITEM: 5

SUBJECT: Waste Discharge Requirements General Order for Growers within the Western San Joaquin River Watershed that are Members of a Third-Party Group

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

BACKGROUND: The proposed Waste Discharge Requirements (WDR's) General Order for Growers Within the Western San Joaquin River Watershed that are Members of a Third-Party Group (Order) follows three already adopted orders that implement the long-term irrigated lands regulatory program. In July 2013, a board workshop was held in Los Banos to receive input from the public and direction from the board. On 29 October 2013, the board circulated the tentative Order for review and comment by the public. Five comment letters were received by the 2 December 2013 deadline; letters and the staff response to comments are included in the agenda package. The tentative Order, which is included in this agenda package, has been revised in response to comments received.

Provided below is a brief summary of revisions relative to the June 2013 draft and October 2013 tentative versions.

#### ***General Summary of Revisions***

- *Salt and Boron Control Program (TMDL) language added.* Language was added to make explicit the options in the basin plan of complying with the "base" salt/boron load allocations or participating in a real-time management program.
- *Possibility of multiple third-parties representing growers.* Language has been modified to include a possibility that multiple third-parties may represent members based on geographic area.
- *Coordination and cooperation with other agencies.* A finding was added to indicate that the Natural Resources Conservation Service (NRCS) administers a number of programs related to water quality; Members and third-party groups are encouraged to utilize the information and resources available through the NRCS to meet the requirements of the Order.
- *Order watershed area.* The description of the boundary utilized the Delta-Mendota groundwater subbasin.
- *Managed wetlands.* Language added to clarify that irrigated acres do not include non-irrigated upland habitat associated with managed wetlands. Additionally, an exemption for template use and flexibility to propose a managed wetland evaluation template within 60 days of Notice of Applicability, and sediment and erosion control plan template within 60 days of the approval of the Sediment Discharge and Erosion Assessment Report have been added. A brief description of wetland areas was added to the Information Sheet.
- *Nitrogen management and reporting.* Changes made to reflect the recently adopted revisions to the Eastern San Joaquin River WDR's: finding about CDFA Task Force and SWRCB Expert Panel, reporting includes a statistical summary and not raw nitrogen management data, quality assessment of collected information should be included in reports.

- *Copy of the full order.* Language mirrors requirements in the revised Eastern San Joaquin River WDR's that a hard-copy or electronic version of the Order must be maintained by Members; a summary of Member requirements is in addition to the full Order.
- *Initial Farm Evaluation due with the Notice of Confirmation.* Vulnerability (surface water/groundwater) will not be known by the deadline to confirm membership. To make the task of collecting Notice of Confirmation and required Farm Evaluations simpler, no extension is given for small farms in a low vulnerability area.
- *Templates.* The EO provides templates, and third-parties have 30 days to comment on the templates (previously 60 days to propose modifications).
- *Piped Drains.* The MRP specifies that sediment toxicity tests do not apply to piped drains.
- *CEQA Mitigation Measures.* Changes to language associated with CEQA mitigation measures to no longer suggest the grower must undertake additional CEQA review.
- *Deadlines.* Deadlines for non-member enrollment and for nitrogen management plans adjusted to 30 June 2014, and 15 April, respectively.
- *Management plans.* Changes to the Order have been made to clarify that the Management Plans serve as work plans identifying corrective actions to be taken by Members to come into compliance. Management plans to not establish new requirements or compliance schedules not already included in the Order.
- *68-16.* Additional discussion has been added to the information sheet to explain the Order's consistency with antidegradation (State Water Board Resolution 68-16) requirements.
- *Corrections.* A number of minor errors have been corrected.

### ***Remaining Issues***

The remaining issues and proposed resolution thereof are described in the comment letters and staff response to comments.

**RECOMMENDATION** Adopt the proposed waste discharge requirements.

Mgmt. Review \_\_\_JK\_\_\_

Legal Review \_\_\_APM\_\_\_

9 January 2014

Central Valley Regional Water Quality Control Board Meeting

Los Banos Community Center, 645 7th Street

Los Banos, CA 93635