

ITEM: 5

SUBJECT: Waste Discharge Requirements General Order for Growers within the San Joaquin County and Delta 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 (WDR's) General Order for Growers Within the San Joaquin County and Delta Area that are Members of a Third-Party Group (Order) follows five already adopted orders that implement the long-term irrigated lands regulatory program. In October 2013, a board workshop was held in Stockton to receive input from the public and direction from the board. On 16 December 2013, the board circulated the tentative Order for review and comment by the public. Seven comment letters were received by the 17 January 2014 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 August 2013 draft and January 2014 tentative versions.

General Summary of Revisions

- *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.
- *Removed Small and Large Farm distinction.* The small and large farming distinction has been removed from the Order.
- *Costs associated with direct regulation of growers.* A summary of costs associated with direct regulation of growers has been added to the Information Sheet and Attachment D.
- *Representative monitoring.* Additional discussion added to support that conclusions can be drawn from representative monitoring regarding water quality impacts in areas with similar practices that are not being monitored.
- *Compliance with receiving water limitations.* Language was added recognizing that receiving water limitations also apply to trends of degradation that threaten beneficial uses. Also, text was added to clarify the conditions under which a third-party member is in compliance with the Order when receiving water limitations are not being met. These changes are consistent with Orders in the other third-party areas.
- *Annual Member Participant list.* The language was revised from requiring the membership list submittal to report members that were dropped for good cause (e.g., not related to compliance issues) to requiring identification of members that have failed to meet key requirements of the Order – similar to provisions in other adopted third-party group orders.
- *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. A brief description of wetland areas was added to the Information Sheet, as

well as a discussion of potential water quality concerns.

- *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.
- *Evaluating Management Practices.* Changes to the Information Sheet have been made to show that information to be provided by Members will allow for the evaluation of management practice implementation and effectiveness.
- *Templates.* The Executive Officer provides templates, and third-parties have 30 days to comment on the templates (previously 60 days to propose modifications).
- *Deadlines.* Deadlines for member submittal of the Farm Evaluation, Sediment and Erosion Control Plan, and Nitrogen Management Plan have been adjusted because the small and large farm distinction has been removed. Deliverables Table 1 has been added to the WDR.
- *Surface and Groundwater 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 do 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.
- *Summation of costs regarding per acre State fee.* The summation of costs has been adjusted to reflect a change in State fees from \$0.56 per acre to \$0.75 per acre.
- *Table of Reports.* A table was added to the Information Sheet to show all of the reports and monitoring required by the Order, and where they are described in the Order and Information Sheet.
- *Corrections and other changes.* A number of minor errors have been corrected and minor changes made.

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___

12 March 2014

Central Valley Regional Water Quality Control Board Meeting

11020 Sun Center Drive, #200

Rancho Cordova, CA 95670