

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2015-XXXX

REVISING ORDER NO. R5-2012-0116-R2
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
FOR GROWERS WITHIN THE EASTERN SAN JOAQUIN RIVER WATERSHED
THAT ARE MEMBERS OF THE THIRD-PARTY GROUP

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) finds that:

1. On 7 December 2012, the Central Valley Water Board issued Order No. R5-2012-0116 Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-party Group (Eastern San Joaquin Order). The Central Valley Water Board adopted revisions to the Eastern San Joaquin Order on 3 October 2013 (Order No. R5-2012-0116-R1) and 27 March 2014 (Order No. R5-2012-0116-R2).
2. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of the waters of the state, which includes both surface water and groundwater, is found in the Porter-Cologne Water Quality Control Act (California Water Code Division 7).
3. This Order revises the Eastern San Joaquin Order to modify the northern boundary corresponding to the San Joaquin County and Delta Watershed Area southern boundary. Finding 3 of the Eastern San Joaquin Order states that the northern boundary is the "Stanislaus River Watershed" which implies growers on both sides of the river. Parcels on the north side of the Stanislaus River better associate with the San Joaquin County and Delta Area. Parcels south of the Stanislaus River better associate with the Eastern San Joaquin River Watershed Area.
4. This Order revises the Eastern San Joaquin River Watershed Area boundary by shifting approximately 10,800 acres to the San Joaquin County and Delta Area, which removes approximately 1.1% from the total irrigated acres within the Eastern San Joaquin River Watershed Area. The acreage decrease will not substantially change the number of members or costs to implement the program for the East San Joaquin Water Quality Coalition.
5. The Eastern San Joaquin Order requires third-party Members in High Vulnerability areas to prepare and implement a certified Nitrogen Management Plan by 1 March 2015. The 2015 due date for certification of the Nitrogen Management Plan for Members are revised by this Order to allow a one-year extension to 1 March 2016. The extension is expected to allow additional time for the impending California Department of Food and Agriculture grower certification program to be available to third-party members. The Nitrogen Management Plan preparation and implementation will not be delayed. Only the certification requirement will be postponed.

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6. The Eastern San Joaquin Order requires growers to prepare and implement a Nitrogen Management Plan in advance of the crop year. This Order revises Nitrogen Management Plan requirements to acknowledge that site specific circumstances may occur during the growing season and that plan changes may be necessary. Such changes must comply with the provisions of waste discharge requirements.
7. This Order revises the Eastern San Joaquin Order to provide the third-party additional time to submit the Comprehensive Groundwater Quality Management Plan (Comprehensive Management Plan) to be due 60 days after Executive Officer approval of the Groundwater Assessment Report (GAR), rather than one-year after the Notice of Applicability. The Comprehensive Management Plan development is dependent on the vulnerability designations yet to be determined in the GAR. Therefore, the Comprehensive Management Plan due date should follow the GAR approval date, and not be due on the same date as the GAR.
8. This Order revises the Monitoring and Reporting Program to allow the third-party to participate in an Executive Officer approved Regional Monitoring Program (RMP) [such as the Delta RMP]. The changes will allow the third-party to submit a proposal for Executive Officer approval to reduce the surface water monitoring requirements and instead provide funding and/or in-kind support to an approved RMP.
9. The Central Valley Water Board, acting as a lead agency pursuant to CEQA (Pub. Resources Code, § 21000 et seq.), certified a Program Environmental Impact Report (PEIR) for the Irrigated Lands Regulatory Program on 7 April 2011. This Order relies on the environmental impact analysis contained in the PEIR to satisfy the requirements of CEQA. The administrative changes and the timelines modified pursuant to this Order fall within the scope of regulatory activities identified and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.
10. The Central Valley Water Board has notified interested agencies and persons of its intent to adopt this Order for discharges of waste from irrigated lands within the Eastern San Joaquin River Watershed, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
11. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. R5-2012-0116-R2 is revised by making the modifications identified in Attachment 1 of this Order.

I, PAMELA C. CREEDON, 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, Central Valley Region, on 16 April 2015.

PAMELA C. CREEDON, Executive Officer

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Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

Attachment 1: Revisions to Waste Discharge Requirements R5-2012-0116-R2

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