

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

ORDER R5-2015-XXXX

**REVISING ORDER R5-2013-0120
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
FOR GROWERS WITHIN THE TULARE LAKE BASIN AREA THAT ARE
MEMBERS OF A THIRD-PARTY GROUP**

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

1. On 19 September 2013, the Central Valley Water Board issued Order No. R5-2013-0120 Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group (Tulare Lake Basin Areas General Order).
2. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of the waters of the state, which include both surface water and groundwater, is found in Porter-Cologne Water Quality Control Act (California Water Code Division 7).
3. On 4 December 2014, the Central Valley Water Board issued Order No. R5-2014-0143 to revise portions the Tulare Lake Basin Area General Order. These revisions included an extension of the open enrollment period for owners and operators of managed wetlands to allow for the consideration of alternative regulatory options for discharges from managed wetlands. Order R5-2014-0143 revised the open enrollment deadline to 31 December 2015.
4. In February 2014, Central Valley Water Board staff and representatives of both privately and publicly managed wetlands formed the Managed Wetlands Workgroup to evaluate the current regulatory approach for addressing discharges from managed wetlands and to discuss potential alternatives to requiring owners and/or operators of managed wetlands to enroll in the Irrigated Lands Regulatory Program. The workgroup meet a total of seven times and the results of these meetings were presented to the Board as an information item at a special managed wetlands workshop on 15 April 2015 at the San Luis National Wildlife Refuge.
5. Central Valley Water Board staff has received input from Managed Wetlands Workgroup members is developing a strategy to address the concerns raised by the owners and/or operators of managed wetlands that may result in changes to the current requirements. It is not anticipated that these changes would be adopted by the Board prior to the current enrollment deadline for owners and/or operators of managed wetlands.
6. To address the topic detailed in Finding 5 above, this Order revises the open enrollment period for owners and/or operators of managed wetlands to gain coverage under the Tulare Lake Basin Area General Order. The new open enrollment deadline for managed wetlands is 31 December 2016.
7. The Central Valley Water Board, acting as a lead agency pursuant to CEQA (Public Resources Code sections 21100 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 timeline modification pursuant to this Order applies to activities identified and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.

8. The Central Valley Water Board has notified interested agencies and persons of its intent to adopt this Order for discharges of waste from managed wetlands within the Tulare Lake Basin Area, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
9. 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. R5-2013-0120 is revised by making modifications identified in Attachment A of this Order.

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.

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 XX December 2015.

PAMELA C. CREEDON, Executive Officer

Attachment A: Revisions to Waste Discharge Requirements R5-2013-0120