CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2014-XXXX

WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR SACRAMENTO VALLEY RICE GROWERS

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The California Regional Water Quality Control Board, Central Valley Region (hereafter, Central Valley Water Board or board), finds that:

Findings

SCOPE AND COVERAGE OF THIS ORDER

1. This Order serves as general waste discharge requirements (WDRs) for waste discharges from irrigated lands (or "discharges") that could affect ground and/or surface waters of the state. The discharges result from runoff or leaching of irrigation water and/or stormwater from irrigated lands. Discharges can reach waters of the state directly or indirectly.[1]

2. This Order applies to producers of commercial rice[2] operating on fields within the Sacramento Valley[3] that are rice producers, as defined in the California Food and Agricultural Code section 71032. By extension this order also applies to landowners that lease, rent or otherwise own land that is used by a producer of rice (hereafter collectively referred to as "Growers").[4] The California Rice Commission (defined in California Food and Agricultural (Food & Ag) Code, Chapter 9.5, Division 22) is recognized as the third party representing Growers under this Order.

3. This Order is not intended to regulate water quality as it travels through or remains on the surface of a Grower's agricultural fields or the water quality of soil pore liquid within the root zone.[5]

4. This Order does not apply to discharges of waste that are regulated under other Central Valley Water Board issued WDRs or conditional waiver of WDRs (waiver). If the other Central Valley Water Board WDRs/waiver only regulates some of the waste discharge activities (e.g.,

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[1] Definitions for "waste discharges from irrigated lands," "waste," "groundwater," "surface water," "stormwater runoff," and "irrigation runoff," as well as all other definitions, can be found in Attachment E to this Order. It is important to note that irrigation water, the act of irrigating cropland, and the discharge of irrigation water unto itself is not "waste" as defined by the California Water Code, but that irrigation water may contain constituents that are considered to be a "waste" as defined by California Water Code section 13050(d).

[2] Rice is defined as the species *Oryza sativa*. The Order applies to Growers of seed rice. Growers of wild rice (genus *Zinzania*) are not covered by this Order.

[3] This Order applies to counties in the Sacramento Valley where rice is grown: Butte, Colusa, Glenn, Placer, Sacramento, Sutter, Tehama, Yolo, and Yuba.

[4] Grower(s) is defined to mean a producer of rice as defined in California Food and Agriculture Code, section 71032, or a landowner that leases, rents, or otherwise owns land that is used by a producer of rice. For both producers of rice and landowners, the land in question must be located within the Sacramento Valley, which includes the counties of Sacramento, Sutter, Yuba, Butte, Glenn, Colusa, Yolo, Placer, and Tehama.

[5] Water that travels through or remains on the surface of a grower's agricultural fields includes ditches and other structures (e.g., ponds, basins) that are used to convey supply or drainage water within that grower's parcel or between contiguous parcels owned or operated by that grower.

application of treated wastewater to crop land) at the regulated site, the owner/operator of the irrigated lands must obtain regulatory coverage for any discharges of waste that are not regulated by the other WDR/waiver. Such regulatory coverage may be sought through enrollment in the Irrigated Lands Regulatory Program (ILRP) through another third-party entity or by obtaining appropriate changes in the owner/operator's existing WDRs or waiver.

5. This Order implements the long-term Irrigated Lands Regulatory Program (ILRP) for rice lands in the Sacramento Valley. The long-term ILRP has been conceived as a range of potential alternatives and evaluated in a programmatic environmental impact report (PEIR).[6] The PEIR was certified by the Central Valley Water Board on 7 April 2011; however, the PEIR did not specify a single program alternative. The regulatory requirements contained within this Order fall within the range of alternatives evaluated in the PEIR. This Order, along with other orders to be adopted for irrigated lands within the Central Valley, will constitute the long-term ILRP. Upon adoption of this Order, Order No R5-2006-0053, Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Coalition Group Conditional Waiver) is rescinded as applied to rice lands within the Sacramento Valley.

GROWERS REGULATED UNDER THIS ORDER

6. In 2010, an estimated 565,000 acres of rice was reported by the County Agricultural Commissioners to the California Rice Commission. About 90% of the rice grown in California is medium grain rice and 95% of rice is grown within the Sacramento Valley in nine counties.[7]

7. This Order regulates both landowners and operators of rice lands from which there are discharges of waste that could affect the quality of any waters of the state and who are producers[8] represented by the California Rice Commission, and by extension landowners that lease, rent or otherwise own land that is used by a producer of rice. The California Rice Commission is acting as a third-party group representing and assisting Growers with carrying out the conditions of this Order. The provisions of this Order require that a producer who is not the landowner must provide notification to the landowner of this Order and its conditions. Both the landowner and producer are ultimately responsible for complying with the terms and conditions of this Order.

8. All Growers eligible for coverage under this Order are represented by the California Rice Commission.[9] The Food & Ag Code outlines the California Rice Commission organizational structure that includes a governing board with producers and handlers[10] (defined as "members") and lists the authority and responsibilities of the commission. The California Rice Commission served as a third-party group representing Growers during the interim irrigated lands regulatory program (Coalition Group Conditional Waiver) and is recognized as having the structure and authority necessary to act as the third-party representing Growers under this Order for the following reasons:

[6] ICF International. 2011. *Irrigated Lands Regulatory Program, Program Environmental Impact Report.* Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

[7] Nine Sacramento Valley counties – Butte, Colusa, Glenn, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba – harvested 97% of all rice reported in 2009 by County Agricultural Commissioners.

[8] Defined in Food & Agricultural Code, §71032 as any person who produces, or causes to be produced rice.

[9] Rice lands outside of the Sacramento Valley are not covered under this Order.

[10] A handler is any person marketing rice who handles 10,000,000 pounds or more of rough or paddy rice, or the equivalent amount of milled rice during a marketing season.

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- The California Rice Commission has represented Growers in implementing the Coalition Group Conditional Waiver. In this role, the California Rice Commission has developed and implemented regional surface water monitoring programs; conducted Grower outreach; and implemented surface water quality management plans to address exceedances of water quality standards. The commission has demonstrated that it has the resources and authority to act on behalf of Growers in accessing technical resources, such as expert consultants, to assist in implementing the requirements of the Coalition Group Conditional Waiver. Under this Order, the commission will continue to implement outreach programs, surface water quality monitoring, surface water management plans and begin initiation of groundwater monitoring and management requirements where appropriate. Food & Ag Code section 71079 states, "The commission may present facts to, and negotiate with, local, state, federal, and foreign agencies on matters that affect the rice industry." The commission is a legally defined entity with a governing board (members) composed of producers (rice growers) and handlers. The governing board is accountable to producers and handlers through a voting process outlined in Food & Ag Code section 71050.
- Section 71086 of the Food & Ag Code provides that the California Rice Commission shall establish an assessment rate to defray operating costs of the commission.
- Section 71078 of the Food & Ag Code requires that the commission provide summary information on annual audits of "books, records, and accounts of all its dealings." Currently, the commission provides this information on their website, accessible to producers and handlers.

9. This Order regulates all Growers within the Sacramento Valley. Under this Order, the California Rice Commission will be required to identify the location of rice fields covered by this Order, but shall not be required to disclose information considered confidential under Food & Ag Code section 71089. From this information, the Board will be able to determine assessor's parcel numbers (APNs) and individual Growers covered under this Order. These waste discharge requirements only apply to discharges from commercial rice fields in the Sacramento Valley. Should a rice field be converted to another commercial crop that is irrigated or if rice is rotated with another crop on that field, the Grower must submit a Report of Waste Discharge to the Central Valley Water Board or obtain coverage for the waste discharge under another ILRP general Order or waiver.

10. The California Rice Commission is responsible for fulfilling the regional requirements and conditions (e.g., surface water and groundwater monitoring, regional management plan development and tracking) of this Order and associated Monitoring and Reporting Program Order R5-2014-XXXX (MRP). As rice producers under Food & Ag Code section 71032, Growers in the Sacramento Valley have agreed to be represented by the California Rice Commission for the purposes of the Order. All Growers represented by the California Rice Commission will be enrolled under this Order upon adoption by the Central Valley Water Board. All Growers must certify that they are aware of the requirements of this Order when completing a rice-specific Farm Evaluation (see section VII.B of this Order). Any requirements or conditions not fulfilled by the California Rice Commission are the responsibility of the individual Grower. The Growers are responsible for conduct of operations on the Grower's enrolled property.

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REASON FOR THE CENTRAL VALLEY WATER BOARD ISSUING THIS ORDER

11. The Central Valley Region has approximately 565,000 acres of rice land in the Sacramento Valley potentially generating discharges that fall into the category of "waste discharges from irrigated lands," as defined in Attachment E of this Order.

12. The Sacramento Valley has numerous surface water bodies that may be affected by discharges of waste from rice lands. These discharges may adversely affect the quality of the waters of the State, as defined in Attachment E of this Order.

13. The Central Valley Water Board's *Irrigated Lands Regulatory Program Existing Conditions Report* (ECR)[11] identifies waters of the State with impaired water quality attributable to or influenced by irrigated agriculture, including rice lands. The *Irrigated Lands Program Environmental Impact Report* (PEIR) describes that "*[f]rom a programmatic standpoint, irrigated land waste discharges have the potential to cause degradation of surface and groundwater…"*

14. The Central Valley Water Board authority to regulate discharges of waste 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).

15. California Water Code section 13263 requires the Central Valley Water Board to prescribe WDRs, or waive WDRs, for proposed, existing, or material changes in discharges of waste that could affect water quality. The board may prescribe waste discharge requirements although no discharge report under California Water Code section 13260 has been filed. The WDRs must implement relevant water quality control plans and the California Water Code. The Central Valley Water Board may prescribe general waste discharge requirements for a category of discharges if all the following criteria apply to the discharges in that category:

    a. The discharges are produced by the same or similar operations.
    b. The discharges involve the same or similar types of waste.
    c. The discharges require the same or similar treatment standards.
    d. The discharges are more appropriately regulated under general requirements than individual requirements.

    The rationale for developing general waste discharge requirements for rice lands in the Sacramento Valley include: (a) discharges are produced by the same type of operations (rice farming operations); (b) waste discharges under this Order involve similar types of wastes (wastes associated with rice farming); (c) water quality management practices are similar for rice lands; (d) due to the large number of operations and their contiguous location, these types of operations are more appropriately regulated under general rather than individual requirements; and (e) the soil, aquifer materials, hydrology, and the climate are similar, which will tend to result in similar types of water quality problems[12] and similar types of solutions.

16. Whether an individual discharge of waste from rice lands may affect the quality of the waters of the state depends on the quantity of the discharge, quantity of the waste, the quality of the waste, the extent of treatment, soil characteristics, distance to surface water, depth to groundwater, management practices and other site-specific factors. These individual

[11] California Regional Water Quality Control Board, Central Valley Region, and Jones and Stokes. 2008. *Irrigated Lands Regulatory Program Existing Conditions Report.* Sacramento, CA.

[12] "Water quality problem" is defined in Attachment E.

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discharges may also have a cumulative effect on waters of the state. Waste discharges from some rice lands may have impaired or degraded and may continue to impair or degrade the quality of the waters of the state within the Central Valley Region if not subject to regulation pursuant to the Porter-Cologne Water Quality Control Act (codified in Water Code Division 7).

17. California Water Code section 13267(b)(1) states: "*(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports. (2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secrete processes may not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies. However, these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.*"

18. Technical reports are necessary to evaluate Grower compliance with the terms and conditions of this Order and to assure protection of waters of the State. Consistent with California Water Code section 13267, this Order requires the implementation of a monitoring and reporting program (MRP) that is intended to determine the effects of Grower waste discharges on water quality, to verify the adequacy and effectiveness of the Order's conditions, and to evaluate Grower compliance with the terms and conditions of the Order. The requirements for reports and monitoring specified in this Order and attached MRP are based in part on whether an operation is within a high or low vulnerability area. The California Rice Commission is tasked with describing high and low vulnerability areas based on definitions provided in Attachment E to this Order and guidance provided in the MRP. The Executive Officer will review California Rice Commission proposed high and low vulnerability areas and make the final determination of these areas. High and low vulnerability areas will be reviewed and updated throughout the implementation of this Order. Based on currently available information, there are no high vulnerability areas for groundwater or surface water due to discharges from rice lands. A Grower who is covered under this Order must comply with MRP Order R5-2014-XXXX which is part of this Order, and future revisions thereto by Executive Officer or board.

19. Prior to the adoption of this Order, the California Rice Commission prepared a Rice-Specific Groundwater Assessment Report (Rice GAR), which was submitted to the Central Valley Water Board in April 2012. The Rice GAR has been subsequently revised (Final– Rice-Specific Groundwater Assessment Report, 2 August 2013) and satisfies the requirements of a Groundwater Quality Assessment Report as identified in this Order. Any modifications to the Rice GAR must be submitted to the Executive Officer for approval.

20. The water quality monitoring under this Order is representative in nature and does not measure individual field discharges. The benefits of representative monitoring include the ability to determine whether water bodies accepting discharges from numerous rice lands are meeting water quality objectives, and to determine if existing high quality waters are being maintained.

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Further, representative monitoring allows the board to determine whether represented practices are protective of water quality. There are cost savings with representative monitoring, since all surface water or all groundwater aquifers that receive discharges from rice lands do not need to be monitored. Surface water and groundwater monitoring sites are selected to represent areas with similar conditions (e.g., soil type).

If triggered, the Management Practices Evaluation Program, the Surface Water Quality Management Plans, and Groundwater Quality Management Plans, require the California Rice Commission to evaluate the effectiveness of management practices in addressing an identified water quality. In addition, Growers must report the practices they are implementing to protect water quality.

Where required monitoring and evaluation do not allow the Central Valley Water Board to determine potential sources of water quality problems or identify whether management practices are effective, the Executive Officer may require the California Rice Commission or individual Growers to provide technical reports. Such technical reports are needed when monitoring or other available information is not sufficient to determine the effects of waste discharges from rice lands to waters of the state. It may also be necessary for the Central Valley Water Board to conduct investigations by obtaining information directly from Growers to assess individual compliance.

The Board recognizes that representative monitoring data in and of itself will not allow the Board to determine the specific source or sources of water quality problems; however, subsequent actions, assessments and reporting required from the California Rice Commission will provide the information necessary for the identification of the source(s) and causes of the water quality problem, the identification of actions implemented by Growers to ensure water quality is protected, and the reporting of water quality data to demonstrate the water quality problem has been resolved. Therefore, representative monitoring in conjunction with other requirements in this Order and the board's compliance and enforcement activities will also allow the board to determine whether Growers are complying with this Order.

21. The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains programs of implementation needed to achieve water quality objectives, and references the plans and policies adopted by the State Water Board. The water quality objectives are developed to protect the beneficial uses of waters of the state. Compliance with water quality objectives will protect the beneficial uses listed in Findings 23 and 24.

22. This Order implements the Basin Plan and applicable State policies by requiring the implementation of management practices that are considered to constitute best practicable treatment or control, where applicable, that achieve compliance with applicable water quality objectives and that prevent nuisance. The Order requires implementation of a monitoring and reporting program to determine effects of rice discharges on water quality and the effectiveness of management practices designed to comply with applicable water quality objectives.

23. Pursuant to the Basin Plan and State Water Board plans and policies, including State Water Board Resolution 88-63, and consistent with the federal Clean Water Act, the existing and potential beneficial uses of surface waters in the Sacramento Valley include:

    a. Municipal and Domestic Supply

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b. Agricultural Supply
c. Industrial Service Supply
d. Hydropower Generation
e. Water Contact Recreation
f. Non-Contact Water Recreation
g. Warm Freshwater Habitat
h. Cold Freshwater Habitat
i. Migration of Aquatic Organisms
j. Spawning, Reproduction and Development
k. Wildlife Habitat
l. Estuarine Habitat
m. Preservation of Biological Habitats of Special Significance
n. Shellfish Harvesting
o. Navigation
p. Rare, Threatened, and Endangered Species
q. Freshwater Replenishment
r. Groundwater Recharge
s. Industrial Process Supply
t. Aquaculture
u. Commercial and Sportfishing

24. Pursuant to the Basin Plan and State Water Board plans and policies, including State Water Board Resolution 88-63, all ground waters in the region are considered as suitable or potentially suitable at a minimum, for:

a. Municipal and Domestic Supply
b. Agricultural Supply
c. Industrial Service Supply
d. Industrial Process Supply

25. In May 2004, the State Water Board adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The purpose of the NPS Policy is to improve the State's ability to effectively manage NPS pollution and conform to the requirements of the Federal Clean Water Act and the Federal Coastal Zone Act Reauthorization Amendments of 1990. The NPS Policy requires, among other key elements, an NPS control implementation program's ultimate purpose shall be explicitly stated. It also requires implementation programs to, at a minimum, address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.

26. This Order constitutes an NPS Implementation Program for the discharges regulated by the Order. The ultimate purpose of this program is expressly stated in the goals and objectives for the ILRP, described in the PEIR and Attachment A to this Order. Attachment A, Information Sheet, describes the five key elements required by the NPS Policy and provides justification that the requirements of this Order meet the requirements of the NPS Policy. This Order is consistent with the NPS Policy.

27. The United States Environmental Protection Agency adopted the National Toxics Rule (NTR) on 5 February 1993 and the California Toxics Rule (CTR) on 18 May 2000, which was modified on 13 February 2001. The NTR and CTR contain water quality criteria which, when combined

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with beneficial use designations in the Basin Plan, constitute enforceable water quality standards for priority toxic pollutants in California surface waters.

28. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by, among other things, utilizing a tiered system that imposes more stringent requirements in areas deemed "high vulnerability" based on threat to surface water or groundwater quality, requiring surface water and groundwater monitoring and management plans, an identification and evaluation of management practices that are protective of surface water and groundwater quality, and requiring discharges to meet applicable water quality objectives, which include maximum contaminant levels designed to protect human health and ensure that water is safe for domestic uses. Protection of the beneficial uses of surface water and groundwater is described throughout this Order, including the discussion in Attachment A to this Order of State Water Board Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality Waters in California*.

.CALIFORNIA ENVIRONMENTAL QUALITY ACT

29. For purposes of adoption of this Order, the Central Valley Water Board is the lead agency pursuant to CEQA (Public Resources Code sections 21100 et seq.). Pursuant to board direction in Resolutions R5-2006-0053 and R5-2006-0054, a Program Environmental Impact Report (PEIR) was prepared. In accordance with CEQA, the Central Valley Water Board, acting as the lead agency adopted Resolution R5-2011-0017 on 7 April 2011, certifying the PEIR for the Irrigated Lands Regulatory Program.

30. This Order relies on the environmental impact analysis contained in the PEIR to satisfy the requirements of CEQA. Although the Order is not identical to any of the PEIR alternatives, the Order is comprised entirely of elements of the PEIR's wide range of alternatives. Therefore, the PEIR identified, disclosed, and analyzed the potential environmental impacts of the Order. The potential compliance activities undertaken by the Growers in response to this Order fall within the range of compliance activities identified and analyzed in the PEIR. Therefore, all potentially adverse environmental impacts of this Order have been identified, disclosed, and analyzed in the PEIR. If it is determined that a grower filing for coverage under this Order could create impacts not identified in the PEIR, individual WDRs would be prepared for that grower and additional CEQA analysis performed, which would likely tier off the PEIR as necessary. (See Title 14, CCR § 15152).

31. The requirements of this Order are based on elements of Alternatives 2 through 6 of the PEIR. The PEIR concludes that implementation of some of these elements has the potential to cause significant adverse environmental impacts. Such impacts are associated, directly and indirectly, with specific compliance activities Growers may conduct in response to the Order's regulatory requirements. Such activities may include implementation of water quality management practices and monitoring well installation and operation. Attachment D of this Order describes the types of water quality management practices that may be implemented as a result of this Order and that monitoring wells may be installed as a result of this Order. The types and degrees of implementation will be similar to those described in the PEIR for Alternatives 2 through 6. Because of these similarities, this Order relies on the PEIR for its CEQA analysis. A listing of potential environmental impacts, the written findings regarding those impacts consistent with § 15091 of the CEQA Guidelines, and the explanation for each finding are contained in a separate Findings of Fact and Statement of Overriding Considerations document (Attachment D), which is incorporated by reference into this Order.

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32. Where potentially significant environmental impacts identified in Attachment D may occur as a result of Growers' compliance activities, this Order requires that Growers either avoid the impacts where feasible or implement identified mitigation measures, if any, to reduce the potential impacts to a less than significant level. Where avoidance or implementation of identified mitigation is not feasible, use of this Order is prohibited and individual WDRs would be required. The Monitoring and Reporting Program (MRP) Order, Attachment B, includes a Mitigation Monitoring and Reporting Program to track the implementation of mitigation measures.

33. The PEIR finds that none of the program alternatives will cause significant adverse impacts to water quality. Consistent with alternatives in the PEIR, this Order contains measures needed to achieve and maintain water quality objectives and beneficial uses, reduce current pollutant loading rates, and minimize further degradation of water quality. As such, this Order will not cause significant adverse impacts to water quality.

STATE WATER RESOURCES CONTROL BOARD RESOLUTION 68-16

34. State Water Resources Control Board (State Water Board) Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16 or "antidegradation policy") requires that a Regional Water Quality Control Board maintain high quality waters of the state unless the board determines that any authorized degradation is consistent with maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Quality Control Board's policies (e.g., quality that exceeds applicable water quality objectives). The board must also assure that any activity which discharges a waste to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that pollution, or nuisance will not occur and the highest water quality consistent with the maximum benefit to the people of the state will be maintained.

35. The Central Valley Water Board has information in its records that has been collected by the Central Valley Water Board, growers, educational institutions, and others that demonstrates that many water bodies within the Central Valley Region are impaired for various constituents, including pesticides, nitrates, and salts. Many water bodies have been listed as impaired pursuant to Clean Water Act section 303(d).

    Appendix A to the PEIR for the Irrigated Lands Program states that "*there may be cases where irrigated agricultural waste discharges threaten to degrade high quality waters.*" For discharges to water bodies that are high quality waters, this Order is consistent with Resolution 68-16. Attachment A to this Order summarizes applicable antidegradation requirements and provides detailed rationale demonstrating how this Order is consistent with Resolution 68-16. As indicated in the summary, this Order authorizes degradation of high quality waters, not to exceed water quality objectives, threaten beneficial uses, or cause a condition of pollution or nuisance. The Order will also result in the implementation of BPTC by those discharging to high quality waters and assure that any change in water quality will be consistent with maximum benefit to the people of the state.

    As authorized by Water Code section 13263(c), achievement of these requirements is in accordance with the Order's time schedules. Time schedules are necessary because not all growers covered by the Order can immediately comply with the Order's requirements. Using

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time schedules to implement antidegradation requirements was explicitly recognized and endorsed by the California Court of Appeal, who wrote with respect to the Central Valley Water Board's Dairy Waste Discharge Requirements that "[a] phased approach… is reasonable, and is authorized by section 13263, which allows the requirements of a regional water quality control board to contain a time schedule." *AGUA v. Central Valley Water Board*, 210 Cal.App.4th 1255, 1277.

CALIFORNIA WATER CODE SECTIONS 13141 AND 13241

36. California Water Code section 13141 states that "*prior to implementation of any agricultural water quality control program, an estimate of the total cost of such a program, together with an identification of potential sources of financing, shall be indicated in any regional water quality control plan*." Section 13141 concerns approvals or revisions to a water quality control plan and does not necessarily apply in a context where an agricultural water quality control program is being developed through waivers and waste discharge requirements rather than basin planning. However, the Basin Plan includes an estimate of potential costs and sources of financing for the long-term irrigated lands program. The estimated costs were derived by analyzing the six alternatives evaluated in the PEIR. This Order, which implements the long-term ILRP for Sacramento Valley rice Growers, is based on Alternatives 2-6 of the PEIR; therefore, estimated costs of this Order fall within the Basin Plan cost range.[13] The total annual average cost of compliance with this Order, e.g., summation of costs for administration, monitoring, reporting, tracking, implementation of management practices, is expected to be approximately $4.03 per acre greater than the current surface water only protection program under the Coalition Group Conditional Waiver. The total estimated average cost of compliance of continuation of the previous Coalition Group Conditional Waiver for Sacramento Valley rice Growers is expected to be approximately 2.13 million dollars per year ($4.06 per acre annually). The total average estimated cost of compliance with this Order is expected to be approximately 4.25 million dollars per year ($8.09 per acre annually).

Approximately $4.59 of the estimated $8.09 per acre annual cost of the Order is associated with implementation of management practices. This Order does not require that Growers implement specific water quality management practices.[14] Many of the management practices that have water quality benefits can have other economic and environmental benefits. Management practice selection will be based on decisions by individual Growers in consideration of the unique conditions of their operation; water quality concerns; and other benefits expected from implementation of the practice. As such, the cost estimate is an estimate of potential, not required costs of implementing specific practices. Any costs for water quality management practices will be based on a market transaction between Growers and those vendors or individuals providing services or equipment and not based on an estimate of those costs provided by the board. The cost estimates include estimated fees the CRC may charge to prepare the required reports and conduct the required monitoring, as well as annual permit fees that are charged to permitted dischargers for permit coverage. In accordance with the State Water Board's Fee Regulations, the current annual permit fee charged to Growers covered by this Order is $0.75/acre. The combined total estimated average costs that include CRC and state fees are estimated to be $2.80/acre annually. These costs have been estimated using the

[13] When compared on a per irrigated acre basis; as the Basin Plan cost range is an estimate for all irrigated lands in the Central Valley versus this Order's applicability to a portion thereof (rice lands in Sacramento Valley).

[14] Per California Water Code section 13360, the Central Valley Water Board may not specify the manner in which a Grower complies with water quality requirements.

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same study used to develop the Basin Plan cost estimate, which applies to the whole ILRP. The basis for these estimates is provided in the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program.*[15] Attachment A includes further discussion regarding the cost estimate for this Order.

37. California Water Code section 13263 requires that the Central Valley Water Board consider the following factors, found in section 13241, when considering adoption of waste discharge requirements.

    (a) Past, present, and probable future beneficial uses of water.
    (b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
    (c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
    (d) Economic considerations.
    (e)The need for developing housing within the region.
    (f) The need to develop and use recycled water.

    These factors have been considered in the development of this Order. Attachment A, Information Sheet, provides further discussion on the consideration of section 13241 factors.

RELATIONSHIP TO OTHER ONGOING WATER QUALITY EFFORTS

38. Other water quality efforts conducted pursuant to state and federal law directly or indirectly serve to reduce waste discharges from irrigated lands to waters of the state. Those efforts will continue, and will be supported by implementation of this Order.

39. The Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative has the goal of developing sustainable solutions to the increasing salt and nitrate concentrations that threaten the achievement of water quality objectives in Central Valley surface water and groundwater. This Order requires actions that will reduce nitrate discharges and should result in practices that reduce salt loading. The board intends to coordinate all such actions with the CV-SALTS initiative. CV-SALTS may identify additional actions that need to be taken by irrigated agriculture and others to address these constituents. This Order can be amended in the future to implement any policies or requirements established by the Central Valley Water Board resulting from the CV-SALTS process. This Order includes provisions to promote coordination with CV-SALTS and to support the development of information needed for the CV-SALTS process.

40. Total Maximum Daily Loads (TMDLs) are established for surface waters that have been placed on the State Water Board's 303(d) list of Water Quality Limited Segments for failure to meet applicable water quality standards. A TMDL, which may be adopted by the Central Valley Water Board as a Basin Plan amendment, is the sum of allowable loads of a single pollutant from all contributing point sources and nonpoint sources. The Central Valley Water Board is currently developing a pesticide TMDL and organochlorine pesticide TMDL, among other TMDLs in

[15] ICF International. 2010. *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program.* Draft. July. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

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development. This Order will implement these and other future applicable TMDLs to the extent there are established requirements that pertain to rice lands.

COORDINATION AND COOPERATION WITH OTHER AGENCIES

41. *Integrated Regional Water Management Plans*: Pursuant to part 2.75 of Division 6 of the California Water Code (commencing with section 10750), local agencies are authorized to adopt and implement groundwater management plans (hereinafter "local groundwater management plans"), including integrated regional water management plans. The legislation provides recommended components to the plans such as control of saline water intrusion, regulation of the migration of contaminated water, monitoring of groundwater levels and storage, and the development of relationships with regulatory agencies. The information collected through implementation of groundwater management plans can support or supplement efforts to evaluate potential impacts of rice discharges on groundwater. This Order requires the California Rice Commission to develop regional groundwater monitoring workplans and, where necessary, groundwater quality management plans (GQMPs). The California Rice Commission is encouraged to coordinate with local groundwater management plans and integrated regional water management plans, where applicable, when developing regional groundwater monitoring workplans and GQMPs.

42. *California Department of Pesticide Regulation (DPR)*: DPR has developed a Groundwater Protection Program under the authority of the Pesticide Contamination Prevention Act (PCPA) (commencing with Food and Agriculture Code section 13142). The program is intended to prevent contamination of groundwater from the legal application of pesticides. In addition to activities mandated by the PCPA, DPR's program has incorporated approaches to identify areas vulnerable to pesticide movement, develop mitigation measures to prevent pesticide contamination, and monitor domestic drinking water wells located in groundwater protection areas. The Groundwater Protection Program can provide valuable information on potential impacts to groundwater from pesticides used on rice fields. If necessary, DPR and the county agricultural commissioners can use their regulatory authorities to address any identified impacts to groundwater or surface water attributable to pesticide discharges from agricultural fields.

43. *California Department of Food and Agriculture (CDFA)*: The CDFA Fertilizer Research and Education Program (FREP) coordinates research to advance the environmentally safe and agronomically sound use and handling of fertilizer materials. Currently, CDFA is developing nitrogen management training programs for farmers and Certified Crop Advisors (CCAs). Among other certification options available for nitrogen management plans, the CDFA training programs will be recognized as providing the training necessary for a farmer or CCA to certify nitrogen management plans. In addition, this Order requires the development of a template for a rice-specific nitrogen management plan. This Order leverages CDFA's work and expertise with respect to nitrogen management training and technical support to the professionals and third-parties that may be developing nitrogen management plans for individual rice Growers.

44. *The United States Department of Agriculture Natural Resources Conservation Service (NRCS)* administers a number of programs related to water quality. NRCS can provide technical assistance to growers and has identified practices that are protective of the environment and are feasible in an agricultural setting. The NRCS Environmental Quality Incentives Program (EQIP) provides cost share assistance for management practice installation. The NRCS has also provided assistance with research of management practice effectiveness. The ~~third-party~~California Rice Commission and its ~~Members~~Growers are encouraged to utilize the information and resources available through the NRCS to meet the requirements of this Order.

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45. The Central Valley Water Board will continue to work cooperatively with the other local, State and federal agencies to identify and leverage their efforts.

ENFORCEMENT FOR NONCOMPLIANCE WITH THIS ORDER

46. California Water Code section 13350 provides that any person who violates Waste Discharge Requirements may be: 1) subject to administrative civil liability imposed by the Central Valley Water Board or State Water Board in an amount of up to $5,000 per day of violation, or $10 per gallon of waste discharged; or 2) be subject to civil liability imposed by a court in an amount of up to $15,000 per day of violation, or $20 per gallon of waste discharged. The actual calculation and determination of administrative civil penalties must be set forth in a manner that is consistent with the State Water Board's Water Quality Enforcement Policy.

47. The State Water Board's Water Quality Enforcement Policy (Enforcement Policy) endorses progressive enforcement action for violations of waste discharge requirements when appropriate, but recommends formal enforcement as a first response to more significant violations. Progressive enforcement is an escalating series of actions that allows for the efficient and effective use of enforcement resources to: 1) assist cooperative growers in achieving compliance; 2) compel compliance for repeat violations and recalcitrant violators; and 3) provide a disincentive for noncompliance. Progressive enforcement actions may begin with informal enforcement actions such as a verbal, written, or electronic communication between the Central Valley Water Board and a grower. The purpose of an informal enforcement action is to quickly bring the violation to the grower's attention and to give the grower an opportunity to return to compliance as soon as possible. The highest level of informal enforcement is a Notice of Violation.

    The Enforcement Policy recommends formal enforcement actions for the highest priority violations, chronic violations, and/or threatened violations. Violations of this Order that will be considered high priority include, but are not limited to:

    (a) Failure to meet receiving water limitations, unless the Grower is implementing or has a documented plan to implement~~-~~ management practices in accordance with a Central Valley Water Board approved SQMP or GQMP and the time schedule provisions of this Order (Section XII).
    (b) The discharge of waste to lands not owned, leased, or controlled by the Grower without written permission from the landowner.
    (c) Failure to implement practices to prevent future exceedances of water quality objectives once made aware of an exceedance.
    (d) Falsifying information or intentionally withholding information required by applicable laws, regulations or an enforcement order.
    (e) Failure to implement a SQMP/GQMP.
    (f) Failure to pay annual fee, penalties, or liabilities.
    (g) Failure to monitor or provide information to the California Rice Commission as required.
    (h) Failure to submit required reports on time.
    (i) Failure to implement the applicable management practices, or equivalent practices, identified as protective of groundwater in the Management Practices Evaluation Report.

48. Under this Order, the California Rice Commission is tasked with developing monitoring plans, conducting monitoring, developing water quality management plans, and informing Growers of

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requirements. It is intended that the following progressive enforcement steps will generally be taken in the event that the California Rice Commission fails to comply with the terms and conditions of this Order or attached MRP:

(a) *First notification of noncompliance*. The Central Valley Water Board will notify the California Rice Commission of the non-compliance and allow a period of time for the California Rice Commission to come back into compliance. This notification may be in the form of a verbal notice, letter, or written notice of violation, depending on the severity of the noncompliance.

(b) *Second notification of noncompliance*. If the California Rice Commission fails to adequately respond to the first notification, the board intends to provide written notice to the California Rice Commission and potentially affected Growers of the failure to address the first notice.

(c) *Failure of the California Rice Commission to adequately respond to the second notification*. Failure to adequately respond to the second notification may result in partial (e.g., affected areas or Growers) or full disapproval of the California Rice Commission to act as a lead entity, depending on the severity of noncompliance. Affected Growers would be required to obtain coverage for their waste discharge under other applicable general waste discharge requirements or submit a Report of Waste Discharge to the Central Valley Water Board.

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GENERAL FINDINGS

49. This Order does not authorize violation of any federal, state, or local law or regulation.

50. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any action authorized under this Order, the Grower shall obtain authorization for an incidental take prior to construction or operation of the project. The Grower shall be responsible for meeting all requirements of the applicable Endangered Species Act.

51. This Order does not supersede the Central Valley Water Board's Basin plans and policies, including prohibitions (e.g., pesticides) and implementation plans (e.g., Total Maximum Daily Loads), or the State Water Board's plans and policies.

52. The Central Valley Water Board's Basin Plan prohibits the discharge of the pesticides carbofuran, malathion, molinate, methyl parathion and thiobencarb in irrigation return flows unless the discharger is following a Board-approved management practice. Because rice operations follow Board-approved management practices for thiobencarb, the Basin Plan Performance Goals apply and are regulated under a separate resolution for the rice pesticide program.[16] Therefore, discharges of these pesticides from rice operations are not subject to the terms and provisions of this Order.

53. As stated in California Water Code section 13263(g), the discharge of waste into waters of the State is a privilege, not a right, and regulatory coverage under this Order does not create a

[16] The Rice Pesticides Program for control of the five pesticides is currently covered by Resolution No. R5-2010-9001. Of the five pesticides, only thiobencarb is still used in large quantities and under approved management practices. Carbofuran and molinate are no longer registered for use on rice.

vested right to continue the discharge of waste. Failure to prevent conditions that create or threaten to create pollution or nuisance will be sufficient reason to modify, revoke, or enforce this Order, as well as prohibit further discharge.

54. This Order provides a procedure to enable board staff to contact Grower representatives and obtain access to the Grower's property so that the board may more efficiently monitor compliance with the provisions of this Order. Upon contact from the Central Valley Water Board during normal business hours, the California Rice Commission will review its grower list and contact the appropriate county agricultural commissioner's office to identify the appropriate contact person for the property in question. The California Rice Commission will then provide the Central Valley Water Board with the appropriate contact person and information needed for the board to contact operators of the property for inspection.

55. Any instance of noncompliance with this Order constitutes a violation of the California Water Code and its regulations. Such noncompliance is grounds for enforcement action, and/or termination of coverage for waste discharges under this Order, subjecting the discharger to enforcement under the California Water Code for further discharges of waste to surface water or groundwater.

56. All discharges from rice land operation are expected to comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges to storm drain systems or to other courses under their jurisdiction.

57. The fact that it would have been necessary to halt or reduce the discharge in order to maintain compliance with this Order shall not be a defense for violations of the Order by the Grower.

58. This Order is not a National Pollutant Discharge Elimination System Permit issued pursuant to the Federal Clean Water Act. Coverage under this Order does not exempt a facility from the Clean Water Act. Any facility required to obtain such a permit must notify the Central Valley Water Board.

59. California Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Board.

60. The Findings of this Order, supplemental information and details in the attached Information Sheet (Attachment A), and the administrative record of the Central Valley Water Board relevant to the Irrigated Lands Regulatory Program, were considered in establishing these waste discharge requirements.

61. The Central Valley Water Board has notified interested agencies and persons of its intent to adopt this Order for discharges of waste from rice lands within the Sacramento Valley, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.

62. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

63. Any person affected by this action of the Central Valley Water Board may petition the State Water Board to review this action. The State Water Board must receive the petition within 30 days of the date on which the Central Valley Water Board adopted this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

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IT IS HEREBY ORDERED that, pursuant to California Water Code sections 13260, 13263, and 13267 and in order to meet the provisions contained in Division 7 of the California Water Code and regulations and policies adopted there under, all Growers in the Sacramento Valley represented by the California Rice Commission, their agents, successors, and assigns shall comply with the following:

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I. Coverage

1. Order No. 2006-0053, Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Coalition Group Conditional Waiver), is hereby rescinded as it applied to Sacramento Valley rice growers in the California Rice Commission.
2. This Order applies to rice growers in the Sacramento Valley who are producers as defined by Food & Ag Code section 71032. By extension, this Order also applies to landowners that lease, rent or otherwise own land that is used by a producer of rice, and that discharge waste from rice fields to waters of the State.

II. Prohibitions

1. The discharge of waste to waters of the state from rice operations other than those described in the Findings of this Order is prohibited, unless such operations are subject to and/or covered by other waivers of WDRS or WDRs as issued by the Central Valley Water Board.
2. The discharge of hazardous waste, as defined in California Water Code section 13173 and Title 23 CCR section 2521(a), respectively, is prohibited.
3. The discharge of wastes (e.g., fertilizers, fumigants, pesticides) into groundwater via backflow through a water supply well is prohibited.
4. The discharge of any wastes (e.g., fertilizers, fumigants, pesticides) down a groundwater well casing is prohibited.

III. Receiving Water Limitations

A. Surface Water Limitations

1. Wastes discharged from Grower operations shall not cause or contribute to an exceedance of applicable water quality objectives in surface water or a trend of degradation that may threaten applicable Basin Plan beneficial uses, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.

B. Groundwater Limitations

1. Wastes discharged from Grower operations shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying groundwater or a trend of degradation that may threaten applicable Basin Plan beneficial uses, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.

C. Compliance with Receiving Water Limitations

1. If the discharge of wastes from a Grower's operations does not meet the limitations in **III.A Surface Water Limitations** or **III.B**. **Groundwater Limitations,** the Grower is in compliance with this Order relative to sections III.A or III.B for a specific waste parameter provided:
   a. The California Rice Commission has submitted a Surface Water Quality Management Plan or Groundwater Quality Management Plan for that waste parameter in accordance with Section VIII.F of this Order, and such plan is pending action by the Executive Officer or board; or

b. The Executive Officer or board has approved the applicable Surface Water Quality Management Plan or Groundwater Quality Management Plan for that waste parameter, and
   i. The Grower is implementing or has a documented schedule to implement improved management practices consistent with the approved plan to achieve compliance with **III.A or III.B,** as applicable, and

   ii. The Grower is in compliance with **Section XII. Time Schedule for Compliance** of this Order.

IV. Provisions

A. General Specifications

1. The California Rice Commission will represent Growers in the Sacramento Valley by assisting Growers in complying with the relevant terms and provisions of this Order, including required monitoring and reporting as described in the Monitoring and Reporting Program (MRP) Order R5-2014-XXXX. However, individual Growers continue to bear ultimate responsibility for complying with this Order.

2. Growers who are subject to this Order shall implement water quality management practices, as necessary, to protect water quality. Water quality management practices can be instituted on an individual basis, or implemented to serve multiple Growers discharging to a single location.

3. Installation of groundwater monitoring wells or implementation of management practices to meet the conditions of this Order at a location or in a manner that could cause an adverse environmental impact as identified in the *Irrigated Lands Regulatory Program, Final Program Environmental Impact Report* (PEIR)[17] shall be mitigated in accordance with the mitigation measures provided in Attachment C of this Order.

4. The provisions of this Order are severable. If any provision of the Order is held invalid, the remainder of the Order shall not be affected.

B. Requirements for Growers

1. Growers shall comply with all applicable provisions of the California Water Code, the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins,* and State Water Board plans and policies.

2. Growers shall comply with the attached Monitoring and Reporting Program (MRP) No. R5-2014-XXXX, and future revisions thereto.

3. Growers who are covered under this Order shall comply with the terms and conditions contained in this Order. For fields normally planted in rice, but which are rotated to crops other than rice, the grower must obtain coverage for their waste discharge for the period of time in which the field(s) is not planted in rice. Coverage can be provided by another applicable ILRP general order or individual WDRs.

[17] On 7 April 2011, the Central Valley Water Board adopted Resolution R5-2011-0017, certifying the PEIR for the long-term irrigated lands regulatory program.

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4. Growers shall participate in California Rice Commission outreach events, at least annually, if any of the Grower's parcels are in an area governed by a SQMP/GQMP. The Grower shall review outreach materials to become informed of any water quality problems to address and the management practices that are available to address those issues. The Grower shall provide annual confirmation to the California Rice Commission that the Grower has attended an outreach event during the previous year and reviewed the applicable outreach materials.

5. The Grower shall provide the California Rice Commission with information requested for compliance with this Order.

6. Growers shall implement water quality management practices as necessary to protect water quality and to achieve compliance with surface water and groundwater receiving water limitations of this Order (sections III.A and B).

7. Growers must prepare and submit a Farm Evaluation as required by Section VII.B of this Order.

8. All Growers shall implement practices that minimize excess nutrient application relative to crop consumption. Growers must prepare and implement a rice-specific nitrogen management plan as required by Section VII.C of this Order.

9. In addition to the reports identified in Sections VII and VIII of this Order, the Executive Officer may require Growers to submit additional technical reports pursuant to California Water Code section 13267.

10. The requirements prescribed in this Order do not authorize the commission of any act causing injury to the property of another, or protect the Grower from liabilities under other federal, state, county, or local laws. However, this Order does protect the Grower from liability alleged for failing to comply with California Water Code section 13260.

11. This Order does not convey any property rights or exclusive privileges.

12. This Order shall not create a vested right, and all such discharges of waste shall be considered a privilege, as provided for in California Water Code section 13263.

13. The Grower understands that the Central Valley Water Board or its authorized representatives, may, at reasonable hours, inspect the facilities[18] and rice lands of persons subject to this Order to ascertain whether the purposes of the Porter-Cologne Act are being met and whether the Grower is complying with the conditions of this Order. To the extent required by California Water Code section 13267(c) or another applicable law, the inspection shall be made with the consent of the Grower, owner or authorized representative, or if consent is withheld, with a duly issued warrant pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with section 1822.50). In the event of an emergency affecting the public health and safety, an inspection may be performed without the consent or the issuance of a warrant.

14. The Grower shall properly operate and maintain in good working order any facility, unit, system, or monitoring device installed to achieve compliance with the Order.

[18] The inspection of Grower's facilities and rice lands does not include the Grower's private residence.

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15. Where applicable, the Grower shall follow state, county or local agency standards with respect to water wells and groundwater quality when constructing new wells, modifying existing wells, or destroying wells. Absent such standards, at a minimum, the Grower shall follow the standards and guidelines described in the California Department of Water Resources' *Water Well Standards (Bulletins 74-81 & 74-90 combined)*.

16. The Grower shall maintain a copy of this Order, either in hard copy or electronic format, at the primary place of business, or the Grower's farming operations headquarters. The Grower shall also maintain excerpts of the Order's Grower requirements that have been provided by the Executive Officer so as to be available at all times to operations personnel. The Grower and his/her designee shall be familiar with the content of this Order.

17. The Grower, or the California Rice Commission on its behalf as applicable, shall submit all required documents in accordance with section IX of this Order.

18. Growers shall, at a minimum, implement water quality management practices that meet the following farm management performance standards:
    a. Minimize waste discharge offsite in surface water,
    b. Minimize percolation of waste to groundwater,
    c. Protect wellheads from surface water intrusion.

19. All Growers shall implement the applicable management practices, or equivalent practices, identified as protective of groundwater in the Management Practices Evaluation Report, if triggered.

C. Requirements for California Rice Commission

The California Rice Commission, as the third-party entity assisting Growers in complying with the relevant terms and provisions of this Order, shall perform the following:

1. Provide the Central Valley Water Board and make available for Growers an organizational or management structure identifying persons responsible for ensuring that program requirements are fulfilled.

2. Provide or make readily available to Growers the annual summaries of expenditures of fees and revenue used to comply with this Order.

3. Notify potentially affected Growers if the California Rice Commission has received a notice of violation (NOV) from the Central Valley Water Board and provide appropriate information regarding the reason(s) for the violation. The notification must be provided to those Growers within the area affected by the NOV within thirty (30) days of receiving the NOV from the board. ~~The~~For each NOV, the California Rice Commission must provide confirmation to the board ~~of each notification.~~ when the notifications are completed. A summary of all notices of violation received by the California Rice Commission must be provided to or made available to all growers annually. The annual NOV summary may be part of a written or electronic communication to Growers.

4. Develop and implement plans to track and evaluate the effectiveness of water quality management practices pursuant to approved Surface Water Quality Management Plans (SQMPs) and/or Groundwater Quality Management Plans (GQMPs).

5. Provide timely and complete submittal of any plans or reports required by this Order.

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6. Conduct required water quality monitoring and assessments in conformance with quality assurance/quality control requirements.

7. Within 3 months of adoption of this Order, inform Growers of program requirements.

8. Conduct education and outreach activities to inform Growers of program requirements and water quality problems, including exceedances of water quality objectives or trends in degradation of water quality, identified by the California Rice Commission or Central Valley Water Board. The California Rice Commission shall:

    a. Maintain attendance lists for outreach events specifically sponsored by the California Rice Commission for the purposes of this Order, provide Growers with information on water quality management practices that will address water quality problems and minimize the discharge of wastes from rice lands, and provide informational materials on potential environmental impacts of water quality management practices to the extent known by the California Rice Commission.

    b. Provide an annual summary of education and outreach activities to the Central Valley Water Board. The annual summary shall include copies of the educational and management practice information provided to the Growers. The annual summary must report the total number of Growers who attended the outreach events and describe how Growers could obtain copies of the materials presented at these events

9. Work cooperatively with the Central Valley Water Board to ensure Growers are providing required information and taking necessary steps to address excedances or degradation identified by the California Rice Commission or board that are associated with the production of rice. Provide an annual summary to the Central Valley Water Board of Growers whose membership has been revoked or is pending revocation due to: (1) failure to implement improved management practices within the timeframe specified by any applicable management plan; (2) failure to respond to an information request associated with an applicable management plan or other provisions of this Order; (3) failure to participate in applicable site-specific or representative monitoring studies for which the California Rice Commission proposes in order to comply with the provisions of this Order; or (4) otherwise failed to maintain good standing of their membership in the California Rice Commission.

10. Provide the Central Valley Water Board with the contact information for a Grower when the board is seeking consent to access the Grower's rice operation through the following procedure: When requested by the Central Valley Water Board during normal business hours, the California Rice Commission will review its grower list and contact the appropriate county agricultural commissioner's office to identify the appropriate contact person for the property in question. The California Rice Commission will then provide the Central Valley Water Board with the appropriate contact person and information needed for the board to contact the person(s) with authority to provide consent for access to the property.

11. Collect any fees from Growers required by the State Water Board pursuant to the fee schedule contained in Title 23 CCR. Such fees shall then be submitted to the State Water Board. The California Rice Commission is responsible for management of fee collection and payment of the State Water Board fees.

V. Effective Dates

1. This Order is effective upon adoption by the Central Valley Water Board on XX March 2014 and remains in effect unless rescinded or revised by the Central Valley Water Board.

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2. Coverage of waste discharges from individual rice fields in the Sacramento Valley under this Order is effective upon adoption by the Central Valley Water Board.

VI. Permit Reopening, Revision, Transfer, Revocation, Termination, and Reissuance

1. This Order may be reopened to address any changes in state statutes, regulations, plans, or policies that would affect the water quality requirements for the discharges, including, but not limited to, the Central Valley Water Board *Water Quality Control Plan* (Basin Plan) *for the Sacramento River and San Joaquin River Basins*.

2. The filing of a request by the California Rice Commission on behalf of its Growers for modification, revocation and re-issuance, or termination of the Order, or notification of planned changes or anticipated noncompliance, does not stay any condition of the Order.

3. The California Rice Commission, on behalf of its Growers, shall provide to the Executive Officer, consistent with the commission's governing statutes contained in the California Food and Agriculture Code and other applicable state statutory requirements, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating the Order, or to determine compliance with the provisions of this Order that apply directly to the Grower.

4. After notice and opportunity for a hearing, the Order may be terminated or modified for cause as applied to individual growers identified by the Central Valley Water Board. Cause for such termination or modification, includes, but is not limited to:
   a. Violation of any term or condition contained in the Order;
   b. Obtaining the Order by misrepresentation; or
   c. Failure to fully disclose all relevant facts.

5. After notice and opportunity for a hearing, the approval of the California Rice Commission to act as a third-party entity representing Growers may be partially (e.g., affected areas or Growers) or fully revoked. Cause for such termination includes, but is not limited to consideration of the factors in Finding 48 of this Order, and/or:
   a. Violation of any term or condition contained in the Order that applies directly to the California Rice Commission;
   b. If the California Rice Commission misrepresented itself, or failed to disclose fully all relevant facts known to the California Rice Commission, subject to the California Rice Commission's statutory limitations for disclosing information under the California Food and Agriculture Code; or
   c. A change in any condition that results in California Rice Commission's inability to properly function as the third-party entity representing Growers in the Sacramento Valley or in facilitating Grower compliance with the terms and conditions of this Order.

6. The Central Valley Water Board will review this Order periodically and will revise the Order when necessary.

VII. Required Reports and Notices – Grower

The Central Valley Water Board or the Executive Officer may require any of the following reports and notices to be submitted electronically as long as the electronic format is reasonably available to the

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Grower, and only to the extent that the Grower has access to equipment that allows for them to submit the information electronically. If the Grower does not have such access, reports and notices must be submitted by mail, or delivered by hand. Reports and notices shall be submitted in accordance with section IX, Reporting Provisions, as well as MRP Order R5-2014-XXXX. Due dates for Grower required reports are summarized in Table 1 at the end of this Order. Growers must prepare and maintain the following reports as instructed below, and shall submit or make available such reports to the California Rice Commission or the Central Valley Water Board as identified below.

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A. Coverage Under the Order

Producers, and by extension landowners that lease, rent or otherwise own land that is used by a producer of rice that, as of the effective date of this Order, are enrolled under Order R5-2006-0053 as members of the California Rice Commission Coalition will be considered to be covered under this Order. Producers that are not also landowners must provide written notice of the requirements of this Order to any responsible landowner who is not also a producer. Producers must also provide notice to the California Rice Commission that notification to non-producer landowners has occurred. Notice to the California Rice Commission may be accomplished via the rice-specific Farm Evaluation template requirement discussed below.

B. Farm Evaluation

By 1 March 2015, Growers must submit a completed Farm Evaluation to the California Rice Commission using a rice-specific form or web-based information system provided by the California Rice Commission. A copy of the rice-specific farm evaluation shall be maintained on site or be available electronically at the Grower's farming headquarters or primary place of business. A hard copy of the Farm Evaluation must be produced, if requested, should Central Valley Water Board staff conduct an inspection of the rice operation.

By 1 March 2016, and annually thereafter, the Grower must update their Farm Evaluation and submit it to the California Rice Commission.

After 1 March 2017, the Executive Officer may approve reduction in the frequency of updates and submission of Farm Evaluations, if the California Rice Commission demonstrates that year to year changes in Farm Evaluation updates are minimal and the Executive Officer concurs that the practices identified in the Farm Evaluations are consistent with practices that, when properly implemented, will achieve receiving water limitations and, where applicable achieve best practicable treatment or control.

C. Nitrogen Management Plan

By 1 March 2016, all Growers shall prepare, and update by 1 March annually thereafter, a rice-specific Nitrogen Management Plan. The Grower must use the rice-specific Nitrogen Management Plan Template approved by the Executive Officer (see Section VIII.B below). The Nitrogen Management Plan shall be maintained or be available electronically at the Grower's farming operations headquarters or primary place of business. The Grower must provide, if requested, a hard copy of the Nitrogen Management Plan should board staff or an authorized board representative conduct an inspection of the Grower's rice operation.

Should a Groundwater Quality Management Plan requirement be triggered due to nitrates, Growers within the designated high vulnerability area must prepare and implement a certified Nitrogen Management Plan and submit a Nitrogen Management Plan Summary Report to the California Rice Commission for the previous crop year as described in Section VIII.F.

D. Mitigation Monitoring Report

Growers that implement mitigation measures specified in Attachment C of this Order shall submit the Mitigation Monitoring Report as specified in the MRP Section V.A annually, by 1 October, to the California Rice Commission. Mitigation monitoring shall include information on the implementation of CEQA mitigation measures, including the mitigation measure implemented, potential environmental impact the mitigation measure addressed, location of the mitigation measure (parcel number, county), and any steps taken to monitor the ongoing success of the measure.

E. Notice of Termination

If the Grower wishes to terminate coverage under this Order and withdraw its membership from the California Rice Commission, the Grower shall submit a complete notice of termination (NOT) to the Central Valley Water Board and the California Rice Commission.[19] Termination of regulatory coverage will occur on the date specified in the NOT, unless the Central Valley Water Board specifies otherwise. All discharges of waste to surface water and groundwater shall cease before the date of termination, and any discharges on or after this date shall be considered in violation of the California Water Code, unless other WDRs or waivers of WDRs regulate the discharge.

VIII. Required Reports and Notices - California Rice Commission

The Central Valley Water Board or the Executive Officer may require any of the reports and notices to be submitted electronically, as long as the electronic format is reasonably available to the California Rice Commission. Reports and notices shall be submitted in accordance with Section IX, Reporting Provisions. Due dates for required reports are summarized in Table 2 at the end of this Order. The California Rice Commission must prepare the following reports:

A. Enrolled Growers GIS Map

The California Rice Commission shall provide to the Central Valley Water Board a Geographical Information System (GIS) map, updated annually, that delineates all parcels enrolled under this Order. The GIS map shall be submitted with the Annual Monitoring Report.

B. Templates

The California Rice Commission shall develop templates that will assist their Growers in submitting the information required by this Order.

1. Farm Evaluation Template

The California Rice Commission shall develop and submit a rice-specific Farm Evaluation Template to the Central Valley Water Board's Executive Officer by 30 November 2014.

The Farm Evaluation template must include confirmation by the Grower that the landowner has received notice of the Order and its provisions, if the producer is not also the landowner. Upon receiving approval of the template by the Central Valley Water Board's Executive Officer, the California Rice Commission shall then make the Farm Evaluation Template available to Growers

[19] A Grower's rotation to another crop will not be considered a qualifying event, or create the need for termination of coverage from this Order if the Grower intends to rotate the operation in question back to rice. However, in the event that a Grower intends to rotate to another crop besides rice, then the Grower will need to obtain additional coverage for the non-rice crop for those years in question. A Grower would terminate regulatory coverage under this Order, if the Grower intended to obtain regulatory coverage under the general WDRs for Individual Growers (Waste Discharge Requirements General Order for Discharges from Irrigated Lands within the Central Valley Region for Dischargers not Participating in a Third-party Group: R5-2013-0100).

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within 30 days. The requirements for reporting of the Farm Evaluation data are specified in MRP Section V.D.

2. Nitrogen Management Plan Template

The California Rice Commission shall submit a rice-specific Nitrogen Management Plan Template to the Central Valley Water Board's Executive Officer by 30 November 2014.

Upon receiving approval of the template by the Central Valley Water Board's Executive Officer, the California Rice Commission shall then make the Nitrogen Management Plan template available to Growers within 30 days. Requirements for the Nitrogen Management Plan Template are described in MRP Section VI.B.

C. Groundwater Quality Assessment Report and Evaluation/Monitoring Workplans

This Order's strategy for evaluating groundwater quality and protection consists of 1) a Management Practices Evaluation Program, and 2) a Groundwater Quality Trend Monitoring Program, both of which are to be based on information developed in the Rice GAR. Each of these elements has its own specific objectives briefly described below, with more detail provided in the attached MRP.

1. Groundwater Quality Assessment Report

The Groundwater Quality Assessment Report (GAR) provides the foundational information necessary for design of the Management Practices Evaluation Program, the Groundwater Quality Trend Monitoring Program, and the Groundwater Quality Management Plan. Prior to the adoption of this Order, the California Rice Commission submitted a Rice GAR, which included the following:

- Assessment of all available, applicable and relevant data and information to determine the high and low vulnerability areas where discharges from irrigated lands may result in groundwater quality degradation;
- Priorities for implementation of monitoring and studies;
- A basis for establishing workplans to assess groundwater quality trends;
- A basis for establishing workplans and priorities to evaluate the effectiveness of agricultural management practices to protect groundwater quality; and
-

Updates to the Rice GAR shall be submitted to the Central Valley Water Board and Central Valley Salinity Coalition within five (5) years of this Order's approval and shall be updated every 5 years thereafter. Any updates to the Rice GAR shall include the elements described in MRP Section IV.A.

2. Management Practice Evaluation Program Workplan

Should a Groundwater Quality Management Plan be required (as described in Section VIII.F), the California Rice Commission shall develop a Management Practice Evaluation Program (MPEP) Workplan as described in Section IV.E of the attached MRP, or identify an equivalent program in the applicable Groundwater Quality Management Plan. The overall goal of a MPEP is to determine the effects, if any, rice farming practices have on groundwater under different conditions that could affect the discharge of waste from rice lands to groundwater (e.g., soil type, depth to groundwater, irrigation practice, and nutrient management practice). The MPEP Workplan shall be submitted to the Central Valley Water Board within six (6) months from when the management plan requirement is triggered.

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3. Groundwater Quality Trend Monitoring Workplan

A Groundwater Quality Trend Monitoring Workplan must be submitted for Executive Officer approval by 1 October 2014. The Workplan must meet the goals, objectives, and other requirements described in Section IV.C of the attached MRP. The initial monitoring sites and parameters for the trend monitoring network are identified in the MRP. The initial sites and parameters may be modified by the Executive Officer, if necessary, to meet the goals, objectives, and requirements described in the MRP. The overall objectives of groundwater trend monitoring are to determine current water quality conditions of groundwater relevant to rice operations and develop long-term groundwater quality information that can be used to evaluate the regional effects of rice practices.

D. Surface Water Exceedance Reports

The California Rice Commission shall provide exceedance reports if surface water monitoring results show exceedances of adopted numeric water quality objectives or trigger limits, which are based on interpretations of narrative water quality objectives. Surface water exceedance reports shall be submitted in accordance with the requirements described in Section V.B of the MRP.

E. Annual Monitoring Report (AMR)

The California Rice Commission must submit the AMR to the Central Valley Water Board by 31 December of each year for the period covering 1 November (of the previous year) to 31 October. The AMR shall include the elements described in Section V.A of the MRP.

F. Surface Water/Groundwater Quality Management Plan (SQMP/GQMP)

1. SQMP/GQMP General Requirements

SQMP/GQMPs submitted by the California Rice Commission shall conform to the requirements provided in the MRP, Appendix MRP-1. Existing SQMPs that were developed and approved under the Coalition Group Conditional Waiver (Conditional Waiver Order R5-2006-0053) continue to apply under this Order and shall be implemented as previously approved. Changes to any management plan may be implemented by the California Rice Commission only after approval by the Executive Officer. The Executive Officer may require changes to a management plan if the current management plan approach is not making adequate progress towards addressing the water quality problem or if the information reported by California Rice Commission does not allow the Central Valley Water Board to determine the effectiveness of the management plan. Growers shall comply with the revised management plans once they are approved by the Executive Officer.

For newly triggered SQMP/GQMPs, the California Rice Commission shall submit a SQMP/GQMP to the Central Valley Water Board within sixty (60) days. For any SQMP or GQMP that addresses salt or nitrates, the SQMP or GQMP shall also be submitted to the Chair of the CV-SALTS Executive Committee. This 60-day period begins the first business day after the California Rice commission's receipt of the field or laboratory results that reported the triggering exceedance. The Central Valley Water Board will post the proposed SQMP/GQMP for a public review and comment period. Stakeholder comments will be considered by Central Valley Water Board staff to determine if additional revisions are appropriate. The California Rice Commission may, at its discretion, implement outreach or monitoring contained in the proposed management plan before approval. Growers shall comply with the management plans once they are approved by the Executive Officer.

The California Rice Commission shall ensure continued implementation of SQMP/GQMPs until approved as completed by the Executive Officer pursuant to the provisions contained in the

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attached MRP, Appendix MRP-1, section III. The California Rice Commission shall submit a progress report in compliance with the provisions contained in the attached MRP, Appendix MRP-1, section I.G.

2. Conditions Requiring Preparation of SQMP/GQMP

Surface Water Quality Management Plan (SQMP)

A SQMP shall be developed by the California Rice Commission where: (1) an applicable water quality objective or applicable water quality trigger limit is exceeded (considering applicable averaging periods[20]) twice in a three year period for the same constituent at a monitoring location (trigger limits are described in section VII of the MRP) and rice lands may cause or contribute to the exceedances; (2) the Basin Plan requires development of a surface water quality management plan for a constituent or constituents discharged by rice lands, or (3) the Executive Officer determines that rice lands may be causing or contributing to a trend of degradation of surface water that may threaten applicable Basin Plan beneficial uses.

Groundwater Quality Management Plan (GQMP)

A GQMP shall be developed by the California Rice Commission where: (1) there is a confirmed exceedance[21] (considering applicable averaging periods) of a water quality objective or applicable water quality trigger limit (trigger limits are described in section VII of the MRP) in a groundwater well and rice lands may cause or contribute to the exceedance; (2) the Basin Plan requires development of a groundwater quality management plan for a constituent or constituents discharged by rice lands; or (3) the Executive Officer determines that rice lands may be causing or contributing to a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses.

If a GQMP is required to be developed for nitrate, then the GQMP must include increased nitrogen management plan requirements for growers subject to the GQMP. Increased nitrogen management plan requirements for such growers must include the preparation and implementation of a certified Nitrogen Management Plan and submission of a Nitrogen Management Plan Summary Report (requirements specified in MRP, Section VI.B). A certified Nitrogen Management Plan is one that is certified in one of the following ways: 1) Self-certified by the Grower who attends a California Department of Food and Agriculture or other Executive Officer approved training program for nitrogen plan certification. The Grower must retain written documentation of their attendance in the training program; 2) Self-certified by the Grower that the plan adheres to a site-specific recommendation from the Natural Resources Conservation Service (NRCS) or the University of California Cooperative Extension. The Grower must retain written documentation of the recommendation provided; 3) Certified by a nitrogen management plan specialist as defined in Attachment E of this Order. Such specialists include Professional Soil Scientists, Professional Agronomists, Crop Advisors[22] certified by the American Society of

[20] Exceedances of water quality objectives or water quality triggers will be determined based on available data and application of the appropriate averaging period. The averaging period is typically defined in in the Basin Plan, as part of the water quality standard established by the USEPA, or as part of the criteria being used to interpret narrative objectives. If averaging periods are not defined in the Basin Plan, USEPA standard, or criteria, or approved water quality trigger, the Central Valley Water Board Executive Officer will use the best available information to determine an appropriate averaging period.

[21] A "confirmed exceedance of a water quality objective in a groundwater well" means that the monitoring data are determined to be of the appropriate quality and quantity necessary to verify that an exceedance has occurred.

[22] Should the California Department of Food and Agriculture and the California Certified Crop Adviser's establish a specific nitrogen management certification, any Certified Crop Adviser who certifies a nitrogen management plan must have a nitrogen management certification.

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Agronomy, or Technical Service Providers certified in nutrient management in California by the National Resource Conservation Service (NRCS); or 4) Certified in an alternative manner approved by the Executive Officer. Such approval will be provided based on the Executive Officer's determination that the alternative method for preparing the Nitrogen Management Plan meets the objectives and requirements of this Order.

If the extent of Grower contribution to a water quality exceedance(s) or degradation trend is unknown, the California Rice Commission may propose activities to be conducted to determine the cause, or eliminate rice lands as a potential source instead of initiating a management plan. Requirements for source identification studies are set forth in the MRP, Appendix MRP-1, Section I.D.

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3. SQMP/GQMP Not Required

At the request of the California Rice Commission or upon recommendation by Central Valley Water Board staff, the Executive Officer may determine the development of a SQMP/GQMP is not required. Such a determination may be issued if there is sufficient evidence indicating that the Growers discharging waste to the affected surface water or groundwater are meeting the receiving water limitations given in section III of this Order (e.g., evidence indicates that rice lands does not cause or contribute to the water quality problem.

4. Comprehensive Groundwater Quality Management Plan

Should the requirements to prepare a Groundwater Quality Management Plan be triggered for multiple constituents or aquifers (as described in Section VIII.F.2) the California Rice Commission may submit a Comprehensive Groundwater Quality Management Plan in the timeframe identified in Section VIII.F.1. All other provisions applicable to groundwater quality management plans in this Order and the associated MRP apply to the Comprehensive Groundwater Quality Management Plan. The Comprehensive Groundwater Quality Management Plan must be updated at the same time as the Management Plan Status Report (see attached MRP, Appendix MRP-1, section I.G) to address any constituents and areas that would have otherwise required submittal of a Groundwater Quality Management Plan.

5. Comprehensive Surface Water Quality Management Plan

Should the requirements to prepare a Surface Water Quality Management Plan be triggered for multiple constituents or surface waters (as described in Section VIII.F.2), the California Rice Commission may submit a Comprehensive Surface Water Quality Management Plan in the timeframe identified in Section VIII.F.1. All other provisions applicable to surface water quality management plans in this Order and the associated MRP apply to the Comprehensive Surface Water Quality Management Plan. The Comprehensive Surface Water Quality Management Plan must be updated at the same time as the Management Plan Status Report (see attached MRP, Appendix MRP-1, section I.F) to address any constituents and areas that would have otherwise required submittal of a Surface Water Quality Management Plan.

G. Technical Reports

Where monitoring required by this Order is not effective in allowing the board to determine the effects of rice waste discharge on state waters or the effectiveness of water quality management practices being implemented, the Executive Officer may require technical reports be provided to determine the effects of rice operations or implemented management practices on surface water or groundwater quality.

H. Notice of Termination

If the California Rice Commission wishes to terminate its role in carrying out the third-party responsibilities set forth in section VIII of this Order and other applicable provisions, the California Rice Commission shall submit a notice of termination letter to the Central Valley Water Board and all of its Growers. Termination is effective 30-days from submittal of the notice of termination letter, unless otherwise specified in the letter. With its notice of termination sent to its Growers, the California Rice Commission shall inform its Growers of their obligation to obtain coverage under other WDRs or a waiver of WDRs for their discharges, or inform such Growers that they shall cease all discharges of waste to surface water and groundwater.

I. Total Maximum Daily Load (TMDL) Requirements

Approved TMDLs in the Basin Plan that apply to water bodies within the California Rice Commission's geographic area and have allocations for irrigated agriculture shall be implemented in

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accordance with the applicable Basin Plan provisions. Where required, the California Rice Commission shall coordinate with Central Valley Water Board staff to develop a monitoring design and strategy for TMDL implementation. Where applicable, SQMPs shall address TMDL requirements.

IX. Reporting Provisions

1. Growers and the California Rice Commission must submit required reports and notices in accordance with the requirements in this Order and attached Monitoring and Reporting Program Order R5-2014-XXXX, unless otherwise requested by the Executive Officer.

2. All reports shall be accompanied by a cover letter containing the certification specified in section IX.3 below. The cover letter shall be signed by a person duly authorized under California law to bind the party submitting the report.

3. Each person signing a report required by this Order or other information requested by the Central Valley Water Board shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel or represented Growers properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment for violations."

4. All reports prepared and submitted to the Executive Officer in accordance with the terms of this Order will be made available for public inspection at the offices of the Central Valley Water Board, except for reports, or portions of such reports, subject to an exemption from public disclosure in accordance with California law and regulations, including the Public Records Act, California Water Code section 13267(b)(2), and the California Food and Agriculture Code. If the California Rice Commission/Grower asserts that all or a portion of a report is subject to an exemption from public disclosure, it must clearly indicate on the cover of the report that it asserts that all or a portion of the report is exempt from public disclosure. The complete report must be submitted with those portions that are asserted to be exempt in redacted form, along with separately-bound unredacted pages (to be maintained separately by staff). The California Rice Commission/Grower shall identify the basis for the exemption. If the Executive Officer cannot identify a reasonable basis for treating the information as exempt from disclosure, the Executive Officer will notify the California Rice Commission/Grower that the information will be placed in the public file unless the Central Valley Water Board receives, within 10 calendar days, a satisfactory explanation supporting the claimed exemption. Data on waste discharges, water quality, meteorology, geology, and hydrogeology shall not be considered confidential.

5. To the extent feasible, when the Executive Officer directs a Grower to submit a report directly to the board, the report shall be submitted electronically to irrlands@waterboards.ca.gov, unless the Grower is unable to submit the report electronically. If unable to submit the report electronically, the Grower shall mail or personally deliver the report to the Central Valley Water Board. All reports from the California Rice Commission shall be submitted electronically to its Central Valley Water Board-assigned staff liaison. Upon notification by the Central Valley Water Board, all reports shall be submitted directly into an online reporting system, to the extent feasible.

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X. Record-keeping Requirements

The Grower and California Rice Commission shall maintain any reports, or records required by this Order for five years. Records maintained by the California Rice Commission include reports and plans submitted by Growers to the California Rice Commission for purposes of complying with this Order[23]. Individual Grower information used by the California Rice Commission to prepare required reports must be maintained electronically and associated with the Grower submitting the information. The maintained reports or records, including electronic information, shall be made available to the Central Valley Water Board upon written request of the Executive Officer. This includes all monitoring information, calibration and maintenance records of sampling equipment, copies of reports required by this Order, and records of all data used to complete the reports. Records shall be maintained for a minimum of five years from the date of sample, measurement, report, or application. This five-year period shall be extended during the course of any unresolved litigation regarding the discharge or when requested in writing by the Executive Officer.

XI. Annual Fees

1. California Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Resources Control Board (State Water Board).

2. Growers shall pay an annual fee to the State Water Board in compliance with the Waste Discharge Requirement fee schedule set forth at 23 CCR section 2200. The California Rice Commission is responsible for collecting these fees from Growers and submitting them to the State Water Board on behalf of Growers.

XII. Time Schedule for Compliance

When a SQMP or a GQMP is required pursuant to the provisions in section VIII.F, the following time schedules shall apply as appropriate in order to allow Growers sufficient time to achieve compliance with the surface and groundwater receiving water limitations described in section II of this Order. The Central Valley Water Board may modify these schedules based on evidence that meeting the compliance date is technically or economically infeasible, or when evidence shows that compliance by an earlier date is feasible (modifications will be made per the requirements in section VI of this Order). Any applicable time schedules for compliance established in the Basin Plan supersedes the schedules given below (e.g., time schedules for compliance with salinity standards that may be established in future Basin Plan amendments through the CV-SALTS process, or time schedules for compliance with water quality objectives subject to an approved TMDL).

Surface water: The time schedule identified in a SQMP for addressing the water quality problem triggering its preparation must be as short as practicable, but may not exceed 10 years from the date the SQMP is submitted for approval by the Executive Officer. The proposed time schedule in the SQMP must be supported with appropriate technical or economic justification as to why the proposed schedule is as short as practicable.

Groundwater: The time schedule identified in a GQMP for addressing the water quality problem triggering its preparation must be as short as practicable, but may not exceed 10 years from the date the GQMP is submitted for approval by the Executive Officer. The proposed time schedules

[23] Information prohibited from disclosure under the California Food and Agriculture Code need not be provided to the Central Valley Water Board.

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in the GQMP must be supported with appropriate technical or economic justification as to why the proposed schedules are as short as practicable.

This Order becomes effective on XX March 2014 and remains in effect unless rescinded or revised by the Central Valley Water Board.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on XX March 2014.

PAMELA C. CREEDON, Executive Officer

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Table 1 – Grower due dates for reports

Report	Date	Update
Notification of landowner	As part of Farm Evaluation	Initial notification and when change in ownership for rice land
Farm Evaluation	1 March 2015	Annually
Nitrogen Management Plan	1 March 2016	Annually
Nitrogen Management Plan Summary Report	If identified within a high vulnerability area triggered by nitrates	Specified in GQMP
Mitigation Monitoring Report	By 1 October when mitigation measures are implemented	Annually

Table 2 – California Rice Commission due dates for reports

Report	Date	Updates
Submittal of templates for Farm Evaluation and Nitrogen Management Plan	30 November 2014	As needed
Groundwater Trend Monitoring Workplan	1 October 2014	As needed
Farm Evaluation Management Practice Summary	31 July 2015	Every three years
Annual Monitoring Report	31 December	Annually
Surface Water Trend Monitoring Evaluation	31 December 2017 (2017 AMR)	Every three years

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