

**California Regional Water Quality Control Board
Santa Ana Region**

ORDER NO. R8-2015-0019

**CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM AGRICULTURAL OPERATIONS
IN THE WATERSHEDS OF THE SAN JACINTO RIVER AND ITS TRIBUTARIES,
AND CANYON LAKE AND LAKE ELSINORE AND THEIR TRIBUTARIES, COLLECTIVELY,
“THE SAN JACINTO RIVER WATERSHED”
RIVERSIDE COUNTY**

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

WATERSHED CHARACTERISTICS

1. The San Jacinto River Watershed (see Exhibit 1, Watershed Map) covers approximately 780 square miles of the Santa Ana River Basin, and includes the San Jacinto River and its tributaries, and Canyon Lake and Lake Elsinore and their tributaries.
2. The San Jacinto River Watershed includes approximately 80,000 acres of land that are used for agricultural activities, including irrigated and dry-land farming and livestock operations. At this time, there are approximately 100 agricultural operations in this watershed that discharge waste, or that have the potential to discharge waste, to waters of the state.
3. Discharges of waste from irrigated lands, livestock operations, dry-land farming and fallow land, (collectively, “agricultural operations”; see **DEFINITIONS**) within the San Jacinto River Watershed enter or threaten to enter into surface and/or ground waters of the state, and may cause or contribute to conditions of pollution or nuisance and/or to violations of applicable water quality standards.
4. Discharges from agriculture operations result primarily from tail water (see **DEFINITIONS**, below) releases, irrigation water leakage, irrigation system malfunction, over- application of irrigation water, infiltration into underlying groundwater, and stormwater runoff. Discharges may contain waste substances such as earthen materials, including soil, silt, sand, clay, and rock; inorganic chemicals and compounds, such as, boron, selenium, potassium, nitrogen, phosphorus, salts of metallic elements, etc.; and, organic chemicals and materials, such as those that contribute to total organic carbon, including organic pesticides, organic fertilizers, etc.
5. The Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) identifies ground and surface waters within the Santa Ana Region (Region), including the San Jacinto River Watershed, designates beneficial uses for those waters, establishes water quality objectives for the reasonable protection of those uses, prescribes implementation plans for achieving the objectives, and establishes monitoring and surveillance programs.

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6. Beneficial uses, water quality objectives and an antidegradation policy constitute federal water quality standards. California’s antidegradation policy (State Water Resource Control Board (State Board, or SWRCB) Resolution No. 68-16) is incorporated in the Basin Plan by reference.

7. An updated Basin Plan was adopted by the Regional Board on March 11, 1994 and subsequently approved by the State Board, Office of Administrative Law and U.S. Environmental Protection Agency. Subsequent amendments to the Basin Plan include a revised Total Dissolved Solids (TDS) and nitrogen management plan that includes the San Jacinto River Watershed, Total Maximum Daily Loads (TMDLs) for impaired surface waters in the San Jacinto River Watershed, and implementation plans associated with those TMDLs.

8. The Basin Plan specifies the following beneficial uses for Lake Elsinore, Canyon Lake and the San Jacinto River:

Water Body	Beneficial Uses
Lake Elsinore	<p><i>All beneficial uses are present or potential:</i></p> <ul style="list-style-type: none"> • Municipal and domestic water supply (MUN)* • Warm freshwater aquatic habitat (WARM) • Body Contact (REC1) • Non-body contact recreational (REC2) • Wildlife habitat (WILD)
Canyon Lake	<p><i>All beneficial uses are present or potential:</i></p> <ul style="list-style-type: none"> • Warm freshwater aquatic habitat (WARM) • Body Contact (REC1) • Non-body contact recreational (REC2) • Wildlife habitat (WILD) • Municipal and domestic water supply (MUN) • Agriculture water supply (AGR) • Groundwater recharge (GWR)
San Jacinto River Reach 1- Lake Elsinore to Canyon Lake	<p><i>All beneficial uses are intermittent:</i></p> <ul style="list-style-type: none"> • Municipal and domestic water supply (MUN)* • Agriculture water supply (AGR) • Groundwater recharge (GWR) • Body contact recreation (REC1) • Non-body contact recreation (REC2) • Warm freshwater aquatic habitat (WARM) • Wildlife habitat (WILD)
San Jacinto River Reach 2- Canyon Lake	<p><i>See Canyon Lake, above.</i></p>
San Jacinto River Reach 3- Canyon Lake to Nuevo Road	<p><i>All beneficial uses are intermittent:</i></p> <ul style="list-style-type: none"> • Municipal and domestic water supply (MUN)* • Agriculture water supply (AGR) • Groundwater recharge (GWR) • Body contact recreation (REC1) • Non-body contact recreation (REC2) • Warm freshwater aquatic habitat (WARM)

<p>San Jacinto River Reach 4- Nuevo Road to North-South Mid-Section Line, T4S/R1W-S8</p>	<ul style="list-style-type: none"> • Wildlife habitat (WILD) <p><i>All beneficial uses are intermittent:</i></p> <ul style="list-style-type: none"> • Municipal and domestic water supply (MUN)* • Agriculture water supply (AGR) • Groundwater recharge (GWR) • Body contact recreation (REC1) • Non-body contact recreation (REC2) • Warm freshwater aquatic habitat (WARM) • Wildlife habitat (WILD)
<p>San Jacinto River Reach 5- North-South Mid-Section Line, T4S/R1W-S8, to Confluence with Poppet Creek</p>	<p><i>*Excepted from MUN beneficial use</i></p> <p><i>All beneficial uses are intermittent:</i></p> <ul style="list-style-type: none"> • Municipal and domestic water supply (MUN)* • Agriculture water supply (AGR) • Groundwater recharge (GWR) • Body contact recreation (REC1) • Non-body contact recreation (REC2) • Warm freshwater aquatic habitat (WARM) • Wildlife habitat (WILD)
<p>San Jacinto River Reach 6- Poppet Creek to Cranston Bridge</p>	<p><i>All beneficial uses are intermittent:</i></p> <ul style="list-style-type: none"> • Municipal and domestic water supply (MUN)* • Agriculture water supply (AGR) • Groundwater recharge (GWR) • Body contact recreation (REC1) • Non-body contact recreation (REC2) • Warm freshwater aquatic habitat (WARM) • Wildlife habitat (WILD)
<p>San Jacinto River Reach 7- Cranston Bridge to Lake Hemet</p>	<p><i>All beneficial uses are present or potential:</i></p> <ul style="list-style-type: none"> • Municipal and domestic water supply (MUN) • Agriculture water supply (AGR) • Groundwater recharge (GWR) • Body contact recreation (REC1) • Non-body contact recreation (REC2) • Warm freshwater aquatic habitat (WARM) • Wildlife habitat (WILD) <p><i>*Excepted from MUN beneficial use</i></p>

9. Point and non-point source waste discharges in the San Jacinto River Watershed, including agricultural discharges, have contributed to exceedances of some water quality objectives and impairment of some beneficial uses in both Canyon Lake and Lake Elsinore. Accordingly, both lakes are included on the federal Clean Water Act

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section 303(d) list of impaired waters¹. Canyon Lake is listed as impaired due to elevated levels of nutrients and pathogens. Lake Elsinore is listed as impaired due to elevated levels of nutrients, organic enrichment and low dissolved oxygen, elevated PCBs, and toxicity. To address nutrient (nitrogen and phosphorus) impairment in the lakes, on December 20, 2004, 2004, the Regional Board adopted Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore (Resolution No. 2004-0037). These Nutrient TMDLs established load allocations and waste load allocations for nitrogen and phosphorus inputs from specified sources, including agricultural activities. These TMDLs were approved by the State Board on May 19, 2005 (Resolution No. 2005-0038), by the Office of Administrative Law on July 26, 2005, and by the U.S. Environmental Protection Agency on September 30, 2005, and are now being implemented.

DEFINITIONS

10. "Agricultural discharges" are aqueous releases of waste to waters of the state, as these terms are defined in the California Water Code, from agricultural operations. Agricultural discharges include irrigation return or tail-water flows, runoff of irrigation water from the site of application resulting from over-application or malfunction, and wet weather and flood flow runoff from agricultural operations. Agricultural discharges include infiltration of excess irrigation water from agricultural operations into underlying groundwater basins. Agricultural discharges may contain or transport waste materials such as earth (including humus, soil, sand, and rock, and suspensions of silt and clay), dissolved inorganic chemical materials (including "salts" and other compounds of metals, sulfur, boron, selenium, potassium, nitrogen, phosphorus, etc.), and organic chemicals and materials (including oxygen-demanding substances, organic chemicals such as pesticides, etc.).
11. "Agricultural lands" are lands or locations that are being used for agricultural operations.
12. "Agricultural operations" include all of the following:
 - a. The irrigation and plowing, fertilization, tilling or fallowing of the land for the purpose of cultivating an agricultural commodity or crop, or pasture;
 - b. The planting, seeding, cultivation, growing and harvesting of agricultural commodities or crops;
 - c. Growing and cultivating plants in containers (e.g., production nurseries);
 - d. Stockpiling of manure, mulch or compost (see DEFINITIONS below) for use as a fertilizer or soil amendment;
 - e. Applying manure mulch or compost to irrigated, dry-farmed, or fallow land whether or not the land is zoned for agriculture;

¹ SWRCB, 2010 Integrated Report

http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

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- f. The breeding, rearing, raising, feeding, housing or pasturing of domesticated animals including but not limited to horses, animals raised for milk or meat, fur-bearing animals, domestic pets, and poultry for the purpose of acquiring products or commodities produced by the animals, or for distribution of animals, alive or dead, for any purpose;
 - g. The operation, management, conservation, improvement or maintenance of a farm or ranch and its buildings, tools and equipment;
 - h. The construction, operation and maintenance of ditches, canals, reservoirs, tanks, wells, holding ponds, waste containment ponds and/or waterways used for farming or ranching purposes;
 - i. All procedures conducted as a normal part of any of these activities.
13. Agricultural operations, as defined above, do not include point of sale nurseries that are not engaged primarily in production and are covered under the Regional Board's Municipal Separate Storm Water Permit (MS4 permit) for Riverside County (Order No. R8-2010-0033, NPDES No. CAS 6180333, Riverside County Flood Control and Water Conservation District, County of Riverside and the Incorporated Cities of Riverside County within the Santa Ana Region - Area-Wide Urban Runoff Management Program, and its subsequent iterations), and dairies that are covered under the General Waste Discharge Requirements for Concentrated Animal Feeding Operations (CAFO) (Dairies and Related Facilities) within the Santa Ana Region, Order No. R8-2013-0001, NPDES No. CAG018001 and its subsequent iterations.
14. "Compost" means a fully decomposed, stabilized, organic product which has undergone the "Process to Further Reduce Pathogens (PFRP)", as described in California Code of Regulations, Title 14, Section 17868.3, and that has reached a stage of reduced biological activity as indicated by reduced temperatures and rate of respiration below that of active compost.
15. "Compostable materials" means any organic material that when accumulated is capable of rapid decomposition and generating temperatures of at least 122°F as defined in California Code of Regulations, Title 14, Section 17852.
16. "Cumulative acres" means the total number of acres (rented or owned) under the control of a single discharger within the San Jacinto River Watershed. Cumulative acres account for multiple parcels or locations that are under a single discharger's control that may or may not be contiguous or adjacent to one another.
17. "Discharger" means the owner, owner-operator, or operator of agricultural operations, as defined above. A "discharger" discharges, proposes to discharge, or has the potential to discharge wastes that could directly or indirectly affect the quality of the waters of the state. A "discharger" may be an individual, a trust, corporation, partnership, or other enterprise formed by a binding agreement. The term "agricultural operator" is synonymous with "discharger".
18. "Discharger Group" means any group of dischargers and/or organizations that forms to enable compliance with this Conditional Waiver. Discharge Groups can be, but are not

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limited to, organizations formed on a geographical basis or formed with other factors in common, such as commodities.

19. "Dry-Land Farming" entails management practices used by farmers in arid regions to adapt to the presence or lack of moisture available within the soil column. This technique relies on the efficient storage and use of soil moisture, rather than using irrigation or rain water, to maximize crop yield. Moisture control during crop growing consists largely of destruction of weeds and prevention of runoff. The nature of dry land farming makes it particularly susceptible to wind erosion.
20. "Fallow Land" is land that has undergone plowing and harrowing but has been left unseeded for one or more growing seasons. The land may be cultivated or chemically treated for control of weeds and other pests or may be left unaltered.
21. "Farm" is a parcel or parcels of land on which crops, commodities or animals are raised or stored; also, "farm" is the business or practice of operating a farm.
22. "Irrigated lands" means lands or locations where water is applied for the purpose of producing crops. Irrigated lands include, but are not limited to, farm land used for growing row and field crops, feed and fodder crops, and tree crops, without limitation, and production plant nurseries and greenhouse operations with permeable floors that are not subject to waste discharge requirements, or National Pollutant Discharge Elimination System (NPDES) permits, including Municipal Separate Storm Sewer System (MS4) permits.
23. "Irrigation return flow" means surface water that leaves the field following application of irrigation water. Irrigation return flow may be reused or it may discharge to a drainage channel or natural water body. "Tail-water" and "irrigation return flow" may be used synonymously.
24. "Livestock operations" means an agricultural operation primarily involved in the breeding, rearing, raising, feeding, housing or pasturing of domesticated animals including but not limited to horses, animals raised for milk or meat, fur-bearing animals, , domestic pets, and poultry for the purpose of acquiring products or commodities produced by the animals, or for distribution of animals, alive or dead, for any purpose.
25. "Manure" means accumulated excrement (e.g. milk cow, dry cow, heifer, calf, cattle, chicken, pig), which include feces and urine, bedding materials, spilled feed, or soil that mixed with feces or urine that does not exceed its moisture holding capacity.
26. "Mulch" means untreated or raw landscape waste and crop production byproducts consisting of leaves, grass clippings, weeds, yard trimmings, wood waste, branches and stumps, and whole plants/trees that have been chipped and ground to a reduced particle size.

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27. "Physical contaminants" means pieces of non-compostable solid waste that include, but not limited to plastics, glasses, metals, clothing, wood containing lead-based paint or wood preservatives, and other similar materials.
28. "Tail water" means surface runoff resulting from crop irrigation. Irrigation practices such as flood irrigation and sprinkler irrigation can result in applied water in excess of the infiltration rate of the soil. Sloped fields can allow for the excess water to run off the field and discharge to a drainage channel or natural water body.
29. "Tile drains" are drainage systems that remove excess subsurface water from agricultural operations. Traditionally, these sub-surface networks were constructed of cylindrical clay tiles with unsealed joints; flexible plastic "tiles" are now in common use. Excess water collected in and flowing through tile drain lines is discharged into a surface water at a lower elevation than the outlets of the tile drainage system.
30. "Waste" is defined by Water Code section 13050(d) as including, "... sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal." This Conditional Waiver applies only to waste from agricultural operations, as defined above, and not to human sanitary waste, hazardous waste, or wastes from other producing, manufacturing or processing operations.
31. "Water quality standards" is the federal term for beneficial uses, water quality objectives and an antidegradation policy.
32. "Waters of the state" is defined by Water Code section 13050(e), as any surface water or groundwater, including saline waters, within boundaries of the state.

REGULATORY CONSIDERATIONS

33. Water Code section 13260 requires any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, to file with the Regional Board a report of waste discharge (ROWD) containing such information and data as may be required by the Regional Board, unless the Regional Board waives such requirement under Water Code section 13269.
34. Water Code section 13263 authorizes the Regional Board to prescribe waste discharge requirements (WDRs) for any proposed discharge, existing discharge, or material change to an existing discharge. The WDRs must implement relevant water quality control plans and take into consideration, among other things, the beneficial uses of water to be protected, the water quality objectives reasonably required for that purpose, and the need to prevent nuisance.
35. Water Code section 13269 authorizes the Regional Board to waive the requirement to file ROWDs and to obtain WDRs for a specific discharge or type of discharge if the Regional Board determines, after a hearing, that the waiver is consistent with the applicable water quality control plan and is in the public interest. A waiver is conditional and may be

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terminated at any time by the Regional Board. The Regional Board must require compliance with the conditions pursuant to which a waiver is granted. The conditions must include the performance of individual, group, or watershed-based monitoring, except where the Regional Board determines that discharges addressed by the waiver do not pose a significant threat to water quality. A conditional waiver shall not exceed five years in duration but may be renewed.

36. As authorized by Water Code section 13269, this Order conditionally waives the requirement to file ROWDs and to obtain WDRs pursuant to Water Code sections 13260 and 13263 for discharges of waste from agricultural operations (see DEFINITIONS) enrolled in this Order and for which a Notice of Authorization has been issued by the Executive Officer. The waiver is conditional upon meeting the requirements of this Order.
37. Enrollees in this Conditional Waiver may form a Discharger Group to coordinate and collaborate on compliance with this Order. The Discharger Group must select a third party representative (individual, company, or organization) not directly enrolled to act as their agent for the purpose of enrollment in and compliance with the monitoring and reporting requirements of this Order. The third party representative may also collect annual fees required by the SWRCB, TMDL implementation costs, and apportioned costs to implement the requirements of this Waiver. The choice of the third party representative must be approved by the Regional Board Executive Officer, based on the demonstration that the representative has the technical and financial capability to fulfill the duties described above.
38. The formation, operation, management and funding of a discharger group or coalition is the responsibility of the individual dischargers who are represented by and participate in the discharger group.
39. This Conditional Waiver does not preempt or supersede the authority of municipalities, flood control agencies, agricultural commissioners, special districts or other public agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.
40. Where other Federal, State, and local agencies have a regulatory role with respect to agricultural operations, the Regional Board will work cooperatively with these other Agencies in order to regulate agricultural discharges effectively and in a manner consistent with other applicable regulations.
41. The Regional Board may consider adoption of general or individual waste discharge requirements to regulate discharges from agricultural operations that do not meet the requirements for participation in the Conditional Waiver as described herein.
42. The Regional Board may review this Conditional Waiver at any time and may modify or terminate the waiver for Individual Dischargers, members of a Discharger Group, Discharger Groups, or in its entirety, as appropriate.
43. Pursuant to Water Code section 13263(g), to discharge is a privilege, not a right, and adoption of this Order establishing a Conditional Waiver, and the receipt of a Notice of Authorization (NOA) from the Executive Officer authorizing discharges subject to the conditions of this waiver, does not create a vested right to continue the discharge.

APPLICABILITY OF THIS ORDER

44. The intent of this Conditional Waiver is to regulate discharges from agricultural operations within the San Jacinto River Watershed to ensure that such discharges are not causing or contributing to: conditions of pollution or nuisance; exceedances of applicable water quality objectives for surface and ground waters; failure to achieve TMDLs; or, the impairment of beneficial uses of receiving waters, including surface and ground waters.
45. All owners, owner/operators and/or operators of irrigated agricultural operations that are 20 or more cumulative acres in area are considered dischargers for the purposes of this Order and must file a Notice of Intent (NOI) for enrollment of their agricultural operations in this Conditional Waiver. The 20 or more cumulative acres may include lands that are all irrigated or a portion of which is dry farmed and/or fallow, on a permanent or periodic basis, and upon which pesticides, fertilizers and/or manure, mulch or compost is applied.
46. All owners, owner/operators and/or operators of livestock operations that are 20 or more cumulative acres in area, except Concentrated Animal Feeding Operations (CAFOs) regulated under Regional Board waste discharge requirements, are dischargers and must file a Notice of Intent for enrollment in this Conditional Waiver.
47. Owners and/or operators of agricultural operations, other than irrigated agriculture and livestock operations of 20 or more cumulative acres (45 and 46, above), that Regional Board staff finds to be a high risk² for discharging animal wastes or other wastes that could affect water quality are considered to be dischargers for the purpose of this Order and are required to file a Notice of Intent to be enrolled in this Conditional Waiver, or to submit a Report of Waste Discharge (Water Code section 13260) when notified to do so by Board staff.
48. This Conditional Waiver does not apply to discharges that are subject to the National Pollutant Elimination System (NPDES) permit program under the federal Clean Water Act section 402.
49. This Conditional Waiver does not apply to discharges already regulated under another waiver or by individual or general waste discharge requirements previously adopted by the Regional Board or SWRCB.
50. This Conditional Waiver does not apply to parks, golf-courses, cemeteries, play grounds, recreational fields and similar facilities as such operations are subject to Regional Board Order No. R8-2010-0033 (NPDES No. CAS 618033), "Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cities of Riverside County within the Santa Ana Region / Area-Wide Urban Runoff Management Program," and its subsequent iterations.

² An agricultural operation, other than irrigated agriculture or livestock operations on 20 or more cumulative acres, will be considered high-risk if dry-weather runoff discharges are observed, or if topographic features, location, existing management practices or materials applied as part of the agricultural operations (e.g., pesticides or herbicides) represent a significant potential for waste discharges that could adversely affect water quality standards of receiving waters.

51. Only waste resulting from agricultural operations, i.e., agricultural discharges, as defined herein, may qualify for discharge under this Conditional Waiver. These discharges include irrigation tail-water and stormwater runoff, whether such discharges are directed to surface waters or to land. This waiver does not apply to discharges of sanitary human waste or to hazardous waste as defined by California law.

SCOPE AND REQUIREMENTS OF THIS ORDER

52. This Order requires dischargers to:
- Implement or continue to implement applicable tasks identified in the Lake Elsinore and Canyon Lake Nutrient TMDLs, including the development and implementation of approved nutrient management plans, monitoring plans and Pollutant Trading Plans;
 - Implement and evaluate management practices to reduce or eliminate adverse impacts to water quality standards that result from agricultural waste discharges;
 - Employ adaptive management strategies to improve water quality management practices;
 - Implement other steps as necessary to prevent pollution and nuisance.
53. This Conditional Waiver requires the enrolled dischargers to submit a proposed water quality monitoring program plan (WQMPP) and to implement that plan upon approval by the Executive Officer. The proposed monitoring programs must be designed to determine the efficacy of management practices and their effects on the receiving waters and to verify the adequacy and efficacy of the conditions of this Waiver.
54. This Conditional Waiver prohibits the land application of compostable materials, other than mulch, compost, and manure, as these are defined above (see DEFINITIONS) at agricultural operations within the San Jacinto River Watershed. This Waiver also specifies conditions under which mulch, compost and manure may be stockpiled and applied at agricultural operations in the San Jacinto River Watershed.

Implementation of Total Maximum Daily Loads (TMDLs)

55. On December 20, 2004, the Regional Board adopted Resolution No. R8-2004-0037, amending the Basin Plan to incorporate Nutrient TMDLs for Lake Elsinore and Canyon Lake. The Nutrient TMDLs were thereafter approved by the SWRCB, Office of Administrative Law and the United States Environmental Protection Agency (U.S. EPA) and are now being implemented.
56. The Lake Elsinore and Canyon Lake Nutrient TMDLs require all dischargers in the San Jacinto River Watershed to limit their discharges of nitrogen and phosphorus to surface waters. The Nutrient TMDLs identify the allowable discharges of nitrogen and phosphorus by source, as expressed in waste load and load allocations for these pollutants. These include load allocations for agricultural operations. Compliance with the Nutrient TMDLs and the waste load and load allocations is to be achieved as soon as possible but no later than December 31, 2020.
57. The Nutrient TMDLs include an implementation plan that identifies a series of requisite actions by the dischargers, including agricultural owners/operators, to achieve the TMDLs and allocations. Timely and effective implementation of the applicable TMDL implementation tasks is a condition of this Conditional Waiver.

58. One of the tasks required in the implementation plan for the Nutrient TMDLs is the development, and implementation upon Regional Board approval, of one or more Pollutant Trading Plans by identified parties, including agricultural operators. This requirement was based on understanding the special characteristics of the lakes, e.g., that internal loading of nutrients from sediments deposited in the lakes over time is the most significant nutrient source to the lakes, that reductions in external nutrient loading alone would not suffice to achieve the TMDLs, and that stabilization of lake levels, particularly in Lake Elsinore, is crucial to the restoration and maintenance of beneficial uses. The requirement to develop the Pollutant Trading Plan(s) recognized that a conventional technology/treatment approach would not suffice to achieve the TMDLs and restore beneficial uses, and that multiple alternative strategies could be identified and implemented to achieve the needed internal nutrient loading reductions. As described in #65, below, these strategies were assumed to include an aeration and mixing system in Lake Elsinore. The strategies could also include such things as fisheries management to reduce sediment disturbance and the release of nutrients. The goal of the Pollutant Trading Plan(s) is to identify such strategies to assure that each responsible party's nutrient discharges to the lakes are offset on at least a 1:1 basis by the implementation of an identified and approved strategy by each responsible party. Responsible parties can and are encouraged to collaborate on such strategies to provide needed nutrient load reductions in an efficient and effective manner.
59. In order to implement the existing Nutrient TMDL requirements and to develop effective solutions for improving water quality in Lake Elsinore and Canyon Lake, responsible agencies and stakeholders formed the Lake Elsinore and Canyon Lake TMDL Task Force (TMDL Task Force)³. The Lake Elsinore and San Jacinto Watershed Authority (LESJWA) serves as the Task Force administrator. To encourage timely action to achieve the TMDLs, and to foster anticipated resource expenditure efficiencies, the TMDL implementation plan encourages responsible agencies/parties, including agricultural owner/operators, to participate in TMDL implementation through the TMDL Task Force. TMDL implementation costs are apportioned among the TMDL Task Force members. However, pursuant to the TMDLs, individual agencies/parties, including agricultural owners/operators, can elect to implement each applicable implementation task independently. The costs of such independent compliance are borne by the individual discharger(s).
60. The Western Riverside County Agricultural Coalition (WRCAC) represents the interests of its member agricultural operators on the TMDL Task Force. WRCAC has been given responsibility by its membership to coordinate responses to TMDL implementation tasks on behalf of its members and to collect from those members their apportioned share of TMDL implementation costs. WRCAC provides the funds collected to the TMDL Task Force administrator (LESJWA) to support TMDL implementation.

³ *US Air Force (March Air Reserve Base), March Joint Powers Authority, California Dept. of Transportation (Caltrans), California Dept. of Fish and Game, County of Riverside, Riverside County Flood Control and Water and Water Conservation District, the cities of Lake Elsinore, Canyon Lake, Hemet, San Jacinto, Perris Moreno Valley, Murrieta, Riverside, Menifee, Wildomar, Beaumont, Eastern Municipal Water District, Elsinore Valley Municipal Water District, and the Western Riverside County Agricultural Coalition (on behalf of most concentrated animal feeding operators and irrigated/dry lands agricultural operators within the San Jacinto watershed).*

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61. Participation in the TMDL Task Force through WRCAC enables WRCAC members to fulfill TMDL implementation tasks in an efficient manner. The TMDL Task Force, including WRCAC, is implementing a Regional Board approved San Jacinto River Watershed-wide nutrient monitoring program, as required by the Nutrient TMDLs. WRCAC has submitted a proposed Agricultural Nutrient Management Plan, and is developing a Pollutant Trading Program, as required by the TMDLs. WRCAC members are therefore in compliance with these TMDL requirements.
62. Agricultural operators who are not WRCAC members are responsible to fulfill the watershed-wide monitoring, agricultural nutrient management plan and other Nutrient TMDL implementation tasks independently. Water Code section 13267 orders were issued to agricultural operators in 2009 and 2012 to require the submittal of proposed agricultural nutrient management and watershed-wide monitoring plans, and implementation of these plans upon Regional Board approval. Enrollment in this Conditional Waiver by an agricultural operator will supercede any existing Water Code section 13267 order(s) issued to that operator. Agricultural operators who are not enrolled in this Conditional Waiver will continue to be subject to existing Water Code section 13267 orders.
63. The final total phosphorus and total nitrogen TMDLs established in the Nutrient TMDLs are shown in the table below. The TMDLs are the total loads of phosphorus and nitrogen that can be allowed to enter Lake Elsinore and Canyon Lake but still restore and maintain the water quality standards of the lakes.

Water Body	Phosphorus	Nitrogen
Lake Elsinore	28,584 kg/yr.	239,025 kg/yr.
Canyon Lake	8,691 kg/yr.	37,735 kg/yr.

64. As described previously, the total allowable phosphorus and nitrogen loads (TMDLs) for Lake Elsinore and Canyon Lake are allocated among the sources of these constituents to the lakes. Wasteload allocations are specified in the Nutrient TMDLs for point source inputs, including recycled water and urban runoff. Load allocations are specified in the Nutrient TMDLs for nonpoint source inputs of phosphorus and nitrogen to the lakes. Load allocations are specified for: internal releases of these nutrients from sediments in the bottom of the lakes; atmospheric deposition; agriculture; forest and open space; and, septic systems. For Lake Elsinore, phosphorus and nitrogen load allocations were also established for inputs from Canyon Lake.
65. The phosphorus allocations established in the Nutrient TMDLs for Lake Elsinore were calculated based on the assumption that an aeration and mixing system was installed and operated, and that this system would result in a thirty-five percent (35%) reduction in the internal loading of phosphorus from sediment in Lake Elsinore⁴. Without this assumption of the reduction of internal loading of phosphorus from sediment, Lake Elsinore has no assimilative capacity for inputs of phosphorus from other sources. This means that absent the successful operation of the aeration system, the allocations assigned to other sources of phosphorus input to the lake, including agriculture, would need to be set to zero, i.e., no discharges of phosphorus from external inputs, such as

⁴ California Regional Water Quality Control Board, Santa Ana Region. "Lake Elsinore and Canyon Lake Nutrient Total Maximum Daily Loads." March 26, 2004; revised April 21, 2004. p. 60ff. "Phosphorus Load Capacity for Lake Elsinore Based on Proposed Interim Target."

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that from agriculture, could be allowed. While the Lake Elsinore TMDLs assumed that an aeration system would be implemented, the TMDLs did not assign the responsibility for doing so to any specific parties. Rather, it was assumed that appropriate cost sharing agreements and commitments to construct, operate and maintain an aeration system by and among the responsible parties, including agricultural dischargers, would be developed and approved, likely under the auspices of the Lake Elsinore and Canyon Lake TMDL Task Force. It was also assumed that one or more responsible parties might propose an alternative to the aeration/mixing system to achieve the equivalent, requisite internal nutrient loading reductions, as part of their required Pollutant Trading Plans, e.g., implementation of a fisheries management program.

66. The Lake Elsinore Aeration and Mixing System (LEAMS) has been implemented and is operating successfully to reduce the internal loading of phosphorus (and nitrogen) from sediment in the Lake. To date, funding for the implementation, operation and maintenance of this system has been provided by the City of Lake Elsinore and the Elsinore Valley Municipal Water District (EVMWD). Funding commitments for the system were made by the City and EVMWD to a) provide offset credits for discharges of phosphorus and nitrogen in recycled water discharges by EVMWD to the Lake to maintain a stable lake level, and b) to allow the implementation of the aeration and mixing system as soon as possible and thereby facilitate water quality and beneficial use improvements in Lake Elsinore. However, other dischargers with allocations assigned in the TMDLs are expected to participate in the operation and maintenance of this system over the long term, or to implement an alternative strategy identified in an approved Pollutant Trading Plan. Participation in LEAMS or an alternative, approved nutrient reduction strategy is necessary to offset all external discharges of phosphorus to Lake Elsinore since without this system or an alternative approved nutrient reduction strategy there would be no assimilative capacity for any phosphorus inputs to the Lake. This Conditional Waiver requires the development and implementation of an approved Pollutant Trading Plan(s) as one of the requisite TMDL implementation tasks. The Regional Board encourages agricultural dischargers to collaborate with the TMDL Task Force and other responsible parties to formulate and implement a comprehensive plan to assure fairly-apportioned, long-term funding for the operation and maintenance of LEAMS and other strategies designed to reduce internal nutrient loading and thereby offset external discharges of nutrients to the Lake.
67. The Lake Elsinore and Canyon Lake Nutrient TMDLs assign total phosphorus and total nitrogen load allocations to agriculture, as shown in the table below. As described in the preceding Findings, the application of these allocations is contingent on the participation by agricultural dischargers in the operation and maintenance of LEAMS, or an alternative internal nutrient loading reduction strategy in a manner to be established by a Regional Board-approved Pollutant Trading Plan.

Water Body	Phosphorus	Nitrogen
Lake Elsinore	60 kg/yr.	213 kg/yr.
Canyon Lake	1,183 kg/yr.	7,583 kg/yr.

Implementation of Total Dissolved Solids/Nitrogen (TDS/N) Plan

68. On January 22, 2004, the Regional Board adopted Resolution No. R8-2004-0001, amending the Basin Plan to incorporate an updated Total Dissolved Solids (TDS) and

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Nitrogen Management Plan for the Santa Ana Region. The amendments included establishing revised boundaries for groundwater subbasins, revised nomenclature to identify groundwater subbasins as “groundwater management zones” (GMZs), revised TDS and nitrate-nitrogen water quality objectives for the GMZs, and updated findings of TDS and nitrogen assimilative capacity in the GMZs. These amendments were approved by the State Water Resources Control Board on October 1, 2004 and by the Office of Administrative Law on December 23, 2004. The surface water standards provisions of the amendments were approved by the U.S. EPA on January 20, 2007.

69. The TDS and Nitrogen Management Plan in the Basin Plan has been amended subsequently to: incorporate “maximum benefit” TDS and nitrate-nitrogen objectives for the San Jacinto Upper Pressure GMZ and enable implementation of a comprehensive Hemet/San Jacinto Water Management Plan (Resolution No. R8-2010-0039); incorporate a revised nitrogen loss coefficient for the GMZs in the San Jacinto River Watershed (Resolution No. R8-2014-0005); and, to reflect updated findings of TDS and nitrate-nitrogen assimilative capacity (Resolution No. R8-2014-0005).
70. With the exception of the San Jacinto Upper Pressure GMZ, for which maximum benefit objectives and a maximum benefit implementation plan have been established, all GMZs in the San Jacinto Watershed lack assimilative capacity for both TDS and nitrate-nitrogen, i.e., ambient TDS and nitrate-nitrogen quality conditions exceed the applicable water quality objectives. The Regional Board will consider the allocation of assimilative capacity created in the San Jacinto Upper Pressure GMZ by the implementation of the maximum benefit objectives and associated implementation plan only to waste discharges by those agencies/parties responsible for that maximum benefit implementation plan. Discretion regarding the allocation of this assimilative capacity, if any, remains with the Regional Board.
71. Absent assimilative capacity for TDS and/or nitrate-nitrogen in GMZs, waste discharges to these management zones must be held to the applicable TDS and/or nitrate-nitrogen objectives for the GMZs. This requirement is included as a condition of this Order. However, the Order also provides an opportunity to offset TDS and nitrogen discharges by participating in Regional Board approved offset programs. This regulatory approach recognizes the inherent difficulties of specifying and complying with TDS and nitrogen waste discharge limits on agricultural discharges. This regulatory approach is comparable to that employed by the Regional Board in regulating dairies and related facilities (Order No. R8-2013-0001, NPDES NO. CAG018001, “General Waste Discharge Requirements For Concentrated Animal Feeding Operations (Dairies And Related Facilities) Within The Santa Ana Region.”)
72. Manure is a significant source of TDS and nitrogen and, when applied to land for use as a fertilizer, contributes to water quality degradation in underlying groundwater. Consistent with the approach in Order No. R8-2013-0001, this Conditional Waiver prohibits the disposal of manure to land within the San Jacinto River Watershed. This waiver also prohibits the application of manure to lands within the San Jacinto River Watershed that overlie GMZs without assimilative capacity for TDS and/or nitrate-nitrogen, unless a plan, acceptable to the Executive Officer, is implemented that offsets the effects of that application on the underlying groundwater management zone. These manure application requirements apply to the San Jacinto Upper Pressure GMZ, unless it is demonstrated that the agricultural operator is at least in part responsible for and contributing to the maximum benefit implementation plan for that GMZ (see # 70, above) and may therefore

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be entitled to some allocation of TDS/nitrate-nitrogen assimilative capacity by the Regional Board. Notwithstanding any such demonstration, the Regional Board retains discretion to determine whether any assimilative capacity will be allocated, and, if so, how much.

73. Agricultural owners/operators who enroll in this Conditional Waiver must also: (1) collect data on the nitrogen and TDS quality of their discharges to ground (and surface) waters; (2) evaluate the effects of ongoing agricultural operations on ground (and surface) waters; (3) implement approved Agricultural Nutrient Management Plans and other BMPs to minimize nitrogen and TDS discharges; and, (4) evaluate the efficacy of the BMPs implemented and use the results to revise and adapt the BMPs appropriately.

CONSISTENCY

74. As required by Water Code Section 13269, this Conditional Waiver of the requirements to file a Report of Waste Discharge (ROWD) and obtain WDRs for discharges of waste from agricultural operations to waters of the state is consistent with established water quality control plans and policies, including: the Basin Plan, which incorporates established TMDLs; the State Water Board's 1999 "*Plan for California's Nonpoint Source Pollution Control Program*" (Non-Point Source Plan) and 2004 "*Policy for Implementation and Enforcement of the Nonpoint Source Control Program*" (Non-Point Source I&E Policy); the State Water Board's "*Statement of Policy with Respect to Maintenance of High Quality Waters in California*" (Resolution No. 68-16 (California's antidegradation policy)); and other applicable regulations.
75. This Order specifies requirements that implement the Basin Plan, including requirements to assure that agricultural discharges do not cause or contribute to violations of water quality standards established in the Plan. This Order requires enrolled dischargers to implement applicable tasks identified in established TMDLs and to meet requirements based on the updated TDS/N Management Plan.
76. This Order is consistent with the Non-Point Source I&E Policy, which recognizes conditional waivers as one regulatory option to address nonpoint source waste discharges, including discharges from agricultural operations.
77. It is expected that significant improvements in the quality of waste discharges from agricultural operations can be attained by owners/operators through the implementation and adaptive management of the best available and most appropriate management measures and management practices (collectively, Best Management Practices, or BMPs). Implementation of the requirements of this Conditional Waiver by enrolled dischargers is therefore expected to improve the quality of affected receiving waters. Therefore, this Order is consistent with the requirements of California's antidegradation policy (State Board Resolution No. 68-16).
78. The adoption of this Conditional Waiver is consistent with the public interest because it: includes conditions that are intended to reduce and prevent pollution and nuisance, improve water quality and protect beneficial uses of the waters of the State; provides an effective and efficient approach to regulate waste discharges from agricultural operations; provides for efficient use of discharger resources, as well as Regional Board staff resources; collaboration on BMP implementation, including the assessment of BMP efficacy, and the dissemination of relevant information among agricultural

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owners/operators, as provided for in this Order, is expected to facilitate water quality and beneficial use improvements.

FEES AND COSTS

79. California Code of Regulations Title 23 (23 CCR) section 2200.6 "Annual Agricultural and Irrigated Lands Fee Schedule" requires an annual fee for waste discharge requirements and for waivers of waste discharge requirements for discharges from agricultural lands.
80. 23 CCR section 2200.6 establishes a tiered fee structure. Under this structure, the lowest fees are paid by dischargers who are members of a discharger group approved by the State Board to manage fee collection and payment. Next are fees paid by members of an approved discharger group that does not manage fee collection and payment. The highest fees are paid by dischargers who do not participate in a discharger group.
81. A discharger group that collects annual fees required by 23 CCR section 2200.6 and forwards collected fees to the SWRCB must be approved by the SWRCB to carry out that function [23 CCR 2200.6(1)].
82. Persons participating in this Conditional Waiver as a member of a discharger group will be expected to pay their shared, proportionate cost for the services provided by the Discharger Group, including the cost of administering the group.
83. Agricultural land owners or operators participating in this Waiver are not exempted from paying their proportionate share of TMDL implementation activities carried out by the TMDL Task Force, unless an agricultural owner or operator elects to conduct TMDL implementation activities on their own. In that case, each agricultural owner/operator is responsible for the costs associated with TMDL implementation.
84. The costs for dischargers to comply with this Conditional Waiver were estimated and potential sources of funding to offset those costs were identified.

CEQA

85. In conformance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000-21178), an Initial Study of the potential, significant adverse environmental impacts of the issuance and implementation of this Conditional Waiver was conducted. Based on that evaluation, this Conditional Waiver could not have a significant adverse effect on the environment. A Mitigated Negative Declaration is therefore appropriate.

PUBLIC PARTICIPATION

86. The Regional Board has notified interested agencies and persons of its intent to adopt this Conditional Waiver and has provided them with an opportunity to submit written comments and recommendations regarding the tentative requirements. This notice complied with the requirements of Government Code section 11125.
87. The Regional Board, in a public workshop and at a public meeting, heard and considered all comments pertaining to the proposed Conditional Waiver.

IT IS HEREBY ORDERED THAT:

Consistent with Division 7 of the California Water Code (Water Code) and regulations adopted thereunder, the Regional Board hereby conditionally waives waste discharge requirements for discharges of waste from agricultural operations, as defined herein, within the San Jacinto River Watershed provided that enrolled dischargers comply with all of the following conditions, provisions, and other requirements of this Conditional Waiver (Order, or Waiver):

1. The Regional Board approves the Mitigated Negative Declaration prepared for the adoption and implementation of this Order and directs the Executive Officer to file a notice of determination with the Office of Planning and Research that contains the information and statements specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 2, section 15075).

A. ELIGIBLE DISCHARGERS

1. Dischargers who conduct or propose to conduct irrigated agricultural or livestock operations, as defined above, on 20 or more acres within the San Jacinto River Watershed, shall file a Notice of Intent (or NOI – see Part B, below) to enroll in this Conditional Waiver. Dischargers who conduct agricultural operations on multiple parcels of less than 20 acres each, but whose agricultural operations taken together (“cumulative acreage”) equals or exceeds 20 acres in area shall also file a Notice of Intent to enroll in this Conditional Waiver.
2. Owners and/or operators of agricultural operations, other than irrigated agricultural or livestock operations of 20 or more cumulative acres, that Regional Board staff finds to be a high risk⁵ for discharging animal wastes or other wastes that could affect water quality are considered to be dischargers for the purpose of this Order and are required to file a Notice of Intent to be enrolled in this Conditional Waiver, or to submit a Report of Waste Discharge (Water Code section 13260) when notified to do so by Board staff.

B. ENROLLMENT, AUTHORIZATION TO DISCHARGE, AND TERMINATION OF ENROLLMENT

1. To obtain coverage under this Conditional Waiver, each discharger shall complete a Notice of Intent (NOI) (Attachment A) to be enrolled in the Waiver. The NOI shall be submitted to the Regional Board’s Executive Officer by individual dischargers who are not part of a Discharger Group (see Part F, below). Dischargers who are part of a Discharger Group accepted by the Regional Board Executive Officer to carry out specified activities for enrolled dischargers shall submit the completed NOI to the Group Administrator.
2. The NOI requires the submittal of at least the following information:
 - a. The name and physical address of the operator of the agricultural operation;

⁵ An agricultural operation, other than irrigated agriculture or livestock operations on 20 or more cumulative acres, will be considered high-risk if dry-weather runoff discharges are observed, or if topographic features, location, existing management practices or materials applied as part of the agricultural operations (e.g., pesticides or herbicides) represent a significant potential for waste discharges that could adversely affect water quality standards of receiving waters.

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- b. Name of the agricultural operation, if any;
 - c. The operator's addresses for electronic mail (email), conventional mail, and billing;
 - d. The owner's⁶ name(s), addresses for , electronic mail (email), conventional mail, and billing;
 - e. If applicable, the name of the Discharger Group with whom the discharger is affiliated;
 - f. If applicable, the name and contact information for the Discharger Group Administrator;
 - g. Agricultural site location(s)⁷;
 - h. Location and nature of discharge(s) from the site(s) (e.g., irrigation tail-water, stormwater runoff, dry-well, French drain, etc.), shown on a Site Location map;
 - i. If data are available, an analysis of the discharges for total Kjeldahl nitrogen⁸, nitrate nitrogen, total phosphorus, orthophosphate, electrical conductivity, total dissolved solids (TDS) and total suspended solids and pH. If data are not available at the time the NOI is filed, discharges shall be characterized in accordance with the requirements specified in Part E, below.
 - j. Agricultural site locations' assessor's parcel number(s) (APNs);
 - k. Acreage of agricultural site(s);
 - l. Type of agricultural operation (see Attachment B for a list of Agriculture Types recognized in this program);
 - m. BMPs (including farming practices) in use, to prevent, minimize and/or mitigate the discharge of nonpoint source pollutants from the operator's agricultural operation(s).
3. Discharges shall use the NOI Form (Attachment A. of this order) to submit the information required above.
 4. Each NOI must be accompanied by the appropriate waste discharge fee, as determined from the latest revision of 23 CCR section 2200.6. The latest revision of 23 CCR section 2200.6 is available at http://www.waterboards.ca.gov/resources/fees/docs/fy1415_wqfees_agenda_item.pdf
 5. Each NOI must be signed, under penalty of perjury, by:
 - a. In the case of an agricultural operation operated by the owner, the owner, or a person designated by the owner;
 - b. In the case of an agricultural operation operated by someone other than the owner(s), both the owner (or person designated by the owner) and the operator of the agricultural operation to be covered by the enrollment.
 6. Upon receipt of a complete NOI, the Executive Officer shall:

⁶ The name of the principal, or primary owner, managing partner, or person in a similar executive position.

⁷ Site location information can be supplied by providing a pdf file containing a map of appropriate scale and detail (preferred), a kmz file showing the site (preferred), a paper map of appropriate scale and detail, narrative of the location, GPS coordinates (latitude and longitude of corners, angle points and centroid), or other method acceptable to Board staff.

⁸ Total Kjeldahl nitrogen or TKN is the sum of organic nitrogen, ammonia (NH₃), and ammonium (NH₄⁺)

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- a. Determine the applicability of this Order to the Individual Discharger or individual within a Discharger Group;
 - b. Notify the Individual Discharger and the administrator of a Discharger Group that the discharge is or is not authorized under the terms and conditions of this Order. A Notice of Authorization (NOA) will be issued if appropriate.
 - c. A NOA constitutes a waiver, pursuant to Water Code Section 13269, for the discharger and agricultural operation identified in the NOI.
7. Each agricultural operation for which an NOA is issued will receive a unique waste discharge identification (WDID) number. The discharger shall include this number on all reports and other correspondence to the Regional Board concerning this Conditional Waiver. The administrator of a Discharger Group shall compile and maintain a list of the WDID numbers for the dischargers within the Group.
8. A copy of the NOA and NOI shall be kept at the agricultural operations identified in the NOI and/or with the agricultural operator and shall be made available to Board staff for inspection, upon request.
9. If a NOI is submitted for an existing or proposed discharge that does not meet the criteria for enrollment in this Conditional Waiver, the discharger will be notified that the discharge will not be regulated under this Waiver and that: (a) that the discharger must submit a ROWD (Water Code section 13260) so that individual waste discharge requirements for the discharge can be developed for consideration by the Regional Board; or, (b) that an alternative approach to regulating the discharge will be employed, e.g., separate conditional waiver; or, c) that the discharge will not be permitted and if the discharge is existing, that it must cease.
10. If an incomplete NOI is submitted, the person submitting the NOI will be notified of deficiencies and will be given a reasonable period of time to provide the additional information needed to complete the NOI. Dischargers who fail to address NOI deficiencies in a timely manner, per notification by the Executive Officer, and who initiate or continue to discharge will be considered to be discharging without requisite legal authorization and will be subject to applicable enforcement remedies, which include the assessment of civil liability.
11. When a discharger ceases an agricultural operation, to withdraw from this Conditional Waiver, the discharger must submit a Notice of Termination (NOT) to the Regional Board, and, if applicable, to the Discharger Group Administrator. Notices of Termination shall include at least the following:
 - a. The name and physical address of the operator of the agricultural operation;
 - b. The name of the agricultural operation, if any;
 - c. The operator's addresses for electronic mail (email), conventional mail and billing addresses;
 - d. The owner's name and addresses for electronic mail (email), conventional mail, and billing;
 - e. The agricultural operation's location(s);
 - f. The WDID number assigned when the NOA for the operation was issued; and,
 - g. The date the discharger ceased the operation.
 - h. Each NOT must be signed, under penalty of perjury, by:
 - i. In the case of an agricultural operation operated by the owner, the owner, or a person designated by the owner.

- ii. In the case of an agricultural operation operated by someone other than the owner(s), both the owner (or person designated by the owner) and the operator of the agricultural operation.
12. Upon verification of the information contained in the NOT, the Executive Officer will notify the Individual Discharger, and the administrator of a Discharger Group, if applicable, that the subject agricultural operation is withdrawn from enrollment in the waiver, unless site conditions warrant continued regulation under the waiver or other regulatory alternative.

C. RESPONSIBILITIES OF ENROLLED DISCHARGERS

1. All dischargers shall comply with the terms of this Conditional Waiver upon submittal of an NOI and receipt of an NOA. For new discharges, the discharge shall not commence until receipt of the Executive Officer's NOA to discharge under the terms of this Conditional Waiver, or the issuance of appropriate Waste Discharge Requirements.
2. Compliance with this Order shall be achieved individually or, where allowed by this Order, may be achieved through actions by a Discharger Group (see Part F, below) of which the discharger is a member. Individual discharger compliance with the requirements of this Waiver as a member of a Discharger Group is contingent on the payment of apportioned TMDL fees to the approved Discharger Group administrator.
3. Each discharger, whether or not a member of a Discharger Group, shall implement reliable and effective Management Measures and Management Practices, collectively, "best management practices," or BMPs⁹, to the maximum extent practicable to minimize or eliminate pollutant discharges from their agricultural operations to surface and ground waters of the State. This includes implementing BMPs necessary to achieve compliance with applicable TMDL load allocations.
4. As provided in Part D. "MANAGEMENT MEASURE AND MANAGEMENT PRACTICE MONITORING PROGRAM", below, the dischargers shall evaluate the efficacy of these BMPs in reducing discharges of pollutants to waters of the state. The evaluation of the efficacy of BMPs that are in common use by multiple dischargers may be conducted and reported in collaborative fashion as part of a Discharger Group.
5. As provided in Part E. "DISCHARGE CHARACTERIZATION AND WATER QUALITY MONITORING PROGRAM PLAN", below, dischargers shall perform individual monitoring or participate in group or collaborative monitoring as part of a Discharger Group. The water quality monitoring program shall be designed to assess the quality of discharges from agricultural operations and the effects of those discharges on receiving waters of the state.
6. Within 1 year of the issuance of this Waiver, each enrolled agricultural operation shall be inspected by a qualified individual or team of inspectors. Inspectors shall have expertise in the design, operation and maintenance of agricultural BMPs whose purpose is reducing or eliminating the discharge of pollutants to waters of the State from the type of agricultural operation being inspected. A report of the inspection shall be filed with the Regional Board

⁹ *Reliable and effective BMPs are those that have been recommended or identified in an approved nutrient management plan, by a local resource conservation district, by staff of USDA's Natural Resource Conservation Service, by a University of California Cooperative Extension advisor, by a Technical Advisory Committee, or other recognized technical resource.*

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within 3 months of the completion of the inspection. The report shall identify recommendations for the implementation of new or revised BMPs and other changes in the design or operation of the agricultural operation that would reduce or eliminate discharges of pollutants to waters of the State.

7. When required by the Regional Board Executive Officer to do so, each discharger, whether or not a member of a Discharger Group, shall develop a proposed Water Quality Improvement Plan (WQIP) (see Attachment D), designed to address BMP deficiencies and to improve the quality of waste discharges from their agricultural operations. The proposed WQIP shall include a proposed schedule for the implementation of its recommendations. The WQIP shall be implemented upon approval by the Executive Officer.
8. Agricultural operators who assume ownership of manure fertilizer shall maintain a system of documentation to track and monitor the amount of manure initially received from the hauler, and the rate and amount of manure fertilizer application within their individual operation. This manure tracking and monitoring system will be used by the Regional Board to collect data needed to assess the effect that manure fertilizer management practices have on groundwater and surface water nutrient and salt loadings. The Discharger Group may operate this system.
9. Dischargers shall implement tasks that are identified in approved TMDL implementation plans and that are assigned, in whole or in part, to agricultural operators. Implementation shall be conducted in accordance with the schedule(s) specified in the TMDLs, unless the Regional Board or the Executive Officer determines that case-specific circumstances warrant a modified schedule. Dischargers are encouraged to fulfill these obligations as part of a Discharger Group, but may also fulfill these obligations individually. Discharger compliance with TMDL requirements as part of a Discharger Group is contingent on the payment of apportioned TMDL Task Force fees to the approved Discharger Group administrator.

D. BEST MANAGEMENT PRACTICE (BMP) MONITORING PROGRAM

1. Annually, by August 15 of each year, dischargers shall report on the BMPs that are being used at their agricultural operations. Dischargers may submit this report individually or the report may be submitted by a Discharger Group administrator on behalf of the Group members.
2. The following shall be reported in the BMP annual report:
 - a. The name and physical address of the reporting discharger;
 - b. The location(s) and WDID number(s) of the agricultural operation(s) to which the report applies;
 - c. Intended purpose and type of each BMP;
 - d. When each BMP was installed or implemented (month, year);
 - e. Size of each BMP and estimated volume of flows treated prior to discharge;
 - f. The overall condition of each BMP, type and schedule of expected maintenance or replacement needed to assure proper function of each BMP; and,

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- g. Based on site-specific data¹⁰, assessment of the efficacy of each BMP in reducing pollutants in discharges from the site(s), including load reductions. Where one or more BMPs are in common use by multiple members of a Discharger Group, representative assessments of the efficacy of the BMPs may be conducted by the Discharger Group and reported by the Group administrator.
3. The BMP annual report may be combined and submitted with the Water Quality Monitoring Program Plan annual report (see Part E, below).

E. DISCHARGE CHARACTERIZATION AND WATER QUALITY MONITORING PROGRAM PLAN

1. Within 180 days of receipt of a Notice of Authorization (NOA), dischargers shall submit a site-specific characterization of their discharges. This characterization shall identify:
 - a. The nature of the discharges (e.g., irrigation tail-water, stormwater runoff, etc.).
 - b. Estimated volume (expected flow and duration) of each type of discharge, and the months the discharges occur.
 - c. Chemical and physical analysis of each type of discharge, including: nutrients (Total Kjeldahl Nitrogen, nitrate nitrogen, nitrite nitrogen, total phosphorus, orthophosphate), electrical conductivity, total suspended solids, pH, and total dissolved solids (TDS).
2. Within 180 days of submittal of the NOI, dischargers shall submit a proposed groundwater and surface water quality monitoring program plan (WQMPP) for approval by the Executive Officer. The WQMPP shall be implemented upon approval. (Also, see Part E.9, below.)
3. The proposed WQMPP shall be designed to:
 - a. Assess the effects of the waste discharges on the surface and ground waters of the state;
 - b. Determine or contribute to the determination of compliance with applicable load allocations established in TMDLs;
 - c. Determine whether the waste discharges meet the TDS and nitrogen water quality objectives of affected groundwater management zones;
 - d. If necessary, determine the magnitude of the offset measures necessary to mitigate discharges that exceed the nitrogen and/or TDS water quality objectives of affected GMZs;
 - e. Inform source investigations of waste discharges with excessive pollutant loads;
 - f. Monitor temporal trends in the types and amounts of pollutants discharged and in the condition of receiving waters.
 - g. In a representative manner, monitor the quality of waste discharges from agricultural operations that occur during dry weather and as a result of stormwater or flood flow runoff.

¹⁰ To conduct BMP efficacy assessments, site-specific discharge flow or volume (measured or estimated) and pollutant concentration data shall be used.

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4. The rationale for the proposed monitoring must be described in the proposed WQMPP. Constituents and parameters selected for monitoring must reflect pollutants that are potentially contained in the waste discharges. The proposed WQMPP shall include:
 - a. A proposed receiving water monitoring program that identifies: locations to be monitored; rationale for selection of monitoring parameters, locations, and frequencies; monitoring methods; and constituents or parameters to be monitored.
 - b. A Quality Assurance Project Plan (QAPP) that conforms to the guidance for QAPPs developed by the State Water Resources Control Board's Surface Water Ambient Monitoring Program (SWAMP)
http://www.waterboards.ca.gov/water_issues/programs/swamp/tools.shtml#qa.
 - c. A topographic map(s) of appropriate scale showing the location of all agricultural operations covered by the discharger's NOI(s), drainage patterns of the agricultural operation sites, and proposed sampling locations. Selection of monitoring locations must be spatially and statistically representative.
5. Surface receiving water monitoring must, at a minimum, include: analysis for nutrients (Total Kjehldahl Nitrogen, nitrate nitrogen, nitrite nitrogen, total phosphorus, ortho-phosphate), electrical conductivity, total suspended solids (TDS), pH, total dissolved solids (TDS), and acute toxicity.
6. Groundwater monitoring must, at a minimum, include analysis for pH, TDS, and nitrate nitrogen.
7. Dischargers who apply manure fertilizer to cropland shall include procedures in their WQMPP for monitoring the salt load (TDS and nitrate) of these fertilizer applications on groundwater. Dischargers that apply manure fertilizer to croplands overlying groundwater management zones that lack assimilative capacity for TDS and nitrogen shall include procedures in their WQMPP for collection of data needed to assess the effectiveness of salt load reduction BMPs.
8. WQMPP(s) shall be integrated with other established water quality monitoring programs, such as the watershed-wide monitoring program being implemented by members of the TMDL Task Force, monitoring conducted by regulated stormwater dischargers, etc.
9. Dischargers within a watershed or discrete sub-watershed are encouraged to collaborate on the development and implementation of a proposed WQMPP that is representative of discharges from agricultural operations in that watershed/sub-watershed. Agricultural operators who wish to participate in a collaborative WQMPP shall do so as part of a Discharger Group (see Section G., below). Where different types of agricultural operations are represented within a Discharger Group, multiple WQMPPs may be necessary to assure representative data collection and analyses.
10. Collaborative WQMPP(s) by Discharger Group(s) shall include a justification that the monitoring proposed is sufficient to represent the discharges from the Discharger Group members' enrolled sites.
11. The approved administrator of the Discharger Group shall be responsible for the submittal of the proposed collaborative WQMPP(s) within 180 days of the issuance of this Conditional

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Waiver, provided that a Discharger Group has been formed and the administrator has been approved as of the date of issuance of this Waiver, or within 180 days of the formation of the Group and Executive Officer approval of the Group administrator.

12. Dischargers who participate in a collaborative WQMPP are not required to comply individually with the requirement to submit an individual proposed WQMPP.
13. A proposed draft collaborative WQMPP shall conform to the requirements specified above. In addition, the proposed draft collaborative WQMPP shall include the following information for each agricultural operation represented by the Discharger Group:
 - a. The name and mailing address of each operator represented;
 - b. The WDID number of each agricultural operation represented;
 - c. Map or maps showing the locations of all agricultural operations represented, by agricultural activity type (Attachment B); and,
 - d. Name and mailing address of the administrator of the proposed collaborative WQMPP.
14. All WQMPP reports shall be submitted annually, by August 15 of each year. Collaborative WQMPP reports prepared by or on behalf of a Discharger Group shall be submitted by the Discharger Group administrator. The reports shall include:
 - a. Tabulated water quality monitoring results, in printed and in SWAMP compatible electronic format;
 - b. Data interpretation, discussion and analysis of water quality monitoring results;
 - c. Laboratory analytical reports and QA/QC documentation;
 - d. Graphics showing the watershed context of the WQMPP, monitoring locations, relevant landmarks, and locations of all agricultural operations represented and their land use classifications¹¹;
 - e. QAPP compliance report;
 - f. Conclusions and recommendations;,
 - g. For Discharger Group(s), the name and mailing address of the group administrator, list of all participants in the group (listing discharger WDIDs, owner's name, operator's name, location and acreage of covered site(s), membership status (active, withdrawn, fee delinquent, etc.) in the group in the membership of the Discharger Group from the prior annual report submitta¹⁶ I shall be identified explicitly.
15. During the term of this Order, and with appropriate notice, the Executive Officer may modify or revise a discharger's or Discharger Group's WQMPP to reduce or increase the number of constituents or parameters to be monitored, the frequency of the monitoring, or the number and size of samples collected; to change the location(s) at which monitoring is conducted; or to alter other aspects of the WQMPP necessary to accurately characterize discharges from agricultural operations. A discharger may request a hearing concerning any changes to a WQMPP identified by the Executive Officer.
16. During the term of this waiver, dischargers or Discharger Groups shall periodically review their QAPP, and revise the QAPP as necessary to assure accurate implementation of their

¹¹ After Anderson J.R, et al., 1976, USGS Professional Paper 964

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WQMPP. Documentation of the QAPP review and revisions of the QAPP shall be submitted with the appropriate WQMPP annual report.

F. DISCHARGER GROUPS

1. To qualify as a Discharger Group, within 9 months after this Conditional Waiver is adopted by the Regional Board, the Discharger Group shall file a Discharger Group notification with the Regional Board that identifies the dischargers participating in the Discharger Group and the Group's mailing address.
2. Members of a Discharger Group shall identify a third party administrator who is not a discharger under this Conditional Waiver. The third party administrator must be approved by the Regional Board Executive Officer based on a satisfactory demonstration that the administrator possesses sufficient resources to coordinate enrollment in and compliance with the Group-applicable requirements of this Waiver.
3. Each discharger's compliance with this Waiver as a member of a Discharger Group is contingent on the prompt payment of group membership fees, as determined by the approved Group administrator, to that Administrator. Fees necessary to support the compliance activities of the Discharger Group are in addition to those required pursuant to 23 CCR section 2200.6.
4. The Group administrator shall review each Discharger Group member's NOI (Attachment A) to assure completeness prior to submitting the NOI to the Executive Officer. This requirement does not apply if an Individual Discharger for whom a Notice of Authorization was issued thereafter elects to become a member of a Discharger Group
5. The administrator of a Discharger Group shall compile and maintain the following:
 - a. Copies of completed NOIs for members of the Discharger Group;
 - b. A list of the Group dischargers for whom Notices of Authorization have been issued and the WDID numbers for those dischargers;
 - c. A list of the location(s) and APN(s) of each site where the participating Group discharger is conducting agricultural operations, and the types of agricultural operations conducted at each site.

These lists shall be updated as necessary to assure that they remain current. The lists shall be made available to Regional Board staff upon request.

6. No Discharger Group shall be recognized unless and until a Discharger Group administrator has been identified by the Group and approved by the Executive Officer.
7. The Discharger Group Administrator may submit NOIs on behalf of an agricultural operator or group of operators. Each NOI shall include all of the information contained in Part B.2 of this Order, and shall be accompanied by the appropriate fee called for in Part B.3 of this Order.

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8. The Discharger Group Administrator may submit individual draft WQMPPs and QAPPs for enrolled sites represented by the group, for Executive Officer approval. Conditions that apply to WQMPPs and QAPPs are contained in Part E., above.
9. The Discharger Group Administrator may submit individual WQMPP reports on behalf of the Group's discharger participants. Although dischargers that are participating in a discharge group may have their data submitted collectively as members of the Discharge Group, individual Dischargers remain responsible for submittal of monitoring and reporting information for the agricultural operations under their control.
10. The Discharger Group Administrator shall be responsible to submit collaborative WQMPP reports prepared by or on behalf of a Discharger Group.
11. The Discharger Group will not be responsible or liable for an individual agricultural operator's compliance with the terms of the Conditional Waiver or the Water Code.
12. The Discharger Group administrator shall report to the Regional Board any change(s) in the membership of the Group within 30 days of the occurrence of the change(s). If a new agricultural owner/operator who has not submitted an individual NOI to the Board for enrollment in this Order is added to the Group, the submittal of the completed NOI by the administrator shall suffice for this notification. If a discharger in a Discharger Group elects to discontinue participation in the Group, or if the Group determines that a discharger is not fulfilling its Group obligations and the discharger is removed from the Group, and that discharger continues to conduct agricultural operations, then the discharger shall seek individual enrollment in this Order. A Discharger's failure to seek enrollment in this waiver within 30 days of when the Board is notified that the discharger's participation in the Discharger Group has been discontinued is grounds for enforcement action.

G. GENERAL CONDITIONS AND OTHER REPORTING

1. Dischargers have the option to participate in a pollutant trading program, when and if such a program is developed and when such a program is approved by the Regional Board. Each Discharger's participation in an approved pollutant trading program is subject to Executive Officer approval.
2. Annually, dischargers enrolled in this Conditional Waiver shall receive not less than twelve (12) hours of education concerning NPS pollution control and water quality management on agricultural operations, and pertinent related topics. Educational programs that are proposed to fulfill this condition are subject to approval by Board staff. Dischargers and Discharger Group administrators shall keep records of attendance at approved education programs.
3. Dischargers must comply with all applicable restrictions concerning the management and use of registered pesticides.
4. One year after receiving their NOA and annually thereafter, the following shall be reported to the Regional Board for each discharger:

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- a. Evidence of participation in training programs on reducing water quality impacts from agricultural practices;
- b. For each enrolled site, crops or products produced.

This report may be combined with annual BMP and WQMPP reports.

5. Dischargers who individually enroll in this Conditional Waiver shall submit reports containing the information listed in Part G.4, above, to the Regional Board.
6. Annually, dischargers shall report on their payment of apportioned TMDL implementation fees to WRCAC acting on behalf of the TMDL Task Force.
 - a. For Discharger Groups, the Group Administrator shall report on individual group member's payment, or non-payment, of apportioned TMDL implementation fees to WRCAC.
 - b. Apportioned TMDL implementation fee payment reporting shall be submitted with annual BMP and WQMPP reports.
7. The administrator of a Discharger Group shall submit a compilation of the WQMPP data (Part E.) on behalf of the Group's discharger participants. Dischargers participating in a Discharger Group remain individually responsible for submittal of monitoring and reporting information for the agricultural operations under their control.
8. The discharger shall furnish, within a reasonable time not to exceed 30 days from the date of a request, any information the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the discharger's coverage under this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept under this Order.
9. All dischargers shall maintain, for inspection by Regional Board staff, their NOI(s), NOA(s), WQMPP, pesticide and fertilizer application information as may be required by other regulatory programs, and all other reports, records or plans required by this Conditional Waiver. Participants in a Discharger Group shall maintain all of the above as it relates to their agricultural operations, as well as proof of participation in good standing in a Discharger Group, and contact information for the Discharger Group administrator, for inspection by Board staff.
10. All hazardous wastes from this facility must be managed in a manner acceptable to agency(s) with jurisdiction over such wastes.
11. Land application of mulch and compost is allowable for soil amendment at agricultural operations enrolled in this Order, provided that the following minimum requirements are met:
 - a. Mulch and compost shall contain 0.1 percent or less ($\leq 0.1\%$) by weight of physical contaminants¹²;
 - b. Mulch and compost shall not exceed the maximum particle size of three (3) inches;

¹² "Physical contaminants" means pieces of non-compostable solid waste that include, but not limited to plastics, glasses, metals, clothing, wood containing lead-based paint or wood preservatives, and other similar materials.

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- c. Land application, including disking and tilling, of mulch and/or compost shall be limited to 12 inches total accumulated application depth in a 12-month period. This limit is subject to site-specific conditions. For example, a reduced application depth may be necessary to protect beneficial uses of a receiving water body, or a greater application depth may be allowed where justified by agronomic circumstances; and,
 - d. At a minimum, one crop must be grown on the land(s) where the mulch/compost is applied during the 12-month period following the application.
12. Any land application of manure at agricultural operations enrolled in this Order shall meet the following minimum requirements:
- a. The application rate shall not exceed 1 inch in a 12-month period;
 - b. The manure shall be disked and tilled into the soil after application; and,
 - c. At a minimum, two crops must be grown on the lands on which the manure is applied during the 12-month period following the application.
13. Stockpiling of mulch, compost or manure shall not exceed 30 days prior to the land application of the stockpiled material.

H. DISCHARGE PROHIBITIONS

1. The discharge of wastes to land or to surface waters shall not cause a condition of contamination, pollution or nuisance, as defined in Water Code Section 13050.
2. The discharge of wastes from the agricultural operations addressed in this Order (see A. Eligible Dischargers) that are not enrolled in this Conditional Waiver or other Order or Waiver adopted by the Regional Board is prohibited. Only discharges of wastes from eligible agricultural operations are authorized by this Conditional Waiver.
3. The discharge of wastes containing any substance in concentrations toxic to human, animal, plant or aquatic life, is prohibited.
4. The discharge of waste from agricultural operations onto lands which are not owned or controlled by the discharger, or onto lands for which the discharger has not obtained authorization to discharge, is prohibited.
5. The disposal of manure to land is prohibited.
6. The discharge of visible oil and grease is prohibited.
7. During the period between November 15 and March 31 of each year, if the National Weather Service predicts rainfall in the forecast within 72 hours, application of chemical fertilizers (including nitrogen carriers of herbicides for foliar application), manure, and herbicides and other pesticides to agricultural operations that are subject to inundation by the San Jacinto River or its tributaries is prohibited.

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8. Discharge of municipal solid waste, as defined in 14 CCR 18720 (a) (40)¹³, onto land zoned for agricultural uses or onto land zoned for other uses that is being used for agricultural operations including dry-farming or that is fallow, for any purpose, is prohibited.
9. The discharge of waste containing TDS and/or Nitrogen concentrations in excess of water quality objectives established in the Basin Plan for these constituents in underlying groundwater management zones is prohibited, unless a plan, acceptable to the Executive Officer, is implemented to offset the TDS and nitrogen discharges to these groundwater management zones.
10. The application of manure to lands within the San Jacinto River Watershed that overlie GMZs without assimilative capacity for TDS and/or nitrate-nitrogen is prohibited, unless a plan, acceptable to the Executive Officer, is implemented that offsets the effects of that application on the underlying groundwater management zone. These manure application requirements apply to the San Jacinto Upper Pressure GMZ, unless it is demonstrated that the agricultural operator is at least in part responsible for and contributing to the maximum benefit implementation plan for that GMZ and may therefore be entitled to some allocation of TDS/nitrate-nitrogen assimilative capacity by the Regional Board. Notwithstanding any such demonstration, the Regional Board retains discretion to determine whether any assimilative capacity will be allocated, and, if so, how much.

I. PROVISIONS

1. BMPs implemented to comply with conditions of this waiver shall at all times be operated and maintained in a manner that enables the measure or practice to perform its intended function in an optimal manner.
2. An individually enrolled agricultural operator may request that their operation(s) be classified as Low Risk. Requests for reclassification shall be made to the Regional Board Executive Officer and shall include:
 - a. A copy of the operator's original NOI to enroll in the Conditional Waiver and WDID;
 - b. Information documenting consistent use, maintenance and performance of water quality management measures or practices that warrant "low-risk" status;
 - c. Exhibits showing site location and topography;
 - d. History of compliance with Regional Board and Agricultural Commissioner regulatory programs;
 - e. Other pertinent information that Board staff requests.

¹³ 14 CCR 18720 (a)(40) "Municipal solid waste" or "MSW" means all solid wastes generated by residential, commercial, and industrial sources, and all solid waste generated at construction and demolition sites, at food-processing facilities, and at treatment works for water and waste water, which are collected and transported under the authorization of a jurisdiction or are self-hauled. Municipal solid waste does not include agricultural crop residues (SIC Codes 071 through 0724, 0751), animal manures (SIC Code 0751), mining waste and fuel extraction waste (SIC Codes 101 through 1499), forestry wastes (SIC Codes 081 through 0851, 2411 and 2421), and ash from industrial boilers, furnaces and incinerators.

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The Executive Officer may grant this request by finding that the agricultural operator has practices and policies in place that prevent wastes from their agricultural operation(s) from being discharged to surface and ground waters of the State in a manner that will adversely affect water quality. A "low-risk" discharger is eligible for reduced individual monitoring and reporting. Water Code section 13269(a)(3) authorizes the Regional Board to waive monitoring requirements for discharges operating under a waiver that do not pose a significant threat to water quality. Low-risk dischargers shall comply with all conditions of eligibility, application, authorization, discharge prohibitions, provisions, general conditions, and applicable monitoring and reporting requirements.

3. Individual dischargers who voluntarily discontinue participation in a Discharger Group and who continue to conduct agricultural operations that are subject to this Conditional Waiver shall submit a complete NOI for individual participation in this waiver within 30 days of the discontinuance of Group participation. The Discharger will be required to submit a new NOI form with the most current information. Failure to submit an NOI may result in the Regional Board pursuing appropriate administrative enforcement action pursuant to Water Code section 13261, which provides for the assessment of administrative civil liability.
4. Termination from coverage will occur on the date the Executive Officer determines the accuracy of the information submitted in the NOT, unless the Executive Officer specifies another date. All discharges shall cease before the date of termination, and any discharges on or after that date shall be considered in violation of this Conditional Waiver, unless another waiver or waste discharge requirements regulates the discharge.
5. In the event that the Regional Board issues an individual permit with more specific requirements to a discharger, the applicability of this Order to that discharger is automatically terminated, except for enforcement purposes, on the effective date of the individual permit.
6. Failure to submit a report in accordance with schedules established by an approved individual or group WQMPP, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, may subject a Discharger to enforcement action pursuant to Water Code section 13268, which provides for the assessment of administrative civil liability.
7. To the extent required by Water Code section 13267, the discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
 - a. Upon reasonable notice, enter upon the discharger's premises where a regulatory facility or activity is located or conducted, or where records must be kept under the conditions of this Order. Consistent with Water Code section 13267(c), advance notice is not required in the event of an emergency affecting public health or safety;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order, or as otherwise authorized by the Water Code; and,

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- d. To photograph, sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the Water Code, any substance or condition at any location under the discharger's control.
8. This Order does not relieve the discharger from responsibility to obtain other necessary local, State, and Federal permits to construct facilities necessary for compliance with this Order, nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.
9. After notice and opportunity for hearing, coverage of an individual discharger or participant of a Discharger Group under this Order may be terminated or modified for cause by the Executive Officer, for, but not limited to, any of the following:
 - a. Violation of any term or condition of this Order;
 - b. Obtaining this Order by misrepresentation or failure to disclose all relevant facts; or,
 - c. A change in any condition that requires a temporary or permanent reduction or elimination of the authorized discharge.
10. The filing of a request by the discharger for an Order modification, revocation and issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
11. This order does not convey any property rights or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from liability under Federal, State, or local laws, nor do they create a vested right for the discharger to continue the waste discharge (Water Code section 13263(g)).
12. Pollutants concentrations in surface runoff shall not exceed the applicable Basin Plan water quality numeric and narrative objectives for the receiving water body.
13. Dischargers may request that the Executive Officer approve revisions of their WQMPP to reduce the number of constituents of parameters to be monitored, the frequency of the monitoring, or the number and size of samples collected; to revise the location(s) at which monitoring is conducted; or to change other aspects of the WQMPP necessary to accurately characterize discharges from their agricultural operations.
14. Owners (or operators) of agricultural operations who are requested to enroll in this Conditional Waiver program but fail to implement, operate and maintain appropriate BMPs may no longer be eligible to participate in this Conditional Waiver and may be required to submit a report of Waste Discharge (Water Code section 13260) and obtain individual Waste Discharge Requirements from the Regional Board.
15. Individual dischargers and members of a Discharger Group are responsible for meeting the conditions of this Conditional Waiver. Failure by an individual discharger or a member of a Discharger Group to maintain compliance with the Waiver may result in administrative enforcement actions, including imposition of civil liability, and/or withdrawal of the conditional waiver and issuance of waste discharge requirements by the Regional Board (Water Code sections 13261, 13262, 13265, 13268, 13300, 13301, 13304, 13308, 13350).

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16. Both owners and operators of agricultural operations have responsibility for compliance with the conditions of the Waiver.
17. If an Individual Discharger or participant of a Discharger Group fails to meet the requirements and conditions of this Waiver, the Executive Officer may terminate coverage under the Waiver and issue Waste Discharge Requirements for that Discharger. Prior to this termination and issuance of Waste Discharge Requirements, the Discharger may ask the Regional Board to consider extenuating circumstances.
18. This Conditional Waiver shall become effective on **June 19, 2015** and expire on **June 19, 2020**, except for enforcement purposes, unless rescinded, renewed, or extended by the Regional Board.
19. Regional Board staff shall provide periodic reports to the Regional Board regarding the effectiveness of this Conditional Waiver for regulating agricultural operations.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region on **June 19**, 2015.

Kurt V. Berchtold
Executive Officer