

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

**ORDER NO. R5-2019-0001**

**AMENDING WASTE DISCHARGE REQUIREMENTS GENERAL ORDERS  
FOR GROWERS WITHIN THE CENTRAL VALLEY  
THAT ARE MEMBERS OF A THIRD-PARTY GROUP:**

**TULARE LAKE BASIN AREA R5-2013-0120-06  
WESTERN TULARE LAKE BASIN AREA R5-2014-0001-05  
WESTERN SAN JOAQUIN RIVER WATERSHED R5-2014-0002-07  
SAN JOAQUIN COUNTY AND DELTA AREA R5-2014-0029-03  
SACRAMENTO RIVER WATERSHED AREA R5-2014-0030-05  
GRASSLAND DRAINAGE AREA R5-2015-0095-02  
SACRAMENTO VALLEY RICE GROWERS R5-2014-0032-01**

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

1. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of waters of the State, which includes both surface water and groundwater, is found in the Porter-Cologne Water Quality Control Act (California Water Code Division 7).
2. The Central Valley Water Board issued eight Waste Discharge Requirements General Orders for growers within the Central Valley that are members of a third-party group for discharges from irrigated lands to surface water and to groundwater (Irrigated Lands Regulatory Program (ILRP) General Orders).
3. "Irrigated lands" in the ILRP General Orders (except for the Tulare Lake Basin and the Western Tulare Lake Basin General Orders) is defined as "land irrigated to produce crops or pasture for commercial purposes; nurseries; and privately and publicly managed wetlands".
4. "Irrigated lands" in the ILRP General Orders for the Tulare Lake Basin and the Western Tulare Lake Basin is defined as "land irrigated to produce crops or pasture for commercial purposes, and nurseries."
5. On 7 February 2018, the State Water Resources Control Board adopted Order WQ 2018-0002, *In the Matter of Review of Waste Discharge Requirements General Order R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group*.
6. On 7 February 2018, the State Water Resources Control Board also adopted revisions to Waste Discharge Requirements General Order R5-2012-0116 for the Eastern San Joaquin River Watershed as Appendix A of Order WQ 2018-0002. Many of the findings and directions in Order WQ 2018-0002 are precedential for irrigated lands regulatory programs statewide. Regional Boards were directed to revise their regulatory programs to be consistent with the precedential directions of Order WQ 2018-0002.

7. This Order amends the General Orders identified herein (see exceptions footnoted in Item 13) to be consistent with the precedential requirements of Order WQ 2018-0002.

Precedential elements for third-party groups include the following requirements:

- a. Submit field-level management practice implementation data to the Regional Board using anonymous Member IDs.
- b. Submit field-level nitrogen applied and nitrogen removed (AR) data to the Regional Board using anonymous identifiers.
- c. Develop a Groundwater Protection Formula, Groundwater Protection Values, and Groundwater Protection Targets by Township, subject to Executive Officer approval following public review and comment.
- d. Calculate the annual and multi-year nitrogen applied/nitrogen removed (A/R) ratio and A-R difference parameters for each grower by field. Three categories of exceptions to reporting R values are described in Order WQ 2018-0002 and may be granted by the Regional Board.
- e. Coefficients for conversion of yield to nitrogen removed must be developed and used to determine nitrogen removed values. The coefficients must be approved by the Regional Board in consultation with the State Water Board staff, following an opportunity for public review and comment.
- f. Provide training for AR outliers and identify Members that are repeated outliers. An approach for defining outliers with whom the third-party will follow up based on AR data must be proposed. Executive Officer approval is required after public notice and comment.
- g. Submit an Irrigation and Nitrogen Management Plan Summary Report evaluation annually.
- h. Submit a summary comparing Groundwater Protection Targets and actual values achieved for each township.
- i. Maintain reports and records for ten years. Field-specific data must be backed up in a secure offsite location managed by an independent entity.

Precedential elements for Members of a third-party group include the following requirements:

- j. All Members must participate in outreach events.
- k. All Members must submit management practice implementation information to the third-party group.
- l. Members with the potential to cause erosion and discharge sediment that may degrade surface waters must implement sediment and erosion control practices.
- m. All Members must prepare and submit an updated Farm Evaluation to the third-party every five years.
- n. All Members must develop and implement an Irrigation and Nitrogen Management Plan (INMP) and maintain it at the Member's farming operations headquarters. Members in high vulnerability groundwater areas must prepare and implement a certified INMP.
- o. All Members must submit an Irrigation and Nitrogen Management Plan Summary Report to the third-party group.

- p. Any category of Members seeking to be exempted from nitrogen management requirements must demonstrate, for approval by the Executive Officer, that nitrogen applied to fields does not percolate below the root zone in an amount that could impact groundwater and does not migrate to surface water through discharges.
  - q. Members in areas subject to surface water or groundwater management plans must complete a Management Practice Implementation Report and submit a copy to the third-party.
  - r. Members must annually sample private drinking water supply wells located on their property. A Member may rely on drinking water supply well sampling data from any time in the past five years. Results must be submitted in GeoTracker.
  - s. Drinking water well users must be notified if a drinking water well exceeds 10 mg/L of nitrate plus nitrite as nitrogen. The Member must provide a notice to users within ten days of the exceedance and send a copy of the notice to the Regional Board.
8. On 31 May 2018, the Central Valley Water Board adopted amendments to the Basin Plan to implement the Salt and Nitrate Management Plan that was developed through the Central Valley Salinity Alternatives for Long-Term Sustainability initiative (CV-SALTS). The amendments are currently pending before the State Water Board and must be approved by the State Water Board and Office of Administrative Law prior to becoming effective. Permit reopening language has been added to the General WDRs to address incorporation of applicable requirements upon approval by the State Water Board.
9. In the current General WDRs, growers that are not current Members in the third-party group are required to apply for coverage by submitting a Notice of Intent (NOI), including an administrative fee, to the Central Valley Water Board. This step is in addition to obtaining membership with the applicable third-party group. The NOI process was included when the General WDRs were initially adopted to provide an incentive for landowners and operators to enroll promptly. The NOI process no longer provides this benefit. Instead, this step creates an extra burden for both Central Valley Water Board staff and growers seeking coverage in the program. The NOI process has been removed from the General WDRs.
10. This Order updates findings that describe the nitrogen management certification training conducted by the California Department of Food and Agriculture's Fertilizer Research and Education Program.
11. This Order updates the findings that describe recommendations of the Nitrogen Tracking and Reporting Task Force and the Agricultural Expert Panel.
12. This Order includes minor modifications and edits to update language, clarify intent, and correct grammatical and spelling errors.
13. This Order amends the following ILRP General Orders as described above<sup>1, 2</sup>:

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<sup>1</sup> Order R5-2015-0095-02, Waste Discharge Requirements for Growers in the Grassland Drainage Area addresses only groundwater requirements. Therefore, only changes pertinent to groundwater are included.

<sup>2</sup> Order R5-2014-0032-01, Waste Discharge Requirements for Sacramento Valley Rice Growers, is exempt from the following elements of this Order: INMP/INMP Summary Report and associated

- Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group R5-2013-0120-06 (adopted on 19 September 2013, and revised on 4 December 2014, 2 October 2015, 19 February 2016, 6 December 2016, 25 April 2017, and 5 May 2017),
- Waste Discharge Requirements General Order for Growers within the Western Tulare Lake Basin Area that are Members of a Third-Party Group R5-2014-0001-05 (adopted on 9 January 2014, and revised on 5 February 2015, 2 October 2015, 19 February 2016, 6 December 2016, and 5 May 2017),
- Waste Discharge Requirements for Growers within the Western San Joaquin River Watershed that are Members of a Third-Party Group R5-2014-0002-07 (adopted on 9 January 2014, and revised on 17 April 2015, 31 July 2015, 2 October 2015, 19 February 2016, 15 April 2016, 5 May 2017, and 14 November 2017),
- Waste Discharge Requirements for Growers within the San Joaquin County and Delta Area that are Members of a Third-Party Group R5-2014-0029-03 (adopted on 12 March 2014, and revised on 17 April 2015, 19 February 2016, and 5 May 2017),
- Waste Discharge Requirements for Growers within the Sacramento River Watershed Area that are Members of a Third-Party Group R5-2014-0030-05 (adopted on 12 March 2014, and revised on 5 June 2015, 2 October 2015, 19 February 2016, and 5 May 2017),
- Waste Discharge Requirements for Growers in the Grassland Drainage Area R5-2015-0095-02 (adopted on 3 July 2015, and revised on 19 February 2016 and 5 May 2017)<sup>1</sup>,
- Waste Discharge Requirements for Sacramento Valley Rice Growers R5-2014-0032-01 (adopted on 27 March 2014 and revised on 2 October 2015).

An underline/strikeout document that indicates the alterations that this Order will make to the ILRP General Orders is attached hereto as Attachments 1-7 and incorporated herein by reference.

14. The Central Valley Water Board's ILRP staff is working with researchers and operators of irrigated pastures and hay farms in upper watershed areas to identify potential regulatory options for Members with a low potential to discharge waste to surface water or groundwater. The success of this effort is reliant on stakeholder participation, including proposing practical options and providing necessary documentation. Staff intends to provide an information item during the October Board meeting describing the status of this work.
15. The Central Valley Water Board, acting as a lead agency pursuant to CEQA (Pub. Resources Code, § 21000 et seq.), certified a Program Environmental Impact Report (PEIR) for the Irrigated Lands Regulatory Program on 7 April 2011. This Order relies on the environmental impact analysis contained in the PEIR to satisfy the requirements of CEQA.

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requirements (i.e., certification language, calculation of A/R ratio and A-R difference); MPEP requirement to develop Groundwater Protection Formula, Values, and Targets; MPEP requirement to evaluate management practice effectiveness in all areas; and specified Farm Evaluation template content.

Pursuant to this Order, the changes described above are within a range of options identified and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.

16. The Central Valley Water Board has notified interested agencies and persons of its intent to adopt this Order for discharges of waste from irrigated lands within the Central Valley, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
17. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

**IT IS HEREBY ORDERED** that ILRP Waste Discharge Requirements General Orders No. R5-2013-0120-06, R5-2014-0001-05, R5-2014-0002-07, R5-2014-0029-03, R5-2014-0030-05, R5-2015-0095-02, and R5-2014-0032-01 are amended by making the modifications identified in Attachments 1-7 of this Order.

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

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/)

or will be provided upon request.

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 7 February 2019.

*Original signed by*

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PATRICK PULUPA, Executive Officer

Attachment 1: Order R5-2013-0120-07, Amended Waste Discharge Requirements  
Attachment 2: Order R5-2014-0001-06, Amended Waste Discharge Requirements  
Attachment 3: Order R5-2014-0002-08, Amended Waste Discharge Requirements  
Attachment 4: Order R5-2014-0029-04, Amended Waste Discharge Requirements  
Attachment 5: Order R5-2014-0030-06, Amended Waste Discharge Requirements  
Attachment 6: Order R5-2015-0095-03, Amended Waste Discharge Requirements  
Attachment 7: Order R5-2014-0032-02, Amended Waste Discharge Requirements

February 2019