

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2019-0036

AMENDING ORDER NO. R5-2012-0116-07
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
FOR GROWERS WITHIN THE EASTERN SAN JOAQUIN RIVER WATERSHED
THAT ARE MEMBERS OF THE THIRD-PARTY GROUP

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

1. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of the waters of the state, which includes both surface water and groundwater, is found in the Porter-Cologne Water Quality Control Act (California Water Code Division 7).
2. On 7 December 2012, the Central Valley Water Board issued Order No. R5-2012-0116 Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-party Group (Eastern San Joaquin Order).
3. 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*.
4. 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.
5. In the current Eastern San Joaquin Order, growers that are not 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 Eastern San Joaquin Order was 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. This Amending Order removes the NOI process from the Eastern San Joaquin Order.
6. An underline/strikeout document that indicates the alterations that this Order will make to Order R5-2012-0116-07 is attached hereto as Attachment 1 and incorporated herein by reference.
7. 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. Pursuant to this Order, the changes described above are within a range of options identified

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REVISING WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2012-0116-07
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and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.

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

IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. R5-2012-0116-07 is amended by making the modifications identified in Attachment 1 of this Order.

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 05 April 2019.

Original signed by
PATRICK PULUPA, Executive Officer

Attachment 1: Revisions to Waste Discharge Requirements R5-2012-0116-07

ATTACHMENT 1

Proposed revisions to Waste Discharge Requirements for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-party Group R5-2012-0116-07

WASTE DISCHARGE REQUIREMENTS

Page 3, finding 11. *Growers Regulated under this Order*, revise as follows:

11. To apply for coverage under this Order, a grower that is not a current Member in the third-party group will ~~have different application requirements depending on the timing of its request for regulatory coverage (see section VII.A of this Order for specific requirements). Growers that enroll within 120 days of Executive Officer approval of the third-party will~~ enroll under this Order by obtaining membership in the third-party group ~~(see section VII.A of this Order for specific requirements). This will streamline the initial enrollment process for the bulk of the irrigated agricultural operations within the Eastern San Joaquin River Watershed. Growers who do not enroll within 120 days of Executive Officer approval of the third-party, or whom are prompted to apply by Central Valley Water Board enforcement or inspection, are required to submit a Notice of Intent (NOI) to comply with the terms and conditions of this Order to the Central Valley Water Board and obtain membership with the third-party group. This additional step for late enrollees is intended to provide incentive for growers to enroll promptly. There will be an administrative fee for submitting an NOI to the board. The fee will help recover costs for board efforts to conduct outreach to ensure growers subject to this Order enroll or submit reports of waste discharge.~~

Page 24, provisions V.3 and V.4. *Effective Dates*, revise as follows:

3. Regulatory coverage for Dischargers not already enrolled under Order R5-2006-0053 as of the date of adoption of this Order can be obtained directly through obtaining membership in the third-party group ~~within 120 days of after~~ Executive Officer issuance of a Notice of Applicability (NOA) to the third-party. Regulatory coverage is effective when the third-party notifies the Central Valley Water Board that the Discharger's application for membership has been accepted.

4. ~~After the initial 120-day period following issuance of an NOA to the third-party group, regulatory coverage is effective upon notification by the Central Valley Water Board that this Order applies to the grower through the issuance of an NOA. The Central Valley Water Board shall only issue an NOA after it has received a Notice of Intent (NOI) as required by section VII.A, and after the Central Valley Water Board has received notification from the third-party that the Discharger is a Member. The Discharger must pay any applicable State Water Board administrative fees associated with the filing of NOIs.~~

Page 26, provisions VII.A.2 and VII.A.3. *Required Reports, Monitoring and Notices – Member, Notice of Confirmation / Notice of Intent / Membership Application*, revise as follows:

2. Within 120 days of Executive Officer issuance of an NOA to the third-party, all other growers within this Order's boundaries must become Members of the third-party ~~to avoid additional fees and administrative requirements (see section VII.A.3 below).~~ To obtain membership, a grower

must submit a completed third-party Membership application to the third-party group. As part of the membership application, growers must provide certification that they have provided written notice to any responsible non-Member parties of the Member's enrollment under this Order and of the requirements of this Order. Upon submittal of a complete application, the third-party group may confirm membership, after which the Member will be considered covered under this Order. This provision does not apply to Members of the San Joaquin County and Delta Coalition; Westside San Joaquin River Watershed Coalition; or Southern San Joaquin Valley Water Quality Coalition governed by the Coalition Group Conditional Waiver whose parcel(s) are located in the Eastern San Joaquin River Watershed.

3. ~~Beginning 121 days after Executive Officer issuance of an NOA to the third-party, any growers within this Order's boundaries that are not yet Members of the third-party or a Coalition governed by the Coalition Group Conditional Waiver must submit (1) a completed Notice of Intent (NOI) to the Central Valley Water Board to comply with the conditions of this Order, (2) any required State Water Board administrative processing fee for the NOI, and (3) a Membership application to the third-party group. Upon submittal of a complete NOI, and after receiving confirmation from the third-party group that the grower is now a Member, the Central Valley Water Board Executive Officer may then issue a Notice of Applicability (NOA), after which the Member will be considered covered under this Order. In lieu of issuing an NOA, As an alternative to granting coverage under this Order, the Executive Officer may ~~deny the NOI and~~ require the submittal of a report of waste discharge or issue an NOA for regulatory coverage under any applicable general waste discharge requirements for individual dischargers not represented by a third-party.~~

Page 32, provision VII.H. Notice of Termination, revise as follows:

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