

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2006-0077

AMENDING
ORDER NO. R5-2006-0053
COALITION GROUP CONDITIONAL WAIVER
OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS
ATTACHMENT B

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

1. On 22 June 2006, the Central Valley Water Board adopted Order No. R5-2006-0053, *Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges From Irrigated Lands* (Conditional Waiver).
2. On 23 June 2006, the Central Valley Water Board further discussed two conditions in Attachment B of the Conditional Waiver, Condition A.9 and Condition B.6.
3. Condition A.9 states: "After 31 December 2006, no additional Dischargers may join a Coalition Group to obtain coverage under this Order."
4. The prohibition in Condition A.9 could preclude several justifiable additions to Coalition Groups after the deadline, including but not limited to transfer of property to a new owner, "creation" of a new Discharger due to irrigation of previously non-irrigated lands, and transfer of participation from an existing Coalition Group to a newly-formed Coalition Group.
5. Condition B.6 states that when a discharge is causing or contributing to an exceedance of an applicable water quality standard, the Executive Officer can request that the Coalition Group or Discharger prepare a Management Plan.
6. On 23 June 2006, Central Valley Water Board members discussed requiring Coalition Groups or Dischargers to prepare a Management Plan(s) whenever an exceedance is determined instead of only at the request of the Executive Officer.
7. There are advantages and disadvantages to automatically requiring a Management Plan for each exceedance. In lieu of an automatic trigger, the Central Valley Water Board could direct the Executive Officer to make Management Plans a high priority. This would allow staff to consider all factors associated with an exceedance and set priorities for the water quality issues to be pursued.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

For purposes of adoption of this Resolution, the Central Valley Water Board is the lead agency pursuant to CEQA (Public Resources Code sections 21100 et seq.). On 11 July 2003, the Central

Valley Water Board adopted Order No. R5-2003-0103, which approved the Initial Study and adopted a Negative Declaration for the Conditional Waiver. On 22 June 2006, the Central Valley Water Board found that no subsequent environmental document was required for adoption of Order No. R5-2006-0053. The revisions to Attachments B of the Conditional Waiver as set forth herein do not require the Central Valley Water Board to prepare a subsequent or supplemental EIR or negative declaration because the revisions do not constitute substantial changes to the project as specified in Title 14 California Code of Regulations sections 15162 or 15163.

THEREFORE BE IT RESOLVED:

1. Order No. R5-2006-0053, dated 22 June 2006, is hereby amended based on the above findings.
2. Attachment B, Condition A.9 of Order No. R5-2006-0053, shall be amended to state:

“After **31 December 2006** no additional participants may join any Coalition Group unless one or more of the following conditions exists:

- a. The subject owner and/or property were not a “discharger” qualifying for coverage under the Coalition Group Conditional Wavier prior to 31 December 2006, but management or physical changes on the subject property, or on properties between the subject property and receiving surface waters to which the wastewater drains, have been modified such that the subject owner and property are now a “discharger” and qualify for Coalition Group membership.
- b. The owner/property were participants in one Coalition Group or covered under the Individual Discharger Conditional Waiver Order prior to 31 December 2006, but are transferring their participation to another Coalition Group.
- c. Coalition Group boundaries change or a new Coalition Group is formed, such that an area not previously covered by any Coalition Group now is covered, so growers in those areas should be able to join the new or revised Coalition Group.
- d. The property was transferred to a new owner after 31 December 2006.
- e. Water Board staff determines that an owner or operator is a discharger where the owner or operator reasonably asserts that he/she is not a discharger as defined by the Conditional Waiver.
- f. Other situations reviewed and approved by the Executive Officer on a case-by-case basis.

All additions of participants to a Coalition Group after **31 December 2006** must be approved by the Executive Officer.”

3. Attachment B, New Condition after Condition B.6 of Order No. R5-2006-0053, shall state:

“The Coalition Group shall submit a management plan when there has been more than one exceedance of a water quality standard in three years, unless the Executive Officer determines that the exceedance is not likely to be remedied or addressed by a management plan.”

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4. The Central Valley Water Board directs the Executive Officer to regularly include a report to the Central Valley Water Board that describes the actions taken to require management plans.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 3 August 2006.

PAMELA C. CREEDON, Executive Officer