

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

**ORDER R5-2015-XXXX**

**REVISING ORDER R5-2014-0001  
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR GROWERS WITHIN THE WESTERN TULARE LAKE BASIN AREA THAT ARE  
MEMBERS OF A THIRD-PARTY GROUP**

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

1. On 9 January 2014, the Central Valley Water Board issued Order No. R5-2014-0001 Waste Discharge Requirements General Order for Growers within the Western Tulare Lake Basin Area that are Members of a Third-Party Group (WTLBA General Order).
2. 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).
3. Section VIII.A of the WTLBA General Order requires that within 30 days of the effective date of the Order, any group wishing to serve as a third-party must submit a letter to the Executive Officer. One third-party group submitted an application to the Executive Officer requesting to serve as a third-party group for the Western Tulare Lake Basin Area. The third-party's proposed boundaries did not provide full coverage for the Western Tulare Lake Basin Area, and therefore additional discussions between Board staff and the third-party group were needed to resolve the issue. A Notice of Applicability (NOA) was issued to the third-party group on 14 February 2014.

Section VIII.D.1 of the Western TLBA General Order requires that the third-party group submit a Groundwater Quality Assessment Report (GAR) one year following the issuance of their NOA. The GAR determines the high and low Vulnerability areas within the third-party boundaries. Some grower requirements of the WTLBA General Order, such as the Farm Evaluation and Nitrogen Management Plans, are due for large farming operations within high vulnerability areas on 1 March 2015. Unlike the GAR deadline, these requirements are not linked to the issuance of the NOA, which means that the delay in issuing the NOA did not alter these deadlines. The GAR submittal date for the third-party group is 16 February 2015, leaving insufficient time between the designations of high and low vulnerability areas in the GAR and the 1 March 2015 deadline for some Farm Evaluation and Nitrogen Management Plans.

4. On 17 January 2014, Governor Edmund G. Brown issued an emergency proclamation for the State of California due to severe drought. In part, the statement released by the Office

of the Governor regarding this proclamation directed state officials to assist farmers and communities that are economically affected by the drought. In a letter, received by the Board on 31 October 2014, the third-party group requested that additional time be allotted for growers to submit Farm Evaluations and for the third-parties to submit the Nitrogen Management Plan Summary Report because the drought has had a significant effect on water resources for California farmers.

5. To address the topics detailed in Findings 3 and 4 above, this Order revises the WTLBA Order to amend the schedule for preparation and submittal of the Farm Evaluations, Nitrogen Management Plans, Certification of the Nitrogen Management Plans and Nitrogen Management Plan Summary Reports. These changes include;
  - I. Providing large farming operations in high vulnerability areas with an additional year to submit a completed Farm Evaluation Template to the third-party group,
  - II. Requiring that large farming operations in high vulnerability areas prepare a Nitrogen Management Plan within 90 days of the date the Executive Officer issues the Nitrogen Management Plan Template. To facilitate this, the third-party group agreed to meet with Central Valley Water Board staff to discuss their proposed process for determining high and low vulnerability areas prior to submission of their GAR. On 7 November 2014, Central Valley Regional Board staff met with the third-party group to discuss development of the GAR. An additional meeting to discuss the process for determining high and low vulnerability areas has been scheduled for 9 January 2014. If an agreement on the vulnerability designation process is not reached by 16 February 2015, the Executive Officer will make the final determination regarding high and low vulnerability areas. See Section VII.D Nitrogen Management Plan in Attachment A of this Order for details.
  - III. Providing large farming operations in high vulnerability areas with an additional year for the certification of Nitrogen Management Plans, and
  - IV. Providing large farming operations in high vulnerability areas with an additional year to submit a Nitrogen Management Plan Summary Report for the previous year.

A redline/strikeout document that indicates the alterations that this Order will make to the WTLBA General Order is attached hereto as Attachment A and incorporated herein by reference.

6. 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. The timelines modified pursuant to this Order apply to a range of compliance activities

identified and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.

7. 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 Western Tulare Lake Basin Area, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
8. 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. R5-2014-0001 is revised by making modifications identified in Attachment A 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, sections 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 filing 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, PAMELA C. CREEDON, 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 XX February 2015.

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PAMELA C. CREEDON, Executive Officer

Attachment A: Revisions to Waste Discharge Requirements R5-2014-0001