

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

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ORDER R7-2020-0020



Order Information

Dischargers: Agricultural and Drain Maintenance Dischargers in Coachella Valley
Coalition Group: Coachella Valley Irrigated Lands Coalition
Site: Irrigated Agricultural Lands in Coachella Valley
County: Riverside County
Related Order(s): R7-2014-0046, R7-2019-0049

I, PAULA RASMUSSEN, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 24, 2020.

Original signed by

PAULA RASMUSSEN
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ORDER R7-2020-0020

SHORT-TERM RENEWAL OF ORDER R7-2014-0046
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
AGRICULTURAL WASTEWATER DISCHARGES AND DISCHARGES OF WASTES
FROM DRAIN OPERATION AND MAINTENANCE ACTIVITIES
WITHIN THE COACHELLA VALLEY
RIVERSIDE COUNTY

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) hereby makes the following Findings:

1. On June 26, 2014, the Colorado River Basin Water Board adopted Order R7-2014-0046, *Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Wastes from Drain Operation and Maintenance Activities Within the Coachella Valley* (2014 Conditional Waiver). The 2014 Conditional Waiver is incorporated herein by reference and made part of this Order.
2. On June 13, 2019, the Colorado River Basin Water Board adopted Order R7-2019-0049, *Short-Term Renewal of Order R7-2019-0046 Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Waste from Drain Maintenance Activities Originating Within the Coachella Valley*. Order R7-2019-0049 renewed the 2014 Conditional Waiver for a period of 12 months until June 26, 2020 but did not modify any other terms of the Waiver.
3. To comply with the 2014 Conditional Waiver, a third-party coalition group called the Coachella Valley Irrigated Lands Coalition (CVILC) formed to assist agricultural dischargers in complying with the terms of the waiver. The CVILC obtained approval from the State Water Resources Control Board (State Water Board) to manage fee collection and payment on behalf of coalition group members. All dischargers that enrolled under the 2014 Conditional Waiver enrolled as members of the CVILC.
4. To comply with the terms of the 2014 Conditional Waiver and ensure attainment of water quality objectives, the CVILC developed a Compliance Program in which members are required to:
 - a. Complete an individual Water Quality Management Plan (Farm Plan) for each parcel of irrigated agricultural land;
 - b. Complete an individual Drain Water Quality Management Plan (Drain Plan), if applicable;

- c. Install, implement, and maintain management practices that protect water quality from agricultural activities on every parcel of irrigated agricultural land;
 - d. Update parcel information as often as necessary (i.e., when leases or crops change, management practices are changed, etc.). At a minimum, parcel information is required to be reviewed and updated annually;
 - e. Attend outreach and education trainings organized by the CVILC; and
 - f. Pay coalition dues to the CVILC to cover state fees and CVILC operating expenses.
5. The CVILC also developed a Monitoring and Reporting Program and a Quality Assurance Project Plan, both of which were approved by the Colorado River Basin Water Board's Executive Officer, and pursuant to which the CVILC monitors water quality and reports on behalf of the members of the CVILC.
6. On February 7, 2018, the State Water Board adopted Order WQ 2018-0002, *In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group Issued by the California Regional Water Quality Control Board, Central Valley Region* (Eastern San Joaquin Order).
7. The State Water Board gave certain precedential direction in the Eastern San Joaquin Order binding on all irrigated lands regulatory programs statewide. The Eastern San Joaquin Order specifically directs regional water boards to revise their irrigated lands regulatory programs within five years to be consistent with the precedential requirements in the order.
8. Colorado River Basin Water Board staff is in the process of developing general waste discharge requirements (General WDRs) for agricultural discharges in the Coachella Valley that incorporate the precedential requirements of the Eastern San Joaquin Order. Each precedential requirement must be considered and adjusted to apply to regional conditions and to optimize local resources to protect regional water quality. Consequently, revising the irrigated lands program in Coachella Valley requires significant staff time and resources, as well as coordination with the CVILC and regulated community. Coordination with the CVILC and the regulated community is necessary to ensure that the CVILC and its members are prepared to meet the precedential requirements of the General WDRs. This work will not be completed before the 2014 Conditional Waiver expires on June 26, 2020.
9. Water Code section 13269, which governs waivers of WDRs like the 2015 Conditional Waiver, provides that such waivers may not exceed five years in duration, but may be renewed by regional water boards.

10. When renewing a waiver, the Colorado River Basin Water Board must determine that the waiver is consistent with applicable water quality control plans and is in the public interest. The conditions of the waiver must include the performance of individual, group, or watershed-based monitoring, unless the Board determines that the discharge does not pose a significant threat to water quality.
11. Renewal of the 2014 Conditional Waiver on a short-term basis through December 26, 2020 is in the public interest and complies with the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan). It will allow efforts to protect water quality to continue while staff develops the new General WDRs, which will implement the precedential requirements of the Eastern San Joaquin Order and serve as the next phase of the irrigated lands program in Coachella Valley. Renewal of the 2014 Conditional Waiver will continue to require agricultural dischargers to control discharges of waste through management practices and to comply with water quality objectives, prevent an interruption in the existing coalition-based Monitoring and Reporting Program, and continue the payment of state fees.
12. This Order renews the 2014 Conditional Waiver for a period of six months until December 26, 2020 but does not modify any other terms of the waiver. The 2014 Conditional Waiver contains findings required by Water Code section 13269 and the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.), and those findings are incorporated by reference into this Order to renew the 2014 Conditional Waiver.
13. Prior to renewing any waiver for a specific type of discharge, the Colorado River Basin Water Board must review the terms of the waiver at a public hearing and determine whether the discharge for which the waiver was established should be subject to general or individual WDRs.
14. During the term of the renewal, it is appropriate to regulate agricultural discharges under a conditional waiver rather than individual WDRs, because this will simplify and streamline the regulatory process. There are estimated to be hundreds of individual owners and/or operators of irrigated agricultural lands in Coachella Valley. It is neither feasible nor reasonably practicable to issue individual WDRs to each due to staff limitations at the Colorado River Basin Water Board. All of the owners and/or operators of irrigated agricultural lands in the Coachella Valley have similar discharges. Consequently, regulation of these facilities via General WDRs is the preferred option. Additional time is required to develop the General WDRs, which will include findings specific to the CVILC.
15. The Colorado River Basin Water Board has notified the CVILC and all known interested agencies and persons of its intent to renew the 2014 Conditional Waiver for a period of six months and has provided them with an opportunity for a public meeting and to submit comments.

16. The Colorado River Basin Water Board, in a public meeting, heard and considered all comments pertaining to this renewal of the 2011 Conditional Waiver.

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code sections 13269 and 13267, as follows:

1. Order R7-2014-0046, *Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Wastes from Drain Operation and Maintenance Activities Within the Coachella Valley*, which was previously renewed for one year by Order R7-2019-0049, is hereby renewed for an additional period of six months until December 26, 2020. This Order does not modify any other terms of the 2014 Conditional Waiver.
2. The existing Compliance Program, Monitoring and Reporting Program, and Quality Assurance Project Plan developed under the 2014 Conditional Waiver remain in full force and effect.
3. Any person already enrolled in the 2014 Conditional Waiver is not required to submit a new notice of intent (NOI) to enroll in this Order. Any such person is automatically deemed enrolled in this Order.
4. The CVILC, its members, and any other enrollees shall continue to comply with the terms and conditions of the 2014 Conditional Waiver and take any required actions to improve and protect waters of the state. Compliance is required until such time as this Order is renewed or superseded.

Any person aggrieved by this Colorado River Basin Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day 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 statutes and regulations applicable to filing petitions are available on the State Water Board's website and can be provided upon request.