

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

**ORDER R7-2019-XXXX**

**GENERAL WASTE DISCHARGE REQUIREMENTS  
FOR  
DISCHARGES OF WASTE FROM IRRIGATED AGRICULTURAL LANDS  
FOR DISCHARGERS THAT ARE MEMBERS OF A COALITION GROUP  
IN PALO VERDE VALLEY AND PALO VERDE MESA  
Imperial and Riverside Counties**

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) finds that:

1. Discharges from irrigated agricultural lands, including leaching or runoff of irrigation water and/or stormwater running off of agricultural fields, carry wastes including but not limited to salts, nutrients, pathogens, sediments, and pesticides that can affect the quality of waters of the state.
2. Palo Verde Valley and Palo Verde Mesa, located in Imperial and Riverside Counties, have approximately 131,000 acres of irrigated agricultural lands. (**Figure 1.**) Additionally, Palo Verde Valley and Palo Verde Mesa contain approximately 142 miles of open agricultural drains.
3. Waters of the state are, or may be, affected by waste discharges from irrigated agricultural lands in the Palo Verde Valley and Mesa, including the following surface waters: Palo Verde Valley Drains, Palo Verde Mesa Drains, Palo Verde Lagoon, and Palo Verde Outfall Drain, all of which are tributary to the Colorado River. Additionally, groundwaters are or may be affected by these waste discharges, including the Palo Verde Valley Groundwater Basin and Palo Verde Mesa Groundwater Basin.
4. Water Code section 13260, subdivision (a)(1), requires that any person discharging wastes or proposing to discharge wastes (other than into a community sewer system), which could affect the quality of the waters of the state, must file a report of waste discharge (ROWD). The appropriate regional water board then prescribes requirements for the discharge or proposed discharge of wastes pursuant to Water Code section 13263. General waste discharge requirements may be prescribed for discharges produced by the same or similar operations, involving the same or similar types of wastes, and requiring the same or similar treatment standards.
5. This Order consists of general waste discharge requirements (General WDRs) regulating discharges of wastes from commercial irrigated agricultural lands in Palo Verde Valley and Palo Verde Mesa to prevent and address water quality impacts to waters of the state. These General WDRs regulate owners/operators of irrigated agricultural lands (Dischargers) with the potential to discharge waste that may impact the quality of the waters of the state. This Order also establishes substantive and procedural requirements for third-party representatives formed to comply with this Order (Coalition Groups), and only regulates Dischargers who are also members of a Coalition Group.
6. Dischargers were previously regulated under Order R7-2012-0047, a *Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and*

*Discharges of Waste from Drain Operations and Maintenance Activities Originating within the Palo Verde Valley and Palo Verde Mesa, Imperial and Riverside Counties (2012 Conditional Waiver)*, which expired on September 20, 2017. This Order supersedes the 2012 Conditional Waiver, except for enforcement purposes.

### **Scope and Applicability**

7. This Order regulates discharges, potential discharges, or proposed discharges of waste from **“Irrigated Agricultural Land,”** which means lands irrigated to produce crops or pasture for commercial purposes, and includes, but is not limited to, lands planted for row, vineyard, pasture, field and tree crops, and nurseries. This includes land for which:
  - a. The landowner or operator holds a current Operator Identification Number/Permit Number for pesticide use reporting.
  - b. The landowner or operator files federal taxes using federal Department of Treasury Internal Revenue Service Form 1040, Schedule F “Profit or Loss from Farming.”
  - c. The crop is sold, including but not limited to (1) an industry cooperative, (2) harvest crew/company, or (3) a direct marketing location, such as Certified Farmers Markets.
8. This Order only regulates discharges from the Palo Verde Area, depicted in **Figure 1**, and defined to include the following two geographic areas:
  - a. Palo Verde Valley; and
  - b. Palo Verde Mesa.
9. Discharges regulated under this Order include surface waters discharges (e.g., storm water runoff; irrigation return water, tailwater) and subsurface discharges (e.g., tile water and groundwater seepage).
10. This Order only regulates landowners and operators<sup>1</sup> who are members of a Coalition Group. In order to be covered by this Order, the landowners or operators must be members of a Coalition Group. Dischargers not represented by a Coalition Group must submit an ROWD to the Colorado River Basin Water Board and obtain individual WDRs from the Colorado River Basin Water Board.
11. This Order does not apply to the following:
  - a. Discharges from Irrigated Agricultural Land that are adequately regulated under other Colorado River Basin Water Board regulatory programs/permits, including but not limited to concentrated animal feeding operations (CAFOs), cannabis cultivation, parks, golf courses, and cemeteries.
  - b. Discharges from agricultural activities not engaged in for profit, such as hobby growing or gardening.
  - c. Discharges from Irrigated Agricultural Land where all growing operations are conducted within buildings or in completely enclosed areas with no potential to discharge waste to waters of the state.

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<sup>1</sup> Because this Order regulates both landowners and operators, but does not require enrollment of both parties, the provisions of this Order require that the Coalition Group member provide notification to the non-member responsible party of enrollment under this Order.

- d. Discharges regulated under National Pollutant Discharge Elimination System (NPDES) permits, pursuant to Clean Water Act section 402.
- e. Discharges of dredged or fill material regulated under Clean Water Act sections 401 and 404.

### **Definitions**

- 12. "Irrigated Agricultural Land" has the meaning set forth in Finding 7.
- 13. "Waste" means sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with the human habitation, or of human or animal origin, or from producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal. (Wat. Code, § 13050, subd. (d).)
- 14. "Waters of the state" means any surface water or groundwater, including saline waters, within the boundaries of the state. (Wat. Code, § 13050, subd. (e).)
- 15. "Discharger(s)" means the owner or operator of Irrigated Agricultural Land who discharges, has the potential to discharge, or proposes to discharge waste, which could directly or indirectly affect the quality of waters of the state.
- 16. "Coalition Group" means any third-party entity (e.g., group of Dischargers, nonprofit organization, government agency, etc.) that is formed to comply with this Order. Coalition Groups can be formed based on a defined geographical area, watershed, or other appropriate grouping, such as growing similar types of crops.
- 17. "Compliance Program" means a nonpoint source pollution control program that specifies the management practices and monitoring and reporting requirements that will be implemented to ensure compliance with this Order.
- 18. Unless otherwise specified, all terms used in this Order shall have the same definition as those set forth in division 7 of the Water Code.

### **Irrigated Agricultural Lands Program Background**

- 19. On January 20, 2011, the Colorado River Basin Water Board adopted Resolution R7-2011-0014 to amend the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan). The proposed amendment established a conditional discharge prohibition regulating agricultural discharges in the Palo Verde Valley and Palo Verde Mesa. Basin Plan amendments must be approved by the State Water Resources Control Board (State Water Board) before they become effective. On January 10, 2012, the State Water Board disapproved the proposed Basin Plan amendment, in part because there were no fees associated with the discharge prohibition and the amendment would have resulted in a disparate fee structure for discharges from irrigated lands across the state.
- 20. On September 20, 2012, the Colorado River Basin Water Board adopted the 2012 Conditional Waiver, which regulated discharges from Irrigated Agricultural Land in Palo Verde Valley and Palo Verde Mesa and included a requirement to pay state fees.
- 21. Palo Verde Irrigation District (the District) created and manages a Coalition Group, the Palo Verde Outfall Coalition (Outfall Coalition), to assist Dischargers who were members

of the Coalition Group in complying with the 2012 Conditional Waiver. The District also obtained approval from the State Water Board to manage fee collection and payment on behalf of the Outfall Coalition members. All Dischargers that enrolled under the 2012 Conditional Waiver enrolled as members of the Outfall Coalition.

22. To comply with the 2012 Conditional Waiver and ensure attainment of water quality objectives, the Outfall Coalition developed a compliance program in which members were required to:
  - a. Complete an individual Water Quality Management Plan (Farm Plan);
  - b. If applicable, complete an individual Drain Water Quality Management Plan (Drain Plan);
  - 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, add management practices, etc.). At a minimum, parcel information was required to be reviewed and updated annually;
  - e. Attend outreach and education trainings hosted by the Outfall Coalition; and
  - f. Pay coalition dues to the Outfall Coalition to cover state fees and coalition costs.
23. The Outfall Coalition 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 Outfall Coalition monitored water quality and reported on behalf of the members of the Coalition Group.
24. The 2012 Conditional Waiver expired on September 20, 2017. On August 2, 2017, the Colorado River Basin Water Board's Executive Officer sent a letter to the Outfall Coalition indicating that staff was still in the process of drafting this Order, and that the Colorado River Basin Water Board would not take any enforcement action against Dischargers for failure to submit a Report of Waste Discharge (ROWD), provided that the Outfall Coalition continued implementing the compliance program developed under the 2012 Conditional Waiver during the transition period.
25. On February 7, 2018, following a lengthy public hearing, the State Water Board adopted revisions to the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) *Waste Discharge Requirements General Order for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group*. (Order WQ 2018-0002.) The State Water Board's order establishes a model for all regional water boards to follow in their subsequent orders to reduce pollutants from irrigated agricultural lands around the state. The State Water Board order directed all regional water boards to revise the permits for their irrigated lands regulatory programs within the next five years to be consistent with certain precedential requirements in the State Water Board order. This Order complies with the State Water Board's directive.
26. Upon adoption of these General WDRs, the District has agreed to continue managing the Outfall Coalition and to implement a Compliance Program in accordance with this Order.

### **Hydrological Setting**

27. Palo Verde Valley and Palo Verde Mesa occupy about 189 square miles of territory in Riverside and Imperial Counties. (**Figure 1.**)
28. Palo Verde Valley straddles southern Riverside County and northern Imperial County.

The valley is bounded to the north by the Big Maria Mountains, to the west by Palo Verde Mesa, and to the south and east by the Colorado River. The valley is relatively flat, nine (9) miles wide and thirty (30) miles long, and ranges from 290 feet above mean sea level (MSL) in the north to 220 feet above MSL in the south.

29. The Palo Verde Mesa, formed by flooding of the Colorado River, is divided into the upper and lower terrace. Most farming occurs west of the lower terrace, which is one (1) mile wide and sixty (60) feet higher in elevation than the valley.
30. Mean summer temperatures in the Palo Verde Valley and Palo Verde Mesa areas range from 85° to 110° Fahrenheit. Precipitation typically averages four (4) or less inches per year, and evapotranspiration about 72 inches per year. (U.S. Department of Agriculture, 1974.)
31. Soils in the Palo Verde Valley are well-drained, fine-grained sand and loam alluvial deposits from the Colorado River. Soils in the Palo Verde Mesa are comprised of older alluvial deposits derived from adjacent mountains (Big Maria, McCoy, Mule, and Palo Verde Mountains), consisting of excessively-drained to well-drained fine to gravelly sand, and loam.
32. Within Palo Verde Valley and Palo Verde Mesa, there are two distinct groundwater basins: (1) the Palo Verde Valley Groundwater Basin and (2) the Palo Verde Mesa Groundwater Basin.
33. The Palo Verde Valley Groundwater Basin is bounded on the east by the Colorado River, on the north by the Palo Verde Dam and the Big Maria Mountains, on the west by the Palo Verde Mesa, and on the south by the Palo Verde Mountains. The principal water-bearing deposits in this basin are alluvial, the Bouse Formation, and fanglomerate deposits.
34. The Palo Verde Mesa Groundwater Basin is bounded by the Big Maria and Little Maria Mountains on the north, the McCoy and Mule Mountains on the west, the Palo Verde Mesa on the east, and the Palo Verde Mountains on the south. The northwest boundary and parts of the western boundary are drainage divides.
35. Depth to groundwater in the two groundwater basins varies from one foot to greater than 150 feet below ground surface. The groundwater is generally unconfined. In the Palo Verde Mesa Groundwater Basin, the main water-bearing unit consists of alluvial deposits, Quaternary in age, approximately 600 feet thick (Metzger et al., 1973) and is composed of lenticular beds of sand, gravel, silt, and clay in the basin and coarse-grained angular rock detritus near the mountains (Cal. Dep't of Water Resources, 1961, 1979). In the Palo Verde Valley Groundwater Basin, the main water-bearing units include the alluvium deposits, ranging from 130 to 600 feet thick, and the upper Bouse Formation. (Metzger et al., 1973.)
36. In the 1950s, the elevations of first-encountered groundwater, formed by Colorado River leakage and storm water and irrigation water that percolated below the root zone, were higher than they are currently. To drain off excess water and lower the water table, some farmers installed tile systems beneath their fields that discharged into agricultural drains. Most of these systems were abandoned when the drains were deepened almost seven feet below the groundwater table. As the water table dropped, the depth to water in the drains increased. As a result, first-encountered groundwater in the Palo Verde Valley currently occurs at an average of 10 feet below the ground surface. The only tile systems that remain operational today occur in the extreme southern end of the valley, south of the

unincorporated community of Palo Verde, and are managed by the District.

37. Surface waters in the Palo Verde Valley and Palo Verde Mesa consist of irrigation canals, surface drains, and tile drains.
38. The District diverts and distributes irrigation water from the Colorado River for farmland in Palo Verde Valley and Palo Verde Mesa. The District operates a 244.23-mile network of irrigation canals and laterals that service farmland in the Palo Verde Valley and Palo Verde Mesa. The main canals at the north end of the District handle up to 2,100 cubic feet per second (cfs), while the smaller laterals handle up to 25 cfs. Farmers in the Palo Verde Valley divert water from a canal through a gate operated by the District onto their agricultural fields. Farmers in Palo Verde Mesa, which is 80 to 130 feet higher than the valley, use canal water lifted by private pumps and supplement irrigation with water from deep wells developed by the landowners.
39. The District also operates and maintains 142 miles of open agricultural drains dug to a depth at least one (1) foot below the groundwater table to prevent rising groundwater from impacting or reducing crop productivity. The drainage system services about 22,000 acres of farmland with field spill pipes that remove excess irrigation water from crops. The drainage system also includes about 300 siphons or submerged culverts.
40. Most of the drains discharge into the Palo Verde Outfall Drain, a portion of which is known as the Palo Verde Lagoon. The Palo Verde Outfall Drain ultimately discharges to the Colorado River via an old channel of the Colorado River before joining the active channel of the river in the Cibola National Wildlife Refuge. The Shaws Drain and the Olive Lake Drain discharge directly into the Colorado River.
41. From 2006 through 2016, the Palo Verde Outfall Drain flows leaving the District averaged 365,676 acre-feet per year. For 2016, flows averaged 402.7 cubic feet per second and totaled 291,700 acre-feet for the year. Recent surface water quality data for the area is detailed in the Information Sheet, **Attachment A**.
42. All the drinking water in Palo Verde Valley and Palo Verde Mesa is sourced from groundwater. The City of Blythe Water Department supplies water to city residents in Riverside County from 17 public supply wells. The Palo Verde County Water District (PVCWD) supplies water to residents of the Community of Palo Verde in Imperial County for domestic purposes from two production wells. The drinking water in the rural areas is sourced from around 162 domestic wells.
43. A groundwater quality study from deep wells sampled by U.S. Geological Survey (Dawson and Belitz, 2012) indicates that most constituents detected were in concentrations below the Primary and Secondary Maximum Contaminant Levels (MCLs) found in California Code of Regulations, title 22, section 64421 et seq. in both Palo Verde area groundwater basins. Only specific conductance, total dissolved solids (TDS), and sulfate concentrations were consistently measured above the Secondary MCLs. TDS values ranged between 637 and 2,890 mg/L. All concentrations of volatile organic compounds (VOCs), pesticides, perchlorate, 1, 2, 3-TCP, and nitrate were below established health-based thresholds. Available groundwater quality data for the area is detailed in the Information Sheet, **Attachment A**.

#### **Irrigated Agricultural Land Discharge Characteristics**

44. The predominant crop in the Palo Verde Valley and Palo Verde Mesa is alfalfa. Other

crops in Palo Verde area include wheat and other field crops, broccoli and other vegetables, melons, cotton, and citrus orchards.

45. Discharges from Irrigated Agricultural Lands (tailwater, tilewater, seepage and surface water draining from fields after irrigation and storms events) either percolate to the underlying aquifer or are collected into 142 miles of open and unlined drains that ultimately discharge to the Palo Verde Outfall Drain and the Colorado River.
46. Discharges from Irrigated Agricultural Lands may contain high levels of sediment, pesticides (DDT, Toxaphene, Chlorpyrifos, Malathion, Dimethoate, and Endosulfan), nutrients, salts, and bacteria that can adversely impact receiving water beneficial uses.

### **Basin Plan and Related Regulatory Requirements**

47. The Basin Plan, which was adopted on November 17, 1993 and amended on March 7, 2017, designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Pursuant to Water Code section 13263, subdivision (a), waste discharge requirements must implement the Basin Plan and take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.
48. The Basin Plan specifies the following beneficial uses for the Palo Verde Valley Drains, the Palo Verde Valley Lagoon, and Palo Verde Outfall Drain:
  - a. Water Contact Recreation (REC I),
  - b. Water Non-Contact Recreation (REC II),
  - c. Warm Freshwater Habitat (WARM),
  - d. Wildlife Habitat (WILD), and
  - e. Preservation of Rare, Threatened, or Endangered Species (RARE).<sup>2</sup>
49. The Basin Plan's water quality objectives for the Palo Verde Valley Drains, the Palo Verde Valley Lagoon, and Palo Verde Outfall Drain are summarized in the Information Sheet, **Attachment A**.
50. The Basin Plan specifies the following beneficial uses for the Colorado River:
  - a. Municipal and Domestic Supply (MUN),
  - b. Agriculture Supply (AGR),
  - c. Aquaculture (AQUA),
  - d. Industrial Service Supply (IND),
  - e. Ground Water Recharge (GWR),
  - f. REC I,
  - g. REC II,
  - h. WARM,
  - i. Cold Freshwater Habitat (COLD),
  - j. WILD,
  - k. Hydropower Generation (POW), and
  - l. RARE.

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<sup>2</sup> Only applies to the Palo Verde Valley Lagoon and Palo Verde Outfall Drain.

51. The Basin Plan's water quality objective for salinity (TDS) for the Colorado River in the Palo Verde area is summarized in the Information Sheet, **Attachment A**.
52. The Palo Verde Valley and Palo Verde Mesa are part of the Colorado Hydrologic Unit, and the Basin Plan designates the following beneficial uses for area groundwater:
  - a. MUN,
  - b. AGR, and
  - c. IND.
53. The Basin Plan's water quality objectives for groundwater in the Palo Verde area are summarized in the Information Sheet, **Attachment A**.
54. This Order establishes WDRs pursuant to division 7, chapter 4, article 4 of the Water Code (for discharges that are not subject to regulation under Clean Water Act section 402 (33 U.S.C. § 1342)). These WDRs implement narrative and numeric water quality objectives for ground and surface waters established by the Basin Plan and other applicable state and federal laws and policies.
55. These General WDRs constitute a Nonpoint Source Implementation Program consistent with the requirements of State Water Board's *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (State NPS Policy). The State NPS Policy recognizes that nonpoint source pollution typically occurs from diffuse sources such as runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification, and that prevention and minimization of pollution from these sources is the most successful form of control. The purpose of these General WDRs is to minimize or eliminate waste discharges from Irrigated Agricultural Lands into waters of the state that may be causing or contributing to exceedances of applicable federal or state water quality objectives.
56. Consistent with the State NPS Policy, Dischargers comply with these General WDRs by implementing and improving management practices and complying with the other conditions, including monitoring and reporting requirements. This Order requires Dischargers to address impacts to water quality by evaluating the effectiveness of management practices (e.g., waste discharge treatment and control measures) and take action to improve management practices to reduce discharges. However, implementation of management practices is not a substitute for meeting water quality objectives. If a Discharger fails to address impacts to water quality by taking the actions required by this Order, including evaluating the effectiveness of their management practices and improving as needed, the Discharger may then be subject to progressive enforcement and possible monetary liability.
57. The Colorado River Basin Water Board has considered the factors found in Water Code section 13241 in establishing these General WDRs, including:
  - a. Past, present, and probable future beneficial uses of water;
  - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto;
  - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
  - d. Economic considerations;
  - e. The need for developing housing within the region; and
  - f. The need to develop and use recycled water.



58. Average annual compliance cost estimates for the Outfall Coalition are \$197,177 for the first year and \$187,177 for subsequent years. Average annual cost estimates of compliance with this Order for individual Dischargers who are members of a Coalition Group ranges from \$6,000 to \$8,000, plus state fees (currently, \$100 per group plus \$0.95 per acre of land enrolled). The Information Sheet, **Attachment A** of this Order, contains further discussion of estimates of the total costs and an identification of potential sources of financing to comply with this Order.
59. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order requires the Dischargers to implement management practices to meet water quality objectives intended to protect water for municipal and domestic uses and to monitor and report on the effectiveness of the management practices.
60. Water Code section 13267 authorizes the Colorado River Basin Water Board to require technical and monitoring reports. Regional Water Board staff have developed the Monitoring and Reporting Program (MRP), titled *Palo Verde Water Quality Monitoring and Reporting Program*, for members of the Outfall Coalition. **Attachment C**, made a part of this Order by reference, contains the MRP. The technical reports required by the MRP are necessary to evaluate compliance with the terms and conditions of this Order and to ensure protection of waters of the state. The burden, including costs, of this MRP bears a reasonable relationship to the need for that information and the benefits to be obtained from that information.
61. Pursuant to Water Code section 13263, subdivision (g), the discharge of waste is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.

### **303(d) List Impairments**

62. Section 303(d) of the federal Clean Water Act requires states to identify waterbodies that do not meet water quality objectives. Each state must submit an updated list of impaired waterbodies every two years to the U.S. Environmental Protection Agency (USEPA) (303(d) List), as well as establish priority rankings for waters on the list and develop Total Maximum Daily Loads (TMDLs) for these waters. A TMDL is a pollutant and surface waterbody specific control plan that must account for all sources of the pollutant that caused the waterbody to be listed.
63. In some cases, other regulatory tools can be used to address waterbody impairments in lieu of a formal TMDL. The *Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options* (Impaired Waters Policy), State Water Board Resolution 2005-0050, gives regional water boards wide latitude for determining how to address impaired waters, within certain legal parameters. The Impaired Water Policy provides that impaired waters may also be addressed through existing regulatory tools and mechanisms, known as "TMDL alternatives," such as individual or general WDRs, enforcement actions, and interagency agreements.
64. On July 30, 2015, USEPA gave final approval to California's 2012 303(d) List. The 303(d) List classifies the Palo Verde Outfall Drain and Palo Verde Valley Lagoon as impaired by chloride, legacy organochlorine pesticides dichloro-diphenyl-trichloroethane (DDT) and toxaphene, and pathogen-indicator bacteria.

65. To address the 303(d) List impairments of the Palo Verde Outfall Drain and Palo Verde Lagoon, this Order will serve as either the first phase of data collection for future TMDLs or as an alternative, non-TMDL solution, as described below:
- a. **Chloride.** Data and information reviewed by Regional Water Board staff indicate that agricultural activities in the watershed of Palo Verde Outfall Drain and Lagoon may be a source of the chloride impairment. The available chloride data is not sufficient to proceed with either delisting the impairment or developing a TMDL. As a result, this Order establishes monitoring requirements for chloride in the Palo Verde Outfall Drain and Lagoon to assess the current impairment and its sources, and to facilitate development of appropriate controls for the impairment.
  - b. **DDT and Toxaphene.** Data and information reviewed by Regional Water Board staff indicate that agricultural activities in the watershed of Palo Verde Outfall Drain and Lagoon are the source for these impairments. Consequently, this Order incorporates a DDT and toxaphene impairment control plan titled *Palo Verde Outfall Drain and Lagoon DDT and Toxaphene Impairment Control Plan*. (**Attachment B**.) As described in **Attachment B** of this Order, Regional Water Board staff estimates that the water quality objectives for DDT and toxaphene will be attained in 2036 through the implementation of the established management practices. (Figure 1 of **Attachment B**.)
  - c. **Pathogen-indicator bacteria.** Data collected by Regional Water Board staff indicates no impairment for the pathogen-indicator *Escherichia coli* (*E. coli*), but does show impairments for fecal coliform and enterococci indicators. USEPA's 2012 Recreational Water Quality Criteria recommends that either one bacterium indicator organism (*E. coli* or enterococci) be designated as a pathogen indicator for fresh water bodies like Palo Verde Outfall Drain and Lagoon. The State Water Board is amending the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California* so that it specifies *E. coli* as the pathogen-indicator in water quality objectives for fresh waters, as recommended by USEPA. As a result, this Order establishes monitoring requirements for *E. coli* in the Palo Verde Outfall Drain and Lagoon to assess current impairment and its sources, and to develop appropriate controls for this impairment or delist based on this single pathogen-indicator.

### Antidegradation Analysis

66. State Water Board Resolution 68-16, entitled *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Resolution 68-16), generally prohibits the Colorado River Basin Water Board from authorizing discharges that will result in the degradation of high-quality waters, unless it is demonstrated that any change in water quality will (a) be consistent with maximum benefit to the people of the state, (b) not unreasonably affect beneficial uses, and (c) not result in water quality less than that prescribed in state and regional policies (e.g., the violation of one or more water quality objectives). The Discharger must also employ best practicable treatment or control (BPTC) to minimize the degradation of high-quality waters.
67. These General WDRs include conditions and performance standards that will minimize any degradation to waters of the state. Specifically, the requirements of Resolution 68-16 are met through a combination of upfront planning and implementation at the farm level; regional monitoring and assessments to determine whether trends in degradation are occurring; and regional planning and on-farm implementation when trends in degradation

are identified.

68. Initially, Dischargers need to conduct an on-farm evaluation to determine whether their management practices are protective of water quality. Dischargers must also prepare and implement a farm-specific irrigation and nitrogen management plan. Through the process of learning about effective management practices, evaluating their own practices, and implementing improved practices, Dischargers are expected to achieve best practicable treatment or control (BPTC), where applicable.
69. This Order also requires Dischargers to implement monitoring and assessment programs for both surface water and groundwater. These monitoring and assessment programs are required to determine compliance with water quality objectives and whether any trends in water quality improvement or degradation are occurring. If trends in such degradation are identified that could result in impacts to beneficial uses, a water quality restoration plan must be prepared by the Coalition Group. The plan must include the identification of practices that will be implemented to address the trend in degradation and an evaluation of the effectiveness of those practices in addressing the degradation. Failure to implement practices or address the degradation will result in further direct regulation by the Colorado River Basin Water Board, including, but not limited to, regulating the individual Discharger directly through WDRs for individual discharges or taking other progressive enforcement actions.

### **California Environmental Quality Act**

70. Adoption of these General WDRs constitutes a “project” pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, section 21000 et seq. The Colorado River Basin Water Board is the lead agency for this project under the CEQA.
71. On September 20, 2012, the Colorado River Basin Water Board adopted the 2012 Conditional Waiver, waiving WDRs for discharges of waste from Irrigated Agricultural Lands in the Palo Verde Valley and Palo Verde Mesa, and adopted a programmatic Negative Declaration under CEQA (2012 Negative Declaration) under Resolution R7-2012-0046.
72. The 2012 Negative Declaration describes that potential environmental impacts associated with implementation of water quality management practices, construction of monitoring wells, and impacts to agricultural resources (e.g., loss of production of prime farmland). This Order is substantially similar to the 2012 Conditional Waiver, with the only difference being the addition of new or revised monitoring and reporting requirements. These new or revised monitoring and reporting requirements will not result in an adverse physical change to the environment. Nor are there substantial changes in the surrounding circumstances which would require major revisions to the 2012 Negative Declaration or significant new information, as that term is used in CEQA. Therefore, the 2012 Negative Declaration for the 2012 Conditional Waiver constitutes the environmental analysis under CEQA for this Order.

### **Public Participation**

73. On March 7, 2019, the Colorado River Basin Water Board conducted a public workshop on these General WDRs and has responded to comments on the General WDRs.
74. The Colorado River Basin Water Board has notified interested agencies and persons of its intent to adopt this Order, and provided them with an opportunity for a public hearing

and an opportunity to submit comments.

75. On April 11, 2019, the Colorado River Basin Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

**IT IS HEREBY ORDERED** that, pursuant to Water Code sections 13260, 13263, and 13267, and in order to meet the provisions contained in division 7 of the Water Code and regulations and plans and policies adopted there under, Dischargers and Coalition Groups shall comply with the following terms and conditions:

#### **A. Coverage Requirements**

1. **Duty to Apply.** These General WDRs apply to discharges or potential discharges of waste from Irrigated Agricultural Lands in Palo Verde Valley and Palo Verde Mesa, as described in Findings 7 through 11. Dischargers who are members of a Coalition Group are required to apply for enrollment under this Order. Dischargers who are not members of a Coalition Group must submit an ROWD and apply for individual WDRs.
2. **Type of Enrollment.** A Discharger obtains coverage under this Order as a member of an approved Coalition Group. By joining a Coalition Group, the Discharger agrees to be represented by the Coalition Group. Any Order requirements not fulfilled by the Coalition Group are the responsibility of the member.
3. **Electronic Notice of Intent / Application.** To obtain coverage under these General WDRs, Dischargers must complete an electronic Notice of Intent (e-NOI) on GeoTracker, print a copy of it, sign it, and submit a paper or electronic copy to the Colorado River Basin Water Board as follows:
  - a. New Dischargers shall submit a completed e-NOI within **at least 90 days before the discharge is to commence**, unless permission for a later date has been granted by the Colorado River Basin Water Board.
  - b. Existing Dischargers who are members of the Outfall Coalition shall submit a completed e-NOI **within 90 days of adoption of this Order**.
  - c. In the case where an operator will be operating for a period of less than 12 months, the landowner must complete an e-NOI.
  - d. Within 60 days of a change in operations, Dischargers must update their e-NOI to reflect the changes to their operation and/or ranch/farm information.
4. **Transferability.** Coverage under this Order is not transferable to any person except after the completion and submittal of a new e-NOI to the Colorado River Basin Water Board, and written approval by the Colorado River Basin Water Board's Executive Officer.
5. **Notice of Applicability.** If the Colorado River Basin Water Board's Executive Officer determines that coverage under this Order is appropriate, the Executive Officer shall issue a Notice of Applicability (NOA) to the Discharger. The Discharger shall comply with this Order upon receipt of the NOA. If coverage under this Order is not appropriate, the Executive Officer will inform the Discharger in writing and may request that the Discharger submit an ROWD to obtain an individual permit for the discharge of waste.
6. **Notice to Non-Member Landowner/Operator.** Following issuance of the NOA, the

Discharger must provide written notice of the Discharger's enrollment to any landowner whose parcel has been enrolled by an operator under this Order or to an operator who farms a parcel that has been enrolled by a landowner. Confirmation that the Discharger provided this notice must be provided to the Coalition Group.

7. **Confirmation of Membership.** For members of a Coalition Group, coverage under this Order is automatically terminated if confirmation of membership in the Coalition Group is not received from the Coalition Group during the annual membership update provided in Section E.3 below.
8. **Termination of Coverage.** Dischargers may terminate coverage under this Order by providing a 30-day written notice to the Colorado River Basin Water Board's Executive Officer and, if applicable, notice to the Coalition Group. At a minimum, the written notice must include the reason for terminating coverage (e.g., transfer of ownership, Discharger applied for and obtained individual WDRs, discharge was discontinued, etc.). The Discharger shall continue to comply with this Order until the Colorado River Basin Water Board notifies the Discharger in writing that coverage has been terminated.

## **B. Prohibitions**

1. The discharge of waste to waters of the state, other than from Irrigated Agricultural Lands as defined in Findings 7 through 11 of this Order, is prohibited.
2. The discharge of hazardous waste, as defined in California Code of Regulations, title 23 section 2521, subdivision (a), is prohibited.
3. The discharge of wastes (e.g., fertilizers, fumigants, pesticides) into groundwater via backflow through a water supply well is prohibited.
4. The discharge of wastes (e.g., fertilizers, fumigants, pesticides) down a groundwater well casing is prohibited.
5. The discharges of wastes shall not cause a condition of pollution or nuisance, as defined in Water Code section 13050, subdivisions (l) and (m).

## **C. Receiving Water Limitations**

### **1. Surface Receiving Water Limitations**

- a. Wastes discharged from Irrigated Agricultural Lands in Palo Verde Valley and Palo Verde Mesa shall not cause or contribute to an exceedance of applicable water quality objectives, including the load allocations and numeric targets in surface water specified in **Attachment B**, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.

### **2. Groundwater Receiving Water Limitations**

- a. Wastes discharged from Irrigated Agricultural Lands in Palo Verde Valley and Palo Verde Mesa shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying groundwater, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.

## **D. Requirements - Members of a Coalition Group**

This subdivision applies to Dischargers who are members of an approved Coalition Group (Members), who shall comply with all of the following:

### **1. Management Practices**

- a. Members must (1) implement management practices that prevent or control discharges of waste that are causing or contributing to exceedances of water quality standards; and (2) when effectiveness evaluation or reporting, monitoring data, or inspections indicate that the implemented management practices have not been effective in preventing the discharges from causing or contributing to exceedances of water quality standards, Members must implement improved management practices.
- b. Pursuant to Water Code section 13360, this Order does not specify the design, location, type of construction, or particular manner of management practices compliance, and Members can use any appropriate management practice to comply with the requirements of this Order. A non-exhaustive list of example management practices is found in Section III of the Information Sheet, **Attachment A**. Members are also encouraged to consult the State Water Board's Nonpoint Source Management Measures Encyclopedia as well as Management Practices Miner Tool.

### **2. Water Quality Management Plan (Farm Plan)**

- a. Members shall develop and implement an individual Water Quality Management Plan (Farm Plan) to identify the type and location of management practices currently used on their Irrigated Agricultural Land and additional management practices based on current conditions needed to minimize or prevent the discharge of waste to waters of the state through irrigation water runoff and infiltration, non-storm water runoff, and storm water runoff.
- b. Members with the potential to cause erosion and discharge sediment that may degrade surface waters shall implement sediment and erosion control practices. Members must indicate whether they are implementing sediment and erosion control practices in their Farm Plan.
- c. Members must use the Farm Evaluation Template approved by the Executive Officer. At a minimum, the Farm Plan must include the following:
  - i. The name, business address, mailing address, email address, phone number of the farmland owner;
  - ii. The name, business address, mailing address, email address, phone number of the farm grower/operator (if different from above);
  - iii. Information regarding the location of farm, including: (1) the address, (2) the Assessor Parcel Numbers (APNs) and the county in which each parcel is located, (3) the San Bernardino Baseline and Meridian System coordinates, and (4) applicable canal and gate number(s);
  - iv. The total acreage under cultivation;
  - v. A list of crop(s) grown and the acres dedicated for each type of crop;
  - vi. A description of the irrigation methods used for each crop;
  - vii. A list of agricultural chemicals typically applied to crops at the operation, including but not limited to, fertilizers and organic amendments, pesticides, and fumigants;

- viii. A list of the management practices used on each crop for the annual cycle and an indication whether sediment and erosion control practices are being implemented;
  - ix. A description of any subsurface drainage collection system;
  - x. The location of discharge point(s) and type of discharge(s) (surface and/or subsurface discharges); and
  - xi. The name of the receiving surface waters (if known) to which irrigation runoff, storm water runoff, and non-storm water runoff from the operation is discharged.
- d. Members shall submit the individual Farm Plan to the Coalition Group. An updated Farm Evaluation must be prepared and submitted to the Coalition Group **by March 1, 2020** and by **March 1 annually** thereafter.
- e. A copy of the Farm Plan shall be maintained at the Member's farming headquarters or primary place of business.
- f. Members shall ensure that all management practices identified in the Farm Plan are properly operated and maintained. Members shall periodically evaluate the effectiveness of the management practices and shall make modifications to the Farm Plan as necessary when visual observation monitoring indicates waste discharges have not been adequately addressed in the Farm Plan.

### 3. Irrigation and Nitrogen Management Plan (INMP) and Summary Report

- a. Members shall implement management practices that minimize excess nitrogen application relative to crop need. Proper nutrient management will work to reduce excess plant nutrients, such as nitrogen, from reaching state waters. Nitrogen management must take site-specific conditions into consideration in identifying steps that will be taken and practices that will be implemented to minimize nitrate movement through surface runoff and leaching past the root zone. The Information Sheet, **Attachment A** of this Order, lists example management practices to manage irrigation and control the discharge of nutrients, including nitrogen.
- b. Members must prepare and implement an Irrigation and Nitrogen Management Plan (INMP) for each field<sup>3</sup> and submit the INMP Summary Report for the previous crop year.<sup>4</sup>
- c. Members must use the INMP Template approved by the Executive Officer. The Executive Officer may approve the use of multi-year INMPs for categories of crops that have consistent irrigation and nitrogen planning from year to year. Multi-year plans cannot exceed three years in length.
- d. The INMP must include the information identified in the MRP, **Attachment C** for use by the Coalition Group in calculating an Applied/Removed (A/R) ratio for nitrogen, and

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<sup>3</sup> Where this Order requires reporting by field, Members may report data for a portion of a field or for multiple fields provided that the reported area has (1) the same crop type, (2) the same fertilizer inputs, (3) the same irrigation management, and (4) the same management practices. In no case should a reported area exceed a total size of 640 acres, and different crop types must always be reported separately even if they are within the same reporting area.

<sup>4</sup> Pursuant to State Water Board Order WQ 2018-0002, this requirement does not apply to Members where applied nitrogen is not expected to seep below the root zone in amounts that could impact groundwater and is further not expected to discharge to surface water. Members must receive approval of the Executive Officer for this exception to apply.

an Applied-Removed (AR) difference for nitrogen, as defined in the equations below. The A/R ratio is the ratio of total Nitrogen Applied (from sources including, but not limited to, organic amendments, synthetic fertilizers, manure, and irrigation water) to the total Nitrogen Removed (including all harvested materials and nitrogen annually sequestered in permanent wood for perennial crops). The A-R difference is the difference of total Nitrogen Applied and the total Nitrogen Removed.

$$\text{A/R Ratio} = \frac{\text{Nitrogen Applied (from any source, including fertilizers, irrigation)}}{\text{Nitrogen Removed (via harvest, etc.)}}$$

$$\text{A-R Difference} = \text{Nitrogen Applied} - \text{Nitrogen Removed}$$

Total Nitrogen Removed shall be determined, in part, by multiplying a Member's crop yield by a crop-specific nitrogen coefficient,  $C_N$ , provided by the Coalition, which represents the amount of nitrogen in the harvested crop. For some crops, the data needed to develop the  $C_N$  coefficient may not yet be available. The Coalition is directed in Section IV.C of the MRP, **Attachment C** to determine, through nitrogen removed testing and research, the most appropriate  $C_N$  coefficients for converting crop yield to nitrogen removed.

$$\text{Nitrogen Removed (lbs/acre)} = \text{Crop Yield (units/acre)} \times C_N \text{ (lbs/unit)}$$

- e. Notwithstanding the provisions above, with the approval of the Executive Officer, the following Members may initially report the A value only in the INMP:
  - i. Growers that operate in areas with (1) evidence of no or very limited nitrogen impacts to surface or groundwater, (2) have minimal nitrogen inputs, and (3) have difficulty measuring yield. (E.g., irrigated pastures.)
  - ii. Diversified socially disadvantaged growers, as defined by the Farmer Equity Act of 2017<sup>5</sup> with (1) a maximum total acreage of 45 acres, (2) gross annual sales of less than \$350,000, and (3) a crop diversity greater than 0.5 crops per acre (one crop for every two acres).
  - iii. Growers with (1) a maximum total acreage of 20 acres, and (2) a crop diversity greater than 0.5 crops per acre (one crop for every two acres). (E.g., small growers with multiple crops that sell at farmers' markets.)
- f. Based on currently-available data for groundwater conditions, the Colorado River Basin Water Board is not requiring that each Discharger's INMP be certified at this time. However, the Executive Officer has discretion to require certification at a future date. The INMP shall be maintained at the Member's farming operations headquarters or primary place of business.
- g. Members shall prepare an INMP by **March 1, 2022** and by **March 1 annually** thereafter, unless using a multi-year INMP. All Members must submit INMP Summary Reports for the prior year by **March 1 annually**. As provided in the MRP, **Attachment C**, the Coalition Group will provide certain INMP Summary Report data to the Executive Officer.
- h. At a minimum, the INMP Summary Report template must collect the following information:

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<sup>5</sup> Food & Agr. Code, § 512, subd. (b).



- i. Crop Year
- ii. Owner/Manager name
- iii. Assessor Parcel Number (APN)
- iv. Field identifier
- v. Acreage for each field identified
- vi. Crop type
- vii. Crop age (permanent crops)
- viii. Irrigation method
- ix. Irrigation management practices implemented
- x. Nitrogen management practices implemented
- xi. Total Acreage
- xii. Nitrogen Applied (lbs/acre)
  1. Irrigation Water
  2. Synthetic Fertilizers
  3. Organic Amendments
- xiii. Crop Yield (units specified by Coalition)

#### 4. Education

- a. Members shall participate in Coalition outreach and education events, **at least annually**. Members shall review outreach materials to become informed of any water quality problems to address and the management practices that are available to address those problems.
- b. Members shall provide **annual** confirmation to the Coalition Group that the Member has attended and participated in an outreach and education event activity during the previous year and reviewed the applicable event materials.

#### 5. On-Farm Drinking Water Testing

- a. Due to the potential severity and urgency of health issues associated with drinking groundwater with high concentrations of nitrates, Members shall conduct testing and monitoring of all drinking water supply wells present on the Members' property<sup>6</sup> in accordance with the schedule in the MRP, **Attachment C**.
- b. The Coalition, on behalf of Members, may conduct testing and monitoring of all drinking water supply wells present on the Members' property. If a well is identified as exceeding the MCL for nitrate, the Member must notify the Colorado River Basin Water Board and users of the well in a timely fashion in accordance with the elements described in MRP.
- c. Members must use the Drinking Water Notification Template approved by the Executive Officer. At a minimum, the template must contain the following:
  - i. A statement notifying users of the exceedance;
  - ii. Material regarding the potential health risks associated with consuming nitrate-contaminated drinking water and steps that should be taken for protection; and
  - iii. A signature block, to be signed by the Member or landowner, certifying that

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<sup>6</sup> Where a portion of the parcel is leased to a party other than a Member and the terms of the lease give the Member no control over the drinking water supply wells on that parcel, the owner of the parcel is responsible for sampling of those drinking water supply wells.

a copy of the Drinking Water Notification Template has been provided to affected users.

The template shall be made available in an appropriate set of languages and designed to be understood by low-literacy populations.

## 6. Fees

- a. Members shall pay an annual fee to the State Water Board in compliance with the WDRs fee schedule set forth at California Code of Regulations, title 23, section 2200.6. The Coalition Group is responsible for collecting these fees from Members and submitting them to the State Water Board on behalf of Members.

## E. Requirements - Coalition Groups

This subdivision applies to Coalition Groups that serve as third-party representatives of Members for purposes of this Order, which shall comply with all of the following:

### 1. Coverage

- a. The Outfall Coalition is currently the only approved Coalition Group in Palo Verde Valley and Palo Verde Mesa, and is automatically covered under this Order. Other potential Coalition Groups wishing to act as third-party representatives must follow the procedures outlined below in Section E.11.
- b. A Coalition Group covered under this Order is responsible for managing fee collection and payment, managing communications between Members and the Colorado River Basin Water Board, and for fulfilling monitoring and reporting requirements on behalf of its Members, including, but not limited to, conducting surface water and groundwater monitoring, conducting regional monitoring, and preparing and implementing Water Quality Restoration Plans (required in Section E.6).

### 2. Organizational Reporting

- a. **Within 90 days** of approval of this Order, the Coalition Group shall provide the Colorado River Basin Water Board documentation of its organizational or management structure. The documentation shall identify persons responsible for ensuring that program requirements are fulfilled and shall be made readily available to Members.
- b. The Coalition Group shall prepare **annual** summaries of expenditures of fees and revenue used to comply with this Order. The summaries shall be provided to or made readily available to Members.

### 3. Membership Reporting

- a. By **July 31, 2019** and by **March 1 annually thereafter**, the Coalition Group shall submit to the Colorado River Basin Water Board a list of all its current Members. The list shall specifically identify any new Members or any Members terminated since the last reporting period.
- b. As part of the membership list submittal, the Coalition Group shall identify Members who have: (1) failed to implement improved water quality management practices; (2)

failed to respond to an information request associated with any applicable provisions of this Order; (3) failed to participate in studies for which the Coalition Group is the lead; (4) failed to provide confirmation of participation in an outreach activity; or (5) failed to submit required fees to the Coalition Group.

#### 4. Templates for Members

- a. The Colorado River Basin Water Board intends to provide templates developed in coordination with the Coalition Group and agricultural groups/experts to all Members that must be used to comply with the requirements of this Order.
- b. The Coalition Group may work with Colorado River Basin Water Board staff in the development of the templates below, and shall make those templates available to its Members within 30 days of receiving final approval of the templates from the Colorado River Basin Water Board's Executive Officer:
  - i. Farm Plan Template. Requirements for the Farm Plan Template are described above in Section D.2 and the MRP, **Attachment C**.
  - ii. INMP and INMP Summary Report Template. Requirements for the INMP and INMP Summary Report Template are described above in Section D.3 and the MRP, **Attachment C**.
  - iii. Drinking Water Notification Template. Requirements for the Drinking Water Notification Template are described above in Section D.6 and the MRP, **Attachment C**.

If desirable, differing templates may be created for different agricultural commodity groups.

#### 5. Monitoring and Reporting Program

- a. The Coalition Group shall conduct required water quality monitoring and assessments in conformance with quality assurance/quality control requirements in this Order and the MRP, **Attachment C**, and provide timely and complete submittal of any reports required.
- b. Surface and Groundwater Monitoring Program Plan
  - i. Within **90 days of adoption** of this Order, the Coalition Group shall submit for review and approval to the Colorado River Basin Water Board's Executive Officer a Surface and Groundwater Monitoring Program Plan (Monitoring Program Plan) as described in Section V of the MRP, **Attachment C**.
  - ii. Annual groundwater monitoring at representative locations is required in the Monitoring Program Plan. The goal is to determine current water quality conditions of groundwater relevant to irrigated agriculture and develop long-term groundwater quality information that can be used to evaluate the regional effects of Irrigated Agricultural Land practices.
  - iii. Quality Assurance Project Plan (QAPP)
    1. As part of the Monitoring Program Plan, the Coalition Group shall submit a Quality Assurance Project Plan (QAPP) to the Colorado River Basin Water Board's Executive Officer for review and approval that meets in the

requirements in the MRP, **Attachment C**.

c. Compliance Program Reporting

- i. The Coalition Group shall submit its Members' INMP data and Farm Plan data to the Colorado River Basin Water Board in compliance with the schedule identified in the MRP, **Attachment C**.
- ii. Confidentiality
  1. The Coalition Group shall develop: (1) Anonymous Member Identification Numbers and (2) Anonymous Assessor's Parcel Number (APN) Identification Numbers for the reporting of Members' data. The Coalition Group shall maintain and track the IDs from year to year.
  2. The Coalition Group shall submit Farm Plan data by Anonymous Member ID.
  3. The Coalition Group shall submit INMP Summary Report data by Anonymous Member ID, anonymous APN ID, and by township.
  4. The Colorado River Basin Water Board's Executive Officer may require that the Coalition Group directly provide data for individual Dischargers (without anonymous identifiers) in connection with the implementation of a Water Quality Restoration Plan, as described in Section E.6 below, particularly where the data suggests that the Discharger(s) are not improving their management practices.

d. On-Farm Drinking Water Monitoring

- i. The Coalition Group, on behalf of Members, may conduct testing and monitoring of drinking water supply wells present on Members' property in compliance with the requirements in Section D.6 and the MRP, **Attachment C**.

**6. Water Quality Restoration Plan (WQRP)**

- a. The Coalition Group shall provide surface water and groundwater exceedance reports if monitoring results show exceedances of applicable numeric water quality objectives or water quality benchmarks, as specified in the MRP, **Attachment C**.
- b. The Colorado River Basin Water Board may require Coalition Groups to prepare a Water Quality Restoration Plan (WQRP) if (a) there is a water quality exceedance or (b) a trend of degradation of water quality is identified that threatens a beneficial use in receiving waters affected by its Members' activities on Irrigated Agricultural Land. For purposes of this Order, an "exceedance" occurs when (a) a sampling result for a constituent at a single surface water monitoring location exceeds a water quality objective or benchmark limit specified in the MRP, **Attachment C** more than three out of four times for the same constituent, or (b) a single groundwater sampling result exceeds a water quality objective.
- c. The WQRP shall contain the following information:

- i. For each constituent that indicates an exceedance or a trend of water quality degradation that threatens a beneficial use, the WQRP shall include a graph showing the concentrations over time (from available data) and a trend analysis for the constituent.
  - ii. The WQRP shall include a description of the actual or suspected waste sources that may be causing or contributing to the exceedance or trend of water quality degradation that threatens a beneficial use(s). The WQRP shall also include a list and map location of Members in the geographic area addressed in the WQRP.
  - iii. The WQRP shall identify management practices currently being implemented and additional or improved management practices that will be implemented by designated Members to prevent or minimize the discharge of any waste that is causing or contributing to the exceedance or trend of water quality degradation. The WQRP shall also include a brief justification for selecting specific management practices.
  - iv. The WQRP shall include a schedule for the implementation and completion of all tasks described in the WQRP. The schedule shall reflect the shortest practicable time required to perform each task, given the type of management practices planned or program being implemented, and the experience of commercial agriculture with the time required to implement similar management practices or programs. The schedule may not be longer than that which is reasonably necessary to achieve the receiving water limitations in Section C of these General WDRs. If the schedule exceeds one year, the schedule must include interim annual milestones that demonstrate progress towards completion of the WQRP tasks and compliance with the applicable receiving water limitations of these General WDRs.
  - v. The WQRP shall include a monitoring and reporting plan to provide feedback on WQRP progress and its effectiveness in achieving compliance with the applicable receiving water limitations of these General WDRs.
- d. The Coalition Group shall work cooperatively with the Colorado River Basin Water Board to ensure all Members are taking necessary steps to address exceedances or degradation identified by the Coalition Group or the Colorado River Basin Water Board.

## 7. Education and Outreach

- a. The Coalition Group shall conduct education and outreach activities to inform Members of program requirements and water quality problems identified by the Coalition Group or Colorado River Basin Water Board.
- b. Outreach events and materials shall include information on nitrogen application practices and the potential impact of nitrates on groundwater and, as appropriate depending on the anticipated Discharger audience, shall be provided in multiple languages. The Coalition Group shall:
  - i. Provide Members with information on water quality management practices that will address water quality problems and minimize the discharge of wastes from Irrigated Agricultural Lands, and provide informational materials on potential environmental impacts of water quality management practices.
  - ii. Provide an **annual** summary of education and outreach activities to the Colorado River Basin Water Board. The annual summary shall include copies

of the educational and management practices information provided to the growers. The annual summary must report the total number of growers who attended the outreach events and describe how growers could obtain copies of the materials presented at these events.

## **8. Notice of Violation (NOV) Reporting**

- a. If the Coalition Group receives a Notice of Violation (NOV) from the Colorado River Basin Water Board, the Coalition Group must provide a copy of the NOV to Members in the area addressed by the NOV and appropriate information regarding the reason(s) for the violation. The notification must be provided within thirty (30) days of receiving the NOV from the Board. The Coalition Group must provide confirmation to the Colorado River Basin Water Board of the notification.
- b. A summary of all notices of violation received by the Coalition Group must be provided to all Members **annually**.

## **9. Fees**

- a. The Coalition group shall collect any fees from Members required by the State Water Board pursuant to the fee schedule contained in California Code of Regulations, title 23, section 2200.6. The Coalition Group is responsible to submit all fees collected directly to the State Water Board on behalf of its Members.

## **10. Termination of Representation**

- a. If a Coalition Group wishes to terminate its role as a third-party representative, the Coalition Group shall submit a notice of termination letter to the Colorado River Basin Water Board and all of the Coalition Group's Members. Termination of the Coalition Group will occur no earlier than 30 days from submittal of the notice of termination letter.
- b. The notice of termination shall inform Members of their obligation to find a new, approved Coalition Group representative or obtain coverage under individual WDRs for their discharges. At a minimum, the written notice must include:
  - i. The proposed termination date;
  - ii. The reason for termination (e.g. dissolution, merger, etc.);
  - iii. Evidence that written notice was provided to all Members of the Coalition Group of the proposed termination; and
  - iv. Any successor and assign(s) seeking to assume responsibility under this Order;
- c. The Coalition Group shall continue to comply with this Order until the Colorado River Basin Water Board notifies it in writing that coverage has been terminated.

## **11. New Coalitions**

- a. New Coalition Group(s) shall obtain written approval from the Colorado River Basin Water Board's Executive Officer prior to assisting Dischargers with compliance with this Order.
- b. In evaluating whether to approve a new Coalition Group, the Executive Officer will

consider the following factors:

- i. The ability of the third party to carry out the identified Coalition Group responsibilities.
  - ii. Whether the third party is a legally defined entity (i.e., non-profit corporation; local or state government; Joint Powers Authority) or has a binding agreement among multiple entities that clearly describes the mechanisms in place to ensure accountability to its members.
  - iii. Whether the third party has binding agreements with any subsidiary group (e.g., subwatershed group) to ensure any third-party responsibilities carried out by the subsidiary group, including the collection of fees, are done transparently and with accountability to the third party.
  - iv. Whether the third party has a governance structure that includes a governing board of directors composed in whole or in part of Members, or otherwise provides Members with a mechanism to direct or influence the governance of the third party through appropriate by-laws.
- c. If the Executive Officer determines that the Coalition Group applicant has the capacity to satisfactorily carry out the Coalition Group responsibilities, the Colorado River Basin Water Board's Executive Officer will issue an NOA. The new Coalition Group shall comply with the relevant terms and conditions of this Order upon receipt of the NOA.

## F. General Provisions

1. **Noncompliance.** Dischargers and Coalition Group(s) shall comply with all of the conditions of this Order. Noncompliance is a violation of the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.) and grounds for: (1) an enforcement action; (2) termination, revocation and reissuance, or modification of these waste discharge requirements; or (3) denial of an Order renewal application, or a combination thereof.
2. **Enforcement – Members.** Under these General WDRs, Coalition Group(s) are tasked with assisting Members in carrying out certain terms and conditions of this Order. However, Members, and any non-Member owner or operator, continue to bear ultimate responsibility for complying with these General WDRs. The Colorado River Basin Water Board reserves the right to take any enforcement action authorized by law. Accordingly, failure to timely comply with any provisions of this Order may subject Dischargers to enforcement action. Such actions include, but are not limited to, the assessment of administrative civil liability pursuant to Water Code sections 13323, 13268, and 13350, a Time Schedule Order (TSO) issued pursuant to Water Code section 13308, or referral to the California Attorney General for recovery of judicial civil liability.
3. **Enforcement – Coalition Group(s).** Failure to comply with the applicable terms and conditions of this Order may result in revocation of approval to act as a Coalition Group. Affected Dischargers would be required to join an approved Coalition Group or obtain coverage under other applicable general or individual WDRs. In the event of any violation or threatened violation of the conditions of these General WDRs applicable to Coalition Group(s), the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law.
4. **Reporting of Noncompliance.** Dischargers shall report any noncompliance that may endanger human health or the environment. Information shall be provided orally to the Colorado River Basin Water Board office and the Office of Emergency Services within twenty-four (24) hours of when the Discharger becomes aware of the incident. If

noncompliance occurs outside of business hours, Discharger shall leave a message on the Colorado River Basin Water Board's office voicemail. A written report shall also be provided within five (5) business days of the time the Discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned, to reduce, eliminate, and prevent recurrence of the noncompliance.

5. **Duty to Mitigate.** Dischargers shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment.
6. **Proper Operation and Maintenance.** Dischargers shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by Coalition Groups or Dischargers to achieve compliance with the conditions of these General WDRs.
7. **Inspection and Entry.** Dischargers and Coalition Group(s) shall allow the Colorado River Basin Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
  - a. Enter the premises regulated by this Order, or the place where records are kept under the conditions of this Order;
  - b. Have access to and copy, at reasonable times, records kept under the conditions of this Order;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  - d. Sample or monitor at reasonable times, for the purpose of ensuring compliance with this Order or as otherwise authorized by the Water Code, any substances or parameters at this location.
8. **Records Retention.** Dischargers and the Coalition Group(s), as appropriate, shall retain copies of all reports required by this Order and the associated MRP. Records shall be maintained for a minimum of **ten years** from the date of the sample, measurement, report, or application. Records may be maintained electronically, and the Coalition Group must store back up files in a secure, offsite location managed by an independent entity. This period may be extended during the course of any unresolved litigation relating to this discharge or when requested by the Colorado River Basin Water Board's Executive Officer.
9. **Electronic Reporting.** Dischargers and the Coalition Group(s), as appropriate, shall submit reports and information required under this Order in an electronic format specified by the Colorado River Basin Water Board's Executive Officer via email to RB7-coloradoriver@waterboards.ca.gov.
10. **Signature and Certification.** All documents and reports requested herein shall be signed and dated by a duly-authorized representative and shall contain a statement by the Discharger, or as appropriate by an authorized representative of the Discharger (e.g., Coalition Group representative), certifying under penalty of perjury under the laws of the State of California, that the report is true, complete, and accurate. The document and/or report shall be submitted under the title: "General Order for Palo Verde and Palo Verde Mesa Ag Dischargers."



**11. Violation of Law.** This Order does not authorize violation of any federal, state, or local laws or regulations.

**12. Property Rights.** This Order does not convey property rights of any sort, or exclusive privileges, nor does it authorize injury to private property or invasion of personal rights.

**13. Modification, Revocation, Termination.** This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by a discharger for an Order modification, rescission, or reissuance, or a discharger's notification of planned changes or anticipated noncompliance, does not stay any Order condition. Causes for modification include, but are not limited to, the violation of any term or condition contained in this Order, a material change in the character, location, or volume of discharge, a change in land application plans, or the adoption of new regulations by the State Water Board, Colorado River Basin Water Board (including revisions to the Basin Plan), or federal government.

I, Paula Rasmussen, 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, Colorado River Basin Region on April 11, 2019.

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PAULA RASMUSSEN  
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

**FIGURE 1 in Order R7-2019-XXXX  
PALO VERDE AREA MAP**

**GENERAL WASTE DISCHARGE REQUIREMENTS  
FOR  
DISCHARGES OF WASTE FROM IRRIGATED AGRICULTURAL LANDS  
FOR DISCHARGERS THAT ARE MEMBERS OF A COALITION GROUP  
IN PALO VERDE VALLEY AND PALO VERDE MESA  
Imperial and Riverside Counties**

