

Response to Comments

Comment Deadline: May 23, 2019

Short-Term Renewal of Order R7-2014-0046 Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Waste From Drain Operation and Maintenance Activities Originating Within the Coachella Valley (2014 Conditional Waiver), Riverside County

Tentative Order R7-2019-XXXX

Comment Letter #	Date	Commenter	Affiliation
1	4/22/2019	Ben R. Olson	President, Coachella Valley Irrigated Lands Coalition

Comment Number	Comment	Response
CVIL Coalition - 1	Per your Item 6., 2 nd sentence, The State Water Quality Control Board (SWQCB) “... <i>specifically directs regional water boards to revise their irrigated lands regulatory programs within five years.....</i> ”. According to this edict by SWRCB, it is my understanding CRRWQCB has 5 years to comply with this direction.	Colorado River Basin Water Board staff is developing general waste discharge requirements (General WDRs) for agricultural discharges in Coachella Valley. The 2014 Conditional Waiver is being renewed to allow additional time to incorporate the precedential requirements from the State Water Board’s Eastern San Joaquin Order ¹ into the General WDRs. It is not expected to take more than one year to complete the process for adoption of the General WDRs. Tentative Board Order R7-

¹ “Eastern San Joaquin Order” refers to State Water Board 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*, dated February 7, 2018. Available at: <https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2018/wqo2018_0002_with_data_fig1_2_appendix_a.pdf> (as of May 30, 2019).

	For the above reasons and salient points detailed below, we respectfully request the Renewal be granted to CVILC for 5 years, until June 26, 2024:	2019-XXXX (Order to Renew) will not extend the termination date of the 2014 Conditional Waiver for more than one year, or beyond June 26, 2020.
CVILC-2	CVILC has cooperated with the Regional Water Quality Control Board (RWQCB) Staff at all times during the past five years.	Regional Water Board staff realize that cooperation with third-party groups is essential to the success of the Irrigated Lands Regulatory Program (ILRP). However, a cooperative relationship with the Coachella Valley Irrigated Lands Coalition (CVILC) is not a reason to postpone the adoption of the General WDRs.
CVILC-3	CVILC has provided our membership list every year on a timely basis.	The CVILC has consistently met the requirements of the 2014 Conditional Waiver. A history of compliance with existing requirements is not a reason to postpone the adoption of the General WDRs.
CVILC-4	Monitoring results over the last five years indicate agricultural discharges from the Coachella Valley are not a significant contributor of pesticides to CVSWC or drains.	Whether pesticides are present in surface waters in significant concentrations is not a reason to postpone the adoption of the General WDRs. Notably, many of the Eastern San Joaquin Order's precedential requirements pertain to nitrogen management and groundwater monitoring.
CVILC-5	CVILC was led to believe by the previous Executive Officer and his Assistant, excellent results for over 58 months could mean no need for additional monitoring.	The Eastern San Joaquin Order sets precedential requirements that include additional monitoring requirements for irrigated lands programs statewide. For example, the Eastern San Joaquin Order requires groundwater trend monitoring. The Regional Water Board does have discretion on many elements of the monitoring requirements and will continue to work with the CVILC and dischargers to develop sensible and meaningful monitoring plans. Additionally, while monitoring frequency can sometimes be reduced based on past monitoring results, please note that

		monitoring can never be completely eliminated. Under the State Water Board's Nonpoint Source Policy, ² nonpoint source programs such as the ILRP must include sufficient feedback mechanisms so that the Regional Water Board, dischargers, and the public can determine whether the program is achieving its stated purposes, or whether additional or different management practices or other actions are required.
CVILC-6	CVILC Monthly and Annual Reports have been submitted on a timely basis.	Please see the response to comment CVILC-3
CVILC-7	All payments to State have been on timely basis.	Please see the response to comment CVILC-3
CVILC-8	CVILC Annual Payments to RWQCB have increased from 75¢/acre to 95¢/acre (27% increase) with no additional benefits or explanation from RWQCB?	Fees for irrigated lands are set by the State Water Board's Fee Branch. The Fee Branch encourages stakeholder participation when considering adjustments to ILRP fees and is currently holding ILRP stakeholder meetings for Fiscal Year 2019-20.
CVILC-9	In spirit of cooperation, CVILC provided a short list of landowners who 'may' be in Non-Compliance Violation.	Please see the response to comment CVILC-2
CVILC-10	RWQCB has not had Staff available to issue Non-Compliance Violation Notices to support CVILC's efforts. It is unclear how the RWQCB proposes to enforce a General Order significantly more complex	Regional Water Board staff is committed to enforcing the adopted agricultural general orders and waivers in accordance with the State Water Board's Water Quality Enforcement Policy. Regional Water Board staff will work with the CVILC to

² "Nonpoint Source Policy" means the State Water Board's *Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program*. Available at: <https://www.waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_iepolicy.pdf> (as of May 30, 2019).

	with several additional monitoring and reporting requirements.	begin enforcement proceedings against non-compliant dischargers.
CVILC-11	The basis for most of the “precedential” requirements from the Eastern San Joaquin Valley do not pertain or have any consequence in the Coachella Valley.	The precedential requirements of the Eastern San Joaquin Order do have effect statewide and are not limited to the Eastern San Joaquin Valley. The forthcoming General WDRs will incorporate those requirements.
CVILC-12	Renewing the existing Conditional Waiver is a prudent approach to allow resolution of current legal challenges to the precedential East San Joaquin Valley General Order.	Please see the response to comment CVILC-1. The Colorado River Basin Water Board is not proposing to renew the 2012 Conditional Waiver to allow time for resolution of legal challenges to the Eastern San Joaquin Order, as those challenges will not likely be resolved for several years.