

AMENDED ATTACHMENT B

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

ORDER NO. R5-2006-0053

TERMS AND CONDITIONS

COALITION GROUP CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

Attachment B to Order No. R5-2006-0053 contains the terms and conditions of the *Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands* (Conditional Waiver). The Conditional Waiver conditionally waives waste discharge requirements (WDRs) and reports of waste discharge for discharges of waste from irrigated lands to surface waters within the Central Valley Region. The Conditional Waiver establishes terms and conditions with which Coalition Groups must comply to obtain coverage under and to be considered in compliance with the Conditional Waiver. Order No. R5-2006-0053 defines “discharges of waste from irrigated lands” as including surface discharges, such as irrigation return flows, tailwater, drainage water, subsurface drainage generated by irrigating crop land or by installing and operating drainage systems to lower the water table below irrigated lands (tile drains), stormwater runoff flowing from irrigated lands, stormwater runoff conveyed in channels or canals resulting from the discharge of waste from irrigated lands, and/or operational spills containing waste.

The Coalition Groups and/or Dischargers shall comply with the following conditions:

A. General

1. The Coalition Group and/or Dischargers shall comply with all conditions of the Conditional Waiver, including timely submittal of all technical reports specified in **Part B. Technical Reports**. Violations may result in enforcement action under the California Water Code (Water Code), including Central Valley Regional Water Quality Control Board (Central Valley Water Board) orders, or termination of coverage under the Conditional Waiver for Coalition Groups or for individual Dischargers who are participating in Coalition Groups.
2. The reports submitted to comply with the Conditional Waiver shall be signed by a representative authorized by the Coalition Group.
3. Any person signing a report submitted as required by the Coalition Group Conditional Waiver shall make the following certification:

“ I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am

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aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment for violations.”

4. Coalition Groups shall comply with Coalition Group Monitoring and Reporting Program (MRP) Order No. R5-2005-0833, which is required by the Conditional Waiver, or as revised by the Executive Officer.
5. The Coalition Group shall maintain a Participant List with information concerning each Participant who is knowingly participating in the Coalition Group. The Participant List shall include, at a minimum, (a) an assessor parcel number, (b) parcel size, (c) parcel owner or operator name, and (d) parcel owner or operator mailing address.
6. Each Coalition Group shall submit an electronic list of the landowners and/or operators of irrigated lands that discharge waste to waters of the State who are knowingly participating in the Coalition Group. The list shall include: (a) assessor parcel number(s), (b) parcel size, (c) parcel owner or operator name, and (d) parcel owner or operator mailing address. To the extent information required by this section may not be disclosed because it requires the disclosure of confidential or proprietary information, including names and addresses, in violation of Food and Agricultural Code Sections 71089 and 71124(a), the Coalition Group must provide a detailed area map(s) that clearly delineates the coverage area and acreage. The initial electronic Participant List shall be submitted to the Central Valley Water Board by **30 September 2006**. Thereafter, by **31 July of each year**, the Coalition Group shall submit an updated Participant List. The information provided by a Coalition Group to comply with this condition is subject to public disclosure unless subject to an exemption under applicable law, including the California Public Records Act.
7. If required by the Executive Officer, each Coalition Group shall submit an electronic map, in GIS format specified by the Executive Officer, showing both participants and non-participants. The electronic map shall include the following information: (a) assessor parcel number; (b) parcel size; (c) parcel owner or operator name; (d) parcel owner or operator mailing address, and (e) whether the owner or operator of the parcel is knowingly participating in the Coalition Group. To the extent information required by this section may not be disclosed because it requires the disclosure of confidential or proprietary information, including names and addresses, in violation of Food and Agricultural Code Sections 71089 and 71124(a), the Coalition Group must provide a detailed area map(s) that clearly delineates the coverage area and acreage. The information provided by a Coalition Group to comply with this condition is subject to public disclosure unless subject to an exemption under applicable law, including the California Public Records Act.
8. Coalition Groups and/or Dischargers shall comply with applicable Total Maximum Daily Loads and implementation plans in the Basin Plans.
9. After **31 December 2006** no ~~additional-new~~ participants may join ~~any~~ Coalition Group unless ~~one or more of the following conditions exists:~~ approved by the Executive Officer.

~~a. The subject owner and/or property were not a “discharger” qualifying for coverage under the Coalition Group Conditional Wavier prior to 31 December 2006, but management or physical~~

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

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

10. The Executive Officer may approve a new participant to join a Coalition Group, if one or more of the following conditions exists. Unless otherwise required by the fee schedules set forth in Title 23 California Code of Regulations, payment of a fee for the application to join a Coalition Group shall not be required:

- a. The subject owner and/or property were not a “discharger” qualifying for coverage under the Coalition Group Conditional Waiver prior to 31 December 2006, but management or physical changes on the subject property, or on properties between the subject property and receiving surface waters to which the wastewater drains, have been modified such that the subject owner and property are now a “discharger” and qualify for Coalition Group membership.
- b. The owner/property were participants in a Coalition Group under the Coalition Group Conditional Waiver, or covered under the Individual Discharger Conditional Waiver (Order No. R5-2006-0054), prior to 31 December 2006, but are transferring their participation to another Coalition Group.
- c. Coalition Group boundaries change or a new Coalition Group is formed, such that an area not previously covered by any Coalition Group now is covered, so growers in those areas should be able to join the new or revised Coalition Group.
- d. The property was transferred to a new owner after 31 December 2006.

11. The Executive Officer may approve a new participant to join a Coalition Group if the participant requests to join a Coalition Group, but does not meet one of the four conditions in Condition A.10. After 30 June 2008, the new participant shall submit the applicable fee (if any) with the application to join a Coalition Group, as set forth under the fee schedules contained in Title 23 California Code of Regulations.

- 10.12. Dischargers who are participating in a Coalition Group shall implement management practices, as necessary, to achieve best practicable treatment or control of the discharge to reduce wastes in the discharges to the extent feasible and that will achieve compliance with applicable water quality standards, protect the beneficial uses of waters of the state, and prevent nuisance.
- 11.13. Dischargers who are participating in a Coalition Group shall not discharge any waste not specifically regulated by the Conditional Waiver, cause new discharges of wastes from irrigated lands that impair surface water quality, or increase discharges of waste or add new wastes that impair surface water quality not previously discharged by the Discharger. Waste specifically regulated by the Conditional Waiver includes earthen materials, such as soil, silt, sand, clay, and rock; inorganic materials, such as metals, salts, boron, selenium, potassium, and nitrogen; and organic materials, such as organic pesticides, that enter or have the potential to enter into waters of the State. Examples of waste not regulated by the Conditional Waiver include hazardous waste and human waste.
- 12.14. The Central Valley Water Board staff may investigate the property of persons subject to the Conditional Waiver pursuant to Water Code Section 13267(c) to ascertain whether the purposes of the Porter-Cologne Water Quality Control Act are being met and whether the conditions of the Conditional Waiver are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with Section 1822.50). In the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.
- 13.15. The Coalition Group and/or Dischargers shall take all reasonable steps to prevent any discharge in violation of the Conditional Waiver.
- 14.16. The Coalition Group and/or Dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system, including management practices and monitoring devices installed or used to achieve compliance with the Conditional Waiver.
- 15.17. The discharge of any waste not specifically regulated by the Conditional Waiver is prohibited unless the Discharger complies with Water Code Section 13260(a) and the Central Valley Water Board either issues WDRs pursuant to Water Code Section 13263 or an individual waiver pursuant to Water Code Section 13269 or the time frames specified in Water Code Section 13264(a) have elapsed.
- 16.18. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any action authorized under this Order, the dischargers shall obtain authorization for an incidental take prior to construction or operation of the project. The dischargers shall be responsible for meeting all requirements of the applicable Endangered Species Act.

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B. Technical Reports

1. A Coalition Group, on behalf of its Participants who are seeking to be covered under the Conditional Waiver, shall submit a completed Notice of Intent (NOI), which shall contain all of the information requested in the NOI form, which is included at the end of this Attachment B, in a format as approved by the Executive Officer.
 - a. The NOI shall identify the representative(s) authorized to sign reports submitted on behalf of the Coalition Group.
 - b. The NOI shall contain an electronic list of landowners and/or operators of irrigated lands that discharge waste to waters of the State, who are knowingly participating in the Coalition Group. This Participant List shall include: (1) assessor parcel number; (2) parcel size; (3) parcel owner or operator name; and (4) parcel owner or operator mailing address.
2. A Coalition Group that submits an NOI shall, concurrently, submit a General Report.
 - a. The General Report shall identify the lead agencies and/or organizations that will develop a watershed or sub-watershed program, the key contact(s), a description of the watershed, and a commitment to work with the Central Valley Water Board to satisfy the conditions of this Conditional Waiver.
 - b. The General Report shall provide a detailed map of the area included within the Coalition Group. The General Report and the map shall identify individual parcels and/or districts that are participating in the Coalition Group.
 - c. The General Report shall identify the funding mechanisms that will support the Coalition Group administrative costs, water quality monitoring, management practice evaluation and development, and other costs necessary to ensure compliance with the Conditional Waiver.
3. Upon submittal of a complete NOI and approval of the NOI, the Executive Officer may issue a Notice of Applicability (NOA) to extend coverage to the Coalition Group under the Conditional Waiver. Those Coalition Groups that submitted an NOI and received an NOA pursuant to Resolution No. R5-2003-0105 are not required to submit a new NOI unless so requested by the Executive Officer.
4. Each Coalition Group that receives an NOA shall submit and implement a Monitoring and Reporting Program (MRP) Plan as specified in Coalition Group MRP Order No. R5-2005-0833, or as revised by the Executive Officer, which is required by the Conditional Waiver. The purposes of the MRP Plan include, but are not limited to, the following: 1) to determine whether the discharge of waste from irrigated lands within the Coalition Group boundaries causes or contributes to exceedances of applicable water quality standards or causes nuisance; 2) to provide information about the Coalition Group area characteristics, including but not limited to, land use, crops grown, and chemicals used; 3) to monitor the effectiveness of management practices implemented to address exceedances of applicable water quality standards; 4) to determine which management

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practices are most effective in reducing wastes discharged to surface waters from irrigated lands, 5) to specify details about monitoring periods, parameters, protocols, and quality assurance, 6) to support the development and implementation of the Conditional Waiver, 7) to verify the adequacy and effectiveness of the Conditional Waiver's conditions, and 8) to evaluate the Coalition Group's compliance with the terms and conditions of the Conditional Waiver.

5. If the Coalition Group wishes to terminate coverage under the Conditional Waiver, the Coalition Group shall submit a complete Notice of Termination (NOT). The NOT form is included at the end of this Attachment B. Termination from coverage will occur on the date specified in the NOT, unless specified otherwise. All discharges shall cease before the date of termination, and any discharges on or after this date shall be considered in violation of the Conditional Waiver, unless other Waivers of WDRs, General WDRs, or individual WDRs cover the discharge.
6. Upon a determination by either the Coalition Group or Dischargers that a discharge is causing or contributing to an exceedance of an applicable water quality standard, the Coalition Group or Discharger shall promptly notify the Central Valley Water Board in writing. Based on this information or other information available to the Central Valley Water Board, the Coalition Group or Discharger shall, upon written notice by the Central Valley Water Board Executive Officer, submit a technical report called a Management Plan to the Central Valley Water Board as follows:
 - a. The Management Plan shall evaluate the effectiveness of existing management practices in achieving applicable water quality standards, identify additional actions, including different or additional management practices or education outreach that the Coalition Group and/or its Participants propose to implement to achieve applicable water quality standards, and identify how the effectiveness of those additional actions will be evaluated.
 - b. The Management Plan shall include a waste specific monitoring plan and a schedule to implement additional management practices to achieve applicable water quality standards.
 - c. The Management Plan shall designate the person(s) who will implement, assess and evaluate the Management Plan and each person's area(s) of responsibility.
 - d. The Coalition Group and/or its Participants shall submit any modifications to the Management Plan required by the Central Valley Water Board and address the Central Valley Water Board's comments within 30 days of written notification, unless otherwise directed by the Executive Officer.
 - e. The Coalition Group and/or its Participants shall make Management Plan available to the public upon written request. The Central Valley Water Board may provide the public an opportunity to review and comment on submitted Management Plans.
 - f. The Management Plan may be incorporated into the Monitoring and Reporting Program Plan, unless the Central Valley Water Board Executive Officer directs an earlier submittal.

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7. The Coalition Group shall submit a management plan when there has been more than one exceedance of a water quality standard in three years, unless the Executive Officer determines that the exceedance is not likely to be remedied or addressed by a management plan.
8. All reports submitted pursuant to the Conditional Waiver shall be available for public inspection at the Central Valley Water Board offices, except for reports, or portions of such reports, subject to an exemption from public disclosure in accordance with California law and regulations, including trade secrets and secret processes under Water Code Section 13267(b)(2), and the Public Records Act. NOIs shall generally not be considered confidential. If the Discharger asserts that all or a portion of a report is subject to an exemption from public disclosure, the Discharger must clearly indicate on the cover of the Report that the Discharger asserts that all or a portion of the report is exempt from public disclosure, submit a complete report with those portions that are asserted to be exempt in redacted form, submit separately-bound unredacted pages (to be maintained separately by staff), and provide an explanation of how those portions of the reports are exempt from public disclosure. The Central Valley Water Board staff shall determine whether any such report or portion of a report qualifies for an exemption from public disclosure. If the Central Valley Water Board staff disagrees with the asserted exemption from public disclosure, the Central Valley Water Board staff shall notify the Discharger prior to making such report or portions of such report available for public inspection.
9. All technical reports submitted pursuant to the Conditional Waiver are required pursuant to Water Code Section 13267. Failure to submit technical reports in accordance with schedules established by the Conditional Waiver and/or its attachments, or failure to submit a complete technical report (i.e., of sufficient technical quality to be acceptable to the Executive Officer), may subject the Discharger to enforcement action pursuant to Water Code Section 13268.

C. Water Quality Standards

1. Coalition Groups and Dischargers must comply with applicable water quality standards, as defined in Attachment A. The specific waste constituents to be monitored within each Coalition Group boundary and the applicable water quality objectives that protect identified beneficial uses for the receiving water will be set forth in the MRP. Dischargers shall not cause or contribute to an exceedance of any applicable water quality standard.
2. Coalition Groups and/or Dischargers shall implement management practices to achieve best practicable treatment or control of the discharge that will reduce wastes in the discharges to the extent feasible and that will achieve compliance with applicable water quality standards, protect the beneficial uses of waters of the State, and prevent nuisance.

D. Time Schedule

Pursuant to Water Code Section 13267, the following technical reports are required to be submitted to the Central Valley Water Board, as directed by the Executive Officer, as a condition of the Conditional Waiver.

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<u>Task</u>	<u>Compliance Date</u>
Coalition Group Participant List	30 September 2006
Discharger Knowingly Elects to Join Coalition Group	No later than 31 December 2006
<u>Discharger Must Apply for Executive Officer Approval to Join a Coalition Group</u>	<u>1 January 2007</u>
MRP Plan	30-150 days after filing of NOI
Revised MRP Plan following revision of MRP	As directed by the Executive Officer
Wet Season Monitoring Report as required by the Coalition Group MRP Order No. R5-2005-0833	30 June of each year*
Updated Coalition Group Participant List	31 July of each year
Irrigation Season Monitoring Report as required by the Coalition Group MRP Order No. R5-2005-0833	31 December of each year*
Management Plan	As required by the Executive Officer
*Or as otherwise directed by the Executive Officer	

E. Fees

Each Discharger who participates in a Coalition Group, or the Coalition Group on behalf of its Participants, shall pay a fee to the State Water Resources Control Board in compliance with the fee schedule contained in Title 23 California Code of Regulations.

Amended by Resolution No. R5-2006-0077, 3 August 2006.

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NOTICE OF INTENT
TO COMPLY WITH
ORDER NO. R5-2006-0053

COALITION GROUP CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

1. COALITION GROUP INFORMATION

Coalition Group Name:				
Coalition Group Representative:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

The Coalition Group representative's information shall be included in the above information box.

The NOI shall contain an electronic list of landowners and/or operators of irrigated lands that discharge waste to waters of the State, who are knowingly participating in the Coalition Group. This Participant List shall include: (1) assessor parcel number; (2) parcel size; (3) parcel owner or operator name; and (4) parcel owner or operator mailing address.

The Central Valley Water Board may further specify the information to be included. This information shall be provided to the Central Valley Water Board upon request, within the time specified by the Central Valley Water Board, which time shall not exceed 30 days.

2. REASON(S) FOR FILING

☐ New Discharge or Coalition Group	☐ Changes in Ownership/Operator or addition of Discharger(s) to Coalition Group
☐ Existing Coalition Group	
☐ Change of Coalition Group boundary	☐ Other:

3. ADDITIONAL INFORMATION

Please attach the following information to this NOI:

1. A site map, which shows the geographic boundaries of the Coalition Group and identifies the surface watercourses within these boundaries.
2. Use the space below, or attach additional sheets, to explain any response that needs clarification.

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4. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, complete, and that those individual Dischargers listed in the Member Document have elected to join the Coalition Group. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	
Print Name: _____	Title: _____
Signature: _____	Date: _____

NOTICE OF TERMINATION

TO COMPLY WITH
ORDER NO. R5-2006-0053

COALITION GROUP CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

This document is only to be used for Coalition Groups that have been issued a Notice of Applicability by the Executive Officer. Submission of this Notice of Termination constitutes official notification to the Central Valley Water Board that the Coalition Group identified below elects not be covered under Order No. R5-2006-0053, *Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands*.

1. COALITION GROUP INFORMATION¹

Coalition Group Name:				
Coalition Group Representative:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

¹ The Coalition Group representative's information shall be included in the above information box.

2. REASON FOR TERMINATION

☐ Coalition Group is no longer functioning under the Conditional Waiver for Coalition Groups	☐ Other: Provide Comments _____
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3. CERTIFICATION

I certify under penalty of law that (1) I am not required to be covered under the Coalition Group Conditional Waiver of Waste Discharge Requirements For Discharges From Irrigated Lands, and (2) this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I also understand that submittal of this Notice of Termination does not release a facility from liability for any violations of the Coalition Group Conditional Waiver.

Print Name: _____ Title: _____

Signature: _____ Date: _____

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