

ITEM: 21

SUBJECT: Waste Discharge Requirements General Order For Growers In The Eastern San Joaquin River Watershed That Are Members Of The Third-Party Group

BOARD ACTION: *Consideration of Adoption of the Waste Discharge Requirements.*

BACKGROUND: On 6 July 2012, the board circulated tentative waste discharge requirements for discharges from irrigated lands within the eastern San Joaquin River watershed (tentative Eastern San Joaquin Order) for review and comment by the public. This Order represents the first in a proposed series of geographically-based orders, one commodity-based order, and a general order for individual growers that will implement the long-term irrigated lands regulatory program (long-term ILRP). Written comments on the tentative Eastern San Joaquin Order were due 6 August. Comment letters and the staff response to comments are included in the agenda package. The tentative Eastern San Joaquin Order, which is included in this agenda package, has been revised in response to comments received.

The Board received numerous requests from interested parties in the southern San Joaquin Valley for the opportunity to comment on the proposed Eastern San Joaquin River Watershed order. The Board will, therefore, conduct a special meeting in Bakersfield to accept oral testimony convenient to people in the southern San Joaquin Valley. If a quorum of the Board is present in Bakersfield, the public hearing concerning this matter will be opened in Bakersfield on 30 November 2012, and the hearing will be continued in Rancho Cordova on 7 December 2012 for receipt of additional testimony and comments and consideration of adoption of the tentative WDRs and MRP. If a quorum of the Board is not present in Bakersfield, the Board will hold a public workshop instead of a hearing in Bakersfield on 30 November, and then open the hearing in Rancho Cordova on 7 December for testimony and comments and consideration of adoption of the tentative WDRs and MRP. Provided below is a brief summary of the revisions to the tentative Eastern San Joaquin Order relative to the July 2012 tentative version.

General summary of revisions

The draft Tulare Lake Basin Order and tentative Eastern San Joaquin Order are similar. Staff identified no compelling reasons to recommend any major differences in the overall approach for protecting water quality in these areas. However, the implementation of the provisions is expected to differ based on a variety of factors (e.g., crop type, climate, geology). Therefore, the changes below will likely be recommended for both orders, although only revisions to the tentative Eastern San Joaquin Order are available for review at this time.

Receiving water limitations – “receiving water” instead of “discharge” limitations. This revision is intended to clarify that the board is not establishing edge-of-field effluent limitations, but wants to ensure that discharges from irrigated lands do not cause or contribute to a water quality problem.

Small farming operations (<60 acres) – phased reporting requirements (e.g., farm evaluations, nitrogen management plans, sediment and erosion control plans) based on farm size in addition to the previous version's vulnerability-based prioritization system. Separate requirements for small farming operations were included to help reduce the burden on smaller operations, which may not have the available resources of larger operations.

Sediment and erosion control plans – require that sediment and erosion control plans be developed by Members that have the potential to cause erosion and discharge sediment that may degrade surface waters, instead of the previous requirement for plan development by all Members discharging to surface water. This change will help to prioritize establishing these plans in areas where they are most needed.

Sediment discharge and erosion assessment report – this new third-party technical report is included to determine which Members must develop a sediment and erosion control plan.

Nitrogen management plans –requires nitrogen management plans for all Members except for those within low vulnerability areas. Previously referred to as “nitrogen budgets,” these plans were required for all Members. There is also increased flexibility in options for certification of plans (certification is required in high vulnerability areas). These changes will help to better target nitrogen management to areas of greatest need, and provide additional certification options for Members, while providing assurance that those certifying the plans are qualified to assess the relationship between nitrogen applications and potential water quality impacts.

Engineering for ponds and basins – the requirement that any new or modified settling ponds, basins, and tailwater systems be designed by a registered civil engineer has been removed. The broad requirement is not necessary in all cases.

Templates –an option has been added for the third-party to develop and propose the templates in coordination with other third-parties, commodity groups, etc. Coordination is required under this option, since the board wants consistency in the type of information collected. However, templates can be tailored (e.g., the template for an almond orchard could look different than the template for an alfalfa field). Previously, the tentative Order provided for board-development of templates for Member farm evaluations, nitrogen management plans, and sediment and erosion control plans. This option is still available, if the third-party does not choose to coordinate with other groups.

Groundwater quality monitoring and management practice assessment, and evaluation requirements – these requirements have been revised to provide additional clarity; revisions include renaming the “representative groundwater monitoring program,” to the “management practices evaluation program,” and other organizational revisions.

Spatial resolution for third-party summary reports of Member information

–the spatial resolution required for the summary reporting has been changed from the section (1 square mile) to the township level (36 square mile). Data submitted as part of reporting would not be required to identify the specific Member or the specific parcel. However, all data used to prepare summary reports must be provided (the individual identifying information is not needed). The reporting frequency (see below) has been increased, so the board will be able to identify trends sooner. The board can require the submittal of Member-specific information, if, for example, improvements in practices are not being made and water quality is still impacted.

Increased Monitoring report frequency –the third-party must submit an annual monitoring report summarizing activities conducted during the previous year; modified from the previous version's biennial monitoring report. This increase in reporting frequency has been proposed based in part on the reduction in resolution for third-party summary reports of Member information. More frequent reports will help the board determine where water quality practices are being implemented and in which areas additional board follow-up may be necessary.

Formatting – a number of sections have been reformatted for clarity and ease of reading without making significant changes to the substance of the provision or requirement.

Staff recommends adoption of the waste discharge requirements.

Mgmt. Review _____
Legal Review _____ APM _____

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