

TENTATIVE ATTACHMENT B

ORDER NO. R5-2005-____
COALITION GROUP CONDITIONAL WAIVER
OF
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

PURSUANT TO
CALIFORNIA WATER CODE SECTION 13269

Attachment B to Order No. R5-2005-____ constitutes the *Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands* (Coalition Group Conditional Waiver). The Coalition Group 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 Coalition Group Conditional Waiver establishes conditions with which Coalition Groups must comply to obtain coverage under and to be considered in compliance with the Coalition Group Conditional Waiver. Order No. R5-2005-____ defines “discharges [of waste](#) from irrigated lands” as including [waste in](#) surface discharges (also known as irrigation return flows or tailwater), operational spills, subsurface discharges through drainage systems that lower the water table below irrigated lands (also known as tile drains), and stormwater runoff flowing from irrigated lands.

The Coalition Groups shall comply with the following conditions:

A. General

1. The Coalition Group shall comply with all conditions of the Coalition Group 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 Water Board orders or termination of coverage under the Coalition Group Conditional Waiver.
2. The reports submitted to comply with the Coalition Group 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 makes 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 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 Coalition Group Conditional Waiver, or as revised by the Executive Officer.
5. For the purposes of the Coalition Group Conditional Waiver, an “exceedance” is a reading using a field instrument or a detection by a California State-certified analytical laboratory where the detected result is above the receiving water limitation for the parameter or constituent. Receiving water limitations implement the appropriate Basin Plan’s numeric and narrative water quality objectives. An exceedance also is a California State-certified laboratory analytical result reported as non-detect when the reporting limit is higher than the receiving water limitation practical quantitation limit for the parameter or constituent. A table listing receiving water limitations, which may be revised periodically, is provided in Attachment A. For toxicity tests, an exceedance is a result that is statistically different from the control sample test result. Attachment A provides a list of receiving water limitations.
6. Starting 15 July 2006, the Coalition Group shall submit a list of members who have knowingly elected to join the Coalition Group. The list shall be updated annually to reflect current members and shall include each member’s name, address, number of irrigated acres, and information sufficient to locate each member’s irrigated lands or all parcels that are within a Coalition Group boundary. The Central Valley Water Board or Executive Officer may further specify the information to be included. The list of members shall be provided in writing or electronically to the Central Valley Water Board annually on 15 July and at any other time upon request of the Executive Officer. Dischargers who are members of a Coalition Group shall enroll in the Irrigated Lands Conditional Waiver Program either electronically or by providing the appropriate documentation in writing pursuant to the schedule in B.3—Technical Reports. Enrollment documentation shall contain necessary member information pursuant to B.4—Technical Reports to be deemed complete.
7. Dischargers who are members of a Coalition Group shall implement management practices to improve and protect water quality and to achieve compliance with applicable receiving water limitations identified in **Attachment A**.
8. Dischargers who are members of a Coalition Group shall not discharge any waste not specifically regulated by the Coalition Group 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 Coalition Group Conditional Waiver includes earthen materials, such as soil, silt, sand, clay, and rock; inorganic materials, such as metals, salts, boron, selenium, potassium, nitrogen, etc.; and organic materials, such as organic pesticides, that enter or threaten to enter into waters of the State. Examples of waste not regulated by the Coalition Group Conditional Waiver include hazardous waste and human waste.
9. The Central Valley Water Board staff may investigate the property of persons subject to the Coalition Group 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 Coalition Group 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.

10. The Coalition Group and/or its member Dischargers shall take all reasonable steps to prevent any discharge in violation of the Coalition Group Conditional Waiver.
11. The Coalition Group and/or its member 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 Coalition Group Conditional Waiver.
12. The discharge of any waste not specifically regulated by the Coalition Group Conditional Waiver described herein 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.

B. Technical Reports

1. A Coalition Group may submit a completed Notice of Intent (NOI) on behalf of its member Dischargers, who are seeking to discharge under the Coalition Group Conditional Waiver. The NOI form is included at the end of this Attachment B.
 - a. The NOI shall contain all of the requested information in a format approved by the Executive Officer.
 - b. The NOI shall identify the representative authorized to sign reports submitted on behalf of the Coalition Group.
 - c. ~~The Coalition Group shall maintain a list of participants who have knowingly elected to be a member of the Coalition Group. The list shall include, at a minimum, information on how to contact each member, including address and phone number, and information sufficient to locate each member's fields or all parcels that are within a Coalition Group boundary. The Central Valley Water Board may further specify the information to be included. The list of members shall be provided in hard copy and electronic form 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. (Incorporated into A.6)~~
 - d. The NOI shall identify the lead agencies and/or organizations that will develop the Coalition Group's program, the key contact(s), and a description of the Coalition Group's geographical area.

- e. The NOI shall provide a detailed map of the area included within the Coalition Group boundaries that shall identify Coalition Group member landowners, operators, and/or Water Districts, which discharge or threaten to discharge waste from irrigated lands to waters of the State and are to be covered by the Coalition Group Conditional Waiver.
 - f. The NOI shall identify the funding mechanism(s) 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 Coalition Group Conditional Waiver.
2. 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 Coalition Group Conditional Waiver.
 3. Coalition Groups are required to develop, maintain, and implement Water Quality Plan(s) for water bodies and/or areas of water quality concern, as described in Condition B.4 below. The Water Quality Plan(s) shall identify the management practices that may be implemented to achieve compliance with receiving water limitations and a schedule to implement the management practices. The Water Quality Plan may be based on regional/watershed areas, crop or commodity, or specific to a geographical/hydrological area due to physical parameters (soil type, rainfall, etc.). More than one plan may be necessary for a watershed or for a Coalition Group. The Water Quality Plan shall identify, as applicable, appropriate management practices for irrigation management, pesticide management, nutrient management, and erosion control.
 4. By 1 March 2006, the Coalition Group shall submit a list of water bodies and/or areas of water quality concern within the Coalition Group boundary. Areas of water quality concern shall include water bodies 1) on the 303(d) list and 2) where sampling data indicate toxicity or exceedances of receiving water limitations. The list shall include the constituents of concern for each area and the rationale for selecting the area.
 5. Within 160 days of Central Valley Water Board staff concurrence with the list submitted pursuant to Condition B.4, the Coalition Group shall prepare Water Quality Plan(s) that contain the following elements:
 - The persons who will implement, assess and evaluate the Water Quality Plan and each person's area(s) of responsibility
 - The means by which the information in the Water Quality Plan will be disseminated (training, workshops, mailings, etc.)
 - Schedule for training or information dissemination of management practices specified in Water Quality Plan
 - How effectiveness of management practices and implementation specified in the Water Quality Plan will be assessed and evaluated
 - Triggers that will require modification or additional areas be covered by the Water Quality Plan

Coalition Groups must submit additional Water Quality Plan(s) upon the request of the Executive Officer and revise Water Quality Plan(s) as directed.

6. Sampling data may require subsequent additions or modifications to the Water Quality Plan(s) as directed by the Executive Officer. The Coalition Group shall review Water Quality Plan(s) periodically and update them, if necessary. The Water Quality Plan(s) shall be submitted to the Central Valley Water Board staff upon request.

~~3. Each participant who has knowingly elected to be a member of the Coalition Group shall enroll directly with the Central Valley Water Boards Irrigated Lands Conditional Waiver Program pursuant to the following schedule. Enrollment shall be completed electronically or in writing.~~

<u>Operations(s) and Parcel(s) Size</u>	<u>Enrollment Deadline</u>
≥ 500 Irrigated Acres, Water Districts	1 January 2007
≥ 240 and < 500 Irrigated Acres	1 April 2007
≥ 120 and < 240 Irrigated Acres, Nurseries	1 July 2007
> 40 Acres and < 120 Irrigated Acres	1 October 2007
— 40 Acres and Less, Managed Wetlands	1 January 2008

~~4. To complete the enrollment with the Central Valley Water Board, each member shall provide, at a minimum, information on how to contact each member, including address and phone number, and information sufficient to locate each member's fields or all parcels, the size of the field(s) and/or parcels, whether they are an owner and/or the operator.~~

~~5. Members of a Coalition Group are required to develop and maintain on-site (contact address if not at the operation) at all times a completed Farm Water Quality Plan (FWQ Plan) for their entire operation pursuant to the following schedule. The FWQ Plan shall identify, at a minimum, appropriate management practices for: irrigation management, nutrient management, pesticide management, and erosion control.~~

~~Management practices must be designed and implemented to achieve improvements in water quality and compliance with the conditions in the Conditional Waiver and the State and Central Valley Water Board plans and policies. Where appropriate, the FWQ Plan must identify future actions necessary to improve and protect water quality. The FWQ Plan shall be made available to Central Valley Regional Board staff, Department of Pesticides Regulation staff, and/or Agricultural Commissioner staff upon request.~~

<u>Specific Members required to have FWQ Plan</u>	<u>Deadline for FWQ Plan On-site</u>
Operations ≥ 500 Irrigated Acres	1 January 2007
Operations ≥ 240 and < 500 Irrigated Acres	1 January 2008
Operations ≥ 40 and < 240 Irrigated Acres	1 January 2009
Other Operations	As Directed by the Executive Officer

6.7. Each Coalition Group that receives a NOA shall submit and implement a MRP Plan as specified in Coalition Groups MRP Order No. R5-2005-0833_____, which is required by the Coalition Group Conditional Waiver, or as revised by the Executive Officer. 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 receiving water limitations or causes nuisance; 2) to provide information about the Coalition Group area characteristics, including but not limited to, land use, crops grown, chemicals used, etc.; 3) to monitor the effectiveness of management practices implemented following exceedances of receiving water limitations; and 4) to specify details about monitoring periods, parameters, protocols, and quality assurance.

7.8. Each Coalition Group that receives a NOA shall submit technical reports as specified in Coalition Groups MRP Order No. R5-2005-0833_____, which is required by the Coalition Group Conditional Waiver, or as revised by the Executive Officer.

9. If the Coalition Group wishes to terminate coverage under the Coalition Group 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 Coalition Group Conditional Waiver, unless other Waivers of WDRs, General WDRs, or individual WDRs cover the discharge.

10. Upon a determination by either the Coalition Group or its member Dischargers that a discharge is causing or contributing to an exceedance of a receiving water limitation listed in Attachment A of the Order, the Coalition Group 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 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 receiving water limitations and identify additional actions, including different or additional management practice implementation or education outreach, etc., the Coalition Group proposes to implement to achieve water quality objectives.
- b. The Management Plan shall include a waste specific monitoring plan and an implementation schedule to address the exceedance.
- c. The Coalition Group and/or its member Dischargers 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.

- d. The Coalition Group and/or its member Dischargers shall make the 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.

11. All materials submitted pursuant to the Coalition Group 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.

12. All technical reports submitted pursuant to the Coalition Group Conditional Waiver are required pursuant to Water Code Section 13267. Failure to submit technical reports in accordance with schedules established by the Coalition Group Conditional Waiver and/or the attachments to the Coalition Group Conditional Waiver, or failure to submit a complete technical report (e.g., 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. Receiving Water Limitations

1. Receiving water limitations are based upon water quality objectives contained in Basin Plans. As such, the limitations provided in Attachment A of the Order and water quality objectives in the Basin Plans are a required part of the Coalition Group Conditional Waiver. In addition to the receiving water limitations listed in Table 1 [of Attachment A](#), Dischargers who are members of Coalition Groups shall not cause:

- a. Deposition of material that causes nuisance or adversely affects beneficial uses.
- b. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.
- c. ~~Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in the California Code of Regulations, Title 22; that harm human, plant, animal or aquatic life; or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.~~
- d. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.

- e. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.
 - f. Violation of any applicable water quality objective in the Central Valley Water Board's Basin Plans or any water quality standard for receiving waters adopted by the Central Valley Water Board or the State Water Board pursuant to the Clean Water Act and regulations adopted thereunder.
2. Coalition Groups and/or their member Dischargers shall comply with receiving water limitations. The Coalition Groups and/or their member Dischargers shall, through timely implementation of management practices, reduce wastes in the discharges in accordance with the conditions of the Coalition Group Conditional Waiver, including any modifications. Management practices shall be designed to improve [water quality](#) and achieve compliance with receiving water limitations, to protect water quality, and to prevent nuisance. If exceedance(s) of receiving water limitations persist notwithstanding implementation of management practices and other requirements of the Coalition Group Conditional Waiver, the Coalition Group shall submit a Management Plan as specified in **Part B. Technical Reports** of the Coalition Group Conditional Waiver.

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 Coalition Group Conditional Waiver.

<u>Task</u>	<u>Compliance Date</u>
MRP Plan	30-150 days after filing of NOI
Wet Season Monitoring Report as required by the Coalition Group MRP Order No. R5-2005- 0833 _____	30 June 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

E. Fees

[Each member of a Coalition Group, or the Coalition Group on behalf of its members, 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.](#)

**NOTICE OF INTENT
TO COMPLY WITH**

ORDER NO. R5-2005-_____
COALITION GROUP CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

1. COALITION GROUP INFORMATION

Watershed:				
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. Along with this Notice of Intent, the Coalition Group shall:

- Maintain a list of participants who have knowingly elected to be a member of the Coalition Group. The list shall include, at a minimum, information on how to contact each member, including address and phone number, and information sufficient to locate each member's fields or parcels that are within a Coalition Group boundary,
- Identify the representative authorized to sign reports submitted on behalf of the Coalition Group,
- 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 the Coalition Group Conditional Waiver,
- Provide a detailed map of the area included within the Coalition Group that shall identify participating landowners and/or operators and Districts (member Dischargers) which discharge or threaten to discharge waste from irrigated lands to waters of the State and are to be covered under the conditions of the Coalition Group Conditional Waiver, and
- 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 Coalition Group Conditional Waiver.

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 thirty 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: _____

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**NOTICE OF TERMINATION
TO COMPLY WITH
ORDER NO. R5-2005-_____
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 (NOA) 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. R5-2005-_____, Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands.

1. COALITION GROUP INFORMATION¹

Watershed:				
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. A **Membership Document** shall be included with this NOT. This membership document shall provide information for each individual Discharger including the owner/operator, farm assessor parcel number(s), Section, Township and Range and closest downstream surface water body. A farm includes lands where water is applied for the purpose of producing crops and includes vineyards, pasture, commercial nurseries, nursery stock production, managed wetlands and rice production.

2. LOCATION OF FACILITY

Assessor's Parcel #:	Closest Surface Water: (e.g. Sacramento River)
Township/Range/Section:	
T ____ R ____ S ____ B&M	

3. REASON FOR TERMINATION

☐ Coalition Group no longer functioning under the Coalition Group Conditional Waiver	☐ Other: Provide Comments
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4. 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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