

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2015-0054

REVISING ORDER NO. R5-2012-0116-R2
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
FOR GROWERS WITHIN THE EASTERN SAN JOAQUIN RIVER WATERSHED
THAT ARE MEMBERS OF THE THIRD-PARTY GROUP

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) finds that:

1. On 7 December 2012, the Central Valley Water Board issued Order No. R5-2012-0116 Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-party Group (Eastern San Joaquin Order). The Central Valley Water Board adopted revisions to the Eastern San Joaquin Order on 3 October 2013 (Order No. R5-2012-0116-R1) and 27 March 2014 (Order No. R5-2012-0116-R2).
2. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of the waters of the state, which includes both surface water and groundwater, is found in the Porter-Cologne Water Quality Control Act (California Water Code Division 7).
3. This Order revises the Eastern San Joaquin Order to modify the northern boundary corresponding to the San Joaquin County and Delta Watershed Area southern boundary. Finding 3 of the Eastern San Joaquin Order states that the northern boundary is the "Stanislaus River Watershed" which implies growers on both sides of the river. Parcels on the north side of the Stanislaus River better associate with the San Joaquin County and Delta Area. Parcels south of the Stanislaus River better associate with the Eastern San Joaquin River Watershed Area.
4. This Order revises the Eastern San Joaquin River Watershed Area boundary by shifting approximately 10,800 acres to the San Joaquin County and Delta Area, which removes approximately 1.1% from the total irrigated acres within the Eastern San Joaquin River Watershed Area. The acreage decrease will not substantially change the number of members or costs to implement the program for the East San Joaquin Water Quality Coalition.
5. The Eastern San Joaquin Order requires third-party Members in High Vulnerability areas to prepare and implement a certified Nitrogen Management Plan by 1 March 2015. The 2015 due date for certification of the Nitrogen Management Plan for Members are revised by this Order to allow a one-year extension to 1 March 2016. The extension is expected to allow additional time for the impending California Department of Food and Agriculture grower certification program to be available to third-party members. The Nitrogen Management Plan preparation and implementation will not be delayed. Only the certification requirement will be postponed.

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6. The Eastern San Joaquin Order requires growers to prepare and implement a Nitrogen Management Plan in advance of the crop year. This Order revises Nitrogen Management Plan requirements to acknowledge that site specific circumstances may occur during the growing season and that plan changes may be necessary. Such changes must comply with the provisions of waste discharge requirements.
7. This Order revises the Eastern San Joaquin Order to provide the third-party additional time to submit the Comprehensive Groundwater Quality Management Plan (Comprehensive Management Plan) to be due 60 days after Executive Officer approval of the Groundwater Assessment Report (GAR), rather than one-year after the Notice of Applicability. The Comprehensive Management Plan development is dependent on the vulnerability designations yet to be determined in the GAR. Therefore, the Comprehensive Management Plan due date should follow the GAR approval date, and not be due on the same date as the GAR.
8. This Order revises the Monitoring and Reporting Program to allow the third-party to participate in an Executive Officer approved Regional Monitoring Program (RMP) [such as the Delta RMP]. The changes will allow the third-party to submit a proposal for Executive Officer approval to reduce the surface water monitoring requirements and instead provide funding and/or in-kind support to an approved RMP.
9. Adoption of this Order to amend Order No. R5-2012-0116-R2 is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) in accordance with Title 14, California Code of Regulations, Section 15061 (b)(3). The changes to the provisions in the Eastern San Joaquin Order do not have a potential for causing a significant effect on the environment, since the changes are administrative in nature and do not change the substantive provisions of the Eastern San Joaquin Order. This Order does not change the original CEQA findings accompanying Order No. R5-2012-0116.
10. The Central Valley Water Board has notified interested agencies and persons of its intent to adopt this Order for discharges of waste from irrigated lands within the Eastern San Joaquin River Watershed, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
11. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.
12. Any person affected by this action of the Central Valley Water Board may petition the State Water Board to review this action. The State Water Board must receive the petition within 30 days of the date on which the Central Valley Water Board adopted this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

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IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. R5-2012-0116-R2 is revised by making the modifications identified in Attachment 1 of this Order.

I, PAMELA C. CREEDON, 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, Central Valley Region, on 17 April 2015.

Original signed by

PAMELA C. CREEDON, Executive Officer

Attachment 1: Revisions to Waste Discharge Requirements R5-2012-0116-R2

ATTACHMENT 1

ORDER NO. R5-2015-0054

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WASTE DISCHARGE REQUIREMENTS

Page 1, Second line of finding 3. *Scope and Coverage of this Order*, revise as follows:

The Eastern San Joaquin River Watershed is bounded by the crest of the Sierra Nevada Mountain Range to the east, the Stanislaus River ~~Watershed~~ to the north, the San Joaquin River to the west, and the San Joaquin River Basin boundary to the south as identified in the Sacramento and San Joaquin River Basin Plan.

Page 19, provision IV.B.8. Requirement for Members of the Third-party Group, and page 26, provision VII.D. Nitrogen Management Plan, add a footnote at the end of Provision IV.B.8, and after the first reference to Nitrogen Management Plan in Provision VII.D as follows:

Nitrogen Management Plans are prepared in advance of the crop season, and based on circumstances that are forecasted. However, due to changes in weather, water availability, and other unanticipated circumstances, growers may find it necessary to adjust the Nitrogen Management Plan as originally prepared. Such adjustments are not considered to be violations of the Order, provided the revision maintains compliance with provision of this Order. Should such adjustments be necessary, the member must document the reasons for adjustments in the Nitrogen Management Plan retained at the grower's place of business and report the reasons to the third-party with the Nitrogen Management Plan Summary Report (if applicable).

Page 26, provision VII.D.1. Nitrogen Management Plan, *All Members within a High Vulnerability Groundwater Area* and page 27, provision VII.D.1.b, *Deadlines for all other Members*, revise as follows:

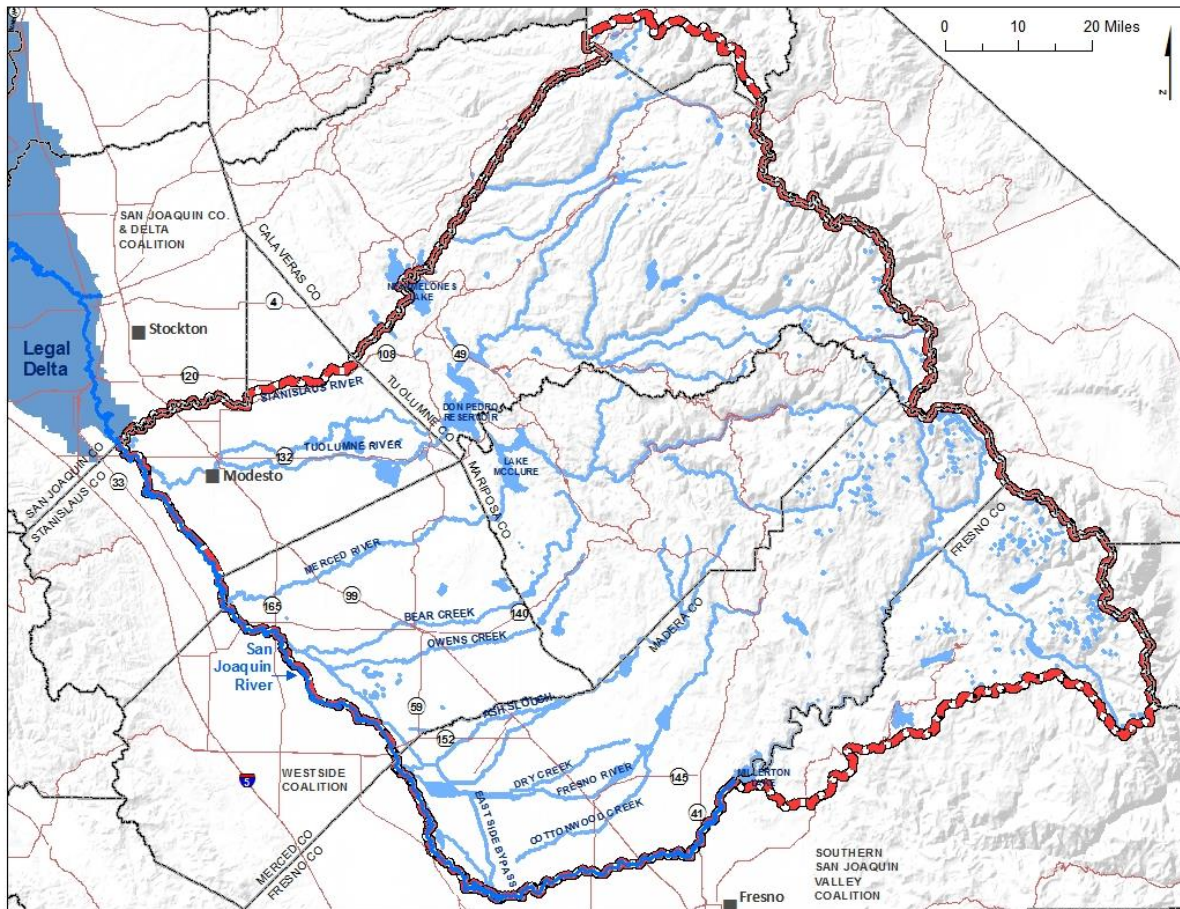
For Members located within a high vulnerability groundwater area, for which nitrate is identified as a constituent of concern, the Member must prepare and implement a certified Nitrogen Management Plan starting 1 March 2016.

By 1 March 2015, all other Members shall prepare, and update by 1 March annually thereafter, a Nitrogen Management Plan. By 1 March 2016, and by 1 March annually, thereafter, all other Members shall prepare and implement a certified Nitrogen Management Plan pursuant to Provisions VII.D.1 and submit to the third-party the Nitrogen Management Plan Summary Report for the previous year.

Page 34, section VIII.H.4, Comprehensive Groundwater Quality Management Plan due date extended 60 days after the Executive Officers GAR approval.

In lieu of submitting separate groundwater quality management plans in the timeframe identified in section VIII.H.1, the third-party may submit a Comprehensive Groundwater Quality Management Plan along with its Groundwater Quality Assessment Report, within 60 days of the Executive Officers approval of the Groundwater Quality Assessment Report. With the exception of the timeframe identified in section VIII.H.1, all other provisions applicable to groundwater quality management plans in this Order and the associated MRP apply to the Comprehensive Groundwater Quality Management Plan. The Comprehensive Groundwater Quality Management Plan must be updated at the same time as the Management Plan Progress Report (see attached MRP, Appendix MRP-1, section I.F) to address any constituents and areas that would have otherwise required submittal of a Groundwater Quality Management Plan.

Page 38, Figure 1. Map of the Eastern San Joaquin River Watershed Area.



ATTACHMENT B – MONITORING AND REPORTING PROGRAM

Page 3, Section III. Surface Water Quality Monitoring Requirements

The third-party may elect to participate in an Executive Officer approved Regional Monitoring Program (RMP) [such as the Delta RMP]. If the third-party elects to participate in a RMP, the third-party may submit a proposal to the Executive Officer for approval to reduce some elements of the surface water monitoring requirements described below and instead provide funding and/or in-kind support to an approved RMP. Participation in a Regional Monitoring Program by a third-party shall consist of providing funds and/or in-kind services to the Regional Monitoring Program at least equivalent to discontinued individual monitoring and study efforts. Written approval of the third-party's request, by the Executive Officer, is required prior to discontinuing any monitoring. Approval by the Executive Officer is not required prior to participating in a Regional Monitoring Program.

If the third-party participates in an Executive Officer approved Regional Monitoring Program in lieu of conducting individual surface water monitoring, the third-party shall continue to participate in the Regional Monitoring Program until such time as the third-party informs the Board that participation in the Regional Monitoring Program will cease and the monitoring prior to approved reductions is reinstated. Executive Officer approved reduced monitoring may continue so long as the third-party adequately supports the Regional Monitoring Program. If the Discharger fails to adequately support the Regional Monitoring Program, as defined by the Regional Monitoring Program, the third-party shall reinstate monitoring required prior to approved reductions upon written notice from the Executive Officer.