

**22 April 2021 BOARD MEETING
DISCUSSION AGENDA ITEM**

AGENDA ITEM: 9

SUBJECT:

Amendments to the ILRP Waste Discharge Requirements General Orders for growers within the Central Valley that are members of a third-party group.

BOARD ACTION:

Consider adoption of Order to amend eight ILRP Waste Discharge Requirements General Orders.

BACKGROUND:

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) will be considering an Amending Order to implement the Salt and Nitrate Control Program, incorporated into the Central Valley Water Board's *Water Quality Control Plans* for the Sacramento and San Joaquin River Basin Plan and Tulare Lake Basin Plan, for eight Irrigated Lands Regulatory Program (ILRP) Waste Discharge Requirements General Orders (General Orders). The affected ILRP General Orders are for the Tulare Lake Basin Area (R5-2013-0120-08), Western Tulare Lake Basin Area (R5-2014-0001-07), Western San Joaquin River Watershed (R5-2014-0002-09), San Joaquin County and Delta Area (R5-2014-0029-05), Sacramento River Watershed Area (R5-2014-0030-07), Grassland Drainage Area (R5-2015-0095-04), Sacramento Valley Rice Growers (R5-2014-0032-02), and Eastern San Joaquin Watershed (R5-2012-0116-09).

On 19 February 2021, staff released eight tentative revised General Orders for a 30-day public comment period. Four comment letters were received regarding proposed changes to the eight ILRP General Orders. The California Rice Commission commented on the Sacramento Valley Rice Growers General Order, addressing statutory limitations that prevent the Commission from providing grower-specific information, clarifications on reporting timelines, and reporting of management practice information. Clean Water Action, Community Water Center, and Leadership Council for Justice and Accountability provided joint comments on the eight ILRP

General Orders. Their comments included the questioning the replacement of approved Management Zone Implementation Plans for Groundwater Quality Management Plans, the need for quantifiable milestones in extended time schedules, consistency with the CV-SALTS Basin Plan Amendment, and adherence to the Non-point Source and Antidegradation Policies. Contra Costa Water District commented on the ILRP General Orders that influence the Sacramento-San Joaquin Delta. Their comments addressed the need for quantification, monitoring, and enforcement of salt concentration and loading limits, and exceptions that may result in a management plan not being required. Lastly, the City of Sacramento on behalf of the Sacramento River Source Water Protection Program commented on the Sacramento Valley General Orders, also addressing the exceptions that may result in a management plan not being required.

The comments have been reviewed and responded to in the Response to Comments document. Modifications were made to the eight tentative ILRP General Orders in response to these comments, where appropriate, and included a few revisions specific to the Sacramento Valley Rice Growers General Order. Modifications included the removal of language regarding the replacement of Management Zone Implementation Plans for Groundwater Quality Management Plans and the addition of a 30-day public comment period and demonstration of sufficient evidence for Executive Officer determination that a surface water quality management plan is not required.

Proposed changes to the eight ILRP General Orders include the following: The third-party must respond to the Notices to Comply with its selected permitting approaches for the Salt Control Program and Nitrate Control Program, respectively, based on the permitting approaches and associated timelines outlined in the proposed General Orders. After the initial selection of permitting approaches, the third-party must request and obtain Board approval prior to changing its selected permitting approach for all or parts of the third-party's area.

Two compliance pathways are available for the Salt Control Program: The Conservative Salinity Permitting Approach and the Alternative Salinity Permitting Approach. The third-party that selects the Conservative Salinity Permitting Approach must prepare an assessment of current groundwater quality and member discharges, along with demonstration that discharges will comply with conservative permitting limits. The third-party that selects

the Alternative Salinity Permitting Approach must participate in the valley-wide Prioritization and Optimization Study (P&O Study) to identify and implement long-term solution(s) for salt accumulation issues.

Two compliance pathways are available for the Nitrate Control Program: The Individual Permitting Approach (Path A) and the Management Zone Approach (Path B). The third-party that selects Path A of the Nitrate Control Program must prepare an Initial Assessment of all applicable member discharges as it relates to nitrate as part of the Notice of Intent unless otherwise approved by the Executive Officer. The third-party that selects Path B of the Nitrate Control Program must develop a Preliminary Management Zone Proposal, Final Management Zone Proposal, and Management Zone Implementation Plan.

The ten-year compliance schedule does not apply to salinity-based surface water limitations during Phase I of the salt control program where the Third Party is participating in the Prioritization and Optimization study on behalf of its members and members are implementing reasonable, feasible, and practicable efforts to control levels of salt in their discharge.

The third-party must develop an Early Action Plan designed to identify public water supply and domestic wells within the area of contribution if Path A or the Management Zone if Path B exceed the water quality objective for nitrate, including specific actions and a schedule of implementation to address the immediate drinking water needs of impacted users.

The third-party must participate in the Surveillance and Monitoring Program, which will evaluate ambient groundwater quality and trends within the Central Valley. The information developed will be submitted to the Board every five years as part of the Program Assessment Report.

Finally, minor modifications and edits were made to update language, clarify intent, and correct grammatical and spelling errors. For tentative Order R5-2014-0030-08 only, Section VIII.M was inadvertently left out of the version released for public draft but made available as part of the agenda package and was included in the public draft MRP.

RECOMMENDATION:

Staff recommends adoption of the Order.

REVIEWS:

Management Review:	SYM 3/30/2021
Legal Review:	JMJ 3/31/2021

BOARD MEETING LOCATION:

Central Valley Regional Water Quality Control Board meeting
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670

- Internet Zoom Meeting***