



Central Valley Regional Water Quality Control Board

01/15/2020

Sacramento Valley Water Quality Coalition
Attn: Bruce Houdesheldt
455 Capitol Mall # 335
Sacramento, CA 95814
bruceh@norcalwater.org

CERTIFIED MAIL
7017 2620 0001 1359 1366

Lake County Farm Bureau
Attn: Brenna Sullivan
65 Soda Bay Road
Lakeport, CA 95453
lcfarmbureau@sbcglobal.net

CERTIFIED MAIL
7017 2620 0001 1359 1373

ORDER PURSUANT TO WATER CODE SECTION 13267

You are legally obligated to respond to this Order. Please read this Order carefully.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) issues this Order pursuant to California Water Code section 13267, which requires you submit a written technical report to the Board by 31 January 2021 that assesses all management practices and agricultural operations that have been implemented to reduce phosphorus loads to Clear Lake in response to the Clear Lake Nutrient Total Maximum Daily Load (TMDL).

This information is to be submitted to:

Attention: Taran Sahota
California Regional Water Quality Control Board,
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
taranjot.sahota@waterboards.ca.gov

Central Valley Water Board staff is requesting an updated report to assess whether Irrigated Agriculture is in compliance with the assigned load allocation under the Clear Lake Nutrient TMDL, as required by the 2006 Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Nutrients in Clear Lake (Basin Plan Amendment).

This Order, which requires the submittal of technical information describing the management practices implemented to reduce phosphorus loads to Clear Lake, is being

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

issued because Irrigated Agriculture is one of the responsible parties identified and assigned a load allocation in the 2006 Clear Lake Nutrient TMDL. In January 2019, the Board issued a 13267 Order to Irrigated Agriculture that required the party to demonstrate an estimated load reduction. Based on calculations and information collected from 2001-2015, Irrigated Agriculture reported that 4726 acres of irrigated agricultural lands had a combined weighted 77% reduction in erosion. Adjusting to 2017 irrigated acreage, this represents an estimated 30% loading reduction from agriculture across the watershed. In addition, Irrigated Agriculture estimated that loading reductions from the Lake County Grading Ordinance and Winegrape Sustainability Programs would lead to a higher reduction. The party estimated that a 90% erosion reduction on 1315 acres increased Lake County agriculture's loading reduction to 40%. Based on Irrigated Agriculture's response to the Board in May 2019, staff has evaluated that the party is demonstrating a 30-40% reduction in phosphorus loads. However, based on the report's other estimates, staff believes that Irrigated Agriculture is close to achieving a complete 40% reduction. An updated report would more accurately capture whether management practices are consistently approaching or at a complete 40% reduction.

Therefore, Central Valley Water Board is requesting the following information:

- 1) When the allocation has been met but no later than 31 January 2021, submit an updated written technical report that describes management practices implemented to reduce phosphorus loads to Clear Lake. This assessment must include:
 - Additional management practices that have been implemented since the submittal of the prior technical report,
 - Any changes in the watershed (reduction in flood irrigation, increased enrollment in sustainability programs, etc.),
 - And an updated quantitative estimate of the load reduction based on additional practices implemented
- 2) All submittals pursuant to this Order must be accompanied by a signature statement whereby the person submitting the report represents:
"I certify under penalty of law that to the best of my knowledge and belief, this document and any attachments submitted is true, accurate, and complete and was prepared by me or under my direction or supervision. I am aware that there are significant penalties for knowingly submitting false information."

Section VIII.K of General Order R5-2014-0030-06 provides: "*Where monitoring required by this Order is not effective in allowing the board to determine the effects of irrigated agricultural waste discharge on state waters or the effectiveness of water quality management practices being implemented, the Executive Officer may require technical reports be provided to determine the effects of irrigated agricultural operations or implemented management practices on surface water or groundwater quality.*" Section VIII.M of the General Order requires implementation of all applicable Basin Plan TMDLs, including monitoring. As described above in this letter, the current monitoring and reporting under the General Order is not determining the effects of irrigated agriculture discharges to state waters with respect to nutrient reductions and implementing the Basin Plan's Clear Lake Nutrient TMDL. Pursuant to sections VIII.K and M of the General Order, you, on behalf of the Irrigated Agriculture responsible

party, are required to submit this technical report. The Central Valley Water Board has identified you as the third party who is responsible for assisting the dischargers who are members of your Coalition to meet the requirements of the Central Valley Water Board's Waste Discharge Requirements General Order for Growers within the Sacramento River Watershed that are Members of the Third Party Group (Order R5-2014-0030-06) (Agricultural General Order). The burdens, including costs, of this report bears a reasonable relationship to the need for the report and the benefits to be obtained therefrom. The Central Valley Water Board needs this report to determine whether Irrigated Agricultural waste load allocation from the Clear Lake Nutrient TMDL is being met.

If, in the opinion of the Assistant Executive Officer, there is failure in complying with this Order, the Assistant Executive Officer may issue a complaint for administrative civil liability. Failure to timely submit the required information may result in the imposition of administrative civil liability (monetary penalty) of up to \$1,000 per day under Water Code section 13268. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, issuance of Orders under Water Code section 13304 to mandate implementation of the TMDL waste load allocation and submission of a technical report. You have the right to appeal the Central Valley Water Board's issuance of this order by submitting a petition for review to the State Water Board. The State Water Board must receive the petition by 5 p.m., 30 days after the date this Order is issued, unless the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, in which case the petition must be received by 5 p.m. on the next business day. The regulations applicable to filing petitions may be found on the State Water Resources Control Board's [public notices website](#) or will be provided upon request.

If you require more time than allowed by this Order to submit the information, please submit a written request for a time extension to the Executive Officer. The Executive Officer will review and approve requests for time extensions on a case-by-case basis.

If you have any questions regarding this Order, please contact Taran Sahota at (916) 464-4716 or via email at taranjot.sahota@waterboards.ca.gov.

ORIGINAL SIGNED BY PATRICK PULUPA
PATRICK PULUPA, Executive Officer