

9-12-19

For all those concerned Irrigated Lands Regulatory Program members, County Board of Supervisors, Legislators and groups that wish to support consideration for “low threat” crop types and “low threat” geographical areas (foothills and upper high elevation or mountain areas) in order to reduce regulatory oversight, requirements and costs.

Please provide letters of support individually but most importantly encourage your elected officials, Legislators and County Board of Supervisors to either provide a letter that we can hand out during the meeting and if possible to appear in person to support the economic viability of agriculture in their rural communities and to support a new Waste Discharge Requirements for low threat geographic areas and crop types.

Central Valley Regional Water Control Board Meeting

Friday, October 11, 2019

(Meeting start time 8:30 a.m.)

[Redding City Hall](#)

777 Cypress Avenue

Redding, CA 96001

The meeting agenda is still not available nor are the minutes from the August 2, 2019 meeting.

Near the beginning of the October 11th meeting, there will be an agenda item regarding the Irrigated Lands Regulatory Program concerning irrigated pasture, managed wetlands and possibly other “low threat” crop types in the Sacramento Valley. The item is whether the waterboard will allow a consideration for “low threat” crop types and what criteria might allow these to be recognized as such. In order to reduce costs and regulatory reporting under the current Waste Discharge Order, Waste Discharge Requirements R5-2019-001 adopted on February 7, 2019

Information about the Central Valley Waste Discharge Order for the Irrigated Lands Regulatory Program:

https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/#adopted

Click on the Sacramento River Watershed.

Brief history:

In 2003, agricultural operations had a waiver whereas they were not required to file a permit to irrigate. The ag waiver was challenged by some environmental groups with a lawsuit to the Central Valley Regional Water Board and the waterboard began consideration of a Waste Discharge conditional waiver for the next approximately 3 years. This action required all irrigated agriculture to either join a “coalition” or seek coverage individually under this conditional waiver. This included paying required fees to the State and Regional Waterboard and to pay fees to the local subwatershed group and the Sacramento Valley Water Quality Coalition as part of the Northern Ca Water Association. The costs began as expensive and have skyrocketed since that time.

In addition to paying regulatory fees, landowners were required to sign a document called the Notice of Confirmation (still in effect), stating “ I am a discharger of pollutants”. Many objected to this language and were told they were required to sign it. Water quality monitoring began at many sites throughout northern California and the new groups were required to monitor and test for many constituents such as legacy pesticides not used for 30-50 years, constituents they did not use currently, and each private landowner was required to report who, where, what they farmed, crop type, acreage amount and many other normally private or proprietary information.

In March 2014, R5-2014-030 Waste Discharge Order was adopted with many new reporting requirements, increased costs and regulations. State Water Board per acreage fees continued to increase.

In January 2019, R5- 2019-001 provided amendments to the Waste Discharge Order and Requirements to also align with the new State Water Board directive throughout the state. This State Water Board directive was concerned with groundwater quality and safe drinking water for all Californians.

Please refer to the enclosed letters written by the Placer-Nevada- South Sutter-North Sacramento Subwatershed Group regarding the negative impacts to its members. This included concerns from other members in the program within the Sacramento River Watershed. These members are quitting agriculture due to high costs, labor some and confusing reporting. Members complained they have implemented best management practices for years, 15 years of excellent water quality results attributed to best management practices already in effect and being practiced.

This current Irrigated Lands Regulatory Program has not identified any priority areas after 15 years of data, does not appear to have performance measures to meet so someone could get out of the program and not pay additional fees, has not recognized other available technical reports by experts and expert panels, etc. As a result of these deficiencies which should be in a regulatory program with benchmarks or criteria, no one has been “released” or “exempted” from this regulatory program. Each year, the fees to the agricultural landowners increase dramatically (reference the enclosed letter).

The agricultural groups have argued for many years that managed wetlands and irrigated pasture is a best management practice. Irrigated pasture predominantly does not add fertilizer or use pesticides. Pasture is a perennial crop present year-round. This is especially important for pasture on slopes that has the ability to hold soil in place.. The scientific studies have determined how well pastures slow the flow of water (including storm water), allow nutrients and sediment to filter out.

In summary of this condensed and brief history of the Irrigated Lands Regulatory Program, many rural landowners have stopped farming or raising livestock due to the increased costly and onerous requirements without any recognition for their good practices or excellent water quality results for fifteen years. These numbers are reported to the waterboard staff annually as required.

The current position of the waterboard staff and the agricultural groups is that managed wetlands and irrigated pasture should receive recognition and reduced requirements and thereby reducing associated costs. Details to be determined after the upcoming October 11th waterboard hearing in Redding City Hall.

The agriculture groups are generally requesting the following points for consideration at the October 11th Central Valley waterboard meeting:

1. Recognition for low threat geographical areas (foothills, higher elevation areas) due to farming limitations, limited season, predominance of minimal to no pesticide use, fertilizer use or annual tillage. Most crops in these geographical areas are perennial and do not till.
2. Recognition of irrigated pasture and managed wetlands as a low threat crop types due to predominance of no inputs and perennial vegetation, excellent filtering capabilities and protecting the soil from erosion. Especially with historic wildfire levels in CA, large, irrigated “greenbelts” of irrigated pasture are more important than ever to help protect rural communities and give the fire personnel an opportunity and a safe haven to fight the fires. Irrigated pasture is one of the lowest value crops for economic returns and the largest numbers of those quitting agriculture due to costs within this Irrigated Regulatory Program. 20% of the crop type in the Sacramento River Watershed is irrigated pasture.
3. Recognize organic production as a low threat crop as they undergo rigorous certifications and this program is duplicative of federal and state oversight already. Organic production does not utilize pesticides and commercial, non-organic fertilizers.
4. Recognize crops like Christmas tree production that takes approximately 7-8 years minimally to have a product, no pesticide or fertilizer use as well as the trees ability to protect soil from erosion especially on slopes.
5. Request that all the low threat geographical areas and low threat crops be “exempt” from the costs and requirements associated with any research and reporting outside of their sphere of influence since they do not contribute to those concerns or areas.
6. For low threat areas, provide a maximum number of site visits per year at ten in order to verify compliance if needed under a new WDR. Consider a minimum acreage requirement.
7. Request that an economic analysis (EIR/EIA) be performed that addresses the costs undergone to date (millions in the Sacramento Valley paid by private landowners), the continued sharp increases in costs and requirements due to this regulatory program and how this is causing negative impacts to agriculture and most especially the loss of economic viability in rural communities.

The request is for the waterboard to consider all of the above, geographical low threat areas as well as low threat crops/pasture/wetlands and to incorporate these into a new Waste Discharge Requirement so these areas and crops can be recognized as such.



PNSSNS

SUBWATERSHED GROUP

PLACER | NEVADA | SOUTH SUTTER | NORTH SACRAMENTO

P.O. Box 1235 | Lincoln CA 95648 | tel 916/645-1774 | www.cleanwaters.info

12-20-18

Dr. Karl Longley, Chairman and Board of Directors
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA. 95670

Re: Public comment to the proposed administrative and programmatic changes to the
WASTE DISCHARGE ORDER R5-2014-0030-06 WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR GROWERS
WITHIN THE SACRAMENTO RIVER WATERSHED THAT ARE MEMBERS OF A THIRD-PARTY GROUP

Dear CVRWQCB Board of Directors, Patrick Pulupa, Adam Laputz and Sue McConnell,

The Placer-Nevada-South Sutter-North Sacramento (PNSSNS) Subwatershed Group as a member of the Sacramento Valley Water Quality Coalition (SVWQC) is providing comments on behalf of our subwatershed members. We have worked diligently with our members for compliance of this regulatory program for 15 years. We have complied with all requirements and demonstrated our low threat/ low vulnerability for agricultural discharges that could threaten water quality. We have reported the current practices utilized by our members and just about every other type of personal and normally proprietary business information to the waterboard through multiple reporting requirements each year.

The Irrigated Lands Regulatory Program requirements and costs have more than quadrupled for our members regardless of the excellent water quality for both surface and groundwater as stated in the monitoring and scientific reports submitted to date. Our growers practice and implement MANY best management practices that are protective of soil loss and water quality. Many of our growers have undergone intensive requirements to be awarded the Fish Friendly Farming designations or conservationists awards as part of voluntary programs that protect water quality, wildlife and fisheries.

The number of organic growers has increased dramatically since this program began.

People involved in agriculture today understand the importance of a healthy and productive environment. As a result of the voluntary investment of conservation practices already in place by ranchers and farmers, this regulatory program has frustrated our members. Regardless of what they do or have completed, the increasing costs and requirements of this program have angered our members to the point hundreds in our small area have quit farming and dropped out of the program. This is documented in an annual, required report to the waterboard.

In light of all the good practices, hard work and hundreds of thousands of dollars spent voluntarily by the members, the waterboard requirements keep increasing. Both the staffing levels are apparently increasing at the region and/or state level which causes annual increases to the per acreage fee which is now almost one dollar per irrigated acre plus associated management costs. This is only a part of the cost each grower must pay annually.

This is what a rancher or grower pays annually just to be enrolled in the Sacramento Valley ILRP PNSSNS program:

1. Pay State Waterboard fee of .95 per acre which increases each year
2. Pay a membership fee to support the subwatershed (PNSSNS) collecting and invoicing memberships, performing outreach and education to keep the growers aware of all the new reporting requirements, education requirements, hosting sediment and nitrogen workshops, hosting several grower meetings per year

and producing newsletters, nitrogen and farm evaluation reporting, etc. The subwatershed has to maintain membership databases, reporting databases to the Third Party Sacramento Valley and the regional waterboard to name just a few functions.

3. In addition, pay over one hundred thousand additional dollars a year to the Third Party Sacramento Valley Coalition for research and reporting to the regional waterboard on our behalf, whether the research or reporting has anything to do with our specific area or not. The challenge here is that all our monitoring results, type of growers and crops, limited pesticide use and unique geographic regions become combined in a larger report which represents the entire Sacramento Valley. This does not necessarily and adequately reflect what is happening in our subwatershed. So as an example of the direct economic impact and hardship our growers are enduring today, let us provide some examples of cost to growers currently:

(Per irrigated landowner for 2018/19 membership year, some costs are more than their gross income)

.5 acre of flowers contained in pots	227.38
3 acres wine grapes	239.25
10 acres pasture	272.50
40 acres pasture	415.00
80 acres	605.00
150 acres	937.50
500 acres	2,600.00
1000 acres	4,975.00
1500 acres	7,350.00/yr

About half of PNSSNS landowners have less than 25 acres but all want to know what they are getting for these regulatory dollars. Two hundred growers have quit farming in the last two years in our area, and this membership year appears it will increase that number again. So growers need regulatory and cost relief. No one would like to write checks at those levels annually!

PNSSNS would like to see relief from some of the required research, monitoring and reporting that is extremely costly to our members especially the small acreage growers and low vulnerability areas. The PNSSNS area is out of the sphere of influence from Bay-Delta concerns as well as the Central Valley -Salts issues. This reporting and inclusion of the costs to the SVWQC is passed along to the subwatershed members who are typically small, non-contributors and are outside the sphere of influence for these waterboard issues.

After 15 years in this program, we are requesting the waterboard focus on priority areas or areas of known concern and designate the specific areas of concern. This could allow small groups of growers in specific geographic areas to get some relief from all this monitoring and reporting that does not involve our area nor do we have any influence upon. Having our growers pay an additional one hundred thousand dollars to the Sacramento Valley Coalition to be inclusive in these million dollar reports seems unnecessary. Please consider specifying priority areas to be included in the CV-Salts and Delta Regional Monitoring Plan and allowing others to be excluded from those issues. This aids in reducing direct costs to growers of hundreds of thousands of dollars. These programs should not affect all members and many members are in the foothills and mountain areas.

We recommend a consolidation of the required reporting. Our member complaints have dramatically increased especially with requiring them to attend workshops, take tests just to self-certify their on farm practices are correct and helpful to protecting the environment. This infuriates many. Our recommendation is to not have to complete Farm Evaluation forms as they seem outdated although they are proposed to only be required every five years. Incorporate the Farm Evaluation into the proposed Nitrogen and Irrigation Management form so growers can address the reporting at one time and not multiple times a year, with multiple forms and varying requirements. It has confused our members although PNSSNS provides regulatory information updates through emails, letters, newsletters, board and annual meeting, workshops and partnership activities throughout each year. It is still very confusing, many parts are duplicative, time consuming and very costly to each grower.

Every time the waterboard require changes and further requirements, this in turn causes the Sacramento Valley Coalition, which PNSSNS contributes to, as well as the subwatersheds themselves, all need to pay for costly database and online reporting platform updates. These costs can be another hundred thousand dollars each year. There really needs to be a reform in required reporting technical platforms, timing and number of report(s) due as well as understanding the grower's time and cost associated with every change required by the waterboard, all that gets passed on to the individual landowner.

We urge your attention and consideration to exempt irrigated pasture and possibly hay from this program. Irrigated pasture is a year-round "cover crop" holding the soil in place and allowing for good water infiltration, slowing the flow, while filtering any nutrients especially on slopes. Irrigated pasture is one of the best management practices there can be! Typically, there is no nutrient applications or pesticide use. This is a perennial crop with no tillage. The value per acre is among the lowest and rarely does an acre produce an annual animal unit. In addition, these "greenbelts of land" are helping protect rural communities from wildfire and irrigated pasture members are the highest membership type quitting agriculture in our area. This has been discussed for years but really needs to be addressed and discussed by the waterboard and move this issue forward. We would be happy to participate in any discussions.

We are also requesting that after 15 years in this regulatory program, that an update to the original EIR/EIA be performed due to the changes that have not yet been addressed from a CEQA impact or inclusive of all the costly requirements added over the years including the groundwater component among others. Under CEQA, impacts to agriculture should be addressed. The abbreviated EIR/EIA by the waterboard did not take the financial costs or burden to individual growers under consideration or any real evaluation or adequate evaluation of cost and burden. Per acre, the crop value varies dramatically throughout California and a cost analysis should be performed that is representative of how this program effects each type of grower including the small acreage growers. The Coalition as a whole has seen hundreds of growers stop farming and go out of business as a result of the regulatory burden and costs. Please update the EIR/EIA for financial burden of costs to growers and consider the CA Water Code that recognizes that cost can not exceed the benefit.

We appreciated the opportunity to work with other upper watersheds in the SVWQC area and participated in a tour with the ILRP waterboard staff this past September in Sierra Valley. There is a distinct difference with valley type agriculture from limited agriculture in the foothills and mountain areas of the Sierra Nevada. There is a predominance in these areas of low vulnerability due to low to no nitrogen use, cover crops or hay/ pasture in place year round to avoid sediment loss and to filter any nutrients. There is an extremely low use of pesticide applications and excellent water quality results. The hydrology is distinctly different in the foothills as being comprised mostly of fractured rock systems compared to the valley groundwater basins. The foothills are outside of the Bulletin 118 area. The growing and irrigation season in the upper watersheds is limited and the topography limits the type of agriculture as well. Typically, the foothill and upper areas have permanent, perennial crops and do not till. All of these low threat situations and 15 years of good monitoring results should warrant recognizing the low vulnerability designated groups with reduced requirements going forward. We urge the waterboard to continue to recognize these designations and consider separate Waste Discharge Requirements for low vulnerability.

It is requested that the regional waterboard thoroughly review the Sacramento Valley WDR to ensure unnecessary and duplicative elements are eliminated. As an example, the Groundwater Quality Assessment Report (GAR) was important when less was known about groundwater in the Sacramento Valley area. Now with additional work by Dr. Thomas Harter, the technical reports by the CV-SALTS group in 2016 and several USGS and Lawrence Livermore Lab studies on groundwater quality, it seems to demonstrate that an update of the GAR should not be required. The GAR which cost approximately one million dollars in 2016 is expected to be updated again in 2021, yet there have been additional studies since 2016 that deem the GAR update unnecessary and the huge expenditure of individual grower money to be spent on it.

The State Water Board requirement of external, ten year storage of information is beyond what the IRS requires and again, increases the cost to individual growers substantially. Please allow cloud based storage as sufficient instead of another third party entity and increased costs.

Under IX, page 42, the requirement of “members to gather” in order to fulfill the education requirement is not fair for our elderly and disabled growers and is too limiting. There are several ways our members achieve education and outreach currently. They can attend meetings and workshops by the subwatershed as well as partner organizations and entities like County Agriculture Commissioners, UCCE Advisors, NRCS and RCDs, Farm Bureaus, commodity groups, etc. PNSSNS helps growers on an individual basis and through written and published information. Based on the Education and Outreach Report already submitted annually to the waterboard, please consider this as sufficient as all our members receive the information but not all are available in person to attend an activity. Please remove the term “gather” from the requirement and again, this will aid in reducing grower requirements and costs.

We, along with the other subwatersheds and SVWQC, urge you to reduce two years of required assessment monitoring to one in five years due to the thousands of tests completed over the past fifteen years that demonstrate good water quality results. It is not necessary and again costly without achieving any further benefit. In addition, please eliminate management plans required for pH, dissolved oxygen and E. coli as this causes additional costs and monitoring in non assessment/ core monitoring years and reporting. There has been technical reports and grower information and feedback that demonstrates more of a physical, natural background issue than being something a landowner has caused. We are proud to participate in providing habitat for migratory fowl in the Pacific Flyway but understand they can be contributors to E. coli.

An issue that has caused concern is that some of the technical panels supported by the waterboard have members or firms that benefit financially from the proposed regulatory requirements and recommendations, and this should be a conflict of interest. We urge more use of our academic institutions to provide sound science and recommendations.

To summarize, PNSSNS requests the waterboard advocate and support a position to designate either a separate Waste Discharge Order or separate Waste Discharge Requirements for low vulnerability members and groups. This will also aid in providing some regulatory relief for the growers by reducing reporting and monitoring costs and to address growers with small acreage. As you can see by the general tone of these comments, after 15 years in this program, there is a big need to analyze the economic effect on ranchers and farmers from this program, reduce duplicative and unnecessary reporting requirements, to develop priority areas of concern and not include all areas and growers in costly research and reporting when they are outside of an area and have no effect upon it. We do understand your jurisdiction and challenges in supporting clean water. Our growers all want clean water and healthy, productive lands and work hard every day to ensure that.

Thank you for allowing us to comment and provide information back to you from the core and funders of this program, our growers. We are available to answer any questions you may have and appreciate your consideration in advance.
















Sincerely,

Lesa Osterholm

Lesa Osterholm, Executive Director
PNSSNS

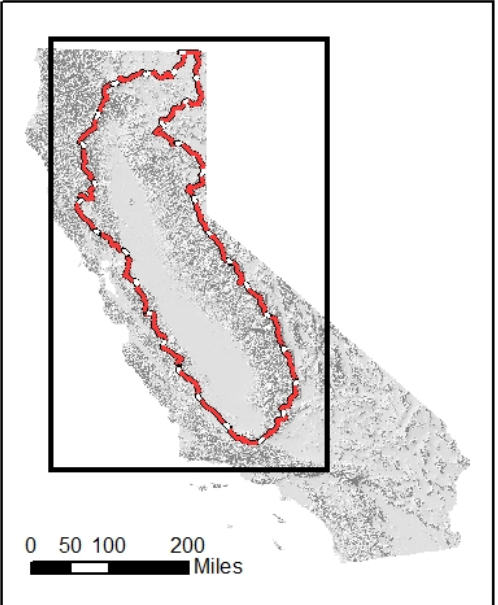
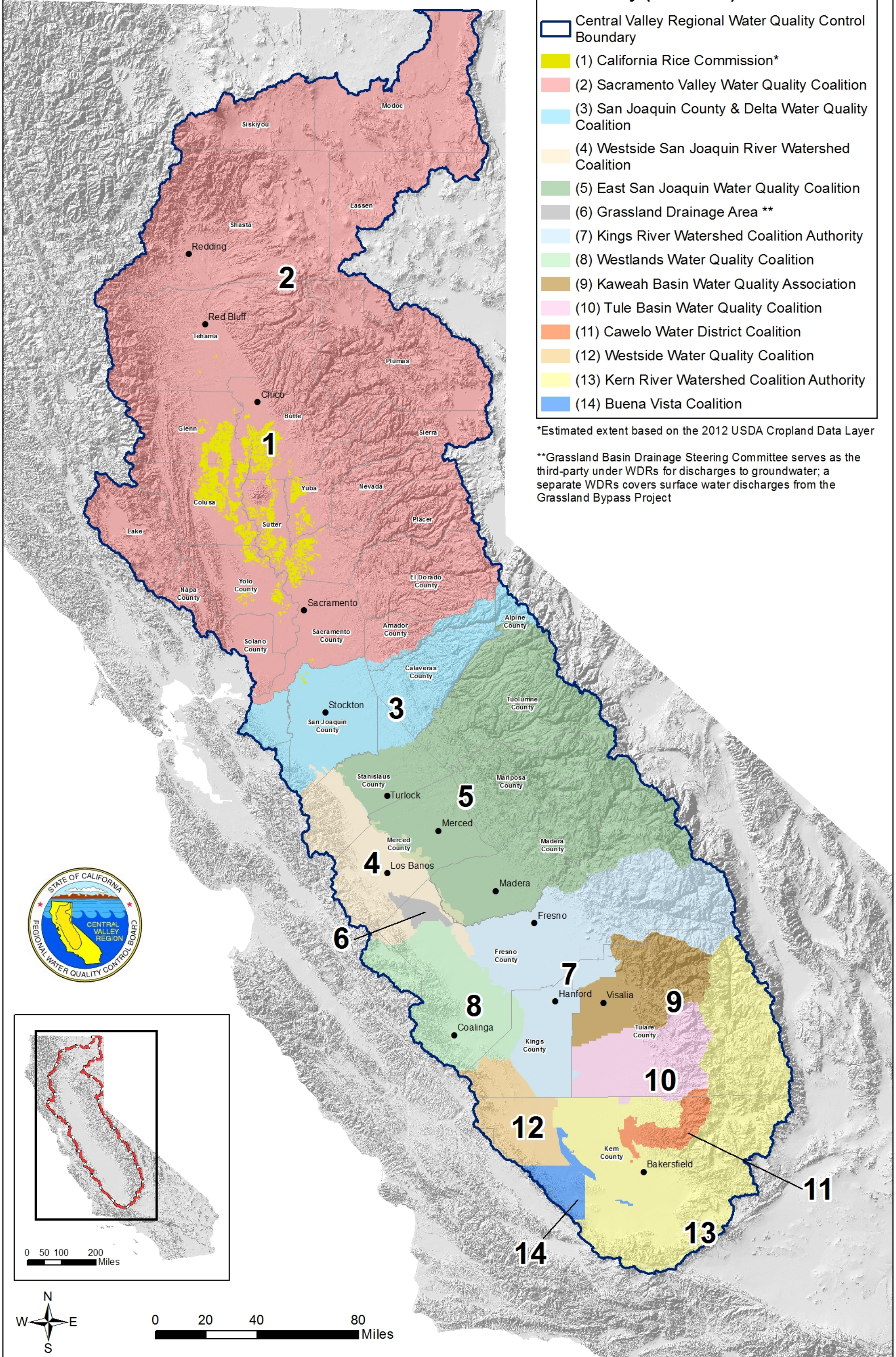
cc. Patrick Pulupa, Executive Director CVRWQCB
Adam Laputz, CVRWQCB
Sue McConnell, CVRWQCB, Irrigated Lands Regulatory Program
Susan Fregein, CVRWQCB, ILRP
Bruce Houdescheldt, SVWQC
PNSSNS Board of Director

Third-Party (Coalition) Boundaries

-  Central Valley Regional Water Quality Control Boundary
-  (1) California Rice Commission*
-  (2) Sacramento Valley Water Quality Coalition
-  (3) San Joaquin County & Delta Water Quality Coalition
-  (4) Westside San Joaquin River Watershed Coalition
-  (5) East San Joaquin Water Quality Coalition
-  (6) Grassland Drainage Area **
-  (7) Kings River Watershed Coalition Authority
-  (8) Westlands Water Quality Coalition
-  (9) Kaweah Basin Water Quality Association
-  (10) Tule Basin Water Quality Coalition
-  (11) Cawelo Water District Coalition
-  (12) Westside Water Quality Coalition
-  (13) Kern River Watershed Coalition Authority
-  (14) Buena Vista Coalition

*Estimated extent based on the 2012 USDA Cropland Data Layer

**Grassland Basin Drainage Steering Committee serves as the third-party under WDRs for discharges to groundwater; a separate WDRs covers surface water discharges from the Grassland Bypass Project



0 50 100 200 Miles



0 20 40 80 Miles

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

ORDER NO. R5-2019-0001

**AMENDING WASTE DISCHARGE REQUIREMENTS GENERAL ORDERS
FOR GROWERS WITHIN THE CENTRAL VALLEY
THAT ARE MEMBERS OF A THIRD-PARTY GROUP:**

**TULARE LAKE BASIN AREA R5-2013-0120-06
WESTERN TULARE LAKE BASIN AREA R5-2014-0001-05
WESTERN SAN JOAQUIN RIVER WATERSHED R5-2014-0002-07
SAN JOAQUIN COUNTY AND DELTA AREA R5-2014-0029-03
SACRAMENTO RIVER WATERSHED AREA R5-2014-0030-05
GRASSLAND DRAINAGE AREA R5-2015-0095-02
SACRAMENTO VALLEY RICE GROWERS R5-2014-0032-01**

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

1. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of 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).
2. The Central Valley Water Board issued eight Waste Discharge Requirements General Orders for growers within the Central Valley that are members of a third-party group for discharges from irrigated lands to surface water and to groundwater (Irrigated Lands Regulatory Program (ILRP) General Orders).
3. "Irrigated lands" in the ILRP General Orders (except for the Tulare Lake Basin and the Western Tulare Lake Basin General Orders) is defined as "land irrigated to produce crops or pasture for commercial purposes; nurseries; and privately and publicly managed wetlands".
4. "Irrigated lands" in the ILRP General Orders for the Tulare Lake Basin and the Western Tulare Lake Basin is defined as "land irrigated to produce crops or pasture for commercial purposes, and nurseries."
5. On 7 February 2018, the State Water Resources Control Board adopted Order WQ 2018-0002, *In the Matter of Review of Waste Discharge Requirements General Order R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group*.
6. On 7 February 2018, the State Water Resources Control Board also adopted revisions to Waste Discharge Requirements General Order R5-2012-0116 for the Eastern San Joaquin River Watershed as Appendix A of Order WQ 2018-0002. Many of the findings and directions in Order WQ 2018-0002 are precedential for irrigated lands regulatory programs statewide. Regional Boards were directed to revise their regulatory programs to be consistent with the precedential directions of Order WQ 2018-0002.

7. This Order amends the General Orders identified herein (see exceptions footnoted in Item 13) to be consistent with the precedential requirements of Order WQ 2018-0002.

Precedential elements for third-party groups include the following requirements:

- a. Submit field-level management practice implementation data to the Regional Board using anonymous Member IDs.
- b. Submit field-level nitrogen applied and nitrogen removed (AR) data to the Regional Board using anonymous identifiers.
- c. Develop a Groundwater Protection Formula, Groundwater Protection Values, and Groundwater Protection Targets by Township, subject to Executive Officer approval following public review and comment.
- d. Calculate the annual and multi-year nitrogen applied/nitrogen removed (A/R) ratio and A-R difference parameters for each grower by field. Three categories of exceptions to reporting R values are described in Order WQ 2018-0002 and may be granted by the Regional Board.
- e. Coefficients for conversion of yield to nitrogen removed must be developed and used to determine nitrogen removed values. The coefficients must be approved by the Regional Board in consultation with the State Water Board staff, following an opportunity for public review and comment.
- f. Provide training for AR outliers and identify Members that are repeated outliers. An approach for defining outliers with whom the third-party will follow up based on AR data must be proposed. Executive Officer approval is required after public notice and comment.
- g. Submit an Irrigation and Nitrogen Management Plan Summary Report evaluation annually.
- h. Submit a summary comparing Groundwater Protection Targets and actual values achieved for each township.
- i. Maintain reports and records for ten years. Field-specific data must be backed up in a secure offsite location managed by an independent entity.

Precedential elements for Members of a third-party group include the following requirements:

- j. All Members must participate in outreach events.
- k. All Members must submit management practice implementation information to the third-party group.
- l. Members with the potential to cause erosion and discharge sediment that may degrade surface waters must implement sediment and erosion control practices.
- m. All Members must prepare and submit an updated Farm Evaluation to the third-party every five years.
- n. All Members must develop and implement an Irrigation and Nitrogen Management Plan (INMP) and maintain it at the Member's farming operations headquarters. Members in high vulnerability groundwater areas must prepare and implement a certified INMP.
- o. All Members must submit an Irrigation and Nitrogen Management Plan Summary Report to the third-party group.

AMENDING WASTE DISCHARGE REQUIREMENTS GENERAL ORDERS
FOR GROWERS WITHIN THE CENTRAL VALLEY
THAT ARE MEMBERS OF A THIRD-PARTY GROUP

- p. Any category of Members seeking to be exempted from nitrogen management requirements must demonstrate, for approval by the Executive Officer, that nitrogen applied to fields does not percolate below the root zone in an amount that could impact groundwater and does not migrate to surface water through discharges.
 - q. Members in areas subject to surface water or groundwater management plans must complete a Management Practice Implementation Report and submit a copy to the third-party.
 - r. Members must annually sample private drinking water supply wells located on their property. A Member may rely on drinking water supply well sampling data from any time in the past five years. Results must be submitted in GeoTracker.
 - s. Drinking water well users must be notified if a drinking water well exceeds 10 mg/L of nitrate plus nitrite as nitrogen. The Member must provide a notice to users within ten days of the exceedance and send a copy of the notice to the Regional Board.
8. On 31 May 2018, the Central Valley Water Board adopted amendments to the Basin Plan to implement the Salt and Nitrate Management Plan that was developed through the Central Valley Salinity Alternatives for Long-Term Sustainability initiative (CV-SALTS). The amendments are currently pending before the State Water Board and must be approved by the State Water Board and Office of Administrative Law prior to becoming effective. Permit reopening language has been added to the General WDRs to address incorporation of applicable requirements upon approval by the State Water Board.
 9. In the current General WDRs, growers that are not current Members in the third-party group are required to apply for coverage by submitting a Notice of Intent (NOI), including an administrative fee, to the Central Valley Water Board. This step is in addition to obtaining membership with the applicable third-party group. The NOI process was included when the General WDRs were initially adopted to provide an incentive for landowners and operators to enroll promptly. The NOI process no longer provides this benefit. Instead, this step creates an extra burden for both Central Valley Water Board staff and growers seeking coverage in the program. The NOI process has been removed from the General WDRs.
 10. This Order updates findings that describe the nitrogen management certification training conducted by the California Department of Food and Agriculture's Fertilizer Research and Education Program.
 11. This Order updates the findings that describe recommendations of the Nitrogen Tracking and Reporting Task Force and the Agricultural Expert Panel.
 12. This Order includes minor modifications and edits to update language, clarify intent, and correct grammatical and spelling errors.
 13. This Order amends the following ILRP General Orders as described above^{1, 2}:

¹ Order R5-2015-0095-02, Waste Discharge Requirements for Growers in the Grassland Drainage Area addresses only groundwater requirements. Therefore, only changes pertinent to groundwater are included.

² Order R5-2014-0032-01, Waste Discharge Requirements for Sacramento Valley Rice Growers, is exempt from the following elements of this Order: INMP/INMP Summary Report and associated

- Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group R5-2013-0120-06 (adopted on 19 September 2013, and revised on 4 December 2014, 2 October 2015, 19 February 2016, 6 December 2016, 25 April 2017, and 5 May 2017),
- Waste Discharge Requirements General Order for Growers within the Western Tulare Lake Basin Area that are Members of a Third-Party Group R5-2014-0001-05 (adopted on 9 January 2014, and revised on 5 February 2015, 2 October 2015, 19 February 2016, 6 December 2016, and 5 May 2017),
- Waste Discharge Requirements for Growers within the Western San Joaquin River Watershed that are Members of a Third-Party Group R5-2014-0002-07 (adopted on 9 January 2014, and revised on 17 April 2015, 31 July 2015, 2 October 2015, 19 February 2016, 15 April 2016, 5 May 2017, and 14 November 2017),
- Waste Discharge Requirements for Growers within the San Joaquin County and Delta Area that are Members of a Third-Party Group R5-2014-0029-03 (adopted on 12 March 2014, and revised on 17 April 2015, 19 February 2016, and 5 May 2017),
- Waste Discharge Requirements for Growers within the Sacramento River Watershed Area that are Members of a Third-Party Group R5-2014-0030-05 (adopted on 12 March 2014, and revised on 5 June 2015, 2 October 2015, 19 February 2016, and 5 May 2017),
- Waste Discharge Requirements for Growers in the Grassland Drainage Area R5-2015-0095-02 (adopted on 3 July 2015, and revised on 19 February 2016 and 5 May 2017)¹,
- Waste Discharge Requirements for Sacramento Valley Rice Growers R5-2014-0032-01 (adopted on 27 March 2014 and revised on 2 October 2015).

An underline/strikeout document that indicates the alterations that this Order will make to the ILRP General Orders is attached hereto as Attachments 1-7 and incorporated herein by reference.

14. The Central Valley Water Board's ILRP staff is working with researchers and operators of irrigated pastures and hay farms in upper watershed areas to identify potential regulatory options for Members with a low potential to discharge waste to surface water or groundwater. The success of this effort is reliant on stakeholder participation, including proposing practical options and providing necessary documentation. Staff intends to provide an information item during the October Board meeting describing the status of this work.
15. The Central Valley Water Board, acting as a lead agency pursuant to CEQA (Pub. Resources Code, § 21000 et seq.), certified a Program Environmental Impact Report (PEIR) for the Irrigated Lands Regulatory Program on 7 April 2011. This Order relies on the environmental impact analysis contained in the PEIR to satisfy the requirements of CEQA.

requirements (i.e., certification language, calculation of A/R ratio and A-R difference); MPEP requirement to develop Groundwater Protection Formula, Values, and Targets; MPEP requirement to evaluate management practice effectiveness in all areas; and specified Farm Evaluation template content.

Pursuant to this Order, the changes described above are within a range of options identified and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.

16. 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 Central Valley, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
17. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that ILRP Waste Discharge Requirements General Orders No. R5-2013-0120-06, R5-2014-0001-05, R5-2014-0002-07, R5-2014-0029-03, R5-2014-0030-05, R5-2015-0095-02, and R5-2014-0032-01 are amended by making the modifications identified in Attachments 1-7 of this Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filling petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/

or will be provided upon request.

I, PATRICK PULUPA, 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 7 February 2019.

Original signed by

PATRICK PULUPA, Executive Officer

Attachment 1: Order R5-2013-0120-07, Amended Waste Discharge Requirements
Attachment 2: Order R5-2014-0001-06, Amended Waste Discharge Requirements
Attachment 3: Order R5-2014-0002-08, Amended Waste Discharge Requirements
Attachment 4: Order R5-2014-0029-04, Amended Waste Discharge Requirements
Attachment 5: Order R5-2014-0030-06, Amended Waste Discharge Requirements
Attachment 6: Order R5-2015-0095-03, Amended Waste Discharge Requirements
Attachment 7: Order R5-2014-0032-02, Amended Waste Discharge Requirements

February 2019