

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2015-0055

REVISING ORDER NO. R5-2014-0029  
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR GROWERS WITHIN THE SAN JOAQUIN COUNTY AND DELTA AREA  
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 12 March 2014, the Central Valley Water Board issued Order No. R5-2014-0029 Waste Discharge Requirements General Order for Growers within the San Joaquin County and Delta Area that are Members of the Third-party Group (San Joaquin Delta Order).
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. The San Joaquin Delta Order requires the third-party Members in High Vulnerability areas to prepare and implement a certified Nitrogen Management Plan by 15 June 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 25 June 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.
4. This Order revises the San Joaquin Delta 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.
5. This Order revises the San Joaquin Delta Order to modify the southern boundary corresponding to the Eastern San Joaquin River Watershed Area northern boundary. Finding 3 of the Eastern San Joaquin River Watershed Area Order R5-2012-0116-R2 states that the northern boundary is the "Stanislaus River Watershed" which implies growers on both sides of the river. Growers on the north side of the Stanislaus River better associate with the San Joaquin County and Delta Area. Parcels on the south side of the Stanislaus River better associate with the Eastern San Joaquin River Watershed Area.

6. This Order revises the San Joaquin County and Delta Area boundary by shifting approximately 10,800 acres from the Eastern San Joaquin River Watershed Area to the San Joaquin County and Delta Area, which adds approximately 1% to the total irrigated acres within the San Joaquin County and Delta Area. The acreage increase will not substantially change the number of members or costs to implement the program for the San Joaquin County and Delta Coalition.
7. 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.
8. Adoption of this Order to amend Order No. R5-2014-0029 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 San Joaquin Delta 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 San Joaquin Delta Order. This Order does not change the original CEQA findings accompanying Order No. R5-2014-0029.
9. 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 San Joaquin County and Delta Area, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
10. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.
11. 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.

**IT IS HEREBY ORDERED** that Waste Discharge Requirements Order No. R5-2014-0029 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

## ORDER NO. R5-2015-0055

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### WASTE DISCHARGE REQUIREMENTS

**Page 2, first paragraph in Finding 3, San Joaquin County and Delta Area boundary revise as follows:**

...boundary is defined by the San Joaquin Delta subbasin to the west, the Sacramento and San Joaquin County line until the intersection of Sacramento and San Joaquin and Amador County lines, the Lower Mokelumne River watershed, the Upper Mokelumne subwatershed, the Lower North Fork Mokelumne River watershed, the Lower North Fork Mokelumne River watershed to the Alpine County line to the north, to the crest of the Sierra Nevada Mountain Range to the east, ~~the Upper Mokelumne subbasin to the Upper Calaveras California subbasin, the Upper Calaveras California subbasin, the Rock Creek-French Camp Slough subbasin~~ to the Stanislaus County line ~~River~~ in the south between the San Joaquin River and the Alpine County line. For purposes of this Order, the San Joaquin County and Delta Area does not include portions of Del Puerto Water District, West Stanislaus Irrigation District, and the San Joaquin River National Wildlife Refuge that are within the above described general boundary. This area is referred to as the "Order watershed area" or "third-party area" in this Order. See Figure 1 for a map of the third-party area.

**Page 27, section VII.D.1, Nitrogen Management Plan certification due date extended as proposed in the section:**

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. Beginning 25 June 2016, ~~the~~ the plan must be certified in one of the following ways:

**Page 34, section VII.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

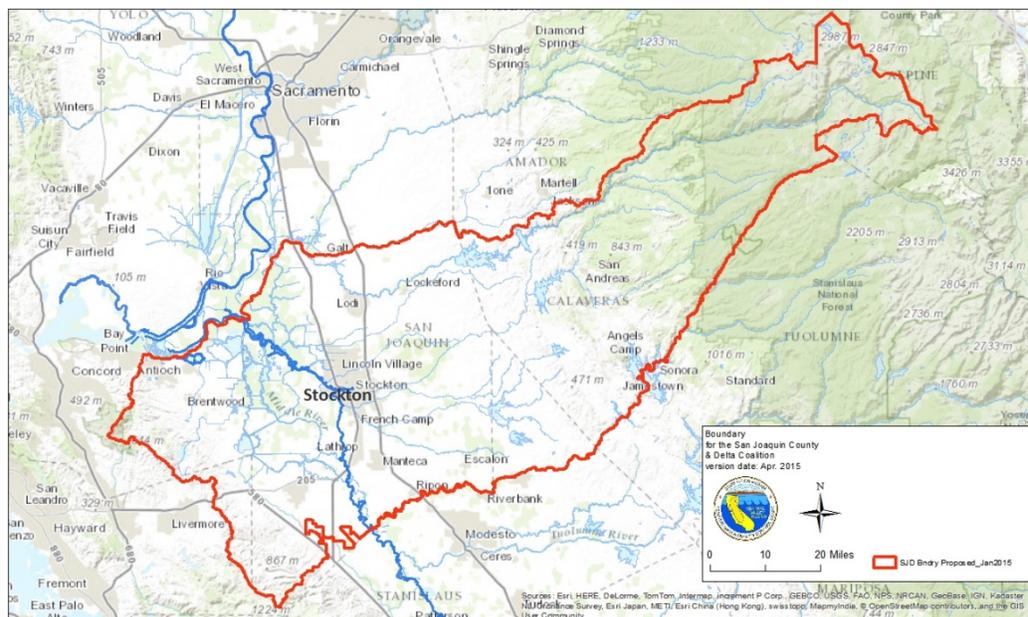
(see attached MRP, Appendix MRP-1, section I.F) to address any constituents and areas that would have otherwise required submittal of a Groundwater Quality Management Plan.

**Page 39, Table 1. Summary of deliverables and timelines.**

Third-party Requirements	Relative Due Date	Approximate Due Date
Notice of Intent	30 days after WDR's adoption	11 April 2014
<b><i>EO will issue Notice of Applicability (NOA) to the third-party</i></b>		
Management Practices Evaluation Program (MPEP) Group Agreement	1 year after NOA	25 April 2015
Provide notice of requirements and Notice of Confirmation to members	30 days after NOA	25 May 2014
Template modification proposal	30 days after EO provides templates	TBD
Groundwater Quality Assessment Report (GAR) outline	90 days after NOA	24 July 2014
List of third-party Members	each year	31-July
Sediment Discharge and Erosion Assessment Report	1 year after NOA	25 April 2015
Comprehensive Groundwater Quality Management Plan	<del>1 year after NOA</del> 60 days after GAR approval	<del>25 April 2015</del> 23 September 2015
Groundwater Quality Assessment Report (GAR): Phase 1	1 year after NOA; Update every 5 years	25 April 2015
Groundwater Quality Assessment Report (GAR): Phase 2	2 years after NOA; Update every 5 years	25 April 2016
<b><i>*EO will review Groundwater Assessment Report (GAR) and Sediment Discharge and Erosion Assessment Report</i></b>		
Monitoring Plan Update	each year/ by 1 August in which monitoring begins	1-August
Management Plan Status Report	each year	1-April
Annual Monitoring Report (with summary of grower reports)	each year	1-May
Membership List	each year	31-July
Inform members required to prepare Sediment Plans	30 days from Sediment & Erosion Report approval	24 July 2015
Management Practices Evaluation Program (MPEP) Group Workplan	1 year from GAR approval	15 July 2016
Groundwater QAPP	1 year from GAR approval	15 July 2016
Groundwater Quality Trend Monitoring Workplan: Phase 1	1 year from GAR approval	15 July 2016
Groundwater Quality Trend Monitoring Workplan: Phase 2	2 years from GAR approval	15 July 2017
Management Practices Evaluation Report	6 years after each phase of MPEP implementation	15 July 2022
<b>Grower Requirements</b>		<b>Approximate Due Date</b>
Enrollment	Members (complete Notice of Confirmation)	15 June 2014
	Non-members (sign up)	120 days after NOA 23 August 2014
Farm Evaluations	Low Vulnerability Areas	updated every 5 years on 15 June 15 June 2015
	High Vulnerability Areas	updated 15 June 2016; annually thereafter 15 June 2015
Nitrogen Management Plan	High Vulnerability Areas	each year 15 June 2015
	Low Vulnerability Areas	each year 15 June 2017
NMP Summary Report	High Vulnerability Areas	each year 15 June 2016
	Low Vulnerability Areas	not required -
Sediment Plans	High Vulnerability Areas	180 days from Sediment Report approval 21 December 2015
	Low Vulnerability Areas	not required -

\*Approximate review time for approving the Sediment and Erosion Control Report and Groundwater Assessment Report is 60 days and 90 days, respectively.

**Page 40, Figure 1. Map of the San Joaquin County and Delta Area**



## ATTACHMENT A – INFORMATION SHEET

### Pages 4-5, section III. Generalized Description of the San Joaquin County and Delta Area

The San Joaquin County and Delta Area includes the entire San Joaquin County and portions of Alameda, Contra Costa, Calaveras, Amador, Alpine, and Stanislaus Counties. The general watershed area boundary is a mix of county lines and subwatersheds. The north is bounded by the Sacramento and San Joaquin county lines, lower and upper Mokelumne River watersheds, and the Lower North Fork Mokelumne River. The east is bounded by the crest of the Sierra Nevada Mountain Range. The south is bounded by ~~Upper Calaveras, Rock Creek-French Camp Slough subbasins, and the San Joaquin and Stanislaus County lines~~Stanislaus River between the San Joaquin River and the Alpine County line. The west is bounded by the San Joaquin Delta subbasin. A full description of the Coalition boundary is found in Finding 3 of the Order and mapped in Figure 1 below.

## ATTACHMENT B – MONITORING AND REPORTING PROGRAM

### Page 3, section III, after first paragraph. 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 reinstitute monitoring required prior to approved reductions upon written notice from the Executive Officer.