

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

**ORDER R5-2015-0095**

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
GROWERS IN THE GRASSLAND DRAINAGE AREA**

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Attachment B: Monitoring and Reporting Program Order (contains appendices)

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The California Regional Water Quality Control Board, Central Valley Region (hereafter, Central Valley Water Board or board), finds that:

**Findings**

**SCOPE AND COVERAGE OF THIS ORDER**

1. This Order serves as general waste discharge requirements (WDRs) for waste discharges from irrigated land within the Grassland Drainage Area (GDA) that could affect groundwater of the state. The discharges result from leaching of irrigation water, subsurface drain water, and/or stormwater from agricultural lands that are not captured by subsurface drainage systems in the GDA. Such discharges can reach waters of the state directly or indirectly.<sup>1</sup>
2. This Order applies to owners and operators of irrigated lands within the Grassland Drainage Area. Either the owner or operator may enroll an irrigated lands parcel under this Order. The owners or operators that enroll the respective irrigated lands parcels are considered members of a third-party representing all or a portion of this area (hereafter "Members"). The Member is required to provide written notice to the non-Member owner or operator that the parcel has been enrolled under the Order. Enforcement action by the board for non-compliance related to an enrolled irrigated lands parcel may be taken against both the owner and operator. This Order applies throughout the Grassland Drainage Area.
3. The Grassland Watershed is a valley floor subbasin of the San Joaquin River Basin, covering an area of approximately 370,000 acres. The Grassland Drainage Area, about 97,400 acres, is located within the Grassland Watershed, roughly between Los Banos to the north and Mendota to the south. The groundwater in the Grassland Drainage Area is generally shallow and high in salts. Subsurface drains (also known as tile drains) are used to collect the drain water and maintain the water table below the crop root zone. Since the tile drains essentially establish the top of the water table, the tile drains intercept much of the discharge from the crop root zone as the discharge reaches first encountered groundwater. Some of the tile drainage is reused either locally or in the San Joaquin River Improvement Project, while the rest of the tile drainage is routed through the Grassland Bypass Project. The Grassland Bypass Project routes this subsurface agricultural drainage from the Grassland Drainage Area through the Grassland Bypass channel to the lower 28 miles of the San Luis Drain, thereby separating drainage discharge from wetland water supply channels.<sup>2</sup> This Order covers requirements for discharges to groundwater that are not captured by the tile drainage systems in the area. The Grassland Drainage Area water districts prohibit tailwater return flows into canals that flow to the Grassland Bypass Channel. In addition to

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<sup>1</sup> Definitions for "waste discharges from irrigated lands," "waste," "groundwater," "surface water," "stormwater runoff," and "irrigation runoff," as well as all other definitions, can be found in Attachment E to this Order. It is important to note that irrigation water, the act of irrigating cropland, and the discharge of irrigation water unto itself is not "waste" as defined by the Water Code, but that irrigation water may contain constituents that are considered to be a "waste" as defined by Water Code section 13050(d).

<sup>2</sup> Discharge limits for the Grassland Bypass Project are in WDR Order R5-2015-0094, adopted by the board on 31 July 2015.

subsurface drainage, any stormwater runoff is regulated through the waste discharge requirements for the Grasslands Bypass Project. Figure 1 is a map of the Grassland Drainage Area and the areas covered by the water districts.

4. The San Joaquin River Improvement Project (SJRIP) occupies more than 6,000 acres within the Grassland Drainage Area. Approximately 5,200 acres are planted with salt tolerant crops for drainage reuse. The area of the SJRIP that meets the definition of irrigated lands is subject to the same requirements under this Order as other irrigated crop land within the Grassland Drainage Area. The SJRIP area is also used to pilot test various treatment options and may be used to implement long-term drainage treatment or disposal options. This Order generally does not regulate the discharge to land or surface water of treated tile drainage water. However, this Order does regulate treated tile drainage water that is applied to the irrigated cropland in the SJRIP area, if 1) the mass load of the effluent is not greater than the influent; 2) the concentrations of the combined effluent is not greater than the influent; and 3) there is no material in the effluent that was not present in the influent.
5. The Steering Committee of the Grassland Basin Drainage Management Activity Agreement is recognized as the third party representing Members under this Order (hereafter “Steering Committee” or “third-party”). The Grassland Basin Drainage Management Activity Agreement is an agreement under the umbrella of the San Luis & Delta Water Authority (Water Authority), a joint powers agency organized pursuant to the California Government Code Section 6500 *et seq.* The Activity Agreement is directed by a Steering Committee comprised of representatives of the Activity Agreement Member Agencies. The Steering Committee sets the budget for the activity for approval by the Water Authority Board and authorizes contracts within that budget.<sup>3</sup> Both Member Agencies and Individual Members under this Order participate by joining a special project of the Activity Agreement. The Grassland Basin Drainage Management Activity Agreement members and Steering Committee have long been involved in developing and implementing near- and long-term solutions for drainage problems in the GDA.
6. “Irrigated lands” means land irrigated to produce crops or pasture used for commercial purposes including lands that are planted to commercial crops that are not yet marketable (e.g., vineyards and tree crops). Irrigated lands also include nurseries, and privately and publicly managed wetlands (excluding the non-irrigated upland habitat associated with managed wetlands).
7. This Order is not intended to regulate water quality as it travels through or remains on the surface of a Member’s agricultural fields or the water quality of soil pore liquid within the root zone.<sup>4</sup>
8. This Order does not apply to discharges of waste that are regulated under other Central Valley Water Board issued WDRs or conditional waiver of WDRs (waiver).<sup>5</sup> If the other Central Valley Water Board WDRs/waiver only regulates some of the waste discharge activities (e.g., application of treated wastewater to crop land) at the regulated site, the owner/operator of the irrigated lands must obtain regulatory coverage for any discharges of waste that are not regulated by the other

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<sup>3</sup> The Steering Committee budget is tracked as part of the Water Authority budget. “Participants” (individual Members of the GDA) are allowed to join in the Activity Agreement. This structure is similar to the Westside San Joaquin River Watershed Coalition (Westside Coalition) under the umbrella of the San Joaquin Valley Drainage Authority.

<sup>4</sup> Water that travels through or remains on the surface of a Member’s agricultural fields includes ditches and other structures (e.g., ponds, basins) that are used to convey supply or drainage water within that Member’s parcel or between contiguous parcels owned or operated by that Member.

<sup>5</sup> Subsurface agricultural drainage from the Grassland Drainage Area routed through the San Luis Drain is regulated by Waste Discharge Requirements Order R5-2015-0094 issued to the San Luis & Delta-Mendota Water Authority and the United States Department of Interior, Bureau of Reclamation.

WDRs/waiver. Such regulatory coverage may be sought through enrollment under this Order or by obtaining appropriate changes in the owner/operator's existing WDRs or waiver.

9. This Order implements the groundwater regulation portion of the long-term Irrigated Lands Regulatory Program (ILRP) in the GDA, while Order R5-2015-0094 regulates discharge of subsurface drainage and stormwater from the GDA. The long-term ILRP has been conceived as a range of potential alternatives and evaluated in a programmatic environmental impact report (PEIR).<sup>6</sup> The PEIR was certified by the Central Valley Water Board on 7 April 2011; however, the PEIR did not specify any single program alternative. The regulatory requirements contained within this Order fall within the range of alternatives evaluated in the PEIR. This Order, along with other orders adopted for irrigated lands within the Central Valley, will constitute the long-term ILRP.

### **GROWERS REGULATED UNDER THIS ORDER**

10. This Order regulates both landowners and operators of irrigated lands from which there are discharges of waste that could affect the quality of groundwater of the state. In order to be covered by this Order, either the landowners or operators must be a Member. Because this Order regulates both landowners and operators, but does not require enrollment of both parties, the provisions of this Order require that the Member provide notification to the non-Member responsible party of enrollment under this Order. The Steering Committee, representing Members, will assist its Members in complying with the requirements of this Order. Both the landowner and operator are ultimately responsible for complying with the terms and conditions of this Order.
11. The Steering Committee will be responsible for fulfilling the regional requirements and conditions (e.g., groundwater monitoring, regional management plan development and tracking) of this Order and associated Monitoring and Reporting Program Order R5-2015-0095 (MRP). Any requirements or conditions not fulfilled by the Steering Committee are the responsibility of the individual Member. The Member and non-Member owners and operators are responsible for conduct of operations on the Member's enrolled property.

### **REASON FOR THE CENTRAL VALLEY WATER BOARD ISSUING THIS ORDER**

12. The Grassland Drainage Area includes 97,400 acres of farmland approximately located between the California Aqueduct on the west and the San Joaquin River on the east within the Grassland Watershed. Approximately 87,000 acres of this land is actively farmed, while approximately 9,500 acres in the Broadview Water District portion of the GDA are not irrigated in most years.
13. The Grassland Drainage Area overlies the Delta-Mendota groundwater subbasin of the San Joaquin Valley groundwater basin. Discharges of wastes from irrigated lands to groundwater could adversely affect the quality of the "waters of the state," as defined in Attachment E to this Order.
14. The Central Valley Water Board's *Irrigated Lands Regulatory Program Existing Conditions Report* (ECR)<sup>7</sup> identifies waters of the state with impaired water quality attributable to or influenced by irrigated agriculture, including within the Grassland Drainage Area. The *Irrigated Lands Regulatory Program Environmental Impact Report* (PEIR) describes that "[f]rom a programmatic standpoint,

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<sup>6</sup> ICF International. 2011. *Irrigated Lands Regulatory Program, Program Environmental Impact Report*. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

<sup>7</sup> California Regional Water Quality Control Board, Central Valley Region, and Jones and Stokes. 2008. *Irrigated Lands Regulatory Program Existing Conditions Report*. Sacramento, CA.

*irrigated land waste discharges have the potential to cause degradation of surface and groundwater....”*

15. Elevated levels of nitrates in drinking water can have significant negative health effects on sensitive individuals. The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (hereafter Basin Plan) contains a water quality objective for nitrate to protect the drinking water uses. The water quality objective for nitrate is the maximum contaminant level (MCL) of 10 mg/L for nitrate plus nitrite as nitrogen (or 45 mg/L of nitrate as nitrate) established by the California Department of Public Health (Cal. Code Regs., tit. 22, § 64431.) that has been set at a level to protect the most-at-risk groups – infants under six months old and pregnant women.<sup>8</sup>

In some areas, nitrate from both agricultural and non-agricultural sources has resulted in degradation and/or pollution of groundwater beneath agricultural areas in the Central Valley.<sup>9</sup> Available data (see Information Sheet and the PEIR) indicate that there are wells within the Grassland Watershed that have exceeded the MCL for nitrate. Groundwater in the Grassland Watershed has been designated for drinking water uses; therefore, the water quality objective of 10 mg/L for nitrate plus nitrite (as nitrogen) applies to groundwater in the Grassland Watershed. Where nitrate groundwater quality data are not available, information on the hydrogeological characteristics of the area suggest that portions of the Grassland Watershed may be vulnerable to nitrate contamination. However, the vulnerability to nitrate contamination of groundwater within the GDA has not been definitively determined. In general, sources of nitrate in groundwater may include leaching of excess fertilizer, confined animal feeding operations, septic systems, wastewater discharge to land, unprotected well heads, improperly abandoned wells, and lack of backflow prevention on wells, although some or all of these sources may not exist in the GDA.

16. 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).
17. Water Code section 13263 requires the Central Valley Water Board to prescribe WDRs, or waive WDRs, for proposed, existing, or material changes in discharges of waste that could affect water quality. The board may prescribe waste discharge requirements although no discharge report under Water Code section 13260 has been filed. The WDRs must implement relevant water quality control plans and the California Water Code. The Central Valley Water Board may prescribe general waste discharge requirements for a category of discharges if all the following criteria apply to the discharges in that category:
  - a. The discharges are produced by the same or similar operations.
  - b. The discharges involve the same or similar types of waste.
  - c. The discharges require the same or similar treatment standards.
  - d. The discharges are more appropriately regulated under general requirements than individual requirements.

The rationale for developing general waste discharge requirements for irrigated agricultural lands in the Grassland Drainage Area includes: (a) the discharges are produced by similar operations (irrigated agriculture), (b) the waste discharges under this Order involve similar types of wastes (wastes associated with farming), (c) the water quality management practices are similar for

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<sup>8</sup> See, for example, the California Department of Public Health Nitrate Fact Sheet: <http://www.cdph.ca.gov/certlic/drinkingwater/Documents/Nitrate/FactSheet-Nitrate-05-23-2012.pdf>.

<sup>9</sup> PEIR, Appendix A

irrigated agricultural operations, (d) due to the large number of agricultural operations and their contiguous location, these types of operations are more appropriately regulated under general rather than individual requirements, and (e) the geology and the climate are similar, which will tend to result in similar types of water quality problems<sup>10</sup> and similar types of solutions.

18. Whether an individual discharge of waste from irrigated lands may affect the quality of the waters of the state depends on the quantity of the discharge, quantity of the waste, the quality of the waste, the extent of treatment, soil characteristics, distance to surface water, depth to groundwater, crop type, management practices and other site-specific factors. These individual discharges may also have a cumulative effect on waters of the state. Waste discharges from some irrigated lands have impaired or degraded and will likely continue to impair or degrade the quality of the waters of the state within the Central Valley Region if not subject to regulation pursuant to the Porter-Cologne Water Quality Control Act (codified in California Water Code Division 7).

19. Water Code section 13267(b)(1) states, in relevant part:

[T]he regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

20. Technical reports are necessary to evaluate Member compliance with the terms and conditions of this Order and to assure protection of waters of the state. Consistent with Water Code section 13267, this Order requires the implementation of a monitoring and reporting program (MRP) that is intended to determine the effects of Member waste discharges on water quality, to verify the adequacy and effectiveness of the Order's conditions, and to evaluate Member compliance with the terms and conditions of the Order. The requirements for reports and monitoring specified in this Order and attached MRP are based in part on whether an operation is within a high or low vulnerability area. The third-party is tasked with describing high and low vulnerability areas based on definitions provided in Attachment E to this Order and guidance provided in the MRP for development of the Groundwater Quality Assessment Report. The Executive Officer will review third-party proposed high and low vulnerability area designations and make the final determination of vulnerability. High and low vulnerability areas will be reviewed and updated throughout the implementation of this Order. A Member who is covered under this Order must comply with MRP Order R5-2015-0095 which is part of this Order, and any future revisions thereto by the Executive Officer or board.

21. The water quality monitoring under this Order is representative in nature and does not measure individual field discharge. The benefits of representative monitoring include the ability to determine whether water bodies accepting discharges from numerous irrigated lands are meeting water quality objectives, and to determine if existing high quality waters are being maintained. Further, representative monitoring allows the board to determine whether represented practices are protective of water quality. There is a cost savings with representative monitoring, since all groundwater aquifers that receive irrigated agricultural discharges do not need to be monitored. Groundwater monitoring sites are selected to represent areas with similar conditions (e.g., similar crops grown, similar soil type).

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<sup>10</sup> "Water quality problem" is defined in Attachment E.

Through the Management Practices Evaluation Program and Groundwater Quality Management Plans, the third-party must evaluate the effectiveness of management practices in protecting groundwater quality. In addition, Members must report the practices they are implementing to protect groundwater quality.

Where required monitoring, evaluations, and reporting do not allow the Central Valley Water Board to determine potential sources of water quality problems or identify whether management practices are effective, the Executive Officer may require the third-party or individual Members to provide technical reports. Such technical reports are needed when monitoring or other available information is not sufficient to determine the effects of irrigated agricultural waste discharges on state waters. It may also be necessary for the Central Valley Water Board to conduct investigations by obtaining information directly from Members to assess individual compliance.

The Board recognizes that representative monitoring data in and of itself will not allow the Board to determine the specific source or sources of water quality problems; however, subsequent actions, assessments and reporting required of the third party will result in the identification of the source(s) and causes of the water quality problem, the identification of actions implemented by Members to ensure water quality is protected, and the reporting of water quality data to demonstrate the water quality problem has been resolved. Therefore, representative monitoring in conjunction with other requirements in this Order and the board's compliance and enforcement activities will also allow the board to determine whether Members are complying with this Order.

22. The Basin Plan designates beneficial uses, establishes water quality objectives, contains programs of implementation needed to achieve water quality objectives, and references the plans and policies adopted by the State Water Resources Control Board (State Water Board). The water quality objectives are developed to protect the beneficial uses of waters of the state. Compliance with water quality objectives will protect the beneficial uses listed in Finding 24.
23. This Order implements the Basin Plan and applicable State policies by requiring the implementation of management practices that are considered to constitute best practicable treatment or control, where applicable, that achieve compliance with applicable water quality objectives and that prevent or correct conditions of pollution or nuisance. The Order requires implementation of a monitoring and reporting program to determine effects of discharges on water quality and the effectiveness of management practices designed to comply with applicable water quality objectives.
24. Pursuant to the Basin Plan and State Water Board plans and policies including State Water Board Resolution 88-63, all ground waters in the region are considered as suitable or potentially suitable at a minimum, for:
  - a. Municipal and Domestic Supply
  - b. Agricultural Supply
  - c. Industrial Service Supply
  - d. Industrial Process Supply.
25. The board recognizes that some areas within the Grassland Drainage Area overlie groundwater containing naturally occurring constituents, including salts that may exceed water quality objectives for specific beneficial use designations. In such cases, the use may be unattainable, even in the absence of any waste discharge, and de-designation or modification of the designated use may be appropriate. It is reasonable, under circumstances described below, to delay the imposition of monitoring and reporting associated with high vulnerability areas in these circumstances. This Order allows, with Executive Officer approval, portions of the high vulnerability areas identified within the Groundwater Quality Assessment Report (GAR) to temporarily operate under reduced monitoring and reporting requirements in the event 1) the Steering Committee or other group is

actively pursuing a basin plan amendment to de-designate or modify the beneficial use, and 2) the Steering Committee provides the required information indicating that it is reasonably likely that the beneficial use is not appropriate in the area of the proposed de-designation. The requirements for pursuing reduced monitoring and reporting as a condition of a basin plan amendment are described in section VIII.H of this Order and section IV.B of the MRP.

26. In May 2004, the State Water Board adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The purpose of the NPS Policy is to improve the state's ability to effectively manage NPS pollution and conform to the requirements of the Federal Clean Water Act and the Federal Coastal Zone Act Reauthorization Amendments of 1990. The NPS Policy requires, among other key elements, an NPS control implementation program's ultimate purpose to be explicitly stated. It also requires implementation programs, to at a minimum, address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.
27. This Order constitutes an NPS Implementation Program for the discharges regulated by the Order. Attachment A, Information Sheet, describes the five key elements required by the NPS Policy and provides justification that the requirements of this Order meet the requirements of the NPS Policy. This Order is consistent with the NPS Policy.
28. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by, among other things, utilizing a tiered system that imposes more stringent requirements in areas deemed "high vulnerability" based on threat to groundwater quality, requiring groundwater monitoring and management plans, an identification and evaluation of management practices that are protective of groundwater quality, and requiring discharges to meet applicable water quality objectives, which include maximum contaminant levels designed to protect human health and ensure that water is safe for domestic uses. Protection of the beneficial uses of groundwater is described throughout this Order, including the discussion in Attachment A to this Order of State Water Board Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality Waters in California*.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

30. For purposes of adoption of this Order, the Central Valley Water Board is the lead agency pursuant to CEQA (Pub. Resources Code § 21100 et seq.). Pursuant to board direction in Resolutions R5-2006-0053 and R5-2006-0054, a Program Environmental Impact Report (PEIR) was prepared. In accordance with CEQA, the Central Valley Water Board, acting as the lead agency adopted Resolution R5-2011-0017 on 7 April 2011, certifying the PEIR for the Irrigated Lands Regulatory Program.
31. This Order relies on the environmental impact analysis contained in the PEIR to satisfy the requirements of CEQA. Although the Order is not identical to any of the PEIR alternatives, the Order is comprised entirely of elements of the PEIR's wide range of alternatives. Therefore, the PEIR identified, disclosed, and analyzed the potential environmental impacts of the Order. The potential compliance activities undertaken by the regulated Members in response to this Order fall within the range of compliance activities identified and analyzed in the PEIR. Therefore, all potentially adverse environmental impacts of this Order have been identified, disclosed, and analyzed in the PEIR. If it is determined that a grower filing for coverage under this Order could create impacts not identified in the PEIR, individual WDRs would be prepared for that grower and additional CEQA analysis performed, which would likely tier off the PEIR as necessary (see Cal. Code Regs., tit. 14, § 15152.).

32. The requirements of this Order are based on elements of Alternatives 2 through 6 of the PEIR. The PEIR concludes that implementation of some of these elements has the potential to cause significant adverse environmental impacts. Such impacts are associated, directly and indirectly, with specific compliance activities growers may conduct in response to the Order's regulatory requirements. Such activities are expected to include implementation of water quality management practices and monitoring well installation and operation. Attachment A of this Order describes example water quality management practices that may be implemented as a result of this Order and that monitoring wells may be installed as a result of this Order. The types and degrees of implementation will be similar to those described in the PEIR for Alternatives 2 through 6. Also, because the cost of this Order is expected to fall within the range of costs described for Alternatives 2 through 6, significant impacts to agriculture resources under this Order will be similar to those described in the PEIR. Because of these similarities, this Order relies on the PEIR for its CEQA analysis. A listing of potential environmental impacts, the written findings regarding those impacts consistent with § 15091 of the CEQA Guidelines, and the explanation for each finding are contained in a separate Findings of Fact and Statement of Overriding Considerations document (Attachment D), which is incorporated by reference into this Order.
33. Where potentially significant environmental impacts identified in Attachment D may occur as a result of Members' compliance activities, this Order requires that Members either avoid the impacts where feasible or implement identified mitigation measures, if any, to reduce the potential impacts to a less than significant level. Where avoidance or implementation of identified mitigation is not feasible, use of this Order is prohibited and individual WDRs would be required. The Monitoring and Reporting Program (MRP) Order, Attachment B, includes a Mitigation Monitoring and Reporting Program to track the implementation of mitigation measures.
34. The PEIR finds that none of the program alternatives will cause significant adverse impacts to water quality. Consistent with alternatives in the PEIR, this Order contains measures needed to achieve and maintain water quality objectives and beneficial uses, reduce current pollutant loading rates, and minimize further degradation of water quality. As such, this Order will not cause significant adverse impacts to water quality.

#### **STATE WATER RESOURCES CONTROL BOARD RESOLUTION 68-16**

35. State Water Board Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16 or "antidegradation policy") requires that a Regional Water Quality Control Board maintain high quality waters of the state unless the board determines that any authorized degradation is consistent with maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Quality Control Board's policies (e.g., quality that exceeds applicable water quality objectives). The board must also assure that any authorized degradation of existing high quality waters is subject to waste discharge requirements which will result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that pollution, or nuisance will not occur and the highest water quality consistent with the maximum benefit to the people of the state will be maintained.
36. The Central Valley Water Board has information on groundwater quality in the Delta-Mendota subbasin from the State Water Board Groundwater Ambient Monitoring and Assessment (GAMA) Program.<sup>11</sup> Maximum nitrate levels in the Delta-Mendota subbasin above the applicable water

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<sup>11</sup> Mathany, T.M., Landon, M.K., Shelton, J.L., and Belitz, Kenneth, 2013. Groundwater Quality Data in the Western San Joaquin Valley Study Unit, 2010 -- Results from the California GAMA Program. U.S. Geological Survey Data Series 706, 102 p.

quality objective<sup>12</sup> were found in production and monitoring wells that sampled groundwater at 200 feet or less below ground level.<sup>13</sup> In the Grassland Drainage Area, there was limited groundwater monitoring, but a maximum nitrate as N concentration of 12.7 mg/L was found at one monitoring well. Monitoring data from the San Luis Drain, which transports tile drainage from the GDA, shows nitrate levels averaging less than 9 mg/L (with a maximum of 19 mg/L) from 2008 to 2013 during the irrigation season from May through July. During this period, the discharge in the San Luis Drain should be primarily tile drainage and representative of shallow groundwater in the GDA.<sup>14</sup> Additional information on groundwater monitoring results is presented in Attachment A.

Appendix A to the PEIR for the Irrigated Lands Program describes that “*there may be cases where irrigated agricultural waste discharges threaten to degrade high quality waters.*” For discharges to water bodies that are high quality waters, this Order is consistent with Resolution 68-16. Attachment A to this Order summarizes applicable antidegradation requirements and provides detailed rationale demonstrating how this Order is consistent with Resolution 68-16. As indicated in the summary, this Order authorizes degradation of high quality waters, not to exceed water quality objectives, threaten beneficial uses, or cause a condition of pollution or nuisance. The Order will also result in the implementation of BPTC by those discharging to high quality waters and assure that any change in water quality will be consistent with maximum benefit to the people of the state.

As authorized by Water Code section 13263(c), achievement of these requirements is in accordance with the Order’s time schedules. Time schedules are necessary because not all growers covered by the Order can immediately comply with the Order’s requirements. Using time schedules to implement antidegradation requirements was explicitly recognized and endorsed by the California Court of Appeal, who wrote with respect to the Central Valley Water Board’s Dairy Waste Discharge Requirements that “[a] phased approach... is reasonable, and is authorized by section 13263, which allows the requirements of a regional water quality control board to contain a time schedule.” *AGUA v. Central Valley Water Board*, 210 Cal.App.4th 1255, 1277.

### CALIFORNIA WATER CODE SECTION 13141 AND 13241

37. Water Code section 13141 states that “*prior to implementation of any agricultural water quality control program, an estimate of the total cost of such a program, together with an identification of potential sources of financing, shall be indicated in any regional water quality control plan.*” Section 13141 concerns approvals or revisions to a water quality control plan and does not necessarily apply in a context where an agricultural water quality control program is being developed through waivers and waste discharge requirements rather than basin planning. However, the Basin Plan includes an estimate of potential costs and sources of financing for the long-term irrigated lands program. The estimated costs were derived by analyzing the six alternatives evaluated in the PEIR. This Order, which implements the groundwater portion of the long-term ILRP within the Grassland Drainage Area, is based on Alternatives 2-6 of the PEIR; therefore, estimated costs of this Order fall within the Basin Plan cost range.<sup>15</sup> The total average annual cost of compliance with this Order, e.g., summation of costs for administration, monitoring, reporting, tracking, implementation of

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<sup>12</sup> Maximum contaminant level (MCL) of 10 mg/L nitrate plus nitrite as nitrogen (N).

<sup>13</sup> Depth to top of perforation was less than 200 feet below surface level. Nitrate as N concentrations ranged from 0.03 mg/L to 23.8 mg/L, with the mean concentration of those wells (total of 14) sampled at 8.5 mg/L nitrates as N.

<sup>14</sup> Tile drains remove perched groundwater containing high salinity, from the root zone of the crop. As the crop is irrigated, the perched groundwater rises until it is removed through the tile drain system.

<sup>15</sup> When compared on a per irrigated acre basis; as the Basin Plan cost range is an estimate for all irrigated lands in the Central Valley versus this Order’s applicability to a portion thereof (irrigated lands in the Grassland Drainage Area).

management practices, is expected to be approximately \$16.20 per acre.<sup>16</sup> The total estimated average cost of compliance with this Order is expected to be approximately \$1,572,000 dollars per year.

Approximately \$11.82 of the estimated \$16.20 per acre annual average cost of the Order is associated with implementation of management practices for groundwater. This Order does not require that Members implement specific water quality management practices.<sup>17</sup> Many of the management practices that have water quality benefits can have other economic and environmental benefits (e.g., improved irrigation can reduce water and energy consumption, as well as reduce leaching). Management practice selection will be based on decisions by individual Members in consideration of the unique conditions of their irrigated agricultural lands; water quality concerns; and other benefits expected from implementation of the practice. As such, the cost estimate is an estimate of potential, not required costs of implementing specific practices. Any costs for water quality management practices will be based on a market transaction between Members and those vendors or individuals providing services or equipment and not based on an estimate of those costs provided by the board. The cost estimates include estimated fees the Steering Committee may charge to prepare the required reports and conduct the required monitoring, as well as annual permit fees that are charged to permitted dischargers for permit coverage. In accordance with the State Water Board's Fee Regulations, the current annual permit fee charged to Members covered by this Order is \$0.75/acre. The combined total estimated average administrative costs that include Steering Committee and state fees are estimated to be \$2.24/acre annually. These costs have been estimated using the same study used to develop the Basin Plan cost estimate, which applies to the whole ILRP being overseen by the Central Valley Water Board. The basis for these estimates is provided in the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program*.<sup>118</sup> Attachment A includes further discussion regarding the cost estimate for this Order.

38. Water Code section 13263 requires that the Central Valley Water Board consider the following factors, found in section 13241, when considering adoption of waste discharge requirements.
- (a) Past, present, and probable future beneficial uses of water.
  - (b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
  - (c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
  - (d) Economic considerations.
  - (e) The need for developing housing within the region.
  - (f) The need to develop and use recycled water.

These factors have been considered in the development of this Order. Attachment A, Information Sheet, provides further discussion on the consideration of section 13241 factors.

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<sup>16</sup> Cost estimate for all lands in the Grassland Drainage area, regardless of tile drain usage.

<sup>17</sup> Per California Water Code section 13360, the Central Valley Water Board may not specify the manner in which a Member complies with water quality requirements.

<sup>18</sup> ICF International. 2010. *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program*. Draft. July. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

## RELATIONSHIP TO OTHER ONGOING WATER QUALITY EFFORTS

39. Other water quality efforts conducted pursuant to state and federal law directly or indirectly serve to reduce waste discharges from irrigated lands to waters of the state. Those efforts, including regulation of discharges through the Grassland Bypass Project (Order R5-2015-0094), will continue and will be supported by implementation of this Order.
40. The Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative has the goal of developing sustainable solutions to the increasing salt and nitrate concentrations that threaten the achievement of water quality objectives in the Central Valley for surface water and groundwater. This Order requires actions to manage salt discharges to groundwater and should result in practices that also reduce nitrate percolation. The board intends to coordinate all such actions with the CV-SALTS initiative. CV-SALTS may identify additional actions that need to be taken by irrigated agriculture and others to address these constituents. This Order can be amended in the future to implement any policies or requirements established by the Central Valley Water Board resulting from the CV-SALTS process. This Order includes provisions to promote coordination with CV-SALTS and to support the development of information needed for the CV-SALTS process.
41. The General Order for Existing Milk Cow Dairies (R5-2013-0122) and NPDES Dairy General Permit CAG015001 (Dairy General Orders) regulate discharges of waste to surface waters and groundwater from existing milk cow dairies in the Central Valley. Discharges from irrigated agricultural parcels are regulated by the Dairy General Orders if the owner or operator of the parcel applies dairy waste from its dairy operation. Irrigated agricultural parcels that receive dairy or other confined animal facility<sup>19</sup> waste from external sources must obtain regulatory coverage for their discharge under the Dairy General Orders or waste discharge requirements that apply to individual growers. The Central Valley Water Board encourages the dairy industry and the third-party to coordinate the groundwater quality monitoring required of the two orders and their response to identified water quality problems.

## COORDINATION AND COOPERATION WITH OTHER AGENCIES

42. Integrated Regional Water Management Plans: Pursuant to part 2.75 of Division 6 of the California Water Code (commencing with section 10750), local agencies are authorized to adopt and implement groundwater management plans (hereinafter "local groundwater management plans"), including integrated regional water management plans. The legislation provides recommended components to the plans such as control of saline water intrusion, regulation of the migration of contaminated water, monitoring of groundwater levels and storage, and the development of relationships with regulatory agencies. The information collected through implementation of groundwater management plans can support or supplement efforts to evaluate potential impacts of irrigated agricultural discharges on groundwater. This Order requires the third-party to develop regional groundwater monitoring workplans and, where necessary, groundwater quality management plans (GQMPs). The third party is encouraged to coordinate with local groundwater management plans and integrated regional water management plans, where applicable, when developing regional groundwater monitoring workplans and GQMPs.

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<sup>19</sup> "Confined animal facility" is defined in Cal. Code Regs., tit. 27, § 20164 as "... any place where cattle, calves, sheep, swine, horses, mules, goats, fowl, or other domestic animals are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by means other than grazing."

43. California Department of Pesticide Regulation (DPR): DPR has developed a Groundwater Protection Program under the authority of the Pesticide Contamination Prevention Act (PCPA) (commencing with Food and Agriculture Code section 13142). The program is intended to prevent contamination of groundwater from the legal application of pesticides. In addition to activities mandated by the PCPA, DPR's program has incorporated approaches to identify areas vulnerable to pesticide movement, develop mitigation measures to prevent pesticide contamination, and monitor domestic drinking water wells located in groundwater protection areas. The Groundwater Protection Program can provide valuable information on potential impacts to groundwater from agricultural pesticides. If necessary, DPR and the county agricultural commissioners can use their regulatory authorities to address any identified impacts to groundwater or surface water attributable to pesticide discharges from agricultural fields.
44. California Department of Food and Agriculture (CDFA): The CDFA Fertilizer Research and Education Program (FREP) coordinates research to advance the environmentally safe and agronomically sound use and handling of fertilizer materials. Currently, CDFA is developing a nitrogen management training program for farmers and has developed a training program for Certified Crop Advisors (CCA). Among other certification options available for nitrogen management plans, the CDFA training programs will be recognized as providing the training necessary for a farmer or CCA to certify nitrogen management plans in high vulnerability groundwater areas. This Order leverages CDFA's work and expertise with respect to nitrogen management training and technical support to the professionals and third-parties that will be developing nitrogen management plans for individual Members.
45. Nitrogen Management and Control: As recommended in the State Water Board's Report to the Legislature<sup>20</sup>, the Nitrogen Tracking and Reporting Task Force (Task Force) was convened by CDFA in coordination with the Water Boards to identify intended outcomes and expected benefits of a nitrogen mass balance tracking system in nitrate high-risk areas. The Task Force released its report of recommendations for nitrogen tracking and reporting system for agriculture in nitrate high-risk areas at the end of 2013.<sup>21</sup>

The State Water Board convened a panel of experts from a broad spectrum of relevant disciplines (Agricultural Expert Panel) to assess existing agricultural nitrate control programs and develop recommendations to ensure that ongoing efforts are protective of groundwater quality. The Expert Panel made recommendations<sup>22</sup> which will be considered by the State Water Board at the end of 2015.

The deadlines for preparation of a nitrogen management plan and associated reporting allow the board to make any necessary adjustments to this Order based on the State Water Board's actions on the recommendations of the Task Force and the Expert Panel.

46. The United States Department of Agriculture Natural Resources Conservation Service (NRCS): The NRCS administers a number of programs related to water quality. NRCS can provide technical assistance to growers and has identified practices that are protective of the environment and are feasible in an agricultural setting. The NRCS Environmental Quality Incentives Program (EQIP) provides cost share assistance for management practice installation. The NRCS has also provided assistance with research of management practice effectiveness.

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<sup>20</sup> State Water Board Resources Control Board. 2013. Report to the Legislature, Recommendations Addressing Nitrate in Groundwater <[http://www.swrcb.ca.gov/water\\_issues/programs/nitrate\\_project/docs/nitrate\\_rpt.pdf](http://www.swrcb.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)>

<sup>21</sup> Nitrogen Tracking and Reporting Task Force Final Report (December 2013). <<http://www.itrc.org/swrcb/Files/NTRSTFFinalReport122013.pdf>>

<sup>22</sup> Conclusions of the Agricultural Expert Panel: Recommendations to the State Water Board (September 2014). <[http://www.waterboards.ca.gov/water\\_issues/programs/agriculture/docs/ILRP\\_expert\\_panel\\_final\\_report.pdf](http://www.waterboards.ca.gov/water_issues/programs/agriculture/docs/ILRP_expert_panel_final_report.pdf)>

### ENFORCEMENT FOR NONCOMPLIANCE WITH THIS ORDER

47. Water Code section 13350 provides that any person who violates Waste Discharge Requirements may be: 1) subject to administrative civil liability imposed by the Central Valley Water Board or State Water Board in an amount of up to \$5,000 per day of violation, or \$10 per gallon if the discharge involves a discharge of pollutants; or 2) be subject to civil liability imposed by a court in an amount of up to \$15,000 per day of violation, or \$20 per gallon. The actual calculation and determination of administrative civil penalties must be set forth in a manner that is consistent with the State Water Board's Water Quality Enforcement Policy (Enforcement Policy).
48. The Enforcement Policy endorses progressive enforcement action for violations of waste discharge requirements when appropriate, but recommends formal enforcement as a first response to more significant violations. Progressive enforcement is an escalating series of actions that allows for the efficient and effective use of enforcement resources to: 1) assist cooperative Members in achieving compliance; 2) compel compliance for repeat violations and recalcitrant violators; and 3) provide a disincentive for noncompliance. Progressive enforcement actions may begin with informal enforcement actions such as a verbal, written, or electronic communication between the Central Valley Water Board and a Member. The purpose of an informal enforcement action is to quickly bring the violation to the Member's attention and to give the Member an opportunity to return to compliance as soon as possible. The highest level of informal enforcement is a Notice of Violation.

The Enforcement Policy recommends formal enforcement actions for the highest priority violations, chronic violations, and/or threatened violations. Violations of this Order that will be considered a priority include, but are not limited to:

- a) Failure to obtain required regulatory coverage.
  - b) Failure to meet receiving water limitations, unless the Member is implementing a Central Valley Water Board approved GQMP in accordance with the time schedule provisions of this Order (section XII).<sup>23</sup>
  - c) The discharge of waste to lands not owned, leased, or controlled by the Member without written permission from the landowner.
  - d) Failure to prevent future exceedances of water quality objectives once made aware of an exceedance.
  - e) Falsifying information or intentionally withholding information required by applicable laws, regulations or an enforcement order.
  - f) Failure to implement a GQMP.
  - g) Failure to pay annual fees, penalties, or liabilities.
  - h) Failure to monitor or provide information to the third-party as required.
  - i) Failure to submit required reports on time.
  - j) Failure to implement the applicable management practices, or equivalent practices, identified as protective of groundwater in the Management Practices Evaluation Report.
49. Under this Order, the Steering Committee is tasked with developing monitoring plans, conducting monitoring, developing water quality management plans, and informing Members of requirements. It is intended that the following progressive enforcement steps will generally be taken in the event

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<sup>23</sup> A Member participating in a Management Practices Evaluation Program study (i.e., the study is taking place on the Member's farm) where data indicate the discharge from the study area is not meeting receiving water limitations will not be a priority for enforcement, if the Member is implementing a Central Valley Water Board approved GQMP in accordance with the time schedule provisions of this Order (section XII).

that the Steering Committee fails to comply with the terms and conditions of this Order or attached MRP:

- a) First notification of noncompliance to the Steering Committee. The Central Valley Water Board intends to notify the Steering Committee of the non-compliance and allow a period of time for the Steering Committee to come back into compliance. This notification may be in the form of a verbal notice, letter, or written notice of violation, depending on the severity of the noncompliance.
- b) Second notification of noncompliance to the Steering Committee. If the Steering Committee fails to adequately respond to the first notification, the board intends to provide written notice to the Steering Committee and potentially affected Members of the failure to address the first notice.
- c) Failure of the Steering Committee to adequately respond to the second notification. Failure to adequately respond to the second notification may result in partial (e.g., affected areas or Members) or full disapproval of the Steering Committee to act as a lead entity, depending on the severity of noncompliance. Growers that were Members affected by a partial or full Steering Committee disapproval would be required to obtain coverage for their waste discharge under other applicable general waste discharge requirements or submit a Report of Waste Discharge to the Central Valley Water Board.

#### **GENERAL FINDINGS**

50. This Order does not authorize violation of any federal, state, or local law or regulation.
51. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any action authorized under this Order, the Member shall obtain authorization for an incidental take prior to construction or operation of the project. The Member shall be responsible for meeting all requirements of the applicable Endangered Species Act.
52. This Order does not supersede the Central Valley Water Board's Basin Plans and policies, including prohibitions (e.g., pesticides) and implementation plans (e.g., Total Maximum Daily Loads), or the State Water Board's plans and policies.
53. As stated in Water Code section 13263(g), the discharge of waste into waters of the state is a privilege, not a right, and regulatory coverage under this Order does not create a vested right to continue the discharge of waste. Failure to prevent conditions that create or threaten to create pollution or nuisance will be sufficient reason to modify, revoke, or enforce this Order, as well as prohibit further discharge.
54. This Order requires Members to provide the Steering Committee with contact information of the person(s) authorized to provide access to the enrolled property for inspections. This requirement provides a procedure to enable board staff to contact grower representatives so that it may more efficiently monitor compliance with the provisions of this Order.
55. Any instance of noncompliance with this Order constitutes a violation of the California Water Code and its regulations. Such noncompliance is grounds for enforcement action, and/or termination of coverage for waste discharges under this Order, subjecting the discharger to enforcement under the Water Code for further discharges of waste to groundwater.

56. All discharges from irrigated agricultural operation are expected to comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges to storm drain systems or to other courses under their jurisdiction.
57. The fact that it would have been necessary to halt or reduce the discharge in order to maintain compliance with this Order shall not be a defense for violations of the Order by the Member.
58. This Order is not a National Pollutant Discharge Elimination System Permit issued pursuant to the Federal Clean Water Act. Coverage under this Order does not exempt a facility from the Clean Water Act. Any facility required to obtain such a permit must notify the Central Valley Water Board.
59. Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Board.
60. The Findings of this Order, supplemental information and details in the attached Information Sheet (Attachment A), and the administrative record of the Central Valley Water Board relevant to the Grassland Drainage Area were considered in establishing these waste discharge requirements.
61. 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 Grassland Drainage Area, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
62. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

**IT IS HEREBY ORDERED** that pursuant to Water Code sections 13260, 13263, and 13267 and in order to meet the provisions contained in Division 7 of the California Water Code and regulations and policies adopted there under; all Members in the Grassland Drainage Area, their agents, successors, and assigns shall comply with the following:

**I. Coverage**

1. This Order applies to owners and operators of irrigated lands in the Grassland Drainage Area.

**II. Prohibitions**

1. The discharge of waste to waters of the state, from irrigated agricultural operations other than those defined in the Findings of this Order, is prohibited.
2. The discharge of hazardous wastes, as that term is defined in California Code of Regulations, title 22, section 66261.1 et seq. is prohibited.
3. The discharge of wastes (e.g., fertilizers, fumigants, pesticides) into groundwater via backflow through a water supply well is prohibited.
4. The discharge of any wastes (e.g., fertilizers, fumigants, pesticides) down a groundwater well casing is prohibited.

**III. Receiving Water Limitations**

**A. Groundwater Limitations**

1. Wastes discharged from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying groundwater or a trend of degradation that

may threaten applicable Basin Plan beneficial uses, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.

#### **B. Compliance with Receiving Water Limitations**

1. If the discharge of wastes from Member operations does not meet the limitations in section III.A above, the Member is in compliance with this Order relative to section III.A for a specific waste parameter provided:
  - a. The Steering Committee is preparing, or has submitted a Groundwater Quality Management Plan for that waste parameter in accordance with section VIII.E of this Order, and such plan is pending action by the Executive Officer or board; or
  - b. The Executive Officer or board has approved the applicable Groundwater Quality Management Plan for that waste parameter, and
    - i. The Member is implementing or has a documented schedule to implement improved management practices consistent with the approved plan to achieve compliance with section III.A, and
    - ii. The Member is in compliance with section XII. Time Schedule for Compliance of this Order.

#### **IV. Provisions**

##### **A. General Specifications**

1. The Steering Committee will assist its Members in complying with the relevant terms and provisions of this Order, including required monitoring and reporting as described in MRP Order R5-2015-0095. However, individual Members who are subject to this Order continue to bear ultimate responsibility for complying with this Order.
2. Irrigated lands owners or operators with waste discharges to state waters (or “Dischargers”) that are not Members, or whose property is not enrolled by a Member, shall not be subject to coverage provided by the terms of this Order. Such Dischargers shall be required to obtain coverage for their waste discharge under individual waste discharge requirements or any applicable general waste discharge requirements that apply to individuals that are not represented by the Steering Committee.
3. Members who are subject to this Order shall implement water quality management practices, as necessary, to protect water quality. Water quality management practices can be instituted on an individual basis, or implemented to serve multiple growers discharging to a single location.
4. Installation of groundwater monitoring wells or implementation of management practices to meet the conditions of this Order at a location or in a manner that could cause an adverse environmental impact as identified in the *Irrigated Lands Regulatory Program, Final Program Environmental Impact Report (PEIR)*<sup>24</sup> shall be mitigated in accordance with the mitigation measures provided in Attachment C of this Order.
5. The provisions of this Order are severable. If any provision of the Order is held invalid, the remainder of the Order shall not be affected.

##### **B. Requirements for Members in the Grassland Drainage Area**

1. Members shall comply with all applicable provisions of the Water Code, the Basin Plan, and State Water Board plans and policies.

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<sup>24</sup> On 7 April 2011, the Central Valley Water Board adopted Resolution R5-2011-0017, certifying the PEIR for the long-term irrigated lands regulatory program.

2. All Members shall comply with the attached Monitoring and Reporting Program (MRP) R5-2015-0095, and future revisions thereto.
3. Members who are covered under this Order shall comply with the terms and conditions contained in this Order.
4. Each Member (or authorized Member representative) shall participate in Steering Committee outreach events, at least annually, if any of the Member's parcels are in a designated "high vulnerability" area or governed by a GQMP. The Member or representative may participate in person or through a web-based program. The Member shall review outreach materials to become informed of any water quality problems to address and the management practices that are available to address those issues. The Member shall provide annual confirmation to the Steering Committee that the Member has attended an outreach event during the previous year and reviewed the applicable outreach materials.
5. All Members shall provide the Steering Committee with information requested for compliance with this Order.
6. All members shall implement water quality management practices as necessary to protect water quality and to achieve compliance with groundwater receiving water limitations of this Order (section III.A).
7. All Members shall implement practices that minimize excess nutrient application relative to crop consumption. Members shall prepare and implement a farm-specific nitrogen management plan as required by section VII.C of this Order.
8. In addition to the reports identified in section VII of this Order, the Executive Officer may require the Member to submit additional technical reports pursuant to Water Code section 13267.
9. The requirements prescribed in this Order do not authorize the commission of any act causing injury to the property of another, or protect the Member from liabilities under other federal, state, county, or local laws. However, enrollment under this Order does protect the Member from liability alleged for failing to comply with California Water Code section 13260.
10. This Order does not convey any property rights or exclusive privileges.
11. This Order shall not create a vested right, and all such discharges of waste shall be considered a privilege, as provided for in Water Code section 13263.
12. The Member understands that the Central Valley Water Board or its authorized representatives, may, at reasonable hours, inspect the facilities<sup>25</sup> and irrigated lands of persons subject to this Order to ascertain whether the purposes of the Porter-Cologne Act are being met and whether the Member is complying with the conditions of this Order. To the extent required by Water Code section 13267(c) or other applicable law, the inspection shall be made with the consent of the Member, owner or authorized representative, or if consent is withheld, with a duly issued warrant pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with section 1822.50). In the event of an emergency affecting the public health and safety, an inspection may be performed without consent or the issuance of a warrant.

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<sup>25</sup> The inspection of Member's facilities and irrigated lands does not include the Member's private residence.

13. The Member shall provide the Steering Committee with the phone number(s) of the individual(s) with authority to provide consent to access its facilities as described in provision IV.B.12 above.
14. The Member shall properly operate and maintain in good working order any facility, unit, system, or monitoring device installed to achieve compliance with the Order.
15. Settling ponds, basins, and tailwater recovery systems shall be constructed, maintained, and operated to prevent groundwater degradation.
16. Where applicable, the Member shall follow state, county or local agency standards with respect to water wells and groundwater quality when constructing new wells, modifying existing wells, or destroying wells. Absent such standards, at a minimum, the Member shall follow the standards and guidelines described in the California Department of Water Resources' *Water Well Standards (Bulletins 74-81 & 74-90 combined)*.
17. The Member shall maintain a copy of this Order, either in hard copy or electronic format, at the primary place of business, or the Member's farming operations headquarters. The Member shall also maintain excerpts of the Order's Member requirements that have been provided by the Executive Officer so as to be available at all times to operations personnel. The Member and his/her designee shall be familiar with the content of this Order.
18. The Member, or the Steering Committee on behalf of the Member as applicable, shall submit all required documents in accordance with section IX of this Order.
19. Members shall, at a minimum, implement water quality management practices that meet the following farm management performance standards:
  - a. Minimize percolation of waste to groundwater,
  - b. Protect wellheads from surface water intrusion.
20. Members shall implement the applicable management practices, or equivalent practices, identified as protective of groundwater in the Management Practices Evaluation Report.

### **C. Requirements for the Steering Committee**

In order to remain eligible to serve as a third-party representative to Members, the Steering Committee shall perform the following:

1. Provide the Central Valley Water Board documentation of its organizational or management structure. The documentation shall identify persons responsible for ensuring that program requirements are fulfilled. The documentation shall be made readily available to Members.
2. Prepare annual summaries of expenditures of fees and revenue used to comply with this Order. The summaries shall be provided to or made readily available to Members.
3. If the Steering Committee receives a notice of violation (NOV) from the Central Valley Water Board, the Steering Committee must provide to Members in the area addressed by the NOV appropriate information regarding the reason(s) for the violation. The notification must be provided to all Members within the area affected by the NOV within thirty (30) days of receiving the NOV from the board. The Steering Committee must provide confirmation to the board that Members have received notification of the violation. A summary of all notices of violation received by the Steering Committee must be provided to all Members annually. The annual NOV summary may be part of a written or electronic communication to Members.
4. Develop and implement plans to track and evaluate the effectiveness of water quality management practices, pursuant to approved Groundwater Quality Management Plans.

5. Provide timely and complete submittal of any plans or reports required by this Order.
6. Conduct required water quality monitoring and assessments in conformance with quality assurance/quality control requirements.
7. Within 90 days of this Order approval, the Steering Committee shall inform Members of this Order's requirements to complete the Steering Committee's Special Project Membership application and Farm Evaluation template.
8. Conduct education and outreach activities to inform Members (or authorized Member representative) of program requirements and water quality problems, including exceedances of water quality objectives or degradation of water quality, identified by the Steering Committee or Central Valley Water Board. The Steering Committee shall:
  - a. Maintain attendance lists for Steering Committee outreach events, provide Members with information on water quality management practices that will address water quality problems and minimize the discharge of wastes from irrigated lands, and provide informational materials on potential environmental impacts of water quality management practices to the extent known by the Steering Committee.
  - b. Provide an annual summary of education and outreach activities to the Central Valley Water Board. The annual summary shall include copies of the educational and management practice information provided to the growers. The annual summary must report the total number of growers who attended the outreach events and describe how growers could obtain copies of the materials presented at these events.
9. Work cooperatively with the Central Valley Water Board to ensure that all Members are providing required information and taking necessary steps to address water quality exceedances or degradation identified by the Steering Committee or board. As part of the Membership List submittal, identify the growers known by the Steering Committee who have: (1) failed to implement improved water quality management practices within the timeframe specified by an applicable GQMP; (2) failed to respond to an information request from the Water Authority associated with any applicable GQMP or other provisions of this Order; (3) failed to participate as requested in Steering Committee studies for which the Steering Committee is the lead; (4) failed to provide confirmation of participation in an outreach event (per section IV.B.4 of this Order); or (5) otherwise failed to maintain good standing of their membership in the Steering Committee.
10. Ensure that any activities conducted on behalf of the Steering Committee by other groups meet the requirements of this Order. The Steering Committee is responsible for any activities conducted on its behalf.
11. Collect any fees from Members required by the State Water Board pursuant to the fee schedule contained in Title 23 of the California Code of Regulations. Such fees shall then be submitted to the State Water Board. The fees invoiced by the State Water Board will be based on the Membership List submitted by the Steering Committee. The Steering Committee is responsible for management of fee collection and payment of the State Water Board fees.

## **V. Effective Dates**

1. This Order is effective upon adoption by the Central Valley Water Board on 31 July 2015 and remains in effect unless rescinded or revised by the Central Valley Water Board.
2. Regulatory coverage for Dischargers can be obtained directly by becoming Members with the GDA Groundwater Quality Special Project.

3. Regulatory coverage under this Order is automatically terminated, if the Central Valley Water Board revokes the approval of the Steering Committee representing the Member's area.
4. After 28 December 2015, regulatory coverage for Dischargers who have not become Members of the GDA Groundwater Quality Special Project under section V.2 is effective upon notification by the Central Valley Water Board that this Order applies to the Discharger through the issuance of an NOA. The Central Valley Water Board shall only issue an NOA after it has received a Notice of Intent (NOI) as required by section VII.A, and after the Central Valley Water Board has received notification from the Steering Committee that the Discharger is a Member of the GDA Groundwater Quality Special Project. The Discharger must pay any applicable State Water Board administrative fees associated with the filing of NOIs.

#### **VI. Permit Reopening, Revision, Transfer, Revocation, Termination, and Reissuance**

1. This Order may be reopened to address any changes in state statutes, regulations, plans, or policies that would affect the water quality requirements for the discharges, including, but not limited to, the Basin Plan.
2. The filing of a request by the Steering Committee on behalf of itself or of its Members for modification, revocation and re-issuance, or termination of the Order, or notification of planned changes or anticipated noncompliance, does not stay any condition of the Order.
3. The Steering Committee, on behalf of its Members, shall provide to the Executive Officer any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating the Order, or to determine compliance with the requirements of this Order that apply directly to the Steering Committee. Members shall provide to the Executive Officer, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating the Order as applied to the individual Member, or to determine compliance with the provisions of this Order that apply directly to the Member.
4. After notice and opportunity for a hearing, the Order may be terminated or modified for cause as applied to individual Members identified by the Central Valley Water Board. Cause for such termination or modification, includes, but is not limited to:
  - a. Violation of any term or condition contained in the Order;
  - b. Obtaining Order coverage by misrepresentation; or
  - c. Failure to fully disclose all relevant facts.

A Member's regulatory coverage shall be automatically revoked if the Steering Committee's Membership application is not timely submitted (see section VII.A).

5. After notice and opportunity for a hearing, the approval of the Steering Committee to act as a lead entity representing Members may be partially (e.g., affected areas or Members) or fully revoked. Cause for such termination or modification includes, but is not limited to consideration of the factors in Finding 49 of this Order, and/or:
  - a. Violation of any term or condition contained in the Order that applies directly to the Steering Committee;
  - b. Steering Committee misrepresentation;
  - c. Failure by the Steering Committee to fully disclose all known relevant facts; or
  - d. A change in any condition that results in the Steering Committee's inability to properly function as the third-party entity representing Member interests or in facilitating Member compliance with the terms and conditions of this Order.

6. The Central Valley Water Board will review this Order periodically and may revise this Order when necessary.

## **VII. Required Reports and Notices – Member**

The Central Valley Water Board or the Executive Officer may require any of the following reports and notices to be submitted electronically as long as the electronic format is reasonably available to the Member, and only to the extent that the Member has access to the equipment that allows for them to submit the information electronically. If the Member does not have such access, reports and notices must be submitted by mail. Reports and notices shall be submitted in accordance with section IX, Reporting Provisions, as well as MRP Order R5-2015-0095. Due dates for Member required reports are summarized in Table 1 at the end of this Order. Members must prepare and maintain the following reports as instructed below, and shall submit or make available such reports to the Steering Committee or the Central Valley Water Board as identified below.

### **A. Notice of Intent / Membership Application**

1. Within 150 days of the adoption of the Order, growers in the GDA must become Members of the GDA Groundwater Quality Special Project to avoid additional fees and administrative requirements (see section VII.A.3 below). To obtain membership, a grower must submit a completed application for Membership under the GDA Groundwater Quality Special Project to the Steering Committee. As part of the membership application, growers must provide certification that they have provided written notice to any responsible non-Member parties of the Member's enrollment under this Order and of the requirements of this Order. Upon submittal of a complete application, the Steering Committee may confirm membership, after which the Member will be considered covered under this Order.
2. Beginning 151 days after adoption of the Order, any growers within Grassland Drainage Area boundaries that are not Members of the GBD Groundwater Quality Special Project must submit (1) a completed Notice of Intent (NOI) to the Central Valley Water Board to comply with the conditions of this Order, (2) any required State Water Board administrative processing fee for the NOI, and (3) an application for Membership under the GDA Groundwater Quality Special Project to the Steering Committee. Upon submittal of a complete NOI, and after receiving confirmation from the Steering Committee that the grower is now a Member, the Central Valley Water Board Executive Officer may then issue a Notice of Applicability (NOA), after which the Member will be considered covered under this Order. In lieu of issuing an NOA, the Executive Officer may deny the NOI and require the submittal of a report of waste discharge or issue an NOA for regulatory coverage under any applicable general waste discharge requirements for individual dischargers not represented by a third-party.
3. As an alternative to receiving regulatory coverage under this Order, a discharger may submit a report of waste discharge in accordance with the California Water Code section 13260 or a Notice of Intent for regulatory coverage under any applicable general waste discharge requirements for individual dischargers not represented by a third-party.

### **B. Farm Evaluation**

Members shall complete a Farm Evaluation and submit a copy of the completed Farm Evaluation to the Steering Committee according to the schedule below.<sup>26</sup> The Member must use the Farm Evaluation Template approved by the Executive Officer (see section VIII.B below). A copy of the Farm Evaluation shall be maintained at the Member's farming operations headquarters or primary

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<sup>26</sup> Any farm map or information on the location of wells on the farm does not need to be provided to the Water Authority .

place of business, and must be produced upon request by Central Valley Water Board staff. In addition, Members shall comply with the following requirements where applicable:

1. **All Members must submit the initial Farm Evaluation to the Steering Committee by 1 March 2017.**
2. **Additional Terms for Members in Low Vulnerability Areas (Groundwater)**  
Farm Evaluation must be updated and submitted to the Steering Committee every five years, starting on 1 March 2022.
3. **Additional Terms for Members in High Vulnerability Areas (Groundwater)**  
An updated Farm Evaluation must be prepared and submitted to the Steering Committee by 1 March 2018 and annually thereafter. As part of the Farm Evaluation, the Member shall provide information on any outreach events attended in accordance with section IV.B.4 of this Order.

After 1 March 2019, the Executive Officer may approve reduction in the frequency of updates and submission of Farm Evaluations, if the Steering Committee demonstrates that year to year changes in Farm Evaluation updates are minimal and the Executive Officer concurs that the practices identified in the Farm Evaluations are consistent with practices that, when properly implemented, will achieve receiving water limitations and, where applicable, achieve best practicable treatment or control.

#### C. Nitrogen Management Plan<sup>27</sup>

Members must prepare and implement a Nitrogen Management Plan and submit the Nitrogen Management Plan Summary Report for the previous crop year as described below. The Member must use the Nitrogen Management Plan Template provided by the Executive Officer (see section VIII.B below). The Nitrogen Management Plan and Nitrogen Management Plan Summary Report shall be maintained at the Member's farming operations headquarters or primary place of business. The Member must provide the Nitrogen Management Plan and Summary Report to board staff, if requested or, should board staff or an authorized representative conduct an inspection of the Member's irrigated agricultural operation. In addition, Members shall comply with the following requirements where applicable:

1. **All Members within a High Vulnerability Groundwater Area for Nitrate**  
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. The plan must be certified in one of the following ways:
  - Self-certified by the Member who attends a California Department of Food and Agriculture or other Executive Officer approved training program for nitrogen plan certification. The Member must retain written documentation of their attendance in the training program; or
  - Self-certified by the Member that the plan adheres to a site-specific recommendation from the Natural Resources Conservation Service (NRCS) or the University of California Cooperative Extension. The Member must retain written documentation of the recommendation provided; or
  - Certified by a nitrogen management plan specialist as defined in Attachment E of this Order. Such specialists include Professional Soil Scientists, Professional Agronomists, Crop

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<sup>27</sup> The requirement for a Nitrogen Management Plan does not apply to parcels that are operated exclusively as a managed wetland.

Advisors<sup>28</sup> certified by the American Society of Agronomy, or Technical Service Providers certified in nutrient management in California by the NRCS; or

- Certified in an alternative manner approved by the Executive Officer. Such approval will be provided based on the Executive Officer's determination that the alternative method for preparing the Nitrogen Management Plan meets the objectives and requirements of this Order.

**a. Deadlines for all Members in High Vulnerability Area for Nitrate**

By 15 April 2017, Members shall prepare, and update by 15 April annually thereafter, a Nitrogen Management Plan. Notwithstanding the provisions of section VII.C.1, members in High Vulnerability Areas are not required to prepare a certified NMP until 15 April 2018. By 15 April 2018, and by 15 April annually, thereafter, all Members shall submit to the Steering Committee the Nitrogen Management Plan Summary Report for the previous year.

**b. Deadlines for Members re-designated from Low Vulnerability to High Vulnerability Groundwater Areas**

Members with parcel(s) re-designated from low vulnerability to high vulnerability groundwater areas where nitrate is identified as a constituent of concern must prepare a Nitrogen Management Plan in compliance with this section (VII.C.1).<sup>29</sup> The schedule for certifying the Nitrogen Management Plan and submitting the initial Nitrogen Management Plan Summary Report will be established by the Executive Officer.

After 15 April 2020, the Executive Officer may approve reduction in the frequency of submission of Nitrogen Management Plan Summary Reports, if the Steering Committee demonstrates that year to year changes in Nitrogen Management Summary Reports are minimal and the Executive Officer concurs that the implemented practices are achieving the performance standard.

**2. Members within a Low Vulnerability Groundwater Area for Nitrate**

By 15 April 2019, all Members within low vulnerability areas, or within high vulnerability groundwater areas for which nitrate is not identified as a constituent of concern, shall prepare, and update by 15 April annually thereafter, a Nitrogen Management Plan. The Member must use the Nitrogen Management Plan Template provided by the Executive Officer (see section VIII.B below), or equivalent. Certification of the Nitrogen Management Plan and submittal of a Nitrogen Management Plan Summary Report are not required.

**D. Mitigation Monitoring**

As specified in this Order, certain Members are required to implement the mitigation measures included in Attachment C. Such Members shall submit mitigation monitoring by 1 March of each year to the Steering Committee. Mitigation monitoring shall include information on the implementation of CEQA mitigation measures, including the mitigation measure implemented, potential environmental impact the mitigation measure addressed, location of the mitigation measure [parcel number, county], and any steps taken to monitor the ongoing success of the measure.

**E. Notice of Termination**

If the Member wishes to terminate coverage under this Order and withdraw its membership from the GDA Groundwater Quality Special Project, the Member shall submit a complete notice of termination (NOT) to the Central Valley Water Board and the Steering Committee. Termination of regulatory

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<sup>28</sup> Should the California Department of Food and Agriculture and the California Certified Crop Adviser's establish a specific nitrogen management certification, any Certified Crop Adviser who certifies a nitrogen management plan must have a nitrogen management certification.

<sup>29</sup> The designation of the vulnerability area may change based on updates to the Groundwater Quality Assessment Report (see the MRP – Attachment B).

coverage will occur on the date specified in the NOT, unless the Central Valley Water Board specifies otherwise. All discharges of waste to groundwater shall cease before the date of termination, and any discharges on or after this date shall be considered in violation of the California Water Code, unless other WDRs or waivers of WDRs regulate the discharge.

### **VIII. Required Reports and Notices –Steering Committee**

The Central Valley Water Board or the Executive Officer may require any of the reports and notices to be submitted electronically, as long as the electronic format is reasonably available to the Steering Committee. The Steering Committee shall submit reports and notices in accordance with section IX, Reporting Provisions. Due dates for Steering Committee required reports are summarized in Table 1 at the end of this Order. The Steering Committee must prepare the following reports:

#### **A. Membership (Participant) List**

The Steering Committee shall submit a list of its Members to the Central Valley Water Board annually by 31 July of each year. The membership list shall identify Members. The list shall also identify growers that have had their membership revoked and Members that are pending revocation. The membership list shall contain, at a minimum, the following information for each member: all parcel numbers covered under the membership, the county of each parcel, the section, township, and range associated with each parcel, the number of irrigated acres for each parcel, the Member's name, mailing address, the contact name and phone number of the individuals authorized to provide access to the enrolled parcels, and the name of the farm operator for each parcel, if different from the Member. In lieu of providing Members' phone numbers as part of the membership list, the Steering Committee may provide the office contact name(s) and phone number(s) of a representative of the Steering Committee. Any listed Steering Committee office contact must be available for Central Valley Water Board staff to contact Monday through Friday (except established state holidays) from 8 am to 5 pm.

#### **B. Templates**

The Executive Officer will provide templates to the Steering Committee to distribute to its Members. The templates must be used to comply with the requirements of this Order, where applicable. Prior to providing the Steering Committee with the templates, the Executive Officer will provide the Steering Committee and other interested parties with thirty (30) days to comment on proposed templates. The following templates will be provided: groundwater related Farm Evaluation; Nitrogen Management Plan; and Nitrogen Management Plan Summary Report.

#### **C. Groundwater Quality Assessment Report and Evaluation/Monitoring Workplans**

This Order's strategy for evaluating groundwater quality and protection consists of 1) a Groundwater Quality Assessment Report, 2) a Management Practices Evaluation Program, and 3) a Groundwater Quality Trend Monitoring Program. Each of these elements has its own specific objectives briefly described below, with more detail provided in the attached MRP.

##### **1. Groundwater Quality Assessment Report**

The Groundwater Quality Assessment Report (GAR) provides the foundational information necessary for design of the Management Practices Evaluation Program, the Groundwater Quality Trend Monitoring Program, and the Groundwater Quality Management Plan. To accomplish this purpose, the GAR must include the following:

- Assessment of all available, applicable and relevant data and information to determine the high and low vulnerability areas where discharges from irrigated lands may result in groundwater quality degradation,
- Establish priorities for implementation of monitoring and studies within high vulnerability areas;
- Provide a basis for establishing workplans to assess groundwater quality trends;
- Provide a basis for establishing workplans and priorities to evaluate the effectiveness of agricultural management practices to protect groundwater quality; and

- Provide a basis for establishing groundwater quality management plans in high vulnerability areas and priorities for implementation of those plans.

The GAR shall include the elements described in MRP section III. The GAR shall be submitted to the Central Valley Water Board and Central Valley Salinity Coalition within one (1) year of approval of this Order.

## **2. Management Practice Evaluation Program Workplan**

Upon Executive Officer approval of the GAR, the Steering Committee shall develop, either solely, or as a coordinated effort (see group option below), a Management Practice Evaluation Program Workplan. The workplan must meet the goals, objectives, and other requirements described in section III of the attached MRP. The overall goal of the Management Practice Evaluation Program (MPEP) is to determine the effects, if any, irrigated agricultural practices have on groundwater under different conditions that could affect the discharge of waste from irrigated lands to groundwater (e.g., soil type, depth to groundwater, irrigation practice, crop type, nutrient management practice). A MPEP must address the conditions relevant to high vulnerability groundwater areas. The Steering Committee may develop the workplan in accordance with one of the options described below.

### **a. Management Practices Evaluation Program Group Option**

The Steering Committee may fulfill its requirements as part of a Management Practices Evaluation Program Group. A Management Practices Evaluation Program (MPEP) Group refers to an entity that is formed to develop and carry out the management practices effectiveness evaluations required of this and other Orders applicable to the irrigated lands in the Central Valley.

At the time the GAR is submitted, the Water Authority must submit a copy of the agreement of the parties included in the MPEP Group. The agreement must include a description of the roles and responsibilities of each of the organizations in the MPEP Group; identification of the technical experts who will prepare and implement the workplans, along with their qualifications; the person(s) responsible for the timely completion of the workplans and reports required by this Order; and an organizational chart showing the reporting relationships and responsibilities of the participants in the group.

The MPEP Group Workplan shall be submitted to the Central Valley Water Board within one (1) year after written approval of the GAR by the Executive Officer. Alternatively, the Steering Committee may indicate, as part of its GAR submittal, that the Steering Committee is participating in an MPEP Group and the Group Workplan will be submitted in accordance with the time frame of another Order applicable to irrigated lands in the Central Valley.

The Steering Committee may use the group option if approved by the Executive Officer. The Executive Officer may disapprove the use of the group option, if 1) the group fails to meet required deadlines or implement the approved workplans, 2) the agreement submitted is not complete, or 3) the agreement submitted is deficient.

### **b. Steering Committee Only Management Practices Evaluation Program**

Under this option, the Steering Committee MPEP Workplans shall be submitted to the Central Valley Water Board within one (1) year after written approval of the GAR by the Executive Officer.

## **3. Groundwater Quality Trend Monitoring Workplan**

Upon Executive Officer approval of the GAR, the Steering Committee shall develop a Groundwater Quality Trend Monitoring Workplan. The workplan must meet the goals, objectives, and other requirements described in section III of the attached MRP. The overall objectives of groundwater trend monitoring are to determine current water quality conditions of groundwater relevant to irrigated agriculture and develop long-term groundwater quality information that can be used to evaluate the

regional effects of irrigated agricultural practices. The workplan shall be submitted to the Central Valley Water Board within one (1) year after written approval of the GAR by the Executive Officer.

**D. Monitoring Report**

The Steering Committee shall submit the Monitoring Report to the Central Valley Water Board in accordance with the requirements in section IV.A of the MRP.

**E. Groundwater Quality Management Plan (GQMP)**

**1. GQMP General Requirements**

GQMPs submitted by the Steering Committee shall conform to the requirements provided in the MRP, Appendix MRP-1. The Executive Officer may require changes to a management plan if the current management plan approach is not making adequate progress towards addressing the water quality problem or if the information reported by the Steering Committee does not allow the Central Valley Water Board to determine the effectiveness of the management plan. Members shall comply with the revised management plans once they are approved by the Executive Officer.

The Steering Committee shall submit a newly triggered GQMP to the Central Valley Water Board within sixty (60) days. For any GQMP that addresses salt or nitrates, the GQMP shall also be submitted to the Chair of the CV-SALTS Executive Committee. This 60-day period begins the first business day after the third party's receipt of the field or laboratory results that reported the triggering exceedance. The Central Valley Water Board will post the proposed GQMP for a public review and comment period. Stakeholder comments will be considered by Central Valley Water Board staff to determine if additional revisions are appropriate. The Steering Committee may, at its discretion, implement outreach or monitoring contained in a proposed management plan before approval.

The Steering Committee shall ensure continued implementation of GQMPs until approved as completed by the Executive Officer pursuant to the provisions contained in the attached MRP, Appendix MRP-1, section III. The Steering Committee shall submit a progress report in compliance with the provisions contained in the attached MRP, Appendix MRP-1, section I.F.

**2. Conditions Requiring Preparation of GQMP**

A GQMP shall be developed by the Steering Committee where: (1) there is a confirmed exceedance<sup>30</sup> (considering applicable averaging periods) of a water quality objective or applicable water quality trigger limit (trigger limits are described in section V of the MRP) in a groundwater well and irrigated agriculture may cause or contribute to the exceedance; (2) in high vulnerability groundwater areas to be determined as part of the Groundwater Assessment Report process (see MRP section III); (3) the Basin Plan requires development of a groundwater quality management plan for a constituent or constituents discharged by irrigated agriculture; or (4) the Executive Officer determines that irrigated agriculture may be causing or contributing to a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses.

If the extent of Member contribution to a water quality exceedance(s) or degradation trend is unknown, the Steering Committee may propose activities to be conducted to determine the cause, or to eliminate irrigated agriculture as a potential source instead of initiating a management plan.

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<sup>30</sup> Exceedances of water quality objectives or water quality triggers will be determined based on available data and application of the appropriate averaging period. The averaging period is typically defined in in the Basin Plan, as part of the water quality standard established by the USEPA, or as part of the criteria being used to interpret narrative objectives. If averaging periods are not defined in the Basin Plan, USEPA standard, or criteria, or approved water quality trigger, the Central Valley Water Board will use the best available information to determine an appropriate averaging period.

Requirements for source identification studies are set forth in the MRP, Appendix MRP-1, section I.G.

### **3. GQMP Not Required**

At the request of the Steering Committee or upon recommendation by Central Valley Water Board staff, the Executive Officer may determine that the development of a GQMP is not required. Such a determination may be issued if there is sufficient evidence indicating that Members discharging waste to the affected groundwater are meeting the receiving water limitations in section III of this Order (e.g., evidence indicates that irrigated agriculture does not cause or contribute to the water quality problem).

### **4. Comprehensive Groundwater Quality Management Plan**

In lieu of submitting separate groundwater quality management plans in the timeframe identified in section VIII.E.1, the Steering Committee may submit a Comprehensive Groundwater Quality Management Plan 60 days after approval of the Groundwater Quality Assessment Report. With the exception of the timeframe identified in section VIII.E.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 Status 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.

### **F. Technical Reports**

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.

### **G. Notice of Termination**

If the Steering Committee wishes to terminate its role in carrying out the third-party responsibilities set forth in section VIII of this Order and other applicable provisions, the Steering Committee shall submit a notice of termination letter to the Central Valley Water Board and all of its Members. Termination of the Steering Committee will occur 30-days from submittal of the notice of termination letter, unless otherwise specified in the letter. With its notice of termination sent to its Members, the Steering Committee shall inform its Members of their obligation to obtain coverage under other WDRs or a waiver of WDRs for their discharges, or inform such Members that they shall cease all discharges of waste to groundwater.

### **H. Basin Plan Amendment Workplan**

In its Groundwater Quality Assessment Report, the Steering Committee may identify high vulnerability areas that do not meet water quality objectives and where groundwater quality likely would not support a designated beneficial use even in the absence of the discharge of waste. In such cases, the Steering Committee has the option of pursuing a basin plan amendment (or identifying an existing basin plan amendment process) to address the appropriateness of the beneficial use. Should the Steering Committee pursue this option, the Steering Committee shall submit a Basin Plan Amendment Workplan (BPAW) to the Central Valley Water Board within 180 days of the approval of the Groundwater Quality Assessment Report. The BPAW must include a demonstration that the groundwater proposed for de-designation meets any criteria set forth in the Basin Plan that the Board considers in making exceptions to beneficial use designations. The BPAW must be prepared in accordance with the requirements in section IV.B. of the MRP.

## IX. Reporting Provisions

1. Members and the Steering Committee must submit required reports and notices in accordance with the requirements in this Order and attached Monitoring and Reporting Program Order R5-2015-0095, unless otherwise requested by the Executive Officer.
2. All reports shall be accompanied by a cover letter containing the certification specified in section IX.3 below. The cover letter shall be signed by a person duly authorized under California law to bind the party submitting the report.
3. Each person signing a report required by this Order or other information requested by the Central Valley Water Board shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel or represented Members properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment for violations."*

4. All reports prepared and submitted to the Executive Officer in accordance with the terms of this Order will be made available for public inspection at the offices of the Central Valley Water Board, except for reports, or portions of such reports, subject to an exemption from public disclosure in accordance with California law and regulations, including the Public Records Act, Water Code section 13267(b)(2), and the California Food and Agriculture Code. If the Steering Committee or a Member asserts that all or a portion of a report is subject to an exemption from public disclosure, it must clearly indicate on the cover of the report that it asserts that all or a portion of the report is exempt from public disclosure. The complete report must be submitted with those portions that are asserted to be exempt in redacted form, along with separately-bound unredacted pages (to be maintained separately by staff). The Member/ Steering Committee shall identify the basis for the exemption. If the Executive Officer cannot identify a reasonable basis for treating the information as exempt from disclosure, the Executive Officer will notify the Member/ Steering Committee that the information will be placed in the public file unless the Central Valley Water Board receives, within 10 calendar days, a satisfactory explanation supporting the claimed exemption. Data on waste discharges, water quality, meteorology, geology, and hydrogeology shall not be considered confidential.
5. To the extent feasible, when the Executive Officer directs a Member to submit a report directly to the board, the report shall be submitted electronically to [irrlands@waterboards.ca.gov](mailto:irrlands@waterboards.ca.gov), unless the Member is unable to submit the report electronically. If unable to submit the report electronically, the grower shall mail or personally deliver the report to the Central Valley Water Board. All reports from the Steering Committee shall be submitted electronically to its Central Valley Water Board-assigned staff liaison. Upon notification by the Central Valley Water Board, all reports shall be submitted directly into an online reporting system, to the extent feasible.

## X. Record-keeping Requirements

The Member and the Steering Committee shall maintain any reports or records required by this Order for five years. Records maintained by the Steering Committee include reports and plans submitted by Members to the Steering Committee for purposes of complying with this Order. Individual Member information used by the Steering Committee to prepare required reports must be maintained electronically and associated with the Member submitting the information. The maintained reports or records, including electronic information, shall be made available to the Central Valley Water Board upon

written request of the Executive Officer. This includes all monitoring information, calibration and maintenance records of sampling equipment, copies of reports required by this Order, and records of all data used to complete the reports. Records shall be maintained for a minimum of five years from the date of sample, measurement, report, or application. This five-year period shall be extended during the course of any unresolved litigation regarding the discharge or when requested in writing by the Executive Officer.

## **XI. Annual Fees**

1. Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Board.
2. Members shall pay an annual fee to the State Water Board in compliance with the Waste Discharge Requirement fee schedule set forth at California Code of Regulations, title 23, section 2200. The Steering Committee is responsible for collecting these fees from Members and submitting them to the State Water Board on behalf of Members.

## **XII. Time Schedule for Compliance**

When a GQMP is required pursuant to the provisions in section VIII.E, the following time schedule shall apply as appropriate in order to allow Members sufficient time to achieve compliance with the groundwater receiving water limitations described in section III of this Order. The Central Valley Water Board may modify these schedules based on evidence that meeting the compliance date is technically or economically infeasible, or when evidence shows that compliance by an earlier date is feasible (modifications will be made per the requirements in section VI of this Order). Any applicable time schedules for compliance established in the Basin Plan supersedes the schedules given below (e.g., time schedules for compliance with salinity standards that may be established in future Basin Plan amendments through the CV-SALTS process, or time schedules for compliance with water quality objectives subject to an approved TMDL).

*Groundwater:* The time schedule identified in a GQMP for addressing the water quality problem triggering its preparation must be as short as practicable, but may not exceed 10 years from the date the GQMP is submitted for approval by the Executive Officer. The proposed time schedules in the GQMP must be supported with appropriate technical or economic justification as to why the proposed schedules are as short as practicable.

This Order becomes effective on 31 July 2015 and remains in effect unless rescinded or revised by the Central Valley Water Board.

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, sections 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 filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)  
or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 31 July 2015.

Original signed by

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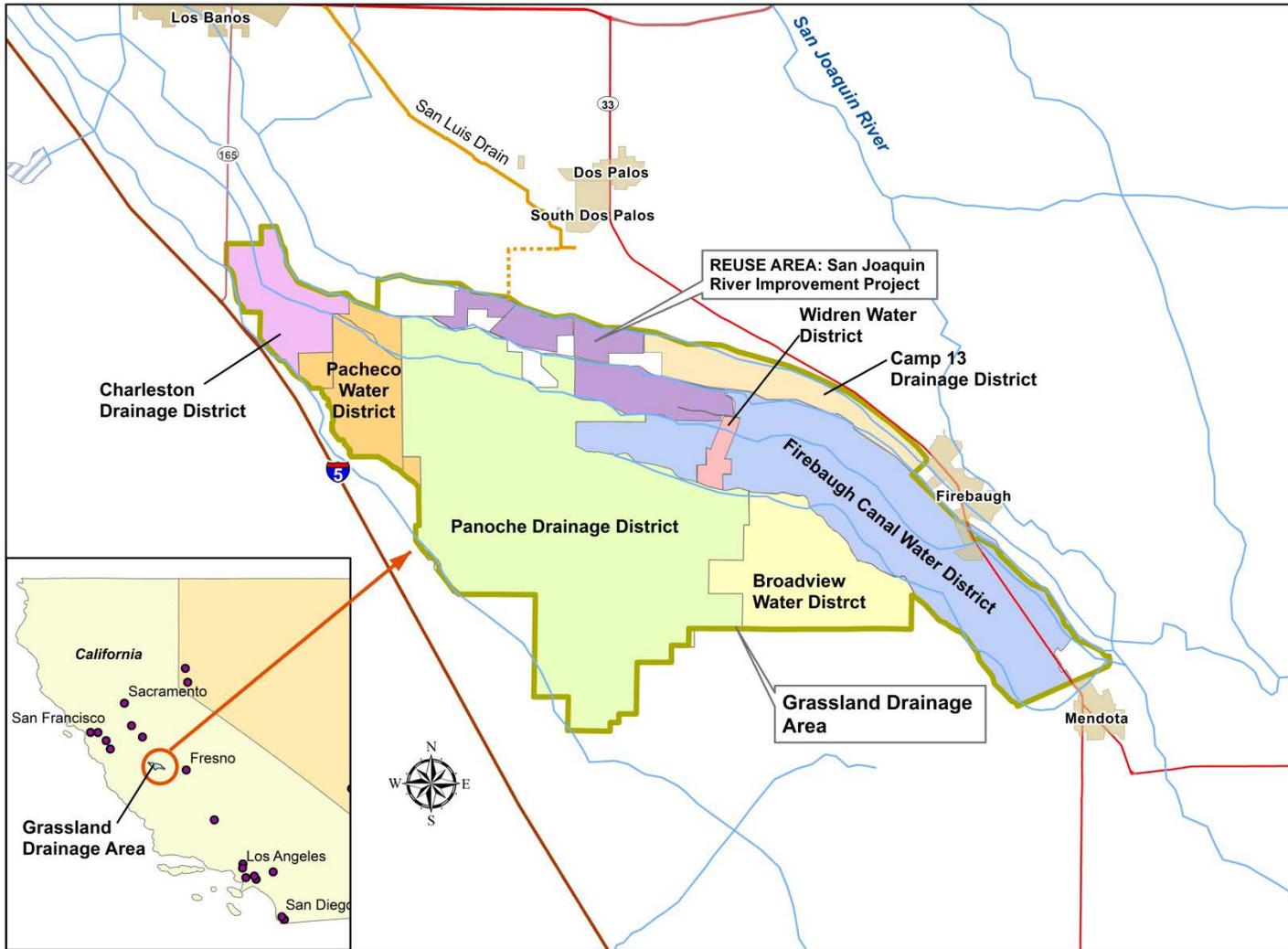
PAMELA C. CREEDON, Executive Officer

July 31, 2015

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Date

Figure 1. Map of Grassland Drainage Area



**Table 1. Summary of Steering Committee and grower deliverables, required timelines, and approximate due date based on the adoption of the Waste Discharge Requirements for Growers within the Grassland Drainage Area**

<b>Steering Committee Requirements</b>	<b>Due Date</b>
Provide Order requirements and describe confirmation process to members	90 days after Order approval
Comment on templates provided by the Executive Officer	30 days after Templates Provided by Executive Officer
Groundwater Quality Assessment Report (GAR) outline	90 days after Order approval
Groundwater Quality Assessment Report (GAR)	1 year after Order approval
Management Practices Evaluation Program (MPEP) Group Agreement	1 year after Order approval
<b>EO will review Groundwater Assessment Report (GAR)</b>	
Comprehensive Groundwater Quality Management Plan	60 days after GAR approval
Basin Plan Amendment Workplan	180 days from GAR approval
Trend Monitoring Workplan	1 year from GAR approval
Management Practices Evaluation Program (MPEP) Group Workplan	1 year from GAR approval
Membership List	31 July 2016, each year by 31 July
Groundwater QAPP	1 year from GAR approval
Summary of Farm Evaluation Management Practices	30 April 2018
Monitoring Plan Update	30 April, each year
Annual Report	30 April, each year
<b>Grower Requirements</b>	
Enrollment	within 150 days of Order approval
Farm Evaluations (submit to Steering Committee)	All members: prepare and submit by 1 March 2017 Low vulnerability areas: update and submit 1 March 2022 and every 5 years thereafter High vulnerability areas: update and submit 1 March 2018 and annually thereafter
Nitrogen Management Plan (keep on farm)	Low nitrate vulnerability area: prepare by 15 April 2019 and update annually. High nitrate vulnerability area: prepare by 15 April 2017, certified by 15 April 2018 and updated annually
NMP Summary Report (submit to Steering Committee)	High nitrate vulnerability area by 15 April 2018 and annually thereafter

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

**ATTACHMENT A  
INFORMATION SHEET**

**TO ORDER R5-2015-0094  
WASTE DISCHARGE REQUIREMENTS  
FOR**

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY  
AND  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION**

**AND**

**TO ORDER R5-2015-0095  
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
GROWERS IN THE GRASSLAND DRAINAGE AREA**

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**I. Overview**

Two separate orders are drafted to address discharges from the Grassland Drainage Area: one for surface water discharge to tributaries of the San Joaquin River - Waste Discharge Requirements for Surface Water Discharges from the Grassland Bypass Project, Order R5-2015-0094 (referred to as the “GBP Order”), and one for discharges to groundwater - to the Waste Discharge Requirements General Order for Growers in the Grassland Drainage Area, Order R5-2015-0095 (referred to as the “GDA Order”). The two orders complement each other.

This attachment is intended to provide information regarding the rationale for both orders, the relationship between the two orders, general information on surface water and groundwater monitoring that has been conducted, and a discussion of the integration of the two orders to meet required state policy. Table 1 summarizes the rationale for and key differences between the two orders.

**Table 1. Key aspects of the GBP Order and GDA Order**

	<b>Grassland Bypass Project (GBP) Order</b>	<b>Grassland Drainage Area (GDA) Order</b>
Order	Waste Discharge Requirements with discharge and receiving water limits set in the Basin Plan	General Order, ILRP with receiving water limitations based on beneficial use(s) of groundwater in the Order area
Discharge Location	To surface water (to Mud Slough via San Luis Drain)	To groundwater (area discharge to 97,400 acres in GDA)
Discharger	U.S. Bureau of Reclamation / San Luis & Delta-Mendota Water Authority	Growers in the GDA (commercial irrigated lands)
Water Quality Assessment	Water quality monitored at the point of discharge to surface water, and at receiving water compliance points	Groundwater quality trend monitoring and Management Practices Evaluation Program

The Grassland Bypass Project (GBP) has been under waste discharge requirements (WDRs) for surface water since 1998. The GBP WDRs regulate the discharge to surface water from the Grassland Drainage Area (GDA) for the duration of the Grassland Bypass Project. In the event the Grassland Bypass Project is extended, the GBP WDRs may also be extended if the Dischargers are able to demonstrate compliance with both the California Environmental Quality Act and the Endangered Species Act. Selenium is the main concern in the surface water discharge due to reproduction impacts on waterfowl. Selenium is a naturally occurring element in the soil and not a material added for crop production. All GBP WDRs were issued, including the current Order, WDR 5-01-234, to the U.S. Bureau of Reclamation (Bureau), owner of the San Luis Drain, and the San Luis & Delta-Mendota Water Authority (Water Authority) that represents member districts within the GDA. The GBP Order replaces Waste Discharge Requirements No. 5-01-234 (2001 Order) and is consistent with the current requirements in the *Water Quality Control Plan, Fourth Edition, for the Sacramento and San Joaquin River* (Basin Plan).

The Central Valley Regional Water Quality Control Board’s (Central Valley Water Board or “board”) Irrigated Lands Regulatory Program (ILRP) was initiated in 2003 as a conditional waiver of WDRs program to regulate discharges from irrigated commercial agricultural land to Central Valley surface waters. Since surface water discharges were already regulated under the GBP WDRs, the growers in the GDA were not regulated by the ILRP conditional waiver. In 2012, the Central Valley Water Board started issuing waste discharge requirements for discharges to surface water and groundwater for irrigated commercial agricultural land. Discharges to groundwater may include water soluble residue from agricultural operations, such as nitrates or pesticides.

The GDA Order is part of the ILRP and regulates discharge to groundwater by growers in the Grassland Drainage Area and is similar to other ILRP general orders in structure and organization for groundwater monitoring and reporting requirements. Under the GDA Order, growers will be required to obtain coverage for agricultural discharges to groundwater through a third-party entity, or apply for individual coverage.

### **A. Goals and Objectives of the Irrigated Lands Regulatory Program**

The goals and objectives of the GDA Order, which implements the long term ILRP for groundwater in Grassland Drainage Area, are described below. These are the goals described in the PEIR for the ILRP.<sup>1</sup>

*“Understanding that irrigated agriculture in the Central Valley provides valuable food and fiber products to communities worldwide, the overall goals of the ILRP are to (1) restore and/or maintain the highest reasonable quality of state waters considering all the demands being placed on the water; (2) minimize waste discharge from irrigated agricultural lands that could degrade the quality of state waters; (3) maintain the economic viability of agriculture in California’s Central Valley; and (4) ensure that irrigated agricultural discharges do not impair access by Central Valley communities and residents to safe and reliable drinking water. In accordance with these goals, the objectives of the ILRP are to:*

- *Restore and/or maintain appropriate beneficial uses established in Central Valley Water Board water quality control plans by ensuring that all state waters meet applicable water quality objectives.*
- *Encourage implementation of management practices that improve water quality in keeping with the first objective, without jeopardizing the economic viability for all sizes of irrigated agricultural operations in the Central Valley or placing an undue burden on rural communities to provide safe drinking water.*
- *Provide incentives for agricultural operations to minimize waste discharge to state waters from their operations.*
- *Coordinate with other Central Valley Water Board programs, such as the Grasslands Bypass Project WDRs for agricultural lands total maximum daily load development, CV-SALTS, and WDRs for dairies.*

*Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., California Department of Pesticide Regulation (DPR), the State Water Resources Control Board Division of Drinking Water Programs, the California Air Resources Board [ARB], the California Department of Food and Agriculture, Resource Conservation Districts [RCDs], the University of California Extension, the Natural Resources Conservation Service [NRCS], the USDA National Organic Program, CACs, State Water Board Groundwater Ambient Monitoring and Assessment Program, the U.S. Geological Survey, and local groundwater programs [SB 1938, Assembly Bill [AB] 3030, and Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.”*

## **II. Generalized Description of the Grassland Watershed and Grassland Drainage Area**

The Grassland watershed is a valley floor sub-basin of the San Joaquin River (SJR) Basin, covering an area of approximately 370,000 acres. Major land uses in the Grassland watershed include agriculture and managed wetlands. The Grassland Drainage Area (GDA) encompasses about 97,400 acres within the Grassland watershed, roughly between Los Banos to the north and Mendota to the south (Figures 1

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<sup>1</sup> PEIR, page 2-6

and 2)<sup>2</sup>. Permanent crops (nuts, grapes, and tree crops) make up about 12,000 acres (12%) of total acreage in the GDA. Other crops grown in the GDA may vary from year to year due to economic factors, water availability, contractual requirements, and weather. Top crops based on acreage in 2013 were tomatoes, wheat, cotton, alfalfa (Table 2). The approximate acreage in Table 2 also includes crops grown in the San Joaquin River Water Quality Improvement Project (SJRIP) which occupies about 6,000 acres within the GDA.

**Figure 1: Location of the Grassland Drainage Area**



(Figure provided by Summers Engineering, Inc.)

The Grassland watershed overlies the Delta-Mendota groundwater subbasin which consists of the Tulare Formation, terrace deposits, alluvium, and flood-basin deposits. The Grassland Drainage Area primarily overlies the Tulare Formation. The primary aquifer system occurs in unconsolidated alluvial and continental deposits of the Tulare Formation. The Tulare Formation is composed of beds, lenses, and tongues of clay, sand and gravel that have been alternately deposited in oxidizing and reducing environments. The Corcoran clay of this formation underlies the basin at depths ranging from 100 to 500 feet and acts as a confining bed.

<sup>2</sup> The Grassland Drainage Area for the Order differs slightly from the area defined in the 2009 Agreement for Use of the San Luis Drain (Use Agreement) between the Bureau and the Authority (see Figure 1 in the WDR).

Groundwater in the Delta-Mendota subbasin occurs in three water-bearing zones:

- the lower zone contains confined fresh water in the lower section of the Tulare Formation, beneath the Corcoran Clay layer;
- the upper zone contains confined, semi-confined, and unconfined water in the upper section of the Tulare Formation and younger deposits; and
- a shallow zone which contains unconfined water within approximately 25 feet of the ground surface.

Shallow, saline groundwater occurs within about 10 feet of the ground surface over a large portion of the subbasin. There are also localized areas of high iron, fluoride, nitrate, and boron in the subbasin.

The primary sources of groundwater recharge in the subbasin are from the percolation of applied irrigation water and from canals and water storage facilities. Some recharge occurs due to seepage losses along the San Joaquin River and infiltration of runoff from the Coast Ranges into tributary streams.

**Table 2: Primary crops grown and approximate acreage in Grassland Drainage Area\***

Land Use	Approximate Acreage
Fallow/Barren**	19,000
Tomatoes	17,000
Wheat	16,000
Cotton	12,000
Alfalfa	10,000
Almonds	6,000
Barley	3,000
Grapes	3,000
Pasture	3,000
Miscellaneous Crops	3,000
Pistachios	2,000
Rice	2,000
Pomegranates	1,000
<b>TOTAL</b>	<b>97,000</b>

\* Acreage estimates are from Summers Engineering based on the 2013 data in the USDA National Agricultural Statistics Service CropScape located at <http://nassgeodata.gmu.edu/CropScape/>

\*\* Includes 9,500 acres of non-irrigated land, some of which are dry-land farmed.

Soils on the west side of the SJR Basin are of marine origin and are fine-textured and saline, high in selenium and salts. The source of selenium in the GDA are sediments eroded through natural processes from the coastal range foothills that are mobilized through irrigation. Irrigation is necessary for nearly all crops grown commercially in the watershed. Approximately 9,500 acres in the GDA are not irrigated. Of the remaining 87,000 acres, 33,100 acres (~38%) utilize subsurface drainage systems to remove saline groundwater from the root zone of the irrigated crops and discharging that drainage to the Grassland Bypass channel. About 53,900 acres of irrigated agricultural land are not tile drained.

Irrigation without adequate drainage causes the shallow or perched water table to rise, leading to waterlogging and evapoconcentration of salts and trace elements in the crop root zone. Adding more irrigation water to dissolve and leach these salts into the shallow groundwater is necessary to maintain the salt balance in the root zone. Subsurface or tile drainage systems (Figure 3) are utilized to remove percolated irrigation water and the shallow groundwater from the field. The subsurface drainage from this area typically contains high concentrations of selenium and salts, and the GDA is the primary source of selenium to Mud Slough and the San Joaquin River. While selenium is the primary concern, the drainage also contains boron, molybdenum, and high levels of salts that can impact receiving waters.

Figure 2: Map of Grassland Watershed with Bypass Project

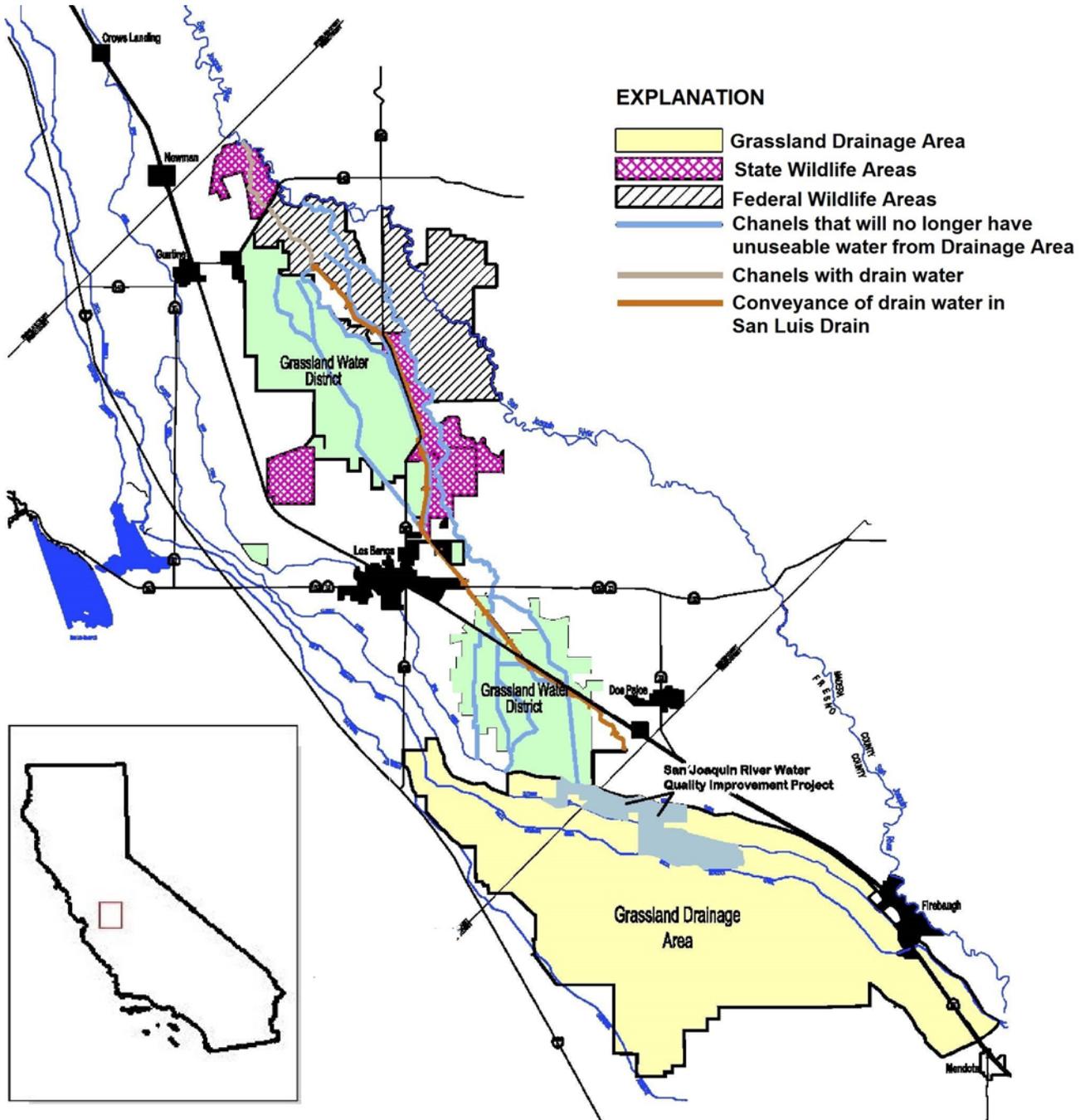
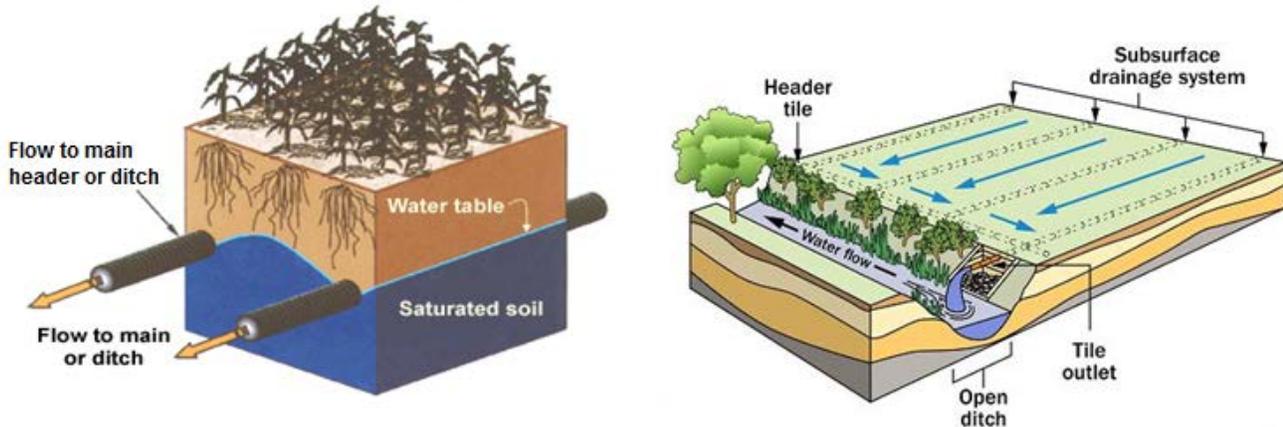


Figure modified from Final EIS/EIR for Grassland Bypass Project, 2010-2019, August 2009

**Figure 3: Subsurface (tile) drainage systems**



The tile drains are horizontal “pipes”, collecting the irrigation water and shallow groundwater to gravity-fed header tile drains that empty into open ditches or sumps that are pumped into a ditch. Tile drains are placed deep enough below the soil surface (about 7 to 8 feet in the GDA) to keep groundwater out of the crop root zone.

#### **A. Water Flow Before and After Grassland Bypass Project (GBP) Implementation**

The GBP was initiated as a means to control selenium in the Grassland Drainage Area, and is based upon an agreement between the Bureau and the Water Authority to use a segment of the San Luis Drain to convey agricultural subsurface drainage water from the GDA to Mud Slough (north), a tributary of the San Joaquin River.

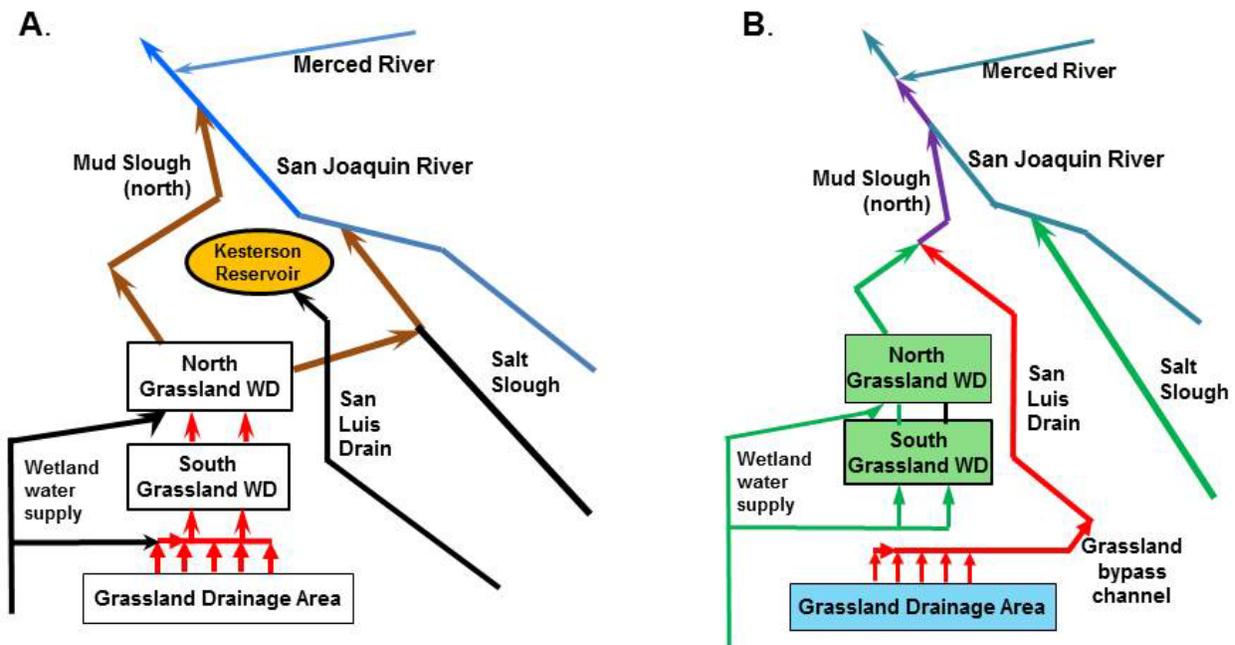
Historically, subsurface drainage from the GDA first travelled north to the southern section of the Grassland Water District along with the wetland water supply (Figure 4A shows a schematic of water flow in the Grassland area before the GBP). The drainage then moved to the northern section of the Grassland Water District. Depending on how water was routed, the subsurface discharge ended in Salt Slough or Mud Slough (north). Both Salt Slough and Mud Slough enter the San Joaquin River before the confluence of the Merced River.

In the 1980's as part of the Central Valley Water Project, the Bureau allowed the Westlands Water District located south of the GDA, to discharge subsurface drainage water into the San Luis Drain. Instead of being completed to the Delta as originally envisioned, the Drain terminated at Kesterson Reservoir, which was operated as a waterfowl refuge. The drainage water was high in selenium, and selenium bioaccumulated in waterfowl causing deformities and mortality. This raised concerns that selenium levels from subsurface drainage in the GDA could also impact waterfowl in the wetlands. In 1986 Westlands Water District ceased discharge into the San Luis Drain.

With the GBP implementation, subsurface agricultural drainage from approximately 33,100 acres in the GDA is routed to the San Luis Drain through the Grassland Bypass Channel. From there, it travels 28 miles to the Drain's terminus and discharges to Mud Slough (north), a point about six miles upstream of the San Joaquin River confluence (Figure 4B shows a schematic of the drainage flows with the GBP). The GBP effectively allows drainage water from the GDA to “bypass” approximately 93 miles of wetland supply channels, thereby, avoiding the discharge of high levels of selenium to managed wetlands, where waterfowl could be impacted.

During most of the year, the discharge primarily consists of subsurface agricultural drainage that is high in salts, selenium, boron, and other constituents that naturally occur in the soil. The GBP is also required to handle local stormwater runoff. The San Luis Drain has been blocked above the Grassland Bypass Channel at Russell Avenue to prevent the introduction of other flows.

**Figure 4: Water flow before (A) and after (B) Grassland Bypass Project implementation**



During major storm events, general surface runoff and stormwater flows may exceed the 150 cfs capacity of the Grassland Bypass Channel. During these major events, all of the commingled surface runoff, storm water flows and any subsurface agricultural drainage may be diverted temporarily to the Grassland Water District channels, ditches and sloughs that carried drainage water and stormwater runoff to the San Joaquin River prior to the GBP implementation. The procedures and monitoring required for such an event are outlined in “A Storm Event Plan for Operating the Grassland Bypass Project”<sup>3</sup> and in revised Monitoring and Reporting Program Order WDR 5-01-234<sup>4</sup>, and further detailed in section IV.9 of the MRP Order.

### III. Organization and Responsibilities

The GBP Order regulates the discharge of agricultural subsurface drainage and stormwater from the Grassland Drainage Area, to tributaries of the San Joaquin River. The waste discharge requirements are issued to the Bureau and the Water Authority. Discharge limits apply to the discharge at the terminus of the San Luis Drain, as well as receiving water limitations in Mud Slough (north) and the San Joaquin River.

The GDA Order is issued to growers that operate commercial irrigated lands, and regulates the discharges to groundwater from the leaching of irrigation water past the tile drains for those areas that use a subsurface drainage system; irrigation water from agricultural lands not tile drained; and stormwater percolating through saturated soil during major storm events. The GDA Order is similar to other ILRP general orders and contains receiving water limitations for groundwater.

<sup>3</sup> The Storm Event Plan was approved on 25 August 1997 by GDA farmers and the Water Authority.

<sup>4</sup> The process for the storm event notifications was incorporated in the revised MRP approved on 7 September 2001.

### **A. Grassland Bypass Project Order (GBP Order)**

The Water Authority, a joint powers agency organized pursuant to the California Government Code section 6500 *et seq.*<sup>5</sup>, represents its member districts that participate in the GBP. Seven contiguous member districts<sup>6</sup> of the Water Authority are located within the GDA. These districts supply or transport irrigation water and/or manage subsurface drainage within the GDA. The Water Authority and these districts have signed the Grassland Basin Drainage Management Activity Agreement (Activity Agreement) that allows the districts to implement the actions and monitoring necessary for compliance for the past and proposed GBP Order. The member districts have formed the Grassland Basin Drainage Steering Committee (Steering Committee) to operate the GBP and the member districts work with their growers to control the release of selenium and other constituents from the GDA.

For the GBP, a number of participating organizations, besides the Bureau, Water Authority and Central Valley Water Board, are involved in committees for GBP data collection, monitoring, and reporting: U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service, U.S. Geological Survey, National Marine Fisheries Service, California Department of Fish and Wildlife.

#### **1. Use Agreement for the San Luis Drain**

The GBP was implemented through an "Agreement for Use of the San Luis Drain" between the Bureau and the Water Authority. The Bureau, the owner of the San Luis Drain, allows the Water Authority, the operator, the use of the San Luis Drain to separate unusable agricultural drainage water discharged from the GDA from wetland water supply conveyance channels, and to facilitate drainage management that maintains the viability of agriculture in the GDA and promotes continuous improvement in water quality in the San Joaquin River. The Use Agreement sets the conditions for use of the San Luis Drain to transport subsurface drainage as listed below:

- the Water Authority is responsible for the operation and maintenance of the San Luis Drain, including preventing drainage flow south of Check 19<sup>7</sup>
- the Water Authority is responsible for ensuring only drainage water from the GDA enters the San Luis Drain and that such drainage water is controlled and monitored to ensure the quality and composition
- maximum rate of flow in the San Luis Drain shall be 150 cfs
- protection of China Island Wildlife Area in coordination with California Department of Fish & Wildlife Service

There have been three use agreements between the Bureau and the Water Authority since 1996:

- 1996 Use Agreement<sup>8</sup> (1 October 1996 to 30 September 2001, Water Years<sup>9</sup> 1997 to 2001). A Finding of No Significant Impact was adopted by the Bureau for the original project.
- 2001 Use Agreement<sup>10</sup> (1 October 2001 to 31 December 2009) following the completion of a Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR)<sup>11</sup>.

<sup>5</sup> A joint powers authority is an entity whereby two or more public authorities (e.g., local governments, or utility or transport districts), may jointly exercise any power common to all of them. The joint power authority has separate operating boards of directors that can be given any of the powers inherent in all of the participating agencies.

<sup>6</sup> The districts are the Charleston Drainage District, Pacheco Water District, Panoche Drainage District, Broadview Water District, Firebaugh Canal Water District, Widren Water District, and the Camp 13 Drainage District. Broadview Water District and Widren Water District remain within the GDA boundaries but no longer participate in or discharge to the GBP.

<sup>7</sup> North of Check 19 is where the Grassland bypass channel enters the San Luis Drain.

<sup>8</sup> Agreement No. 6-07-20-21319.

<sup>9</sup> A water year is defined as a 12 month time period from 1 October of one year to 30 September of the next. The water year is designated by the calendar year in which it ends (the year within which 9 of the 12 months fall).

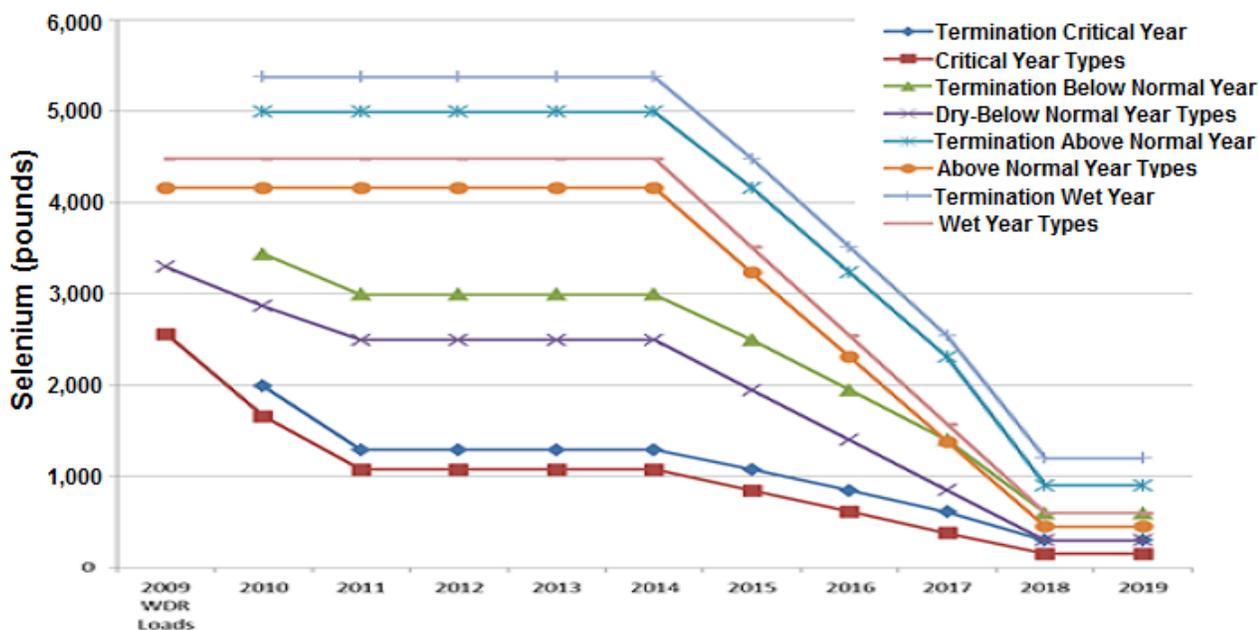
<sup>10</sup> Agreement No. 01-WC-20-2075

<sup>11</sup> URS, 2001. *Grassland Bypass Project Environmental Impact Statement and Environmental Impact Report*. Final May 25, 2001. Prepared for U.S. Bureau of Reclamation, Sacramento and Fresno, CA. and San Luis & Delta-Mendota Water Authority, Los Banos, CA.

- 2009 Use Agreement<sup>12</sup> (1 January 2010 through 31 December 2019). The Water Authority and Bureau prepared an Environmental Impact Statement/Environmental Impact Report (EIS/EIR)<sup>13</sup> that was finalized in August 2009, when the Water Authority certified the document and Bureau adopted its Record of Decision<sup>14</sup> to continue the GBP. The third Use Agreement terminates the contract to use the San Luis Drain on 31 December 2019.

The last two Use Agreements include salt load limits as well selenium load limits, as well as financial incentives so that if load limits are not met, then “fees” are paid by the GDA growers to a fund dedicated for projects approved by the Oversight Committee<sup>15</sup>. Fees are calculated by the Bureau of Reclamation for the attributable discharge for each year and month. The annual selenium load values are designed to meet the total maximum daily load (TMDL) for the San Joaquin River in all water year types by water year 2011.<sup>16</sup> The current Use Agreement provides for project termination if annual selenium loads from the GBP exceed certain values. Figure 5 shows the annual selenium loads required by the water year type (critical, below normal, above normal and wet) with the corresponding negotiated values for termination of the project.<sup>17</sup> The graph shows a decrease in the annual selenium loads for each water year type until 2019 when the current Use Agreement expires, and by when selenium loading must comply with the water quality objectives in Mud Slough.

**Figure 5: Use Agreement Annual Selenium Loads and Termination Loads by Water Year Type**



<sup>12</sup> Agreement No. 10-WC-20-3975, finalized 17 December 2009.  
<sup>13</sup> Entrix, 2009. *Grassland Bypass Project, 2010-2019, Environmental Impact Statement and Environmental Impact Report*. Final August 2009. Concord, CA. Prepared for: U.S. Bureau of Reclamation, South Central California Office and Mid-Pacific Region; and San Luis & Delta-Mendota Water Authority, Los Banos, CA.  
<sup>14</sup> Bureau of Reclamation, 18 December 2009, Record of Decision Grassland Bypass Project, 2010-2919.  
<sup>15</sup> The Oversight Committee is made up of representatives from the Bureau, USFWS, CDFW, USEPA and the Central Valley Water Board. Among the Oversight Committee’s duties, as defined in the Use Agreement, is to review progress and operation of the project including drainage reduction goals, progress in achieving water quality objectives, monitoring data, etc. The Oversight Committee makes recommendations to other parties, as appropriate, regarding all aspects of the project, including modifications to project operation, appropriate mitigative actions, and termination of the Agreement if necessary.  
<sup>16</sup> Selenium load limits have been met for the San Joaquin River below the confluence with the Merced River. The selenium water quality objectives in Mud Slough (north) have not been met.  
<sup>17</sup> The Oversight Committee may overrule the termination if it finds, after consultation with other parties, the Water Authority has shown the exceedance was caused by unforeseeable and uncontrollable events.

Each Use Agreement also includes extensive biological monitoring and water quality monitoring beyond monitoring requirements in the previous and proposed GBP WDRs. The EIS/EIR requires a program for monitoring and reporting of mitigation measures that are the responsibilities of the lead agencies (the Dischargers) to implement. The Dischargers describe the status of the mitigation measures stated in the Use Agreement and in the Record of Decision (ROD) for the EIS/EIR through published annual reports.

## 2. Water Board Involvement

In 1988, the Central Valley Water Board adopted an amendment to the Basin Plan, establishing a selenium control program. Some improvements in water quality in the San Joaquin River resulted, but selenium levels in the wetland water channels did not improve.

In 1992, the U.S. Environmental Protection Agency promulgated 5 µg/L as the water quality standard for selenium in the San Joaquin River and its tributaries. In November 1995, the Central Valley Water Board received a letter from the Water Authority, U.S. EPA and U.S. Fish and Wildlife Service (commonly referred to as the Consensus Letter) recommending adoption of a Basin Plan amendment that would develop a long-term strategy to achieve compliance with the selenium water quality objectives for the San Joaquin River and its tributaries, and that the Central Valley Water Board issue waste discharge requirements to implement the strategy. The Consensus Letter also contained recommendations for specific numerical monthly and annual discharge limits which would provide for measurable reduction in selenium load.

In 1996 the Central Valley Water Board amended the Basin Plan to address selenium in the San Joaquin River, Salt Slough, Mud Slough, and wetland supply channels in the Grassland watershed. The amendment indicated that WDRs would be used to regulate discharges to surface water and included time schedules, performance goals and water quality objectives. The control actions were designed to achieve the following in the order of priority:

1. Separate subsurface agricultural drainage containing high levels of selenium from sensitive wildlife areas.<sup>18</sup>
2. Obtain compliance with selenium water quality objectives in the San Joaquin River downstream of the Merced River confluence.<sup>19</sup>
3. Obtain compliance with the selenium objectives in Mud Slough downstream of the San Luis Drain outfall and in the San Joaquin River from its confluence with Mud Slough to the confluence with the Merced River.<sup>20</sup>

The first goal was achieved through the implementation of the GBP and is reinforced by a prohibition of discharge in the GBP WDRs for the project. The second goal has been achieved through selenium load reduction measures implemented by the GDA growers – Salt Slough and the stretch of the San Joaquin River downstream of the Merced are no longer listed as impaired by selenium. The third goal has not yet been achieved, although compliance with the selenium objectives in Mud Slough and in the River are met in some months. The GBP Order and the Basin Plan require that the third goal be met by 31 December 2019.

In 1998, the Central Valley Water Board issued WDR 98-171 for the GBP to the Water Authority<sup>21</sup> and the Bureau (Dischargers). The Monitoring and Reporting Program (MRP) 98-171 required that the

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<sup>18</sup> Water quality objectives for Salt Slough and wetland water supply channels listed in Appendix 40 are a 2 µg/L monthly mean.

<sup>19</sup> Basin Plan water quality objectives for selenium are 12 µg/L (maximum concentration) and 5 µg/L (4-day average) in the San Joaquin River from the mouth of the Merced River to Vernalis.

<sup>20</sup> Basin Plan water quality objectives for selenium in Mud Slough (north) and the San Joaquin River from Sack Dam to the Merced River have a 5 µg/L 4-day average.

Dischargers monitor and report as described in *Compliance Monitoring Program for Use and Operations of the Grassland Bypass Project*<sup>22</sup>. MRP 98-171 also included monitoring for molybdenum at specific locations<sup>23</sup>, monitoring during storm events<sup>24</sup>, and set discharge limits for selenium monthly and annual loads as stated in the Consensus Letter for the 1998 Order. The 1998 Order also required the annual reporting of the Long-term Drainage Management Plan (LTDMP) that would address activities related to management of subsurface drainage from 1 October 2001 to the time the discharges are in compliance with the Basin Plan.

During the five-year period the 1996 Use Agreement was in effect, the Use Agreement required a 15 percent reduction of selenium from the average historical load to the San Joaquin River by the 5<sup>th</sup> year; however, in the subsequent Use Agreements additional reductions in the selenium load were required to continue improvements to the San Joaquin River water quality and meet selenium requirements in the 1998 Basin Plan.

WDR 5-01-234 was issued in 2001.<sup>25</sup> MRP 5-01-234 attached to the 2001 GBP Order specified monitoring for general parameters<sup>26</sup>, selenium, boron, molybdenum, nitrates and aquatic toxicity testing at specific sites with set schedule and frequency. Stormwater monitoring was required during storm events when the GBP may not be able to accommodate all surface runoff, stormwater flows, and agricultural drainage water. The stormwater monitoring was required to determine the effect of GDA discharge diversion to Grassland and wetlands channels. The GBP Order also included continued reporting of the LTDMP on an annual basis.

Selenium loads limits<sup>27</sup> were established for discharge to the San Joaquin River and waste discharge requirements were used to control discharges of subsurface agricultural drainage from the GDA. The compliance timetable gave the Dischargers deadlines to meet the selenium objective in the San Joaquin River and various channels, including Salt Slough and Mud Slough (north).<sup>28</sup> There was also a prohibition of discharge effective 1 October 2010 for subsurface agricultural drainage discharges unless selenium water quality objectives were being met.

In 2004, a Basin Plan amendment for the control of salt and boron in the San Joaquin River was adopted by the board. The amendment includes allocations of salt loads for the Grassland watershed.

In 2010, the Basin Plan was amended to extend the compliance dates for the selenium objective in Mud Slough (north) and the San Joaquin River upstream of the Merced River from 2010 to 2019. With that amendment, the board recognized that, despite the best efforts of the GDA growers and districts in significantly reducing selenium loads, there was just not enough dilution to meet objectives in the receiving waters and additional time was needed to implement solutions.

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<sup>21</sup> The San Luis & Delta-Mendota Water Authority is a joint powers agency organized pursuant to the California Government Code Section 6500 *et seq.*

<sup>22</sup> Dated September 1996 and required as part of Use Agreement No. 6-07-20-21319.

<sup>23</sup> Molybdenum was added for Sites B, C and D on a monthly basis.

<sup>24</sup> Selenium samples collected and flow to be measured for all discharge sites (J, K, L2 and M2,) as well as Sites F and D.

<sup>25</sup> WDR 5-01-234 was 7 September 2001.

<sup>26</sup> General parameters included flow, pH, electrical conductivity and temperature.

<sup>27</sup> Load limits for selenium were based on water year classification established using the best available estimate of the 60-20-20 San Joaquin Valley water year hydrologic classification (as defined in Footnote 17 for Table 3 in the State Water Resources Control Board's *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary*, May 1995) at the 75% exceedance level using data from the Department of Water Resources Bulletin 120 series. The previous year's classification will apply until an estimate is made of the current water year.

<sup>28</sup> Salt Slough and the wetland channels had a deadline of 10 January 1997 to meet 2 µg/L selenium, monthly mean; Mud Slough (north) and the San Joaquin River from Sack Dam to the Merced River had a 1 October 2010 deadline to meet 5 µg/L (4-day average); and the San Joaquin River below the Merced River (above normal and wet water years) a deadline of 1 October 2005 at 5 µg/L (4-day average), with critical, dry and below normal water years a deadline of 1 October 2010 at 5 µg/L (4-day average).

Since the 2001 GBP Order, the ILRP was initiated in the Central Valley to monitor and evaluate the effect irrigated agriculture has on surface water quality; requirements for groundwater were added to ILRP Orders starting with 2012. Waste discharge requirements to groundwater in the Grassland Drainage Area will be covered by the ILRP in the GDA Order.

## **B. Grassland Drainage Area Order (GDA Order)**

In the GDA Order, the Steering Committee is recognized by the board as a third-party entity to represent the GDA growers under the umbrella of the Water Authority<sup>29</sup>. The Steering Committee, using the Activity Agreement which allows outside parties to participate in projects, will implement a GDA Groundwater Quality Special Project that will allow the GDA growers to join as participants. The Steering Committee will assist the farmers of irrigated lands in the GDA in complying with the relevant terms and provisions of the GDA Order, including required monitoring and reporting.

### **1. GDA Grower Enrollment Process**

GDA growers will have approximately five months after the GDA Order adoption to submit a completed application for membership under the GDA Groundwater Quality Special Project to the Steering Committee and will be notified when their membership is approved.

Growers that do not enroll within the allowable timeframe, or are prompted to apply due to Central Valley Water Board enforcement or inspection, will be required to submit (1) a Notice of Intent (NOI) to comply with the terms and conditions of the Order to the Central Valley Water Board, (2) an administrative processing fee for the increased workload associated with the grower outreach (as applicable), and (3) an application for membership under the GDA Groundwater Quality Special Project to the Steering Committee. These additional steps of submitting an NOI and fee directly to the board after the initial enrollment deadline are intended to provide an incentive for growers to enroll promptly. Board staff will provide the Steering Committee with a courtesy copy of the NOA when issued to the grower, so the Steering Committee has confirmation that their grower has received regulatory coverage under the Order.

By 31 July 2016 and every year thereafter the Steering Committee will provide a Membership List to the Central Valley Water Board. The Membership List will specify growers in good standing as well as revoked memberships or pending revocations. The Membership List will also aid in identifying and reaching out to new owners in the case of ownership change. Because pending and revoked memberships could be associated with grower non-compliance with the GDA Order, this type of information is key for the board to prioritize follow-up activities. Board staff will conduct enforcement activities as needed using the list of revoked/pending revocations.

## **IV. Surface Water Monitoring History of GBP**

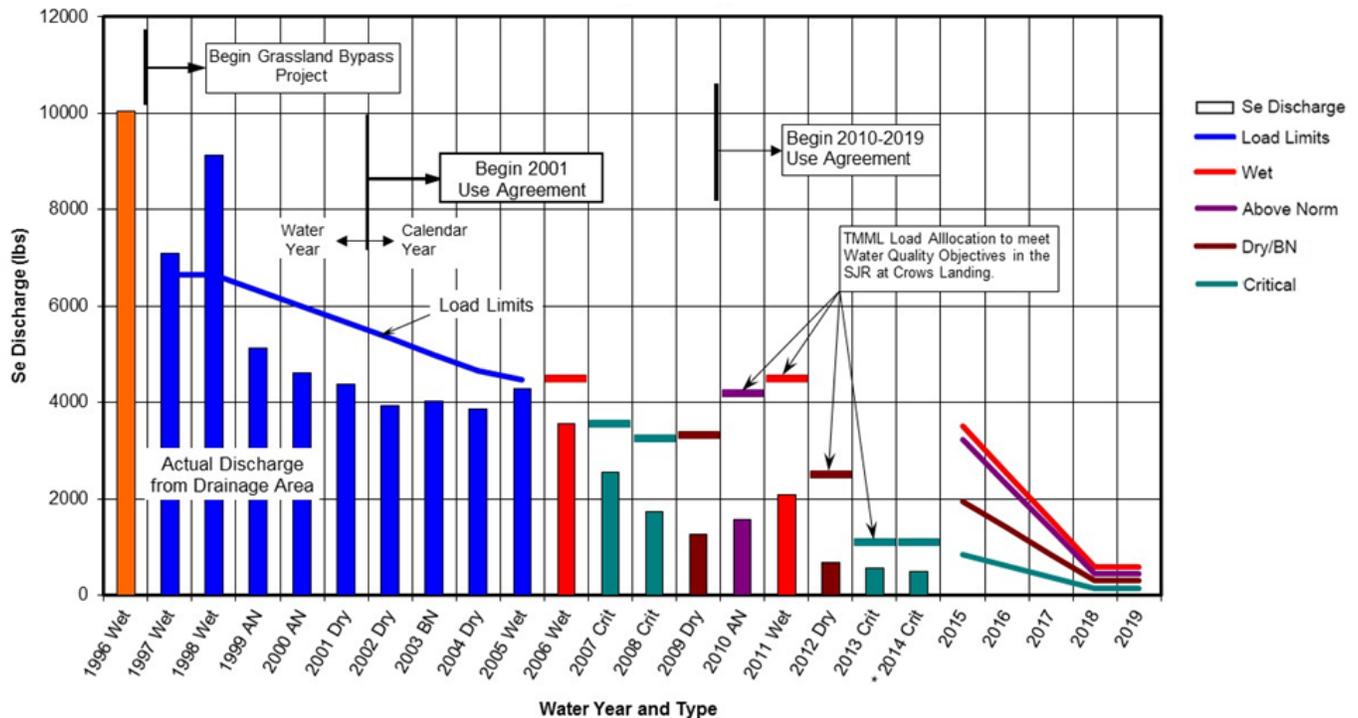
Initial selenium compliance monitoring for the GBP started in 1995 and was performed by the Central Valley Water Board until 2011, when the Bureau assumed these duties. Monthly, quarterly, and annual reports are posted for all GBP monitoring on the San Francisco Estuary Institute (SFEI) website at <http://www.sfei.org/gbp/reports>

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<sup>29</sup> In this case, the Grassland Basin Drainage Management Activity Agreement (Activity Agreement) between the water and irrigation districts in the GDA and the San Luis & Delta-Mendota Authority allows the Steering Committee, a separate entity under the joint powers authority, to represent the GDA farmers as participants in the ILRP. The GDA farmers must apply to join the GDA Groundwater Quality Special Project, an activity that will be part of the Activity Agreement, which would allow the Steering Committee to represent the GDA farmers and implement the monitoring and reporting required for the GDA Order. This situation parallels the authority of the Westside Coalition Group under the umbrella of the San Joaquin Valley Drainage Authority.

Previous GBP monitoring sites targeted selenium concentrations to determine compliance with selenium load limits set within the Use Agreements and the corresponding WDRs. Monthly load limits for selenium were also calculated based on the category of water year, historical monitoring data, the TMDL allocations, and required water quality objectives. Figure 6 shows the selenium discharged from the Grassland Drainage Area on an annual basis, with the limits set by the water year type. Water Year 2011 was a wet year that met the TMDL requirements for a dry-below normal year type.

**Figure 6: Grassland Drainage Area – Selenium Discharge and Targets**

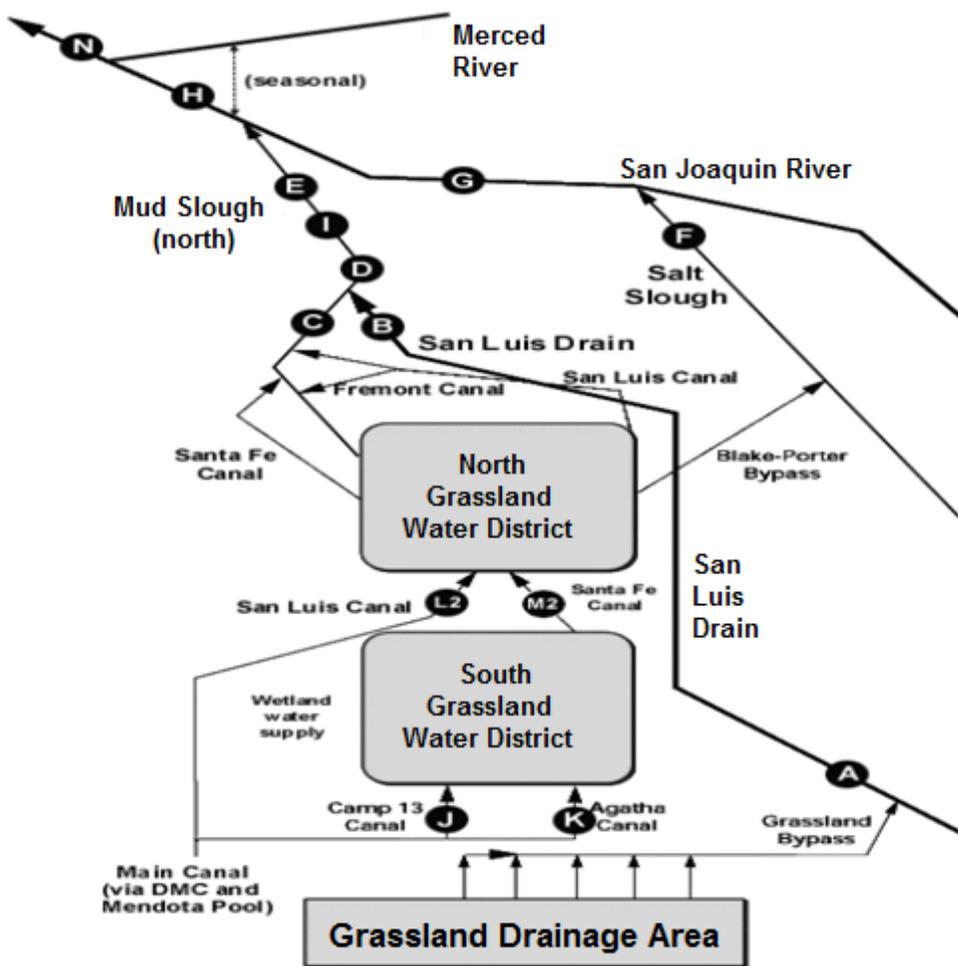


Historically, monitoring has consistently occurred at four areas with at least one monitoring location: 1) the San Luis Drain; 2) Mud Slough (north); 3) the wetlands channels; and 4) the San Joaquin River. The monitoring program has included sampling upstream and downstream sites (shown in Table 3) to determine selenium loading from the GBP and possible other contributors to the total selenium load. Selenium monitoring has historically occurred at Mud Slough (north) upstream of the San Luis Drain discharge (Station C) to determine wetlands contribution; Mud Slough (north) downstream of the San Luis Drain (Station D) to determine total discharge from the GBP and wetlands to Station D; and the GBP contribution to the selenium load by sampling in the San Luis Drain before discharge to Mud Slough (Station B). San Joaquin River monitoring has occurred downstream of the Mud Slough discharge (Stations H and N) to determine the GBP's and wetland contribution to the river before and after confluence with the Merced River. Figure 7 is a schematic showing the location of these sites.

Additional monitoring sites under the Use Agreement included areas within the San Luis Drain (Station A), Salt Slough and other wetlands water supply channels (Stations F, J, K, L2, M2), and the San Joaquin River at Fremont Ford (Station G). These sites are still being monitored under the Use Agreement MRP, but on a less frequent schedule or during major storm events. Salt Slough monitoring was reduced since the Basin Plan selenium water quality objective<sup>30</sup> was achieved and the channel has been delisted for selenium.

<sup>30</sup> Water quality objective was 2 µg/L selenium (monthly mean) in Salt Slough and wetland water supply channels.

**Figure 7: Schematic of Past GBP Monitoring Sites**



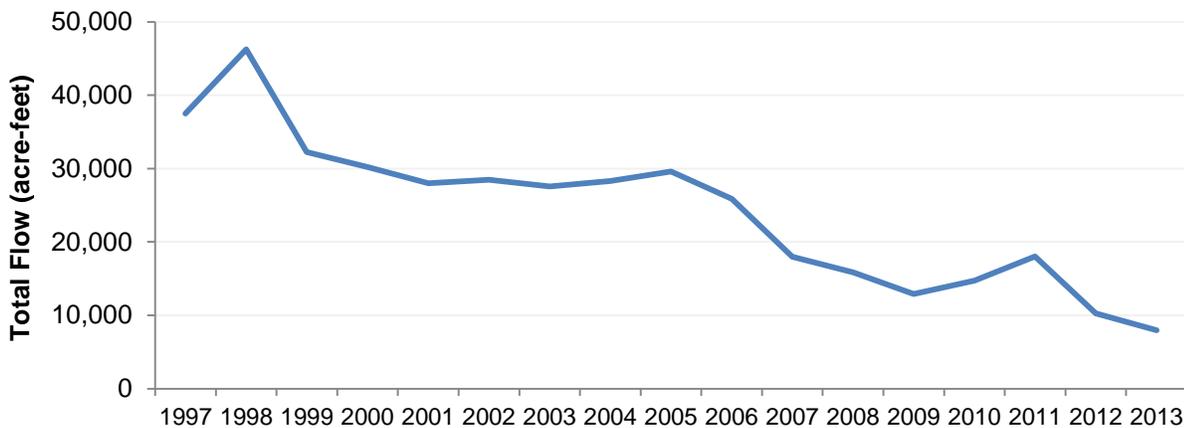
**Table 3: Historic Monitoring Sites of the GBP**

Feature	CEDEN Code	Station	Location	Latitude	Longitude
San Luis Drain	541MER562	A	Check 17	36.96658 N	-120.67063 W
	541SLDGCR	B3	Gun Club Road	37.23159 N	-120.87599 W
	541MER535	B2	SLD @ Terminus	37.25944 N	-120.90389 W
Mud Slough (north)	541MER536	C	Upstream of SLD Terminus	37.25417 N	-120.9069 W
	541MER542	D	Downstream of SLD	37.26389 N	-120.90611 W
	MSBWSI2	I2	Backwater below SLD	37.27241 N	-120.90975 W
Wetlands channels (*storm only)	541MER531	F	Salt Slough @ Lander Ave	37.24861 N	-120.85111 W
		F2	Salt Slough in San Luis NWR	37.21765 N	-120.83147 W
	541MER505	J*	Camp 13 Drain, headworks	36.94083 N	-120.75611 W
	541MER506	K2*	Agatha Canal, headworks	36.93667 N	-120.70194 W
	541MER563	L2*	San Luis Canal upstream of Splits	37.09167 N	-120.82306 W
	541MER545	M2*	Santa Fe Canal @ Weir Rd	37.09889 N	-120.82667 W
	541MER538	G	Fremont Ford (upstream of Mud Slough confluence)	37.30944 N	-120.92917 W
	541STC512	H2	Above Merced River (Hills Ferry)	37.34250 N	-120.97222 W
	535STC504	N	Crows Landing	37.43149 N	-121.01341 W

### A. Surface Water Monitoring Results

Past monitoring results are summarized in this section for the following parameters that are of concern: selenium, boron, molybdenum, salts (as indicated by electrical conductivity measurements). Since GBP implementation, the discharge from the GDA has decreased significantly, and was 72% lower in 2012 compared to total flow in 1997 (Figure 8). The decrease in flow is likely due to the combined result of water delivery infrastructure improvements, irrigation system modernization, and reuse activities for subsurface drainage.

**Figure 8: Discharge from the Grassland Drainage Area, Years 1997 to 2013**



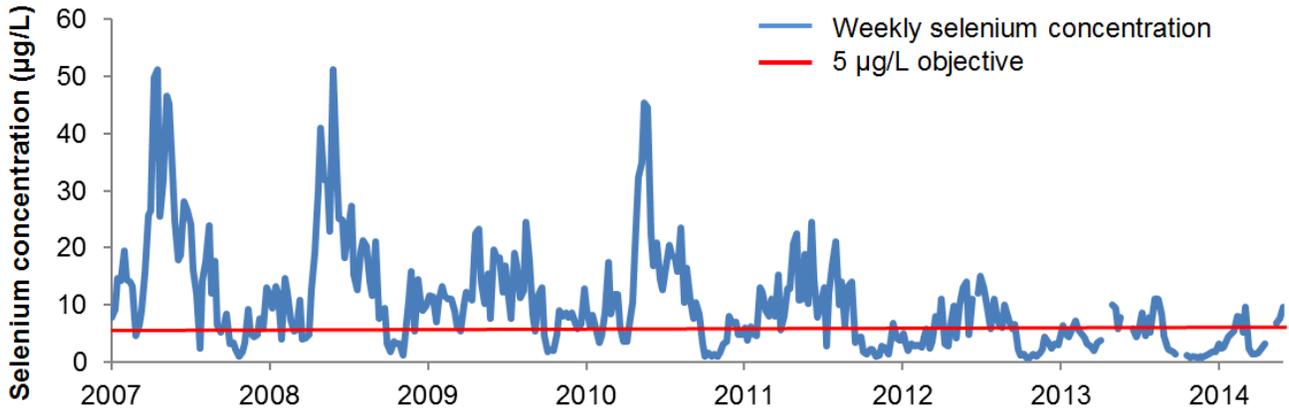
#### 1. Selenium

The selenium load has decreased approximately 80%<sup>31</sup> since the start of the program. In addition to the decrease in discharge volume from the GDA, the monthly average of selenium concentrations at Mud Slough (north) downstream of the Drain (Station D) decreased from 2007 to 2013 (Figure 9). Daily monitoring results for selenium in the San Joaquin River at the Basin Plan compliance point (Crows Landing, Site N) also show the selenium concentration decrease (Figure 10).

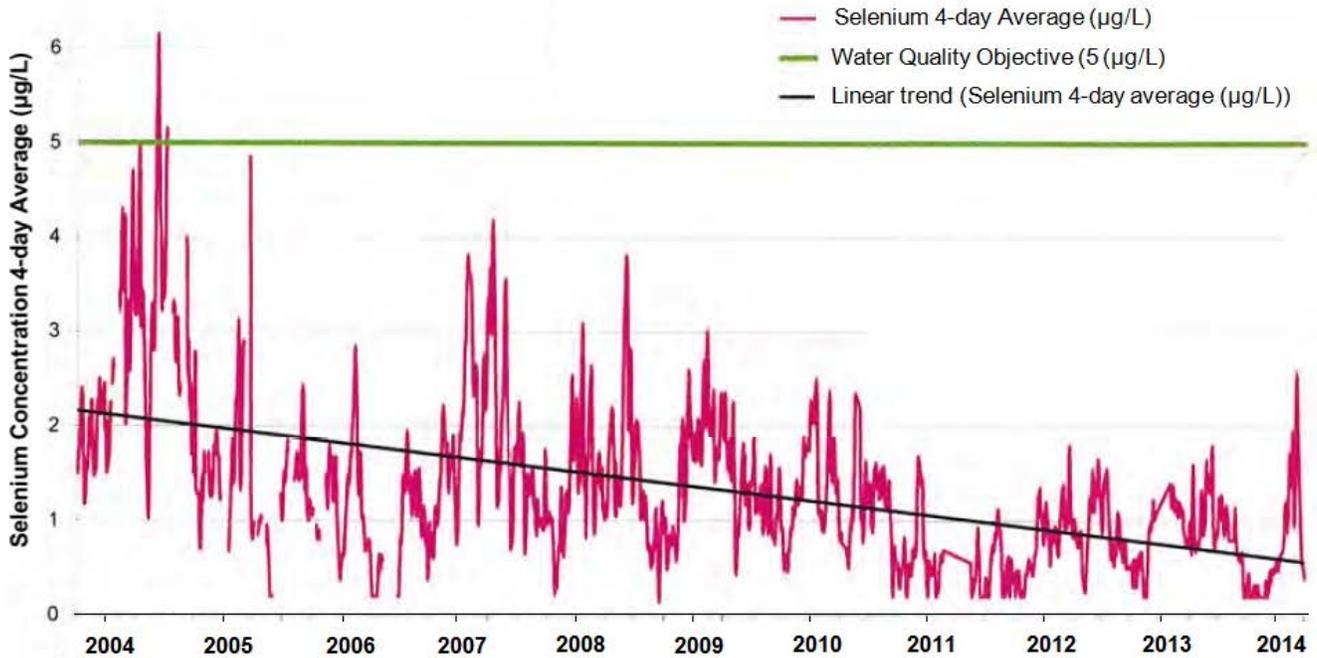
Elevated selenium concentration in wetlands has been a major issue addressed by the GBP. Selenium concentrations within the wetland channels have decreased significantly with rerouting of the subsurface drainage. Salt Slough and wetland water supply channels listed in Appendix 40 of the Basin Plan have a 2 µg/L (monthly mean) selenium objective. Selenium concentrations in Salt Slough have been below the 2 µg/L objective since 1998, and the Slough has been removed from the 303(d) list for selenium (Figure 11). In wetland supply channels to the south Grassland Water District, and to the north Grassland Water District, selenium exceeds the water objective generally during the rainy season when other sources, such as storm runoff from upstream sources, are introduced into the channels (Figure 12). Although all drainage from the GDA is directed to Bypass during the irrigation season, other drains in the area outside of the GDA can cause selenium concentrations over water quality objectives. With dry or critical years, selenium may be introduced to wetland channels from groundwater used to supplement irrigation supply from areas outside the GDA.

<sup>31</sup> Percentage calculated based on average of selenium annual loads from 2008 to 2012 and the load in 1997. Values for 1997, 2008 to 2011 from Table 3c of Grassland Bypass Project Annual Report 2010-2011. 2012 selenium load value from letter dated 26 December 2013 from Joseph C. McGahan to Pamela C. Creedon, *Waste Discharge Requirement Order No. t-01-234, Update of Long Term Drainage Management Plan*.

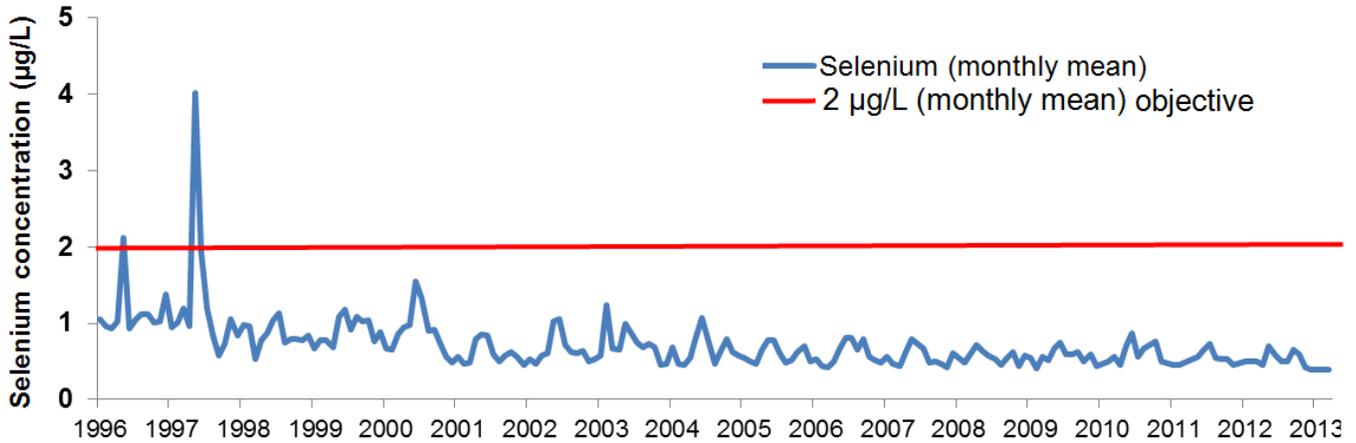
**Figure 9: Selenium Concentration in Mud Slough below San Luis Drain 2007 to 2014**



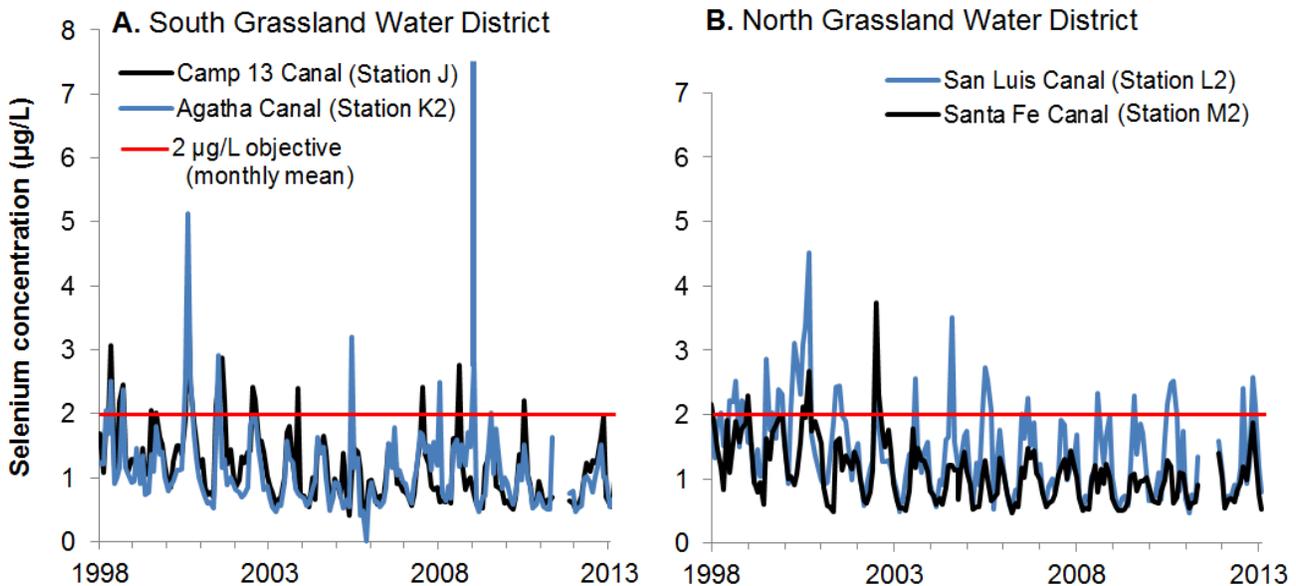
**Figure 10: Selenium Concentration in San Joaquin River at Crows Landing 2003 to 2014**



**Figure 11: Selenium Concentrations in Salt Slough (Station F)**



**Figure 12: Selenium Concentrations in Wetland Supply Channels**

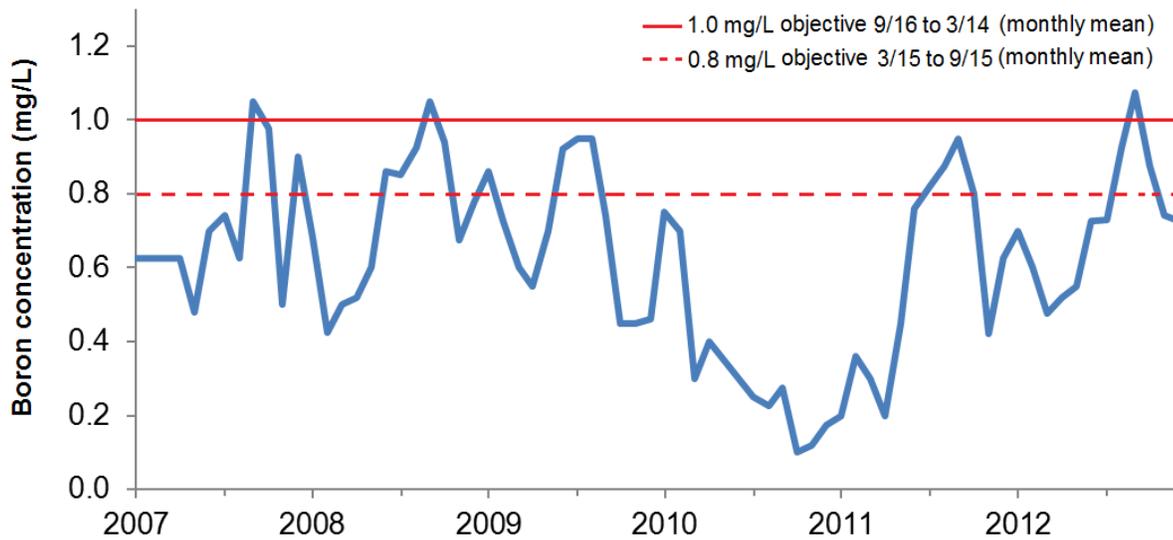


**2. Boron and Molybdenum**

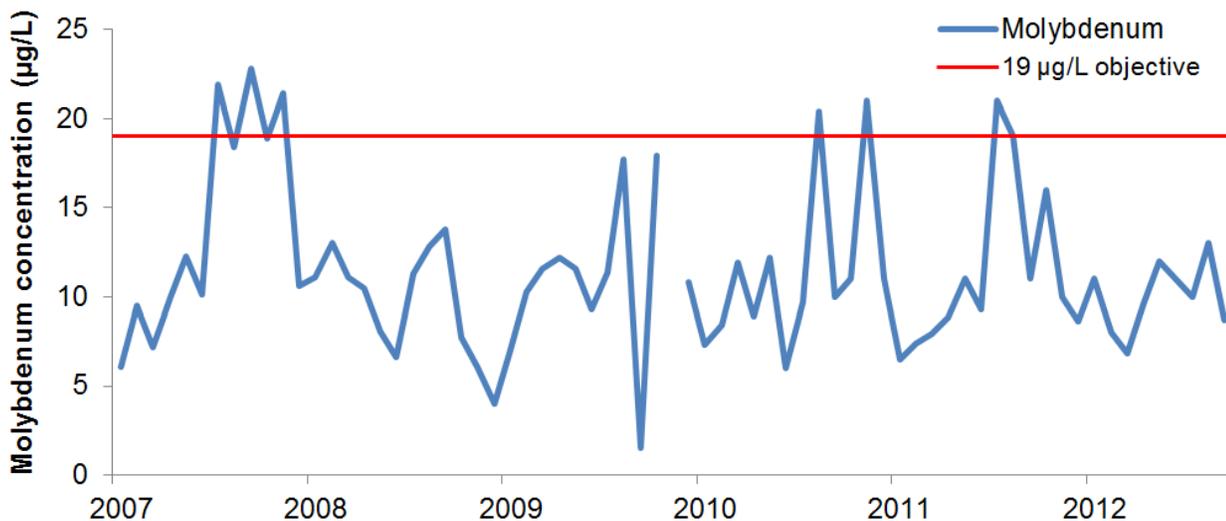
The boron concentration in the San Joaquin River after the confluence with the Merced River (Station N) generally meets the water quality objective (Figure 13), and it is anticipated further implementation of the GBP including the San Joaquin River Improvement Project will further reduce the boron concentrations from the GBP. Molybdenum concentrations observed in Mud Slough (Station D) are generally below the 50 µg/L maximum concentration (Figure 14).

Past monitoring has shown boron and salt loads have decreased as selenium loads have decreased. It is expected that this correlation will continue.

**Figure 13: Average Monthly Boron Concentration in San Joaquin River (Station N)**



**Figure 14: Molybdenum Concentration at Mud Slough below San Luis Drain (Station D)**



### 3. Salinity

The lower San Joaquin River is 303(d) listed for salts. Discharge limits for salts are not in the waste discharge requirements for the GBP. The Basin Plan provisions for the *Control Program for Salt and Boron Discharges into the Lower San Joaquin River*<sup>32</sup> requires that by July 2018 in a Critical Year Type and July 2014 in all other Year Types the Dischargers must: 1) participate in a Central Valley Water Board approved real-time management program; or 2) submit a management plan that includes the elements identified in the Monitoring and Reporting Program, Appendix MRP-1 that is designed to meet the Base Salt Load Allocations identified in Table IV-4.4, *Summary of Allocations and Credits*,<sup>33</sup> within the applicable compliance schedule for compliance in Table IV-4.3.<sup>34</sup> A real-time

<sup>32</sup> Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, page IV-32.00

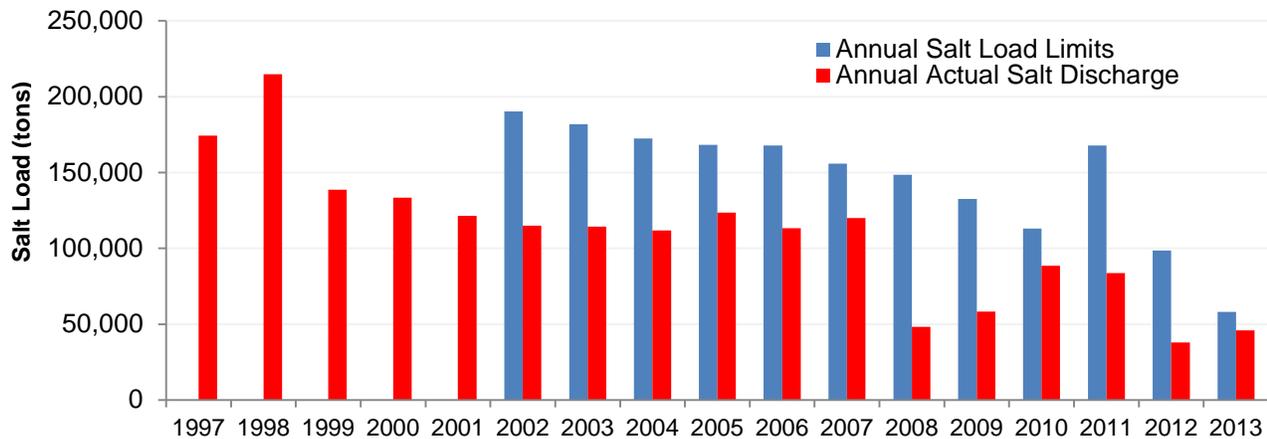
<sup>33</sup> *Ibid.*, page IV-32.04

<sup>34</sup> *Ibid.*, page IV-32.03

management program is being used to measure and report flow and electrical conductivity as part of the Use Agreement monitoring program. The GBP participants are part of the board-approved real-time management program<sup>35</sup>.

Monthly and annual salt loads are part of the second and third Use Agreements and are calculated using electrical conductivity and flow and are based on water year category. Annual salt loads have been below the salt load limits based on the methodology in the 2001 Use Agreement (Figure 15).

**Figure 15: Annual Salt Loads and Salt Load Limits from the Grassland Drainage Area**



**4. Nutrients**

Five nutrient parameters were analyzed for the previous MRP Order: nitrate as nitrogen (N), ammonia as N, Total Kjeldahl Nitrogen (TKN), total phosphate, and orthophosphate. Of these five parameters at Station D, nitrate as N was above the water quality objective (10 mg/L) five times for the period from 2004 to 2013. Monitoring since 2008 has had only one exceedance of the 10 mg/L water quality objective for nitrate as N. For Station D from 2000 to 2013, total ammonia as N was <1 mg/L.

**V. Actions and Implemented Management Practices**

The ultimate goal of the Grassland Bypass Project is to eliminate all agricultural subsurface drainage to the San Joaquin River, a zero discharge to the River. To accomplish this goal, the GDA Member Districts and GDA growers have implemented management practices and actions to lower the selenium load discharged to the San Joaquin River, including improved irrigation application, tiered water pricing, tailwater controls, and reuse and treatment involving recycling, and the use of subsurface drainage water on salt tolerant crops and to wet roadways for dust control. This section lists some of the management practices and actions that have been implemented or are planned for implementation:

**A. Conservation Efforts**

Conservation efforts were initiated by GDA growers and by the water district to reduce the volume of subsurface drainage to the GBP. These efforts include the following:

1. Improved irrigation management  
 Growers have implemented management practices that limit pre-irrigation use and over-watering. Installation of drip or micro-irrigation, combined with improved water management, lowers water

<sup>35</sup> Resolution R5-2014-0151: Real Time Management Program for meeting salinity water quality objectives in the Lower San Joaquin River at Vernalis.

use and increases irrigation efficiency. Shorter water runs are encouraged. Improved irrigation efficiency results in less water going past the crop root zone and, thereby, raising the water table, which generates the subsurface drainage.

The member districts of the GDA have programs that encourage growers to improve their irrigation practices. Several of the districts have provided low interest loans to growers for improved irrigation equipment.

2. Retrofitting of drainage tile systems

Growers were encouraged to retrofit the controls on tile-drain systems. Sensors on the sump pumps for drainage tile systems were raised so they were activated only when groundwater approached an approximate minimum depth to groundwater target. Drains that discharged directly to open ditches were modified with a weir control structure to store more drainage water beneath each field prior to discharge to the district drainage system.

3. Initiation of tiered water pricing

The member districts of the GDA have implemented a tiered water price structure that encourages the conservation of water and efficient use of any delivered irrigation water. Higher prices per acre-foot of water delivered are charged if growers go above a certain amount.

4. Installation of tailwater controls

Growers in some parts of the GDA are required to separate tailwater from subsurface drainage. Discharge of tailwater is prohibited from the GDA to the Grassland Bypass Channel. A number of GDA growers have installed tailwater return systems or use irrigation methods that do not generate surface runoff.

5. Reduced drainage seepage

Infrastructure improvements, such as lining canals and installing piping, have reduced drain seepage through the transport system. Reducing drainage seepage to groundwater helps keep groundwater levels lower, and, thereby, reduces the amount of subsurface drainage water produced.

## **B. Reuse and recycling**

The GDA growers and water districts have implemented the following efforts to reduce the subsurface drainage from entering waters of the state.

1. Recirculation of subsurface drainage by participating districts

The participating water and irrigation districts in the GDA have constructed facilities to recirculate drain water back into their irrigation distribution system. Recycling drainage water reduces the amount of water that would otherwise need to be imported or pumped and reduces the net amount of subsurface drainage that needs to be discharged out of the area.

2. Prohibition of tailwater discharge into the Grassland Bypass Channel

To encourage conservation and recycling, water districts do not allow the discharge of tailwaters into the Grassland Bypass Channel and the San Luis Drain. Tailwater is recirculated within the GDA for reuse.

3. Use of subsurface drain waters on roads

Subsurface drainage has been reused to wet roads for dust control.

## **C. Dry-land Farming and Fallowing of Land**

Approximately 9,500 acres in the GDA are not irrigated, including lands served by the Broadview Water District. These lands are no longer irrigated, which eliminates deep percolation from irrigation from these areas. Every year additional lands may be temporarily fallowed.

## **D. San Joaquin River Water Quality Improvement Project**

The San Joaquin River Water Quality Improvement Project (SJRIP) is located within the GDA covering approximately 6,000 acres. The land was bought for the purpose of subsurface drainage disposal. In

In addition, the SJRIP includes a series of projects to aid the GDA growers with lowering the selenium loading from the GBP. Subsurface drainage from the GDA is channeled to the SJRIP area. Projects in progress or being proposed include the following:

- Reuse of subsurface drainage water: Started in 2001, this project included the construction of distribution facilities and the planting of salt tolerant crops on agricultural land. The planted acreage has increased from the original 1,821 acres to more than 5,200 acres, which have been irrigated with drainage water or blended water (subsurface drainage and “fresh” irrigation water). In 2013, approximately 26,000 acre-feet of drain water was reused to irrigate pistachio trees and salt-tolerant grasses.
- Future phases of the SJRIP area involve the development of additional acreage, installation of more subsurface drainage systems, and implementation of treatment and salt disposal components.
- The SJRIP project also involves an extensive biological contaminant monitoring program, one component of which is for bird eggs. This biological monitoring started in 2002 and has examined the levels of selenium in a small sample of bird eggs each year. In line with this project, the Member Districts and GDA growers have tried to discourage birds from inhabiting or nesting in the SJRIP. The program involves hazing birds during the nesting season, diligent water management, and modification of drains to discourage avian use.

Subsurface drainage not reused within the SJRIP is diverted to the GBP. The WDRs for the GDA will address releases from the SJRIP to groundwater.

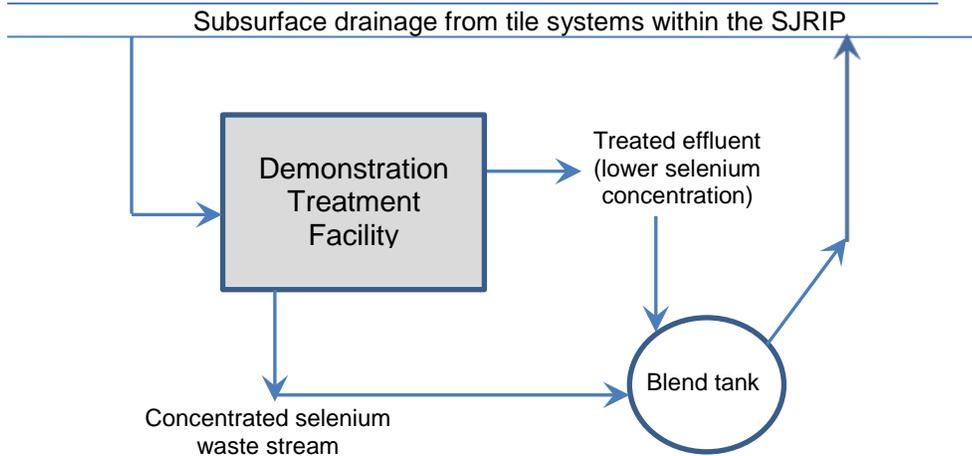
#### **E. Demonstration Treatment Projects**

The Bureau's Demonstration Treatment Facility and other pilot treatment projects are located on a portion of the SJRIP reuse area and will test various treatment projects to reduce selenium and salinity loads from the GDA farmers. Projects being considered are:

- Water FX Solar Distillation Demonstration Project: use of a parabolic solar collector to heat and distill the subsurface drain water, then condensing the evaporate which should be “clean” water. A concentrated brine solution is produced as the other byproduct. Phase I of the pilot project has been completed. The contractor proposes to expand the project to increase capacity and install thermal storage to allow operation through the night.
- UCLA Smart Membrane Pilot Test: project is testing an optical membrane monitoring device on a reverse osmosis pilot treatment system.
- HDR Deep Well Injection Study: The project reviewed existing information on deep aquifer formations to estimate the potential for deep well injection of subsurface drainage as a management tool.
- USBR RO Demonstration Treatment Facility: The Bureau has constructed a demonstration-scale reverse osmosis treatment facility with a selenium removal component.

The Demonstration Treatment Facility is operated by the Bureau with cooperation from the Panoche Drainage District to intercept drainage from the existing subsurface agricultural drain systems in the SJRIP area, run the drainage water through various treatment processes to evaluate the efficacy for salt and selenium removal, blend the output from each of the treatment systems, and then recycle the blended mixture back into the SJRIP drainage system (see schematic shown as Figure 16). The selenium loading will not change with operation of the Demonstration Treatment Facility since both the treated effluent and the higher selenium byproduct will be blended prior to being discharged back into the SJRIP subsurface drainage system.

**Figure 16: Schematic of Demonstration Treatment Facility**



The different treatment options will be evaluated and assessed for efficiency and effectiveness in removing selenium and salts from the subsurface drainage waters. The ultimate goal of the GDA growers is a “zero discharge” from the GDA by the end of 2019.

#### **F. Removal of sediment from the San Luis Drain**

Selenium is listed as a hazardous waste at high concentrations under the USEPA 40 CFR 261.24. Sediments in the Drain contain selenium. These sediments, if transported along the Drain, would transport the selenium that may then migrate back into the water column. If selenium migration from the sediment to water column occurs, this selenium would be included in the total annual load discharged by the GDA growers. If sediment acts as a sink (or repository) for the selenium, then the selenium concentration may reach the value where it may be considered “hazardous” waste.

The 2009 Use Agreement limits the maximum rate of flow in the Drain to be 150 cfs in order to avoid re-suspending sediment that may contain selenium. If monitoring results indicate the Drain behaves like a sink, the total selenium load in the sediment can be calculated and the information used to determine if the concentrations are close to hazardous waste values. Sediments would be removed before composite concentrations reach those values.

The Bureau and the Water Authority have been monitoring the accumulation and selenium content of sediment in the San Luis Drain (Drain). Recent data<sup>36</sup> indicate that 214,000 tons of sediment have accumulated in the Drain during the GBP, and the selenium concentration in sediment in 2012 ranged from 3 to 28 mg/kg dry weight (converted to wet weight concentration, the 28 mg/kg is approximately 10 mg/kg at moisture content 63%)<sup>37</sup>, well below the hazardous waste criterion of 100 mg/kg wet weight<sup>38</sup>.

#### **VI. Required Surface Water Monitoring (GBP Order)**

The monitoring program (sites and parameters analyzed) in the GBP MRP Order are designed to evaluate compliance with the requirements of the GBP WDR, which include objectives and limitations in the Basin Plan. Monitoring will be performed by the Bureau and the Water Authority as specified in WDR

<sup>36</sup> San Francisco Estuary Institute, Grassland Bypass Project Annual Report 2012 – 2013. Draft Chapters 9 and 10 posted on <http://www.sfei.org/gbp/reports>

<sup>37</sup> San Francisco Estuary Institute, 2012 Grassland Bypass Project Annual Report (Final Draft). <http://www.sfei.org/sites/default/files/2012%20GBP%20Annual%20Report%20Final.pdf>, accessed on 2 April 2015

<sup>38</sup> Total Threshold Limit Concentration defined for selenium in California Code of Regulations. Title 22. Division 4.5. Chapter 11. Article 3. §66261.24 (a)(2)(A), Table (II).

Order R5-2015-0094. Tables 1 and 2 of the MRP Order show details on the location of monitoring stations and monitoring sites, parameters and frequency for sampling required by the WDR.

**A. Surface Water Monitoring**

Monitoring sites under the GBP Order are shown in Figure 1 of the Order. A summary of the required monitoring to assess compliance with the discharge limitations and the receiving water limitations is shown in Table 4. A rationale and summary of differences from the monitoring programs under previous WDRs follow in the section below. In general, the monitoring design for the Bypass Project has evolved as water quality issues have been identified and resolved over time.<sup>39</sup>

Flow is measured at the San Luis Drain terminus, in Mud Slough, and in the San Joaquin River as a basic parameter in the measurement of contaminant loads in the Grassland Basin. Additionally, flow in the San Luis Drain must be managed to prevent sediment erosion. Stations B3 and D will be monitored for compliance with discharge and receiving water limits, respectively. Stations N and R will be monitored for compliance with the Basin Plan receiving water limits in the San Joaquin River before and after the confluence with the Merced River. The constituents and sample frequency are selected to determine compliance with numeric objectives in the Basin Plan for Mud Slough (north), and at various points in the San Joaquin River.

Diversion points into the wetland channels are monitored daily for flow and water quality during storm events, when any GDA subsurface drainage is routed from the Grassland Bypass channel to the southern Grassland Water District wetland channels. Drains outside of the GDA that may supply wetland channels are within areas covered by other ILRP Orders that surround the GDA.

**Table 4: Monitoring sites, parameters and monitoring frequency for the GBP Order**

Monitoring Site	Daily	Weekly						Monthly			TBD	Semi-annually	Annually
	Flow	pH	EC	temp	TOC	Se	B	Mo	Nitrate	Ammonia	Pesticides	Toxicity ( <i>D. magna</i> , <i>P. promelas</i> , <i>H. azteca</i> )	Sediment
<b>Station N</b> San Joaquin below Merced River		x	x	x		x	x	x					
<b>Station H2</b> San Joaquin above Merced River	x												
<b>Station R</b> China Island (San Joaquin after Mud Slough)		x	x	x		x	x	x			x		
<b>Station D</b> Mud Slough (north) after San Luis Drain ( <i>receiving waters</i> )	x	x	x	x	x	x	x	x	x	x	x	x	
<b>Station B2</b> San Luis terminus	x												
<b>Station B3</b> San Luis Drain ( <i>discharge</i> )		x	x	x		x	x	x	x	x	x		x
<b>J, K2, L2, M2</b> Wetland chanel ( <i>storm monitoring - daily</i> )	x	x	x	x		x	x						

<sup>39</sup> DCRT. Grassland Bypass Project 2013 Revised Monitoring Program dated 26 March 2013.

Monitoring sites from the previous MRP Order were changed due to safety concerns, operational changes, and monitoring costs. Differences between the previous MRP Order and the GBP Order include:

- Station C was eliminated as a monitoring site. Station C is located in the Mud Slough before the San Luis Drain outfall and no subsurface drainage is discharged to the site unless a major storm event occurs. In that case, monitoring is initiated at stations J, K2, L2 and M2 where subsurface drainage enters the wetland supply channels.
- Station G was eliminated as a monitoring site. Station G is located in the San Joaquin River upstream of the Mud Slough confluence and was previously used to monitor compliance for the Salt Slough discharge. This site should have minimal selenium loading since subsurface drainage is no longer discharged to Salt Slough.
- Station B3 replaces Station B2 in the San Luis Drain.
- Station R at the China Island Unit in the San Joaquin River before the Merced confluence is added as a monitoring site. This site will monitor compliance with water quality objectives for the San Joaquin River before the Merced River, replacing H2 (Hills Ferry). This site is closer to the discharge from Mud Slough (north) into the San Joaquin River than Hills Ferry.
- Stormwater monitoring will be required at Stations J, K2, L2 and M2. These four sites will monitor the selenium concentration entering wetland channels since they are the diversion points for subsurface drainage into those channels. The previous MRP Order required monitoring at Stations D [Mud Slough (north) after the San Luis Drain terminus] and F (Salt Slough).

Differences in monitored parameters between the previous MRP Order and the GBP Order include:

- Elimination of Total Kjeldahl Nitrogen (TKN), total phosphate, and ortho phosphate from monitoring parameters. Monitoring at Station D (Mud Slough after the San Luis Drain confluence) showed concentrations to be <3.5 mg/L for TKN and <2 mg/L for both total phosphorus and ortho phosphate. These levels are not a water quality problem. As a comparison, Westside SJR Watershed Coalition (located north of the GDA) reported TKN and total phosphorus concentrations ranging from 0.088 to 150 mg/L, and 0.048 to 4.7 mg/L, respectively.
- Nutrients (nitrate as N and ammonia as N) will be monitored monthly at Stations B3 (San Luis Drain before terminus) and D. The previous MRP required monitoring at Station N (San Joaquin River at Crows Landing).
- In the San Luis Drain, a 24-hour composite for boron is no longer required. A weekly grab sample will be required instead to determine compliance with the water quality objective in Table 5.
- Total organic carbon (weekly) and sediment toxicity testing (biannual) will be required at Station D.
- Pesticides will be monitored at Stations B3, D and R on a schedule and frequency to be determined after evaluating pesticide use in the GDA.
- Annual sediment testing is now required at Station B3, with the analyses to be determined.

Additional monitoring at other locations and for other constituents are specified as part of the Use Agreement in the GBP Monitoring Plan, but are not required by this MRP Order. The broad monitoring program is developed by the Data Collection and Reporting Team (DCRT) which consists of the agency

representatives and contractors<sup>40</sup>. Additional testing by the Dischargers, not required by the MRP, will occur at various locations in the San Luis Drain for sediment depth and cross-sectional area, selenium, total organic carbon and percent moisture. These values will be used to determine the sediment volume in the drain, and changes in quantity and movement of sediment in the Drain. The chemical analyses will be used as a comparison with Department of Health Services and USFWS selenium criteria for hazardous waste and ecological risk, respectively.

## **B. Stormwater Monitoring**

Storm and flood event monitoring will be required when flows are expected to exceed the capacity of the San Luis Drain as a result of major rainfall events, and discharges must be made from the GDA to Grasslands wetlands. Actions to be taken are specified in the MRP and Storm Event Plan.<sup>41</sup>

## **VII. Groundwater Quality Monitoring (GDA Order)**

The concept of higher and lower vulnerability areas was integrated into the GDA Order to allow the board to tailor requirements to applicable waste discharge conditions. Resources can be focused on areas that need enhanced water quality protection, because the Steering Committee has the option to identify low vulnerability areas where reduced program requirements would apply.

Vulnerability may be based on, but is not limited to, the physical conditions of the area (soil type, depth to groundwater, beneficial uses, etc.), water quality monitoring data, and the practices used in irrigated agriculture (pesticide permit and use conditions, label requirements, application method, etc.). Additional information such as models, studies, and information collected may also be considered in designating vulnerability areas.

### ***Groundwater Quality Vulnerability***

High vulnerability areas for groundwater are those areas that meet the requirements for preparing a Groundwater Quality Management Plan or areas identified in the Groundwater Assessment Report, where available information indicates irrigated lands could cause or contribute to an exceedance of water quality objectives or degradation of groundwater quality that may threaten applicable beneficial uses. The Groundwater Assessment Report may rely on water quality data to identify high vulnerability areas and on assessments of hydrogeological conditions and other factors (e.g., areas of high fertilizer use) to identify high vulnerability areas. The Steering Committee is also expected to review readily available studies and assessments of groundwater quality to identify those areas that may be impacted by irrigated agricultural operations.

In general, low vulnerability areas for groundwater are areas that do not exhibit characteristics of high vulnerability groundwater areas (as defined in the MRP). Vulnerability designations will be proposed by the Steering Committee, based on the high and low vulnerability definitions provided in Attachment E of the GDA Order. Vulnerability designations will be refined and updated periodically per the Groundwater Assessment Report and Monitoring Report processes (described in Attachment B, Monitoring and Reporting Program [MRP] Order R5-2015-0095). The Executive Officer will make the final determination regarding the irrigated lands waste discharge vulnerability areas.

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<sup>40</sup> The additional monitoring and reporting are performed by private, State, and Federal agencies whose authority or activities overlap in one or more aspects of the project. These agencies include the Grassland Water District, the Authority, the Central Valley Water Board, the California Department of Fish and Wildlife, Bureau, U.S. Fish and Wildlife Service, and U.S. Geological Survey.

<sup>41</sup> Grassland Area Farmers and San Luis & Delta-Mendota Water Authority. "A Storm Event Plan for Operating the Grassland Bypass Project". August 25, 1997.

### **A. Groundwater Monitoring Advisory Workgroup**

The Groundwater Monitoring Advisory Workgroup (GMAW) consists of groundwater experts representing state agencies, the USEPA, the United States Geological Survey, academia, and private consultants. The following questions were identified by the GMAW and Central Valley Water Board staff as critical questions to be answered by groundwater monitoring conducted to comply with the ILRP<sup>42</sup>.

1. What are irrigated agriculture's impacts to the beneficial uses of groundwater and where has groundwater been degraded or polluted by irrigated agricultural operations (horizontal and vertical extent)?
2. Which irrigated agricultural management practices are protective of groundwater quality and to what extent is that determination affected by site conditions (e.g., depth to groundwater, soil type, and recharge)?
3. To what extent can irrigated agriculture's impact on groundwater quality be differentiated from other potential sources of impact (e.g., nutrients from septic tanks or dairies)?
4. What are the trends in groundwater quality beneath irrigated agricultural areas (getting better or worse) and how can we differentiate between ongoing impact, residual impact (vadose zone) or legacy contamination?
5. What properties (soil type, depth to groundwater, infiltration/recharge rate, denitrification/nitrification, fertilizer and pesticide application rates, preferential pathways through the vadose zone [including well seals, abandoned or standby wells], contaminant partitioning and mobility [solubility constants]) are the most important factors resulting in degradation of groundwater quality due to irrigated agricultural operations?
6. What are the transport mechanisms by which irrigated agricultural operations impact deeper groundwater systems? At what rate is this impact occurring and are there measures that can be taken to limit or prevent further degradation of deeper groundwater while we're identifying management practices that are protective of groundwater?
7. How can we confirm that management practices implemented to improve groundwater quality are effective?

The workgroup members reached consensus that the most important constituents of concern related to agriculture's impacts to the beneficial uses of groundwater are nitrate (NO<sub>3</sub>-N) and salinity. In addition to addressing the widespread nitrate problems, the presence of nitrates in groundwater at elevated levels would serve as an indicator of other potential problems associated with irrigated agricultural practices. Central Valley Water Board staff utilized the recommended salinity and nitrate parameters and added general water quality parameters contained within a majority of the groundwater monitoring programs administered by the board (commonly measured in the field) and some general minerals that may be mobilized by agricultural operations (general minerals to be analyzed once every five years in Trend wells). The general water quality parameters will help in the interpretation of results and ensure that representative samples are collected. The board considered the above questions in developing the GDA Order's groundwater quality monitoring and management practices assessment, and evaluation requirements.

### **B. Groundwater Quality Monitoring and Management Practice Assessment, and Evaluation Requirements**

The groundwater quality monitoring, assessment, and evaluation requirements have been developed in consideration of the critical questions developed by the Groundwater Monitoring Advisory Workgroup (listed above). The Steering Committee must collect sufficient data to describe irrigated agricultural impacts on groundwater quality and to determine whether existing or newly implemented management practices comply with the groundwater receiving water limitations of the GDA Order. The strategy for

<sup>42</sup> Groundwater Monitoring Data Needs for the ILRP (25 August 2011). Available at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/new\\_waste\\_discharge\\_requirements/stakeholder\\_advisory\\_workgroup/2011sept30\\_advry\\_wkgrp\\_mtg/gmaw\\_25aug\\_data\\_needs.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/new_waste_discharge_requirements/stakeholder_advisory_workgroup/2011sept30_advry_wkgrp_mtg/gmaw_25aug_data_needs.pdf)

evaluating groundwater quality and protection consists of: 1) a Groundwater Quality Assessment Report (GAR), 2) a Management Practices Evaluation Program, and 3) a Groundwater Quality Trend Monitoring Program.

The general purpose of the Groundwater Quality Assessment Report (GAR) is to analyze existing monitoring data and provide the foundation for designing the Management Practices Evaluation Program and the Groundwater Quality Trend Monitoring Program, as well as identifying high vulnerability groundwater areas where a groundwater quality management plan must be developed and implemented.

A Management Practices Evaluation Program (MPEP) is to be developed where known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities (high vulnerability areas). The purpose of the MPEP is to identify whether existing site-specific and/or commodity-specific agricultural management practices are protective of groundwater quality in the high vulnerability areas and to assess the effectiveness of any newly implemented management practices instituted to improve groundwater quality. Given the wide range of management practices/commodities within the Grassland Drainage Area boundaries, it is anticipated that the Steering Committee will rank or prioritize its high vulnerability areas and commodities, and present a phased approach to implementing the MPEP. The MPEP must be designed to answer GMAW questions 2, 5, 6, and 7. Where applicable, management practices identified as protective of groundwater quality through the MPEP (or equivalent practices) must be implemented by GDA growers, whether the grower is in a high or low vulnerability area (see section IV.B.21 of the GDA Order).

Since the focus of the MPEP is answering the questions related to management practices, the method or tools to be used are not prescribed by the board. The Steering Committee is required to develop a workplan that describes the tools or methods to be used to associate management practice activities on the land surface with the effect of those activities on underlying groundwater quality. The board anticipates that the MPEP workplan will likely propose using a variety of tools, such as vadose zone monitoring, modeling, and groundwater monitoring. The Steering Committee has the option of developing the workplan as part of a group effort that may include other agricultural water quality coalitions and commodity groups. Such a joint effort may avoid duplication of effort and allow collective resources to be more effectively focused on the highest priority studies, while ensuring the goals of the MPEP are met. Existing monitoring wells can be utilized where available for the MPEP.

The trend monitoring program is designed to determine current water quality conditions of groundwater in the Grassland Drainage Area, and to develop long-term groundwater quality information that can be used to evaluate the regional effects (i.e., not site-specific effects) of irrigated agriculture and its practices. Trend monitoring has been developed to answer GMAW questions 1 and 4. At a minimum, trend monitoring must include annual monitoring for electrical conductivity, pH, dissolved oxygen, temperature, nitrate as nitrogen (N), selenium, and once every five year monitoring for total dissolved solids, carbonate, bicarbonate, chloride, sulfate, boron, calcium, sodium, magnesium, and potassium. Existing shallow wells, such as domestic supply wells, will be used for the trend groundwater monitoring program. The use of existing wells is less costly than installing wells specifically designed for groundwater monitoring, while still yielding data which can be compared with historical and future data to evaluate long-term groundwater trends.

As the management practices identified as protective of groundwater quality through the MPEP are implemented, the trend monitoring, together with other data included in updates to the GAR, should show improvements in water quality. The trend monitoring and GAR updates will, therefore, provide a regional view as to whether the collective efforts of growers are resulting in water quality improvements. If groundwater quality trends indicate degradation in low vulnerability areas, then a Groundwater Quality Management Plan must be developed and implemented. Negative trends of groundwater quality in high

vulnerability areas over time would be an indicator that the existing Groundwater Quality Management Plan is not effective or is not being effectively implemented.

The Steering Committee may also look to and explore using existing monitoring networks such as those being conducted in accordance with local groundwater management plans (e.g., AB 3030, SB 1938, and Integrated Regional Water Management Plans).

GMAW question 3, which seeks to differentiate sources of existing impact, cannot be easily answered by traditional groundwater monitoring. The MPEP and trend monitoring will help to answer this question, but other methods such as isotope tracing and groundwater age determination may also be necessary to fully differentiate sources. The MRP does not require these advanced source methods because they are not necessary to determine compliance with the GDA Order. The MPEP will be used to help determine whether waste discharge at represented sites is of high enough quality to meet the groundwater limitations of the GDA Order.

Through the MPEP, the potential impacts of irrigated agriculture waste discharges to groundwater will be assessed for different types of practices and site conditions, representative of discharge conditions throughout the Grassland Drainage Area. In this way, the board will evaluate whether waste discharges from irrigated agricultural operations are protective of groundwater quality throughout the Grassland Drainage Area. Where the MPEP finds that additional “protective” practices must be implemented in order to ensure that grower waste discharges are in compliance with the GDA Order’s water objectives for groundwater, the GDA Order requires growers to implement such practices, or equivalent practices. This representative MPEP process will ensure that the effects of waste discharges are evaluated and where necessary, additional protective practices are implemented.

### **C. Data Summary, Pesticides**

Monitoring conducted by the USGS in 2010<sup>43</sup> showed detections of 14 pesticides and pesticide degradates in groundwater within the Delta-Mendota subbasin. The Delta-Mendota subbasin includes a broader area than the GDA. Pesticides and pesticide degradates were detected in 16 of the 18 wells<sup>44</sup> in the Delta-Mendota subbasin study area. The most frequently detected pesticides in the studies for the Delta-Mendota subbasin include simazine, atrazine, deethylatrazine (degradate of triazine herbicides), hexazinone, EPTC, metachlor, and dichloroaniline (degradate of diuron). All pesticide detections were below health-based thresholds and applicable water quality objectives. Analyses were not run for all pesticides used in the study areas, nor in all wells within the Delta-Mendota subbasin.

The California Department of Pesticide Regulation (DPR), as part of its regulatory requirements under the Pesticide Contamination Prevention Act enacted in 1985, is required to maintain a statewide database of wells sampled for pesticide active ingredients and, in consultation with the California Department of Public Health (DPH) and the State Water Resources Control Board (State Water Board), provide an annual report of the data contained in the database and the actions taken to prevent pesticides contamination to the Legislature and other state agencies. These data will be evaluated by the Steering Committee as part of its Groundwater Quality Assessment Report.

DPR’s current groundwater quality monitoring program should be sufficient to identify any emerging pesticides of concern and to track water quality trends of identified pesticides of concern. However, the presence of pesticides in groundwater indicates a discharge of waste subject to Water Board regulation. Therefore, should the board or DPR identify groundwater quality information needs related to pesticides in groundwater, the board may require the Steering Committee to conduct studies or implement a

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<sup>43</sup> Mathany, T.M., Landon, M.K., Shelton, J.L., and Belitz, K., 2013. Ground-water quality data in the Western San Joaquin Valley study unit, 2010 – Results from the California GAMA Program: U.S. Geological Survey Data Series 706, 102 p. Available at <http://pubs.usgs.gov/ds/706/>

<sup>44</sup> Thirteen of the eighteen wells monitored had depth to top perforation of less than 200 feet below level surface.

monitoring plan to address those information needs. Where additional information collected indicates a groundwater quality problem, a coordinated effort with DPR to address the identified problem will be initiated and the board may require the Steering Committee to develop a groundwater quality management plan (GQMP).

#### **D. Data Summary Nitrates –GAMA**

The USGS 2010 report also analyzed nitrates for the Delta-Mendota subbasin wells. Maximum nitrate levels in the Delta-Mendota subbasin above the applicable water quality objective<sup>45</sup> were found in production and monitoring wells that sampled groundwater at 200 feet or less below ground level.<sup>46</sup> In the Grassland Drainage Area, there was limited groundwater monitoring, but a maximum nitrate concentration of 12.7 mg/L was found at a monitoring well taken at one event. Additional information collected at shallower depths (where applicable) may be needed to adequately assess current groundwater quality conditions in the area.

#### **E. Hydrogeologically Vulnerable and Groundwater Protection Areas**

In 2000, the State Water Resources Control Board (State Water Board) created a map showing locations where published hydrogeologic information indicated conditions that may be more vulnerable to groundwater contamination. They termed these areas “Hydrogeologically Vulnerable Areas.” The map identifies areas where geologic conditions allow recharge to underlying water supply aquifers at rates or volumes substantially higher than in lower permeability or confined areas of the same groundwater basin. The map does not include hydrogeologically vulnerable areas where local groundwater supplies occur mainly in the fractured igneous and metamorphic rocks which underlie the widespread mountain and foothill regions of the Sierra Nevada, or in permeable lava flows which may provide primary recharge for extensive but sparsely populated groundwater basins.

DPR has developed a map of Groundwater Protection Areas (GWPA) that identifies areas vulnerable to groundwater contamination from the agricultural use of certain pesticides. The areas are based upon either pesticide detections in groundwater or upon the presence of certain soil types (leaching and/or runoff area) and a depth to groundwater shallower than 70 feet.

No areas in the GDA have been identified as being in the DPR Groundwater Protection Areas or the State Water Board Hydrogeologically Vulnerable Areas. Monitoring data from the San Luis Drain, which transports tile drainage from the GDA, shows nitrate levels averaging less than 9 mg/L (with a maximum of 19 mg/L) from 2008 to 2013 during the irrigation season from May through July. During this period, the tile drainage should be representative of groundwater.<sup>47</sup>

#### **F. Groundwater Quality Management Plans (GQMPs)**

Under the GDA Order, groundwater quality management plans will be required where there are exceedances of water quality objectives, where there is a trend of degradation<sup>48</sup> that threatens a beneficial use, as well as for “high vulnerability groundwater areas” (to be designated by the Steering Committee in the Groundwater Quality Assessment Report based on definitions provided in Attachment E).

Instead of development of separate GQMPs, the GDA Order allows for the submittal of a comprehensive GQMP 60 days after approval of the Groundwater Quality Assessment Report. GQMPs will only be required if irrigated lands may cause or contribute to the groundwater quality problem. GQMPs are the

<sup>45</sup> Maximum contaminant level (MCL) of 10 mg/L nitrate as nitrogen (N).

<sup>46</sup> Depth to top of perforation was less than 200 feet below surface level. Nitrate as N concentrations ranged from 0.03 mg/L to 23.8 mg/L, with the mean concentration of 8.5 mg/L nitrates as N for those wells (total of 14).

<sup>47</sup> Tile drains remove perched groundwater containing high salinity, from the root zone of the crop. As the crop is irrigated, the perched groundwater rises until it is removed through the tile drain system.

<sup>48</sup> A trend in degradation could be identified through the required trend monitoring or through the periodic updates of the Groundwater Quality Assessment Report.

key mechanism under the GDA Order to help ensure that waste discharges from irrigated lands are meeting Groundwater Receiving Water Limitation III.A. The limitations apply immediately unless the grower is implementing management practices consistent with an approved GQMP for a specified waste in accordance with the time schedule authorized pursuant to section XII of the GDA Order. The GQMP will include a schedule and milestones for the implementation of management practices (see Appendix MRP-1). The schedule must identify the time needed to identify new management practices necessary to meet the receiving water limitations, as well as a timetable for implementation of identified management practices. The MPEP will be the process used to identify the effectiveness of management practices, where there is uncertainty regarding practice effectiveness under different site conditions. However, the GQMP will also be expected to include a schedule for implementing practices that are known to be effective in partially or fully protecting groundwater quality. For example, the ratio of total nitrogen available to crop consumption of nitrogen that is protective of water quality may not be known for different site conditions and crops. However, accounting for the amount of nitrate in irrigation supply water is known to be an effective practice at reducing the amount of excess nitrogen applied.

The GQMPs are work plans describing how the Steering Committee will assist their growers in addressing the identified water quality problem; the types of actions growers will take to address the identified water quality problem; how the Steering Committee will conduct evaluations of effectiveness of implemented practices; and how consistency with Time Schedule for Compliance will be documented (Section XII of the GDA Order). Executive Officer approval indicates concurrence the GQMP is consistent with the GDA Order and that the proper implementation of the identified practices (or equivalently effective practices) should result in addressing the water quality problem that triggered the preparation of the GQMP. Approval also indicates concurrence that any proposed schedules or interim milestones are consistent with the requirements in section XII of the GDA Order. If the Executive Officer is assured that the growers in the area are taking appropriate action to come into compliance with the receiving water limitations (as described in the GQMP), the growers will be considered in compliance with those limitations. Approval of GQMPs does not establish additional waste discharge requirements or compliance time schedule obligations not already required by these waste discharge requirements. Instead, the Executive Officer is approving a method for determining compliance with the receiving water limitations in the affected area. See *Russian River Watershed Committee v. City of Santa Rosa* (9th Cir. 1998) 142 F.3d 1136; *CASA v. City of Vacaville* (2012) 208 Cal.App.4th 1438.

The main elements of GQMPs are to A) investigate potential irrigated agricultural sources of waste discharge to groundwater, B) review physical setting information for the plan area such as geologic factors and existing water quality data, C) considering elements A and B, develop a strategy with schedules and milestones to implement practices to ensure discharge from irrigated lands are meeting Groundwater Receiving Water Limitation III.A, D) develop a monitoring strategy to provide feedback on GQMP progress, E) develop methods to evaluate data collected under the GQMP, and F) provide reports to the Central Valley Water Board on progress.

Elements A – F are necessary to establish a process by which the Steering Committee and Central Valley Water Board are able to investigate waste sources and the important physical factors in the plan area that may impact management decisions (elements A and B), implement a process to ensure effective practices are adopted by growers (element C), ensure that adequate feedback monitoring is conducted to allow for evaluation of GQMP effectiveness (elements D and E), and facilitate efficient board review of data collected on the progress of the GQMP (element F).

The GDA Order requires the Steering Committee to develop GQMPs that include the above elements. GQMPs will be reviewed and approved by the Executive Officer. Also, because GQMPs may cover broad areas potentially impacting multiple groundwater users in the plan area, these plans will be circulated for public review. Prior to plan approval, the Executive Officer will consider public comments on proposed GQMPs.

In accordance with Water Code section 13267, the burden of the GQMP, including costs, is reasonable, since 1) the monitoring and planning costs are significantly lower when undertaken regionally by the Steering Committee than requiring individual farmers to undertake similar monitoring and planning efforts, and 2) the Central Valley Water Board must be informed of the efforts being undertaken by growers to address identified groundwater quality problems. A regional GQMP is, therefore, a reasonable first step to address identified groundwater quality problems.

However, if the regional GQMP does not result in the necessary improvements to water quality, the burden, including costs, of requiring individual growers in the impacted area to conduct monitoring, describe their plans for addressing the identified problems, and evaluate their practices is a reasonable subsequent step. The benefits and necessity of such individual reporting, when regional efforts fail, include, but are not limited to: 1) the need of the board to evaluate the compliance of regulated growers with applicable orders; 2) the need of the board to understand the effectiveness of practices being implemented by GDA growers; and 3) the benefits of improved groundwater quality to all users.

### **VIII. Templates for Farm Evaluation, Nitrogen Management Plan, and Nitrogen Management Plan Summary Report (GDA Order)**

The Central Valley Water Board intends to provide templates (Farm Evaluation; Nitrogen Management Plan, Nitrogen Management Plan Summary Report) to GDA growers that must be used to comply with the applicable reporting requirements of the GDA Order. The Central Valley Water Board allowed agricultural water quality coalitions and commodity groups to jointly propose templates to be used to satisfy the requirements of previous ILRP orders. The purposes of the templates are to collect information consistently across irrigated agricultural areas and commodities, and to minimize the costs for growers to provide that information. Consistent information collection will facilitate analysis within a geographic area and across the Central Valley. Those purposes may not be met if the Central Valley Water Board includes provisions that allows for submittal of proposed templates under each third-party order issued as part of the long-term irrigated lands regulatory program. However, the Central Valley Water Board recognizes that templates may require modifications for different geographic areas. Therefore, although the Steering Committee will not have an opportunity to develop new templates under the GDA Order, the Steering Committee will have an opportunity to provide comments on the templates' applicability to groundwater for its geographic area.

#### **A. Grower Reports**

The GDA Order requires that GDA growers prepare farm plans and reports as described below. The GDA Order establishes prioritization for farmer completion and updating of the farm plans and reports based on whether the operation is within a high or low vulnerability area. The Central Valley Water Board intends to provide templates for GDA farmer reports to the Steering Committee, who will have an opportunity to comment on the template applicability to its geographic area.

##### **1. Farm Evaluations**

The GDA Order requires that GDA growers complete a farm evaluation describing management practices implemented to protect groundwater quality. The evaluation also includes information such as location of the farm, location of in service wells and abandoned wells and whether wellhead protection practices have been implemented.

The GDA Order requires all members to complete the Farm Evaluation and submit it to the Steering Committee by 1 March 2017. The schedule for completing subsequent Farm Evaluations is based on whether the operation is within a high or low vulnerability area. Farm evaluations must be maintained at the farming operations headquarters or primary place of business and submitted to the Steering Committee for summary reporting to the Central Valley Water Board.

The farm evaluation is intended to provide the Steering Committee and the Central Valley Water Board with information regarding individual grower implementation of the GDA Order's requirements.

Without this information, the board would rely solely on representative groundwater monitoring to determine compliance with water quality objectives. The board would not be able to determine through representative monitoring only whether all GDA growers are implementing protective practices, such as wellhead protection measures for groundwater. For groundwater protection practices, it may take years in many areas (even decades in some areas) before broad trends in groundwater may be measured and associated with implementation of the GDA Order. Farm evaluations will provide evidence that growers are implementing management practices to protect groundwater quality while Groundwater Quality Trend Monitoring data and Management Practices Evaluation Program (MPEP) information are collected.

The reporting of practices identified in the farm evaluation will allow the Steering Committee and board to effectively implement the MPEP. Evaluating management practices at representative sites (in lieu of farm-specific monitoring) only works if the results of the monitored sites can be extrapolated to non-monitored sites. One of the key ways to extrapolate those results will be to have an understanding of which farming operations have practices similar to the site that is monitored. The reporting of practices will also allow the board to determine whether the GQMP is being implemented by growers according to the approved schedule.

The focus of the reporting is on parcels in high vulnerability areas. The Central Valley Water Board needs to have an understanding of whether GDA growers are improving practices in those areas where groundwater quality are most impacted (or potentially impacted). Reporting frequency is annual for all sizes of farming operations in high vulnerability areas. The reporting frequency is every five years for all farming operations in low vulnerability areas. The Executive Officer is given the discretion to reduce the reporting frequency for growers in high vulnerability areas, if there are minimal year to year changes in the practices reported and the implemented practices are protective of water quality. This discretion is provided, since the reporting burden would be difficult to justify given the costs if there were minimal year to year changes in the information provided.

While the focus of the reporting is on high vulnerability areas, the MPEP requirement affects management practices implemented in both high and low vulnerability areas. Management practices identified as protective of groundwater quality through the MPEP (or equivalent practices) must be implemented by growers, where applicable, whether the grower is in a high or low vulnerability area (see section IV.B.20 of the GDA Order).

## **2. Nitrogen Management Plans**

Nitrate derived from both agricultural and non-agricultural sources has resulted in degradation and/or pollution of groundwater beneath agricultural areas in California's Central Valley.<sup>49</sup> To address these concerns, the GDA Order requires that growers implement practices that minimize excess nitrogen application relative to crop consumption. Proper nutrient management will work to reduce excess plant nutrients, such as nitrogen, from reaching state waters. Nitrogen management must take site-specific conditions into consideration in identifying steps that will be taken and practices that will be implemented to minimize nitrate movement through surface runoff and leaching past the root zone.

GDA growers will be required to complete a nitrogen management plan according to the schedule in the GDA Order. A grower in a low vulnerability area is required to prepare nitrogen management plans, but does not need to certify the plans or provide summary reports to the Steering Committee. Should the groundwater vulnerability designation change from "low" to "high" vulnerability, those growers in the previously designated low vulnerability area would then need to have their nitrogen

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<sup>49</sup> ICF International. 2011. *Irrigated Lands Regulatory Program - Program Environmental Impact Report*. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA. Appendix A, page 46.

management plan certified and submit summary reports in accordance with a schedule issued by the Executive Officer.

For GDA growers located within a high vulnerability groundwater area, for which nitrate is identified as a constituent of concern, the plan must be certified in one of the following ways:

- Self-certified by the grower who attends a California Department of Food and Agriculture or other Executive Officer approved training program for nitrogen plan certification. The grower must retain written documentation of their attendance in the training program; or
- Self-certified by the grower that the plan adheres to a site-specific recommendation from the Natural Resources Conservation Service or the University of California Cooperative Extension. The grower must retain written documentation of the recommendation provided; or
- Certified by a nitrogen management plan specialist as defined in Attachment E of the GDA Order. Such specialists include Professional Soil Scientists, Professional Agronomists, Crop Advisors<sup>50</sup> certified by the American Society of Agronomy, or Technical Service Providers certified in nutrient management in California by the Natural Resources Conservation Service.
- Certified in an alternative manner approved by the Executive Officer. Such approval will be provided based on the Executive Officer's determination that the alternative method for preparing the nitrogen management plan meets the objectives and requirements of the GDA Order.

The GDA Order requires nitrogen management reporting (nitrogen management plan summary reports) for growers in high vulnerability groundwater areas. The first nitrogen management plan summary report must be submitted one year after the first nitrogen management plans are due. The nitrogen management plan summary report provides information on what was actually done the previous crop year, while the plan indicates what is planned for the upcoming crop year. Therefore, the first summary report is due the year following the implementation of the first nitrogen management plan. This reporting will provide the Steering Committee and the Central Valley Water Board with information regarding individual grower implementation of the GDA Order's requirements. Without this information, the board would rely primarily on groundwater monitoring to determine compliance with water quality objectives. Groundwater monitoring alone would not provide a real-time indication as to whether individual growers are managing nutrients to protect groundwater. Improved nitrogen management may take place relatively quickly, although it may take many years before broad trends in nitrate reduction in groundwater may be measured. Nitrogen management reporting will provide evidence that growers are managing nutrients to protect groundwater quality while trend data and Management Practices Evaluation Program information are collected.

#### ***Spatial Resolution of Nitrogen Management Plan and Farm Evaluation Information***

The GDA Order requires reporting to the Central Valley Water Board of nitrogen management information and management practices identified through the farm evaluation. These data are required to be associated with the township (36 square mile area) where the farm is located. The spatial resolution by township provides a common unit that should facilitate analysis of data and comparisons between different areas.

Information collected from nitrogen management summary reports will be provided annually. The nitrogen management data collected by the Steering Committee from individual farmers will be aggregated by the township where the enrolled parcel is located and will not be associated with the

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<sup>50</sup> Should the California Department of Food and Agriculture and the California Certified Crop Adviser's establish a specific nitrogen management certification, any Certified Crop Adviser who certifies a nitrogen management plan must have a nitrogen management certification.

farmer or their enrolled parcel. For example, the Steering Committee may have information submitted for 180 different parcels in a given township. At a minimum, the board would receive a statistical summary of those 180 data records describing the range, percentiles (10<sup>th</sup>, 25<sup>th</sup>, 50<sup>th</sup>, 75<sup>th</sup>, 90<sup>th</sup>), and any outliers for similar soil conditions and similar crops in that township. A box and whisker plot or equivalent tabular or graphical presentation of the data approved by the Executive Officer may be used. Based on this analysis, the Central Valley Water Board intends to work with the Steering Committee to ensure that those farmers who are not meeting the nitrogen management performance standards identified in the GDA Order improve their practices. As part of its annual review of the monitoring report submitted by the Steering Committee, the board will evaluate the effectiveness of Steering Committee outreach efforts and trends associated with nitrogen management. The board intends to request information from the Steering Committee for those growers who, based on the board's evaluation of available information, do not appear to be meeting nitrogen management performance standards. The reporting of nitrogen management data may be adjusted based on the outcomes of the efforts of the State Water Resources Control Board's Expert Panel and the California Department of Food and Agriculture's Nitrogen Tracking and Reporting System Task Force (see Finding 46 and the State Water Board's Report to the Legislature<sup>51</sup>).

In order to determine whether growers in a given township are improving their practices, the Steering Committee will need to assess the data collected from Farm Evaluations and evaluate trends. The Steering Committee's assessment and evaluation, along with the data used to make the evaluation, will be provided in the Steering Committee's annual monitoring report. By receiving the individual data records identified to at least the township level, the board will be able to determine whether individual growers are in compliance and the board will be able to identify specific data records for additional follow-up (e.g., requesting that the Steering Committee provide the grower's name and parcel associated with the data record). The board will be able to independently verify the assessments and evaluations conducted by the Steering Committee. The board, as well as other stakeholders, can also conduct its own analysis and interpretation of the data, which may not be possible if only summary information for implemented management practices were provided. If the data suggest that growers are not improving their practices, the Executive Officer can require the Steering Committee to submit the management practice or nitrogen management plan summary information in a manner that specifically identifies individual growers and their parcels.

## **IX. Technical Reports**

### **A. GBP Order**

The surface water quality monitoring under the GBP Order is regional in nature, since the GBP addresses drainage discharges at a regional level and responsibility for those discharges is assumed by entities with responsibility and authority in the Grassland Drainage Area. A benefit of regional monitoring is the ability to determine whether water bodies accepting discharges from the GDA are meeting discharge and receiving water limitations. Regional monitoring allows the Central Valley Water Board to determine, at the regional level, whether implemented operations and actions are protective of water quality. There are limitations to regional monitoring when trying to determine possible sources of water quality problems.

Therefore, through the Surface Water Quality Management Plans, the Dischargers must evaluate the effectiveness of its operations in meeting discharge and receiving water limitations. Through the evaluations and studies conducted by the Dischargers, and the board's compliance and enforcement activities, the board will be able to determine whether the Dischargers are complying with the GBP Order.

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<sup>51</sup> State Water Board Resources Control Board. 2013. Report to the Legislature, Recommendations Addressing Nitrate in Groundwater <[http://www.swrcb.ca.gov/water\\_issues/programs/nitrate\\_project/docs/nitrate\\_rpt.pdf](http://www.swrcb.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)>

The GBP Order requires the Dischargers to provide technical reports. These reports may include special studies at the direction of the Executive Officer. The Executive Officer may require special studies where the required monitoring is ineffective in determining potential sources of water quality problems. Special studies help ensure that the potential information gaps may be filled through targeted technical reports.

### **B. GDA Order**

The trend groundwater quality monitoring under the GDA Order is representative in nature instead of individual field discharge monitoring. The benefits of representative monitoring include the ability to determine whether water bodies accepting discharges from numerous irrigated lands are meeting receiving water limitations (e.g., through selection of representative sampling locations and representative MPEP studies). Representative monitoring also allows the Central Valley Water Board to determine whether practices are protective of water quality.

Therefore, through the Management Practices Evaluation Program and Groundwater Quality Management Plans, the Steering Committee must evaluate the effectiveness of management practices in protecting water quality. Since GDA growers must report the practices they are implementing to protect water quality, the information from the management practice evaluation can be applied to individual growers to determine whether their implemented practices are protective of groundwater quality.

An effective method of determining compliance with water quality objectives is water quality monitoring at the individual level. Individual monitoring may also be used to help determine sources of water quality problems. Individual monitoring of waste discharges is required under many other Water Board programs. An example of such program is the Central Valley Water Board's Dairy Program.<sup>52</sup> The costs of individual monitoring would be much higher than representative groundwater quality monitoring required under the GDA Order. Representative monitoring site selection may be based on a group or category of represented waste discharges that will provide information required to assess compliance for represented farmers, reducing the number of samples needed to evaluate compliance with the requirements of the GDA Order. The Steering Committee is tasked with ensuring that selected monitoring sites are representative of waste discharges to groundwater from all irrigated agricultural operations within the GDA Order's boundaries.

The GDA Order requires the Steering Committee to provide technical reports. These reports may include special studies at the direction of the Executive Officer. The Executive Officer may require special studies where representative monitoring is ineffective in determining potential sources of water quality problems or to identify whether management practices are effective. Special studies help ensure that the potential information gaps described above under the GDA Order's representative monitoring requirements may be filled through targeted technical reports, instead of more costly individual monitoring programs.

### **X. Reports and Plans**

The GBP and GDA Orders are structured such that the Executive Officer is to make determinations regarding the adequacy of reports and information provided by the Dischargers (GBP Order) or the Steering Committee or GDA growers (GDA Order) and allows the Executive Officer to approve such reports. All plans and reports that require approval by the Executive Officer will be posted on the board's website upon approval. In addition, the GDA Order identifies specific reports and Executive Officer's decisions that must be posted for public comment and review. It is the right of any interested person to request the Central Valley Water Board to review any of the aforementioned Executive Officer decisions.

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<sup>52</sup> The dairy program requires individual monitoring of surface water discharges and allows for a "representative" groundwater monitoring in lieu of individual groundwater monitoring.

## **XI. Approach to Implementation and Compliance and Enforcement (GDA Order)**

The Board has been implementing the Irrigated Lands Regulatory Program since 2003. The implementation of the program has included compliance and enforcement activities to ensure growers have the proper regulatory coverage and are in compliance with the applicable board orders. The following section describes the state-wide policy followed by the board, as well as how the board intends to implement and enforce the GDA Order.

The State Water Board's Water Quality Enforcement Policy (Enforcement Policy) defines an enforcement process that addresses water quality in an efficient, effective, and consistent manner<sup>53</sup>. A variety of enforcement tools are available in response to noncompliance. The Enforcement Policy endorses the progressive enforcement approach which includes an escalating series of actions from informal to formal enforcement. Informal enforcement actions are any enforcement taken by staff that is not defined in statute or regulation, such as oral, written, or electronic communication concerning violations. The purpose of informal enforcement is to quickly bring an actual, threatened, or potential violation to the discharger's attention and to give the discharger an opportunity to return to compliance as soon as possible. Formal enforcement includes statutorily based actions that may be taken in place of, or in addition to, informal enforcement. Formal enforcement is recommended as a first response to more significant violations, such as the highest priority violations, chronic violations, and/or threatened violations. There are multiple options for formal enforcement, including Administrative Civil Liabilities (ACLs) imposed by a Regional Water Board or the State Water Board. A 30-day public comment period is required prior to the settlement or imposition of any ACL and prior to settlement of any judicial civil liabilities.

### **A. Compliance/Enforcement Related to Grower Participation**

Upon the adoption of other ILRP Orders, staff sent letters to thousands of landowners whose property may require regulatory coverage. Parcels that potentially need regulatory coverage are identified from readily available information sources, such as county tax assessor records; aerial photography; and the California Department of Conservation's Farmland Mapping and Monitoring Program. The staff also conducts inspections in the field to verify that parcels have an irrigated agricultural operation. The Assistant Executive Officer sends Water Code Section 13260 Directives when inspections verify that parcels require coverage under the ILRP, when growers who used to be growers are no longer listed on the annual membership lists, or when growers who received Executive Officer approval to join a third-party have not done so. The 13260 Directives require growers to enroll or re-instate their membership with a third-party, obtain coverage for their discharges under other applicable general waste requirements, or submit a Report of Waste Discharge to the Central Valley Water Board. As the highest level of informal enforcement, Notices of Violation (NOV's) are sent to growers who fail to respond to Orders and Directives, and direct the recipients obtain the proper regulatory coverage for their waste discharges. The board intends to issue Administrative Civil Liability Complaints to those growers who do not respond to the NOV. In addition, the board may enroll those growers under the general WDRs for dischargers not participating in a third-party group (R5-2013-0100), after such growers are provided an opportunity for a hearing.

### **B. Compliance/Enforcement Related to Quality Violations**

The board intends to respond promptly to complaints and conduct field inspections on a routine basis to identify potential water quality violations. Complaints will generally result from local residents contacting the board based on their observations of sediment, taste or odor problems in groundwater. The board will generally contact and coordinate with the Steering Committee, the local county health department, and the local county agricultural commissioner depending on the nature of the problem.

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<sup>53</sup> State Water Resources Control Board. 2010. Water Quality Enforcement Policy.  
<[http://www.swrcb.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.swrcb.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)>

In addition, the board staff will conduct field inspections of individual grower’s operations to determine whether practices protective of groundwater are in place. Such practices include backflow prevention devices; well head protection; and those practices found protective through the Management Practices Evaluation Program. The informal and formal enforcement process described above will be used should any violations of the GDA Order be identified through field inspections.

**C. Compliance/Enforcement Related to Information Collected**

As a part of field inspections, and with the consent of the grower, owner or authorized representative as required by applicable laws, staff may also review information and farm plans prepared by growers. The Executive Officer will request information, as necessary, from growers and the Steering Committee to audit the quality and accuracy of information being submitted. The Executive Officer will regularly report to the board on the results of any audits of the information reported by the Steering Committee, the outcome of any field verification inspections of information submitted by the growers, and make recommendations regarding changes to the reporting requirements and the information submittal process, if needed. The findings of the GDA Order provide a further description of the enforcement priorities and process for addressing violations.

**XII. Water Quality Objectives**

**A. Surface Water (GBP Order)**

The Basin Plan specifies water quality objectives for selenium, boron, and molybdenum at various locations (Table 5). The 2009 Use Agreement contains monthly salinity load values dependent on the month and water year category. These values are based on the salt load allocations in Table IV-4.4 of the Basin Plan’s Salt and Boron Control Program. To comply with the Salt and Boron Control Program, the Bureau has implemented a real-time management program<sup>54</sup> as described in Table IV 4.4.

**Table 5: Selenium, Boron and Molybdenum Numerical Objectives**

Constituent	Objectives	Maximum	Location
Selenium	5 µg/L 4-day average	20 µg/L	Mud Slough (north) and the San Joaquin River from the Mud Slough confluence to the Merced River
	5 µg/L 4-day average	12 µg/L	San Joaquin River, mouth of the Merced River to Vernalis
Boron	0.8 mg/L (15 March-15 September) 1.0 mg/L (16 September - 14 March) 1.3 mg/L (Critical Year)	2.0 mg/L 2.6 mg/L	San Joaquin River, mouth of the Merced River to Vernalis
	2.0 mg/L (15 March-15 September)	5.8 mg/L	Mud Slough (north), San Joaquin River from Sack Dam to the mouth of Merced River
Molybdenum	19 µg/L monthly average	50 µg/L	Salt Slough, Mud Slough (north) and San Joaquin River from Sack Dam to mouth of Merced River
	10 µg/L monthly average	15 µg/L	San Joaquin River, mouth of Merced River to Vernalis

<sup>54</sup> In 2014, the Central Valley Water Board adopted a Resolution R5-2014-0151 approving a Real Time Management Program for meeting salinity water quality objectives in the Lower San Joaquin River at Vernalis.

The Basin Plan amendments allow discharges from the GBP area to continue to exceed selenium objectives at Mud Slough (north) and the San Joaquin River between the Mud Slough discharge and the confluence with the Merced River. Load limits for selenium set forth in the GBP Order and the required monitoring will determine if progress is being made to reach compliance with water quality objectives.

The compliance time schedule has been established for selenium in Mud Slough (north) and the San Joaquin River from the Mud Slough confluence to the Merced River. A performance goal specified in the Basin Plan for achieving 15 µg/L monthly mean is by 31 December 2015. The water quality objective (5 µg/L as 4-day average) must be met by 31 December 2019. In addition, the Order requires compliance with the selenium load reduction strategy in the 2009 Use Agreement, which includes the annual and monthly selenium load values, the application of the Drainage Incentive Fees in accordance with the Performance Incentive System, and the termination of the Use Agreement.

The Salt and Boron Control Program prescribes salt load allocations to geographic areas within the Lower San Joaquin River basin and to imported salt from the Delta Mendota Canal, and establishes salt load limits to meet compliance at Vernalis. The salinity water quality objectives for the San Joaquin River at Vernalis, measured as electric conductivity (EC), are 700 µS/cm and 1000 µS/cm during irrigation and non-irrigation seasons, respectively. The salinity objective at Vernalis has been met since 1994, in part through releases of fresh water from the Bureau from New Melones Reservoir into the Stanislaus River upstream of the Vernalis compliance point, as well as through decreased discharges such as the GBP and the Irrigated Lands Regulatory Program.

The Salt and Boron Control Program schedule of compliance is phased with areas contributing the most salt required to comply first. The earliest compliance dates apply to nonpoint source dischargers on the west side of the basin, which includes the Grassland Drainage Area. During normal through dry water years the compliance was required by 28 July 2014, and for critically dry water years by 28 July 2018. The 2014 and 2015 water years are critically dry.

The Salt and Boron Control Program provides the opportunity for dischargers and the Bureau of Reclamation to participate in a Central Valley Water Board-approved real time management program (RTMP). Participation and attainment of water quality objectives at Vernalis constitutes compliance. Under the RTMP, water monitoring and management actions are coordinated in conjunction with real-time forecasts of river water quality to time salt discharges during optimum assimilative capacity. The goal of RTMP is to continue to meet irrigation and non-irrigation season salinity water quality objectives at Vernalis. In addition, the goal is to manage salt loads so discharges occur when there is assimilative capacity in the river rather than be constrained by mandated monthly load allocation in WDRs. Managing the use of assimilative capacity is also anticipated to reduce reliance on fresh water releases from New Melones Reservoir to meet the salinity objectives at Vernalis and to provide a mechanism to maximize salt exports from the San Joaquin basin.

As long as salt and boron water quality objectives at Vernalis are met, those participating in the RTMP are considered in compliance with the Salt and Boron Control Program. During development and implementation of the RTMP, the Bureau will continue to meet salinity objectives at Vernalis as specified in the operation requirements in State Water Board Water Rights Decision D-1641.<sup>55</sup>

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<sup>55</sup> Revised Water Right Decision 1641: Decision Implementing Flow Objectives for the Bay-Delta Estuary, Approving a Petition to Change Points of Diversion of the Central Valley Project and the State Water Project in the Southern Delta, and Approving a Petition to Change Places of Use and Purposes of Use of the Central Valley Project, Revised in accordance with Order WR 2000-02, 15 March 2000.

## **B. Groundwater (GDA Order)**

Water quality objectives that apply to groundwater include, but are not limited to, (1) numeric objectives, including the bacteria objective and the chemical constituents objective (includes state MCLs promulgated in Title 22 CCR Division 4, Chapter 15 section 64431 and 64444 and are applicable through the Basin Plan to municipal and domestic supply), and (2) narrative objectives including the chemical constituents, taste and odor, and toxicity objectives.

The requirements that waste discharge not unreasonably affect beneficial uses or cause a condition of pollution or nuisance are prescribed pursuant to sections 13263 and 13241 of the Water Code. Section 13263 of the Water Code requires Regional Water Boards, when establishing waste discharge requirements, to consider the need to prevent nuisance and the provisions in section 13241 of the Water Code. Section 13241 requires Regional Water Boards to consider several factors when establishing water quality objectives including prevention of nuisance and reasonable protection of beneficial uses.

## **C. Implementation of Water Quality Objectives**

The Basin Plan includes numeric and narrative water quality objectives. The narrative toxicity objective states: *“All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.”* The Basin Plan states that material and relevant information, including numeric criteria, and recommendations from other agencies and scientific literature will be utilized in evaluating compliance with the narrative toxicity objective. The narrative chemical constituent objective states that waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. At a minimum, *“...water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)”* in Title 22 of the California Code of Regulations (CCR). The Basin Plan further states that, to protect all beneficial uses, the Regional Water Board may apply limits more stringent than MCLs. The narrative tastes and odors objective states: *“Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.”*

The Sacramento-San Joaquin Basin Plan at page IV-16.00, contains an implementation policy, “Application of Water Quality Objectives,” that specifies that the Central Valley Water Board *“will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives.”* With respect to narrative objectives, the Regional Water Board must establish limitations using one or more of three specified sources, including: (1) USEPA’s published water quality criteria, (2) a proposed state criterion (i.e., water quality objective) or an explicit state policy interpreting its narrative water quality criteria (i.e., the Regional Water Board’s “Policy for Application of Water Quality Objectives”), or (3) an indicator parameter. For purposes of the GBP Order, all three sources will be used as part of the process described below.

Implementation of numeric and narrative water quality objectives under the GBP Order involves an iterative process. The GBP Order’s MRP establishes management plan trigger limits that are equivalent to the applicable Basin Plan numeric water quality objectives. For constituents that are not assigned Basin Plan numeric water quality objectives, Central Valley Water Board staff will develop trigger limits in consultation with the Department of Pesticide Regulation (for pesticides) and other agencies as appropriate. Central Valley Water Board staff will provide interested parties, including the Dischargers, with an opportunity to review and comment on the trigger limits. The Executive Officer will then provide the trigger limits to the Dischargers. Those trigger limits will be considered the numeric interpretation of the applicable narrative objectives. In locations where trigger limits are exceeded, water quality management plans must be developed that will form the basis for reporting which steps have been taken to achieve compliance with numeric and narrative water quality objectives.

### **XIII. Non-Point Source (NPS) Program**

The GBP Order regulates waste discharges from irrigated agricultural lands to state waters at a specific location with limits set within the Basin Plan. As such, even though the source of the discharge is an NPS, the discharge to state waters is covered by a WDR with discharge and receiving water limits and a time schedule for compliance specified in the Basin Plan.

The GDA Order regulates waste discharges from irrigated agricultural lands to state waters as an NPS program. Accordingly, the waste discharge requirements must implement the provisions of the State Water Board's *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). Under the NPS Policy, the Regional Water Board must find that the program will promote attainment of water quality objectives. The non-point-source program also must meet the requirements of five key structural elements. These elements include (1) the purpose of the program must be stated and the program must address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements; (2) describe the practices to be implemented and processes to be used to select and verify proper implementation of practices; (3) where it is necessary to allow time to achieve water quality requirements, include a specific time schedule, and corresponding quantifiable milestones designed to measure progress toward reaching specified requirements; (4) feedback mechanisms to determine whether the program is achieving its purpose; and (5) the consequences of failure to achieve the stated purpose.

The GBP and GDA Orders address each of the five key elements, as described below.

- (1) The purpose of the GBP Order is to address the water quality impacts of surface water discharges from the area served by the GBP. The principal goal of the GBP is summarized as providing for the achievement of the water objectives set by the board and the Basin Plan related to subsurface drainage discharges from the Grassland Drainage Area while maintaining viable agricultural production in the area. The requirements of the GBP Order include requirements to meet discharge and receiving water limitations, applicable water quality objectives as stated in the Basin Plan and the requirements of State Water Board Resolution 68-16 (antidegradation requirements). Further discussion of the GBP Order's implementation of antidegradation requirements is given below under the section titled "State Water Board Resolution 68-16."

The purpose of the long-term irrigated lands regulatory program, of which the GDA Order is an implementing mechanism, is stated above under the section titled "Goals and Objectives of the Irrigated Lands Regulatory Program."<sup>56</sup> The program goals and objectives include meeting water quality objectives. The requirements of the GDA Order include requirements to meet applicable water quality objectives and the requirements of State Water Board Resolution 68-16 (antidegradation requirements). Further discussion of the GDA Order's implementation of antidegradation requirements is given below under the section titled "State Water Board Resolution 68-16."

- (2) The board is prevented by Water Code section 13360 from prescribing specific management practices to be implemented. However, it may set forth performance standards and require dischargers to report on what practices they have or will implement to meet those standards.

The GBP Order requires that the Dischargers report in the Drainage Management Plan updates on the actions that have or will be implemented to achieve compliance with discharge and receiving water limitations. The update will include the description of various control or management

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<sup>56</sup> The goals and objectives were developed as part of the ILRP Program Environmental Impact Report, ICF International. 2011. *Irrigated Lands Regulatory Program - Program Environmental Impact Report*. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA.

practices utilized to control the discharge of selenium and other constituents of concern and the milestones achieved set in the Basin Plan or previous annual reports under the Drainage Management Plan. The Drainage Management Plan may be submitted as part of the Annual Monitoring Report.

For the GDA Order, examples of the types of practices that irrigated agricultural operations may implement to meet program goals and objectives have been described in the Economics Report<sup>57</sup> and evaluated in the Program Environmental Impact Report (PEIR)<sup>58</sup> for the long-term ILRP. The GDA Order requires each individual operation to develop a farm evaluation that will describe their management practices in place to protect groundwater quality. The GDA Order also requires the development of groundwater quality management plans (GQMPs) in areas where there are exceedances of water quality objectives. The requirements for GQMPs include that the third-party identifies management practices and develop a process for evaluating the effectiveness of such practices. The requirements of the GDA Order are consistent with Key Element 2.

- (3) The GBP Order requires the development and implementation of a management plan to meet water quality objectives stated in the Basin Plan. A time schedule for compliance with the Basin Plan objectives is part of this Order. In addition, the GBP Order requires the development of SQMPs when water quality objectives are not met. For constituents that do not have a specific time schedule in the Basin Plan, SQMPs must include time schedules for implementing the plans and meeting the receiving water limitations (section II of the Order) as soon as practicable, but within a maximum of 10 years. The time schedules for the SQMPs must be consistent with the requirements for time schedules set forth in the GBP Order. The time schedules must include quantifiable milestones that will be reviewed by the Executive Officer and the public prior to approval. The time schedule requirements in the GBP Order are consistent with Key Element 3.

The GDA Order requires the development of GQMPs in areas where water quality objectives are not met. GQMPs must include time schedules for implementing the plans and meeting the groundwater receiving water limitations (section III of the Order) as soon as practicable, but within a maximum of 10 years for groundwater. The time schedules must be consistent with the requirements for time schedules set forth in the GDA Order. The time schedules must include quantifiable milestones that will be reviewed by the Executive Officer and the public prior to approval. The time schedule requirements in the GDA Order are consistent with Key Element 3.

- (4) Both Orders require feedback on whether program goals are being achieved. The GBP and GDA Orders require surface water and groundwater quality monitoring, respectively. The feedback will allow iterative implementation of practices to ensure that program goals are achieved. This feedback mechanisms required by the GBP and GDA Orders are consistent with Key Element 4.
- (5) The Orders establish the following consequences where requirements are not met:
  - (a) The Dischargers (GBP Order) or the Steering Committee or GDA growers (GDA Order) will be required, in an iterative process, to conduct additional monitoring and/or implement actions/measures when discharge or receiving water limitations or water quality objectives are not being met.

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<sup>57</sup> The goals and objectives were developed as part of the ILRP Program Environmental Impact Report, ICF International. 2011. *Irrigated Lands Regulatory Program - Program Environmental Impact Report*. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA.

<sup>58</sup> ICF International. 2011. *Irrigated Lands Regulatory Program - Program Environmental Impact Report*. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA.

- (b) Appropriate Central Valley Water Board enforcement action where the iterative process is unsuccessful, program requirements are not met, or time schedules are not met.

Both Orders describe consequences for failure to meet requirements and is consistent with Key Element 5.

#### **XIV. California Environmental Quality Act (CEQA)**

##### **A. GBP Order**

The GBP Order is covered by the Environmental Impact Statement and Environmental Impact Report for the Grassland Bypass Project (EIS/EIR).<sup>59</sup> The lead agency for the EIS is the U.S. Bureau of Reclamation. The lead agency pursuant to CEQA (Pub. Resources Code § 21100 et seq.) is the San Luis & Delta-Mendota Water Authority. A Notice of Determination (NOD) was filed on 12 October 2009.<sup>60</sup> A Record of Decision (ROD-07-141) was issued in December 2009. No legal challenges were made to either decision.

The GBP Order relies on the environmental impact analysis contained in the EIS/EIR to satisfy the requirements of CEQA. The EIS/EIR identifies the following mitigation measures that apply to surface water discharges regulated by the GBP Order:

- Update and implement a water quality monitoring program. Results of the monitoring program for the GBP will be reviewed semi-annually, or more frequently as required, by the Oversight Committee. If unacceptable problems or impacts are identified, appropriate mitigative actions will be identified by the Oversight Committee to address the problems.

Appropriate mitigative actions may include, but not necessarily be limited to, interruption of specific identified contaminant pathways through hazing or habitat manipulation; increased management, enhancement, and recovery activities directed at impacted species in channels cleaned up as a result of the GBP, and/or establishment and attainment of more stringent contaminant load reductions. The costs of mitigation, as well as any required cleanup, will be borne by the draining parties. Monitoring to ensure the mitigative actions are effective will be required or continued to evaluate effectiveness.

- Implement the Storm Event Plan developed in 2007 when trigger event occurs. When major storm events occur, the Grassland Bypass Channel may not be able to handle the combined commingled discharge of surface runoff, storm water flows and agricultural drainage. Flow may be diverted to Grassland Water District channels. Increased water velocities in the Drain have the potential to scour and damage the structural integrity of the Drain, as well as releasing the accumulated sediment in the channel. The Storm Event Plan details a process for notifying regulatory and system users, the trigger velocity when gates to the Grassland Water District supply channel may be opened and then closed, and a requirement for daily monitoring to determine quantity and quality of the bypassed flows.

The GBP WDRs require implementation and reporting of these mitigation measures. These measures are in addition to mitigation measures found in the Use Agreement, the EIS/EIR, and the Biological Opinion from the U.S. Fish and Wildlife Service.<sup>61</sup> The additional mitigation measures in the other documents include a provision of water to enhance wildlife management areas and development of

<sup>59</sup> Entrix, 2009. *Grassland Bypass Project, 2010-2019, Environmental Impact Statement and Environmental Impact Report*. Final August 2009. Concord, CA. Prepared for: U.S. Bureau of Reclamation, South Central California Office and Mid-Pacific Region; and San Luis & Delta-Mendota Water Authority, Los Banos, CA

<sup>60</sup> NOD filed for the Grassland Bypass Project, 2010-2019, State Clearinghouse Number 2007121110.

<sup>61</sup> Memorandum, "Endangered Species Consultation on the Proposed Continuation of the Grassland Bypass Project, 2010-2019", dated 18 December 2009.

mitigation funds from monthly fees applicable to each pound of selenium discharged commencing in 2015, as well as mitigation achieved through environmental commitments regarding operations, spill prevention, downstream users notification, regional archaeology, protection of China Island, Mud Slough, sediment and ongoing load reduction assurance measures. The status of mitigation measures will be reported in the Annual Report as required by the MRP.

The Dischargers have complied with the habitat mitigation requirements in the affected reaches of Mud Slough (north) and the San Joaquin River by paying for the delivery of water to California Department of Fish and Wildlife for the creation of 95 acres of wetland (China Island), and by funding the habitat enhancement and water deliveries to U.S. Fish and Wildlife Service for 32 acres of created wetlands (Schwab Unit).

## **B. GDA Order**

For the purposes of adoption of the GDA Order, the Central Valley Water Board is the lead agency pursuant to CEQA. The Central Valley Water Board has prepared a Final Program Environmental Impact Report (PEIR)<sup>62</sup> that analyzes the potential environmental impacts of six program alternatives for a long term ILRP. As described more fully in Attachment D, the GDA Order relies upon the PEIR for CEQA compliance. The requirements of the GDA Order include regulatory elements that are also contained in the six alternatives analyzed in the PEIR. Therefore, the actions by growers to protect water quality in response to the requirements of the GDA Order are expected to be similar to those described for Alternatives 2-6 of the PEIR (Alternative 1 does not include groundwater protection).

The PEIR describes that potential environmental impacts of all six alternatives are associated with implementation of water quality management practices, construction of monitoring wells, and impacts to agriculture resources (e.g., loss of production of prime farmland) due to increased regulatory costs. Under the GDA Order, GDA growers will be required to implement water quality management practices to address water quality concerns. The PEIR describes and evaluates potential impacts of practices likely to be implemented to meet water quality and other management goals on irrigated lands. These water quality management practices include:

- Nutrient management
- Improved water management
- Tailwater recovery system
- Pressurized irrigation
- Sediment trap, hedgerow, or buffer
- Cover cropping or conservation tillage
- Wellhead protection

These practices are examples of the types of practices that would be broadly applied by irrigated agricultural operations throughout the Central Valley and are considered representative of the types of practices that would have potential environmental impacts. It is important to note that the evaluated practices are not required; operators will have the flexibility to select practices to meet water quality goals. The GDA Order represents one order in a series of orders that has been developed, based on the alternatives evaluated in the PEIR for all irrigated agriculture within the Central Valley.

The GDA growers and water districts have implemented several management practices and activities to minimize subsurface drainage discharges into surface waters of the state. These practices and activities include the installation of tailwater recovery systems, isolation of tailwater from subsurface drainage, and lining canals and installing piping to reduce seepage. With GDA Order regulating discharges to groundwater only, it is possible to further narrow the types of practices that may be implemented in

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<sup>62</sup> Ibid.

response to the requirements in the GDA Order. Of the types of management practices evaluated in the PEIR, only the following would be applicable to the GDA growers with respect to discharges to groundwater:

- Improved water management
- Tailwater recovery system
- Pressurized irrigation
- Nutrient management
- Wellhead protection

As described in the PEIR for Alternatives 2-6, the combination of an operator's choice of management practice and where that practice is implemented (i.e., located within a sensitive resource area) may result in significant environmental impacts for the following resource areas:

- Cultural resources: Potential loss of resources from construction and operation of management practices and monitoring wells.
- Noise and vibration: Exposure of sensitive land uses to noise from construction and operation of management practices (e.g., pump noise) and monitoring wells.
- Air quality: Generation of construction and operational emissions from management practices and monitoring wells (e.g., equipment and pump emissions generated during construction and continued operation of practices).
- Climate change: Cumulative, from a potential increase in greenhouse gas emissions.
- Vegetation and wildlife: Loss of habitat, wildlife, and wetland communities from construction and operation of practices and monitoring wells (e.g., loss of habitat if a practice is sited in a previously undisturbed area). Cumulative loss of habitat.
- Fisheries: Loss of habitat from construction of management practices and monitoring wells.
- Agriculture resources: Loss of farmland from increased regulatory cost. Cumulative loss of agriculture resources.

The above is a generalized summary of affected resource areas. The reader is directed to the Attachment D, Findings of Fact and Statement of Overriding Considerations, of the GDA Order for specific impacts and discussion. Attachment D provides a listing of the above impacts, the written findings regarding those impacts consistent with § 15091 of the CEQA Guidelines, and the explanation for each finding.

### ***Mitigation Measures***

The impacts described above, except for agriculture resources, cumulative climate change, and cumulative vegetation and wildlife can be reduced to a less than significant level through the employment of alternate practices or by choosing a location that avoids sensitive areas (e.g., installing a monitoring well that is already disturbed rather than in an area with undisturbed habitat). Where no alternate practice or less sensitive location for a practice exists, the GDA Order requires that the Steering Committee and GDA growers choosing to employ these practices avoid impacts to sensitive resources by implementing the mitigation measures described in Attachment C. A CEQA Mitigation Monitoring and Reporting Program is included in Attachment B of the GDA Order, Monitoring and Reporting Program R5-2015-0095.

## **XV. Statement of Policy With Respect to Maintaining High Quality Waters in California (State Water Board Resolution 68-16)**

This section of the Information Sheet first provides background on State Water Board Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16).

Following the background discussion, the Information Sheet describes how the various provisions in the WDR and MRP collectively implement Resolution 68-16. In summary, the requirements of Resolution 68-16 are met through a combination of upfront project-level planning and implementation at the regional (GBP Order) or farm level (GDA Order), representative monitoring and assessments to determine whether trends in degradation are occurring, and regional planning and on-farm implementation when degradation trends are identified.

For the GBP Order, regional trend monitoring of surface water together with periodic assessments of available surface water information is required to determine compliance with water quality objectives and determine whether any trends in water quality improvement or degradation are occurring. If trends in such degradation are identified that could result in impacts to beneficial uses, a surface quality management plan must be prepared by the Dischargers. The plan must include the identification of steps that will be implemented to address the trend in degradation and an evaluation of the effectiveness of those practices in addressing the degradation. Failure to implement improved practices will result in further direct regulation by the board, including, but not limited to, taking enforcement action.

For the GDA Order, the GDA growers will need to conduct an on-farm evaluation to determine whether their practices are protective of water quality and whether they are meeting the established farm management performance standards. Through the process of becoming aware of effective management practices, evaluating their practices, and implementing improved practices, growers are expected to meet the farm management performance standards and, thereby, achieve best practicable treatment or control (BPTC), where applicable. GDA growers must prepare and implement a farm-specific nitrogen management plan. Implementation of the nitrogen management plan should result in achieving BPTC for nitrates discharged to groundwater.

Representative monitoring of groundwater together with periodic assessments of available groundwater information is required to determine compliance with water quality objectives and determine whether any trends in water quality (improvement or degradation) are occurring. If trends in such degradation are identified that could result in impacts to beneficial uses, a groundwater quality management plan must be prepared by the Steering Committee. The plan must include the identification of practices that will be implemented to address the trend in degradation and an evaluation of the effectiveness of those practices in addressing the degradation. The Steering Committee must report on the implementation of practices by its growers. Failure of individual farmers to implement practices to meet farm management performance standards or address identified water quality problems will result in further direct regulation by the board, including, but not limited to, requiring individual farm water quality management plans, regulating the individual grower directly through WDRs for individual farmers, or taking other enforcement action.

As discussed further below, the combination of these requirements fulfills the requirements of Resolution 68-16 for any degradation of high quality waters authorized by the GDA Order.

#### **A. Background**

Basin Plan water quality objectives are developed to ensure that beneficial uses are protected. The quality of some state surface waters is higher than established Basin Plan water quality objectives. For example, nutrient levels in good, or "high quality" waters may be very low, or not detectable, while existing water quality standards for nutrients may be much higher. In such waters, some degradation of water quality may occur without compromising protection of beneficial uses. State Water Board Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16) was adopted in October of 1968 to address high quality waters in the state. Title 40 of the Code of Federal Regulations, Section 131.12 -- Antidegradation Policy (40 C.F.R. § 131.12) was developed in 1975 to ensure water quality necessary to protect existing uses in waters of the United States. Resolution 68-16 applies to discharges to all high quality waters of the state (Wat. Code, § 13050[e]); 40 C.F.R. § 131.12 applies only to surface waters.

The requirement to implement the Antidegradation Policy is contained in Resolution 68-16 (provision 2 presented below) and in the Basin Plan. The Basin Plan states that the Central Valley Water Board actions must conform to State Water Board plans and policies and among these policies is Resolution 68-16, which requires that:

1. *“Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.”*
2. *“Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.”*

For discharges to surface waters only, the Federal Antidegradation Policy (40 C.F.R. § 131.12) requires:

1. *“Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.*
2. *Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State’s continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.*
3. *When high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.*
4. *In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act.”*

The State Water Board has interpreted Resolution 68-16 to incorporate the Federal Antidegradation Policy in situations where the policy is applicable (SWRCB Order WQ 86-17). The application of the Federal Antidegradation Policy to nonpoint source discharges (including discharges from irrigated agriculture) is limited.<sup>63</sup>

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<sup>63</sup> 40 CFR 131.12(a)(2) requires that the “State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and *all cost-effective and reasonable best management practices for nonpoint source control.*” The EPA Handbook, Chapter 4, clarifies this as follows: “Section 131.12(a)(2) does not mandate that States establish controls on nonpoint sources. The Act leaves it to the States to determine what, if any, controls on nonpoint sources are needed to provide attainment of State water quality standards (See CWA Section 319). States may adopt enforceable requirements, or voluntary programs to address nonpoint source pollution. Section 40 CFR 131.12(a)(2) does not require that States adopt or implement best management practices for nonpoint sources prior to allowing point source degradation of a high quality water. However, States that have adopted nonpoint source controls must assure that

Administrative Procedures Update (APU) 90-004, Antidegradation Policy Implementation for NPDES Permitting, provides guidance for the Regional Water Boards in implementing Resolution 68-16 and 40 CFR 131.12, as these provisions apply to NPDES permitting. APU 90-004 is not applicable in the context of this Order because nonpoint discharges from agriculture are exempt from NPDES permitting.

A number of key terms are relevant to application of Resolution 68-16 to the GBP and GDA Orders. These terms are described below.

**High Quality Waters:** Resolution 68-16 applies whenever “existing quality of water is better than quality established in policies as of the date such policies become effective,”<sup>64</sup> and 40 C.F.R. § 131.12 refers to “quality of waters [that] exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation.” Such waters are “high quality waters” under the state and federal antidegradation policies. In other words, high quality waters are waters with a background quality of better quality than that necessary to protect beneficial uses.<sup>65</sup> The Water Code directs the State Water Board and the Regional Water Boards to establish water quality objectives for the reasonable protection of beneficial uses. Therefore, where water bodies contain levels of water quality constituents or characteristics that are better than the established water quality objectives, such waters are considered high quality waters.

Both state and federal guidance indicate that the definition of high quality waters is established by constituent or parameter [State Water Board Order WQ 91-10, USEPA Water Quality Handbook, Chapter 4 Antidegradation (40 C.F.R. § 131.12) (“EPA Handbook”)]. Waters can be of high quality for some constituents or beneficial uses but not for others. With respect to degraded groundwater, a portion of the aquifer may be degraded with waste while another portion of the same aquifer may not be degraded with waste. The portion not degraded is high quality water within the meaning of Resolution 68-16 (see State Water Board Order WQ 91-10).

In order to determine whether a water body is high quality water with regard to a given constituent, the background quality of the water body unaffected by the discharge must be compared to the water quality objectives. If the quality of a water body has declined since the adoption of the relevant policies and that subsequent lowering was not a result of regulatory action consistent with the state antidegradation policy, a baseline representing the historically higher water quality may be an appropriate representation of background.<sup>66</sup> However, if the decline in water quality was permitted consistent with state and federal antidegradation policies, the most recent water quality resulting from permitted action constitutes the relevant baseline for determination of whether the water body is high quality (see, e.g., SWRCB Order WQ 2009-0007, page 12). Additionally, if water quality conditions have improved historically, the current higher water quality would again be the point of comparison for determining the status of the water body as high quality water.

**Best Practicable Treatment or Control:** Resolution 68-16 requires that, where degradation of high quality waters is permitted, best practicable treatment or control (BPTC) limits the amount of

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such controls are properly implemented before authorization is granted to allow point source degradation of water quality.” Accordingly, in the context of nonpoint discharges, the BPTC standard established by state law controls.

<sup>64</sup> Such policies would include policies such as State Water Board Resolution 88-63, Sources of Drinking Water Policy, establishing beneficial uses, and water quality control plans.

<sup>65</sup> USEPA Water Quality Handbook, Chapter 4 Antidegradation (40 CFR 131.12), defines “high quality waters” as “those whose quality exceeds that necessary to protect the section 101(a)(2) goals of the Act [Clean Water Act], regardless of use designation.”

<sup>66</sup> The state antidegradation policy was adopted in 1968; therefore water quality as far back as 1968 may be relevant to an antidegradation analysis. For purposes of application of the federal antidegradation policy only, the relevant year would be 1975.

degradation that may occur. Neither the Water Code nor Resolution 68-16 defines the term “best practicable treatment or control.”

Despite the lack of a BPTC definition, certain State Water Board water quality orders and other documents provide direction on the interpretation of BPTC. The State Water Board has stated: “one factor to be considered in determining BPTC would be the water quality achieved by other similarly situated dischargers, and the methods used to achieve that water quality” (see Order WQ 2000-07, pages 10-11). In a “Questions and Answers” document for Resolution 68-16 (the Questions and Answers Document), BPTC is interpreted to additionally include a comparison of the proposed method to existing proven technology, evaluation of performance data (through treatability studies), comparison of alternative methods of treatment or control, and consideration of methods currently used by the discharger or similarly situated dischargers.<sup>67</sup> The costs of the treatment or control should also be considered. Many of the above considerations are made under the “best efforts” approach described later in this section. In fact, the State Water Board has not distinguished between the level of treatment and control required under BPTC and what can be achieved through “best efforts.”

The Regional Water Board may not “specify the design, location, type of construction or particular manner in which compliance may be had with [a] requirement, order, or decree” (Water Code 13360). However, the Regional Water Board still must require the discharger to demonstrate that the proposed manner of compliance constitutes BPTC (SWRCB Order WQ 2000-07). The requirement of BPTC is discussed in greater detail below.

**Maximum Benefit to People of the State:** Resolution 68-16 requires that where degradation of water quality is permitted, such degradation must be consistent with the “maximum benefit to people of the state.” Only after “intergovernmental coordination and public participation” and a determination that “allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located” does 40 C.F.R. §131.12 allow for degradation.

As described in the Question and Answers Document, factors considered in determining whether degradation of water quality is consistent with maximum benefit to people of the State include economic and social costs, tangible and intangible, of the proposed discharge, as well as the environmental aspects of the proposed discharge, including benefits to be achieved by enhanced pollution controls. With reference to economic costs, both costs to the dischargers and the affected public are considered. Closely related to the BPTC requirement, consideration must be given to alternative treatment and control methods and whether lower water quality can be abated or avoided through reasonable means, and the implementation of feasible alternative treatment or control methods should be considered.

USEPA guidance clarifies that the federal antidegradation provision “is not a ‘no growth’ rule and was never designed or intended to be such. It is a policy that allows public decisions to be made on important environmental actions. Where the state intends to provide for development, it may decide under this section, after satisfying the requirements for intergovernmental coordination and public participation, that some lowering of water quality in “high quality waters” is necessary to accommodate important economic or social development” (EPA Handbook for Developing Watershed Plans to Restore and Protect Our Waters, Chapter 4). Similarly, under Resolution 68-16, degradation is permitted where maximum benefit to the people of the state is demonstrated.

**Water Quality Objectives and Beneficial Uses:** As described above, Resolution 68-16 and 40 C.F.R. § 131.12 are both site-specific evaluations that are not easily employed to address large areas or broad implementation for classes of discharges. However, as a floor, any degradation permitted

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<sup>67</sup> See *Questions and Answers, State Water Resources Control Board, Resolution 68-16* (February 16, 1995).

under the antidegradation policies must not cause an exceedance of water quality objectives or a pollution or nuisance. Furthermore, the NPS Policy establishes a floor for all water bodies in that implementation programs must address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses.

***Waters that are Not High Quality: The “Best Efforts” Approach:*** Where a water body is not high quality and the antidegradation policies are accordingly not triggered, the Central Valley Water Board should, under State Water Board precedent, set limitations more stringent than the objectives set forth in the Basin Plan. The State Water Board has directed that, “where the constituent in a groundwater basin is already at or exceeding the water quality objective, the Regional Water Board should set limitations more stringent than the Basin Plan objectives if it can be shown that those limitations can be met using ‘best efforts.’” SWRCB Order WQ 81-5; see also SWRCB Orders Nos. WQ 79-14, WQ 82- 5, WQ 2000-07. Finally, the NPS Policy establishes standards for management practices.

The “best efforts” approach involves the Regional Water Board establishing limitations expected to be achieved using reasonable control measures. Factors which should be analyzed under the “best efforts” approach include the effluent quality achieved by other similarly situated dischargers, the good faith efforts of the discharger to limit the discharge of the constituent, and the measures necessary to achieve compliance (SWRCB Order WQ 81-5, page 7). The State Water Board has applied the “best efforts” factors in interpreting BPTC. (See SWRCB Order Nos. WQ 79-14, and WQ 2000-07).

In summary, the board may set discharge limitations more stringent than water quality objectives even outside the context of the antidegradation policies. The “best efforts” approach must be taken where a water body is not “high quality” and the antidegradation policies are accordingly not triggered.

## **B. Application of Resolution 68-16 Requirements to the Order**

### ***GBP Order***

The determination of a high quality water within the meaning of the antidegradation policies is water body and constituent-specific. Some water bodies receiving discharge from the GBP are already impaired for some constituents. Those same receiving water bodies meet objectives for particular constituents and would be considered “high quality waters” with respect to those constituents.

The temporary degradation of Mud Slough (north) and the San Joaquin River between Mud Slough (north) and the Merced River is allowed through policies established in the Basin Plan. This temporary degradation is allowed because: 1) the continuation of the GBP discharges diverts drainage away from Salt Slough and the wetland water supply channels listed in Appendix 40, as afforded by the regional drainage management project, and has long-term environmental benefits to the wildlife utilizing this portion of the Pacific Flyway and the Grasslands Ecological Area; 2) the farm-based economy of the area would be adversely affected by the discontinuation of the GBP; and 3) it provides time for the development of regional drainage management capability to meet water quality objectives.

Any application of the antidegradation requirements must account for the fact that at least some of the waters into which the subsurface agricultural wastes discharge are high quality waters for some constituents. Further, the Order provisions should also account for the fact that even where a water body is not high quality (such that discharge into that water body is not subject to the antidegradation policy), the board should, under State Water Board precedent, impose limitations more stringent than the objectives set forth in the Basin Plan, if those limits can be met by “best efforts.”

The WDR and MRP for the Grassland Bypass Project are intended to allow a means for the Dischargers to work with GDA growers to implement measures to meet the discharge and receiving limitations, and eventually the water quality objectives for the San Joaquin River. Continuation of the Project will allow water quality to improve by the implementation of “best effort” measures by the GDA growers.

### ***GDA Order***

Very little guidance has been provided in state or federal law with respect to applying the antidegradation policy to a program or general permit where multiple water bodies are affected by various discharges, some of which may be high quality waters and some of which may, by contrast, have constituents at levels that already exceed water quality objectives. Given these limitations, the board has used available information regarding the water quality status of groundwater in the Grassland Drainage Area to construct provisions in the GDA Order to meet the substantive requirements of Resolution 68-16.

The GDA Order regulates discharges from thousands of individual fields to groundwater underlying the Grassland Drainage Area. There is no comprehensive, waste constituent-specific information available for groundwater aquifers accepting irrigated agricultural wastes that would allow site-specific assessment of current conditions. Likewise, there are no comprehensive historic data.

As described in section IV.A.3 and IV.A.4, available monitoring conducted by the USGS GAMA in 2010 showed detections of 14 pesticides and pesticide degradates in groundwater within the Delta-Mendota subbasin that are or could be associated with irrigated agricultural activities. Groundwater quality in the Delta-Mendota subbasin in the same study showed maximum nitrate levels in the Delta-Mendota subbasin above the applicable water quality objective were found in production and monitoring wells that sampled groundwater at 200 feet or less below ground level. In the Grassland Drainage Area, there was limited groundwater monitoring, but a nitrate concentration of 12.7 mg/L was found at one monitoring well.

While the lack of historical data prevents the board from being able to determine whether the groundwater represented by these wells are considered “high quality” with respect to nitrates, because it is unknown when the degradation occurred, available data show that currently existing quality of certain water bodies is better than the water quality objectives. For example, deeper groundwaters, represented by municipal supply wells, are generally high quality with respect to pesticides and nitrates. Degradation of such waters can be permitted only consistent with the state and federal antidegradation policies.

Given the significant variation in conditions over the broad areas covered by the GDA Order, any application of the antidegradation requirements must account for the fact that at least some of the waters into which agricultural discharges will occur are high quality groundwater (for some constituents). Further, the GDA Order provisions should also account for the fact that even where a water body is not high quality (such that discharge into that water body is not subject to the antidegradation policy), the board should, under State Water Board precedent, impose limitations more stringent than the objectives set forth in the Basin Plan, if those limits can be met by “best efforts.”

### **C. Consistency with BPTC and the “Best Efforts” Approach**

Due to the numerous commodities being grown, the different water management systems in place and the regional nature of the problem, identification of a specific technology or treatment device as BPTC or “best efforts” has not been accomplished. The Central Valley Water Board recognizes that there is often site-specific, crop-specific, and regional variability that affects the selection of appropriate management practices, as well as design constraints and pollution-control effectiveness of various practices. In addition, the board recognizes that the gains made in previous years in the area served by the GBP are a result of a combination of individual grower improvements, improvements made at the district level, and regional efforts.

Growers need the flexibility to choose management practices that best achieve a management measure’s performance expectations given their own unique circumstances. Management practices developed for agriculture are to be used as an overall system of measures to address nonpoint-source pollution sources on any given site. In most cases, not all of the practices will be needed to address the nonpoint sources at a specific site. Operations may have more than one constituent of concern to address and may need to employ two or more of the practices to address the multiple sources. Where

more than one source exists, the application of the practices should be coordinated to produce an overall system that adequately addresses all sources for the site in a cost-effective manner.

There is no specific set of technologies, practices, or treatment devices that can be said to achieve BPTC/best efforts universally in the watershed.

### ***GBP Order***

The GBP needs the flexibility to explore, implement and evaluate control and treatment measure that best achieve performance expectations. These control and treatment measures will operate on a regional basis to lower the discharge loads of selenium, salts and boron. More than one means of control or treatment has been and will likely continue to be required for these constituents in order to meet the water quality objectives for Mud Slough (north) and the San Joaquin River above the Merced River.

There is no specific set of technologies or treatment devices that can be said to achieve BPTC/best efforts universally in the watershed considering the crop variety and factors (e.g., water allocation) affecting individual farms in the Grassland Drainage Area. The Basin Plan in Chapter IV, page IV-31.00 states:

1. "In developing control actions for selenium, the Regional Board will utilize a priority system which focuses on a combination of sensitivity of the beneficial use to selenium and the environmental benefit expected from the action.
2. Control actions which result in selenium load reductions are most effective in meeting water quality objectives.
3. With the uncertainty in the effectiveness of each control action, the regulatory program will be conducted as a series of short-term actions that are designed to meet long-term water quality objectives.
4. Best management practices such as water conservation measures, are applicable to the control of agricultural subsurface drainage."

The efforts of the GDA growers to 1) limit the discharge from the Grassland Drainage Area; 2) the projects initiated under the San Joaquin River Improvement Project; and 3) the reuse of subsurface drainage are considered "best efforts" by the Central Valley Water Board. These efforts have lowered the selenium loading from the GBP to the San Joaquin River so that a section of the San Joaquin River has been delisted for selenium under 303(d).

### ***GDA Order***

The GDA Order establishes a set of performance standards that must be achieved and an iterative planning approach that will lead to implementation of BPTC/best efforts. The iterative planning approach will be implemented as two distinct processes, 1) establishment of a baseline set of universal farm water quality management performance standards combined with upfront evaluation, planning and implementation of management practices to attain those goals, and 2) additional planning and implementation measures where degradation trends are observed that threaten to impair a beneficial use or where beneficial uses are impaired (i.e., water quality objectives are not being met). Taken together, these processes are considered BPTC/best efforts. The planning and implementation processes that growers must follow on their farms should lead to the on-the-ground implementation of the optimal practices and control measures to address waste discharge from irrigated agriculture.

#### 1. Farm Management Performance Standards

The GDA Order establishes on-farm standards for implementation of management practices that all growers must achieve. The selection of appropriate management practices must include analysis of site-specific conditions, waste types, discharge mechanisms, and crop types. Considering this, as well as the Water Code section 13360 mandate that the Regional Water Board not specify the manner of

compliance with its requirements, selection must be done at the farm level. Following are the performance standards that all growers must achieve:

- a. minimize percolation of waste to groundwater,
- b. minimize excess nutrient application relative to crop consumption,
- c. prevent pollution and nuisance,
- d. achieve and maintain water quality objectives and beneficial uses, and
- e. protect wellheads from surface water intrusion.

BPTC is not defined in Resolution 68-16. However, the State Water Board describes in its 1995 Questions and Answers, Resolution 68-16: "To evaluate the best practicable treatment or control method, the discharger should compare the proposed method to existing proven technology; evaluate performance data, e.g., through treatability studies; compare alternative methods of treatment or control; and/or consider the method currently used by the discharger or similarly situated dischargers." Available state and federal guidance on management practices may serve as a measure of the types of water quality management goals for irrigated agriculture recommended throughout the state and country (e.g., water quality management goals for similarly situated dischargers). This will provide a measure of whether implementation of the above performance standards will lead to implementation of BPTC/best efforts.

- As part of California's Nonpoint Source Pollution Control Program, the State Water Board, California Coastal Commission, and other state agencies have identified seven management measures to address agricultural nonpoint sources of pollution that affect state waters (*California's Management Measures for Polluted Runoff*, referred to below as "Agriculture Management Measures").<sup>68</sup> The agricultural management measures include practices and plans installed under various NPS programs in California, including systems of practices commonly used and recommended by the USDA as components of resource management systems, water quality management plans, and agricultural waste management systems.
- USEPA's National Management Measures to Control Nonpoint Source Pollution from Agriculture (EPA 841-B-03-004, July 2003),<sup>69</sup> "is a technical guidance and reference document for use by State, local, and tribal managers in the implementation of nonpoint source pollution management programs. It contains information on the best available, economically achievable means of reducing pollution of surface and ground water from agriculture."

Both of the above guidance documents describe a series of management measures, similar to the farm management performance standards and related requirements of the GDA Order. The agricultural management measures described in the state and USEPA reference documents generally include: 1) erosion and sediment control, 2) facility wastewater and runoff from confined animal facilities, 3) nutrient management, 4) pesticide management, 5) grazing management, 6) irrigation water management, and 7) education and outreach. A comparison of the recommendations with the management practices implemented by the GBP, and the GBP and GDA Orders' requirements are provided below.

*Management measure 1, erosion and sediment control.* The GBP Order places limits on the maximum flow rate in the San Luis Drain to prevent scouring and the mobilization of drain sediments. The Use Agreement states that "[t]o avoid re-suspending sediment in the Drain, the

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<sup>68</sup> *California's Management Measures for Polluted Runoff*  
([http://www.waterboards.ca.gov/water\\_issues/programs/nps/docs/cammpr/info.pdf](http://www.waterboards.ca.gov/water_issues/programs/nps/docs/cammpr/info.pdf))

<sup>69</sup> *National Management Measures to Control Nonpoint Source Pollution from Agriculture*  
([http://water.epa.gov/polwaste/nps/agriculture/agmm\\_index.cfm](http://water.epa.gov/polwaste/nps/agriculture/agmm_index.cfm))

maximum rate of flow in the Drain shall be 150 cfs” and that “[u]nder normal operations, flows will be slow enough to not cause sediment movement.” In addition, GDA growers are not allowed to discharge tailwaters into water district canals that discharge to the Grassland Bypass Channel.

For the GDA Order, this management measure is not applicable since it does not address waste discharges to surface water.

*Management measure 2* is not applicable to either Order, as the Orders do not address waste discharges from confined animal facilities.

*Management measure 3, nutrient management.* As described in the State’s Agricultural Management Measures document, “*this measure addresses the development and implementation of comprehensive nutrient management plans for areas where nutrient runoff is a problem affecting coastal waters and/or water bodies listed as impaired by nutrients.*” Nutrient management practices implemented to meet performance standards are consistent with this measure.

Where nutrients are causing exceedances of water quality objectives in surface waters, the GBP Order would require development of a detailed SQMP which would address sources of nutrients and require implementation of practices to manage nutrients.

The GDA Order requires nitrogen management plans to be developed by the GDA growers within both high vulnerability and low vulnerability groundwater areas. Nitrogen management plans require farmers to document how their fertilizer use management practices meet performance standard d. Finally, where excess nutrients from irrigated agriculture may be causing exceedances of water quality objectives in groundwater, the GDA Order would require development of a GQMP which would address sources of nutrients, require implementation of practices to manage nutrients, and initiate monitoring to determine if the management practices implemented are effective. Collectively, these requirements work together in a manner consistent with management measure 3.

*Management measure 4, pesticide management.* As described in the State’s Agricultural Management Measures document, this measure “*is intended to reduce contamination of surface water and groundwater from pesticides.*” Performance standards a, c, d, and e are consistent with this management measure, requiring farmers to implement practices that minimize waste discharge to surface and groundwater (such as pesticides), prevent pollution and nuisance, achieve and maintain water quality objectives, and implement wellhead protection measures (GDA Order).

*Management measure 5, grazing management* is not applicable, as the Grassland Drainage Area contains minimal acreage used for grazing.

*Management measure 6, irrigation water management.* As described in the state Agricultural Management Measures document, this measure “*promotes effective irrigation while reducing pollutant delivery to surface and ground waters.*”

For the GBP Order, the GDA growers are not allowed to discharge tailwater into the Grassland Bypass Channel. Control and treatment technologies are being explored to minimize the release of selenium and salts to the discharge point. Reuse of the subsurface drainage is also being utilized to meet discharge limitations and eventually the water quality objective.

For the GDA Order, performance standards a and c, requiring GDA growers to minimize waste discharge to groundwater which will lead to practices that will also achieve this management measure. For example, a grower may choose to implement efficient irrigation management programs (e.g., timing, uniformity testing), technologies (e.g., tailwater return), or other methods to minimize discharge of waste and percolation to groundwater.

*Management measure 7, education and outreach.* The GBP Order requires that the Dischargers meet specific performance standards and deadlines. The Dischargers have used education and outreach to the GDA growers in the past to inform growers of projects in the SJRIP and monitoring results for salinity and selenium. It is anticipated that this approach will be used, as necessary, in the future.

The GDA Order requires that Steering Committee conduct education and outreach activities to inform growers of program requirements and water quality problems.

Implementation of practices to achieve the GBP and GDA Orders' water quality requirements described above are consistent with the state and federal guidance for management measures. Because these measures are recommended for similarly situated dischargers (e.g., agriculture), compliance with the requirements of the Orders will lead to implementation of BPTC/best efforts by the growers.

## 2. Additional Planning and Implementation Measures (SQMPs/GQMPs)

The Orders require development of water quality management plans for surface water (GBP Order) and groundwater (GDA Order) where degradation trends are observed that threaten to impair a beneficial use or where beneficial uses are impaired (i.e., water quality objectives are not being met). SQMPs/GQMPs include requirements to investigate sources; develop strategies to implement practices to ensure waste discharges are meeting discharge and receiving water limitations (GBP Order) or groundwater receiving water limitations (GDA Order); and develop/implement a monitoring strategy to provide feedback on the effectiveness of the management plan. In addition, the SQMPs/GQMPs must include actions to "Identify, validate, and implement management practices to reduce loading of COC's [constituents of concern]" to the subsurface agricultural discharge (GBP Order) or to groundwater (GDA Order), thereby improving water quality" (see Appendix MRP-1). Under these plans, additional management practices will be implemented in an iterative manner, to ensure that the management practices represent BPTC/best efforts and that degradation does not threaten beneficial uses. The SQMPs/GQMPs need to meet the performance standards set forth in the respective Order. The SQMPs/GQMPs are also reviewed periodically to determine whether adequate progress is being made to address the degradation trend or impairment. If adequate progress is not being made, then the Executive Officer can require monitoring studies, on-site verification of implementation of practices, or the board may revoke the coverage under the respective Order. For the GDA Order, discharge would then be regulated through an individual WDR.

In cases where effectiveness of practices in protecting water quality is not known, the data and information gathered through the GQMP and MPEP processes will result in the identification of management practices that meet the performance standards and represent BPTC/best efforts. Since the performance standards also apply to low vulnerability areas with high quality waters, those data and information will help inform the GDA growers and board of the types of practices that meet performance standard requirements.

It is also important to note that in some cases, other agencies may establish performance standards that are equivalent to BPTC and may be relied upon as part of a SQMP/GQMP. For example, the Bureau may remove, at its discretion, sediment and organic materials deposited in the Drain at any time during the term of its present Use Agreement; or the practices required under DPR's Groundwater Protection Program are considered BPTC for those pesticides requiring permits in groundwater protection areas, since the practices are designed to prevent those pesticides from reaching groundwater and they apply uniformly to similarly situated dischargers in the area.

The State Water Board indicates in its Questions and Answers, Resolution 68-16: "To evaluate the best practicable treatment or control method, the discharger should...evaluate performance data, e.g.,

through treatability studies...” Water quality management plans, referred to as SQMPs/GQMPs above, institute an iterative process whereby the effectiveness of any set of measures/practices in achieving receiving water limitations will be periodically reevaluated as necessary and/or as more recent and detailed water quality data become available. For the GBP Order, the Dischargers are required to submit annually a Drainage Management Plan that details the specific control or treatment methods implemented for subsurface drainage to comply with water quality objectives contained in the Basin Plan for discharges from the GBP. For the GDA Order, the monitoring reports and management plan status reports submitted by the Steering Committee on an ongoing basis will include information on the practices being implemented and, for practices implemented in response to GQMPs, an evaluation of their effectiveness. This process of reviewing data and instituting additional measures/practices where necessary will continue to assure that BPTC/best efforts are implemented and will facilitate the collection of information necessary to demonstrate the performance of the measure/practices. This iterative process will also ensure that the highest water quality consistent with maximum benefit to the people of the state will be maintained.

Resolution 68-16 does not require Dischargers or the GDA growers to use technology that is better than necessary to prevent degradation (as evaluated on a constituent by constituent basis). As such, the board presumes that the performance standards required by the GBP and GDA Orders are sufficiently achieving BPTC where water quality conditions and management practice implementation are already preventing degradation.

Further, since BPTC determinations are informed by the consideration of costs, it is important that discharges in these areas not be subject to the more stringent and expensive requirements associated with GQMPs. Therefore, though growers in “low vulnerability” areas must still meet the farm management performance standards described above, they do not need to incur additional costs associated with GQMPs where there is no evidence of their contributing to degradation of high quality waters.

### 3. Management Practices Evaluation Program (MPEP) and Other Reporting and Planning Requirements (GDA Order)

In addition to the GQMPs, the GDA Order includes a comprehensive suite of reporting requirements that should provide the board with the information it needs to determine whether the necessary actions are being taken to achieve BPTC and protect water quality, where applicable. These reporting provisions have been crafted in consideration of Water Code section 13267, which requires that the burden, including costs, of monitoring requirements bear a reasonable relationship to the need for and the benefits to be gained from the monitoring. In high vulnerability groundwater areas, the Steering Committee must develop and implement a Management Practices Evaluation Program (MPEP). The MPEP will include evaluation studies of management practices to determine whether those practices are protective of groundwater quality (e.g., that will not cause or contribute to exceedances of water quality objectives) for identified constituents of concern under a variety of site conditions. If the management practices are not protective, new practices must be developed, implemented, and evaluated. Any management practices that are identified as being protective of water quality, or those that are equally effective, must be implemented by growers who farm under similar conditions (e.g., crop type, soil conditions) (see provision IV.B.20 of the GDA Order).

Farm management performance standards are applicable to both high and low vulnerability areas. The major difference in high and low vulnerability areas is the priority for action. High vulnerability areas may contain both high and low quality waters with respect to constituents discharged by irrigated agriculture, and the MPEP and other reporting, planning, and implementation requirements will determine and require actions to achieve BPTC and best efforts for high and low quality waters, respectively. Because low vulnerability areas present less of a threat of degradation or pollution, additional time is provided, or a lower level of review and certification is required, for some of the planning and reporting requirements. Also, while an MPEP is not required for the low vulnerability

areas, the actions required by the MPEP must be implemented as applicable by growers in both high and low vulnerability areas, and will therefore result in the implementation of BPTC and best efforts in high and low vulnerability areas, and will inform evaluation of compliance with performance standards in all areas. The GDA Order requires implementation of actions that achieve BPTC and best efforts for both high and low quality waters, respectively.

To determine whether a degradation trend is occurring for groundwater, a trend monitoring program is required in both “low vulnerability” and “high vulnerability” areas. The trend monitoring for the low vulnerability areas is required to help the board determine whether any trend in degradation of groundwater quality is occurring. For pesticides in groundwater, the board will initially rely on the information gathered through the Department of Pesticide Regulation’s monitoring efforts to determine whether any degradation related to pesticides is occurring. If the available groundwater quality data (e.g., nitrates, pesticides) in a low vulnerability area suggest that degradation is occurring that could threaten to impair beneficial uses, then the area would be re-designated as a high vulnerability area.

The Steering Committee is required to prepare a Groundwater Quality Assessment Report (GAR) and update that report every five years. The GAR will include an identification of high vulnerability and low vulnerability areas, including identification of constituents that could cause degradation. The initial submittal of the GAR will include a compilation of water quality data, which the board and the Steering Committee will use to evaluate trends. The periodic updates to the GAR will require the consideration of data collected by the Steering Committee, as well as other organizations, and will also allow the board and the Steering Committee to evaluate trends. The GAR will provide a reporting vehicle for the board to periodically evaluate water quality trends to determine whether degradation is occurring. If the degradation triggers the requirement for a GQMP, then the area in which the GQMP is required would be considered “high vulnerability” and all of the requirements associated with a high vulnerability area would apply to those growers.

All GDA growers will also need to report on their management practices through the farm evaluation process. In addition, all growers will need to prepare nitrogen management plans prepared in accordance with the nitrogen management plan templates approved by the Executive Officer. The plans require growers to document how their fertilizer use management practices minimize excess nutrient application relative to crop consumption. The planning requirements are phased according to threat level such that growers in low vulnerability areas have more time to complete their plans than those in high vulnerability areas. Growers in high vulnerability areas will need to submit nitrogen management plan summary reports. Through the farm evaluation, the grower must identify “...on-farm management practices implemented to achieve the GDA Order’s farm management performance standards” In addition, the nitrogen management plan summary reports required in high vulnerability areas will include, at a minimum, information on the ratio of total nitrogen available for crop uptake to the estimated crop consumption of nitrogen. Nitrogen management plans and nitrogen management plan summary reports provide indicators as to whether the grower is meeting the performance standard to minimize excess nutrient application relative to crop consumption of nitrogen. The MPEP study process would be used to determine whether the nitrogen consumption ratio meets the performance standard of the GDA Order.

#### **D. Summary**

The GBP Order Dischargers are required to implement measures to meet the above goals and periodically review the effectiveness of implemented measures and make improvements where necessary. Also, the Order requires water quality monitoring and assessments aimed to identify trends, evaluate effectiveness of management practices, and detect exceedances of water quality objectives. The process of periodic review of SQMPs, review of monitoring data, and updates to the Drainage Management Plan provides mechanisms for the board to better ensure that the Dischargers are meeting the requirements of the Order.

The GBP Order is designed to achieve site-specific antidegradation and antidegradation-related requirements through implementation of BPTC/best efforts as appropriate and monitoring, evaluation, and reporting to confirm the effectiveness of the BPTC/best efforts measures in achieving their goals. The GBP Order relies on implementation of control and treatment technologies that constitute BPTC/best efforts, based to the extent possible on existing data, and requires the water quality monitoring to ensure that the selected measures in fact constitute BPTC where degradation of high quality waters is or may be occurring, and best efforts where waters are already degraded. For the GBP Order, the Basin Plan sets performance goals to meet water quality objectives while these measures are being implemented.

The GDA growers are required to implement measures/practices to meet the above performance standards and periodically review the effectiveness of implemented practices and make improvements where necessary. growers in both high and low vulnerability areas will identify the practices they are implementing to achieve water quality protection requirements as part of farm evaluations and nitrogen management plans. Growers in high vulnerability areas have additional requirements associated with the GQMPs, implementing practices identified as protective through the MPEP studies, and reporting on their activities more frequently.

Also, the GDA Order requires water quality monitoring and assessments aimed to identify trends, evaluate effectiveness of management practices, and detect exceedances of water quality objectives. The requirements were designed in consideration of Water Code section 13267. The process of periodic review of GQMPs provides a mechanism for the board to better ensure that growers are meeting the requirements of the GDA Order, if the Steering Committee-led efforts are not effective in ensuring receiving water limitations are achieved.

Requirements for individual farm evaluations, nitrogen management plans, management practices tracking and water quality monitoring and reporting are designed to ensure that degradation is minimized and that management practices are protective of water quality. These requirements are aimed to ensure that all irrigated lands are implementing management practices that minimize degradation, the effectiveness of such practices is evaluated, and feedback monitoring is conducted to ensure that degradation is minimized. Even in low vulnerability areas where there is no information indicating degradation of a high quality water, the farm management performance standards act as a preventative requirement to ensure degradation does not occur. The information and evaluations conducted as part of the GQMP process will help inform those growers in low vulnerability areas of the types of practices that meet the performance standards. In addition, even growers in low vulnerability groundwater areas must implement practices (or equivalent practices) that are identified as protective through the MPEP studies (where these practices are applicable to the growers' site conditions). The farm evaluations and nitrogen management plan requirements for low vulnerability areas provide indicators as to whether growers are meeting applicable performance standards. The required monitoring and periodic reassessment of vulnerability designations will allow the board to determine whether degradation is occurring and whether the status of a low vulnerability area should be changed to high vulnerability, and vice versa.

The GDA Order is designed to achieve site-specific antidegradation and antidegradation-related requirements through implementation of BPTC/best efforts as appropriate and monitoring, evaluation, and reporting to confirm the effectiveness of the BPTC/best efforts measures in achieving their goals. The Order relies on implementation of practices and treatment technologies that constitute BPTC/best efforts and requires monitoring of water quality and evaluation studies to ensure that the selected practices in fact constitute BPTC where degradation of high quality waters is or may be occurring, and best efforts where waters are already degraded. Because the State Water Board has not distinguished between the level of treatment and control required under BPTC and what can be achieved through best efforts, the requirements of the GDA Order for BPTC/best efforts apply equally to high quality waters and already degraded waters.

The GBP and GDA Orders allow degradation of existing high quality waters while best efforts measures/practices are being implemented. The degradation is consistent with maximum benefit to the people of the state for the following reasons:

- At a minimum, the GBP Order requires that the discharge and receiving waters achieve and maintain compliance with the discharge limitations in the Basin Plan and protect existing beneficial uses. The GDA Order requires that irrigated agriculture achieve and maintain compliance with water quality objectives and beneficial uses;
- The requirements implementing the GBP and GDA Orders will result in use of BPTC where irrigated agricultural waste discharges may cause degradation of high quality waters; where waters are already degraded, the requirements will result in the pollution controls that reflect the “best efforts” approach. Because BPTC will be implemented, any lowering of water quality will be accompanied by implementation of the most appropriate treatment or control technology;
- Central Valley communities depend on irrigated agriculture for employment (PEIR, Appendix A). Widespread to total elimination of farming would result in loss of these jobs, which would disproportionately impact already disadvantaged communities that depend on farm jobs and the farm economy. The total output of the agricultural sector, including support services, could be substantially reduced if no degradation were allowed;
- The state and nation depend on Central Valley agriculture for food (PEIR, Appendix A). As stated in the PEIR, one goal of the GDA Order is to maintain the economic viability of agriculture in California’s Central Valley. Failing to authorize degradation of high quality waters could result in a significant loss of farmland;
- Consistent with the stated goal of ensuring that irrigated agricultural discharges do not impair access to safe and reliable drinking water, the Orders protect high quality waters relied on by local communities from degradation by current measures/practices on irrigated lands in the Grassland Drainage Area. The GBP and GDA Orders are designed to prevent irrigated lands discharges from causing or contributing to exceedances of water quality objectives, which include maximum contaminant levels for drinking water. The GDA Order imposes more stringent requirements in areas deemed “high vulnerability” based on threat to groundwater beneficial uses, including the domestic and municipal supply use. The GDA Order also is designed to detect and address exceedances of water quality objectives, if they occur, in accordance with the compliance time schedules provided therein;
- The GBP Order includes performance standards that will work to prevent further degradation of surface water quality;
- Because the GDA Order prohibits degradation above a water quality objective and establishes representative a groundwater monitoring program to determine whether irrigated agricultural waste discharges are in compliance with the GDA Order’s receiving water limitations, local communities should not incur any additional treatment costs associated with the degradation authorized by the GDA Order. In situations where water bodies are already above water quality objectives and communities are currently incurring treatment costs to use the degraded water, the requirements established by the GDA Order will institute time schedules for reductions in irrigated agricultural sources to achieve the GDA Order’s receiving water limitations; therefore, the GDA Order will, over time, work to reduce treatment costs of such communities; and
- The GDA Order requires GDA growers to achieve water quality management practice performance standards and includes farm management practices monitoring to ensure practices are implemented to achieve these standards. The iterative process whereby growers implement practices to achieve farm management performance standards, coupled with representative groundwater monitoring feedback to assess whether the practices are effective, will prevent degradation of groundwater quality above water quality objectives. The requirement that GDA

growers not cause or contribute to exceedances of water quality objectives is a ceiling. Achieving the farm management performance standards will, in many instances, result in preventing degradation or degradation well below water quality objectives.

The requirements of the GBP and GDA Orders and the limited degradation that would be allowed are consistent with State Water Board Resolution 68-16. The requirements of the Orders will result in the implementation of BPTC necessary to assure the highest water quality consistent with the maximum benefit to the people of the state. The water limitations in sections II of the GBP Order and section III of the GDA Order; the compliance schedules in section II and the Basin Plan for the GBP Order and section XII of the GDA Order; and the Monitoring and Reporting Program's requirements to track compliance for both Orders are designed to ensure that further degradation of water quality will not occur and that limited degradation will not unreasonably affect beneficial uses, or cause a condition of pollution or nuisance. Finally, the iterative process of reviewing data and instituting additional management measures/practices where necessary will ensure that the highest water quality consistent with the maximum benefit to the people of the state will be maintained.

#### **XVI. Water Code Section 13141 (GBP Order)**

The EIR/EIS for the 2009 Use Agreement examined the socioeconomic impacts to the region under three scenarios: 1) No Action Alternative; 2) Proposed Action; and 3) Alternate Action. The No Action Alternative assumed termination of the GBP. The Proposed Action would implement the 2009 Use Agreement conditions for the GBP. The Alternative Action examined a continuation of the GBP, but at the level set in the 2001 Use Agreement.

The key farm-level variable used for measurement of impact significance was farm profit. Farm profit summarizes the effects of an alternative on the long-run viability of farming in the area and was measured relative to estimated 2007 existing conditions. All three alternatives examined the projected effects from 2010 to 2019. Each alternative had negative annual impacts when compared to the 2007 existing conditions. The most extreme impact was the No Action Alternative which soil and water salinity would increase, crop yields and revenues would decline, acreages would shift among crops, but total cropped acreage would remain very similar between 2010 and 2019. The economic impact between the Proposed Alternative and the Alternative Action were insignificant.

The Alternative Action would not lower selenium levels below those set in the 2001 Use Agreement. The Proposed Action would lower these levels in accordance with the 2009 Use Agreement, which would lower selenium loading significantly below the TMML and eventually achieve the water quality objectives in Mud Slough (north) and the San Joaquin River above the Merced River.

#### **XVII. Water Code Sections 13141 and 13241 (GDA Order)**

The total estimated annual average cost of compliance with the GDA Order, e.g., summation of costs for administration, monitoring, reporting, tracking, implementation of management practices, is approximately \$16.20 per acre. The total estimated average cost of compliance associated with the GDA Order is \$1,572,000 per year. These estimates are based on the costs for the Western Tulare Lake Basin Order, since the GDA has similar farming crop types, management practices, and geohydrological features with the Westlands area.

Approximately \$11.82 of the estimated \$16.20 per acre annual cost of the GDA Order is associated with implementation of water quality management practices (see discussion below for a breakdown of estimated costs). The GDA Order does not require that growers implement specific water quality

management practices.<sup>70</sup> Many of the management practices that have water quality benefits can have other economic and environmental benefits (e.g., improved irrigation can reduce water and energy consumption, as well as reduce runoff). Management practice selection will be based on decisions by individual growers in consideration of the unique conditions of their irrigated agricultural lands, water quality concerns, and other benefits expected from implementation of the practice. As such, the cost estimate is an estimate of potential, not required costs of implementing specific practices. Any costs for water quality management practices will be based on a market transaction between growers and those vendors or individuals providing services or equipment and not based on an estimate of those costs provided by the board. The cost estimates include estimated fees the Steering Committee may charge to prepare the required reports and conduct the required monitoring, as well as annual permit fees that are charged to permitted dischargers for permit coverage. In accordance with the State Water Board's Fee Regulations, the current annual permit fee charged to growers covered by the GDA Order is \$0.75/acre. There are a number of funding programs that may be available to assist growers in the implementation of water quality management practices through grants and loans (e.g., Environmental Quality Incentives Program, State Water Board Agricultural Drainage Management Loan Program). Following is a discussion regarding derivation of the cost estimate for the GDA Order.

The GDA Order, which implements the Long-term ILRP within the Grassland Drainage Area, is based mainly on Alternatives 2 and 4 of the PEIR, but does include elements from Alternatives 2-5. The GDA Order contains the groundwater management plans similar to Alternative 2 of the PEIR; farm planning, management practices tracking, nitrogen tracking, and regional groundwater monitoring similar to Alternative 4 of the PEIR; recommendation/certification requirements similar to Alternative 3; prioritized installation of groundwater monitoring wells similar to Alternative 5; and a prioritization system based on systems described by Alternatives 2 and 4. Therefore, potential costs of these portions of the GDA Order are estimated using the costs for these components of Alternative 2 and Alternative 5 given in the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program* (Economics Report).<sup>71</sup> Table 7 summarizes the major regulatory elements of the GDA Order and provides reference to the PEIR alternative basis.

**Table 6: Summary of regulatory elements**

Order elements	Equivalent element from Alternatives 2-5
Third-party administration	Alternative 2
Farm evaluation Nitrogen management plans	Alternative 4: farm water quality management plan and certified nutrient management plan
Groundwater management plans	Alternative 2: groundwater management plans
Trend groundwater quality monitoring	Alternative 4: regional groundwater quality trend monitoring
Management practices evaluation program	Alternative 4: regional groundwater monitoring, targeted site-specific studies to evaluate the effects of changes in management practices on groundwater quality, and Alternative 5: installation of groundwater monitoring wells at prioritized sites
Management practice reporting	Alternative 4: tracking of practices
Nitrogen management plan summary reporting	Alternative 4: nutrient tracking
Management practices implementation	Alternative 2 or 4: management practice implementation

<sup>70</sup> Per Water Code section 13360, the Central Valley Water Board may not specify the manner in which a grower complies with water quality requirements.

<sup>71</sup> ICF International. 2010. *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program*. Draft. July. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

The administrative costs of the GDA Order are estimated to be similar to the costs shown for Alternative 2 in Table 2-19 of the Economics Report. Additional costs have been included for third-party preparation of the monitoring report. Farm evaluation and nitrogen management planning (farm planning) costs are estimated using the costs for farm planning (page 2-22, Economics Report, \$2,500 per grower plus an additional annual cost for updating farm planning documents and associated reporting). Total trend groundwater monitoring and reporting costs are estimated using regional groundwater monitoring costs and planning costs given on page 2-20 and Table 2-14 of the Economics Report, respectively.<sup>72</sup> Additional cost estimates have been included for the groundwater quality assessment report and management practices evaluation program. Costs for installation of groundwater monitoring wells are estimated using the costs shown in Table 2-15 of the Economics Report. Tracking costs of management practices and nitrogen management plan information are estimated to be similar to the costs shown for Alternative 4 in Table 2-21 of the economics report –under “tracking.” Management practices costs have been estimated for the Delta-Mendota Canal Watershed (pages 3-60 to 3-65, Existing Conditions Report) generally using the methodology outlined in pages 2-6 to 2-16 of the Economics Report. Estimated average annualized costs per acre of the GDA Order are summarized below in Table 8.

**Table 7: Estimated annual average per acre cost\* of the GDA Order in the Grassland Drainage Area.**

	<b>GDA Order</b>
Administration	\$1.49
Farm planning	\$0.45
Monitoring/reporting/tracking	\$2.44
Management practices*	\$11.82
<b>Total**</b>	<b>\$16.20</b>

\* Costs are an estimate of *potential*, not required costs of implementing specific practices for groundwater.

\*\* Totals may not add up due to rounding.

The Basin Plan includes an estimate of potential costs and sources of financing for the long-term irrigated lands program. The estimated costs were derived by analyzing the alternatives evaluated in the PEIR using the cost figures provided in the Economics Report. The Basin Plan cost estimate is provided as a range applicable to implementation of the program throughout the Central Valley. The Basin Plan’s estimated total annualized cost of the irrigated lands program is \$216 million to \$1.3 billion, or \$27 to \$168 per acre.<sup>73</sup> The estimated total annual cost of the GDA Order of \$1,572,000 (\$16.20 per acre) falls below the estimated cost range for the irrigated lands program as described in the Basin Plans when considering per acre costs (\$27-\$168 per acre). The estimate is lower primarily due to the GDA Order covering only groundwater rather than surface water and groundwater.

The estimated total average annual cost per acre of Alternative 4 in the Grassland Drainage Area is \$121 (generally applicable to the Western San Joaquin River Watershed). The GDA Order based substantially on Alternative 4 but covering only groundwater, is expected to have a lower average annual cost to growers and less overall economic impacts than described in the Economics Report.<sup>74</sup>

<sup>72</sup> Surface water monitoring costs were not included in the GDA Order’s estimates.

<sup>73</sup> Per acre average cost calculated using an estimate for total irrigated agricultural acres in the Central Valley (7.9 million acres, Table 3-3, Economics Report).

<sup>74</sup> The estimated average cost of the GDA Order is less than the cost estimated for Alternative 4 because the GDA Order is based on components of other alternatives in addition to alternative 4. Another reason for the reduced cost is due to an estimate of the existing level of advanced irrigation management practice implementation (e.g. pressurized systems, tailwater recovery systems, etc.). It is estimated that many growers within the GDA Order’s coverage area are already implementing these or similar advanced irrigation practices because the water districts in the GDA do not allow growers to discharge tailwater into the Grassland Bypass Channel. The use of Alternative 4’s potential economic impacts provides a conservative measurement of the GDA Order’s potential economic effects.

### **XVIII. Water Code Section 13263**

Water Code section 13263 requires that the Central Valley Water Board consider the following factors, found in section 13241, when considering adoption of waste discharge requirements.

(a) *Past, present, and probable future beneficial uses of water*

The Basin Plan identifies applicable beneficial uses of surface water and groundwater within the Sacramento and San Joaquin River Basins.

In the Grassland Watershed, identified beneficial uses for Salt Slough, Mud Slough (north) and wetland water supply channels include irrigation,<sup>75</sup> stock watering, contact recreation, other noncontact recreation, warm freshwater habitat, warm spawning, wildlife habitat, commercial use, and shellfish. The GBP and GDA Orders protect the beneficial uses identified in the Basin Plan. Applicable past, present, and probable future beneficial uses of the Grassland Watershed waters were considered by the Central Valley Water Board as part of the Basin Planning process and are reflected in the Basin Plan itself.

For the GBP Order, Mud Slough (north), the San Joaquin River and the wetland supply channels, the water bodies subject to discharges from the area served by the GBP, are all listed in the Basin Plan along with their designated beneficial uses. The GDA Order is a general order applicable to a wide geographic area. Therefore, it is appropriate to consider beneficial uses as identified in the Basin Plans and applicable policies, rather than a site specific evaluation that might be appropriate for WDRs applicable to a single discharger.

(b) *Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto*

Environmental characteristics of the Grassland watershed were considered in the development of the GBP Order. This information is contained in the *August 2009 Environmental Impact Statement and Environmental Impact Report for the Grassland Bypass Project, 2010-2019*.

For the GDA Order, the environmental characteristics of the Grassland Drainage Area were considered in the development of irrigated lands program requirements as part of the Central Valley Water Board's 2008 *Irrigated Lands Regulatory Program Existing Conditions Report* and the PEIR. In these reports, existing water quality and other environmental conditions throughout the Central Valley have been considered in the evaluation of six program alternatives for regulating waste discharge from irrigated lands. The GDA Order's requirements are based on the alternatives evaluated in the PEIR.

(c) *Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area*

The GBP and GDA Orders provide a process to review these factors during implementation of water quality management plans (SQMPs/GQMPs).

The GBP Order requires that agricultural subsurface discharges to surface water do not cause or contribute to an exceedance of applicable discharge limitations set in the Basin Plan or to water quality objectives. SQMPs are required in areas where discharge limitations or water quality objectives are not being met and are not being addressed by existing SQMPs. Under these plans, sources of waste must be estimated along with background water quality to determine what options exist for reducing waste discharge to ensure that the GBP is in compliance with water limitations and objectives. The SQMPs must be designed to ensure that agricultural subsurface discharges do not

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<sup>75</sup> Basin Plan footnote for Mud Slough (north) and wetland water supply channels states "[e]levated natural salt and boron concentrations may limit this use to irrigation of salt and boron tolerant crops. Intermittent low flow conditions may also limit this use."

cause or contribute to an exceedance of water limitations or a water quality objective set in the Basin Plan, and meet other applicable requirements of the GBP Order, including, but limited to, section II.

The GDA Order requires that discharges of waste from irrigated lands to groundwater do not cause or contribute to an exceedance of applicable water quality objectives. GQMPs are required in areas where water quality objectives are not being met –where irrigated lands are a potential source of the concern, and in areas where irrigated agriculture may be causing or contributing to a trend of degradation that may threaten applicable beneficial uses. GQMPs are also required in high vulnerability groundwater areas. Under these plans, sources of waste must be estimated along with background water quality to determine what options exist for reducing waste discharge to ensure that irrigated lands are not causing or contributing to the water quality problem. The GQMPs must be designed to ensure that waste discharges from irrigated lands do not cause or contribute to an exceedance of a water quality objective and meet other applicable requirements of the GDA Order, including, but not limited to, section III.

(d) *Economic considerations*

For the GBP Order, the EIR/EIS for the GBP from 2010 to 2019 anticipated economic effects to be farm income linked to farm investment and consumption. Regional economic activity would be affected due to the linkages between production agriculture and a myriad of other sectors of the economy. The GBP Order allows for the continuation of farm activities and the use of the Drain. Costs for the GBP Order into Phase III of the Project are borne by the farmers in the Grassland Drainage Area. Implementation of the GBP Order is expected to increase farm profits from crop production compared to the No Action alternative (no use agreement for the Drain) until 2015 when an anticipated treatment facility is operational and annual costs will decrease farm profits. The decrease in profits is estimated to fall slight below profits from the No Action alternative for the period from 2015 to 2019. The GBP Order will not unreasonably affect the GDA growers or region adversely.

For the GDA Order, the PEIR was supported by the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program* (Economics Report). An extensive economic analysis was presented in this report to estimate the cost and broader economic impact on irrigated agricultural operations associated with the five alternatives for the irrigated lands program, including the lands regulated by the GDA Order. Central Valley Water Board staff was also able to use that analysis to estimate costs of a sixth alternative, since the sixth alternative fell within the range of the five alternatives. This cost estimate is found in Appendix A of the PEIR. The GDA Order is based on the alternatives evaluated in the PEIR, which is part of the administrative record. Therefore, potential economic considerations related to the GDA Order have been considered as part of the overall economic analysis for implementation of the long-term irrigated lands regulatory program. The GDA Order is a single action in a series of actions to implement the ILRP in the Central Valley region. Because the GDA Order has been developed from the alternatives evaluated in the PEIR, economic effects will be within the range of those described for the alternatives.

(e) *The need for developing housing within the region*

The GBP Order establishes waste discharge requirements for subsurface agricultural discharges and stormwater runoff from the area served by the Grassland Bypass Project, where the land use is primarily irrigated agriculture. The GDA Order establishes waste discharge requirements to groundwater for irrigated lands in the Grassland Drainage Area. Neither Order is intended to establish requirements for any facilities that accept wastewater from residences or stormwater runoff from residential areas. The GBP and GDA Orders will not affect the development of housing within the region.

(f) *The need to develop and use recycled water*

Neither Order establishes any requirements for the use or purveyance of recycled wastewater. Where an agricultural operation may have access to recycled wastewater of appropriate quality for application to fields, the operation would need to obtain appropriate waste discharge requirements from the Central Valley Water Board prior to initiating use. This need to obtain additional waste discharge requirements in order to recycle wastewater on agricultural fields instead of providing requirements under the GDA Order may complicate potential use of recycled wastewater on agricultural fields. The SJRIP treatment facility will treat subsurface drainage and plans to recycle the treated lower selenium/salt effluent back into the fields where the drainage originated. No waste discharge requirements will be required for this pilot facility since the discharge will be recycled into essentially a closed loop system (see Figure 16). Once the closed loop system is terminated and recycled water from the treatment facility is recycled, waste discharge requirements will be required.

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

**ATTACHMENT B TO ORDER R5-2015-0095  
MONITORING AND REPORTING PROGRAM**

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
GROWERS IN THE GRASSLAND DRAINAGE AREA**

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**I. Introduction**

This Monitoring and Reporting Program (MRP) is issued pursuant to California Water Code (Water Code) section 13267 which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board or “board”), to require preparation and submittal of technical and monitoring reports. This MRP includes requirements for the Steering Committee of the Grassland Basin Drainage Management Activity of the San Luis & Delta-Mendota Water Authority (hereafter “Steering Committee” or third-party), a third-party representative entity assisting individual irrigated lands operators or owners (Members), as well as requirements for individual Members subject to and enrolled under Waste Discharge Requirements General Order for Growers in the Grassland Drainage Area (GDA). Order R5-2015-0095 (hereafter referred to as the “Order”). The requirements of this MRP are necessary to monitor Member compliance with the provisions of the Order and determine whether state waters receiving discharges from Member parcels are meeting water quality objectives. Additional discussion and rationale for this MRP’s requirements are provided in Attachment A of the Order.

This MRP establishes specific groundwater monitoring, reporting, and electronic data deliverable requirements for the Steering Committee. Due to the nature of irrigated agricultural operations, monitoring requirements for groundwater will be periodically reassessed to determine if changes should be made to better represent irrigated agriculture discharges to state waters. The monitoring schedule will also be reassessed so that constituents are monitored during application and/or release timeframes when constituents of concern are most likely to affect water quality. The Steering Committee shall not implement any changes to this MRP unless the Central Valley Water Board or the Executive Officer issues a revised MRP. The Central Valley Water Board or Executive Officer may revise this MRP as it applies to the Steering Committee. The Central Valley Water Board or Executive Officer may rescind this MRP and issue a new MRP as it applies to the Steering Committee.

**II. General Provisions**

This Monitoring and Reporting Program (MRP) conforms to the goals of the Non-point Source (NPS) Program as outlined in The Plan for California’s Nonpoint Source Pollution (NPS) Program by:

- tracking, monitoring, assessing and reporting program activities,
- ensuring consistent and accurate reporting of monitoring activities,
- targeting NPS Program activities at the watershed level,
- coordinating with public and private partners, and
- tracking implementation of management practices to improve water quality and protect existing beneficial uses.

Monitoring data collected to meet the requirements of the Order must be collected and analyzed in a manner that assures the quality of the data. The Steering Committee must submit a Quality Assurance Project Plan (QAPP) that follows sampling and analytical procedures for the ILRP.<sup>1</sup>

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<sup>1</sup> Specified in Attachment C, Order No. R5-2008-0005, Coalition Group Monitoring Program Quality Assurance Project Plan Guidelines (QAPP Guidelines) and any revisions thereto approved by the Executive Officer.

To the extent feasible, all technical reports required by this MRP must be submitted electronically in a format specified by the Central Valley Water Board that is reasonably available to the Steering Committee.

This MRP requires the Steering Committee to collect information from its Members and allows the Steering Committee to report the information to the board in a summary format. The Steering Committee must submit specific Member information collected as part of the Order and this MRP when requested by the Executive Officer or as specified in the Order.

This MRP Order becomes effective on 31 July 2015. The Central Valley Water Board Executive Officer may revise this MRP as necessary. Upon approval of the Order, the Steering Committee, on behalf of the individual Members, shall implement the following monitoring and reporting.

### **III. Groundwater Quality Monitoring and Management Practice Assessment, and Evaluation Requirements**

The groundwater quality monitoring, assessment, and evaluation requirements in this MRP have been developed in consideration of the critical questions developed by the Groundwater Monitoring Advisory Workgroup (questions are presented in the Information Sheet, Attachment A). The Steering Committee must collect and analyze sufficient data to describe irrigated agricultural impacts on groundwater quality and to determine whether existing or newly implemented management practices comply with the groundwater receiving water limitations of the Order.

The strategy for evaluating groundwater quality and protection consists of 1) Groundwater Quality Assessment Report, 2) Management Practices Evaluation Program, and 3) Groundwater Quality Trend Monitoring Program

1. The Groundwater Quality Assessment Report (GAR) provides the foundational information necessary for design of the Management Practices Evaluation Program and the Groundwater Quality Trend Monitoring Program. The GAR also identifies the high vulnerability groundwater areas where a Groundwater Quality Management Plan must be developed and implemented, as well as data gap areas for further evaluation.
2. The overall goal of the Management Practice Evaluation Program (MPEP) is to determine the effects, if any, irrigated agricultural practices have on first encountered groundwater under different conditions that could affect the discharge of waste from irrigated lands to groundwater (e.g., soil type, depth to groundwater, irrigation practice, crop type, nutrient management practice).
3. The overall objectives of the Groundwater Quality Trend Monitoring Program are to determine current water quality conditions of groundwater relevant to irrigated agriculture and develop long-term groundwater quality information that can be used to evaluate the regional effects of irrigated agricultural practices.

Each of these elements has its own specific objectives (provided below), and the design of each will differ in accordance with the specific objectives to be reached. While it is anticipated that these programs will provide sufficient groundwater quality and management practice effectiveness data to evaluate whether management practices of irrigated agriculture are protective of groundwater quality, the Executive Officer may also, pursuant to Water Code section 13267, order Members to perform additional monitoring or evaluations, where violations of this Order are documented or the irrigated agricultural operation is found to be a significant threat to groundwater quality.

### **A. Groundwater Quality Assessment Report**

The purpose of the Groundwater Quality Assessment Report (GAR) is to provide the technical basis informing the scope and level of effort for implementation of the Order's groundwater monitoring and implementation provisions. Three (3) months after the Order approval from the Central Valley Water Board, the Steering Committee will provide a proposed outline of the GAR to the Executive Officer that describes data sources and references that will be considered in developing the GAR. The Steering Committee must review and update the GAR to incorporate new information every five (5) years after Executive Officer approval of the GAR.

1. *Objectives.* The main objectives of the GAR are to:

- Provide an assessment of all readily available, applicable and relevant data and information to determine the high and low vulnerability areas where discharges from irrigated lands may result in groundwater quality degradation.
- Establish priorities for implementation of monitoring and studies within high vulnerability or data gap areas.
- Provide a basis for establishing monitoring workplans developed to assess groundwater quality trends.
- Provide a basis for establishing management practices evaluation program workplans and priorities developed to evaluate the effectiveness of agricultural management practices to protect groundwater quality.
- Provide a basis for establishing groundwater quality management plans in high vulnerability areas and priorities for implementation of those plans.

2. *GAR components.* The GAR shall include, at a minimum, the following data components:

- Detailed land use information with emphasis on land uses associated with irrigated agricultural operations. The information shall identify the largest acreage commodity types in the Grassland Drainage Area (GDA), including the most prevalent commodities comprising up to at least 80% of the irrigated agricultural acreage in the GDA.
- Information regarding depth to groundwater, provided as a contour map(s), if readily available. Tabulated and/or graphical data from discrete sampling events may be submitted if limited data precludes producing a contour map.
- Groundwater recharge information, if readily available, including identification of recharge areas for urban and rural communities where groundwater serves as a significant source of supply. Disadvantaged communities must be identified.
- Soil survey information, including significant areas of high salinity, alkalinity and acidity.
- Shallow groundwater constituent concentrations from existing monitoring networks (potential constituents of concern include any material applied as part of the agricultural operation, including constituents in irrigation supply water [e.g., pesticides, fertilizers, soil amendments, etc.] that could impact beneficial uses or cause degradation).
- Information on existing groundwater data collection and analysis efforts relevant to this Order (e.g., Department of Pesticide Regulation [DPR] United States Geological Survey [USGS] State Water Board Groundwater Ambient Monitoring and Assessment [GAMA], California Department of Public Health, local groundwater management plans, etc.). This groundwater data compilation and review shall include readily accessible information relevant to the Order on existing monitoring well networks, individual well details, and monitored parameters. For existing monitoring networks (or portions thereof) and/or relevant data sets, the Steering Committee should assess the possibility of data sharing between the data-collecting entity, the Steering Committee, and the Central Valley Water Board.

3. *GAR data review and analysis.* To develop the above data components, the GAR shall include review and use, where applicable, of relevant existing federal, state, county, and local databases and documents. The GAR shall include an evaluation of the above data components to:
  - Determine where known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities.
  - Determine the merit and feasibility of incorporating existing groundwater data collection efforts, and their corresponding monitoring well systems for obtaining appropriate groundwater quality information to achieve the objectives of and support groundwater monitoring activities under this Order. This shall include specific findings and conclusions and provide the rationale for conclusions.
  - Prepare a ranking of high vulnerability areas to provide a basis for prioritization of workplan activities, with emphasis on communities reliant on groundwater as a significant source for water supply and higher priority given to disadvantaged communities.
  - Describe pertinent geologic and hydrogeologic information for the GDA and utilize GIS mapping applications, graphics, and tables, as appropriate, in order to clearly convey pertinent data, support data analysis, and show results.
4. *Groundwater vulnerability designations.* The GAR shall designate high/low vulnerability areas for groundwater in consideration of high and low vulnerability definitions provided in Attachment E of the Order. Vulnerability designations may be refined/ updated periodically during the Monitoring Report process. The Steering Committee must review and confirm or modify vulnerability designations every five (5) years after Executive Officer approval of the GAR. The vulnerability designations will be made by the Steering Committee using a combination of physical properties (soil type, depth to groundwater, known agricultural impacts to beneficial uses, etc.) and management practices (e.g. irrigation method, crop type, nitrogen application and removal rates, extent of implementation, etc.). If the Steering Committee intends to develop a Basin Plan Amendment Workplan (as described in section VIII.H of the Order), the Steering Committee must identify the areas where a high vulnerability designation results from exceedances due to naturally elevated levels of a constituent. The Steering Committee shall provide the rationale for proposed vulnerability determinations. The Executive Officer will make the final determination regarding vulnerability designations.

If the GAR is not submitted to the board by the required deadline, the Executive Officer will designate default high/low vulnerability groundwater areas using such information as 1) those areas that have been identified by the State Water Board as Hydrogeologically Vulnerable Areas, 2) California Department of Pesticide Regulation groundwater protection areas, and 3) areas with exceedances of water quality objectives for which irrigated agriculture waste discharges may cause or contribute to the exceedance.

5. *Prioritization of high vulnerability groundwater areas.* The Steering Committee may prioritize the areas designated as high vulnerability areas to comply with the requirements of this Order, including conducting monitoring programs and carrying out required studies. When establishing relative priorities for high vulnerability areas, the Steering Committee may consider, but not be limited to, the following:
  - Identified exceedances of water quality objectives for which irrigated agriculture waste discharges are the cause, or a contributing source.
  - The proximity of the high vulnerability area to areas contributing recharge to municipal and domestic supplies where groundwater serves as a significant source of supply.
  - Existing field or operational practices identified to be associated with irrigated agriculture waste discharges that are the cause, or a contributing source.

- The largest acreage commodity types comprising up to at least 80% of the irrigated agricultural acreage in the high vulnerability areas and the irrigation and fertilization practices employed by these commodities.
- Legacy or ambient conditions of the groundwater.
- Groundwater basins currently or proposed to be under review by CV-SALTS.
- Identified constituents of concern, e.g., relative toxicity, mobility.

Additional information such as models, studies, and information collected as part of this Order may also be considered in designating and prioritizing vulnerability areas for groundwater. Such data include, but are not limited to, 1) published scientific studies, 2) hydrogeologic models, 3) data from areas with exceedances of water quality objectives for which irrigated agriculture waste discharges may cause or contribute to the exceedance, 4) those areas that have been identified by the State Water Board as Hydrogeologically Vulnerable Areas, and 5) California Department of Pesticide Regulation groundwater protection areas.

The Executive Officer will review and may approve or require changes to any Steering Committee proposed high/low vulnerability areas and the proposed priority ranking. The vulnerability areas, or any changes thereto, shall not be effective until the Steering Committee receives written approval by the Executive Officer. An interested person may seek review by the Central Valley Water Board of the Executive Officer's decision on the designation of high and low vulnerability areas associated with approval of the Groundwater Quality Assessment Report.

## **B. Management Practice Evaluation Program**

The goal of the Management Practice Evaluation Program (MPEP) is to determine the effects, if any, irrigated agricultural practices<sup>2</sup> have on groundwater quality. A MPEP is required in high vulnerability groundwater areas and must address the constituents of concern described in the GAR. This section provides the goals, objectives, and minimum reporting requirements for the MPEP. As specified in section III.D of this MRP, the Steering Committee is required to develop a workplan that will describe the methods that will be utilized to achieve the MPEP requirements.

1. *Objectives.* The objectives of the MPEP are to:
  - Identify whether existing site-specific and/or commodity-specific management practices are protective of groundwater quality within high vulnerability groundwater areas,
  - Determine if newly implemented management practices are improving or may result in improving groundwater quality.
  - Develop a quantitative estimate of the effect of Members' discharges of constituents of concern on groundwater quality in high vulnerability areas.
  - Utilize the results of evaluated management practices to determine whether practices implemented at represented Member farms (i.e., those not specifically evaluated, but having similar site conditions), are sufficiently protective of groundwater quality or if management practices need to be improved.

Given the wide range of management practices/commodities that are used within the Grassland Drainage Area boundaries, it is anticipated that the Steering Committee will rank or prioritize its high vulnerability areas and commodities, and present a phased approach to implement the MPEP.

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<sup>2</sup> In evaluating management practices, the Steering Committee is expected to focus on those practices that are most relevant to the Members' crop types and groundwater quality protection efforts.

2. *Implementation.* Since management practices evaluation may transcend watershed or the GDA boundaries, this Order allows developing a MPEP on a watershed or regional basis that involves participants in other areas or third-party groups, provided the evaluation studies are conducted in a manner representative of areas to which it will be applied. The MPEP may be conducted in one of the following ways:
- By the Steering Committee,
  - By watershed or commodity groups within an area with known groundwater impacts or vulnerability, or
  - By watershed or commodity groups that wish to determine the effects of regional or commodity driven management practices.

A master schedule describing the rank or priority for the investigation(s) of the high vulnerability areas (or commodities within these areas) to be examined under the MPEP shall be prepared and submitted to the Executive Officer as detailed in the Management Practices Evaluation Program Workplan section III.D below.

3. *Report.* Reports of the MPEP must be submitted to the Executive Officer as part of the Steering Committee's Monitoring Report. The report shall include all data<sup>3</sup> (including analytical reports) collected by each phase of the MPEP since the previous report was submitted. The report shall also contain a tabulated summary of data collected to date by the MPEP. The report shall summarize the activities conducted under the MPEP, and identify the number and location of installed monitoring wells relative to each other and other types of monitoring devices. Within each report, the Steering Committee shall evaluate the data and make a determination whether groundwater is being impacted by activities at farms being monitored by the MPEP.

Each report shall also include an evaluation of whether the specific phase(s) of the Management Practices Evaluation Program is/are on schedule to provide the data needed to complete the Management Practices Evaluation Report (detailed below) by the required deadline. If the evaluation concludes that information needed to complete the Management Practices Evaluation Report may not be available by the required deadline, the report shall include measures that will be taken to bring the program back on schedule.

4. *Management Practices Evaluation Report.* No later than six (6) years after implementation of each phase of the MPEP, the Steering Committee shall submit a Management Practices Evaluation Report (MPER) identifying management practices that are protective of groundwater quality for the range of conditions found at farms covered by that phase of the study. The identification of management practices for the range of conditions must be of sufficient specificity to allow Members and staff of the Central Valley Water Board to identify which practices at monitored farms are appropriate for farms with the same or similar range of site conditions, and generally where such farms may be located within the Grassland Drainage Area (e.g., the summary report may need to include maps that identify the types of management practices that should be implemented in certain areas based on specified site conditions and/or crop types). The MPER must include an adequate technical justification for the conclusions that incorporates available data and reasonable interpretations of geologic, engineering, and agronomic principles to identify management practices protective of groundwater quality.

The report shall include an assessment of each management practice to determine which management practices are protective of groundwater quality. If monitoring concludes that management practices currently in use are not protective of groundwater quality based upon

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<sup>3</sup> The data need not be associated with a specific parcel or Member.

information contained in the MPER, and therefore are not confirmed to be sufficient to ensure compliance with the groundwater receiving water limitations of the Order, the Steering Committee in conjunction with commodity groups and/or other experts (e.g., University of California Cooperative Extension, Natural Resources Conservation Service) shall propose and implement new/alternative management practices to be subsequently evaluated. When applicable, existing GQMPs shall be updated by the Steering Committee group to be consistent with the findings of the Management Practices Evaluation Report.

### **C. Groundwater Quality Trend Monitoring**

This section provides the objectives and minimum sampling and reporting requirements for Groundwater Quality Trend Monitoring. As specified in section III.E of this MRP, the Steering Committee is required to develop a workplan that will describe the methods that will be utilized to meet the trend monitoring requirements and submit a QAPP as specified in the ILRP QAPP Guidelines.

1. *Objectives.* The objectives of Groundwater Quality Trend Monitoring are (1) to determine current water quality conditions of groundwater relevant to irrigated agriculture, and (2) to develop long-term groundwater quality information that can be used to evaluate the regional effects (i.e., not site-specific effects) of irrigated agriculture and its practices.
2. *Implementation.* To reach the stated objectives for the Groundwater Quality Trend Monitoring program, the Steering Committee shall develop a groundwater monitoring network that will (1) be implemented over both high and low vulnerability areas in the Grassland Drainage Area, and (2) employ shallow wells, but not necessarily wells completed in the uppermost zone of first encountered groundwater. The use of existing wells is less costly than installing wells specifically designed for groundwater monitoring, while still yielding data which can be compared with historical and future data to evaluate long-term groundwater trends. The Steering Committee may also consider using existing monitoring networks such as those used by AB 3030 and SB 1938 plans.

The Steering Committee shall submit a proposed Trend Groundwater Monitoring Workplan described in section III.E below to the Central Valley Water Board. The proposed network shall consist of a sufficient number of wells to provide coverage in the Grassland Drainage Area so that current water quality conditions of groundwater and composite regional effects of irrigated agriculture can be assessed according to the trend monitoring objectives. The rationale for the distribution of trend monitoring wells shall be based on the findings in the GAR and included in the workplan.

3. *Reporting.* The results of trend monitoring are to be included in the Steering Committee's Monitoring Report and shall include a map of the sampled wells, tabulation of the analytical data, and time concentration charts. Groundwater monitoring data are to be submitted electronically to the State Water Board's GeoTracker Database and to the Central Valley Water Board in a format specified by the Executive Officer.

Following collection of sufficient data (sufficiency to be determined by the method of analysis proposed by the Steering Committee) from each well, the Steering Committee is to evaluate the data for trends. The methods to be used to evaluate trends shall be proposed by the Steering Committee in the Trend Groundwater Monitoring Workplan described in section III.E below.

### **D. Management Practices Evaluation Workplan**

The Steering Committee, either solely or in conjunction with a Management Practices Evaluation Group (watershed or commodity based), shall prepare a Management Practices Evaluation

Workplan. The workplan shall be submitted to the Executive Officer for review and approval. The workplan must identify a reasonable number of locations situated throughout the high vulnerability groundwater area(s), and encompassing the range of management practices used, the major agricultural commodities, and site conditions under which these commodities are grown. The workplan shall be designed to meet the objectives and minimum requirements described in section III.B of this MRP.

1. *Workplan approach.* The workplan must include a scientifically sound approach to evaluating the effect of management practices on groundwater quality. The workplan must include a mass balance and conceptual model of the transport, storage, and degradation/chemical transformation mechanisms for the constituents of concern, or equivalent method approved by the Executive Officer<sup>4</sup>, must be provided. The proposed approach may include:
  - literature review of identified management practices,
  - root zone studies,
  - groundwater monitoring,
  - modeling,
  - vadose zone sampling, and/or
  - other scientifically sound and technically justifiable methods for meeting the objectives of the Management Practices Evaluation Program.

Sufficient groundwater quality monitoring data should be collected or available to confirm or validate the conclusions regarding the effect of the evaluated practices on groundwater quality. Any groundwater quality monitoring that is part of the workplan must be of first encountered groundwater. Monitoring of first encountered groundwater more readily allows identification of the area from which water entering a well originates than deeper wells and allows identification of changes in groundwater quality from activities on the surface at the earliest possible time.

2. *Groundwater quality monitoring –constituent selection.* Where groundwater quality monitoring is proposed, the Management Practices Evaluation Workplan must identify:
  - the constituents to be assessed, and
  - the frequency of the data collection (e.g. root zone pore water, groundwater quality monitoring, vadose zone monitoring; soil sampling) for each constituent, and
  - sampling techniques/methodology.

The proposed constituents shall be selected based upon the information collected from the GAR and must be sufficient to determine if the management practices being evaluated are protective of groundwater quality. At a minimum, the baseline constituents for any groundwater quality monitoring must include those parameters required under trend monitoring.

3. *Workplan implementation and analysis.* The proposed Management Practices Evaluation Workplan shall contain sufficient information/justification for the Executive Officer to evaluate the ability of the evaluation program to identify whether existing management practices in combination with site conditions, are protective of groundwater quality. The workplan must explain how data collected at evaluated farms will be used to assess potential impacts to groundwater at represented farms that are not part of the Management Practices Evaluation Program's network. This information is needed to demonstrate whether data collected will allow

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<sup>4</sup> For nitrate, the proposed "equivalent method" may be based on recommendations developed by the California Department of Food and Agriculture's Nitrogen Task Force or the State Water Resource Control Board's Expert Panel on nitrates (see Finding 46).

identification of management practices that are protective of water quality at Member farms, including represented farms (i.e., farms for which on-site evaluation of practices is not conducted).

4. Master workplan –prioritization. If the Steering Committee chooses to rank or prioritize its high vulnerability areas in its GAR, a single Management Practices Evaluation Workplan may be prepared which includes a timeline describing the priority and schedule for each of the areas/commodities to be investigated and the submittal dates for addendums proposing the details of each area’s investigation.
5. Installation of monitoring wells. Upon approval of the Management Practices Evaluation Workplan, the Steering Committee shall prepare and submit a Monitoring Well Installation and Sampling Plan (MWISP), if applicable. A description of the MWISP and its required elements/submittals are presented as Appendix MRP-2. The MWISP must be approved by the Executive Officer prior to the installation of the MWISP’s associated monitoring wells.

### **E. Trend Monitoring Workplan**

The Steering Committee shall develop a workplan for conducting trend monitoring within its boundaries that meets the objectives and minimum requirements described in section III.C of this MRP. The QAPP for trend monitoring must be submitted for approval as specified in section VI. The workplan shall be submitted to the Executive Officer for review and approval. The Trend Monitoring Workplan shall provide information/details regarding the following topics:

1. *Workplan approach.* A discussion of the rationale for the number of proposed wells to be monitored and their locations is required in the workplan. The rationale needs to consider: 1) the variety of agricultural commodities produced within the GDA boundaries (particularly those commodities comprising the most irrigated agricultural acreage), 2) the conditions discussed/identified in the GAR related to the vulnerability or data gap prioritization within the GDA, and 3) the areas identified in the GAR as contributing significant recharge to urban and rural communities where groundwater serves as a significant source of supply.
2. *Well details.* The Workplan will provide details for wells proposed for trend monitoring, including:
  - i. GPS coordinates;
  - ii. Physical address of the property on which the well is situated (if available);
  - iii. California State well number (if known);
  - iv. Well depth;
  - v. Top and bottom perforation depths;
  - vi. A copy of the water well drillers log, if available;
  - vii. Depth of standing water (static water level), if available (this may be obtained after implementing the program); and
  - viii. Well seal information (type of material, length of seal).
3. *Proposed sampling schedule.* Trend monitoring wells will be sampled, at a minimum, annually at the same time of the year for the indicator parameters identified in Table 1 below. Staff will also consider the uses of the groundwater in evaluating the constituents to be monitored in groundwater. Groundwater to be used as wetland supply water will be required to be monitored for selenium.
4. *Workplan implementation and analysis.* The Workplan will describe proposed method(s) to be used to evaluate trends in the groundwater monitoring data over time.

Revisions to monitoring parameters and/or schedule must be approved by the Executive Officer. Request for revisions must include adequate monitoring data and documentation to justify the changes.

Table 1. Required monitored parameters at groundwater Trend Monitoring wells

Measured Parameters	
<b>Annual Monitoring</b>	
	Conductivity (at 25°C)* (µS/cm)
	pH* in pH units
	Dissolved oxygen (DO)* (mg/L)
	Temperature* (°C)
	Nitrate as nitrogen (mg/L)
<b>Sampled initially and once every five years thereafter</b>	
	Total dissolved solids (TDS) (mg/L)
	General minerals (mg/L)
	<ul style="list-style-type: none"> <li>• Anions (carbonate, bicarbonate, chloride, and sulfate)</li> <li>• Cations (boron, calcium, sodium, magnesium, and potassium)</li> </ul>

\* field parameters

**IV. Steering Committee Reporting Requirements**

Reports and notices shall be submitted in accordance with section IX of the Order, Reporting Provisions.

**A. Annual Groundwater Monitoring Results**

Annually, 30 April, the Steering Committee shall submit the prior year’s groundwater monitoring results as an Excel workbook containing an export of all data records uploaded and/or entered into the State Water Board GeoTracker database. If any data are missing from the report, the submittal must include a description of what data are missing and when they will be submitted to the Central Valley Water Board. If data are not loaded into the GeoTracker database, this shall also be noted with the submittal.

The report shall include the following components:

1. Signed Transmittal Letter;
2. Title page;
3. Table of contents;
4. Executive Summary;
5. Description of the GDA geographical area;
6. Monitoring objectives and design;
7. Sampling site/monitoring well descriptions and rainfall records for the time period covered under the AMR;
8. Location map(s) of sampling sites/monitoring wells, crops and land uses;
9. Tabulated results of all analyses arranged in tabular form so that the required information is readily discernible;
10. Discussion of data relative to water quality objectives/trigger limits, water quality management plan milestones/Basin Plan Amendment Workplan (BPAW), where applicable;
11. Electronic data submittal.
12. Sampling and analytical methods used;
13. Associated laboratory and field quality control samples results;
14. Summary of Quality Assurance Evaluation results and an assessment of precision, accuracy, and completeness;
15. Summary of exceedances of water quality objectives/trigger limits occurring during the reporting period;
16. Actions taken to address water quality exceedances that have occurred, including but not limited to, revised or additional management practices implemented;

17. Evaluation of monitoring data to identify temporal and spatial trends and patterns;
18. Summary of Nitrogen Management Plan information submitted to the Steering Committee;
19. Summary of management practice information collected as part of Farm Evaluations;
20. Summary of mitigation monitoring;
21. Summary of education and outreach activities;
22. Conclusions and recommendations.

Additional requirements and clarifications necessary for the above report components are described below.

**Report Component (1) —Signed Transmittal Letter**

A transmittal letter shall accompany each report. The transmittal letter shall be submitted and signed in accordance with the requirements of section IX of the Order, Reporting Provisions.

**Report Component (8) — Location Maps**

Location map(s) showing the sampling sites/monitoring wells, crops, and land uses within the GDA's geographic area must be updated (based on available sources of information) and included in the Annual Monitoring Report. An accompanying GIS shapefile or geodatabase of monitoring site and monitoring well information must include the CEDEN-comparable site code and name (surface water only) and Global Positioning System (GPS) coordinates (wells used for monitoring). The map(s) must contain a level of detail that ensures they are informative and useful. GPS coordinates must be provided as latitude and longitude in the decimal degree coordinate system (at a minimum of five decimal places). The datum must be either WGS 1984 or NAD83, and clearly identified on the map(s) or in an associated key or table included in the report. The source and date of all data layers must be identified on the map(s) or in an associated key or table included in the report. All data layers/shapefiles/geodatabases included in the map shall be submitted with the initial Annual Monitoring Report. If changes occur to any submitted data, the updated portion shall be submitted in the subsequent AMR.

**Report Component (9) – Tabulated Results**

In reporting monitoring data, the Steering Committee shall arrange the data in tabular form so that the required information is readily discernible. The data shall be summarized in such a manner to clearly illustrate compliance with the data collection requirements of the MRP.

**Report Component (10) — Data Discussion to Illustrate Compliance**

The report shall include a discussion of the Steering Committee's compliance with the data collection requirements of the MRP. If a required component was not met, an explanation for the missing data must be included. Results must also be compared to water quality objectives and trigger limits. If a Basin Plan Amendment Workplan (BPAW) has been approved by the Executive Officer, updates on progress made toward BPAW goals and milestones, including any adjustments to the time schedule, must be included.

**Report Component (11) – Electronic Data Submittal**

The report shall include an electronic data submittal including the following items:

1. An Excel workbook containing an export of all data records uploaded and/or entered into the GeoTracker database (groundwater data). The workbook shall contain, at a minimum, those items detailed in the most recent version of the Steering Committee's approved QAPP.
2. Electronic copies of all field sheets.
3. Electronic copies of all applicable laboratory analytical reports on a CD.
4. For chemistry data, analytical reports must include, at a minimum, the following:
  - a. A lab narrative describing QC failures,

- b. Analytical problems and anomalous occurrences,
- c. Chain of custody and sample receipt documentation,
- d. All sample results for contract and subcontract laboratories with units, RLs and MDLs,
- e. Sample preparation, extraction and analysis dates, and
- f. Results for all QC samples including all field and laboratory blanks, lab control spikes, matrix spikes, field and laboratory duplicates, and surrogate recoveries.

Laboratory raw data such as chromatograms, spectra, summaries of initial and continuing calibrations, sample injection or sequence logs, prep sheets, etc., are not required for submittal, but must be retained by the laboratory in accordance with the requirements of section X of the Order, Record-keeping Requirements.

If any data are missing from the semi-annual report, the submittal must include a description of what data are missing and when they will be submitted to the Central Valley Water Board. If data are not loaded into the GeoTracker database, this shall also be noted with the submittal.

#### **Report Component (14) — Quality Assurance Evaluation (Precision, Accuracy and Completeness)**

A summary of precision and accuracy results (both laboratory and field) is required in the report. The required data quality objectives are identified in the QAPP requirements specified for the ILRP; acceptance criteria for all measurements of precision and accuracy must be identified. The Steering Committee must review all QA/QC results to verify that protocols were followed and identify any results that did not meet acceptance criteria. A summary table or narrative description of all QA/QC results that did not meet objectives must be included. Additionally, the report must include a discussion of how the failed QA/QC results affect the validity of the reported data. The corrective actions to be implemented are described in the QAPP Guidelines for the ILRP.

In addition to precision and accuracy, the Steering Committee must also calculate and report completeness. Completeness includes the percentage of all quality control results that meet acceptance criteria, as well as a determination of project completeness. For further explanation of this requirement, refer to the most recent version of the ILRP QAPP Guidelines. The Steering Committee may ask the laboratory to provide assistance with evaluation of their QA/QC data, provided that the Steering Committee prepares the summary table or narrative description of the results for the Monitoring Report.

#### **Report Component (16) — Summary of Exceedances**

A summary of the exceedances of water quality objectives or trigger limits that have occurred during the monitoring period is required in the Monitoring Report.

#### **Report Component (18) — Evaluation of Monitoring Data**

The Steering Committee must evaluate its monitoring data in the Monitoring Report in order to identify potential trends<sup>5</sup> and patterns in groundwater quality that may be associated with waste discharge from irrigated lands. As part of this evaluation, the Steering Committee must analyze all readily available monitoring data that meet program quality assurance requirements to determine deficiencies in monitoring for discharges from irrigated agricultural lands and whether additional sampling locations are needed. If deficiencies are identified, the Steering Committee must propose a schedule for additional monitoring or source studies. Upon notification from the Executive Officer, the

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<sup>5</sup> All results (regardless of whether exceedances are observed) must be included to determine whether there are trends in degradation.

Steering Committee must monitor any parameter in an area that lacks sufficient monitoring data (i.e., a data gap should be filled to assess irrigated agriculture's effects on water quality).

The Steering Committee should incorporate pesticide use information, as needed, to assist in its data evaluation. Wherever possible, the Steering Committee should utilize tables or graphs that illustrate and summarize the data evaluation.

### **Report Component (19) – Summary of Reported Nitrogen Data**

The Steering Committee shall aggregate information from Members' Nitrogen Management Plan Summary Reports to characterize the input, uptake, and loss of nitrogen fertilizer applications by specific crops in the Grassland Drainage Area. The Steering Committee's assessment of Nitrogen Management Plan information must include, at a minimum, comparisons of farms with the same crops, similar soil conditions, and similar practices (e.g., irrigation management). At a minimum, the statistical summary of nitrogen consumption ratios by crop or other equivalent reporting units and the estimated nitrogen consumed for the different crop types and soil conditions will describe the range percentiles (10th, 25th, 50th, 75th, 90th) and any outliers. A box and whisker plot or equivalent tabular or graphical presentation of the data approved by the Executive Officer may be used. The nitrogen consumption ratio is the ratio of total nitrogen available for crop uptake (from sources including, but not limited to, fertilizers, manures, composts, nitrates in irrigation supply water and soil) to the estimated crop consumption of nitrogen. The summary of nitrogen management data must include a quality assessment of the collected information by township (e.g. missing data, potentially incorrect/inaccurate reporting), and a description of corrective actions to be taken regarding any deficiencies in the quality of data submitted, if such deficiencies were identified. The Steering Committee will also provide an aggregate of the data submitted by its Members in an electronic format, compatible with ArcGIS, identified to at least the township level.<sup>6</sup>

### **Report Component (20) – Summary of Management Practice Information**

The Steering Committee will aggregate and summarize information collected from Farm Evaluations.<sup>7</sup> The summary of management practice data must include a quality assessment of the collected information by township (e.g. missing data, potentially incorrect/inaccurate reporting), and a description of corrective actions to be taken regarding any deficiencies in the quality of data submitted, if such deficiencies were identified. In addition to summarizing and aggregating the information collected, the Steering Committee will provide the individual data records used to develop this summary in an electronic format, compatible with ArcGIS, identified to at least the township level.<sup>6</sup>

### **Report Component (21) – Mitigation Monitoring**

As part of the Monitoring Report, the Steering Committee shall report on the CEQA mitigation measures reported by Members to meet the provisions of the Order and any mitigation measures the Steering Committee has implemented on behalf of Members. The Steering Committee is not responsible for submitting information that Members do not send them directly by the 1 March deadline (see section VII.D of the Order for individual Discharger mitigation monitoring requirements). The Mitigation Monitoring Report shall include information on the implementation of CEQA mitigation measures (mitigation measures are described in Attachment C of the Order), including the measure implemented, identified potential impact the measure addressed, location of the mitigation measure (township, range, section), and any steps taken to monitor the ongoing success of the measure.

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<sup>6</sup> The Member and their associated parcel need not be identified.

<sup>7</sup> Note that the evaluation of the reported management practices information is discussed in Appendix MRP-1 and will be part of the annual Management Plan Status Report.

## **B. Basin Plan Amendment Workplan**

Should the Steering Committee choose to pursue a Basin Plan Amendment as described in Section VIII.H. of the Order, the GBD Steering Committee must prepare a Basin Plan Amendment Workplan (BPAW) that includes the following elements:

1. A technical justification for initiating the basin plan amendment process including maps of the areas proposed for basin plan amendment. The justification must include an assessment of naturally occurring (background) concentrations of the constituent(s), evaluate the potential for irrigated agriculture to further degrade groundwater quality beyond background in the identified areas, and include a preliminary evaluation as to whether controllable water quality factors (as defined in the Basin Plan) are reasonably likely to result in attainment of the applicable use(s);
2. A use attainability study plan to determine whether the beneficial use(s) proposed for de-designation may be attained through the application of current or anticipated technologies, whether groundwater within the proposed basin plan amendment area is currently being used for the beneficial use proposed for de-designation, and whether the groundwater proposed for de-designation meets any of the criteria set forth in the Basin Plan that the board considers in making exceptions to beneficial use designations;
3. A description of how the Steering Committee will coordinate the basin plan amendment process through CV-SALTS, if the amendment is based on elevated salt and/or nitrate concentrations;
4. A proposal for reduced reporting requirements for Members in the areas proposed for basin plan amendment. The Steering Committee may propose that trend monitoring be reduced in those areas. The Steering Committee may also propose that the requirement that the Management Practice Evaluation Program evaluate those areas be suspended. The reduced monitoring and reporting requirements shall be no less stringent than the requirements for low vulnerability areas;
5. A description of the monitoring and reporting required to complete the BPAW must be identified; and
6. A time schedule including workplan goals and milestones for completing BPAW items.

To the extent applicable, the above BPAW workplan elements may be met by existing efforts. However, the Steering Committee must provide the information associated with the applicable element demonstrating that element's requirements are met.

The Executive Officer may approve the BPAW workplan if the Executive Officer determines that the BPAW workplan includes all of the required elements. To approve the workplan, the Executive Officer must conclude that the technical justification provides sufficient evidence indicating that waters within the identified high vulnerability areas would likely qualify for de-designation of a beneficial use or uses under the Basin Plan. Should the Executive Officer approve the BPAW workplan, the Executive Officer will also provide the applicable approved modifications to the monitoring and reporting program.

Annual updates on progress made toward BPAW goals and milestones, including any proposed adjustments to the time schedule, must be included in the 30 April Annual Monitoring Report.

The Executive Officer may reinstate high vulnerability monitoring and reporting requirements if any of the following occur: 1) information gathered during implementation of the BPAW indicates a basin plan amendment is unlikely to be adopted, 2) the basin plan amendment is not likely to be brought before the board within five years of the original proposal date due to insufficient progress in meeting workplan goals and milestones, or 3) the basin plan amendment is not approved by the regional board or state water board.

**V. Water Quality Triggers for Development of Management Plans**

This Order requires that Members comply with all adopted water quality objectives and established federal water quality criteria applicable to their discharges. The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) contain numeric and narrative water quality objectives applicable to groundwater within the Order’s watershed area.

**VI. Quality Assurance Project Plan (QAPP)**

The Steering Committee must develop and/or maintain a QAPP that includes watershed and site-specific information, project organization and responsibilities, and the quality assurance components in the ILRP QAPP Guidelines. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the recognized state agency for water quality analyses. Alternate methods<sup>8</sup> may be used for chemical analyses if the laboratory has submitted the required validation package<sup>9</sup> for approval by the Executive Officer.

The QAPP must be submitted for approval by the Central Valley Water Board’s Quality Assurance Officer and the Executive Officer prior to initiation of groundwater monitoring and in accordance with the time frame set in the Trend Monitoring Workplan. Any modifications to an approved QAPP must receive Executive Officer approval prior to implementation.

The Central Valley Water Board may conduct an audit of the Steering Committee’s contracted laboratories at any time in order to evaluate compliance with the ILRP QAPP Guidelines. Quality control requirements are applicable to all of the constituents listed in the QAPP Guidelines, as well as any additional constituents that are analyzed or measured, as described in the appropriate method. Acceptable methods for laboratory and field procedures as well as quantification limits are described in the QAPP Guidelines.

This MRP Order becomes effective 31 July 2015 and remains in effect unless rescinded or revised by the Central Valley Water Board or the Executive Officer.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 31 July 2015.

Original signed by  
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PAMELA C. CREEDON, Executive Officer

<sup>8</sup> Alternate methods” is defined as laboratory methods not EPA-approved for the constituent analyzed.  
<sup>9</sup> USEPA, 1999. *Protocol for EPA Approval of Alternate Test Procedures for Organic and Inorganic Analytes in Wastewater and Drinking Water*. Office of Water, Washington, D.C. EPA 821-B-98-002

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

**ORDER R5-2015-0095  
MONITORING AND REPORTING PROGRAM**

**APPENDIX MRP-1**

**MANAGEMENT PLAN REQUIREMENTS FOR GROUNDWATER**

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## **MRP - 1: Management Plan Requirements for Groundwater**

### **I. Management Plan Development and Required Components**

This appendix describes requirements for the development of water quality management plans under Waste Discharge Requirements General Order for Growers in the Grassland Drainage Area, Order R5-2015-0095 (hereafter "Order"). When a management plan has been triggered, the third-party shall ascertain whether or not irrigated agriculture is known to cause or contribute to the "water quality problem" (as defined in Attachment E). If the potential source(s) of the water quality exceedance(s) is unknown, the third-party may propose studies to be conducted to determine the cause, or to eliminate irrigated agriculture as a potential source (see Source Identification Study Requirements in section I.G. below).

When a Groundwater Quality Management Plan (GQMP) has been triggered, the management plan shall contain the required elements presented and discussed in the following sections. The Grassland Basin Drainage Steering Committee (Steering Committee) may develop one GQMP to cover all areas where plans have been triggered rather than developing separate management plans for each management area where plans have been triggered. The Steering Committee would maintain the overarching plan as new information is collected, potentially triggering additional management plans and completion of other management plans.

If multiple constituents of concern (COCs) are to be included in a single management plan, a discussion of the prioritization process and proposed schedule shall be included in the plan. Prioritization schedules must be consistent with requirements described in section XII of the Order, Time Schedule for Compliance.

If a number of management plans are triggered, the Steering Committee shall submit a GQMP prioritization list to the Central Valley Water Board Executive Officer. This list may prioritize the order of GQMP development based on, for example, 1) the potential to harm public health; 2) the beneficial use affected; and/or 3) the likelihood of meeting water quality objectives by implementing management practices. Prioritization schedules shall be consistent with requirements described in section XII of this Order, Time Schedule for Compliance. The Executive Officer may approve or require changes be made to the GQMP priority list. The Steering Committee shall implement the prioritization schedule approved by the Executive Officer.

#### **A. Introduction and Background Section**

The introduction portion of the management plan shall include a discussion of the COCs that are the subject of the plan and the water quality objective(s) or trigger(s) requiring preparation of the management plan. The introduction shall also include an identification (both narrative and in map form) of the boundaries (geographic and groundwater basin[s] or portion of a basin) to be covered by the management plan including how the boundaries were delineated.

For groundwater, previous work conducted to identify the occurrence of the COCs (e.g., studies, monitoring conducted) should be summarized for the GQMP area.

## **B. Physical Setting and General Information**

### **1. General Requirements**

The management plan needs to provide a discussion of the physical conditions that affect groundwater (for a GQMP) in the management plan area and the associated existing data. At a minimum, the discussion needs to include the following:

- a. Land use maps which identify the crops being grown in the GQMP area. These maps may already be presented in the Groundwater Quality Assessment Report (GAR) and may be referenced and/or updated as appropriate. Map(s) must be in electronic format using standard geographic information system software (ArcGIS shapefiles).
- b. Identification of the potential irrigated agricultural sources of the COC(s) for which the management plan is being developed. If the potential sources are not known, a study may be designed and implemented to determine the source(s) or to eliminate irrigated lands as a potential source. Requirements for source identification studies are given in section I.G below. In the alternative, instead of conducting a source identification study, the Steering Committee may develop a management plan for the COC(s) that meets the management plan requirements as specified in this appendix.
- c. A list of the designated beneficial uses as identified in the applicable Basin Plan.
- d. A baseline inventory of identified existing management practices in use within the management plan area that could be affecting the concentrations of the COCs in groundwater (as applicable) and locations of the various practices.
- e. A summary, discussion, and compilation of available groundwater quality data (as applicable) for the parameters addressed by the management plan. Available data from existing water quality programs may be used, including but not limited to: California State Water Resources Control Board (State Water Board) Groundwater Ambient Monitoring Assessment (GAMA) Program, United States Geological Survey (USGS), California Department of Public Health (DPH), California Department of Pesticide Regulation (DPR), California Department of Water Resources (DWR), and local groundwater management programs. The GAR developed for the Grassland Drainage Area, and groundwater quality data compiled in that document, may serve as a reference for these data.

### **2. Groundwater – Geology, Soils and hydrogeology**

The GQMP shall include:

- a. Soil types and other relevant soils data as described by the appropriate Natural Resources Conservation Service (NRCS) soil survey or other applicable studies. The soil unit descriptions and a map of their areal extent within the study area must be included. The GAR developed for the Grassland Drainage Area and the soils mapping contained in that document, may satisfy this requirement.
- b. A description of the geology and hydrogeology for the area covered by the GQMP. The description shall include:
  - i. Regional and area specific geology, including stratigraphy and existing published geologic cross-sections.
  - ii. Groundwater basin(s) and sub-basins contained within the GQMP area, including a discussion of their general water chemistry as known from existing publications, including the GAR (range of electrical conductivity [conductivity at 25°C, EC], concentrations of major anions and cations, nutrients, total dissolved solids [TDS], pH, dissolved oxygen

and hardness). The discussion should reference and provide figures of existing Piper (tri-linear) diagrams, Stiff diagrams and/or Durov Diagrams for the GQMP area (see definitions in Attachment E of the Order).

- iii. Known water-bearing zones, areas of shallow and/or perched groundwater, as well as areas of discharge and recharge to the basin/sub-basin in the GQMP area (rivers, unlined canals, lakes, and recharge or percolation basins).
  - iv. Identification of which water-bearing zones within the GQMP area are being utilized for domestic, irrigation, and municipal water production.
  - v. Aquifer characteristics such as depth to groundwater, groundwater flow direction, hydraulic gradient, and hydraulic conductivity, as known or estimated based on existing information (see definitions in Attachment E of the Order).
- c. Identification, where possible, of irrigation water sources (surface water origin and/or groundwater) and their available general water chemistry (range of EC, concentrations of major anions and cations, nutrients, TDS, pH, dissolved oxygen and hardness).

### **C. Management Plan Strategy**

This section provides a discussion of the strategy to be used in the implementation of the management plan and should at a minimum, include the following elements:

1. A description of the approach to be utilized by the management plan (e.g., multiple COC's addressed in a scheduled priority fashion, multiple areas covered by the plan with a single area chosen for initial study, or all areas addressed simultaneously [area-wide]). Any prioritization included in the management plan must be consistent with the requirements in section XII of the Order, Time Schedule for Compliance.
2. Actions to meet the following goals and objectives:
  - a. Compliance with the Order's receiving water limitations (section III of the Order).
  - b. Educate Members about the sources of the water quality exceedances in order to promote prevention, protection, and remediation efforts that can maintain and improve water quality.
  - c. Identify, validate, and implement management practices to reduce loading of COC's groundwater, thereby improving water quality.
3. A description of duties and responsibilities of the individuals or groups implementing the management plan. This section should include:
  - a. Identification of key individuals involved in major aspects of the project (e.g., project lead, data manager, sample collection lead, lead for stakeholder involvement, quality assurance manager).
  - b. Discussion of each individual's responsibilities.
  - c. An organizational chart with identified lines of authority.
4. Strategies to implement the management plan tasks. This element must:
  - a. Identify the entities or agencies that will be contacted to obtain data and assistance.
  - b. Identify management practices used to control sources of COCs from irrigated lands that are 1) technically feasible; 2) economically feasible; 3) proven to be effective at protecting water quality, and 4) will comply with section III of the Order. Practices that growers will implement must be discussed, along with an estimate of their effectiveness or any known limitations on the effectiveness of the chosen practice(s). Practices identified may include those that are required by local, state, or federal law. Where an identified constituent of concern is a pesticide that is subject to DPR's Groundwater Protection Program, the GQMP may refer to DPR's regulatory program for that pesticide and any requirements associated with the use of that pesticide provided that the requirement(s) are sufficient to meet water quality objectives.
  - c. Identify outreach that will be used to disseminate information to participating growers. This discussion shall include: the strategy for informing growers of the water quality problems that need to be addressed, method for disseminating information on relevant management practices to be implemented, and a description of how the effectiveness of the outreach efforts will be

evaluated. The Steering Committee may conduct outreach efforts or work with the assistance of the County Agricultural Commissioners, U.C. Cooperative Extension, Natural Resources Conservation Service, Resource Conservation District, California Department of Food and Agriculture, or other appropriate groups or agencies.

- d. Include a specific schedule and milestones for the implementation of management practices and tasks outlined in the management plan. The schedule must include the following items: time estimated to identify new management practices as necessary to meet the Order's surface and groundwater receiving water limitations (section III of the Order) and a timetable for implementation of identified management practices (e.g., at least 25% of growers identified must implement management practices by year 1; at least 50% by year 2). The overall time schedule for compliance must be consistent with the requirements in section XII of the Order, Time Schedule for Compliance.
- e. Establish measureable performance goals that are aligned with the elements of the management plan strategy. Performance goals include specific targets that identify the expected progress towards meeting a desired outcome.

#### **D. Monitoring Design**

##### **1. General Requirements**

The monitoring system must be designed to measure effectiveness at achieving the goals and objectives of the GQMP and capable of determining whether management practice changes made in response to the management plan are effective and can comply with the terms of the Order.

Management practice-specific or commodity-specific field studies may be used to approximate the contribution of irrigated lands operations. Where the Steering Committee determines that field studies are appropriate or the Executive Officer requires a technical report under CWC 13267 for a field study, the Steering Committee must identify a reasonable number and variety of field study sites that are representative of the particular management practice being evaluated.

##### **2. Evaluation and Assessment**

The Steering Committee's Management Practice Evaluation Program and Groundwater Quality Trend Monitoring shall be evaluated to determine whether additional monitoring is needed in conjunction with the proposed management strategy(ies) to evaluate the effectiveness of the strategy(ies). This may include commodity-based representative monitoring that is conducted to determine the effectiveness of management practices implemented under the GQMP. Refer to section IV of the MRP for groundwater monitoring requirements.

#### **E. Data Evaluation**

Methods to be used to evaluate the data generated by GQMP monitoring and to evaluate the effectiveness of the implemented management practices must be described. The discussion should include at a minimum, the following:

1. Methods to present data and perform data analysis (graphical, statistics, modeling, index computation, or some combination thereof).
2. Information necessary to assess program effectiveness going forward, including the tracking of management practice implementation. The approach for determining the effectiveness of the management practices implemented must be described. Acceptable approaches include field studies of management practices at representative sites and modeling or assessment to associate the degree of management practice implementation to changes in water quality. The process for tracking implementation of management practices must also be described. The process must include a

description of how the information will be collected from growers, the type of information being collected, how the information will be verified, and how the information will be reported.

## **F. Records and Reporting**

With each annual monitoring report, the Steering Committee must prepare a Management Plan Status Report that summarizes the status in implementing management plans. The Management Plan Status Report must summarize the progress for the reporting period. The Management Plan Status Report shall include the following components:

- (1) Title page
- (2) Table of contents
- (3) Executive Summary
- (4) Location map(s) and a brief summary of management plans covered by the report
- (5) Updated table that tallies all exceedances for the management plans
- (6) A list of new management plans triggered since the previous report
- (7) Status update on preparation of new management plans
- (8) A summary and assessment of management plan monitoring data collected during the reporting period
- (9) A summary of management plan grower outreach conducted
- (10) A summary of the degree of implementation of management practices
- (11) Results from evaluation of management practice effectiveness
- (12) An evaluation of progress in meeting performance goals and schedules
- (13) Any recommendations for changes to the management plan

## **G. Source Identification Study Requirements**

Should the Steering Committee conduct a Source Identification Study to comply with this Order, the Steering Committee must first receive approval from the Executive Officer. Once approved, the Steering Committee may proceed with its study.

The minimum components for a source identification study are:

- (1) An evaluation of the types of practices, commodities, and locations that may be a source.
- (2) Continued monitoring at the management plan site/area and increased monitoring if appropriate.
- (3) An assessment of the potential pathways through which waste discharges can occur.
- (4) A schedule for conducting the study.

Commodity specific and/or management practice specific field studies may be required to approximate the contribution of irrigated agriculture. At a minimum, the Steering Committee must evaluate the feasibility of field studies as part of its source identification study proposal. Where field studies are deemed appropriate, the Steering Committee should identify a reasonable number and variety of field study sites that are representative of the particular commodity or management practice being evaluated. If field studies are not proposed, the Steering Committee must demonstrate how the alternative source identification method will produce data or information that will enable the determination of contributions from irrigated agricultural operations to the water quality problem.

If an approved study shows that irrigated lands are not a cause or a contributing source, then the Steering Committee can request the Executive Officer to approve completion of the associated management plan. Where irrigated lands are identified as a source, a full GQMP shall be prepared and implemented.

## II. Approval and Review of the Management Plan

The following discussion describes the review and approval process for draft management plans submitted to the Executive Officer for approval. In approving the Management Plan, the Executive Officer is concurring that the proper implementation of the identified practices (or equivalently effective practices) should result in addressing the water quality problem that triggered the preparation of the Management Plan. The Executive Officer is also concurring that any proposed schedules or interim milestones are consistent with the requirements in section XII of the Order, Time Schedule for compliance. Any proposed changes to the management plan must be approved by the Executive Officer prior to implementation.

- a. Water quality management plan approval – Prior to Executive Officer approval of any management plan, the Central Valley Water Board will post the draft management plan on its website for a review and comment period. Central Valley Water Board staff will consider stakeholder comments. Based on information provided by the Steering Committee and after consideration of comments provided by other interested stakeholders, the Central Valley Water Board's Executive Officer will either: (1) approve the management plan; (2) conditionally approve the management plan or (3) disapprove the management plan. Review of the management plan and the associated action by the Executive Officer will be based on findings as to whether the plan meets program requirements and goals and contains all of the information required for a management plan.
- b. Periodic review of water quality management plans – At least once every five years, the Central Valley Water Board intends to review available data to determine whether the approved management plan is resulting in water quality improvements. Central Valley Water Board staff will meet with the Steering Committee and other interested parties to evaluate the adequacy of management plans. Based on input from all parties, the Executive Officer will determine whether and how the management plan should be updated based on new information and progress in achieving compliance with the Order's surface or groundwater receiving water limitations, as applicable (see section III of the Order). The Executive Officer also may require revision of the management plan based on available information indicating that irrigated agriculture waste discharges are not in compliance with surface or groundwater receiving water limitations (as applicable) of the Order. The Executive Officer may also require revision to the management plan if available information indicates that degradation of groundwater calls for the inclusion of additional areas, constituents of concern(s), or improved management practices in the management plan. During this review, the Executive Officer will make one of the findings described below:
  1. Adequate progress – The Executive Officer will make a determination of adequate progress in implementing the plan if water quality improvement milestones and compliance time schedules have been met or the surface/groundwater receiving water limitations of the Order are met.
  2. Inadequate progress – The Executive Officer will make a determination of inadequate progress in implementing the plan if the Order's groundwater receiving water limitations are not being met, and water quality improvement milestones and compliance time schedules in the approved management plan have not been met.

The actions taken by the Executive Officer upon a determination of inadequate progress include, but are not limited to one or more of the following for the area in which inadequate progress has been made:

- Management practice field monitoring studies – The Steering Committee may be required to develop and implement a field monitoring study plan to characterize the commodity-specific discharge of the constituent of concern and evaluate the pollutant reduction efficacy of specific management practices. Based on the study and evaluation, the Executive Officer may require the

GQMP to be revised to include additional practices to achieve compliance with the Order's surface and groundwater receiving water limitations.

- Independent, on-site verification of implementation of management practices and evaluation of their adequacy.
- Individual WDRs or waiver of WDRs – The board may revoke the Steering Committee coverage for individual irrigated agricultural operations and require submittal of a report of waste discharge.

### **III. Management Plan Completion**

Management Plans can be completed in one of two ways. The first way a Management Plan can be completed is if an approved source study shows that irrigated agriculture is not causing or contributing to the water quality problem. The second way a Management Plan can be completed is if the improved management practices have resolved the water quality problem.

The goal of all management plans is to identify the source(s) of COCs, track the implementation of effective management practices, and ultimately ensure that irrigated agriculture waste discharges are meeting the groundwater receiving water limitations of the Order. If an approved source study shows that irrigated agriculture is not a source, then the Steering Committee can request the Executive Officer to approve completion of the associated management plan.

A request for approval of completion of a management plan due to improved management practices will require credible evidence that the water quality problem has been resolved. The Executive Officer will evaluate each request on a case-by-case basis. The following key components must be addressed in the request:

- a) Demonstration through evaluation of monitoring data that the water quality problem is no longer occurring or demonstrated compliance with the Order's groundwater receiving water limitations.
- b) Documentation of Steering Committee education and outreach to applicable Members in the watershed where water quality impairment occurred.
- c) Documentation of Member implementation of management practices that address the water quality exceedances.
- d) Demonstration that the management practices implemented by Members are effective in addressing the water quality problem.

Management plans may be completed for all or some of the constituents that prompted preparation of the management plan. When Executive Officer approval is given for completion of a management plan for one or more constituents, each constituent shall revert to regular, ongoing monitoring requirements (as described in the MRP). The Steering Committee must also continue tracking on-going implementation of appropriate management practices by growers, which may be done through the Farm Evaluation process.

Requests for management plan completion must summarize and discuss all information and data being used to justify completion. The Steering Committee shall not discontinue any of the associated management plan requirements prior to Executive Officer approval of its completion request.

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

**ORDER R5-2015-0095  
MONITORING AND REPORTING PROGRAM**

**APPENDIX MRP-2**

**MONITORING WELL INSTALLATION AND SAMPLING PLAN  
AND  
MONITORING WELL INSTALLATION COMPLETION REPORT**

**I. Introduction**

The provisions of Appendix MRP-2 are set out pursuant to the Central Valley Water Board's authority under California Water Code (CWC) section 13267. The purpose and requirements of the Management Practice Evaluation Program (MPEP) are set forth in Monitoring and Reporting Program (MRP) R5-2015-0095.

Implementation of the MPEP requires that the Water Authority develop and submit a Monitoring Well Installation and Sampling Plan (MWISP) to the Executive Officer for approval prior to installation of monitoring wells. Stipulations and required elements of the MWISP are presented in section II below.

Upon completion of any monitoring well network, the Water Authority shall submit to the Central Valley Water Board a Monitoring Well Installation Completion Report (MWICR) which describes the field activities performed during that phase of the work. Required elements to be included in the MWICR are presented in section III below.

**II. Monitoring Well Installation and Sampling Plan (MWISP)**

Prior to installation of groundwater monitoring wells, a Monitoring Well Installation and Sampling Plan (MWISP) and schedule prepared by, or under the direct supervision of, and certified by, a California registered civil engineer or a California registered geologist with experience in hydrogeology shall be submitted to the Central Valley Water Board for Executive Officer approval.

If the Water Authority has chosen to rank or prioritize its high vulnerability areas, the initial MWISP must present an overview and justification for the phased approach. Separate MWISPs showing the proposed monitoring well locations are required prior to implementation of each phase (alternatively, the Water Authority may prepare a master MWISP covering all of the proposed phases of well installation). Installation of monitoring wells shall not begin until the Executive Officer notifies the Water Authority in writing that the MWISP is acceptable. The MWISP or an MWISP for the initial phase if the Water Authority has chosen to employ a phased approach must be submitted within 180 days after Executive Officer approval of the Management Practices Evaluation Workplan (see section IV of Monitoring and Reporting Program Order R5-2015-0095, "MRP").

**A- Stipulations**

1. All monitoring wells shall be constructed in a manner that maintains the integrity of the monitoring well borehole and prevents the well (including the annular space outside of the well casing) from acting as a conduit for waste/contaminant transport. Each monitoring well shall

- be appropriately designed and constructed to enable collection of representative samples of the first encountered groundwater.
2. Where applicable, the Water Authority shall follow state, county or local agency standards with respect to water wells and groundwater quality when constructing new wells, modifying existing wells, or destroying wells. Absent such standards, at a minimum, the Water Authority shall follow the standards and guidelines described in the California Department of Water Resources' Water Well Standards (Bulletins 74-81 & 74-90 combined). More stringent practices shall be implemented if needed to prevent the well from acting as a conduit for the vertical migration of waste constituents.
  3. The horizontal and vertical position of each monitoring well shall be determined by a registered land surveyor or other qualified professional. The horizontal position of each monitoring well shall be measured with one-foot lateral accuracy using the North American Datum 1983 (NAD83 datum). The vertical elevations of each monitoring well, at the point where depth to groundwater shall be measured to an absolute accuracy of at least 0.5 feet and a relative accuracy between monitoring wells of 0.01 feet referenced to the North American Vertical Datum 1988 (NAVD88 datum).
  4. Once the groundwater monitoring network is installed pursuant to an approved MWISP, the Water Authority shall sample monitoring wells for the constituents and at the frequencies as specified in the approved MPEP. Groundwater monitoring shall include monitoring during periods of the expected highest and lowest annual water table levels and be of sufficient frequency to allow for evaluation of any seasonal variations.
  5. Groundwater samples from monitoring wells shall be collected as specified in an approved MWISP and in accordance with the Water Authority's approved QAPP.

#### **B- MWISP Required Elements**

At a minimum, the MWISP must contain all of the information listed below.

1. General Information:
  - a. Topographic map showing any existing nearby (about 2,000 feet) domestic, irrigation, municipal supply, and known monitoring wells, utilities, surface water bodies, drainage courses and their tributaries/destinations, and other major physical and man-made features, as reasonably known and appropriate.
  - b. Site plan showing proposed well locations, other existing wells, unused and/or abandoned wells, and major physical site structures (such as tailwater retention systems, tile-drainage systems including discharge points, chemigation and/or fertigation tanks, flood control features, irrigation canals, etc.).
  - c. Rationale for the number of proposed monitoring wells, their locations and depths, and identification of anticipated depth to groundwater. This information must include an explanation of how the location, number, and depths of wells proposed will result in the collection of data that can be used to assess groundwater at farms not directly monitored by the MPEP and under a variety of hydrogeologic conditions.
  - d. Local permitting information (as required for drilling, well seals, boring/well abandonment).
  - e. Drilling details, including methods and types of equipment for drilling and soils logging activities. Equipment decontamination procedures (as appropriate) should be described.
  - f. Health and Safety Plan.

2. Proposed Drilling Details:
  - a. Drilling techniques.
  - b. Well/soil sample collection and logging method(s).
3. Proposed Monitoring Well Design - all proposed well construction information must be displayed on a construction diagram or schematic. For items f. through i., the vertical location of all annular materials (filter pack, seals, etc.) shall be shown and a description of the material and its method of emplacement given. The construction diagram or schematic shall accurately identify the following:
  - a. Well depth.
  - b. Borehole depth and diameter.
  - c. Well construction materials.
  - d. Casing material and diameter - include conductor casing, if appropriate.
  - e. Location and length of perforation interval, size of perforations, and rationale.
  - f. Location and thickness of filter pack, type and size of filter pack material, and rationale.
  - g. Location, thickness, and composition of any intermediate seal.
  - h. Location, thickness, and composition of annular seal.
  - i. Surface seal depth and composition.
  - j. Type of well cap(s).
  - k. Type of well surface completion.
  - l. Well protection devices (such as below-grade water-tight vaults, locking steel monument, bollards, etc.).
4. Proposed Monitoring Well Development:
  - a. Schedule for development (not less than 48 hours or more than 10 days after well completion).
  - b. Method of development.
  - c. Method of determining when development is complete.
  - d. Parameters to be monitored during development.
5. Proposed Surveying:
  - a. How horizontal and vertical position of each monitoring well will be determined.
  - b. The accuracy of horizontal and vertical measurements to be obtained.
6. Proposed Groundwater Monitoring:

Refer to Monitoring and Reporting Program Order R5-2015-0095 and QAPP guidelines.

### **III. Monitoring Well Installation Completion Report (MWICR)**

Within 60 days after completion of any monitoring well network, the Water Authority shall submit to the executive Officer a Monitoring Well Installation Completion Report (MWICR) prepared by, or under the direct supervision of, and certified by, a California registered civil engineer or a California registered

geologist with experience in hydrogeology. In cases where monitoring wells are completed in phases or completion of the network is delayed for any reason, monitoring well construction data are to be submitted within 90 days of well completion, even if this requires submittal of multiple reports. At a minimum, the MWICR shall summarize the field activities as described below.

1. General Information:

- a. Brief overview of field activities including well installation summary (such as number, depths), and description and resolution of difficulties encountered during field program.
- b. A site plan depicting the positions of the newly installed monitoring wells, other existing wells, unused and/or abandoned wells, and major physical site structures (such as tailwater retention systems, tile-drainage systems including discharge points, chemigation and/or fertigation holding tanks, flood control features, irrigation canals, etc.).
- c. Period of field activities and milestone events (e.g., distinguish between dates of well installation, development, and sampling).

2. Monitoring Well Construction:

- a. Number and depths of monitoring wells installed.
- b. Monitoring well identification (i.e., numbers).
- c. Date(s) of drilling and well installation.
- d. Description of monitoring well locations including field-implemented changes (from proposed locations) due to physical obstacles or safety hazards.
- e. Description of drilling and construction, including equipment, methods, and difficulties encountered (such as hole collapse, lost circulation, need for fishing).
- f. Name of drilling company, driller, and logger (site geologist/engineer to be identified).
- g. As-builts for each monitoring well with the following details:
  - i. Well identification.
  - ii. Total borehole and well depth.
  - iii. Date of installation.
  - iv. Boring diameter.
  - v. Casing material and diameter (include conductor casing, if appropriate).
  - vi. Location and thickness of slotted casing, perforation size.
  - vii. Location, thickness, type, and size of filter pack.
  - viii. Location, thickness, and composition of any intermediate seal.
  - ix. Location, thickness, and composition of annular seal.
  - x. Surface seal depth and composition.
  - xi. Type of well cap.
  - xii. Type of surface completion.
  - xiii. Depth to water (note any rises in water level from initial measurement) and date of measurement.
  - xiv. Well protection device (such as below-grade water-tight vaults, stovepipe, bollards, etc.).
  - xv. Lithologic log and electric log (if conducted) of well borings
  - xvi. Results of all soil tests (e.g., grain size, permeability, etc.)
- h. All depth to groundwater measurements during field program.
- i. Field notes from drilling and installation activities (e.g., subcontractor dailies, as appropriate).

- j. Construction summary table of pertinent information such as date of installation, well depth, casing diameter, screen interval, bentonite seal interval, and well elevation.
3. Monitoring Well Development:
    - a. Date(s) and time of development.
    - b. Name of developer.
    - c. Method of development.
    - d. Methods used to identify completion of development.
    - e. Development log: volume of water purged and measurements of temperature, pH, electrical conductivity, and any other parameters measured during and after development.
    - f. Disposition of development water.
    - g. Field notes (such a bailing to dryness, recovery time, number of development cycles).
  4. Monitoring Well Survey:
    - a. Identify coordinate system or reference points used.
    - b. Description of measuring points (e.g., ground surface, top of casing, etc.).
    - c. Horizontal and vertical coordinates of well casing with cap removed (measuring point where water levels are measured to nearest  $\pm 0.01$  foot).
    - d. Name, license number, and signature of California licensed professional who conducted survey.
    - e. Surveyor's field notes.
    - f. Tabulated survey data.

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

**ATTACHMENT C TO ORDER R5-2015-0095  
CEQA MITIGATION MEASURES**

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
GROWERS IN THE GRASSLAND DRAINAGE AREA**

**A. Cultural Resources**

**1. Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources**

The measure described below will reduce the severity of impacts on significant cultural resources, as defined and described in sections 5.3.1 and 5.3.3 of the PEIR.<sup>1</sup> Avoidance of such impacts also can be achieved when Members choose the least impactful management practices that will meet the quality improvement goals and objectives of Waste Discharge Requirements General Order for Groundwater for Growers in the Grassland Drainage Area that are Members of a Third-Party Group, Order R5-2015-0095 (hereafter referred to as the "Order"). Note that these mitigation measures may not be necessary in cases where no ground-disturbing activities would be undertaken as a result of implementation of the Order.

Although cultural resource inventories and evaluations typically are conducted prior to preparation of a CEQA document, the size of the Order's coverage area and the lack of specificity regarding the location and type of management practices that would be implemented following adoption of the Order rendered conducting inventories prior to release of the draft Order untenable. Therefore, where the Order's water quality improvement goals cannot be achieved without modifying or disturbing an area of land or existing structure to a greater degree than through previously employed farming practices, individual farmers or third-party representatives will implement the following measures to reduce potential impacts to less-than-significant levels.

- Where construction within areas that may contain cultural resources cannot be avoided through the use of alternative management practices, conduct an assessment of the potential for damage to cultural resources prior to construction; this may include the hiring of a qualified cultural resources specialist to determine the presence of significant cultural resources.
- Where the assessment indicates that damage may occur, submit a non-confidential records search request to the appropriate California Historical Resources Information System (CHRIS) information center(s).
- Implement the recommendations provided by the CHRIS information center(s) in response to the records search request.
- Where adverse effects to cultural resources cannot be avoided, the grower's coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the board subject to additional CEQA review.

In addition, California state law provides for the protection of interred human remains from vandalism and destruction. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (section 8100), and the disturbance of Native American cemeteries is a felony (section 7052). Section 7050.5 requires that construction or

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<sup>1</sup> ICF International. 2011. Irrigated Lands Regulatory Program Final Program Environmental Impact Report. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

excavation be stopped in the vicinity of the discovered human remains until the County Coroner has been notified, according to California Public Resource Code (PRC) section 5097.98, and can determine whether the remains are those of Native American origin. If the coroner determines that the remains are of Native American origin, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (Health and Safety Code section 7050[c]). The NAHC will identify and notify the most likely descendant of the interred individual(s), who will then make a recommendation for means of treating or removing, with appropriate dignity, the human remains and any associated grave goods as provided in PRC section 5097.98.

PRC section 5097.9 identifies the responsibilities of the project proponent upon notification of a discovery of Native American burial remains. The project proponent will work with the most likely descendant (determined by the NAHC) and a professional archaeologist with specialized human osteological experience to develop and implement an appropriate treatment plan for avoidance and preservation of, or recovery and removal of, the remains.

Members implementing management practices should be aware of the following protocols for identifying cultural resources.

- If built environment resources or archaeological resources, including chipped stone (often obsidian, basalt, or chert), ground stone (often in the form of a bowl mortar or pestle), stone tools such as projectile points or scrapers, unusual amounts of shell or bone, historic debris (such as concentrations of cans or bottles), building foundations, or structures are inadvertently discovered during ground-disturbing activities, the land owner should stop work in the vicinity of the find and retain a qualified cultural resources specialist to assess the significance of the resources. If necessary, the cultural resource specialist also will develop appropriate treatment measures for the find.
- If human bone is found as a result of ground disturbance, the land owner should notify the County Coroner in accordance with the instructions described above. If Native American remains are identified and descendants are found, the descendants may, with the permission of the owner of the land or his or her authorized representative, inspect the site of the discovery of the Native American remains. The descendants may recommend to the owner or the person responsible for the excavation work means for treating or disposing of the human remains and any associated grave goods, with appropriate dignity. The descendants will make their recommendation within 48 hours of inspection of the remains. If the NAHC is unable to identify a descendant, if the descendants identified fail to make a recommendation, or if the landowner rejects the recommendation of the descendants, the landowner will inter the human remains and associated grave goods with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

## **B. Vegetation and Wildlife**

### **1. Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources**

Implementation of the following avoidance and minimization measures would ensure that the construction activities related to implementation of management practices and installation of monitoring wells on irrigated lands would minimize effects on sensitive vegetation communities (such as riparian habitat and wetlands adjacent to the construction area) and special-status plants and wildlife species as defined and listed in section 5.7.3 of the PEIR. In each instance where particular management practices could result in impacts on the biological resources listed above, Members should use the least impactful effective management practice to avoid such impacts. Where the Order's water quality improvement goals cannot be achieved without incurring potential

impacts, individual farmers or third-party representatives will implement the following measures to reduce potential impacts to less-than-significant levels.

- Where detention basins are to be abandoned, retain the basin in its existing condition or ensure that sensitive biological resources are not present before modification.
- Where construction in areas that may contain sensitive biological resources cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of sensitive vegetation communities or special-status plant and animal species prior to construction. This may include the hiring of a qualified biologist to identify riparian and other sensitive vegetation communities and/or habitat for special-status plant and animal species.
- Avoid and minimize disturbance of riparian and other sensitive vegetation communities.
- Avoid and minimize disturbance to areas containing special-status plant or animal species.
- Where adverse effects on sensitive biological resources cannot be avoided, the grower's coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the board subject to additional CEQA review.

## **2. Mitigation Measure BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands**

Prior to implementing any management practice that will result in the permanent loss of wetlands, conduct a delineation of affected wetland areas to determine the acreage of loss in accordance with current U.S. Army Corps of Engineers (USACE) methods. For compliance with the federal Clean Water Act section 404 permit and WDRs protecting state waters from unauthorized fill, compensate for the permanent loss (fill) of wetlands and ensure no net loss of habitat functions and values. Compensation ratios will be determined through coordination with the Central Valley Water Board and USACE as part of the permitting process. Such process will include additional compliance with CEQA, to the extent that a further discretionary approval by the board would require additional CEQA review. Compensation may be a combination of mitigation bank credits and restoration/creation of habitat, as described below:

- Purchase credits for the affected wetland type (e.g., perennial marsh, seasonal wetland) at a locally approved mitigation bank and provide written evidence to the resource and regulatory agencies, as needed, that compensation has been established through the purchase of mitigation credits.
- Develop and ensure implementation of a wetland restoration plan that involves creating or enhancing the affected wetland type.

## **C. Fisheries**

### **1. Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat**

This mitigation measure incorporates all measures identified in Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources. In each instance where particular management practices could result in impacts to special-status fish species (see "Regulatory Classification of Special-Status Species" in section 5.8.2 of the PEIR),

Members should use the least impactful effective management practice to avoid such impacts. Where the Order's water quality improvement goals cannot be achieved without incurring potential impacts, individual farmers or third-party representatives will implement the following measures to reduce potential impacts to less-than-significant levels. Note that these measures may not be

necessary in many cases and are dependent on the location of construction in relation to water bodies containing special-status fish.

- Where construction in areas that may contain special-status fish species cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of special-status fish species prior to construction; this may include the hiring of a qualified fisheries biologist to determine the presence of special-status fish species.
- Based on the species present in adjacent water bodies and the likely extent of construction work that may affect fish, limit construction to periods that avoid or minimize impacts to special-status fish species.
- Where construction periods cannot be altered to minimize or avoid effects on special-status fish, the grower's coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the board subject to additional CEQA review.

#### **D. Agriculture Resources**

##### **1. Mitigation Measure AG-MM-1: Assist the Agricultural Community in Identifying Sources of Financial Assistance that would Allow Members to Keep Important Farmland in Production.**

The third-party will assist the agricultural community in identifying sources of financial assistance from existing federal, state, or local programs that promote water conservation and water quality through improved management practices. Funding received from grants, cost-sharing, or low interest loans would offset some of the local Members' expenditures for compliance with and implementation of the Order, and likely would reduce the estimated losses in irrigated acreage. Potential funding sources for this mitigation measure are discussed below. The programs described below are illustrative and are not intended to constitute a comprehensive list of funding sources.

##### **Federal Farm Bill**

Title II of the 2014 Farm Bill (the Agriculture Act of 2014, in effect through 30 September 2018) authorizes funding for conservation programs such as the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program. Both of these programs provide financial and technical assistance for activities that improve water quality on agricultural lands.

##### **State Water Resources Control Board**

The Division of Financial Assistance administers water quality improvement programs for the State Water Resources Control Board (State Water Board). The programs provide grant and loan funding to reduce non-point-source pollution discharge to surface waters.

The Division of Financial Assistance currently administers two programs that improve water quality associated with agriculture—the Agricultural Drainage Management Loan Program and the Agricultural Drainage Loan Program. Both of these programs were implemented to address the management of agricultural drainage into surface water. The Agricultural Water Quality Grant Program provides funding to reduce or eliminate the discharge of non-point-source pollution from agricultural lands into surface water and groundwater. It currently is funded through bonds authorized by Proposition 84.

The State Water Board's Clean Water State Revolving Fund also has funding authorized through Proposition 84. It provides loan funds to a wide variety of point-source and non-point-source water quality control activities.

**Potential Funding Provided by the Safe, Clean, and Reliable Drinking Water Supply Act**

This act was placed on the ballot by the Legislature as SBX7-2 and was originally scheduled for voter approval in November 2010. In August of 2010, the Legislature removed this issue from the 2010 ballot with the intent to re-introduce it in November of 2012. In July 2012, the Legislature approved a bill to take the measure off the 2012 ballot and put it on the 2014 ballot. If approved by the public, the new water bond would provide grant and loan funding for a wide range of water-related activities, including improving agricultural water quality, conservation and watershed protection, and groundwater protection and water quality. The majority of public funds allocated by the bond would go through a rigorous competitive process to ensure dollars would go to a public benefit. Additionally, this water bond is expected to leverage more than \$30 billion in additional investments in local, regional, and state wide infrastructure for water supply, water quality, and environmental restoration enhancements. The actual amount and timing of funding availability will depend on its passage, on the issuance of bonds and the release of funds, and on the kinds of programs and projects proposed and approved for funding.

**Other Funding Programs**

Other state and federal funding programs have been available in recent years to address agricultural water quality improvements. Integrated Regional Water Management grants were authorized and funded by Proposition 50 and now by Proposition 84. These are administered jointly by the State Water Board and the California Department of Water Resources. Proposals can include agricultural water quality improvement projects. The Bureau of Reclamation also can provide assistance and cost-sharing for water conservation projects that help reduce discharges.

**E. Cumulative Impacts**

**1. Mitigation Measure CC-MM-1: Apply Applicable Air district Mitigation Measures to Reduce Construction and Operational GHG Emissions**

Several of the standard mitigation measures provided by Central Valley local air districts to reduce criteria pollutant emissions would also help to minimize GHG emissions (please see section 5.6.5 of the PEIR). Measures to reduce vehicle trips and promote use of alternative fuels, as well as clean diesel technology and construction equipment retrofits, should be considered by Members.

**2. Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions**

A 2008 report by the California Attorney General's office entitled The California Environmental Quality Act: Addressing Global Warming at the Local Agency Level identifies various example measures to reduce GHG emissions at the project level (California Department of Justice 2008). The following mitigation measures and project design features were compiled from the California Attorney General's Office report. They are not meant to be exhaustive but to provide a sample list of measures that should be incorporated into future project design. Only those measures applicable to the Order are included.

**Solid Waste Measures**

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers.
- Recover by-product methane to generate electricity.

**Transportation and Motor Vehicles**

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low- or zero-emission vehicles, including construction vehicles.

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

**ATTACHMENT D TO ORDER R5-2015-0095**

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
GROWERS IN THE GRASSLAND DRAINAGE AREA**

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Acronyms and Abbreviations

2014 Farm Bill	Agriculture Act of 2014
CACs	county agricultural commissioners
CCR	California Code of Regulations
Central Valley Water Board	California Regional Water Quality Control Board, Central Valley Region
CEQA	California Environmental Quality Act
CFWS	California Department of Fish and Wildlife
CRHR	California Register of Historic Resources
CV-SALTS	Central Valley Salinity Alternatives for Long-Term Sustainability
DO	dissolved oxygen
DPH	California Department of Public Health
DPM	diesel particulate matter
DPR	California Department of Pesticide Regulation
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
ESA	federal Endangered Species Act
PEIR	Long-Term Irrigated Lands Regulatory Program Final Program EIR (incorporates Draft)
GBD	Grassland Basin Drainage
GDA	Grassland Drainage Area
GHGs	greenhouse gasses
GQMPs	groundwater quality management plans
HAPs	hazardous air pollutants
ILRP	Long-Term Irrigated Lands Regulatory Program
ILRP Framework Report	Recommended Irrigated Lands Regulatory Program Framework Staff Report, March 2011
MMRP	Mitigation Monitoring and Reporting Program
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
NPS	nonpoint source
NPS Policy	State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program
NRHP	National Register of Historic Places
PAMs	polyacrylamides
PRC	California Public Resources Code
SB	Senate Bill
State Water Board	State Water Resources Control Board
TACs	toxic air contaminants
TMDLs	total maximum daily loads
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WDRs	waste discharge requirements

## I. Introduction

The California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] sections 21002, 21002.1, 21081, 21081.5, 21100) and State CEQA Guidelines section 15091(a) provide that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified when one or more significant environmental effects of the project have been identified, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. These findings explain the disposition of each of the significant effects, including those that will be less than significant with mitigation. The findings must be supported by substantial evidence in the record.

There are three possible findings under section 15091(a). The public agency must make one or more of these findings for each significant effect. The section 15091(a) findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Long-Term Irrigated Lands Regulatory Program (ILRP) Final Program EIR (PEIR) (ICF International 2011). Pub. Resources Code section 15091(a)(1).
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. Pub. Resources Code section 15091(a)(2).
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the PEIR. Pub. Resources Code section 15091(a)(3).

## II. Findings

The findings in the Impact Findings (section II.C) discuss the significant direct, indirect, and cumulative effects of the program to be adopted, which is referred to throughout as Waste Discharge Requirements General Order for Growers in the Grassland Drainage Area, Order R5-2015-0095 (Order). The Grassland Basin Drainage Steering Committee (Steering Committee) under authority of the San Luis & Delta-Mendota Water Authority (Water Authority) is recognized as the third-party entity representing growers in the Grassland Drainage Area (Members).<sup>1</sup> The Order is described in California Regional Water Quality Control Board, Central Valley Region Order R5-2015-0095 and supporting attachments, and is being approved consistent with the requirements of CEQA.

The requirements of this Order have been developed from the alternatives evaluated in the PEIR, and include regulatory elements contained within those alternatives. As described below (see Applicability of the Program EIR), there are no new effects that could occur or no new mitigation measures that would be required as a result of the Order that were not already identified and described in the PEIR. None of the conditions that would trigger the need to prepare a subsequent EIR under State CEQA Guidelines section 15162 exist with respect to the Order.

The findings adopted by the Central Valley Water Board address each of the Order's significant effects in their order of appearance in the PEIR certified for the Long-term ILRP. The findings also address the alternatives analyzed in the PEIR that were not selected as a basis for the Order.

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<sup>1</sup> The Steering Committee is part of the Grassland Basin Drainage Management Activity, an agreement under the umbrella of the Water Authority to implement the Grassland Bypass Project.

For the purposes of section 15091, the documents and other materials that constitute the record of proceedings upon which the Central Valley Water Board based its decision are held by the Central Valley Water Board.

For findings made under section 15091(a)(1), required mitigation measures have been adopted for the Order. These mitigation measures are described in the Mitigation Measures below (section II.D), and are included in Attachment C of the Order. A Mitigation Monitoring and Reporting Program (MMRP) for these measures has been included in the Order's Monitoring and Reporting Program R5-2015-0095 (MRP).

Where mitigation measures are within the responsibility and jurisdiction of another public agency, the finding in section 15091(a)(2) should be made by the lead agency. In order to make the finding, the lead agency must find that the mitigation measures have been adopted by the other public agency or can and should be adopted by the other public agency.

Where the finding is made under section 15091(a)(3) regarding the infeasibility of mitigation measures or alternatives, the specific economic, legal, social, technological, or other considerations are described in a subsequent section.

Each of these findings must be supported by substantial evidence in the record.

The Order implements the Long-Term ILRP for irrigated lands in the Grassland Drainage Area. The Order is intended to serve as a single implementing order in a series of orders that will implement the Long-Term ILRP for the entire Central Valley.

### **A- History of the ILRP**

In 2003 the Central Valley Water Board adopted a conditional waiver of waste discharge requirements for discharges from irrigated agricultural lands. As part of the 2003 waiver program the Central Valley Water Board directed staff to prepare an Environmental Impact Report (EIR) for a long-term irrigated lands regulatory program (ILRP).

On 5 and 6 March 2003, CEQA scoping meetings were held in Fresno and Sacramento to solicit and receive public comment on the scope of the EIR as described in the Notice of Preparation (released on 14 February 2003). Following the scoping meetings, the Central Valley Water Board began preparation of the draft Existing Conditions Report (ECR) in 2004 to assist in defining the baseline condition for the EIR's environmental analyses. The draft ECR was circulated in 2006, public comment on the document was received and incorporated and it was released in 2008.<sup>2</sup>

In March and April 2008, the Central Valley Water Board conducted another series of CEQA scoping meetings to generate recommendations on the scope and goals of the long-term ILRP.

Information was also gathered as to how stakeholders would like to be involved in development of the long-term program. Stakeholders indicated in these scoping meetings that they would like to be actively involved in developing the program. To address this interest, the Central Valley Water Board

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<sup>2</sup> ICF Jones & Stokes. 2008. Irrigated Lands Regulatory Program Existing Conditions Report. December. (ICF J&S 05508.05.) Sacramento, CA. Prepared for the State Water Resources Control Board and Central Valley Regional Water Quality Control Board, Rancho Cordova, CA.

initiated the Long-term ILRP Stakeholder Advisory Workgroup. The Stakeholder Advisory Workgroup assisted in the development of long-term program goals and objectives and a range of alternatives to be considered in the PEIR.

On 28 July 2010, the Central Valley Water Board, serving as the lead agency under CEQA, released the Draft PEIR for the long-term ILRP. The PEIR provides programmatic analysis of impacts resulting from the implementation of six regulatory alternatives. Five of the alternatives were developed with the Stakeholder Advisory Workgroup. The sixth alternative was developed by staff in an effort to fulfill program goals and objectives, meet applicable state policy and law, and minimize potentially adverse environmental impacts and economic effects. The PEIR does not analyze a preferred program alternative, but rather equally analyzes the environmental impacts of each alternative. Further discussion regarding the PEIR alternatives is included below in the section titled "Feasibility of Alternatives Considered in the EIR."

The Central Valley Water Board provided a 60-day period for submitting written comments on the Draft PEIR. In September 2010, Central Valley Water Board staff held public workshops in Chico, Modesto, Rancho Cordova, and Tulare to receive input. The Central Valley Water Board provided substantive responses to all written comments received on the Draft PEIR. The Central Valley Water Board provided public notice of the availability of the Final PEIR on 8 March 2011. The Central Valley Water Board certified the PEIR on 7 April 2011 (Central Valley Water Board Resolution R5-2011-0017). Starting in December 2012, the board has adopted long-term ILRP third-party orders for the Central Valley, and one commodity-specific order. The requirements of the Order have been developed from the alternatives evaluated in the PEIR.

## **B- Applicability of the Program EIR**

Pursuant to Guidelines Section 15168(c)(2), the Central Valley Water Board finds that the Order is within the scope of the project covered by the PEIR, and no new environmental document is required. There are no new effects that could occur or no new mitigation measures that would be required as a result of the Order that were not already identified and described in the PEIR. None of the conditions that would trigger the need to prepare a subsequent EIR under State CEQA Guidelines section 15162 exist with respect to the Order.

This Order represents one order in a series of orders that have been developed, based on the alternatives evaluated in the PEIR, for all irrigated agriculture within the Central Valley. This Order is specific for groundwater and this document will examine only those environmental impacts that are relevant to groundwater. The PEIR describes that potential environmental impacts of all six alternatives are associated with implementation of water quality management practices, construction of monitoring wells, and impacts to agriculture resources (e.g., loss of production of prime farmland) due to increased regulatory costs.

The PEIR describes and evaluates potential impacts of practices likely to be implemented to meet water quality and other management goals on irrigated lands. The representative water quality management practices analyzed that are applicable to groundwater in the Grassland Drainage Area include:

- Nutrient management
- Improved water management
- Tailwater recovery system
- Pressurized irrigation
- Wellhead protection

As discussed in Attachment A, the requirements of the Order have been developed from the alternatives evaluated in the PEIR. Because the Order includes regulatory elements that are also contained in the six alternatives analyzed in the PEIR, the actions by Members to protect water quality in response to the requirements of this Order are expected to be similar to those described for Alternatives 2-6 of the PEIR (Alternative 1 does not include groundwater protection). Therefore, the requirements of this Order would lead to implementation of the above practices within the Grassland Drainage Area to a similar degree as is described for Alternatives 2-6 analyzed in the PEIR.

Specifically, project-level review of the requirements in the Order has revealed that the requirements of the Order most closely resemble those described for Alternatives 2 and 4 of the PEIR, but do include elements from Alternatives 2-5. The Order contains the third-party lead entity structure, regional groundwater management plans similar to Alternative 2 of the PEIR; farm planning, management practices tracking, nutrient tracking, and regional groundwater monitoring similar to Alternative 4 of the PEIR; prioritized installation of groundwater monitoring wells similar to Alternative 5; and a prioritization system based on systems described by Alternatives 2 and 4.

#### **Potential impacts identified in the PEIR not applicable to the Order**

The PEIR analyzed several representative management practices and identified a wide range of potential environmental impacts that may result from management practice implementation. Potentially significant impacts identified in the PEIR may be caused by management practices to be implemented by irrigated agricultural operations. Because the Order applies only to groundwater and to growers in the Grassland Drainage Area that have implemented management practices and activities to meet the discharge requirements for R5-2015-0095, many of the potentially significant impacts identified in the PEIR will not occur as a result of the Order, and therefore are considered less than significant potential impacts of the Order. These less-than-significant potential impacts are referenced below as “non-applicable potential impacts.”

Examples of program actions to protect groundwater quality with potentially significant impacts that have been evaluated in the PEIR, but would not be implemented by growers in the Grassland Drainage Area in response to the Order, include:

- Cover cropping,
- Sediment basins
- Buffers

Since this Order is specific to groundwater, management practices associated with surface water management are not relevant. Therefore, sediment basins, cover cropping, and buffers have been eliminated as potential environmental impacts.

The non-applicable potential impacts are briefly described below.

**Impact BIO-1: Loss of Downstream Habitat from Reduced Field Runoff.** This impact is due to implementation of practices that would reduce field runoff (PEIR, pg. 5.7-45). The representative practices that growers in the Grassland Drainage Area may implement to comply with the Order do not include any new practices that would reduce field runoff. Under the Order, Impact BIO-1 is not applicable and is therefore less-than-significant.

**Impacts BIO-4 and BIO-5: Potential Impacts Associated with Loss of Existing Sedimentation Ponds.** This potential impact is due to the potential for operations to abandon, or fill, existing tailwater/evaporative ponds to protect groundwater (PEIR, pg 5.4-47). This practice is not expected to

be implemented by Grassland Area Farmers to comply with the Order. Under the Order, Impacts BIO-4 and BIO-5 are not applicable and are therefore less-than-significant.

**Impact FISH-4: Toxicity to Fish or Fish Prey from Particle-Coagulant Water Additives.** This potential impact is due to the application of polyacrylamides (PAMs) as a practice to reduce erosion and sediment runoff (PEIR, pg. 5.8-51). Since this Order is specific to groundwater, the use of PAM is not relevant. Under the Order, Impact FISH-4 is not applicable, and is therefore less-than-significant.

**Impact AG-1: Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to Nonagricultural Use.** This impact is due to the potential conversion of important farmland to nonagricultural use due to increased regulatory costs (e.g., monitoring, reporting, management practices implementation). The PEIR states that most of the potential loss would be where growers of low-value crops select relatively costly management practices. Most farmers in the Grassland Drainage Area have already implemented efficient irrigation practices and extensive monitoring, and are expected to efficiently implement any additional management practices. Therefore, there is no potential loss of important farmland under the Order, and this potential impact is considered less-than-significant.

**Cumulative Agriculture Resources Impacts.** In the PEIR, the Program's contribution to the increasing conversion of important agriculture resources statewide was identified as cumulatively considerable. However the expected conversion of important farmland due to implementation of the Order is minimal, the Order would not contribute to a cumulatively considerable impact to agriculture resources. Under the Order, this potential impact is considered less-than-significant.

## C- Impact Findings

### 1. Cultural Resources

#### ***Impact CUL-1. Physical destruction, alteration, or damage of cultural resources from implementation of management practices (Less than Significant with Mitigation)***

##### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

##### **Rationale for Finding**

Upon implementation of the Order, Members may implement a variety of management practices that include physical and operational changes to agricultural land in the Order's regulated area. Such management practices may occur near cultural resources that are historically significant and eligible for listing in the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP). Implementation of these practices may lead to physical demolition, destruction, relocation, or alteration of cultural resources.

The location, timing, and specific suite of management practices to be chosen by Members to improve water quality are not known at this time. This impact is considered significant. **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are included in the Mitigation Measures section II.D.1.

***Impact CUL-2. Potential Damage to Cultural Resources from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)***

**Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

**Rationale for Finding**

Under the Order, construction impacts would result from implementation of management practices that require physical changes, including, installation of groundwater monitoring wells. The location of monitoring wells, as well as the location, timing, and specific suite of management practices to be selected by Members are not known at this time, and will not be defined until the need for additional monitoring wells is established. This impact is considered significant. **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are included in the Mitigation Measures section II.D.1.

**2. Noise**

***Impact NOI-1. Exposure of Sensitive Land Uses to Noise from Construction Activities in Excess of Applicable Standards (Responsibility of Other Agencies)***

**Finding**

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

**Rationale for Finding**

Under the Order, construction noise impacts would result from implementation of management practices that require the use of heavy-duty construction equipment. Because management practices are a function of crop type and economics, it cannot be determined whether the management practices selected under the Order would change relative to existing conditions. Accordingly, it is not possible to determine construction-related effects based on a quantitative analysis.

Noise levels from anticipated heavy-duty construction equipment are expected to range from approximately 55 to 88 A-weighted decibels (dBA) at 50 feet. These levels would be short term and would attenuate as a function of distance from the source. Noise from construction equipment operated within several hundred feet of noise-sensitive land uses has the potential to exceed local noise standards. This is considered a potentially significant impact. Implementation of **Mitigation Measure NOI-MM-1: Implement Noise-Reducing Construction Practices**, which is described in the Mitigation Measures section II.D.2, would reduce this impact to a less-than-significant level. Mitigation Measure NOI-MM-1 is within the responsibility and jurisdiction of local agencies, who can and should implement these measures.

***Impact NOI-2. Exposure of Sensitive Land Uses to Noise from Operational Activities in Excess of Applicable Standards (Responsibility of Other Agencies)***

**Finding**

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

**Rationale for Finding**

Under the Order, the Steering Committee would perform regional groundwater quality monitoring. Groundwater monitoring under the Order would be similar to the regional monitoring described for Alternatives 2 and 4 of the PEIR. The PEIR provides that operational noise from vehicle trips associated with water quality sampling for these alternatives is expected to be minimal.

Operation of new well pumps as part of tailwater recovery systems may result in increased noise levels relative to existing conditions. Noise generated from individual well pumps would be temporary and sporadic. Information on the types and number of pumps, as well as the number and distances of related vehicle trips, is currently unavailable.

Depending on the type of management practice selected, the Order also may result in noise benefits relative to existing conditions. For example, improved irrigation management may reduce the amount of time that pressurized pump generators are used. Enhanced nutrient application may minimize the number of tractors required to fertilize or plow a field. Removing these sources of noise may mediate any increases related to the operation of new pumps. However, in the absence of data, a quantitative analysis of noise impacts related to operations of the Order is not possible. Potential noise from unenclosed pumps located close to noise-sensitive land uses could exceed local noise standards. This is considered a potentially significant impact. Implementation of **Mitigation Measures NOI-MM-1: Implement Noise-Reducing Construction Practices** and **NOI-MM-2: Reduce Noise Generated by Individual Well Pumps**, which are described in the Mitigation Measures section II.D.2, should reduce this impact to a less-than-significant level. Mitigation measures NOI-MM-1 and NOI-MM-2 are within the responsibility and jurisdiction of local agencies, who can and should implement these measures.

**3. Air Quality**

***Impact AQ-1. Generation of Construction Emissions in Excess of Local Air District Thresholds (Responsibility of Other Agencies)***

**Finding**

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

**Rationale for Finding**

Under the Order, construction impacts would result from implementation of management practices that require physical changes or the use of heavy-duty construction equipment. It is difficult to determine how management practices selected under this Order would change relative to existing conditions. Accordingly, it is not possible to determine construction-related effects based on a quantitative analysis. However, under the Order there would be selection and implementation of additional management practices to meet groundwater quality goals. Consequently, implementation of

the Order may result in increased criteria pollutant emissions from construction activities relative to existing conditions.

Construction emissions associated with the Order would result in a significant impact if the incremental difference, or increase, relative to existing conditions exceeds the applicable air district thresholds shown in Table 5.5-2 of the PEIR. Management practices with the greatest potential for emissions include those that break ground or move earth matter, thus producing fugitive dust, and those that require the use of heavy-duty construction equipment (e.g., backhoes or bulldozers), thus producing criteria pollutants from exhaust. The management practices fitting this description include sediment trap, hedgerow, or buffer; pressurized irrigation; and tailwater recovery systems.

While it is anticipated that any emissions resulting from construction activities would be minuscule on a per-farm basis, in the absence of a quantitative analysis, data are insufficient to determine whether emissions would exceed the applicable air district thresholds. Consequently, this is considered a potentially significant impact. Implementation of **Mitigation Measure AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds**, which is described at the end of the Impact Findings section, should reduce this impact to a less-than-significant level. Mitigation Measure AQ-MM-1 is within the responsibility and jurisdiction of local air districts, who can and should implement these measures.

***Impact AQ-2. Generation of Operational Emissions in Excess of Local Air District Thresholds (Responsibility of Other Agencies)***

**Finding**

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

**Rationale for Finding**

Under the Order, operational emissions would result from vehicle trips made by the Steering Committee or its representatives to perform groundwater monitoring, and from new diesel-powered pumps installed as part of tailwater recovery systems.

Any new emissions generated under the Order are not expected to be substantial or to exceed applicable air district thresholds. In addition, they may be moderated by emissions benefits related to management practices that reduce irrigation and cover crops (see Table 5.5-8 of the PEIR). However, the difference in emissions relative to existing conditions is not known at this time and therefore cannot be compared to the significance criteria. This is considered a potentially significant impact. Implementation of **Mitigation Measure AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds**, which is described in the Mitigation Measures section II.D.3, should reduce this impact to a less-than-significant level. Mitigation Measure AQ-MM-2 is within the responsibility and jurisdiction of local air districts, who can and should implement these measures.

***Impact AQ-3. Elevated Health Risks from Exposure of Nearby Sensitive Receptors to Toxic Air Contaminants/Hazardous Air Pollutants (TACS/HAPs) (Responsibility of Other Agencies)***

**Finding**

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

**Rationale for Finding**

Toxic air contaminants (TACs) and hazardous air pollutants (HAPs) resulting from the Order include diesel particulate matter (DPM) from diesel construction equipment and new pumps, pesticides/fertilizers, and asbestos. Sensitive receptors near Members could be affected by these sources.

As discussed in Chapter 3 of the PEIR, one of the goals of the nutrient management and conservation tillage management practices is to reduce the application of pesticides/fertilizers. Because the Order would result in greater likelihood of these management practices being implemented, it is reasonable to assume that pesticides/fertilizers—and thus the potential for exposure to these chemicals—would be reduced under the Order.

It is expected that construction emissions may increase relative to existing conditions, thus resulting in minor increases of DPM. Elevated levels of construction in areas where naturally occurring asbestos is common may also increase the likelihood of exposure to asbestos. New diesel-powered pumps also would increase DPM emissions relative to existing conditions. This is considered a potentially significant impact. Implementation of **Mitigation Measures AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds, AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds, and AQ-MM-3: Apply Applicable Air District Mitigation Measures to Reduce TAC/HAP Emissions**, which are described in the Mitigation Measures section II.D.3, should reduce this impact to a less than significant level. Mitigation Measures AQ-MM-1, AQ-MM-2, and AQ-MM-3 are within the responsibility and jurisdiction of local air districts, who can and should implement these measures.

**4. Vegetation and Wildlife**

***Impact BIO-3. Potential Loss of Sensitive Natural Communities and Special-Status Plants from Construction Activities (Less than Significant with Mitigation)***

**Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

**Rationale for Finding**

Under the Order, construction impacts would result from implementation of management practices that require physical changes, such as construction of water control basins, temporary water checks, and wellhead protection berms. It is difficult to determine to what extent management practices selected under the Order would change relative to existing conditions; thus, it is not possible to quantify any construction-related effects. However, it is logical to assume that implementation of the Order would result in selection of more management practices to meet water quality goals.

Consequently, implementation of the Order may result in effects on vegetation from construction activities.

In general, management practices would be implemented on existing agricultural lands and managed wetlands, which are unlikely to support native vegetation or special-status plants. However, construction that directly or indirectly affects natural vegetation communities adjacent to existing irrigated lands, particularly annual grasslands with inclusions of seasonal wetlands or vernal pools and riparian vegetation, could result in loss of sensitive wetland communities or special-status plants growing in the uncultivated or unmanaged areas. While it is anticipated that the loss of sensitive communities or special-status plants resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described in the Mitigation Measures section II.D.4.

#### **Impact BIO-6. Loss of Sensitive Natural Communities and Special-Status Plants from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)**

##### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

##### **Rationale for Finding**

Under the Order, construction impacts would result from installation of groundwater monitoring wells. The placement of monitoring wells cannot be predetermined; consequently, the potential impacts on sensitive natural communities and special-status plants cannot be quantified.

In general, management practices would be implemented on existing agricultural lands and managed wetlands, resulting in a less-than-significant impact. It was assumed that groundwater monitoring well placement also could be primarily limited to agricultural land and non-sensitive habitat. However, if construction related to installation of groundwater monitoring wells required changes to managed wetlands or to natural vegetation communities that are adjacent to existing irrigated lands, there would be a potential for loss of vegetation in sensitive wetland communities or loss of special-status plants growing in the uncultivated or unmanaged areas. While it is anticipated that the loss of sensitive communities or special-status plants resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described in the Mitigation Measures section II.D.4.

### **Impact BIO-7. Loss of Special-Status Wildlife from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)**

#### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

#### **Rationale for Finding**

Under the Order, construction impacts would result from installation of groundwater monitoring wells. The placement of monitoring wells cannot be predetermined; consequently, the potential impacts on special-status wildlife species and their habitat cannot be quantified.

In general, management practices would be implemented on existing agricultural lands and managed wetlands, resulting in a less-than-significant impact. It was assumed that placement of groundwater monitoring wells also could be limited primarily to agricultural land and non-sensitive habitat. However, construction of groundwater monitoring wells that requires changes to managed wetlands or to natural vegetation communities adjacent to existing irrigated lands could result in a loss of special-status wildlife species occurring in the uncultivated or unmanaged areas. While it is anticipated that the loss of special-status wildlife species resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at in the Mitigation Measures section II.D.4.

## **5. Fisheries**

### **Impact FISH-2. Temporary Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices (Less than Significant with Mitigation)**

#### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

#### **Rationale for Finding**

Under the Order, construction impacts would result from implementation of management practices that require physical changes to lands in the Grassland Drainage Area. These physical changes primarily include features such as construction of water control basins, temporary water checks, and wellhead protection berms. Physical changes may be associated with implementation of other management practices, such as construction of filter ditches for pesticide management. Construction of features associated with management practices may temporarily reduce the amount or quality of existing fish habitat in certain limited circumstances (e.g., by encroachment onto adjacent water bodies, removal of riparian vegetation, or reduction in water quality—such as increases in sediment runoff during construction). It is difficult to determine whether the management practices selected under the Order would change relative to existing conditions, and it is not possible to quantify any construction-related effects. Implementation of the Order may result in effects on fish habitat from construction activities related to management practices.

While it is anticipated that the loss of fish habitat resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described in the Mitigation Measures section II.D.5.

### **Impact FISH-3. Permanent Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices (Less than Significant with Mitigation)**

#### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

#### **Rationale for Finding**

In some cases, permanent loss of fish habitat may occur as a result of construction required for implementation of management practices under the Order. Some of the impact may be due to loss of structural habitat (e.g., vegetation) whereas loss of dynamic habitat (e.g., wetted habitat) could be an issue. Because the extent of the loss is not known, the impact is considered potentially significant. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described in the Mitigation Measures section II.D.5.

### **Impact FISH-6. Temporary Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices and Groundwater Monitoring Wells (Less than Significant with Mitigation)**

#### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

#### **Rationale for Finding**

This impact is essentially the same as Impact FISH-2 except that, in addition to the temporary loss or alteration of habitat due to construction of management practices, further loss or alteration of fish habitat may occur from construction of groundwater monitoring wells under the Order. Accordingly, the impact is considered potentially significant. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described in the Mitigation Measures section II.D.5.

### **Impact FISH-7. Permanent Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices and Groundwater Monitoring Wells (Less than Significant with Mitigation)**

#### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

### **Rationale for Finding**

This impact is essentially the same as Impact FISH-3 except that, in addition to the temporary loss or alteration of habitat due to construction of features associated with management practices, permanent loss or alteration of fish habitat may occur from construction of groundwater monitoring wells under the Order. Accordingly, the impact is considered potentially significant. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described in the Mitigation Measures section II.D.5.

## **7. Cumulative Impacts**

### ***Cumulative Cultural Resource Impacts (Less than Cumulatively Considerable with Mitigation)***

#### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant cumulative environmental effect as identified in the PEIR.

#### **Rationale for Finding**

Use of ground-disturbing management practices under the Long-term ILRP alternatives could result in cumulatively considerable effects to cultural resources in concert with other, non-program-related agricultural enterprises and nonagricultural development in the program area. **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Order to reduce the Order's contribution to this impact to a level that is not cumulatively considerable. The mitigation measure calls for identification of cultural resources and minimization of impacts to identified resources. Mitigation measures are described in the Mitigation Measures section.

### ***Cumulative Climate Change Impacts (Significant and Unavoidable)***

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the PEIR. As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions for this impact is within the responsibility and jurisdiction of other public agencies that can and should enforce the implementation of these measures. Further, as specified in section 15091(a)(3) of the Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

#### **Rationale for Finding**

Unlike criteria pollutant impacts, which are local and regional, climate change impacts occur at a global level. The relatively long lifespan and persistence of GHGs (as shown in Table 5.6-1 of the PEIR) require that climate change be considered a cumulative and global impact. As discussed in the PEIR, it is unlikely that any increase in global temperature or sea level could be attributed to the emissions resulting from a single project. Rather, it is more appropriate to conclude that, under the Order, GHG emissions would combine with emissions across California, the United States, and the globe to cumulatively contribute to global climate change.

Given the magnitude of state, national, and international GHG emissions (see Tables 5.6-2 through 5.6-4 of the PEIR), climate change impacts from implementation of the Order likely would be negligible. However, scientific consensus concludes that, given the seriousness of climate change, small contributions of GHGs may be cumulatively considerable. Because it is unknown to what extent, if any, climate change would be affected by the incremental GHG emissions produced by the Order, the impact to climate change is considered cumulatively considerable. **Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions** is within the responsibility and jurisdiction of local agencies, who can and should implement these measures. **Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions** has been incorporated into the Order; these measures will result in lower GHG emissions levels than had they not been incorporated, but they will not completely eliminate GHG emissions that could result from the Order. No feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are described in the Mitigation Measures section.

### ***Cumulative Vegetation and Wildlife Impacts (Significant and Unavoidable)***

#### **Finding**

Pursuant to State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the PEIR. As specified in section 15091(a)(3) of the State CEQA Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

#### **Rationale for Finding**

The Central Valley of California has been subjected to extensive human impacts from land conversion, water development, population growth, and recreation. These impacts have altered the physical and biological integrity of the Central Valley, causing loss of native riparian vegetation along river systems, loss of wetlands, and loss of native habitat for plant and wildlife species. Mitigation **Measures BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** and **BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands** have been incorporated into the Order to reduce the severity of these effects. The measures are sufficient to mitigate any program-related impacts to rare or endangered plant or wildlife species, and to habitat for these species; however, the cumulative impact of the reduction in quality habitat and the take of individual listed plants or wildlife species is potentially cumulatively considerable. Mitigation measures are described in the Mitigation Measures section.

### ***Cumulative Fish Impacts (Less than Cumulatively Considerable with Mitigation)***

#### **Finding**

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant cumulative environmental effect as identified in the PEIR.

#### **Rationale for Finding**

The ongoing impacts of impaired water quality from irrigated lands are likely to cumulatively affect fish, in combination with contaminants that remain in the Order's coverage area from past activities. Such activities include mining and past use of pesticides such as DDT that remain within sediments. Because many of the existing effects discussed in the section "Existing Effects of Impaired Water Quality on Fish" are cumulative, it is difficult to determine the relative contribution of irrigated lands

and other sources. For example, low dissolved oxygen (DO) in the Stockton Deepwater Ship Channel is a result of contamination from upstream nonpoint sources (possibly including agricultural runoff) and discharges from the Stockton sewage treatment plant (Lehman et al. 2004; Central Valley Regional Water Quality Control Board 2005). Application of pesticides to nonagricultural lands such as urban parks and the resultant contaminant runoff also cumulatively contribute to impacts of inputs from irrigated lands.

Given the U.S. Environmental Protection Agency's (EPA's) ongoing federal Endangered Species Act (ESA) consultation process for pesticides as a result of recent court orders, it is reasonably foreseeable that further reasonable and prudent measures would be required by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) that would improve water quality within the Grassland Drainage Area. Revision of water quality control plans and total maximum daily loads (TMDLs) also can be expected to improve water quality. These and other measures, in combination with the likely beneficial effects of the Order, suggest that the cumulative effects of the Order are not cumulatively considerable with implementation of mitigation measures. **Mitigation Measures FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce the impacts to a less than cumulatively considerable level. Mitigation measures are described in the Mitigation Measures section.

### ***Cumulative Agriculture Resources Impacts (Significant and Unavoidable)***

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the PEIR. As specified in section 15091(a)(3) of the Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

#### **Rationale for Finding**

Since 1984, the average biennial net conversion of prime and unique farmland, and farmlands of statewide importance in California has been 28,344 acres (California Department of Conservation, Division of Land Resource Protection 2008). However, conversion has increased substantially since 2000, with an average biennial net conversion of 114,003 acres (California Department of Conservation, Division of Land Resource Protection 2008). During the 2002–2004 period, prime farmland, unique farmland, and farmland of statewide importance was reduced by 133,024 acres (California Department of Conservation, Division of Land Resource Protection 2006). The trend continued during the 2004–2006 period, with a net reduction of 125,495 acres (California Department of Conservation, Division of Land Resource Protection 2008).

While conversion of important farmland may not continue at the accelerated rate of the past 10 years due to decreased demand for new housing, it is reasonably foreseeable that it will continue at a rate comparable to that seen since 1984. Given the magnitude of important farmland conversion expected from implementation of the Order, the Order could result in cumulatively considerable impacts to agriculture resources. **Mitigation Measure AG-MM-1** has been incorporated into the Order to reduce the severity of these effects. While implementation of AG-MM-1 could reduce these impacts to a level that is not a cumulatively considerable contribution to this statewide impact, such a reduction cannot be quantified. As such, the Order's contribution to this impact is potentially cumulatively considerable. No feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are described in the Mitigation Measures section.

## **D- Mitigation Measures**

### **1. Cultural Resources**

#### ***Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources***

The measure described below will reduce the severity of impacts on significant cultural resources, as defined and described in sections 5.3.1 and 5.3.3 of the PEIR. Avoidance of such impacts also can be achieved when Members choose the least impactful management practices that will meet the Order's water quality improvement goals and objectives. Note that these mitigation measures may not be necessary in cases where no ground-disturbing activities would be undertaken as a result of implementation of the Order.

Although cultural resource inventories and evaluations typically are conducted prior to preparation of a CEQA document, the size of the Order's coverage area and the lack of specificity regarding the location and type of management practices that would be implemented following adoption of the Order rendered conducting inventories prior to release of the draft Order untenable. Therefore, where the Order's water quality improvement goals cannot be achieved without modifying or disturbing an area of land or existing structure to a greater degree than through previously employed farming practices, individual farmers or Steering Committee representatives will implement the following measures to reduce potential impacts to less-than-significant levels.

- Where construction within areas that may contain cultural resources cannot be avoided through the use of alternative management practices, conduct an assessment of the potential for damage to cultural resources prior to construction; this may include the hiring of a qualified cultural resources specialist to determine the presence of significant cultural resources.
- Where the assessment indicates that damage may occur, submit a non-confidential records search request to the appropriate California Historical Resources Information System (CHRIS) information center(s).
- Implement the recommendations provided by the CHRIS information center(s) in response to the records search request.
- Where adverse effects to cultural resources cannot be avoided, the grower's coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the board subject to additional CEQA review.

In addition, California state law provides for the protection of interred human remains from vandalism and destruction. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (section 8100), and the disturbance of Native American cemeteries is a felony (section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of the discovered human remains until the County Coroner has been notified, according to PRC section 5097.98, and can determine whether the remains are those of Native American origin. If the coroner determines that the remains are of Native American origin, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (Health and Safety Code section 7050[c]). The NAHC will identify and notify the most likely descendant of the interred individual(s), who will then make a recommendation for means of treating or removing, with appropriate dignity, the human remains and any associated grave goods as provided in PRC section 5097.98.

PRC section 5097.9 identifies the responsibilities of the project proponent upon notification of a discovery of Native American burial remains. The project proponent will work with the most likely descendant (determined by the NAHC) and a professional archaeologist with specialized human

osteological experience to develop and implement an appropriate treatment plan for avoidance and preservation of, or recovery and removal of, the remains.

- Growers implementing management practices should be aware of the following protocols for identifying cultural resources.
- If built environment resources or archaeological resources, including chipped stone (often obsidian, basalt, or chert), ground stone (often in the form of a bowl mortar or pestle), stone tools such as projectile points or scrapers, unusual amounts of shell or bone, historic debris (such as concentrations of cans or bottles), building foundations, or structures are inadvertently discovered during ground-disturbing activities, the land owner should stop work in the vicinity of the find and retain a qualified cultural resources specialist to assess the significance of the resources. If necessary, the cultural resource specialist also will develop appropriate treatment measures for the find.
- If human bone is found as a result of ground disturbance, the land owner should notify the County Coroner in accordance with the instructions described above. If Native American remains are identified and descendants are found, the descendants may—with the permission of the owner of the land or his or her authorized representative—inspect the site of the discovery of the Native American remains. The descendants may recommend to the owner or the person responsible for the excavation work means for treating or disposing of the human remains and any associated grave goods, with appropriate dignity. The descendants will make their recommendation within 48 hours of inspection of the remains. If the NAHC is unable to identify a descendant, if the descendants identified fail to make a recommendation, or if the landowner rejects the recommendation of the descendants, the landowner will inter the human remains and associated grave goods with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

## **2. Noise**

### ***Mitigation Measure NOI-MM-1: Implement Noise-Reducing Construction Practices***

Growers should implement noise-reducing construction practices that comply with applicable local noise standards or limits specified in the applicable county ordinances and general plan noise elements.

### ***Mitigation Measure NOI-MM-2: Reduce Noise Generated by Individual Well Pumps***

If well pumps are installed, Members should enclose or locate them behind barriers such that noise does not exceed applicable local noise standards or limits specified in the applicable county ordinances and general plan noise elements.

## **3. Air Quality**

### ***Mitigation Measure AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds***

Growers should apply appropriate construction mitigation measures from the applicable air district to reduce construction emissions. These measures will be applied on a project-level basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated construction emissions.

***Mitigation Measure AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds***

Growers should apply appropriate mitigation measures from the applicable air district to reduce operational emissions. These measures were suggested by the district or are documented in official rules and guidance reports; however, not all districts make recommendations for operational mitigation measures. Where applicable, measures will be applied on a project-level basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated operational emissions.

***Mitigation Measure AQ-MM-3: Apply Applicable Air District Mitigation Measures to Reduce TAC/HAP Emissions***

Growers should apply appropriate TAC and HAP mitigation measures from the applicable air district to reduce public exposure to DPM, pesticides, and asbestos. These measures were suggested by the district or are documented in official rules and guidance reports; however, not all districts make recommendations for mitigation measures for TAC/HAP emissions. These measures will be applied on a project-level basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated TAC/HAP emissions.

**4. Vegetation and Wildlife**

***Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources***

Implementation of the following avoidance and minimization measures would ensure that the construction activities related to implementation of management practices and installation of monitoring wells on irrigated lands would minimize effects on sensitive vegetation communities (such as riparian habitat and wetlands adjacent to the construction area) and special-status plants and wildlife species as defined and listed in section 5.7.3 of the PEIR. In each instance where particular management practices could result in impacts on the biological resources listed above, Members should use the least impactful effective management practice to avoid such impacts. Where the Order's water quality improvement goals cannot be achieved without incurring potential impacts, individual farmers or Steering Committee representatives will implement the following measures to reduce potential impacts to less-than-significant levels.

- Where detention basins are to be abandoned, retain the basin in its existing condition or ensure that sensitive biological resources are not present before modification.
- Where construction in areas that may contain sensitive biological resources cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of sensitive vegetation communities or special-status plant and animal species prior to construction. This may include the hiring of a qualified biologist to identify riparian and other sensitive vegetation communities and/or habitat for special-status plant and animal species.
- Avoid and minimize disturbance of riparian and other sensitive vegetation communities.
- Avoid and minimize disturbance to areas containing special-status plant or animal species.
- Where adverse effects on sensitive biological resources cannot be avoided, the grower's coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the board subject to additional CEQA review.

***Mitigation Measure BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands***

Prior to implementing any management practice that will result in the permanent loss of wetlands, conduct a delineation of affected wetland areas to determine the acreage of loss in accordance with current U.S. Army Corps of Engineers (USACE) methods. For compliance with the federal Clean Water Act section 404 permit and WDRs protecting State waters from unauthorized fill, compensate for the permanent loss (fill) of wetlands and ensure no net loss of habitat functions and values. Compensation ratios will be determined through coordination with the Central Valley Water Board and USACE as part of the permitting process. Such process will include additional compliance with CEQA, to the extent that a further discretionary approval by the board would require additional CEQA review. Compensation may be a combination of mitigation bank credits and restoration/creation of habitat, as described below:

- Purchase credits for the affected wetland type (e.g., perennial marsh, seasonal wetland) at a locally approved mitigation bank and provide written evidence to the resource and regulatory agencies, as needed, that compensation has been established through the purchase of mitigation credits.
- Develop and ensure implementation of a wetland restoration plan that involves creating or enhancing the affected wetland type.

**5. Fisheries**

***Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat***

This mitigation measure incorporates all measures identified in Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources. In each instance where particular management practices could result in impacts to special-status fish species (see “Regulatory Classification of Special-Status Species” in section 5.8.2 of the PEIR), Members should use the least impactful effective management practice to avoid such impacts. Where the Order’s water quality improvement goals cannot be achieved without incurring potential impacts, individual farmers or Steering Committee representatives will implement the following measures to reduce potential impacts to less-than-significant levels. Note that these measures may not be necessary in many cases and are dependent on the location of construction in relation to water bodies containing special-status fish.

- Where construction in areas that may contain special-status fish species cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of special-status fish species prior to construction; this may include the hiring of a qualified fisheries biologist to determine the presence of special status fish species.
- Based on the species present in adjacent water bodies and the likely extent of construction work that may affect fish, limit construction to periods that avoid or minimize impacts to special-status fish species.
- Where construction periods cannot be altered to minimize or avoid effects on special-status fish, the grower’s coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the board subject to additional CEQA review.

## **6. Agriculture Resources**

### ***Mitigation Measure AG-MM-1: Assist the Agricultural Community in Identifying Sources of Financial Assistance that would Allow Growers to Keep Important Farmland in Production***

The Steering Committee will assist the agricultural community in identifying sources of financial assistance from existing federal, state, or local programs that promote water conservation and water quality through increased management practices. Funding received from grants, cost-sharing, or low-interest loans would offset some of the local Members expenditures for compliance with and implementation of the Order, and likely would reduce the estimated losses in irrigated acreage. Potential funding sources for this mitigation measure are discussed below.

The programs described below are illustrative and are not intended to constitute a comprehensive list of funding sources.

#### **Federal Farm Bill**

Title II of the 2008 Farm Bill (the Food, Conservation, and Energy Act of 2008, in effect through 30 September 2012 and extended in the American Taxpayer Relief Act of 2013 through 30 September 2013) authorizes funding for conservation programs such as the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program. Both of these programs provide financial and technical assistance for activities that improve water quality on agricultural lands.

#### **State Water Resources Control Board**

The Division of Financial Assistance administers water quality improvement programs for the State Water Resources Control Board (State Water Board). The programs provide grant and loan funding to reduce non-point-source pollution discharge to waters of the State.

The Division of Financial Assistance currently administers two programs that improve water quality associated with agriculture—the Agricultural Drainage Management Loan Program and the Agricultural Drainage Loan Program. Both of these programs were implemented to address the management of agricultural drainage into surface water. The Agricultural Water Quality Grant Program provides funding to reduce or eliminate the discharge of non-point-source pollution from agricultural lands into surface water and groundwater. It is currently funded through bonds authorized by Proposition 84.

The State Water Board's Clean Water State Revolving Fund also has funding authorized through Proposition 84. It provides loan funds to a wide variety of point-source and non-point-source water quality control activities.

#### **Potential Funding Provided by the Safe, Clean, and Reliable Drinking Water Supply Act**

This act was placed on the ballot by the Legislature as SBX 7-2 and was originally scheduled for voter approval in November 2010. In August of 2010, the Legislature removed this issue from the 2010 ballot with the intent to re-introduce it in November of 2012. In July 2012, the Legislature approved a bill to take the measure off the 2012 ballot and put it on the 2014 ballot. If approved by the public, the new water bond would provide grant and loan funding for a wide range of water-related activities, including improving agricultural water quality, conservation and watershed protection, and groundwater protection and water quality. The majority of public funds allocated by the bond would go through a rigorous competitive process to ensure dollars would go to a public benefit. Additionally, this water bond is expected to leverage more than \$30 billion in additional investments in local, regional, and state wide infrastructure for water supply, water quality, and environmental restoration enhancements. The actual amount and timing of funding availability will depend on its passage, on

the issuance of bonds and the release of funds, and on the kinds of programs and projects proposed and approved for funding.

### **Other Funding Programs**

Other state and federal funding programs have been available in recent years to address agricultural water quality improvements. Integrated Regional Water Management grants were authorized and funded by Proposition 50 and now by Proposition 84. These are administered jointly by the State Water Board and the California Department of Water Resources. Proposals can include agricultural water quality improvement projects. The Bureau of Reclamation also can provide assistance and cost-sharing for water conservation projects that help reduce discharges.

## **7. Cumulative Impacts**

### ***Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions***

Several of the standard mitigation measures provided by Central Valley local air districts to reduce criteria pollutant emissions would also help to minimize GHG emissions (please see section 5.6.5 of the PEIR). Measures to reduce vehicle trips and promote use of alternative fuels, as well as clean diesel technology and construction equipment retrofits, should be considered by Members.

### ***Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions***

A 2008 report by the California Attorney General's office entitled The California Environmental Quality Act: Addressing Global Warming at the Local Agency Level identifies various example measures to reduce GHG emissions at the project level (California Department of Justice 2008). The following mitigation measures and project design features were compiled from the California Attorney General's Office report. They are not meant to be exhaustive but to provide a sample list of measures that could be incorporated into future project design. Only those measures applicable to the Order are included.

### **Solid Waste Measures**

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers.
- Recover by-product methane to generate electricity.

### **Transportation and Motor Vehicles**

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low- or zero-emission vehicles, including construction vehicles.

## **E- Feasibility of Alternatives Considered in the EIR**

The following text presents findings relative to the project alternatives. Findings about the feasibility of project alternatives must be made whenever the project within the responsibility and jurisdiction of the lead agency will have a significant environmental effect.

In July 2010, the Central Valley Water Board released, for public review, the Draft PEIR and Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (Economics Report). In these reports, Alternatives 1-6 were evaluated considering

environmental and economic impacts, and consistency with applicable state policies and law.<sup>3</sup> In Volume II: Appendix A of the PEIR, on page 136, each alternative was found to achieve some of the program evaluation measures but not others. As is shown in Table 11 of Appendix A, no single alternative of Alternatives 1-5 achieved complete consistency with all evaluation measures. However, after review of each of the alternatives and their common elements (lead entity, monitoring type), it was clear that a program that more completely satisfied the evaluation measures could be developed by selecting from the best-performing elements of the proposed alternatives. Alternative 6, described in Appendix A of the Draft PEIR, was developed by selecting these best-performing elements and became the draft staff recommended alternative.

In consideration of comments received concerning Alternative 6 during the Draft PEIR review process, staff developed the recommended ILRP Framework, and prepared the Staff Report on Recommended Irrigated Lands Regulatory Framework, or 'ILRP Framework Report' (Central Valley Water Board 2011). The Central Valley Water Board did not adopt the Framework, but advised staff to use the Framework as a starting point to support the development of ILRP Orders. The Framework is based upon the sixth alternative, and is composed of elements from the range of alternatives evaluated in the PEIR. The requirements of the Order were developed considering the Framework as a starting point per Central Valley Water Board direction (Central Valley Water Board hearing, June 2011). Project-level review of the requirements in the Order has revealed that the requirements of the Order most closely resemble those described for Alternatives 4 and 2 of the PEIR, but do include elements from Alternatives 2-5.

The Order implements the long-term irrigated lands program for irrigated lands in the Grassland Drainage Area. The Alternatives in the PEIR have been developed for implementation throughout the entire Central Valley Region. The Order is intended to serve as a single implementing order in a series of orders that will implement the long-term irrigated lands program for the entire Central Valley. The findings below summarize why particular program alternatives are not being pursued.

### **Alternative 1: Full Implementation of the Current Program - No Project**

Under Alternative 1, the Central Valley Water Board would renew the current program and continue to implement it into the future. This would be considered the "No Project" Alternative per CEQA guidance at Title 14 California Code of Regulations (CCR) section 15126.6(e)(3)(A): "When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the 'No Project' Alternative will be the continuation of the existing plan, policy, or operation into the future." Given the reasonably foreseeable nature of the extension or renewal of the ongoing waiver, which would allow continuation of the existing program, Alternative 1 is best characterized as the "No Project" Alternative. This approach best serves the purpose of allowing the Central Valley Water Board to compare the impacts of revising the ILRP with those of continuing the existing program (14 CCR section 15126.6[e][1]).

The Grassland Drainage Area was not in the Irrigated Lands Regulatory Program. The WDRs for the Grassland Bypass Project has effluent and discharge limits for subsurface drain water from the Grassland Drainage Area, but does not regulate discharges to groundwater. A "no project" alternative

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<sup>3</sup> Economic impacts of Alternatives 1-5 have been evaluated in the Economics Report. Staff was also able to use that analysis to estimate costs of the recommended program alternative (Alternative 6), since the recommended program alternative fell within the range of the five alternatives. This cost estimate is found in Appendix A of the PEIR.

would be a continuation of the WDRs for the Grassland Bypass Project. Monitoring under this alternative would be the same as the current monitoring required under the current WDR Order No. R5-2015-0094.

### **Finding**

An order based on Alternative 1 is not being pursued to regulate irrigated agricultural operations in the Grassland Drainage Area instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and it would not meet all of the goals and objectives of the program (program goals and objectives are described in Appendix A of the PEIR). Because Alternative 1 does not address discharges of waste from agricultural lands to groundwater, it would not be fully consistent with Program Goals 1 and 2:

- **Goal 1**—Restore and/or maintain the highest reasonable quality of State waters considering all the demands being placed on the water.
- **Goal 2**—Minimize waste discharge from irrigated agricultural lands that could degrade the quality of State waters.

In addition, the lack of a groundwater discharge component to this alternative makes it inconsistent with Goal 4 of the program:

- **Goal 4**—Ensure that irrigated agricultural discharges do not impair access by Central Valley communities and residents to safe and reliable drinking water.

Alternative 1 is also inconsistent with sections 13263 and 13269 of the California Water Code, the State Water Board's nonpoint source (NPS) program, and the State's antidegradation policy. These inconsistencies are documented in detail in the (PEIR), Appendix A, at pages 96-130. The Order is considered superior to Alternative 1 for implementation in the Grassland Drainage Area.

### **Alternative 2: Third-Party Lead Entity**

Under Alternative 2, the Central Valley Water Board would develop a single mechanism or a series of regulatory mechanisms (WDRs or conditional waivers of WDRs) to regulate waste discharges from irrigated agricultural lands to groundwaters.

Third-party groups would function as lead entities representing growers. This alternative includes requirements for development of groundwater quality management plans (GQMPs) to minimize discharge of waste to groundwater from irrigated lands. Under Alternative 2, local groundwater management plans or integrated regional water management plans could be utilized, all or in part, for ILRP GQMPs, with Central Valley Water Board approval. This alternative relies on coordination with the California Department of Pesticide Regulation (DPR) for regulating discharges of pesticides to groundwater.

Growers would be required to track implemented management practices and submit the results to the third-party group. The third-party group would be required to summarize the results of groundwater monitoring and tracking in an annual monitoring report to the Central Valley Water Board.

### **Finding**

An order based wholly on Alternative 2 is not being pursued to regulate irrigated agricultural operations in the Grassland Drainage Area instead of the Order because it would not substantially

reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and because it would not as consistently meet the Program's goals and objectives as would the Order. As indicated in Appendix A, pages 96–130 of the PEIR, Alternative 2 would be consistent with most of the Programs goals and objectives, but would be only partially consistent with the State Water Board's nonpoint source policy and the state's antidegradation policy. Alternative 2 includes third-party GQMPs, but does not require groundwater quality monitoring. The Order is considered superior to Alternative 2 for implementation in the Grassland Drainage Area.

### **Alternative 3: Individual Farm Water Quality Management Plans**

Under Alternative 3, growers would have the option of working directly with the Central Valley Water Board or another implementing entity (e.g., county agricultural commissioners) in development of an individual farm water quality management plan. Growers would individually apply for a conditional waiver or WDRs that would require Central Valley Water Board approval of their farm water quality management plan.

On-farm implementation of effective water quality management practices would be the mechanism to reduce or eliminate waste discharged to state waters. This alternative would provide incentive for individual growers to participate by providing growers with Central Valley Water Board certification that they are implementing farm management practices to protect state waters. This alternative relies on coordination with DPR for regulating discharges of pesticides to groundwater.

Unless specifically required in response to water quality problems, owners/operators would not be required to conduct water quality monitoring of underlying groundwater. Required monitoring would include evaluation of management practice effectiveness. The Central Valley Water Board, or a designated third-party entity, would conduct annual site inspections on a selected number of operations. They also would review available applicable water quality monitoring data as additional means of monitoring the implementation of management practices and program effectiveness.

### **Finding**

An order based wholly on Alternative 3 is not being pursued to regulate irrigated agricultural operations in the Grassland Drainage Area instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and because it would not as consistently meet the ILRP's goals and objectives as would the Order. As indicated in Appendix A, pages 96–130 of the PEIR, Alternative 3 would be only partially consistent with the Central Valley Water Board's program objectives (Objectives 4 and 5) to coordinate with other agriculture-related regulatory and non-regulatory programs of the DPR, the California Department of Public Health (DPH), and other agencies. These objectives are:

- **Objective 4**—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, CV-Salts, and WDRs for dairies.
- **Objective 5**—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [Senate Bill (SB) 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 3 makes it more difficult to coordinate with these programs because it involves direct interaction by the Central Valley Water Board with individual growers, rather than with third-party entities. Also, the lack of mandatory groundwater quality monitoring and the primary reliance on visual inspection of management practices reduces this alternative's ability to be consistent with the State Water Board's nonpoint source program. The Order is considered superior to Alternative 3 for implementation in the Grassland Drainage Area.

#### **Alternative 4: Direct Oversight with Regional Monitoring**

Under Alternative 4, the Central Valley Water Board would develop WDRs and/or a conditional waiver of WDRs for waste discharge from irrigated agricultural lands to groundwater. As in Alternative 3, growers would apply directly to the Central Valley Water Board to obtain coverage ("direct oversight"). As in Alternative 3, growers would be required to develop and implement individual farm water quality management plans to minimize discharge of waste to groundwater from irrigated agricultural lands. Alternative 4 would also allow for formation of responsible legal entities that could serve a group of growers who discharge to the same general location and thus could share monitoring locations. In such cases, the legal entity would be required to assume responsibility for the waste discharges of member growers, to be approved by the Central Valley Water Board, and ultimately to be responsible for compliance with ILRP requirements.

Discharge of waste to groundwater would be regulated using a tiered approach. Fields would be placed in one of three tiers based on their threat to water quality. The tiers represent fields with minimal (Tier 1), low (Tier 2), and high (Tier 3) potential threat to groundwater quality. Requirements to avoid or minimize discharge of waste would be the least comprehensive for Tier 1 fields and the most comprehensive for Tier 3 fields. This would allow for less regulatory oversight for low-threat operations while establishing necessary requirements to protect water quality from higher-threat discharges. This alternative relies on coordination with DPR for regulating discharges of pesticides to groundwater.

For monitoring, growers would have the option of enrolling in a third-party group regional monitoring program. In cases where responsible legal entities were formed, these entities would be responsible for conducting monitoring. All growers would be required to track nutrient, pesticide, and implemented management practices and submit the results to the Central Valley Water Board (or an approved third-party monitoring group) annually. Other monitoring requirements would depend on designation of the fields as Tier 1, Tier 2, or Tier 3. Similar to Alternative 3, this alternative also includes requirements for inspection of regulated operations.

#### **Finding**

An order based wholly on Alternative 4 is not being pursued to regulate irrigated agricultural operations in the Grassland Drainage Area instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and because it would not as consistently meet the Program's goals and objectives as would the Order. As indicated in Appendix A, pages 96–130 of the PEIR, Alternative 4 would meet most of the Program goals and objectives. However, it relies on Central Valley Water Board staff interaction directly with each irrigated agricultural operation, making it less effective at meeting the coordination objectives (Objectives 4 and 5) (page 103 of Appendix A in the PEIR):

- Objective 4—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, CV-Salts, and WDRs for dairies.

- Objective 5—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [SB 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 4 makes it more difficult to coordinate with these programs because it involves direct interaction by the Central Valley Water Board with individual growers, rather than with third-party entities. The Order is considered superior to Alternative 4 for implementation in the Grassland Drainage Area.

### **Alternative 5: Direct Oversight with Farm Monitoring**

Alternative 5 would consist of general WDRs designed to protect groundwater from discharges associated with irrigated agriculture. All irrigated agricultural operations would be required to individually apply for and obtain coverage under the general WDRs working directly with the Central Valley Water Board (“direct oversight”). This alternative would include requirements to (1) develop and implement a farm water quality management plan; (2) monitor (a) applications of irrigation water, nutrients, and pesticides; and (b) groundwater; (3) keep records of (a) irrigation water; (b) pesticide applications; and (c) the nutrients applied, harvested, and moved off the site; and (4) submit an annual monitoring report to the Central Valley Water Board. Similar to Alternative 3, Alternative 5 also includes requirements for inspection of regulated operations.

### **Finding**

An order based wholly on Alternative 5 is not being pursued to regulate irrigated agricultural operations in the Grassland Drainage Area instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and it would not as consistently meet the Program’s goals and objectives as would the Order. As indicated in Appendix A, pages 96–130 of the PEIR, Alternative 5 would be only partially consistent with the Central Valley Water Board’s Program objectives (Objectives 4 and 5) to coordinate with other programs such as TMDL development, CV-SALTS and WDRs for dairies; and promote coordination with other agriculture-related regulatory and non-regulatory programs of the DPR, the California Department of Public Health, and other agencies. These objectives are:

- Objective 4—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, total maximum daily load development, CV-Salts, and WDRs for dairies.
- Objective 5—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [SB 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 5 makes it more difficult to coordinate with these programs because it involves direct interaction by the Central Valley Water Board with individual growers, rather than with third-party entities.

Also, an order based on Alternative 5, due to its high relative cost as compared to the Order, would not be consistent with Program Goal 3:

- **Goal 3**—Maintain the economic viability of agriculture in California’s Central Valley.

As indicated in the Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (ICF International 2010), the program costs funded by growers and operators would be significantly higher than other alternatives (see Economics Report Tables 2-18 through 2-22). This high cost could affect the viability of thousands of acres of irrigated agricultural land throughout the Central Valley.

Since the impacts to agricultural resources are substantially less with the Order than an order similar to Alternative 5, the Order is considered superior to Alternative 5 for implementation in the Grassland Drainage Area.

### **Alternative 6: Staff Recommended Alternative in the Draft PEIR**

Under Alternative 6, 8–12 general WDRs or conditional waivers of WDRs would be developed that would be geographic and/or commodity-based. The alternative would establish requirements for waste discharge from irrigated agricultural lands to groundwater. Similar to Alternatives 1 and 2, third-party groups would be responsible for general administration of the ILRP. The alternative would establish prioritization factors for determining the type of requirements and monitoring that would be applied. The prioritization would be applied geographically as a two tier system, where Tier 1 areas would be “low priority,” and Tier 2 would be “high priority.”

Program requirements, monitoring and management would be dependent on the priority (Tier 1 or 2). Generally, this alternative requires regional management plans to address water quality concerns and regional monitoring to provide feedback on whether the practices implemented are working to solve identified water quality concerns. In Tier 1 areas, irrigated agricultural operations and third-party groups would be required to describe management objectives to be achieved, report on management practices implemented, and make an assessment of ground and surface water quality every 5 years. In Tier 2 areas, irrigated agricultural operations and third-party groups would be required to develop and implement groundwater quality management plans, as appropriate to address water quality concerns, report on management practices, and provide annual regional water quality monitoring. Similar to Alternative 2, Alternative 6 would allow local groundwater management plans or integrated regional water management plans to substitute, all or in part, for ILRP GQMPs, with Central Valley Water Board approval.

Alternative 6 would establish a time schedule for compliance for addressing groundwater quality problems. The schedule would require demonstrated improvement within five to ten years for groundwater problems.

### **Finding**

An order based wholly on Alternative 6 is not being pursued to regulate irrigated agricultural operations in the Grassland Drainage Area instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above)

and does not adequately reflect the clarifications and minor adjustments that were requested in comments on the Draft PEIR. The Order is considered superior to Alternative 6 for implementation in Grassland Drainage Area.

### **III. Statement of Overriding Considerations Supporting Approval of the Waste Discharge Requirements General Order for Growers in the Grassland Drainage Area**

Pursuant to the requirements of CEQA (PRC sections 21002, 21002.1, 21081) and State CEQA Guidelines (15 CCR 15093), the Central Valley Water Board finds that approval of the Order, whose potential environmental impacts have been evaluated in the PEIR, and as indicated in the above findings, will result in the occurrence of significant effects which are not avoided or substantially lessened, as described in the above findings. These significant effects include:

- Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use.
- Cumulative climate change.
- Cumulative vegetation and wildlife impacts.
- Cumulative conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use.

Pursuant to PRC section 21081(b), specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects. The specific reasons to support this approval, given the potential for significant unavoidable adverse impacts, are based on the following.

#### **Economic Benefits**

The water quality improvements expected to occur in groundwater throughout the Grassland Drainage Area as a result of implementing the Order are expected to create broad economic benefits for residents of the State. Pages 5-3–5-5 of the Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (ICF International 2010) identify the potential costs of upgrading wells or treating well water that is affected by nitrate contamination. The nitrate contamination is believed to be coming from a variety of sources, including fertilizers used on agricultural lands.

#### **Consistency with State Water Board Resolution 68-16 (Antidegradation Policy)**

Waste discharges from irrigated agricultural operations have the potential to affect groundwater quality. As documented in the Irrigated Lands Regulatory Program Existing Conditions Report, many state waters have been adversely affected due in part to waste discharges from irrigated agriculture. State policy and law require that the Central Valley Water Board institute requirements that will implement Water Quality Control Plans (California Water Code sections 13260, 13269) and applicable antidegradation requirements (State Water Board Resolution 68-16). As described in the Program EIR, WDR findings and Information Sheet, the Board has considered the need for and expected benefits of an Order such as this, and finds the Order is a necessary component of the Central Valley Water Board's efforts to be consistent with state policy and law through its regulation of discharges from irrigated agriculture and to protect water quality. As documented in the PEIR Hydrology and Water Quality analysis, implementation of a long-term ILRP, of which the Order is an implementing mechanism, will improve water quality through development of farm management practices that reduce discharges of waste to state waters.

After balancing the above benefits of the Order against its unavoidable environmental risks, the specific economic, legal, and social benefits of the proposal outweigh the unavoidable adverse environmental effects, and these adverse environmental effects are considered acceptable, consistent with the Order, Central Valley Water Board Order R5-2015-0095.

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

**ATTACHMENT E TO ORDER R5-2015-0095**

**DEFINITIONS, ACRONYMS & ABBREVIATIONS**

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
GROWERS IN THE GRASSLAND DRAINAGE AREA**

The following definitions, acronyms and abbreviations apply to this Order as related to discharges of waste from irrigated lands. All other terms shall have the same definitions as prescribed by the Porter-Cologne Water Quality Control Act (California Water Code Division 7), unless specified otherwise.

1. Antidegradation Policy – State Water Board Resolution 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California," requires existing high quality water to be maintained until it has been demonstrated that any change will be consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of water, and will not result in water quality less than that prescribed in the Basin Plans. The Central Valley Water Board must establish standards in its orders for discharges to high quality waters that result in the implementation of best practicable treatment or control of the discharge necessary to avoid pollution or nuisance and to maintain the highest water quality consistent with maximum benefit to the people of the state. Resolution 68-16 has been approved by the USEPA to be consistent with the federal anti-degradation policy.
2. Aquifer – A geologic formation, group of formations, or portion of a formation capable of yielding usable quantities of groundwater to wells or springs (40 CFR Part 257.3-4).
3. Back flow prevention devices – Back flow prevention devices are installed at the well or pump to prevent contamination of groundwater or surface water when fertilizers, pesticides, fumigants, or other chemicals are applied through an irrigation system. Back flow prevention devices used to comply with this Order must be those approved by USEPA, DPR, DPH, or the local public health or water agency.<sup>1</sup>
4. Basin Plans – Central Valley Regional Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, and Water Quality Control Plan for the Tulare Lake Basin. The Basin Plans describe how the quality of the surface and groundwater in the Central Valley Region should be managed to ensure reasonable protection of beneficial uses. The Basin Plans include beneficial uses, water quality objectives, and a program of implementation.
5. Certified Nitrogen Management Specialist – Certified nitrogen management plan specialists include Professional Soil Scientists, Professional Agronomists, Crop Advisers<sup>2</sup> certified by the American Society of Agronomy, or Technical Service Providers certified in nutrient management in California by the Natural Resource Conservation Service (NRCS), or other specialist approved by the Executive Officer.

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<sup>1</sup> California Department of Public Health, Approved Backflow Prevention Devices List at <http://www.cdph.ca.gov/certlic/drinkingwater/pages/publications.aspx>. Requirements for backflow prevention for pesticide application are located in 6 CCR §6610.

<sup>2</sup> Should the California Department of Food and Agriculture and the California Certified Crop Advisers establish a specific nitrogen management certification, any Certified Crop Adviser who certifies a nitrogen management plan must have a nitrogen management certification

6. Degradation – Any measurable adverse change in water quality.
7. Durov Diagrams – A graphical representation of water quality. The Durov diagram is an alternative to the Piper diagram. The Durov diagram plots the major ions as percentages of milli-equivalents in two base triangles. The total cations and the total anions are set equal to 100% and the data points in the two triangles are projected onto a square grid which lies perpendicular to the third axis in each triangle. This plot reveals useful properties and relationships for large sample groups. The main purpose of the Durov diagram is to show clustering of data points to indicate samples that have similar compositions.
8. Exceedance – For the purposes of this Order, an exceedance is a reading using a field instrument or detection by a California state-certified analytical laboratory where the detected result indicates an impact to the beneficial use of the receiving water when compared to a water quality objective for the parameter or constituent. Exceedances will be determined based on available data and application of the appropriate averaging period. The appropriate averaging period may be defined in the Basin Plan, as part of the water quality criteria established by the USEPA, or as part of the water quality criteria being used to interpret a narrative water quality objective. If averaging periods are not defined as part of the water quality objective or the water quality criteria being used, then the Central Valley Water Board Executive Officer may use its best professional judgment to determine an appropriate period.
9. Farming Operation – A distinct farming business, organized as a sole proprietorship, partnership, corporation, limited liability company, cooperative, or other business entity that owns or operates irrigated lands.
10. Farm Operator – The person or entity, including, but not limited to a farm/ranch manager, lessee or sub-lessee, responsible for or otherwise directing farming operations in decisions that may result in a discharge of waste to surface water or groundwater. If a person or entity rents land to others or has land worked on shares by others, the person or entity is considered the operator only of the land which is retained for their own operation.
11. Fertigation – The process of applying fertilizer through an irrigation system by injecting the fertilizer into the irrigation water.
12. Groundwater – Water in the ground that is in the zone of saturation. The upper surface of the saturate zone is called the water table.
13. High vulnerability area (groundwater) – Areas identified in the approved Groundwater Quality Assessment Report “...where known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities.” (see section IV.A.3 of the MRP) or areas that meet any of the following requirements for the preparation of a Groundwater Quality Management Plan (see section VIII.H of the Order): (1) there is a confirmed exceedance<sup>3</sup> (considering applicable averaging periods) of a water quality objective or applicable water quality trigger limit (trigger limits are described in section VII of the MRP) in a groundwater well and irrigated agriculture may cause or contribute to the exceedance; (2) the Basin Plan requires development of a groundwater quality management plan for a constituent or constituents discharged by irrigated agriculture; or (3) the Executive Officer determines that irrigated agriculture

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<sup>3</sup> A “confirmed exceedance of a water quality objective in a groundwater well” means that the monitoring data are determined to be of the appropriate quality and quantity necessary to verify that an exceedance has occurred.

may be causing or contributing to a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses.

14. Hydraulic conductivity – The volume of water that will move through a medium (generally soil) in a unit of time under a unit hydraulic gradient through a unit area measured perpendicular to the direction of flow (a measure of a soils ability to transmit water).
15. Hydraulic gradient – The change in total hydraulic head per unit distance in a given direction yielding a maximum rate of decrease in hydraulic head.
16. Hydraulic head – The height relative to a datum plane (generally sea level) of a column of water that can be supported by the hydraulic pressure at a given point in a groundwater system. For a well, the hydraulic head is equal to the distance between the water level in the well and the datum plane (sea level).
17. Irrigated lands – Land irrigated to produce crops or pasture for commercial purposes,<sup>4</sup> nurseries, and privately and publicly managed wetlands.
18. Irrigation return flow/runoff – Surface and subsurface water which leaves the field following application of irrigation water.
19. Kriging – A group of geostatistical techniques to interpolate the value of a random field (e.g., contaminant level in groundwater) at an unobserved location from observations of its value at nearby locations.
20. Low vulnerability area (groundwater) – are all areas not designated as high vulnerability for groundwater.
21. Management practices to protect water quality – A practice or combination of practices that is the most effective and practicable (including technological, economic, and institutional considerations) means of controlling nonpoint pollutant sources at levels protective of water quality.
22. Member – Owners and operators of irrigated lands within the Western San Joaquin River Watershed that are members of a third-party group implementing this Order.
23. Monitoring – Monitoring undertaken in connection with assessing water quality conditions, and factors that may affect water quality conditions. Monitoring includes, but is not limited to, water quality monitoring undertaken in connection with agricultural activities, monitoring to identify short and long-term trends in water quality, nutrient monitoring, active inspections of operations, and management practice implementation and effectiveness monitoring. The purposes of monitoring include, but are not limited to, verifying the adequacy and effectiveness of the Order's requirements, and evaluating each Member's compliance with the requirements of the Order.

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<sup>4</sup> For the purposes of this Order, commercial irrigated lands are irrigated lands that have one or more of the following characteristics:

- The landowner or operator holds a current Operator Identification Number/ Permit Number for pesticide use reporting;
- The crop is sold to a third-party including, but not limited to, (1) an industry cooperative, (2) harvest crew/company, or (3) a direct marketing location, such as farmers' markets;
- The landowner or operator files federal taxes using federal Department of Treasury Internal Revenue Service Form 1040, Schedule F Profit or Loss from Farming.

24. Nonpoint source waste discharge – The Sacramento and San Joaquin River Basin Plan states that “A nonpoint source discharge usually refers to waste emanating from diffused locations.” Nonpoint source pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. The term "nonpoint source" is defined to mean any source of water pollution that does not meet the legal definition of "point source" in section 502(14) of the Clean Water Act. The Clean Water Act (CWA) defines a point source as a discernible, confined, and discrete conveyance, such as a pipe, ditch, or channel. Irrigated agricultural return flows and agricultural storm water runoff are excluded from the CWA’s definition of point source. Nonpoint pollution sources generally are sources of water pollution that do not meet the definition of a point source as defined by the CWA.
25. Nuisance – “Nuisance” is defined in section 13050 of the Water Code as “...anything which meets all of the following requirements:
- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
  - (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
  - (3) Occur during, or as a result of, the treatment or disposal of wastes.”
26. Nutrient – Any element taken in by an organism which is essential to its growth and which is used by the organism in elaboration of its food and tissue.
27. Nutrient consumption – A total quantity of a nutrient taken up by crop plants (to be distinguished from the total applied). Expressed as nutrient mass per land area, i.e., pounds/acre, nutrient consumption is typically described on an annual or crop cycle basis. Nutrients are contributed and lost from cropland through various human and natural processes<sup>5</sup>. Considering nitrogen as an example, sources of nitrogen available for plant consumption include applied fertilizers (including compost and animal manures), nitrogen fixed from the atmosphere in the roots of leguminous plants, nitrogen released through the decomposition of soil organic matter and crop residues, and nitrogen applied in irrigation water. Nitrogen can be removed from the field in harvested material, returned to the soil through crop residue incorporation, incorporated into permanent structures of perennial crops, leached beyond the root zone in irrigation or storm water, released to the atmosphere through denitrification, volatilization or crop residue burning.
28. Perched groundwater – Groundwater separated from an underlying body of groundwater by an unsaturated zone.
29. Piper Diagram – A graphical representation of the chemistry of a water sample. The relative abundance of cations as percentages of milli-equivalents per liter (meq/L) of sodium, potassium, calcium, and magnesium are first plotted on the cation triangle. The relative abundance of chloride, sulfate, bicarbonate, and carbonate is then plotted on the anion triangle. The two data points on the cation and anion triangles are then combined into the quadrilateral field that shows the overall chemical property of the water sample.
30. Pollution – Defined in section 13050(l)(1) of the Porter-Cologne Water Quality Control Act as “...an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses. (B) Facilities which serve these beneficial uses.”

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<sup>5</sup> Descriptions of sources and losses of plant nutrients are available through UC Davis and UC Cooperative Extension. For example see Peacock, B. Pub. NG2-96, UCCE Tulare County <http://cetulare.ucanr.edu/files/82026.pdf>

31. Qualified scientist – A person who has earned a professional degree in a scientific discipline that relates to engineering, environmental science, or chemistry with additional experience related to pesticides and water quality. This person should be familiar with the related local, state, and federal regulations.
32. Requirements of applicable water quality control plans – Water quality objectives, prohibitions, total maximum daily load implementation plans, or other requirements contained in water quality control plans adopted by the Central Valley Water Board and approved according to applicable law.
33. Stiff Diagram – A graphical representation of the chemistry of a water sample. A polygon shaped figure created from four parallel horizontal axes using the equivalent charge concentrations (meq/L) of cations and anions. Cations are plotted on the left of the vertical zero axis and anions are plotted on the right.
34. Stormwater runoff – The runoff of precipitation from irrigated lands.
35. Subsidiary or Affiliated Operation – a Subsidiary or Affiliated Operation of a specified Farming Operation means a Farming Operation of which the principal(s) of the specified Farming Operation or the shares possessed by the specified Farming Operation have a controlling interest. A controlling interest is having 50 percent or more of the voting or management authority of the operation.
36. Subsurface drainage – Water generated by installing and operating drainage systems to lower the water table below irrigated lands. Subsurface drainage systems, deep open drainage ditches, or drainage wells can generate this drainage.
37. Surface water – Water pooled or collected at or above ground level. Surface waters include, but are not limited to, natural streams, lakes, wetlands, creeks, constructed agricultural drains, agricultural dominated waterways, irrigation and flood control channels, or other non-stream tributaries. Surface waters include all waters of the United States and their tributaries, interstate waters and their tributaries, intrastate waters, and all impoundments of these waters. For the purposes of this Order, surface waters do not include water in agricultural fields.
38. Tailwater – The runoff of irrigation water from an irrigated field.
39. Toxicity – Refers to the toxic effect to aquatic organisms from waste contained in an ambient water quality sample.
40. Unsaturated Zone – The unsaturated zone is characterized by pore spaces that are incompletely filled with water. The amount of water present in an unsaturated zone varies widely and is highly sensitive to climatic factors.
41. Vadose Zone – See unsaturated zone.
42. Waste – Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal as defined in California Water Code section 13050(d). Wastes from irrigated lands that conform to this definition include, but are not limited to, earthen materials (such as soil, silt, sand, clay, rock), inorganic materials (such as metals, salts,

boron, selenium, potassium, nitrogen, phosphorus), organic materials such as pesticides, and biological materials, such as pathogenic organisms. Such wastes may directly impact beneficial uses (e.g., toxicity of metals to aquatic life) or may impact water temperature, pH, and dissolved oxygen.

43. Waste discharges from irrigated lands – The discharge or release of waste to surface water or groundwater. Waste discharges to surface water include, but are not limited to, irrigation return flows, tailwater, drainage water, subsurface (tile) drains, stormwater runoff flowing from irrigated lands, aerial drift, and overspraying of pesticides. Waste can be discharged to groundwater through pathways including, but not limited to, percolation of irrigation or storm water through the subsurface, backflow of waste into wells (e.g., backflow during chemigation), discharges into unprotected wells and dry wells, and leaching of waste from tailwater ponds or sedimentation basins to groundwater.

A discharge of waste subject to the Order is one that could directly or indirectly reach waters of the state, which includes both surface waters and groundwaters. Direct discharges may include, for example, discharges directly from piping, tile drains, wells, ditches or sheet flow to waters of the state, or percolation of wastes through the soil to groundwater. Indirect discharges may include aerial drift or discharges from one parcel to another parcel and then to waters of the state. See also the definition for “waste”.

44. Waters of the State – Is defined in Water Code section 13050 as “any surface water or groundwater, including saline waters, within the boundaries of the State.”
45. Water Quality Criteria – Levels of water quality required under section 303(c) of the Clean Water Act that are expected to render a body of water suitable for its designated uses. Criteria are based on specific levels of pollutants that would make the water harmful if used for drinking, swimming, farming, fish production, or industrial processes. The California Toxics Rule adopted by USEPA in April 2000 sets numeric water quality criteria for non-ocean surface waters of California for a number of toxic pollutants.
46. Water Quality Objectives – Defined in Water Code section 13050 as “limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specified area.” Water quality objectives may be either numerical or narrative and serve as water quality criteria for purposes of section 303 of the Clean Water Act.
47. Water quality problem – Exceedance of an applicable water quality objective or a trend of degradation that may threaten applicable Basin Plan beneficial uses.
48. Water Quality Standards – Provision of state or federal law that consist of the designated beneficial uses of a waterbody, the numeric and narrative water quality criteria that are necessary to protect the uses of that particular waterbody, and an antidegradation statement. Water quality standards include water quality objectives in the Central Valley Water Board’s two Basin Plans, water quality criteria in the California Toxics Rule and National Toxics Rule adopted by USEPA, and/or water quality objectives in other applicable State Water Board plans and policies. Under section 303 of the Clean Water Act, each state is required to adopt water quality standards.

### Acronyms and Abbreviations

2014 Farm Bill	Agricultural Act of 2014
Basin Plans	<i>Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4th Ed.) and Water Quality Control Plan for the Tulare Lake Basin</i>
BPAW	Basin Plan Amendment Workplan
BPTC	best practicable treatment or control
Bureau	U.S. Bureau of Reclamation
CAC	county agricultural commissioner
CCA	Certified Crop Adviser
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CEDEN	California Environmental Data Exchange Network
Central Valley Water Board	California Regional Water Quality Control Board, Central Valley Region
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CHRIS	California Historical Resources Information System
COC	constituent of concern
CRHR	California Register of Historic Resources
CTR	California Toxics Rule
CV RDC	Central Valley Regional Data Center
CV-SALTS	Central Valley Salinity Alternatives for Long-Term Sustainability
CWC	California Water Code
DO	dissolved oxygen
DPH	California Department of Public Health
DPM	diesel particulate matter
DPR	California Department of Pesticide Regulation
DWR	California Department of Water Resources
EC	electrical conductivity
ECR	Existing Conditions Report
EDD	electronic data deliverable
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
EQUIP	Environmental Quality Incentives Program
ESA	federal Endangered Species Act
GAF	Grassland Area Farmers
GAMA	Groundwater Ambient Monitoring and Assessment
GAR	Groundwater Quality Assessment Report
GBD	Grassland Basin Drainage
GDA	Grassland Drainage Area
GeoTracker	Geo Tracker Electronic Submittal of Information Online System
GHG	greenhouse gases
GIS	Geographic Information System
GMAW	Groundwater Monitoring Advisory Workgroup
GPS	Global Positioning System
GQMP	groundwater quality management plan

GWPA	Groundwater Protection Area
HAP	hazardous air pollutants
ILRP	Irrigated Lands Regulatory Program
MCL	Maximum contaminant level
MDL	method detection limit
MMRP	mitigation monitoring and reporting program
MPEP	Management Practice Evaluation Program
MPER	Management Practice Evaluation Report
MRP	monitoring reporting program
MRPP	monitoring and reporting program plan
MWICR	Monitoring Well Installation Completion Report
MWISP	Monitoring Well Installation and Sampling Plan
NAD83	North American Datum 1983
NAHC	Native American Heritage Commission
NAVD88	North American Vertical Datum 1988
NOA	notice of applicability
NOC	notice of certification
NOI	notice of intent
NOT	notice of termination
NOV	Notice of Violation
NPS	nonpoint source
NPS Policy	State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NTR	National Toxics Rule
PCPA	Pesticide Contamination and Prevention Act
PRC	California Public Resources Code
PUR	pesticide use report, CA DPR
QAPP	quality assurance project plan
QA/QC	quality assurance and quality control
RCD	Resource Conservation District
RL	reporting limit
RWD	report of waste discharge
SB	Senate Bill
State Water Board	State Water Resources Control Board
Steering Committee	Grassland Basin Drainage Steering Committee
TAC	toxic air contaminant
TDS	total dissolved solids
TOC	total organic carbon
TRS	township, range, and section
TSS	total suspended solids
USEPA	U.S. Environmental Protection Agency
USFWS	U.S Fish and Wildlife Service
Water Authority	San Luis & Delta-Mendota Water Authority
WDRs	waste discharge requirements