

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

ORDER NO. R5-2015-0115

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

**EASTERN SAN JOAQUIN RIVER WATERSHED R5-2012-0116-R3
TULARE LAKE BASIN AREA R5-2013-0120-R1
WESTERN TULARE LAKE BASIN AREA R5-2014-0001
WESTERN SAN JOAQUIN RIVER WATERSHED R5-2014-0002-R2
SACRAMENTO RIVER WATERSHED AREA R5-2014-0030-R1
SACRAMENTO VALLEY RICE R5-2014-0032**

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

1. The Central Valley Water Board issued eight Waste Discharge Requirements General Orders for growers within the Central Valley that are members of a third-party group for discharges from irrigated lands to surface water and to groundwater (Irrigated Lands Regulatory Program (ILRP) General Orders).
2. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of waters of the State, which includes both surface water and groundwater, is found in the Porter-Cologne Water Quality Control Act (California Water Code Division 7).
3. Growers regulated by the Central Valley Water Board's ILRP General Orders are required to participate in third-party outreach events at least annually if any of the Member parcels are in a designated high vulnerability area for surface water or groundwater (section IV.B.4. of the ILRP General Orders). The goal of participating in third-party outreach events is to become informed of water quality problems and the management practices that are available to address those issues.
4. At its 5 June 2015 meeting, the Central Valley Water Board expressed support for allowing growers to comply with the annual outreach requirement by having a designated representative participate in outreach events.
5. This Order revises the following ILRP General Orders to clarify that a designee can participate in outreach events on behalf of a third-party Member or Grower in fulfillment of the requirements:
 - Waste Discharge Requirements for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group R5-2012-0116 (adopted on 7 December 2012, and revised on 3 October 2013, 27 March 2014, and 17 April 2015),
 - Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group R5-2013-0120 (adopted on 19 September 2013, and revised on 4 December 2014),

- Waste Discharge Requirements General Order for Growers within the Western Tulare Lake Basin Area that are Members of a Third-Party Group R5-2014-0001 (adopted on 9 January 2014),
 - Waste Discharge Requirements for Growers within the Western San Joaquin River Watershed that are Members of a Third-Party Group R5-2014-0002 (adopted on 9 January 2014, and revised on 17 April 2015 and 31 July 2015),
 - Waste Discharge Requirements for Growers within the Sacramento River Watershed Area that are Members of a Third-Party Group R5-2014-0030 (adopted on 12 March 2014, and revised on 5 June 2015),
 - Waste Discharge Requirements General Order for Sacramento Valley Rice Growers R5-2014-0032 (adopted on 27 March 2014).
6. "Member" in the ILRP General Orders is defined as "Owners and operators of irrigated lands that are members of the third-party group implementing the Orders." "Grower" in the General Order for Sacramento Valley Rice Growers R5-2014-0032 means "a producer of rice as defined in California Food and Agriculture Code, section 71032, or a landowner of land that leases, rents, or otherwise owns land that is used by a producer of rice".
7. For the purposes of the outreach participation provisions only, it is reasonable to expand the terms "Member" or "Grower" to include "Designees" who have responsibility for decisions related to management practices associated with the farming operation. This would allow Designees to participate in third-party outreach events, provided that the Member/Grower provides annual confirmation to the third-party that the Member/Grower or a Designee has participated in an outreach event, and that the Designee was personally informed of the content of the outreach event and was provided with copies of all outreach materials.
- An underline/strikeout document that indicates the alterations that this Order will make to the ILRP General Orders is attached hereto as Attachment A and incorporated herein by reference.
8. The Central Valley Water Board, acting as a lead agency pursuant to CEQA (Pub. Resources Code, § 21000 et seq.), certified a Program Environmental Impact Report (PEIR) for the Irrigated Lands Regulatory Program on 7 April 2011. This Order relies on the environmental impact analysis contained in the PEIR to satisfy the requirements of CEQA. The clarification of the participation requirement pursuant to this Order is within a range of education and outreach activities identified and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.
9. The Central Valley Water Board has notified interested agencies and persons of its intent to adopt this Order for discharges of waste from irrigated lands within the Central Valley, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.

10. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that Waste Discharge Requirements ILRP General Orders No. R5-2012-0116-R3, R5-2013-0120, R5-2014-0001, R5-2014-0002-R2, R5-2014-0030-R1, and R5-2014-0032 are revised by making the modifications identified in Attachment A of this Order.

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

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

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 2 October 2015.

Original signed by Andrew Altevogt, for

PAMELA C. CREEDON, Executive Officer

Attachment A: Revisions to Waste Discharge Requirements R5-2012-0116-R3, R5-2013-0120, R5-2014-0001, R5-2014-0002-R2, R5-2014-0030-R1, and R5-2014-0032

ATTACHMENT A

ORDER R5-2015-0115

REVISING WASTE DISCHARGE REQUIREMENTS GENERAL ORDERS
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MEMBERS OF A THIRD-PARTY GROUP

EASTERN SAN JOAQUIN RIVER WATERSHED R5-2012-0116-R3
TULARE LAKE BASIN AREA R5-2013-0120-R1
WESTERN TULARE LAKE BASIN AREA R5-2014-0001
WESTERN SAN JOAQUIN RIVER WATERSHED R5-2014-0002-R2

Section IV.B.4., add a footnote

Each Member¹ shall participate in third-party outreach events, at least annually, if any of the Member's parcels are in a designated "high vulnerability" area or governed by a SQMP/GQMP. 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 third-party that the Member has attended an outreach event during the previous year and reviewed the applicable outreach materials.

SACRAMENTO RIVER WATERSHED AREA R5-2014-0030-R1

Section IV.B.4., add a footnote

Each Member¹ shall stay informed about agricultural water quality by attending third-party sponsored outreach events, at least annually, if any of the Member's parcels are in a designated "high vulnerability" area or governed by a SQMP/GQMP. 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 third-party that the Member has attended an outreach event during the previous year and reviewed the applicable outreach materials.

SACRAMENTO VALLEY RICE R5-2014-0032

Section IV.B.4., add a footnote

Growers¹ shall participate in California Rice Commission outreach events, at least annually, if any of the Grower's parcels are in an area governed by a SQMP/GQMP. The Grower 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 Grower shall provide annual confirmation to the California Rice Commission that the Grower has attended an outreach event during the previous year and reviewed the applicable outreach materials.

¹ For the purposes of this provision only, the term "Member" or "Grower" includes "Designees", provided that a Designee has responsibility for decisions related to management practices associated with farming operation.