California Regional Water Quality Control Board Central Valley Region

Order R5-2013-0120-09

Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group

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The California Regional Water Quality Control Board, Central Valley Region (hereafter, Central Valley Water Board or Water 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 lands (or "discharges") that could affect ground and/or surface waters of the state. The discharges result from runoff or leaching of irrigation water and/or stormwater from irrigated lands. Discharges can reach waters of the state directly or indirectly.[1]

2. This Order applies to owners and operators of irrigated lands within the Tulare Lake Basin, excluding the area of the Westlands coalition (hereafter the Tulare Lake Basin 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 (hereinafter "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 Tulare Lake Basin Area, within which one or more third parties may represent Members based on geographic area. If multiple Third-Parties apply to serve different portions of the Tulare Lake Basin Area, the applications, along with the proposed boundaries of Third-Party responsibility, shall be coordinated to ensure that all areas within the Tulare Lake Basin Area may be represented by a Third-Party.

3. The Tulare Lake Basin Area is bounded by the crest of the Sierra Nevada Mountain Range to the east, the San Joaquin River to the north, the Westlands coalition and the crest of the Southern Coast Ranges to the west, and the crest of the San Emigdio and Tehachapi

[1] 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 California Water Code, but that irrigation water may contain constituents that are considered to be a "waste" as defined by California Water Code section 13050(d).

Mountains to the south. This area is referred to as the "Tulare Lake Basin Area", or "Order watershed area" in this Order. See Figure 1 for a map of the Tulare Lake Basin Area.

4. "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) and nurseries.

5. 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.[2]

6. 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). If the other Central Valley Water Board WDRs/waiver only regulate 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 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.

7. This Order implements the long-term Irrigated Lands Regulatory Program (ILRP) in the Tulare Lake Basin Area. The long-term ILRP has been conceived as a range of potential alternatives and evaluated in a programmatic environmental impact report (PEIR).[3] 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 to be adopted for irrigated lands within the Central Valley, will constitute the long-term ILRP. Upon adoption of this Order, Order R5-2006-0053, Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Coalition Group Conditional Waiver), is rescinded as applied to irrigated lands within the Tulare Lake Basin Area. Existing Members that had previously enrolled under the Coalition Group Conditional Waiver will be enrolled under this Order upon timely submittal of a Notice of Confirmation (see section VII.A of this Order).

8. This Order implements the Salt and Nitrate Control Program for the Central Valley, which was incorporated into the Central Valley Water Board's *Water Quality Control Plan for the Tulare Lake Basin* (hereafter Basin Plan) on 17 January 2020. The Salt and Nitrate Control Program is designed to address both legacy and ongoing salt and nitrate

[2] 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.

[3] 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.

accumulation issues in surface and groundwater. The over-arching management goals and priorities of the control program are to:

a) Ensure safe drinking water supply

b) Reduce salt and nitrate loading so that ongoing discharges neither threaten to degrade high quality waters absent appropriate findings by the Central Valley Board nor cause or contribute to exceedances of water quality objectives[4]

c) Implement long-term, managed restoration of impaired water bodies

9. For the purposes of implementing the Nitrate Control Program, the Basin Plan has established priority designations for select groundwater basins/sub-basins. These priority designations will dictate timelines for certain requirements under this Order and associated Monitoring and Reporting Program Requirements. A community or permittee may request that the Central Valley Water Board advance or defer the issuance of Notices to Comply for a basin, sub-basin, or portion of a sub-basin. For requests to change a Notice to Comply issuance timeline, the Central Valley Water Board will make a decision for all requests that include a basin, sub-basin, or portion of a sub-basin that is in a previously designated Priority Basin. The Executive Officer will make a decision for a request to change a Notice to Comply issuance timeline if the request is for a basin, sub-basin, or portion of a sub-basin that is not in a previously designated Priority Basin. Requests for deferrals must be provided no later than six months prior to the scheduled issuance of a Notice to Comply.

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 any waters of the state. In order to be covered by this Order, the landowners or operators must be Members. 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. A Third-Party group representing Members will assist with carrying out the conditions of this Order. Both the landowner and operator are ultimately responsible for complying with the terms and conditions of this Order.

11. A Third-Party entity proposing to represent Members in the Tulare Lake Basin Area, or a portion thereof, (the Third-Party) is required to submit to the Central Valley Water Board an application to represent growers within this Order's coverage area or identify the area the Third-Party proposes to cover. The Third-Party representation will become effective upon Central Valley Water Board Executive Officer approval of the Third-Party's application. If a Third-Party proposes to cover a portion of the Order's coverage area, the Executive Officer will determine and identify the geographic area covered by the Third-

[4] This provision is a requirement in the revised Salt and Nitrate Control Program that was adopted by the Central Valley Water Board in December 2020 and is pending approval by the State Water Board, the Office of Administrative Law (OAL), and the U.S. Environmental Protection Agency (USEPA).

Party in the Notice of Applicability. The Southern San Joaquin Valley and Buena Vista Water Quality Coalitions served as the Third-Party groups representing owners and operators of irrigated lands within the Order watershed area during the interim irrigated lands regulatory program, Order R5-2006-0053 (Coalition Group Conditional Waiver).

12. The Third-Party on behalf of its enrolled members will be responsible for fulfilling the regional requirements and conditions (e.g., implementation of the Salt and Nitrate Control Program, surface and groundwater monitoring, regional management plan development and tracking) of this Order and associated Monitoring and Reporting Program Order R5-2013-0120-09 (MRP). By retaining its Third-Party membership or establishing a new membership, a Member is agreeing to be represented by the Third-Party for the purposes of this Order. Any requirements or conditions not fulfilled by the Third-Party 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.

13. To enroll under this Order, a grower that is not a current Member will obtain membership in the applicable Third-Party group (see section VII.A of this Order for specific requirements).

Reason for the Central Valley Water Board Issuing this Order

14. The Tulare Lake Basin Area has approximately 2.89 million acres of cropland under irrigation[5] and approximately 10,700 growers[6] with "waste discharges from irrigated lands," as defined in Attachment E to this Order. Currently, approximately 350,000 acres are regulated under the Water Board's General Order for Existing Milk Cow Dairies (R5-2007-0035) and 1.04 million acres are regulated under the Coalition Group Conditional Waiver. Approximately 7,200 new growers and an additional 1,500,000 associated irrigated acres will require regulatory coverage under this Order or other WDRs or waivers. Small Farming Operations are those with a total farming operation that comprises less than 60 acres of irrigated land. In counties within the Tulare Lake Basin Area, Small Farming Operations are operated by approximately 58 percent of the growers, but account for approximately 4.6 percent of the total irrigated lands.[7]

15. The Tulare Lake Basin Area region contains all or portions of seventeen groundwater basins/sub basins and has approximately 10,600 linear miles of surface water courses that are, or could be, affected by discharges of waste from irrigated lands. This does not include surface water courses in the foothill and mountainous regions of the Third-Party area, where there are few irrigated lands operations. Discharges of waste from irrigated

[5] Calculated using values reported in the ICF International. 2010, Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program and Westlands Coalition and Pleasant Valley GIS layers.

[6] For the purposes of this estimate, the number of farms in the Tulare Lake Basin Area as reported in the United States Department of Agriculture, 2007, *Census of Agriculture* has been used to approximate the number of growers.

[7] Data are for Tulare County and portions of Fresno, Kings, and Kern Counties; United States Department of Agriculture, 2007, *Census of Agriculture*.

lands could adversely affect the quality of the "waters of the state," as defined in Attachment E to this Order.

16. Within the Third-Party area, there are approximately 981,000 acres of irrigated lands within Department of Pesticide Regulation (DPR) Groundwater Protection Areas (GWPAs). DPR identifies these areas as vulnerable to groundwater contamination from the agricultural use of certain pesticides, based upon either pesticide detections in groundwater or upon the presence of certain soil types (leaching and/or runoff) and a depth to groundwater shallower than 70 feet. Of the 981,000 acres, approximately 490,000 acres of the irrigated lands are within DPR GWPAs that are characterized as vulnerable to leaching of pesticides (leaching areas), approximately 491,000 acres are within GWPAs that are characterized as vulnerable to movement of pesticides to groundwater by runoff from fields to areas where they may move to groundwater (runoff areas). For leaching areas, certain water soluble pesticides are carried mainly with excess irrigation water or rainwater through the soil profile and potentially to the underlying aquifer. For runoff areas, certain water soluble pesticides are carried mainly with runoff over the land surface to potential conduits to groundwater. However, DPR has not established or analyzed the GWPAs with fertilizers and nitrate in mind, and its GWPAs are established based upon detections of certain pesticides, many of which are of lower solubility. Solubility is one factor that can lead to groundwater contamination. Depending on the frequency of application and amount applied, certain water soluble constituents, such as nitrate, may share common pathways to groundwater with soluble pesticides. This Order includes consideration of DPR's vulnerability factors and GWPAs by the Third-Party in the determination of high vulnerability areas for nitrate.

17. The Central Valley Water Board's *Irrigated Lands Regulatory Program Existing Conditions Report* (ECR)[8] identifies waters of the state with impaired water quality attributable to or influenced by irrigated agriculture, including within the Third-Party area. The *Irrigated Lands Regulatory Program Environmental Impact Report* (PEIR) describes that *"[f]rom a programmatic standpoint, irrigated land waste discharges have the potential to cause degradation of surface and groundwater…"*

18. Approximately 11 water bodies encompassing 300 linear miles of surface water courses have been listed as impaired pursuant to Clean Water Act section 303(d)[9] within the Third-Party area. Approximately 5 of those water bodies identify the potential source of the impairment as agriculture, and the remaining water bodies identify an unknown source impairment. For example, Elk Bayou and Kings River (Pine Flat to Island Weir) are listed as impaired by the pesticide chlorpyrifos. Agriculture is identified as a potential source of impairment.

19. Elevated levels of nitrates in drinking water can have significant negative health effects on sensitive individuals. The Basin Plan contains a water quality objective for nitrate to protect the drinking water uses. The water quality objective for nitrate is the maximum

[8] California Regional Water Quality Control Board, Central Valley Region, and Jones and Stokes. 2008. *Irrigated Lands Regulatory Program Existing Conditions Report.* Sacramento, CA.

[9] 2008-2010 303(d) List.

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 (22 CCR section 64431) that has been set at a level to protect the most at risk groups – infants under six months old and pregnant women.[10]

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.[11] Available data (see Information Sheet and the PEIR) indicate that there are a number of wells within the Tulare Lake Basin Area that have exceeded the MCL for nitrate. Groundwater in the Tulare Lake Basin Area 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 Tulare Lake Basin Area. Where nitrate groundwater quality data are not available, information on the hydrogeological characteristics of the area suggest that significant portions of the Tulare Lake Basin Area are vulnerable to nitrate contamination. Sources of nitrate in groundwater include leaching of excess fertilizer, confined animal feeding operations, septic systems, discharge to land of wastewater, food processor waste, unprotected well heads, improperly abandoned wells, and lack of backflow prevention on wells.

20. 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).

21. California 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 California 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; and

    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 Tulare Lake Basin Area includes: (a) discharges are produced by similar operations (irrigated agriculture); (b) waste discharges under this Order involve

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

[11] PEIR, Appendix A

similar types of wastes (wastes associated with farming); (c) water quality management practices are similar for irrigated agricultural operations; (d) due to the large number of 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[12] and similar types of solutions.

22. 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).

23. California Water Code section 13267(b)(1) states: *"(1) In conducting an investigation specified in subdivision (a), the 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters 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. (2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes may not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies. However, these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report."*

24. 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 California 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

[12] "Water quality problem" is defined in Attachment E

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 areas and make the final determination of these areas. 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 R5-2013-0120-09 which is part of this Order, and future revisions thereto by the Executive Officer or Board.

25. The surface water quality monitoring and trend groundwater quality monitoring under this Order are regional and representative in nature and do not measure individual field discharge. The surface water quality monitoring will take place in surface water bodies that are representative of surface waters receiving irrigated agricultural discharges. The trend groundwater monitoring will take place in aquifers that are representative of aquifers receiving irrigated agricultural discharges. The benefits of regional monitoring include the ability to determine whether water bodies accepting discharges from numerous irrigated lands are meeting water quality objectives and to determine whether practices, at the watershed level, are protective of water quality. There is a cost savings with representative monitoring, since all surface waters or all groundwater aquifers that receive irrigated agricultural discharges do not need to be monitored. Surface water and groundwater monitoring sites are selected to represent areas with similar conditions (e.g., crops grown, soil type). However, there are limitations to regional monitoring's effectiveness in determining possible sources of water quality problems, the effectiveness of management practices, and individual compliance with this Order's requirements.

    Therefore, through the reporting and evaluation of applied nitrogen versus removed nitrogen, the Management Practices Evaluation Program, development and utilization of Groundwater Protection Targets, Surface Water Quality Management Plans, and Groundwater Quality Management Plans, the Third-Party must evaluate the effectiveness of management practices in protecting water quality. In addition, Members must report the practices they are implementing to protect water quality and comply with Surface and Groundwater Quality Management Plans as applicable. Through the evaluations and studies conducted by the Third-Party, the reporting of applied and removed nitrogen as well as the management practices used by the Members, and the Board's compliance and enforcement activities, the Board will be able to determine whether a Member is complying with the Order.

    Where required monitoring and evaluation does not allow the Central Valley Water Board to determine potential sources of water quality problems or identify whether management practices are effective, this Order requires the Third-Party to provide technical reports at the direction of the Executive Officer. Such technical reports are needed when monitoring or other available information is not sufficient to determine the effects of irrigated agricultural waste discharges to state waters. It may also be necessary for the Central Valley Water Board to conduct investigations by obtaining information directly from Members to address individual compliance.

26. 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 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 Findings 30 and 31.

27. The Tulare Lake Basin Plan identifies the greatest long-term problem facing the Basin as the increase in salinity in groundwater. Because of the closed nature of the Tulare Lake Basin, there is little subsurface outflow. Thus, salts accumulate within the Basin due to the importation and evaporative use of water. A large portion of this increase is due to the intensive use of soil and water resources by irrigated agriculture. The Tulare Lake Basin Plan recognizes that degradation is unavoidable without a plan for removing salts from the Basin and that salt sources should be managed to the extent practicable to reduce the rate of groundwater degradation until there is a long-term solution to the salt imbalance.

28. Amendments to the Basin Plan to incorporate a Central Valley-wide Salt and Nitrate Control Program (Salt and Nitrate Control Program) became effective 17 January 2020, the Notice of Decision date following the Office of Administrative Law (OAL) Approval. For those components subject to U.S. Environmental Protection Agency (USEPA) approval, the effective date of the Amendments is 2 November 2020, the date of USEPA approval. The Salt and Nitrate Control Program establishes a framework for addressing legacy and ongoing salt and nitrate accumulation issues, with the primary focus on early actions (first ten years) on groundwater quality and in particular nitrate impacts to drinking water supplies. The amendments additionally establish a Surveillance and Monitoring Program to support the efforts of the control program and assess its progress, and if appropriate, support efforts to re-evaluate the requirements of the control program. This Order requires the Third-Party Groups on behalf of their Members to provide information necessary to satisfy the monitoring efforts required by the entity leading the monitoring study and participate in the preparation of a Program Assessment Report. Participation may include, but is not limited to, the contribution of funding for the preparation of the report and any additional activities necessary to ensure that all required information is available to the lead entity.

    Revisions to the Salt and Nitrate Control Program were approved by the Central Valley Water Board on 10 December 2020 and are pending before the State Water Resources Control Board for approval. The revisions will become effective upon OAL approval. For those components subject to USEPA approval, the effective date of the revisions will be the date of USEPA approval. The revisions modify some provisions of the Salt and Nitrate Control Program and major goals, but do not change the overall framework, including the requirements to take early actions to address the drinking water needs of impacted users. Since these revisions have been approved by the Central Valley Water Board, they have been incorporated into this Order, and any requirements derived from those revisions are enforceable requirements upon the effective date of the revisions.

29. This Order implements the Basin Plan by requiring the implementation of management practices to achieve compliance with applicable water quality objectives and requiring the prevention of 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.

30. Pursuant to the Basin Plan and State Water Board plans and policies, including State Water Board Resolution 88-63, and consistent with the federal Clean Water Act, the existing and potential beneficial uses of surface waters in the Tulare Lake Basin Area may include:

    a) Municipal and Domestic Supply;
    b) Agricultural Supply;
    c) Industrial Service Supply;
    d) Industrial Process Supply;
    e) Hydropower Generation;
    f) Water Contact Recreation;
    g) Non-Contact Water Recreation;
    h) Warm Freshwater Habitat;
    i) Cold Freshwater Habitat;
    j) Wildlife Habitat;
    k) Rare, Threatened, and Endangered Species;
    l) Spawning, Reproduction and/or Early Development;
    m) Migration of Aquatic Organisms;
    n) Groundwater Recharge;
    o) Freshwater Replenishment;
    p) Aquaculture;
    q) Preservation of Biological Habitats of Special Significance; and
    r) Navigation.

31. 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; and
    d) Industrial Process Supply.

32. The Board recognizes that some areas within the Tulare Lake Basin 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 when 1) a Third-Party, Board, or other group is actively pursuing a basin plan amendment to de-designate or modify the beneficial use; and 2) the Third-Party 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.R of this Order and section V.H of the MRP.

33. 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.

34. This Order constitutes an NPS Implementation Program for the discharges regulated by the Order. The ultimate purpose of this program is expressly stated in the goals and objectives for the ILRP, described in the PEIR and Attachment A to this 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.

35. The United States Environmental Protection Agency adopted the National Toxics Rule (NTR) on 5 February 1993 and the California Toxics Rule (CTR) on 18 May 2000, which was modified on 13 February 2001. The NTR and CTR contain water quality criteria which, when combined with beneficial use designations in the Basin Plans, constitute enforceable water quality standards for priority toxic pollutants in California surface waters.

36. 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 surface or groundwater quality, requiring surface and 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 surface and 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

37. For purposes of adoption of this Order, the Central Valley Water Board is the lead agency pursuant to CEQA (Public Resources Code sections 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.

38. The Central Valley Water Board prepared a Supplemental Program Environmental Impact Report (SPEIR) to consider new project-level impacts from the Salt and Nitrate Control Program. The SPEIR need not analyze all impacts from the Salt and Nitrate Control Program, only those not previously analyzed in the Salt and Nitrate Control Program's Substitute Environmental Document (SED) that was approved by the Central Valley Water Board. (Pub. Res. Code section 22159.2, subd. (b).) The SPEIR found that there were three project-specific impacts not fully considered in the SED: impacts to air quality, climate change, and transportation and circulation. The SPEIR therefore added the Salt and Nitrate Control Program as a new alternative to the PEIR that could be used in conjunction to the other Alternatives and thoroughly identified, disclosed, and analyzed impacts to those three categories. In accordance with CEQA, the Central Valley Water Board, acting as the lead agency, adopted Resolution R5-2021-0017 on 22 April 2021, certifying the SPEIR.

39. This Order relies on the environmental impact analysis contained in the PEIR and SPEIR 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 and SPEIR 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 and SPEIR. Therefore, all potentially adverse environmental impacts of this Order have been identified, disclosed, and analyzed in the PEIR and SPEIR. 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 Title 14, CCR section 15152).

40. The requirements of this Order are based on elements of Alternatives 2 through 6 of the PEIR and Alternative A. 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 and SPEIR for its CEQA analysis. A listing of potential environmental impacts, the written findings regarding those impacts consistent with section 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.

41. 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.

42. 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

43. State Water Resources Control Board (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.

44. The Central Valley Water Board has information in its records that has been collected by the Central Valley Water Board, growers, educational institutions, and others that demonstrates that many water bodies within the Central Valley Region are impaired for various constituents, including pesticides, nitrates, and salts. Many water bodies have been listed as impaired pursuant to Clean Water Act section 303(d).

    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. For discharges of salt to surface and groundwaters, participation in the Prioritization and Optimization Study (P&O Study) and implementation of reasonable, feasible, and practicable efforts to control levels of salt in discharges are considered to be BPTC. Prior to authorizing the degradation of a high-quality water under the Conservative Permitting Approach of the Salt Control Program as described in this Order, the Board must find that allowing degradation by applicable Members better serves the people of the state than their participation in the P&O Study for Phase 1 of the Salt Control Program.

California Water Code Sections 13141 and 13241

45. California 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 long-term ILRP within the Tulare Lake Basin Area, is based on Alternatives 2 through 6 of the PEIR; therefore, estimated costs of this Order fall within the Basin Plan cost range.[13] The total average annual cost of compliance with this Order, e.g., summation of costs for administration, monitoring, reporting, tracking, implementation of management practices, is expected to be approximately $8.90 per acre greater than the current surface water only protection program under the Coalition Group Conditional Waiver. The total estimated average cost of compliance of continuation of the previous Coalition Group Conditional Waiver within the Tulare Lake Basin Area is expected to be approximately 51.0 million dollars per year ($17.65 per acre annually). The total estimated average cost of compliance with this Order is expected to be approximately 76.7 million dollars per year ($26.55 per acre annually).

    Approximately $20.21 of the estimated $26.55 per acre average annual cost of the Order is associated with implementation of management practices. This Order does not require that Members implement specific water quality management practices.[14] Many of the management practices that have water quality benefits can have other economic and

[13] 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 Tulare Lake Basin Area).

[14] 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.

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 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 Third-Party 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 $0.56/acre. The combined total estimated average administrative costs that include Third-Party and state fees are estimated to be $4.63/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*.[15] Attachment A includes further discussion regarding the cost estimate for this Order.

In addition to the compliance costs estimated in the PEIR, estimated costs of compliance with and sources of potential financing for the Salt and Nitrate Control Program for the Central Valley were evaluated in amendments made to the Basin Plan (effective 17 January 2020). Estimated costs to agriculture in the Central Valley region specific to each component of the Salt and Nitrate Control Program are as follows:

a) Salt Control Program
   Costs to agriculture associated with the first phase of the Salt Control Program include costs associated with strategic planning, administration, and analyses and studies to support the P&O Study. Costs to agriculture are estimated to range from $357,000 to $696,000 per year for the first 10 years of the program. Cost identified after the first 10 years of the program are only speculative at this time and will be revised after the completion of the P&O Study. Costs are expressed as 2016 dollars.

b) Nitrate Control Program
   Costs to agriculture associated with long-term restorations efforts are only speculative at this time. Costs associated with the Nitrate Control Program include costs associated with providing short-term safe drinking water supplies and development of Management Zones throughout the Priority 1 and Priority 2 basins/sub-basins. Costs are estimated to range from $24.1 million to $35.9 million per year. Costs are expressed as 2016 dollars

[15] 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.

c) Surveillance and Monitoring Program
Costs to agriculture associated with the Surveillance and Monitoring Program are costs designed to ensure the success of the Salt and Nitrate Control Program. Costs to agriculture are estimated to range from $210,000 to $390,000 per year. Costs are expressed as 2016 dollars.

46. California 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; and

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.

47. The costs associated with the new requirements in Order R5-2014-0030-06 were estimated by the State Water Board in WQO Order 2018-0002.[16] The Central valley Water Board has reviewed those estimates and has considered them when adopting this Order.

Relationship to Other Ongoing Water Quality Efforts

48. 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 will continue, and will be supported by implementation of this Order.

49. Total Maximum Daily Loads (TMDLs) are established for surface waters that have been placed on the State Water Board's 303(d) list of Water Quality Limited Segments for failure to meet applicable water quality standards. A TMDL, which may be adopted by the Central Valley Water Board as Basin Plan amendments, is the sum of allowable loads of a single pollutant from all contributing point sources and nonpoint sources. A TMDL has not been adopted for any surface water in the Tulare Lake Basin Area. This Order will implement any future TMDLs to the extent they include established requirements that pertain to irrigated agriculture.

50. The General Order for Existing Milk Cow Dairies (R5-2007-0035) and NPDES Dairy General Permit CAG015001 (Dairy General Orders) regulates discharges of waste to

[16] State Water Resources Control Board, WQO Order 2018-0002, p. 68-73.

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[17] waste from external sources must obtain regulatory coverage for their discharge under this Order 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 surface water and groundwater quality monitoring required of the two orders and coordinate their response to identified water quality problems.

51. The Executive Officer approved the Southern San Joaquin Valley Water Quality Coalition Management Plan for the Main Drain Canal on 23 October 2012 and for the Tule River on 5 December 2012. Additional Management Plans required by data collected under Order 2006-0053, Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Coalition Waiver) have not been completed. The approved plans (along with updates and modifications approved by the Executive Officer) will continue to be implemented under this Order to address the surface water quality problems identified therein, unless and until such time the Executive Officer requires modification of the plan or deems it to be complete, as described in this Order. Management Plans required by data gathered under the Coalition Waiver, which have not been approved by the date the Order is adopted, will be completed in accordance with the requirements of Appendix MRP-1 of this Order. Any request to consider management plans approved under the Conditional Waiver complete will be evaluated in accordance with this Order.

Coordination and Cooperation with Other Agencies

52. *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.

[17] “Confined animal facility” is defined in Title 27 CCR section 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.”*

53. *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.

54. *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. The University of California Agriculture and Natural Resources (UC ANR) and CDFA FREP developed and held twelve nitrogen management certification training sessions for Certified Crop Advisors (CCAs) between 2012 and 2020, certifying approximately 1,040 CCAs statewide. In 2021 CDFA partnered with UC ANR and the American Society of Agronomy (ASA) to create a specialty certification within the CCA program to replace the training program. The CCA California Nitrogen Management Specialty requires extra testing and continuing education requirements administered by ASA. CDFA has also developed a program to provide nitrogen management training to growers. Among other certification options available for Irrigation and Nitrogen Management Plans, the CDFA training program and the CCA California Nitrogen Management Specialty will be recognized as providing the training necessary for a Member or CCA to certify Irrigation and Nitrogen Management Plans. In addition, this Order requires the preparation of an Irrigation and Nitrogen Management Plan and submittal of a summary report. CDFA has had an active role in working with the agricultural community on the concepts related to the template and that role is expected to continue. This Order leverages CDFA's, and expertise and partnerships with respect to nitrogen management training and technical support to the professionals and Third-Parties that will be developing Irrigation and Nitrogen Management Plans for individual Members.

55. *Nitrogen Management and Control* – In response to nitrate groundwater concerns, the Legislature enacted Chapter 1 of the Second Extraordinary Session of 2008 (SBX2 1, Perata), requiring the State Water Board to develop pilot projects focusing on nitrate in groundwater in the Tulare Lake Basin and the Salinas Valley, and to submit a Report to the Legislature.[18] In its report, the State Water Board made fifteen recommendations to address the issues associated with nitrate contaminated groundwater.

[18] State Water Resources Control Board. 2013. Report to the Legislature, Recommendations Addressing Nitrate in Groundwater. <www.swrcb.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf>

In fulfillment of Recommendation #11 of the Report to the Legislature, CDFA, in coordination with the Water Boards, convened the Nitrogen Tracking and Reporting Task Force (Nitrogen Tracking Task Force) to identify an appropriate nitrogen tracking and reporting system and to provide meaningful and high quality data to help CDFA and the Water Boards address groundwater quality nitrate issues in California. The Nitrogen Tracking Task Force included stakeholders and experts from agricultural organizations, academia, regulatory agencies, and the environmental advocacy community. The Task Force's Final Report[19] was released December 5, 2013, and made recommendations for a nitrogen tracking and reporting system. The recommended system addressed eight key topics including: (1) system structure; (2) data elements; (3) roles, responsibilities, and data accessibility; (4) benefits of participation; (5) verifiability; (6) societal benefits of the recommended system; (7) limitations; and (8) system phasing.

In fulfillment of Recommendation #14 of the Report to the Legislature, the State Water Board, in coordination with CDFA, convened the Agricultural Expert Panel to consider all existing studies, program, and efforts for agricultural nitrate control, including the recommendations of the Nitrogen Tracking Task Force. The Agricultural Expert Panel consisted of eight members with various areas of specialization including: an irrigation specialist/agricultural engineer, a soil scientist, a hydrogeologist, an agronomist, a certified crop advisor, a University of California Cooperative Extension farm advisor, a Central Coast grower, and a Central Valley grower. The Agricultural Expert Panel held multiple public meetings over a six month period in Tulare, San Luis Obispo, and Sacramento to consider the questions posed to them by the State Water Board. In its assessment, the Agricultural Expert panel considered groundwater monitoring, tracking and reporting of nitrogen fertilizer application, estimates of nitrogen use efficiency or similar metric, and farm-specific nutrient management plans as source control measures and regulatory tools. The Agricultural Expert Panel Final Report[20] was presented to the State Water Board on September 23, 2014. In its Final Report, the Agricultural Expert panel recommended (in no particular order):

- Establishment of coalitions as an intermediate body between Members and Regional Boards;
- Adoption of a Nitrogen Applied to Nitrogen Removed Ratio (A/R Ratio) as the primary metric for evaluating progress on nitrogen source control;
- Development of strong, comprehensive, and sustained educational and outreach program;
- Creation and implementation of Irrigation and Nitrogen Management Plans;

[19] California Department of Food and Agriculture. 2013. Nitrogen Tracking and Reporting Task Force Final Report. <www.cdfa.ca.gov/environmentalstewardship/PDFs/NTRSTFFinalReport122013.pdf>

[20] State Water Resources Control Board. 2014. Conclusions of the Agricultural Expert Panel. <www.swrcb.ca.gov/water_issues/programs/agriculture/docs/ILRP_expert_panel_final_report.pdf>

- Reporting of key values of crop type, acreage, total nitrogen applied, and total nitrogen removed by Members to the Third-Party;
- Trend groundwater monitoring for nitrate concentrations to track general aquifer conditions over multiple years;
- Targeted research to directly help the agricultural community to maintain and/or improve yields while simultaneously decreasing A/R ratio on individual fields;
- Analysis of reported values on a multiple-year basis to inform agricultural community of progress and sharpen improvement efforts.

56. The Central Valley Water Board will continue to work cooperatively with the other state agencies to identify and leverage their efforts.

Enforcement for Noncompliance with this Order

57. California 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 of waste discharged; 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 of waste discharged. 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.

58. The State Water Board's Water Quality Enforcement Policy (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 SQMP or GQMP in accordance with the time schedule provisions of this Order (section XII);[21]

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 SQMP/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; and

j) Failure to implement the applicable management practices, or equivalent practices, identified as protective of groundwater in the Management Practices Evaluation Report.

59. Under this Order, the Third-Party 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 that the Third-Party fails to comply with the terms and conditions of this Order or attached MRP:

a) *First notification of noncompliance to the Third-Party.* The Central Valley Water Board intends to notify the Third-Party of the non-compliance and allow a period of time for the Third-Party 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 Third-Party.* If the Third-Party fails to adequately respond to the first notification, the Board intends to provide written notice to the Third-Party and potentially affected Members of the failure to address the first notice.

c) *Failure of the Third-Party 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 Third-Party to act as a lead entity, depending on the severity of noncompliance. Growers that were Members affected by a partial or full Third-Party disapproval would be required to obtain coverage for

[21] 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 SQMP or GQMP in accordance with the time schedule provisions of this Order (section XII).

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

60. This Order does not authorize violation of any federal, state, or local law or regulation.

61. 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.

62. This Order does not supersede the Central Valley Water Board's Basin Plans and policies, or the State Water Board's plans and policies.

63. As stated in California 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.

64. This Order requires Members to provide the Third-Party 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.

65. 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 California Water Code for further discharges of waste to surface or groundwater.

66. All discharges from the 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.

67. 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.

68. 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.

69. California 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.

70. 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 Irrigated Lands Regulatory Program, were considered in establishing these waste discharge requirements.

71. 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 Tulare Lake Basin Area, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.

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

73. Any person affected by this action of the Central Valley Water Board may petition the State Water Board to review this action. The State Water Board must receive the petition within 30 days of the date on which the Central Valley Water Board adopted this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to California 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 of a Third-Party group,[22] their agents, successors, and assigns shall comply with the following:

I. Coverage

1. Order R5-2006-0053, Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Coalition Group Conditional Waiver), is hereby rescinded as it applied to Members of the Southern San Joaquin Valley and Buena Vista Water Quality Coalitions in the Tulare Lake Basin Area.
2. The area to be covered by a Third-Party group will be identified in its Notice of Applicability (NOA). A Third-Party group receiving an NOA under this Order is responsible for all Third-Party group requirements within the geographic area identified in its NOA.

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 waste, as defined in California Water Code section 13173 and Title 23 CCR section 2521(a), respectively, is prohibited.

[22] References to “the Third-Party group” in this Order apply to each of the entities (if more than one) that are approved as a Third-Party group under this Order.

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. Surface Water Limitations

Wastes discharged from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in surface water, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.[23]

During Phase I of the Salt Control Program, Members whose Third-Party elects the alternative salinity approach and are fully participating in the P&O Study and who implement reasonable, feasible, and practicable efforts to control levels of salt in their discharge are in compliance with the water quality control program and shall be deemed to be adequately protecting beneficial uses and the water quality objectives reasonably required for that purpose consistent with the Salt Control Program.[24]

During Phase I of the Salt Control Program, the Members whose Third-Party elects the Conservative Permitting Approach of the Salt Control Program shall immediately be subject to surface water receiving limits upon election of the Conservative Permitting Approach.

Under the Conservative Permitting Approach, surface water receiving water limits for salinity shall be based on applicable water quality objectives when there is a site-specific numeric water quality objective; or, when there is a narrative water quality objective or Secondary Maximum Contaminant Level objective, the surface water receiving water limit shall be the conservative numeric value for electrical conductivity (EC) for protection of AGR or MUN as specified in the Salt Control Program, as applicable.

[23] These limitations are effective immediately except where 1) Members are implementing an approved Surface Water Quality Management Plan (SQMP) for a specified waste parameter in accordance with an approved time schedule authorized pursuant to sections VIII.N and XII of this Order.

[24] For the purposes of the Salt Control Program, salinity and its constituents include, and are limited to, electrical conductivity, total dissolved solids, chloride, sulfate, and sodium.

B. Groundwater Limitations

Wastes discharged from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying groundwater, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.[25]

During Phase I of the Salt Control Program, Members whose Third-Party elects the alternative salinity approach and are fully participating in the P&O Study and who implement reasonable, feasible, and practicable efforts to control levels of salt in their discharge are in compliance with the water quality control program and shall be deemed to be adequately protecting beneficial uses and the water quality objectives reasonably required for that purpose consistent with the Salt Control Program.[26]

During Phase I of the Salt Control Program, Members whose Third-Party elects the Conservative Permitting Approach of the Salt Control Program shall immediately be subject to groundwater receiving water limits upon election of the Conservative Permitting Approach. For the Conservative Permitting Approach, groundwater receiving water limits for salinity shall be based on applicable water quality objectives when there is a site-specific numeric water quality objective; or, when there is a narrative water quality objective or Secondary Maximum Contaminant Level objective, the groundwater receiving water limit shall be the conservative numeric value for electrical conductivity (EC) for protection of AGR or MUN as specified in the salt control program, as applicable.

IV. Provisions

A. General Specifications

1. The Third-Party 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 R5-2013-0120-09. However, individual Members of the Third-Party group 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 of the Third-Party group, or whose property is not enrolled by a Member of the Third-Party group, 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

[25] These limitations are effective immediately except where 1) Members are implementing an approved Ground Water Quality Management Plan (GQMP) for a specified waste parameter in accordance with an approved time schedule authorized pursuant to sections VIII.N and XII of this Order. For nitrate water quality objectives, after a Third-Party receives a Notice to comply from the Central Valley Water Board for Members located in certain specified groundwater basins or subbasins, these limitations are effective immediately for those Members except where the Third-Party on behalf of those Members is complying with the Nitrate Control Program.

[26] For the purposes of the Salt Control Program, salinity and its constituents include, and are limited to, electrical conductivity, total dissolved solids, chloride, sulfate, and sodium.

waste discharge requirements that apply to individuals that are not represented by a Third-Party.

3. Members who are subject to this Order shall implement water quality management practices, as necessary, to protect water quality and to achieve compliance with applicable water quality objectives. Where applicable, the implementation of practices must be in accordance with the time schedule contained in an approved Groundwater Quality Management Plan or Surface Water Quality Management Plan
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)[27] 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. Alternative Permitting Approaches

The Salt and Nitrate Control Programs for the Central Valley provide the Central Valley Water Board with the flexibility and authority to permit discharges of salt to surface water and groundwater and nitrate to groundwater by employing Alternative Permitting Approaches that utilize regulatory options such as variances, exceptions, offsets, management zones, and assimilative capacity allocations. For example, subject to the Nitrate Control Program and the Exceptions Policy for Salinity, Nitrate, and/or Boron, the Central Valley Water Board may grant exceptions for meeting nitrate water quality objectives in groundwater.

C. Requirements for Members of the Third-Party Group

1. Members shall comply with all applicable provisions of the California Water Code, the *Water Quality Control Plan for the Tulare Lake Basin*, and State Water Board plans and policies.
2. All Members shall comply with the attached Monitoring and Reporting Program (MRP) R5-2013-0120-09, 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[28] shall participate in Third-Party outreach activities, at least annually. Participation may occur without in-person attendance. 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 participated in an

[27] 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.

[28] 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.

outreach activity during the previous year and reviewed the applicable outreach materials. Members who have no parcels in areas designated as high vulnerability are not required to commence participation in Third-Party outreach activities until 2020.

5. All Members shall provide the Third-Party with information requested for compliance with this Order.
6. All Members shall implement water quality management practices in accordance with any water quality management plans approved by the Central Valley Water Board Executive Officer, and/or as necessary to protect water quality and to achieve compliance with surface and groundwater receiving water limitations of this Order (sections III.A and B). Water quality management practices can be instituted on an individual basis, or implemented to serve multiple growers discharging to a single location.
7. All Members shall implement effective sediment discharge and erosion prevention practices to minimize or eliminate the discharge of sediment above background levels. Members with the potential to cause erosion and discharge sediment that may degrade surface waters, as identified by the Member in their Farm Evaluation, by the Third-Party in the Sediment Discharge and Erosion Assessment Report, or by the Executive Officer shall prepare and implement a Sediment and Erosion Control Plan as specified in section VII.C below.
8. All Members shall implement practices that minimize excess nutrient application. Members shall prepare and implement a farm-specific Irrigation and Nitrogen Management Plan and submit a farm-specific Irrigation and Nitrogen Management Plan Summary Report as required by section VII.D of this Order.
9. 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 California Water Code section 13267.
10. 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.
11. This Order does not convey any property rights or exclusive privileges.
12. This Order shall not create a vested right, and all such discharges of waste shall be considered a privilege, as provided for in California Water Code section 13263.
13. The Member understands that the Central Valley Water Board or its authorized representatives, may, at reasonable hours, inspect the facilities 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 California 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 the consent or the issuance of a warrant.

14. The Member shall provide the Third-Party with the phone number(s) of the individual(s) with authority to provide consent to access its facilities as described in provision IV.C.13 above.
15. 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.
16. Settling ponds, basins, and tailwater recovery systems shall be constructed, maintained, and operated to prevent groundwater degradation, erosion, slope failure; and minimize the discharge of sediment. The construction and operation must be consistent with the applicable Natural Resources Conservation Service (NRCS) conservation practice standard, an NRCS or University of California Cooperative Extension recommendation, or an equivalent alternative standard.
17. 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)*.
18. 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.
19. The Member, or the Third-Party on its Member's behalf as applicable, shall submit all required documents in accordance with section IX of this Order.
20. Members shall, at a minimum, implement water quality management practices that meet the following farm management performance standards:
    a) Minimize waste discharge offsite in surface water,
    b) Minimize percolation of waste to groundwater,
    c) Protect wellheads from surface water intrusion.
21. Members shall implement the applicable management practices, or equivalent practices, identified as protective of groundwater in the Management Practices Evaluation Report.
22. Members shall comply with the Salt and Nitrate Control Program, as applicable.

D. Requirements for the Third-Party Group

In order to remain eligible to serve as a Third-Party representative to Members, the Third-Party 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 Third-Party group receives a notice of violation (NOV) from the Central Valley Water Board, the Third-Party 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 Third-Party group must provide confirmation to the Board of each notification. A summary of all notices of violation received by the Third-Party group 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 Surface Water Quality Management Plans and 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 and provide timely and complete submittal of any reports required by this Order.
7. Within 30 days of receiving an NOA from the Central Valley Water Board (as described in section VIII.A), inform Members of this Order's requirements by providing a notice of confirmation form to be completed by each Member.
8. Conduct education and outreach activities to inform Members of program requirements and water quality problems, including exceedances of water quality objectives or degradation of water quality, identified by the Third-Party or Central Valley Water Board. Outreach activities and materials shall include information on nitrogen application practices and the potential impact of nitrates on groundwater and, as appropriate depending on the anticipated grower audience, shall be provided in multiple languages. The Third-Party shall:
    a) Maintain participation lists for outreach activities, 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 Third-Party group.
    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 participated in the outreach activities and describe how growers could obtain copies of the materials presented at these events.
    c) By 31 December 2019, propose[29] an approach for defining a set of Members (outliers) with whom the Third-Party will follow up annually based on INMP

[29] The approach may be proposed either solely or in conjunction with other Third-Party entities approved to represent owners and operators of irrigated lands within the Central Valley Region.

Summary Report data (AR data). The approach is to be approved by the Central Valley Water Board Executive Officer after public notice and comment. The Third-Party may choose to apply the approach annually for a period of years to determine outliers, or the Third-Party may propose and seek approval of a different approach each year.

d) Provide additional INMP self-certification training for Members notified as being outliers for reported AR data and who opt not to use a specialist for INMP certification. This INMP self-certification training shall be focused on assisting Members in reducing their overall $A/R_{3\ year}$ ratio and shall require in-person attendance.

9. Work cooperatively with the Central Valley Water Board to ensure all Members are providing required information and taking necessary steps to address exceedances or degradation identified by the Third-Party or Board. As part of the Membership List submittal, identify the growers known by the Third-Party who have: (1) failed to implement improved water quality management practices within the timeframe specified by an applicable SQMP/GQMP; (2) failed to respond to an information request from the Third-Party associated with any applicable SQMP/GQMP or other provisions of this Order; (3) failed to participate as requested in Third-Party studies for which the Third-Party is the lead; (4) failed to provide confirmation of participation in an outreach activity (per section IV.C.4 of this Order); or (5) otherwise failed to maintain good standing of their membership in the Third-Party group.
10. Ensure that any activities conducted on behalf of the Third-Party by other groups meet the requirements of this Order. The Third-Party 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 CCR. 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 Third-Party group. The Third-Party group is responsible for ensuring the Members identified in the Membership List have provided their required portion of the State Water Board fees.
12. Ensure that requirements for compliance with the Salt and Nitrate Control Program are being met on behalf of its Members.

V. Effective Dates

1. This Order is effective upon adoption by the Central Valley Water Board on 19 September 2013, and remains in effect as revised by the Central Valley Water Board on 4 December 2014, 2 October 2015, 19 February 2016, 6 December 2016, 7 February 2019, and 22 April 2021; unless rescinded or revised by the Central Valley Water Board.
2. Regulatory coverage under this Order for discharges of waste from Members already enrolled under Order R5-2006-0053 is effective upon adoption of this Order by the Central Valley Water Board. Regulatory coverage under this Order is automatically terminated, if a Notice of Confirmation (NOC) is not received by the Third-Party from the

currently enrolled Member within 180 days of Executive Officer issuance of an NOA to the Third-Party; or, if the Third-Party group application for the area in which the Member has irrigated lands is denied; or if the Central Valley Water Board revokes the approval of the Third-Party representing the Member's area.

3. Regulatory coverage for Dischargers not already enrolled under Order R5-2006-0053 as of the date of adoption of this Order can be obtained directly through obtaining membership in the Third-Party group after Executive Officer issuance of a Notice of Applicability (NOA) to the Third-Party. Regulatory coverage is effective when the Third-Party notifies the Central Valley Water Board that the Discharger's application for membership has been accepted.
4. Upon the Third-Party's receipt of a Notice to Comply, Members shall be subject to the requirements of the Salt and Nitrate Control Program as applicable, and the Third-Party shall ensure that requirements for compliance with the Salt and Nitrate Control Program are being met on behalf of its Members.

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 Central Valley Water Board *Water Quality Control Plan* (Basin Plan) *for the Tulare Lake Basin*.
2. On 31 May 2018, the Central Valley Water Board adopted the Salt and Nitrate Control Program. The State Water Resources Control Board approved the Salt and Nitrate Control Program on 16 October 2019. The effective date of the Salt and Nitrate Control Program is 17 January 2020, the Notice of Decision Filing date following OAL Approval. For those components subject to USEPA approval, the effective date is 2 November 2020, the date of USEPA Approval. On 10 December 2020, the Central Valley Water Board adopted revisions to the Salt and Nitrate Control Program. The State Water Resources Control Board is currently considering approval of the revisions, and the revisions will be effective upon OAL approval and USEPA approval as necessary. Should the Central Valley Water Board approve additional amendments to the Salt and Nitrate Control Program, and as the Salt and Nitrate Control Program is implemented, the Central Valley Water Board may find it necessary to modify the requirements of this Order to ensure the goals of the Salt and Nitrate Control Program are met.
3. The filing of a request by the Third-Party on behalf 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.
4. The Third-Party, 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 Third-Party. 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.

5. 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.
    d) A Member's regulatory coverage shall be automatically revoked if the NOC is not timely submitted (see section VII.A).
6. After notice and opportunity for a hearing, the approval of the Third-Party 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 54 of this Order, and/or:
    a) Violation of any term or condition contained in the Order that applies directly to the Third-Party;
    b) Third-Party misrepresentation;
    c) Failure by the Third-Party to fully disclose all known relevant facts; or
    d) A change in any condition that results in the Third-Party'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.
7. The Central Valley Water Board will review this Order periodically and may revise this Order when necessary.

VII. Required Reports, Monitoring, 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 Attachment B MRP Order R5-2013-0120-09. 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 Third-Party or the Central Valley Water Board as identified below.

A. Notice of Confirmation / Membership Application

1. To confirm coverage under this Order, growers that are enrolled under Order R5-2006-0053 as Members of the Southern San Joaquin or Buena Vista Water Quality Coalitions as of the effective date of this Order, must submit a completed notice of confirmation (NOC) to the Third-Party within 180 days of Executive Officer approval of the Third-Party (as

provided by issuance of an NOA to the Third-Party, see section VIII.A of this Order). The Third-Party will provide a NOC form to Members within 30 days of receiving an NOA (see section VIII.A) from the Central Valley Water Board. As part of the NOC, Members 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 (a responsible non-Member is a landowner whose parcel has been enrolled by an operator-Member under this Order or an operator who farms a parcel that has been enrolled by a landowner-Member). If the Member is a landowner that leases their land, the Member must provide the name and contact information of the lessee. If the Member is the lessee, the Member must provide the name and contact information of the landowner.

Within 180 days of Executive Officer issuance of an NOA to the Third-Party, all other growers within this Order's boundaries must become Members of the Third-Party. To obtain membership, a grower must submit a completed Third-Party Membership application to the Third-Party group. 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 Third-Party group may confirm membership, after which the Member will be considered covered under this Order.

2. As an alternative to granting coverage under this Order, the Executive Officer may 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 Third-Party group according to the schedule below.[30] The Member must use the Farm Evaluation Template approved by the Executive Officer (see section VIII.C below). A copy of the Farm Evaluation shall be maintained at the Member's farming headquarters or primary 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. Members in Low Vulnerability Areas

a) Members with Small Farming Operations

By 1 March 2018, Members with Small Farming Operations (for definition, see Attachment E) must prepare their Farm Evaluation and submit it to the Third-Party. Beginning 1 March 2021, an updated Farm Evaluation must be prepared and submitted to the Third-Party every five years thereafter.

[30] A farm map does not need to be provided to the Third-Party group.

b) All other Members

By 1 March 2016, all other Members must prepare their Farm Evaluation and submit it to the Third-Party. Beginning 1 March 2021, an updated Farm Evaluation must be prepared and submitted to the Third-Party every five years thereafter.

2. All Members in High Vulnerability Areas (Surface/Groundwater)

By 1 March 2016, all Members within a high vulnerability area must prepare their Farm Evaluation and submit it to the Third-Party. An updated Farm Evaluation must be prepared and submitted to the Third-Party by 1 March annually through 2018. Beginning 1 March 2021, an updated Farm Evaluation must be prepared and submitted to the Third-Party every five years thereafter.

The Executive Officer may require more or less frequent submission of a Farm Evaluation for any Member or group of Members if the Executive Officer makes a determination that the change in frequency is warranted.

C. Sediment and Erosion Control Plan

The requirements and deadlines of this section apply as specified to Members that are required to develop a Sediment and Erosion Control Plan per section IV.B.7 of this Order. The Member must use the Sediment and Erosion Control Plan Template provided by the Executive Officer (see section VIII.C below), or equivalent. The Sediment and Erosion Control Plan must be prepared in one of the following ways:

i. The Sediment and Erosion Control Plan must adhere to the site-specific recommendation from the Natural Resources Conservation Service (NRCS), NRCS technical service provider, the University of California Cooperative Extension, the local Resource Conservation District; or conform to a local county ordinance applicable to erosion and sediment control on agricultural lands. The Member must retain written documentation of the recommendation provided and certify that they are implementing the recommendation; or

ii. The Sediment and Erosion Control Plan must be prepared and self-certified by the Member, who has completed a training program that the Executive Officer concurs provides necessary training for sediment and erosion control plan development; or

iii. The Sediment and Erosion Control Plan must be written, amended, and certified by a Qualified Sediment and Erosion Control Plan Developer possessing one of the following registrations or certifications, and appropriate experience with erosion issues on irrigated agricultural lands: California registered professional civil engineer, geologist, engineering geologist, landscape architect; professional hydrologist registered through the American Institute of Hydrology; certified soil scientist registered through the American Society of Agronomy; Certified Professional in Erosion and Sediment Control (CPSEC)™/Certified Professional in Storm Water Quality (CPSWQ)™ registered through EnviroCert International, Inc.; professional in erosion and sediment control registered through the National Institute for Certification in Engineering Technologies (NICET); or

iv. The Sediment and Erosion Control Plan must be prepared and 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 Sediment and Erosion Control Plan meets the objectives and requirements of this Order.

v. The plan shall be maintained and updated as conditions change. A copy of the Sediment and Erosion Control Plan shall be maintained at the farming operations headquarters or primary place of business; and must be produced by the Member, if requested, should Central Valley Water Board staff, or an authorized representative, conduct an inspection of the Member's irrigated lands operation.

1. Deadline for Members with Small Farming Operations

Within one (1) year of the Executive Officer approving the Third-Party's Sediment Discharge and Erosion Assessment Report, Members with Small Farming Operations must complete and implement a Sediment and Erosion Control Plan.

2. Deadline for all Other Members[31]

Within 180 days of the Executive Officer approving the Third-Party's Sediment Discharge and Erosion Assessment Report, all other Members must complete and implement a Sediment and Erosion Control Plan.

D. Irrigation and Nitrogen Management Plan,[32] Data Supporting Nitrogen Applied/Removed Ratio, and Nitrogen Applied-Removed Difference

All Members must prepare and implement an Irrigation and Nitrogen Management Plan (INMP) for each field[33] and submit the INMP Summary Report for the previous crop year per the schedule detailed below. All Members in high vulnerability areas must have the Irrigation and Nitrogen Management Plan certified. The Member must use the INMP Template provided by the Executive Officer (see section VIII.D below).

The Executive Officer may approve the use of multi-year INMPs for categories of crops that have consistent irrigation and nitrogen planning from year to year.[34] Multi-year plans cannot exceed three years in length, and if the Member decides to vary from the plan during its implementation period, a new INMP must be prepared, certified, and implemented. Members

[31] Members with parcels that do not meet the Small Farming Operation definition (see Attachment E).

[32] The requirement for an Irrigation and Nitrogen Management Plan does not apply to irrigated pasture with no external nitrogen inputs.

[33] Where this Order requires reporting by field, Members may report data for a portion of a field or for multiple fields provided that the reported area has (1) the same crop type, (2) the same fertilizer inputs, (3) the same irrigation management, and (4) the same management practices. In no case should a reported area exceed a total size of 640 acres, and different crop types must always be reported separately even if they are within the same reporting area.

[34] Whether a specific category of crops is appropriate for multi-year INMPs will depend on factors such as crop age, the level of variation of irrigation and fertilization practices from year to year, variation of cultivation practices, and climate zone. Likely candidates for multi-year INMPs include mature orchards that are managed consistently over multiple years.

using multi-year INMPs must submit INMP Summary Reports annually. Utilization of a multi-year INMP remains at the discretion of the certifier.

An INMP must include the information identified in Attachment B MRP Section V.E for use by the Third-Party in calculating an Applied/Removed (A/R) ratio for nitrogen, and an Applied-Removed (A-R) difference for nitrogen, as defined in the equations below. The A/R ratio is the ratio of total Nitrogen Applied[35] (from sources including, but not limited to, organic amendments, synthetic fertilizers, manure, and irrigation water) to the total Nitrogen Removed[36] (including all harvested materials and nitrogen annually sequestered in permanent wood for perennial crops). The A-R difference is the difference of total Nitrogen Applied and the total Nitrogen Removed.

$$\text{A/R Ratio} = \frac{\text{Nitrogen Applied (from sources including, but not limited to, organic amendments, synthetic fertilizers, manure, and irrigation water)}}{\text{Nitrogen Removed (including all harvested materials and nitrogen annually sequestered in permanent wood for perennial crops)}}$$

$$\text{A-R Difference} = \text{Nitrogen Applied} - \text{Nitrogen Removed}$$

Total Nitrogen Removed shall be determined, in part, by multiplying a member's crop yield by a crop-specific nitrogen coefficient, C_N, provided by the Third-Party, which represents the amount of nitrogen in the harvested crop. For some crops, the data needed to develop the C_N coefficient may not yet be available. The Third-Party is directed in Attachment B MRP Section V.E to determine, through nitrogen removed testing and research, the most appropriate C_N coefficients for converting crop yield to nitrogen removed.

$$\text{Nitrogen Removed}_{(\text{lbs./acre})} = \text{Crop Yield}_{(\text{units/acre})} \times C_{N\ (\text{lbs./units})}$$

The INMP and INMP Summary Report shall be maintained at the Member's farming operations headquarters or primary place of business. The Member must provide the INMP and INMP 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. The Member must submit the INMP Summary Report to the Third-Party in accordance with the schedule below.[37] As provided in Attachment B MRP Section V, the Third-Party will provide certain INMP Summary Report data to the Executive Officer.

The INMP shall be certified in one of the following ways:

i. Certified by an Irrigation and Nitrogen Management Plan specialist as defined in Attachment E of this Order. The specialist that certifies the INMP must be capable of answering questions relevant to the INMP and should be fully competent and proficient by education and experience in the field(s) relevant to the development of an INMP; or

[35] As defined in Attachment E.

[36] As defined in Attachment E.

[37] The designation of vulnerability area may change based on updates to the Groundwater Quality Assessment Report (see the MRP – Attachment B).

ii. Self-certified by the Member who attends a California Department of Food and Agriculture (CDFA) or other Executive Officer approved training program for INMP certification. The Member must retain written documentation of their attendance in the training program and participate in any continuing education required by CDFA; or

iii. 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

iv. Self-certified by the Member if the Member states that the Member applies no fertilizer to the field; or

v. 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 INMP meets the objectives and requirements of this Order.

1. Deadlines for Members within a High Vulnerability Groundwater Area

By 1 March 2020, all Members located within a high vulnerability groundwater area, for which nitrate is identified as a constituent of concern, shall prepare a certified INMP.[38] By 1 March 2021, and annually thereafter, Members shall prepare a certified INMP and submit to the Third-Party the INMP Summary Report[39] for the previous year.

2. Deadlines for Members within a Low Vulnerability Groundwater Area

By 1 March 2020, all Members within low vulnerability areas shall prepare an INMP.[40] By 1 March 2021, Members shall prepare an INMP and submit to the Third-Party the INMP Summary Report for the previous year.

Members notified by the Third-Party as being outliers for reported AR data must have their INMP certified by an irrigation and nitrogen management plan specialist unless the Member receives additional self-certification training provided by the Third-Party.

3. Exceptions to Nitrogen Management and Reporting Requirements

a) Any category of Members (such as growers of a particular crop or growers in a particular area) seeking to be exempted from the nitrogen management requirements in this section shall make a demonstration, for approval by the Regional Board, that nitrogen applied to the fields does not percolate below the root zone in an amount that could impact groundwater and does not migrate to surface water through discharges, including drainage, runoff, or sediment erosion.

[38] For the crop years 2015 through 2019, Members shall prepare a Nitrogen Management Plan (NMP) in accordance with Order R5-2013-0120-06.

[39] For the crop years 2015 through 2019, Members shall submit to the Third-Party a NMP Summary Report in accordance with Order R5-2013-0120-06.

[40] For the crop years 2015 through 2019, Members shall prepare a NMP in accordance with Order R5-2013-0120-06.

b) Some or all growers in the three categories listed below may have alternative nitrogen reporting requirements as specified. The alternative reporting requirements can be applied upon Executive Officer approval that the grower(s) meet the stated criteria.

   i. Growers that operate in areas with evidence of no or very limited nitrogen impacts to surface water or groundwater; have minimal nitrogen inputs; and have difficulty measuring yield, may report the A value only. The Executive Officer will determine when, if at all, these growers will begin reporting R.

   ii. Diversified socially disadvantaged growers, as defined by the Farmer Equity Act of 2017, with a maximum total acreage of 45 acres; gross annual sales of less than $350,000; and a crop diversity greater than 0.5 crops per acre (one crop for every two acres), may initially report the A value only. The Executive Officer will determine when these growers will begin reporting R and whether these growers must receive targeted self-certification training. The Third-Party or the Member may propose alternative methodologies for estimating R to the Executive Officer for approval.

   iii. Growers with a maximum total acreage of 20 acres and a crop diversity greater than 0.5 crops per acre (one crop for every two acres), may initially report the A value only. The Executive Officer will determine when these growers will begin reporting R. The Third-Party or the Member may propose alternative methodologies for estimating R to the Executive Officer for approval.

   The Third-Party may propose additional categories of growers and criteria to the Executive Officer for approval of alternative nitrogen reporting requirements. Alternative reporting requirements will be specified as part of the approval process.

E. Drinking Water Supply Well Monitoring

Due to the potential severity and urgency of health issues associated with drinking groundwater with high concentrations of nitrates, Members will be required to conduct testing and monitoring of all drinking water supply wells present on enrolled parcels[41] in accordance with the schedule in Attachment B, MRP section IV.A. If a well is identified as exceeding the MCL for nitrate, the Member must notify the Central Valley Water Board and users of the well in a timely fashion in accordance with the elements described in Attachment B, MRP section IV.A.

F. 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 Third-Party. 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.

[41] Where a portion of the parcel is leased to a party other than the Member and the terms of the lease give the Member no control over the drinking water supply wells on that parcel, the owner of the parcel is responsible for the sampling of those drinking water supply wells.

G. Management Practice Implementation Reporting in Surface and Groundwater Quality Management Areas

Commencing on 1 March 2021, Members in areas subject to a SQMP or GQMP shall complete a Management Practice Implementation Report (MPIR) and submit a copy of the completed MPIR to the Third-Party group. The frequency of the MPIR submittal shall be specified by the Third-Party for each SQMP or GQMP and approved by the Executive Officer. The Member must use a MPIR form tailored to the requirements contained in each SQMP or GQMP and designed by the Third-Party and approved by the Executive Officer. The MPIR shall report management practices implemented by the Member to comply with requirements under the SQMP or GQMP. The reporting frequency shall be based on the implementation cycle of the applicable management practice.

VIII. Required Reports and Notices – Third-Party

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 Third-Party. The Third-Party shall submit reports and notices in accordance with section IX, Reporting Provisions. Due dates for Third-Party required reports are summarized in Table 2 at the end of this Order. The Third-Party must prepare the following reports:

A. Application to Serve as a Third-Party Representing Members

Within 30 days of the effective date of this Order, any group wishing to serve as a Third-Party must submit a letter to the Executive Officer requesting to serve as a Third-Party representing Members to carry out the Third-Party responsibilities. The Executive Officer will consider the following factors in determining whether to approve the request by issuing a Notice of Applicability (NOA) to the Third-Party. The NOA issued by the Executive Officer will identify the Third-Party geographic boundaries if the Third-Party requests to serve as a Third-Party for a portion of this Order's coverage area.

1. Ability of the Third-Party to carry out the Third-Party responsibilities identified in this Order, whether the Third-Party has clearly identified the geographic area proposed to be covered by the Third-Party, and should a Third-Party request to serve as a Third-Party for only a portion of this Order's coverage area, the reasonableness of the proposed boundaries.
2. Whether the Third-Party is a legally defined entity (i.e., non-profit corporation; local or state government; Joint Powers Authority) or has a binding agreement among multiple entities that clearly describes the mechanisms in place to ensure accountability to its Members.
3. Whether the Third-Party has binding agreements with any subsidiary group (e.g., subwatershed group) to ensure any Third-Party responsibilities carried out by the subsidiary group, including the collection of fees, are done so transparently and with accountability to the Third-Party and its Members. If the Third-Party will not rely on any subsidiary group to carry out any of its responsibilities, the Third-Party must state that in its application letter.
4. Whether the Third-Party has a governance structure that includes a governing board of directors composed in whole or in part of Members, or otherwise provides Members with

a mechanism to direct or influence the governance of the Third-Party through appropriate by-laws.

5. Should the Central Valley Water Board terminate an organization's role as a Third-Party or should the Third-Party submit a notice of termination, the Executive Officer will apply the above factors in evaluating the request of any successor organization to serve as a Third-Party and determining whether to approve the request by issuing an NOA.
6. A new Third-Party may form to represent growers in an existing Third-Party area, or part of that area, after a NOA has been issued to the existing Third-Party. The Executive Officer will consider the factors in VIII.A.1-4 above in determining whether to approve the request by issuing an NOA to the new Third-Party. In addition, the Executive Officer will require the new Third-Party to demonstrate acknowledgement from the existing Third-Party regarding the application by the new Third-Party group. The new Third-Party and its Members must take all actions and submit subsequent reports required by the Order on the timeline originally established by the issuance of the NOA to the original Third-Party group for the area. The proposed new Third-Party must demonstrate that it can comply with the original time schedule as part of its application to serve as a Third-Party representing Members. Any required report not submitted by the existing Third-Party, and due prior to application of the new Third-Party, must be submitted as part of the application package of the new Third-Party.

B. Selection of Salt and Nitrate Permitting Approaches

Upon receipt of a Notice to Comply, the Third-Party shall inform the Central Valley Water Board of its selected permitting approach for complying with the Salt Control Program and Nitrate Control Program, as applicable. The selections shall be made in accordance with the requirements described in Attachment B MRP section V.A. Failure to respond to a Notice to Comply within the specified time frame shall be considered a violation of this Order and may subject Members to enforcement action.

C. Membership (Participant) List

The Third-Party shall submit a list of its Members to the Central Valley Water Board within 210-days of receiving an NOA from the Board and then annually by 31 July of each year (beginning the year following initial submission of the list). 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, the name of the farm operator for each parcel, if different from the Member, and identification of each parcel that is part of a Small Farming Operation, if applicable. In lieu of providing Members' phone numbers as part of the membership list, the Third-Party may provide the office contact name(s) and phone number(s) of a representative of the Third-Party who will provide the information to Central Valley Water Board staff upon request. Any listed Third-Party 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.

D. Templates

The Executive Officer will provide templates to the Third-Party to distribute to its Members. The templates must be used to comply with the requirements of this Order, where applicable. Prior to providing the Third-Party with the templates, the Executive Officer will provide the Third-Party and other interested parties with thirty (30) days to comment on proposed templates. The following templates will be provided: Farm Evaluation; Irrigation and Nitrogen Management Plan; Irrigation and Nitrogen Management Plan Summary Report; Sediment and Erosion Control Plan; Drinking Water Notification.

E. Annual Report on Management Practice Implementation and Nitrogen Application

The Third-Party shall submit to the Executive Officer data on management practice implementation and nitrogen application as specified in Attachment B MRP sections V.D and V.E.

F. Groundwater Quality Monitoring and Protection

This Order's strategy for evaluating groundwater quality and protection consists of (1) Drinking Water Supply Well Monitoring, (2) participation in the Surveillance and Monitoring Program Requirements for the Central Valley Salt and Nitrate Control Program, (3) a Groundwater Quality Assessment Report, (4) a Management Practices Evaluation Program, (5) a Groundwater Quality Trend Monitoring Program, and (6) Groundwater Quality Management Plans that include Groundwater Protection Targets. Elements 1-5 have their own specific objectives briefly described below, with more detail provided in the attached MRP. Element 6 is briefly described in section VIII.N, and is further detailed in the attached MRP.

1. Drinking Water Supply Well Monitoring

Members shall conduct testing and monitoring of all drinking water supply wells present on enrolled parcels in accordance with Attachment B MRP section IV.A. The Third-Party, on behalf of Members, may conduct testing and monitoring of all drinking water supply wells present on enrolled parcels. If a well is identified as exceeding the MCL for nitrate, the Member must notify the Central Valley Water Board and users of the well in a timely fashion in accordance with the elements described in Attachment B MRP section IV.A.

2. Surveillance and Monitoring Program

The Third-Party, on behalf of its Members, shall provide information to the entity leading the Surveillance and Monitoring Program to allow the Central Valley Water Board to satisfy its monitoring goals. The information shall be submitted in a format and timeframe acceptable to and specified by the lead entity.

The Third-Party and its Members shall additionally participate in the lead entity's preparation of a Program Assessment Report by contributing requested funding for preparation of the report and conducting any additional activities necessary to ensure that all required information is available to the lead entity. Additional requirements for participation may be established by the lead entity.

3. 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 associated 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 Attachment B MRP section IV.B The GAR shall be submitted to the Central Valley Water Board and Central Valley Salinity Coalition within one (1) year of receiving an NOA from the Executive Officer.

4. Management Practice Evaluation Program Workplan

Upon Executive Officer approval of the GAR, the Third-Party shall develop, either solely, or as a coordinated effort (see group option below), a Management Practice Evaluation Program (MPEP) Workplan. The workplan must meet the goals, objectives, and other requirements described in Attachment B MRP section IV. The MPEP shall prioritize the determination of the crop-specific coefficients for conversion of yield to nitrogen removed and then on the determination of acceptable ranges for the multi-year A/R ratios target values by crop. In addition, the overall goal of the Management Practice Evaluation Program is to evaluate the effectiveness of management practices in limiting the discharge of waste from irrigated lands to groundwater under different conditions (e.g., soil type, depth to groundwater, irrigation practice, crop type, nutrient management practice). A MPEP may prioritize the conditions relevant to high vulnerability groundwater areas. The Third-Party may develop the workplan in accordance with one of the options described below.

a) Management Practices Evaluation Program Group Option

The Third-Party 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 Third-Party 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 Third-Party 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) Third-Party Only Management Practices Evaluation Program
Under this option, the Third-Party 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.

5. Groundwater Quality Trend Monitoring Workplan

Upon Executive Officer approval of the GAR, the Third-Party shall develop a Groundwater Quality Trend Monitoring Workplan. The workplan must meet the goals, objectives, and other requirements described in Attachment B MRP section IV. 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.

G. Surface Water Monitoring Plan

The Surface Water Monitoring Plan shall be submitted in accordance with the requirements described in Attachment B MRP section III.A. The Surface Water Monitoring Plan shall be submitted to the Executive Officer for review and approval within 180 days of receiving the NOA. If the Executive Officer disapproves the Surface Water Monitoring Plan in whole or part, the Executive Officer may issue an MRP Order to the Third-Party, or amend the attached MRP Order, to include the surface water quality monitoring elements identified in Section III.A. of the MRP.

H. Sediment Discharge and Erosion Assessment Report

The Sediment Discharge and Erosion Assessment Report shall be submitted to the Central Valley Water Board within one (1) year of receiving an NOA from the Executive Officer. Within 30 days of written acceptance of the Sediment Discharge and Erosion Assessment Report, the Third-Party shall inform those Members with parcels in areas identified in the report of their obligation to prepare a Sediment and Erosion Control Plan. The Sediment Discharge and Erosion Assessment Report shall include the elements described in Attachment B MRP section VI.

I. Surface Water Exceedance Reports

The Third-Party shall provide exceedance reports if surface water monitoring results show exceedances of adopted numeric water quality objectives or trigger limits, which are based on interpretations of narrative water quality objectives. Surface water exceedance reports shall be submitted in accordance with the requirements described in Attachment B MRP section V.G.

J. Monitoring Report

The Third-Party shall submit the Monitoring Report to the Central Valley Water Board in accordance with the requirements in Attachment B MRP section V.F.

K. Nitrate Control Program – Early Action Plans

Upon receipt of a Notice to Comply, the Third-Party[42] on behalf of those Members for which the Notice to Comply was issued shall develop Early Action Plans (EAPs) in accordance with the requirements described in Attachment B MRP section V.I. EAPs shall be designed to identify public water supply and domestic wells within a Management Zone (or area of contribution for Path A dischargers) which exceed the water quality objective for nitrate and include specific actions and a schedule of implementation that is as short as practicable to address the immediate drinking water needs of those initially identified.[43]

L. Nitrate Control Program – Initial Assessments (Path A Only)

Upon receipt of a Notice to Comply, the Third-Party on behalf of those Members for which the Notice to Comply was issued shall prepare one Initial Assessment of all applicable Member discharges as it relates to nitrate. The Initial Assessment shall be submitted as part of a Notice of Intent and shall include the components identified in MRP Section V.J unless as otherwise approved by the Executive Officer.

M. Nitrate Control Program – Preliminary Management Zone Proposals, Final Management Proposals, Management Zone Implementation Plans (Path B Only)

Upon receipt of a Notice to Comply, the Third-Party[44] on behalf of those Members for which the Notice to Comply was issued shall develop a Preliminary Management Zone Proposal, Final Management Zone Proposal, and Management Zone Implementation Plan in accordance with the requirements described in Attachment B MRP Section V.

N. Surface Water/Groundwater Quality Management Plan (SQMP/GQMP)

1. SQMP/GQMP General Requirements

SQMP/GQMPs submitted by the Third-Party shall conform to the requirements provided in the MRP, Appendix MRP-1. Existing SQMPs that were developed and approved under the Coalition Group Conditional Waiver (Conditional Waiver Order R5-2006-0053) continue to apply under this Order and shall be implemented as previously approved. Changes to any management plan may be implemented by the Third-Party only after approval by the Executive Officer. The Executive Officer may require changes to a management plan if the current management plan approach is

[42] Or separate entity of which the Third-Party is an active participant.

[43] Implementation of an Early Action Plan does not create a presumption of liability for the cause of the elevated concentrations.

[44] Or separate entity of which the Third-Party is an active participant.

not making adequate progress towards addressing the water quality problem or if the information reported by the Third-Party 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. SQMPs triggered by data gathered under Conditional Waiver Order R5-2006-0053 that were not completed or approved by the Executive Officer prior to adoption of this Order shall be completed in accordance with MRP-1 of this Order.

For newly triggered SQMP/GQMPs, the Third-Party shall submit a SQMP/GQMP to the Central Valley Water Board within sixty (60) days. 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 make the proposed SQMP/GQMP available 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 Third-Party may, at its discretion, implement outreach or monitoring contained in a proposed management plan before approval. Members shall comply with the management plans once they are approved by the Executive Officer.

The Third-Party shall ensure continued implementation of SQMP/GQMPs until approved for completion by the Executive Officer pursuant to the provisions contained in Attachment B MRP, Appendix MRP-1, section III. The Third-Party shall submit a progress report in compliance with the provisions contained in the Attachment B MRP, Appendix MRP-1, section I.F.

2. Conditions Requiring Preparation of SQMP/GQMP

Surface Water Quality Management Plan (SQMP)
A SQMP shall be developed by the Third-Party where: (1) an applicable water quality objective or applicable water quality trigger limit is exceeded (considering applicable averaging periods[45]) twice in a three year period for the same constituent at a monitoring location (trigger limits are described in section VII of the MRP) and irrigated agriculture may cause or contribute to the exceedances; (2) the Basin Plan requires development of a surface water quality management plan for a constituent or constituents discharged by irrigated agriculture, or (3) the Executive Officer determines that irrigated agriculture may be causing or contributing to a trend of degradation of surface water that may threaten applicable Basin Plan beneficial uses.

[45] Exceedances of water quality objectives or water quality triggers will be determined based on any available data, including data from a regional monitoring program, 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.

Groundwater Quality Management Plan (GQMP)
A GQMP shall be developed by the Third-Party where: (1) there is a confirmed exceedance[46] (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) in high vulnerability groundwater areas to be determined as part of the Groundwater Assessment Report process (see MRP section IV); (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, upon consideration of State Water Board Hydrogeologically Vulnerable Areas and the Department of Pesticide Regulation Groundwater Protection Areas and other relevant information, determines that irrigated agriculture may be causing or contributing to exceedances of water quality objectives or 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 Third-Party may propose activities to be conducted to determine the cause, or eliminate irrigated agriculture as a potential source instead of initiating a management plan. Requirements for source identification studies are set forth in Attachment B MRP, Appendix MRP-1, section I.G.

3. SQMP/GQMP Not Required
At the request of the Third-Party or upon recommendation by Central Valley Water Board staff, the Executive Officer may determine that the development of a SQMP/GQMP is not required. Such a determination may be issued, after opportunity for public comment, if there is sufficient evidence indicating that Members discharging waste to the affected surface or groundwater are meeting the receiving water limitations given in section III of this Order (e.g., evidence indicates that irrigated agriculture does not cause or contribute to the water quality problem) or there is sufficient evidence that the exceedance is not likely to be remedied or addressed by a management plan.

4. Comprehensive Groundwater Quality Management Plan
In lieu of submitting separate groundwater quality management plans in the timeframe identified in section VIII.N.1, the Third-Party may submit a Comprehensive Groundwater Quality Management Plan along with its Groundwater Quality Assessment Report. With the exception of the timeframe identified in section VIII.N.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 Attachment B 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.

[46] 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. The determination of an exceedance may be based on data obtained by the Regional Water Board from any source and made available in GeoTracker, including pesticide-related monitoring data collected by the Department of Pesticide Regulation.

5. Comprehensive Surface Water Quality Management Plan

In lieu of submitting separate surface water quality management plans in the timeframe identified in section VIII.N.1, the Third-Party may submit a Comprehensive Surface Water Quality Management Plan together with its Surface Water Quality Monitoring Plan. With the exception of the timeframe identified in section VIII.N.1, all other provisions applicable to surface water quality management plans in this Order and the Attachment B MRP apply to the Comprehensive Surface Water Quality Management Plan. The Comprehensive Surface Water Quality Management Plan must be updated at the same time as the Management Plan Status Report (see Attachment B MRP, Appendix MRP-1, section I.F) to address any constituents and areas that would have otherwise required submittal of a Surface Water Quality Management Plan.

O. 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.

P. Notice of Termination

If the Third-Party 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 Third-Party shall submit a notice of termination letter to the Central Valley Water Board and all of its Members. Termination of the Third-Party 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 Third-Party 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 surface and groundwaters.

Q. Total Maximum Daily Load (TMDL) Requirements

Approved TMDLs in the Basin Plan that apply to water bodies within the Third-Party's geographic area and have allocations for irrigated agriculture shall be implemented in accordance with the applicable Basin Plan provisions. Where required, the Third-Party shall coordinate with Central Valley Water Board staff to develop a monitoring design and strategy for TMDL implementation. Where applicable, SQMPs shall address TMDL requirements.

R. Basin Plan Amendment Workplan

In its Groundwater Quality Assessment Report, the Third-Party 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 Third-Party 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 Third-Party pursue this option, the Third-Party shall submit a Basin Plan Amendment Workplan (BPAW) to the Central Valley Water Board within 120 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 V.H of the MRP.

IX. Reporting Provisions

1. Members and the Third-Party must submit required reports and notices in accordance with the requirements in this Order and attached Monitoring and Reporting Program Order R5-2013-0120-09, 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, California Water Code section 13267(b)(2), and the California Food and Agriculture Code. If the Third-Party or a Member of the Third-Party 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/Third-Party 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/Third-Party 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. NOIs shall generally not be considered exempt from disclosure.
5. To the extent feasible, all reports submitted by Members shall be submitted electronically to ilrpinfo@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 Third-Party 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 Third-Party shall maintain any reports or records required by this Order for ten years. Records maintained by the Third-Party include reports and plans submitted by Members to the Third-Party for purposes of complying with this Order. Individual Member information used by the Third-Party 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 ten years from the date of sample, measurement, report, or application. This ten-year period shall be extended during the course of any unresolved litigation regarding the discharge or when requested in writing by the Executive Officer.

The Third-Party shall propose a mechanism for backing up and storing the field-specific data submitted on the Farm Evaluations, the INMP Summary Reports, and the MPIRs in a secure offsite location managed by an independent entity that specializes in the protection of data. Upon approval of the mechanism by the Executive Officer, the Third-Party shall implement the mechanism and provide documentation of the transfer of data to the independent entity.

XI. Annual Fees

1. California Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Resources Control Board (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 23 CCR section 2200. The Third-Party 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 SQMP or GQMP is required pursuant to the provisions in section VIII.J, the following time schedules shall apply as appropriate in order to allow Members sufficient time to achieve compliance with the surface and 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).

Surface water: The time schedule identified in the SQMP for compliance with Surface Water Limitation III.A must be as short as practicable, but may not exceed 10 years from the date the SQMP is submitted for approval by the Executive Officer.[47] The proposed time schedule in the SQMP must be supported with appropriate technical or economic justification as to why the proposed schedule is as short as practicable.

Groundwater: The time schedule identified in a GQMP for compliance with Groundwater Limitation III.B must be as short as practicable, and shall generally not exceed 10 years from the date the GQMP is submitted for approval by the Executive Officer.[48] For nitrate and boron only, the Central Valley Water Board maintains the discretion to extend this schedule to up to 35 years and 50 years, respectively,[49] if for nitrate there is an approved Management Zone Implementation Plan, or there is a Central Valley Water Board approved Exception to Discharge Requirements Related to the Implementation of Water Quality Objectives for Nitrate and/or Boron. The proposed time schedules must be supported with quantifiable milestones and appropriate technical or economic justification as to why the proposed schedules are as short as practicable.

This Order becomes effective 19 September 2013 and remains in effect as revised on 4 December 2014, 2 October 2015, 19 February 2016, 6 December 2016, 7 February 2019, and 22 April 2021 unless rescinded or further revised by the Central Valley Water Board.

I, PATRICK PULUPA, 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 19 September 2013, and revised on 4 December 2014, 2 October 2015, 19 February 2016, 6 December 2016, 25 April 2017, 5 May 2017, 7 February 2019, and 22 April 2021.

Original signed by

PATRICK PULUPA, Executive Officer

[47] During Phase I of the salt control program, the ten-year time schedule does not apply to salinity-based surface water limitations where the Third-Party is participating in the P&O study on behalf of its members and Members are implementing reasonable, feasible, and practicable efforts to control levels of salt in their discharge.

[48] During Phase I of the salt control program, the ten-year time schedule does not apply to salinity-based groundwater limitations where the Third-Party is participating in the P&O study on behalf of its members and Members are implementing reasonable, feasible, and practicable efforts to control levels of salt in their discharge.

[49] This provision is in regards to a revision of the Salt and Nitrate Control Program that was adopted by the Central Valley Water Board in December 2020 and is pending approval by the State Water Board and the OAL.

Figure 1 – *Map of the Tulare Lake Basin Area*

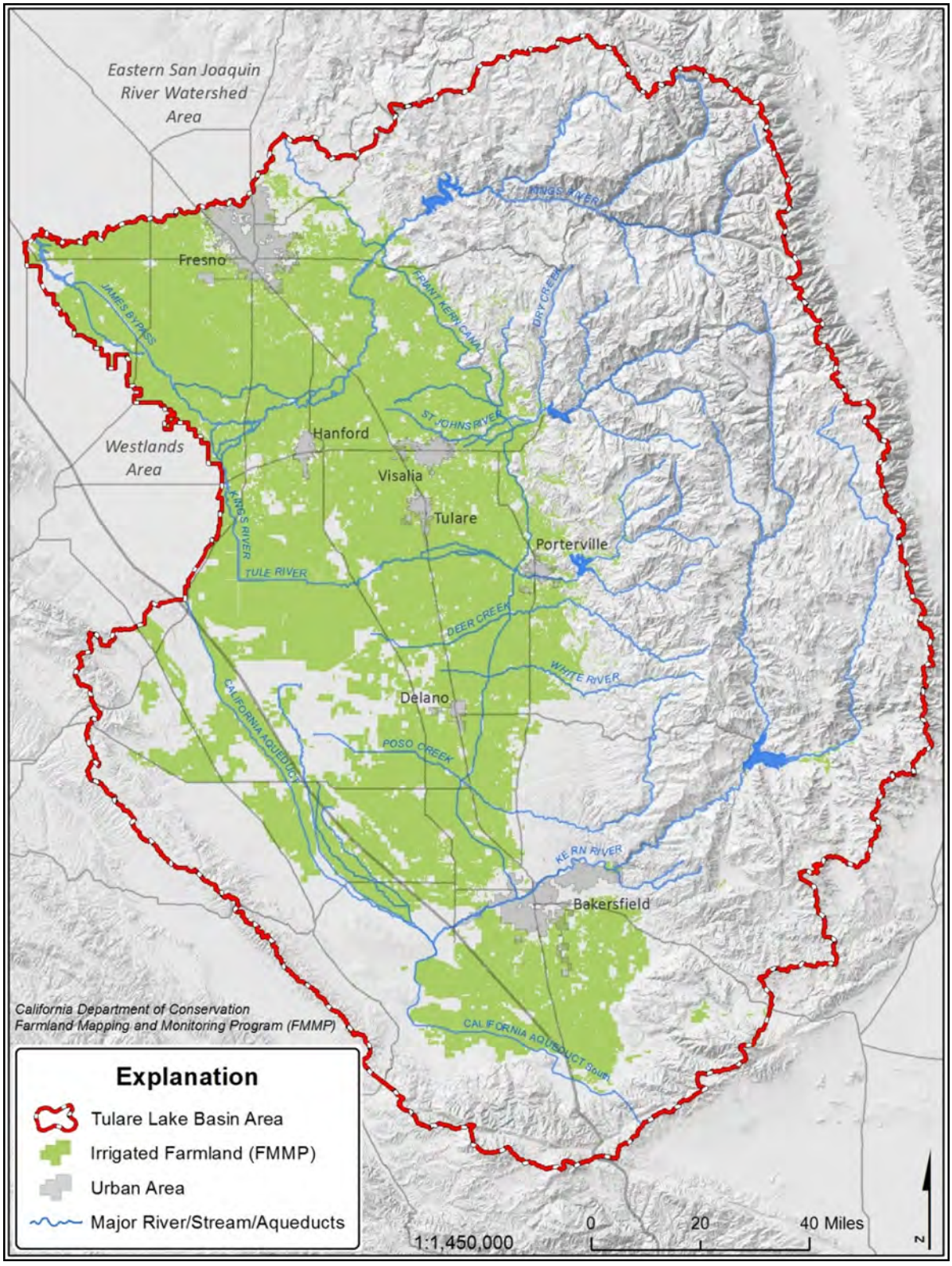

Table 1 *– Member due dates for required reports*

Report	Vulnerability	Farm Size	Due Date, Frequency
Farm Evaluations	All	All	1 March 2021, Every 5 years
Sediment and Erosion Control Plans	All farms identified in the Sediment Discharge and Erosion Assessment Report (SDEAR)	Large	180 days from approval of SDEAR
		Small	1 year from approval of SDEAR
Irrigation and Nitrogen Management Plans (INMP)	All (*Note:* INMP certification is required for Members in HVAs and Members identified as AR data outliers)	All	1 March 2020, Annual
INMP Summary Reports	All	All	1 March 2021, Annual
Management Practice Implementation Report	Members in Areas subject to a SQMP or GQMP	All	1 March 2020, Frequency to be determined

Table 2 *– Third-Party due dates for required reports*

Report	Due Date
Surface Water Monitoring Plan	180 days after Notice of Applicability (NOA)
Sediment Discharge and Erosion Assessment Report (SDEAR)	1 year from issuance of NOA
Groundwater Quality Assessment Report (GAR)	1 year from issuance of NOA
Management Practices Evaluation Workplan	*Group option:* 2 years from GAR approval
	Third-Party only option: 1 year from GAR approval
Groundwater Quality Trend Monitoring Workplan	1 year from GAR approval

California Regional Water Quality Control Board Central Valley Region

Attachment A to Order R5-2013-0120-09 Information Sheet

Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group

Table of Contents

Overview

This attachment to Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party group, Order R5-2013-0120-09 (referred to as the "Order") is intended to provide information regarding the rationale for the Order, general information on surface and groundwater monitoring that has been conducted, and a discussion of this Order's elements that meet required state policy.

Introduction

There are numerous irrigated agricultural operations within the boundaries of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on over 7 million acres. Common to all types of these operations is the use of water to sustain crops. Depending on irrigation method, water use, geography, geology, climate, and the constituents (e.g., nutrients, pesticides, pathogens) present or used at a site, water discharged from the site may carry these constituents as waste off site and into groundwater or surface waters.

The Central Valley Water Board's Irrigated Lands Regulatory Program (ILRP) was initiated in 2003 with the adoption of a conditional waiver of Waste Discharge Requirements for discharges from irrigated lands. The 2003 conditional waiver was renewed in 2006, and again in 2011. The conditional waiver's requirements are designed to reduce wastes discharged from irrigated agricultural sites (e.g., tailwater, runoff from fields, subsurface drains) to Central Valley surface waters (Central Valley Water Board 2011).

In addition to providing conditions, or requirements, for discharge of waste from irrigated agricultural lands to surface waters, the Central Valley Water Board's conditional waiver included direction to Central Valley Water Board staff to develop an environmental impact report for a long-term ILRP that would protect waters of the state (groundwater and surface water) from discharges of waste from irrigated lands. Although the requirements of the conditional waiver are aimed to protect surface water bodies, the directive to develop a long-term ILRP and environmental impact report is not as limited, as waters of the State include ground and surface waters within the State of California (*California Water Code*, Section 13050[e]).

The Central Valley Water Board completed an *Existing Conditions Report* (ECR) for Central Valley irrigated agricultural operations in December 2008. The ECR was developed to establish baseline conditions for estimating potential environmental and economic effects of long-term ILRP alternatives in a program environmental impact report (PEIR) and other associated analyses.

In fall 2008, the Central Valley Water Board convened the Long-Term ILRP Stakeholder Advisory Workgroup (Workgroup). The Workgroup included a range of stakeholder interests representing local government, industry, agricultural coalitions, and environmental/ environmental justice groups throughout the Central Valley. The main goal of the Workgroup was to provide Central Valley Water Board staff with input on the development of the long-term ILRP. Central Valley Water Board staff and the Workgroup developed long-term program goals and objectives and a range of proposed alternatives for consideration in a PEIR and corresponding economic analysis. In August 2009 the Workgroup generally approved the goals,

objectives, and range of proposed alternatives for the long-term ILRP. The Workgroup did not come to consensus on a preferred alternative.

The Central Valley Water Board's contractor, ICF International, developed the Program Environmental Impact Report (PEIR)[1] and Economics Report[2] for consideration by the Board. The PEIR analyzed the range of proposed alternatives developed by the Workgroup. The Draft PEIR was released in July 2010, and the Final PEIR was certified by the Board in April 2011 (referred to throughout as "PEIR"). In June 2011, the Board directed Central Valley Water Board staff to begin developing waste discharge requirements (orders) that would implement the long-term ILRP to protect surface and groundwater quality. During 2011, the Board reconvened the Stakeholder Advisory Workgroup to provide additional input in the development of the orders. Also, during the same time, the Board worked with the Groundwater Monitoring Advisory Workgroup to develop an approach for groundwater monitoring in the ILRP.

The Board's intent is to develop seven geographic and one commodity-specific general waste discharge requirements (general orders) within the Central Valley region for irrigated lands owners/operators that are part of a Third-Party group. In addition, the Board intends to develop a general order for irrigated lands owners/operators that are not part of a Third-Party group. Towards this goal, on 7 December 2012 the Board adopted Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group, Order R5-2012-0116.

The geographic/commodity-based orders will allow for tailoring of implementation requirements based on the specific conditions within each geographic area. At the same time, the Board intends to maintain consistency in the general regulatory approach across the orders through the use of templates for grower reporting, as well as in the focus on high vulnerability areas and areas with known water quality issues. The Order includes provisions to reduce the reporting requirements for small farming operations and areas of low vulnerability.

Goals and Objectives of the Irrigated Lands Regulatory Program

The goals and objectives of this Order, which implements the long term ILRP in the Tulare Lake Basin Area, are described below. These are the goals described in the PEIR for the ILRP.[3]

> *"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*

[1] ICF International. 2011. Irrigated Lands Regulatory Program, Program Environmental Impact Report. Draft and Final. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA.

[2] ICF International. 2010. Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program) (Economics Report).

[3] PEIR, page 2-6

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., DPR, the California Department of Public Health [DPH] Drinking Water Program, 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 [USGS], 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."*

Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS)

On 31 May 2018, the Central Valley Water Board adopted Resolution No. R5-2018-0034 which amended the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan) to incorporate the Salt and Nitrate Control Program for the Central Valley. Additional targeted revisions to the amendments were adopted by the Central Valley Water Board on 10 December 2020. The amendments were designed to address both legacy and ongoing salt and nitrate accumulation issues, and establish a prioritized nitrate control program for discharges to groundwater and a phased salt control program for discharges to surface water and groundwater throughout the Central Valley. This Order contains the requirement for a Third-Party, on behalf of its Members, to select a desired permitting approach for addressing each of these two programs, respectively. Correspondingly, monitoring and reporting requirements specific to each permitting approach have been incorporated. It is anticipated that as long-term strategies for addressing salt and nitrate issues in the Central Valley continue to develop, this Order will be further revised to accommodate necessary changes to the monitoring and reporting requirements.

Description of Waste Discharges from Irrigated Lands that may affect Water Quality

The definition of waste discharges from irrigated lands is provided in Appendix E as: *"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…"*

As described in the definition, there exist multiple potential pathways for wastes from irrigated lands to waters of the state, where such waste discharge could affect the quality of waters of the state. Basic physical processes (e.g., contaminants going into solution in water and gravity) result in water containing waste to flow through soil or other conduits to underlying groundwater or result in water flowing over the land surface into surface water. In addition, material sprayed on the crop (such as pesticides) can drift in the wind and reach surface waters. Since farming takes place on landscapes connected to the surrounding environment (an open system), a farmer cannot prevent these physical processes from occurring. However, a farmer can take steps to limit the amount of wastes discharged and the subsequent effect on water quality.

If an operation believes it is not subject to the requirements of the Order, it may submit a report to the Central Valley Water Board describing the waste discharge (e.g., whether there is a potential to affect groundwater quality). Upon review of the report, the Central Valley Water Board may choose to waive the requirement to obtain WDRs, issue individual WDRs specific to the operation, or seek to enroll the operation under the Order.

Description of the Tulare Lake Basin Area

The Tulare Lake Basin Area encompasses approximately 2.89 million acres of irrigated agricultural lands which are distributed across portions of Fresno and Kern Counties, and the entirety of Tulare and Kings counties (Figure 1). Approximately 350,000 of these acres are regulated under the Central Valley Water Board General Order for Existing Milk Cow Dairies. The Tulare Lake Basin Area comprises one of the most important agricultural centers in the United States, containing the top three counties in the state for agricultural sales, totaling over $15 billion in revenue (California Department of Food and Agriculture, 2011-2012). The Tulare Lake Basin Area also includes the top three counties in the state for pesticide applications, totaling 69 million pounds of active pesticide ingredients applied during 2010 (California Department of Pesticide Regulation, 2010 summary data).

Geographically, the Tulare Lake Basin Area is bounded by the Sierra Nevada on the east, the Tehachapi Mountains on the south, the Coast Ranges (and the Westlands coalition) on the west and the San Joaquin River on the north. The basin is normally a hydrologically closed basin except during periods of above average surface water flows, when flood control waters are diverted out of the basin through Fresno Slough and James Bypass into the San Joaquin River. Additional diversions both within the basin and out of the basin occur as water transfers and exchanges via the Cross Valley Canal to the California Aqueduct (U.S. Bureau of Reclamation, 2008).

The San Joaquin, Kings, Kaweah, Tule, and Kern rivers drain the west face of the Sierra Nevada mountain range and provide the bulk of the surface water supply native to the basin. These rivers have produced a broad, extensive network of alluvial fans which drained into topographically closed sinks, such as Tulare Lake, Kern Lake, and Buena Vista Lake. In addition to the native supply, imported surface water enters into the Tulare Lake Basin through the San Luis Canal/California Aqueduct System, Friant-Kern Canal, and Delta-Mendota Canal.

The natural hydrology of the Tulare Lake Basin Area has been extensively modified over the last 150 years. Channelization of the area's rivers and streams coupled with development of a vast system of irrigation canals and ditches allow for the transfer and mixing of surface waters from a variety of different sources (e.g., the water contained in Cross Creek [west of Visalia] may be from the Kings River, the Kaweah River, the Friant-Kern Canal [San Joaquin River water], Cottonwood Creek or a mixture of these waters).

The Tulare Lake Basin Area includes all or portions of 17 groundwater basins/sub-basins (Figure 2).; however, the majority of irrigated agricultural activities occur in the Central Valley, with minor or no activity in the smaller basins within the surrounding Sierra Nevada, Tehachapi Mountains, and Coast Ranges.

Sediments in the eastern part of the Central Valley are derived from crystalline granitic rocks of the Sierra Nevada. The sediments typically consist of highly permeable medium- to coarse-grained sands with low total organic carbon, and form broad alluvial fans where the streams enter the valley. These deposits generally are coarsest near the upper parts of the alluvial fans and finest near the valley trough (Page, 1986). The alluvial deposits of the western part of the valley are derived from the marine sedimentary deposits that comprise the Coast Ranges and tend to be of finer texture relative to those of the eastern part of the valley and have higher clay content. Lacustrine and marsh deposits exist beneath the Buena Vista, Kern and Tulare Lake beds and along the western flank of the valley. These deposits are composed primarily of silts and clays with sand interbeds. The most laterally continuous of these units have been designated from the youngest to oldest by the letters A through F. The most prominent of these clay units is the modified E Clay or Corcoran Clay Member of the Tulare Formation (Corcoran Clay) which extends throughout the majority of western and southern Tulare Lake Basin (absent along the eastern boundary and in the Bakersfield area). The Corcoran Clay generally separates unconfined groundwater conditions above the clay from confined conditions below the clay (Figure 3). This results in two zones with distinctly different groundwater chemistries (Page, 1968).

Groundwaters containing high total dissolved solids (TDS) concentrations are found primarily along the west side of the San Joaquin Valley and in the trough of the valley. High TDS content of west-side water is due to recharge of stream flow originating from marine sediments in the Coast Range, and percolation from irrigation and rainfall events passing through soils derived from marine sediments. High TDS content in the trough of the valley is the result of concentration of salts due to evaporation and poor drainage (DWR, California's Groundwater Update, 2003). In the central and west-side portions of the valley, where the Corcoran Clay confining layer exists, water quality is generally better beneath the clay than above it.

Primary sources of groundwater recharge in the Tulare Lake Basin Area include percolation of irrigation water; seepage from rivers, streams, and irrigations canals; rainfall infiltration; and in the area near Fresno, Visalia, and Bakersfield, engineered recharge primarily of runoff from the nearby Sierra Nevada (California Department of Water Resources, Bulletin 118, 2003 update; Wright and others, 2004). Discharge from the aquifer is primarily from ground-water pumping for irrigation and public water supply. Until recently, Fresno and Visalia were entirely dependent on groundwater for their supply, and Fresno was the second largest city in the U.S. reliant solely on groundwater (California Department of Water Resources, Bulletin 118, update 2003). Many public water supply systems within the Tulare Lake Basin Area remain totally dependent on groundwater for drinking water.

The top ten crops based on 2010 total harvested acreage in the Tulare Lake Basin are (listed in decreasing order): hay, grains (includes barley, wheat, rice and corn), grapes (table and wine), almonds, cotton, citrus, tomatoes, pasture, stone fruit (includes peaches, apricots, cherries, nectarines, plums, and pluots), and pistachios. This list includes the acreage in the Westlands coalition, so does not necessarily represent the top ten crops for the Tulare Lake Basin Area covered by this Order. There were over 100 crops grown in the Tulare Lake Basin Area watershed in 2010.

Southern San Joaquin Valley Water Quality Coalition (SSJVWQC) Organization

The SSJVWQC submitted a Notice of Intent in October 2003 and received a Notice of Applicability (NOA) from the Executive Officer in 2004. The NOA approved the SSJVWQC's request to operate as a lead entity under the previous Coalition Group Conditional Waiver within its boundaries. Similar to the Coalition Group Conditional Waiver, this Order has been written for a Third-Party to provide a lead role in conducting monitoring, educating member growers (Members), developing water quality management plans, and interacting with the Central Valley Water Board on behalf of Members. Due to a substantial number of new requirements, this Order requires that the Third-Party submit a new application to serve as a Third-Party representing growers under this Order if it chooses to continue representing Members. This Order will apply to any Third-Party within the Tulare Lake Basin Area that receives a NOA from the Executive Officer.

Buena Vista Water Quality Coalition Organization

The Buena Vista Water Quality Coalition submitted a Notice of Intent in June 2013 and received a Notice of Applicability (NOA) from the Executive Officer in June 2013. The NOA approved the

Buena Vista Coalition's request to operate as a lead entity under the previous Coalition Group Conditional Waiver within its boundaries. Similar to the Coalition Group Conditional Waiver, this Order has been written for a Third-Party to provide a lead role in conducting monitoring, educating member growers (Members), developing water quality management plans, and interacting with the Central Valley Water Board on behalf of Members. Due to a substantial number of new requirements, this Order requires that the Third-Party submit a new application to serve as a Third-Party representing growers under this Order if it chooses to continue representing Members. This Order will apply to any Third-Party within the Tulare Lake Basin Area that receives a NOA from the Executive Officer.

Grower Enrollment Process

The enrollment process whereby growers obtain membership in the Third-Party group under this Order is designed to incentivize speedy enrollment by increasing both submittal requirements and fees due for those who wait to obtain regulatory coverage. Members in good standing when the Order is adopted, as well as growers needing membership, will have a 180-day period (after the NOA is issued by the Executive Officer for the Third-Party) to complete enrollment before additional requirements are initiated. Members in good standing will submit a one-page Notice of Confirmation (NOC) to the Third-Party, confirming that they would like to continue membership in the Third-Party and that they are familiar with the new Order's requirements. Other growers will submit a membership application to the Third-Party and will be notified by the Third-Party when their membership is approved. This will streamline the initial enrollment process for the bulk of the irrigated agricultural operations within the Tulare Lake Basin Area.

Growers that do not enroll within the 180-day enrollment period, 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) a Membership application to the Third-Party group. 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.

The Third-Party will provide an annual Membership List to the Central Valley Water Board that will include everyone who enrolled. The Membership List will specify Members in good standing as well as revoked memberships or pending revocations. Central Valley Water Board staff will conduct enforcement activities as needed using the list of revoked/pending revocations.

Groundwater Quality Vulnerability

The concept of higher and lower vulnerability areas was integrated into the Order to allow the Central Valley Water Board to tailor requirements to applicable waste discharge conditions. Resources can be focused on areas that need enhanced water quality protection, because the Third-Party 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.

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 Quality Assessment Report (GAR), where available information indicates irrigated lands could cause or contribute to an exceedance of water quality objectives or to degradation of groundwater quality that may threaten applicable beneficial uses. The GAR may rely on water quality data to identify high vulnerability areas or may rely on assessments of hydrogeological conditions and other factors (e.g., areas with coarse-grained sediments) to identify high vulnerability areas. The Third-Party 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. Examples of assessments that the Third-Party should review include: the Department of Pesticide Regulation (DPR) Ground Water Protection Areas and the State Water Resources Control Board (State Water Board) Hydrogeologically Vulnerable Areas.

In general, low vulnerability areas for groundwater are areas that do not exhibit characteristics of high vulnerability groundwater areas (as defined in Attachment B, Monitoring and Reporting Program [MRP] Order R5-2013-0120-09).

Vulnerability designations will be proposed by the Third-Party, based on the high and low vulnerability definitions provided in Attachment E of the Order. Vulnerability designations will be refined and updated periodically per the GAR and Monitoring Report processes (described in the MRP). The Executive Officer will make the final determination regarding the irrigated lands waste discharge vulnerability areas.

Surface Water and Groundwater Monitoring

Surface Water Quality Monitoring

Irrigated Lands Regulatory Program (ILRP) – Surface Water Quality Monitoring

The SSJVWQC has been operating under a Monitoring and Reporting Program Plan (MRP Plan) prepared according to the Monitoring and Reporting Program Order R5-2008-0005 (previous MRP Order) for Coalition Groups under the amended Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Order R5-2006-0053. The MRP Plan, together with the SSJVWQCs approved Management Plans (described below), provide Order specific information/details necessary for the development of a work plan for the monitoring and reporting program, including: environmental monitoring, quality assurance and quality control, outreach, and tracking and reporting on progress.

The previous MRP Order (R5-2008-0005), the SSJVWQC required three types of water quality monitoring: Core, Assessment, and Special Project. Core monitoring was designed to evaluate general water quality trends over time at the Core sites and included general physical parameters, nutrients, and pathogens. Assessment monitoring rotated through Assessment sites and included analyses for a large suite of constituents. Core monitoring sites underwent Assessment monitoring every three years. Special Project monitoring occurred when the

requirement for a management plan was triggered and additional data were needed to identify sources of the exceedances, as well as to assess water quality improvement due to implementation of management practices.

The basic questions to be answered by the updated surface water quality monitoring program are similar to those established under the previous MRP Order (R5-2008-0005):

1. Are receiving waters to which irrigated lands discharge meeting applicable water quality objectives and Basin Plan provisions?
2. Are irrigated agricultural operations causing or contributing to identified water quality problems?[4] If so, what are the specific factors or practices causing or contributing to the identified problems?
3. Are water quality conditions changing over time (e.g., degrading or improving as new management practices are implemented)?
4. Are irrigated agricultural operations of Members in compliance with the provisions of the Order?
5. Are implemented management practices effective in meeting applicable receiving water limitations?
6. Are the applicable surface water quality management plans effective in addressing identified water quality problems?

The questions are addressed in the current program through the following monitoring and information gathering approaches:

1. The “Core”, “Assessment”, “Ephemeral”, and “Representative” monitoring sites comprehensively cover the sections of the Tulare Lake Basin Area with irrigated agricultural operations. The requirement to evaluate materials applied to crops or constituents mobilized by irrigated agricultural operations will result in monitoring of those constituents in receiving waters. The monitoring sites selected by the Third-Party must be fully representative of the effects of irrigated agricultural waste discharges on all receiving waters within the Tulare Lake Basin (in consideration of potential discharge constituents, hydrogeological conditions, and other relevant factors). So as, when taken together, all Tulare Lake Basin surface waters with the potential to receive irrigated agricultural wastes must be monitored or represented by surface water monitoring sites. The Order requires that any monitoring and follow-up actions (e.g., implementation of practices) triggered by results from a monitoring site will apply to irrigated agricultural operations in the represented upstream watershed, as well as all irrigated agricultural operations represented by that monitoring site. Through representative site selection and appropriate water quality monitoring, potential impacts to all surface water bodies accepting Member waste discharges are monitored to determine compliance with the Order’s conditions;
2. The monitoring and evaluation approach required as part of surface water quality monitoring and management plan development and implementation will address this

[4] “Water quality problem” is defined in Attachment E.

question (see below and the requirements associated with surface water quality management plans);

3. Both “Special Project” monitoring associated with management plans and the monitoring conducted at “Core” monitoring sites should be sufficient to allow for the evaluation of trends. The requirements to gather information on management practices will provide additional information to help estimate whether any changes in trends may be associated with the implementation of practices;
4. As described in point 1 above, the monitoring sites selected must be fully representative of the effects of irrigated agricultural waste discharges on surface waters within the Tulare Lake Basin. Therefore, the surface water monitoring required will allow for a determination as to whether discharges from irrigated lands are protective of beneficial uses and meeting water quality objectives. Other provisions in the MRP will result in the gathering of information that will allow the Central Valley Water Board to evaluate overall compliance with the Order;
5. Evaluation of the monitoring data collected under the Surface Water Monitoring Plan, in addition to any Special Project monitoring required by the Executive Officer, will allow the Central Valley Water Board to determine whether management practices representative of those implemented by irrigated agriculture are effective. In addition, information developed through studies outside of these requirements can be used to evaluate effectiveness; and
6. The monitoring associated with management plans will be tailored to the specific constituents of concern and the time period when they are impacting water quality. Under these plans additional monitoring is required to track effectiveness of the plan and the effectiveness of new practices implemented by Members in achieving compliance with the Order’s receiving water limitations. This monitoring must be representative of the irrigated agricultural waste discharges that are potential sources of the water quality problem. Therefore, the water quality data gathered, together with management practice information, will be sufficient to determine whether the management plans are effective.

The surface water monitoring required by this Order’s Monitoring and Reporting Program R5-2013-0120-09 (MRP) has been developed using the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Order R5-2006-0053), its associated Monitoring and Reporting Program Order R5-2008-0005, and the SSJVWQC’s November 2009 conditionally approved MRP Plan as a foundation. However, a number of changes were made to address Tulare Lake Basin Area specific conditions and to improve the cost-effectiveness of the surface water monitoring effort while ensuring that the data collected are the most appropriate for answering the monitoring questions.

The primary changes were to: 1) eliminate the set frequency for monitoring; 2) eliminate the set parameter list for metals and pesticides; 3) continue monitoring of exceeded Assessment parameters during Core monitoring; and 4) add Ephemeral monitoring to better conform to the unique conditions within the Tulare Lake Basin Area.

The rationale for the above changes is as follows:

1. The previous requirement to monitor monthly resulted in monitoring during months in which no problems would be expected and infrequent monitoring during peak periods when potential problems could occur. The Third-Party will be required to evaluate pesticide use patterns and peak times when pesticides/metals from irrigated agriculture operations may cause problems in surface water. Based on that evaluation, the Third-Party will propose a frequency and time period to conduct monitoring that will adequately characterize surface waters receiving irrigated agricultural waste discharges;
2. The set list of parameters resulted in monitoring of some pesticides and metals that are unlikely to result in water quality problems. Also, in some cases pesticides that could be discharged and cause or contribute to a water quality problem were not monitored. The Third-Party will be required to evaluate use patterns and properties (e.g., physical-chemical characteristics) and propose a list of metals to monitor. Central Valley Water Board staff will work with DPR to develop a list of pesticides for monitoring by the Third-Party;
3. The previous requirement for Core monitoring did not include provisions for continued monitoring of Assessment parameters (pesticides and metals) that exceeded a water quality objective or trigger limit during the preceding Assessment monitoring period. This lack of information during Core monitoring limits the ability to evaluate water quality trends over time, which is needed to assess the effectiveness of management practices that may reduce or eliminate discharges contributing to the exceedance. In addition, continued monitoring of exceeding Assessment parameters during Core monitoring may be needed to trigger a Management Plan if discharges of the exceeding constituent are only prevalent within a single month. The previous requirements would not re-analyze the exceeding constituent until the following Assessment period, which is outside of the three-year timeframe for triggering a Management Plan; and
4. The addition of Ephemeral monitoring will address the unique nature of the Tulare Lake Basin Area's surface water systems which include heavily modified natural waterways, a large number of controlled constructed water conveyance features (canals), and the general ephemeral nature of the majority of the regions streams.

This Order's MRP requires the development of a Surface Water Monitoring Plan which will utilize four different but interrelated types of surface water monitoring sites: 1) fixed, long-term Core sites (as in the previous program), 2) Assessment sites (previous program), 3) Ephemeral sites (new), 4) Special Project sites (previous program), and the use of Representative monitoring (previous program). The addition of Ephemeral monitoring and the continuation of the requirement to develop new Assessment sites are based upon unique differences that exist between the various types of surface waterways present in the Tulare Lake Basin Area.

Types of waterways include:

1. Perennial streams (flows continuously throughout the year) which include portions of the Kings, Kaweah, Tule, and Kern rivers;
2. Intermittent streams (streams that flow only certain times of the year) such as Packwood Creek or Deer Creek or the lower portions of the Kaweah and Tule River systems (these natural or modified natural waterways are typically used during a portion of each year as

conveyance structures for irrigation flows [primarily derived from the Friant-Kern Canal] or storm water flows/groundwater recharge flows);

3. Ephemeral streams (a stream which carries water only during and immediately after periods of precipitation or snow melt); and
4. Constructed conveyance structures (e.g., Friant-Kern Canal, Homeland Canal, Lakeside Ditch, and Westside Canal) which are used to move waters of the state throughout the region (not intended to apply to on farm conveyance structures) for irrigation purposes and have the potential to be impacted by agricultural operations (spray drift, tailwater, tile drainage, or storm water flows).

Core Monitoring

Core monitoring sites will continue to be used to track trends in water quality over time. The three-year period of monitoring for Core sites remains the same as the previous monitoring schedule, with each Core site being sampled on a rotating basis consisting of one year of Assessment monitoring parameters followed by two years of Core monitoring parameters, with the cycle then repeated. In addition to the required Core monitoring parameters provided in the Monitoring and Reporting Program, Core monitoring sites will also be monitored for any parameters that exceeded a water quality objective or trigger limit during the preceding Assessment monitoring period through the first year of Core monitoring. The frequency of monitoring (monthly, irrigation season/storm season or other) will now be proposed by the Third-Party for each Core site (for both Core and Assessment parameters). The proposed frequency is to be based upon site conditions (presence or absence of surface water or change in the source of water [natural stream flow vursus irrigation waters introduced into the channel from off stream reservoirs or canals], crop types [permanent crops, row crops, etc.] and crop requirements [timing of irrigation, timing of nutrient and pesticide applications]). This approach will ensure that each Core site will undergo periodic comprehensive Assessment monitoring necessary to allow Central Valley Water Board to track and identify any significant changes, while still gathering trend information and not imposing an undue cost burden.

Assessment Monitoring

Assessment monitoring will be conducted for the period of one year at all newly established sites. The monitoring will be repeated on a regular basis with the period of rotation to be proposed by the Third-Party. Rotation will be continuous so that any given water body will be reassessed on a regular basis. This strategy will allow for the characterization of a large number of water bodies throughout the Third-Party area over time. Regardless of the rotation frequency, the Third-Party must choose sites that are representative to ensure characterization of all similar surface water bodies receiving irrigated agricultural wastes within the Third-Party area. Representative Assessment sites will be selected considering similarities in hydrology, crop types, pesticide use, and other factors that affect the discharge of wastes from irrigated lands to surface waters.

Ephemeral Monitoring

A large number of ephemeral streams that may be impacted by agricultural operations (e.g., spray drift, tailwater flows, and/or storm water runoff) are present in the western, eastern and southern portions of the Tulare Lake Basin Area. Because ephemeral waterways are typically dry for extended periods of time (in some cases for multiple years), ephemeral monitoring will be conducted monthly, whenever surface water is present. Due to the large number of ephemeral

waterways, monitoring may be most effectively accomplished using representative monitoring sites. The number and locations of sites chosen for representative ephemeral monitoring will be proposed by the Third-Party group.

Special Project Monitoring
Special Project Monitoring sites will be established as needed to implement a Surface Water Quality Management Plan (SQMP), to evaluate commodity or management practice-specific effects on identified water quality problems,[5] to evaluate sources of identified water quality problems, and to provide feedback on whether the SQMP actions are achieving the Order's receiving water limitations.

Representative Monitoring
A representative monitoring strategy may be used by the Third-Party to create an effective monitoring plan that allows monitoring of all surface waters of the State within the boundaries of the Third-Party area. Although representative monitoring may be most effective in addressing monitoring requirements on ephemeral streams, it may also be useful in designing a surface water plan that incorporates new sites for Assessment and Core monitoring.

Surface Water Quality Management Plans

Since 2004, the SSJVWQC has collected surface water quality monitoring data at 41 monitoring sites. Under Conditional Waiver Order R5-2006-0053, twenty-four SQMPs were required for waterways where there was an exceedance of a water quality objective or trigger limit[6] more than one time in a three-year period. There are currently SQMPs required for the following water quality characteristics, constituents, or toxicity: pH, electrical conductivity, dissolved solids, dissolved oxygen, E. coli, fecal coliform, boron, molybdenum, chlorpyrifos, DDE, toxaphene, Ceriodaphnia dubia, Pimephales promelas, Selenastrum capricornutum, and Hyalella azteca. Some of the SSJVWQC's Management Plans have been approved, and some are under Central Valley Water Board staff review. This Order requires that currently approved Management Plans continue to be implemented, and any additional required Management Plans be completed, implemented, and updated once approved.

Similar to the previous Order (Coalition Group Conditional Waiver), this Order requires the Third-Party to develop SQMPs for watersheds where there is an exceedance of a water quality objective or trigger limit more than one time in a three-year period. SQMPs may also be required where there is a trend of degradation that threatens a beneficial use. SQMPs are the key mechanism under this Order to help ensure that waste discharges from irrigated lands are meeting Surface Water Discharge Limitation III.A. The limitations apply immediately unless the Member is implementing a SQMP in accordance with an approved time schedule. The SQMP will include a schedule and milestones of 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 limitation, as well as a timetable for implementation of identified management practices. The SQMP will include a schedule for implementing practices that are known to be effective protecting surface water quality. The

[5] "Water quality problem" is defined in Attachment E.

[6] Trigger limits are discussed below under "Water Quality Objectives."

SQMP must also identify an approach for determining the effectiveness of the implemented management practices in protecting surface water quality.

The main elements of SQMPs are to A) investigate potential irrigated agriculture sources of waste discharge to surface water; B) review physical setting information for the plan area such as existing water quality data; C) considering elements A and B, develop a strategy with schedule and milestones to implement practices to ensure waste discharges from irrigated agriculture are meeting Surface Water Limitation III.A; D) develop a monitoring strategy to provide feedback on SQMP progress; E) develop methods to evaluate data collected under the SQMP; and F) provide annual reports to the Central Valley Water Board on progress.

Elements A – F are necessary to establish a process by which the Third-Party 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 Members (element C), ensure that adequate feedback monitoring is conducted to allow for evaluation of SQMP effectiveness (elements D and E), and facilitate efficient Central Valley Water Board review of data collected on the progress of the SQMP (element F).

The SQMPs required by this Order require the Third-Party to include the above elements. SQMPs will be reviewed and approved by the Executive Officer. Also, because SQMPs may cover broad areas potentially impacting multiple surface water users in the plan area, these plans will be made available for public review. Prior to plan approval, the Executive Officer will consider public comments on proposed SQMPs.

The burden of the SQMP, including costs, is reasonable. The Central Valley Water Board must be informed of the efforts being undertaken by irrigated agricultural operations to address identified surface water quality problems. In addition, a regional SQMP is a reasonable first step to address identified surface water quality problems, since the monitoring and planning costs are significantly lower, when undertaken regionally by the Third-Party, than requiring individuals to undertake similar monitoring and planning efforts. However, if the regional SQMP does not result in the necessary improvements to water quality, the burden, including costs, of requiring individuals 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 Central Valley Water Board to evaluate the compliance of regulated growers with applicable orders; 2) the need of the Central Valley Water Board to understand the effectiveness of practices being implemented by regulated growers; and 3) the benefits to all users of that surface water of improved water quality.

Groundwater Quality

Groundwater Monitoring Advisory Workgroup

The Groundwater Monitoring Advisory Workgroup (GMAW) consists of groundwater experts representing state agencies, the United States Environmental Protection Agency (USEPA), the United States Geological Survey (USGS), 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.

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_3-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 Central Valley Water 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 Central Valley Water Board considered the above questions in developing the Order's groundwater quality monitoring and management practices assessment, and evaluation requirements.

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 Third-Party 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 Order. The strategy for 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 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 Third-Party's boundaries, it is anticipated that the Third-Party will rank or prioritize it's 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 Members, whether the Member is in a high or low vulnerability area (see section IV.C.21 of the 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 Central Valley Water Board. The Third-Party 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 Central Valley Water Board anticipates that the MPEP workplan will likely propose using a variety of tools, such as vadose zone monitoring, modeling, and groundwater monitoring. The Third-Party 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 Third-Party 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), 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 Members 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 Third-Party 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, 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 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 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 Tulare Lake Basin Area. In this way, the Board will evaluate whether waste discharges from irrigated agricultural operations are protective of groundwater quality throughout the Tulare Lake Basin Area. Where the MPEP finds that additional “protective” practices must be implemented in order to ensure that Member waste discharges are in compliance with the Order’s receiving water limitations, the Order requires Members 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.

Data Summary, Pesticides

Monitoring data collected for two studies conducted by the State Water Resources Control Board (State Water Board) and the United States Geological Survey (USGS) in 2006 showed detections of pesticides used by agriculture in groundwater within the Tulare Lake Basin Area (Burton, and Belitz, 2006), and (Shelton, et al., 2006). Pesticides and pesticide degradates were detected in greater than 50 percent of wells (46 wells of 83 wells sampled) in the southeastern San Joaquin Valley (study area entirely contained within the Tulare Lake Basin Area) in 2006, and 60 percent of wells (30 wells of 50 wells samples) in the Kern County Subbasin Study Unit in 2006. Most frequently detected pesticides in the studies include deethylatrazine (degradate of triazine herbicides, e.g., atrazine), simazine, atrazine, 3,4-Dichloroaniline (degradate of Diuron

herbicide), DBCP, and prometron (triazine herbicide). Most pesticide detections were below health-based thresholds and applicable water quality objectives. Analyses were not run for all pesticides used in the study areas.

The California Department of Pesticide Regulation (DPR), as part of its regulatory requirements under the Pesticide Contamination Prevention Act (PCPA) 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 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. DPR also initiated the Ground Water Protection Program that focuses on evaluating the potential for pesticides to move through soil to groundwater, improving contaminant transport modeling tools, and outreach/ training programs for pesticide users. There are approximately 981,775 acres of land classified as DPR Groundwater Protection Areas within the Tulare Lake Basin Area (See Figure 4). These data will be evaluated by the Third-Party as part of its Groundwater Quality Assessment Report.

DPR has developed a groundwater monitoring system consisting of 75 domestic water wells located in Tulare and Fresno counties in areas that have been identified as being susceptible to the movement of pesticides to groundwater (based on soil type and average depth to groundwater). The wells are divided between coarse-grained sections (leaching areas) and hardpan sections (runoff areas) and are allotted in the following manner: 33 wells in Fresno County coarse soil sections, 18 wells in Fresno County hardpan soil sections, 3 wells in Tulare County coarse soil sections, and 21 wells in Tulare County hardpan soil sections. All or a portion of these wells have been sampled once to twice yearly since 1999. The most recent sampling for which results are available (68 wells sampled in March and April of 2011) detected simazine in 70% of wells sampled and its degradation products, ACET and DACT, in nearly all the wells. All concentrations were at low levels (less than one part per billion) and did not exceed California Department of Public Health maximum contaminant levels. Diuron was found in 22% of the wells sampled at concentrations less than one part per billion and bromacil was present in 21% of wells with two wells exceeding one part per billion (DPR, 2012). Like simazine, diuron and bromacil are pre-emergence herbicides.

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 Central Valley Water Board regulation. Therefore, should the Central Valley Water Board or DPR identify groundwater quality information needs related to pesticides in groundwater, the Central Valley Water Board may require the Third-Party to conduct studies or implement a 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 Central valley Water Board may require the Third-Party to develop a groundwater quality management plan (GQMP).

Data Summary Nitrates

Nitrate derived from both agricultural and non-agricultural sources has resulted in degradation of groundwater beneath large areas within California's Central Valley. In attempting to evaluate this issue, the State Water Board, Division of Clean Water Program, Groundwater Special

Studies Unit, produced a *"Draft Groundwater Information Sheet, Nitrate/Nitrite"* in October 2002. The draft information sheet was produced to provide general information regarding nitrate in groundwater and it used the California Department of Health Services (DHS) data for public supply wells to identify wells that exceeded the MCL for nitrate. Approximately 16,000 public supply wells were sampled; of these, 616 wells were identified as having nitrate concentrations above the MCL. Nitrate impacts in the Tulare Lake Basin Area (from south to north) appear as a discontinuous band of high nitrate groundwater extending northwestward from southern Kern County along the eastern side of the valley to the southern end of Madera County.

A Revised Groundwater Information Sheet for Nitrate/Nitrite was issued by the State Water Board in February 2008. The revised information sheet utilized California Department of Public Health data from 1994 forward to evaluate nitrate impacts in approximately 15,000 active and standby public drinking water wells throughout California. Eight hundred and fifty-two (852) wells were identified as having nitrate concentrations above the MCL value. The band of impacted groundwater observed in the 2002 study is shown to have broadened and forms a more continuous arc from Bakersfield northward into southern Madera County.

In 2003, the United States Geological Survey (USGS) prepared a report entitled *Framework for a Ground-Water Quality Monitoring and Assessment Program for California* (GAMA). The report cites Assembly Bill 599, ("Ground-Water Quality Monitoring Act of 2001") as identifying the need for developing and maintaining a monitoring program to assess the quality of California's groundwater. The major groundwater supply basins are a specific focus of the GAMA program.

The GAMA program was divided into four projects: Priority Basin Project, Domestic Well Project, Special Studies Project, and GeoTracker GAMA Project. The Priority Basin Project was designed to provide a spatially unbiased assessment of raw groundwater quality within specific groundwater basins/sub-basins, as well as to provide a statistically consistent basis for comparing water quality between basins throughout California. Samples were collected from water supply wells in each basin/sub-basin using a randomized grid-based method to provide statistical representation of the study unit (grid wells). Additional wells were selected to evaluate changes in water chemistry along selected lateral or vertical groundwater flow paths in the aquifer (flow-path wells).

The results of the chemical analyses for nitrate in groundwater collected by the Priority Basin Project for the Tulare Lake Basin Area are as follows:

1. Kern County Sub-basin - 2 out of 17 samples had a nitrate concentration that exceeded the nitrate MCL value (sample set included 14 wells and 3 flow-path wells) and
2. Southeast San Joaquin Valley - 6 out of 44 samples had a nitrate concentration that exceeded the nitrate MCL value (28 wells and 16 flow-path wells). All six detections that exceeded the nitrate MCL value occurred in flow-path wells.

Figure 5 shows the nitrate concentrations obtained from the GAMA domestic well sampling program conducted in Tulare County. One hundred and eighty-one (181) domestic wells were sampled; seventy-five (75) of which exceeded the nitrate MCL value (41%).

The results of the National Water-Quality Assessment Program (NAWQA) and GAMA domestic well programs were combined by Bartholomay and others (2007) to produce a map of California depicting nitrate concentrations in groundwater within the Central Valley Aquifer.

In 2009, Ekdahl and others used GeoTracker GAMA to Investigate Nitrate Concentrations in California (Figure 6). The GeoTracker GAMA system is an online database that uses Google Maps and data bases generated by State and Regional Water Boards (SWRCB/RWQCB), California Department of Public Health (CDPH), Department of Pesticide Regulation (DPR), Department of Water Resources (DWR), United States Geological Survey (USGS), and Lawrence Livermore National Laboratory (LLNL). The GeoTracker GAMA system provides data for over 100,000 sampling locations and analytical results for a variety of constituents including nitrate.

A variety of investigators have looked at the San Joaquin Valley groundwater nitrate concentrations over time (Burow et al, 1998, 2007, and 2008; Rupert, 2008; and Rosen and Lapham, 2008). In 1995, NAWQA (Burow, et al 1998) resampled 30 domestic supply wells in the eastern San Joaquin Valley that had previously been sampled by the U.S. Geological Survey between 1986 and 1987. The median nitrate concentration for 23 of the 30 wells in 1986–87 was 2.4 mg/L, (seven wells had no nitrate sample data) and in 1995 the median concentration for the full 30 wells was 4.6 mg/L. Nitrate exceeded the MCL value in two wells in 1986-87 and in five wells in 1995.

In 2002, twenty-nine of the original 30 domestic wells within the regional aquifer were resampled for the third time (Burow, et al, 2008). The median nitrate concentration for the resampled wells had risen from 2.3 mg/L in 1986-87 to 5.4 mg/L in 2003. Burow and others (2008) concluded that, *"The results of the analysis of regional- and local-scale nitrate concentration data indicate that widespread high concentrations of nitrate in the shallow part of the San Joaquin Aquifer system are likely to move to deeper parts of the ground-water flow system."*

The trend of nitrate concentrations in the shallow groundwater portion of the Eastern San Joaquin Study Area has also been investigated by means of focused studies utilizing monitoring wells in three geographical areas: near Fresno, near Modesto, and near the Merced River (Burow and Green, 2008). Nitrogen fertilizer data were coupled with the results of groundwater sampling to show that nitrate concentrations increased over time; corresponded to fertilizer application rates in all three focus study areas. Burow and Green (2008) reported that, *"Analysis using county-level nitrogen applications and a wide range of chemical data from sampling vertical monitoring well transects showed that reconstructed nitrate concentrations are consistent with 50% of the applied nitrogen reaching the water table."*

Burow and others (2007) produced a report that expanded upon the data evaluation for the focused study areas of the Eastern San Joaquin Study Area. This study reported that the nitrate concentrations in monitoring wells completed in the shallowest part of the aquifer increased in concentration from 8 to 23 mg/L as NO_3 during the period of time from 1994-1995 to 2003. Nitrate concentrations varied considerably with groundwater depth ranging from 2mg/L in the deepest monitoring wells to 30 to 40 mg/L in the shallow wells. This change in concentration verses depth is due in part to the age of the groundwater. Based upon chlorinated fluorocarbons concentrations (CFC), groundwater less than 10 meters (m) below the water table is

approximately 15 years old. The mean age of groundwater deeper than 60m below the water table is approximately 45 years old (Burow et al, 2007). Burow and others concluded that,

> *"Nitrate concentrations were highest and most variable in the shallow monitoring wells in the regional areal monitoring networks; the variability in nitrate concentrations and median values decreased with depth. Because of intensive pumping and irrigation recharge, the dominant groundwater flow paths in the aquifer system are vertically downward. High concentrations in the shallow part of the aquifer could be expected to move downward over time, which would result in increasing concentrations in the deeper domestic and public-supply wells in the future as water with high nitrate concentrations moves deeper in the groundwater system."*

In March of 2012, Harter and others released a report entitled Addressing Nitrate in California's Drinking Water which was prepared for the State Water Board. The document focused on the Tulare Lake Basin and the Salinas Valley evaluating the nitrate concentrations for 100,000 groundwater samples from nearly 20,000 wells across the two regions. The report concluded that, *"Of the 20,000 wells, 2,500 are frequently sampled public water supply wells (over 60,000 samples). In these public supply wells, about 1 in 10 raw water samples exceed the nitrate MCL"*. The predominant source of the nitrate in groundwater was deemed to be agricultural fertilizers and animal waste applied to croplands.

The Harter and others (2012) report also provided an evaluation of household self-supplied and local small water supply systems in the Tulare Lake Basin and the Salinas Valley that are impacted by nitrate concentrations. The report found that,

> *"Severely disadvantaged communities (SDACs) are partic¬ularly vulnerable to financial costs. Of 51 community public water systems (serving about 714,000 people) in the study area with a raw source exceeding the nitrate MCL, most systems (40, serving about 379,000 people) are in a DAC. Thirteen of the 40 exceeding systems are in unincorporated areas (serving about 167,000 people), and 27 are in incorporated communities (serving about 212,000 people)."*

In February 2012, the State Water Board issued a draft report to the legislature: Communities That Rely on Contaminated Groundwater. This document reported that in Tulare County there are 41 communities that rely on contaminated groundwater, serving approximately 205,000 people, of which 99 percent are solely reliant on groundwater.

Hydrogeologically Vulnerable Areas

In 2000, the 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 (HVAs) 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. See Figure 4 for a map of the HVA areas within the Third-Party region.

Groundwater Quality Management Plans (GQMPs)

Under this Order, groundwater quality management plans will be required where there are exceedances of water quality objectives, where there is a trend of degradation[7] that threatens a beneficial use, as well as for "high vulnerability groundwater areas" (to be designated by the Third-Party in the Groundwater Assessment Report based on definitions provided in Attachment E). Instead of development of separate GQMPs, the Order allows for the submittal of a comprehensive GQMP along with the Groundwater Assessment Report. GQMPs will only be required if irrigated lands may cause or contribute to the groundwater quality problem. GQMPs are the key mechanism under this Order to help ensure that waste discharges from irrigated lands are meeting Groundwater Receiving Water Limitation III.B. The limitations apply immediately unless the Member is implementing the GQMP in accordance with the approved time schedule. 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 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.B, 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 Third-Party 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 Members (element C), ensure that adequate feedback monitoring is conducted to allow for evaluation of GQMP effectiveness (elements D and E), and facilitate efficient Central Valley Water Board review of data collected on the progress of the GQMP (element F).

This Order requires the Third-Party to develop GQMPs that include the above elements. GQMPs will be reviewed and approved by the Executive Officer. Also, because GQMPs may

[7] A trend in degradation could be identified through the required trend monitoring or through the periodic updates of the Groundwater Quality Assessment Report.

cover broad areas potentially impacting multiple groundwater users in the plan area, these plans will be made available 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. The Central Valley Water Board must be informed of the efforts being undertaken by Members to address identified groundwater quality problems. In addition, a regional GQMP is a reasonable first step to address identified groundwater quality problems, since the monitoring and planning costs are significantly lower when undertaken regionally by the Third-Party than requiring individual Members to undertake similar monitoring and planning efforts. However, if the regional GQMP does not result in the necessary improvements to water quality, the burden, including costs, of requiring individual Members 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 Central Valley Water Board to evaluate the compliance of regulated Members with applicable orders; 2) the need of the Central Valley Water Board to understand the effectiveness of practices being implemented by Members; and 3) the benefits of improved groundwater quality to all users.

Templates for Farm Evaluation, Nitrogen Management Plan, Nitrogen Management Plan Summary Report, and Sediment and Erosion Control Plans

The Central Valley Water Board intends to provide templates (Farm Evaluation; Nitrogen Management Plan; Nitrogen Management Plan Summary Report; and Sediment and Erosion Control Plan) to all Members that must be used to comply with the applicable reporting requirements of this Order. In issuing Order R5-2012-0116, 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 Order R5-2012-0116. The Central Valley Water Board understands that the Southern San Joaquin Valley Water Quality Coalition and commodity groups in the Tulare Lake Basin are working with the East San Joaquin Water Quality Coalition to develop templates. 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 minor modifications for different geographic areas. Therefore, although the Third-Party will not have an opportunity to develop new templates under this Order, the Third-Party will have an opportunity to provide comments on the templates' applicability to their geographic area.

Farm Evaluations

The Order requires that all Members complete a farm evaluation describing management practices implemented to protect surface and groundwater quality. The evaluation will also

include information such as location of the farm, surface water discharge points, location of in service wells and abandoned wells and whether wellhead protection practices have been implemented.

The Order establishes prioritization for Member completion and updating of the evaluations based on farm size and whether the operation is within a high or low vulnerability area. Farm evaluations must be maintained at the Member's farming operations headquarters or primary place of business and submitted to the Third-Party for summary reporting to the Central Valley Water Board.

The farm evaluation is intended to provide the Third-Party and the Central Valley Water Board with information regarding individual Member implementation of the Order's requirements. Without this information, the Central Valley Water Board would rely solely on regional and representative surface and groundwater monitoring to determine compliance with water quality objectives. The representative monitoring cannot determine whether all Members 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 this Order. Farm evaluations will provide assurance that Members are implementing management practices to protect groundwater quality while Groundwater Quality Trend Monitoring data and Management Practice Evaluation Program (MPEP) information are collected.

The reporting of practices identified in the farm evaluation will allow the Third-Party and Central Valley Water 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 Central Valley Water Board to determine whether the GQMP is being implemented by Members according to the approved schedule.

In addition, reporting of practices will allow the Third-Party and Central Valley Water Board to evaluate changes in surface water quality relative to changes in practices. The SQMP will include a schedule and milestones for the implementation of practices to address identified surface water quality problems. The reporting of practices will allow the Central Valley Water Board to determine whether the SQMP is being implemented by Members according to the approved schedule. Absent information on practices being implemented by Members, the Central Valley Water Board would not be able to determine whether individual Members are complying with the Order.

The focus of the reporting is on parcels in high vulnerability areas. The Central Valley Water Board needs to have an understanding of whether Members are improving practices in those areas where surface or 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 Members in high vulnerability areas, if there are minimal year to year changes in the practices reported. 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 Members, where applicable, whether the Member is in a high or low vulnerability area (see section IV.C.21 of the Order).

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.[8] As noted in the discussion on nitrate in groundwater above, there are a number of wells within the Tulare Lake Basin Area with nitrate concentrations that are higher than drinking water quality objectives. To address these concerns, the Order requires that Members 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.

This Order requires the development of a nitrogen management plan template to assist Members with nitrogen management. The template must be approved by the Executive Officer, and will either be proposed by the Third-Party according to the criteria listed in the Order, or will be developed by the Central Valley Water Board staff in consultation with the Third-Party based on those same criteria. The template should consider, to the extent appropriate, the major criteria established in Code 590 of the NRCS Nutrient Management document, including soil and plant tissue testing, nitrogen application rates, nitrogen application timing, consideration of organic nitrogen fertilizer, consideration of irrigation water nitrogen levels to minimize surface and groundwater pollution and meet crop nitrogen requirements and crop yield potential.

All Members will be required to complete a nitrogen management plan according to the schedule in the Order. Growers in low vulnerability areas are required to prepare nitrogen management plans, but do not need to certify the plans or provide summary reports to the Third-Party. Should the groundwater vulnerability designation change from "low" to "high" vulnerability, those Members in the previously designated low vulnerability area would then need to have their nitrogen management plan certified and submit summary reports in accordance with a schedule issued by the Executive Officer.

[8] 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.

Members with small farming operations are given an additional two years to complete their first nitrogen management plan. The plan must be maintained at the Member's farming operations headquarters or primary place of business.

For Members 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 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 and participate in any continuing education required by CDFA; 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; 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.

The Order requires nitrogen management reporting (nitrogen management plan summary reports) for Members in high vulnerability groundwater areas. The nitrogen management plan summary report provides information based 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 Third-Party and the Central Valley Water Board with information regarding individual Member implementation of the Order's requirements. Without this information, the Central Valley Water 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 Members 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 assurance that Members are managing nutrients to protect groundwater quality while trend data are collected.

Wetland managers have provided comments that fertilizers are not applied to managed wetlands. Therefore, the Nitrogen Management Plan and nitrogen Summary Report requirements do not apply to parcels that are operated solely as managed wetlands. In the case of irrigated pasture, there is evidence that with no external nitrogen inputs (synthetic or organic fertilizer, stockpiled manure, compost), either mechanical harvest and haying, or livestock grazing reduce nitrogen leaching and can lower elevated nitrate concentrations in the

groundwater.[9] Direct nutrient returns in excretions of grazing livestock are a portion of the total nutrient supply in the forage eaten by animals, and are not considered a fertilizer application to irrigated pasture. Hence, Nitrogen Management Plans and Summary Reports are not required for irrigated pasture where no external nitrogen is applied.

Spatial Resolution of Nitrogen Management Plan and Farm Evaluation Information

The 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.

The nitrogen management data collected by the Third-Party from individual Members will be aggregated by the township where the enrolled parcel is located and will not be associated with the Member or their enrolled parcel. For example, the Third-Party 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 (10th, 25th, 50th, 75th, 90th), 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 Third-Party to ensure that those Members who are not meeting the nitrogen management performance standards identified in the Order improve their practices. As part of its annual review of the monitoring report submitted by the Third-Party, the Board will evaluate the effectiveness of Third-Party outreach efforts and trends associated with nitrogen management. The Board intends to request information from the Third-Party for those Members 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 51 and the State Water Board's Report to the Legislature[10]).

In order to determine whether growers in a given township are improving their practices, the Third-Party will need to assess the data and evaluate trends. The Third-Party's assessment and evaluation, along with the data used to make the evaluation, will be provided in the Third-Party's annual monitoring report. Since a report on management practice information and nitrogen management summary reports will be provided annually, the Central Valley Water Board will be able to determine what the trends are, if any. If the data suggest that growers are not improving

[9] Owens LB, Bonta JV. (2004). Reduction of Nitrate Leaching with haying or Grazing and Omission of Nitrogen Fertilizer. Journal of Environmental Quality 33: 1230-1237.

[10] State Water Board Resources Control Board. 2013. Report to the Legislature, Recommendations Addressing Nitrate in Groundwater <www.swrcb.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf>

their practices, the Executive Officer can require the Third-Party to submit the management practice or nitrogen management plan summary information for individual Members.

Sediment and Erosion Control Plans

The Order requires that Members with the potential to cause erosion and discharge sediment that may degrade surface waters prepare a sediment and erosion control plan. Control of sediment discharge will work to achieve water quality objectives associated with sediment and also water quality objectives associated with sediment bound materials such as pesticides. To ensure that water quality is being protected, this Order requires that sediment and erosion control plans be prepared in one of the following ways:

- The sediment and erosion control plan must adhere to the site-specific recommendation from the Natural Resources Conservation Service (NRCS), NRCS technical service provider, the University of California Cooperative Extension, the local Resource Conservation District; or conform to a local county ordinance applicable to erosion and sediment control on agricultural lands. The Member must retain written documentation of the recommendation provided and certify that they are implementing the recommendation; or
- The plan must be prepared and self-certified by the Member, who has completed a training program that the Executive Officer concurs provides necessary training for sediment and erosion control plan development; or
- The plan must be written, amended, and certified by a qualified sediment and erosion control plan developer possessing one of the registrations shown in Table 1 below; or
- The plan must be prepared and 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 plan meets the objectives and requirements of this Order.

Table 1 - Qualified Sediment and Erosion Control Plan Developers

Title/Certification	Certifier
Professional Civil Engineer	State of California
Professional Geologist or Engineering Geologist	State of California
Landscape Architect	State of California
Professional Hydrologist	American Institute of Hydrology
Certified Professional in Erosion and Sediment Control™ (CPESC)	Enviro Cert International Inc.
Certified Professional in Storm Water Quality™ (CPSWQ)	Enviro Cert International Inc.
Certified Soil Scientist	American Society of Agronomy

The sediment and erosion control plan will: (1) help identify the sources of sediment that affect the quality of storm water and irrigation water discharges; and (2) describe and ensure the implementation of water quality management practices to reduce or eliminate sediment and other pollutants bound to sediment in storm water and irrigation water discharges. The plan

must be appropriate for the Member's operations and will be developed and implemented to address site specific conditions. Each farming operation is unique and requires specific description and selection of water quality management practices needed to address waste discharges of sediment. The plan must be maintained at the farming operations headquarters or primary place of business.

The Order establishes prioritization for Member completion of the plan based on farm size. Small farming operations will have additional time to complete the plan.

To assist Members in determining whether they need to prepare a sediment and erosion control plan, the Third-Party must prepare a sediment and erosion control assessment report that identifies the areas susceptible to erosion and the discharge of sediment that could impact receiving waters. In addition, the Executive Officer may identify areas requiring such plans based on evidence of ongoing erosion or sediment control problems.

Small Farming Operations

In counties within Tulare Lake Basin Area, small farming operations are operated by approximately 58 percent of the growers, but account for approximately 4.6% of the total irrigated lands.[11] During the development of the Order, concerns were raised regarding the ability of small farms to comply with the requirements of the Order. Although there were recommendations to exempt small farms from this Order, no evidence was provided to demonstrate that small farms could not affect water quality and, therefore, justify an exemption from being governed by waste discharge requirements. In addition, there was no evidence presented to suggest that, on a per acre basis, small farming operations would have a reduced impact on water quality then larger farmers.

However, the Central Valley Water Board recognizes that small farming operations have more limited resources and access to technical experts. The additional time provided for small farming operations to initially prepare applicable farm evaluations, nitrogen management plans, and sediment and erosion control plans should allow small farmers to more feasibly access available technical resources, such as their Third-Party, the Natural Resources Conservation Service, University of California Cooperative Extension, and local resource conservation districts.

These changes should not impact the Central Valley Water Board's ability to determine progress for the watershed as a whole, since most of the irrigated acreage in the watershed is managed by large farming operations. However, small farming operations may prove to have significant localized impacts, so this Order does not preclude the Executive Officer from obtaining information from small farming operations to address such impacts.

To accommodate differing requirements for small farming operations, the Central Valley Water Board needs to know who is farming a given parcel. Although the landowner can be the Member of the Third-Party, the landowner must still identify the lessee, if the landowner is not also the farmer. This requirement is necessary to avoid a situation in which multiple parcels of less than

[11] Data are for Portions of Fresno, Kings, and Kern counties and all of Tulare County; United States Department of Agriculture. 2007. *Census of Agriculture*.

60 acres are farmed by the same farming operation, but are incorrectly identified as associated with “small farming operations” based on the individual landowners being the Members rather than the farm operator.

Technical Reports

The surface water and trend groundwater quality monitoring under the 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 water quality objectives (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. There are limitations to representative monitoring when trying to determine possible sources of water quality problems.

Therefore, through the Management Practices Evaluation Program and the Surface Water Quality Management Plans and Groundwater Quality Management Plans, the Third-Party must evaluate the effectiveness of management practices in protecting water quality. In addition, Members must report the practices they are implementing to protect water quality. Through the evaluations and studies conducted by the Third-Party, the reporting of practices by the Members, and the Board’s compliance and enforcement activities, the Board will be able to determine whether a Member is complying with the Order.

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. Examples of such programs include regulation of wastewater treatment plants and the Central Valley Water Board’s Dairy Program.[12] The costs of individual monitoring would be much higher than regional and representative surface and groundwater quality monitoring required under the Order. This is because representative monitoring site selection may be based on a group or category of represented waste discharges, assessing compliance for represented Members, reducing the number of samples needed to evaluate compliance with the requirements of this Order. The Third-Party is tasked with ensuring that selected monitoring sites are representative of waste discharges from all irrigated agricultural operations within the Order’s boundaries.

This Order requires the Third-Party 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 Order’s representative monitoring requirements may be filled through targeted technical reports, instead of more costly individual monitoring programs.

[12] The dairy program requires individual monitoring of surface water discharges and allows for a “representative” groundwater monitoring in lieu of individual groundwater monitoring.

Approach to Implementation and Compliance and Enforcement

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 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.[13] 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.

Compliance/Enforcement Related to Grower Participation

To facilitate grower participation in the Irrigated Lands Regulatory Program (ILRP) under the Conditional Waiver, the Central Valley Water Board staff engaged in outreach and followed the progressive enforcement series of actions. For example, staff had sent outreach postcards informing non-participating landowners who potentially require coverage under the ILRP. Water Code Section 13267 Orders for technical reports had been issued to landowners who first received an outreach postcard and did not respond. Landowners were required to respond to postcards or 13267 Orders by obtaining the required regulatory coverage, or claiming an exemption from the ILRP requirements. The Central Valley Water Board staff routinely conducted inspections to verify landowner exemption claims; occasionally the outcome of inspections led to an enforcement action for failure to obtain appropriate regulatory coverage.

Upon the adoption of the Eastern San Joaquin River Watershed Order in December 2012, staff sent letters to thousands of landowners who may now require regulatory coverage, since like this Order the Eastern San Joaquin River Watershed Order addresses discharge to both groundwater and surface water. Parcels that potentially need regulatory coverage are identified

[13] State Water Resources Control Board. 2010. Water Quality Enforcement Policy. <www.swrcb.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf>

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 Executive Officer sends Water Code Section 13260 Directives when inspections verify that parcels require coverage under the ILRP, when growers who used to be Third-Party members 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.

Compliance/Enforcement Related to Water 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 plumes, fish kills, or odor problems. The Board will generally contact and coordinate with the Third-Party, the California Department of Fish and Wildlife, and the local county agricultural commissioner depending on the nature of the problem.

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 field inspections will also include a review of whether implemented practices are protective of surface water, and may include sampling of runoff. The informal and formal enforcement process described above will be used should any violations of the Order be identified through field inspections.

Compliance/Enforcement Related to Information Collected

As a part of field inspections, and with the consent of the Member, owner or authorized representative as required by applicable laws, staff may also review information and farm plans prepared by Members. The Executive Officer will request information, as necessary, from Members and the Third-Party 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 Third-Party, the outcome of any field verification inspections of information submitted by the Members, and make recommendations regarding changes to the reporting requirements and the information submittal process, if needed.

The findings of this Order provide a further description of the enforcement priorities and process for addressing violations.

Reports and Plans

This Order is structured such that the Executive Officer is to make determinations regarding the adequacy of reports and information provided by the Dischargers and allows the Executive Officer to approve such reports. All plans and reports submitted for approval by the Executive Officer will be made available to the public. In addition, this Order identifies specific reports and Executive Officer's decisions that must receive a public comment and review period. It is the right of any interested person to request the Central Valley Water Board to review any of the aforementioned Executive Officer decisions.

Water Quality Objectives

Surface water and groundwater receiving water limitations in section III of the Order specify that waste discharge from irrigated lands may not cause or contribute to an exceedance of water quality objectives in surface water or underlying groundwater, unreasonably affect applicable beneficial uses, or cause a condition of pollution or nuisance.

Water quality objectives that apply to surface water are described in the Basin Plan. Applicable water quality objectives include, but are not limited to, (1) the numeric objectives, including the bacteria objective, the chemical constituents objective (includes listed chemicals and state drinking water standards, i.e., maximum contaminant levels (MCLs) promulgated in Title 22 California Code of Regulations (CCR) Division 4, Chapter 15 sections 64431 and 64444 that are applicable through the Basin Plan to waters designated as municipal and domestic supply), dissolved oxygen objectives, pH objectives, the salinity objectives, and the turbidity objectives; and (2) the narrative objectives, including the biostimulatory substances objective, the chemical constituents objective, and the toxicity objective. The Basin Plan also contains numeric water quality objectives that apply to specifically identified water bodies, such as specific temperature objectives. Federal water quality criteria that apply to surface water are contained in federal regulations referred to as the California Toxics Rule and the National Toxics Rule. See 40 CFR sections 131.36 and 131.38.

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 California Water Code. Section 13263 of the California 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 California 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.

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 cause nuisance, adversely affect beneficial uses, or impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to domestic or municipal water supplies."*

Page IV-21 of the Tulare Lake Basin Plan, 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 this Order, all three sources will be used as part of the process described below.

Implementation of numeric and narrative water quality objectives under the Order involves an iterative process. The 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 Third-Party representing Members, with an opportunity to review and comment on the trigger limits. The Executive Officer will then provide the trigger limits to the Third-Party. 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 by growers to achieve compliance with numeric and narrative water quality objectives.

Under Phase I of the conservative salinity permitting approach described in this Order, when the most salinity sensitive beneficial use is AGR or MUN the Central Valley Water Board will apply specific numeric limits identified in the Basin Plan. These limits are for use only under the conservative salinity permitting approach and shall not be considered water quality objectives. For surface and groundwaters for which site-specific numeric water quality objectives have been developed, the site-specific objectives shall apply.

Non-Point Source (NPS) Program

This 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 nonpoint-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

This Order addresses each of the five key elements, as described below.

1. The purpose of the long-term irrigated lands regulatory program, of which this Order is an implementing mechanism, is stated above under the section titled "Goals and Objectives of the Irrigated Lands Regulatory Program."[14] The program goals and objectives include meeting water quality objectives. The requirements of this Order include requirements to meet applicable water quality objectives and the requirements of State Water Board Resolution 68-16 (antidegradation requirements). Further discussion of this 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. 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[15] and evaluated in the Program Environmental Impact Report (PEIR)[16] for the long-term ILRP. This Order requires each individual operation to develop a farm evaluation that will describe their management practices in place to protect

[14] 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 2011. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA

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

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

surface water and groundwater quality. This Order also requires that each Member must complete an Irrigation and Nutrient Management Plan (INMP). This Order further requires the development of Surface/Groundwater Quality Management Plans (SQMPs/GQMPs) in areas where there are exceedances of water quality objectives. The requirements for SQMPs and GQMPs include that the Third-Party identify management practices and develop a process for evaluating the effectiveness of such practices. The requirements of this Order are consistent with Key Element 2;

3. This Order requires the development of SQMPs/GQMPs in areas where water quality objectives are not met. SQMPs/GQMPs must include time schedules for implementing the plans and meeting the surface and groundwater receiving water limitations (section III of the Order) as soon as practicable, but within a maximum of 10 years for surface and groundwater. The time schedules must be consistent with the requirements for time schedules set forth in this 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 this Order are consistent with Key Element 3;
4. To provide feedback on whether program goals are being achieved, this Order requires surface and groundwater quality monitoring, tracking of management practices, and evaluation of effectiveness of implemented practices. The feedback will allow iterative implementation of practices to ensure that program goals are achieved. This feedback mechanisms required by this Order are consistent with Key Element 4; and
5. This Order establishes the following consequences where requirements are not met:
    a) The Third-Party or Members will be required, in an iterative process, to conduct additional monitoring and/or implement management practices where water quality objectives are not being met;
    b) Appropriate Central Valley Water Board enforcement action where the iterative management practices process is unsuccessful, program requirements are not met, or time schedules are not met;
    c) Require noncompliant Members, or all Members where the Third-Party fails to meet the requirements of this Order, to submit a report of waste discharge to obtain individual waste discharge requirements from the Central Valley Water Board (i.e., revoke coverage under this Order).

This Order describes consequences for failure to meet requirements and is consistent with Key Element 5.

California Environmental Quality Act (CEQA)

For the purposes of adoption of this Order, the Central Valley Water Board is the lead agency pursuant to CEQA (Public Resources Code sections 21100 et seq.). The Central Valley Water Board has prepared a Final Program Environmental Impact Report (PEIR)[17] that analyzes the

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

potential environmental impacts of six program alternatives for a long term ILRP. The Central Valley Water Board also prepared a Supplemental Program Environmental Impact Report (SPEIR) to analyze the impacts from the Salt and Nitrate Control Program implemented in this Order. As described more fully in Attachment D, this Order relies upon the PEIR and SPEIR for CEQA compliance. The requirements of the Order include regulatory elements that are also contained in the seven alternatives analyzed in the PEIR and SPEIR. Therefore, 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) and Alternative A of the SPEIR.

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 this Order, Members will be required to implement water quality management practices to address water quality concerns. The PEIR also 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; and
- 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. This Order represents one order in a series of orders that will be developed, based on the alternatives evaluated in the PEIR for all irrigated agriculture within the Central Valley. The requirements of this Order would lead to implementation of the above practices within the Tulare Lake Basin Area to a similar degree as is described for Alternatives 2-6 analyzed in the PEIR and Alternative A of the SPEIR. Also, the requirements of this Order will require installation of monitoring wells (with the extent depending on the adequacy of existing wells for water quality monitoring).

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., construction of tailwater return system, 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 reduced surface water discharge and 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, monitoring wells, and toxicity attributable to coagulant additives.
- **Agriculture resources:** Loss of farmland from increased regulatory cost. Cumulative loss of agriculture resources.

The SPEIR describes the potential environmental impacts for Alternative A. Alternative A is the implementation of the Salt and Nitrate Control Program and is designed to be used in addition to the six alternatives discussed in the PEIR. The Substitute Environmental Document (SED) for the Salt and Nitrate Control Program Basin Plan Amendment analyzed the impacts from the Salt and Nitrate Control Program. When reviewing the SED, the Central Valley Water Board determined that there were additional impacts not yet analyzed from incorporating the Salt and Nitrate Control Program into this Order and the other ILRP General Orders.

As described in the SPEIR, Alternative A has three new impacts not previously fully analyzed in the SED. Implementing the Salt and Nitrate Control Program may result in significant environmental impacts for the following resource areas:

- Air Quality: generation of emissions from new construction projects (e.g., public fill stations) and/or new services (e.g., bottle water delivery).
- Climate Change: Cumulative, from a potential increase in greenhouse gas emissions.
- Transportation and Circulation Impacts: generation of traffic from new construction projects (e.g., public fill stations) and/or new services (e.g., bottle water delivery).

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 this Order for specific impacts and discussion. Attachment D provides a listing of the above impacts, the written findings regarding those impacts consistent with section 15091 of the CEQA Guidelines, and the explanation for each finding.

Mitigation Measures

The impacts described above, except for air quality, agriculture resources, cumulative climate change, cumulative vegetation and wildlife, and transportation and circulation 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 sedimentation basin in a portion of the property that is already developed rather than in an area that provides riparian habitat). Where no alternate practice or less sensitive location for a practice exists, this Order requires that the Third-Party and Members choosing to employ these practices to 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 this Order, Monitoring and Reporting Program R5-2013-0120-09.

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 planning and implementation at the farm level; representative monitoring and assessments to determine whether trends in degradation are occurring; and regional planning and on-farm implementation when degradation trends are identified.

Initially, all Members 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; Members are expected to meet the farm management performance standards and, thereby, achieve best practicable treatment or control (BPTC), where applicable. All Members must prepare and implement a farm-specific irrigation and nitrogen management plan. In addition, each Member with the potential to cause erosion and discharge sediment that may degrade surface waters must prepare and implement a sediment and erosion control plan. Implementation of the sediment/erosion control plan should result in achieving BPTC for sediment associated pollutants. Implementation of the nitrogen management plan should result in achieving BPTC for nitrates discharged to groundwater.

Representative monitoring of surface water and groundwater together with periodic assessments of available surface water and 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 surface water (or groundwater) quality management plan must be prepared by the Third-Party. 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 Third-Party must report on the implementation of practices by it's Members. Failure to implement practices or address the degradation by individual Members 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 this Order.

Background

Basin Plan water quality objectives are developed to ensure that ground and surface water beneficial uses are protected. The quality of some state ground and 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 CFR 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, including groundwater and surface water (Water Code section 13050[e]); 40 CFR 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 with 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 (Section 131.12, Title 40, CFR) 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.[18]

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.

[18] 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 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.

A number of key terms are relevant to application of Resolution 68-16 and 40 CFR 131.12 to this Order. 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,"[19] and 40 CFR 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.[20] 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 indicates 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 CFR 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 a 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.[21] 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 at 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 a 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

[19] 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.

[20] 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."

[21] 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 antidegration policy only, the relevant year would be 1975.

of 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, at pp. 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/or consideration of methods currently used by the discharger or similarly situated dischargers.[22] 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 2000-7). 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 CFR 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. 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

[22] See *Questions and Answers, State Water Resources Control Board, Resolution 68-16* (February 16, 1995).

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 Section 40 CFR 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 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, at p. 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.

Application of Resolution 68-16 Requirements to this Order

The determination of a high quality water within the meaning of the antidegradation policies is water body and constituent-specific. 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 Central Valley Water Board has used readily available information regarding the water quality status of surface and groundwaters in

the Tulare Lake Basin Area to construct provisions in this Order to meet the substantive requirements of Resolution 68-16.[23]

This Order regulates discharges from thousands of individual fields to a very large number of water bodies within the Tulare Lake Basin Area. There is no comprehensive, waste constituent–specific information available for all surface waters and groundwater aquifers accepting irrigated agricultural wastes that would allow site-specific assessment of current conditions. Likewise, there is no comprehensive historical dataset.[24]

However, data collected by the Central Valley Water Board, dischargers, educational institutions, and others demonstrate that many water bodies within the Tulare Lake Basin Area are already impaired for various constituents that are or could be associated with irrigated agricultural activities. As described above, there are surface water quality management plan requirements for the following constituents and indicators: pH, electrical conductivity, dissolved solids, dissolved oxygen, E. coli, fecal coliform, boron, molybdenum, chlorpyrifos, DDE, toxaphene, Ceriodaphnia dubia, Pimephales promelas, Selenastrum capricornutum, and Hyalella azteca. Those same data collection efforts also indicate that other surface water bodies within the watershed meet objectives for particular constituents and would be considered “high quality waters” with respect to those constituents.

Similarly, as described above in the “Groundwater Quality Monitoring” section, large areas within the Tulare Lake Basin Area contain groundwater wells which contain maximum nitrate levels above applicable water quality objectives. The groundwater represented by these wells may not be considered “high quality” with respect to nitrates.[25] However, 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 this 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 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 Central Valley Water Board should, under State Water Board

[23] State Water Resources Control Board, WQO 2018-0002 held that in a general order, a general review and analysis of readily available data is sufficient to determine the baseline water quality. (WQO 2018-0002, p. 78.)

[24] Irrigated lands discharges have been regulated under a conditional waiver since 1982, but comprehensive data as to trends under the waiver are not available.

[25] As mentioned above, water quality dating as far back as 1968 may be needed to determine whether such waters are considered “high quality” under Resolution 68-16.

precedent, impose limitations more stringent than the objectives set forth in the Basin Plan, if those limits can be met by “best efforts.”

Consistency with BPTC and the “Best Efforts” Approach

Due to the numerous commodities being grown on irrigated agricultural lands and varying hydrogeologic conditions within the Tulare Lake Basin Area, identification of a specific technology or treatment device as BPTC or “best efforts” has not been accomplished. By contrast, there are a variety of technologies that have been shown to be effective in protecting water quality. For example, Chapter 5 of the Irrigated Lands Program Existing Conditions Report[26] (ECR) describes that there are numerous management practices that Members could implement to achieve water quality protection goals. 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.

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 Tulare Lake Basin Area. This Order, therefore, 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, the State Water Board found that these requirements satisfied BPTC/best efforts.[27] The Central Valley Water Board continues to review new data and finds that this Order still satisfies 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.

[26] California Regional Water Quality Control Board, Central Valley Region, and Jones and Stokes. 2008. *Irrigated Lands Regulatory Program Existing Conditions Report.* Sacramento, CA.

[27] State Water Board, WQO 2018-0002, p. 79-80.

1. *Farm Management Performance Standards*

   This Order establishes on-farm standards for implementation of management practices that all Members 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 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 Members must achieve:

   a) minimize waste discharge offsite in surface water;

   b) minimize or eliminate the discharge of sediment above background levels;

   c) minimize percolation of waste to groundwater;

   d) minimize excess nutrient application relative to crop consumption;

   e) prevent pollution and nuisance;

   f) achieve and maintain water quality objectives and beneficial uses, and

   g) 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").[28] 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.

[28] California's Management Measures for Polluted Runoff <www.waterboards.ca.gov/water_issues/programs/nps/docs/cammpr/info.pdf>

- USEPA's National Management Measures to Control Nonpoint Source Pollution from Agriculture (EPA 841-B-03-004, July 2003;),[29] *"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 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 Order's requirements is provided below.

Management measure 1, erosion and sediment control. Practices implemented to minimize waste discharge offsite and erosion (performance standards a and b) are consistent with this management measure to achieve erosion and sediment control. The Order requires that all Members implement sediment discharge and erosion prevention practices to minimize or eliminate the discharge of sediment above background levels. Those Members that have the potential to cause erosion and discharge sediment that may degrade surface waters must develop a farm-specific sediment and erosion control plan.

Management measure 2 is not applicable, as this Order does 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. The Order also requires irrigation and nitrogen management plans (INMP) to be developed by Members within both high vulnerability and low vulnerability groundwater areas. INMPs require Members to document how their fertilizer use management practices meet performance standards. This order also requires the use of multi-year A/R ratio, which will lead to more effective management practices over time. Finally, where nutrients are causing exceedances of water quality objectives in surface waters, this Order would require development of a detailed SQMP which would address sources of nutrients and require implementation of practices to manage nutrients. Collectively, these requirements work together in a manner consistent with management measure 3.

[29] USEPA's National Management Measures to Control Nonpoint Source Pollution from Agriculture (EPA 841-B-03-004, July 2003;)
<water.epa.gov/polwaste/nps/agriculture/agmm_index.cfm>

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, e, f, and g are consistent with this management measure, requiring Members 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.

Management measure 5, grazing management. As described in the state Agriculture Management Measures document, this measure is *"intended to protect sensitive areas (including stream banks, lakes, wetlands, estuaries, and riparian zones) by reducing direct loadings of animal wastes and sediment."* While none of the Order's farm management goals directly address grazing management, performance standards a, b, e and f, when considered by an irrigated pasture operation would lead to the same management practices, e.g., preventing erosion, discharge of sediment, and ensuring that animal waste loadings do not cause pollution or nuisance, and achieve water quality objectives. The Order also requires that all Members implement sediment discharge and erosion prevention practices to minimize or eliminate the discharge of sediment above background levels.

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."* Performance standards a and c, requiring Members to minimize waste discharge to surface and groundwater will lead to practices that will also achieve this management measure. For example, a Member may choose to implement efficient irrigation management programs (e.g., timing, uniformity testing), technologies (e.g., spray, drip irrigation, tailwater return), or other methods to minimize discharge of waste to surface water and percolation to groundwater.

Management measure 7, education and outreach. The Order requires that Third-Party groups conduct education and outreach activities to inform Members of program requirements and water quality problems.

Implementation of practices to achieve the Order's water quality requirements described above is 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 Order will lead to implementation of BPTC/best efforts by all Members.

2. *Additional Planning and Implementation Measures (SQMP/GQMPs)*

This Order requires development of water quality management plans (surface or groundwater) 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 the Orders surface and groundwater receiving water limitations, and develop 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 surface water or groundwater, as applicable, 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 this 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 field monitoring studies, on-site verification of implementation of practices, or the Board may revoke the coverage under this Order and regulate the discharger through an individual WDR.

In cases where effectiveness of practices in protecting water quality is not known, the data and information gathered through the SQMP/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 Members and Central Valley Water 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 or GQMP. For example, the Department of Pesticide Regulation (DPR) has established Groundwater Protection Areas within the Tulare Lake Basin Area that require growers to implement specific groundwater quality protection requirements for certain pesticides. 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 practices in minimizing degradation will be periodically reevaluated as necessary and/or as more recent and detailed water quality data become available. This process of reviewing data and instituting additional 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 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 Members to use technology that is better than necessary to prevent degradation. As such, the Central Valley Water Board presumes that the performance standards required by this Order 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 SQMPs/GQMPs. Therefore, though Members in “low vulnerability” areas must still meet the farm management performance standards described above, they do not need to incur additional costs associated with SQMPs/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*

   In addition to the SQMPs/GQMPs, the Order includes a comprehensive suite of reporting requirements that should provide the Central Valley Water Board with the information it needs to determine whether the necessary actions are being taken to achieve BPTC and protect water quality, where applicable. In high vulnerability groundwater areas, the Third-Party 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 Members who farm under similar conditions (e.g., crop type, soil conditions) (see provision IV.B.21 of the 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 Members 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 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, the Order requires surface water monitoring at sites designated by the Surface Water Monitoring Plan. The data gathered from the surface water monitoring effort will allow the Central Valley Water Board to determine whether there is a trend in degradation of water quality related to discharges from irrigated agriculture. 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 Central Valley Water Board determine whether any trend in degradation of groundwater quality is occurring. For pesticides in groundwater, the Central Valley Water Board will initially rely on the information gathered through the Department of Pesticide Regulation's (DPR) 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 suggests that degradation is occurring that could threaten to impair beneficial uses, then the area would be re-designated as a high vulnerability area.

The Third-Party 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 Central Valley Water Board and Third-Party will use to evaluate trends. The periodic updates to the GAR will require the consideration of data collected by the Third-Party, as well as other organizations, and will also allow the Central Valley Water Board and Third-Party to evaluate trends. The GAR will provide a reporting vehicle for the Central Valley Water 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 Members.

All Members will also need to report on their management practices through the farm evaluation process. In addition, all members will need to prepare INMPs prepared in accordance with the INMP templates approved by the Executive Officer. The plans require Members to report their irrigation and nitrogen application practices and to document how their fertilizer use management practices minimize excess nutrient application relative to crop consumption. The INMP will also include the multi-year A/R ratio and A-R difference. The planning requirements are phased according to threat level such that members in low vulnerability areas have more time to complete their plans than those in high vulnerability areas. Through the farm evaluation, the Member must identify on-farm management practices implemented to achieve the Order's farm management performance standards. INMPs and INMP summary reports provide indicators as to whether the Member is meeting the performance standard to minimize excess nutrient application relative to crop need for nitrogen. The MPEP study process would be used to determine whether the nitrogen consumption ratio meets the performance standard of the Order.

4. *Participation in the Salt and Nitrate Control Program*

The Salt and Nitrate Control Program establishes a long-term framework for addressing legacy and ongoing salt and nitrate accumulation. Under the Salt Control Program, both compliance pathways require the implementation of BPTC. If Members, through the Third-Party, elected to participate in the Alternative Salinity Permitting Approach, participation in the Prioritization and Optimization Study (P&O Study) and implementation of reasonable, feasible, and practicable efforts to control levels of salt in discharges is considered to be

BPTC. Participation in the P&O Study allows Members to expend resources on a regional solution rather than on site-specific treatment or control methodologies. If Members, through the Third-Party, elected to participate in in the Conservative Permitting Approach, Members would either be subject to stringent 700/900 EC thresholds. Prior to authorizing the degradation of a high-quality water under the Conservative Permitting Approach of the Salt Control Program as described in this Order, the Board must find that allowing degradation by applicable Members better serves the people of the state than their participation in the P&O Study for Phase 1 of the Salt Control Program.

Under the Nitrate Control Program, the Central Valley Water Board will evaluate proposed Alternative Compliance Projects and Management Zone Implementation Plans to ensure that Members are developing and implementing pollution or controls methods that are BPTC. When the Central Valley Water Board reviews those proposed projects and plans, it will determine whether they are consistent with the State's Antidegradation Policy.

Summary

Members are required to implement practices to meet the above goals and periodically review the effectiveness of implemented practices and make improvements where necessary. Members in both high and low vulnerability areas will identify the practices they are implementing to achieve water quality protection goals as part of farm evaluations and INMPs. Members in high vulnerability areas have additional requirements associated with the SQMPs/GQMPs; preparing sediment and erosion control plans; implementing practices identified as protective through the MPEP studies; and reporting on their activities more frequently.

Also, the Order requires water quality monitoring and assessments aimed to identify trends and evaluate effectiveness of management practices, and detect exceedances of water quality objectives. The process of periodic review of SQMPs/GQMPs provides a mechanism for the Central Valley Water Board to better ensure that Members are meeting the requirements of the Order, if the Third-Party led efforts are not effective in ensuring BPTC is achieved, where applicable.

Requirements for individual farm evaluations, INMPs, sediment and erosion control 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 limited. 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/SQMP process will help inform those Members in low vulnerability areas of the types of practices that meet the performance standards. In addition, even Members 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 Members site conditions). The farm evaluations and INMP requirements for low vulnerability areas provide indicators as to whether Members are meeting applicable performance standards. The required

monitoring and periodic reassessment of vulnerability designations will allow the Central Valley Water 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 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, based to the extent possible on existing data, 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 this Order for BPTC/best efforts apply equally to high quality waters and already degraded waters.

This Order allows degradation of existing high quality waters. This degradation is consistent with maximum benefit to the people of the state for the following reasons:

- At a minimum, this Order requires that irrigated agriculture achieve and maintain compliance with water quality objectives and beneficial uses;
- The requirements implementing the Order 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);
- The state and nation depend on Central Valley agriculture for food (PEIR, Appendix A);
- Consistent with the Order’s and PEIR’s stated goal of ensuring that irrigated agricultural discharges do not impair access to safe and reliable drinking water, the Order protects high quality waters relied on by local communities from degradation of their water supplies by current practices on irrigated lands. The Order is 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 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;
- As stated in the PEIR, one goal of this Order is to maintain the economic viability of agriculture in California’s Central Valley. The Central Valley of California is renowned worldwide as the most productive food production region of the world. Agriculture is the principal element of California’s economy and it is the lifeblood of the Central Valley. The Tulare Lake Basin contains three of the nation’s four leading agricultural counties. Fresno, Tulare and Kern Counties lead the nation being the only counties in the nation

each exceeding $5 billion in agricultural production.[30] Correspondingly, agricultural employment in the San Joaquin Valley generally exceeds 220,000.[31]

- The Order prohibits degradation above a water quality objective and establishes representative surface water monitoring and groundwater monitoring programs to determine whether irrigated agricultural waste discharges are in compliance with the Order's receiving water limitations, local communities should not incur any additional treatment costs associated with the degradation authorized by this 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 this Order will institute time schedules for reductions in irrigated agricultural sources to achieve the Order's receiving water limitations; therefore, this Order will, over time, work to reduce treatment costs of such communities; and
- The Order requires Members 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 Members implement practices to achieve farm management performance standards, coupled with representative surface and groundwater monitoring feedback to assess whether practices are effective, will prevent degradation of surface and groundwater quality above water quality objectives.
- The State Water Board found that any degradation allowed by the Modified Waste Discharge Requirements for Growers within the Eastern San Joaquin River Watershed that are Members of a Third-Party Group is consistent with the maximum benefit to the people of the state.[32] The maximum benefit analysis in that order are the same as in this Order. The Central Valley Water Board continues to review new data and concludes that the "maximum benefit" analysis has not changed.
- The Salt Control Program is designed to allow short-term degradation while comprehensive basin-wide salinity management strategies are developed and implemented. Authorizing such degradation would grant Members the latitude to develop long-term implementation plans that are both cost-effective and that prioritize compliance alternatives that will have a greater net regional and/or sub-regional effect on salinity reduction. Those these measures will ultimately require that Members and other parties make substantial and meaningful investments in salinity reduction strategies and control measures, granting extended compliance timelines helps ensure that regulatory measures do not unreasonably affect the economic vitality of the Central Valley's communities by allowing productive agricultural activities to continue while all stakeholders collectively pursue a basin-wide salt management strategy. For these reasons, the Salt Control Program, and the degradation that may be authorized thereunder, is consistent with the maximum benefit of the people of the State.

[30] California County Agricultural Commissioner's Reports 2011 (published December 17, 2012).

[31] North American Industry Classification System Reports of California EDD.

[32] State Water Board, WQO 2018-0002, page 79.

- The Nitrate Control Program is designed to address decades of nitrate impacts that have impaired drinking water sources in many areas of the Central Valley. Under the Nitrate Permitting Strategy, the Central Valley Water Board could authorize projects (including Alternative Compliance Projects) and implementation plans, provided they would ultimately result in reduced nitrate loading so that ongoing discharges do not cause or contribute to exceedances of water quality objectives, and aquifer restoration where reasonable, feasible, and practicable. However, the Nitrate Control Program would allow the Central Valley Water Board to allow nitrate impairments to persist for years, if not decades, to prioritize projects that must ultimately result in nitrate load reductions. As a condition of this permit, Members must provide alternate water supplies for nitrate-affected individuals and communities while long-term strategies are being implemented. In addition, after receiving a Notice to Comply, Members must develop Early Action Plans to address immediate drinking water needs for those that rely on groundwater within the zone of contribution of the Member's discharge or within the tentative management zone boundary. The Nitrate Control Program will require that Members take substantial and meaningful investments in nitrate reduction strategies and control measures, and granting extended compliance timelines to implement these strategies and control measures helps ensure that regulatory measures do no unreasonably affect the economic vitality of the Central Valley's communities. Because the Nitrate Control Program both addresses the economic well-being of permittees in the Central Valley and mandates that the Central Valley Water Board require that Implementation Plans ensure that all affected users will be provided a safe drinking water supply, the degradation that the Central Valley Water Board may authorize pursuant to the Nitrate Control Program and the policies designed to effectuate that program is expected to be consistent with the maximum benefit of the people.

The requirements of the Order and the degradation that would be allowed are consistent with State Water Board Resolution 68-16. The requirements of the Order 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 receiving water limitations in section III of the Order, the compliance schedules in section XII, and the Monitoring and Reporting Program's requirements to track compliance with the Order, are designed to ensure that the authorized degradation will not cause or contribute to exceedances of water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance. Finally, the iterative process of reviewing data and instituting additional management practices where necessary will ensure that the highest water quality consistent with the maximum benefit to the people of the State will be maintained.

California Water Code Sections 13141 and 13241

The total estimated average annual cost of compliance with this Order, e.g., summation of costs for administration, monitoring, reporting, tracking, implementation of management practices, is expected to be approximately $8.90 per acre greater than the cost associated with the protection of surface water only under the Coalition Group Conditional Waiver. The total estimated average cost of compliance associated with continuation of the previous Coalition Group Conditional Waiver within the Tulare Lake Basin Area is expected to be approximately

51.0 million dollars per year ($17.65 per acre annually). The total estimated cost of this Order is expected to be approximately 76.7 million dollars per year ($26.55 per acre annually).

Approximately $20.21 of the estimated $26.55 per acre annual cost of the Order is associated with implementation of water quality management practices (see discussion below for a breakdown of estimated costs). This Order does not require that Members implement specific water quality management practices.[33] 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 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 Central Valley Water Board. The cost estimates include estimated fees the Third-Party 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 $0.56/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 Order.

This Order, which implements the Long-term ILRP within the Tulare Lake Basin Area, is based mainly on Alternatives 2 and 4 of the PEIR, but does include elements from Alternatives 2-5. The Order contains the Third-Party lead entity structure, surface and groundwater management plans, and surface water quality monitoring approach similar to Alternative 2 of the PEIR; farm planning, management practices tracking, nitrogen tracking, and groundwater monitoring similar to Alternative 4 of the PEIR; sediment and erosion control plan (under Alternative 3, "farm plan") 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 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). Table 2 summarizes the major regulatory elements of the Order and provides reference to the PEIR alternative basis.

[33] Per Water Code section 13360, the Central Valley Water Board may not specify the manner in which a Member complies with water quality requirements.

Table 2 - Summary of regular elements

Order elements	Equivalent element from Alternatives 2-5
Third-Party administration	Alternative 2
Farm evaluation Sediment and erosion control plan Nitrogen management plan	Alternative 4: farm water quality management plan and certified nutrient management plan
Recommended/certified sediment and erosion plans	Alternative 3: certification of farm water quality plans
Surface and groundwater management plans	Alternative 2 surface and groundwater management plans
Surface water monitoring	Alternative 2 surface water monitoring
Trend groundwater monitoring	Alternative 4 groundwater monitoring
Management practices evaluation program	Alternative 4 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

The administrative costs of the 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: notice of applicability, sediment and erosion assessment report, monitoring report. Farm evaluation, sediment and erosion control plan and nitrogen management planning (farm plans) costs are estimated using costs and methodology provided by the Kern River Watershed.[34] Total surface water monitoring and reporting costs are estimated to be similar to the costs shown for Alternative 2 –essentially a continuation of the current surface water monitoring approach. Total trend groundwater monitoring and reporting costs are estimated using groundwater monitoring costs and planning costs given on page 2-20 and in Table 2-14 of the Economics Report respectively. Additional cost estimates have been included for the groundwater assessment report[35] and management 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.” Additional costs are estimated for Member application

[34] Based on Provost & Pritchard Consulting Group Technical Report; *Estimated Cost of Compliance Technical Report – Kern Coalition* (4-15-2013).

[35] Based on costs and methodology provided by the Kern River Watershed Coalition (2013).

requirements (e.g., notice of certification/intent) and potential Member CEQA mitigation monitoring.[36] Management practices costs have been estimated for the South Valley Floor and Coast Range watersheds (pages 3-124 to 3-133 and 3-137 to 3-140, 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 Order relative to full implementation of the current waiver program in the Tulare Lake Basin Area are summarized below in Table 3.[37]

Table 3 - Estimated annual average per acre cost of the Order relative to full implementation of the current program (PEIR Alternative 1) in the Tulare Lake Basin Area
(Note: Costs are an estimate of potential, not required costs of implementing specific practices*.)*

Cost Type	Order	Current program	Change
Administration	$1.29	$0.91	$0.38
Farm planning	$1.71	$0	$1.71
Monitoring/reporting/tracking	$3.33	$0.79	$2.54
Management practices	$20.21	$15.95	$4.26
Total	$26.55	$17.65	$8.90

The Tulare Lake 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.[38] The estimated total annual average cost of this Order of $76.7 million dollars ($26.55 per acre) does not exceed the estimated cost range for the irrigated lands program as described in the Basin Plan when considering per acre costs ($27-$168 per acre).

The estimated total annual average cost per acre of Alternative 3 in the Tulare Lake Basin Area is $27.00. The Order has a similar average annual cost to Members and is expected to have similar overall economic impacts, as described in the Economics Report. This is because all costs of the ILRP are paid by Members through fees or other direct costs (e.g., individual implementation of improved practices). Therefore potential economic effects to individual Members associated with such costs will also be similar in nature.

In addition to the compliance costs estimated in the PEIR, estimated costs of compliance with and sources of potential financing for the Salt and Nitrate Control Program for the Central Valley

[36] Based on costs and methodology provided by the Kern River Watershed Coalition (2013).

[37] This discussion provides a brief summary of the major costs. A detailed cost spreadsheet showing calculations and assumptions for this analysis is available by contacting the Central Valley Water Board.

[38] 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).

were evaluated in amendments made to the Basin Plan (effective 17 January 2020). The estimates have been incorporated into this Order and are summarized below:

Table 4 - Estimated Cost to Agriculture Due to Implementation of the Central Valley-wide Salt and Nitrate Control Program *(Note:* Costs expressed as 2016 dollars*)*

Program Component	Tasks	Estimated Cost to Agriculture
Salt Control Program	Strategic planning, administration, and analyses and studies to support the P&O Study	$357,000 - $696,000 per year (first 10 years)
Nitrate Control Program	Provision of short-term safe drinking water supplies and development of Management Zones throughout the Priority 1 and Priority 2 basins/sub-basins	$24.1 million - $35.9 million per year
Surveillance and Monitoring Program	Monitoring and reporting conducted to assure the success of the Salt and Nitrate Control program	$210,000 - $390,000 per year

California Water Code Section 13263

California 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 and groundwater within the Tulare Lake Basin. The Order protects the beneficial uses identified in the Basin Plan. Applicable past, present, and probable future beneficial uses of Tulare Lake Basin waters were considered by the Central Valley Water Board as part of the Basin Planning process and are reflected in the Basin Plans themselves. The Order is a general order applicable to a wide geographic area. Therefore, it is appropriate to consider beneficial uses as identified in the Basin Plan 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 Tulare Lake Basin Area have been 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. This 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*

This Order provides a process to review these factors during implementation of water quality management plans (SQMPs/GQMPs). The Order requires that discharges of waste from irrigated lands to surface water and groundwater do not cause or contribute to an exceedance of applicable water quality objectives. SQMPs and 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 SQMPs and 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 Order, including, but limited to, section III.

d) *Economic considerations*

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 this 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. This Order is based on the alternatives evaluated in the PEIR, which is part of the administrative record. Therefore, potential economic considerations related to the Order have been considered as part of the overall economic analysis for implementation of the long-term irrigated lands regulatory program. This Order is a single action in a series of actions to implement the ILRP in the Central Valley region. Because the Order has been developed from the alternatives evaluated in the PEIR, economic effects will be within the range of those described for the alternatives.

One measure considered in the PEIR is the potential loss of Important Farmland[39] due to increased regulatory costs. This information has been used in the context of this Order to estimate potential loss of Important Farmland within the Tulare Lake Basin Area. It is estimated that approximately 22,887 thousand acres of Important Farmland within the Tulare Lake Basin Area potentially would be removed from production under full implementation of the previous conditional waiver program (Conditional Waiver Order R5-2006-0053); it is estimated that an additional 838 acres of Important Farmland may be removed from production due to increased regulatory costs of this Order (total of approximately 23,726 thousand acres, as described in Attachment D of this Order). As described in the Economics Report, most of the estimated losses would be to lower value crop land, such as irrigated pasture and forage crops.

[39] *Important Farmland* is defined in the PEIR as farmland identified as prime, unique, or of statewide importance by the California Department of Conservation, Farmland Mapping and Monitoring Program.

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

This Order establishes waste discharge requirements for irrigated lands in the Tulare Lake Basin Area. The Order is not intended to establish requirements for any facilities that accept wastewater from residences or stormwater runoff from residential areas. This Order will not affect the development of housing within the region.

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

This Order does not establish 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 this Order may complicate potential use of recycled wastewater on agricultural fields. However, the location of agricultural fields in rural areas generally limits access to large volumes of appropriately treated recycled wastewater. As such, it is not anticipated that there is a need to develop general waste discharge requirements for application of recycled wastewater on agricultural fields in the Tulare Lake Basin Area.

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Figures

Figure 1 *– Tulare Lake Basin Area*

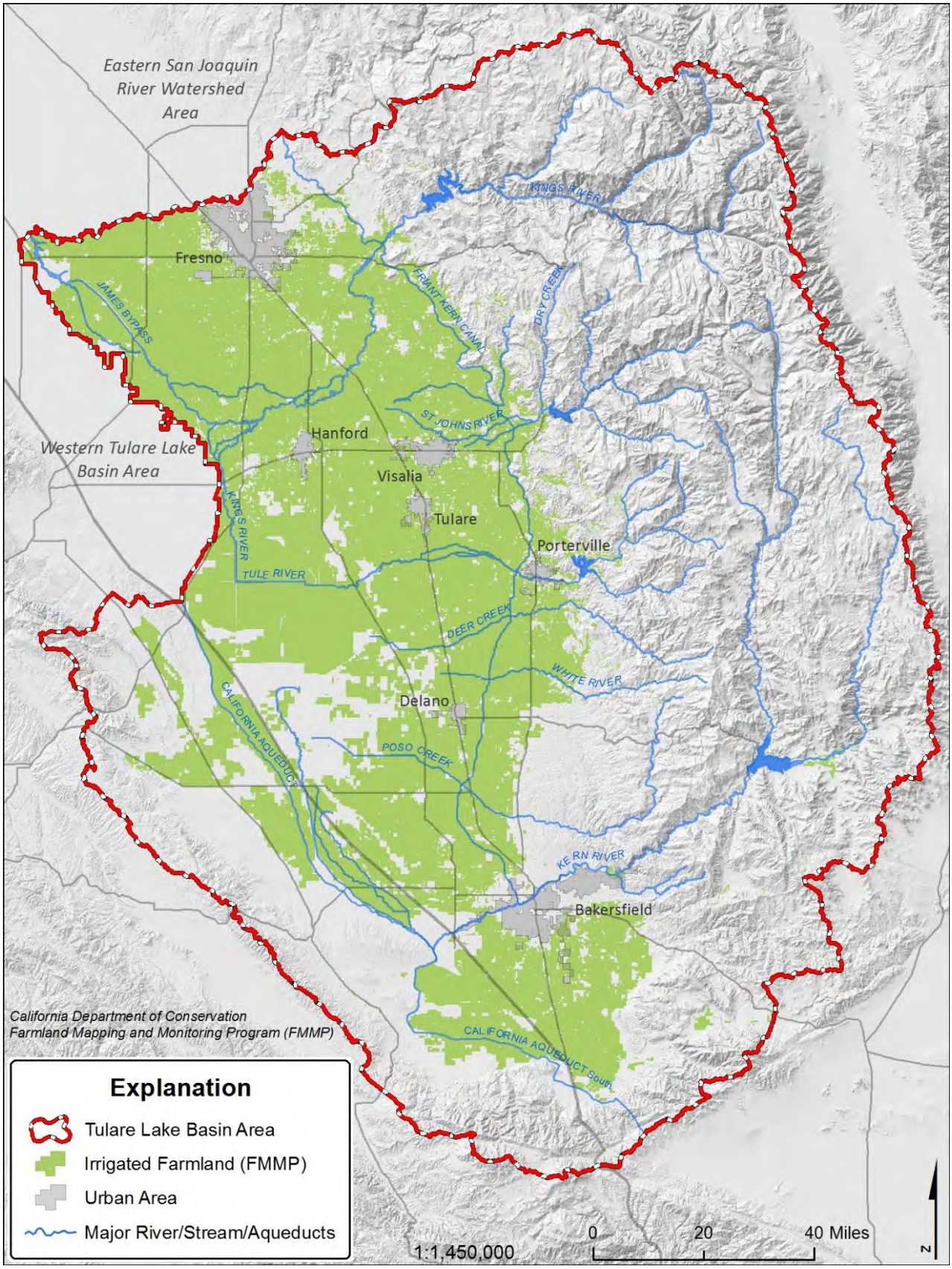
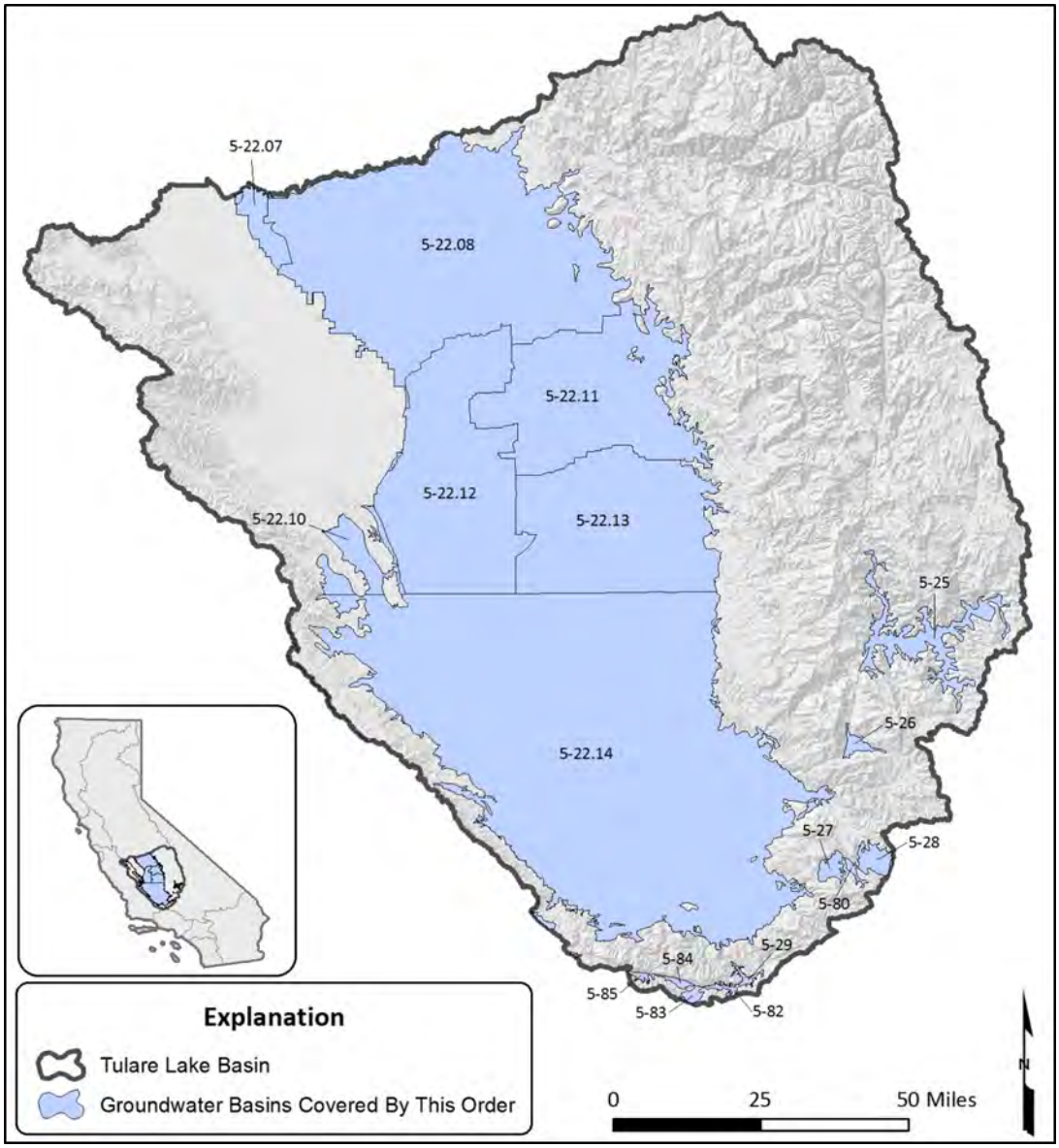


Figure 2 *– Groundwater Basins/sub-basins within the Tulare Lake Basin Area – adapted from DWR (see below figure for a list of Groundwater Basins covered by this Order)*



Groundwater Basins covered by this Order

(*Note*: The southern portion of basin 5-22.10 is covered by this Order)

5-22.07	Delta-Mendota	5-27	Cummings Valley
5-22.08	Kings	5-28	Tehachapi Valley West
5-22.11	Kaweah	5-29	Castaic Lake Valley
5-22.12	Tulare Lake	5-80	Brite Valley
5-22.13	Tule	5-82	Cuddy Canyon Valley
5-22.14	Kern County	5-83	Cuddy Ranch Area
5-25	Kern River Valley	5-84	Cuddy Valley
5-26	Walker Basin	5-85	Mil Potrero Area

Figure 3 *– Generalized Diagram for the Central Valley, Showing the Basin-fill Deposits and Components of the Groundwater System under Modern Conditions – Thiros (2010)*

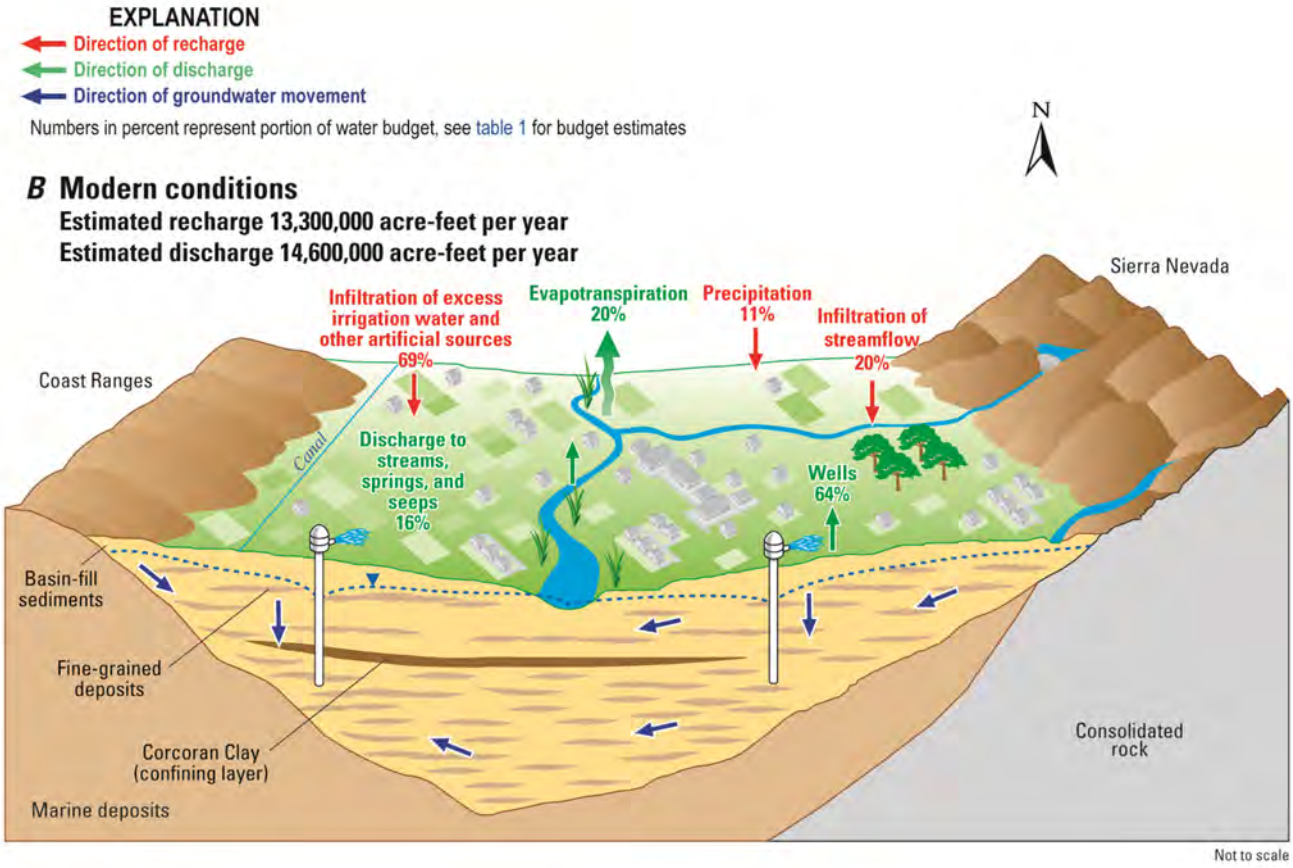


Figure 4 *– DPR Groundwater Protection Areas (GWPA) by section, State Water Board's Hydrogeologically Vulnerable Area (HVA), Nitrate Exceedances from the GAMA Database by section (section contains a well that exceeds the nitrate MCL concentration), and Nitrate Exceedances Associated with the Dairy General Order by section (section contains a well that exceeds the nitrate MCL concentration).*

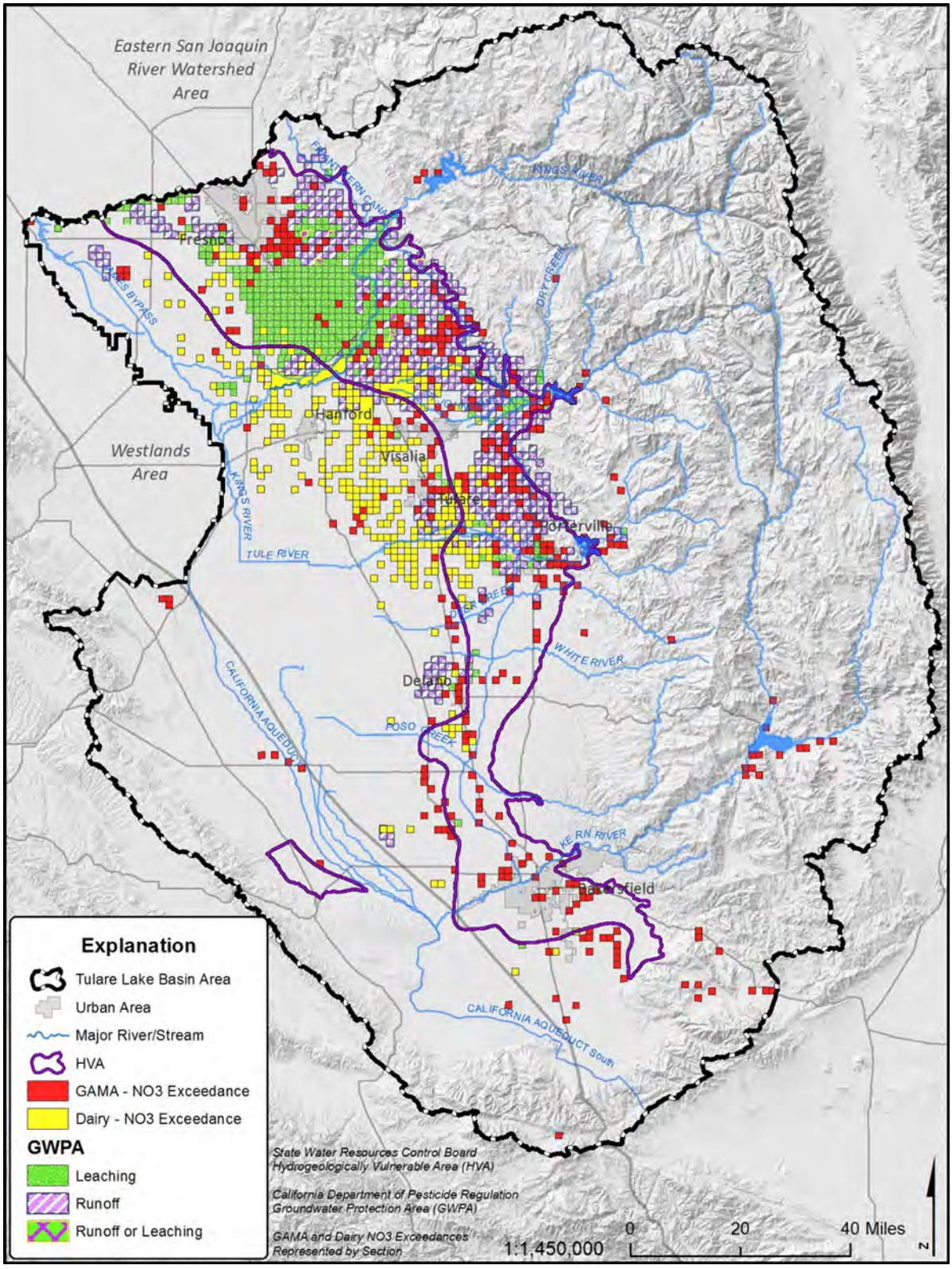


Figure 5 *- GAMA Voluntary Domestic Well Project – showing nitrate concentrations obtained from the GAMA domestic well sampling program in Tulare County (2006).*

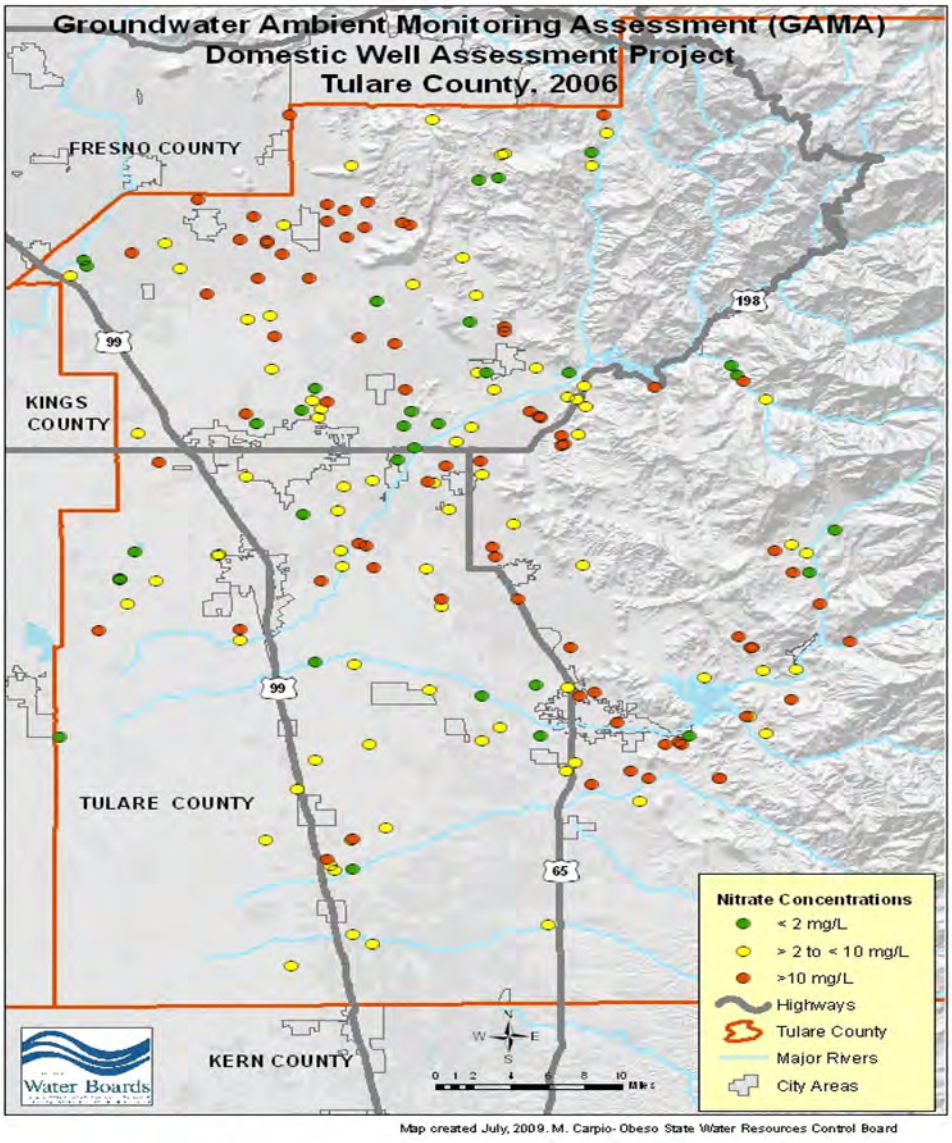
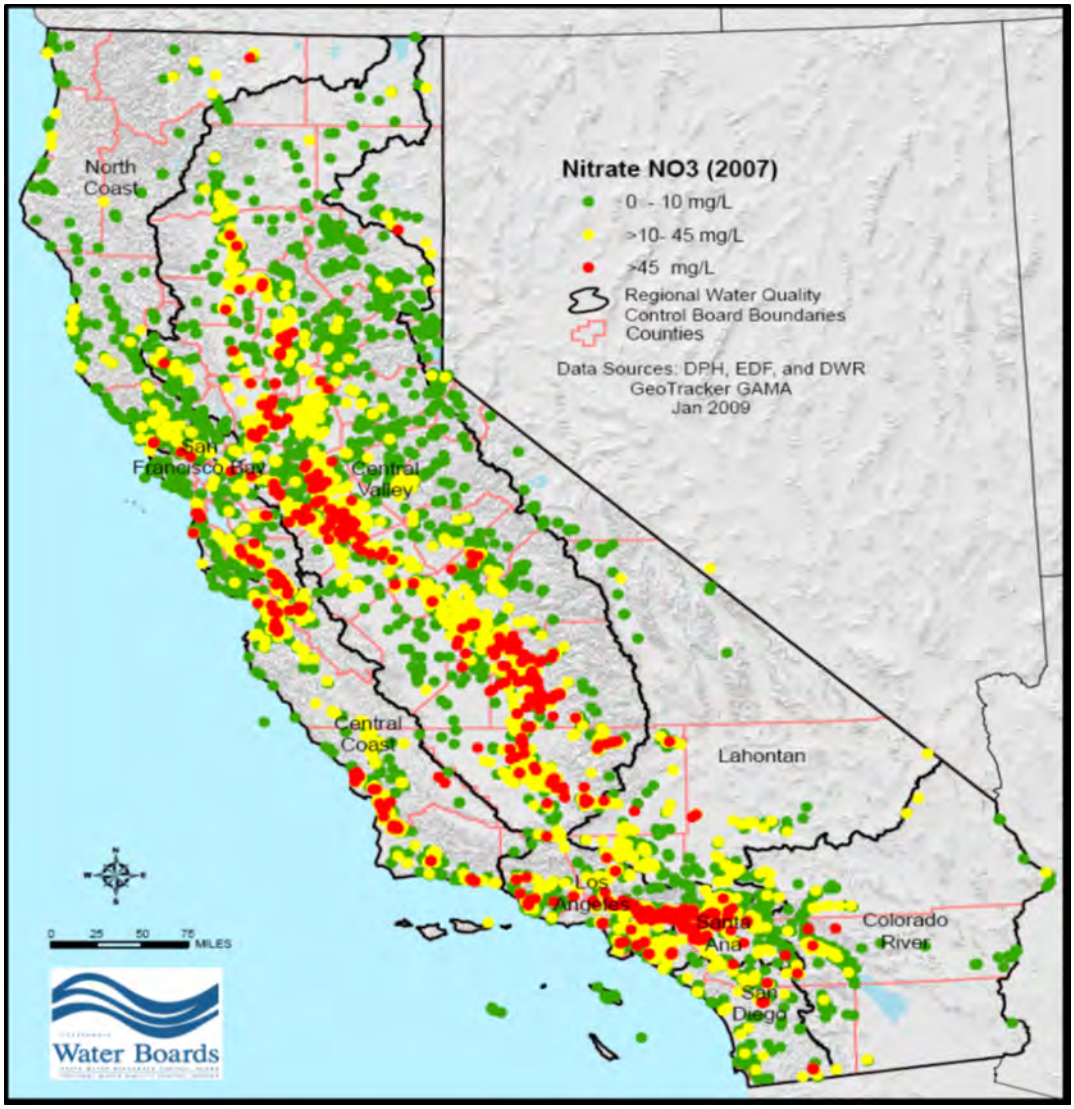


Figure 6 *– Nitrate in Groundwater From: Erik J. Ekdahl, Maria de la Paz Carpio-Obeso, and John Borkovich, California State Water Resources Control Board, 2009; in: Harter, T., 2009. Agricultural impacts on groundwater nitrate, Southwest Hydrology, July/August 2009, p.23-25.*



California Regional Water Quality Control Board Central Valley Region

Attachment B to Order R5-2013-0120-09 Monitoring and Reporting Program

Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group

Table of Contents

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 a Third-Party representative entity assisting individual irrigated lands operators or owners that are members of the Third-Party (Members), as well as requirements for individual Members subject to and enrolled under Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of the Third-Party Group, Order R5-2013-0120-09 (hereafter referred to as the "Order"). This MRP applies to each Third-Party issued an NOA by the Executive Officer. 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 Members 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 surface and groundwater monitoring, reporting, and electronic data deliverable requirements for the Third-Party. Due to the nature of irrigated agricultural operations, monitoring requirements for surface waters and 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 Third-Party shall not implement any changes to this MRP unless the Central Valley Water Board or the Executive Officer issues a revised MRP.

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 (NSP) 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 Third-Party must follow sampling and analytical procedures as 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.[1]

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 Third-Party.

This MRP requires the Third-Party to collect information from its Members and allows the Third-Party to report the information to the Board in a summary format. The Third-Party 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 19 September 2013. The Central Valley Water Board Executive Officer may revise this MRP as necessary. Upon the Executive Officer issuing the Notice of Applicability to the Third-Party, the Third-Party, on behalf of the individual Members, shall implement the following monitoring and reporting.

III. Surface Water Quality Monitoring Requirements

The surface water quality monitoring and reporting requirements in the MRP have been developed in consideration of the critical questions identified in the Information Sheet (Attachment A). The Third-Party must collect sufficient data to describe irrigated agriculture's impacts on surface water quality and to determine whether existing or newly implemented management practices comply with the surface water receiving water limitations of the Order. Surface water monitoring shall include a comprehensive suite of constituents (also referred to as "parameters") monitored periodically in a manner that allows for an evaluation of the condition of a water body and determination of whether irrigated agriculture operations in the Tulare Lake Basin Area are causing or contributing to any surface water quality problems.

A. Surface Water Monitoring Plan

The Third-Party group shall design a scientifically and technically justifiable Surface Water Monitoring Plan sufficient to characterize water quality for all waters of the state within the Third-Party group's boundaries. Two (2) months after receiving a NOA from the Central Valley Water Board, the Third-Party will provide a proposed outline for the Surface Water Monitoring Plan to the Executive Officer, that describes the Monitoring Plan and data sources and references that will be considered in developing the Surface Water Monitoring Plan. The completed plan is due 180 days after receiving an NOA (see section VIII.G of Waste Discharge Requirements Order R5-2013-0120-09). Monitoring proposed within the Surface Water Monitoring Plan must provide sufficient data to describe irrigated agriculture's impacts on surface water quality and to determine whether existing or newly implemented management practices comply with the Surface Water Limitations of the Order. If the Executive Officer disapproves the Surface Water Monitoring Plan in whole or part, the Executive Officer may require revisions to the Surface Water Monitoring Plan, or issue a Surface Water Monitoring Plan to address the surface water

[1] Central Valley Water Board staff will make proposed revisions of the QAPP Guidelines available for public review and comment prior to Executive Officer consideration for approval.

quality monitoring elements identified in Section III.A. of this MRP. The Surface Water Monitoring Plan shall:

- Provide a discussion of the scientific rationale used for the monitoring site selection process (e.g., based on historical and/or on-going monitoring, lack of monitoring data, drainage size, crop types and distribution, topography and land use). Monitoring sites shall be established in a manner to evaluate the effects of irrigated agricultural waste discharges to all surface water bodies within the Third-Party coverage area receiving such wastes. In selecting sites, the Third-Party may choose to sample a location that is representative of a class or area of irrigated agricultural waste discharges, essentially reducing the number of sampling sites but still obtaining the information necessary to evaluate the effects of Member waste discharges throughout the coverage area. Adequate justification of the representativeness of the sampling location must be provided (note that follow-up and management plan actions will apply to all operations represented by the sampling location);
- Discuss the specific conditions/rationale used for the selection of each proposed monitoring site and include the proposed site's location (Albers Projection, NAD83, and units in meters);
- Identify monitoring schedule and frequency (section III.B.1 below);
- Identify parameters to be monitored including site specific requirements (i.e. Special Project monitoring sites) (section III.B.2. below);
- Identify priorities with respect to work on specific watersheds, sub-watersheds, and water quality parameters;
- Identify the method(s) to be used to demonstrate the effectiveness of current management practices and the processes to be used for implementing new management practices, if necessary to achieve compliance with the Surface Water Limitations of the Order;
- Include the requirements provided in Section III of the MRP; and
- Include the requirements provided in Section VIII of the MRP.

The Surface Water Monitoring Plan shall utilize four different but interrelated types of surface water monitoring sites: 1) fixed, long-term core sites, 2) assessment sites, 3) ephemeral sites, and, 4) special project sites (site types are described in detail below). Representative monitoring may be used to address water quality in several waterways with respect to assessment or ephemeral monitoring.

1. Core Monitoring Sites

Core monitoring sites will be used to track trends in water conditions over time. Core monitoring shall occur at fixed stations, at probabilistic sites, or at some other combination of sites that typically contain surface water during some portion of time each year (perennial or intermittent waterway). Core monitoring sites will be sampled on a regular basis (see section III.B.1.), and must include a repetition of the Assessment Monitoring analytical parameters on a regular basis. The purpose of periodically repeating the Assessment Monitoring analytical regime is to evaluate the effects of changes in land-use and management practices and provide information about long-term trends and effectiveness of the management practices. Core monitoring shall

not be limited to largest volume water bodies that would dilute waste constituents that may be in higher concentrations in tributary streams and drainages. The Core Monitoring component of the Surface Water Monitoring Plan shall:

- Focus on a diversity of monitoring sites across the Third-Party's area (hydrology, size, and flow);
- Include sites that through Assessment Monitoring or other information have been shown to be characteristic of key crop types, topography, and hydrology within the Third-Party group's boundaries;
- Discuss the criteria for the selection of each monitoring site (based on existing monitoring projects, historical information, or lack of information);
- Propose the approach, including a schedule, for sampling core monitoring sites;
- Include water bodies that carry agricultural drainage, are dominated by agricultural drainage, or otherwise could be affected by other irrigated agriculture activities; and
- Include management practice information in order to establish relationships (e.g. status and trends) with water quality monitoring information.

Core monitoring sites shall be chosen from locations where Assessment monitoring has already been conducted, or at other sites demonstrated to be appropriate for long-term trend monitoring, and that have been adequately characterized. It is anticipated that many Core monitoring sites will be chosen from the Third-Party's existing monitoring sites allowing for a continuous or near continuous database from which trends may be evaluated.

2. Assessment Monitoring Sites

Assessment monitoring sites shall be selected to represent varying sizes and flows of surface water bodies (including perennial and intermittent waterways) and land uses (e.g., agricultural activities, crops and pesticide use), focusing on diversity across the watershed, and must include water bodies that are carrying agricultural drainage into natural water bodies, whether directly or indirectly. Assessment monitoring will be conducted on a rotating basis (see section III.B.1.). Rotation will be continuous so that any given water body will be reassessed on a regular basis. This strategy will allow for the characterization of a large number of water bodies throughout the Third-Party area over time. Assessment monitoring shall:

- Focus on a diversity of monitoring sites across the Third-Party group's area (hydrology, size, and flow);
- Evaluate different types of water bodies for assessment parameters (perennial, intermittent, constructed agricultural conveyance structures [excluding on-farm conveyance structures] and ephemeral waterways);
- Include a sufficient number of sampling sites or representative monitoring sites (defined in number 5 below) to assess all surface waters of the state within the Third-Party group area; and
- Include sampling sites in areas of known water quality impairments, even if they are not currently identified on the Clean Water Act (CWA) 303(d) listing.

Assessment monitoring shall be used to provide supporting data for sites that a Third-Party group wishes to select as Core monitoring sites for trends. Assessment monitoring shall also take place at all newly established monitoring sites or at sites that have not been fully characterized. Core and Assessment sites shall be selected in a manner to be fully representative of Member waste discharges and receiving water conditions throughout the Third-Party coverage area. Any watershed drainage area that does not contain a Core monitoring site or an Assessment monitoring site must have a designated representative monitoring site unless the Executive Officer has approved an exemption. Any surface water quality management plan (SQMP) actions required by the representative site must take place in the represented drainages.

3. Ephemeral Monitoring Sites

Ephemeral monitoring sites shall be established on representative ephemeral streams (a stream channel which carries water only during and immediately after periods of rainfall or snow melt) which may be impacted by agricultural operations (e.g., spray drift, tailwater flows, storm water runoff). Because ephemeral waterways are typically dry for extended periods of time (in some cases for multiple years), they are to be monitored for all of the parameters listed in section III.B.2.

4. Special Project Monitoring Sites

In addition to Core, Assessment, and Ephemeral sites, the Third-Party may designate Special Project Monitoring sites as needed to implement a Surface Water Quality Management Plan (SQMP), to evaluate commodity or management practice-specific effects on identified water quality problems,[2] or to evaluate sources of identified water quality problems. In accordance with Water Code section 13267, the Executive Officer may require the Third-Party to conduct local or site-specific monitoring, in addition to the Core and Assessment monitoring, where monitoring identifies a localized water quality problem. Core sites and Assessment sites located in areas where management plans are required will also be considered Special Project sites for the parameter(s) subject to the management plan(s).

5. Representative Monitoring

The Third-Party's Surface Water Monitoring Plan may rely on representative monitoring to evaluate the effects of Member waste discharges on receiving waters in lieu of conducting applicable Core, Assessment and Ephemeral monitoring in all surface water bodies receiving irrigated agricultural waste discharges. If the Surface Water Monitoring Plan proposes to rely on representative monitoring, it must specify which areas, crop types, waterways or watershed areas are to be represented by the monitored sites and provide a technically sound justification for the representative nature of the monitoring locations including: similarities in hydrology, crop types, pesticide use, and other factors that affect the discharge of wastes from irrigated lands to surface waters. Third-Party Members within watershed areas that are represented by monitoring in another watershed must apply all SQMP requirements, if any, associated with the representative monitoring site.

[2] "Water quality problem" is defined in Attachment E.

B. Monitoring Requirements and Schedule

Surface water monitoring shall consist of the general water quality parameters, nutrients, pathogen indicators, water column and sediment toxicity, pesticides, and metals identified in section III.B.2. The Third-Party shall continue monitoring at sites within the Third-Party's boundaries, and as described in the Southern San Joaquin Valley Water Quality Coalition's conditionally approved 8 May 2009, Monitoring and Reporting Program Plan (2009 MRPP) or existing approved Surface Water Quality Management Plan (SQMP), until the Executive Officer has approved or issued the Surface Water Monitoring Plan required by this Order, or otherwise requests a SQMP, prepared in accordance with Appendix MRP-1.

Surface Water Quality Management Plan (SQMP): The Third-Party is required to develop SQMPs for monitoring sites where there is an exceedance of a water quality objective or trigger limit more than one time in a three-year period.[3] SQMPs may also be required where there is a trend of degradation that threatens a beneficial use. SQMPs will be reviewed and approved by the Executive Officer as specified in Appendix MRP-1. Also, because SQMPs may cover broad areas potentially impacting multiple surface water users in the plan area, these plans will be made available for public review. Prior to plan approval, the Executive Officer will consider public comments on proposed SQMPs.

Follow-up sampling: The Central Valley Water Board Executive Officer may request that a parameter(s) of concern continue to be monitored at a specific Core, Assessment, Ephemeral, or Special Study site during non-scheduled years. Parameters of concern may include, but are not limited to, parameters that exceed an applicable water quality objective or water quality trigger (see section VII).

Sampling events shall be scheduled to capture at least two storm runoff events per year, except where a different frequency has been required or approved by the Executive Officer. The Third-Party shall identify storm runoff monitoring criteria that are based on precipitation levels and knowledge of soils or other factors affecting when storm runoff is expected to occur at monitoring sites. The collection of storm runoff samples shall not be contingent upon the timing of other sampling events.

1. Monitoring Schedule and Frequency

Core Monitoring Sites
Core Monitoring Sites are to be monitored on a repeating three-year cycle (one year of sampling for assessment monitoring parameters followed by two consecutive years of sampling for core monitoring parameters followed by a repeat of the cycle).

Assessment Monitoring Sites
Assessment monitoring shall be conducted at all new sites for a period of one year and then repeated on a regular rotating basis. The period of rotation is to be proposed in the Third-Party's Surface Water Monitoring Plan.

[3] Surface and Groundwater Management Plans requirements are presented in the attached Monitoring and Reporting Program Appendix MRP-1.

Ephemeral Monitoring Sites
Due to the transitory nature of surface water flow within an ephemeral stream, sampling shall be conducted once monthly whenever water is present. Rainfall forecasts shall be utilized to identify potential sampling events and to provide advanced notice to sampling and laboratory personnel for preparation purposes. Specific Ephemeral sampling triggers and procedures shall be developed by the Third-Party and included in the Third-Party's Surface Water Monitoring Plan The Third-Party shall identify the appropriate monitoring periods (e.g., months, seasons) for all parameters that require testing (Table 1), including a discussion of the rationale to support the proposed schedule.

In the Surface Water Monitoring Plan the Third-Party shall identify the appropriate monitoring periods (e.g., months, seasons) for all parameters that require testing (Table 1), including a discussion of the rationale to support the proposed schedule.

For metals, pesticides, and aquatic toxicity, the monitoring periods shall be determined utilizing previous monitoring results, knowledge of agricultural use patterns (if applicable), pesticide use trends, chemical characteristics, and other applicable criteria. Parameters not previously monitored under Monitoring and Reporting Program Order R5-2008-0005 at a site shall be monitored for two consecutive years during periods when most likely to be present. All other required parameters shall be monitored according to an approved schedule and frequency during the years in which monitoring is conducted at Core and Assessment sites.

Monitoring shall be conducted when the pollutant is most likely to be present. If there is a temporal or seasonal component to the beneficial use, monitoring must also be conducted when beneficial use impacts could occur. The frequency of data collection must be sufficient to allow determination of compliance with the relevant numeric water quality objective(s) or water quality triggers. Adequate characterization of the presence of some pollutants may require monitoring more than once per month. The Third-Party may submit written requests for the removal or addition of monitoring sites or parameters, or to modify the monitoring schedule and frequency, for approval by the Executive Officer.

2. Monitoring Parameters
Water quality and flow monitoring shall be used to assess the wastes in discharges from irrigated lands to surface waters and to evaluate the effectiveness of management practice implementation. Water quality is evaluated with both field-measured parameters and laboratory analytical data as listed on Table 1 of this MRP, according to time of year and monitoring regime. The pesticides marked as "to be determined" (TBD) in Table 1 shall be identified as part of a process that includes input from qualified scientists and coordination with the Department of Pesticide Regulation. Based on this process, the Executive Officer will provide the Third-Party with a list of pesticides that require monitoring in areas where they are applied and have the potential to impair water quality.

The metals to be monitored at sites within each site sub-watershed shall be determined through an evaluation of several factors. The evaluation will provide the basis for including or excluding each metal. Evaluation factors shall include, but not be limited to: documented use of the metal applied to lands for irrigated agricultural purposes in the last three years; prior monitoring results; geological or hydrological conditions; and mobilization or concentration by irrigated agricultural operations. The Third-Party may also consider other factors such as acute and

chronic toxicity thresholds and chemical characteristics of the metals. The Third-Party shall evaluate the monitoring parameters listed in Table 1 to determine which metals and metal fractions warrant monitoring for each site sub-watershed. Documentation of the evaluations must be provided to the Central Valley Water Board as part of the Monitoring Plan Update.

The Third-Party shall identify in an annual Surface Water Monitoring Plan update all parameters to be monitored and the proposed monitoring periods and frequency at selected sites no later than 60 days prior to the beginning of the annual monitoring period.[4] The Surface Water Monitoring Plan update shall be subject to Executive Officer review and approval prior to the initiation of changes in monitoring activities.

Table 1 - Monitoring Parameters *(see notes below table)*

Monitoring Parameters	Measured Parameter	Matrix	Requirement
Field Measurements	Estimated Flow (cfs) – *core monitoring parameter*	Water	Required
	Photo Documentation – *core monitoring parameter*	Site	
	Conductivity (at 25°C) (µs/cm) – *core monitoring parameter*	Water	
	Temperature (°C) – *core monitoring parameter*		
	pH – *core monitoring parameter*		
	Dissolved Oxygen (mg/L) – *core monitoring parameter*		
Drinking Water	*E. coli – core monitoring parameter*	Water	Required
	Total Organic Carbon (TOC) – *core monitoring parameter*		
General Physical	Hardness (as $CaCO_3$)	Water	TBD
	Total Suspended Solids (TSS)		Required
	Turbidity		
Metals	Arsenic (total)	Water	TBD
	Boron (total)		

[4] Annual monitoring period is defined as either the water year, which is 1 October through 30 September, or the calendar year. The Third-Party must inform the Executive Officer which annual reporting period will be used when submitting the Surface Water Monitoring Plan. Once established, the monitoring period may be changed only with the concurrence of the Executive Officer.

Monitoring Parameters	Measured Parameter	Matrix	Requirement
Metals	Cadmium (total and dissolved) – *hardness sample collected*	Water	TBD
	Copper (total and dissolved) – *hardness sample collected*		
	Lead (total and dissolved) – *hardness sample collected*		
	Molybdenum (total)		
	Nickel (total and dissolved) – *hardness sample collected*		
	Selenium (total)		
	Zinc (total and dissolved) – *hardness sample collected*		
Nutrients	Total Ammonia (as N) – *core monitoring parameter*	Water	Required
	Unionized Ammonia (calculated value) – *core monitoring parameter*		
	Nitrogen, Nitrate + Nitrite – *core monitoring parameter*		
	Soluble Orthophosphate – *core monitoring parameter*		
Pesticides	Registered pesticides determined according to the process identified in section III.B.2.	Water	TBD
303(d)	TMDL constituents required by the Basin Plan. 303(d) listed constituents to be monitored if irrigated agriculture is identified as a contributing source within the Tulare Lake Basin Area and requested by the Executive Officer.	Water or Sediment	TBD
Water Toxicity	*Ceriodaphnia dubia – core monitoring parameter*	Water	Required
	Pimephales promelas – core monitoring parameter		
	Selenastrum capricornutum – core monitoring parameter		

Monitoring Parameters	Measured Parameter	Matrix	Requirement
Water Toxicity	Toxicity Identification Evaluation	Water	See section III.B.
Sediment Toxicity	*Hyalella azteca*	Sediment	Required
Pesticides & Sediment Parameters	Bifenthrin	Sediment	As needed
	Cyfluthrin		
	Cypermethrin		
	Deltamethrin		
	Esfenvalerate/Fenvalerate		
	Fenpropathrin		
	Lambda cyhalothrin		
	Permethrin		
	Piperonyl butoxide (PBO)		
	Chlorpyrifos		
	Total Organic Carbon		Required
	Grain Size		

Acronyms & Abbreviation Notes:

°C	degree Celsius
µs/cm	micro Siemens per centimeter
pH	potential hydrogen
mg/L	milligram per liter
$CaCO_3$	calcium carbonate
TBD	to be determined
N	Nitrogen
TMDL	Total Maximum Daily Load

Core Monitoring Parameter Note: The first year of core monitoring must also include any assessment monitoring parameter that exceeded a water quality objective during the previous assessment period.

As Needed Requirement Note: For sediment samples measuring significant toxicity and less than 80% organism survival compared to the control, the sediment pesticide analysis will be performed. Sediment pesticide analyses may be identified according to an evaluation of pesticide use information (see sediment toxicity testing requirements in section III.B. below).

Hardness Sample Collected Note: Hardness samples shall be collected when sampling for these metals.

3. Toxicity Testing

The purpose of toxicity testing is to: 1) evaluate compliance with the *Water Quality Control Plan for the Tulare Lake Basin Plan* (Basin Plan) narrative toxicity water quality objective; 2) identify the causes of toxicity when and where it is observed (e.g. metals, pesticides, ammonia, etc.); and 3) evaluate any additive toxicity or synergistic effects due to the presence of multiple constituents.

a) Aquatic Toxicity

Aquatic toxicity testing shall include *Ceriodaphnia dubia (water flea)*, *Pimephales promelas (fathead minnow)*, and *Selenastrum capricornutum (green algae)* in the water column (see Table 1). Testing for *C. dubia* and *P. promelas* shall follow the USEPA acute toxicity testing methods.[5] Testing for *S. capricornutum* shall follow the USEPA short-term chronic toxicity testing methods.[6] Toxicity test endpoints are survival for *C. dubia* and *P. promelas*, and growth for *S. capricornutum*.

Water column toxicity analyses shall be conducted on 100% (undiluted) sample for the initial screening. A sufficient sample volume shall be collected in order to allow the laboratory to conduct a Phase I Toxicity Identification Evaluation (TIE) on the same sample, should toxicity be detected, in an effort to identify the cause of the toxicity.

If a 50% or greater difference in *Ceriodaphnia dubia* or *Pimephales promelas* mortality in an ambient sample, as compared to the laboratory control, is detected at any time in an acceptable test, a TIE shall be initiated within 48 hours of such detection. If a 50% or greater reduction in *Selenastrum capricornutum* growth in an ambient sample, as compared to the laboratory control, is detected at the end of an acceptable test, a TIE shall be initiated within 48 hours of such detection.

At a minimum, Phase I TIE[7] manipulations shall be conducted to determine the general class(es) (e.g., metals, non polar organics, and polar organics) of the chemical(s) causing toxicity. The laboratory report of TIE results submitted to the Central Valley Water Board must include a detailed description of the specific TIE manipulations that were utilized.

If within the first 96 hours of the initial toxicity screening, the mortality reaches 100%, a multiple dilution test shall be initiated. The dilution series must be initiated within 24 hours of the sample reaching 100% mortality, and must include a minimum of five (5) sample dilutions in order to quantify the magnitude of the toxic response. For the fathead minnow test, the laboratory must take the steps to procure test species within one working day, and the multiple dilution tests must be initiated the day fish are available.

Ceriodaphnia dubia and Pimephales promelas Media Renewal

Daily sample water renewals shall occur during all acute toxicity tests to minimize the effects of rapid pesticide losses from test waters. A feeding regime of 2 hours prior to test initiation and 2 hours prior to test renewal shall be applied. Test solution renewal must be 100% renewal for

[5] USEPA. 2002. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition. Office of Water, Washington, D.C. USEPA-821-R-02-012.

[6] USEPA. 2002. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition. Office of Water, Washington, D.C. USEPA-821-R-02-013.

[7] USEPA. 1991. Methods for Aquatic Toxicity Identification Evaluations. Phase I Toxicity Characterization Procedures. Office of Research and Development, Washington DC. 20460. EPA-600-6-91-003.

Ceriodaphnia dubia by transferring organisms by pipet into fresh aliquot of the original ambient sample, as defined in the freshwater toxicity testing manual.

Selanastrum capricornutum Pre-Test Treatment
Algae toxicity testing shall not be preceded with treatment of the chelating agent EDTA. The purpose of omitting EDTA is to ensure that metals used to control algae in the field are not removed from sample aliquots prior to analysis or during the initial screening.

b) Sediment Toxicity
Sediment toxicity analyses shall be conducted according to EPA Method 600/R-99/064. Sampling and analysis for sediment toxicity testing utilizing *Hyalella azteca* shall be conducted at each monitoring location established by the Third-Party for water quality monitoring, if appropriate sediment (i.e. silt, clay) is present at the site. If appropriate sediment is not present at the designated water quality monitoring site, an alternative site with appropriate sediment shall be designated for all sediment collection and toxicity testing events. Sediment samples shall be collected and analyzed for toxicity twice per year, with one sample collected between 15 August and 15 October, and one sample collected between 1 March and 30 April, during each year of monitoring. The *H. azteca* sediment toxicity test endpoint is survival. The Executive Officer may request different sediment sample collection timing and frequency under a SQMP.

All sediment samples must be analyzed for total organic carbon (TOC) and grain size. Analysis for TOC is necessary to evaluate the expected magnitude of toxicity to the test species. Note that sediment collected for grain size analysis shall not be frozen. If the sample is not toxic to the test species, the additional sample volume can be discarded.

Sediment samples that show significant toxicity to *Hyalella azteca* at the end of an acceptable test and that exhibit < 80% organism survival compared to the control will require pesticide analysis of the same sample in an effort to determine the potential cause of toxicity. The Third-Party may use the previous three years of available pesticide use information to determine which of the parameters listed in Table 1 require testing in the sediment sample. Analysis at practical reporting limits of 1 ng/g on a dry weight basis for each pesticide is required to allow comparison to established lethal concentrations of these chemicals to the test species. This follow-up analysis must begin within five business days of when the toxicity criterion described above is exceeded. The Third-Party may also follow up with a sediment TIE when there is ≥ 50% reduction in test organism survival as compared to the laboratory control. Sediment TIEs are an optional tool.

4. Special Project Monitoring
The Central Valley Water Board or Executive Officer may require the Third-Party to conduct local or site-specific monitoring where monitoring identifies a water quality problem (Special Project Monitoring). The studies shall be representative of the effects of changes in management practices for the parameters of concern. Once Special Project Monitoring is required, the Third-Party must submit a Special Project Monitoring proposal. The proposal must provide the justification for the proposed study design, specifically identifying how the study design will quantify irrigated agriculture’s contribution to the water quality problem, identify sources, and evaluate management practice effectiveness. When such a study is required, the proposed study must include an evaluation of the feasibility of conducting commodity and management practice specific field studies for those commodities and irrigated agricultural practices that could be associated with the constituents of concern. Special Project Monitoring

studies will be designed to evaluate the effectiveness of practices used by multiple Members and will not be required of the Third-Party to evaluate compliance of an individual Member.

C. Surface Water Data Management Requirements

All surface water field and laboratory data (including sediment) must be submitted electronically to the ILRP in the required templates. The Third-Party shall ensure that the most current version of the templates are being utilized and that updates to database lookup lists are communicated to the ILRP on a routine basis. Required formatting and business rules for field, chemistry and toxicity data are detailed within the respective template instruction manuals (see below). These manuals are maintained in collaboration with the Central Valley Regional Data Center (CV RDC) to ensure comparability with the California Environmental Data Exchange Network (CEDEN). In addition to the use of required templates for field, chemistry, and toxicity data, the Third-Party shall maintain an electronic version of their approved Quality Assurance Project Plan (eQAPP). Detailed electronic water quality data submittal requirements are provided in section V.B of this MRP. Note that PDF copies of all original field sheets, field measurement instrumentation calibration logs, chain of custody forms and laboratory reports must accompany the electronic data submittal.

Once data have been submitted to the ILRP, the data will undergo a series of reviews for adherence to the required formatting and business rules. The data will also be reviewed for the required quality control elements as detailed within the Third-Party's eQAPP. The Third-Party will be notified of any changes made to the dataset in order to successfully load the data. If significant changes are found to be needed, the dataset will be returned to the Third-Party for revision. Once the data sets have been reviewed and corrected, if needed, the data will be uploaded by the ILRP into a CV RDC CEDEN comparable database. The dataset will then undergo a final set of reviews to ensure completeness and then be transferred to CEDEN for public access.

A narrative describing each required template is provided below. Links to the required templates, instruction manuals and optional tools are available on the ILRP Electronic Water Quality Monitoring Data Submission Resources webpage.
<www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/electronic_data_submission/>

Field Data Template (Required)
The Third-Party shall input all site visit information and field measurement results into the field data template, which is an Excel workbook. Site visit information (Location and Habitat) must be recorded for any site visit conducted to comply with the requirements in this Order, including events when a site is dry. The field data template contains three required worksheets (Locations, FieldResults, HabitatResults) and four optional worksheets (Stations, FundingCode, GroupCode and Personnel). An instruction manual for the template is available on the ILRP Electronic Data Submission webpage.

Chemistry Data Template (Required)
The Third-Party shall input all chemistry analysis and associated quality control information into the chemistry data template, which is an Excel workbook. The chemistry data template contains two required worksheets: Results and LabBatch. An instruction manual for the template is available on the ILRP Electronic Data Submission webpage.

Toxicity Data Template (Required)
The Third-Party shall input all toxicity analysis and associated quality control information, with the exception of reference toxicity analyses, into the toxicity data template, which is an Excel workbook. The toxicity data template contains three required worksheets: Results, Summary, and ToxBatch. An instruction manual for the template is available on the ILRP Electronic Data Submission webpage.

Electronic Quality Assurance Program Plan (eQAPP) (Required)
The eQAPP is an Excel workbook containing a worksheet of the quality control requirements for each analyte and method as detailed in the most current version of the Third-Party's approved QAPP. The eQAPP workbook will also include additional worksheets containing references for applicable codes, CEDEN retrieval information, and other project specific information. The ILRP has already provided each Third-Party an eQAPP associated with their previously approved QAPP. The Third-Party shall be responsible for updating the Quality Control worksheet to the most current approved QAPP. Each analyte, method, extraction, units, recovery limits, QA sample requirement, etc. are included in this document using the appropriate codes required for the CEDEN comparable database. This information should be used to conduct a quality control review prior to submission. Data that do not meet the project quality assurance acceptance requirements must be flagged accordingly and include applicable comments.

The ILRP and CV RDC have also developed several optional tools to assist the Third-Party. Links to these tools, unless otherwise noted, are available on the ILRP Electronic Data Submission webpage.

Field Sheet Template (Optional)
An example of a CEDEN comparable field sheet can be found on the ILRP webpage. This field sheet was designed to match the entry user interface within the CEDEN comparable database to allow for easier data entry of all sample collection information.

CV RDC Field Entry Shell Database (Optional)
The CV RDC Field Entry Shell Database is a copy of the CV RDC database infrastructure that provides a user interface for site visit and field measurements data entry only. The shell database may be used by those who prefer to enter field data through a user interface rather than directly into the required Excel template. The database provides an export function that can populate the required CV RDC field data template with the data entered. The populated template is then required to be submitted to the ILRP. The shell database may not be used for entry of chemistry or toxicity data. A custom field entry shell database may be obtained by contacting the CV RDC. <mlj-llc.com/contact.html>

Format Quick Guide (Optional Tool)
The Format Quick Guide is a guidance document developed to aid the Third-Party with data entry and can be used as a reference tool for commonly used codes necessary for populating the required data entry templates. The ILRP will provide this document, and updates to it, upon request.

EDD Checklist with example Pivots (Optional Tool)
The electronic data deliverable (EDD) checklist provides for a structured method for reviewing data deliverables from data entry staff or laboratories prior to loading. Example pivot tables are

provided to assist with the review of the data. Documentation on how to use the checklist and associated pivot tables are available on the ILRP Electronic Data Submission webpage.

Online Data Checker (Optional Tool)
An online data checker was developed to automate the checking of the datasets against many of the format requirements and business rules associated with CEDEN comparable data. The data checker can be accessed through the ILRP Electronic Data Submission webpage. Please note that data submission will not be accepted through this tool; however, the checker can still be used to check data for formatting and business rule compliance.

IV. 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 Third-Party 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 Order.

The strategy for evaluating groundwater quality and protection consists of (1) Drinking Water Supply Well Monitoring, (2) Groundwater Quality Assessment Report, (3) Management Practices Evaluation Program, and (4) Groundwater Quality Trend Monitoring Program.

1. Drinking Water Supply Well Monitoring is designed to identify human health impacts of nitrate contamination and notifying well users of any well contaminations of nitrate above the Maximum Contaminant Level (MCL) for drinking water wells located on agricultural property.
2. 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.
3. The overall goal of the *Management Practice Evaluation Program (MPEP)* is to evaluate the effectiveness of management practices in limiting the discharge of waste from irrigated lands to groundwater under different conditions (e.g., soil type, depth to groundwater, irrigation practice, crop type, nutrient management practice).
4. 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. Drinking Water Supply Well Monitoring

After January 1, 2020, Members must initiate sampling of all private drinking water supply wells located on their property, as described below. The requirements of this section will not take effect if, prior to January 1, 2020, the State Water Board determines that the legislature has established a comprehensive statewide program that assures that private drinking water wells will be routinely monitored for nitrate contamination and users of those wells will be notified of the results.

The purpose of Drinking Water Supply Well Monitoring is to identify drinking water supply wells that have nitrate concentrations exceeding the MCL and notify any well users of the potential for human health impact.

1. Members must conduct annual drinking water supply well sampling. Members may submit one or more annual drinking water supply well sampling results from one or more of the five prior years in lieu of one or more of the first three rounds of annual monitoring samples, provided sampling and testing for nitrates was completed using EPA approved methods and by an Environmental Laboratory Accreditation Program certified laboratory. If the nitrate concentration is below 8 mg/L nitrate + nitrite as N in three consecutive annual samples, Members may conduct sampling every five years going forward. An alternative sampling schedule based on trending data for the well may be required by the Executive Officer at any time. Sampling may cease if a drinking water well is taken out of service or no longer provides drinking water, including where the well is taken out of service because sufficient replacement water is being supplied. The Members must keep any records (e.g. photos, bottled water receipts) establishing that the well is not used for drinking water.
2. Groundwater samples must be collected using proper sampling methods, chain-of-custody, and quality assurance/quality control protocols. Groundwater samples must be collected at or near the well head before the pressure tank and prior to any well head treatment. In cases where this is not possible, the water sample must be collected from a sampling point as close to the pressure tank as possible, or from a cold-water spigot located before any filters or water treatment systems.
3. Laboratory analyses for groundwater samples must be conducted by an Environmental Laboratory Accreditation Program State certified laboratory according to the U.S. EPA approved methods; unless otherwise noted, all monitoring, sample preservation, and analyses must be performed in accordance with the latest edition of Test Methods for Evaluating Solid Waste, SW-846, United States Environmental Protection Agency, and analyzed as specified herein by the above analytical methods and reporting limits indicated. Certified laboratories can be found on the Water Board's Environmental Laboratory Accreditation Program (ELAP) website. <www.waterboards.ca.gov\elap>
4. All drinking water supply well monitoring data, including any existing data, are to be submitted electronically to the State Water Board's GeoTracker Database by the testing laboratory. The data submitted shall include the APN where the drinking water supply well is located.

5. If groundwater monitoring determines that water in any well that is used for or may be used for drinking water exceeds 10 mg/L of nitrate + nitrite as N, the Member must provide notice to the users within 10 days of learning of the exceedance and send a copy of the notice to the Central Valley Water Board. If the Member is not the owner of the irrigated lands, the Member may provide notice instead to the owner within 24 hours of learning of the exceedance, and the owner must provide notice to the users within nine days and send a copy of the notice to the Central Valley Water Board.
6. Notice shall be given to users by providing them a copy of a Drinking Water Notification Template approved by the Executive Officer. The template shall be signed by the Member (or landowner if the member is not the owner) certifying notice has been provided to the users. A copy of the signed template shall be sent to the Central Valley Water Board and retained by the Member or non-Member owner.

B. 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 receiving an NOA from the Central Valley Water Board, the Third-Party 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 Third-Party, either solely or in conjunction with other Third-Party groups,[8] must review and update the GAR to incorporate new information every five (5) years. The first update shall be due 30 November 2021 in the Five-Year Assessment Report for participants of the Central Valley Groundwater Monitoring Collaborative, and no later than five (5) years after Executive Officer approval of the GAR for all others.

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

- Provide an 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 associated 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

[8] Several Third-Party groups within the Central Valley have chosen to participate in a collaborative approach to meet the goals and objectives of this MRP, specifically with respect to certain Groundwater Quality Assessment Report and Groundwater Quality Trend Monitoring Requirements contained in section IV.B and IV.D. These Third-Party groups formed the Central Valley Groundwater Monitoring Collaborative (CVGMC), which has committed to the development and submittal of a Five-Year Assessment Report in lieu of individual Third-Party GAR updates and groundwater quality trend evaluations.

- 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 Third-Party area, including the most prevalent commodities comprising up to at least 80% of the irrigated agricultural acreage in the Third-Party area;
- Information regarding depth to groundwater, provided as a contour map(s);
- Groundwater recharge information, including identification of areas contributing recharge to urban and rural communities where groundwater serves as a significant source of supply;
- Soil survey information including significant areas of high salinity, alkalinity, and acidity;
- Shallow groundwater constituent concentrations (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); and
- 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 relative 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 Third-Party should assess the possibility of data sharing between the data-collecting entity, the Third-Party, 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; and

- Discuss pertinent geologic and hydrogeologic information for the Third-Party area(s) 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 Third-Party must review and confirm or modify vulnerability designations during each GAR five (5) year update. The vulnerability designations will be made by the Third-Party using a combination of physical properties (soil type, depth to groundwater, known agricultural impacts to beneficial uses, etc.) and management practices (irrigation method, crop type, nitrogen application and removal rates, etc.). If the Third-Party intends to develop a Basin Plan Amendment Workplan (section VIII.N of the Order), the Third-Party must identify the areas where a high vulnerability designation results from exceedances due to naturally elevated levels of a constituent. The Third-Party 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.

At a minimum, high and low vulnerability areas described in the GAR shall include all areas with underlying groundwater that is polluted for nitrates or other constituents associated with irrigated agriculture. The Executive Officer may revise GAR high and low vulnerability areas that do not meet the above requirements. As groundwater and other data are made available to the Central Water Board subsequent to the submittal of the initial GAR, high and low vulnerability designations may be revised based on this new information.

5. Prioritization of high vulnerability groundwater areas. The Third-Party 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 Third-Party 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 urban and rural communities 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; and
- 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 includes, but is not limited to, 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.

The Executive Officer will review and may approve or require changes to any Third-Party proposed high/low vulnerability areas and the proposed priority ranking. The vulnerability areas, or any changes thereto, shall not be effective until Third-Party receipt of 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.

C. Management Practice Evaluation Program

The Management Practice Evaluation Program (MPEP) shall prioritize the determination of the crop-specific coefficients for conversion of yield to nitrogen removed and then on the determination of acceptable ranges for the multi-year A/R ratio target values by crop. In addition, the goal of the MPEP is to evaluate the effectiveness of irrigated agricultural practices[9] with regard to groundwater quality. A MPEP may prioritize the conditions relevant to 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 IV.E of this MRP, the Third-Party 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:

- Determine the crop-specific coefficients for conversion of a measured crop yield to nitrogen removed.
- Determine acceptable ranges for the multi-year A/R ratios by crop.
- Identify whether existing site-specific and/or commodity-specific management practices are protective of groundwater quality;
- Determine if newly implemented management practices are improving or may result in improving groundwater quality;

[9] In evaluating management practices, the Third-Party is expected to focus on those practices that are most relevant to the Members' groundwater quality protection efforts.

- Develop an estimate of the effect of Members' discharges of constituents of concern on groundwater quality; and
- Utilize the results of evaluated management practices to improve the practices implemented on Member farms (not specifically evaluated, but having similar site conditions).

Given the wide range of management practices/commodities that are used within the Third-Party's boundaries, it is anticipated that the Third-Party will rank or prioritize its areas and commodities, and present a phased approach to implement the MPEP. The Third-Party may base such prioritization on high/low vulnerability distinctions.

2. Implementation. Since management practices evaluation may transcend watershed or Third-Party 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 Third-Party;
- 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) 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 IV.E below.

3. Report. Reports of the MPEP must be submitted to the Executive Officer as part of the Third-Party's Monitoring Report or in a separate report due on the same date as the Monitoring Report. The report shall include all data[10] (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, including A/R and C_N data. 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 Third-Party 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.

[10] The data need not be associated with a specific parcel or Member.

4. Management Practices Evaluation Report. No later than six (6) years after implementation of each phase of the MPEP, the Third-Party 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 of the Third-Party 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 Third-Party 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). The MPER must include an adequate technical justification for the conclusions that incorporates available data and reasonable interpretations of geologic and engineering 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 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 Third-Party 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. Where applicable, existing GQMPs shall be updated by the Third-Party group to be consistent with the findings of the Management Practices Evaluation Report.

D. Groundwater Quality Trend Monitoring

This section provides the objectives and minimum sampling and reporting requirements for Groundwater Quality Trend Monitoring. As specified in section IV.F of this MRP, the Third-Party is required to develop a workplan that will describe the methods that will be utilized to meet the trend monitoring requirements. This MRP allows developing and implementing a regional Groundwater Quality Trend Monitoring workplan that involves participants in other areas or Third-Party groups, provided the regional workplan meets the objectives and sampling and reporting requirements described herein. The Third-Party must submit a copy of the agreement between the parties included in the regional Groundwater Quality Trend Monitoring Group (Trend Monitoring Group). Under this option, the regional workplan may propose a phased approach to develop and implement the workplan elements specified in section IV.F of this MRP.

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 Third-Party shall develop a groundwater quality monitoring network that will (1) be implemented over both high and low vulnerability areas in the Third-Party 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 quality monitoring, while still yielding data which can be compared with historical and future data to evaluate long-term groundwater quality trends. The Third-Party may also consider using existing monitoring networks such as those used by AB 3030 and SB 1938 plans.

The Third-Party, either solely or in conjunction with a regional Groundwater Quality Trend Monitoring Group, shall submit a proposed Groundwater Quality Trend Monitoring Workplan described in section IV.F below to the Central Valley Water Board. The proposed network shall consist of a sufficient number of wells to provide coverage in the Third-Party geographic 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 included in the workplan submitted by the Third-Party. If the Third-Party participates in a Trend Monitoring Group, the proposed well network and rationale for distribution of trend monitoring wells is not required in the initial workplan. However, the initial workplan must include a schedule for developing and submitting a proposed well network and rationale for distribution of trend monitoring wells.

3. Reporting. The results of trend monitoring are to be included in the Third-Party's Monitoring Report, unless the Third-Party is participating in a regional Trend Monitoring Group. Regional Trend Monitoring Group participants shall report the results of trend monitoring separately according to the following schedules:

- By 1 May annually, submitted as part of an Annual Groundwater Quality Trend Monitoring Report.[11]
- By 30 November 2021 and every fifth year thereafter, included in the Five-Year Assessment Report.

The annual reports shall include a map of the sampled wells, tabulation of the analytical data, and time concentration charts. Groundwater quality monitoring data are to be submitted electronically to the State Water Board's GeoTracker Database and to the Central Valley Water Board.

Following collection of sufficient data (sufficiency to be determined by the method of analysis proposed by the Third-Party or Trend Monitoring Group) from each well, the Third-Party is to evaluate the data for trends. The methods to be used to evaluate trends shall be proposed by the Third-Party or Trend Monitoring Group in the Groundwater Quality Trend Monitoring Workplan described in section IV.F below.

E. Management Practices Evaluation Workplan

The Third-Party, 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 evaluation locations. It must also encompass the range of management practices used, the major agricultural commodities, and site conditions under

[11] An Annual Groundwater Quality Trend Monitoring Report shall not be due during years in which a Five-Year Assessment Report is submitted.

which these commodities are grown. The workplan shall be designed to meet the objectives and minimum requirements described in section IV.C 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 proposed approach may include:

- Groundwater monitoring;
- Tracking applied and removed nitrogen;
- Modeling;
- Vadose zone sampling; and/or
- Other scientifically sound and technically justifiable methods for meeting the objectives of the Management Practices Evaluation Program.

Where available, shallow groundwater monitoring data should be collected to validate the conclusions regarding the effect of the evaluated practices on groundwater quality. Any shallow groundwater quality monitoring that is part of the workplan must be of first encountered groundwater. Monitoring of shallow first encountered groundwater more readily 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., groundwater quality or vadose zone monitoring; soil sampling) for each constituent.

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 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 Third-Party chooses to rank or prioritize areas/commodities 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 Third-Party 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.

6. Groundwater Protection Formula: By July 1, 2020, the Third-Party shall amend the workplan to propose a Groundwater Protection Formula (GWP Formula) to the Executive Officer. The purpose of the GWP Formula is to generate a value (the Groundwater Protection Value or GWP Value), expressed as either a nitrogen loading number or a concentration of nitrate in water (e.g. mg/l) as appropriate,[12] reflecting the total applied nitrogen, total removed nitrogen, recharge conditions, and other relevant and scientifically supported variables that influence the potential average concentration of nitrate in water expected to reach groundwater in a given township over a given time period. The Executive Officer shall approve the proposed GWP Formula with any revisions after opportunity for public review and comment. The Third-Party shall use the GWP Formula to compute GWP Values for each township in high vulnerability areas as part of its GQMP. The GWP Values shall be subject to public review and comment and Executive Officer approval. GWP Values shall be developed and included in the GQMP no later than six months from Executive Officer approval of the GWP Formula.

7. Groundwater Protection Targets by Township: The first year following the Third-Party's inclusion of GWP Values in the GQMP, the Third-Party shall develop Groundwater Protection Targets (GWP Targets) for each township for which a GWP Values was computed the prior year. The purpose of the GWP Targets is to set a desired target that is intended to achieve compliance with the Receiving Water Limitations for groundwater described in Section III.B of the Order within the time schedule for compliance specified in Section XII of the Order. The GWP Targets shall be informed by the GAR, the MPEP, and the groundwater quality trend monitoring program. The GWP Targets shall be reviewed and subject to approval by the Executive Officer after opportunity for public review and comment. The GWP Targets shall be reviewed and revised as necessary every five years.

F. Groundwater Quality Trend Monitoring Workplan

The Third-Party, either solely or in conjunction with a regional Groundwater Quality Trend Monitoring Group, shall develop a workplan for conducting trend monitoring within its boundaries that meets the objectives and minimum requirements described in section IV.D of this MRP. The workplan shall be submitted to the Executive Officer for review and approval. If the regional Groundwater Quality Trend Monitoring Group option is selected, the workplan must be submitted to the Executive Officer by 31 October 2017. The regional Groundwater Quality Trend Monitoring Workplan may propose a schedule for a phased approach to develop and implement items 1 through 4 below. In addition, the proposed schedule shall include submittal of a QAPP for the regional Trend Monitoring Workplan. A single Third-Party Trend Monitoring

[12] The appropriate metric is to be determined as part of the workplan development.

Workplan shall provide full information/details for items 1 through 4 below upon submittal of the workplan, due one (1) year following approval of the GAR.

1. Workplan approach. The Trend Monitoring Workplan must include a discussion of the rationale for the number of proposed wells to be monitored and their locations. The rationale needs to consider: 1) the variety of agricultural commodities produced within the Third-Party's boundaries (particularly those commodities comprising the most irrigated agricultural acreage), 2) the conditions discussed/identified in the GAR related to the vulnerability prioritization within the Third-Party area, 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. Details for wells proposed for trend monitoring, including:

- GPS coordinates;
- Physical address of the property on which the well is situated (if available);
- California State well number (if known);
- Well depth;
- Top and bottom perforation depths;
- A copy of the water well drillers log, if available;
- Depth of standing water (static water level), if available (this may be obtained after implementing the program); and
- Well seal information (type of material, length of seal).

Complete well details may not always be available for trend monitoring wells. In these cases, well details must be provided to the maximum extent possible and it must be reasonable to assume that the well's characteristics are such that monitoring results from the well are appropriate for use in meeting the objectives of Groundwater Quality Trend Monitoring. Wells used for trend monitoring that do not have complete well details should be flagged so that they can be distinguished within the well network. All wells included in the well network are subject to Executive Officer approval.

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 2 below.

4. Workplan implementation and analysis. Proposed method(s) to be used to evaluate trends in the groundwater quality monitoring data over time.

Table 2 - Trend Monitoring Constituents

Annual Monitoring:
• Conductivity (at 25°C) (µmhos/cm), field parameters • pH (pH units), field parameters • Dissolved oxygen (DO) (mg/L), field parameters • Temperature (°C), field parameters • Nitrate as nitrogen (mg/L)
Trend monitoring wells are also to be sampled initially and once every five years thereafter for the following constituents of concern:
• Total dissolved solids (TDS) (mg/L) • General minerals (mg/L): o Anions (carbonate, bicarbonate, chloride, and sulfate) o Cations (boron, calcium, sodium, magnesium, and potassium)

V. Third-Party Reporting Requirements

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

The Third-Party shall develop Anonymous Member IDs and Anonymous APN IDs, as defined in Attachment E, for the reporting of data under Section C and D below.

A. Selection of Salinity and Nitrate Permitting Approach

Upon receipt of a Notice to Comply, the Third-Party shall inform the Central Valley Water Board of its selected permitting approach for the salt control program and the nitrate control program. The available permitting approaches and associated timelines for submittals are provided below. The Third-Party shall select one approach for the Salt Control Program. For the Nitrate Control Program, the Third-Party shall select one approach for each basin or sub-basin that receives a Notice to Comply for the Nitrate Control Program. If the Third-Party is identified as an Initial Participant in a Preliminary Management Zone Proposal it shall be presumed to be electing Path B for complying with the Nitrate Control Program, unless the Third-Party otherwise notifies the Central Valley Water Board of its intent to withdraw from Path B.

Salt Control Program

1. **Conservative Salinity Permitting Approach**
   No later than six months after receiving the Notice to Comply as reflected by the due date on the Notice to Comply letter, the Third-Party shall submit a Notice of Intent informing the Central Valley Water Board of its selected compliance pathway along with a Salinity Characterization Report describing how their members' discharges will comply with the

conservative permitting requirements identified in the Basin Plan.[13] If the Board does not concur with the findings of the assessment, the Board may request additional technical and/or monitoring information with a deadline for submittal, or the Third-Party may select the Alternative Salinity Permitting Approach.

2. **Alternative Salinity Permitting Approach**
   No later than six months after receiving the Notice to Comply as reflected by the due date on the Notice to Comply letter, the Third-Party shall submit a Notice of Intent informing the Central Valley Water Board of its selected alternative salinity permitting approach and provide documentation of its compliance with the minimum required level of financial support, as determined by the lead entity overseeing the Prioritization and Optimization Study (P&O Study).

Nitrate Control Program

1. **Individual Permitting Approach (Path A)**
   No later than 330 days (Priority 1 Basins) or 425 days (remaining basins) after receiving the Notice to Comply for a basin or subbasin, the Third-Party shall submit a Notice of Intent informing the Central Valley Water Board of its selected permitting approach for the basin or subbasin that received the Notice to Comply along with an Initial Assessment of their members' discharges as they relate to nitrate for that basin or subbasin. The Initial Assessment must include the elements described in MRP Section V.J unless otherwise approved by the Executive Officer.

2. **Management Zone Permitting Approach (Path B)**
   No later than 270 days (Priority 1 Basins) or within one year (remaining basins) after receiving the Notice to Comply for a basin or subbasin, a Preliminary Management Zone Proposal for the basin or subbasin that received the Notice to Comply shall be submitted which identifies the Third-Party as an Initial Participant. The Preliminary Management Zone Proposal must include elements described in MRP Section V.K unless otherwise approved by the Central Valley Water Board's Executive Officer.

Changes to Selected Permitting Approaches for Salinity and Nitrate

The Third-Party must request and obtain Board approval prior to changing its selected permitting approach for all or parts of the Third-Party's area. Under the salt control program, if the Third-Party requests to change from the Alternative to the Conservative Permitting Approach, it must demonstrate to the Board that it has complied with all provisions associated with the Alternative Compliance Permitting Approach, including financial support to the P&O Study up to the time of permit revision and that it can comply with the Conservative Permitting Approach by submitting a Salinity Characterization Report. If the Third-Party requests to change from the Conservative Permitting Approach to the Alternative Approach, it shall meet the financial commitment requirements of the Alternative Approach as required by the entity conducting the P&O Study.

[13] The required elements of a Salinity Characterization Report are described in the Notice of Intent (NOI) to Comply with Salt Control Program Resolution R5-2018-0034 and in the associated guidance document which can be found on the CV-SALTS Implementation Forms, Templates and Guidance webpage. <www.waterboards.ca.gov/centralvalley/water_issues/salinity/forms_temps_guide/>

Under the nitrate control program, if the Third-Party is identified as an Initial Participant in a Management Zone it shall be presumed to be electing Path B for complying with the Nitrate Control Program, unless the Third-Party otherwise notifies the Central Valley Water Board of their intent to withdraw from Path B. If the Third-Party withdraws from Path B, it must submit an Initial Assessment and Notice of Intent that complies with the Individual Permitting Approach requirements within 30 days from withdrawal.

B. Quarterly Submittals of Surface Water Monitoring Results

Each quarter, the Third-Party shall submit the previous quarter's surface water monitoring results in an electronic format. The deadlines for these submittals are listed in Table 3 below.

Table 3 - Quarterly Surface Water Monitoring Data Reporting Schedule

Due Date	Type	Reporting Period
1 March	Quarterly Monitoring Data Report	1 October through 31 December of previous calendar year
1 June	Quarterly Monitoring Data Report	1 January through 31 March of same calendar year
1 September	Quarterly Monitoring Data Report	1 April through 30 June of same calendar year
1 December	Quarterly Monitoring Data Report	1 July through 30 September of same calendar year

Exceptions to due dates for submittal of electronic data may be granted by the Executive Officer if good cause is shown. The Quarterly Surface Water Monitoring Data Report shall include the following for the required reporting period:

1. An Excel workbook containing an export of all data records uploaded and/or entered into the CEDEN comparable database (surface water data). The workbook shall contain, at a minimum, those items detailed in the most recent version of the Third-Party's approved QAPP;
2. The most current version of the Third-Party's eQAPP;
3. Electronic copies of all field sheets;
4. Electronic copies of photos obtained from all surface water monitoring sites, clearly labeled with the CEDEN comparable station code and date;
5. Electronic copies of all applicable laboratory analytical reports on a CD;
6. For toxicity reports, all laboratory raw data must be included in the analytical report (including data for failed tests), as well as copies of all original bench sheets showing the results of individual replicates, such that all calculations and statistics can be reconstructed. The toxicity analyses data submittals must include individual sample results, negative control summary results, and replicate results. The minimum in-test water quality measurements reported must include the minimum and maximum measured values for specific conductivity, pH, ammonia, temperature, and dissolved oxygen;
7. 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 (COCs) 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 quarterly 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 CEDEN comparable database, this shall also be noted with the submittal.

C. Annual Groundwater Monitoring Results

Annually, by 1 May, the Third-Party 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.

D. Annual Management Practice Implementation Data

By 31 August 2020, and annually thereafter, the Third-Party shall submit to the Central Valley Water Board management practice implementation data from the most recently submitted Farm Evaluations in Excel workbook format. By 31 August 2021 and annually thereafter, the Third-Party shall also submit to the Central Valley Water Board management practice implementation data from the prior year's INMP Summary Reports and from the MPIRs in Excel workbook format. 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. The Third-Party shall maintain an original electronic copy of all Farm Evaluations, INMP Summary Reports, and MPIRs, for ten years as required in Section X of the order.

The following data shall be reported to the Central Valley Water Board for each field:

1. Anonymous Member ID
2. Crop: If the Member has more than one field of a given crop, these may be identified by crop plus a number (e.g. $tomato_1$, $tomato_2$).

Data from the INMP Summary Report:

3. Whether Member was notified that Member was an outlier for AR data
4. INMP certification method
5. Irrigation method
6. Irrigation practices
7. Nitrogen management practices

Data from MPIR:

8. Whether the field is in a SQMP area
9. If so, management practices implemented consistent with the SQMP
10. Whether the field is in a GQMP area
11. If so, management practices implemented consistent with the GQMP

Data from Farm Evaluation:

12. Pest management practices
13. Sediment and erosion management practices
14. Whether there are irrigation wells
15. Whether there are abandoned wells

E. Annual Irrigation and Nitrogen Management Plan Summary Report Data

The Third-Party shall submit certain data from the prior year's Irrigation and Nitrogen Management Plan (INMP) Summary Reports and certain additional calculations in three tables in Excel workbook format. If any INMP Summary Reports or data are missing, the submittal must include a description of what data are missing and when they will be submitted to the Central Valley Water Board.

The Third-Party shall submit Township AR Data Table beginning 31 August 2019 and annually thereafter.

The Third-Party shall submit the Individual Field AR Data by Anonymous Member ID Table beginning 31 August 2020, and annually thereafter.

The Third-Party shall submit Individual Field AR Data by Anonymous APN ID Table beginning 31 August 2021 and annually thereafter.

The Third-Party shall maintain all INMP Summary Reports received by the Third-Party and maintain all electronic database tables created from the INMP Summary Reports for a minimum of 10 years as required by section X of the order.

Concurrently with the data submission, the Third-Party shall identify the entries in the two Individual Field AR data tables above that the Third-Party considers outliers for AR data, subject to follow up actions, and the standard used to make that determination.

The Third-Party shall calculate the following values and convert them to per acre values as indicated:

Total Nitrogen Removed
The total nitrogen removed shall be calculated from the total amount of material removed (harvested/sequestered) and multiplied by a crop-specific coefficient, C_N. The Third-Party shall determine, through literature review, nitrogen removed testing, and research, the most appropriate C_N coefficients for converting crop yield to nitrogen removed. The Third-Party shall publish C_N coefficients for crops that cover 95% of acreage within the Third-Party's boundaries in time to calculate Total Nitrogen Removed values based on yield values reported in the INMP Summary Reports due 1 March 2021. By 1 March 2023, the Third-Party shall publish C_N coefficients for crops that cover 99% of acreage within the Third-Party's boundaries. For the crops that cover the remaining 1% of acreage within the Third-Party's boundaries, it is acceptable to use estimated C_N coefficients based on similar crop types. The methods used to establish C_N coefficients must be approved by the Executive Officer. Until C_N coefficients have been established for a particular crop, the member will only report the crop yield in the INMP. Nitrogen Removed includes nitrogen removal via harvest and nitrogen sequestered in permanent wood of perennial crops.

Nitrogen Applied/Nitrogen Removed Ratio (A/R Ratio)
The A/R ratio shall be reported as the ratio of total nitrogen applied to total nitrogen removed (calculated below).

$$A/R_{1\ year}\ \text{Ratio} = \frac{\text{Nitrogen Applied}_{\text{(during current reporting cycle)}}}{\text{Nitrogen Removed}_{\text{(during current reporting cycle)}}}$$

Multi-Year Applied/Nitrogen Removed Ratio (A/R Ratio)
For each field for which three consecutive years of A/R ratio is available, the multi-year A/R ratio shall be reported as the ratio of total nitrogen applied to total nitrogen removed (calculated below) for the three prior consecutive years.

$$A/R_{3\ year}\ \text{Ratio} = \frac{\text{Sum of Nitrogen Applied}_{\text{(during current and 2 previous reporting cycles)}}}{\text{Sum of Nitrogen Removed}_{\text{(during current and 2 previous reporting cycles)}}} = \frac{(A_n + A_{n-1} + A_{n-2})}{(R_n + R_{n-1} + R_{n-2})}$$

Where n = current reporting cycle

Nitrogen Applied – Nitrogen Removed Difference (A-R Difference)
The A-R difference shall be reported as the numerical difference between total nitrogen applied and total nitrogen removed (calculated below).

$$A\text{-}R_{1\ year}\ \text{Difference} = \text{Nitrogen Applied}_{\text{(current reporting cycle)}} - \text{Nitrogen Removed}_{\text{(current reporting cycle)}}$$

$A\text{-}R_{3\ year}$ Difference =

$$\left[\text{Sum of Nitrogen Applied}_{\text{(current and 2 previous reporting cycles)}}\right] - \left[\text{Sum of Nitrogen Removed}_{\text{(current and 2 previous reporting cycles)}}\right]$$

$$= (A_n + A_{n-1} + A_{n-2}) - (R_n + R_{n-1} + R_{n-2})$$

Where n = current reporting cycle

The Third-Party shall review each Members' INMP Summary Reports and independently calculate and report both the A/R ratio and the A-R difference for the current reporting cycle ($A/R_{1\ year}$ and $A\text{-}R_{1\ year}$). Beginning the third year of reporting, for those locations with data available for three years, the Third-Party shall calculate and report a three-year running total for both the A/R ratio and the A-R difference ($A/R_{3\ year}$ and $A\text{-}R_{3\ year}$).

The following data shall be reported to the Central Valley Water Board in three tables:

Individual Field-Level AR Data by Anonymous Member ID Table: One entry is made for each field or management unit reported.

1. Anonymous Member ID: Each Anonymous Member ID may be associated with more than one field.
2. Crop: If the Member has more than one field of a given crop, these may be identified by crop plus a number (e.g. $tomato_1$, $tomato_2$).[14]
3. Nitrogen applied via fertilizers (lbs/acre)
4. Nitrogen applied via organics and compost (lbs/acre)
5. Nitrogen applied via irrigation water (lbs/acre)
6. Total Nitrogen applied (lbs/acre) [sum of nitrogen from fertilizer (3), organics/compost (4), and irrigation water (5)]
7. Nitrogen removed per acre (lbs/acre)
8. A/R ratio
9. A-R difference (lbs/acre)
10. 3-year A/R ratio if available

Individual Field-Level AR Data by Anonymous APN ID Table: An entry for a field or management unit may be repeated if there is more than one Anonymous APN ID associated with the field or management unit.

[14] We recognize that, if multiple crop types are grown in the same field over the course of a year or over several years, variations on field nomenclature and crop reporting will be necessary. For example, the field could be identified as the same field in an extra column and an extra row could be added for each crop. In addition, the three year A/R target range would likely need to be expressed as a weighted average of the crops grown during the three years.

1. Anonymous APN ID: List on a separate line each Anonymous APN ID assigned to parcels the field overlays completely or partially.
2. Associated groundwater basin or sub-basin
3. Crop: If there is more than one field of a given crop in the APN, these may be identified by crop plus a number (e.g. $tomato_1$, $tomato_2$)[15]
4. Nitrogen applied via fertilizers (lbs/acre)
5. Nitrogen applied via organics and compost (lbs/acre)
6. Nitrogen applied via irrigation water (lbs/acre)
7. Total Nitrogen applied (lbs/acre) [sum of nitrogen from fertilizer (3), organics/compost (4), and irrigation water (5)]
8. Nitrogen removed per acre (lbs/acre)
9. A/R ratio
10. A-R difference (lbs/acre)
11. 3-year A/R ratio if available

Township-Level Aggregated AR Data Table:

1. Township and range
2. Crop
3. Total acreage: sum for all the acreage for each unique crop within the township (acres)
4. Total nitrogen applied via fertilizer: sum for all acreage for each unique crop (total lbs)
5. Total nitrogen applied via organics and compost: sum for compost for each unique crop (total lbs.)
6. Total nitrogen applied via irrigation water: sum for all acreage for each unique crop (total lbs.)
7. Total nitrogen applied for each unique crop (total lbs.) [sum of nitrogen from fertilizer (3), organics/compost (4), and irrigation water (5)]
8. Total nitrogen removed for each unique crop (total lbs.)
9. A/R ratio for each unique crop
10. A-R difference for each unique crop (total lbs.)

[15] Ibid., footnote 14

F. Monitoring Report

The Monitoring Report shall be submitted by 31 August every year.[16] The report shall cover the previous annual monitoring periods, which is defined as either the water year (1 October through 30 September) or the calendar year. 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 Third-Party geographical area;
6. Monitoring objectives and design;
7. Sampling site/monitoring well descriptions and rainfall records for the time period covered under the Monitoring Report;
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, and water quality management plan milestones/Basin Plan Amendment Workplan updates, where applicable;
11. Sampling and analytical methods used;
12. Associated laboratory and field quality control samples results;
13. Summary of Quality Assurance Evaluation results (as identified in the most recent version of the Third-Party's approved QAPP for Precision, Accuracy and Completeness);
14. Specification of the method(s) used to obtain estimated flow at each surface water monitoring site during each monitoring event;
15. Summary of exceedances of water quality objectives/trigger limits occurring during the reporting period and for surface water related pesticide use information;
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 spatial trends and patterns;
18. INMP Summary Report Evaluation;
19. Summary of management practice information collected as part of Farm Evaluations;
20. Summary comparison of township Groundwater Protection Targets and actual value achieved for each township;
21. Summary of mitigation monitoring;

[16] If the Third-Party is participating in a regional Groundwater Quality Trend Monitoring Group, Monitoring Report components relevant to Groundwater Quality Trend Monitoring may be submitted separately according to the schedules identified in MRP Section IV.D.3.

22. Summary of education and outreach activities; and
23. Conclusions and recommendations.

Additional requirements and clarifications necessary for many of the report components listed above 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 Third-Party's geographic area must be updated (based on available sources of information) and included in the 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 (surface water sites and 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). All data layers/shapefiles/geodatabases included in the map shall be submitted with the Monitoring Report. If changes occur to any submitted data, the updated portion shall be submitted in the subsequent quarterly electronic data submission.

Report Component (9) – Tabulated Results
In reporting monitoring data, the Third-Party 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 Third-Party'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 (13) — 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 most recent version of the Third-Party's approved QAPP; acceptance criteria for all measurements of precision and accuracy must be identified. The Third-Party 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.

In addition to precision and accuracy, the Third-Party 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 QAPP Guidelines. The Third-Party may ask the laboratory to provide assistance with evaluation of their QA/QC data, provided that the Third-Party prepares the summary table or narrative description of the results for the Monitoring Report.

Report Component (15) — Summary of Exceedances
A summary of the exceedances of water quality objectives or triggers that have occurred during the monitoring period is required in the Monitoring Report. In the event of exceedances for pesticides or toxicity in surface water, pesticide use data must be included in the Monitoring Report. Pesticide use information may be acquired from the agricultural commissioner. This requirement is described further in the following section on Exceedance Reports.

Report Component (17) — Evaluation of Monitoring Data
The Third-Party must evaluate its monitoring data in the Monitoring Report in order to identify potential trends and patterns in surface and groundwater quality that may be associated with waste discharge from irrigated lands. As part of this evaluation, the Third-Party 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 Third-Party must propose a schedule for additional monitoring or source studies. Upon notification from the Executive Officer, the Third-Party 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 Third-Party should incorporate pesticide use information, as needed, to assist in its data evaluation. Wherever possible, the Third-Party should utilize tables or graphs that illustrate and summarize the data evaluation.

Report Component (18) – INMP Summary Report Evaluation
In addition to submitting the INMP Summary Reports Data, as described in Section V.D above, the Third-Party shall submit an evaluation comparing individual field data collected from the Members' INMP Summary Reports. These comparisons shall include the ratio of Nitrogen Applied to Nitrogen Removed[17] and the difference between Nitrogen Applied and Nitrogen Removed for crops in the Tulare Lake Basin Area. Nitrogen Applied includes nitrogen from any sources, including, but not limited to, organic amendments, synthetic fertilizers, and irrigation water.

The Third-Party's evaluation of both the $A/R_{1\ year}$ and $A/R_{3\ year}$ ratios must include, at a minimum, a comparison of A/R ratios by crop type. As directed by the Executive Officer, initial further evaluations within each crop type comparing the irrigation method, the soil conditions, and the farming operation size shall be developed. The Third-Party shall evaluate the corresponding $A\text{-}R_{1\ year}$ and $A\text{-}R_{3\ year}$ differences by crop type. The Third-Party shall also evaluate any other A/R

[17] For some crops the information needed to determine nitrogen removed may not be readily available. This will be determined through N removed research and crop yield will serve as a placeholder until nitrogen removed data is made available.

ratio or A-R difference comparisons as directed by the Executive Officer. For each comparison, the Third-Party must identify the mean and the standard deviation as well as develop a histogram plot of the data. A box and whisker plot comparing the A/R ratio and A-R difference for each comparison, or equivalent tabular or graphical presentation of the data approved by the Executive Officer, may also be used. The summary of nitrogen management data must include a quality assessment of the collected information (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. Spreadsheets showing the calculations used for data evaluation must also be submitted to the Executive Officer. The Third-Party may include any recommendations regarding future A/R ratio target values.

Report Component (19) – Summary of Management Practice Information
The Third-Party shall aggregate and summarize information collected from Farm Evaluations.[18] Summarized and aggregated Farm Evaluation data must, at a minimum, be provided for each Township. 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.

Report Component (20) – GWP Target Summary Comparison
For each township, the Third-Party shall compare the GWP Target for the township and the actual value achieved in the township based on the A and R reported in the INMP Summary Reports. The Third-Party shall also provide comparisons of the current year's results to those of the previous years to establish the cumulative trend for each township.

Report Component (22) – Mitigation Monitoring
As part of the Monitoring Report, the Third-Party shall report on the CEQA mitigation measures reported by Members to meet the provisions of the Order and any mitigation measures the Third-Party has implemented on behalf of Members. The Third-Party is not responsible for submitting information that Members do not send them directly by the 1 March deadline (see section VII.E 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.

G. Surface Water Exceedance Reports

The Third-Party shall provide surface water exceedance reports if monitoring results show exceedances of adopted numeric water quality objectives or trigger limits, which are based on interpretations of narrative water quality objectives. For each surface water quality objective exceeded at a monitoring location, the Third-Party shall submit an Exceedance Report to the Central Valley Water Board. The estimated flow at the monitoring location and photographs of the site must be submitted in addition to the exceedance report but do not need to be submitted

[18] 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 Progress Report.

more than once. The Third-Party shall evaluate all of its monitoring data and determine exceedances no later than five (5) business days after receiving the laboratory analytical reports for an event. Upon determining an exceedance, the Third-Party shall send the Exceedance Report by email to the Third-Party's designated Central Valley Water Board staff contact by the next business day. The Exceedance Report shall describe the exceedance, the follow-up monitoring, and analysis or other actions the Third-Party may take to address the exceedance. Upon request, the Third-Party shall also notify the agricultural commissioner of the county in which the exceedance occurred and/or the director of the Department of Pesticide Regulation.

Surface water exceedances of pesticides or toxicity: When any pesticide or toxicity exceedance is identified at a location that is not under an approved management plan for toxicity or pesticides, follow-up actions must include an investigation of pesticide use within the location's watershed area. For toxicity exceedances, the investigation must include all pesticides applied within the area that drains to the monitoring site during the four weeks immediately prior to the exceedance date. The pesticide use information may be acquired from the agricultural commissioner, or from information received from Members within the same drainage area. Results of the pesticide use investigation must be summarized and discussed in the Monitoring Report.

H. Basin Plan Amendment Workplan

Should the Third-Party choose to pursue a Basin Plan Amendment as described in Section VIII.R of the WDR, the Third-Party 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 a provide 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 Third-Party 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 Third-Party may propose that trend monitoring be reduced in those areas. The Third-Party 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 Third-Party 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 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.

I. Early Action Plans – Nitrate Control Program

The Third-Party[19] shall prepare an Early Action Plan (EAP) if public water supply or domestic wells in the management zone (or area of contribution for Path A dischargers) exceed the water quality objective for nitrate. Early Action Plans shall be submitted with the Third-Party's Notice of Intent (Path A) or as an element of a Preliminary Management Zone Proposal (Path B), and initiated within 60 days after submittal if no objection is received by the Central Valley Water Board. The EAP must include the following, unless otherwise approved by the Central Valley Water Board:

1. A process to identify affected residents and the outreach utilized to ensure that impacted groundwater users are informed of and given the opportunity to participate in the development of proposed solutions;
2. A process for coordinating with others that are not dischargers to address drinking water issues, which must include consideration of coordinating with affected communities, domestic well users and their representatives, the State Water Board's Division of Drinking Water, Local Planning Departments, Local County Health Officials, Sustainable Groundwater Management Agencies and others as appropriate;

[19] Or separate entity of which the Third-Party is an active participant.

3. Specific actions and a schedule of implementation that is as short as practicable to address the immediate drinking water needs of those initially identified within the management zone, or area of contribution for Path A dischargers, that are dinking groundwater that exceeds nitrate standards that do not otherwise have interim replacement water that meets drinking water standards; and
4. A funding mechanism for implementing the Early Action Plan, which may include seeking funding from Management Zone participants, and/or local, state, and federal funds that are available for such purposes.

An Early Action Plan may be a part of an Alternative Compliance Project. Management Zone Participants should meaningfully consult with affected residents, affected water systems, representatives of environmental justice organizations and other stakeholders in developing and implementing EAPs and subsequent Management Zone Implementation Plans.[20]

The EAPs shall be submitted according to the following schedules:

Nitrate – Individual Permitting Approach (Path A)

An EAP shall be submitted with a Notice of Intent to comply with the Nitrate Control Program for the Central Valley if an Initial Assessment concludes Third-Party member discharges are causing any public water supply or domestic well to exceed the nitrate water quality objective. The EAP shall be initiated within 60 days of the submittal if no objection is received from the Executive Officer. If the Central Valley Water Board deems the Early Action Plan to be incomplete a revised Early Action Plan must be resubmitted and implemented within the time period directed by the Board's Executive Officer.

Nitrate – Management Zone Approach (Path B)

An EAP shall be submitted as an element of a Preliminary Management Zone Proposal and initiated within 60 days of the submittal if no objection is received from the Executive Officer. If the Central Valley Water Board deems the Early Action Plan to be incomplete a revised Early Action Plan must be resubmitted and implemented within the time period directed by the Board's Executive Officer.

J. Initial Assessments – Nitrate Control Program (Path A Only)

Third-Party shall submit an Initial Assessment of their members' discharges as they relate to nitrate for that basin or subbasin. The Initial Assessment shall contain the following elements unless otherwise approved by the Executive Officer:

1. Estimated impact of discharges of nitrate on the Shallow Zone over a 20-year planning horizon;
    - May be estimated based on a simple mass balance calculation assuming 20 years of loading as nitrate reaches the water table.

[20] This provision is a requirement in the revised Salt and Nitrate Control Program that was adopted by the Central Valley Water Board in December 2020 and is pending approval by the State Water Board, and the Office of Administrative Law (OAL).

2. Initial assessment of water quality conditions based on readily available existing data and information.
    - May use default information in or referenced by, the comprehensive Salt and Nitrate Management Plan for the Central Valley (Central Valley SNMP [2016]) or provide supplemental information that includes water quality conditions in the Shallow and Upper Zones;
3. Survey of the discharge, and determination if the discharge is causing any public water supply or domestic well to be contaminated by nitrate;
4. If causing contamination of a public water supply or domestic well, an Early Action Plan;
5. Identification/summary of current treatment and control efforts, or management practices;[21]
6. Identification of any overlying or adjacent Management Zone;
7. Identification of Category of the Discharge as defined in the Basin Plan, and information to support the categorization;[22]
8. Information necessary to support request for allocation of assimilative capacity, if applicable;
9. For category 4 dischargers, identification of an Alternative Compliance Project or justification as to why the Central Valley Water Board should not require implementation of an Alternative Compliance Project.
10. For category 5 dischargers, information as required to support an Application for an Exception pursuant to the Exceptions Policy, which would include identification of an Alternative Compliance Project.

Previous groundwater assessments conducted by the Third-Party, assessments conducted by others that are applicable and relevant, and/or antidegradation analyses that have been submitted and approved by the Central Valley Water Board's Executive Officer may satisfy all or part of the initial assessment requirement.

K. Preliminary Management Zone Proposal – Nitrate Control Program (Path B Only)

The Third-Party[23] shall submit a Preliminary Management Zone Proposal which includes the following elements unless otherwise approved by the Central Valley Water Board's Executive Officer:

1. Proposed preliminary boundaries of the Management Zone area;

[21] The Third-Party will need to take reasonable efforts to summarize the management practices being used by its members with respect to protecting groundwater quality from the impacts of nitrates from member farming operations.

[22] The Third-Party will need to take reasonable efforts to categorize the various geographic areas within its boundary.

[23] Ibid., footnote 19

2. Identification of Initial Participants/Dischargers;
3. Identification of other dischargers and stakeholders in the management zone area that the initiating group is in contact with regarding participation in the management zone;
4. Initial assessment of groundwater conditions based on readily available existing data and information
    - May use default information in or referenced by, the Central Valley SNMP (2016) or provide supplemental information that includes water quality conditions in the Upper Zone;
5. Identification/summary of current treatment and control efforts, or management practices;[24]
6. Initial identification of public water supplies or domestic wells within the Management Zone area with nitrate concentrations exceeding the water quality objective;
7. An Early Action Plan to address drinking water needs for those that rely on public water supply or domestic wells with nitrate levels exceeding the water quality objective.
8. Documentation of process utilized to identify affected residents and the outreach utilized to ensure that they are given the opportunity to participate in development of an Early Action Plan;
9. Identification of areas within or adjacent to the management zone that overlap with other management areas/activities;
10. Any constituents of concern that the management zone participants intend to address besides nitrate (not required but is an option available);
11. Proposed timeline for:
    a) Identifying additional participants;
    b) Further defining boundary areas;
    c) Developing proposed governance and funding structure for administration of the Management Zone;
    d) Additional evaluation of groundwater conditions across the management zone boundary area, if necessary; and,
    e) Preparing and submitting a Final Management Zone Proposal and a Management Zone Implementation Plan.

L. Final Management Zone Proposals – Nitrate Control Program (Path B Only)

No later than 180 days after receiving comments from the Central Valley Water Board on a Preliminary Management Zone Proposal, the Third-Party[25] shall submit a Final Management Zone Proposal. The Final Management Zone Proposal must contain all information from the Preliminary Management Zone Proposal, updated as necessary, as well as the following:

[24] Ibid., footnote 21

[25] Ibid., footnote 19

1. Timeline for development of the Management Zone Implementation Plan;
2. Updated list of participants;
3. Governance structure that, at a minimum, establishes the following: (a) roles and responsibilities of all participants; (b) identification of funding or cost-share agreements to implement short term nitrate management projects/activities, which may include local, state, and federal funds that are available for such purposes; and (c) a mechanism to resolve disputes among participating dischargers;
4. Additional evaluation of groundwater conditions across Management Zone area, if necessary;
5. Explanation of how the Management Zone intends to interact and/or coordinate with other similar efforts such as those underway pursuant to the Sustainable Groundwater Management Act (SGMA); and,
6. Documentation of actions taken to implement the Early Action Plan

M. Management Zone Implementation Plans – Nitrate Control Program (Path B Only)

No later than six months after a Final Management Zone Proposal is accepted by the Executive Officer, the Third-Party[26] shall submit a Management Zone Implementation Plan. The Management Zone Implementation Plan shall:

1. Identify how emergency, interim and permanent drinking water needs for those affected by nitrates in the Management Zone area are being addressed, and how a drinking water supply that ultimately meets drinking water standards will be available to all drinking water users within the Management Zone boundary, and the timeline and milestones necessary for addressing such drinking water needs;
2. Consider future impacts on public water systems from nitrate contamination and consult with the Central Valley Water Board and the Division of Drinking Water with respect to determining available solutions for addressing drinking water. The Management Zone Implementation Plans shall also address the impact that potential solutions may have on operation and maintenance costs, particularly for disadvantaged communities;[27]
3. Show how the Management Zone plans to reduce nitrate loading so that ongoing discharges do not cause or contribute to exceedances of water quality objectives within the Management Zone;[28]
4. Include a plan for establishing a managed aquifer restoration program to restore nitrate levels to concentrations at or below the water quality objectives to the extent it is reasonable, feasible and practicable to do so;
5. Include enforceable and quantifiable interim deadlines that focus on reducing nitrate in ongoing discharges and a proposed final compliance date for ongoing discharges of

[26] Ibid., footnote 19

[27] Ibid., footnote 20

[28] Ibid., footnote 20

nitrate to cease causing or contributing to exceedances of the applicable water quality objective in the receiving water.[29]

6. Document collaboration with the community and/or users benefitting from any proposed short/long-term activities to provide safe drinking water;
7. Include a residential sampling program designed to assist in identifying affected residents within portions of the Management Zone where nitrate concentrations in the groundwater may exceed 10 mg/L, and nitrate discharges from regulated sources that may impact groundwater. Such sampling shall occur only with the consent of the current resident, and the availability of such sampling shall be included in the Management Zone's outreach efforts to potentially affected residents. Affected residents do not include residents whose domestic consumption relies solely on a public water system that is already conducting sampling;[30]
8. Identify funding or cost-share agreements, or a process for developing such funding or cost-share agreements, to implement intermediate and long-term nitrate management projects/activities, which may include identification of local, state and federal funds that are available for such purposes;
9. Identify nitrate management activities within a Management Zone which may be prioritized based on factors identified in the Central Valley SNMP (2016) and the results of the characterization of nitrate conditions. Prioritization provides the basis for allocating resources with resources directed to the highest water quality priorities first;
10. Include a water quality characterization and identification of nitrate management measures that contains:
    - Characterization of nitrate conditions within the proposed Management Zone, which will be used as the basis for demonstrating how nitrate will be managed within the Management Zone over short and long-term periods to meet the management goals established in the Central Valley SNMP (2016).
    - Short (≤ 20 years) and long-term (> 20 years) projects and/or planning activities that will be implemented within the Management Zone, and in particular within prioritized areas (if such areas are identified in the Implementation Plan) to make progress towards attaining each of the management goals identified by the Nitrate Control Program. Over time as water quality is managed in prioritized areas, updates to the plan may shift the priorities in the Management Zone.
    - Milestones related to reducing nitrate loading and achieving compliance in ongoing discharges and managed basin and sub-basin restoration.[31]
    - A short and long-term schedule for implementation of nitrate management.
    - Identification of triggers for the implementation of alternative procedures or measures to be implemented if the interim milestones are not met.

[29] Ibid., footnote 20

[30] Ibid., footnote 20

[31] Ibid., footnote 20

- A water quality surveillance and monitoring program that is adequate to ensure that the plan when implemented is achieving the expected progress towards attainment of management goals. All or parts of the surveillance and monitoring program may be coordinated or be part of a valley-wide and/or regional groundwater monitoring, if appropriate.
- Consideration of areas outside of the Management Zone that may be impacted by discharges that occur within the Management Zone boundary areas;

11. Identify the responsibilities of each regulated discharger, or groups of regulated dischargers participating in the Management Zone, to manage nitrate within the Zone; and
12. Include information necessary for obtaining an Exception as set forth in the Exceptions Policy described in the Basin Plan.

VI. Sediment Discharge and Erosion Assessment Report

The Third-Party shall prepare a Sediment Discharge and Erosion Assessment Report. The report shall be submitted to the Executive Officer for review. The goal of the report is to determine which irrigated agricultural areas within the Tulare Lake Basin Area are subject to erosion and may discharge sediment that may degrade surface waters. The objective of the report is to determine which Member operations are within such areas, and need to develop a Sediment and Erosion Control Plan. The report must be developed to achieve the above goal and objective and must at a minimum, provide a description of the sediment and erosion areas as a series of ArcGIS shapefiles with a discussion of the methodologies utilized to develop the report.

VII. 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 Basin Plan contains numeric and narrative water quality objectives applicable to surface water and groundwater within the Order's watershed area. USEPA's 1993 National Toxics Rule (NTR) and 2000 California Toxics Rule (CTR) contain water quality criteria which, when combined with Basin Plan beneficial use designations constitute numeric water quality standards.

Trigger limits will be developed by the Central Valley Water Board staff through a process involving coordination with the Department of Pesticide Regulation (for pesticides) and stakeholder input. The trigger limits will be designed to implement narrative Basin Plan Attachment B, Monitoring and Reporting Program, to Order R5-2013-0120 objectives and to protect applicable beneficial uses. The Executive Officer will make a final determination as to the appropriate trigger limits.

VIII. Quality Assurance Project Plan (QAPP)

The Third-Party 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 QAPP Guidelines. The QAPP shall be submitted with the Surface Water Monitoring Plan (Section III.A, MRP). Chemical, bacteriological, and bioassay analyses shall be conducted at a

laboratory certified for such analyses by the California Department of Public Health (DPH), except where the DPH has not developed a certification program for the material to be analyzed.

Any necessary modifications to the QAPP for groundwater monitoring shall be submitted with the MPEP and groundwater trend monitoring workplans (section IV, MRP). Any proposed modifications to the approved QAPP must receive Executive Officer approval prior to implementation.

The Central Valley Water Board may conduct an audit of the Third-Party's contracted laboratories at any time in order to evaluate compliance with the most current version of the 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 19 September 2013 and remains in effect as revised on 25 April 2017, 5 May 2017, 7 February 2019, and 22 April 2021 unless rescinded or further revised by the Central Valley Water Board.

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full and correct copy of an MRP Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 19 September 2013, and revised on 25 April 2017, 5 May 2017, 7 February 2019, and 22 April 2021.

Original signed by

PATRICK PULUPA, Executive Officer

Appendix MRP-1

Management Plan Requirements
Surface Water and Groundwater

Table of Contents

MRP - 1: Management Plan Requirements for Surface Water and 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 within the Tulare Lake Basin Area that are Members of a Third-Party Group, Order R5-2013-0120-09 (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 Surface Water or Groundwater Quality Management Plan (SQMP/GQMP) has been triggered, the management plan shall contain the required elements presented and discussed in the following sections. The Third-Party may develop one SQMP or 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 Third-Party would maintain the overarching plan as new information is collected, potentially triggering additional management areas and completion of other management areas.

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 Third-Party shall submit a SQMP/GQMP prioritization list to the Central Valley Water Board Executive Officer. This list may prioritize the order of SQMP/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 Third-Party may continue to utilize the surface water quality prioritization process described in the Tule River Sub-Watershed and Main Drain Management Plans,[1] as approved by the Executive Officer. The Executive Officer may approve or require changes be made to the SQMP/GQMP priority list. The Third-Party 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

[1] The Main Drain Management Plan (Kern River Sub-Watershed) and the Tule River Sub-Watershed Management Plan (non-prioritized management plan) were approved by the Executive Officer on 25 October 2012 and 30 October 2012, respectively.

management plan. The introduction shall also include an identification (both narrative and in map form) of the boundaries (geographic and surface water/ 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 Information

1. General Requirements

The management plan needs to provide a discussion of the physical conditions that affect surface water (for a SQMP) or 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 SQMP watershed or GQMP area. For groundwater, these maps may already be presented in the Groundwater Assessment Report (GAR) and may be referenced and/or updated as appropriate. Map(s) must be in electronic format using standard Arc-geographic information system (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 Third-Party 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 surface water and/or groundwater (as applicable) and locations of the various practices.

e) A summary, discussion, and compilation of available surface water and/or 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: Surface Water Ambient Monitoring Program (SWAMP), 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 Third-Party's geographic area, and groundwater quality data compiled in that document, may serve as a reference for these data.

2. Surface Water – Additional Requirements

The SQMP shall also include a description of the watershed areas and associated COC being addressed by the plan. For a water body that is representative of other water bodies, those areas being represented must also be identified in the SQMP.

3. Groundwater – Additional Requirements

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 Third-Party's geographic 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 contained 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 contained 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. The plan must include 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 to surface water or groundwater, as applicable, thereby improving water quality.

3. Identify the 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.

   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 sections III.A and B 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); ineffective practices should also be discussed. 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 Third-Party 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) A specific schedule and milestones for the implementation of management practices and tasks outlined in the management plan. Items to be included in the schedule include: 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); 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).

   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. The performance goals shall include any developed GWP Targets.

D. Monitoring Methods

1. General Requirements

The monitoring system must be designed to measure effectiveness at achieving the goals and objectives of the SQMP or 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 Third-Party determines that field studies are appropriate or the Executive Officer requires a technical report under CWC 13267 for a field study, the Third-Party must identify a reasonable number and variety of field study sites that are representative of the particular management practice being evaluated.

2. Surface Water – Additional Requirements

The strategy to be used in the development and implementation of the monitoring methods for surface water should address the general requirements and, at a minimum, include the following elements:

a) The location(s) of the monitoring site and schedule (including frequencies) for monitoring should be chosen to be representative of the COC discharge to the watershed.

b) Surface water monitoring data must be submitted electronically per the requirements given in section III.C of the MRP.

3. Groundwater – Additional Requirements

The Third-Party'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 SQMP/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 be utilized to perform data analysis (graphical, statistics, modeling, index computation, or some combination thereof).
2. Identify the information necessary to quantify program effectiveness going forward, including the tracking of management practice implementation, $A/R_{3\ year}$ ratio results, and GWP Targets where appropriate. The approach for determining the effectiveness of the management practices implemented must be described and related to changes in $A/R_{3\ year}$ results when appropriate. 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 and $A/R_{3\ year}$ ratio results must also be described. The process must include a description of how the information from the Farm Evaluation, Management Practice Implementation Report (MPIR), and INMP Summary Report is collected from growers, how the information will be verified, and how the information will be reported.

F. Records and Reporting

By 31 August of each year, the Third-Party must prepare a Management Plan Status Report that summarizes the progress in implementing management plans. The Management Plan Status Report must summarize the progress for the annual 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 including a list of management practices recommended
9. A summary of management plan grower outreach conducted
10. A summary of the degree of implementation of management practices by growers within the management plan area
11. Results from evaluation of management practice effectiveness, including the $A/R_{3\ year}$ ratio when evaluating a GQMP
12. An evaluation of progress in meeting performance goals and schedules
13. Any recommendations for changes to the management plan

Pursuant to Section VII.G of the Order, the Third-Party must additionally require submission of a Management Practice Implementation Report (MPIR) by members according to a schedule to be specified by the Third-Party for each SQMP or GQMP and approved by the Executive Officer.

G. Source Identification Study Requirements

Should the Third-Party conduct a Source Identification Study to comply with this Order, the Third-Party must first receive approval from the Executive Officer. Once approved, the Third-Party 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 (including edge-of field studies) may be required to approximate the contribution of irrigated agriculture. At a minimum, the Third-Party must evaluate the feasibility of field studies as part of their source identification study proposal. Where field studies are deemed appropriate, the Third-Party 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 Third-Party 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 source, then the Third-Party can request the Executive Officer to approve completion of the associated management plan. Where irrigated lands are identified as a source, a full SQMP/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. 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. Stakeholder comments will be considered by Central Valley Water Board staff. Based on information provided by the Third-Party 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 Third-Party and other interested parties to evaluate the sufficiency 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 surface and/or 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 surface or 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 Third-Party 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 SQMP/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 Third-Party 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 surface and groundwater receiving water limitations of the Order. If an approved source study shows that irrigated agriculture is not a source, then the Third-Party 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 (i.e., 3 or more years with no exceedances during the times of the year when previous exceedances occurred) or demonstrated compliance with the Order's surface and groundwater receiving water limitations.

b) Documentation of Third-Party 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 one or more management plan constituents, each constituent shall revert to regular, ongoing monitoring requirements (as described in the MRP). The Third-Party 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 Third-Party shall not discontinue any of the associated management plan requirements prior to Executive Officer approval of its completion request.

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) is set forth in Monitoring and Reporting Program (MRP) R5-2013-0120-09.

Implementation of the MPEP requires that the Third-Party 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 Third-Party 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

Prior to installation of groundwater monitoring wells, an 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 Third-Party 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 Third-Party 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 Third-Party in writing that the MWISP is acceptable. The MWISP or an MWISP for the initial phase if the Third-Party 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 R5-2013-0120-09, "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 Third-Party 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 Third-Party 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 Third-Party 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 Third-Party'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 R5-2013-0120-09 and QAPP Guidelines.

III. Monitoring Well Installation Completion Report (MWICR)

Within 60 days after completion of any monitoring well network, the Third-Party 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 + 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 R5-2013-0120-09 CEQA Mitigation Measures

Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group

A. 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.[1] 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 Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group, Order R5-2013-0120-09 (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).

[1] 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.

- 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 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 (MLD) 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 MLD (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 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.

2. Mitigation Measure FISH-MM-2: Educate Members on the Use of Polyacrylamides (PAMs) for Sediment Control

The Third-Party will provide information on the potential risks to aquatic life, including special-status fish, that may result from the use of cationic or neutral PAMs during water management activities. Information in the form of leaflets and website information will be provided to Member, encouraging the use of anionic PAMs. Application of anionic PAMs at prescribed rates will be emphasized in the information provided to Members. Adoption of the United States Department of Agriculture National Conservation Practice Standard 450 also will be recommended in the information.

D. Agriculture Resources

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 2012 Farm Bill (the Food, Conservation, and Energy Act of 2012, in effect 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 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 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.

E. Climate Change/Transportation and Circulation

Given the seriousness of global climate change, any and all actions that reduce greenhouse gas emissions should be utilized to the extent possible.

1. Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational Greenhouse Gas Emissions

Several of the standard mitigation measures provided by the 24 local air districts to reduce criteria pollutant emissions would also help minimize greenhouse gas emissions. Measures to reduce vehicle trips (e.g. optimizing route plans) and promote use of alternative fuels, as well as clean diesel technology and construction equipment retrofits (e.g. addition of filters), should be considered for mitigation.

2. Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational Greenhouse Gas 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 greenhouse gas 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.

F. Air Quality

1. Mitigation Measure AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds

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. Although not specifically cited in this document, references to individual air district documents that contain recommended mitigation measures are included in the References Section (Chapter 8) of the July 2010 Draft Program Environmental Impact Report for the Irrigated Lands Regulatory Program.

2. Mitigation Measure AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds

Apply appropriate mitigation measures from the applicable air district to reduce operational emissions. These measures were suggested by the applicable air 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.

3. Mitigation Measure AQ-MM-3: Apply Applicable Air District Mitigation Measures to Reduce Toxic Air Contaminant (TAC) and Hazardous Air Pollutant (HAP) Emissions

Apply appropriate TAC and HAP mitigation measures from the applicable air district to reduce public exposure to diesel particulate matter, pesticides, and asbestos. These measures were suggested by the applicable air 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.

California Regional Water Quality Control Board Central Valley Region

Attachment D to Order R5-2013-0120-09 Findings of Fact and Statement of Overriding Considerations

Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group

Table of Contents

Acronyms and Abbreviations

2008 Farm Bill	Food, Conservation, and Energy Act of 2008
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
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)
FWQMP	Farm Water Quality Management Plans
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
MLD	most likely descendant
MMRP	Mitigation Monitoring and Reporting Program
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
NOA	naturally occurring asbestos
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
SED	Substitute Environmental Document
SNCP	Salt and Nitrate Control Program
SPEIR	Supplemental Program Environmental Impact Report
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

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).

Findings

The following findings 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 within the Tulare Lake Basin Area that are Members of a Third-Party, Order R5-2013-0120-09 (Order). The Order is described in California Regional Water Quality Control Board, Central Valley Region Order R5-2013-0120-09 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 SPEIR, 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 and SPEIR. 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 and SPEIR 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.

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 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 R5-2013-0120-09 (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 Tulare Lake Basin 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.

History of the Project

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.[1]

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

[1] 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.

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 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). The requirements of the Order have been developed from the alternatives evaluated in the PEIR.

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 will be developed, based on the alternatives evaluated in the PEIR, for all irrigated agriculture within the Central Valley. 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 include:

- Nutrient management
- Improved water management

- Tailwater recovery system
- Pressurized irrigation
- Sediment trap, hedgerow, or buffer
- Cover cropping or conservation tillage
- 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 Tulare Lake Basin 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 surface and groundwater management plans, and regional surface water quality monitoring approach 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; sediment and erosion control plan (under Alternative 3, “farm plan”) 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.

Supplemental Program Environmental Impact Report

The SNCP was incorporated into basin plan amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins Plan and the Tulare Lake Basin in Central Valley Water Board Resolution R5-2018-0034 (Central Valley Water Board, 2018). These amendments were approved by the State Water Resources Control Board (State Water Board) in Resolution 2019-0057 (State Water Board, 2019) on 16 October 2019, pending targeted revisions detailed by the State Water Board. The original SNCP basin plan amendments were approved by the Office of Administrative Law (OAL) on 17 January 2020, and the surface water portion of the original amendments was approved by the U.S. Environmental Protection Agency (EPA) on 2 November 2020. The Central Valley Water Board incorporated the targeted revisions to the SNCP in basin plan amendments that were adopted by the Central Valley Water Board in Resolution R5-2020-0057 (Central Valley Water Board, 2020) on 10 December 2020. These revised amendments will be considered for approval by the State Water Board, OAL, and U.S. EPA as legally required. The SNCP requires the Central Valley Water Board to amend this Order and other ILRP General Orders to incorporate the SNCP into the Orders.

The Central Valley Water Board adopted the SNCP basin plan amendments with a SED that analyzed all potential environmental impacts from the SNCP. The SED included an analysis of the impacts of implementing the SNCP for all dischargers in the Central Valley, including irrigated agriculture. The Proposed Project is complying with the requirement in the SNCP to

modify the General Orders to incorporate the SNCP, and under Public Resources Code section 21159.2, subdivision (a), it must utilize the environmental analysis done in the SED to the greatest extent feasible. (Pub. Resources Code section 21159.2, subd. (a).) If there are project-specific issues related that were not discussed in sufficient detail in the SED, then a new environmental document must be prepared to discuss only those impacts. (Pub. Resources Code section 21159.2, subd. (b).)

A project-level review of the revisions to the Order to incorporate the SNCP revelated that there were three project-specific potentially significant impacts which were not fully analyzed in the SED. This necessitates the need for a supplement to the PEIR to evaluate those project-specific impacts. The SPEIR analyzes only those project-specific impacts which were not analyzed in the SED. The SPEIR adds the SNCP as a new alternative: Alternative A. This alternative can be added to added on to any of the six alternatives already considered in the PEIR but is not a stand-alone alternative. Alternative A evaluated the potentially significant impacts to air quality, climate change, and transportation and circulation. It also evaluated potential mitigation measures to reduce the impacts from the SNCP.

Impact Findings

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 at the end of the *Impact Findings* section.

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 at the end of the *Impact Findings* section.

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 at the end of the *Impact Findings* section, 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, a Third-Party group would perform regional surface water and groundwater quality monitoring. Surface and 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 at the end of the *Impact Findings* section, should reduce this impact to a less-than-significant level. Mitigation measures NOI-MM-1and NOI-MM-2 are within the responsibility and jurisdiction of local agencies, who can and should implement these measures.

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 or public water fill stations 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 surface and 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 or constructing the public water fill stations, 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 (Potentially Significant)

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 and SPEIR. 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

Under the Order, operational emissions would result from vehicle trips made by the Third-Party groups to perform surface water and groundwater monitoring, and from new diesel-powered pumps installed as part of tailwater recovery systems. Operational emissions are also expected to result from the implementation of the SNCP. Under the SNCP, Members are required to provide immediate drinking water to users of impaired drinking water. Drinking water solutions

may include public fill stations and bottled water delivery, both of which may increase vehicle trips. At this time, it is unknown what drinking water solutions will be chosen and how long the immediate drinking solutions will be necessary before a longer-term alternative is developed.

New emissions 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 at the end of the *Impact Findings* section, should reduce this impact, but it may still be potentially significant.

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 (NOA) 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 at the end of the *Impact Findings* section, 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.

Vegetation and Wildlife

Impact BIO-1. Loss of Downstream Habitat from Reduced Field Runoff (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, management practices that reduce field runoff would result in beneficial impacts on water quality but may adversely affect downstream wildlife and vegetation that depend on agricultural surface runoff. These practices cause water to be recirculated or used at an agronomic rate, resulting in a minimal amount of agricultural runoff. This would result in a net loss of water entering waterways and potential habitat loss along runoff ditches and downstream water bodies.

Such habitat would be seasonally present, available only during times of irrigation, and unlikely to support sensitive communities or special-status plants. While reduced runoff leads to, or is the result of, reduced surface water diversions to fields, some regions rely largely on groundwater to irrigate. While it is anticipated that the loss of sensitive communities or special-status plants resulting from reduced runoff 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-2: 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 included at the end of the *Impact Findings* section.

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 and sediment control basins, temporary water checks, tailwater return systems, vegetated drain systems, windbreaks, wellhead protection berms, and filter strips. 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, 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 at the end of the *Impact Findings* section.

Impact BIO-4. Potential Loss of Wetland Communities due to Loss of Existing Sedimentation Ponds (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, the assumed decrease in the use of surface water management practices that may be harmful to groundwater could result in abandonment or fill of tailwater sedimentation ponds in areas that currently percolate water to groundwater basins. Although they are not natural features, sedimentation ponds can develop vegetation communities that support wetland species, depending on the specific hydrologic regime of individual ponds. Ponds that hold water intermittently or seasonally may support plant species adapted to seasonal wetland conditions, and ponds that are continually flooded may support emergent vegetation adapted to permanent wetland conditions. Thus, the loss of these ponds could result in drying of artificially created wetlands and an indirect loss of wetland habitat. The loss of wetland communities resulting from abandonment or fill of retention ponds would be small but cannot be quantified. It is also important to note that implementation of one of the potential management practices under the Order—installation of tailwater return systems—would result in creation of tailwater ponds that could develop the same wetland characteristics as the abandoned or filled sedimentation ponds. Creation of new tailwater ponds could result in no net loss or potentially an increase in these wetland communities. However, the final extent of the tailwater ponds that could be created under the Order cannot be quantified. Consequently, the loss of existing sedimentation ponds is considered a potentially significant impact. **Mitigation Measure BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact BIO-5. Impacts to Special-Status Wildlife Species due to Loss of Existing Sedimentation Ponds (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, the assumed decrease in the use of surface water management practices that may be harmful to groundwater could result in abandonment or fill of tailwater sedimentation ponds in areas that currently percolate water to groundwater basins. Although they are not natural features, sedimentation ponds can provide habitat for special-status wildlife species. The banks of these ponds could support habitat for special-status burrowing wildlife species, including San Joaquin kit fox and western burrowing owl. Ponds that hold water intermittently or seasonally may support special-status wildlife species adapted to seasonal wetland conditions, such as vernal pool fairy shrimp and vernal pool tadpole shrimp, California red-legged frog, and California tiger salamander, depending on the proximity of these ponds to natural habitats. The ponds also provide foraging habitat for many bird species. Ponds that hold water intermittently provide foraging habitat for wading birds, and ponds that are continually flooded may support foraging and nesting habitat for waterfowl. The abandonment or fill of retention ponds would be small and cannot be quantified but could affect wildlife species that are dependent on them. However, the creation of new tailwater ponds could mitigate part or all of this impact. Because the extent of new tailwater ponds cannot be quantified, the loss of existing sedimentation ponds 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 the end of the *Impact Findings* section.

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, 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 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 at the end of the *Impact Findings* section.

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, 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 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 the end of the *Impact Findings* section.

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 Tulare Lake Basin Area. These physical changes primarily include erosion and sediment controls with features such as construction of water and sediment control basins, temporary water checks, tailwater return systems, vegetated drain systems, windbreaks, wellhead protection berms, and filter strips. Physical changes may be associated with implementation of other management practices, such as construction of filter ditches for pesticide management. Installation of facilities for management practices such as pressurized irrigation and sediment traps is unlikely to significantly exceed the baseline disturbance that occurs during routine field preparation. 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 at the end of the *Impact Findings* section.

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 where tailwater augments natural flows or makes seasonal streams into perennial systems. This may be of concern in areas where tailwater return flows are composed mostly of pumped groundwater. 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 at the end of the *Impact Findings* section.

Impact FISH-4. Toxicity to Fish or Fish Prey from Particle-Coagulant Water Additives (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, polyacrylamides (PAMs) may be applied to reduce erosion and sediment runoff and thereby improve water quality (Sojka et al. 2000). Anionic PAMs are safe to aquatic life when used at prescribed rates (Sojka et al. 2000). Because neutral and cationic PAMs may be toxic to fish and their prey (Sojka et al. 2000; Mason et al. 2005), application of anionic PAMs is recommended in areas with sensitive fish species (Mason et al. 2005). This impact is considered potentially significant. **Mitigation Measure FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

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 at the end of the *Impact Findings* section.

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 at the end of the *Impact Findings* section.

Agriculture Resources

Impact AG-1. Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to Nonagricultural Use (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

Under the Order, irrigated lands operations would be required to achieve surface and groundwater quality goals, and to conduct monitoring and reporting to verify such achievement. It is anticipated many or most operations will implement new management practices to achieve these surface and groundwater quality goals. Consequently, operations under the Order will experience increased operational costs due to increased monitoring and reporting activities, as well as increased management practices, if such practices are needed to meet goals. Where such increased costs make agricultural operations unlikely or unable to continue, agriculture

lands may be at risk of conversion to nonagricultural use, resulting in a significant and unavoidable impact to prime and/or unique farmland, as well as farmland of statewide importance.

As described in Attachment A of the Order under "California Water Code Sections 13141 and 13241," the Order is based mainly on components of Alternatives 2-5 of the PEIR. It follows that, because the costs of the Order are similar to the costs of Alternative 3, economic impacts of the Order, including those causing potential loss of Important Farmland, may be estimated using the analysis of Alternative 3.

The PEIR describes that, under Alternative 3, 30 thousand acres of Important Farmland within the entire Tulare Lake Basin potentially would be removed from production because of the increased costs. Applying the ratio of irrigated lands within the Tulare Lake Basin Area (est. 2,890,000 acres) to the total irrigated lands within the Tulare Lake Basin (est. 3,450,579, Table 3-3, Economics Report),[2] it is estimated that approximately 25 thousand acres of Important Farmland potentially would be removed from production under the Order. Comparatively, under Alternative 1, described as full implementation of the previous conditional waiver program, approximately 23 thousand acres of Important Farmland potentially would be removed from production (calculated using the methodology described above). It is unlikely that all of this acreage would be converted to a nonagricultural use, but it is reasonable to assume that some unknown quantity would be impacted.

Because implementation of the Order potentially would result in conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use, this impact is considered significant. **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** has been incorporated into the Order to reduce the magnitude of the impact, but no feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Transportation and Traffic

Impact TT-1. Generation of Traffic in Conflict with Applicable Congestion Management Program (Potentially Significant)

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 and SPEIR. 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.

[2] ICF International, 2010

Rationale for Finding

Under the Order, the SNCP requires Members to provide immediate drinking water to users of impaired drinking water. Drinking water solutions may include public fill stations and bottled water delivery, both of which may increase vehicle trips. At this time, it is unknown what drinking water solutions will be chosen and how long the immediate drinking solutions will be necessary before a longer-term alternative is developed. The increase in traffic due to implementation of the SNCP is anticipated to come from personnel trips necessary to operate these new projects and potential generation of new services (e.g., bottled water delivery). Traffic patterns may change due to the installation of public fill stations.

However, the difference in traffic relative to existing conditions is not known at this time and therefore is considered a potentially significant impact. Implementation of **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources and Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions**, which are described at the end of the *Impact Findings* section, should reduce this impact, but it may still be potentially significant.

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 at the end of the *Impact Findings* 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 at the end of the *Impact Findings* 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 at the end of the *Impact Findings* 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 Tulare Lake Basin 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 and FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control** have been incorporated into the Order to reduce these impacts to a less than cumulatively considerable level. Mitigation measures are described at the end of the *Impact Findings* 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 at the end of the *Impact Findings* section.

Mitigation Measures

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 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 Center (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 (MLD) 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 MLD (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.

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.

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.

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 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.

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.

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 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.

Mitigation Measure FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control
The Third-Party will provide information to Members on the potential risks to aquatic life, including special-status fish, that may result from the use of cationic or neutral PAMs during water management activities. Information in the form of leaflets or website information will be provided to Members, encouraging the use of anionic PAMs. Application of anionic PAMs at prescribed rates will be emphasized in the information provided to Members. Adoption of the United States Department of Agriculture National Conservation Practice Standard 450 also will be recommended in the information.

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 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 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 2012 Farm Bill (the Food, Conservation, and Energy Act of 2012, in effect 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 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 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.

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.

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.[3] In Volume II: Appendix A of the PEIR, at 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

[3] 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.

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 Tulare Lake Basin 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]).

Third-Party groups would continue to function as lead entities representing growers (owners of irrigated lands, nursery owners, and water districts). This alternative is based on continuing watershed monitoring to determine whether operations are causing water quality problems. Where monitoring indicates a problem, Third-Party groups and growers would be required to implement management practices to address the problem and work toward compliance with applicable water quality standards. This alternative would not establish any new Central Valley Water Board requirements for discharges to groundwater from irrigated agricultural lands.

Monitoring under this alternative would be the same as the watershed-based monitoring required under the current ILRP. Under this monitoring scheme, Third-Party groups would work with the Central Valley Water Board to develop monitoring plans for Central Valley Water Board approval. These plans would specify monitoring parameters and site locations.

Finding

An order based on Alternative 1 is not being pursued to regulate irrigated agricultural operations in the Tulare Lake Basin 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 Tulare Lake Basin 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 ground and surface waters.

Third-Party groups would function as lead entities representing growers. Regulation of discharges to surface water would be similar to Alternative 1 (the current ILRP). However, this alternative allows for a reduction in monitoring under lower threat circumstances and where watershed or area management objective plans are being developed. This alternative also 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. Surface water monitoring under this alternative would be similar to Alternative 1. The Third-Party group would report summary results to the Central Valley Water Board. The Third-Party group would be required to summarize the results of groundwater and surface water 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 Tulare Lake Basin 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 Tulare Lake Basin 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 [CACs]) in development of an individual farm water quality management plan (FWQMP). Growers would individually apply for a conditional waiver or WDRs that would require Central Valley Water Board approval of their FWQMP.

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 adjacent receiving waters or 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 Tulare Lake Basin 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 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 (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, 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 [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 surface and 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 Tulare Lake Basin 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 and surface water. 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 FWQMPs to minimize discharge of waste to groundwater and surface water 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 and surface water 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 water 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 Tulare Lake Basin 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, 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 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 Tulare Lake Basin Area.

Alternative 5: Direct Oversight with Farm Monitoring

Alternative 5 would consist of general WDRs designed to protect groundwater and surface water 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 FWQMP; (2) monitor (a) discharges of tailwater, drainage water, and storm water to surface water; (b) applications of irrigation water, nutrients, and pesticides; and (c) 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 Tulare Lake Basin 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. The Order is considered superior to Alternative 5 for implementation in the Tulare Lake Basin 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 and surface water. 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 ground and/or surface water quality management plans, as appropriate to address water quality concerns, report on management practices, and provide annual regional ground and surface 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 surface and groundwater quality problems. The schedule would require compliance with water quality objectives within five to ten years for surface water problems and 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 Tulare Lake Basin 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 the Tulare Lake Basin Area.

Statement of Overriding Considerations Supporting Approval of the Waste Discharge Requirements General Order for Growers Within the Tulare Lake Basin Area that are Members of a Third-Party Group

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.
- Air quality impacts.
- Traffic and transportation impacts.

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 both surface and groundwater throughout the Tulare Lake Basin Area as a result of implementing the Order is expected to create broad economic benefits for residents of the state. Control of pollutants contained in agricultural

discharges, as summarized in pages 18–21 of Appendix A in the PEIR and documented in detail in the *Irrigated Lands Regulatory Program Existing Conditions Report*, should reduce water treatment costs for some communities in the Central Valley. Pages 5-3–5-5 of the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program* (ICF International 2010) identifies 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. Implementation of the SNCP will provide immediate drinking water supplies to users of drinking water impacts by nitrates and will be provide a long term framework for salt and nitrate discharges.

Consistency with NPS Policy and State Water Board Resolution 68-16 (Antidegradation Policy)

Waste discharges from irrigated agricultural operations have the potential to affect surface and 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), the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) and applicable antidegradation requirements (State Water Board Resolution 68-16). 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. 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 R5-2013-0120-09.

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California Regional Water Quality Control Board Central Valley Region

Attachment E to Order R5-2013-0120-09 Definitions, Acronyms & Abbreviations

Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group

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. **Alternative Compliance Project** – Project(s) designed to provide the same or higher level of intended protection to water users that may be adversely affected by the discharge. For example, where a discharge is unable to comply with water quality objectives for nitrate, the permittee may seek an exception and offer to provide a safe and reliable alternative water supply for nearby drinking water wells that exceed or threaten to exceed the primary MCL for nitrate. Alternative Compliance Programs may be used in conjunction with other non-traditional regulatory options (including variances, exceptions, offsets, Management Zones and assimilative capacity allocations) to mitigate the adverse effects from a discharge until a feasible, practicable and reasonable means for meeting water quality objectives becomes available.
2. **Anonymous Member ID** – A unique, anonymous identifier permanently assigned to each Member.
3. **Anonymous APN ID** – A unique, anonymous identifier permanently assigned to each Assessor's Parcel Number (APN) that is partially or completely overlaid by irrigated lands in the region.
4. **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 Plan. 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.
5. **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).
6. **Area of Contribution** – The portion(s) of Basin or Sub-basin where a discharge or discharges will co-mingle with the receiving water and where the presence of such discharge(s) could be detected.

7. **Assimilative Capacity** – The capacity of a high-quality receiving water to absorb discharges of chemical constituents and still meet applicable water quality objectives that are protective of beneficial uses. State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Antidegradation Policy) requires a consideration, to the extent feasible, of the degree to which a discharge will affect the available assimilative capacity of a high-quality water relative to baseline water quality when the Central Valley Water Board is authorizing degradation.
8. **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.[1]
9. **Basin Plan** – The Basin Plan is the Central Valley Regional Water Quality Control Plan for the Tulare Lake Basin. The Basin Plan describes 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 Plan includes beneficial uses, water quality objectives, and a program of implementation.
10. **Central Valley SNMP (2016)** – The Central Valley Salt and Nitrate Management Plan is the basis for many components of the Salt and Nitrate Control Program contained in the Tulare Lake Basin Plan and serves as one of the reference documents for the control efforts. The final version of the SNMP was accepted by the Board in Resolution No. R5-2017-0031 and can be found online. <www.cvsalinity.org/index.php/docs/central-valley-snmp/final-snmp.html>
11. **Certified Irrigation and Nitrogen Management Plan Specialist** – Certified Irrigation and Nitrogen Management Plan Specialists include Professional Soil Scientists, Professional Agronomists, Crop Advisors certified by the American Society of Agronomy and holding a California Nitrogen Management Specialty, or Technical Service Providers certified in nutrient management in California by the National Resource Conservation Service (NRCS); or other specialist approved by the Executive Officer.
12. **Degradation** – Any measurable adverse change in water quality.
13. **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.
14. **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

[1] California Department of Public Health, Approved Backflow Prevention Devices List <www.cdph.ca.gov/certlic/drinkingwater/pages/publications.aspx>. Requirements for backflow prevention for pesticide application are located in 6 California Code of Regulations (CCR) section 6610.

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.

15. **Exception to a Water Quality Objective** – A special authorization, adopted by the Central Valley Water Board through the normal public review and approval process, that allows a discharge or group of discharges to groundwater, subject to various conditions, without an obligation to comply with certain water quality objectives that would normally apply to the given discharge for the period of the exception. Exceptions are limited to a specific term that is determined by the Central Valley Water Board. (See also the Exceptions Policy contained in the Tulare Lake Basin Plan). The timelines for compliance are equivalent to a "time schedule" as authorized under Water Code section 13242 and 13263, subdivision (c).
16. **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.
17. **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.
18. **Fertigation** – The process of applying fertilizer through an irrigation system by injecting the fertilizer into the irrigation water.
19. **Groundwater** – Water in the ground that is in the zone of saturation. The upper surface of the saturate zone is called the water table.
20. **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.B.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.N of the Order): (1) there is a confirmed exceedance[2] (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 may be causing or contributing to a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses.

[2] 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.

21. **High vulnerability area (surface water)** – Areas that meet any of the following requirements for the preparation of a Surface Water Quality Management Plan (see section VIII.N of the Order): (1) an applicable water quality objective or applicable water quality trigger limit is exceeded (considering applicable averaging periods) twice in a three year period for the same constituent at a monitoring location (trigger limits are described in section VII of the MRP) and irrigated agriculture may cause or contribute to the exceedances; (2) the Basin Plan requires development of a surface water quality management plan for a constituent or constituents discharged by irrigated agriculture; or (3) the Executive Officer determines that irrigated agriculture may be causing or contributing to a trend of degradation of surface water that may threaten applicable Basin Plan beneficial uses.
22. **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).
23. **Hydraulic gradient** – The change in total hydraulic head per unit distance in a given direction yielding a maximum rate of decrease in hydraulic head.
24. **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).
25. **Impaired water body** – A surface water body that is not attaining water quality standards and is identified on the State Water Board's Clean Water Act section 303(d) list.
26. **Irrigated lands** – Land irrigated to produce crops or pasture for commercial purposes and nurseries.[3]
27. **Irrigation return flow/runoff** – Surface and subsurface water which leaves the field following application of irrigation water.
28. **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.
29. **Low vulnerability area (surface and groundwater)** – are all areas not designated as high vulnerability for either surface or groundwater.
30. **Management practices to protect water quality** – A practice or combination of practices that is the most effective and practicable (including technological, economic,

[3] 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.

and institutional considerations) means of controlling nonpoint pollutant sources at levels protective of water quality.

31. **Management Zone** – A discrete and generally hydrologically contiguous area for which permitted discharger(s) participating in the Management Zone collectively work to meet the goals of the Central Valley SNMP (2016) and for which regulatory compliance is evaluated based on the permittees collective impact, including any alternative compliance programs, on a defined portion of the aquifer. Where Management Zones cross groundwater basin or sub-basin boundaries, regulatory compliance is assessed separately for each basin or sub-basin. Management Zones must be approved by the Central Valley Water Board.

32. **Member** – Owners and operators of irrigated lands within the Tulare Lake Basin Area that are members of a Third-Party group implementing this Order.

33. **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.

34. **Nitrogen Applied** – Nitrogen Applied includes all nitrogen proactively added to a field from any source, such as organic amendments, synthetic fertilizers, manure, and irrigation water.

35. **Nitrogen Removed** – Nitrogen Removed includes all nitrogen taken from the field in harvested or other materials. Other materials may include wheat straw, orchard prunings, almond hulls, etc. In the case of perennial crops, Nitrogen Removed also includes the nitrogen annually sequestered in the permanent wood.

36. **Nonpoint source waste discharge** – The Tulare Lake 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.

37. **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."

38. **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.

39. **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.[4] 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.

40. **Off-property discharge** – The discharge or release of waste beyond the boundaries of the agricultural operation or to water bodies that run through the agricultural operation.

41. **Perched groundwater** – Groundwater separated from an underlying body of groundwater by an unsaturated zone.

42. **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.

43. **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."*

44. **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.

45. **Receiving waters** – Surface water or groundwater that receives or has the potential to receive discharges of waste from irrigated lands.

46. **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.

[4] 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 <cetulare.ucanr.edu/files/82026.pdf>.

47. **Salinity** – For purposes of implementing the Salt and Nitrate Control Plan, the definition of “salinity” and “salt” includes only: electrical conductivity, total dissolved solids, fixed dissolved solids, chloride, sulfate, and sodium.

48. **Salinity Characterization Report** – An assessment of how applicable member discharges to surface and/or groundwater will comply with the requirements of the conservative permitting approach under Phase I of the Salt Control Program.

49. **Small Farming Operation** – Refers to Farming Operations that operate less than 60 total acres of irrigated land within the Tulare Lake Basin Area. A parcel is not part of a Small Farming Operation if the total acres of irrigated land within the Tulare Lake Basin Area managed by the Farming Operation and any of its Subsidiary or Affiliated Operations is 60 acres or greater.

50. **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.

51. **Stormwater runoff** – The runoff of precipitation from irrigated lands.

52. **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.

53. **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.

54. **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.

55. **Tailwater** – The runoff of irrigation water from an irrigated field.

56. **Total Maximum Daily Load (TMDL)** - From the Code of Federal Regulations (CFR), 40 CFR 130.2(i), a TMDL is: *“The sum of the individual WLAs [waste load allocations] for point sources and LAs [load allocations] for nonpoint sources and natural background. … TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. …”.*

57. **Toxicity** – Refers to the toxic effect to aquatic organisms from waste contained in an ambient water quality sample.

58. **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.

59. **Vadose Zone** – See unsaturated zone.

60. **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.

61. **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”.

62. **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.”*

63. **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.

64. **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.

65. **Water quality problem** – Exceedance of an applicable water quality objective or a trend of degradation that may threaten applicable Basin Plan beneficial uses.

66. **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

2012 Farm Bill	Food, Conservation, and Energy Act of 2012
Basin Plan	*Water Quality Control Plan for the Tulare Lake Basin*
BPAW	Basin Plan Amendment Workplan
BPTC	best practicable treatment or control
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
ECR	Existing Conditions Report
EDD	electronic data deliverable
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
ESA	federal Endangered Species Act
ESJ WQC	East San Joaquin Water Quality Coalition

FWQMP	farm water quality management plan
GAMA	Groundwater Ambient Monitoring and Assessment
GAR or GQAR	Groundwater Quality Assessment Report
GeoTracker ESI	GeoTracker Electronic Submittal of Information Online System
GIS	Geographic Information System
GMAW	Groundwater Monitoring Advisory Workgroup
GPS	Global Positioning System
GQMP	groundwater quality management plan
GWPA	Groundwater Protection Area
HAPs	hazardous air pollutants
ILRP	Irrigated Lands Regulatory Program
MCL	Maximum contaminant level
MDL	method detection limit
MLD	most likely descendant
MMRP	mitigation monitoring and reporting program
MPEP	Management Practice Evaluation Program
MPER	Management Plan Evaluation Report
MRP	monitoring and 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
NMFS	National Marine Fisheries Service
NOA	Notice of Applicability
NOC	Notice of Certification
NOI	Notice of Intent
NOT	Notice of Termination
NOV	Notice of violation
NPDES	National Pollutant Discharge Elimination System
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
PAMs	polyacrylamides
PCPA	Pesticide Contamination and Prevention Act
PEIR	Long-Term Irrigated Lands Regulatory Program Final Program EIR (Final and Draft) (Certified by Resolution R5-2011-0017)
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
SIP	*Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of CA* (State Implementation Plan)
SQMP	surface water quality management plan
State Water Board	State Water Resources Control Board
SWAMP	surface water ambient monitoring program
TAC	toxic air contaminant
TDS	total dissolved solids
TIE	toxicity identification evaluation
TMDL	total maximum daily load
TOC	total organic carbon
TRS	township, range, and section
TSS	total suspended solids
TST	test of significant toxicity (USEPA method)
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WDRs	waste discharge requirements