

ITEM: 9

SUBJECT: Workshop on the draft Tulare Lake Basin Area WDRs

BOARD ACTION: *No board action*

BACKGROUND: On 10 July 2012, staff circulated draft waste discharge requirements for discharges from irrigated lands within the Tulare Lake Basin excluding the area included in the Westlands Stormwater Coalition, hereafter the Tulare Lake Basin Area (TLBA). The draft general order is anticipated to be the second geographically based order that will implement the long-term irrigated lands regulatory program (long-term ILRP). Interested-person comments on the draft general order were requested by 10 August 2012 in anticipation of the 21 August 2012 workshop. Additional comments have been received since 10 August, including those received during the 21 August 2012 workshop in Tulare. The draft TLBA general order has not been revised since posting on 10 July 2012. General summaries of anticipated changes to the draft TLBA general order are provided below.

General summary of revisions made to the Eastern San Joaquin River Watershed tentative general order and considered for the TLBA general order

Many comments received on the draft TLBA general order are similar to comments received on the Eastern San Joaquin River Watershed (ESJRW) tentative general order. In addition, there are some proposed changes to the ESJRW tentative general order that have been made to address programmatic issues of the long-term ILRP. This has led to many changes being proposed for the TLBA general order being similar to changes in the ESJRW tentative general order. Proposed changes common to both orders are summarized below.

Receiving water limitations – “receiving water” instead of “discharge” limitations. This revision is intended to clarify that the Board is not establishing edge-of-field effluent limitations, but wants to ensure that discharges from irrigated lands do not cause or contribute to a water quality problem.

Small farming operations (total operation being less than 60 acres) – reduced reporting requirements (e.g., farm evaluations, nitrogen management plans, sediment and erosion control plans) based on farm size in addition to the previous version’s vulnerability-based prioritization system. Separate requirements for small farming operations were included to help reduce the burden on smaller operations, which may not have the available resources of larger operations.

Sediment and erosion control plans – require that sediment and erosion control plans be developed by Members that have the potential to cause erosion and discharge sediment that may degrade surface waters,

instead of the previous requirement for plan development by all Members discharging to surface water. This change will help to prioritize establishing these plans to areas where they are most needed.

Sediment discharge and erosion assessment report – this new third-party technical report is included to determine which Members need to develop a sediment and erosion control plan.

Nitrogen management plans – the revised orders require nitrogen management plans for all Members except for those within low vulnerability areas. Previously referred to as “nitrogen budgets,” these plans were required for all Members. There is also increased flexibility in options for certification of plans (certification is required in high vulnerability areas). These changes will help to better target nitrogen management to areas of greatest need, and provide additional certification options for Members, while providing assurance that those certifying the plans are aware of the relationship between nitrogen applications and potential water quality impacts.

Engineering for ponds and basins – the requirement that any new or modified settling ponds, basins, and tailwater systems be designed by a registered civil engineer has been removed. The broad requirement is unnecessary, as the Executive Officer may require (by issuing a California Water Code section 13267 Order) design by a registered civil engineer in specific cases where water quality concerns are identified with such systems.

Templates – an option has been added for the third-party to develop the templates in coordination with other third-parties, commodity groups, etc. Coordination is required, since the Board wants consistency in the type of information collected, although templates can be tailored (e.g., the template for an almond orchard could look different than the template for an alfalfa field). Previously, the Board intended to develop templates for Member farm evaluations, nitrogen management plans, and sediment and erosion control plans. The Board may still develop the templates if the third-party does not choose the option to coordinate with other groups.

Groundwater quality monitoring and management practice assessment, and evaluation requirements – these requirements have been revised to provide additional clarity; revisions include renaming the “representative groundwater monitoring program,” to the “management practices evaluation program,” and other organizational revisions.

Spatial resolution for third-party summary reports of Member information –the spatial resolution required for the summary reporting has been changed from the section (1 square mile) to the township level (36 square mile). Data submitted as part of reporting is not required to identify the specific Member or the specific parcel. However, all data used to prepare summary reports must be provided (the individual identifying information is not needed). The reporting frequency (see

below) has been increased, so the Board will be able to identify trends sooner. The Board can require the submittal of Member-specific information, if improvements in practices are not being made and water quality is still impacted.

Monitoring report frequency – the third-party must submit an annual monitoring report summarizing activities conducted during the previous year; modified from the previous version's biennial monitoring report. This increase in reporting frequency has been included in part because of the reduction in resolution for third-party summary reports of Member information. More frequent reports will help the Board determine where water quality practices are being implemented and in which areas additional Board follow-up may be necessary.

General summary of anticipated additional revisions to the TLBA

Additional changes will be proposed in two general areas. The first area is to address geologic, hydrologic, hydrogeologic, climatic, and organizational factors of the TLBA. The second area is for other anticipated changes. These additional changes being considered for the TLBA general order are summarized below.

Where the Order does not intend to regulate water quality - Finding 5 of the draft general order will be amended to contain the same language used in the Eastern San Joaquin River Watershed tentative general order. Finding 5 would state, "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."

Management Plans required by the Waiver but not approved prior to adoption of the new TLBA general order – it may be necessary to include provisions that require the third-party continue preparing Management Plans where existing exceedances of water quality objectives or trigger limits require it under the current waiver, if a Management Plan has not been approved prior to adoption of the TLBA general order.

Continuity of sampling efforts following adoption of a TLBA general order and before completion of the Surface Water Monitoring Plan – it is anticipated that provisions will be needed to ensure continued surface water monitoring prior to Executive Officer approval and third party implementation of sampling under a Surface Water Monitoring Plan. This requirement is similar to a requirement for continued sampling contained in the Eastern San Joaquin River Watershed tentative general order Monitoring and Reporting Program (C.1.)

Reporting period option – the draft TLBA general order had the requirement for the third party to report on the hydrologic water year. Comments were received requesting the period be changed to the calendar year. It is anticipated the TLBA general order will be revised to allow the third party to choose the 12-month reporting period appropriate for the area. Many parts of the TLBA are cropped year round making

the hydrologic water year less useful.

Comment letters on the draft TLBA general order received as of 1 November 2012 have been posted on the Central Valley Water Board's web site.

There is no staff recommendation for this workshop item. The board may provide direction to staff based on the staff presentation and comments received from the public.

Mgmt. Review _____

Legal Review _____

30 November 2012

Bakersfield, CA