

ITEM: 6

SUBJECT: Waste Discharge Requirements General Order for Growers within the Sacramento River Watershed that are Members of a Third-Party Group

BOARD ACTION: *Consideration of Adoption of the Waste Discharge Requirements.*

BACKGROUND: The proposed Waste Discharge Requirements (WDR's) General Order for Growers Within the Sacramento River Watershed that are Members of a Third-Party Group (Order) follows five already adopted orders that implement the long-term irrigated lands regulatory program. In October 2013, a board workshop was held in Colusa to receive input from the public and direction from the board. On 17 December 2013, the board circulated the tentative Order for review and comment by the public. Nine comment letters were received by the 21 January 2014 deadline; letters and the staff response to comments are included in the agenda package. The tentative Order, which is included in this agenda package, has been revised in response to comments received.

Provided below is a brief summary of revisions relative to the October 2013 draft and December 2013 tentative versions.

General Summary of Revisions

- *The Delta Regional Monitoring Program (RMP).* A finding was added to recognize the relationship of the Order to the Delta RMP.
- *Coordination and cooperation with other agencies.* A finding was added to indicate that the Natural Resources Conservation Service (NRCS) administers a number of programs related to water quality; Members and third-party groups are encouraged to utilize the information and resources available through the NRCS to meet the requirements of the Order.
- *Compliance with receiving water limitations.* Language was added recognizing that receiving water limitations also apply to trends of degradation that threaten beneficial uses. Also, text was added to clarify the conditions under which a third-party member is in compliance with the Order when receiving water limitations are not being met. These changes are consistent with Orders in the other third-party areas.
- *Managed wetlands.* Language added to clarify that irrigated acres do not include non-irrigated upland habitat associated with managed wetlands. Additionally, an exemption for template use and flexibility to propose a managed wetland evaluation template within 60 days of Notice of Applicability. A brief description of wetland areas was added to the Information Sheet, as well as a discussion of potential water quality concerns.
- *Rice Seed.* Changes were made to the Tentative Order and Information Sheet to exclude discharges from lands used to grow rice for seed. These discharges will be covered by the California Rice Commission Order.
- *Monitoring sites.* Text was added to the Information Sheet describing the representative monitoring strategy, which, in conjunction with other reporting requirements, will allow the board to determine whether Members are complying with this Order. MRP Appendix 3 has been modified to show monitoring locations on the subwatershed land-use maps.

- *Evaluating Management Practices.* Changes to the Information Sheet have been made to show that information to be provided by Members will allow for the evaluation of management practice implementation and effectiveness.
- *Surface and Groundwater Management plans.* Changes to the Order have been made to clarify that the management plans serve as work plans identifying corrective actions to be taken by Members to come into compliance. Management plans do not establish new requirements or compliance schedules not already included in the Order.
- *68-16.* Additional discussion has been added to the information sheet to explain the Order's consistency with antidegradation (State Water Board Resolution 68-16) requirements.
- *Costs associated with direct regulation of growers.* A summary of costs associated with direct regulation of growers has been added to the Information Sheet and Attachment D.
- *Summation of costs regarding per acre State fee.* The summation of costs has been adjusted to reflect a change in State fees from \$0.56 per acre to \$0.75 per acre.
- *Table of Reports.* A table was added to the Information Sheet to show all of the reports and monitoring required by the Order, and where they are described in the Order and Information Sheet.
- *Corrections and other revisions.* A number of minor errors have been corrected and minor changes made.

Remaining Issues

The remaining issues and proposed resolution thereof are described in the comment letters and staff response to comments.

RECOMMENDATION Adopt the proposed waste discharge requirements.

Mgmt. Review ___JK___

Legal Review ___APM___

12 March 2014

Central Valley Regional Water Quality Control Board Meeting

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