



May 19, 2006

Ms Wendy Cohen  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, #200  
Rancho Cordova, California 95670-6114

Dear Ms Cohen:

RE: Tentative Individual Discharger Conditional Waiver of Waste Discharge  
Requirements for Discharges from Irrigated Lands

The Merced Irrigation District (Merced ID) appreciates the opportunity to comment on the Tentative Individual Discharger Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Waiver). Merced ID offers the following comments:

1. Finding 40 on page 9 states in part “A discharge of waste to surface water subject to the Conditional Waiver is one that could directly or indirectly reach surface waters of the State, which include natural streams, constructed agricultural drains, agricultural dominated waterways, and other non-stream tributaries (see Attachment A, Information Sheet), or to other waters which may be hydrologically connected to such waters of the State. Direct discharges may include, for example, discharges directly from piping, tile drains, ditches or sheet flow to surface waters of the State. Indirect discharges may include, for example, discharges from one parcel to another parcel and then to surface waters of the State. This Conditional Waiver applies to discharges of waste to surface waters of the State as a result of irrigation activities, certain irrigation district operations, and stormwater runoff.”
- “other waterways which may be hydrologically connected” would include canals operated by irrigation districts. Definition 2 in Tentative Attachment A defines a discharger as the owner and/or operator of irrigated lands that discharge or have the potential to discharge waste that could directly or indirectly reach surface waters of the State. Definition 16 states that “Water districts may be a discharger if the water district accepts or receives discharges from irrigated lands.”. Why is this Waiver set up to regulate dischargers that discharge to irrigation district facilities twice? Whether the discharger is covered as an individual or as a coalition member, the discharger will, in reality, be paying for coverage twice. This Waiver would

transfer the responsibility of monitoring, reporting and correcting water quality problems from the discharger to the irrigation district. The Waiver definitions need to be rewritten to resolve this problem.

- Please define “certain irrigation district operations” in Finding 40. Irrigation activities and stormwater runoff are pretty clear, but “certain operations” is a very vague statement that could be interpreted to include an unending list of new items.

2. Attachment A, Definition 3 includes operation spills as discharges of waste from irrigated lands. This is contradictory to the definition of operational spill stated in Definition 9. Operational spills should be removed from Definition 3.

If you have any questions or comments please contact me at (209) 722-5761 or by email at [hetal@mercedid.org](mailto:hetal@mercedid.org), or Mr. Tom Stephens at (209) 722-5761 or by email at [tstephens@mercedid.org](mailto:tstephens@mercedid.org).

Sincerely,



Hicham ElTal  
Assistant General Manager, Water Resources Engineering and Operations  
Merced Irrigation District

cc: Mr. Bill Croyle, RWQCB  
Edward C. “Ted” Selb III, Merced ID