

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

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ORDER R7-2020-0035



Order Information

Dischargers: Agricultural and Drain Maintenance Dischargers in Imperial Valley
Coalition Group: Imperial Irrigation District-Imperial County Farm Bureau Coalition
Site: Irrigated Agricultural Lands in Imperial Valley
County: Imperial County
Related Order(s): R7-2015-0008, R7-2019-0056

I, PAULA RASMUSSEN, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on December 10, 2020.

Original signed by

PAULA RASMUSSEN
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ORDER R7-2020-0035

SHORT-TERM RENEWAL OF ORDER R7-2015-0008
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
AGRICULTURAL WASTEWATER DISCHARGES AND DISCHARGES OF WASTES
FROM DRAIN OPERATION AND MAINTENANCE ACTIVITIES
WITHIN THE IMPERIAL VALLEY
IMPERIAL COUNTY, CALIFORNIA

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) hereby makes the following Findings:

1. On January 15, 2015, the Colorado River Basin Water Board adopted Order R7-2015-0008, *Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Wastes from Drain Operation and Maintenance Activities Within the Imperial Valley* (2015 Conditional Waiver). The 2015 Conditional Waiver is incorporated herein by reference and made part of this Order.
2. On November 14, 2019, the Colorado River Basin Water Board adopted Order R7-2019-0056, *Short-Term Renewal of Order R7-2015-0008 Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Waste from Drain Operation and Maintenance Activities Within the Imperial Valley*. Order R7-2019-0056 renewed the 2015 Conditional Waiver for a period of 12 months until January 15, 2021 but did not modify any other terms of the Waiver.
3. To comply with the 2015 Conditional Waiver, Imperial Irrigation District (IID) and Imperial County Farm Bureau (ICFB) formed a third-party coalition group, called the IID-ICFB Coalition, to assist agricultural dischargers in complying with the terms of the waiver. The IID-ICFB Coalition obtained approval from the State Water Resources Control Board (State Water Board) to manage fee collection and payment on behalf of coalition group members. All dischargers that enrolled under the 2015 Conditional Waiver enrolled as members of the IID-ICFB Coalition.
4. To comply with the terms of the 2015 Conditional Waiver and ensure attainment of water quality objectives, the IID-ICFB Coalition developed a Compliance Program in which members are required to:
 - a. Complete an individual Water Quality Management Plan (Farm Plan) for each parcel of irrigated agricultural land;
 - b. Complete an individual Drain Water Quality Management Plan (Drain Plan), if applicable;

- c. Install, implement, and maintain management practices that protect water quality from agricultural activities on every parcel of irrigated agricultural land;
 - d. Update parcel information as often as necessary (i.e., when leases or crops change, management practices are changed, etc.). At a minimum, parcel information is required to be reviewed and updated annually;
 - e. Attend outreach and education trainings organized by the IID-ICFB Coalition; and
 - f. Pay state fees to the IID-ICFB Coalition, which then remits the fees to the State Water Board on behalf of members.
5. The IID-ICFB Coalition also developed a Monitoring and Reporting Program and a Quality Assurance Project Plan, both of which were approved by the Colorado River Basin Water Board's Executive Officer, and pursuant to which the IID-ICFB Coalition monitors water quality and reports on behalf of the members of the IID-ICFB Coalition.
6. On February 7, 2018, the State Water Board adopted Order WQ 2018-0002, *In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group Issued by the California Regional Water Quality Control Board, Central Valley Region* (Eastern San Joaquin Order).
7. The State Water Board gave certain precedential direction in the Eastern San Joaquin Order binding on all irrigated lands regulatory programs statewide. The Eastern San Joaquin Order specifically directs regional water boards to revise their irrigated lands regulatory programs within five years to be consistent with the precedential requirements in the order.
8. Colorado River Basin Water Board staff is in the process of developing general waste discharge requirements (General WDRs) for agricultural discharges in the Imperial Valley that incorporate the precedential requirements of the Eastern San Joaquin Order. Each precedential requirement must be considered and adjusted to apply to regional conditions and to optimize local resources to protect regional water quality. Consequently, revising the irrigated lands program in Imperial Valley requires significant staff time and resources, as well as coordination with the IID-ICFB Coalition and regulated community. Coordination with the IID-ICFB Coalition and regulated community is necessary to ensure that the IID-ICFB Coalition and its members are prepared to meet the precedential requirements of the General WDRs. This work will not be completed before the 2015 Conditional Waiver expires on January 15, 2021.

9. Water Code section 13269, which governs waivers of WDRs like the 2015 Conditional Waiver, provides that such waivers may not exceed five years in duration, but may be renewed by regional water boards.
10. When renewing a waiver, the Colorado River Basin Water Board must determine that the waiver is consistent with applicable water quality control plans and is in the public interest. The conditions of the waiver must include the performance of individual, group, or watershed-based monitoring, unless the Board determines that the discharge does not pose a significant threat to water quality.
11. Renewal of the 2015 Conditional Waiver on a short-term basis through January 15, 2022 is in the public interest and complies with the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan). It will allow efforts to protect water quality to continue while staff develops the new General WDRs, which will implement the precedential requirements of the Eastern San Joaquin Order and serve as the next phase of the irrigated lands program in Imperial Valley. Renewal of the 2015 Conditional Waiver will continue to require agricultural dischargers to control discharges of waste through management practices and to comply with water quality objectives, prevent an interruption in the existing coalition-based Monitoring and Reporting Program, and continue the payment of state fees.
12. This Order renews the 2015 Conditional Waiver for a period of 12 months until January 15, 2022 but does not modify any other terms of the waiver. The 2015 Conditional Waiver contains findings required by Water Code section 13269 and the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.), and those findings are incorporated by reference into this Order to renew the 2015 Conditional Waiver.
13. Prior to renewing any waiver for a specific type of discharge, the Colorado River Basin Water Board must review the terms of the waiver at a public hearing and determine whether the discharge for which the waiver was established should be subject to general or individual WDRs.
14. During the term of the renewal, it is appropriate to regulate agricultural discharges under a conditional waiver rather than individual WDRs, because this will simplify and streamline the regulatory process. There are estimated to be hundreds of individual owners and/or operators of irrigated agricultural lands in Imperial Valley. It is neither feasible nor reasonably practicable to issue individual WDRs to each due to staff limitations at the Colorado River Basin Water Board. All of the owners and/or operators of irrigated agricultural lands in the Imperial Valley have similar discharges. Consequently, regulation of these facilities via General WDRs is the preferred option. Additional time is required to develop the General WDRs, which will include findings specific to the IID-ICFB Coalition.
15. The Colorado River Basin Water Board has notified the IID-ICFB Coalition and all known interested agencies and persons of its intent to renew the 2015 Conditional

Waiver for a period of 12 months and has provided them with an opportunity for a public meeting and to submit comments.

16. The Colorado River Basin Water Board, in a public meeting, heard and considered all comments pertaining to this renewal of the 2015 Conditional Waiver.

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code sections 13269 and 13267, as follows:

1. Order R7-2015-0008, *Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Wastes from Drain Operation and Maintenance Activities Within the Imperial Valley*, which was previously renewed for one year by Order R7-2019-0056, is hereby renewed for an additional period of 12 months until January 15, 2022. This Order does not modify any other terms of the 2015 Conditional Waiver.
2. The existing Compliance Program, Monitoring and Reporting Program, and Quality Assurance Project Plan developed under the 2015 Conditional Waiver remain in full force and effect.
3. Any person already enrolled in the 2015 Conditional Waiver is not required to submit a new notice of intent (NOI) to enroll in this Order. Any such person is automatically deemed enrolled in this Order.
4. The IID-ICFB Coalition, its members, and any other enrollees shall continue to comply with the terms and conditions of the 2015 Conditional Waiver and take any required actions to improve and protect waters of the state. Compliance is required until such time as this Order is renewed or superseded.

Any person aggrieved by this Colorado River Basin Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the statutes and regulations applicable to filing petitions are available on the State Water Board's website and can be provided upon request.