

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

## Region 7 Office

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## REQUIREMENTS REVISION ORDER R7-2023-0049

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### ORDER INFORMATION

<b>Order Type(s):</b>	Revision of Waste Discharge Requirements (WDRs)
<b>Status:</b>	Final
<b>Program:</b>	Irrigated Lands Regulatory Program
<b>Dischargers:</b>	Enrollees under Irrigated Lands General Orders
<b>Affected Orders:</b>	R7-2019-0030 (Palo Verde Valley and Mesa) R7-2019-0053 (Bard Valley) R7-2020-0026 (Coachella Valley) R7-2021-0050 (Imperial Valley) and associated Monitoring and Reporting Programs

**CERTIFICATION**

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 12, 2023.

*Original Signed By*

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PAULA RASMUSSEN  
Executive Officer

## FINDINGS

The Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) hereby finds as follows:

1. In accordance with State Water Resources Control Board (State Water Board) Order WQ 2018-02 (East San Joaquin Decision), the Colorado River Basin Water Board has adopted four separate Waste Discharge Requirements (WDRs) General Orders for agricultural dischargers in the Colorado River Basin Region (collectively, Irrigated Lands General Orders). These orders prescribe general WDRs (see Wat. Code, § 13263, subd. (i)) for owners/operators of irrigated agricultural lands (Dischargers) with the potential to discharge waste that may impact the quality of the waters of the state, and who are represented by a third party (Coalition Group).
2. The Colorado River Basin Water Board's current Irrigated Lands General Orders are as follows:
  - a. Order R7-2019-0030 for Dischargers in Palo Verde Valley and Palo Verde Mesa, adopted on May 15, 2019;
  - b. Order R7-2019-0053 for Dischargers in Bard Valley, adopted on July 11, 2019;
  - c. Order R7-2020-0026 for Dischargers in Coachella Valley, adopted on November 12, 2020; and
  - d. Order R7-2021-0050 for Dischargers in Imperial Valley, adopted on December 14, 2021.
3. Section E.6 of each Irrigated Lands General Order includes the following substantively identical provision:
  - a. The Coalition Group shall provide surface water and groundwater exceedance reports if monitoring results show exceedances of applicable numeric water quality objectives or water quality benchmarks, as specified in the MRP, [attachment designation].
  - b. The Colorado River Basin Water Board may require Coalition Groups to prepare a Water Quality Restoration Plan (WQRP) if (a) there is a water quality exceedance or (b) a trend of degradation of water quality is identified that threatens a beneficial use in receiving waters affected by its Members'

activities on Irrigated Agricultural Lands. For purposes of this Order, an “exceedance” occurs when (a) a sampling result for a constituent at a single surface water monitoring location exceeds a water quality objective or benchmark limit specified in the MRP, [attachment designation] more than three out of four times for the same constituent, or (b) a single groundwater sampling result exceeds a water quality objective.

- c. The WQRP shall contain the following information:
  - i. For each constituent that indicates an exceedance or a trend of water quality degradation that threatens a beneficial use, the WQRP shall include a graph showing the concentrations over time (from available data) and a trend analysis for the constituent.
  - ii. The WQRP shall include a description of the actual or suspected waste sources that may be causing or contributing to the exceedance or trend of water quality degradation that threatens a beneficial use(s). The WQRP shall also include a list and map location of Members in the geographic area addressed in the WQRP.
  - iii. The WQRP shall identify management practices currently being implemented and additional or improved management practices that will be implemented by designated Members to prevent or minimize the discharge of any waste that is causing or contributing to the exceedance or trend of water quality degradation. The WQRP shall also include a brief justification for selecting specific management practices.
  - iv. The WQRP shall include a schedule for the implementation and completion of all tasks described in the WQRP. The schedule shall reflect the shortest practicable time required to perform each task, given the type of management practices planned or program being implemented, and the experience of commercial agriculture with the time required to implement similar management practices or programs. The schedule may not be longer than that which is reasonably necessary to achieve the receiving water limitations in

Section C of these General WDRs. If the schedule exceeds one year, the schedule must include interim annual milestones that demonstrate progress towards completion of the WQRP tasks and compliance with the applicable receiving water limitations of these General WDRs.

- v. The WQRP shall include a monitoring and reporting plan to provide feedback on WQRP progress and its effectiveness in achieving compliance with the applicable receiving water limitations of these General WDRs.
  - d. The WQRP must be approved by the Colorado River Basin Water Board's Executive Offer prior to implementation. The Coalition Group may propose changes and revisions to the WQRP as necessary, subject to approval by the Executive Offer prior to implementation.
  - e. The Coalition Group shall work cooperatively with the Colorado River Basin Water Board to ensure all Members are taking necessary steps to address exceedances or degradation identified by the Coalition Group or the Colorado River Basin Water Board.
4. Section E.6.b of each Irrigated Lands General Order authorizes Colorado River Basin Water Board staff to require a Coalition Group to prepare a Water Quality Restoration Plan (WQRP) in the event of a water quality "exceedance."<sup>1</sup>
5. Section E.6.b further defines "exceedance" as occurring when:
- (a) a sampling result for a constituent at a single surface water monitoring location exceeds a water quality objective or benchmark limit specified in the MRP, [attachment designation] more than three out of four times for the same constituent, or
  - (b) a single groundwater sampling result exceeds a water quality objective.

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<sup>1</sup> Alternatively, a WQRP may be required from a Coalition Group when "a trend of degradation of water quality is identified that threatens a beneficial use in receiving waters affected by [the Coalition Group's] Members' activities on Irrigated Agricultural Lands." (§ E.6.b.) However, this condition is not relevant for the purposes of this Revision Order.

6. An “exceedance” is ordinarily defined as a *singular* “act or instance of exceeding especially a limit or amount.” (Merriam-Webster.com Dictionary.) However, the definition provided in Section E.6.b confusingly requires there to be more than three out of four instances where a water quality objective or benchmark limit is exceeded.
7. The definition in Section E.6.b also purports to apply to the entire order, as opposed to just that same section or the WQRP preparation requirement in particular.
8. Based on the foregoing, it is necessary to revise the Irrigated Lands General Orders to clarify that an “exceedance” occurs whenever a water quality objective or benchmark limit is exceeded for a given parameter at a given surface water monitoring location, but that a WQRP will only be required when there have been three exceedances within the last four regular monitoring events (i.e., rolling period of four periodic monitoring events) at the same monitoring point, and for the same parameter.<sup>2</sup> Such instances will be referred to as “Water Quality Triggering Events.”
9. For groundwater monitoring, a single exceedance continues to constitute a Water Quality Triggering Event requiring submittal of a WQRP.
10. It is also necessary to clarify that a WQRP will be required whenever a “Water Quality Triggering Event” occurs; the imposition of this requirement is not subject to the discretion of Colorado River Basin Water Board staff.
11. Finally, it is necessary to amend the operative Monitoring and Reporting Programs for the Irrigated Lands General Orders, requiring that all Exceedance Reports indicate the number of prior exceedances within the rolling period (for surface water), and whether the instant exceedance constitutes a Water Quality Triggering Event.
12. There are no further changes to the Irrigated Lands General Orders necessary at this time.

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<sup>2</sup> Some parameters are monitored in surface water on a less than quarterly basis (e.g., annually or semiannually). Where a given parameter is monitored semiannually at a given surface water monitoring point, the rolling determination period would encompass two or three calendar years of results.

## **REVISIONS TO REQUIREMENTS**

**IT IS HEREBY ORDERED**, pursuant to Water Code sections 13263 and 13267, that Section E.6 of each of the existing Irrigated Lands General Orders shall be revised to read as specified in **Attachment A**.

## **ENFORCEMENT**

If, in the opinion of the Executive Officer, the Dischargers fail to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Colorado River Basin Water Board reserves its right to take any enforcement actions authorized by law.

## **ADMINISTRATIVE REVIEW**

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. To be timely, the petition must be received by the State Water Board by 5:00 pm 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 pm on the next business day. The law and regulations applicable to filing petitions are available on the [State Water Board website](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)). Copies will also be provided upon request.

## **ATTACHMENT A—REVISED PROVISIONS**

### **First Revision (All Irrigated Lands General Orders)**

Section E.6 of Orders R7-2019-0030 (Palo Verde Valley and Mesa), R7-2019-0053 (Bard Valley), R7-2020-0026 (Coachella Valley) and R7-2021-0050 (Imperial Valley) shall provide as follows:

#### **E. Requirements - Coalition Groups**

This subdivision applies to Coalition Groups that serve as third-party representatives of Members for purposes of this Order, which shall comply with all of the following:

\* \* \*

#### **6. Water Quality Restoration Plan (WQRP)**

- a. The Coalition Group shall provide surface water and groundwater exceedance reports if monitoring results show exceedances of applicable numeric water quality objectives or water quality benchmarks, as specified in the MRP, [attachment designation].
- b. The Coalition Group shall prepare a Water Quality Restoration Plan (WQRP) if (a) there is a Water Quality Triggering Event or (b) a trend of degradation of water quality is identified that threatens a beneficial use in receiving waters affected by its Members' activities on Irrigated Agricultural Lands.
  - i. For purposes of this Section (§ E.6), a "Water Quality Triggering Event" occurs when (a) a sampling result for a parameter at a single surface water monitoring location exceeds a water quality objective or benchmark limit specified in the MRP, [attachment designation] three or more times for the same constituent during a rolling period of four regular monitoring events, or (b) a single groundwater sampling result exceeds a water quality objective.

With regard to surface water exceedances, additional monitoring activities that are subsequently conducted



within the same prescribed monitoring period as an exceedance will not be considered “regular monitoring events” and therefore shall not be considered as part of the rolling period.

- iii. Notwithstanding any contrary provision in the operative MRP, an Exceedance Report submitted per the MRP shall indicate (a) the number of surface water exceedances within the previous four regular monitoring events, and (b) whether the current exceedance constitutes a Water Quality Triggering Event.
- c. The WQRP shall contain the following information:
- i. For each constituent that indicates an exceedance or a trend of water quality degradation that threatens a beneficial use, the WQRP shall include a graph showing the concentrations over time (from available data) and a trend analysis for the constituent.
  - ii. The WQRP shall include a description of the actual or suspected waste sources that may be causing or contributing to the exceedance or trend of water quality degradation that threatens a beneficial use(s). The WQRP shall also include a list and map location of Members in the geographic area addressed in the WQRP.
  - iii. The WQRP shall identify management practices currently being implemented and additional or improved management practices that will be implemented by designated Members to prevent or minimize the discharge of any waste that is causing or contributing to the exceedance or trend of water quality degradation. The WQRP shall also include a brief justification for selecting specific management practices.
  - iv. The WQRP shall include a schedule for the implementation and completion of all tasks described in the WQRP. The schedule shall reflect the shortest practicable time required to perform each task, given the type of management practices planned or program being implemented, and the experience of

commercial agriculture with the time required to implement similar management practices or programs. The schedule may not be longer than that which is reasonably necessary to achieve the receiving water limitations in Section C of these General WDRs. If the schedule exceeds one year, the schedule must include interim annual milestones that demonstrate progress towards completion of the WQRP tasks and compliance with the applicable receiving water limitations of these General WDRs.

- v. The WQRP shall include a monitoring and reporting plan to provide feedback on WQRP progress and its effectiveness in achieving compliance with the applicable receiving water limitations of these General WDRs.
- d. The WQRP must be approved by the Colorado River Basin Water Board's Executive Order prior to implementation. The Coalition Group may propose changes and revisions to the WQRP as necessary, subject to approval by the Executive Order prior to implementation.
- e. The Coalition Group shall work cooperatively with the Colorado River Basin Water Board to ensure all Members are taking necessary steps to address exceedances or degradation identified by the Coalition Group or the Colorado River Basin Water Board.

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**Second Revision (Irrigated Lands General Order for Palo Verde Valley and Palo Verde Mesa and associated Monitoring and Reporting Program)**

To be consistent with Section E.6.b.iii of the Revised WDRs Order, Section V.F of Revised Monitoring and Reporting Program R7-2019-0030-02 (rev. July 2023) shall be revised to read as follows:

The Outfall Coalition shall provide surface and groundwater exceedance reports if monitoring results show exceedances of applicable numeric water quality objectives and/or water quality benchmarks. For each surface or groundwater quality objective exceeded at a monitoring location, the Coalition shall submit an Exceedance Report to the Colorado River Basin Water Board. The Coalition shall evaluate all of its monitoring data and determine exceedances no later than 14 business days after receiving the

laboratory analytical reports for an event. Upon determining an exceedance, the Coalition shall send the Exceedance Report by email to the Coalition's designated Colorado River Basin Water Board staff contact by the next business day.

The Exceedance Report shall indicate (a) the number of surface water exceedances within the previous four regular monitoring events, and (b) whether the current exceedance constitutes a Water Quality Triggering Event.

**Third Revision (Irrigated Lands General Order for Imperial Valley and associated Monitoring and Reporting Program)**

To be consistent with Section E.6.b.iii of the Revised WDRs Order, Section VI.F of Monitoring and Reporting Program R7-2021-0050 (Attachment B) shall be revised to read as follows:

The Coalition shall provide surface and groundwater exceedance reports if monitoring results show exceedances of applicable numeric water quality objectives and/or water quality benchmarks. For each surface or groundwater quality objective exceeded at a monitoring location, the Coalition shall submit an Exceedance Report to the Colorado River Basin Water Board. The Coalition shall evaluate all of its monitoring data and determine exceedances no later than 14 business days after receiving the laboratory analytical reports for an event. Upon determining an exceedance, the Coalition shall send the Exceedance Report by email to the Coalition's designated Colorado River Basin Water Board staff contact by the next business day.

The Exceedance Report shall indicate (a) the number of surface water exceedances within the previous four regular monitoring events, and (b) whether the current exceedance constitutes a Water Quality Triggering Event.

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**Fourth Revision (Irrigated Lands General Order for Coachella Valley and associated Monitoring and Reporting Program)**

To be consistent with Section E.6.b.iii of the Revised WDRs Order, Section VI.F of Monitoring and Reporting Program R7-2020-0026 (Attachment B) shall be revised to read as follows:

The Coalition shall provide surface and groundwater exceedance reports if monitoring results show exceedances of applicable numeric water quality

objectives and/or water quality benchmarks. For each surface or groundwater quality objective exceeded at a monitoring location, the Coalition shall submit an Exceedance Report to the Colorado River Basin Water Board. The Coalition shall evaluate all of its monitoring data and determine exceedances no later than 14 business days after receiving the laboratory analytical reports for an event. Upon determining an exceedance, the Coalition shall send the Exceedance Report by email to the Coalition's designated Colorado River Basin Water Board staff contact by the next business day.

The Exceedance Report shall indicate (a) the number of surface water exceedances within the previous four regular monitoring events, and (b) whether the current exceedance constitutes a Water Quality Triggering Event.

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**Fifth Revision (Irrigated Lands General Order for Bard Valley and associated Monitoring and Reporting Program)**

To be consistent with Section E.6.b.iii of the Revised WDRs Order, Section VI.F of Revised Monitoring and Reporting Program R7-2019-0053-01 (rev. June 2020) shall be revised to read as follows:

The Coalition shall provide surface and groundwater exceedance reports if monitoring results show exceedances of applicable numeric water quality objectives and/or water quality benchmarks. For each surface or groundwater quality objective exceeded at a monitoring location, the Coalition shall submit an Exceedance Report to the Colorado River Basin Water Board. The Coalition shall evaluate all of its monitoring data and determine exceedances no later than 14 business days after receiving the laboratory analytical reports for an event. Upon determining an exceedance, the Coalition shall send the Exceedance Report by email to the Coalition's designated Colorado River Basin Water Board staff contact by the next business day.

The Exceedance Report shall indicate (a) the number of surface water exceedances within the previous four regular monitoring events, and (b) whether the current exceedance constitutes a Water Quality Triggering Event.