

ITEM: 6

SUBJECT: Irrigated Lands Regulatory Program

BOARD ACTION: Revisions to Amended Attachment B of the Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Amended Order Number R5-2006-0053) - *Consideration of Proposed Modifications to Conditions Under Which Growers Can Join Coalition Groups*

BACKGROUND: The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Order No. R5-2006-0053, a new Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands for Coalition Groups (Conditional Waiver), at the 22 June 2006 Board meeting. On 23 June 2006, the Central Valley Water Board further discussed Condition A.9 in Attachment B of the Conditional Waiver. The Board requested staff to develop conditions in which dischargers could join a Coalition Group after the 31 December 2006 deadline to join Coalition Groups. On 3 August 2006, the Central Valley Water Board in Resolution R5-2006-0077 amended Condition A.9 in Attachment B of the Conditional Waiver and created conditions in which dischargers could join Coalition Groups after the 31 December 2006 deadline.

ISSUES: The deadline created greater accountability in the Irrigated Lands Regulatory Program and resulted in an approximate 30% increase in irrigated lands enrolled in the program. However, the deadline has created unintended impacts for the Irrigated Lands Regulatory Program. A large number of growers (hundreds to thousands) do not meet one of the exceptions that would automatically allow them to join a Coalition Group after the deadline. Thus, they would be required to be regulated under the Individual Discharger Conditional Waiver (Order No. R5-2006-0054) or Waste Discharge Requirements, unless the Executive Officer approved enrollment under the Coalition Group waiver on a case-by-case basis for "other situations" not specifically listed in R5-2006-0077. Many of these growers could be effectively and efficiently regulated under the Coalition Group Conditional Waiver. Oversight costs are significantly higher for dischargers under the Individual Discharger Conditional Waiver, and current annual fee schedules are such that annual fees generated to support oversight of individual dischargers are significantly less than the costs to oversee these dischargers.

Staff is proposing to provide the Executive Officer broad discretion to allow growers to join Coalition Groups after the deadline. These changes will allow growers that are willing to comply and can be effectively regulated under the Coalition Group waiver into Coalition Groups. Recalcitrant dischargers and those not working

cooperatively with Coalition Groups would be regulated under the Individual Discharger Conditional Waiver or Waste Discharge Requirements.

Staff is also working with the State Water Resources Control Board to develop proposed modifications to the fee schedules in Title 23 California Code of Regulations. An administrative fee for processing applications to join Coalition Groups is recommended. This fee would be separate from, and in addition to, any annual fees required under Title 23, section 2200.6, California Code of Regulations. Such a fee would cover the costs of processing applications to join Coalition Groups.

Staff has solicited and incorporated input from Coalition Groups and provided an opportunity for all interested persons to comment in the preparation of the recommendations.

RECOMMENDATION: Adopt the proposed Resolution to amend Attachment B of the Coalition Group Conditional Waiver Order (Amended Order Number R5-2006-0053).

Mgmt. Review \_\_\_\_\_  
Legal Review \_\_\_\_\_

24/25 April 2008  
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