

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

ORDER NO. R4-2005-XXXX

**CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM
IRRIGATED LAND**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

1. For the reasons set forth below, the Regional Board concludes that it is in the public interest to establish a Conditional Waiver for discharges from irrigated lands and nurseries. Without appropriate practices, discharges from irrigated lands could pose a significant threat to water quality. The conditions established in this order will help ensure that discharges from irrigated land does not adversely impact beneficial uses of waters within the Los Angeles Region.
2. The Los Angeles Region has approximately 263,000 acres of cropland under irrigation and estimated 4000 operations that are, or may be, discharging waste from irrigated lands to waters of the State.
3. "Waters of the State" means any surface water or groundwater, including saline waters, within the boundaries of the state.
4. "Irrigated lands" means land where water is applied for producing crops and, for the purpose of this Order, includes, but is not limited to, land planted for row, vineyard, field and tree crops as well as commercial nurseries, nursery stock production, and greenhouse operations with soil floors that are not currently discharging under waste discharge requirements.
5. "Discharges from irrigated lands" include surface discharges (also known as irrigation return flows or tailwater), subsurface drainage generated by installing drainage systems to lower the water table below irrigated lands (also known as tile drains), discharges to groundwater, and storm water runoff flowing from irrigated lands. These discharges can contain wastes that could affect the quality of waters of the State.
6. Water quality data collected through the Surface Water Ambient Monitoring Program (SWAMP), the Calleguas Watershed Management Plan Surface Water Monitoring Program, the Stormwater Monitoring Program of the

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Ventura County Watershed Protection Agency, National Pollutant Waste Discharge Elimination System Receiving Water Monitoring Reports and other monitoring programs identify waters of the State with water quality impairments that appear attributable to or influenced by agriculture in areas of irrigated lands throughout the Los Angeles Region.

7. Waste discharges from some agricultural operations appear to have and may continue to threaten the quality of the waters of the State, as shown by the number of water bodies on the Clean Water Act Section 303(d) list of impaired water bodies that identify agriculture as a potential source.

LEGAL AND REGULATORY CONSIDERATIONS

8. California Water Code section 13260(a)(1) requires that any person discharging wastes or proposing to discharge wastes within the Regional Board's jurisdiction which could affect the quality of the waters of the State, shall file a Report of Waste Discharge (ROWD) with the Regional Board. The requirement to submit an ROWD may be waived or limited by an Order issued under Water Code section 13269.
9. Water Code section 13269 allows regional water boards to waive submission of reports of waste discharge and/or issuance of waste discharge requirements if the regional water board determines after any necessary meetings that the waiver is consistent with any applicable State or regional water quality plan and is in the public interest. The waiver may not exceed 5 years in duration but may be renewed by the State Water Resources Control Board (State Board) or a regional water board. The waiver shall be conditional and may be terminated at any time by the State Board or regional water board. Water Code section 13269(e) states that the regional water boards shall require compliance with the conditions of waivers.
10. Waiver of waste discharge requirements for discharges from irrigated lands may apply if dischargers meet the application and education requirements, and implement monitoring, reporting and modification of agricultural practices to attain applicable water quality objectives and total maximum daily loads (TMDLs) load reductions as necessary.
11. Water Code section 13269(a)(2) generally requires that conditional waivers be accompanied with monitoring requirements. All requirements for technical and monitoring reports are established pursuant to Water Code section 13267. These reports are necessary to evaluate compliance with the terms and conditions of the Conditional Waiver of Waste Discharge Requirements (Conditional Waiver), to verify the adequacy and

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- effectiveness of the waiver's conditions, to evaluate the effectiveness of any measures or actions taken pursuant to this Order (including water quality management plans), and to evaluate whether additional regulatory programs or enforcement actions are warranted.
12. Failure to submit a report in accordance with schedules established by this Order, Monitoring and Reporting Programs (MRPs) Nos. CI-8835 and CI-8836, or an alternative individual or group monitoring plan approved by the Regional Board Executive Officer (Executive Officer), or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, may subject a Discharger to enforcement action pursuant to section 13268 of the Water Code.
 13. The Regional Board adopted a Revised Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994, which designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and references the plans and policies adopted by the State Board. The Basin Plan recognizes that agricultural activities can generate pollutants such as sediment, pesticides, nutrients, and oxygen-demanding organic matter that, upon discharge to a receiving water, can degrade water quality and impair beneficial uses. Section G. Receiving Water Limitations and Appendices 1 and 2 of this Order identify specific water quality objectives which will be used to assess the effect of these discharges on water quality and whether management practices implemented to comply with the terms and conditions of the Conditional Waivers are effective.
 14. The Basin Plan designates beneficial uses of, and establishes water quality objectives for, groundwater and surface water within the Los Angeles Region. Beneficial uses designated for groundwater and surface water include, among others: municipal supply, industrial service supply, fresh water replenishment, marine and wetland habitats, estuarine and wildlife habitats, commercial and sport fishing, water contact and non-contact recreation, shellfish harvesting, and agricultural supply.
 15. The intent of this Conditional Waiver is to regulate discharges from irrigated lands within the Los Angeles Region to ensure that such discharges are not causing or contributing to exceedances of an applicable water quality standard (whether established by the Regional Board, State Board, or USEPA).
 16. The State Board has adopted the "Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program" dated May 2004. The purpose of the Nonpoint Source Program Plan is to improve the

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State' s ability to effectively manage nonpoint source pollution and conform to the requirements of the federal Clean Water Act and the federal and the Coastal Zone Management Act. The plan describes three options for addressing nonpoint source pollution: waste discharge requirements, conditional waivers of waste discharge requirements, and discharge prohibitions.

17. Nonpoint Source control implementation programs shall include the following key elements:
- An Nonpoint Source control implementation program's ultimate purpose shall be explicitly stated. Implementation programs must, at a minimum, address Nonpoint Source pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.
 - An Nonpoint Source control implementation program shall include a description of the MPs and other program elements that are expected to be implemented to ensure attainment of the implementation program's stated purpose(s), the process to be used to select or develop MPs, and the process to be used to ensure and verify proper MP implementation.
 - Where a regional water board determines it is necessary to allow time to achieve water quality requirements, the Nonpoint Source control implementation program shall include a specific time schedule, and corresponding quantifiable milestones designed to measure progress toward reaching the specified requirements.
 - An Nonpoint Source control implementation program shall include sufficient feedback mechanisms so that the regional water board, dischargers, and the public can determine whether the program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required.
 - Each regional water board shall make clear, in advance, the potential consequences for failure to achieve an Nonpoint Source control implementation program's stated purposes.
18. The United States Environmental Protection Agency (U.S. EPA) adopted the National Toxics Rule (NTR) on 5 February 1993 and the California Toxics Rule (CTR) on 18 May 2000, which was modified on 13 February 2001. These Rules contain water quality criteria which, when combined with beneficial use designations in the Basin Plans, constitute enforceable water quality standards for priority toxic pollutants in California surface

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waters. The State Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (known as the State Implementation Plan or SIP), which contains guidance on implementation of the NTR and the CTR. The SIP states that implementation of the National Toxics Rule and the California Toxics Rule for agricultural nonpoint sources of pollution shall be consistent with the State's Nonpoint Source Management Plan.

19. In California, the Department of Pesticide Regulations (DPR), State Board and the regional water boards have mandates and authorities bearing on pesticides and water quality. In order to promote cooperation to protect water quality from the adverse effects of pesticides, DPR and the State Board signed a Management Agency Agreement (MAA) in 1997. The MAA, and its companion document, "The California Pesticide Management Plan for Water Quality," strives to coordinate interaction, facilitate communication, promote problem solving, and ultimately assure the protection of water quality. The intent of this Order is to support and implement the MAA.

RATIONALE FOR CONDITIONAL WAIVER OF WASTE DISCHARGE
REQUIREMENTS FOR DISCHARGES FOR IRRIGATED LANDS

20. The intent of this Order is to adopt a Conditional Waiver for discharge from irrigated lands.
21. The goal of this Conditional Waiver is to improve and protect water quality by providing a program to manage discharges from irrigated lands that cause or contribute to conditions of pollution or nuisance as defined in Section 13050 of the Water Code or that cause or contribute to exceedances of an applicable water quality standard (whether established by the Regional Board, State Board, or USEPA).
22. Persons with irrigated lands shall comply with the conditions of the waiver by submitting a Notice of Intent to comply with the waiver or participating in a discharger group that submits a Notice of Intent to comply with the waiver, performing individual or group monitoring, submitting annual monitoring reports, and developing and implementing a Water Quality Management Plan (WQMP), to reduce pollutant loading to surface waters. Monitoring requirements shall be designed to support the development and implementation of the waiver program, including but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the Regional Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities; the size of the project area; and other relevant factors (Water Code, section 13269 (a)(2)).

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23. On-going studies regarding the effects of irrigated land discharges on groundwater quality funded by the State Board (Proposition 13 - Watershed Protection Grant Program and PRISM Project # 0039 Modifying Agricultural Pesticide Practices to Reduce Loading in Calleguas Creek with United Water Conservation District) will be completed in 2007. Upon completion of the studies, staff will assess the loading to groundwater from existing irrigation practices and the Executive Officer may modify monitoring programs to include groundwater monitoring in areas with potential groundwater impacts.
24. It is expected that some Dischargers may not achieve full compliance with all listed water quality objectives as conditions of the waiver immediately. When the monitoring required indicates that the receiving water limits of the waiver can not be obtained immediately, an individual discharger or discharger group shall prepare a Water Quality Management Plan (WQMP) which includes concrete steps with specific milestones that work toward attainment of water quality objectives through the use of best management practices. Examples of best management practice resources are included in Appendix 10.
25. The conditional waiver shall require monitoring to determine compliance with the conditions of the waiver and the effectiveness of management practices used in a WQMP. Monitoring shall be required pursuant to Water Code section 13267(b), which provides that: "In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."
26. The monitoring reports required by this Conditional Waiver are needed to evaluate loadings of pollutants such as sediment, pesticides, nutrients, and oxygen-demanding organic materials to waters of the State from agricultural activities. This evaluation is necessary to maintain high water quality in the

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Los Angeles Region and restore impaired waters to their full beneficial uses. Studies including, but not limited to, TMDL studies for nutrients in the Los Angeles River, Calleguas Creek, and the Santa Clara River, and for pesticides and toxicity in Calleguas Creek demonstrate the need for the monitoring reports required by the Conditional Waiver. Staff analysis show that the monitoring costs constitute a small portion of agricultural production costs, are comparable to the monitoring costs for Conditional Waivers in other Regions, and are reasonable to the relationship to the need for these reports. Monitoring programs shall apply to individuals or groups as indicated in the Monitoring and Reporting Programs (MRPs) Nos. CI-8835 and CI-8836.

27. The MRPs required by this Order satisfy section 13269 of the California Water Code. Under MRPs Nos. CI-8835 and CI-8836, Individual Discharger and Discharger Group subject to this Order that do not discharge directly to a receiving water listed on Appendix 4 will monitor irrigation return flows and stormwater runoff as it leaves the individual's property. Under MRPs Nos. CI-8835 and CI-8836, Discharger Groups and Individual Dischargers subject to this Order that discharge directly to a receiving water listed on Appendix 4 will monitor receiving waters. If results from the monitoring programs indicate that water quality objectives are exceeded, the individual or group will be required to submit a WQMP, as described in the MRPs Nos. CI-8835 and CI-8836, the Monitoring and Reporting Programs for Individual Dischargers and Discharger Groups, respectively. Additionally, if results from the group monitoring program indicate that water quality objectives are exceeded within an area monitored by a group, the Executive Officer may require additional discharge monitoring within the area covered by group monitoring program. Such additional monitoring may include monitoring at the end of some properties covered by the group waiver in order to characterize the quality of irrigation return flow or stormwater runoff leaving typical agricultural properties within the area.
28. The adoption of this Order and the Conditional Waiver is in the public interest because, in part, (1) it was adopted in compliance with Water Code sections 13260 and 13269 and other applicable laws, (2) it includes conditions that are intended to reduce and prevent pollution and nuisance and protect the beneficial uses of the waters of the state, (3) it provides an orderly mechanism of identifying any water quality impacts associated with discharges from irrigated lands, which have traditionally not been subject to water quality regulation, and allowing adaptive BMPs to address any immediate concerns while allowing further information to be developed for subsequent regulatory actions, (4) it implements the middle tier approach of the State Board's Non-Point Source Policy (5) it provides for an efficient and

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effective use of limited staff resources given the magnitude of and number of persons who discharge waste from irrigated lands, and (6) it provides reasonable flexibility for the Dischargers who seek coverage under the Waivers by providing them with the option of complying with the Water Code through participation in Discharger Groups or as individuals. Waivers of waste discharge requirements in conformance with Water Code section 13269 enable Regional Board staff to expedite the processing of requirements, simplify the application process for dischargers, and better utilize limited staff resources.

29. Where other Federal, State, and local Agencies have a regulatory role for activities or pollution addressed by the conditions of the Waiver, the Regional Board will work cooperatively with the other Agencies in order to effectively regulate discharges from irrigated lands.
30. The Regional Board may consider adoption of a General waste discharge requirements to regulate discharges from irrigated lands which do not meet the requirements for participation in the Conditional Wavier as described herein.

SCOPE AND DESCRIPTION OF CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

31. As set forth in finding #4, Irrigated lands are lands where water is applied for producing crops and, for the purpose of this waiver, includes, but is not limited to, land planted for row, vineyard, field and tree crops as well as commercial nurseries, nursery stock production, and greenhouse operations with soil floors.
32. This Conditional Waiver does not apply to discharges that are subject to the National Discharge Elimination System (NPDES) permit program under the Clean Water Act. This Conditional Waiver does not apply to discharges of waste that are regulated under another Conditional Waiver, or regulated by individual or general waste discharge requirements. This Order and Conditional Waiver do not preempt or supersede the authority of municipalities, flood control agencies, agricultural commissioners, pesticide regulators or other agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.
33. Confined animal operations, parks, golf courses, cemeteries, and recreational fields are not covered by this conditional waiver.

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34. All waivers must be consistent with any applicable State or regional water quality control plan, including, but not limited to, the Basin Plan, the NTR and CTR, and be in the public interest.
35. This action to waive the submittal of ROWDs and issuance of waste discharge requirements for discharges from irrigated lands: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits that may be required by other State or local government agencies, and (e) does not preclude the Regional Board from administering enforcement remedies (including civil liability) pursuant to the Water Code section 13269.
36. Regional Board staff will report to the Regional Board on an annual basis on the status of the Conditional Waiver. The Regional Board will evaluate if the Conditional Waiver is adequate to improve and/or protect water quality and its beneficial uses. This evaluation will characterize these discharges; evaluate the effect of these discharges on waters of the State; and assess the effectiveness of management practices implemented to address impairments of waters of the State.
37. This Order is consistent with the Provisions of the Board Resolution No. 68-16 (Anti-degradation Policy). Regional Boards, in regulating the discharge of waste, must maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a regional board's policies. This Order, appendices, and attachments requires a discharger who obtains coverage under the Conditional Waiver to comply with applicable water quality objectives, protect beneficial uses, and prevent nuisance by implementing monitoring and reporting programs, and identifying, implementing and evaluating management practices to attain water quality objectives where water quality objectives are exceeded.
38. The Regional Board recognizes that immediate compliance may not be feasible in all situations and provides for a time schedule to achieve compliance with water quality objectives and protect beneficial uses. Changes in water quality that may occur as a result of this Conditional Waiver will be to improve, over time, the quality of the waters, and are not expected to result in degradation of existing water quality. Therefore, any change in water quality will be consistent with maximum benefit to the people of the State. The conditions that require evaluation and implementation of management practices in the Conditional Waiver will result over time in the best practicable treatment or control to assure that

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pollution and nuisance will not occur and that the highest water quality is achieved.

39. Monitoring requirements and options are described in Monitoring and Reporting Programs (MRPs) CI-8835 and CI-8836. All dischargers subject to the requirements of the Conditional Waiver will be required to meet the monitoring requirements as required by Individual Discharger in MRP No. CI-8835, or participate in a Discharger Group monitoring program under MRP No. CI-8836. Group monitoring, in general, offers a less costly alternative to individual monitoring. An individual discharger may change its intent to conduct individual monitoring and participate in a group monitoring program by submitting written notification to the Regional Board. If an individual discharger chooses to join a group program, the individual must submit notification to the Regional Board that demonstrates the discharger is participating in a group monitoring program. Such a demonstration may include notification by the group program that the discharger has agreed to fully participate in the group effort and has made the necessary commitments for participation therein. An individual discharger that first participates in a group program but then determines to comply individually must submit an Individual Notice of Intent and all necessary information as required by Order R4-2005-XXXX.
40. A Discharger Group is any group of dischargers and/or organizations that forms to comply with this Conditional Waiver. Discharger Groups can be, but are not limited to, organizations formed on a geographic basis or formed with other factors in common such as commodities.
41. The formation, operation, and funding of discharger groups are the responsibilities of the local entities and/or individual dischargers who are represented by the discharger group.
42. The Regional Board directs its Executive Officer to provide regular updates to the Regional Board regarding the effectiveness of the Conditional Waivers to regulate these types of discharges. These updates may include Executive Officer's Reports, memorandums, staff reports, workshops, and agenda items.
43. The Regional Board may review this Conditional Waiver at any time and may modify or terminate the waiver in its entirety or for Individual Dischargers or Discharger Groups, as appropriate.
44. Pursuant to Water Code section 13263(g), discharge is a privilege, not a right, and adoption of this Order establishing a Conditional Waiver, and the

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receipt of a Notice of Applicability (NOA) from the Executive Officer, does not create a vested right to continue the discharge.

45. The Regional Board has notified interested agencies and persons of its intent to adopt a Conditional Waiver as described in this Order, and has provided them with an opportunity for the submittal of written comments and recommendations for the tentative requirements. This notice complied with the requirements of Government Code section 11125.
46. The Regional Board, in a public workshop and public meeting, heard and considered all comments pertaining to the discharges to be regulated under this Order and to the tentative requirements.
47. Pursuant to Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, P.O. Box 100, Sacramento, California 95812, within 30 days of adoption of the Order.
48. As specified in California Code of Regulations, title 23, section 2511(a), discharges covered by the waiver established by this Order are exempt from the provisions of 23 CCR, Division. 3, Chapter 15. Discharge of Hazardous Waste to Land.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

49. The Regional Board is the lead-agency role for this project under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) and has conducted an Initial Study in accordance with section 15063 of the "State CEQA Guidelines" beginning at California Code of Regulations, title 14, section 15000 et seq. Based upon the Initial Study, the Regional Board staff prepared a Mitigated Negative Declaration. Regional Board staff found that the adoption of waivers for discharge from irrigated lands, as mitigated, will not have a significant adverse effect on the environment. The action to adopt a conditional waiver is intended to protect, maintain, and improve water quality. The waiver sets forth conditions that will require dischargers to implement management practices to protect water quality and to monitor to ensure that such practices are effective and are improving water quality. The Regional Board is adopting the Mitigated Negative Declaration concurrently with its adoption of this Order, No. R4-2005-XXXX.

It is hereby ordered that: in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, the Regional Board hereby waives waste discharge requirements for dischargers of wastewater from irrigated

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lands provided that the discharger satisfies all conditions of eligibility, application, authorization, discharge prohibitions, general provisions, specific conditions, receiving water limitations, monitoring and reporting requirements, and compliance and enforcement listed below and in Appendices 1 and 2.

A. Eligibility

1. Existing and future discharges of irrigation return flows or stormwater from irrigated land through tail water, irrigation, runoff, tile drains or storm runoff to waters of the State are potentially eligible for coverage under this Order.
2. Dischargers eligible under this Order bear the responsibility of complying with the provisions and conditions contained in this Order and others related thereto.

Table 1. Schedule for Discharger Tasks

Task	Responsible party	Contents	Due Date
Notice of Intent to Discharge (NOI), Discharger Report	Each Individual Discharger (or Discharger Group)	NOI, monitoring plan and QAPP (For Discharger Group, NOI must also include membership information of participating Dischargers)	9 months after adoption of Conditional Waiver
Notice of Applicability (NOA)	Regional Board	Notice that the Individual Discharger (or Discharger Group) is enrolled	Following receipt NOI, about 9 months
Annual Monitoring Report	Typical Dischargers	Monitoring plan and results, laboratory documentation, data interpretation, education record, WQMP	Annually after issuance of NOA
Annual Monitoring Report	Low risk Dischargers	Monitoring plan and results, laboratory documentation, education record, confirmation of compliance	1 year and 3 years after issuance of NOA.

3. Dischargers shall submit a Notice of Intent (Appendix 5 for Individual Discharger, and Appendix 6 for Discharger Group) to Comply with the Terms under this Conditional Waiver, Order No. R4-2005-XXXX .

Individual Dischargers

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4. An Individual Discharger shall be responsible for filing a NOI which documents management practices in place and information to demonstrate to the Executive Officer that the Discharger might be classified as Low-Risk, a MRP Plan, and a Quality Assurance Project Plan (QAPP). After the submittals are reviewed and approved by the Executive Officer, the Executive Officer will issue a Notice of Applicability (NOA). Within one year of issuance of the NOA, the discharger shall complete 8 hours of training on water quality management practices which control pollutant discharges.
5. One year after receiving the NOA and annually thereafter, unless classified as Low-Risk Discharger, the Individual Discharger will submit an annual monitoring report showing the results of the monitoring plan, evidence of participation in educational programs on reducing water quality impacts from agricultural practices and include a WQMP, if necessary. Guidelines for the preparation of the reports and for the monitoring plan are provided in the MRP for Individual Dischargers in MRP No. CI-8835. Information required in the WQMP is included in Appendix 8 of this Order.

Discharger Groups

6. A Discharger Group shall be responsible for filing a NOI which identifies the dischargers participating in the Group, documents management practices in place and information to demonstrate to the Executive Officer that the Discharger might be classified as Low-Risk, a MRP Plan, and a QAPP. After the submittals are reviewed and approved by the Executive Officer, the Executive Officer will issue a Notice of Applicability (NOA) to the Group. Within one year of receipt of the NOA, dischargers within the Discharger Group shall complete 8 hours of training on water quality management practices which control pollutant discharges.
7. One year after receiving the NOA the Discharger Group will submit an annual monitoring report showing the results of the monitoring, evidence of educational experience on water quality impacts for each individual participating in the Group program and include a WQMP, if necessary. Guidelines for the preparation of the reports and for the monitoring plan can be obtained from Regional Board staff and is discussed in the Monitoring and Reporting Programs, No CI-8836. Information required in the Water Quality Management Plan (WQMP) is included in Appendix 8 of this Order.
8. To be covered under this Order, dischargers must meet the following criteria:

If the monitoring results exceed the receiving water limits in Section G and Appendices 1 and 2 of this Order.

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- a) Submit a WQMP with the annual monitoring report to implement specific management measures and management practices to improve the discharge quality, including a date-specific time line to be approved by the Executive Officer.
- b) Implement management measures in accordance with the approved WQMP and Best Management Practices to minimize pollutant loading to surface waters. Best Management Practices may include those promulgated by National Resources Conservation District, University of California Cooperative Extension, or other management practices that minimize pollutant loading to waters of the State and meet the requirements of this Order that are proposed by the discharger and approved by the Executive Officer.

If the monitoring results show the discharges meet the receiving water limits, the Discharger shall continue to submit the Annual Report as specified in the MRPs.

- 9. Discharges from Individual Dischargers and individuals in a Discharger Group covered under this Order shall be ranked as Low-Risk or Typical by the Executive Officer based upon the information submitted by the Individual Discharger or Group Discharger in accordance with part B of this Order and shall be subject to corresponding requirements.

The Executive Officer will review the NOI, and consider at a minimum the factors as described in the MRPs Nos. CI-8835 and CI-8836 to classify Low-Risk discharges.

Low-risk discharges shall comply with the all conditions of eligibility, application, authorization, discharge prohibitions, general provisions, specific conditions, receiving water limitations, monitoring and reporting requirements, and compliance and enforcement ability and comply with the requirements of Appendices 1 and 2. The frequency of monitoring is established for the Low-Risk and Typical classifications, with less frequent sampling for the Low-Risk classification. Should monitoring data from Discharge Groups that contain a large number of Low-Risk dischargers in a particular area indicate continued attainment of applicable receiving water limits after the first annual report, the Executive Officer may use his or her discretion to reduce the required frequency of monitoring.

- 10. If an Individual Discharger or individual participant in a Discharge Group wishes to terminate coverage under this Conditional Waiver, the Discharger shall submit a complete Notice of Termination (NOT), Appendix 7.

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Administrators of a Discharger Group may also terminate group coverage of an individual by notifying the Regional Board of an individual's failure to participate in the group efforts. The Discharge Group shall not be responsible or liable for individual compliance with the terms of the Conditional Waiver or the Water Code in general. The Discharger Group shall only be responsible for conveying information related to an individual's participation in the Group, not for determining if the individual is in compliance with the terms of the Conditional Waiver. The Discharger Group shall provide participants at least 30 days notice before informing the Regional Board of its intent to terminate the discharger. Termination from coverage will occur on the date specified in the NOT, unless specified otherwise. All discharges shall cease before the date of termination, and any discharges on or after this date shall be considered in violation of this Conditional Waiver, unless another Waiver or waste discharge requirements regulate the discharge.

11. In the event that an individual permit with more specific requirements is issued to a discharger, the applicability of this Order to that discharger is automatically terminated on the effective date of the individual permit.

B. Application

1. For Individual Dischargers

Individual Dischargers eligible for coverage under this Order shall submit the following:

- a. Notice of Intent (Appendix 5) to comply with the requirements of the Conditional Waivers
- b. A site map, including discharge points and sampling locations together with their GPS coordinates, and receiving waters.
- c. A Monitoring and Reporting Plan, and a QAPP as described in the Monitoring and Reporting Program, No. CI-8835.
- d. Any additional information that the Executive Officer deems necessary to evaluate the discharge.

2. For Discharger Groups

Discharger Groups, on behalf of individual Dischargers, eligible for coverage under this Order shall submit the following:

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- a. Notice of Intent (Appendix 6) to comply with the requirements in the Conditional Waivers including the membership document. This membership document shall provide information for each individual Discharger, who has knowingly elected to be part of the Discharger Group including: the owner/operator, farm assessor parcel number(s) (Section, Township and Range), closest surface water body, and type(s) of discharge.
- b. A General Report including the following information:
 - ♣ The lead agencies and/or organizations that will develop a Discharger Group Monitoring and Reporting program, the key contact(s), a description of the Discharger Group, and a commitment to work with the Regional Board to satisfy the conditions of this waiver.
 - ♣ Detailed map of the area included within the Discharger Group. The General Report shall identify participating landowners and operators, Districts, etc. (member individual Dischargers) which discharge waste from irrigated lands to surface waters and are to be covered under the conditions of the Conditional Waiver. The map shall clearly show the discharge points from each participant in the group and the proposed sampling locations.
 - ♣ The funding mechanisms that will support the Discharger Group administrative costs, water quality monitoring, management practice evaluation and development, and other costs necessary to ensure compliance with the Waiver.
- c. Discharger Group Monitoring and Reporting Program Plan including a Quality Assurance Project Plan (QAPP) as described in the Monitoring and Reporting Program, No. CI-8836.
- d. Any additional information that the Executive Officer deems necessary to evaluate the discharge.

An annual fee is not required at this time and shall be required after the State Board adopts a fee schedule for this Conditional Waiver.

3. Deadline for Submission

Existing Individual Dischargers or Discharger Groups seeking to discharge under this Conditional Waiver shall submit a NOI, MRP Plan, and QAPP 9

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months after adoption of the Order. New dischargers shall file a complete Notice of Intent at least 45 days before commencement of the discharge.

C. Authorization

1. To be authorized to discharge under this Order, an Individual Discharger or Discharger Group must complete an application in accordance with the requirements of Appendices 3 and 4 of this Order and described above.
2. Upon receipt of the application, the Executive Officer shall determine the applicability of this Order to the Individual Discharger or individuals within a Discharger Group and evaluate the discharger selected risk level for the discharge. If the discharge is eligible, the Executive Officer shall notify the Individual Discharger or Discharger Group that the discharge is authorized under the terms and conditions of this Order and approve or modify the submitted monitoring and reporting program. For new discharges, the discharge shall not commence until receipt of the Executive Officer's NOA under this Conditional Waiver.

D. Discharge Prohibitions

1. Wastes discharged from irrigated lands shall be limited to agricultural wastewater only; no residential, municipal, industrial, hazardous or commercial wastes shall be purposefully discharged onto the agricultural property.
2. The discharge of wastes containing any substance in concentrations toxic to human, animal, plant, or aquatic life is prohibited.
3. The discharge of waste to land not owned or controlled by the discharger is prohibited.
4. The discharge of wastes from irrigated lands that is not authorized by this Conditional Waiver or other Order or Waiver by the Regional Board is prohibited.

E. General Provisions

1. Dischargers covered under this Order shall comply with all applicable Basin Plan provisions, including any prohibitions and water quality objectives governing protection of receiving waters from nonpoint source discharges.
2. An Individual Discharger shall maintain, for inspection by Regional Board staff, the NOI, a monitoring plan, records of pesticide and fertilizer application and a WQMP if monitoring results have documented receiving

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water quality which does not meet the requirements of the Basin Plan, CTR and applicable TMDL load allocations. Participants in a Discharger Group shall maintain, for inspection by the Regional Board staff, proof of participation in a Discharger Group, contact information for the Discharger Group and individual pesticide and fertilizer application information as required by other regulatory programs, and a Discharger Group WQMP if monitoring results document receiving water quality which does not meet the receiving water limits.

3. The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law to:
 - a. Upon reasonable notice, enter upon the dischargers premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order. Consistent with Water Code section 13267(c), advance notice is not required in the event of an emergency affecting public health or safety.,
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order,
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order, and
 - d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the Water Code, any substances or parameters at any location (Water Code section 13267).
4. This Order does not relieve the discharger from responsibility to obtain other necessary local, State, and Federal permits to construct facilities necessary for compliance with this Order, nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.
5. The discharger shall furnish, within a reasonable time not to exceed 30 days, any information the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the discharger's coverage under this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

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6. After notice and opportunity for a hearing, coverage of an Individual Discharger or participant of a Discharger Group under this Order may be terminated or modified for cause by the Executive Officer, including but not limited to the following:
 - a. Violation of any term or condition contained in this Order,
 - b. Obtaining this Order by misrepresentation or failure to disclose all relevant facts, or
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
7. The filing of a request by the discharger for an Order modification, revocation and issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
8. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from liability under Federal, State or local laws, nor does it create a vested right for the discharger to continue the waste discharge (Water Code section 13263(g)).

F. Specific Provisions

Specific provisions shall apply to discharges identified as Typical in this Order.

1. Individual Dischargers and Discharger Groups shall submit the results of monitoring to the Regional Board every year in accordance with the operation and maintenance requirements included in the Monitoring and Reporting Programs, Nos. CI-8835 and CI-8836. If the monitoring indicates an impairment of a water quality objective, CTR or TMDL load allocation, then the Individual Discharger or Discharger Group shall submit a WQMP in the monitoring report.
2. It is anticipated that water quality objectives can be attained in the discharge from all irrigated lands through the use of management practices. Dissemination of information to assist growers in modifying discharge quality will be made available through a series of educational seminars offered to applicants for the Conditional Waiver. A minimum of 8 hours attendance and documentation of attendance at an educational venue providing information on the management of pesticide, fertilizer or sediment

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COCs is required for participation in the Conditional Waiver. Collaboration on management remedies and the distribution of information on the success of those remedies is encouraged. The costs for dischargers to comply with the protection of water quality through management practices were estimated and sources of funding to defray those costs were identified.

G. Receiving Water Limitations

1. Receiving water, for the purpose of this Order, shall be defined as waters of the State that receives discharges from irrigated lands. Benchmarks receiving water limits, for the purpose of this Order, shall be defined as the values for constituents shown in Appendices 1 and 2 of this Order. The Discharger shall develop and submit a Water Quality Management Plan (WQMP) for the Executive Officer's approval if the monitoring results exceed the benchmark receiving water limits. The number, location and construction details if applicable of all sampling locations are subject to approval of the Executive Officer.
2. Receiving water shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
3. Discharges from irrigated lands shall not result in concentrations of salts, nutrients, or organic pollutants being present in the receiving water at levels that would impact the designated beneficial uses of the surface water or groundwater.
4. The wastes discharged shall not produce concentrations of toxic substances in the receiving water that are toxic to or cause detrimental physiological responses in human, animal, or aquatic life. If the chronic toxicity in receiving water exceeds 1.0 TU_c, the Discharger shall implement additional toxicity testing for the next two consecutive months. If the toxicity exceedances persist, the Discharger shall conduct a toxicity identification evaluation (TIE). The TIE shall be conducted in accordance to EPA protocols or other standard procedures approved by the Executive Officer to identify the sources of toxicity. Once the cause of toxicity is identified, the Discharger shall implement measures to reduce toxicity.
5. There shall be no individual or combination of pesticides present in the concentrations that adversely affect beneficial uses. Receiving water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of pesticide in excess of the limiting concentrations specified

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in Table 6444-A of Section 6444 (Organic Chemicals) of Title 22 of the California Code of Regulations (Appendix 2)

6. Discharges from irrigated lands that result in exceedance of the benchmark receiving water limits or water quality objectives in the Basin Plan shall be subject to a WQMP as required by this Order.

H. Monitoring and Reporting Requirements

A monitoring program shall be required for all discharges as identified in MRPs, CI-8835 and CI-8836, and summarized below.

1. A monitoring program shall be established to determine if discharges from irrigated lands have impacted or are impacting surface water quality. The program will include a watershed receiving water monitoring program approved by the Executive Officer for Discharger Groups.
2. Low-Risk dischargers shall complete the monitoring program during the first and third years after issuance of the NOA to confirm compliance with receiving water limits and water quality objectives. TMDL load allocations, whereas the Typical dischargers will complete the monitoring program annually for the duration of this Conditional Waiver.
3. Upon receipt of notification of applicability under this Order, Individual Discharger and Discharger Group shall implement the monitoring plan submitted with the NOI and approved by the Executive Officer in accordance with the requirements of the MRP.
4. The Executive Officer may revise the Monitoring and Reporting plan based on site-specific conditions for an Individual Discharger or Discharger Group.
5. Should monitoring data indicate exceedances of applicable receiving water limits, the Individual Discharger or Discharger Group shall submit, with the annual report a WQMP which identifies the problem, plans for measures that will be taken, or have been taken, to mitigate any long-term effects that result from irrigated land discharge. The WQMP will include a plan for additional monitoring to demonstrate progress towards attainment of the objectives. Follow-up monitoring of discharges which do not meet the receiving water limits and water quality objectives shall be conducted to improve understanding of the nature and source of the problem, identify the pollutant sources, and provide information on management practices which will attain the water quality objectives. Because forensic chemistry and other analytical approaches can rapidly increase monitoring costs, problem areas may be prioritized relative to severity of problem, availability of other data sources to inform decision-

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making, and other considerations. To address high priority water quality problems, the Executive Officer may require additional monitoring.

The WQMP should contain those elements described below which apply to the problem:

a. Pesticide Use Evaluation

If pesticide concentrations exceed Basin Plan, CTR or TMDL load limits, then an assessment must be completed of the most significant factors influencing the amount of pesticides in surface waters including the timing of pesticide applications, the application rates, the amounts of pesticide applied, and the points of application (all of these factors can be referred to as "use pattern"). This information can be found in the pesticide use reports submitted by Individual Dischargers and participants of Discharger Groups to the County Agricultural Commissioners and the Department of Pesticide Regulations. Changes in pesticide concentrations at specific monitoring sites need to be compared to pesticide use patterns in land areas upstream of the monitoring sites. By comparing these changes, it may be determined how changing the pesticide use patterns could impact water quality. Changing pesticide use patterns is a management practice and may be included in a WQMP if applicable.

b. Management Practice Effectiveness and Implementation Tracking

If water quality exceedances are found, additional information must be compiled by the Individual Dischargers or Discharger Group on the type of management practices that are being used, the degree to which they are being implemented on the property or in the Discharger Group area, and how effective the practices are in protecting waters of the State. Data should be collected in several broad areas; 1) fertilizer and pesticide application and post-application practices; 2) management practices to address others wastes (salt, sediment, nitrogen, etc.), and 3) operational practices. This information may be used to evaluate the effectiveness of management practices in reducing loading of constituents of concern. If more effective management practices are available and practicable, a time-specific proposal to change management practices should be described. The predicted effects on discharge quality should be enumerated in sufficient detail to provide confidence that the WQO will be attained upon implementation of the management practice(s) overtime.

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6. Should monitoring data indicate continued compliance with applicable receiving water limits, the Executive Officer is hereby authorized to use his or her discretion to reduce the required frequency of monitoring for the Individual Discharger or Discharger Group or to reassign a risk level to the discharge that reflects the results of the monitoring data. The monitoring data used to make this determination shall include, at a minimum, dry and wet season monitoring data for one year. Once a determination is made, the Executive Officer shall notify the Individual Discharger or Discharger Group of the revised Monitoring and Reporting program, if appropriate.

I. Compliance and Enforcement

1. Individual Dischargers and participants of a Discharger Group are the responsible parties for meeting the conditions of this Waiver. Failure by an Individual Discharger or participants of a Discharger Group to maintain compliance with the Conditional Waiver may result in enforcement actions including imposition of civil liability under Water Code 13268, withdrawal of the conditional waiver and issuance of waste discharge requirements by the Regional Board (Water Code sections 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350).
2. Under the term of the Conditional Waiver, both owners and operators of irrigated lands have responsibility for compliance with the conditions of the waiver. Many management practices will be operational in nature and under the direct control of the operator, while structural practices which remain in place through changes in leaseholders will more likely be the responsibility of the landowner. In the event that the Regional Board undertakes enforcement action, the owner and the operator may be held accountable. Owners and operators may consider delineating these responsibilities in lease agreements; however both the owner and operator will retain full legal responsibility for complying with all provisions of the applicable waiver.
3. Although the Regional Board expects water quality improvements during the term of this waiver, the Regional Board recognizes that water quality objectives may not be completely attained in all waters of State in the Los Angeles Region within the term of this Order. However, the conditions of the Waiver will require actions that will lead to achieving water quality objectives. To satisfy the conditions of the Waiver, the discharger must submit technical reports, conduct required monitoring programs, implement management practices, evaluate the effectiveness of management practices, refine management practices to improve their effectiveness as necessary, protect against pollution and nuisance, and protect the waters of the State.

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4. If an Individual Discharger or participant of a Discharger Group fails to meet the requirements and conditions of this Waiver, the Executive Officer may terminate the Waiver and issue Waste Discharge Requirements for that Discharger. Prior to issuance of Waste Discharge Requirements, the Discharger may ask the Regional Board to consider extenuating circumstances.
5. This Order and Conditional Waiver shall become effective on [Insert Date] and expire on [Insert Date] unless rescinded, renewed, or extended by the Regional Board.
6. Regional Board staff shall provide an annual report to the Regional Board that is available to the public regarding the effectiveness of this Conditional Waiver for Irrigated Lands. The Regional Board may recommend revisions of the Conditional Waiver.

I, Jonathan S. Bishop, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on [Insert Date].

Jonathan S. Bishop
Executive Officer

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