

ATTACHMENT A

ORDER R5-2015-XXXX

REVISING ORDER R5-2013-0120 WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR GROWERS WITHIN THE TULARE LAKE BASIN AREA THAT ARE MEMBERS OF A THIRD-PARTY GROUP

WASTE DISCHARGE REQUIREMENTS

Page 3, Finding 11

To apply for coverage under this Order, a grower that is not a current Member in the third-party group will have different application requirements depending on the timing of its request for regulatory coverage (see section VII.A of this Order for specific requirements). Growers that enroll within 180 days of Executive Officer approval of the third-party will enroll under this Order by obtaining membership in the applicable third-party group. This will streamline the initial enrollment process for the bulk of the irrigated agricultural operations within the Tulare Lake Basin Area. Growers who do not enroll within 180 days of Executive Officer approval of the third-party, or whom are prompted to apply by Central Valley Water Board enforcement or inspection, are required to submit a Notice of Intent (NOI) to comply with the terms and conditions of this Order to the Central Valley Water Board and obtain membership with the third-party group. This additional step for late enrollees is intended to provide incentive for growers to enroll promptly. There will be an administrative fee for submitting an NOI to the board. The fee will help recover costs for board efforts to conduct outreach to ensure growers subject to this Order enroll or submit reports of waste discharge.

Owners and operators of managed wetlands have until 31 December ~~2015~~ 2016 to obtain membership in an applicable third-party group. The additional time is provided for managed wetlands, since the Central Valley Water Board is considering alternative regulatory options for regulating discharges from managed wetlands, and since managed wetlands in the Tulare Lake Basin were not enrolled under the previous Coalition Group Conditional Waiver.

Page 23, section V.3 Effective Dates

3. Regulatory coverage for Dischargers not already enrolled under Order R5-2006-0053 as of the date of adoption of this Order can be obtained directly through obtaining membership in the third-party group within 180 days²² of Executive Officer issuance of a Notice of Applicability (NOA) to the third-party. Regulatory coverage is effective when the third-party notifies the Central Valley Water Board that the Discharger's application for membership has been accepted.

²² For owners or operators of managed wetlands, the deadline for obtaining membership directly with the third-party group is 31 December ~~2015~~ 2016.

Page 23, section v.4 Effective Dates

4. After the initial 180-day period²³ following issuance of an NOA to the third-party group, regulatory coverage for Dischargers who are not members of the third-party under section

V.2 or V.3 is effective upon notification by the Central Valley Water Board that this Order applies to the Discharger through the issuance of an NOA. The Central Valley Water Board shall only issue an NOA after it has received a Notice of Intent (NOI) as required by section VII.A, and after the Central Valley Water Board has received notification from the third-party that the Discharger is a Member. The Discharger must pay any applicable State Water Board administrative fees associated with the filing of NOIs.

²³ For owners or operators of managed wetlands, this provision applies after 31 December ~~2015~~ 2016.

Page 25, section VII. A.2 Notice of Confirmation / Notice of Intent / Membership Application

2. Within 180 days²⁴ of Executive Officer issuance of an NOA to the third-party, all other growers within this Order's boundaries must become Members of the third-party to avoid additional fees and administrative requirements (see section VII.A.3 below). To obtain membership, a grower must submit a completed third-party Membership application to the third-party group. As part of the membership application, growers must provide certification that they have provided written notice to any responsible non-Member parties of the Member's enrollment under this Order and of the requirements of this Order. Upon submittal of a complete application, the third-party group may confirm membership, after which the Member will be considered covered under this Order.

²⁴ For owners or operators of managed wetlands, this provision applies on or before 31 December ~~2015~~ 2016.

Page 25, section VII. A.3 Notice of Confirmation / Notice of Intent / Membership Application

3. Beginning 181 days²⁵ after Executive Officer issuance of an NOA to the third-party, any growers within this Order's boundaries that are not Members of a third-party or another third-party group governed by other WDRs or waiver of WDRs must submit (1) a completed Notice of Intent (NOI) to the Central Valley Water Board to comply with the conditions of this Order, (2) any required State Water Board administrative processing fee for the NOI, and (3) a Membership application to the third-party group. Upon submittal of a complete NOI, and after receiving confirmation from the third-party group that the grower is now a Member, the Central Valley Water Board Executive Officer may then issue a Notice of Applicability (NOA), after which the Member will be considered covered under this Order. In lieu of issuing an NOA, the Executive Officer may deny the NOI and require the submittal of a report of waste discharge or issue an NOA for regulatory coverage under any applicable general waste discharge requirements for individual dischargers not represented by a third-party.

²⁵ For owners or operators of managed wetlands, this provision applies beginning 1 January ~~2016~~ 2017.

Page 26, section VII.C Sediment and Erosion Control Plan, add footnote to section

C. Sediment and Erosion Control Plan²⁷

The requirements and deadlines of this section apply as specified to Members that are required to develop a Sediment and Erosion Control Plan per section IV.B.7 of this Order. The Member must use the Sediment and Erosion Control Plan Template provided by the Executive Officer (see section VIII.C below), or equivalent. The Sediment and Erosion Control Plan must be prepared in one of the following ways:

²⁷ If applicable, the deadline for managed wetlands is 1 March ~~2016~~ 2017.