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## Central Valley Regional Water Quality Control Board

# ORDER NO. R5-2023-0001

## Amending Waste Discharge Requirements General Order for Growers within the Sacramento River Watershed that are Members of the Third-Party Group, R5-2014-0030-10

**WHEREAS**, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of waters of the State, which includes both surface water and groundwater, is found in the Porter-Cologne Water Quality Control Act (California Water Code Division 7).
2. The Central Valley Water Board issued Waste Discharge Requirements General Orders for growers within the Central Valley that are members of a third-party group for discharges from irrigated lands to surface water and to groundwater (Irrigated Lands Regulatory Program (ILRP) General Orders).
3. "Irrigated Lands" in the ILRP General Orders (except for the Tulare Lake Basin and the Western Tulare Lake Basin General Orders) is defined as "land irrigated to produce crops or pasture for commercial purposes; nurseries; and privately and publicly managed wetlands."
4. The Central Valley Water Board issued Order R5-2014-0030-10 Waste Discharge Requirements General Order for Growers within the Sacramento River Watershed that are Members of the Third-Party Group for growers in the Sacramento River watershed.
5. The Sacramento Valley Water Quality Coalition (Coalition) is the third-party group for non-rice irrigated agricultural operations in the Sacramento River watershed.
6. The Upper Feather River watershed is located in the eastern region in of the Central Valley Region and the Sacramento River watershed.
7. There are approximately 30,411 acres of irrigated pasture and alfalfa (collectively referred to as "irrigated pasture") managed by 70 growers in the Upper Feather River watershed that are currently enrolled in Order R5-2014-0030-10.

8. Research findings indicate that ILRP high priority pollutant issues such as pesticides, toxicity, and groundwater nitrate are not generated by Upper Feather River irrigated pasture, as these operations almost never use pesticides or fertilizers.
9. Groundwater protection requirements have become a substantial part of the Irrigated Lands Regulatory Program's efforts and costs, with a focus on addressing nitrogen contamination of groundwater and protection of drinking water sources. Because Upper Feather River irrigated pasture managers rarely apply nitrogen, and then only at rates less than crop uptake, the groundwater requirements and costs are not appropriate for them.
10. Research shows that ILRP regulatory costs for Upper Feather River irrigated pasture operations are significantly higher compared to most other crops in the Coalition, when considered as a percentage of per acre earnings.
11. The Central Valley Water Board recognizes that irrigated pasture operations, the agricultural commodity likely impacting priority pollutant issues the least within the Coalition region, are paying the highest regulatory costs in the context of per acre earnings.
12. Upper Feather River irrigated pasture operations have a minimal risk of impairing the quality of surface waters and groundwater. Where it is found that these operations need to take action(s) to address water quality impairments (e.g., TMDL or 303(d) listing), staff will identify and implement an appropriate regulatory mechanism.
13. The Central Valley Water Board recognizes that the Irrigated Lands Regulatory Program requirements are currently overprotective for regulating Upper Feather River irrigated pasture.
14. This Order amends Order R5-2014-0030-10 to remove the requirement for parcels within the Upper Feather River watershed to obtain coverage under the ILRP.
15. The Central Valley Water Board, acting as a lead agency pursuant to CEQA (Pub. Resources Code, § 21000 et seq.), certified a Program Environmental Impact Report (PEIR) for the Irrigated Lands Regulatory Program on 7 April 2011. This Order relies on the environmental impact analysis contained in the PEIR to satisfy the requirements of CEQA. Pursuant to this Order, the removal of Upper Feather River irrigated pasture from the ILRP is within a range of options identified and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.
16. The Central Valley Water Board has notified interested agencies and persons of its intent to adopt this Order for discharges of waste from irrigated lands within the Central Valley and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
17. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

**IT IS HEREBY ORDERED** that ILRP Waste Discharge Requirements General Order R5-2014-0030-10 is amended by making the modifications identified in Attachment 1 of this Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order 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 law and regulations applicable to filling petitions may be found on the [Water Quality Petitions webpage](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request. ([www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/))

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 23 February 2023.

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PATRICK PULUPA, Executive Officer

## Attachments

Attachment 1: Order R5-2014-0030-11, Amended Waste Discharge Requirements