
Central Valley Regional Water Quality Control Board

ORDER No. R5-2021-XXXX

Amending Waste Discharge Requirements General Orders for Growers within the Central Valley that are Members of a Third-Party Group:

Eastern San Joaquin Watershed R5-2012-0116-09

Tulare Lake Basin Area R5-2013-0120-08

Western Tulare Lake Basin Area R5-2014-0001-07

Western San Joaquin River Watershed R5-2014-0002-09

San Joaquin County And Delta Area R5-2014-0029-05

Sacramento River Watershed Area R5-2014-0030-07

Sacramento Valley Rice Growers R5-2014-0032-02

Grassland Drainage Area R5-2015-0095-04

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 eight 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. "Irrigated lands" in the ILRP General Orders for the Tulare Lake Basin and the Western Tulare Lake Basin is defined as "land irrigated to produce crops or pasture for commercial purposes, and nurseries."

5. On 31 May 2018, the Central Valley Water Board adopted the Salt and Nitrate Control Program Basin Plan Amendments for the Sacramento and San Joaquin River Basin Plan and Tulare Lake Basin Plan in Central Valley Water Board Resolution No. R5-2018-0034 (Salt and Nitrate Control Program). The Salt and Nitrate Control Program is designed to address both legacy and ongoing salt and nitrate accumulation issues. It also establishes a prioritized Nitrate Control Program for discharges to groundwater and a phased Salt Control Program for discharges to surface water and groundwater throughout the Central Valley.
6. On 16 October 2019, the State Water Resources Control Board (State Water Board) approved the Salt and Nitrate Control Program, with direction to provide targeted revisions. The effective date of the Salt and Nitrate Control Program is 17 January 2020, the Notice of Decision Filing date following Office of Administrative Law (OAL) Approval. Components subject to United States Environmental Protection Agency (USEPA) approval became effective on 2 November 2020, the date of USEPA Approval.
7. On 10 December 2020, the Central Valley Water Board adopted targeted revisions to the Salt and Nitrate Control Program directed by the State Water Board. The State Water Board is currently considering approval of the revisions, and the revisions will be effective upon OAL approval and USEPA approval, as necessary.
8. The Central Valley Water Board staff prepared a Draft Supplemental Program Environmental Impact Report (SPEIR) to consider new, project-level impacts from ILRP the implementation of the Salt and Nitrate Control Program to air quality, climate change, and transportation and circulation. These impacts were not discussed in either the Salt and Nitrate Control Program Substitute Environmental Document or the original ILRP PEIR. Staff circulated and publicly noticed the SPEIR for a public comment period between 8 February 2021 to 25 March 2021.
9. This Order includes estimated costs to agriculture in the Central Valley Region to the Salt Control Program, Nitrate Control Program and Surveillance and Monitoring Program components of the Salt and Nitrate Control Program.
10. This Order establishes two compliance pathways for salt discharges and two compliance pathways for nitrate discharges. The Third-Party Groups must respond to the Notices to Comply with the Salt Control Program and the Nitrate Control Program with their selected permitting approaches.
11. This Order states the conditions for Members whose Third-Party elects to participate in Phase I of the Salt Control Program either through the Alternative Salinity Approach or Conservative Permitting Approach in order to meet surface water and groundwater receiving limitations (Phase I of the Salt Control Program).
12. This Order includes the Central Valley Water Board's authority to permit discharges of salt to surface water and groundwater and nitrate to groundwater through Alternative Permitting Approaches that utilize regulatory options such

as variances, exceptions, offsets, management zones, and assimilative capacity allocations.

This Order contains the requirements for the Third-Party Groups on behalf of their Members:

- a. Inform the Central Valley Water Board of their selected permitting approach for the Salt Control Program and the Nitrate Control Program based on the permitting approaches and associated timelines under this Order. The Third-Party Groups must request and obtain Board approval prior to changing their selected permitting approach.
 - b. Provide information to the entity leading the Surveillance and Monitoring Program to allow the Central Valley Water Board to satisfy its monitoring goals. The information must be submitted in a format and timeframe specified by the lead entity.
 - c. Participate in the lead entity's preparation of a Program Assessment Report by contributing requested funding for preparation of the report and conducting any additional activities necessary to ensure that all required information is available to the lead entity.
 - d. Develop Early Action Plans designed to identify public water supply and domestic wells within a Management Zone (or area of contribution) which exceed the water quality objective for nitrate, including specific actions and a schedule of implementation to address the immediate drinking water needs of impacted users.
 - e. If the third-party selects Path A of the Nitrate Control Program, prepare an Initial Assessment of all applicable Member discharges as it relates to nitrate as part of the Notice of Intent unless otherwise approved by the Executive Officer.
 - f. If the third-party selects Path B of the Nitrate Control Program, develop a Preliminary Management Zone Proposal, Final Management Zone Proposal, and Management Zone Implementation Plan.
13. This Order extends the 10-year compliance schedule deadline for salinity-based surface water and groundwater limitations where the third-party is participating in the Prioritization and Optimization Study and members are implementing best practicable treatment or control (BPTC). The Central Valley Water Board maintains the discretion to extend this schedule for nitrate and boron to up to 35 years and 50 years, respectively, where applicable requirements are met.
14. This Order includes minor modifications and edits to update language, clarify intent, and correct grammatical and spelling errors.
15. This Order amends the following ILRP General Orders as described above:

- Waste Discharge Requirements for Growers within the Eastern San Joaquin River Watershed that are Members of a Third-Party Group R5-2012-0116-09 (adopted on 7 December 2012, and revised on 3 October 2013, 27 March 2014, 17 April 2015, 2 October 2015, 19 February 2016, 5 May 2017, 7 February 2018, 5 April 2019, and 28 February 2020)
- Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group R5-2013-0120-08 (adopted on 19 September 2013, and revised on 4 December 2014, 2 October 2015, 19 February 2016, 6 December 2016, 25 April 2017, 5 May 2017, 7 February 2019, and 28 February 2020),
- Waste Discharge Requirements General Order for Growers within the Western Tulare Lake Basin Area that are Members of a Third-Party Group R5-2014-0001-07 (adopted on 9 January 2014, and revised on 5 February 2015, 2 October 2015, 19 February 2016, 6 December 2016, 5 May 2017, 7 February 2019, and 28 February 2020),
- Waste Discharge Requirements for Growers within the Western San Joaquin River Watershed that are Members of a Third-Party Group R5-2014-0002-09 (adopted on 9 January 2014, and revised on 17 April 2015, 31 July 2015, 2 October 2015, 19 February 2016, 15 April 2016, 5 May 2017, 14 November 2017, 7 February 2019, and 28 February 2020),
- Waste Discharge Requirements for Growers within the San Joaquin County and Delta Area that are Members of a Third-Party Group R5-2014-0029-05 (adopted on 12 March 2014, and revised on 17 April 2015, 19 February 2016, 5 May 2017, 7 February 2019, and 28 February 2020),
- Waste Discharge Requirements for Growers within the Sacramento River Watershed Area that are Members of a Third-Party Group R5-2014-0030-07 (adopted on 12 March 2014, and revised on 5 June 2015, 2 October 2015, 19 February 2016, 5 May 2017, 7 February 2019, and 28 February 2020),
- Waste Discharge Requirements for Sacramento Valley Rice Growers R5-2014-0032-02 (adopted on 27 March 2014, and revised on 2 October 2015, and 7 February 2019),
- Waste Discharge Requirements for Growers in the Grassland Drainage Area R5-2015-0095-04 (adopted on 3 July 2015, and revised on 19 February 2016, 5 May 2017, 7 February 2019, and 28 February 2020).

Amended ILRP General Orders with alterations that this Order will make to the ILRP General Orders are attached hereto as Attachments 1-8 and incorporated herein by reference.

16. The Central Valley Water Board may find it necessary to modify the requirements of this Order to ensure the goals of the Salt and Nitrate Control Program are met.

17. 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. The Central Valley Water Board certified the SPEIR on [date]. This Order relies on the environmental impact analysis contained in the PEIR and SPEIR to satisfy the requirements of CEQA. Pursuant to this Order, the changes described above are within a range of options identified and analyzed in the PEIR and SPEIR. Therefore, the PEIR and SPEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.
18. 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.
19. 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 Orders No. R5-2012-0116-09, R5-2013-0120-08, R5-2014-0001-07, R5-2014-0002-09, R5-2014-0029-05, R5-2014-0030-07, R5-2014-0032-02, and R5-2015-0095-04 are amended by making the modifications identified in Attachments 1-8 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](#) or will be provided upon request. <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 XXXX.

PATRICK PULUPA, Executive Officer

Attachments

Attachment 1: Order R5-2012-0116-10, Amended Waste Discharge Requirements
Attachment 2: Order R5-2013-0120-09, Amended Waste Discharge Requirements
Attachment 3: Order R5-2014-0001-08, Amended Waste Discharge Requirements

Attachment 4: Order R5-2014-0002-10, Amended Waste Discharge Requirements
Attachment 5: Order R5-2014-0029-06, Amended Waste Discharge Requirements
Attachment 6: Order R5-2014-0030-08, Amended Waste Discharge Requirements
Attachment 7: Order R5-2014-0032-03, Amended Waste Discharge Requirements
Attachment 8: Order R5-2015-0095-05, Amended Waste Discharge Requirements