DRAFT

Initial Study and Negative Declaration for Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

Central Valley Regional Water Quality Control Board

Prepared by:

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Project Information Form

Central Valley Regional Water Quality Control Board

Draft Negative Declaration

1. Project title:	Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands
2. Lead agency name and address:	Central Valley Regional Water Quality Control Board 3443 Routier Road, Suite A Sacramento, CA 95827
3. Contact person and phone number:	Amanda Smith, Environmental Scientist 916-255-6316
4. Project location:	Sacramento River, San Joaquin River and Tulare Lake Basins
5. Project's sponsor's name and address:	Not applicable
6. General plan designation:	Not applicable
7. Zoning:	Not applicable

8. Description of project: Section 13269 of the California Water Code (CWC) authorizes the Regional Water Quality Control Board, Central Valley Region (Regional Board) to waive waste discharge requirements (WDRs) for a specific discharge or specific type of discharge if the waiver is not against the public interest. The waiver must be conditional and may be terminated at any time. The Regional Board may also waive the requirement to submit a report of waste discharge. In 1999, Senate Bill 390 amended CWC Section 13269. CWC Section 13269 specifies that waivers in effect on January 1, 2000 terminate on January 1, 2003, but may be renewed following a hearing. New or renewed waivers may be renewed in five-year increments.

The Regional Board proposes to adopt a conditional waiver of WDRs for discharges from irrigated lands, which includes tailwater, operational spills, subsurface drainage, and stormwater runoff, and to waive the requirement to submit reports of waste discharge. Irrigated lands include nurseries and managed wetlands as well as over seven million acres in production agriculture. The waiver would be in effect for up to five years beginning 1 January 2003.

This waiver would set forth two categories of waivers of WDRs. One category applies to dischargers who participate in a group effort on a watershed level to comply with the conditions of the waiver. The other category applies to individual dischargers who do not participate in a group watershed or subwatershed effort. The dischargers must comply with the conditions set forth in the waiver.

The primary conditions of the waiver include a requirement that (1) the watershed group develop a plan for the implementation of management practices and (2) the watershed group develop a monitoring plan to assess the sources and impacts of pollutants in discharges from irrigated lands in the subwatersheds and to track progress toward lowering discharges and meeting TMDL goals. Individuals have the option of obtaining a waiver without working with a watershed group by preparing a water quality management plan and conducting monitoring.

The goal of the waiver is to provide a program to manage discharges from irrigated lands to assure that such discharges do not cause or contribute to conditions of pollution or nuisance as defined in Section 13050 of the California Water Code and do not cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard. Failure to establish a program that will meet these goals will result in loss of the waiver.

The waiver would apply to dischargers (e.g., growers, farmers, and wetland managers) who participate in local watershed groups that will be responsible for conducting specific work. Ideally, the watershed groups will cover all of the irrigated land, commercial nurseries and managed wetlands in the Central Valley Region. Watershed groups will conduct monitoring, evaluate local water quality issues, and assist in the development and promotion of management practices that result in water quality improvements, where necessary.

Details of the proposed waiver conditions are contained in the attached draft resolution ("Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands").

9. Surrounding land uses and settings: The project encompasses more than seven million acres of irrigated land commercial nurseries and managed wetlands in the Central Valley Region encompassing the Sacramento River, San Joaquin River and Tulare Lake Basins.

10. Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would potentially be affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist included in the attached Initial Study.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards and Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/ Service Systems	☐ Mandatory Findings of Significance	

FINDINGS:

Based on the findings of the Initial Study, the project would not:

- Degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of California history or prehistory.
- Achieve short-term, to the disadvantage of long-term, environmental goals.
- Have impacts that are individually limited, but cumulatively considerable.
- Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

DETERMINATION

The Central Valley Regional Water Quality Control Board has reviewed the proposed project and has determined that the project, based on the Initial Study attached hereto, will not have a significant effect on the environment. An environmental impact report is not required pursuant to the California Environmental Quality Act of 1970 (CEQA). This environmental review process and negative declaration is done in accordance with CEQA (PRC 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et. seq.).

On the basis of this initial evaluation:

[X] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[ ] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[ ] I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

[ ] I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

[ ] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

_____	16 October 2002
Signature	Date
Dennis W. Westcot	Environmental Program Manager
_____	_____
Printed Name	Title

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Attachment

1. Draft Resolution titled “Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands”

1 Initial Study

1.1 Project Purpose

The purpose of the project is to adopt a Resolution adopting a "Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands" (Waiver) (See Attached Resolution and Waiver) that would regulate the discharge of waste from irrigated lands, including commercial nurseries and managed wetlands, consistent with the California Water Code and other goals, policies and objectives of the State of California.

1.2 Location

The Waiver applies to all of the irrigated land and managed wetlands in the Sacramento River, San Joaquin River and Tulare Lake Basins. This Waiver does not apply to discharges from irrigated lands to the extent regulated through other means by the Central Valley Regional Water Quality Control Board (Regional Board). Specifically the Waiver does not apply to the Grassland Bypass Project and selected evaporation ponds and commercial nurseries, which are regulated through waste discharge requirements (WDRs) adopted under California Water Code (CWC) Section 13263, and the Rice Pesticide Program that applies to five pesticides and is contained in the Implementation Chapter of the Sacramento and San Joaquin Rivers Water Quality Control Plan (Basin Plan) (Regional Water Board Prohibitions No. 5 "Pesticides", Basin Plan page IV-25.00). Discharges of pesticides other than the five included within the Rice Pesticide Program are subject to the proposed Waiver.

1.3 Background

CWC Section 13260 requires persons who are discharging or who propose to discharge waste where it could impact the quality of waters of the State to submit a Report of Waste Discharge (ROWD). The Regional Board uses the ROWDs in preparing WDRs that regulate the discharges of waste in compliance with the CWC and other applicable laws and regulations. The purpose of this regulatory program is to protect the beneficial uses of the waters of the State.

CWC Section 13269 authorizes the Regional Board to waive WDRs for a specific discharge or specific type of discharge if the waiver is not against the public interest. The waiver must be conditional and may be terminated at any time. The Regional Board may also waive the requirement to submit a report of waste discharge. In 1999, Senate Bill 390 amended CWC Section 13269. CWC Section 13269 now specifies that waivers in effect on January 1, 2000 terminate on January 1, 2003, but may be renewed following a hearing. New or renewed waivers may be renewed for up to five-year increments.

In 1982, the Regional Board adopted Resolution No. 82-036 waiving WDRs for 23 categories of discharges. Two of these categories – irrigation return waters and stormwater discharges from irrigated lands – apply to discharges from irrigated lands. Those waivers will terminate as of January 1, 2003. The Regional Board proposes to adopt a new conditional waiver that applies to dischargers from irrigated lands.

Discharges that constitute "agricultural return flows" are exempt from regulation through the National Pollutant Discharge Elimination System (NPDES) permit program of the federal Clean Water Act. Discharges that are not "agricultural return flows" as used in the Clean Water Act may still be required to obtain NPDES permits, including, for example, application of aquatic pesticides and confined animal facilities.

1.4 Project Description

The Regional Board proposes to adopt a conditional waiver of WDRs and a waiver of the requirement to submit a report of waste discharge for discharges of waste from irrigated lands. The Waiver would apply to irrigation return flows and/or stormwater containing wastes from irrigated lands to surface waters in the Central Valley Region (see map, below). The Waiver proposed will only be in effect for a maximum of five years (through 2007). It may be renewed after review by the Regional Board. The Waiver may be terminated at any time with respect to any individual discharger or group of dischargers or for this entire category of discharge. Waiver conditions are detailed in the proposed Resolution (attached).

The goal of the proposed Waiver is to provide a program to manage discharges from irrigated lands to assure that such discharges do not cause or contribute to conditions of pollution or nuisance as defined in CWC Section 13050 and do not cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard.

The proposed Waiver sets forth two categories of waivers of WDRs. One category applies to dischargers who participate in a group effort on a watershed level to comply with the conditions of the Waiver. The other category applies to individual dischargers who do not participate in a group watershed or subwatershed effort. The dischargers must comply with the conditions set forth in the Waiver. Failure to comply with the Waiver will result in its termination.

The primary conditions of Category I (watershed groups) of the Waiver include requirements that (1) the watershed group develop a plan to evaluate, develop (where necessary) and implement management practices that meet the goals of the Waiver, and (2) the watershed group develop a monitoring plan to assess the sources and impacts of waste in discharges from irrigated lands in the subwatersheds and to track progress toward reducing the waste discharges and meeting the requirements of applicable total maximum daily load allocations (TMDLs). The primary conditions of Category II (individual dischargers) are the requirements that individual dischargers who do not participate in Category I prepare a water quality management plan and conduct monitoring related to their own lands.

The Waiver encourages the development of (1) watershed groups that consist of both

dischargers and other parties, or (2) farm-level, nursery or wetland water quality management plans. Watershed groups will jointly conduct work to meet waiver conditions while the owners and operators of irrigated lands would conduct the farm, nursery or wetland-level efforts.

To qualify for the Waiver, the discharger group or individual discharger must, according to a specified schedule, submit for approval and implement plans that apply to management practices and monitoring.

- Plans must be developed to address regional or on-farm water quality issues
- Monitoring will be conducted to assess water quality impacts of the discharges
- Management practice must be developed and implemented, as necessary, to meet applicable water quality standards

This Waiver will apply throughout the Central Valley Region, but it is unknown how many of the 25,000+ dischargers in this category will take the steps needed to comply with the Waiver. Persons responsible for discharges from irrigated lands will have the option of operating under the Waiver or submitting a report of waste discharge if the discharge contains wastes that pose a threat to water quality. Persons that manage irrigated lands that do not generate discharges to surface waters will not be impacted by this Waiver.

There are two cases of successful use of the watershed approach in the Central Valley Region. The Rice Pesticides Program, formed in response to fish kills and drinking water concerns related to five rice pesticides, has reduced pesticide levels due to active participation by farmers, County Agricultural Commissioners, University of California Cooperative Extension, the Rice Industry, Department of Pesticide Regulation, the Regional Board and other stakeholders. Stakeholder participation in the Grassland Watershed, including formation of a Joint Powers Authority, helped reduce levels of selenium and other constituents of concern into the wetland supply channels. Both efforts were successful because of the efforts of active concerned stakeholders in each watershed.

1.5 Environmental Setting

The project encompasses all of the irrigated land in the Central Valley Region, including the Sacramento River, San Joaquin River and Tulare Lake Basins. Agricultural production and managed wetlands are major land uses in the Central Valley Region. The surrounding land has a variety of land uses.

Information available to the Regional Board, including information used in identifying impaired water bodies within the Region in accordance with Clean Water Act Section 303(d), indicates that irrigation return water and storm water runoff from irrigated lands contains waste that has impacted water quality in the waters of the State within the Region. Except with respect to the Grasslands Bypass Project and operators of certain evaporation basins, the Regional Board has not required dischargers from irrigated lands to obtain WDRs. Regulation of discharges from irrigated lands has occurred through voluntary efforts based on the existing waiver contained in Regional Board Resolution 82-036 and the State Water Resources Control Board's "Plan for California's Nonpoint Pollution Control Program" dated January 2000, and through the adoption of TMDLs. The adoption of a conditional waiver will require the implementation of management practices and monitoring to achieve the goals of the Waiver.

2 Environmental Significance Checklist

This section of the Initial Study incorporates the Appendix "G" Environmental Checklist Form, contained in the California Environmental Quality Act (CEQA) Regulations, 14 California Code of Regulations, Division 6. For each of the 17 environmental topics, impact questions and answers are presented in tabular format.

2.1 Aesthetics

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create new sources of substantial light or glare which would adversely affect day or nighttime views in the area?				X

The proposed project will have no impact on aesthetics. The Waiver requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to

implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.2 Agricultural Resources

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use?				X

The proposed project will have no impact on agricultural resources. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.3 Air Quality

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

The proposed project will have no impact on air quality. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.4 Biological Resources

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

The proposed project will have no impact on biological resources. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.5 Cultural Resources

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

The proposed project will have no impact on cultural resources. The proposed project requires development of management practices to control discharges of waste and monitoring

to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.6 Geology, Seismicity, and Soils

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located in a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landside, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or				

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

The proposed project will have no impact on geology, seismicity and soils. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.7 Hazards and Hazardous Materials

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

The proposed project will have no impact on hazards and hazardous materials. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.8 Hydrology and Water Quality

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?				X

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

The proposed project will have no impact on hydrology and water quality. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

Information available to the Regional Board, including information used in identifying impaired water bodies within the Region in accordance with Clean Water Act Section 303(d), indicates that irrigation return water and storm water runoff from irrigated lands contains waste that has impacted water quality in the waters of the State within the Region. In some cases, the basis for the identification of impaired water bodies is based on pesticides and other materials used in agriculture.

Existing information on these discharges is limited. The proposed project will not cause a significant impact on the environment or violate water quality standards. Rather it will establish a program with the goal to reduce impacts to water quality. The conditions of the Waiver are intended to achieve the goal of attaining water quality standards. The extent and sources of discharges of waste from irrigated lands will be delineated in the monitoring component of the Waiver. Plans will be developed to identify and correct any problems.

The proposed project will not violate WDRs because adopted WDRs are excluded from the proposed Waiver. Adverse environmental changes in drainage, runoff or flood hazard is not authorized or an expected result of the proposed Waiver.

2.9 Land Use and Planning

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

The proposed project will have no impact on land use and planning. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.10 Mineral Resources

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

The proposed project will have no impact on mineral resources. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.11 Noise

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels?				X

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project areas to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

The proposed project will have no impact on noise. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.12 Population and Housing

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly				

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

The proposed project will have no impact on population and housing. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.13 Public Services

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

The proposed project will have no impact on public services. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.14 Recreation

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

The proposed project will have no impact on recreation. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.15 Transportation/Traffic

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?				X
b) Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

The proposed project will have no impact on transportation and traffic. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.16 Utilities and Service Systems

Would the Project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition of the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid wastes?				X

The proposed project will have no impact on utilities and service systems. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

2.17 Mandatory Findings of Significance

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

The proposed project will have no impact on issues addressed in the mandatory findings of significance. The proposed project requires development of management practices to control discharges of waste and monitoring to evaluate existing conditions and the effectiveness of the management practices. Any specific projects to implement new management practices will be conducted at the local level and the merits of such a project will be evaluated independent of this action.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO.

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

WHEREAS, Section 13269 of the California Water Code (CWC) allows the Regional Water Quality Control Board, Central Valley Region (Regional Board) to waive waste discharge requirements for a specific discharge or specific type of discharge if the following conditions are met: 1) the waiver is not against the public interest, 2) the waiver is conditional and may be terminated at any time, and 3) compliance with waiver conditions are required, and 4) a public hearing has been held; and

WHEREAS, California Water Code Section 13269(f) requires the Regional Board to review the terms of the waiver policy at a public hearing prior to renewing any waiver for a specific type of discharge and at the hearing the Board must also determine whether the discharge for which the waiver policy was established should be subject to general or individual waste discharge requirements; and

WHEREAS, in 1982 the Regional Board adopted Resolution No. 82-036 conditionally waiving waste discharge requirements for 23 categories of dischargers, including “irrigation return water” and “storm water runoff”. Pursuant to CWC section 13269, these waivers will terminate on 1 January 2003 unless renewed by the Regional Board; and

WHEREAS, the Regional Board has reviewed the existing waiver related to irrigation return water and stormwater runoff from irrigated lands and determined that additional conditions are required to protect water quality; and

WHEREAS, as used in this resolution, the term “discharges from irrigated lands” includes surface discharges (also known as tailwater), operational spills, subsurface drainage limited to that generated by installing drainage systems to lower the water table below irrigated lands, and storm water runoff flowing from irrigated lands [but does not include discharges subject to the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act (CWA)]. 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 to row, field and tree crops as well as commercial nurseries, nursery stock production and managed wetlands; and

WHEREAS, the Central Valley Region has more than seven million acres of cropland under irrigation and several thousand individuals and agencies involved in

generating wastewater that falls into the category of "discharges from irrigated lands"; and

WHEREAS, the Central Valley Region has thousands of miles of surface waters that are dominated by discharges from irrigated lands and the quality of these discharges may adversely impact the beneficial uses of these receiving waters and downstream waters; and

WHEREAS, discharges from irrigated lands that constitute agricultural return flows are exempt from regulation under the NPDES permit program in the federal CWA; and

WHEREAS, the State Water Resources Control Board (State Board) has adopted the "Plan for California's Nonpoint Pollution Control Program" dated January 2000 and this plan provides guidance to Regional Boards on the control of nonpoint source pollution. This guidance includes a three-tier process that indicates that conditional waivers of waste discharge requirements can provide regulatory-based guidance to dischargers on steps that must be taken to control discharges; and

WHEREAS, the State Board's Strategic Plan calls for the use of the watershed approach to develop unique approaches for each watershed that address multiple pollutants versus focusing on specific pollutants; and

WHEREAS, addressing issues on a watershed basis involves efforts of both dischargers and interested persons; and

WHEREAS, formation and operation of watershed efforts are the responsibility of local entities or individuals; and

WHEREAS, some regional watershed efforts have recently formed to address agricultural water quality issues and the Regional Board needs time to determine if these efforts will become universal and will be self-sustaining; and

WHEREAS, an effective watershed program with active involvement of the water community and the agricultural community has the potential for identifying and correcting water quality problems without the need for individual or general waste discharge requirements, thus saving both the dischargers and the state the administrative burden involved with a permit-based program; and

WHEREAS, the Regional Board recognizes the advantages of the watershed approach and encourages watershed programs while recognizing that the Regional Board, not the watershed group, has the responsibility to regulate to protect water quality in the Central Valley Region. The Regional Board also recognizes the need to work with the

water community and the agricultural community to cooperatively take action to protect water quality; and

WHEREAS, even where watershed groups exist, individual dischargers have a responsibility to take action to protect water quality; and

WHEREAS, persons who do not have the opportunity to join in watershed efforts or who choose not to participate in watershed efforts should also have the opportunity to operate under a waiver of WDRs if the conditions of the waiver are protective of water quality; and

WHEREAS, some dischargers may elect to not participate in a waiver program, even after being notified formally; and

WHEREAS, the Regional Board finds that the adoption of the "Waiver of Waste Discharge Requirements from Irrigated Lands Pursuant to Water Code Section 13269: will not have a significant impact on the environment; and

WHEREAS, the Board considered all testimony and evidence at a public hearing on _____ and good cause was found to adopt the "Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Pursuant to Water Code Section 13269" and to approve the Initial Study and adopt the Negative Declaration; and

Therefore, be it

RESOLVED, that the Regional Board waives the submittal of a report of waste discharge and waste discharge requirements for discharges from irrigated land if the discharger complies with the "Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Pursuant to California Water Code Section 13269" specified in Attachment A; and

BE IT FURTHER RESOLVED, that no later than 1 July 2004 persons that generate discharges from irrigated lands shall notify the Regional Board directly or through a watershed group of their intent to operate under the terms of a waiver or shall submit a report of waste discharge by 1 August 2004 or a notice of intent (NOI) to comply with general waste discharge requirements (if such an order is adopted); and

BE IT FURTHER RESOLVED, that the goal of these waiver conditions is to assist in achieving water quality objectives in the Water Quality Control Plans (Basin Plans) 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 California Water Code or that cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard. Failure to establish a program that will meet these goals will result in loss of the waiver; and

BE IT FURTHER RESOLVED, that production agriculture and commodity organizations are urged to work with the University of California Cooperative Extension, the U.S.D.A. Natural Resources Conservation Service and others to develop crop-specific management practices that can assist farmers and watershed management groups in reducing discharges of waste; and

BE IT FURTHER RESOLVED, such renewal of the existing conditional waivers is not against the public interest because the conditions are intended to prevent pollution and should be continued until new information indicates the need to revise the conditions or adopt general waste discharge requirements; and

BE IT FURTHER RESOLVED, that this conditional waiver shall become effective 1 January 2003 and expire 31 December 2005 unless renewed or extended by the Regional Board; and

BE IT FURTHER RESOLVED, that the Regional Board may review this conditional waiver at any time and may modify or terminate the waiver in its entirety or for individuals or watershed groups, as is appropriate.

I, THOMAS R. PINKOS, Acting Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

_____
THOMAS R. PINKOS, Acting Executive Officer

ATTACHMENT A
WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS
PURSUANT TO
CALIFORNIA WATER CODE SECTION 13269

California Water Code Section 13269 authorizes the Regional Water Quality Control Board, Central Valley Region (Regional Board) to waive waste discharge requirements as to a specific type of discharge if the waiver is not against the public interest and the waiver is conditional. Any waiver may be terminated at any time by the Regional Board.

This waiver applies to discharges of waste from irrigated lands to surface water that is not subject to regulation under the National Pollutant Discharge Elimination System (NPDES) set forth in the Clean Water Act and includes surface discharges (also known as tailwater), operational spills, subsurface drainage limited to that generated by installing drainage systems to lower the water table below irrigated lands and storm water runoff flowing from irrigated lands. This waiver sets forth two categories of waivers of waste discharge requirements. One category applies to dischargers who participate in a group effort on a watershed level to comply with the conditions of the waiver. The other category applies to individual dischargers who do not participate in a group watershed or subwatershed effort. The dischargers must comply with the conditions set forth in the waiver.

Regardless of which category a discharger falls under, the following requirements must be met:

(1) Discharges shall not cause or contribute to conditions of pollution or nuisance as defined in Section 13050 of the California Water Code; and
(2) Discharges shall not cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard.

The discharger shall be considered in compliance with this requirement if the conditions listed in I. or II, below, are met.

I. <u>Waiver of Waste Discharge Requirements for Participation in Watershed Programs</u>

The Central Valley Regional Water Quality Control Board waives waste discharge requirements and the submission of reports of waste discharge for discharges from irrigated lands (tail waters, subsurface drainage, and stormwater runoff) in the Central Valley Region if the discharger complies with the following conditions:

The discharger actively participates in a Regional Board-approved watershed-level effort that is designed to assist in achieving water quality objectives by providing a program to manage discharges that cause or contribute to conditions of pollution or nuisance as

defined in Section 13050 of the California Water Code or that cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard. Failure of a watershed effort to demonstrate an ability to meet these criteria will result in loss of this waiver.

To obtain Regional Board approval, the watershed group must conduct certain minimum work and report progress to the Board on a regular basis. Watershed programs may be organized on a basin scale but should be conducted on a sub-watershed level to be able to identify and address local circumstances. A comprehensive program may take several years to develop, but local efforts must meet specified milestones in order to allow dischargers to maintain a waiver. Components of an acceptable watershed program and the dates that they must be in place are listed below:

The following deliverables are intended to provide the Regional Board with information regarding the progress of development of a watershed program. The deliverables must be submitted in writing to the Executive officer as specified in the timetable. All submittals must be well organized and complete (professional quality). If submittals are returned with comments from Regional Board staff, watershed groups shall have 30 days to address comments and revise the submittals as necessary. Failure to submit reports as required is grounds for loss of a waiver.

Dischargers participating in watershed groups that provide the deliverables on schedule can assume that they are operating in compliance with this waiver unless notified otherwise in writing by the Regional Board.

DELIVERABLES

Organization

General
The initial submittal from the watershed group must identify the lead agencies and/or organizations that will develop a watershed or subwatershed program, the key contact(s), a description of the watershed, a map of the watershed and a commitment to work with the Regional Board to satisfy the conditions of this waiver.

Detailed
The watershed group will provide a detailed map of the area covered by the watershed program. Additional participants who are not identified as a lead agency/organization should also be provided at this time.

Watershed Program Description

The watershed or subwatershed group shall compile a report containing:

- Details of subwatersheds showing which fields are served by each drain.
- Information on crops grown in the watershed or subwatershed area, pesticides used and other factors that may impact the quality of discharges.
- Inventory of management practices that are in place and that are effective pollution control measures
- Historical water quality monitoring results
- Known water quality issues
- Known programs addressing the water quality issues associated with discharges from irrigated lands

Monitoring Program

Watershed groups will review results of ongoing monitoring conducted by the Regional Board and other agencies. This information, along with historical information, will be used in developing a watershed monitoring plan that will be submitted to the Regional Board for review and approval.

The watershed group shall develop a monitoring plan to assess the sources and impacts of waste in discharges from irrigated lands in the subwatersheds and to track progress toward lowering discharges and meeting TMDL goals. This plan must include a quality assurance/quality control component. All data developed by watershed groups shall be submitted to the Regional Board.

Prioritization

Based on the information available, the watershed group shall identify in writing its priorities with respect to work on specific subwatersheds and constituents.

Management Practices

A key responsibility of the watershed groups is the development and promotion of management practices that reduce discharges of waste to acceptable levels. The watershed group will be responsible for monitoring the success of identified management practices through the program's water quality monitoring program as well as through the evaluation of the management practices. The watershed program should identify a process to adapt the management practices utilized as necessary based upon the monitoring information.

The watershed program must include a plan for the implementation of management practices. The implementation of management practices should be based on the prioritization required above.

Each watershed program should identify pilot projects for the implementation of management practices on prioritized sub-watersheds.

When monitoring results indicate that water quality improvements are necessary, the watershed group shall submit a report describing how it will evaluate the effectiveness of one or management practice[s] at preventing release of waste constituents to surface waters. The selection of evaluation projects shall include consideration of contribution of target waste constituents to known water quality impairments, potential application of the management practice over a broad geographic area and large spectrum of crops, and ease and immediacy of possible implementation. Projects need not involve new practices, but can involve quantification of benefits of existing practices. Reports shall be submitted for each proposed, implemented, or completed project which shall include, at a minimum: description of management practice(s) being evaluated, target chemical(s), reasons for selecting the specific project, methodology for evaluating the effectiveness of the practice (including sampling and QA/QC plans), and involvement by stakeholders and agencies in developing, implementing and evaluating the project. If projects are completed, the report shall present the conclusion(s) of the evaluation project.

Watershed groups may take advantage of management practice development conducted by the University of California or other organizations, as appropriate.

Implementation Plan

The watershed group shall develop an implementation plan that will promote and track the progress of water quality control efforts. The plan may address water quality issues related to stormwater runoff separately from those caused by irrigation return flows. This plan must include a schedule for implementation of management practices and may include, but is not limited to, the following components:

- Grower education
- Technical assistance
- Financial assistance

Funding Mechanisms

The watershed group shall identify the funding mechanisms that will support water quality monitoring, management practice evaluation and development, and administrative costs.

Annual Reports

In addition to the reports identified above, the watershed group shall submit annual reports covering the calendar year detailing accomplishments and plans relative to all aspects of the watershed effort, including, but not limited to the following:

- All water quality monitoring results, an interpretation of the data and proposed responses. Data must be tabulated and graphed and maps shall be provided to illustrate where samples were collected.

- Results of management practice evaluations conducted during the reporting period.

- Status of management practice implementation.

- Planned activities for the coming year, including, but not limited to details of monitoring programs, management practice evaluations and revisions to compliance timetables.

TIMETABLE

Component	**Date** No later than:
Identification of participants including key contacts, agencies and organizations, and dischargers • General report • Detailed report	 30 June 2003 30 June 2004
Watershed description	31 December 2003
Monitoring program • Track developments of Regional Board monitoring • Submit watershed monitoring plan • Initiate watershed monitoring plan	 30 June 2003 30 June 2004 1 January 2005
Prioritization of sub-watersheds	30 June 2004
Management practices • Compilation of existing information • Evaluation of management practice • Tracking	 • 30 June 2004 • 2005 and subsequent seasons • Continuous following management practice identification
Plan addressing • Development & implementation of management practices • Grower education • Technical assistance • Financial assistance	30 June 2004
Identification of funding mechanisms for: • Administration • Water quality monitoring • Management practice evaluation and development	30 June 2004
Participation in previously-identified water quality issues within the watershed	Continuous
Annual reports on the previous calendar year	30 January

II. Waiver of Waste Discharge Requirements for Individual Dischargers Not participating in Watershed Efforts

This waiver applies to dischargers that do not participate in watershed efforts.

The Central Valley Regional Water Quality Control Board waives waste discharge requirements and the submission of reports of waste discharge for discharges from irrigated lands (tail waters, operational spills, subsurface drainage, and stormwater runoff) in the Central Valley Region if the discharger complies with the following conditions:

1. The discharger actively participates in an effort that assists in achieving water quality objectives 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 California Water Code or that cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard. Failure to demonstrate an ability to meet these criteria will result in loss of this waiver.

2. The discharger files a Notice of Intent to comply with this waiver that provides the following information:

   - Name, address and phone number
   - Maps of irrigated lands generating the discharge, showing points of discharge
   - Crops commonly grown
   - Chemicals (pesticides, fertilizers, etc.) commonly applied in a manner that may result in the material coming in contact with irrigation water or storm water.
   - Management practices utilized for reducing or eliminating adverse discharges of pollutants.
   - The names of water bodies receiving the discharge
   - Details of any subsurface drainage collection system
   - Other information as called for by the Executive Officer

3. By 1 September 2004 or within two months of receiving written notice from the Regional Board that the individual's discharge is not within a watershed to which this conditional waiver applies, the discharger develops a written water quality management plan containing at least the following:

   - Information provided to the Regional Board in the NOI

- Specific management practices followed to implement the management measures in the State's Nonpoint Source Management Plan for the control of (1) irrigation water management, (2) pesticide management, (3) nutrient management, and (4) erosion and sediment control.

4. By 1 November 2004 or within four months of receiving written notice from the Regional Board that the individual's discharge is not within a watershed to which this conditional waiver applies, the discharger initiates a water quality monitoring program addressing discharges from irrigated lands. This program must include the following:

   - A written quality assurance/quality control program
   - Estimates of the volume discharged (recorded daily)
   - Sampling for turbidity, toxicity and constituents that may be picked up through contact with crops or soils.
   - Focus on specific constituents of concern in the watershed (contact the Regional Board for this information).

5. Annual Report - By 30 January of each year following submittal of an NOI, the discharger shall submit a written annual report to the Regional Board providing the water quality monitoring results from the previous calendar year. If the results indicate that changes in management are required to protect water quality, details of the changes to be made and the dates by which they will be in place shall be provided.

III. <u>Limitations</u>

1. This waiver is limited to discharges from irrigated lands, which includes surface discharges (also known as tailwater), operational spills, subsurface drainage generated by irrigating crop land or by installing drainage systems to lower the water table below irrigated lands and storm water runoff flowing from irrigated lands regardless of whether it originates on the discharger's property or on upslope lands.
2. This waiver is limited to discharges that are not subject to the National Pollutant Discharge Elimination System permit program under the Clean Water Act.
3. This waiver may be terminated at any time by the Regional Board.

Definitions

Irrigated lands – lands where water is applied for the purpose of producing crops. For the purpose of this waiver policy, commercial nurseries, nursery stock production and managed wetlands are considered irrigated lands.

Irrigation return flow – surface and subsurface water which leaves the field following application of irrigation water.

Operational spill – irrigation water that is diverted from a source such as a river, but is discharged without being delivered to or used on an individual field.

Stormwater runoff – the runoff of precipitation from the lower end of an irrigated field.

Subsurface drainage – water generated by installing drainage systems to lower the water table below irrigated lands. This drainage can be generated by subsurface drainage systems, deep open drainage ditches or drainage wells.

Tailwater – the runoff of irrigation water from the lower end of an irrigated field.

Watershed group - As used in this waiver, the term watershed group shall be defined broadly to include any group of individuals and organizations that form to meet the waiver conditions described in section I, above. Watershed groups can be organized on a geographic basis or can be groups with other factors in common such as commodity organizations.