California Regional Water Quality Control Board Central Valley Region

Order R5-2012-0116-10

Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of a Third-Party Group

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The California Regional Water Quality Control Board, Central Valley Region (hereafter, Central Valley Water Board or Board), finds that:

Findings

Scope and Coverage of this Order

1. This Order serves as general waste discharge requirements (WDRs) for waste discharges from irrigated lands (or "discharges") that could affect ground and/or surface waters of the state. The discharges result from runoff or leaching of irrigation water and/or stormwater from irrigated lands. Discharges can reach waters of the state directly or indirectly.[1]

2. This Order applies to owners and operators of irrigated lands within the Eastern San Joaquin River Watershed. Either the owner or operator may enroll an irrigated lands parcel under this Order. The owners or operators that enroll the respective irrigated lands parcels are considered members of the Third-Party representing this area (hereinafter "Members"). The Member is required to provide written notice to the non-Member owner or operator that the parcel has been enrolled under the Order. Enforcement action by the Board for non-compliance related to an enrolled irrigated lands parcel may be taken against both the owner and operator.

3. The Eastern San Joaquin River Watershed is bounded by the crest of the Sierra Nevada Mountain Range to the east, the Stanislaus River to the north, the San Joaquin River to the west, and the San Joaquin River Basin boundary to the south as identified in the Sacramento and San Joaquin River Basin Plan. This area is referred to as the "Order watershed area" or "Third-Party area" in this Order. See Figure 1 for a map of the Third-Party area.

   There are some locations within the Eastern San Joaquin River Watershed where it may be more effective for owners and operators of irrigated lands that are not

[1] Definitions for "waste discharges from irrigated lands," "waste," "groundwater," "surface water," "stormwater runoff," and "irrigation runoff," as well as all other definitions, can be found in Attachment E to this Order. It is important to note that irrigation water, the act of irrigating cropland, and the discharge of irrigation water unto itself is not "waste" as defined by the Water Code, but that irrigation water may contain constituents that are considered to be a "waste" as defined by Water Code section 13050(d).

"Members" to enroll under an irrigated lands regulatory program (ILRP) order that recognizes a different Third-Party representative. Growers are only required to obtain coverage under one ILRP order.

4. "Irrigated lands" means land irrigated to produce crops or pasture used for commercial purposes including lands that are planted to commercial crops that are not yet marketable (e.g., vineyards and tree crops). Irrigated lands also include nurseries~~, and privately and publicly managed wetlands (excluding the non-irrigated upland habitat associated with managed wetlands~~.

5. This Order is not intended to regulate water quality as it travels through or remains on the surface of a Member's agricultural fields or the water quality of soil pore liquid within the root zone.[2]

6. This Order does not apply to discharges of waste that are regulated under other Water Board issued WDRs or conditional waiver of WDRs. If the other Water Board WDRs/waiver of WDRs only regulates some of the waste discharge activities (e.g., application of treated wastewater to crop land) at the regulated site, the owner/operator of the irrigated lands must obtain regulatory coverage for any discharges of waste that are not regulated by the other WDRs/waiver. Such regulatory coverage may be sought through enrollment under this Order or by obtaining appropriate changes in the owner/operator's existing WDRs or conditional waiver of WDRs.

7. This Order implements the long-term ILRP in the Eastern San Joaquin River Watershed. The long-term ILRP has been conceived as a range of potential alternatives and evaluated in a programmatic environmental impact report (PEIR).[3] The PEIR was certified by the Central Valley Water Board on 7 April 2011; however, the PEIR did not specify any single program alternative. The regulatory requirements contained within this Order fall within the range of alternatives evaluated in the PEIR. This Order, along with other orders to be adopted for irrigated lands within the Central Valley, together will constitute the long-term ILRP. Upon adoption of this Order, Order R5-2006-0053, Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Coalition Group Conditional Waiver), is rescinded as applied to irrigated lands within the Eastern San Joaquin River Watershed. Existing Members that had previously enrolled under the Coalition Group Conditional Waiver will be enrolled under this Order upon timely submittal of a Notice of Confirmation (see section VII.A of this Order).

[2] Water that travels through or remains on the surface of a Member's agricultural fields includes ditches and other structures (e.g., ponds, basins) that are used to convey supply or drainage water within that Member's parcel or between contiguous parcels owned or operated by that Member.

[3] ICF International. 2011. *Irrigated Lands Regulatory Program, Program Environmental Impact Report.* Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

8. This Order implements the Salt and Nitrate Control program for the Central Valley, which was incorporated into the Central Valley Water Board's *Water Quality Control Plan for the Sacramento and San Joaquin River Basins* (hereafter Basin Plan) on 17 January 2020. The Salt and Nitrate Control Program is designed to address both legacy and ongoing salt and nitrate accumulation issues in surface and groundwater. The over-arching management goals and priorities of the control program are to:

    a) Ensure safe drinking water supply

    b) Reduce salt and nitrate loading so that ongoing discharges neither threaten to degrade high quality waters absent appropriate findings by the Central Valley Board nor cause or contribute to exceedances of water quality objectives[4]

    c) Implement long-term, managed restoration of impaired water bodies

9. For the purposes of implementing the Nitrate Control Program, the Basin Plan has established priority designations for select groundwater basins/sub-basins. These priority designations will dictate timelines for certain requirements under this Order and associated Monitoring and Reporting Program Requirements. A community or permittee may request that the Central Valley Water Board advance or defer the issuance of Notices to Comply for a basin, sub-basin, or portion of a sub-basin. For requests to change a Notice to Comply issuance timeline, the Central Valley Water Board will make a decision for all requests that include a basin, sub-basin, or portion of a sub-basin that is in a previously designated Priority Basin. The Executive Officer will make a decision for a request to change a Notice to Comply issuance timeline if the request is for a basin, sub-basin, or portion of a sub-basin that is not in a previously designated Priority Basin. Requests for deferrals must be provided no later than six months prior to the scheduled issuance of a Notice to Comply.

Growers Regulated Under this Order

10. This Order regulates both landowners and operators of irrigated lands from which there are discharges of waste that could affect the quality of any waters of the state. In order to be covered by this Order, the landowners or operators must be Members. Because this Order regulates both landowners and operators, but does not require enrollment of both parties, the provisions of this Order require that the Member provide notification to the non-Member responsible party of enrollment under this Order. The Third-Party group representing Members will assist with carrying out the conditions of this Order. Both the landowner and operator are ultimately responsible for complying with the terms and conditions of this Order.

11. The Third-Party entity proposing to represent Members in the Order watershed area (the Third-Party) is required to submit to the Central Valley Water Board an application to represent growers within this Order's coverage area. The Third-Party representation will

[4] This provision is a requirement in the revised Salt and Nitrate Control Program that was adopted by the Central Valley Water Board in December 2020 and is pending approval by the State Water Board, the Office of Administrative Law (OAL), and the U.S. Environmental Protection Agency (USEPA).

become effective upon Central Valley Water Board Executive Officer approval of the Third-Party's application. The East San Joaquin Water Quality Coalition served as the Third-Party group representing owners and operators of irrigated lands within the Order watershed area during the interim irrigated lands regulatory program, Order R5-2006-0053 (Coalition Group Conditional Waiver).

12. The Third-Party on behalf of its enrolled members will be responsible for fulfilling the regional requirements and conditions (e.g., implementation of the Salt and Nitrate Control Program, surface and groundwater monitoring, regional management plan development and tracking) of this Order and associated Monitoring and Reporting Program Order R5-2012-0116-10 (MRP). By retaining its Third-Party membership or establishing a new membership, a Member is agreeing to be represented by the Third-Party for the purposes of this Order. Any requirements or conditions not fulfilled by the Third-Party are the responsibility of the individual Member. The Member and non-Member owners and operators are responsible for conduct of operations on the Member's enrolled property.

13. To apply for coverage under this Order, a grower that is not a current Member in the Third-Party group will enroll under this Order by obtaining membership in the Third-Party group (see section VII.A of this Order for specific requirements).

Reason for the Central Valley Water Board Issuing this Order

14. The Eastern San Joaquin River Watershed region has approximately one million acres of cropland under irrigation and approximately 3,900 growers with "waste discharges from irrigated lands," as defined in Attachment E to this Order. Currently, approximately 165,000 acres are regulated under the Water Board's General Order for Existing Milk Cow Dairies (R5-2007-0035) and 538,121 acres are regulated under the Coalition Group Conditional Waiver. Approximately 3,600 growers and 835,000 associated irrigated acres will require regulatory coverage under this Order or other WDRs or conditional waivers of WDRs. Small Farming Operations are those with a total farming operation that comprises less than 60 acres of irrigated land. In counties within the Eastern San Joaquin River Watershed, Small Farming Operations are operated by approximately 61 percent of the growers, but account for approximately 6% of the total irrigated lands.[5]

15. The Eastern San Joaquin River Watershed region contains all or portions of seven groundwater sub basins and has approximately 3,000 linear miles of surface water courses (including 700 linear miles of named surface water courses) that are, or could be, affected by discharges of waste from irrigated lands. This does not include surface water courses in the foothill and mountainous regions of the Third-Party area, where there are few irrigated lands operations. Discharges of waste from irrigated lands could adversely affect the quality of the "waters of the state," as defined in Attachment E to this Order.

16. Within the Third-Party area, there are approximately 359,000 acres of irrigated lands within Department of Pesticide Regulation (DPR) Groundwater Protection Areas

[5] Data are for Madera, Mariposa, Merced, Stanislaus, and Tuolumne Counties; United States Department of Agriculture. 2007. *Census of Agriculture*.

(GWPAs). DPR identifies these areas as vulnerable to groundwater contamination from the agricultural use of certain pesticides, based upon either pesticide detections in groundwater or upon the presence of certain soil types (leaching and/or runoff) and a depth to groundwater shallower than 70 feet. Of the 359,000 acres, approximately 236,000 acres of the irrigated lands are within DPR GWPAs that are characterized as vulnerable to leaching of pesticides (leaching areas), approximately 120,000 acres are within GWPAs that are characterized as vulnerable to movement of pesticides to groundwater by runoff from fields to areas were they may move to groundwater (runoff areas), and 2,510 acres of irrigated lands are characterized as both leaching and runoff areas. For leaching areas, certain water-soluble pesticides are carried mainly with excess irrigation water or rainwater through the soil profile and potentially to the underlying aquifer. For runoff areas, certain water-soluble pesticides are carried mainly with runoff over the land surface to potential conduits to groundwater. However, DPR has not established or analyzed the GWPAs with fertilizers and nitrate in mind, and its GWPAs are established based upon detections of certain pesticides, many of which are of lower solubility. Solubility is one factor that can lead to groundwater contamination. Depending on the frequency of application and amount applied, certain water-soluble constituents, such as nitrate, may share common pathways to groundwater with soluble pesticides. This Order includes consideration of DPR's vulnerability factors and GWPAs by the Third-Party in the determination of high vulnerability areas for nitrate.

17. The Central Valley Water Board's *Irrigated Lands Regulatory Program Existing Conditions Report* (ECR)[6] identifies waters of the state with impaired water quality attributable to or influenced by irrigated agriculture, including within the Third-Party area. The *Irrigated Lands Regulatory Program Environmental Impact Report* (PEIR) describes that *"[f]rom a programmatic standpoint, irrigated land waste discharges have the potential to cause degradation of surface and groundwater…."*

18. Approximately 25 water bodies encompassing 450 linear miles of surface water courses have been listed as impaired pursuant to Clean Water Act section 303(d)[7] within the Third-Party area. Approximately 15 of those water bodies identify the potential source of the impairment as agriculture, and the remaining water bodies identify an unknown source of impairment. For example, Berenda Creek, Berenda Slough, Deadman Creek, Dry Creek, Duck Slough, Harding Drain, Highline Canal, Merced River, Mustang Creek, San Joaquin River, Stanislaus River, and the Tuolumne River are listed as impaired by the pesticide chlorpyrifos. Agriculture is identified as the potential source of impairment.

19. Elevated levels of nitrates in drinking water can have significant negative health effects on sensitive individuals. The Basin Plan contains a water quality objective for nitrate to protect the drinking water uses. The water quality objective for nitrate is the maximum contaminant level (MCL) of 10 mg/L for nitrate plus nitrite as nitrogen (or 45 mg/L of nitrate as nitrate) established by the California Department of Public Health (22 CCR

[6] California Regional Water Quality Control Board, Central Valley Region, and Jones and Stokes. 2008. *Irrigated Lands Regulatory Program Existing Conditions Report*. Sacramento, CA.

[7] 2008-2010 303(d) List.

section 64431) that has been set at a level to protect the most at risk groups – infants under six months old and pregnant women.[8]

In some areas, nitrate from both agricultural and non-agricultural sources has resulted in degradation and/or pollution of groundwater beneath agricultural areas in the Central Valley.[9] Available data (see Information Sheet and the PEIR) indicate that there are a number of wells within the Eastern San Joaquin River Watershed that have exceeded the MCL for nitrate. Groundwater in the Eastern San Joaquin Watershed has been designated for drinking water uses; therefore, the water quality objective of 10 mg/L for nitrate plus nitrite (as nitrogen) applies to groundwaters in the Eastern San Joaquin River Watershed. Where nitrate groundwater quality data are not available, information on the hydrogeological characteristics of the area suggest that significant portions of the Eastern San Joaquin River Watershed are vulnerable to nitrate contamination. Sources of nitrate in groundwater include leaching of excess fertilizer, confined animal feeding operations, septic systems, discharge to land of wastewater, food processor waste, unprotected well heads, improperly abandoned wells, and lack of backflow prevention on wells.

20. The Central Valley Water Board's authority to regulate waste discharges that could affect the quality of the 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).

21. Water Code section 13263 requires the Central Valley Water Board to prescribe WDRs, or waive WDRs, for proposed, existing, or material changes in discharges of waste that could affect water quality. The Board may prescribe waste discharge requirements although no discharge report under Water Code section 13260 has been filed. The WDRs must implement relevant water quality control plans and the Water Code. The Central Valley Water Board may prescribe general waste discharge requirements for a category of discharges if all the following criteria apply to the discharges in that category:

    a) The discharges are produced by the same or similar operations.

    b) The discharges involve the same or similar types of waste.

    c) The discharges require the same or similar treatment standards.

    d) The discharges are more appropriately regulated under general requirements than individual requirements.

    The rationale for developing general waste discharge requirements for irrigated agricultural lands in the Eastern San Joaquin River Watershed includes: (a) discharges are produced by similar operations (irrigated agriculture); (b) waste discharges under this Order involve similar types of wastes (wastes associated with farming); (c) water quality management practices are similar for irrigated agricultural operations; (d) due to the large

[8] See, for example, the California Department of Public Health Nitrate Fact Sheet. <www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/nitrate/fact_sheet_nitrate_may2014_update.pdf>

[9] PEIR, Appendix A

number of operations and their contiguous location, these types of operations are more appropriately regulated under general rather than individual requirements; and (e) the geology and the climate are similar, which will tend to result in similar types of water quality problems[10] and similar types of solutions.

22. Whether an individual discharge of waste from irrigated lands may affect the quality of the waters of the state depends on the quantity of the discharge, quantity of the waste, the quality of the waste, the extent of treatment, soil characteristics, distance to surface water, depth to groundwater, crop type, management practices and other site-specific factors. These individual discharges may also have a cumulative effect on waters of the state. Waste discharges from some irrigated lands have impaired or degraded and will likely continue to impair or degrade the quality of the waters of the state within the Central Valley Region if not subject to regulation pursuant to the Porter-Cologne Water Quality Control Act (codified in Water Code Division 7).

23. Water Code section 13267(b)(1) states: *"(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports. (2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes may not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies. However, these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report."*

24. Technical reports are necessary to evaluate Member compliance with the terms and conditions of this Order and to assure protection of waters of the state. Consistent with Water Code section 13267, this Order requires the implementation of a monitoring and reporting program (MRP) that is intended to determine the effects of Member waste discharges on water quality, to verify the adequacy and effectiveness of the Order's conditions, and to evaluate Member compliance with the terms and conditions of the Order The Third-Party is tasked with describing high and low vulnerability areas based on definitions provided in Attachment E to this Order and guidance provided in the MRP for development of the Groundwater Assessment Report. The Executive Officer will review Third-Party proposed high and low vulnerability areas and make the final determination of these areas. High and low vulnerability areas will be reviewed and updated throughout

[10] "Water quality problem" is defined in Attachment E.

the implementation of this Order. A Member who is covered under this Order must comply with MRP Order R5-2012-0116-10 which is part of this Order, and future revisions thereto by the Executive Officer or Board.

25. The surface water quality monitoring and trend groundwater quality monitoring under this Order are regional in nature instead of individual field discharge monitoring. The benefits of regional monitoring include the ability to determine whether water bodies accepting discharges from numerous irrigated lands are meeting water quality objectives and to determine whether practices, at the watershed level, are protective of water quality. However, there are limitations to regional monitoring's effectiveness in determining possible sources of water quality problems, the effectiveness of management practices, and individual compliance with this Order's requirements.

    Therefore, through the reporting and evaluation of applied nitrogen versus removed nitrogen, the Management Practices Evaluation Program, development and utilization of Groundwater Protection Targets, the Surface Water Quality Management Plans and Groundwater Quality Management Plans, the Third-Party must evaluate the effectiveness of management practices in protecting water quality. In addition, Members must report the practices they are implementing to protect water quality and comply with Surface and Groundwater Quality Management Plans as applicable. Through the evaluations and studies conducted by the Third-Party, the reporting of applied and removed nitrogen as well as the management practices used by the Members, and the Board's compliance and enforcement activities, the Board will be able to determine whether a Member is complying with the Order.

    Where required monitoring and evaluation does not allow the Central Valley Water Board to determine potential sources of water quality problems or identify whether management practices are effective, this Order requires the Third-Party to provide technical reports at the direction of the Executive Officer. Such technical reports are needed when monitoring or other available information is not sufficient to determine the effects of irrigated agricultural waste discharges to state waters. It may also be necessary for the Board to conduct investigations by obtaining information directly from Members to assess individual compliance.

26. The Basin Plan designates beneficial uses, establishes water quality objectives, contains programs of implementation needed to achieve water quality objectives, and references the plans and policies adopted by the State Water Board. The water quality objectives are developed to protect the beneficial uses of waters of the state. Compliance with water quality objectives will protect the beneficial uses listed in Finding 29.

27. Amendments to the Basin Plan to incorporate a Central Valley-wide Salt and Nitrate Control Program (Salt and Nitrate Control Program) became effective 17 January 2020, the Notice of Decision date following the Office of Administrative Law (OAL) Approval. For those components subject to U.S. Environmental Protection Agency (USEPA) approval, the effective date of the Amendments is 2 November 2020, the date of USEPA approval. The Salt and Nitrate Control Program establishes a framework for addressing legacy and ongoing salt and nitrate accumulation issues, with the primary focus on early actions (first ten years) on groundwater quality and in particular nitrate impacts to drinking

water supplies. The amendments additionally establish a Surveillance and Monitoring Program to support the efforts of the control program and assess its progress, and if appropriate, support efforts to re-evaluate the requirements of the control program. This Order requires the Third-Party Groups on behalf of their Members to provide information necessary to satisfy the monitoring efforts required by the entity leading the monitoring study and participate in the preparation of a Program Assessment Report. Participation may include, but is not limited to, the contribution of funding for the preparation of the report and any additional activities necessary to ensure that all required information is available to the lead entity.

Revisions to the Salt and Nitrate Control Program were approved by the Central Valley Water Board on 10 December 2020 and are pending before the State Water Resources Control Board for approval. The revisions will become effective upon OAL approval. For those components subject to USEPA approval, the effective date of the revisions will be the date of USEPA approval. The revisions modify some provisions of the Salt and Nitrate Control Program and major goals, but do not change the overall framework, including the requirements to take early actions to address the drinking water needs of impacted users. Since these revisions have been approved by the Central Valley Water Board, they have been incorporated into this Order, and any requirements derived from those revisions are enforceable requirements upon the effective date of the revisions.

28. This Order implements the Basin Plan by requiring the implementation of management practices to achieve compliance with applicable water quality objectives and requiring the prevention of nuisance. The Order requires implementation of a monitoring and reporting program to determine effects of discharges on water quality and the effectiveness of management practices designed to comply with applicable water quality objectives.

29. Pursuant to the Basin Plan and State Water Board plans and policies, including State Water Board Resolution 88-63, and consistent with the federal Clean Water Act, the existing and potential beneficial uses of waters in the Eastern San Joaquin River Watershed may include:

    a) Municipal and Domestic Supply
    b) Agricultural Supply
    c) Industrial Service Supply
    d) Hydropower Generation
    e) Water Contact Recreation
    f) Non-Contact Water Recreation
    g) Warm Freshwater Habitat
    h) Cold Freshwater Habitat
    i) Migration of Aquatic Organisms
    j) Spawning, Reproduction and Development
    k) Wildlife Habitat

l) Freshwater Replenishment

m) Industrial Process Supply

30. In May 2004, the State Water Board adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The purpose of the NPS Policy is to improve the state's ability to effectively manage NPS pollution and conform to the requirements of the Federal Clean Water Act and the Federal Coastal Zone Act Reauthorization Amendments of 1990. The NPS Policy requires, among other key elements, an NPS control implementation program's ultimate purpose to be explicitly stated. It also requires implementation programs to, at a minimum, address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.

31. This Order constitutes an NPS Implementation Program for the discharges regulated by the Order. The ultimate purpose of this program is expressly stated in the goals and objectives for the ILRP, described in the PEIR and Attachment A to this Order. Attachment A, Information Sheet, describes the five key elements required by the NPS Policy and provides justification that the requirements of this Order meet the requirements of the NPS Policy. This Order is consistent with the NPS Policy.

32. The United States Environmental Protection Agency adopted the National Toxics Rule (NTR) on 5 February 1993 and the California Toxics Rule (CTR) on 18 May 2000, which was modified on 13 February 2001. The NTR and CTR contain water quality criteria which, when combined with beneficial use designations in the Basin Plans, constitute enforceable water quality standards for priority toxic pollutants in California surface waters.

California Environmental Quality Act

33. For purposes of adoption of this Order, the Central Valley Water Board is the lead agency pursuant to CEQA (Public Resources Code sections 21100 et seq.). Pursuant to Board direction in Resolutions R5-2006-0053 and R5-2006-0054, a Program Environmental Impact Report (PEIR) was prepared. In accordance with CEQA, the Central Valley Water Board, acting as the lead agency adopted Resolution R5-2011-0017 on 7 April 2011, certifying the PEIR for the Irrigated Lands Regulatory Program.

34. The Central Valley Water Board prepared a Supplemental Program Environmental Impact Report (SPEIR) to consider new project-level impacts from the Salt and Nitrate Control Program. The SPEIR need not analyze all impacts from the Salt and Nitrate Control Program, only those not previously analyzed in the Salt and Nitrate Control Program's Substitute Environmental Document (SED) that was approved by the Central Valley Water Board. (Pub. Res. Code section 22159.2, subd. (b).) The SPEIR found that there were three project-specific impacts not fully considered in the SED: impacts to air quality, climate change, and transportation and circulation. The SPEIR therefore added the Salt and Nitrate Control Program as a new alternative to the PEIR that could be used in conjunction to the other Alternatives and thoroughly identified, disclosed, and analyzed impacts to those three categories. In accordance with CEQA, the Central

Valley Water Board, acting as the lead agency, adopted Resolution R5-2021-0017 on 22 April 2021, certifying the SPEIR.

35. This Order relies on the environmental impact analysis contained in the PEIR and SPEIR to satisfy the requirements of CEQA. Although the Order is not identical to any of the PEIR alternatives, the Order is comprised entirely of elements of the PEIR's wide range of alternatives. Therefore, the PEIR and SPEIR identified, disclosed, and analyzed the potential environmental impacts of the Order. The potential compliance activities undertaken by the regulated Members in response to this Order fall within the range of compliance activities identified and analyzed in the PEIR and SPEIR. Therefore, all potentially adverse environmental impacts of this Order have been identified, disclosed, and analyzed in the PEIR and SPEIR. If it is determined that a grower filing for coverage under this Order could create impacts not identified in the PEIR, individual WDRs would be prepared for that grower and additional CEQA analysis performed, which would likely tier off the PEIR as necessary. (See Title 14, CCR section 15152).

36. The requirements of this Order are based on elements of Alternatives 2 through 6 of the PEIR and Alternative A. The PEIR concludes that implementation of some of these elements has the potential to cause significant adverse environmental impacts. Such impacts are associated, directly and indirectly, with specific compliance activities growers may conduct in response to the Order's regulatory requirements. Such activities are expected to include implementation of water quality management practices and monitoring well installation and operation. Attachment A of this Order describes example water quality management practices that may be implemented as a result of this Order and that monitoring wells may be installed as a result of this Order. The types and degrees of implementation will be similar to those described in the PEIR for Alternatives 2 through 6. Also, because the cost of this Order is expected to fall within the range of costs described for Alternatives 2 through 6, significant impacts to agriculture resources under this Order will be similar to those described in the PEIR. Because of these similarities, this Order relies on the PEIR and SPEIR for its CEQA analysis. A listing of potential environmental impacts, the written findings regarding those impacts consistent with section 15091 of the CEQA Guidelines, and the explanation for each finding are contained in a separate Findings of Fact and Statement of Overriding Considerations document (Attachment D), which is incorporated by reference into this Order.

37. Where potentially significant environmental impacts identified in Attachment D may occur as a result of Members' compliance activities, this Order requires that Members either avoid the impacts where feasible or implement identified mitigation measures, if any, to reduce the potential impacts to a less than significant level. Where avoidance or implementation of identified mitigation is not feasible, use of this Order is prohibited and individual WDRs would be required. The Monitoring and Reporting Program (MRP) Order, Attachment B, includes a Mitigation Monitoring and Reporting Program to track the implementation of mitigation measures.

38. The PEIR finds that none of the program alternatives will cause significant adverse impacts to water quality. Consistent with alternatives in the PEIR, this Order contains measures needed to achieve and maintain water quality objectives and beneficial uses,

reduce current pollutant loading rates, and minimize further degradation of water quality. As such, this Order will not cause significant adverse impacts to water quality.

State Water Resources Control Board Resolution 68-16

39. State Water Resources Control Board (State Water Board) Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16 or "antidegradation policy") requires that a Regional Water Quality Control Board maintain high quality waters of the state unless the Board determines that any authorized degradation is consistent with maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Quality Control Board's policies (e.g., quality that exceeds applicable water quality objectives). The Board must also assure that any authorized degradation of existing high quality waters is subject to waste discharge requirements which will result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that pollution, or nuisance will not occur and the highest water quality consistent with the maximum benefit to the people of the state will be maintained.

40. The Central Valley Water Board has information in its records that has been collected by the Central Valley Water Board, growers, educational institutions, and others that demonstrates that many water bodies within the Central Valley Region are impaired for various constituents, including pesticides, nitrates, and salts. Many water bodies have been listed as impaired pursuant to Clean Water Act section 303(d). This Order does not authorize further degradation of such waters.

    Appendix A to the PEIR for the Irrigated Lands Program describes that *"there may be cases where irrigated agricultural waste discharges threaten to degrade high quality waters."* For discharges to water bodies that are high quality waters, this Order is consistent with Resolution 68-16. Attachment A to this Order summarizes applicable antidegradation requirements and provides detailed rationale demonstrating how this Order is consistent with Resolution 68-16. As indicated in the summary, this Order authorizes limited degradation of high-quality waters, not to exceed water quality objectives, threaten beneficial uses, or cause a condition of pollution or nuisance. The Order will also result in the implementation of BPTC by those discharging to high quality waters and assure that any change in water quality will be consistent with maximum benefit to the people of the state. For discharges of salt to surface and groundwaters, participation in the Prioritization and Optimization Study (P&O Study) and implementation of reasonable, feasible, and practicable efforts to control levels of salt in discharges are considered to be BPTC. Prior to authorizing the degradation of a high-quality water under the Conservative Permitting Approach of the Salt Control Program as described in this Order, the Board must find that allowing degradation by applicable Members better serves the people of the state than their participation in the P&O Study for Phase 1 of the Salt Control Program.

California Water Code Sections 13141 and 13241

41. California Water Code section 13141 states that "prior to implementation of any agricultural water quality control program, an estimate of the total cost of such a program, together

with an identification of potential sources of financing, shall be indicated in any regional water quality control plan." Section 13141 concerns approvals or revisions to a water quality control plan and does not necessarily apply in a context where an agricultural water quality control program is being developed through waivers and waste discharge requirements rather than basin planning. However, the Basin Plan includes an estimate of potential costs and sources of financing for the long-term irrigated lands program. The estimated costs were derived by analyzing the six alternatives evaluated in the PEIR. This Order, which implements the long-term ILRP within the Eastern San Joaquin River Watershed, is based on Alternatives 2-6 of the PEIR; therefore, estimated costs of this Order fall within the Basin Plan cost range.[11] The total annual cost of compliance with this Order, e.g., summation of costs for administration, monitoring, reporting, tracking, implementation of management practices, is expected to be approximately $4.10 per acre greater than the current surface water only protection program under the Coalition Group Conditional Waiver. The total estimated cost of compliance of continuation of the previous Coalition Group Conditional Waiver within the Eastern San Joaquin River Watershed is expected to be approximately 96 million dollars per year ($114.45 per acre annually). The total estimated cost of compliance with this Order is expected to be approximately 99 million dollars per year ($118.55 per acre annually).

Approximately $113.34 of the estimated $118.55 per acre annual cost of the Order is associated with implementation of management practices.[12] This Order does not require that Members implement specific water quality management practices. Many of the management practices that have water quality benefits can have other economic and environmental benefits (e.g., improved irrigation can reduce water and energy consumption, as well as reduce runoff). Management practice selection will be based on decisions by individual Members in consideration of the unique conditions of their irrigated agricultural lands; water quality concerns; and other benefits expected from implementation of the practice. As such, the cost estimate is an estimate of potential, not required costs of implementing specific practices. Any costs for water quality management practices will be based on a market transaction between Members and those vendors or individuals providing services or equipment and not based on an estimate of those costs provided by the Board. The cost estimates include estimated fees the Third-Party may charge to prepare the required reports and conduct the required monitoring, as well as annual permit fees that are charged to permitted dischargers for permit coverage. In accordance with the State Water Board's Fee Regulations, the current annual permit fee charged to members covered by this Order is $0.56/acre. The combined total estimated costs that include Third-Party and state fees are estimated to be $4.50 /acre annually or less than 5% of the total estimated cost of $118.55 per acre. These costs have been estimated using the same study used to develop the Basin Plan cost estimate, which applies to the whole ILRP. The basis for these estimates is provided

[11] When compared on a per irrigated acre basis; as the Basin Plan cost range is an estimate for all irrigated lands in the Central Valley versus this Order's applicability to a portion thereof (irrigated lands in Eastern San Joaquin River Watershed).

[12] Per Water Code section 13360, the Central Valley Water Board may not specify the manner in which a Member complies with water quality requirements.

in the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program*.[13] Attachment A includes further discussion regarding the cost estimate for this Order.

In addition to the compliance costs estimated in the PEIR, estimated costs of compliance with and sources of potential financing for the Salt and Nitrate Control Program for the Central Valley were evaluated in amendments made to the Basin Plan (effective 17 January 2020). Estimated costs to agriculture in the Central Valley region specific to each component of the Salt and Nitrate Control Program are as follows:

a) Salt Control Program
Costs to agriculture associated with the first phase of the Salt Control Program include costs associated with strategic planning, administration, and analyses and studies to support the P&O Study. Costs to agriculture are estimated to range from $357,000 to $696,000 per year for the first 10 years of the program. Cost identified after the first 10 years of the program are only speculative at this time and will be revised after the completion of the P&O Study. Costs are expressed as 2016 dollars.

b) Nitrate Control Program
Costs to agriculture associated with long-term restorations efforts are only speculative at this time. Costs associated with the Nitrate Control Program include costs associated with providing short-term safe drinking water supplies and development of Management Zones throughout the Priority 1 and Priority 2 basins/sub-basins. Costs are estimated to range from $24.1 million to $35.9 million per year. Costs are expressed as 2016 dollars

c) Surveillance and Monitoring Program
Costs to agriculture associated with the Surveillance and Monitoring Program are costs designed to ensure the success of the Salt and Nitrate Control Program. Costs to agriculture are estimated to range from $210,000 to $390,000 per year. Costs are expressed as 2016 dollars.

42. California Water Code section 13263 requires that the Central Valley Water Board consider the following factors, found in section 13241, when considering adoption of waste discharge requirements.

a) Past, present, and probable future beneficial uses of water.

b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.

c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.

d) Economic considerations.

[13] ICF International. 2010. *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program*. Draft. July. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

e) The need for developing housing within the region.

f) The need to develop and use recycled water.

These factors have been considered in the development of this Order. Attachment A, Information Sheet, provides further discussion on the consideration of section 13241 factors.

Relationship to Other Ongoing Water Quality Efforts

43. Other water quality efforts conducted pursuant to state and federal law directly or indirectly serve to reduce waste discharges from irrigated lands to waters of the state. Those efforts will continue and will be supported by implementation of this Order.

44. Total Maximum Daily Loads (TMDLs) are established for surface waters that have been placed on the State Water Board's 303(d) list of Water Quality Limited Segments for failure to meet applicable water quality standards. A TMDL, which may be adopted by the Central Valley Water Board as Basin Plan amendments, is the sum of allowable loads of a single pollutant from all contributing point sources and nonpoint sources. The Central Valley Water Board is currently developing a pesticide TMDL and organochlorine pesticide TMDL, among others in development. This Order will implement these and other future TMDLs to the extent there are established requirements that pertain to irrigated agriculture, as well as the following approved TMDLs: San Joaquin River Deep Water Ship Channel dissolved oxygen; San Joaquin River salt, boron, selenium, diazinon, and chlorpyrifos.

45. The General Order for Existing Milk Cow Dairies (R5-2007-0035) and NPDES Dairy General Permit CAG015001 (Dairy General Orders) regulate discharges of waste to surface waters and groundwater from existing milk cow dairies in the Central Valley. Discharges from irrigated agricultural parcels are regulated by the Dairy General Orders if the owner or operator of the parcel applies dairy waste from its dairy operation. Irrigated agricultural parcels that receive dairy waste from external sources must obtain regulatory coverage for their discharge under this Order or waste discharge requirements that apply to individual growers. The Central Valley Water Board encourages the dairy industry and the Third-Party to coordinate the surface water and groundwater quality monitoring required of the two orders and coordinate their response to identified water quality problems.

46. The Central Valley Water Board approved the East San Joaquin Water Quality Coalition Management Plan on 25 November 2008. This plan includes implementation of the approved TMDLs listed in Finding 44. This plan (along with updates and modifications approved by the Executive Officer) will continue to be implemented under this Order to address the surface water quality problems identified therein, unless and until such time the Executive Officer requires modification of the plan or deems it to be complete, as described in this Order.

Coordination and Cooperation with Other Agencies

47. *Integrated Regional Water Management Plans*: Pursuant to part 2.75 of Division 6 of the Water Code (commencing with section 10750), local agencies are authorized to adopt and implement groundwater management plans (hereinafter "local groundwater management plans"), including integrated regional water management plans. The legislation provides recommended components to the plans such as control of saline water intrusion, regulation of the migration of contaminated water, monitoring of groundwater levels and storage, and the development of relationships with regulatory agencies. The information collected through implementation of groundwater management plans can support or supplement efforts to evaluate potential impacts of irrigated agricultural discharges on groundwater. This Order requires the Third-Party to develop regional groundwater monitoring workplans and, where necessary, groundwater quality management plans (GQMPs). The Third-Party is encouraged to coordinate with local groundwater management plans and integrated regional water management plans, where applicable, when developing regional groundwater monitoring workplans and GQMPs.

48. *California Department of Pesticide Regulation (DPR)*: DPR has developed a Groundwater Protection Program under the authority of the Pesticide Contamination Prevention Act (PCPA) (commencing with Food and Agriculture Code section 13142). The program is intended to prevent contamination of groundwater from the legal application of pesticides. In addition to activities mandated by the PCPA, DPR's program has incorporated approaches to identify areas vulnerable to pesticide movement, develop mitigation measures to prevent pesticide contamination, and monitor domestic drinking water wells located in groundwater protection areas. The Groundwater Protection Program can provide valuable information on potential impacts to groundwater from agricultural pesticides. If necessary, DPR and the county agricultural commissioners can use their regulatory authorities to address any identified impacts to groundwater or surface water attributable to pesticide discharges from agricultural fields.

49. *California Department of Food and Agriculture (CDFA)*: The CDFA Fertilizer Research and Education Program (FREP) coordinates research to advance the environmentally safe and agronomically sound use and handling of fertilizer materials. The University of California Agriculture and Natural Resources (UC ANR) and CDFA FREP developed and held twelve nitrogen management certification training sessions for Certified Crop Advisors (CCAs) between 2012 and 2020, certifying approximately 1,040 CCAs statewide. In 2021 CDFA partnered with UC ANR and the American Society of Agronomy (ASA) to create a specialty certification within the CCA program to replace the training program. The CCA California Nitrogen Management Specialty requires extra testing and continuing education requirements administered by ASA. CDFA has also developed a program to provide nitrogen management training to growers. Among other certification options available for irrigation and nitrogen management plans, the CDFA training program and the CCA California Nitrogen Management Specialty will be recognized as providing the training necessary for a Member or CCA to certify irrigation and nitrogen management plans. In addition, this Order requires the preparation of an irrigation and nitrogen management plan and submittal of a summary report. CDFA has had an active role in working with the agricultural community on the concepts related to the template

and that role is expected to continue. This Order leverages CDFA's expertise and partnerships with respect to nitrogen management training and technical support to the professionals and Third-Parties that will be developing irrigation and nitrogen management plans for individual Members.

50. *Nitrogen Management and Control* – In response to nitrate groundwater concerns, the Legislature enacted Chapter 1 of the Second Extraordinary Session of 2008 (SBX2 1, Perata), requiring the State Water Board to develop pilot projects focusing on nitrate in groundwater in the Tulare Lake Basin and the Salinas Valley, and to submit a Report to the Legislature.[14] In its report, the State Water Board made fifteen recommendations to address the issues associated with nitrate contaminated groundwater.

    In fulfillment of Recommendation #11 of the Report to the Legislature, CDFA, in coordination with the Water Boards, convened the Nitrogen Tracking and Reporting Task Force (Nitrogen Tracking Task Force) to identify an appropriate nitrogen tracking and reporting system and to provide meaningful and high quality data to help CDFA and the Water Boards address groundwater quality nitrate issues in California. The Nitrogen Tracking Task Force included stakeholders and experts from agricultural organizations, academia, regulatory agencies, and the environmental advocacy community. The Task Force's Final Report[15] was released December 5, 2013 and made recommendations for a nitrogen tracking and reporting system. The recommended system addressed eight key topics including: (1) system structure; (2) data elements; (3) roles, responsibilities, and data accessibility; (4) benefits of participation; (5) verifiability; (6) societal benefits of the recommended system; (7) limitations; and (8) system phasing.

    In fulfillment of Recommendation #14 of the Report to the Legislature, the State Water Board, in coordination with CDFA, convened the Agricultural Expert Panel to consider all existing studies, program, and efforts for agricultural nitrate control, including the recommendations of the Nitrogen Tracking Task Force. The Agricultural Expert Panel consisted of eight members with various areas of specialization including: an irrigation specialist/agricultural engineer, a soil scientist, a hydrogeologist, an agronomist, a certified crop advisor, a University of California Cooperative Extension farm advisor, a Central Coast grower, and a Central Valley grower. The Agricultural Expert Panel held multiple public meetings over a six-month period in Tulare, San Luis Obispo, and Sacramento to consider the questions posed to them by the State Water Board. In its assessment, the Agricultural Expert panel considered groundwater monitoring, tracking and reporting of nitrogen fertilizer application, estimates of nitrogen use efficiency or similar metric, and farm-specific nutrient management plans as source control measures

[14] State Water Board Resources Control Board. 2013. Report to the Legislature, Recommendations Addressing Nitrate in Groundwater. <www.swrcb.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf>

[15] California Department of Food and Agriculture. 2013. Nitrogen Tracking and Reporting Task Force Final Report. <www.cdfa.ca.gov/environmentalstewardship/PDFs/NTRSTFFinalReport122013.pdf>

and regulatory tools. The Agricultural Expert Panel Final Report[16] was presented to the State Water Board on September 23, 2014. In its Final Report, the Agricultural Expert panel recommended (in no particular order):

- Establishment of coalitions as an intermediate body between Members and Regional Boards;
- Adoption of a Nitrogen Applied to Nitrogen Removed Ratio (A/R Ratio) as the primary metric for evaluating progress on nitrogen source control;
- Development of strong, comprehensive, and sustained educational and outreach program;
- Creation and implementation of Irrigation and Nitrogen Management Plans;
- Reporting of key values of crop type, acreage, total nitrogen applied, and total nitrogen removed by Members to the Third-Party;
- Trend groundwater monitoring for nitrate concentrations to track general aquifer conditions over multiple years;
- Targeted research to directly help the agricultural community to maintain and/or improve yields while simultaneously decreasing A/R ratio on individual fields;
- Analysis of reported values on a multiple-year basis to inform agricultural community of progress and sharpen improvement efforts.

51. The Central Valley Water Board will continue to work cooperatively with the other state agencies to identify and leverage their efforts.

Enforcement for Noncompliance with this Order

52. California Water Code section 13350 provides that any person who violates Waste Discharge Requirements may be: 1) subject to administrative civil liability imposed by the Central Valley Water Board or State Water Board in an amount of up to $5,000 per day of violation, or $10 per gallon if the discharge involves a discharge of pollutants; or 2) be subject to civil liability imposed by a court in an amount of up to $15,000 per day of violation, or $20 per gallon. The actual calculation and determination of administrative civil penalties must be set forth in a manner that is consistent with the State Water Board's Water Quality Enforcement Policy.

53. The State Water Board's Water Quality Enforcement Policy (Enforcement Policy) endorses progressive enforcement action for violations of waste discharge requirements when appropriate but recommends formal enforcement as a first response to more significant violations. Progressive enforcement is an escalating series of actions that allows for the efficient and effective use of enforcement resources to: 1) assist cooperative Members in achieving compliance; 2) compel compliance for repeat

[16] State Water Resources Control Board. 2014. Conclusions of the Agricultural Expert Panel. <www.waterboards.ca.gov/water_issues/programs/agriculture/docs/ILRP_expert_panel_final_report.pdf>

violations and recalcitrant violators; and 3) provide a disincentive for noncompliance. Progressive enforcement actions may begin with informal enforcement actions such as a verbal, written, or electronic communication between the Central Valley Water Board and a Member. The purpose of an informal enforcement action is to quickly bring the violation to the Member's attention and to give the Member an opportunity to return to compliance as soon as possible. The highest level of informal enforcement is a Notice of Violation.

The Enforcement Policy recommends formal enforcement actions for the highest priority violations, chronic violations, and/or threatened violations. Violations of this Order that will be considered a priority include, but are not limited to:

a) Failure to obtain required regulatory coverage.

b) Failure to meet receiving water limitations, unless the Member is implementing a Central Valley Water Board approved SQMP or GQMP in accordance with the time schedule provisions of this Order (section XII).[17]

c) The discharge of waste to lands not owned, leased, or controlled by the Member without written permission from the landowner.

d) Failure to prevent future exceedances of water quality objectives once made aware of an exceedance.

e) Falsifying information or intentionally withholding information required by applicable laws, regulations or an enforcement order.

f) Failure to implement a SQMP/GQMP.

g) Failure to pay annual fees, penalties, or liabilities.

h) Failure to monitor or provide information to the Third-Party as required.

i) Failure to submit required reports on time.

j) Failure to implement the applicable management practices, or equivalent practices, identified as protective of groundwater in the Management Practices Evaluation Report.

54. Under this Order, the Third-Party is tasked with developing monitoring plans, conducting monitoring, developing water quality management plans, and informing Members of requirements. It is intended that the following progressive enforcement steps will generally be taken in the event that the Third-Party fails to comply with the terms and conditions of this Order or attached MRP:

a) *First notification of noncompliance to the Third-Party.* The Central Valley Water Board intends to notify the Third-Party of the non-compliance and allow a period of time for the Third-Party to come back into compliance. This notification may be in

[17] A Member participating in a Management Practices Evaluation Program study (i.e., the study is taking place on the Member's farm) where data indicate the discharge from the study area is not meeting receiving water limitations will not be a priority for enforcement, if the Member is implementing a Central Valley Water Board approved SQMP or GQMP in accordance with the time schedule provisions of this Order (section XII).

the form of a verbal notice, letter, or written notice of violation, depending on the severity of the noncompliance.

b) *Second notification of noncompliance to the Third-Party.* If the Third-Party fails to adequately respond to the first notification, the Board intends to provide written notice to the Third-Party and potentially affected Members of the failure to address the first notice.

c) *Failure of the Third-Party to adequately respond to the second notification.* Failure to adequately respond to the second notification may result in partial (e.g., affected areas or Members) or full disapproval of the Third-Party to act as a lead entity, depending on the severity of noncompliance. Growers that were Members affected by a partial or full Third-Party disapproval would be required to obtain coverage for their waste discharge under other applicable general waste discharge requirements or submit a Report of Waste Discharge to the Central Valley Water Board.

General Findings

55. This Order does not authorize violation of any federal, state, or local law or regulation.

56. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any action authorized under this Order, the Member shall obtain authorization for an incidental take prior to construction or operation of the project. The Member shall be responsible for meeting all requirements of the applicable Endangered Species Act.

57. This Order does not supersede the Central Valley Water Board’s Basin Plans and policies, including prohibitions (e.g., pesticides) and implementation plans (e.g., Total Maximum Daily Loads), or the State Water Board’s plans and policies.

58. As stated in California Water Code section 13263(g), the discharge of waste into waters of the state is a privilege, not a right, and regulatory coverage under this Order does not create a vested right to continue the discharge of waste. Failure to prevent conditions that create or threaten to create pollution or nuisance will be sufficient reason to modify, revoke, or enforce this Order, as well as prohibit further discharge.

59. This Order requires Members to provide the Third-Party with contact information of the person(s) authorized to provide access to the enrolled property for inspections. This requirement provides a procedure to enable Board staff to contact grower representatives so that it may more efficiently monitor compliance with the provisions of this Order.

60. Any instance of noncompliance with this Order constitutes a violation of the California Water Code and its regulations. Such noncompliance is grounds for enforcement action, and/or termination of coverage for waste discharges under this Order, subjecting the discharger to enforcement under the Water Code for further discharges of waste to surface or groundwater.

61. All discharges from the irrigated agricultural operation are expected to comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges to storm drain systems or to other courses under their jurisdiction.

62. The fact that it would have been necessary to halt or reduce the discharge in order to maintain compliance with this Order shall not be a defense for violations of the Order by the Member.

63. This Order is not a National Pollutant Discharge Elimination System Permit issued pursuant to the Federal Clean Water Act. Coverage under this Order does not exempt a facility from the Clean Water Act. Any facility required to obtain such a permit must notify the Central Valley Water Board.

64. Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Board.

65. The Findings of this Order, supplemental information and details in the attached Information Sheet (Attachment A), and the administrative record of the Central Valley Water Board relevant to the Irrigated Lands Regulatory Program, were considered in establishing these waste discharge requirements.

66. 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 Eastern San Joaquin River Watershed and has provided them with an opportunity for a public hearing and an opportunity to submit comments.

67. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

68. Any person affected by this action of the Central Valley Water Board may petition the State Water Board to review this action. The State Water Board must receive the petition within 30 days of the date on which the Central Valley Water Board adopted this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to California Water Code sections 13260, 13263, and 13267 and in order to meet the provisions contained in Division 7 of the California Water Code and regulations and policies adopted there under; all Members of the Third-Party group, their agents, successors, and assigns shall comply with the following:

I. Coverage

Order 2006-0053, Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Coalition Group Conditional Waiver), is hereby rescinded as it applied to Members of the East San Joaquin Water Quality Coalition in the Eastern San Joaquin River Watershed.

II. Prohibitions

1. The discharge of waste to waters of the state, from irrigated agricultural operations other than those defined in the Findings of this Order, is prohibited.
2. The discharge of hazardous waste, as defined in California Water Code section 13173 and Title 23 CCR section 2521(a), respectively, is prohibited.
3. The discharge of wastes (e.g., fertilizers, fumigants, pesticides) into groundwater via backflow through a water supply well is prohibited.
4. The discharge of any wastes (e.g., fertilizers, fumigants, pesticides) down a groundwater well casing is prohibited.

III. Receiving Water Limitations

A. Surface Water Limitations

Wastes discharged from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in surface water, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance. [18]

During Phase I of the Salt Control Program, Members whose Third-Party elects the alternative salinity approach and are fully participating in the P&O Study and who implement reasonable, feasible, and practicable efforts to control levels of salt in their discharge are in compliance with the water quality control program and shall be deemed to be adequately protecting beneficial uses and the water quality objectives reasonably required for that purpose consistent with the Salt Control Program.[19]

During Phase I of the Salt Control Program, the Members whose Third-Party elects the Conservative Permitting Approach of the Salt Control Program shall immediately be subject to surface water receiving limits upon election of the Conservative Permitting Approach.

Under the Conservative Permitting Approach, surface water receiving water limits for salinity shall be based on applicable water quality objectives when there is a site-specific numeric water quality objective; or, when there is a narrative water quality objective or Secondary Maximum Contaminant Level objective, the surface water receiving water limit shall be the conservative numeric value for electrical conductivity (EC) for protection of AGR or MUN as specified in the Salt Control Program, as applicable.

[18] These limitations are effective immediately except where 1) Members are implementing an approved Surface Water Quality Management Plan (SQMP) for a specified waste parameter in accordance with an approved time schedule authorized pursuant to sections VIII.M and XII of this Order.

[19] For the purposes of the Salt Control Program, salinity and its constituents include, and are limited to, electrical conductivity, total dissolved solids, chloride, sulfate, and sodium.

B. Groundwater Limitations

Wastes discharged from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying groundwater, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.[20]

During Phase I of the Salt Control Program, Members whose Third-Party elects the alternative salinity approach and are fully participating in the P&O Study and who implement reasonable, feasible, and practicable efforts to control levels of salt in their discharge are in compliance with the water quality control program and shall be deemed to be adequately protecting beneficial uses and the water quality objectives reasonably required for that purpose consistent with the Salt Control Program.[21]

During Phase I of the Salt Control Program, Members whose Third-Party elects the Conservative Permitting Approach of the Salt Control Program shall immediately be subject to groundwater receiving water limits upon election of the Conservative Permitting Approach. For the Conservative Permitting Approach, groundwater receiving water limits for salinity shall be based on applicable water quality objectives when there is a site-specific numeric water quality objective; or, when there is a narrative water quality objective or Secondary Maximum Contaminant Level objective, the groundwater receiving water limit shall be the conservative numeric value for electrical conductivity (EC) for protection of AGR or MUN as specified in the salt control program, as applicable.

IV. Provisions

A. General Specifications

1. The Third-Party will assist its Members in complying with the relevant terms and provisions of this Order, including required monitoring and reporting as described in MRP Order R5-2012-0116-10. However, individual Members of the Third-Party group continue to bear ultimate responsibility for complying with this Order.
2. Irrigated lands owners or operators with waste discharges to state waters (or “Dischargers”) that are not Members of the Third-Party group, or whose property is not enrolled by a Member of the Third-Party group, shall not be subject to coverage provided by the terms of this Order. Such Dischargers shall be required to obtain coverage for their waste discharge under individual waste discharge requirements or any applicable general

[20] These limitations are effective immediately except where 1) Members are implementing an approved Ground Water Quality Management Plan (GQMP) for a specified waste parameter in accordance with an approved time schedule authorized pursuant to sections VIII.M and XII of this Order. For nitrate water quality objectives, after a Third-Party receives a Notice to comply from the Central Valley Water Board for Members located in certain specified groundwater basins or subbasins, these limitations are effective immediately for those Members except where the Third-Party on behalf of those Members is complying with the Nitrate Control Program.

[21] For the purposes of the Salt Control Program, salinity and its constituents include, and are limited to, electrical conductivity, total dissolved solids, chloride, sulfate, and sodium.

waste discharge requirements that apply to individuals that are not represented by a Third-Party.

3. Members who are subject to this Order shall implement water quality management practices, as necessary, to protect water quality and to achieve compliance with applicable water quality objectives. Where applicable, the implementation of practices must be in accordance with the time schedule contained in an approved Groundwater Quality Management Plan or Surface Water Quality Management Plan.
4. Installation of groundwater monitoring wells or implementation of management practices to meet the conditions of this Order at a location or in a manner that could cause an adverse environmental impact as identified in the *Irrigated Lands Regulatory Program, Final Program Environmental Impact Report* (PEIR)[22] shall be mitigated in accordance with the mitigation measures provided in Attachment C of this Order.
5. The provisions of this Order are severable. If any provision of the Order is held invalid, the remainder of the Order shall not be affected.

B. Alternative Permitting Approaches

The Salt and Nitrate Control Programs for the Central Valley provide the Central Valley Water Board with the flexibility and authority to permit discharges of salt to surface water and groundwater and nitrate to groundwater by employing Alternative Permitting Approaches that utilize regulatory options such as variances, exceptions, offsets, management zones, and assimilative capacity allocations. For example, subject to the Nitrate Control Program and the Exceptions Policy for Salinity, Nitrate, and/or Boron, the Central Valley Water Board may grant exceptions for meeting nitrate water quality objectives in groundwater.

C. Requirements for Members of the Third-Party Group

1. Members shall comply with all applicable provisions of the California Water Code, the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, and State Water Board plans and policies.
2. All Members shall comply with the attached Monitoring and Reporting Program (MRP) R5-2012-0116-10, and future revisions thereto.
3. Members who are covered under this Order shall comply with the terms and conditions contained in this Order.
4. Each Member[23] shall participate in Third-Party outreach events, at least annually. The Member shall review outreach materials to become informed of any water quality problems to address and the management practices that are available to address those issues. The Member shall provide annual confirmation to the Third-Party that the Member has participated in an outreach activity during the previous year and reviewed the

[22] On 7 April 2011, the Central Valley Water Board adopted Resolution R5-2011-0017, certifying the PEIR for the long-term irrigated lands regulatory program.

[23] For the purposes of this provision only, the term “Member” or “Grower” includes “Designees”, provided that a Designee has responsibility for decisions related to management practices associated with farming operation.

applicable outreach materials. Members who have no parcels in areas designated as high vulnerability are not required to commence participation in Third-Party outreach events until 2020.

5. All Members shall provide the Third-Party with information requested for compliance with this Order.
6. All Members shall implement water quality management practices in accordance with any water quality management plans approved by the Central Valley Water Board Executive Officer, and/or as necessary to protect water quality and to achieve compliance with surface and groundwater receiving water limitations of this Order (sections III.A and B). Water quality management practices can be instituted on an individual basis or implemented to serve multiple growers discharging to a single location.
7. All Members shall implement effective sediment discharge and erosion prevention practices to minimize or eliminate the discharge of sediment above background levels. Members with the potential to cause erosion and discharge sediment that may degrade surface waters, as identified by the Member in their Farm Evaluation, by the Third-Party in the Sediment Discharge and Erosion Assessment Report, or by the Executive Officer shall prepare and implement a Sediment and Erosion Control Plan as specified in section VII.C below.
8. All Members shall implement practices that minimize excess nutrient application. Members shall prepare and implement a farm-specific irrigation and nitrogen management plan and submit a farm-specific irrigation and nitrogen management plan summary report as required by section VII.D of this Order.[24]
9. In addition to the reports identified in section VII of this Order, the Executive Officer may require the Member to submit additional technical reports pursuant to California Water Code section 13267.
10. The requirements prescribed in this Order do not authorize the commission of any act causing injury to the property of another, or protect the Member from liabilities under other federal, state, county, or local laws. However, enrollment under this Order does protect the Member from liability alleged for failing to comply with Water Code 13260.
11. This Order does not convey any property rights or exclusive privileges.
12. This Order shall not create a vested right, and all such discharges of waste shall be considered a privilege, as provided for in Water Code section 13263.

[24] Irrigation and Nitrogen Management Plans are prepared in advance of the crop season and based on circumstances that are forecasted. However, due to changes in weather, water availability, and other unanticipated circumstances, growers may find it necessary to adjust the Irrigation and Nitrogen Management Plan as originally prepared. Such adjustments are not considered to be violations of the Order, provided the revision maintains compliance with provision of this Order. Should such adjustments be necessary, the member must document the reasons for adjustments in the Irrigation and Nitrogen Management Plan retained at the grower's place of business and report the reasons to the Third-Party with the Irrigation and Nitrogen Management Plan retained at the grower's place of business and report the reasons to the Third-Party with the Irrigation and Nitrogen Management Plan Summary Report.

13. The Member understands that the Central Valley Water Board or its authorized representatives, may, at reasonable hours, inspect the facilities and irrigated lands of persons subject to this Order to ascertain whether the purposes of the Porter-Cologne Act are being met and whether the Member is complying with the conditions of this Order. To the extent required by Water Code section 13267(c) or other applicable law, the inspection shall be made with the consent of the Member, owner or authorized representative, or if consent is withheld, with a duly issued warrant pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with section 1822.50). In the event of an emergency affecting the public health and safety, an inspection may be performed without the consent or the issuance of a warrant.
14. The Member shall provide the Third-Party with the phone number(s) of the individual(s) with authority to provide consent to access its facilities as described in provision IV.B.13 above.
15. The Member shall properly operate and maintain in good working order any facility, unit, system, or monitoring device installed to achieve compliance with the Order.
16. Settling ponds, basins, and tailwater recovery systems shall be constructed, maintained, and operated to prevent groundwater degradation, erosion, slope failure; and minimize the discharge of sediment. The construction and operation must be consistent with the applicable Natural Resources Conservation Service (NRCS) conservation practice standard, an NRCS or University of California Cooperative Extension recommendation, or an equivalent alternative standard.
17. Where applicable, the Member shall follow state, county or local agency standards with respect to water wells and groundwater quality when constructing new wells, modifying existing wells, or destroying wells. Absent such standards, at a minimum, the Member shall follow the standards and guidelines described in the California Department of Water Resources' *Water Well Standards (Bulletins 74-81 & 74-90 combined)*.
18. The Member shall maintain a copy of this Order, either in hard copy or electronic format, at the primary place of business, or the Member's headquarters for its farming operation. The Member shall also maintain excerpts of the Order's Member requirements that have been provided by the Executive Officer, so as to be available at all times to operations personnel. The Member and his/her designee shall be familiar with the content of this Order.
19. The Member, or the Third-Party on its behalf as applicable, shall submit all required documents in accordance with section IX of this Order.
20. Members shall, at a minimum, implement water quality management practices that meet the following farm management performance standards:
    a) Minimize waste discharge offsite in surface water,
    b) Minimize percolation of waste to groundwater,
    c) Protect wellheads from surface water intrusion.
21. Members shall implement the applicable management practices, or equivalent practices, identified as protective of groundwater in the Management Practices Evaluation Report.

22. Members shall comply with the Salt and Nitrate Control Program, as applicable.

D. Requirements for the Third-Party Group

In order to remain eligible to serve as a Third-Party representative to Members, the Third-Party shall perform the following:

1. Provide the Central Valley Water Board documentation of its organizational or management structure. The documentation shall identify persons responsible for ensuring that program requirements are fulfilled. The documentation shall be made readily available to Members.
2. Prepare annual summaries of expenditures of fees and revenue used to comply with this Order. The summaries shall be provided to or made readily available to Members.
3. If the Third-Party group receives a notice of violation (NOV) from the Central Valley Water Board, the Third-Party must provide to Members in the area addressed by the NOV appropriate information regarding the reason(s) for the violation. The notification must be provided to all Members within the area affected by the NOV within thirty (30) days of receiving the NOV from the Board. The Third-Party group must provide confirmation to the Board of each notification. A summary of all notices of violation received by the Third-Party group must be provided to all Members annually.
4. Develop and implement plans to track and evaluate the effectiveness of water quality management practices, pursuant to approved Surface Water Quality Management Plans and Groundwater Quality Management Plans.
5. Provide timely and complete submittal of any plans or reports required by this Order.
6. Conduct required water quality monitoring and assessments in conformance with quality assurance/quality control requirements. Provide timely and complete submittal of any reports required by this Order.
7. Within 30 days of receiving an NOA from the Central Valley Water Board (as described in section VIII.A), inform Members of this Order's requirements by providing a notice of confirmation form to be completed by each Member.
8. Conduct education and outreach activities to inform Members of program requirements and water quality problems, including exceedances of water quality objectives or degradation of water quality, identified by the Third-Party or Central Valley Water Board. Outreach events and materials shall include information on nitrogen application practices and the potential impact of nitrates on groundwater and, as appropriate depending on the anticipated grower audience, shall be provided in multiple languages. The Third-Party shall:
    a) Maintain participation lists for outreach activities, provide Members with information on water quality management practices that will address water quality problems and minimize the discharge of wastes from irrigated lands, and provide informational materials on potential environmental impacts of water quality management practices to the extent known by the Third-Party group.
    b) Provide an annual summary of education and outreach activities to the Central Valley Water Board. The annual summary shall include copies of the educational

and management practice information provided to the growers. The annual summary must report the total number of growers who attended the outreach events and describe how growers could obtain copies of the materials presented at these events.

c) Provide additional INMP self-certification training for Members notified as being outliers for reported AR data and who opt not to use a specialist for INMP certification. This INMP self-certification training shall be focused on assisting Members in reducing their overall A/R3 year ratio and shall require in-person attendance.

9. Work cooperatively with the Central Valley Water Board to ensure all Members are providing required information and taking necessary steps to address exceedances or degradation identified by the Third-Party or Board. As part of the Membership List submittal, identify the growers who have: (1) failed to implement improved water quality management practices within the timeframe specified by an applicable SQMP/GQMP; (2) failed to respond to an information request associated with any applicable SQMP/GQMP or other provisions of this Order; (3) failed to participate in Third-Party studies for which the Third-Party is the lead; (4) failed to provide confirmation of participation in an outreach activity (per section IV.C.4 of this Order); or (5) failed to submit required fees to the Third-Party.
10. Ensure that any activities conducted on behalf of the Third-Party by other groups meet the requirements of this Order. The Third-Party is responsible for any activities conducted on its behalf.
11. Collect any fees from Members required by the State Water Board pursuant to the fee schedule contained in Title 23 CCR. Such fees shall then be submitted to the State Water Board.
12. Ensure that requirements for compliance with the Salt and Nitrate Control program are being met on behalf of its Members.

V. Effective Dates

1. This Order is effective upon adoption by the Central Valley Water Board on 7 December 2012 and remains in effect as revised by the Central Valley Water Board on 3 October 2013, 27 March 2014, 17 April 2015, 2 October 2015, 19 February 2016, 5 April 2019, and 22 April 2021; and as revised by the State Water Board Order on 7 February 2018; unless rescinded or further revised by the Central Valley Water Board.
2. Regulatory coverage under this Order for discharges of waste from Members already enrolled under Order R5-2006-0053 is effective upon adoption of this Order by the Central Valley Water Board. Regulatory coverage under this Order is automatically terminated, if a Notice of Confirmation (NOC) is not received by the Third-Party from the currently enrolled Member within 120 days of Executive Officer issuance of an NOA to the Third-Party.
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 after 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.

4. Upon the Third-Party's receipt of a Notice to Comply, Members shall be subject to the requirements of the Salt and Nitrate Control Program as applicable, and the Third- Party shall ensure that requirements for compliance with the Salt and Nitrate Control Program are being met on behalf of its Members.

VI. Permit Reopening, Revision, Transfer, Revocation, Termination, and Reissuance

1. This Order may be reopened to address any changes in state statutes, regulations, plans, or policies that would affect the water quality requirements for the discharges, including, but not limited to, the Central Valley Water Board *Water Quality Control Plan* (Basin Plan) *for the Sacramento River and San Joaquin River Basins*.
2. On 31 May 2018, the Central Valley Water Board adopted the Salt and Nitrate Control Program. The State Water Resources Control Board approved the Salt and Nitrate Control Program on 16 October 2019. The effective date of the Salt and Nitrate Control Program is 17 January 2020, the Notice of Decision Filing date following OAL Approval. For those components subject to USEPA approval, the effective date is 2 November 2020, the date of USEPA Approval. On 10 December 2020, the Central Valley Water Board adopted revisions to the Salt and Nitrate Control Program. The State Water Resources Control Board is currently considering approval of the revisions, and the revisions will be effective upon OAL approval and USEPA approval as necessary. Should the Central Valley Water Board approve additional amendments to the Salt and Nitrate Control Program and as the Salt and Nitrate Control Program is implemented, the Central Valley Water Board may find it necessary to modify the requirements of this Order to endure the goals of the Salt and Nitrate Control Program are met.
3. The filing of a request by the Third-Party on behalf of its Members for modification, revocation and re-issuance, or termination of the Order, or notification of planned changes or anticipated noncompliance, does not stay any condition of the Order.
4. The Third-Party, on behalf of its Members, shall provide to the Executive Officer any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating the Order, or to determine compliance with the requirements of this Order that apply directly to the Third-Party. Members shall provide to the Executive Officer, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating the Order as applied to the individual Member, or to determine compliance with the provisions of this Order that apply directly to the Member.
5. After notice and opportunity for a hearing, the Order may be terminated or modified for cause as applied to individual Members identified by the Central Valley Water Board. Cause for such termination or modification, includes, but is not limited to:
    a) Violation of any term or condition contained in the Order;
    b) Obtaining the Order by misrepresentation; or

c) Failure to fully disclose all relevant facts.

A Member's regulatory coverage shall be automatically revoked if the NOC is not timely submitted (see section VII.A).

6. After notice and opportunity for a hearing, the approval of the Third-Party to act as a lead entity representing Members may be partially (e.g., affected areas or Members) or fully revoked. Cause for such termination or modification includes, but is not limited to consideration of the factors in Finding 53 of this Order, and/or:

   a) Violation of any term or condition contained in the Order that applies directly to the Third-Party;

   b) Third-Party misrepresentation;

   c) Failure by the Third-Party to fully disclose all known relevant facts; or

   d) A change in any condition that results in the Third-Party's inability to properly function as the Third-Party entity representing Member interests or in facilitating Member compliance with the terms and conditions of this Order.

7. The Central Valley Water Board will review this Order periodically and may revise this Order when necessary.

VII. Required Reports, Monitoring, and Notices – Member

The Central Valley Water Board or the Executive Officer may require any of the following reports and notices to be submitted electronically as long as the electronic format is reasonably available to the Member, and only to the extent that the Member has access to the equipment that allows for them to submit the information electronically. If the Member does not have such access, reports and notices must be submitted by mail. Reports and notices shall be submitted in accordance with section IX, Reporting Provisions, as well as Attachment B MRP Order R5-2012-0116-10. Members must prepare and maintain the following reports as instructed below and shall submit or make available such reports to the Third-Party or the Central Valley Water Board as identified below.

A. Notice of Confirmation / Membership Application

1. To confirm coverage under this Order, Members that, as of the effective date of this Order, are enrolled under Order R5-2006-0053 as Members of the East San Joaquin Water Quality Coalition must submit a completed notice of confirmation (NOC) to the Third-Party within 120 days of Executive Officer approval of the Third-Party (as provided by issuance of an NOA to the Third-Party, see section VIII.A of this Order). The Third-Party will provide a NOC form to Members within 30 days of receiving an NOA (see section VIII.A) from the Central Valley Water Board. As part of the NOC, Members 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 (a responsible non-Member is a landowner whose parcel has been enrolled by an operator-Member under this Order or an operator who farms a parcel that has been enrolled by a landowner-Member). If the Member is a landowner that leases their land, the Member must provide the name and contact information of the lessee.

2. Within 120 days 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 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. This provision does not apply to Members of the San Joaquin County and Delta Coalition; Westside San Joaquin River Watershed Coalition; or Southern San Joaquin Valley Water Quality Coalition governed by the Coalition Group Conditional Waiver whose parcel(s) are located in the Eastern San Joaquin River Watershed.
3. As an alternative to granting coverage under this Order, the Executive Officer may 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.
4. As an alternative to receiving regulatory coverage under this Order, a discharger may submit a report of waste discharge in accordance with Water Code section 13260 or a Notice of Intent for regulatory coverage under any applicable general waste discharge requirements for individual dischargers not represented by a Third-Party.

B. Farm Evaluation[25]

After the Executive Officer approves the Farm Evaluation Template (see Section VIII.D. below), Members shall complete a Farm Evaluation and submit a copy of the completed Farm Evaluation to the Third-Party group according to the schedule below. The Member must use the Farm Evaluation Template approved by the Executive Officer (see section VIII.D below). A copy of the Farm Evaluation shall be maintained at the Member's farming headquarters or primary place of business and must be produced upon request by Central Valley Water Board staff. In addition, Members shall comply with the following requirements where applicable:

1. Members in Low Vulnerability Areas

a) Members with Small Farming Operations

By 1 March 2017, Members with Small Farming Operations must prepare their Farm Evaluation and submit it to the Third-Party. An updated Farm Evaluation must be prepared and submitted to the Third-Party by 1 March 2021 and every five years thereafter.

[25] ~~The Executive Officer issued a Managed Wetland Evaluation template that is to be used for managed wetlands.~~

b) All other Members[26]

By 1 March 2015, all other Members must prepare their Farm Evaluation and submit it to the Third-Party. An updated Farm Evaluation must be prepared on 1 March 2021 and submitted to the Third-Party every five years thereafter.

2. All Members in High Vulnerability Areas (Surface/Groundwater)

By 1 May 2014, all Members within a high vulnerability area must prepare their Farm Evaluation and submit it to the Third-Party. An updated Farm Evaluation must be prepared and submitted to the Third-Party by 1 March annually thereafter through 1 March 2018.[27] Thereafter, Members must prepare and submit their Farm Evaluation to the Third-Party on 1 March 2021 and every five years.

The Executive Officer may require more or less frequent submission of a Farm Evaluation for any Member or group of Members if the Executive Officer makes a determination that the change in frequency is warranted.

C. Sediment and Erosion Control Plan[28]

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.C.7 of this Order. The Member must use the Sediment and Erosion Control Plan Template approved by the Executive Officer (see section VIII.D.3 below), or equivalent. The Sediment and Erosion Control Plan must be prepared in one of the following ways:

- The Sediment and Erosion Control Plan must adhere to the site-specific recommendation from the Natural Resources Conservation Service (NRCS), NRCS technical service provider, the University of California Cooperative Extension, the local Resource Conservation District; or conform to a local county ordinance applicable to erosion and sediment control on agricultural lands. The Member must retain written documentation of the recommendation provided and certify that they are implementing the recommendation; or
- The Sediment and Erosion Control Plan must be prepared and self-certified by the Member, who has completed a training program that the Executive Officer concurs provides necessary training for sediment and erosion control plan development; or
- The Sediment and Erosion Control Plan must be written, amended, and certified by a Qualified Sediment and Erosion Control Plan Developer possessing one of the following registrations or certifications, and appropriate experience with erosion issues on irrigated agricultural lands: California registered professional civil engineer, geologist, engineering

[26] Members with parcels that do not meet the Small Farming Operation definition (see Attachment E).

[27] The Farm Evaluations prepared on 1 March 2018 will be prepared under the requirements of this Order prior to the revisions made to the Farm Evaluation through State Water Board Order WQ 2018-0002.

[28] ~~The requirement for a Sediment and Erosion Plan does not apply to parcels that are operated exclusively as a managed wetland.~~

geologist, landscape architect; professional hydrologist registered through the American Institute of Hydrology; certified soil scientist registered through the American Society of Agronomy; Certified Professional in Erosion and Sediment Control (CPSEC)TM/Certified Professional in Storm Water Quality (CPSWQ)TM registered through Enviro Cert International, Inc.; professional in erosion and sediment control registered through the National Institute for Certification in Engineering Technologies (NICET); or

- The Sediment and Erosion Control Plan must be prepared and certified in an alternative manner approved by the Executive Officer. Such approval will be provided based on the Executive Officer's determination that the alternative method for preparing the Sediment and Erosion Control Plan meets the objectives and requirements of this Order.

The plan shall be maintained and updated as conditions change. A copy of the Sediment and Erosion Control Plan shall be maintained at the farming operations headquarters or primary place of business; and must be produced by the Member, if requested, should Central Valley Water Board staff, or an authorized representative, conduct an inspection of the Member's irrigated lands operation.

1. Deadline for Members with Small Farming Operations

Within one (1) year of the Executive Officer accepting the Third-Party's Sediment Discharge and Erosion Assessment Report, Members with Small Farming Operations must complete and implement a Sediment and Erosion Control Plan.

2. Deadline for all Other Members[29]

Within 180 days of the Executive Officer accepting the Third-Party's Sediment Discharge and Erosion Assessment Report, all other Members must complete and implement a Sediment and Erosion Control Plan.

[29] Members with parcels that do not meet the Small Farming Operation definition (see Attachment E).

D. Irrigation and Nitrogen Management Plan, Data Supporting Nitrogen Applied/Removed Ratio, and Nitrogen Applied-Removed Difference[30]

All Members must prepare and implement an Irrigation and Nitrogen Management Plan (INMP) for each field[31] and submit the INMP[32] Summary Report for the previous crop year, per the schedule detailed below. All Members in high vulnerability areas must have the Irrigation and Nitrogen Management Plan certified. The Member must use the INMP Template approved by the Executive Officer (see section VIII.D.2. below).

The Executive Officer may approve the use of multi-year INMPs for categories of crops that have consistent irrigation and nitrogen planning from year to year.[33] Multi-year plans cannot exceed three years in length, and if the Member decides to vary from the plan during its implementation period, a new INMP must be prepared, certified, and implemented. Members using multi-year INMPs must submit INMP Summary Reports annually. Utilization of a multi-year INMP remains at the discretion of the certifier.

An INMP must include the information identified in Attachment B MRP Section VI.B for use by the Third-Party in calculating an Applied/Removed (A/R) ratio for nitrogen, and an Applied-Removed (A-R) difference for nitrogen, as defined in the equations below. The A/R ratio is the ratio of total Nitrogen Applied[34] (from sources including, but not limited to, organic amendments, synthetic fertilizers, manure, and irrigation water) to the total Nitrogen Removed[35] (including all

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[30] The requirement for an Irrigation and Nitrogen Management Plan does not apply to irrigated pasture with no external nitrogen inputs~~, or to parcels that are operated exclusively as a managed wetland~~.

[31] Where this Order requires reporting by field, Members may report data for a portion of a field or for multiple fields provided that the reported area has (1) the same crop type, (2) the same fertilizer inputs, (3) the same irrigation management, and (4) the same management practices. In no case should a reported area exceed a total size of 640 acres, and different crop types must always be reported separately even if they are within the same reporting area.

[32] Irrigation and Nitrogen Management Plans are prepared in advance of the crop season and based on circumstances that are forecasted. However, due to changes in weather, water availability, and other unanticipated circumstances, growers may find it necessary to adjust the Irrigation and Nitrogen Management Plan as originally prepared. Such adjustments are not considered to be violations of the Order, provided the revision maintains compliance with provision of this Order. Should such adjustments be necessary, the member must document the reasons for adjustments in the Irrigation and Nitrogen Management Plan retained at the grower's place of business and report the reasons to the Third-Party with the Irrigation and Nitrogen Management Plan Summary Report.

[33] Whether a specific category of crops is appropriate for multi-year INMPs will depend on factors such as crop age, the level of variation of irrigation and fertilization practices from year to year, variation of cultivation practices, and climate zone. Likely candidates for multi-year INMPs include mature orchards that are managed consistently over multiple years.

[34] As defined in Attachment E.

[35] As defined in Attachment E.

harvested materials and nitrogen annually sequestered in permanent wood for perennial crops). The A-R difference is the difference of total Nitrogen Applied and the total Nitrogen Removed.

$$\text{A/R Ratio} = \frac{\text{Nitrogen Applied (from sources including, but not limited to, organic amendments, synthetic fertilizers, manure, and irrigation water)}}{\text{Nitrogen Removed (including all harvested materials and nitrogen annually sequestered in permanent wood for perennial crops)}}$$

$$\text{A-R Difference} = \text{Nitrogen Applied} - \text{Nitrogen Removed}$$

Total Nitrogen Removed shall be determined, in part, by multiplying a member's crop yield by a crop-specific nitrogen coefficient, C_N, provided by the Third-Party, which represents the amount of nitrogen in the harvested crop. For some crops, the data needed to develop the C_N coefficient may not yet be available. The Third-Party is directed in Attachment B MRP Section VI.B to determine, through nitrogen removed testing and research, the most appropriate C_N coefficients for converting crop yield to nitrogen removed.

$$\text{Nitrogen Removed}_{(\text{lbs./acre})} = \text{Crop Yield}_{(\text{units/acre})} \times C_{N\ (\text{lbs./units})}$$

The INMP shall be maintained at the Member's farming operations headquarters or primary place of business. The Member must provide the INMP to Board staff, if requested, or should Board staff or an authorized representative conduct an inspection of the Member's irrigated agricultural operation. The Member must submit the INMP Summary Report to the Third-Party in accordance with the schedule below. As provided in Attachment B MRP Section V, the Third-Party will provide certain INMP Summary Report data to the Executive Officer.

The INMP shall be certified in one of the following ways:

- Certified by an irrigation and nitrogen management plan specialist as defined in Attachment E of this Order. The specialist that certifies the INMP must be capable of answering questions relevant to the INMP and should be fully competent and proficient by education and experience in the field(s) relevant to the development of an INMP.; or
- Self-certified by the Member who attends a California Department of Food and Agriculture (CDFA) or other Executive Officer approved training program for INMP certification. The Member must retain written documentation of their attendance in the training program and participate in any continuing education required by CDFA; or
- Self-certified by the Member that the plan adheres to a site-specific recommendation from the Natural Resources Conservation Service (NRCS) or the University of California Cooperative Extension. The Member must retain written documentation of the recommendation provided; or
- Self-certified by the Member if the Member states that the Member applies no fertilizer to the field; or
- Certified in an alternative manner approved by the Executive Officer. Such approval will be provided based on the Executive Officer's determination that the alternative method

for preparing the Irrigation and Nitrogen Management Plan meets the objectives and requirements of this Order.

Members notified by the Third-Party as being outliers for reported AR data must have their INMP certified by an irrigation and nitrogen management plan specialist unless the Member receives additional self-certification training provided by the Third-Party.

1. Deadlines for Members within a High Vulnerability Groundwater Area

For Members located within a high vulnerability groundwater area, for which nitrate is identified as a constituent of concern, the Member must prepare and implement a certified INMP and submit an INMP Summary Report as follows:

a) Deadlines for Members with Small Farming Operations within High Vulnerability Groundwater Areas

By 1 March 2017, Members with Small Farming Operations shall prepare, and update by 1 March annually thereafter, an INMP[36]. By 1 March 2018, and by 1 March annually thereafter, Members with Small Farming Operations shall prepare a certified INMP and submit to the Third-Party the INMP Summary Report[37] for the previous year.

b) Deadlines for all other Members[38] within High Vulnerability Groundwater Areas

By 1 March 2015, all other Members shall prepare, and update by 1 March annually thereafter, an INMP.[39] By 1 March 2016, and by 1 March annually thereafter, all other Members shall prepare and implement a certified INMP and submit to the Third-Party the INMP Summary Report[40] for the previous year.

2. Deadlines for Members within a Low Vulnerability Groundwater Area

By 1 March 2017, and annually thereafter, all Members within low vulnerability groundwater areas shall prepare an INMP.[41] By 1 March 2021, and by 1 March annually thereafter, Members

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[36] The INMP prepared up to and including 1 March 2018 will be prepared under the requirements of this Order prior to the revisions made to the INMP through the State Water Board Order WQ 2018-0002.

[37] The INMP Summary Report prepared up to and including 1 March 2019 will be prepared under the requirements of this Order prior to the revisions made to the INMP through the State Water Board Order WQ 2018-0002.

[38] Members with parcels that do not meet the Small Farming Operation definition (see Attachment E).

[39] The INMP prepared up to and including 1 March 2018 will be prepared under the requirements of this Order prior to the revisions made to the INMP through the State Water Board Order WQ 2018-0002.

[40] The INMP Summary Report prepared up to and including 1 March 2019 will be prepared under the requirements of this Order prior to the revisions made to the INMP through the State Water Board Order WQ 2018-0002.

[41] The INMP prepared up to and including 1 March 2018 will be prepared under the requirements of this Order prior to the revisions made to the INMP through the State Water Board Order WQ 2018-0002.

within low vulnerability groundwater areas shall submit to the Third-Party the INMP Summary Report for the previous year.

E. Drinking Water Supply Well Monitoring

Due to the potential severity and urgency of health issues associated with drinking groundwater with high concentrations of nitrates, Members will be required to conduct testing and monitoring of all drinking water supply wells present on enrolled parcels[42] in accordance with the schedule in MRP section IV.A. If a well is identified as exceeding the MCL for nitrate, the Member must notify the Central Valley Water Board and users of the well in a timely fashion in accordance with the elements described in MRP section IV.A.

F. Mitigation Monitoring

As specified in this Order, certain members are required to implement the mitigation measures included in Attachment C. Such Members shall submit mitigation monitoring by 1 March of each year to the Third-Party. Mitigation monitoring shall include information on the implementation of CEQA mitigation measures, including the mitigation measure implemented, potential environmental impact the mitigation measure addressed, location of the mitigation measure [parcel number, county], and any steps taken to monitor the ongoing success of the measure.

G. Management Practice Implementation Reporting in Surface and Groundwater Quality Management Areas

Commencing on 1 March 2019, Members in areas subject to a SQMP or GQMP shall complete a Management Practice Implementation Report (MPIR) and submit a copy of the completed MPIR to the Third-Party group according to a schedule to be specified by the Third-Party for each SQMP or GQMP and approved by the Executive Officer. The Member must use a MPIR form tailored to the requirements contained in each SQMP or GQMP and designed by the Third-Party and approved by the Executive Officer. The MPIR shall report management practices implemented by the Member to comply with requirements under the SQMP or GQMP. The reporting frequency shall be based on the implementation cycle of the applicable management practice.

VIII. Required Reports and Notices – Third-Party

The Central Valley Water Board or the Executive Officer may require any of the reports and notices to be submitted electronically, as long as the electronic format is reasonably available to the Third-Party. The Third-Party shall submit reports and notices in accordance with section IX, Reporting Provisions. The Third-Party must prepare the following reports:

[42] Where a portion of the parcel is leased to a party other than a Member and the terms of the lease give the Member no control over the drinking water supply wells on that parcel, the Owner of the parcel is responsible for sampling of those drinking water supply wells.

A. Application to Serve as a Third-Party Representing Members

Within 30 days of the effective date of this Order, the Third-Party must submit a letter to the Executive Officer requesting that the Third-Party serve as a Third-Party representing Members to carry out the Third-Party responsibilities. The Executive Officer will consider the following factors in determining whether to approve the request by issuing a Notice of Applicability (NOA) to the Third-Party.

1. Ability of the Third-Party to carry out the identified Third-Party responsibilities.
2. Whether the Third-Party is a legally defined entity (i.e., non-profit corporation; local or state government; Joint Powers Authority) or has a binding agreement among multiple entities that clearly describes the mechanisms in place to ensure accountability to its members.
3. Whether the Third-Party has binding agreements with any subsidiary group (e.g., subwatershed group) to ensure any Third-Party responsibilities carried out by the subsidiary group, including the collection of fees, are done so transparently and with accountability to the Third-Party. If the Third-Party will not rely on any subsidiary group to carry out any of its responsibilities, the Third-Party must state that in its application letter.
4. Whether the Third-Party has a governance structure that includes a governing board of directors composed in whole or in part of Members, or otherwise provides Members with a mechanism to direct or influence the governance of the Third-Party through appropriate by-laws.
5. Should the Central Valley Water Board terminate an organization's role as a Third-Party or the Third-Party submit a notice of termination, the Executive Officer will apply the above factors in evaluating the request of any successor organization to serve as a Third-Party and determining whether to approve the request by issuing an NOA.

B. Selection of Salt and Nitrate Permitting Approaches

Upon receipt of a Notice to Comply, the Third-Party shall inform the Central Valley Water Board of its selected permitting approach for complying with the Salt Control Program and Nitrate Control Program, as applicable. The selections shall be made in accordance with the requirements described in Attachment B MRP section V.A. Failure to respond to a Notice to Comply within the specified time frame shall be considered a violation of this Order and may subject Members to enforcement action.

C. Membership (Participant) List

The Third-Party shall submit a list of its Members to the Central Valley Water Board within 180-days of receiving an NOA from the Board and then annually by 31 July of each year (beginning the year following initial submission of the list). The membership list shall identify Members. The list shall also identify growers that have had their membership revoked and Members that are pending revocation. The membership list shall contain, at a minimum, the following information for each member: all parcel numbers covered under the membership, the county of each parcel, the section, township, and range associated with each parcel, the number of irrigated acres for each parcel, the Member's name, mailing address, the contact name and phone number of the individuals authorized to provide access to the enrolled parcels, the name of the farm operator for

each parcel, if different from the Member, and identification of each parcel that is part of a Small Farming Operation, if applicable. In lieu of providing Members' phone numbers as part of the membership list, the Third-Party may provide the office contact name(s) and phone number(s) of a representative of the Third-Party. Any listed Third-Party office contact must be available for Central Valley Water Board staff to contact Monday through Friday (except established state holidays) from 8 am to 5 pm.

D. Templates

Through the process described below, the Central Valley Water Board intends to provide templates to all Members that must be used to comply with the requirements of this Order. The Board intends that these templates be developed by the Third-Party or Central Valley Water Board staff in coordination with other agricultural groups and experts to ensure the templates are applicable and relevant for Members. To the extent possible, the templates need to collect information consistently across irrigated agricultural areas and commodities. Consistent information collection will facilitate analysis within a geographic area and across the Central Valley. However, the Board recognizes that templates may vary (e.g., by commodity group) and may need to be tailored more specifically to ensure relevant information is collected. For example, templates for irrigated pasture would focus on collecting different types of data than templates for orchards.

1. Farm Evaluation Template

Template development shall be in accordance with the requirements specified in Attachment B MRP section VI.A. Templates will be developed as follows:

a) Third-Party Farm Evaluation Template

The Third-Party may work with Central Valley Water Board staff in the development of a Farm Evaluation Template. Should it choose this option, the Third-Party shall make the Farm Evaluation Template available to its Members within 30-days of receiving the final Farm Evaluation Template as provided by the Central Valley Water Board's Executive Officer. Requirements for the Farm Evaluation Template are described in Attachment B MRP section VI.A., or

b) Farm Evaluation Template Group Option

The Third-Party may develop a Farm Evaluation Template with other agricultural water quality coalitions and agricultural commodity groups. Should it choose the group option, the Third-Party shall submit a Farm Evaluation Template to the Central Valley Water Board within 90-days from receiving an NOA from the Board. The Third-Party shall make the Farm Evaluation Template available to its Members within 30-days of approval by the Executive Officer. Requirements for the Farm Evaluation Template are described in Attachment B MRP section VI.A.

2. Irrigation and Nitrogen Management Plan (INMP) and INMP Summary Report Templates

Template development shall be in accordance with the requirements specified in Attachment B MRP section VI.B to this Order. Templates will be developed as follows:

a) Third-Party INMP Template and INMP Summary Report

The Third-Party may work with Central Valley Water Board staff in the development of an INMP Template and INMP Summary Report. Should it choose this option, the Third-Party shall make the INMP Template and INMP Summary Report available to its Members within 30-days of receiving the final INMP Template and INMP Summary Report as provided by the Central Valley Water Board's Executive Officer. Requirements for the INMP Template and INMP Summary Report are describe in Attachment B MRP section VI.B, or

b) INMP Template and INMP Summary Report Group Option

The Third-Party may develop an INMP Template and INMP Summary Report with other agricultural water quality coalitions and agricultural commodity groups. Should it choose the group option, the Third-Party shall submit the INMP Template and INMP Summary Report to the Central Valley Water Board's Executive Officer within 90-days from receiving an NOA from the Board. The Third-Party shall make the INMP Template and INMP Summary Report available to its Members within 30-days of approval by the Central Valley Water Board Executive Officer. Requirements for the INMP Template and INMP Summary Report are described in Attachment B MRP section VI.B.

3. Sediment and Erosion Control Plan Template

Template development shall be in accordance with the requirements specified in Attachment B MRP section VI.C. Templates will be developed as follows:

a) Sediment and Erosion Control Plan Template Group Option

The Third-Party may develop a Sediment and Erosion Control Plan Template with other agricultural water quality coalitions and agricultural commodity groups. Should it choose the group option, the Third-Party shall submit the Sediment and Erosion Control Plan Template to the Central Valley Water Board's Executive Officer within 90-days from receiving an NOA from the Board. The Third-Party shall make the Sediment and Erosion Control Plan Template available to its Members within 30-days of approval by the Central Valley Water Board Executive Officer. Requirements for the Sediment and Erosion Control Plan Template Group Option are described in MRP section VI.C, or

b) Central Valley Water Board Sediment and Erosion Control Plan Template

The Third-Party shall work with Central Valley Water Board staff in the development of a Sediment and Erosion Control Plan Template. Should it choose this option, the Third-Party shall make the final Sediment and Erosion Control Plan Template available to those Members required to develop a Sediment and Erosion Control Plan within 30-days of receiving the final Sediment and Erosion Control Plan Template as provided by the Central Valley Water Board's Executive Officer.

4. Drinking Water Notification Template

The Central Valley Water Board Executive Officer will approve a Drinking Water Notification Template after public review and comment. The purpose of the template is to provide users of affected wells with information regarding the risks associated with drinking groundwater with high concentrations of nitrates and to document that the user has been notified. At a minimum, the template must be designed to contain the following information:

- A statement notifying users of the exceedance
- Material regarding the potential health risks associated with consuming nitrate contaminated drinking water and steps that should be taken for protection
- A signature block, to be signed by the Member or landowner, certifying that a copy of the Drinking Water Notification Template has been provided to affected users

The template will be made available in an appropriate set of languages and will be designed to be understood by low-literacy populations.

E. Annual Report on Management Practice Implementation and Nitrogen Application

On 1 July 2019, and annually thereafter, the Third-Party shall submit to the Executive Officer data on management practice implementation and nitrogen application as specified in Attachment B MRP sections V.D and V.E.

F. Groundwater Quality Monitoring and Protection

This Order's strategy for evaluating groundwater quality and protection consists of (1) Drinking Water Supply Well Monitoring, (2) participation in the Surveillance and Monitoring Program Requirements for the Central Valley Salt and Nitrate Control Program, (3) a Groundwater Assessment Report, (4) a Management Practices Evaluation Program, and (5) a Groundwater Quality Trend Monitoring Program, and (5) Groundwater Quality Management Plans that include Groundwater Protection Targets. Elements 1-5 have their own specific objectives briefly described below, with more detail provided in the attached MRP. Element 6 is briefly described in section VIII.M and is further detailed in the attached MRP.

1. Drinking Water Supply Well Monitoring

In Section VII.E, this Order requires Members to conduct testing and monitoring of all drinking water supply wells present on the Members' property. The Third-Party, on behalf of Members, may conduct testing and monitoring of all drinking water supply wells present on the Members' property. If a well is identified as exceeding the MCL for nitrate, the Member must notify the Central Valley Water Board and users of the well in a timely fashion in accordance with the elements described in Attachment B MRP section IV.A.

2. Surveillance and Monitoring Program

The Third-Party, on behalf of its Members, shall 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 shall be submitted in a format and timeframe acceptable to and specified by the lead entity.

The Third-Party and its Members shall additionally 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. Additional requirements for participation may be established by the lead entity.

3. Groundwater Quality Assessment Report

The Groundwater Quality Assessment Report (GAR) provides the foundational information necessary for design of the Management Practices Evaluation Program, the Groundwater Quality Trend Monitoring Program, and the Groundwater Quality Management Plan. To accomplish this purpose, the GAR must include the following:

- Assessment of all available, applicable, and relevant data and information to determine the high and low vulnerability areas where discharges from irrigated lands may result in groundwater quality degradation;
- Establish priorities for implementation of monitoring and associated studies within high vulnerability areas;
- Provide a basis for establishing workplans to assess groundwater quality trends;
- Provide a basis for establishing workplans and priorities to evaluate the effectiveness of agricultural management practices to protect groundwater quality; and
- Provide a basis for establishing groundwater quality management plans in high vulnerability areas and priorities for implementation of those plans.

The GAR shall include the elements described in Attachment B MRP section IV. The GAR shall be submitted to the Central Valley Water Board and Central Valley Salinity Coalition within one (1) year of receiving an NOA from the Executive Officer.

4. Management Practice Evaluation Program Workplan

Upon Executive Officer approval of the GAR, the Third-Party shall develop, either solely, or as a coordinated effort (see group option below), a Management Practice Evaluation Program (MPEP) Workplan. The workplan must meet the goals, objectives, and other requirements described in Attachment B MRP section IV.C. The MPEP shall initially focus of the determination of the crop-specific coefficients for conversion of yield to nitrogen removed and then on the determination of acceptable ranges for the multi-year A/R ratios target values by crop. Following the initial focus, the overall goal of the Management Practice Evaluation Program is to evaluate the effectiveness of management practices in limiting the discharge of waste from irrigated lands to groundwater under different conditions (e.g., soil type, depth to groundwater, irrigation practice, crop type, nutrient management practice). A MPEP may prioritize the conditions relevant to high vulnerability groundwater areas. The Third-Party may develop the workplan in accordance with one of the options described below.

a) Management Practices Evaluation Program Group Option

The Third-Party may fulfill its requirements as part of a larger Management Practices Evaluation Program Group. A Management Practices Evaluation Program (MPEP) Group refers to an entity that is formed to develop and carry out the management practices effectiveness evaluations required of this and other Orders applicable to the irrigated lands in the Central Valley.

At the time the GAR is submitted, the Third-Party must submit a copy of the agreement of the parties included in the MPEP Group. The agreement must include a description of the roles and responsibilities of each of the organizations in the MPEP Group; identification of the technical experts who will prepare and implement the workplans, along with their qualifications; the

person(s) responsible for the timely completion of the workplans and reports required by this Order; and an organizational chart showing the reporting relationships and responsibilities of the participants in the group.

The Third-Party may use the group option if approved by the Executive Officer. The Executive Officer may disapprove the use of the group option, if 1) the group fails to meet required deadlines or implement the approved workplans; 2) the agreement submitted is not complete; or 3) the agreement submitted is deficient.

The MPEP Group Workplan shall be submitted to the Central Valley Water Board within two (2) years after written approval of the GAR by the Executive Officer.

b) Third-Party Only Management Practices Evaluation Program
Under this option, the Third-Party MPEP Workplans shall be submitted to the Central Valley Water Board within one (1) year after written approval of the GAR by the Executive Officer.

5. Groundwater Quality Trend Monitoring Workplan

Upon Executive Officer approval of the GAR, the Third-Party shall develop a Groundwater Quality Trend Monitoring Workplan. The workplan must meet the goals, objectives, and other requirements described in Attachment B MRP section IV. The overall objectives of groundwater trend monitoring are to determine current water quality conditions of groundwater relevant to irrigated agriculture and develop long-term groundwater quality information that can be used to evaluate the regional effects of irrigated agricultural practices. The workplan shall be submitted to the Central Valley Water Board within one (1) year after written approval of the GAR by the Executive Officer.

G. Sediment Discharge and Erosion Assessment Report

The Sediment Discharge and Erosion Assessment Report shall be submitted to the Central Valley Water Board within one (1) year of receiving an NOA from the Executive Officer. Within 30 days of written acceptance of the Sediment Discharge and Erosion Assessment Report, the Third-Party shall inform those Members with parcels in areas identified in the report of their obligation to prepare a Sediment and Erosion Control Plan. The Sediment Discharge and Erosion Assessment Report shall include the elements described in Attachment B MRP section VII.

H. Surface Water Exceedance Reports

The Third-Party shall provide exceedance reports if surface water monitoring results show exceedances of adopted numeric water quality objectives or trigger limits, which are based on interpretations of narrative water quality objectives. Surface water exceedance reports shall be submitted in accordance with the requirements described in Attachment B MRP section V.G.

I. Monitoring Report

The Third-Party shall submit the Monitoring Report to the Central Valley Water Board in accordance with the requirements in Attachment B MRP section V.F.

J. Nitrate Control Program – Early Action Plans

Upon receipt of a Notice to Comply, the Third-Party[43] on behalf of those Members for which the Notice to Comply was issued shall develop Early Action Plans (EAPs) in accordance with the requirements described in Attachment B MRP section V.I. EAPs shall be designed to identify public water supply and domestic wells within a Management Zone (or area of contribution for Path A dischargers) which exceed the water quality objective for nitrate and include specific actions and a schedule of implementation that is as short as practicable to address the immediate drinking water needs of those initially identified.[44]

K. Nitrate Control Program – Initial Assessments (Path A Only)

Upon receipt of a Notice to Comply, the Third-Party on behalf of those Members for which the Notice to Comply was issued shall prepare one Initial Assessment of all applicable Member discharges as it relates to nitrate. The Initial Assessment shall be submitted as part of a Notice of Intent and shall include the components identified in MRP Section V.J unless as otherwise approved by the Executive Officer.

L. Nitrate Control Program – Preliminary Management Zone Proposals, Final Management Proposals, Management Zone Implementation Plans (Path B Only)

Upon receipt of a Notice to Comply, the Third-Party[45] on behalf of those Members for which the Notice to Comply was issued shall develop a Preliminary Management Zone Proposal, Final Management Zone Proposal, and Management Zone Implementation Plan in accordance with the requirements described in Attachment B MRP Section V.

M. Surface Water/Groundwater Quality Management Plan (SQMP/GQMP)

1. SQMP/GQMP General Requirements

SQMP/GQMPs submitted by the Third-Party shall conform to the requirements provided in the MRP, Appendix MRP-1. Existing SQMPs that were developed and approved under the Coalition Group Conditional Waiver (Conditional Waiver Order R5-2006-0053) continue to apply under this Order and shall be implemented as previously approved. Changes to any management plan may be implemented by the Third-Party only after approval by the Executive Officer. The Executive Officer may require changes to a management plan if the current management plan approach is not making adequate progress toward addressing the water quality problem or if the information reported by the Third-Party does not allow the Central Valley Water Board to

[43] Or separate entity of which the Third-Party is an active participant.

[44] Implementation of an Early Action Plan does not create a presumption of liability for the cause of the elevated concentrations.

[45] Or separate entity of which the Third-Party is an active participant.

determine the effectiveness of the management plan. Members shall comply with the revised management plans once they are approved by the Executive Officer.

For newly triggered SQMP/GQMPs, the Third-Party shall submit a SQMP/GQMP to the Central Valley Water Board within sixty (60) days. This 60-day period begins the first business day after the Third-Party's receipt of the field or laboratory results that reported the triggering exceedance. The Central Valley Water Board will make the proposed SQMP/GQMP available for a public review and comment period. Stakeholder comments will be considered by Central Valley Water Board staff to determine if additional revisions are appropriate. The Third-Party may, at its discretion, implement outreach or monitoring contained in a proposed management plan before approval. Members shall comply with the management plans once they are approved by the Executive Officer.

The Third-Party shall ensure continued implementation of SQMP/GQMPs until completed by the Executive Officer pursuant to the provisions contained in Attachment B MRP, Appendix MRP-1, section III. The Third-Party shall submit a progress report in compliance with the provisions contained in Attachment B MRP, Appendix MRP-1, section I.F.

2. Conditions Requiring Preparation of SQMP/GQMP

a) Surface Water Quality Management Plan (SQMP)

A SQMP shall be developed by the Third-Party where: (1) an applicable water quality objective or applicable water quality trigger limit is exceeded (considering applicable averaging periods[46]) twice in a three year period for the same constituent at a monitoring location (trigger limits are described in section VIII of the MRP) and irrigated agriculture may cause or contribute to the exceedances; (2) the Basin Plan requires development of a surface water quality management plan for a constituent or constituents discharged by irrigated agriculture, or (3) the Executive Officer determines that irrigated agriculture may be causing or contributing to a trend of degradation of surface water that may threaten applicable Basin Plan beneficial uses.

b) Groundwater Quality Management Plan (GQMP)

A GQMP shall be developed by the Third-Party where: (1) there is a confirmed exceedance[47] (considering applicable averaging periods) of a water quality objective or applicable water quality trigger limit (trigger limits are described in section VIII of the MRP) in a groundwater well

[46] Exceedances of water quality objectives or water quality triggers will be determined based on any available data, including data from a regional monitoring program, and application of the appropriate averaging period. The averaging period is typically defined in the Basin Plan, as part of the water quality standard established by the USEPA, or as part of the criteria being used to interpret narrative objectives. If averaging periods are not defined in the Basin Plan, USEPA standard, or criteria, or approved water quality trigger, the Central Valley Water Board will use the best available information to determine an appropriate averaging period.

[47] A "confirmed exceedance of a water quality objective in a groundwater well" means that the monitoring data are determined to be of the appropriate quality and quantity necessary to verify that an exceedance has occurred. The determination of an exceedance may be based on data obtained by the Regional Water Board from any source and made available in Geotracker, including pesticide-related monitoring data collected by the Department of Pesticide Regulation.

and irrigated agriculture may cause or contribute to the exceedance; (2) in high vulnerability groundwater areas to be determined as part of the Groundwater Assessment Report process (see MRP section IV); (3) the Basin Plan requires development of a groundwater quality management plan for a constituent or constituents discharged by irrigated agriculture; or (4) the Executive Officer, upon consideration of State Water Board Hydrogeologically Vulnerable Areas and the Department of Pesticide Regulation Groundwater Protection Areas and other relevant information, determines that irrigated agriculture may be causing or contributing to exceedances of water quality objectives or a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses.

If the extent of Member contribution to a water quality exceedance(s) or degradation trend is unknown, the Third-Party may propose activities to be conducted to determine the cause or eliminate irrigated agriculture as a potential source instead of initiating a management plan. Requirements for source identification studies are set forth in Attachment B MRP, Appendix MRP-1, section I.G.

3. SQMP/GQMP Not Required

At the request of the Third-Party or upon recommendation by Central Valley Water Board staff, the Executive Officer may determine that the development of a SQMP/GQMP is not required. Such a determination may be issued, after opportunity for public comment, if there is sufficient evidence indicating that Members discharging waste to the affected surface or groundwater are meeting the receiving water limitations given in section III of this Order (e.g., evidence indicates that irrigated agriculture does not cause or contribute to the water quality problem) or there is sufficient evidence that the exceedance is not likely to be remedied or addressed by a management plan.

4. Comprehensive Groundwater Quality Management Plan

In lieu of submitting separate groundwater quality management plans in the timeframe identified in section VIII.M.1, the Third-Party may submit a Comprehensive Groundwater Quality Management Plan within 60 days of the Executive Officer's approval of the Groundwater Quality Assessment Report. With the exception of the timeframe identified in section VIII.M.1, all other provisions applicable to groundwater quality management plans in this Order and the associated MRP apply to the Comprehensive Groundwater Quality Management Plan. The Comprehensive Groundwater Quality Management Plan must be updated at the same time as the Management Plan Progress Report (see Attachment B MRP, Appendix MRP-1, section I.F) to address any constituents and areas that would have otherwise required submittal of a Groundwater Quality Management Plan.

5. Comprehensive Surface Water Quality Management Plan

In lieu of submitting separate surface water quality management plans in the timeframe identified in section VIII.M.1, the Third-Party may submit a Comprehensive Surface Water Quality Management Plan or update the Surface Water Quality Management Plan approved under the Coalition Group Conditional Waiver to conform to this Order and MRP. With the exception of the timeframe identified in section VIII.M.1, all other provisions applicable to surface water quality management plans in this Order and Attachment B MRP apply to the Comprehensive Surface Water Quality Management Plan or an updated Surface Water Quality Management Plan approved under the Coalition Group Conditional Waiver. The Comprehensive

Surface Water Quality Management Plan must be updated at the same time as the Management Plan Progress Report (see Attachment B MRP, Appendix MRP-1, section I.F) to address any constituents and areas that would have otherwise required submittal of a Surface Water Quality Management Plan.

N. Technical Reports

Where monitoring required by this Order is not effective in allowing the Board to determine the effects of irrigated agricultural waste discharge on state waters or the effectiveness of water quality management practices being implemented, the Executive Officer may require technical reports be provided to determine the effects of irrigated agricultural operations or implemented management practices on surface water or groundwater quality.

O. Notice of Termination

If the Third-Party wishes to terminate its role in carrying out the Third-Party responsibilities set forth in section VIII of this Order and other applicable provisions, the Third-Party shall submit a notice of termination letter to the Central Valley Water Board and all of its Members. Termination of the Third-Party will occur 30-days from submittal of the notice of termination letter, unless otherwise specified in the letter. With its notice of termination sent to its Members, the Third-Party shall inform its Members of their obligation to obtain coverage under other WDRs or a waiver of WDRs for their discharges, or inform such Members that they shall cease all discharges of waste to surface and groundwaters.

P. Total Maximum Daily Load (TMDL) Requirements

Approved TMDLs in the Basin Plan that apply to water bodies within the Third-Party's geographic area and have allocations for irrigated agriculture shall be implemented in accordance with the applicable Basin Plan provisions. Where required, the Third-Party shall coordinate with Central Valley Water Board staff to develop a monitoring design and strategy for TMDL implementation. Where applicable, SQMPs shall address TMDL requirements.

IX. Reporting Provisions

1. Members and the Third-Party must submit required reports and notices in accordance with the requirements in this Order and attached Monitoring and Reporting Program Order R5-2012-0116-10, unless otherwise requested by the Executive Officer.
2. All reports shall be accompanied by a cover letter containing the certification specified in section IX.3 below. The cover letter shall be signed by a person identified below, or by a duly authorized representative of that person:

   For all reports:

   a) For a sole proprietorship: by the proprietor;

   b) For a partnership: by a general partner;

   c) For a corporation or the Third-Party: by a principal executive officer of at least the level of senior vice-president.

   A person is a duly authorized representative only if:

a) The authorization is made in writing by a person described in subsection a, b, or c of this provision; and

b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility or organization, such as the position of manager. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and

c) The written authorization is submitted to the Central Valley Water Board.

3. Each person signing a report required by this Order or other information requested by the Central Valley Water Board shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel or represented Members properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment for violations."

4. All reports prepared and submitted to the Executive Officer in accordance with the terms of this Order will be made available for public inspection at the offices of the Central Valley Water Board, except for reports, or portions of such reports, subject to an exemption from public disclosure in accordance with California law and regulations, including the Public Records Act, Water Code section 13267(b)(2), and the California Food and Agriculture Code. If the Third-Party or a Member of the Third-Party asserts that all or a portion of a report is subject to an exemption from public disclosure, it must clearly indicate on the cover of the report that it asserts that all or a portion of the report is exempt from public disclosure. The complete report must be submitted with those portions that are asserted to be exempt in redacted form, along with separately bound unredacted pages (to be maintained separately by staff). The Member/Third-Party shall identify the basis for the exemption. If the Executive Officer cannot identify a reasonable basis for treating the information as exempt from disclosure, the Executive Officer will notify the Member/Third-Party that the information will be placed in the public file unless the Central Valley Water Board receives, within 10 calendar days, a satisfactory explanation supporting the claimed exemption. Data on waste discharges, water quality, meteorology, geology, and hydrogeology shall not be considered confidential. NOIs shall generally not be considered exempt from disclosure.

5. To the extent feasible, all reports submitted by Members shall be submitted electronically to irrlands@waterboards.ca.gov, unless the Member is unable to submit the report electronically. If unable to submit the report electronically, the grower shall mail or personally deliver the report to the Central Valley Water Board. All reports from the Third-Party shall be submitted electronically to its Central Valley Water Board-assigned staff liaison. Upon notification by the Central Valley Water Board, all reports shall be submitted directly into an online reporting system, to the extent feasible.

X. Record-keeping Requirements

The Member and the Third-Party shall maintain any reports or records required by this Order for ten years. Records maintained by the Third-Party include reports and plans submitted by Members to the Third-Party for purposes of complying with this Order. Individual Member information used by the Third-Party to prepare required reports must be maintained electronically and associated with the Member submitting the information. The maintained reports or records, including electronic information, shall be made available to the Central Valley Water Board upon written request of the Executive Officer. This includes all monitoring information, calibration and maintenance records of sampling equipment, copies of reports required by this Order, and records of all data used to complete the reports. Records shall be maintained for a minimum of ten years from the date of sample, measurement, report, or application. This ten-year period shall be extended during the course of any unresolved litigation regarding the discharge or when requested in writing by the Executive Officer.

The Third-Party shall propose a mechanism for backing up and storing the field-specific data submitted on the Farm Evaluations, the INMP Summary Reports, and the MPIRs in a secure offsite location managed by an independent entity that specializes in the protection of data. Upon approval of the mechanism by the Executive Officer, the Third-Party shall implement the mechanism and provide documentation of the transfer of data to the independent entity.

XI. Annual Fees

1. Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Resources Control Board (State Water Board).
2. Members shall pay an annual fee to the State Water Board in compliance with the Waste Discharge Requirement fee schedule set forth at 23 CCR section 2200. The Third-Party is responsible for collecting these fees from Members and submitting them to the State Water Board on behalf of Members.

XII. Time Schedule for Compliance

When a SQMP or GQMP is required pursuant to the provisions in section VIII.M, the following time schedules shall apply as appropriate in order to allow Members sufficient time to achieve compliance with the surface and groundwater receiving water limitations described in section III of this Order. The Central Valley Water Board may modify these schedules based on evidence that meeting the compliance date is technically or economically infeasible, or when evidence shows that compliance by an earlier date is feasible (modifications will be made per the requirements in section VI of this Order). Any applicable time schedules for compliance established in the Basin Plan supersedes the schedules given below (e.g., time schedules for compliance with salinity standards that may be established in future Basin Plan amendments through the CV-SALTS process, or time schedules for compliance with water quality objectives subject to an approved TMDL).

Surface water: The time schedule identified in the SQMP for compliance with Surface Water Limitation III.A must be as short as practicable but may not exceed 10 years from the date the

SQMP is submitted for approval by the Executive Officer[48]. The proposed time schedule in the SQMP must be supported with appropriate technical or economic justification as to why the proposed schedule is as short as practicable.

Groundwater: The time schedule identified in a GQMP for compliance with Groundwater Limitation III.B must be as short as practicable and shall generally not exceed 10 years from the date the GQMP is submitted for approval by the Executive Officer[49] For nitrate and boron only, the Central Valley Water Board maintains the discretion to extend this schedule to up to 35 years and 50 years, respectively[50], if for nitrate there is an approved Management Zone Implementation Plan, or there is a Central Valley Water Board approved Exception to Discharge Requirements Related to the Implementation of Water Quality Objectives for Nitrate and/or Boron. The proposed time schedules must be supported with quantifiable milestones and appropriate technical or economic justification as to why the proposed schedules are as short as practicable.

This Order becomes effective on 7 December 2012 and remains in effect unless rescinded or further revised by the Central Valley Water Board or State Water Board.

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, 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 22 April 2021.

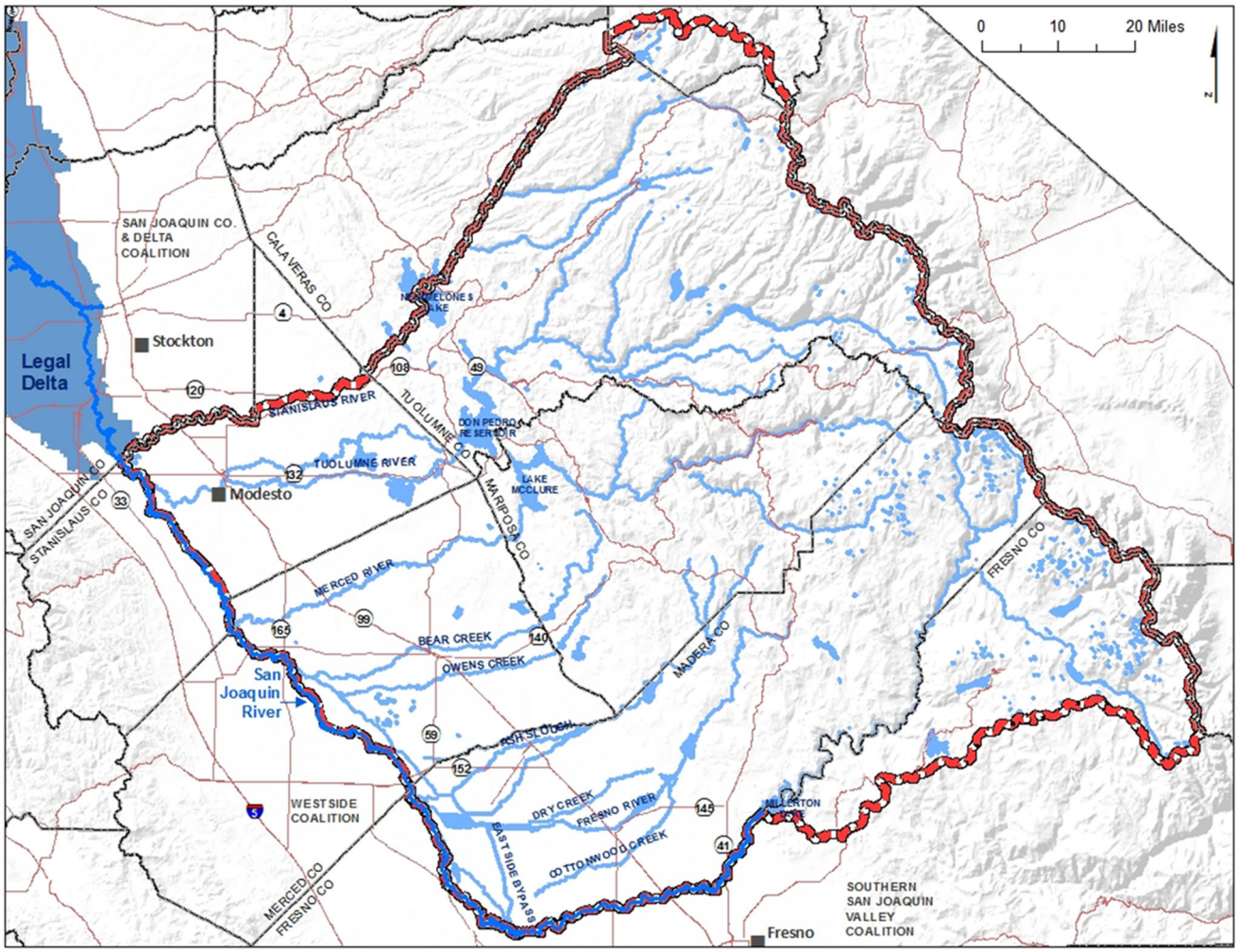
PATRICK PULUPA, Executive Officer

[48] During Phase I of the salt control program, the ten-year time schedule does not apply to salinity-based surface water limitations where the Third Party is participating in the P&O study on behalf of its members and Members are implementing reasonable, feasible, and practicable efforts to control levels of salt in their discharge.

[49] During Phase I of the salt control program, the ten-year time schedule does not apply to salinity-based groundwater limitations where the Third Party is participating in the P&O study on behalf of its members and Members are implementing reasonable, feasible, and practicable efforts to control levels of salt in their discharge.

[50] This provision is in regards to a revision of the Salt and Nitrate Control Program that was adopted by the Central Valley Water Board in December 2020 and is pending approval by the State Water Board and the OAL.

Figure 1 – *Map of the Eastern San Joaquin River Watershed Area*



California Regional Water Quality Control Board Central Valley Region

Attachment A to Order R5-2012-0116-10 Information Sheet

This Information Sheet provides the rationale for Order R5-2012-0116 Through Version 05, including elements of Version 05 that have been retained in Version 07. The rationale for the revisions resulting in Version 07 are established in State Water Resources Control Board Order WQ 2018-0002, as stated on page 24, footnote 68 of that order.

Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of a Third-Party Group

Table of Contents

Overview

This attachment to Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party group, Order R5-2012-0116-10 (referred to as the "Order") is intended to provide information regarding the rationale for the Order, general information on surface and groundwater monitoring that has been conducted, and a discussion of this Order's elements that meet required state policy.

Introduction

There are numerous irrigated agricultural operations within the boundaries of the Central Valley Water Board on over 7 million acres. Common to all types of these operations is the use of water to sustain crops. Depending on irrigation method, water use, geography, geology, climate, and the constituents (e.g., nutrients, pesticides, pathogens) present or used at a site, water discharged from the site may carry these constituents as waste off site and into groundwater or surface waters.

The Central Valley Regional Water Quality Control Board Irrigated Lands Regulatory Program (ILRP) was initiated in 2003 with the adoption of a conditional waiver of WDRs for discharges from irrigated lands. The 2003 conditional waiver was renewed in 2006. The conditional waiver's requirements are designed to reduce wastes discharged from irrigated agricultural sites (e.g., tailwater, runoff from fields, subsurface drains) to Central Valley surface waters (Central Valley Water Board 2006). <www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/index.html>

In addition to providing conditions, or requirements, for discharge of waste from irrigated agricultural lands to surface waters, the Central Valley Water Board's conditional waiver included direction to Board staff to develop an environmental impact report for a long-term ILRP that would protect waters of the state (groundwater and surface water) from discharges of waste from irrigated lands. Although the requirements of the conditional waiver are aimed to protect surface water bodies, the directive to develop a long-term ILRP and environmental impact report is not as limited, as waters of the State include ground and surface waters within the State of California (CWC, Section 13050[e]). <www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf>

The Central Valley Water Board completed an Existing Conditions Report (ECR) <www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/archives/exist_cond_rpt/index.shtml#revecr> for Central Valley irrigated agricultural operations in December 2008. The ECR was developed to establish baseline conditions for estimating potential environmental and economic effects of long-term ILRP alternatives in a program environmental impact report (PEIR) and other associated analyses.

In fall 2008, the Central Valley Water Board convened the Long-Term ILRP Stakeholder Advisory Workgroup (Workgroup). The Workgroup included a range of stakeholder interests representing local government, industry, agricultural coalitions, and environmental/ environmental justice groups throughout the Central Valley. The main goal of the Workgroup was to provide Central Valley Water Board staff with input on the development of the long-term ILRP. Central Valley Water Board staff and the Workgroup developed long-term program goals

and objectives and a range of proposed alternatives for consideration in a PEIR and corresponding economic analysis. In August 2009 the Workgroup generally approved the goals, objectives, and range of proposed alternatives for the long-term ILRP. The Workgroup did not come to consensus on a preferred alternative.

The Central Valley Water Board's contractor, ICF International, developed the Program Environmental Impact Report (PEIR)[1] and Economics Report[2] for consideration by the Board. The PEIR analyzed the range of proposed alternatives developed by the Workgroup. The Draft PEIR was released in July 2010, and the Final PEIR was certified by the Board in April 2011 (referred to throughout as "PEIR"). In June 2011, the Board directed staff to begin developing waste discharge requirements (orders) that would implement the long-term ILRP to protect surface and groundwater quality. During 2011, the Board reconvened the Stakeholder Advisory Workgroup to provide additional input in the development of the orders. Also, during the same time, the Board worked with the Groundwater Monitoring Advisory Workgroup to develop an approach for groundwater monitoring in the ILRP.

The Board's intent is to develop seven geographic and one commodity-specific general waste discharge requirements (general orders) within the Central Valley region for irrigated lands owners/operators that are part of a Third-Party group. In addition, the Board intends to develop a general order for irrigated lands owners/operators that are not part of a Third-Party group.

The geographic/commodity-based orders will allow for tailoring of implementation requirements based on the specific conditions within each geographic area. At the same time, the Board intends to maintain consistency in the general regulatory approach across the orders through the use of templates for grower reporting, as well as in the focus on high vulnerability areas and areas with known water quality issues. The Order includes provisions to reduce the reporting requirements for small farming operations and areas of low vulnerability. The Eastern San Joaquin River Watershed General Order is the first of these orders to be considered by the Board.

Goals and Objectives of the Irrigated Lands Regulatory Program

The goals and objectives of this Order, which implements the long term ILRP in the Eastern San Joaquin River Watershed, are described below. These are the goals described in the PEIR for the ILRP.[3]

> *"Understanding that irrigated agriculture in the Central Valley provides valuable food and fiber products to communities worldwide, the overall goals of the ILRP are to (1) restore and/or maintain the highest reasonable quality of state waters considering all the demands being*

[1] ICF International. 2011. Irrigated Lands Regulatory Program, Program Environmental Impact Report. Draft and Final. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA.

[2] ICF International. 2010. Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program) (Economics Report).

[3] PEIR, page 2-6

placed on the water; (2) minimize waste discharge from irrigated agricultural lands that could degrade the quality of state waters; (3) maintain the economic viability of agriculture in California's Central Valley; and (4) ensure that irrigated agricultural discharges do not impair access by Central Valley communities and residents to safe and reliable drinking water. In accordance with these goals, the objectives of the ILRP are to:

- *Restore and/or maintain appropriate beneficial uses established in Central Valley Water Board water quality control plans by ensuring that all state waters meet applicable water quality objectives.*
- *Encourage implementation of management practices that improve water quality in keeping with the first objective, without jeopardizing the economic viability for all sizes of irrigated agricultural operations in the Central Valley or placing an undue burden on rural communities to provide safe drinking water.*
- *Provide incentives for agricultural operations to minimize waste discharge to state waters from their operations.*
- *Coordinate with other Central Valley Water Board programs, such as the Grasslands Bypass Project WDRs for agricultural lands total maximum daily load development, CV-SALTS, and WDRs for dairies.*
- *Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, the California Department of Public Health [DPH] Drinking Water Program, the California Air Resources Board [ARB], the California Department of Food and Agriculture, Resource Conservation Districts [RCDs], the University of California Extension, the Natural Resources Conservation Service [NRCS], the USDA National Organic Program, CACs, State Water Board Groundwater Ambient Monitoring and Assessment Program, the U.S. Geological Survey [USGS], and local groundwater programs [SB 1938, Assembly Bill [AB] 3030, and Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness."*

Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS)

On 31 May 2018, the Central Valley Water Board adopted Resolution No. R5-2018-0034 which amended the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) to incorporate the Salt and Nitrate Control Program for the Central Valley. Additional targeted revisions to the amendments were adopted by the Central Valley Water Board on 10 December 2020. The amendments were designed to address both legacy and ongoing salt and nitrate accumulation issues, and establish 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. This Order contains the requirement for a Third-Party, on behalf of its Members, to select a desired permitting approach for addressing each of these two programs, respectively. Correspondingly, monitoring and reporting requirements specific to each permitting approach have been incorporated. It is anticipated that as long-term strategies for addressing salt and nitrate issues in the Central Valley continue to

develop, this Order will be further revised to accommodate necessary changes to the monitoring and reporting requirements.

Description of the Eastern San Joaquin Watershed Area[4]

The Eastern San Joaquin Watershed area includes portions of Stanislaus, Merced, Calaveras, Fresno, and Alpine Counties, as well as the entire counties of Madera, Tuolumne, and Mariposa. See Figure 1 of the Order for a map of the area. There are approximately 1,000,000 acres of irrigated agricultural land within the watershed area, although approximately 165,000 of these acres are regulated under the Central Valley Water Board's General Order for Existing Milk Cow Dairies. See Table 1 below for more detailed acreage information.

Surface water flows northward and out of the watershed area via the San Joaquin River. The San Joaquin drains watersheds on the east and west side of the San Joaquin Valley, though only east side watersheds are included in this Order's watershed area. In addition to the San Joaquin River, which forms the southern and western boundary of the watershed, there are five major rivers in the watershed: the Fresno River, the Chowchilla River, the Merced River, the Tuolumne River and the Stanislaus River. In addition, the Eastside Bypass is considered a major waterbody. These eastern tributaries of the San Joaquin River drain the Sierra Nevada range from east to west. The region also contains all or portions of seven groundwater basins; see Figure 5 for a map of the groundwater basins.

The Eastern San Joaquin River Watershed area includes portions of two geomorphic provinces: the Sierra Nevada and Great Valley provinces. The San Joaquin Valley, part of the Great Valley, is a large sediment-filled trough, thousands of feet thick in some locations (Figure 1, Thiros 2010).[5] Scattered throughout the sediment-filled trough in the subsurface exist many lenses at varying depths of fine-grained deposits, including Corcoran Clay deposits, which form confining layer(s) (Figure 2, Bertold, Johnston, Evenson 1991).[6] Figure 3 from Thiros 2010 is a generalized diagram of the Central Valley, showing the basin-fill deposits and the components of the groundwater system under modern conditions.

[4] This section is adapted from the East San Joaquin Water Quality Coalition's 20 October 2010 Monitoring and Reporting Program Plan.

[5] Thiros, S.A., 2010. Section 13. Conceptual Understanding and Groundwater Quality of the Basin-Fill Aquifer in the Central Valley, California in Conceptual Understanding and Groundwater Quality of Selected Basin-Fill Aquifers in the Southwestern United States. United States Geological Survey Professional Paper 1781.

[6] Bertold, G.L., Johnston, R.H., Evenson, K.D. 1991. Groundwater in the Central Valley, California—A summary report. United States Geological Survey Professional Paper 1401-A.

Figure 1 *- Generalized Geology of the Eastern San Joaquin River Watershed - adapted from Thiros (2010)*

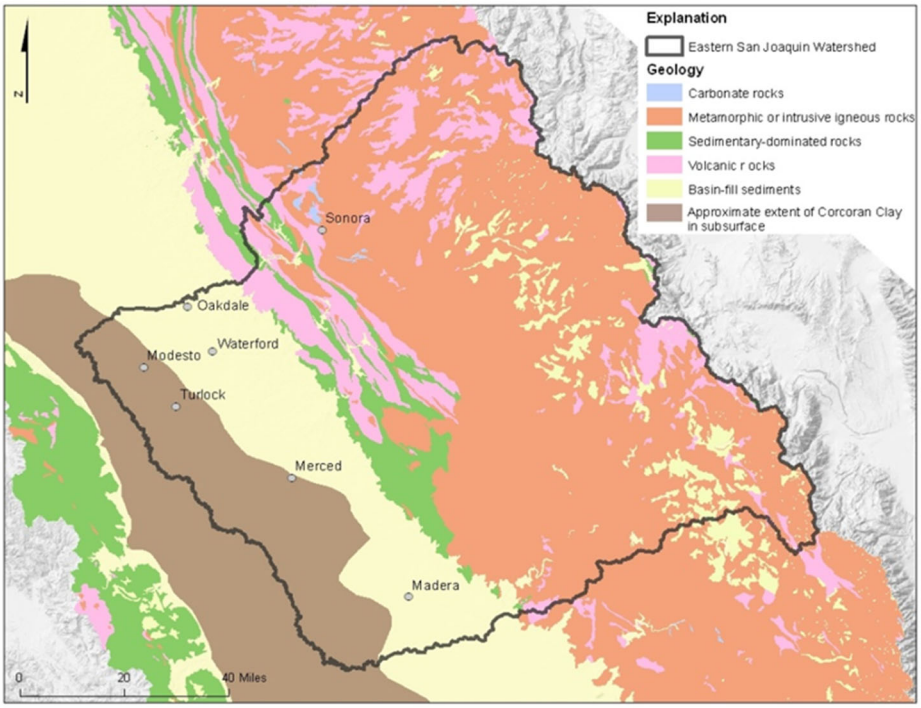
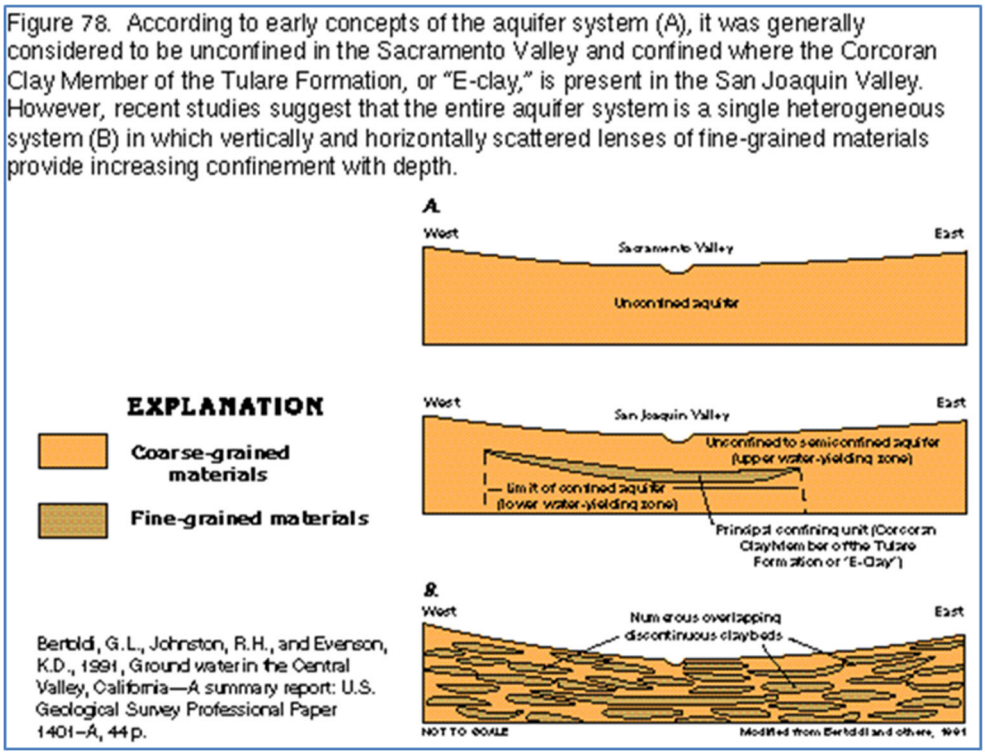


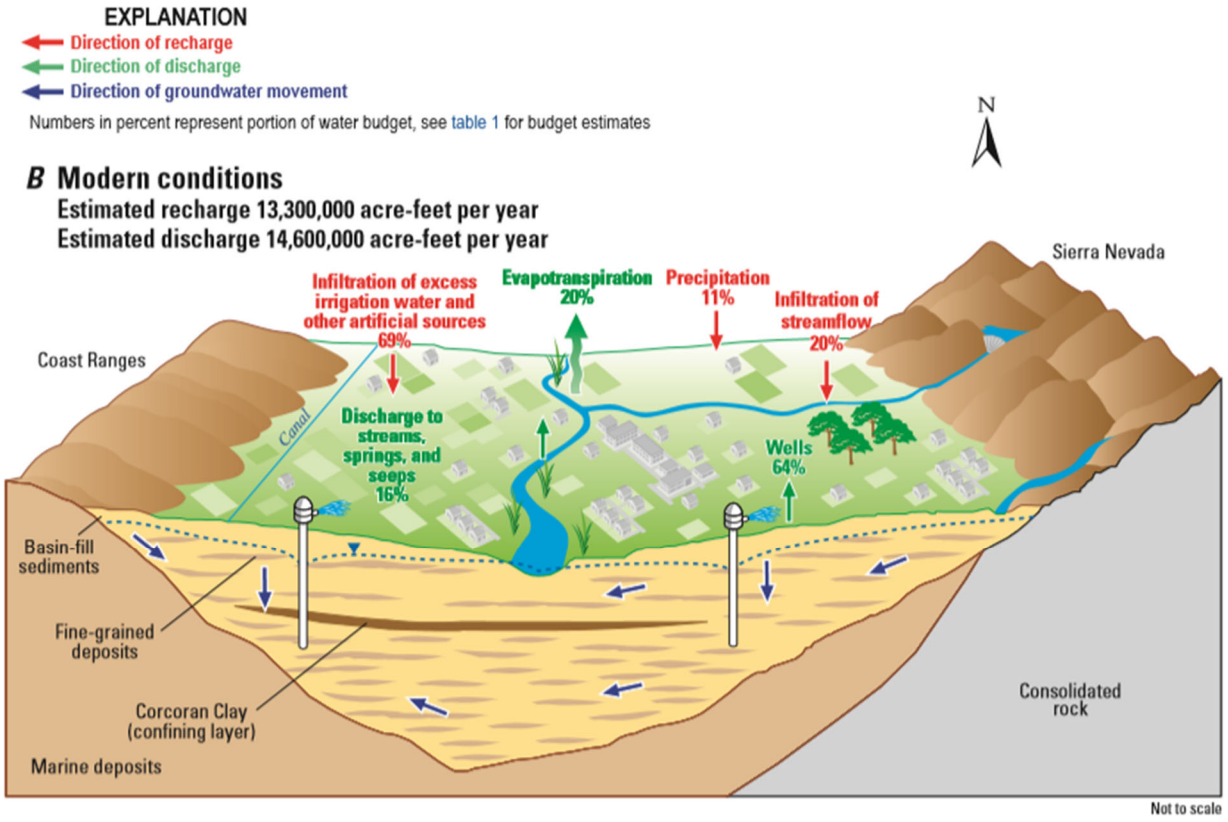
Figure 2 *- Cross-sectional Diagram of Groundwater Confining Layers in the San Joaquin Valley - Bertold, Johnston, and Evenson (1991)*



From Tanji and Kielen (2002)[7]:

> *The eastern side of the valley was formed from the alluvium of the Sierra Nevada, which consists mainly of granitic rocks. The soils derived from Sierran alluvium tend to be coarse textured and non-saline. The eastern groundwaters are characterized as low-salt calcium-bicarbonate-type water with total dissolved solids (*TDS*) typically in the 200-500 mg/litre range. In contrast, the soils on the western side were formed from alluvium of the Coast Range made up of uplifted marine sedimentary rocks. The soils on the western side tend to be finer textured and saline. The groundwaters on the western side are characterized as moderately saline sodium-sulphate-type waters with* TDS *typically in the 1 000-10 000 mg/litre range. The unconfined aquifer in both sides of the valley is gradually being filled up with decades of irrigation deep percolation. The soils in the valley and lowest part of the alluvial fans in the western side are waterlogged and salt affected. A nearly water-impermeable clay layer known as the Corcoran clay, about 200 m deep, serves as the boundary between the unconfined and confined aquifer. The groundwaters in the confined aquifer contain from 500 to 1 000 mg/litre TDS…*

***Figure 3** - Generalized Diagram for the Central Valley, Showing the Basin-fill Deposits and Components of the Groundwater System under Modern Conditions - Thiros (2010)*



[7] Tanji, K. and N. Kielen, 2002. Agricultural drainage water management in arid and semi-arid areas. FAO Irrigation and Drainage Paper 61, Food and Agriculture Organization of the United Nations, Rome.

Under Conditional Waiver Order R5-2006-0053, (Coalition Group Conditional Waiver) the East San Joaquin Water Quality Coalition (ESJWQC) divided the area into six zones based on hydrology, crop types, land use, soil types, and rainfall. Zone names are based on the Core Monitoring location within that zone: 1) Dry Creek at Wellsford Zone, 2) Prairie Flower Drain at Crows Landing Zone, 3) Highline Canal at Hwy 99 Zone, 4) Merced River at Santa Fe Zone, 5) Duck Slough at Gurr Rd Zone, and 6) Cottonwood Creek at Rd 20 Zone. See Table 1 for characteristics of each region. See Figure 4 for a map of the zones.

Table 1 - Zone Characteristics in the Eastern San Joaquin River Watershed Area
(see notes below table)

General Irrigated Acres	Specific Irrigated Acres	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Soil (average %)	Sand	56	71	62	59	40	64
	Silt	25	19	24	25	36	22
	Clay	18	10	15	16	24	14
Land Use (% of irrigated acres)	Deciduous Fruits/Nuts	39	38	61	38	19	32
	Field Crops	16	23	16	22	33	15
Land Use (% of irrigated acres)	Grains/Hay	1	1	2	4	6	4
	Pasture	35	31	11	20	31	13
	Vineyard	4	3	9	6	2	31
Dairies	% of Irrigated Acres	15	28	12	20	23	10
	Number of Operations	109	270	25	72	56	49
Depth of Groundwater	Weighted Average, feet	49	30	138	46	69	120
Total		134,307	164,633	88,617	121,746	142,686	335,069

Note: Annual average precipitation in the San Joaquin Hydrologic Region is 20 inches.[8]

Zone Notes:

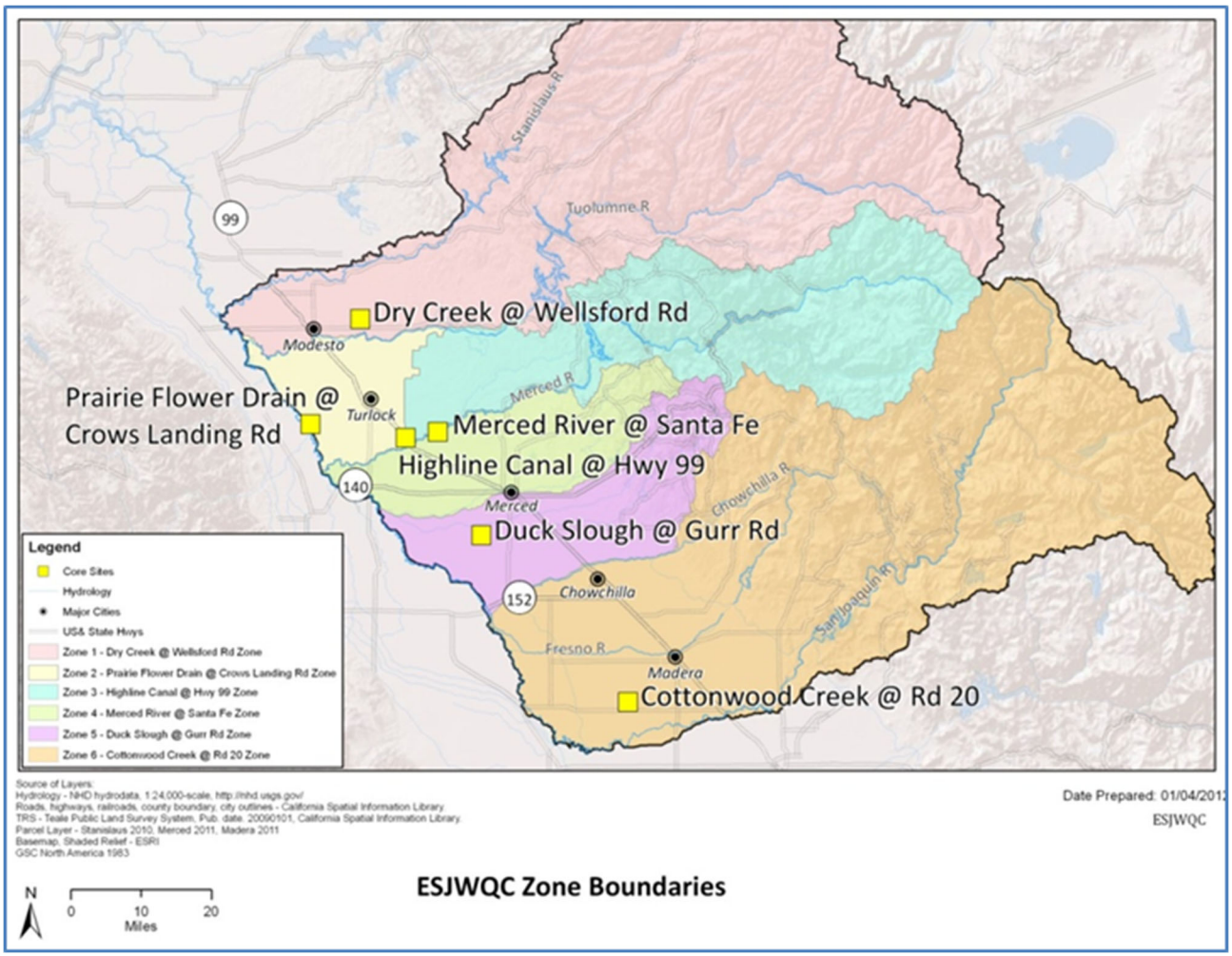
Zone 1..... Dry Creek
Zone 2..... Prairie Flower Drain
Zone 3..... Highline Canal
Zone 4.....Merced River
Zone 5.....Duck Slough
Zone 6.....Cottonwood Creek

The top ten crops based on 2010 total harvested acreage in the San Joaquin River Watershed are (listed in decreasing order): almonds, hay, silage, corn, grapes, tomatoes, irrigated pasture,

[8] California Department of Water Resources, Division of Flood Management, Regional Climate Data.

wheat, cotton and walnuts. This list includes the acreage on both sides of the San Joaquin River, so does not necessarily represent the top ten crops for the Eastern San Joaquin River Watershed area covered by this Order. There were over 100 crops grown in the Eastern San Joaquin River Watershed in 2010.

Figure 4 *- ESJWQC Zone Boundaries*



East San Joaquin Water Quality Coalition (ESJWQC) Organization

The ESJWQC submitted a Notice of Intent in October 2003 and received a Notice of Applicability (NOA) from the Executive Officer in February 2004. The NOA approved the ESJWQC's request to operate as a lead entity under the previous Coalition Group Conditional Waiver within its boundaries. Similar to the Coalition Group Conditional Waiver, this Order has been written for a Third-Party to provide a lead role in conducting monitoring, educating member growers (Members), developing water quality management plans, and interacting with the Central Valley Water Board on behalf of Members. Due to a substantial number of new requirements, this Order requires that the Third-Party submit a new application to serve as a Third-Party representing growers under this Order. The Central Valley Water Board anticipates that the ESJWQC will continue to operate as the Third-Party lead entity under this Order.

Grower Enrollment Process

The enrollment process whereby growers obtain membership in the Third-Party group under this Order is designed to incentivize speedy enrollment by increasing both submittal requirements and fees due for those that wait to obtain regulatory coverage. Members in good standing when the Order is adopted, as well as growers needing membership, will have a 120-day period (after the NOA is issued by the Executive Officer for the Third-Party) to complete enrollment before additional requirements are initiated. Members in good standing will submit a one-page Notice of Confirmation (NOC) to the Third-Party, confirming that they would like to continue membership in the Third-Party and that they are familiar with the Order's requirements. Other growers will submit a membership application to the Third-Party and will be notified by the Third-Party when their membership is approved. This will streamline the initial enrollment process for the bulk of the irrigated agricultural operations within the Eastern San Joaquin River Watershed.

Growers that do not enroll within the 120-day enrollment period, or are prompted to apply due to Central Valley Water Board enforcement or inspection, will be required to submit (1) a Notice of Intent (NOI) to comply with the terms and conditions of the Order to the Central Valley Water Board, (2) an administrative processing fee for the increased workload associated with the grower outreach (as applicable), and (3) a Membership application to the Third-Party group. These additional steps of submitting an NOI and fee directly to the Board after the initial enrollment deadline are intended to provide an incentive for growers to enroll promptly.

The Third-Party will provide an annual Membership List to the Central Valley Water Board that will include everyone who enrolled. The Membership List will specify Members in good standing as well as revoked memberships or pending revocations. Board staff will conduct enforcement activities as needed using the list of revoked/pending revocations.

Groundwater Quality Vulnerability

The concept of higher and lower vulnerability areas was integrated into the Order to allow the Board to tailor requirements to applicable waste discharge conditions. Resources can be focused on areas that need enhanced water quality protection, because the Third-Party has the option to identify low vulnerability areas where reduced program requirements would apply.

Vulnerability may be based on, but is not limited to, the physical conditions of the area (soil type, depth to groundwater, beneficial uses, etc.), water quality monitoring data, and the practices used in irrigated agriculture (pesticide permit and use conditions, label requirements, application method, etc.). Additional information such as models, studies, and information collected may also be considered in designating vulnerability areas.

High vulnerability areas for groundwater are those areas that meet the requirements for preparing a Groundwater Quality Management Plan or areas identified in the Groundwater Assessment Report, where available information indicates irrigated lands could cause or contribute to an exceedance of water quality objectives or degradation of groundwater quality that may threaten applicable beneficial uses. The Groundwater Assessment Report may rely on water quality data to identify high vulnerability areas and on assessments of hydrogeological conditions and other factors (e.g., areas of high fertilizer use) to identify high vulnerability areas. The Third-Party is also expected to review readily available studies and assessments of

groundwater quality to identify those areas that may be impacted by irrigated agricultural operations. Examples of assessments that the Third-Party should review include: the Department of Pesticide Regulation (DPR) Ground Water Protection Areas and the State Water Resources Control Board (State Water Board) Hydrogeologically Vulnerable Areas.

In general, low vulnerability areas for groundwater are areas that do not exhibit characteristics of high vulnerability groundwater areas (as defined in the MRP).

Vulnerability designations will be proposed by the Third-Party, based on the high and low vulnerability definitions provided in Attachment E of the Order. Vulnerability designations will be refined and updated periodically per the Groundwater Assessment Report and Monitoring Report processes (described in Attachment B, Monitoring and Reporting Program [MRP] Order R5-2012-0116-10). The Executive Officer will make the final determination regarding the irrigated lands waste discharge vulnerability areas.

Surface Water and Groundwater Monitoring

Surface Water Quality Monitoring

Irrigated Lands Regulatory Program (ILRP) – Surface Water Quality Monitoring

The ESJWQC has been operating under a Monitoring and Reporting Program Plan (MRP Plan) prepared according to the Monitoring and Reporting Program Order R5-2008-0005 for Coalition Groups under the amended Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Order R5-2006-0053. The MRP Plan, together with the ESJWQC's Management Plan (described below), is the workplan for the monitoring and reporting program, including environmental monitoring, quality assurance and quality control, outreach, and tracking and reporting on progress.

Under previous MRP Order R5-2008-0005, the ESJWQC conducted three types of water quality monitoring: Core, Assessment, and Special Project. Monitoring design was specific to each of the six zones designated in 2008 by the ESJWQC within the Eastern San Joaquin River Watershed. The zone designations were based on hydrology, crop types, land use, soil types, and rainfall. Each zone contained one Core Monitoring site and several Assessment Monitoring sites that would rotate every two years. Core Monitoring was designed to evaluate general water quality trends over time at the Core sites and included general physical parameters, nutrients, and pathogens. Assessment Monitoring rotated through Assessment sites and included analyses for a large suite of constituents. Core Monitoring sites underwent Assessment Monitoring every three years. Special Project Monitoring occurred when the requirement for a management plan was triggered and additional data were needed to identify sources of the exceedances, as well as to assess water quality improvement due to implementation of management practices. Special Project Monitoring also occurred in areas where total maximum daily load (TMDL) studies are required by the Basin Plan.

The basic questions to be answered by the updated surface water quality monitoring program are similar to those established under the previous MRP Order (R5-2008-005):

1. Are receiving waters to which irrigated lands discharge meeting applicable water quality objectives and Basin Plan provisions?

2. Are irrigated agricultural operations causing or contributing to identified water quality problems?[9] If so, what are the specific factors or practices causing or contributing to the identified problems?
3. Are water quality conditions changing over time (e.g., degrading or improving as new management practices are implemented)?
4. Are irrigated agricultural operations of Members in compliance with the provisions of the Order?
5. Are implemented management practices effective in meeting applicable receiving water limitations?
6. Are the applicable surface water quality management plans effective in addressing identified water quality problems?

The questions are addressed through the following monitoring and information gathering approaches:

1. The “Core” and “Represented” monitoring sites cover represented sections of the Eastern San Joaquin River Watershed with irrigated agricultural operations. The requirement to evaluate materials applied to crops or constituents mobilized by irrigated agricultural operations will result in monitoring of those constituents in receiving waters.
2. The monitoring and evaluation approach required as part of the surface water quality monitoring and management plan development and implementation will address this question (see below and the requirements associated with surface water quality management plans).
3. Both “special project” monitoring associated with management plans and the monitoring conducted at “Core” monitoring sites should be sufficient to allow for the evaluation of trends. The requirements to gather information on management practices will provide additional information to help estimate whether any changes in trends may be associated with the implementation of practices.
4. The surface water monitoring required should allow for a determination as to whether discharges from irrigated lands are protective of beneficial uses and meeting water quality objectives. Other provisions in the MRP should result in the gathering of information that will allow the Board to evaluate overall compliance with the Order.
5. The monitoring conducted as part of the implementation of a management plan, in addition to any special project monitoring required by the Executive Officer, should allow the Board to determine whether management practices representative of those implemented by irrigated agriculture are effective. In addition, information developed through studies outside of these requirements can be used to evaluate effectiveness.
6. The “special project” monitoring associated with management plans will be tailored to the specific constituents of concern and the time period when they are impacting water quality.

[9] “Water quality problem” is defined in Attachment E.

Therefore, the water quality data gathered, together with management practice information, should be sufficient to determine whether the management plans are effective.

The surface water monitoring required by this Order's Monitoring and Reporting Program R5-2012-0116-10 (MRP) has been developed using the ESJWQC's August 2008 MRP Plan as a foundation. However, a number of changes were made to improve the cost-effectiveness of the surface water monitoring effort and ensure the data collected are the most appropriate for answering the monitoring questions.

The four primary changes were to: 1) eliminate the set frequency for monitoring; 2) eliminate the set parameter list for metals and pesticides; 3) change approach to trend monitoring to focus on parameters associated with irrigated agricultural waste discharges; and 4) modify the monitoring approach at previous "Core" and "Rotating" sites.

The rationale for the above changes are:

1. The previous requirement to monitor monthly resulted in monitoring during months in which no problems would be expected and infrequent monitoring during peak periods when potential problems could occur. The Third-Party will be required to evaluate pesticide use patterns and peak times when metals from irrigated agriculture operations may cause problems in surface water. Based on that evaluation, they will propose a frequency and time period to conduct monitoring that will adequately characterize surface waters receiving irrigated agricultural waste discharges.
2. The set list of parameters resulted in monitoring of some pesticides and metals that are unlikely to result in water quality problems. Also, in some cases pesticides that could cause or contribute to a water quality problem were not monitored. The Third-Party will be required to evaluate use patterns and properties (e.g., physical-chemical characteristics) and propose a list of metals to monitor. Board staff will work with DPR, Third-Party groups, and engage the ILRP Technical Issues Committee (TIC) to develop a process for selecting the list of pesticides and specific pesticides for monitoring by the Third-Party.
3. The general parameters that were monitored as part of previous core monitoring have been of limited value for monitoring trends related to irrigated agricultural waste discharge. Rather than requiring monitoring of general parameters to try to determine trends, trend monitoring will occur as part of management plan monitoring and through more frequent monitoring at "Core" sites.
4. The previous requirement included monitoring a broad suite of parameters once every three years on a monthly monitoring schedule. The "trigger" for requiring preparation of a management plan is more than one exceedance every three years. The previous approach reduces the likelihood of identifying and addressing a problem, especially if a problem is primarily prevalent in a single month – a management plan might never be triggered. In addition, by not sampling a broad suite of parameters two out of three years, significant problems related to hydrology or climate could be missed – for example, heavy pest pressure in a non-monitored year could result in heavy pesticide use and higher discharge that would not be identified. The new MRP requires two years of monitoring/two years off at the "Core" monitoring sites (any monitoring triggered by management plans would continue even if a site had an "off" year for monitoring). This

approach will ensure that each "zone" includes one or more sites in which comprehensive assessment monitoring is being conducted, which should allow the Board to track and identify any significant changes, while not imposing an undue cost burden.

5. The previous monitoring program included a set schedule for monitoring at previously identified "Rotating" sites. The MRP for this Order does not establish a set schedule for monitoring "Rotating" sites. Instead, the Third-Party will monitor two "Core" sites per zone with monitoring at additional sites ("Represented" monitoring sites) when "Core" site monitoring indicates that there is a water quality problem or as part of special studies and management plans. This change will facilitate a better process for targeted follow-up monitoring where there are water quality problems.

Surface Water Quality Management Plans

Since 2004, the ESJWQC has collected water quality monitoring data at 47 sites. Under Conditional Waiver Order R5-2006-0053, surface water quality management plans (SQMPs) were required for watersheds where there was an exceedance of a water quality objective or trigger limit[10] more than one time in a three-year period. There are currently surface water management plans required for the following constituents: ammonia, arsenic, chlorpyrifos, copper, DDE, diazinon, diuron, dissolved oxygen, electrical conductivity, *E. coli*, lead, molybdenum, nitrate, pH, simazine, total dissolved solids, thiobencarb, algae toxicity, sediment toxicity to *Hyalella azteca*; and water column toxicity to algae (*Selenastrum capricornutum*), fathead minnows (*Pimephales promelas*), and water fleas (*Ceriodaphnia dubia*). The ESJWQC's Management Plan, which covers all of these constituents, was approved on 25 November 2008 and is updated annually.

Similar to the previous Order (Coalition Group Conditional Waiver), this Order requires the Third-Party to develop SQMPs for watersheds where there is an exceedance of a water quality objective or trigger limit more than one time in a three-year period. SQMPs may also be required where there is a trend of degradation that threatens a beneficial use. SQMPs will only be required for wastes that may be discharged by some or all of irrigated lands in the identified area. SQMPs are the key mechanism under this Order to help ensure that waste discharges from irrigated lands are meeting Surface Water Receiving Water Limitation III.A. The limitations apply immediately unless the Member is implementing the SQMP in accordance with the approved time schedule. The SQMP will include a schedule and milestones for the implementation of management practices (see Appendix MRP-1). The schedule must identify the time needed to identify new management practices necessary to meet the receiving water limitations, as well as a timetable for implementation of identified management practices. The SQMP will include a schedule for implementing practices that are known to be effective in partially or fully protecting surface water quality. The SQMP must also identify an approach for determining the effectiveness of the implemented management practices in protecting surface water quality.

The main elements of SQMPs are to A) investigate potential irrigated agriculture sources of waste discharge to surface water; B) review physical setting information for the plan area such as existing water quality data; C) considering elements A and B, develop a strategy with schedule and milestones to implement practices to ensure waste discharges from irrigated

[10] Trigger limits are discussed below under "Water Quality Objectives."

agriculture are meeting Surface Water Limitation III.A.1; D) develop a monitoring strategy to provide feedback on SQMP progress; E) develop methods to evaluate data collected under the SQMP; and F) provide annual reports to the Central Valley Water Board on progress.

Elements A – F are necessary to establish a process by which the Third-Party and Central Valley Water Board are able to investigate waste sources and the important physical factors in the plan area that may impact management decisions (elements A and B), implement a process to ensure effective practices are adopted by Members (element C), ensure that adequate feedback monitoring is conducted to allow for evaluation of SQMP effectiveness (elements D and E), and facilitate efficient Board review of data collected on the progress of the SQMP (element F).

The SQMPs required by this Order require the Third-Party to include the above elements. SQMPs will be reviewed and approved by the Executive Officer. Also, because SQMPs may cover broad areas potentially impacting multiple surface water users in the plan area, these plans will be made available for public review. Prior to plan approval, the Executive Officer will consider public comments on proposed SQMPs.

The burden of the SQMP, including costs, is reasonable. The Central Valley Water Board must be informed of the efforts being undertaken by irrigated agricultural operations to address identified surface water quality problems. In addition, a regional SQMP is a reasonable first step to address identified surface water quality problems, since the monitoring and planning costs are significantly lower, when undertaken regionally by the Third-Party, than requiring individuals to undertake similar monitoring and planning efforts. However, if the regional SQMP does not result in the necessary improvements to water quality, the burden, including costs, of requiring individuals in the impacted area to conduct monitoring, describe their plans for addressing the identified problems, and evaluate their practices is a reasonable subsequent step. The benefits and necessity of such individual reporting, when regional efforts fail, include, but are not limited to: 1) the need of the Board to evaluate the compliance of regulated growers with applicable orders; 2) the need of the Board to understand the effectiveness of practices being implemented by regulated growers; and 3) the benefits to all users of that surface water of improved water quality.

Groundwater Quality

Groundwater Monitoring Advisory Workgroup

The Groundwater Monitoring Advisory Workgroup (GMAW) consists of groundwater experts representing state agencies, the United States Environmental Protection Agency (USEPA), the United States Geological Survey (USGS), academia, and private consultants. The following questions were identified by the GMAW and Central Valley Water Board staff as critical questions to be answered by groundwater monitoring conducted to comply with the ILRP.

1. What are irrigated agriculture’s impacts to the beneficial uses of groundwater and where has groundwater been degraded or polluted by irrigated agricultural operations (horizontal and vertical extent)?

2. Which irrigated agricultural management practices are protective of groundwater quality and to what extent is that determination affected by site conditions (e.g., depth to groundwater, soil type, and recharge)?
3. To what extent can irrigated agriculture's impact on groundwater quality be differentiated from other potential sources of impact (e.g., nutrients from septic tanks or dairies)?
4. What are the trends in groundwater quality beneath irrigated agricultural areas (getting better or worse) and how can we differentiate between ongoing impact, residual impact (vadose zone) or legacy contamination?
5. What properties (soil type, depth to groundwater, infiltration/recharge rate, denitrification/ nitrification, fertilizer and pesticide application rates, preferential pathways through the vadose zone [including well seals, abandoned or standby wells], contaminant partitioning and mobility [solubility constants]) are the most important factors resulting in degradation of groundwater quality due to irrigated agricultural operations?
6. What are the transport mechanisms by which irrigated agricultural operations impact deeper groundwater systems? At what rate is this impact occurring and are there measures that can be taken to limit or prevent further degradation of deeper groundwater while we're identifying management practices that are protective of groundwater?
7. How can we confirm that management practices implemented to improve groundwater quality are effective?

The workgroup members reached consensus that the most important constituents of concern related to agriculture's impacts to the beneficial uses of groundwater are nitrate (NO_3-N) and salinity. In addition to addressing the widespread nitrate problems, the presence of nitrates in groundwater at elevated levels would serve as an indicator of other potential problems associated with irrigated agricultural practices. Central Valley Water Board staff utilized the recommended salinity and nitrate parameters and added general water quality parameters contained within a majority of the groundwater monitoring programs administered by the Board (commonly measured in the field) and some general minerals that may be mobilized by agricultural operations (general minerals to be analyzed once every five years in Trend wells). The general water quality parameters will help in the interpretation of results and ensure that representative samples are collected. The Board considered the above questions in developing the Order's groundwater quality monitoring and management practices assessment, and evaluation requirements.

Groundwater Quality Monitoring and Management Practice Assessment, and Evaluation Requirements

The groundwater quality monitoring, assessment, and evaluation requirements have been developed in consideration of the critical questions developed by the Groundwater Monitoring Advisory Workgroup (listed above). The Third-Party must collect sufficient data to describe irrigated agricultural impacts on groundwater quality and to determine whether existing or newly implemented management practices comply with the groundwater receiving water limitations of the Order. The strategy for evaluating groundwater quality and protection consists of: (1) a Groundwater Quality Assessment Report (GAR), (2) a Management Practices Evaluation Program, and (3) a Groundwater Quality Trend Monitoring Program.

The general purpose of the Groundwater Quality Assessment Report is to analyze existing monitoring data and provide the foundation for designing the Management Practices Evaluation Program and the Groundwater Quality Trend Monitoring Program, as well as identifying high vulnerability groundwater areas where a groundwater quality management plan must be developed and implemented.

A Management Practices Evaluation Program (MPEP) is to be developed where known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities (high vulnerability areas). The purpose of the MPEP is to identify whether existing site-specific and/or commodity-specific agricultural management practices are protective of groundwater quality in the high vulnerability areas and to assess the effectiveness of any newly implemented management practices instituted to improve groundwater quality. Given the wide range of management practices/commodities within the Third-Party's boundaries, it is anticipated that the Third-Party will rank or prioritize their high vulnerability areas and commodities, and present a phased approach to implementing the MPEP. The MPEP must be designed to answer GMAW questions 2, 5, 6, and 7. Where applicable, management practices identified as protective of groundwater quality through the MPEP (or equivalent practices) must be implemented by Members, whether the Member is in a high or low vulnerability area (see section IV.C.21 of the Order).

Since the focus of the MPEP is answering the questions related to management practices, the method or tools to be used are not prescribed by the Board. The Third-Party is required to develop a workplan that describes the tools or methods to be used to associate management practice activities on the land surface with the effect of those activities on underlying groundwater quality. The Board anticipates that the MPEP workplan will likely propose using a variety of tools, such as vadose zone monitoring, modeling, and groundwater monitoring. The Third-Party has the option of developing the workplan as part of a group effort that may include other agricultural water quality coalitions and commodity groups. Such a joint effort may avoid duplication of effort and allow collective resources to be more effectively focused on the highest priority studies, while ensuring the goals of the MPEP are met. Existing monitoring wells can be utilized where available for the MPEP.

The trend monitoring program is designed to determine current water quality conditions of groundwater in the Third-Party area, and to develop long-term groundwater quality information that can be used to evaluate the regional effects (i.e., not site-specific effects) of irrigated agriculture and its practices. Trend monitoring has been developed to answer GMAW questions 1 and 4. At a minimum, trend monitoring must include annual monitoring for electrical conductivity, pH, dissolved oxygen, temperature, nitrate as nitrogen (N), and once every five year monitoring for total dissolved solids, carbonate, bicarbonate, chloride, sulfate, boron, calcium, sodium, magnesium, and potassium. Existing shallow wells, such as domestic supply wells, will be used for the trend groundwater monitoring program. The use of existing wells is less costly than installing wells specifically designed for groundwater monitoring, while still yielding data which can be compared with historical and future data to evaluate long-term groundwater trends.

As the management practices identified as protective of groundwater quality through the MPEP are implemented, the trend monitoring, together with other data included in updates to the GAR,

should show improvements in water quality. The trend monitoring and GAR updates will, therefore, provide a regional view as to whether the collective efforts of Members are resulting in water quality improvements. If groundwater quality trends indicate degradation in low vulnerability areas, then a Groundwater Quality Management Plan must be developed and implemented. Negative trends of groundwater quality in high vulnerability areas over time would be an indicator that the existing Groundwater Quality Management Plan is not effective or is not being effectively implemented.

The Third-Party may also look to and explore using existing monitoring networks such as those being conducted in accordance with local groundwater management plans (e.g., AB 3030, SB 1938, Integrated Regional Water Management Plans).

GMAW question 3, which seeks to differentiate sources of existing impact, cannot be easily answered by traditional groundwater monitoring. The MPEP and trend monitoring will help to answer this question, but other methods such as isotope tracing and groundwater age determination may also be necessary to fully differentiate sources. The MRP does not require these advanced source methods because they are not necessary to determine compliance with the Order. The MPEP will be used to help determine whether waste discharge at represented sites is of high enough quality to meet the groundwater limitations of the Order.

Data Summary, Pesticides

Monitoring data collected for two studies conducted by the State Water Resources Control Board and the USGS in 2006 and 2008 showed detections of pesticides used by agriculture in groundwater within the Eastern San Joaquin River Watershed.[11] Pesticides and pesticide degradates were detected in 59 percent of wells in the Central-Eastside San Joaquin Basin in 2006 and 30 percent of wells in the Madera-Chowchilla Study Unit in 2008. Most frequently detected pesticides in the studies include deethylatrazine (degradate of triazine herbicides), simazine, atrazine, metolachlor, DBCP, and deisopropylatrazine (degradate of triazine herbicides). Most pesticide detections were below health-based thresholds and applicable water quality objectives. Analyses were not run for all pesticides used in the study areas.

The California Department of Pesticide Regulation (DPR), as part of its regulatory requirements under the Pesticide Contamination Prevention Act (PCPA) enacted in 1985, is required to maintain a statewide database of wells sampled for pesticide active ingredients and, in consultation with the California Department of Public Health (DPH) and the State Water Resources Control Board (State Water Board), provide an annual report of the data contained in the database and the actions taken to prevent pesticides contamination to the Legislature and other state agencies. DPR also initiated the Ground Water Protection Program that focuses on evaluating the potential for pesticides to move through soil to groundwater, improving contaminant transport modeling tools, and outreach/training programs for pesticide users. There are approximately 359,000 acres of irrigated lands in the Eastern San Joaquin River Watershed

[11] Landon, M.K., and Belitz, K., 2008. Ground-water quality data in the Central Eastside San Joaquin Basin 2006: Results from the California GAMA Program: U.S. Geological Survey Data Series 325, 88 p. See also Shelton, J.L., Fram, M.S., and Belitz, K., 2009. Groundwater-quality data for the Madera–Chowchilla study unit, 2008: Results from the California GAMA program: U.S. Geological Survey Data Series 455, 80 p. <pubs.usgs.gov/ds/455>

within DPR Groundwater Protection Areas (GWPAs). Of the 359,000 acres, approximately 236,000 acres of the irrigated lands are within DPR GWPAs that are characterized as vulnerable to leaching of pesticides (leaching areas), approximately 120,000 acres are within GWPAs that are characterized as vulnerable to movement of pesticides to groundwater by runoff from fields to areas were they may move to groundwater (runoff areas), and 2,510 acres of irrigated lands are characterized as both leaching and runoff areas. See Figure 5 for a map of the Groundwater Protection Areas within the Eastern San Joaquin River Watershed.

DPR's current groundwater quality monitoring program should be sufficient to identify any emerging pesticides of concern and to track water quality trends of identified pesticides of concern. However, the presence of pesticides in groundwater indicates a discharge of waste subject to Water Board regulation. Therefore, should the Board or DPR identify groundwater quality information needs related to pesticides in groundwater, the Board may require the Third-Party to conduct studies or implement a monitoring plan to address those information needs. Where additional information collected indicates a groundwater quality problem, a coordinated effort with DPR to address the identified problem will be initiated and the Board may require the Third-Party to develop a GQMP.

Data Summary Nitrates – GeoTracker GAMA

The State Water Board's GeoTracker GAMA (Groundwater Ambient Monitoring and Assessment) online information system integrates groundwater data from multiple sources, such as GAMA, DPR, Department of Water Resources (DWR), USGS, Department of Public Health (DPH), and Lawrence Livermore National Laboratory. Staff queried GeoTracker GAMA. In January 2012 there were 35,640 nitrate results in GeoTracker GAMA within the Eastern San Joaquin River Watershed Area. These results were collected from environmental monitoring wells and water supply wells (94 percent of the samples were collected from water supply wells). The samples considered in this summary were collected from 1978 through 2011, although 84 percent of the samples were collected in years 2000 or later. There is only one nitrate sample in the GAMA database collected prior to 1979 (for the Eastern San Joaquin River Watershed area). Samples were collected within all 6 counties in the Eastern San Joaquin River Watershed, although most were collected in Stanislaus (62 percent), Merced (14 percent), and Madera (12 percent) Counties.

Sample collection depth information is not available for download from GeoTracker GAMA. However, 86 percent (30,807) of the samples were collected by DPH from water supply wells. DPH monitors water quality in public supply wells, which are typically hundreds to thousands of feet deep and pump large volumes of water from deeper aquifers. This indicates that this particular set of 35,639 nitrate results focuses primarily on conditions in deeper groundwaters. Since DPH primarily monitors active municipal supply wells, wells that have excessive nitrates (that are not treated or blended with better quality water) are generally taken out of water supply service, so monitoring ceases. Therefore, DPH data for active municipal wells generally do not include nitrate-contaminated wells. Additional data collected at shallower depths (where applicable) may be needed to adequately assess current groundwater quality conditions in the area.

Six percent of sample results for all GAMA well data for the Eastern San Joaquin River Watershed were greater than the nitrate drinking water standard of 45 mg/L (as nitrate). An

additional 34 percent of results fell between the drinking water standard and half of the standard (22.5 mg/L).

Of the 5,601 samples collected from 1979 through 1999, 9 percent were greater than the nitrate drinking water standard and an additional 29 percent fell between the drinking water standard and half of the standard. Of the 30,038 samples collected 2000 through 2011, 6 percent were greater than the nitrate drinking water standard and an additional 35 percent fell between the drinking water standard and half of the standard.

All nitrate results collected between 1979 and 1999 were reported by DPH. Of the 4,832 nitrate results reported by groups other than DPH that were collected 2000 through 2011, 14 percent were greater than the nitrate drinking water standard and an additional 17 percent fell between the standard and half of the standard.

There were 1,004 square-mile sections of land (township, range, and section or TRS) within the Eastern San Joaquin River Watershed Area with nitrate results in the GeoTracker GAMA dataset. When data were analyzed per TRS, three percent of sampled sections had an average nitrate level above the drinking water standard and an additional 18 percent of sections had an average nitrate level between 45 and 22.5 mg/L. Twenty-two percent of sampled sections had a maximum nitrate level above 45 mg/L and an additional 28 percent of sampled sections had a maximum level between 45 and 22.5 mg/L. See Figure 6 for a map showing the maximum nitrate result per square mile section of land with detections.

Hydrogeologically Vulnerable Areas

In 2000, the State Water Resources Control Board created a map showing locations where published hydrogeologic information indicated conditions that may be more vulnerable to groundwater contamination. They termed these areas “Hydrogeologically Vulnerable Areas.” The map identifies areas where geologic conditions allow recharge to underlying water supply aquifers at rates or volumes substantially higher than in lower permeability or confined areas of the same groundwater basin. The map does not include hydrogeologically vulnerable areas (HVAs) where local groundwater supplies occur mainly in the fractured igneous and metamorphic rocks which underlie the widespread mountain and foothill regions of the Sierra Nevada, or in permeable lava flows which may provide primary recharge for extensive but sparsely populated groundwater basins. See Figure 5 for a map of the HVA areas within the Third-Party region.

Groundwater Quality Management Plans (GQMPs)

Under this Order, groundwater quality management plans will be required where there are exceedances of water quality objectives, where there is a trend of degradation[12] that threatens a beneficial use, as well as for “high vulnerability groundwater areas” (to be designated by the Third-Party in the Groundwater Assessment Report based on definitions provided in Attachment E). Instead of development of separate GQMPs, the Order allows for the submittal of a comprehensive GQMP along with the Groundwater Assessment Report. GQMPs will only be required if irrigated lands may cause or contribute to the groundwater quality problem. GQMPs are the key mechanism under this Order to help ensure that waste discharges from irrigated

[12] A trend in degradation could be identified through the required trend monitoring or through the periodic updates of the Groundwater Quality Assessment Report.

lands are meeting Groundwater Receiving Water Limitation III.B. The limitations apply immediately unless the Member is implementing the GQMP in accordance with the approved time schedule. The GQMP will include a schedule and milestones for the implementation of management practices (see Appendix MRP-1). The schedule must identify the time needed to identify new management practices necessary to meet the receiving water limitations, as well as a timetable for implementation of identified management practices. The MPEP will be the process used to identify the effectiveness of management practices, where there is uncertainty regarding practice effectiveness under different site conditions. However, the GQMP will also be expected to include a schedule for implementing practices that are known to be effective in partially or fully protecting groundwater quality. For example, the ratio of total nitrogen available to crop consumption of nitrogen that is protective of water quality may not be known for different site conditions and crops. However, accounting for the amount of nitrate in irrigation supply water is known to be an effective practice at reducing the amount of excess nitrogen applied.

The main elements of GQMPs are to A) investigate potential irrigated agricultural sources of waste discharge to groundwater, B) review physical setting information for the plan area such as geologic factors and existing water quality data, C) considering elements A and B, develop a strategy with schedules and milestones to implement practices to ensure discharge from irrigated lands are meeting Groundwater Receiving Water Limitation III.B, D) develop a monitoring strategy to provide feedback on GQMP progress, E) develop methods to evaluate data collected under the GQMP, and F) provide reports to the Central Valley Water Board on progress.

Elements A – F are necessary to establish a process by which the Third-Party and Central Valley Water Board are able to investigate waste sources and the important physical factors in the plan area that may impact management decisions (elements A and B), implement a process to ensure effective practices are adopted by Members (element C), ensure that adequate feedback monitoring is conducted to allow for evaluation of GQMP effectiveness (elements D and E), and facilitate efficient Board review of data collected on the progress of the GQMP (element F).

This Order requires the Third-Party to develop GQMPs that include the above elements. GQMPs will be reviewed and approved by the Executive Officer. Also, because GQMPs may cover broad areas potentially impacting multiple groundwater users in the plan area, these plans will be made available for public review. Prior to plan approval, the Executive Officer will consider public comments on proposed GQMPs.

In accordance with Water Code section 13267, the burden of the GQMP, including costs, is reasonable. The Central Valley Water Board must be informed of the efforts being undertaken by Members to address identified groundwater quality problems. In addition, a regional GQMP is a reasonable first step to address identified groundwater quality problems, since the monitoring and planning costs are significantly lower when undertaken regionally by the Third-Party than requiring individual Members to undertake similar monitoring and planning efforts. However, if the regional GQMP does not result in the necessary improvements to water quality, the burden, including costs, of requiring individual Members in the impacted area to conduct monitoring, describe their plans for addressing the identified problems, and evaluate their practices is a reasonable subsequent step. The benefits and necessity of such individual reporting, when regional efforts fail, include, but are not limited to: 1) the need of the Board to evaluate the compliance of regulated Members with applicable orders; 2) the need of the Board to

understand the effectiveness of practices being implemented by Members; and 3) the benefits of improved groundwater quality to all users.

Farm Evaluations

The Order requires that all Members complete a farm evaluation describing management practices implemented to protect surface and groundwater quality. The evaluation will also include information such as location of the farm, surface water discharge points, location of in service wells and abandoned wells and whether wellhead protection practices have been implemented.

The Order requires development of a farm evaluation template to assist Members in completing the evaluation. Once the Executive Officer approves the final template, all Members will be required to complete a farm evaluation. The Order establishes prioritization for Member completion and updating of the evaluations based on farm size and whether the operation is within a high or low vulnerability area. Farm evaluations must be maintained at the Member's farming operations headquarters or primary place of business and submitted to the Third-Party for summary reporting to the Central Valley Water Board.

The farm evaluation is intended to provide the Third-Party and the Central Valley Water Board with information regarding individual Member implementation of the Order's requirements. Without this information, the Board would rely solely on regional surface and groundwater monitoring to determine compliance with water quality objectives. The regional monitoring cannot determine whether all Members are implementing protective practices, such as wellhead protection measures for groundwater. Regional monitoring also does not allow identification of which practices are protective in areas where impacts are observed and multiple practices are employed. For groundwater protection practices, it may take years in many areas (even decades in some areas) before broad trends in groundwater may be measured and associated with implementation of this Order. Farm evaluations will provide assurance that Members are implementing management practices to protect groundwater quality while trend data are collected.

The reporting of practices identified in the farm evaluation will allow the Third-Party and Board to effectively implement the MPEP. Evaluating management practices at representative sites (in lieu of farm-specific monitoring) only works if the results of the monitored sites can be extrapolated to non-monitored sites. One of the key ways to extrapolate those results will be to have an understanding of which farming operations have practices similar to the site that is monitored. The reporting of practices will also allow the Board to determine whether the GQMP is being implemented by Members according to the approved schedule.

In addition, reporting of practices will allow the Third-Party and Board to evaluate changes in surface water quality relative to changes in practices. The SQMP will include a schedule and milestones for the implementation of practices to address identified surface water quality problems. The reporting of practices will allow the Board to determine whether the SQMP is being implemented by Members according to the approved schedule. Absent information on practices being implemented by Members, the Board would not be able to determine whether Members are complying with the Order.

The focus of the reporting is on parcels in high vulnerability areas. The Board needs to have an understanding of whether Members are improving practices in those areas where surface or groundwater quality are most impacted (or potentially impacted). Reporting frequency is annual for all sizes of farming operations in high vulnerability areas. The reporting frequency is every five years for all farming operations in low vulnerability areas, however, the first report for small farming operations in low vulnerability areas is not due until 2017. The Executive Officer is given the discretion to reduce the reporting frequency for Members in high vulnerability areas, if there are minimal year to year changes in the practices reported. This discretion is provided, since the reporting burden would be difficult to justify given the costs if there were minimal year to year changes in the information provided.

While the focus of the reporting is on high vulnerability areas, the MPEP requirement affects management practices implemented in both high and low vulnerability areas. Management practices identified as protective of groundwater quality through the MPEP (or equivalent practices) must be implemented by Members, where applicable, whether the Member is in a high or low vulnerability area (see section IV.C.21 of the Order).

Nitrogen Management Plans

Nitrate derived from both agricultural and non-agricultural sources has resulted in degradation and/or pollution of groundwater beneath agricultural areas in California's Central Valley.[13] As shown in Figure 6, there are a number of wells within the Eastern San Joaquin River Watershed area with nitrate concentrations that are higher than drinking water quality objectives. To address these concerns, the Order requires that Members implement practices that minimize excess nitrogen application relative to crop need. Proper nutrient management will work to reduce excess plant nutrients, such as nitrogen, from reaching state waters. Nitrogen management must take site-specific conditions into consideration in identifying steps that will be taken and practices that will be implemented to minimize nitrate movement through surface runoff and leaching past the root zone.

This Order requires the development of a nitrogen management plan template to assist Members with nitrogen management. The template must be approved by the Executive Officer and will either be proposed by the Third-Party according to the criteria listed in the Order or will be developed by the staff in consultation with the Third-Party based on those same criteria. The template should consider, to the extent appropriate, the major criteria established in Code 590 of the NRCS Nutrient Management document, including soil and plant tissue testing, nitrogen application rates, nitrogen application timing, consideration of organic nitrogen fertilizer, consideration of irrigation water nitrogen levels to minimize surface and groundwater pollution and meet crop nitrogen requirements and crop yield potential.

Once the Executive Officer approves the nitrogen management plan template, all Members will be required to complete a nitrogen management plan according to the schedule in the Order. Growers in low vulnerability areas are required to prepare nitrogen management plans, but do

[13] ICF International. 2011. Irrigated Lands Regulatory Program - Program Environmental Impact Report. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA. Appendix A, page 46.

not need to certify the plans or provide summary reports to the Third-Party. Should the groundwater vulnerability designation change from “low” to “high” vulnerability, those Members in the previously designated low vulnerability area would then need to have their nitrogen management plan certified and submit summary reports in accordance with a schedule issued by the Executive Officer.

Members with small farming operations are given an additional two years to complete their first nitrogen management plan. The plan must be maintained at the Member’s farming operations headquarters or primary place of business.

For Members located within a high vulnerability groundwater area, for which nitrate is identified as a constituent of concern, the plan must be certified in one of the following ways:

- Self-certified by the Member who attends a California Department of Food and Agriculture or other Executive Officer approved training program for nitrogen plan certification. The Member must retain written documentation of their attendance in the training program and participate in any continuing education required by CDFA; or
- Self-certified by the Member that the plan adheres to a site-specific recommendation from the Natural Resources Conservation Service (NRCS) or the University of California Cooperative Extension. The Member must retain written documentation of the recommendation provided; or
- Certified by a nitrogen management plan specialist as defined in Attachment E of this Order.
- Certified in an alternative manner approved by the Executive Officer. Such approval will be provided based on the Executive Officer’s determination that the alternative method for preparing the nitrogen management plan meets the objectives and requirements of this Order.

The Order requires nitrogen management reporting (nitrogen management plan summary reports) for Members in high vulnerability groundwater areas. The first nitrogen management plan summary report must be submitted one year after the first nitrogen management plan must be developed. The nitrogen management plan summary report provides information based on what was actually done the previous crop year, while the plan indicates what is planned for the upcoming crop year. Therefore, the first summary report is due the year following the implementation of the first nitrogen management plan. This reporting will provide the Third-Party and the Central Valley Water Board with information regarding individual Member implementation of the Order’s requirements. Without this information, the Board would rely primarily on groundwater monitoring to determine compliance with water quality objectives. Groundwater monitoring alone would not provide a real-time indication as to whether all Members are managing nutrients to protect groundwater. Improved nitrogen management may take place relatively quickly, although it may take many years before broad trends in nitrate reduction in groundwater may be measured. Nitrogen management reporting will provide assurance that Members are managing nutrients to protect groundwater quality while trend data are collected.

~~Wetland managers have provided comments that fertilizers are not applied to managed wetlands. Therefore, the Nitrogen Management Plan and nitrogen Summary Report requirements do not apply to parcels that are operated solely as managed wetlands.~~ In the case of irrigated pasture, there is evidence that with no external nitrogen inputs (synthetic or organic fertilizer, stockpiled manure, compost), either mechanical harvest and haying, or livestock grazing reduce nitrogen leaching and can lower elevated nitrate concentrations in the groundwater.[14] Direct nutrient returns in excretions of grazing livestock are a portion of the total nutrient supply in the forage eaten by animals and are not considered a fertilizer application to irrigated pasture. Hence, Nitrogen Management Plans and Summary Reports are not required for irrigated pasture where no external nitrogen is applied.

Spatial Resolution of Nitrogen Management Plan and Farm Evaluation Information

The Order requires reporting to the Central Valley Water Board of nitrogen management information and management practices identified through the farm evaluation. These data are required to be associated with the township (36 square mile area) where the farm is located. The spatial resolution by township provides a common unit that should facilitate analysis of data and comparisons between different areas.

The nitrogen management data collected by the Third-Party from individual Members will be aggregated by the township where the enrolled parcel is located and will not be associated with the Member or their enrolled parcel. For example, the Third-Party may have information submitted for 180 different parcels in a given township. At a minimum, the Board would receive a statistical summary of those 180 data records describing the range, percentiles (10th, 25th, 50th, 75th, 90th), and any outliers for similar soil conditions and similar crops in that township. A box and whisker plot or equivalent tabular or graphical presentation of the data approved by the Executive Officer may be used. Based on this analysis, the Central Valley Water Board intends to work with the Third-Party to ensure that those Members who are not meeting the nitrogen management performance standards identified in the Order improve their practices. As part of its annual review of the monitoring report submitted by the Third-Party, the Board will evaluate the effectiveness of Third-Party outreach efforts and trends associated with nitrogen management. The Board intends to request information from the Third-Party for those Members who, based on the Board's evaluation of available information, do not appear to be meeting nitrogen management performance standards. The reporting of nitrogen management data may be adjusted based on the outcomes of the efforts of the State Water Resources Control Board's Expert Panel and the California Department of Food and Agriculture's Nitrogen Tracking and Reporting System Task Force (see Finding 47 and the State Water Board's Report to the Legislature[15]).

[14] Owens LB, Bonta JV. (2004). Reduction of Nitrate Leaching with haying or Grazing and Omission of Nitrogen Fertilizer. Journal of Environmental Quality 33: 1230-1237.

[15] State Water Resources Control Board. 2013. Report to the Legislature, Recommendations Addressing Nitrate in Groundwater. <www.swrcb.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf>

In order to determine whether growers in a given township are improving their practices, the Third-Party will need to assess the data and evaluate trends. The Third-Party's assessment and evaluation, along with the data used to make the evaluation, will be provided in the Third-Party's annual monitoring report. Since a report on management practice information and nitrogen management summary reports will be provided annually, the Board will be able to determine what the trends are, if any. If the data suggest that growers are not improving their practices, the Executive Officer can require the Third-Party to submit the management practice or nitrogen management plan summary information for individual Members.

Sediment and Erosion Control Plans

The Order requires that Members with the potential to cause erosion and discharge sediment that may degrade surface waters prepare a sediment and erosion control plan. Control of sediment discharge will work to achieve water quality objectives associated with sediment and also water quality objectives associated with sediment bound materials such as pesticides. To ensure that water quality is being protected, this Order requires that sediment and erosion control plans be prepared in one of the following ways:

- The sediment and erosion control plan must adhere to the site-specific recommendation from the Natural Resources Conservation Service (NRCS), NRCS technical service provider, the University of California Cooperative Extension, the local Resource Conservation District; or conform to a local county ordinance applicable to erosion and sediment control on agricultural lands. The Member must retain written documentation of the recommendation provided and certify that they are implementing the recommendation; or
- The plan must be prepared and self-certified by the Member, who has completed a training program that the Executive Officer concurs provides necessary training for sediment and erosion control plan development; or
- The plan must be written, amended, and certified by a qualified sediment and erosion control plan developer possessing one of the registrations shown in Table 2 below; or
- The plan must be prepared and certified in an alternative manner approved by the Executive Officer. Such approval will be provided based on the Executive Officer's determination that the alternative method for preparing the plan meets the objectives and requirements of this Order.

Table 2 - Qualified Sediment and Erosion Control Plan Developers

Title/Certification	Certifier
Professional Civil Engineer	State of California
Professional Geologist or Engineering Geologist	State of California
Landscape Architect	State of California
Professional Hydrologist	American Institute of Hydrology
Certified Professional in Erosion and Sediment Control™ (CPESC)	Enviro Cert International Inc.
Certified Professional in Storm Water Quality™ (CPSWQ)	Enviro Cert International Inc.
Certified Soil Scientist	American Society of Agronomy

The sediment and erosion control plan will: (1) help identify the sources of sediment that affect the quality of storm water and irrigation water discharges; and (2) describe and ensure the implementation of water quality management practices to reduce or eliminate sediment and other pollutants bound to sediment in storm water and irrigation water discharges. The plan must be appropriate for the Member's operations and will be developed and implemented to address site specific conditions. Each farming operation is unique and requires specific description and selection of water quality management practices needed to address waste discharges of sediment. The plan must be maintained at the farming operations headquarters or primary place of business.

The Order requires development of a sediment and erosion control plan template to assist Members and qualified developers in completing the plan. The Order establishes prioritization for Member completion of the plan based on farm size. Small farming operations will have additional time to complete the plan.

To assist Members in determining whether they need to prepare a sediment and erosion control plan, the Third-Party must prepare a sediment and erosion control assessment report that identifies the areas susceptible to erosion and the discharge of sediment that could impact receiving waters. In addition, the Executive Officer may identify areas requiring such plans based on evidence of ongoing erosion or sediment control problems.

~~Managed Wetlands~~

~~These wetlands represent a small fraction of the wetlands that historically occurred prior to conversion to agriculture and other land uses and the creation of complex water control infrastructure that now exists. A common wetland management objective is to create and maintain native plant communities and provide habitat for a diverse range of species. In addition to supporting migratory and resident birds, listed species, and other fish and wildlife, natural and managed wetlands may also provide other environmental benefits, such as flood management and improved water quality.~~

~~Seasonal wetlands are typically flooded between August and October and drawn down in spring between March and May. Depending on spring weather conditions, the type of wetland vegetation that is being encouraged, or the need to discourage certain species, irrigation can~~

~~occur any time from May through July and can vary in both frequency and duration. Irrigation of a relatively limited acreage of cropland may also occur during summer. Crops grown to provide food or habitat for waterfowl include irrigated pasture, small grains, corn and winter wheat. Flood-up and drawdown periods typically result in some discharge flows from wetlands.~~

~~While many wetland management activities differ from agricultural management activities and, therefore, the timing and nature of the potential effects on water quality are different, there is evidence that wetland drainage can have negative impacts on water quality including salts and high biological oxygen demand. Although discharges from wetlands may contain wastes that could affect the quality of waters of the state, the potential number of pollutants discharged from managed wetlands is limited compared with agricultural operations.~~

~~During the development of the ILRP Orders, concerns were raised regarding the applicability of templates for Farm Evaluation, Nitrogen Management Plan and Nitrogen Management Summary Report, and Sediment and Erosion Control Plan to wetland areas. Wetland managers provided comments that fertilizers and pesticides are not a part of the practices on wetlands, and that wetlands typically have elements associated with practices to prevent and minimize sediment discharge and erosion, such as holding ponds, vegetative buffers, and minimum tillage.~~

~~As the capacity of both managed and natural wetlands to reduce contaminants such as nitrates, phosphorus, pesticides, and sediments is well-documented, this Order does not require the preparation of Nitrogen Management Plans and Nitrogen Management Plan Summary Reports, or sediment erosion and control plans for parcels that are solely operated as a managed wetland. Given the unique environmental conditions and effects of wetlands on water quality, the Board recognizes that a different evaluation template from the standard farm evaluation template may be better suited for managed wetlands. To address the unique features of managed wetlands, an alternate managed wetland template has been issued by the Executive Officer.~~

Small Farming Operations

In counties within the Eastern San Joaquin River Watershed, small farming operations are operated by approximately 61 percent of the growers, but account for approximately 6% of the total irrigated lands.[16] During the development of the Order, concerns were raised regarding the ability of small farms to comply with the requirements of the Order. Although there were recommendations to exempt small farms from this Order, no evidence was provided to demonstrate that small farms could not affect water quality and, therefore, justify an exemption from being governed by waste discharge requirements. In addition, there was no evidence presented to suggest that, on a per acre basis, small farming operations would have a reduced impact on water quality then larger farmers.

However, the Board recognizes that small farming operations have more limited resources and access to technical experts. The additional time provided for small farming operations to initially prepare applicable farm evaluations, nitrogen management plans, and sediment and erosion control plans should allow small farmers to more feasibly access available technical resources,

[16] Data are for Madera, Mariposa, Merced, Stanislaus, and Tuolumne Counties; United States Department of Agriculture. 2007. *Census of Agriculture*.

such as their Third-Party, the Natural Resources Conservation Service, University of California Cooperative Extension, and local resource conservation districts.

These changes should not impact the Board's ability to determine progress for the watershed as a whole, since most of the irrigated acreage in the watershed is managed by large farming operations. However, small farming operations may prove to have significant localized impacts, so this Order does not preclude the Executive Officer from obtaining information from small farming operations to address such impacts.

To accommodate differing requirements for small farming operations, the Board needs to know who is farming a given parcel. Although the landowner can be the Member of the Third-Party, the landowner must still identify the lessee, if the landowner is not also the farmer. This requirement is necessary to avoid a situation in which multiple parcels of less than 60 acres are farmed by the same farming operation, but are incorrectly identified as associated with "small farming operations" based on the individual landowners being the Members rather than the farm operator.

Technical Reports

The surface water and trend groundwater quality monitoring under the Order is regional in nature instead of individual field discharge monitoring. The benefits of regional monitoring include the ability to determine whether water bodies accepting discharges from numerous irrigated lands are meeting water quality objectives. Regional monitoring also allows the Central Valley Water Board to determine, at the regional level, whether practices are protective of water quality. There are limitations to regional monitoring when trying to determine possible sources of water quality problems.

Therefore, through the Management Practices Evaluation Program and the Surface Water Quality Management Plans and Groundwater Quality Management Plans, the Third-Party must evaluate the effectiveness of management practices in protecting water quality. In addition, Members must report the practices they are implementing to protect water quality. Through the evaluations and studies conducted by the Third-Party, the reporting of practices by the Members, and the Board's compliance and enforcement activities, the Board will be able to determine whether a Member is complying with the Order.

An effective method of determining compliance with water quality objectives is water quality monitoring at the individual level. Individual monitoring may also be used to help determine sources of water quality problems. Individual monitoring of waste discharges is required under many other Water Board programs. Examples of such programs include regulation of wastewater treatment plants and the Central Valley Water Board's Dairy Program.[17] The costs of individual monitoring would be much higher than regional surface and groundwater quality monitoring required under the Order. Regional monitoring provides a general measure of compliance over a large area, reducing the number of samples collected.

[17] The dairy program requires individual monitoring of surface water discharges and allows for a "representative" groundwater monitoring in lieu of individual groundwater monitoring.

This Order requires the Third-Party to provide technical reports. These reports may include special studies at the direction of the Executive Officer. The Executive Officer may require special studies where regional monitoring is ineffective in determining potential sources of water quality problems or to identify whether management practices are effective. Special studies help ensure that the potential information gaps described above under the Order's regional monitoring requirements may be filled through targeted technical reports, instead of more costly individual monitoring programs.

Approach to Implementation and Compliance and Enforcement

The Board has been implementing the Irrigated Lands Regulatory Program since 2003. The implementation of the program has included compliance and enforcement activities to ensure growers have the proper regulatory coverage and are in compliance with the applicable Board orders. The following section describes the state-wide policy followed by the Board, as well as how the Board intends to implement and enforce the Order.

The State Water Board's Water Quality Enforcement Policy (Enforcement Policy) defines an enforcement process that addresses water quality in an efficient, effective, and consistent manner[18]. A variety of enforcement tools are available in response to noncompliance. The Enforcement Policy endorses the progressive enforcement approach which includes an escalating series of actions from informal to formal enforcement. Informal enforcement actions are any enforcement taken by staff that is not defined in statute or regulation, such as oral, written, or electronic communication concerning violations. The purpose of informal enforcement is to quickly bring an actual, threatened, or potential violation to the discharger's attention and to give the discharger an opportunity to return to compliance as soon as possible. Formal enforcement includes statutorily based actions that may be taken in place of, or in addition to, informal enforcement. Formal enforcement is recommended as a first response to more significant violations, such as the highest priority violations, chronic violations, and/or threatened violations. There are multiple options for formal enforcement, including Administrative Civil Liabilities (ACLs) imposed by a Regional Water Board or the State Water Board. A 30-day public comment period is required prior to the settlement or imposition of any ACL and prior to settlement of any judicial civil liabilities.

Compliance/Enforcement Related to Grower Participation

To facilitate grower participation in the Irrigated Lands Regulatory Program (ILRP) under the Conditional Waiver, the Central Valley Water Board staff engaged in outreach and followed the progressive enforcement series of actions. For example, staff had sent outreach postcards informing non-participating landowners who potentially require coverage under the ILRP. Water Code Section 13267 Orders for technical reports had been issued to landowners who first received an outreach postcard and did not respond. Landowners were required to respond to postcards or 13267 Orders by obtaining the required regulatory coverage, or claiming an

[18] State Water Resources Control Board. 2010. Water Quality Enforcement Policy. <www.swrcb.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf>

exemption from the ILRP requirements. The Central Valley Water Board staff routinely conducted inspections to verify landowner exemption claims; occasionally the outcome of inspections led to an enforcement action for failure to obtain appropriate regulatory coverage.

Upon the adoption of this original Order in December 2012, staff sent letters to thousands of landowners who may now require regulatory coverage, since this Order addresses discharge to both groundwater and surface water. Parcels that potentially need regulatory coverage are identified from readily available information sources, such as county tax assessor records; aerial photography; and the California Department of Conservation's Farmland Mapping and Monitoring Program. The staff also conducts inspections in the field to verify that parcels have an irrigated agricultural operation. The Executive Officer sends Water Code Section 13260 Directives when inspections verify that parcels require coverage under the ILRP, when growers who used to be Third-Party members are no longer listed on the annual membership lists, or when growers who received Executive Officer approval to join a Third-Party have not done so. The 13260 Directives require growers to enroll or re-instate their membership with a Third-Party, obtain coverage for their discharges under other applicable general waste requirements, or submit a Report of Waste Discharge to the Central Valley Water Board. As the highest level of informal enforcement, Notices of Violation (NOV's) are sent to growers who fail to respond to Orders and Directives, and direct the recipients obtain the proper regulatory coverage for their waste discharges. The Board intends to issue Administrative Civil Liability Complaints to those growers who do not respond to the NOV. In addition, the Board may enroll those growers under the general WDRs for dischargers not participating in a Third-Party group (R5-2013-0100), after such growers are provided an opportunity for a hearing.

Compliance/Enforcement Related to Water Quality Violations

The Board intends to respond promptly to complaints and conduct field inspections on a routine basis to identify potential water quality violations. Complaints will generally result from local residents contacting the Board based on their observations of sediment plumes, fish kills, or odor problems. The Board will generally contact and coordinate with the Third-Party, the California Department of Fish and Wildlife, and the local county agricultural commissioner depending on the nature of the problem.

In addition, the Board staff will conduct field inspections of individual grower's operations to determine whether practices protective of groundwater are in place. Such practices include backflow prevention devices; well head protection; and those practices found protective through the Management Practices Evaluation Program. The field inspections will also include a review of whether implemented practices are protective of surface water, and may include sampling of runoff. The informal and formal enforcement process described above will be used should any violations of the Order be identified through field inspections.

Compliance/Enforcement Related to Information Collected

As a part of field inspections, and with the consent of the Member, owner or authorized representative as required by applicable laws, staff may also review information and farm plans prepared by Members. The Executive Officer will request information, as necessary, from Members and the Third-Party to audit the quality and accuracy of information being submitted.

The Executive Officer will regularly report to the Board on the results of any audits of the information reported by the Third-Party, the outcome of any field verification inspections of information submitted by the Members, and make recommendations regarding changes to the reporting requirements and the information submittal process, if needed.

The findings of this Order provide a further description of the enforcement priorities and process for addressing violations.

Reports and Plans

This Order is structured such that the Executive Officer is to make determinations regarding the adequacy of reports and information provided by the Dischargers and allows the Executive Officer to approve such reports. All plans and reports submitted for approval by the Executive Officer will be made available to the public. In addition, this Order identifies specific reports and Executive Officer's decisions that must receive a public comment and review period. It is the right of any interested person to request the Central Valley Water Board to review any of the aforementioned Executive Officer decisions.

Water Quality Objectives

Surface water and groundwater receiving water limitations in section III of the Order specify that waste discharge from irrigated lands may not cause or contribute to an exceedance of water quality objectives in surface water or underlying groundwater, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.

Water quality objectives that apply to surface water are described in the Basin Plan. Applicable water quality objectives include, but are not limited to, (1) the numeric objectives, including the bacteria objective, the chemical constituents objective (includes listed chemicals and state drinking water standards, i.e., maximum contaminant levels (MCLs) promulgated in Title 22 California Code of Regulations (CCR) Division 4, Chapter 15 sections 64431 and 64444 that are applicable through the Basin Plan to waters designated as municipal and domestic supply), dissolved oxygen objectives, pH objectives, the salinity objectives, and the turbidity objectives; and (2) the narrative objectives, including the biostimulatory substances objective, the chemical constituents objective, and the toxicity objective. The Basin Plan also contains numeric water quality objectives that apply to specifically identified water bodies, such as specific temperature objectives. Federal water quality criteria that apply to surface water are contained in federal regulations referred to as the California Toxics Rule and the National Toxics Rule. See 40 CFR sections 131.36 and 131.38.

Water quality objectives that apply to groundwater include, but are not limited to, (1) numeric objectives, including the bacteria objective and the chemical constituents objective (includes state MCLs promulgated in Title 22 CCR Division 4, Chapter 15 section 64431 and 64444 and are applicable through the Basin Plan to municipal and domestic supply), and (2) narrative objectives including the chemical constituents, taste and odor, and toxicity objectives.

The requirements that waste discharge not unreasonably affect beneficial uses or cause a condition of pollution or nuisance are prescribed pursuant to sections 13263 and 13241 of the California Water Code. Section 13263 of the California Water Code requires Regional Water

Boards, when establishing waste discharge requirements, to consider the need to prevent nuisance and the provisions in section 13241 of the California Water Code. Section 13241 requires Regional Water Boards to consider several factors when establishing water quality objectives including prevention of nuisance and reasonable protection of beneficial uses.

Implementation of Water Quality Objectives

The Basin Plan includes numeric and narrative water quality objectives. The narrative toxicity objective states: "All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." The Basin Plan states that material and relevant information, including numeric criteria, and recommendations from other agencies and scientific literature will be utilized in evaluating compliance with the narrative toxicity objective. The narrative chemical constituent objective states that waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. At a minimum, "…water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)" in Title 22 of the California Code of Regulations (CCR). The Basin Plan further states that, to protect all beneficial uses, the Regional Water Board may apply limits more stringent than MCLs. The narrative tastes and odors objective states: "Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses."

The Sacramento-San Joaquin Basin Plan at page IV-16.00, contains an implementation policy, "Policy for Application of Water Quality Objectives," that specifies that the Central Valley Water Board "will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives." With respect to narrative objectives, the Regional Water Board must establish limitations using one or more of three specified sources, including: (1) USEPA's published water quality criteria, (2) a proposed state criterion (i.e., water quality objective) or an explicit state policy interpreting its narrative water quality criteria (i.e., the Regional Water Board's "Policy for Application of Water Quality Objectives"), or (3) an indicator parameter. For purposes of this Order, all three sources will be used as part of the process described below.

Implementation of numeric and narrative water quality objectives under the Order involves an iterative process. The Order's MRP establishes management plan trigger limits that are equivalent to the applicable Basin Plan numeric water quality objectives. For constituents that are not assigned Basin Plan numeric water quality objectives, Board staff will develop trigger limits in consultation with the Department of Pesticide Regulation (for pesticides) and other agencies as appropriate. Board staff will provide interested parties, including the Third-Party representing Members, with an opportunity to review and comment on the trigger limits. The Executive Officer will then provide the trigger limits to the Third-Party. Those trigger limits will be considered the numeric interpretation of the applicable narrative objectives. In locations where trigger limits are exceeded, water quality management plans must be developed that will form the basis for reporting which steps have been taken by growers to achieve compliance with numeric and narrative water quality objectives.

Under Phase I of the conservative salinity permitting approach described in this Order, when the most salinity sensitive beneficial use is AGR or MUN the Central Valley Water Board will apply specific numeric limits identified in the Basin Plan. These limits are for use only under the conservative salinity permitting approach and shall not be considered water quality objectives. For surface and groundwaters for which site-specific numeric water quality objectives have been developed, the site-specific objectives shall apply.

Non-Point Source (NPS) Program

This Order regulates waste discharges from irrigated agricultural lands to state waters as an NPS program. Accordingly, the waste discharge requirements must implement the provisions of the State Water Board's *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). Under the NPS Policy, the Regional Water Board must find that the program will promote attainment of water quality objectives. The nonpoint-source program also must meet the requirements of five key structural elements. These elements include (1) the purpose of the program must be stated and the program must address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements; (2) describe the practices to be implemented and processes to be used to select and verify proper implementation of practices; (3) where it is necessary to allow time to achieve water quality requirements, include a specific time schedule, and corresponding quantifiable milestones designed to measure progress toward reaching specified requirements; (4) feedback mechanisms to determine whether the program is achieving its purpose; and (5) the consequences of failure to achieve the stated purpose.

This Order addresses each of the five key elements, as described below.

1. The purpose of the long-term irrigated lands regulatory program, of which this Order is an implementing mechanism, is stated above under the section titled "Goals and Objectives of the Irrigated Lands Regulatory Program."[19] The program goals and objectives include meeting water quality objectives. The requirements of this Order include requirements to meet applicable water quality objectives and the requirements of State Water Board Resolution 68-16 (antidegradation requirements). Further discussion of this Order's implementation of antidegradation requirements is given below under the section titled "State Water Board Resolution 68-16."
2. The Board is prevented by Water Code section 13360 from prescribing specific management practices to be implemented. However, it may set forth performance standards and require dischargers to report on what practices they have or will implement to meet those standards. Examples of the types of practices that irrigated agricultural operations may implement to meet program goals and objectives have been described in

[19] The goals and objectives were developed as part of the ILRP Program Environmental Impact Report, ICF International. 2011. Irrigated Lands Regulatory Program - Program Environmental Impact Report. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA.

the Economics Report[20] and evaluated in the Program Environmental Impact Report (PEIR)[21] for the long-term ILRP. This Order requires each individual operation to develop a farm evaluation that will describe their management practices in place to protect surface water and groundwater quality. This Order also requires the development of surface/groundwater quality management plans (SQMPs/GQMPs) in areas where there are exceedances of water quality objectives. The requirements for SQMPs and GQMPs include that the Third-Party identify management practices and develop a process for evaluating the effectiveness of such practices. The requirements of this Order are consistent with Key Element 2.

3. This Order requires the development of SQMPs/GQMPs in areas where water quality objectives are not met. SQMPs/GQMPs must include time schedules for implementing the plans and meeting the surface and groundwater receiving water limitations (section III of the Order) as soon as practicable, but within a maximum of 10 years for surface and groundwater. The time schedules must be consistent with the requirements for time schedules set forth in this Order. The time schedules must include quantifiable milestones that will be reviewed by the Executive Officer and the public prior to approval. The time schedule requirements in this Order are consistent with Key Element 3.
4. To provide feedback on whether program goals are being achieved, this Order requires surface and groundwater quality monitoring, tracking of management practices, and evaluation of effectiveness of implemented practices. This feedback will allow iterative implementation of practices to ensure that program goals are achieved. This feedback mechanisms required by this Order are consistent with Key Element 4.
5. This Order establishes the following consequences where requirements are not met:
    a) The Third-Party or Members will be required, in an iterative process, to conduct additional monitoring and/or implement management practices where water quality objectives are not being met;
    b) Appropriate Central Valley Water Board enforcement action where the iterative management practices process is unsuccessful, program requirements are not met, or time schedules are not met;
    c) Require noncompliant Members, or all Members where the Third-Party fails to meet the requirements of this Order, to submit a report of waste discharge to obtain individual waste discharge requirements from the Central Valley Water Board (i.e., revoke coverage under this Order).

This Order describes consequences for failure to meet requirements and is consistent with Key Element 5.

[20] ICF International. 2010. Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program. July. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA.

[21] ICF International. 2011. Irrigated Lands Regulatory Program - Program Environmental Impact Report. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA.

California Environmental Quality Act (CEQA)

For the purposes of adoption of this Order, the Central Valley Water Board is the lead agency pursuant to CEQA (Public Resources Code sections 21100 et seq.). The Central Valley Water Board has prepared a Final Program Environmental Impact Report (PEIR)[22] that analyzes the potential environmental impacts of six program alternatives for a long term ILRP. The Valley Water Board also prepared a Supplemental Program Environmental Impact Report (SPEIR) to analyze the impacts from the Salt and Nitrate Control Program implemented in this Order. As described more fully in Attachment D, this Order relies upon the PEIR and SPEIR for CEQA compliance. The requirements of the Order include regulatory elements that are also contained in the seven alternatives analyzed in the PEIR and SPEIR. Therefore, the actions by Members to protect water quality in response to the requirements of this Order are expected to be similar to those described for Alternatives 2-6 of the PEIR (Alternative 1 does not include groundwater protection) and Alternative A of the SPEIR.

The PEIR describes that potential environmental impacts of all six alternatives are associated with implementation of water quality management practices, construction of monitoring wells, and impacts to agriculture resources (e.g., loss of production of prime farmland) due to increased regulatory costs. Under this Order, Members will be required to implement water quality management practices to address water quality concerns. The PEIR describes and evaluates potential impacts of practices likely to be implemented to meet water quality and other management goals on irrigated lands. These water quality management practices include:

- Nutrient management
- Improved water management
- Tailwater recovery system
- Pressurized irrigation
- Sediment trap, hedgerow, or buffer
- Cover cropping or conservation tillage
- Wellhead protection

These practices are examples of the types of practices that would be broadly applied by irrigated agricultural operations throughout the Central Valley and are considered representative of the types of practices that would have potential environmental impacts. It is important to note that the evaluated practices are not required; operators will have the flexibility to select practices to meet water quality goals. This Order represents one order in a series of orders that will be developed, based on the alternatives evaluated in the PEIR for all irrigated agriculture within the Central Valley. The requirements of this Order would lead to implementation of the above practices within the Eastern San Joaquin River Watershed to a similar degree as is described for Alternatives 2-6 analyzed in the PEIR and Alternative A of the SPEIR. Also, the requirements

[22] ICF International. 2011. Irrigated Lands Regulatory Program Final Program Environmental Impact Report. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

of this Order will require installation of monitoring wells (with the extent depending on the adequacy of existing wells for water quality monitoring).

As described in the PEIR for Alternatives 2-6, the combination of an operator's choice of management practice and where that practice is implemented (i.e., located within a sensitive resource area) may result in significant environmental impacts for the following resource areas:

- **Cultural resources**: Potential loss of resources from construction and operation of management practices and monitoring wells.
- **Noise and vibration**: Exposure of sensitive land uses to noise from construction and operation of management practices (e.g., construction of tailwater return system, pump noise) and monitoring wells.
- **Air quality**: Generation of construction and operational emissions from management practices and monitoring wells (e.g., equipment and pump emissions generated during construction and continued operation of practices).
- **Climate change**: Cumulative, from a potential increase in greenhouse gas emissions.
- **Vegetation and wildlife**: Loss of habitat, wildlife, and wetland communities from reduced surface water discharge and construction and operation of practices and monitoring wells (e.g., loss of habitat if a practice is sited in a previously undisturbed area). Cumulative loss of habitat.
- **Fisheries**: Loss of habitat from construction of management practices, monitoring wells, and toxicity attributable to coagulant additives.
- **Agriculture resources**: Loss of farmland from increased regulatory cost. Cumulative loss of agriculture resources.

The SPEIR describes the potential environmental impacts for Alternative A. Alternative A is the implementation of the Salt and Nitrate Control Program and is designed to be used in addition to the six alternatives discussed in the PEIR. The Substitute Environmental Document (SED) for the Salt and Nitrate Control Program Basin Plan Amendment analyzed the impacts from the Salt and Nitrate Control Program. When reviewing the SED, the Central Valley Water Board determined that there were additional impacts not yet analyzed from incorporating the Salt and Nitrate Control Program into this Order and the other ILRP General Orders.

As described in the SPEIR, Alternative A has three new impacts not previously fully analyzed in the SED. Implementing the Salt and Nitrate Control Program may result in significant environmental impacts for the following resource areas:

- Air Quality: generation of emissions from new construction projects (e.g., public fill stations) and/or new services (e.g., bottle water delivery).
- Climate Change: Cumulative, from a potential increase in greenhouse gas emissions.
- Transportation and Circulation Impacts: generation of traffic from new construction projects (e.g., public fill stations) and/or new services (e.g., bottle water delivery).

The above is a generalized summary of affected resource areas. The reader is directed to the Attachment D, Findings of Fact and Statement of Overriding Considerations, of this Order for specific impacts and discussion. Attachment D provides a listing of the above impacts, the written findings regarding those impacts consistent with § 15091 of the CEQA Guidelines, and the explanation for each finding.

Mitigation Measures

The impacts described above, except for air quality, agriculture resources, cumulative climate change, cumulative vegetation and wildlife, and transportation and circulation can be reduced to a less than significant level through the employment of alternate practices or by choosing a location that avoids sensitive areas (e.g., installing a sedimentation basin in a portion of the property that is already developed rather than in an area that provides riparian habitat). Where no alternate practice or less sensitive location for a practice exists, this Order requires that the Third-Party and Members choosing to employ these practices to avoid impacts to sensitive resources by implementing the mitigation measures described in Attachment C. A CEQA Mitigation Monitoring and Reporting Program is included in Attachment B of this Order, Monitoring and Reporting Program R5-2012-0116-10.

Statement of Policy with Respect to Maintaining High Quality Waters in California (State Water Board Resolution 68-16)

This section of the Information Sheet first provides background on State Water Board Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16). Following the background discussion, the Information Sheet describes how the various provisions in the WDR and MRP collectively implement Resolution 68-16. In summary, the requirements of Resolution 68-16 are met through a combination of upfront planning and implementation at the farm level; regional monitoring and assessments to determine whether trends in degradation are occurring; and regional planning and on-farm implementation when trends in degradation are identified.

Initially, all Members will need to conduct an on-farm evaluation to determine whether their practices are protective of water quality and whether they are meeting the established farm management performance standards. Through the process of becoming aware of effective management practices; evaluating their practices; and implementing improved practices; Members are expected to meet the farm management performance measures and, thereby, achieve best practicable treatment or control (BPTC), where applicable. All Members must prepare and implement a farm-specific nitrogen management plan. In addition, each Member with the potential to cause erosion and discharge sediment that may degrade surface waters must prepare and implement a sediment and erosion control plan. Implementation of the sediment/erosion control plan should result in achieving BPTC for sediment associated pollutants. Implementation of the nitrogen management plan should result in achieving BPTC for nitrates discharged to groundwater.

Regional trend monitoring of surface water and groundwater together with periodic assessments of available surface water and groundwater information is required to determine compliance with water quality objectives and determine whether any trends in water quality improvement or degradation are occurring. If trends in such degradation are identified that could result in impacts to beneficial uses, a surface (or groundwater) quality management plan must be prepared by the Third-Party. The plan must include the identification of practices that will be implemented to address the trend in degradation and an evaluation of the effectiveness of those practices in addressing the degradation. The Third-Party must report on the implementation of practices by their Members. Failure to implement practices or address the degradation by individual Members will result in further direct regulation by the Board, including, but not limited to, requiring individual farm water quality management plans; regulating the individual grower directly through WDRs for individual farmers; or taking other enforcement action.

As discussed further below, the combination of these requirements fulfill the requirements of Resolution 68-16 for any degradation of high quality waters authorized by this Order.

Background

Basin Plan water quality objectives are developed to ensure that ground and surface water beneficial uses are protected. The quality of some state ground and surface waters is higher than established Basin Plan water quality objectives. For example, nutrient levels in good, or "high quality" waters may be very low, or not detectable, while existing water quality standards for nutrients may be much higher. In such waters, some degradation of water quality may occur without compromising protection of beneficial uses. State Water Board Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16) was adopted in October of 1968 to address high quality waters in the state. Title 40 of the Code of Federal Regulations, Section 131.12—Antidegradation Policy (40 CFR 131.12) was developed in 1975 to ensure water quality necessary to protect existing uses in waters of the United States. Resolution 68-16 applies to discharges to all high quality waters of the state, including groundwater and surface water (Water Code section 13050[e]); 40 CFR 131.12 applies only to surface waters.

The requirement to implement the Antidegradation Policy is contained in Resolution 68-16 (provision 2 presented below) and in the Basin Plan. The Basin Plan states that the Central Valley Water Board actions must conform with State Water Board plans and policies and among these policies is Resolution 68-16, which requires that:

1. *"Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies."*
2. *"Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in*

the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained."

For discharges to surface waters only, the Federal Antidegradation Policy (Section 131.12, Title 40, CFR) requires:

1. *"Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.*
2. *Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.*
3. *When high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.*
4. *In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act."*

The State Water Board has interpreted Resolution 68-16 to incorporate the Federal Antidegradation Policy in situations where the policy is applicable. (SWRCB Order WQ 86-17.). The application of the Federal Antidegradation Policy to nonpoint source discharges (including discharges from irrigated agriculture) is limited.[23]

[23] 40 CFR 131.12(a)(2) requires that the "State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control." The EPA Handbook, Chapter 4, clarifies this as follows: "Section 131.12(a)(2) does not mandate that States establish controls on nonpoint sources. The Act leaves it to the States to determine what, if any, controls on nonpoint sources are needed to provide attainment of State water quality standards (See CWA Section 319). States may adopt enforceable requirements, or voluntary programs to address nonpoint source pollution. Section 40 CFR 131.12(a)(2) does not require that States adopt or implement best management practices for nonpoint sources prior to allowing point source degradation of a high quality water. However, States that have adopted nonpoint source controls must assure that such controls are properly implemented before authorization is granted to allow point source degradation of water quality." Accordingly, in the context of nonpoint discharges, the BPTC standard established by state law controls.

Administrative Procedures Update 90-004, Antidegradation Policy Implementation for NPDES Permitting, provides guidance for the Regional Water Boards in implementing Resolution 68-16 and 40 CFR 131.12, as these provisions apply to NPDES permitting. APU 90-004 is not applicable in the context of this Order because nonpoint discharges from agriculture are exempt from NPDES permitting.

A number of key terms are relevant to application of Resolution 68-16 and 40 CFR 131.12 to this Order. These terms are described below.

High Quality Waters: Resolution 68-16 applies whenever "existing quality of water is better than quality established in policies as of the date such policies become effective,"[24] and 40 CFR 131.12 refers to "quality of waters [that] exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation." Such waters are "high quality waters" under the state and federal antidegradation policies. In other words, high quality waters are waters with a background quality of better quality than that necessary to protect beneficial uses.[25] The Water Code directs the State Water Board and the Regional Water Boards to establish water quality objectives for the reasonable protection of beneficial uses. Therefore, where water bodies contain levels of water quality constituents or characteristics that are better than the established water quality objectives, such waters are considered high quality waters.

Both state and federal guidance indicates that the definition of high quality waters is established by constituent or parameter [State Water Board Order WQ 91-10; USEPA Water Quality Handbook, Chapter 4 Antidegradation (40 CFR 131.12) ("EPA Handbook")]. Waters can be of high quality for some constituents or beneficial uses but not for others. With respect to degraded groundwater, a portion of the aquifer may be degraded with waste while another portion of the same aquifer may not be degraded with waste. The portion not degraded is high quality water within the meaning of Resolution 68-16. See State Water Board Order WQ 91-10.

In order to determine whether a water body is a high quality water with regard to a given constituent, the background quality of the water body unaffected by the discharge must be compared to the water quality objectives. If the quality of a water body has declined since the adoption of the relevant policies and that subsequent lowering was not a result of regulatory action consistent with the state antidegradation policy, a baseline representing the historically higher water quality may be an appropriate representation of background.[26] However, if the decline in water quality was permitted consistent with state and federal antidegradation policies, the most recent water quality resulting from permitted action constitutes the relevant baseline for determination of whether the water body is high quality. See, e.g., SWRCB Order WQ 2009-

[24] Such policies would include policies such as State Water Board Resolution 88-63, Sources of Drinking Water Policy, establishing beneficial uses, and water quality control plans.

[25] USEPA Water Quality Handbook, Chapter 4 Antidegradation (40 CFR 131.12), defines "high quality waters" as "those whose quality exceeds that necessary to protect the section 101(a)(2) goals of the Act [Clean Water Act], regardless of use designation."

[26] The state antidegradation policy was adopted in 1968, therefore water quality as far back as 1968 may be relevant to an antidegradation analysis. For purposes of application of the federal antidegradation policy only, the relevant year would be 1975.

0007 at 12. Additionally, if water quality conditions have improved historically, the current higher water quality would again be the point of comparison for determining the status of the water body as a high quality water.

Best Practicable Treatment or Control: Resolution 68-16 requires that, where degradation of high quality waters is permitted, best practicable treatment or control (BPTC) limits the amount of degradation that may occur. Neither the Water Code nor Resolution 68-16 defines the term "best practicable treatment or control."

Despite the lack of a BPTC definition, certain State Water Board water quality orders and other documents provide direction on the interpretation of BPTC. The State Water Board has stated: "one factor to be considered in determining BPTC would be the water quality achieved by other similarly situated dischargers, and the methods used to achieve that water quality." (See Order WQ 2000-07, at pp. 10-11). In a "Questions and Answers" document for Resolution 68-16 (the Questions and Answers Document), BPTC is interpreted to additionally include a comparison of the proposed method to existing proven technology; evaluation of performance data (through treatability studies); comparison of alternative methods of treatment or control, and consideration of methods currently used by the discharger or similarly situated dischargers.[27] The costs of the treatment or control should also be considered. Many of the above considerations are made under the "best efforts" approach described later in this section. In fact, the State Water Board has not distinguished between the level of treatment and control required under BPTC and what can be achieved through "best efforts."

The Regional Water Board may not "specify the design, location, type of construction, or particular manner in which compliance may be had with [a] requirement, order, or decree" (Water Code 13360). However, the Regional Water Board still must require the discharger to demonstrate that the proposed manner of compliance constitutes BPTC (SWRCB Order WQ 2000-7). The requirement of BPTC is discussed in greater detail below.

Maximum Benefit to People of the State: Resolution 68-16 requires that where degradation of water quality is permitted, such degradation must be consistent with the "maximum benefit to people of the state." Only after "intergovernmental coordination and public participation" and a determination that "allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located" does 40 CFR 131.12 allow for degradation.

As described in the Question and Answers Document, factors considered in determining whether degradation of water quality is consistent with maximum benefit to people of the State include economic and social costs, tangible and intangible, of the proposed discharge, as well as the environmental aspects of the proposed discharge, including benefits to be achieved by enhanced pollution controls. Closely related to the BPTC requirement, consideration must be given to alternative treatment and control methods and whether lower water quality can be

[27] See Questions and Answers, *State Water Resources Control Board, Resolution 68-16* (February 16, 1995).

abated or avoided through reasonable means, and the implementation of feasible alternative treatment or control methods should be considered.

USEPA guidance clarifies that the federal antidegradation provision “is not a ‘no growth’ rule and was never designed or intended to be such. It is a policy that allows public decisions to be made on important environmental actions. Where the state intends to provide for development, it may decide under this section, after satisfying the requirements for intergovernmental coordination and public participation, that some lowering of water quality in "high quality waters" is necessary to accommodate important economic or social development” (EPA Handbook for Developing Watershed Plans to Restore and Protect Our Waters, Chapter 4). Similarly, under Resolution 68-16, degradation is permitted where maximum benefit to the people of the state is demonstrated.

Water Quality Objectives and Beneficial Uses: As described above, Resolution 68-16 and Section 40 CFR 131.12 are both site-specific evaluations that are not easily employed to address large areas or broad implementation for classes of discharges. However, as a floor, any degradation permitted under the antidegradation policies must not cause an exceedance of water quality objectives or a pollution or nuisance. Furthermore, the NPS Policy establishes a floor for all water bodies in that implementation programs must address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses.

Waters that are Not High Quality: The “Best Efforts” Approach: Where a water body is at or exceeding water quality objectives already, it is not a high quality water and is not subject to the requirements of the antidegradation policy. As stated previously, data collected by the Central Valley Water Board, dischargers, educational institutions, and others demonstrate that many water bodies in the Central Valley Region are already impaired for various constituents associated with irrigated agricultural activities.

Where a water body is not high quality and the antidegradation policies are accordingly not triggered, the Central Valley Water Board should, under State Water Board precedent, set limitations more stringent than the objectives set forth in the Basin Plan. The State Water Board has directed that, “where the constituent in a groundwater basin is already at or exceeding the water quality objective,... the Regional Water Board should set limitations more stringent than the Basin Plan objectives if it can be shown that those limitations can be met using ‘best efforts.’” SWRCB Order WQ 81-5; *see also* SWRCB Orders Nos. WQ 79-14, WQ 82-5, WQ 2000-07. Finally, the NPS Policy establishes standards for management practices.

The “best efforts” approach involves the Regional Water Board establishing limitations expected to be achieved using reasonable control measures. Factors which should be analyzed under the “best efforts” approach include the effluent quality achieved by other similarly situated dischargers, the good faith efforts of the discharger to limit the discharge of the constituent, and the measures necessary to achieve compliance. SWRCB Order WQ 81-5, at p. 7. The State Water Board has applied the “best efforts” factors in interpreting BPTC. (See SWRCB Order Nos. WQ 79-14, and WQ 2000-07).

In summary, the Board may set discharge limitations more stringent than water quality objectives even outside the context of the antidegradation policies. The “best efforts” approach

must be taken where a water body is not “high quality” and the antidegradation policies are accordingly not triggered.

Application of Resolution 68-16 Requirements to this Order

The determination of a high quality water within the meaning of the antidegradation policies is water body and constituent-specific. Very little guidance has been provided in state or federal law with respect to applying the antidegradation policy to a program or general permit where multiple water bodies are affected by various discharges, some of which may be high quality waters and some of which may, by contrast, have constituents at levels that already exceed water quality objectives. Given these limitations, the Board has used readily available information regarding the water quality status of surface and ground waters in the Eastern San Joaquin River Watershed to construct provisions in this Order to meet the substantive requirements of Resolution 68-16.

This Order regulates discharges from thousands of individual fields to a very large number of water bodies within the Eastern San Joaquin River Watershed. There is no comprehensive, waste constituent–specific information available for all surface waters and groundwater aquifers accepting irrigated agricultural wastes that would allow site-specific assessment of current conditions. Likewise, there is no comprehensive historic data.[28]

However, data collected by the Central Valley Water Board, dischargers, educational institutions, and others demonstrate that many water bodies within the Eastern San Joaquin River Watershed are already impaired for various constituents that are or could be associated with irrigated agricultural activities. As described above, there are surface water quality management plan requirements for the following constituents and indicators: ammonia, arsenic, chlorpyrifos, copper, DDE, diazinon, diuron, dissolved oxygen, electrical conductivity, *E. coli*, lead, molybdenum, nitrate, pH, simazine, total dissolved solids, thiobencarb, algae toxicity, sediment toxicity, fathead minnow toxicity, and water flea toxicity. Those same data collection efforts also indicate that surface water bodies within the watershed meet objectives for particular constituents and would be considered “high quality waters” with respect to those constituents.

Similarly, as described above in the “Groundwater Quality Monitoring” section, 22 percent of sampled square mile sections (i.e., sections containing wells for which sampling information is available) had a maximum nitrate level above applicable water quality objectives. The groundwater represented by these wells may not be considered “high quality” with respect to nitrates. However, it is unknown when the degradation occurred. Available data show that currently existing quality of certain water bodies is better than the water quality objectives; for example, deeper groundwaters, represented by municipal supply wells, are generally high quality with respect to pesticides and nitrates. Degradation of such waters can be permitted only consistent with the state and federal antidegradation policies.

Given the significant variation in conditions over the broad areas covered by this Order, any application of the antidegradation requirements must account for the fact that at least some of

[28] Irrigated lands discharges have been regulated under a conditional waiver since 1982, but comprehensive data as to trends under the waiver are not available.

the waters into which agricultural discharges will occur are high quality waters (for some constituents). Further, the Order provisions should also account for the fact that even where a water body is not high quality (such that discharge into that water body is not subject to the antidegradation policy), the Board should, under State Water Board precedent, impose limitations more stringent than the objectives set forth in the Basin Plan, if those limits can be met by "best efforts."

Consistency with BPTC and the "Best Efforts" Approach

Due to the numerous commodities being grown on irrigated agricultural lands and varying geological conditions within the Eastern San Joaquin River Watershed, identification of a specific technology or treatment device as BPTC or "best efforts" has not been accomplished. By contrast, there are a variety of technologies that have been shown to be effective in protecting water quality. For example, Chapter 5 of the Irrigated Lands Program Existing Conditions Report[29] (ECR) describes that there are numerous management practices that Members could implement to achieve water quality protection goals. The Central Valley Water Board recognizes that there is often site-specific, crop-specific, and regional variability that affects the selection of appropriate management practices, as well as design constraints and pollution-control effectiveness of various practices.

Growers need the flexibility to choose management practices that best achieve a management measure's performance expectations given their own unique circumstances. Management practices developed for agriculture are to be used as an overall system of measures to address nonpoint-source pollution sources on any given site. In most cases, not all of the practices will be needed to address the nonpoint sources at a specific site. Operations may have more than one constituent of concern to address and may need to employ two or more of the practices to address the multiple sources. Where more than one source exists, the application of the practices should be coordinated to produce an overall system that adequately addresses all sources for the site in a cost-effective manner.

There is no specific set of technologies, practices, or treatment devices that can be said to achieve BPTC/best efforts universally in the watershed. This Order, therefore, establishes a set of performance standards that must be achieved and an iterative planning approach that will lead to implementation of BPTC/best efforts. The iterative planning approach will be implemented as two distinct processes, 1) establishment of a baseline set of universal farm water quality management standards combined with upfront evaluation, planning and implementation of management practices to attain those goals, and 2) additional planning and implementation measures where degradation trends are observed that threaten to impair a beneficial use or where beneficial uses are impaired (i.e., water quality objectives are not being met). Taken together, these processes are considered BPTC/best efforts. The planning and implementation processes that growers must follow on their farms should lead to the on-the-ground implementation of the optimal practices and control measures to address waste discharge from irrigated agriculture.

[29] California Regional Water Quality Control Board, Central Valley Region, and Jones and Stokes. 2008. *Irrigated Lands Regulatory Program Existing Conditions Report.* Sacramento, CA.

1. *Farm Management Performance Standards*

   This Order establishes on farm standards for implementation of management practices that all Members must achieve. The selection of appropriate management practices must include analysis of site-specific conditions, waste types, discharge mechanisms, and crop types. Considering this, as well as the Water Code 13360 mandate that the Regional Water Board not specify the manner of compliance with its requirements, selection must be done at the farm level. Following are the performance standards that all Members must achieve:

   a) minimize waste discharge offsite in surface water,

   b) minimize or eliminate the discharge of sediment above background levels,

   c) minimize percolation of waste to groundwater,

   d) minimize excess nutrient application relative to crop need,

   e) prevent pollution and nuisance,

   f) achieve and maintain water quality objectives and beneficial uses,

   g) protect wellheads from surface water intrusion.

   BPTC is not defined in Resolution 68-16. However, the State Water Board describes in their 1995 Questions and Answers, Resolution 68-16: "To evaluate the best practicable treatment or control method, the discharger should compare the proposed method to existing proven technology; evaluate performance data, e.g., through treatability studies; compare alternative methods of treatment or control; and/or consider the method currently used by the discharger or similarly situated dischargers." Available state and federal guidance on management practices may serve as a measure of the types of water quality management goals for irrigated agriculture recommended throughout the state and country (e.g., water quality management goals for similarly situated dischargers). This will provide a measure of whether implementation of the above performance standards will lead to implementation of BPTC/best efforts.

   - As part of California's Nonpoint Source Pollution Control Program, the State Water Board, California Coastal Commission, and other state agencies have identified seven management measures to address agricultural nonpoint sources of pollution that affect state waters (*California's Management Measures for Polluted Runoff*, referred to below as "Agriculture Management Measures")[30]. The agricultural management measures include practices and plans installed under various NPS programs in California, including systems of practices commonly used and recommended by the USDA as components of resource management systems, water quality management plans, and agricultural waste management systems.

[30] California's Management Measures for Polluted Runoff <www.waterboards.ca.gov/water_issues/programs/nps/docs/cammpr/info.pdf>

- USEPA's National Management Measures to Control Nonpoint Source Pollution from Agriculture (EPA 841-B-03-004, July 2003;)[31] "is a technical guidance and reference document for use by State, local, and tribal managers in the implementation of nonpoint source pollution management programs. It contains information on the best available, economically achievable means of reducing pollution of surface and ground water from agriculture."

Both of the above guidance documents describe a series of management measures, similar to the farm management performance standards and related requirements of the Order. The agricultural management measures described in the state and USEPA reference documents generally include: 1) erosion and sediment control, 2) facility wastewater and runoff from confined animal facilities, 3) nutrient management, 4) pesticide management, 5) grazing management, 6) irrigation water management, and 7) education and outreach. A comparison of the recommendations with the Order's requirements is provided below.

Management measure 1, erosion and sediment control. Practices implemented to minimize waste discharge offsite and erosion (performance standards a and b) are consistent with this management measure to achieve erosion and sediment control. The Order requires that all Members implement sediment discharge and erosion prevention practices to minimize or eliminate the discharge of sediment above background levels. Those Members that have the potential to cause erosion and discharge sediment that may degrade surface waters must develop a farm-specific sediment and erosion control plan.

Management measure 2 is not applicable, as this Order does not address waste discharges from confined animal facilities.

Management measure 3, nutrient management. As described in the State's Agricultural Management Measures document, "this measure addresses the development and implementation of comprehensive nutrient management plans for areas where nutrient runoff is a problem affecting coastal waters and/or water bodies listed as impaired by nutrients." Nutrient management practices implemented to meet performance standard d are consistent with this measure. The Order also requires nitrogen management plans to be developed by Members within both high vulnerability and low vulnerability groundwater areas. Nitrogen management plans require Members to document how their fertilizer use management practices meet performance standard d. Finally, where nutrients are causing exceedances of water quality objectives in surface waters, this Order would require development of a detailed SQMP which would address sources of nutrients and require implementation of practices to manage nutrients. Collectively, these requirements work together in a manner consistent with management measure 3.

Management measure 4, pesticide management. As described in the State's Agricultural Management Measures document, this measure "is intended to reduce contamination of surface water and groundwater from pesticides." Performance standards a, c, e, f, and g are consistent with this management measure, requiring Members to implement practices

[31] Nonpoint Source: Agriculture, EPA <www.epa.gov/nps/nonpoint-source-agriculture>

that minimize waste discharge to surface and groundwater (such as pesticides), prevent pollution and nuisance, achieve and maintain water quality objectives, and implement wellhead protection measures.

Management measure 5, grazing management. As described in the state Agriculture Management Measures document, this measure is "intended to protect sensitive areas (including streambanks, lakes, wetlands, estuaries, and riparian zones) by reducing direct loadings of animal wastes and sediment." While none of the Order's farm management goals directly address grazing management, performance standards a, b, e and f, when considered by an irrigated pasture operation would lead to the same management practices, e.g., preventing erosion, discharge of sediment, and ensuring that animal waste loadings do not cause pollution, nuisance, and achieve water quality objectives. The Order also requires that all Members implement sediment discharge and erosion prevention practices to minimize or eliminate the discharge of sediment above background levels.

Management measure 6, irrigation water management. As described in the state Agricultural Management Measures document, this measure "promotes effective irrigation while reducing pollutant delivery to surface and ground waters." Performance standards a and c, requiring Members to minimize waste discharge to surface and groundwater will lead to practices that will also achieve this management measure. For example, a Member may choose to implement efficient irrigation management programs (e.g., timing, uniformity testing), technologies (e.g., spray, drip irrigation, tailwater return), or other methods to minimize discharge of waste to surface water and percolation to groundwater.

Management measure 7, education and outreach. The Order requires that Third-Party groups conduct education and outreach activities to inform Members of program requirements and water quality problems.

Implementation of practices to achieve the Order's water quality requirements described above is consistent with the state and federal guidance for management measures. Because these measures are recommended for similarly situated dischargers (e.g., agriculture), compliance with the requirements of the Order will lead to implementation of BPTC/best efforts by all Members.

2. *Additional Planning and Implementation Measures (SQMP/GQMPs)*

This Order requires development of water quality management plans (surface or groundwater) where degradation trends are observed that threaten to impair a beneficial use or where beneficial uses are impaired (i.e., water quality objectives are not being met). SQMPs/GQMPs include requirements to investigate sources, develop strategies to implement practices to ensure waste discharges are meeting the Orders surface and groundwater receiving water limitations, and develop a monitoring strategy to provide feedback on the effectiveness of the management plan. In addition, the SQMPs/GQMPs must include actions to "Identify, validate, and implement management practices to reduce loading of COC's [constituents of concern] to surface water or groundwater, as applicable, thereby improving water quality" (see Appendix MRP-1). Under these plans, additional management practices will be implemented in an iterative manner, to ensure

that the management practices represent BPTC/best efforts and that degradation does not threaten beneficial uses. The SQMPs/GQMPs need to meet the performance standards set forth in this Order. The SQMPs/GQMPs are also reviewed periodically to determine whether adequate progress is being made to address the degradation trend or impairment. If adequate progress is not being made, then the Executive Officer can require field monitoring studies, on-site verification of implementation of practices, or the Board may revoke the coverage under this Order and regulate the discharger through an individual WDR.

In cases where effectiveness of practices in protecting water quality is not known, the data and information gathered through the SQMP/GQMP and MPEP processes will result in the identification of management practices that meet the performance standards and represent BPTC/best efforts. Since the performance standards also apply to low vulnerability areas with high quality waters, those data and information will help inform the Members and Board of the types of practices that meet performance standard requirements.

It is also important to note that in some cases, other agencies may establish performance standards that are equivalent to BPTC and may be relied upon as part of a SQMP or GQMP. For example, the Department of Pesticide Regulation (DPR) has established Groundwater Protection Areas within the Eastern San Joaquin River Watershed that require growers to implement specific groundwater quality protection requirements for certain pesticides. The practices required under DPR's Groundwater Protection Program are considered BPTC for those pesticides requiring permits in groundwater protection areas, since the practices are designed to prevent those pesticides from reaching groundwater and they apply uniformly to similarly situated dischargers in the area.

The State Water Board indicates in its Questions and Answers, Resolution 68-16: "To evaluate the best practicable treatment or control method, the discharger should…evaluate performance data, e.g., through treatability studies..." Water quality management plans, referred to as SQMPs/GQMPs above, institute an iterative process whereby the effectiveness of any set of practices in minimizing degradation will be periodically reevaluated as necessary and/or as more recent and detailed water quality data become available. This process of reviewing data and instituting additional practices where necessary will continue to assure that BPTC/best efforts are implemented and will facilitate the collection of information necessary to demonstrate the performance of the practices. This iterative process will also ensure that the highest water quality consistent with maximum benefit to the people of the state will be maintained.

Resolution 68-16 does not require Members to use technology that is better than necessary to prevent degradation. As such, the Board presumes that the performance standards required by this Order are sufficiently achieving BPTC where water quality conditions and management practice implementation are already preventing degradation. Further, since BPTC determinations are informed by the consideration of costs, it is important that discharges in these areas not be subject to the more stringent and expensive requirements associated with SQMPs/GQMPs. Therefore, though Members in "low vulnerability" areas must still meet the farm management performance standards described above, they do not need to incur additional costs associated with

SQMPs/GQMPs where there is no evidence of their contributing to degradation of high quality waters.

3. *Management Practices Evaluation Program (MPEP) and Other Reporting and Planning Requirements*

In addition to the SQMPs/GQMPs, the Order includes a comprehensive suite of reporting requirements that should provide the Board with the information it needs to determine whether the necessary actions are being taken to achieve BPTC and protect water quality, where applicable. In high vulnerability groundwater areas, the Third-Party must develop and implement a Management Practices Evaluation Program (MPEP). The MPEP will include evaluation studies of management practices to determine whether those practices are protective of groundwater quality (e.g., that will not cause or contribute to exceedances of water quality objectives) for identified constituents of concern under a variety of site conditions. If the management practices are not protective, new practices must be developed, implemented, and evaluated. Any management practices that are identified as being protective of water quality, or those that are equally effective, must be implemented by Members who farm under similar conditions (e.g., crop type, soil conditions) (see provision IV.B.21 of the Order).

Farm management performance standards are applicable to both high and low vulnerability areas. The major difference in high and low vulnerability areas is the priority for action. High vulnerability areas may contain both high and low quality waters with respect to constituents discharged by irrigated agriculture, and the MPEP and other reporting, planning, and implementation requirements will determine and require actions to achieve BPTC and best efforts for high and low quality waters, respectively. Because low vulnerability areas present less of a threat of degradation or pollution, additional time is provided, or a lower level of review and certification is required, for some of the planning and reporting requirements. Also, while an MPEP is not required for the low vulnerability areas, the actions required by the MPEP must be implemented as applicable by Members in both high and low vulnerability areas, and will therefore result in the implementation of BPTC and best efforts in high and low vulnerability areas, and will inform evaluation of compliance with performance standards in all areas. The Order requires implementation of actions that achieve BPTC and best efforts for both high and low quality waters, respectively.

To determine whether a degradation trend is occurring, the Order requires surface water monitoring of specific “core” monitoring sites on a rotating basis. The data gathered from the surface water monitoring effort will allow the Board to determine whether there is a trend in degradation of water quality related to discharges from irrigated agriculture. For groundwater, a trend monitoring program is required in both “low vulnerability” and “high vulnerability” areas. The trend monitoring for the low vulnerability areas is required to help the Board determine whether any trend in degradation of groundwater quality is occurring. For pesticides in groundwater, the Board will initially rely on the information gathered through the Department of Pesticide Regulation’s (DPR) monitoring efforts to determine whether any degradation related to pesticides is occurring. If the available groundwater quality data (e.g., nitrates, pesticides) in a low vulnerability area suggests

that degradation is occurring that could threaten to impair beneficial uses, then the area would be re-designated as a high vulnerability area.

The Third-Party is required to prepare a Groundwater Quality Assessment Report (GAR) and update that report every five years. The GAR will include an identification of high vulnerability and low vulnerability areas, including identification of constituents that could cause degradation. The initial submittal of the GAR will include a compilation of water quality data, which the Board and Third-Party will use to evaluate trends. The periodic updates to the GAR will require the consideration of data collected by the Third-Party, as well as other organizations, and will also allow the Board and Third-Party to evaluate trends. The GAR will provide a reporting vehicle for the Board to periodically evaluate water quality trends to determine whether degradation is occurring. If the degradation triggers the requirement for a GQMP, then the area in which the GQMP is required would be considered “high vulnerability” and all of the requirements associated with a high vulnerability area would apply to those Members.

All Members will also need to report on their management practices through the farm evaluation process. In addition, all members will need to prepare nitrogen management plans prepared in accordance with the nitrogen management plan templates approved by the Executive Officer. The plans require Members to document how their fertilizer use management practices minimize excess nutrient application relative to crop need. The planning requirements are phased according to threat level such that members in low vulnerability areas have more time to complete their plans than those in high vulnerability areas. Members in high vulnerability areas will need to submit nitrogen management plan summary reports. Through the farm evaluation, the Member must identify “…on-farm management practices implemented to achieve the Order’s farm management performance standards.” (see Attachment B, section VI.A). In addition, the nitrogen management plan summary reports required in high vulnerability areas will include, at a minimum, information on the ratio of total nitrogen available for crop uptake to the estimated crop consumption of nitrogen. Nitrogen management plans and nitrogen management plan summary reports provide indicators as to whether the Member is meeting the performance standard to minimize excess nutrient application relative to crop need for nitrogen. The MPEP study process would be used to determine whether the nitrogen consumption ratio meets the performance standard of the Order.

4. *Participation in the Salt and Nitrate Control Program*

The Salt and Nitrate Control Program establishes a long-term framework for addressing legacy and ongoing salt and nitrate accumulation. Under the Salt Control Program, both compliance pathways require the implementation of BPTC. If Members, through the Third-Party, elected to participate in the Alternative Salinity Permitting Approach, participation in the Prioritization and Optimization Study (P&O Study) and implementation of reasonable, feasible, and practicable efforts to control levels of salt in discharges is considered to be BPTC. Participation in the P&O Study allows Members to expend resources on a regional solution rather than on site-specific treatment or control methodologies. If Members, through the Third-Party, elected to participate in in the Conservative Permitting Approach, Members would either be subject to stringent 700/900 EC thresholds. Prior to authorizing

the degradation of a high-quality water under the Conservative Permitting Approach of the Salt Control Program as described in this Order, the Board must find that allowing degradation by applicable Members better serves the people of the state than their participation in the P&O Study for Phase 1 of the Salt Control Program.

Under the Nitrate Control Program, the Central Valley Water Board will evaluate proposed Alternative Compliance Projects and Management Zone Implementation Plans to ensure that Members are developing and implementing pollution or controls methods that are BPTC. When the Central Valley Water Board reviews those proposed projects and plans, it will determine whether they are consistent with the State's Antidegradation Policy.

Summary

Members are required to implement practices to meet the above goals and periodically review the effectiveness of implemented practices and make improvements where necessary. Members in both high and low vulnerability areas will identify the practices they are implementing to achieve water quality protection goals as part of farm evaluations and nitrogen management plans. Members in high vulnerability areas have additional requirements associated with the SQMPs/GQMPs; preparing sediment and erosion control plans; implementing practices identified as protective through the MPEP studies; and reporting on their activities more frequently.

Also, the Order requires water quality monitoring and assessments aimed to identify trends, evaluate effectiveness of management practices, and detect exceedances of water quality objectives. The process of periodic review of SQMPs/GQMPs provides a mechanism for the Board to better ensure that Members are meeting the requirements of the Order, if the Third-Party led efforts are not effective in ensuring BPTC is achieved, where applicable.

Requirements for individual farm evaluations, nitrogen management plans, sediment and erosion control plans, management practices tracking, and water quality monitoring and reporting are designed to ensure that degradation is minimized and that management practices are protective of water quality. These requirements are aimed to ensure that all irrigated lands are implementing management practices that minimize degradation, the effectiveness of such practices is evaluated, and feedback monitoring is conducted to ensure that degradation is limited. Even in low vulnerability areas where there is no information indicating degradation of a high quality water, the farm management performance standards act as a preventative requirement to ensure degradation does not occur. The information and evaluations conducted as part of the GQMP/SQMP process will help inform those Members in low vulnerability areas of the types of practices that meet the performance standards. In addition, even Members in low vulnerability groundwater areas must implement practices (or equivalent practices) that are identified as protective through the MPEP studies (where these practices are applicable to the Members site conditions). The farm evaluations and nitrogen management plan requirements for low vulnerability areas provide indicators as to whether Members are meeting applicable performance standards. The required monitoring and periodic reassessment of vulnerability designations will allow the Board to determine whether degradation is occurring and whether the status of a low vulnerability area should be changed to high vulnerability.

The Order is designed to achieve site-specific antidegradation and antidegradation-related requirements through implementation of BPTC/best efforts as appropriate and monitoring, evaluation, and reporting to confirm the effectiveness of the BPTC/best efforts measures in achieving their goals. The Order relies on implementation of practices and treatment technologies that constitute BPTC/best efforts, based to the extent possible on existing data, and requires monitoring of water quality and evaluation studies to ensure that the selected practices in fact constitute BPTC where degradation of high quality waters is or may be occurring, and best efforts where waters are already degraded. Because the State Water Board has not distinguished between the level of treatment and control required under BPTC and what can be achieved through best efforts, the requirements of this Order for BPTC/best efforts apply equally to high quality waters and already degraded waters.

This Order allows limited degradation of existing high quality waters. This limited degradation is consistent with maximum benefit to the people of the state for the following reasons:

- At a minimum, this Order requires that irrigated agriculture achieve and maintain compliance with water quality objectives and beneficial uses;
- The requirements implementing the Order will result in use of BPTC where irrigated agricultural waste discharges may cause degradation of high quality waters; where waters are already degraded, the requirements will result in the pollution controls that reflect the “best efforts” approach. Because BPTC will be implemented, any lowering of water quality will be accompanied by implementation of the most appropriate treatment or control technology;
- Central Valley communities depend on irrigated agriculture for employment (PEIR, Appendix A);
- The state and nation depend on Central Valley agriculture for food (PEIR, Appendix A);
- Consistent with the Order’s and PEIR’s stated goal of ensuring that irrigated agricultural discharges do not impair access to safe and reliable drinking water, the Order protects high quality waters relied on by local communities from degradation of their water supplies by current practices on irrigated lands. The Order is designed to prevent irrigated lands discharges from causing or contributing to exceedances of water quality objectives, which include maximum contaminant levels for drinking water. The Order also is designed to detect and address exceedances of water quality objectives, if they occur, in accordance with the compliance time schedules provided therein. Therefore, local communities should not incur any additional treatment costs associated with the limited degradation authorized by this Order; and
- The Order includes performance standards that would work to prevent further degradation of surface and groundwater quality.
- The Salt Control Program is designed to allow short-term degradation while comprehensive basin-wide salinity management strategies are developed and implemented. Authorizing such degradation would grant Members the latitude to develop long-term implementation plans that are both cost-effective and that prioritize compliance alternatives that will have a greater net regional and/or sub-regional effect on salinity reduction. Those these measures will ultimately require that Members and other parties

make substantial and meaningful investments in salinity reduction strategies and control measures, granting extended compliance timelines helps ensure that regulatory measures do not unreasonably affect the economic vitality of the Central Valley's communities by allowing productive agricultural activities to continue while all stakeholders collectively pursue a basin-wide salt management strategy. For these reasons, the Salt Control Program, and the degradation that may be authorized thereunder, is consistent with the maximum benefit of the people of the State.

- The Nitrate Control Program is designed to address decades of nitrate impacts that have impaired drinking water sources in many areas of the Central Valley. Under the Nitrate Permitting Strategy, the Central Valley Water Board could authorize projects (including Alternative Compliance Projects) and implementation plans, provided they would ultimately result in reduced nitrate loading so that ongoing discharges do not cause or contribute to exceedances of water quality objectives, and aquifer restoration where reasonable, feasible, and practicable. However, the Nitrate Control Program would allow the Central Valley Water Board to allow nitrate impairments to persist for years, if not decades, to prioritize projects that must ultimately result in nitrate load reductions. As a condition of this permit, Members must provide alternate water supplies for nitrate-affected individuals and communities while long-term strategies are being implemented. In addition, after receiving a Notice to Comply, Members must develop Early Action Plans to address immediate drinking water needs for those that rely on groundwater within the zone of contribution of the Member's discharge or within the tentative management zone boundary. The Nitrate Control Program will require that Members take substantial and meaningful investments in nitrate reduction strategies and control measures, and granting extended compliance timelines to implement these strategies and control measures helps ensure that regulatory measures do no unreasonably affect the economic vitality of the Central Valley's communities. Because the Nitrate Control Program both addresses the economic well-being of permittees in the Central Valley and mandates that the Central Valley Water Board require that Implementation Plans ensure that all affected users will be provided a safe drinking water supply, the degradation that the Central Valley Water Board may authorize pursuant to the Nitrate Control Program and the policies designed to effectuate that program is expected to be consistent with the maximum benefit of the people.

The requirements of the Order and the limited degradation that would be allowed are consistent with State Water Board Resolution 68-16. The requirements of the Order will result in the implementation of BPTC necessary to assure the highest water quality consistent with the maximum benefit to the people of the state. The receiving water limitations in section III of the Order, the compliance schedules in section XII, and the Monitoring and Reporting Program's requirements to track compliance with the Order, are designed to ensure that the limited degradation will not cause or contribute to exceedances of water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance. Finally, the iterative process of reviewing data and instituting additional management practices where necessary will ensure that the highest water quality consistent with the maximum benefit to the people of the state will be maintained.

California Water Code Sections 13141 and 13241

The total estimated annual cost of compliance with this Order, e.g., summation of costs for administration, monitoring, reporting, tracking, implementation of management practices, is expected to be approximately $4.10 per acre greater than the cost associated with the protection of surface water only under the Coalition Group Conditional Waiver. The total estimated cost of compliance associated with continuation of the previous Coalition Group Conditional Waiver within the Eastern San Joaquin River Watershed is expected to be approximately 96 million dollars per year ($114.45 per acre annually). The total estimated cost of this Order is 99 million dollars per year ($118.55 per acre annually).

Approximately $113.34 of the estimated $118.55 per acre annual cost of the Order is associated with implementation of water quality management practices (see discussion below for a breakdown of estimated costs). This Order does not require that Members implement specific water quality management practices.[32] Many of the management practices that have water quality benefits can have other economic and environmental benefits (e.g., improved irrigation can reduce water and energy consumption, as well as reduce runoff). Management practice selection will be based on decisions by individual Members in consideration of the unique conditions of their irrigated agricultural lands; water quality concerns; and other benefits expected from implementation of the practice. As such, the cost estimate is an estimate of potential, not required costs of implementing specific practices. Any costs for water quality management practices will be based on a market transaction between Members and those vendors or individuals providing services or equipment and not based on an estimate of those costs provided by the Board. The cost estimates include estimated fees the Third-Party may charge to prepare the required reports and conduct the required monitoring, as well as annual permit fees that are charged to permitted dischargers for permit coverage. In accordance with the State Water Board's Fee Regulations, the current annual permit fee charged to members covered by this Order is $0.56/acre. The combined total estimated costs that include Third-Party and state fees are estimated to be $4.50 /acre annually or less than 5% of the total estimated cost of $118.55 per acre. There are a number of funding programs that may be available to assist growers in the implementation of water quality management practices through grants and loans (e.g., Environmental Quality Incentives Program, State Water Board Agricultural Drainage Management Loan Program). Following is a discussion regarding derivation of the cost estimate for the Order.

This Order, which implements the long-term ILRP within the Eastern San Joaquin River Watershed, is based mainly on Alternatives 2 and 4 of the PEIR, but does include elements from Alternatives 2-5. The Order contains the Third-Party lead entity structure, regional surface and groundwater management plans, and regional surface water quality monitoring approach similar to Alternative 2 of the PEIR; farm planning, management practices tracking, nitrogen tracking, and regional groundwater monitoring similar to Alternative 4 of the PEIR; sediment and erosion control plan (under Alternative 3, "farm plan") recommendation/ certification requirements similar to Alternative 3; prioritized installation of groundwater monitoring wells similar to Alternative 5; and a prioritization system based on systems described by Alternatives 2 and 4. Therefore,

[32] Per Water Code section 13360, the Central Valley Water Board may not specify the manner in which a Member complies with water quality requirements.

potential costs of the Order are estimated using the costs for these components of Alternatives 2-5 given in Tables 2-19, 2-20, 2-21, and 2-22 of the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program* (Economics Report).[33] Estimated costs of management practices are based on costs for Alternatives 2 and 4. Table 3 summarizes the major regulatory elements of the Order and provides reference to the PEIR alternative basis.

Table 3 – Summary of regulatory elements

Order elements	Equivalent element from Alternatives 2-5
Third-Party administration	Alternative 2
Farm evaluation Sediment and erosion control plan Nitrogen management plans	Alternative 4: farm water quality management plan and certified nutrient management plan
Recommended/ certified sediment and erosion plans	Alternative 3: certification of farm water quality plans
Surface and groundwater management plans	Alternative 2 surface and groundwater management plans
Regional surface water monitoring	Alternative 2 regional surface water monitoring
Regional trend groundwater monitoring	Alternative 4 regional groundwater monitoring
Management practices evaluation program	Alternative 4 regional groundwater monitoring, targeted site-specific studies to evaluate the effects of changes in management practices on groundwater quality and Alternative 5 installation of groundwater monitoring wells at prioritized sites
Management practice reporting	Alternative 4 tracking of practices
Nitrogen management plan summary reporting	Alternative 4 nutrient tracking
Management practices implementation	Alternative 2 or 4 costs of management practice implementation

The administrative costs of the Order are estimated to be similar to the costs shown for Alternative 2 in Table 2-19 of the Economics Report. Farm evaluation, sediment and erosion control plan and nitrogen management planning (farm plans) costs are estimated to be similar to the costs shown for Alternative 4 for farm planning (Table 2-21, Economics Report). Alternative 3's cost estimate for certification of individual farm water quality plans is included to estimate the potential cost of recommended/certified sediment and erosion control plans (Table 2-20, Economics Report). Total surface water monitoring and reporting costs are estimated to be similar to the costs shown for Alternative 2 – essentially a continuation of the

[33] ICF International. 2010. *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program.* Draft. July. (ICF 05508.05.) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

current regional surface water monitoring approach. Total regional groundwater monitoring and reporting costs are estimated to be similar to the costs shown for Alternative 4 in Table 2-21 of the Economics Report minus the "Tier 3 individual monitoring." Costs for installation of groundwater monitoring wells are estimated to be similar to the costs shown for Alternative 5 in Table 2-22 of the Economics Report. Tracking costs of management practices and nitrogen management plan information are estimated to be similar to the costs shown for Alternative 4 in Table 2-21 of the economics report –under "tracking." Estimated management practices costs are equal under Alternatives 2 and 4. Estimated average annualized costs per acre of the Order relative to full implementation of the current waiver program in the San Joaquin River Watershed (per acre costs are applicable to the Eastern San Joaquin River Watershed) are summarized below in Table 4.

Table 4 – Estimated annual average per acre cost of the Order relative to full implementation of the current program (PEIR Alternative 1) in the San Joaquin River Watershed (applicable to the Eastern San Joaquin River Watershed)
(see notes below table)

Cost Type	Order	Current program	Change
Administration	$0.84	$0.77	$0.07
Farm planning	$0.71	$0	$0.71
Monitoring/reporting/tracking	$3.66	$1.18	$2.48
Management practices	$113.34	$112.50	$0.84
Total	$118.55	$114.45	$4.10

Note 1: Totals may not sum due to rounding. Estimated cost figures are from Tables 2-18, 2-19, 2-20, 2-21, and 2-22 of the Economics Report for the San Joaquin River Watershed. Per acre costs have been developed using the acres in the San Joaquin River Watershed (est. 2,126,028, Table 3-3, Economics Report).

Note 2: These costs are an estimate of **potential**, not required costs of implementing specific practices.

The Sacramento and San Joaquin River Basin Plan includes an estimate of potential costs and sources of financing for the long-term irrigated lands program. The estimated costs were derived by analyzing the alternatives evaluated in the PEIR using the cost figures provided in the Economics Report. The Basin Plan cost estimate is provided as a range applicable to implementation of the program throughout the Central Valley. The Basin Plan's estimated total annualized cost of the irrigated lands program is $216 million to $1.3 billion, or $27 to $168 per acre.[34] The estimated total annual cost of this Order of $99 million dollars ($118.55 per acre) falls within the estimated cost range for the irrigated lands program as described in the Sacramento and San Joaquin River Basin Plan when considering per acre costs ($27-$168 per acre).

The estimated total annual cost per acre of Alternative 4 in the San Joaquin River Watershed is $121 (applicable to the Eastern San Joaquin River Watershed). The Order, based substantially

[34] Per acre average cost calculated using an estimate for total irrigated agricultural acres in the Central Valley (7.9 million acres, Table 3-3, Economics Report).

on Alternative 4, has a similar cost and is expected to have similar overall economic impacts, as described in the Economics Report.

In addition to the compliance costs estimated in the PEIR, estimated costs of compliance with and sources of potential financing for the Salt and Nitrate Control Program for the Central Valley were evaluated in amendments made to the Basin Plan (effective 17 January 2020). The estimates have been incorporated into this Order and are summarized below:

Table 5 - Estimated Cost to Agriculture Due to Implementation of the Central Valley-wide Salt and Nitrate Control Program *(Note:* Costs expressed as 2016 dollars*)*

Program Component	Tasks	Estimated Cost to Agriculture
Salt Control Program	Strategic planning, administration, and analyses and studies to support the P&O Study	$357,000 - $696,000 per year (first 10 years)
Nitrate Control Program	Provision of short-term safe drinking water supplies and development of Management Zones throughout the Priority 1 and Priority 2 basins/sub-basins	$24.1 million - $35.9 million per year
Surveillance and Monitoring Program	Monitoring and reporting conducted to assure the success of the Salt and Nitrate Control program	$210,000 - $390,000 per year

California Water Code Section 13263

California Water Code section 13263 requires that the Central Valley Water Board consider the following factors, found in section 13241, when considering adoption of waste discharge requirements.

a) *Past, present, and probable future beneficial uses of water*

The Basin Plan identifies applicable beneficial uses of surface and groundwater within the Sacramento River Basin. The Order protects the beneficial uses identified in the Basin Plan. Applicable past, present, and probable future beneficial uses of Sacramento and San Joaquin River Basin waters were considered by the Central Valley Water Board as part of the Basin Planning process and are reflected in the Basin Plans themselves. The Order is a general order applicable to a wide geographic area. Therefore, it is appropriate to consider beneficial uses as identified in the Basin Plan and applicable policies, rather than a site-specific evaluation that might be appropriate for WDRs applicable to a single discharger.

b) *Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto*

Environmental characteristics of the Eastern San Joaquin River Basin have been considered in the development of irrigated lands program requirements as part of the Central Valley Water Board's 2008 *Irrigated Lands Regulatory Program Existing*

Conditions Report and the PEIR. In these reports, existing water quality and other environmental conditions throughout the Central Valley have been considered in the evaluation of six program alternatives for regulating waste discharge from irrigated lands. This Order's requirements are based on the alternatives evaluated in the PEIR.

c) *Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area*

This Order provides a process to review these factors during implementation of water quality management plans (SQMPs/GQMPs). The Order requires that discharges of waste from irrigated lands to surface water and groundwater do not cause or contribute to an exceedance of applicable water quality objectives. SQMPs and GQMPs are required in areas where water quality objectives are not being met where irrigated lands are a potential source of the concern, and in areas where irrigated agriculture may be causing or contributing to a trend of degradation that may threaten applicable beneficial uses. GQMPs are also required in high vulnerability groundwater areas. Under these plans, sources of waste must be estimated along with background water quality to determine what options exist for reducing waste discharge to ensure that irrigated lands are not causing or contributing to the water quality problem. The SQMPs and GQMPs must be designed to ensure that waste discharges from irrigated lands do not cause or contribute to an exceedance of a water quality objective and meet other applicable requirements of the Order, including, but limited to, section III.

d) *Economic considerations*

The PEIR was supported by the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program* (Economics Report). An extensive economic analysis was presented in this report to estimate the cost and broader economic impact on irrigated agricultural operations associated with the five alternatives for the irrigated lands program, including the lands regulated by this Order. Staff was also able to use that analysis to estimate costs of a sixth alternative, since the sixth alternative fell within the range of the five alternatives. This cost estimate is found in Appendix A of the PEIR. This Order is based on the alternatives evaluated in the PEIR, which is part of the administrative record. Therefore, potential economic considerations related to the Order have been considered as part of the overall economic analysis for implementation of the long-term irrigated lands program. This Order is a single action in a series of actions to implement the ILRP in the Central Valley region. Because the Order has been developed from the alternatives evaluated in the PEIR, economic effects will be within the range of those described for the alternatives.

One measure considered in the PEIR is the potential loss of Important Farmland[35] due to increased regulatory costs. This information has been used in the context of this Order to estimate potential loss of Important Farmland within the Eastern San Joaquin River

[35] *Important Farmland* is defined in the PEIR as farmland identified as prime, unique, or of statewide importance by the California Department of Conservation, Farmland Mapping and Monitoring Program.

Watershed. It is estimated that approximately 56 thousand acres of Important Farmland within the Eastern San Joaquin River Watershed potentially would be removed from production under full implementation of the previous conditional waiver program (Conditional Waiver Order R5-2006-0053); it is estimated that an additional 4,100 acres of Important Farmland may be removed from production due to increased regulatory costs of this Order (total of approximately 60 thousand acres, as described in Attachment D of this Order). As described in the Economics Report, most of the estimated losses would be to lower value crop land, such as irrigated pasture and forage crops.

e) The need for developing housing within the region

This Order establishes waste discharge requirements for irrigated lands in the eastern San Joaquin River Basin. The Order is not intended to establish requirements for any facilities that accept wastewater from residences or stormwater runoff from residential areas. This Order will not affect the development of housing within the region.

f) The need to develop and use recycled water

This Order does not establish any requirements for the use or purveyance of recycled wastewater. Where an agricultural operation may have access to recycled wastewater of appropriate quality for application to fields, the operation would need to obtain appropriate waste discharge requirements from the Central Valley Water Board prior to initiating use. This need to obtain additional waste discharge requirements in order to recycle wastewater on agricultural fields instead of providing requirements under this Order may complicate potential use of recycled wastewater on agricultural fields. However, the location of agricultural fields in rural areas generally limits access to large volumes of appropriately treated recycled wastewater. As such, it is not anticipated that there is a need to develop general waste discharge requirements for application of recycled wastewater on agricultural fields in the Eastern San Joaquin River Watershed.

Figure 5 *- Groundwater Protection Areas and Hydrogeologically Vulnerable Areas within the Eastern San Joaquin River Watershed Area.*

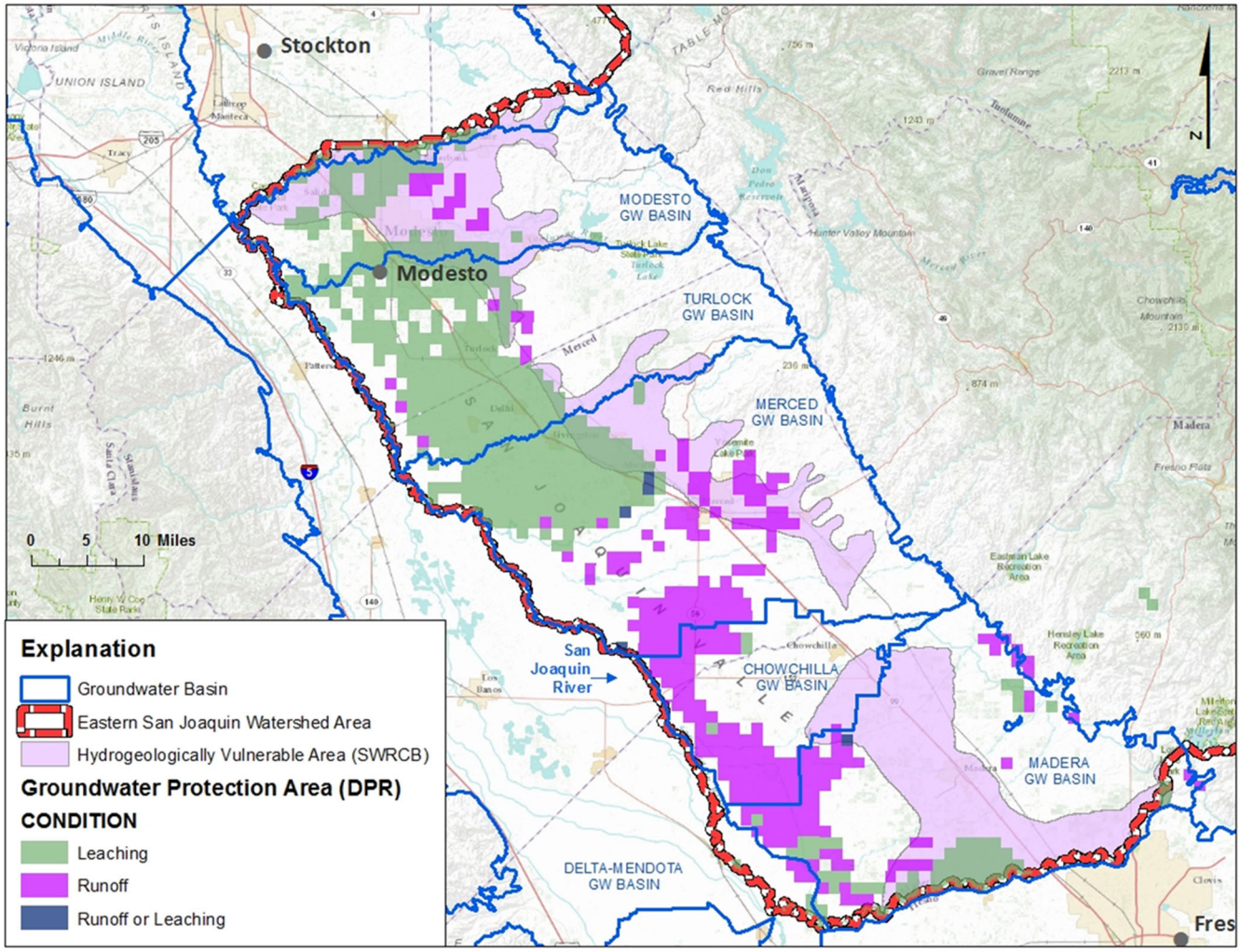
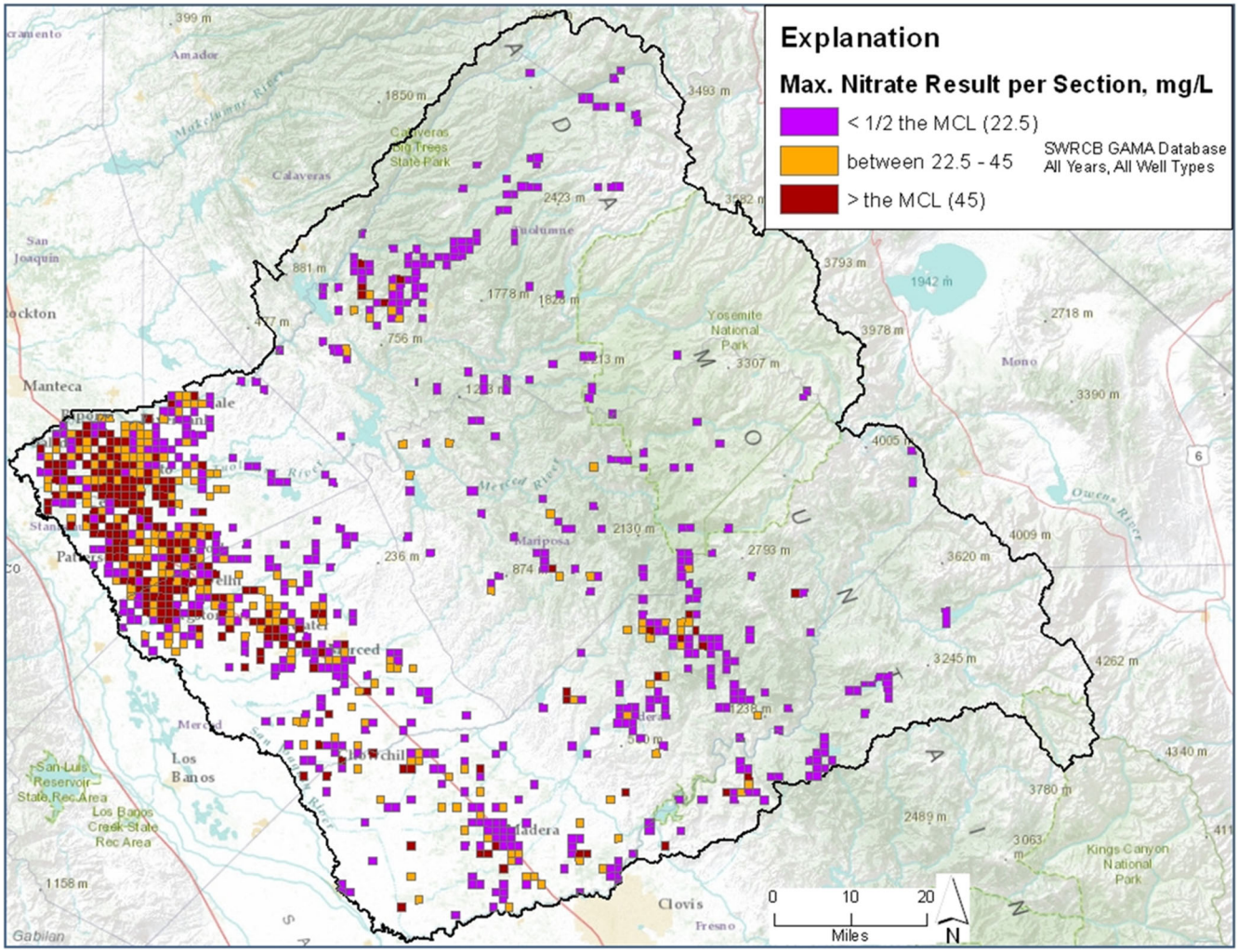


Figure 6 *- Maximum Nitrate Concentrations per Square Mile Section of Land for Samples with Nitrate Detections. GAMA Database, 1978-2011.*



California Regional Water Quality Control Board Central Valley Region

Attachment D to Order R5-2012-0116-10 Findings of Fact and Statement of Overriding Considerations

Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group

Table of Contents

Acronyms and Abbreviations

2008 Farm Bill	Food, Conservation, and Energy Act of 2008
CACs	county agricultural commissioners
CCR	California Code of Regulations
Central Valley Water Board	California Regional Water Quality Control Board, Central Valley Region
CEQA	California Environmental Quality Act
CRHR	California Register of Historic Resources
CV-SALTS	Central Valley Salinity Alternatives for Long-Term Sustainability
DO	dissolved oxygen
DPH	California Department of Public Health
DPM	diesel particulate matter
DPR	California Department of Pesticide Regulation
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
ESA	federal Endangered Species Act
PEIR	Long-Term Irrigated Lands Regulatory Program Final Program EIR (incorporates Draft)
FWQMP	Farm Water Quality Management Plans
GHGs	greenhouse gasses
GQMPs	groundwater quality management plans
HAPs	hazardous air pollutants
ILRP	Long-Term Irrigated Lands Regulatory Program
ILRP Framework Report	Recommended Irrigated Lands Regulatory Program Framework Staff Report, March 2011
MLD	most likely descendant
MMRP	Mitigation Monitoring and Reporting Program
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
NOA	naturally occurring asbestos
NPS	nonpoint source
NPS Policy	State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program

NRHP	National Register of Historic Places
PAMs	polyacrylamides
PRC	California Public Resources Code
SB	Senate Bill
SED	Substitute Environmental Document
SNCP	Salt and Nitrate Control Program
SPEIR	Supplemental Program Environmental Impact Report
State Water Board	State Water Resources Control Board
TACs	toxic air contaminants
TMDLs	total maximum daily loads
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WDRs	waste discharge requirements

Introduction

The California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] sections 21002, 21002.1, 21081, 21081.5, 21100) and State CEQA Guidelines section 15091(a) provide that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified when one or more significant environmental effects of the project have been identified, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. These findings explain the disposition of each of the significant effects, including those that will be less than significant with mitigation. The findings must be supported by substantial evidence in the record.

There are three possible findings under section 15091(a). The public agency must make one or more of these findings for each significant effect. The section 15091(a) findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Long-Term Irrigated Lands Regulatory Program (ILRP) Final Program EIR (PEIR) (ICF International 2011). Pub. Resources Code section 15091(a)(1).
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. Pub. Resources Code section 15091(a)(2).
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the PEIR. Pub. Resources Code section 15091(a)(3).

Findings

The following findings discuss the significant direct, indirect, and cumulative effects of the program to be adopted, which is referred to throughout as Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party, Order R5-2012-0116-10 (Order). The Order is described in California Regional Water Quality Control Board, Central Valley Region Order R5-2012-0116-10 and supporting attachments and is being approved consistent with the requirements of CEQA.

The requirements of this Order have been developed from the alternatives evaluated in the PEIR and SPEIR, and include regulatory elements contained within those alternatives. As described below (see Applicability of the Program EIR), there are no new effects that could occur or no new mitigation measures that would be required as a result of the Order that were not already identified and described in the PEIR and SPEIR. None of the conditions that would trigger the need to prepare a subsequent EIR under State CEQA Guidelines section 15162 exist with respect to the Order.

The findings adopted by the Central Valley Water Board address each of the Order's significant effects in their order of appearance in the PEIR and SPEIR certified for the Long-term ILRP. The

findings also address the alternatives analyzed in the PEIR that were not selected as a basis for the Order.

For the purposes of section 15091, the documents and other materials that constitute the record of proceedings upon which the Central Valley Water Board based its decision are held by the Central Valley Water Board.

For findings made under section 15091(a)(1), required mitigation measures have been adopted for the Order. These mitigation measures are included in Attachment C of the Order. A Mitigation Monitoring and Reporting Program (MMRP) for these measures has been included in the Order's Monitoring and Reporting Program R5-2012-0116-10 (MRP).

Where mitigation measures are within the responsibility and jurisdiction of another public agency, the finding in section 15091(a)(2) should be made by the lead agency. In order to make the finding, the lead agency must find that the mitigation measures have been adopted by the other public agency or can and should be adopted by the other public agency.

Where the finding is made under section 15091(a)(3) regarding the infeasibility of mitigation measures or alternatives, the specific economic, legal, social, technological, or other considerations are described in a subsequent section.

Each of these findings must be supported by substantial evidence in the record.

The Order implements the Long-Term ILRP for irrigated lands in the Eastern San Joaquin River Watershed. The Order is intended to serve as a single implementing order in a series of orders that will implement the Long-Term ILRP for the entire Central Valley.

History of the Project

In 2003 the Central Valley Water Board adopted a conditional waiver of waste discharge requirements for discharges from irrigated agricultural lands. As part of the 2003 waiver program the Central Valley Water Board directed staff to prepare an Environmental Impact Report (EIR) for a long-term irrigated lands regulatory program (ILRP).

On 5 and 6 March 2003, CEQA scoping meetings were held in Fresno and Sacramento to solicit and receive public comment on the scope of the EIR as described in the Notice of Preparation (released on 14 February 2003). Following the scoping meetings, the Central Valley Water Board began preparation of the draft *Existing Conditions Report* (ECR) in 2004 to assist in defining the baseline condition for the EIR's environmental analyses. The draft ECR was circulated in 2006, public comment on the document was received and incorporated and it was released in 2008.[1]

In March and April 2008, the Central Valley Water Board conducted another series of CEQA scoping meetings to generate recommendations on the scope and goals of the long-term ILRP. Information was also gathered as to how stakeholders would like to be involved in development

[1] ICF Jones & Stokes. 2008. *Irrigated Lands Regulatory Program Existing Conditions Report*. December. (ICF J&S 05508.05.) Sacramento, CA. Prepared for the State Water Resources Control Board and Central Valley Regional Water Quality Control Board, Rancho Cordova, CA.

of the long-term program. Stakeholders indicated in these scoping meetings that they would like to be actively involved in developing the program. To address this interest, the Central Valley Water Board initiated the Long-term ILRP Stakeholder Advisory Workgroup. The Stakeholder Advisory Workgroup assisted in the development of long-term program goals and objectives and a range of alternatives to be considered in the PEIR.

On 28 July 2010, the Central Valley Water Board, serving as the lead agency under CEQA, released the Draft PEIR for the long-term ILRP. The PEIR provides programmatic analysis of impacts resulting from the implementation of six regulatory alternatives. Five of the alternatives were developed with the Stakeholder Advisory Workgroup. The sixth alternative was developed by staff in an effort to fulfill program goals and objectives, meet applicable state policy and law, and minimize potentially adverse environmental impacts and economic effects. The PEIR does not analyze a preferred program alternative, but rather equally analyzes the environmental impacts of each alternative. Further discussion regarding the PEIR alternatives is included below in the section titled “Feasibility of Alternatives Considered in the EIR.”

The Central Valley Water Board provided a 60-day period for submitting written comments on the Draft PEIR. In September 2010, Central Valley Water Board staff held public workshops in Chico, Modesto, Rancho Cordova, and Tulare to receive input. The Central Valley Water Board provided substantive responses to all written comments received on the Draft PEIR. The Central Valley Water Board provided public notice of the availability of the Final PEIR on 8 March 2011. The Central Valley Water Board certified the PEIR on 7 April 2011 (Central Valley Water Board Resolution R5-2011-0017). The requirements of the Order have been developed from the alternatives evaluated in the PEIR.

Applicability of the Program EIR

Pursuant to Guidelines Section 15168(c)(2), the Central Valley Water Board finds that the Order is within the scope of the project covered by the PEIR, and no new environmental document is required. There are no new effects that could occur or no new mitigation measures that would be required as a result of the Order that were not already identified and described in the PEIR. None of the conditions that would trigger the need to prepare a subsequent EIR under State CEQA Guidelines section 15162 exist with respect to the Order.

This Order represents one order in a series of orders that will be developed, based on the alternatives evaluated in the PEIR, for all irrigated agriculture within the Central Valley. The PEIR describes that potential environmental impacts of all six alternatives are associated with implementation of water quality management practices, construction of monitoring wells, and impacts to agriculture resources (e.g., loss of production of prime farmland) due to increased regulatory costs.

The PEIR describes and evaluates potential impacts of practices likely to be implemented to meet water quality and other management goals on irrigated lands. The representative water quality management practices analyzed include:

- Nutrient management
- Improved water management

- Tailwater recovery system
- Pressurized irrigation
- Sediment trap, hedgerow, or buffer
- Cover cropping or conservation tillage
- Wellhead protection

As discussed in Attachment A, the requirements of the Order have been developed from the alternatives evaluated in the PEIR. Because the Order includes regulatory elements that are also contained in the six alternatives analyzed in the PEIR, the actions by Members to protect water quality in response to the requirements of this Order are expected to be similar to those described for Alternatives 2-6 of the PEIR (Alternative 1 does not include groundwater protection). Therefore, the requirements of this Order would lead to implementation of the above practices within the Eastern San Joaquin River Watershed to a similar degree as is described for Alternatives 2-6 analyzed in the PEIR.

Specifically, project-level review of the requirements in the Order has revealed that the requirements of the Order most closely resemble those described for Alternatives 2 and 4 of the PEIR but do include elements from Alternatives 2-5. The Order contains the Third-Party lead entity structure, regional surface and groundwater management plans, and regional surface water quality monitoring approach similar to Alternative 2 of the PEIR; farm planning, management practices tracking, nutrient tracking, and regional groundwater monitoring similar to Alternative 4 of the PEIR; sediment and erosion control plan (under Alternative 3, “farm plan”) recommendation/ certification requirements similar to Alternative 3; prioritized installation of groundwater monitoring wells similar to Alternative 5; and a prioritization system based on systems described by Alternatives 2 and 4.

Supplemental Program Environmental Impact Report

The SNCP was incorporated into basin plan amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins Plan and the Tulare Lake Basin in Central Valley Water Board Resolution R5-2018-0034 (Central Valley Water Board, 2018). These amendments were approved by the State Water Resources Control Board (State Water Board) in Resolution 2019-0057 (State Water Board, 2019) on 16 October 2019, pending targeted revisions detailed by the State Water Board. The original SNCP basin plan amendments were approved by the Office of Administrative Law (OAL) on 17 January 2020, and the surface water portion of the original amendments was approved by the U.S. Environmental Protection Agency (EPA) on 2 November 2020. The Central Valley Water Board incorporated the targeted revisions to the SNCP in basin plan amendments that were adopted by the Central Valley Water Board in Resolution R5-2020-0057 (Central Valley Water Board, 2020) on 10 December 2020. These revised amendments will be considered for approval by the State Water Board, OAL, and U.S. EPA as legally required. The SNCP requires the Central Valley Water Board to amend this Order and other ILRP General Orders to incorporate the SNCP into the Orders.

The Central Valley Water Board adopted the SNCP basin plan amendments with a SED that analyzed all potential environmental impacts from the SNCP. The SED included an analysis of the impacts of implementing the SNCP for all dischargers in the Central Valley, including irrigated agriculture. The Proposed Project is complying with the requirement in the SNCP to

modify the General Orders to incorporate the SNCP, and under Public Resources Code section 21159.2, subdivision (a), it must utilize the environmental analysis done in the SED to the greatest extent feasible. (Pub. Resources Code section 21159.2, subd. (a).) If there are project-specific issues related that were not discussed in sufficient detail in the SED, then a new environmental document must be prepared to discuss only those impacts. (Pub. Resources Code section 21159.2, subd. (b).)

A project-level review of the revisions to the Order to incorporate the SNCP revelated that there were three project-specific potentially significant impacts which were not fully analyzed in the SED. This necessitates the need for a supplement to the PEIR to evaluate those project-specific impacts. The SPEIR analyzes only those project-specific impacts which were not analyzed in the SED. The SPEIR adds the SNCP as a new alternative: Alternative A. This alternative can be added to added on to any of the six alternatives already considered in the PEIR but is not a stand-alone alternative. Alternative A evaluated the potentially significant impacts to air quality, climate change, and transportation and circulation. It also evaluated potential mitigation measures to reduce the impacts from the SNCP.

Impact Findings

Cultural Resources

Impact CUL-1. Physical destruction, alteration, or damage of cultural resources from implementation of management practices (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Upon implementation of the Order, Members may implement a variety of management practices that include physical and operational changes to agricultural land in the Order's regulated area. Such management practices may occur near cultural resources that are historically significant and eligible for listing in the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP). Implementation of these practices may lead to physical demolition, destruction, relocation, or alteration of cultural resources.

The location, timing, and specific suite of management practices to be chosen by Members to improve water quality are not known at this time. This impact is considered significant. **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact CUL-2. Potential Damage to Cultural Resources from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, construction impacts would result from implementation of management practices that require physical changes, including, installation of groundwater monitoring wells. The location of monitoring wells, as well as the location, timing, and specific suite of management practices to be selected by Members are not known at this time and will not be defined until the need for additional monitoring wells is established. This impact is considered significant. **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Noise

Impact NOI-1. Exposure of Sensitive Land Uses to Noise from Construction Activities in Excess of Applicable Standards (Responsibility of Other Agencies)

Finding

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Under the Order, construction noise impacts would result from implementation of management practices that require the use of heavy-duty construction equipment. Because management practices are a function of crop type and economics, it cannot be determined whether the management practices selected under this alternative would change relative to existing conditions. Accordingly, it is not possible to determine construction-related effects based on a quantitative analysis.

Noise levels from anticipated heavy-duty construction equipment are expected to range from approximately 55 to 88 A-weighted decibels (dBA) at 50 feet. These levels would be short term and would attenuate as a function of distance from the source. Noise from construction equipment operated within several hundred feet of noise-sensitive land uses has the potential to exceed local noise standards. This is considered a potentially significant impact. Implementation of **Mitigation Measure NOI-MM-1: Implement Noise-Reducing Construction Practices**, which is described at the end of the *Impact Findings* section, would reduce this impact to a less-than-significant level. Mitigation Measure NOI-MM-1 is within the responsibility and jurisdiction of local agencies, who can and should implement these measures.

Impact NOI-2. Exposure of Sensitive Land Uses to Noise from Operational Activities in Excess of Applicable Standards (Responsibility of Other Agencies)

Finding

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Under the Order, a Third-Party group would perform regional surface water and groundwater quality monitoring. Surface and groundwater monitoring under the Order would be similar to the regional monitoring described for Alternatives 2 and 4 of the PEIR. The PEIR provides that operational noise from vehicle trips associated with water quality sampling for these alternatives is expected to be minimal.

Operation of new well pumps as part of tailwater recovery systems may result in increased noise levels relative to existing conditions. Noise generated from individual well pumps would be temporary and sporadic. Information on the types and number of pumps, as well as the number and distances of related vehicle trips, is currently unavailable.

Depending on the type of management practice selected, the Order also may result in noise benefits relative to existing conditions. For example, improved irrigation management may reduce the amount of time that pressurized pump generators are used. Enhanced nutrient application may minimize the number of tractors required to fertilize or plow a field. Removing these sources of noise may mediate any increases related to the operation of new pumps. However, in the absence of data, a quantitative analysis of noise impacts related to operations of the Order is not possible. Potential noise from unenclosed pumps located close to noise-sensitive land uses could exceed local noise standards. This is considered a potentially significant impact. Implementation of **Mitigation Measures NOI-MM-1: Implement Noise-Reducing Construction Practices and NOI-MM-2: Reduce Noise Generated by Individual Well Pumps**, which are described at the end of the *Impact Findings* section, should reduce this impact to a less-than-significant level. Mitigation measures NOI-MM-1and NOI-MM-2 are within the responsibility and jurisdiction of local agencies, who can and should implement these measures.

Air Quality

Impact AQ-1. Generation of Construction Emissions in Excess of Local Air District Thresholds (Responsibility of Other Agencies)

Finding

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Under the Order, construction impacts would result from implementation of management practices or public water fill stations that require physical changes or the use of heavy-duty construction equipment. It is difficult to determine how management practices selected under this Order would change relative to existing conditions. Accordingly, it is not possible to determine construction-related effects based on a quantitative analysis. However, under the Order there would be selection and implementation of additional management practices to meet surface and groundwater quality goals. Consequently, implementation of the Order may result in increased criteria pollutant emissions from construction activities relative to existing conditions.

Construction emissions associated with the Order would result in a significant impact if the incremental difference, or increase, relative to existing conditions exceeds the applicable air district thresholds shown in Table 5.5-2 of the PEIR. Management practices with the greatest potential for emissions include those that break ground or move earth matter, thus producing fugitive dust, and those that require the use of heavy-duty construction equipment (e.g., backhoes or bulldozers), thus producing criteria pollutants from exhaust. The management practices fitting this description include sediment trap, hedgerow, or buffer; pressurized irrigation; and tailwater recovery systems.

While it is anticipated that any emissions resulting from construction activities would be minuscule on a per-farm basis or constructing the public water fill stations, in the absence of a quantitative analysis, data are insufficient to determine whether emissions would exceed the applicable air district thresholds. Consequently, this is considered a potentially significant impact. Implementation of **Mitigation Measure AQ-MM-1: Apply Applicable Air District Mitigation Measures** to Reduce Construction Emissions below the District Thresholds, which is described at the end of the *Impact Findings* section, should reduce this impact to a less-than-significant level. Mitigation Measure AQ-MM-1 is within the responsibility and jurisdiction of local air districts, who can and should implement these measures.

Impact AQ-2. Generation of Operational Emissions in Excess of Local Air District Thresholds (Potentially Significant)

Finding

Pursuant to State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the PEIR and SPEIR. As specified in section 15091(a)(3) of the State CEQA Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

Rationale for Finding

Under the Order, operational emissions would result from vehicle trips made by the Third-Party groups to perform surface water and groundwater monitoring, and from new diesel-powered pumps installed as part of tailwater recovery systems. Operational emissions are also expected to result from the implementation of the SNCP. Under the SNCP, Members are required to

provide immediate drinking water to users of impaired drinking water. Drinking water solutions may include public fill stations and bottled water delivery, both of which may increase vehicle trips. At this time, it is unknown what drinking water solutions will be chosen and how long the immediate drinking solutions will be necessary before a longer-term alternative is developed.

New emissions may be moderated by emissions benefits related to management practices that reduce irrigation and cover crops (see Table 5.5-8 of the PEIR). However, the difference in emissions relative to existing conditions is not known at this time and therefore cannot be compared to the significance criteria. This is considered a potentially significant impact. Implementation of **Mitigation Measure AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds**, which is described at the end of the *Impact Findings* section, should reduce this impact, but it may still be potentially significant.

Impact AQ-3. Elevated Health Risks from Exposure of Nearby Sensitive Receptors to Toxic Air Contaminants/Hazardous Air Pollutants (TACS/HAPs) (Responsibility of Other Agencies)

Finding

As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Toxic air contaminants (TACs) and hazardous air pollutants (HAPs) resulting from the Order include diesel particulate matter (DPM) from diesel construction equipment and new pumps, pesticides/fertilizers, and asbestos. Sensitive receptors near Members could be affected by these sources.

As discussed in Chapter 3 of the PEIR, one of the goals of the nutrient management and conservation tillage management practices is to reduce the application of pesticides/fertilizers. Because the Order would result in greater likelihood of these management practices being implemented, it is reasonable to assume that pesticides/fertilizers—and thus the potential for exposure to these chemicals—would be reduced under the Order.

It is expected that construction emissions may increase relative to existing conditions, thus resulting in minor increases of DPM. Elevated levels of construction in areas where naturally occurring asbestos (NOA) is common may also increase the likelihood of exposure to asbestos. New diesel-powered pumps also would increase DPM emissions relative to existing conditions. This is considered a potentially significant impact. Implementation of **Mitigation Measures AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds, AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds, and AQ-MM-3: Apply Applicable Air District Mitigation Measures to Reduce TAC/HAP Emissions**, which are described at the end of the *Impact Findings* section, should reduce this impact to a less than significant level. Mitigation Measures AQ-MM-1, AQ-MM-2, and AQ-MM-3

are within the responsibility and jurisdiction of local air districts, who can and should implement these measures.

Vegetation and Wildlife

Impact BIO-1. Loss of Downstream Habitat from Reduced Field Runoff (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, management practices that reduce field runoff would result in beneficial impacts on water quality but may adversely affect downstream wildlife and vegetation that depend on agricultural surface runoff. These practices cause water to be recirculated or used at an agronomic rate, resulting in a minimal amount of agricultural runoff. This would result in a net loss of water entering waterways and potential habitat loss along runoff ditches and downstream water bodies.

Such habitat would be seasonally present, available only during times of irrigation, and unlikely to support sensitive communities or special-status plants. While reduced runoff leads to, or is the result of, reduced surface water diversions to fields, some regions rely largely on groundwater to irrigate. While it is anticipated that the loss of sensitive communities or special-status plants resulting from reduced runoff would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-2: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact BIO-3. Potential Loss of Sensitive Natural Communities and Special-Status Plants from Construction Activities (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, construction impacts would result from implementation of management practices that require physical changes, such as construction of water and sediment control basins, temporary water checks, tailwater return systems, vegetated drain systems, windbreaks, wellhead protection berms, and filter strips. It is difficult to determine to what extent management practices selected under the Order would change relative to existing conditions;

thus, it is not possible to quantify any construction-related effects. However, it is logical to assume that implementation of the Order would result in selection of more management practices to meet water quality goals. Consequently, implementation of the Order may result in effects on vegetation from construction activities.

In general, management practices would be implemented on existing agricultural lands ~~and managed wetlands~~, which are unlikely to support native vegetation or special-status plants. However, construction that directly or indirectly affects natural vegetation communities adjacent to existing irrigated lands, particularly annual grasslands with inclusions of seasonal wetlands or vernal pools and riparian vegetation, could result in loss of sensitive wetland communities or special-status plants growing in the uncultivated or unmanaged areas. While it is anticipated that the loss of sensitive communities or special-status plants resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact BIO-4. Potential Loss of Wetland Communities due to Loss of Existing Sedimentation Ponds (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, the assumed decrease in the use of surface water management practices that may be harmful to groundwater could result in abandonment or fill of tailwater sedimentation ponds in areas that currently percolate water to groundwater basins. Although they are not natural features, sedimentation ponds can develop vegetation communities that support wetland species, depending on the specific hydrologic regime of individual ponds. Ponds that hold water intermittently or seasonally may support plant species adapted to seasonal wetland conditions, and ponds that are continually flooded may support emergent vegetation adapted to permanent wetland conditions. Thus, the loss of these ponds could result in drying of artificially created wetlands and an indirect loss of wetland habitat. The loss of wetland communities resulting from abandonment or fill of retention ponds would be small but cannot be quantified. It is also important to note that implementation of one of the potential management practices under the Order—installation of tailwater return systems—would result in creation of tailwater ponds that could develop the same wetland characteristics as the abandoned or filled sedimentation ponds. Creation of new tailwater ponds could result in no net loss or potentially an increase in these wetland communities. However, the final extent of the tailwater ponds that could be created under the Order cannot be quantified. Consequently, the loss of existing sedimentation ponds is considered a potentially significant impact. **Mitigation Measure BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands** has been incorporated

into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact BIO-5. Impacts to Special-Status Wildlife Species due to Loss of Existing Sedimentation Ponds (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, the assumed decrease in the use of surface water management practices that may be harmful to groundwater could result in abandonment or fill of tailwater sedimentation ponds in areas that currently percolate water to groundwater basins. Although they are not natural features, sedimentation ponds can provide habitat for special-status wildlife species. The banks of these ponds could support habitat for special-status burrowing wildlife species, including San Joaquin kit fox and western burrowing owl. Ponds that hold water intermittently or seasonally may support special-status wildlife species adapted to seasonal wetland conditions, such as vernal pool fairy shrimp and vernal pool tadpole shrimp, California red-legged frog, and California tiger salamander, depending on the proximity of these ponds to natural habitats. The ponds also provide foraging habitat for many bird species. Ponds that hold water intermittently provide foraging habitat for wading birds, and ponds that are continually flooded may support foraging and nesting habitat for waterfowl. The abandonment or fill of retention ponds would be small and cannot be quantified but could affect wildlife species that are dependent on them. However, the creation of new tailwater ponds could mitigate part or all of this impact. Because the extent of new tailwater ponds cannot be quantified, the loss of existing sedimentation ponds is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact BIO-6. Loss of Sensitive Natural Communities and Special-Status Plants from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, construction impacts would result from installation of groundwater monitoring wells. The placement of monitoring wells cannot be predetermined; consequently, the potential impacts on sensitive natural communities and special-status plants cannot be quantified.

In general, management practices would be implemented on existing agricultural lands ~~and managed wetlands~~, resulting in a less-than-significant impact. It was assumed that groundwater monitoring well placement also could be primarily limited to agricultural land and non-sensitive habitat. However, if construction related to installation of groundwater monitoring wells required changes to ~~managed wetlands or to~~ natural vegetation communities that are adjacent to existing irrigated lands, there would be a potential for loss of vegetation in sensitive wetland communities or loss of special-status plants growing in the uncultivated or unmanaged areas. While it is anticipated that the loss of sensitive communities or special-status plants resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact BIO-7. Loss of Special-Status Wildlife from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, construction impacts would result from installation of groundwater monitoring wells. The placement of monitoring wells cannot be predetermined; consequently, the potential impacts on special-status wildlife species and their habitat cannot be quantified.

In general, management practices would be implemented on existing agricultural lands ~~and managed wetlands~~, resulting in a less-than-significant impact. It was assumed that placement of groundwater monitoring wells also could be limited primarily to agricultural land and non-sensitive habitat. However, construction of groundwater monitoring wells that requires changes ~~to managed wetlands or~~ to natural vegetation communities adjacent to existing irrigated lands could result in a loss of special-status wildlife species occurring in the uncultivated or unmanaged areas. While it is anticipated that the loss of special-status wildlife species resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. Mitigation **Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Fisheries

Impact FISH-2. Temporary Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, construction impacts would result from implementation of management practices that require physical changes to lands in the Eastern San Joaquin River Watershed. These physical changes primarily include erosion and sediment controls with features such as construction of water and sediment control basins, temporary water checks, tailwater return systems, vegetated drain systems, windbreaks, wellhead protection berms, and filter strips. Physical changes may be associated with implementation of other management practices, such as construction of filter ditches for pesticide management. Installation of facilities for management practices such as pressurized irrigation and sediment traps is unlikely to significantly exceed the baseline disturbance that occurs during routine field preparation. Construction of features associated with management practices may temporarily reduce the amount or quality of existing fish habitat in certain limited circumstances (e.g., by encroachment onto adjacent water bodies, removal of riparian vegetation, or reduction in water quality—such as increases in sediment runoff during construction). It is difficult to determine whether the management practices selected under the Order would change relative to existing conditions, and it is not possible to quantify any construction-related effects. Implementation of the Order may result in effects on fish habitat from construction activities related to management practices.

While it is anticipated that the loss of fish habitat resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. Mitigation Measure **FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact FISH-3. Permanent Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

In some cases, permanent loss of fish habitat may occur as a result of construction required for implementation of management practices under the Order. Some of the impact may be due to loss of structural habitat (e.g., vegetation) whereas loss of dynamic habitat (e.g., wetted habitat) could be an issue where tailwater augments natural flows or makes seasonal streams into perennial systems. This may be of concern in areas where tailwater return flows are composed mostly of pumped groundwater. Because the extent of the loss is not known, the impact is considered potentially significant. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact FISH-4. Toxicity to Fish or Fish Prey from Particle-Coagulant Water Additives (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

Under the Order, polyacrylamides (PAMs) may be applied to reduce erosion and sediment runoff and thereby improve water quality (Sojka et al. 2000). Anionic PAMs are safe to aquatic life when used at prescribed rates (Sojka et al. 2000). Because neutral and cationic PAMs may be toxic to fish and their prey (Sojka et al. 2000; Mason et al. 2005), application of anionic PAMs is recommended in areas with sensitive fish species (Mason et al. 2005). This impact is considered potentially significant. **Mitigation Measure FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact FISH-6. Temporary Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices and Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

This impact is essentially the same as Impact FISH-2 except that, in addition to the temporary loss or alteration of habitat due to construction of management practices, further loss or alteration of fish habitat may occur from construction of groundwater monitoring wells under the

Order. Accordingly, the impact is considered potentially significant. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Impact FISH-7. Permanent Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices and Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant environmental effect as identified in the PEIR.

Rationale for Finding

This impact is essentially the same as Impact FISH-3 except that, in addition to the temporary loss or alteration of habitat due to construction of features associated with management practices, permanent loss or alteration of fish habitat may occur from construction of groundwater monitoring wells under the Order. Accordingly, the impact is considered potentially significant. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Order to reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Agriculture Resources

Impact AG-1. Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to Nonagricultural Use (Significant and Unavoidable)

Finding

Pursuant to State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the PEIR. As specified in section 15091(a)(3) of the State CEQA Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

Rationale for Finding

Under the Order, irrigated lands operations would be required to achieve surface and groundwater quality goals, and to conduct monitoring and reporting to verify such achievement. It is anticipated many or most operations will implement new management practices to achieve these surface and groundwater quality goals. Consequently, operations under the Order will experience increased operational costs due to increased monitoring and reporting activities, as well as increased management practices, if such practices are needed to meet goals. Where such increased costs make agricultural operations unlikely or unable to

continue, agriculture lands may be at risk of conversion to nonagricultural use, resulting in a significant and unavoidable impact to prime and/or unique farmland, as well as farmland of statewide importance.

As described in Attachment A of the Order under "California Water Code Sections 13141 and 13241," the Order is based mainly on components of Alternatives 2-5 of the PEIR. It follows that, because the costs of the Order are similar to the costs of Alternative 4, economic impacts of the Order, including those causing potential loss of Important Farmland, may be estimated using the analysis of Alternative 4.

The PEIR describes that, under Alternative 1, described as full implementation of the previous conditional waiver program, 142 thousand acres of Important Farmland within the entire San Joaquin River Basin potentially would be removed from production. It is estimated that under Alternative 4, an additional 10 thousand acres of Important Farmland within the San Joaquin River Basin potentially would be removed from production because of the increased costs (total of 152 thousand acres). Applying the ratio of irrigated lands within the Eastern San Joaquin River Watershed that would be regulated under this Order (est. 835,000 acres) to the total irrigated lands within the San Joaquin River Basin (est. 2,126,028 acres, Table 3-3, Economics Report),[2] it is estimated that approximately 56 thousand acres of Important Farmland potentially would be removed from production under Alternative 1 (full implementation of the current program). Under the Order (estimated using Alternative 4), an additional 4,100 acres of Important Farmland potentially would be removed from production because of increased costs (total of 60 thousand acres). It is unlikely that all of this acreage would be converted to a nonagricultural use, but it is reasonable to assume that some unknown quantity would be impacted.

Because implementation of the Order potentially would result in conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use, this impact is considered significant. **Mitigation Measure AG-MM-1: Assist the Agricultural Community in Identifying Sources of Financial Assistance that would Allow Growers to Keep Important Farmland in Production** has been incorporated into the Order to reduce the magnitude of the impact, but no feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Transportation and Traffic

Impact TT-1. Generation of Traffic in Conflict with Applicable Congestion Management Program (Potentially Significant)

Finding

Pursuant to State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the PEIR and SPEIR. As specified in section 15091(a)(3) of the State CEQA Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding

[2] ICF International 2010.

consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

Rationale for Finding

Under the Order, the SNCP requires Members to provide immediate drinking water to users of impaired drinking water. Drinking water solutions may include public fill stations and bottled water delivery, both of which may increase vehicle trips. At this time, it is unknown what drinking water solutions will be chosen and how long the immediate drinking solutions will be necessary before a longer-term alternative is developed. The increase in traffic due to implementation of the SNCP is anticipated to come from personnel trips necessary to operate these new projects and potential generation of new services (e.g., bottled water delivery). Traffic patterns may change due to the installation of public fill stations.

However, the difference in traffic relative to existing conditions is not known at this time and therefore is considered a potentially significant impact. Implementation of **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources and Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions,** which are described at the end of the *Impact Findings* section, should reduce this impact, but it may still be potentially significant.

Cumulative Impacts

Cumulative Cultural Resource Impacts (Less than Cumulatively Considerable with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant cumulative environmental effect as identified in the PEIR.

Rationale for Finding

Use of ground-disturbing management practices under the Long-term ILRP alternatives could result in cumulatively considerable effects to cultural resources in concert with other, non-program-related agricultural enterprises and nonagricultural development in the program area. **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Order to reduce the Order's contribution to this impact to a level that is not cumulatively considerable. The mitigation measure calls for identification of cultural resources and minimization of impacts to identified resources. Mitigation measures are described at the end of the *Impact Findings* section.

Cumulative Climate Change Impacts (Significant and Unavoidable)

Finding

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the

significant environmental effect to less than significant as identified in the PEIR. As specified in section 15091(a)(2) of the State CEQA Guidelines, implementation of **Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions** for this impact is within the responsibility and jurisdiction of other public agencies that can and should enforce the implementation of these measures. Further, as specified in section 15091(a)(3) of the Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

Rationale for Finding

Unlike criteria pollutant impacts, which are local and regional, climate change impacts occur at a global level. The relatively long lifespan and persistence of GHGs (as shown in Table 5.6-1 of the PEIR) require that climate change be considered a cumulative and global impact. As discussed in the PEIR, it is unlikely that any increase in global temperature or sea level could be attributed to the emissions resulting from a single project. Rather, it is more appropriate to conclude that, under the Order, GHG emissions would combine with emissions across California, the United States, and the globe to cumulatively contribute to global climate change.

Given the magnitude of state, national, and international GHG emissions (see Tables 5.6-2 through 5.6-4 of the PEIR), climate change impacts from implementation of the Order likely would be negligible. However, scientific consensus concludes that, given the seriousness of climate change, small contributions of GHGs may be cumulatively considerable. Because it is unknown to what extent, if any, climate change would be affected by the incremental GHG emissions produced by the Order, the impact to climate change is considered cumulatively considerable. **Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions** is within the responsibility and jurisdiction of local agencies, who can and should implement these measures. **Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions** has been incorporated into the Order; these measures will result in lower GHG emissions levels than had they not been incorporated, but they will not completely eliminate GHG emissions that could result from the Order. No feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Cumulative Vegetation and Wildlife Impacts (Significant and Unavoidable)

Finding

Pursuant to State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the PEIR. As specified in section 15091(a)(3) of the State CEQA Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

Rationale for Finding

The Central Valley of California has been subjected to extensive human impacts from land conversion, water development, population growth, and recreation. These impacts have altered the physical and biological integrity of the Central Valley, causing loss of native riparian vegetation along river systems, loss of wetlands, and loss of native habitat for plant and wildlife species. **Mitigation Measures BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources and BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands** have been incorporated into the Order to reduce the severity of these effects. The measures are sufficient to mitigate any program-related impacts to rare or endangered plant or wildlife species, and to habitat for these species; however, the cumulative impact of the reduction in quality habitat and the take of individual listed plants or wildlife species is potentially cumulatively considerable. Mitigation measures are described at the end of the *Impact Findings* section.

Cumulative Fish Impacts (Less than Cumulatively Considerable with Mitigation)

Finding

As specified in section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Order that avoid or substantially lessen the significant cumulative environmental effect as identified in the PEIR.

Rationale for Finding

The ongoing impacts of impaired water quality from irrigated lands are likely to cumulatively affect fish, in combination with contaminants that remain in the Order's coverage area from past activities. Such activities include mining and past use of pesticides such as DDT that remain within sediments. Because many of the existing effects discussed in the section "Existing Effects of Impaired Water Quality on Fish" are cumulative, it is difficult to determine the relative contribution of irrigated lands and other sources. For example, low dissolved oxygen (DO) in the Stockton Deepwater Ship Channel is a result of contamination from upstream nonpoint sources (possibly including agricultural runoff) and discharges from the Stockton sewage treatment plant (Lehman et al. 2004; Central Valley Regional Water Quality Control Board 2005). Application of pesticides to nonagricultural lands such as urban parks and the resultant contaminant runoff also cumulatively contribute to impacts of inputs from irrigated lands.

Given the U.S. Environmental Protection Agency's (EPA's) ongoing federal Endangered Species Act (ESA) consultation process for pesticides as a result of recent court orders, it is reasonably foreseeable that further reasonable and prudent measures would be required by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) that would improve water quality within the Eastern San Joaquin River Watershed. Revision of water quality control plans and total maximum daily loads (TMDLs) also can be expected to improve water quality. These and other measures, in combination with the likely beneficial effects of the Order, suggest that the cumulative effects of the Order are not cumulatively considerable with implementation of mitigation measures. **Mitigation Measures FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat and FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control** have been incorporated into the Order to

reduce these impacts to a less than cumulatively considerable level. Mitigation measures are described at the end of the *Impact Findings* section.

Cumulative Agriculture Resources Impacts (Significant and Unavoidable)

Finding

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Order, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the PEIR. As specified in section 15091(a)(3) of the Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Order presented below.

Rationale for Finding

Since 1984, the average biennial net conversion of prime and unique farmland, and farmlands of statewide importance in California has been 28,344 acres (California Department of Conservation, Division of Land Resource Protection 2008). However, conversion has increased substantially since 2000, with an average biennial net conversion of 114,003 acres (California Department of Conservation, Division of Land Resource Protection 2008). During the 2002–2004 period, prime farmland, unique farmland, and farmland of statewide importance was reduced by 133,024 acres (California Department of Conservation, Division of Land Resource Protection 2006). The trend continued during the 2004–2006 period, with a net reduction of 125,495 acres (California Department of Conservation, Division of Land Resource Protection 2008).

While conversion of important farmland may not continue at the accelerated rate of the past 10 years due to decreased demand for new housing, it is reasonably foreseeable that it will continue at a rate comparable to that seen since 1984. Given the magnitude of important farmland conversion expected from implementation of the Order, the Order could result in cumulatively considerable impacts to agriculture resources. **Mitigation Measure AG-MM-1** has been incorporated into the Order to reduce the severity of these effects. While implementation of AG-MM-1 could reduce these impacts to a level that is not a cumulatively considerable contribution to this statewide impact, such a reduction cannot be quantified. As such, the Order's contribution to this impact is potentially cumulatively considerable. No feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are described at the end of the *Impact Findings* section.

Mitigation Measures

Cultural Resources

Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources
The measure described below will reduce the severity of impacts on significant cultural resources, as defined and described in sections 5.3.1 and 5.3.3 of the PEIR. Avoidance of such impacts also can be achieved when Members choose the least impactful management practices that will meet the Order's water quality improvement goals and objectives. Note that these mitigation measures may not be necessary in cases where no ground-disturbing activities would be undertaken as a result of implementation of the Order.

Although cultural resource inventories and evaluations typically are conducted prior to preparation of a CEQA document, the size of the Order's coverage area and the lack of specificity regarding the location and type of management practices that would be implemented following adoption of the Order rendered conducting inventories prior to release of the draft Order untenable. Therefore, where the Order's water quality improvement goals cannot be achieved without modifying or disturbing an area of land or existing structure to a greater degree than through previously employed farming practices, individual farmers or Third-Party representatives will implement the following measures to reduce potential impacts to less-than-significant levels.

- Where construction within areas that may contain cultural resources cannot be avoided through the use of alternative management practices, conduct an assessment of the potential for damage to cultural resources prior to construction; this may include the hiring of a qualified cultural resources specialist to determine the presence of significant cultural resources.
- Where the assessment indicates that damage may occur, submit a non-confidential records search request to the appropriate CHRIS information center(s).
- Implement the recommendations provided by the CHRIS information center(s) in response to the records search request.
- Where adverse effects to cultural resources cannot be avoided, undertake additional CEQA review and develop appropriate mitigation to avoid or minimize the potential impact.

In addition, California state law provides for the protection of interred human remains from vandalism and destruction. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (section 8100), and the disturbance of Native American cemeteries is a felony (section 7052). section 7050.5 requires that construction or excavation be stopped in the vicinity of the discovered human remains until the County Coroner has been notified, according to PRC section 5097.98, and can determine whether the remains are those of Native American origin. If the coroner determines that the remains are of Native American origin, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (Health and Safety Code section 7050[c]). The NAHC will identify and notify the most likely descendant (MLD) of the interred individual(s), who will then make a recommendation for means of treating or removing, with appropriate dignity, the human remains and any associated grave goods as provided in PRC section 5097.98.

PRC section 5097.9 identifies the responsibilities of the project proponent upon notification of a discovery of Native American burial remains. The project proponent will work with the MLD (determined by the NAHC) and a professional archaeologist with specialized human osteological experience to develop and implement an appropriate treatment plan for avoidance and preservation of, or recovery and removal of, the remains.

Growers implementing management practices should be aware of the following protocols for identifying cultural resources.

- If built environment resources or archaeological resources, including chipped stone (often obsidian, basalt, or chert), ground stone (often in the form of a bowl mortar or pestle), stone tools such as projectile points or scrapers, unusual amounts of shell or bone,

historic debris (such as concentrations of cans or bottles), building foundations, or structures are inadvertently discovered during ground-disturbing activities, the landowner should stop work in the vicinity of the find and retain a qualified cultural resources specialist to assess the significance of the resources. If necessary, the cultural resource specialist also will develop appropriate treatment measures for the find.

- If human bone is found as a result of ground disturbance, the landowner should notify the County Coroner in accordance with the instructions described above. If Native American remains are identified and descendants are found, the descendants may—with the permission of the owner of the land or his or her authorized representative—inspect the site of the discovery of the Native American remains. The descendants may recommend to the owner or the person responsible for the excavation work means for treating or disposing of the human remains and any associated grave goods, with appropriate dignity. The descendants will make their recommendation within 48 hours of inspection of the remains. If the NAHC is unable to identify a descendant, if the descendants identified fail to make a recommendation, or if the landowner rejects the recommendation of the descendants, the landowner will inter the human remains and associated grave goods with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

Noise

Mitigation Measure NOI-MM-1: Implement Noise-Reducing Construction Practices
Growers should implement noise-reducing construction practices that comply with applicable local noise standards or limits specified in the applicable county ordinances and general plan noise elements.

Mitigation Measure NOI-MM-2: Reduce Noise Generated by Individual Well Pumps
If well pumps are installed, Members should enclose or locate them behind barriers such that noise does not exceed applicable local noise standards or limits specified in the applicable county ordinances and general plan noise elements.

Air Quality

Mitigation Measure AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds
Growers should apply appropriate construction mitigation measures from the applicable air district to reduce construction emissions. These measures will be applied on a project-level basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated construction emissions.

Mitigation Measure AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds
Growers should apply appropriate mitigation measures from the applicable air district to reduce operational emissions. These measures were suggested by the district or are documented in official rules and guidance reports; however, not all districts make recommendations for operational mitigation measures. Where applicable, measures will be applied on a project-level

basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated operational emissions.

Mitigation Measure AQ-MM-3: Apply Applicable Air District Mitigation Measures to Reduce TAC/HAP Emissions

Growers should apply appropriate TAC and HAP mitigation measures from the applicable air district to reduce public exposure to DPM, pesticides, and asbestos. These measures were suggested by the district or are documented in official rules and guidance reports; however, not all districts make recommendations for mitigation measures for TAC/HAP emissions. These measures will be applied on a project-level basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated TAC/HAP emissions.

Vegetation and Wildlife

Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources

Implementation of the following avoidance and minimization measures would ensure that the construction activities related to implementation of management practices and installation of monitoring wells on irrigated lands would minimize effects on sensitive vegetation communities (such as riparian habitat and wetlands adjacent to the construction area) and special-status plants and wildlife species as defined and listed in section 5.7.3 of the PEIR. In each instance where particular management practices could result in impacts on the biological resources listed above, Members should use the least impactful effective management practice to avoid such impacts. Where the Order's water quality improvement goals cannot be achieved without incurring potential impacts, individual farmers or Third-Party representatives will implement the following measures to reduce potential impacts to less-than-significant levels.

- Where detention basins are to be abandoned, retain the basin in its existing condition or ensure that sensitive biological resources are not present before modification.
- Where construction in areas that may contain sensitive biological resources cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of sensitive vegetation communities or special-status plant and animal species prior to construction. This may include the hiring of a qualified biologist to identify riparian and other sensitive vegetation communities and/or habitat for special-status plant and animal species.
- Avoid and minimize disturbance of riparian and other sensitive vegetation communities.
- Avoid and minimize disturbance to areas containing special-status plant or animal species.
- Where adverse effects on sensitive biological resources cannot be avoided, undertake additional CEQA review and develop a restoration or compensation plan to mitigate the loss of the resources.

Mitigation Measure BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands

Prior to implementing any management practice that will result in the permanent loss of wetlands, conduct a delineation of affected wetland areas to determine the acreage of loss in accordance with current U.S. Army Corps of Engineers (USACE) methods. For compliance with

the federal Clean Water Act section 404 permit and WDRs protecting State waters from unauthorized fill, compensate for the permanent loss (fill) of wetlands and ensure no net loss of habitat functions and values. Compensation ratios will be determined through coordination with the Central Valley Water Board and USACE as part of the permitting process. Such process will include additional compliance with CEQA, as necessary. Compensation may be a combination of mitigation bank credits and restoration/creation of habitat, as described below:

- Purchase credits for the affected wetland type (e.g., perennial marsh, seasonal wetland) at a locally approved mitigation bank and provide written evidence to the resource agencies (USFWS, NMFS) that compensation has been established through the purchase of mitigation credits.
- Develop and ensure implementation of a wetland restoration plan that involves creating or enhancing the affected wetland type.

Fisheries

Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat
This mitigation measure incorporates all measures identified in Mitigation Measure BIO MM 1: Avoid and Minimize Impacts on Sensitive Biological Resources. In each instance where particular management practices could result in impacts to special-status fish species (see "Regulatory Classification of Special-Status Species" in section 5.8.2 of the PEIR), Members should use the least impactful effective management practice to avoid such impacts. Where the Order's water quality improvement goals cannot be achieved without incurring potential impacts, individual farmers or Third-Party representatives will implement the following measures to reduce potential impacts to less-than-significant levels. Note that these measures may not be necessary in many cases and are dependent on the location of construction in relation to water bodies containing special-status fish.

- Where construction in areas that may contain special-status fish species cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of special-status fish species prior to construction; this may include the hiring of a qualified fisheries biologist to determine the presence of special status fish species.
- Based on the species present in adjacent water bodies and the likely extent of construction work that may affect fish, limit construction to periods that avoid or minimize impacts to special-status fish species.
- Where construction periods cannot be altered to minimize or avoid effects on special-status fish, undertake additional CEQA review and develop a restoration or compensation plan to mitigate the loss of the resources.

Mitigation Measure FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control
The Third-Party will provide information to Members on the potential risks to aquatic life, including special-status fish, that may result from the use of cationic or neutral PAMs during water management activities. Information in the form of leaflets or website information will be provided to Members, encouraging the use of anionic PAMs. Application of anionic PAMs at

prescribed rates will be emphasized in the information provided to Members. Adoption of the United States Department of Agriculture National Conservation Practice Standard 450 also will be recommended in the information.

Agriculture Resources

Mitigation Measure AG-MM-1: Assist the Agricultural Community in Identifying Sources of Financial Assistance that would Allow Growers to Keep Important Farmland in Production
The Third-Party will assist the agricultural community in identifying sources of financial assistance from existing federal, state, or local programs that promote water conservation and water quality through increased management practices. Funding received from grants, cost-sharing, or low-interest loans would offset some of the local Members expenditures for compliance with and implementation of the Order, and likely would reduce the estimated losses in irrigated acreage. Potential funding sources for this mitigation measure are discussed below. The programs described below are illustrative and are not intended to constitute a comprehensive list of funding sources.

Federal Farm Bill

Title II of the 2008 Farm Bill (the Food, Conservation, and Energy Act of 2008, in effect through 2012) authorizes funding for conservation programs such as the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program. Both of these programs provide financial and technical assistance for activities that improve water quality on agricultural lands.

State Water Resources Control Board

The Division of Financial Assistance administers water quality improvement programs for the State Water Resources Control Board (State Water Board). The programs provide grant and loan funding to reduce non-point-source pollution discharge to surface waters.

The Division of Financial Assistance currently administers two programs that improve water quality associated with agriculture—the Agricultural Drainage Management Loan Program and the Agricultural Drainage Loan Program. Both of these programs were implemented to address the management of agricultural drainage into surface water. The Agricultural Water Quality Grant Program provides funding to reduce or eliminate the discharge of non-point-source pollution from agricultural lands into surface water and groundwater. It is currently funded through bonds authorized by Proposition 84.

The State Water Board's Clean Water State Revolving Fund also has funding authorized through Proposition 84. It provides loan funds to a wide variety of point-source and non-point-source water quality control activities.

Potential Funding Provided by the Safe, Clean, and Reliable Drinking Water Supply Act of 2010

This act was placed on the ballot by the Legislature as SBX 7-2 and was scheduled for voter approval in November 2010. In August of 2010, the Legislature removed this issue from the 2010 ballot and intends to re-introduce it in November of 2012. If approved by the public, the new water bond would provide grant and loan funding for a wide range of water-related

activities, including agricultural water quality improvement, watershed protection, and groundwater quality protection. The actual amount and timing of funding availability will depend on its passage, on the issuance of bonds and the release of funds, and on the kinds of programs and projects proposed and approved for funding.

Other Funding Programs

Other state and federal funding programs have been available in recent years to address agricultural water quality improvements. Integrated Regional Water Management grants were authorized and funded by Proposition 50 and now by Proposition 84. These are administered jointly by the State Water Board and the California Department of Water Resources. Proposals can include agricultural water quality improvement projects. The Bureau of Reclamation also can provide assistance and cost-sharing for water conservation projects that help reduce discharges.

Cumulative Impacts

Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions
Several of the standard mitigation measures provided by Central Valley local air districts to reduce criteria pollutant emissions would also help to minimize GHG emissions (please see section 5.6.5 of the PEIR). Measures to reduce vehicle trips and promote use of alternative fuels, as well as clean diesel technology and construction equipment retrofits, should be considered by the program applicants.

Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions
A 2008 report by the California Attorney General's office entitled *The California Environmental Quality Act: Addressing Global Warming at the Local Agency Level* identifies various example measures to reduce GHG emissions at the project level (California Department of Justice 2008). The following mitigation measures and project design features were compiled from the California Attorney General's Office report. They are not meant to be exhaustive but to provide a sample list of measures that could be incorporated into future project design. Only those measures applicable to the Order are included.

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers.
- Recover by-product methane to generate electricity.

Transportation and Motor Vehicles

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low- or zero-emission vehicles, including construction vehicles.

Feasibility of Alternatives Considered in the EIR

The following text presents findings relative to the project alternatives. Findings about the feasibility of project alternatives must be made whenever the project within the responsibility and jurisdiction of the lead agency will have a significant environmental effect.

In July 2010, the Central Valley Water Board released, for public review, the Draft PEIR and Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (Economics Report). In these reports, Alternatives 1-6 were evaluated considering environmental and economic impacts, and consistency with applicable state policies and law.[3] In Volume II: Appendix A of the PEIR, at page 136, each alternative was found to achieve some of the program evaluation measures but not others. As is shown in Table 11 of Appendix A, no single alternative of Alternatives 1-5 achieved complete consistency with all evaluation measures. However, after review of each of the alternatives and their common elements (lead entity, monitoring type), it was clear that a program that more completely satisfied the evaluation measures could be developed by selecting from the best-performing elements of the proposed alternatives. Alternative 6, described in Appendix A of the Draft PEIR, was developed by selecting these best-performing elements and became the draft staff recommended alternative.

In consideration of comments received concerning Alternative 6 during the Draft PEIR review process, staff developed the recommended ILRP Framework, and prepared the *Staff Report on Recommended Irrigated Lands Regulatory Framework*, or 'ILRP Framework Report' (Central Valley Water Board 2011). The Central Valley Water Board did not adopt the Framework but advised staff to use the Framework as a starting point to support the development of ILRP Orders. The Framework is based upon the sixth alternative and is composed of elements from the range of alternatives evaluated in the PEIR. The requirements of the Order were developed considering the Framework as a starting point per Central Valley Water Board direction (Central Valley Water Board hearing, June 2011). Project-level review of the requirements in the Order has revealed that the requirements of the Order most closely resemble those described for Alternatives 4 and 2 of the PEIR but do include elements from Alternatives 2-5.

The Order implements the long-term irrigated lands program for irrigated lands in the Eastern San Joaquin River Watershed. The Alternatives in the PEIR have been developed for implementation throughout the entire Central Valley Region. The Order is intended to serve as a single implementing order in a series of orders that will implement the long-term irrigated lands program for the entire Central Valley. The findings below summarize why particular program alternatives are not being pursued.

Alternative 1: Full Implementation of the Current Program - No Project

Under Alternative 1, the Central Valley Water Board would renew the current program and continue to implement it into the future. This would be considered the "No Project" Alternative per CEQA guidance at Title 14 California Code of Regulations (CCR) section 15126.6(e)(3)(A):

[3] Economic impacts of Alternatives 1-5 have been evaluated in the Economics Report. Staff was also able to use that analysis to estimate costs of the recommended program alternative (Alternative 6), since the recommended program alternative fell within the range of the five alternatives. This cost estimate is found in Appendix A of the PEIR.

"When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the 'No Project' Alternative will be the continuation of the existing plan, policy, or operation into the future." Given the reasonably foreseeable nature of the extension or renewal of the ongoing waiver, which would allow continuation of the existing program, Alternative 1 is best characterized as the "No Project" Alternative. This approach best serves the purpose of allowing the Central Valley Water Board to compare the impacts of revising the ILRP with those of continuing the existing program (14 CCR section 15126.6[e][1]).

Third-Party groups would continue to function as lead entities representing growers (owners of irrigated lands, ~~wetland managers,~~ nursery owners, and water districts). This alternative is based on continuing watershed monitoring to determine whether operations are causing water quality problems. Where monitoring indicates a problem, Third-Party groups and growers would be required to implement management practices to address the problem and work toward compliance with applicable water quality standards. This alternative would not establish any new Central Valley Water Board requirements for discharges to groundwater from irrigated agricultural lands.

Monitoring under this alternative would be the same as the watershed-based monitoring required under the current ILRP. Under this monitoring scheme, Third-Party groups would work with the Central Valley Water Board to develop monitoring plans for Central Valley Water Board approval. These plans would specify monitoring parameters and site locations.

Finding
An order based on Alternative 1 is not being pursued to regulate irrigated agricultural operations in the Eastern San Joaquin River Watershed instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and it would not meet all of the goals and objectives of the program (program goals and objectives are described in Appendix A of the PEIR). Because Alternative 1 does not address discharges of waste from agricultural lands to groundwater, it would not be fully consistent with Program Goals 1 and 2:

- **Goal 1**—Restore and/or maintain the highest reasonable quality of State waters considering all the demands being placed on the water.
- **Goal 2**—Minimize waste discharge from irrigated agricultural lands that could degrade the quality of State waters.

In addition, the lack of a groundwater discharge component to this alternative makes it inconsistent with Goal 4 of the program:

- **Goal 4**—Ensure that irrigated agricultural discharges do not impair access by Central Valley communities and residents to safe and reliable drinking water.

Alternative 1 is also inconsistent with sections 13263 and 13269 of the California Water Code, the State Water Board's nonpoint source (NPS) program, and the State's antidegradation policy. These inconsistencies are documented in detail in the (PEIR), Appendix A, at pages 96-130. The Order is considered superior to Alternative 1 for implementation in the Eastern San Joaquin River Watershed.

Alternative 2: Third-Party Lead Entity

Under Alternative 2, the Central Valley Water Board would develop a single mechanism or a series of regulatory mechanisms (WDRs or conditional waivers of WDRs) to regulate waste discharges from irrigated agricultural lands to ground and surface waters.

Third-Party groups would function as lead entities representing growers. Regulation of discharges to surface water would be similar to Alternative 1 (the current ILRP). However, this alternative allows for a reduction in monitoring under lower threat circumstances and where watershed or area management objective plans are being developed. This alternative also includes requirements for development of groundwater quality management plans (GQMPs) to minimize discharge of waste to groundwater from irrigated lands. Under Alternative 2, local groundwater management plans or integrated regional water management plans could be utilized, all, or in part for ILRP GQMPs, with Central Valley Water Board approval. This alternative relies on coordination with the California Department of Pesticide Regulation (DPR) for regulating discharges of pesticides to groundwater.

Growers would be required to track implemented management practices and submit the results to the Third-Party group. Surface water monitoring under this alternative would be similar to Alternative 1. The Third-Party group would report summary results to the Central Valley Water Board. The Third-Party group would be required to summarize the results of groundwater and surface water monitoring and tracking in an annual monitoring report to the Central Valley Water Board.

Finding

An order based wholly on Alternative 2 is not being pursued to regulate irrigated agricultural operations in the Eastern San Joaquin River Watershed instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and because it would not as consistently meet the Program's goals and objectives as would the Order. As indicated in Appendix A, pages 96–130 of the PEIR, Alternative 2 would be consistent with most of the Programs goals and objectives but would be only partially consistent with the State Water Board's nonpoint source policy and the state's antidegradation policy. Alternative 2 includes Third-Party GQMPs but does not require groundwater quality monitoring. The Order is considered superior to Alternative 2 for implementation in the Eastern San Joaquin River Watershed.

Alternative 3: Individual Farm Water Quality Management Plans

Under Alternative 3, growers would have the option of working directly with the Central Valley Water Board or another implementing entity (e.g., county agricultural commissioners [CACs]) in development of an individual farm water quality management plan (FWQMP). Growers would individually apply for a conditional waiver or WDRs that would require Central Valley Water Board approval of their FWQMP.

On-farm implementation of effective water quality management practices would be the mechanism to reduce or eliminate waste discharged to state waters. This alternative would provide incentive for individual growers to participate by providing growers with Central Valley Water Board certification that they are implementing farm management practices to protect state waters. This alternative relies on coordination with DPR for regulating discharges of pesticides to groundwater.

Unless specifically required in response to water quality problems, owners/operators would not be required to conduct water quality monitoring of adjacent receiving waters or underlying groundwater. Required monitoring would include evaluation of management practice effectiveness. The Central Valley Water Board, or a designated Third-Party entity, would conduct annual site inspections on a selected number of operations. They also would review available applicable water quality monitoring data as additional means of monitoring the implementation of management practices and program effectiveness.

Finding
An order based wholly on Alternative 3 is not being pursued to regulate irrigated agricultural operations in the Eastern San Joaquin River Watershed instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and because it would not as consistently meet the ILRP's goals and objectives as would the Order. As indicated in Appendix A, pages 96–130 of the PEIR, Alternative 3 would be only partially consistent with the Central Valley Water Board's program objectives (Objectives 4 and 5) to coordinate with other programs such as TMDL development, CV-SALTS and WDRs for dairies; and promote coordination with other agriculture-related regulatory and non-regulatory programs of the DPR, the California Department of Public Health (DPH), and other agencies. These objectives are:

- **Objective 4**—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, total maximum daily load development, CV-Salts, and WDRs for dairies.
- **Objective 5**—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [Senate Bill (SB) 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 3 makes it more difficult to coordinate with these programs because it involves direct interaction by the Central Valley Water Board with individual growers, rather than with Third-Party entities. Also, the lack of mandatory surface and groundwater quality monitoring and the primary reliance on visual inspection of management practices reduces this alternative's ability to be consistent with the State Water Board's nonpoint source program. The Order is considered superior to Alternative 3 for implementation in the Eastern San Joaquin River Watershed.

Alternative 4: Direct Oversight with Regional Monitoring

Under Alternative 4, the Central Valley Water Board would develop WDRs and/or a conditional waiver of WDRs for waste discharge from irrigated agricultural lands to groundwater and surface water. As in Alternative 3, growers would apply directly to the Central Valley Water Board to obtain coverage ("direct oversight"). As in Alternative 3, growers would be required to develop and implement individual FWQMPs to minimize discharge of waste to groundwater and surface water from irrigated agricultural lands. Alternative 4 would also allow for formation

of responsible legal entities that could serve a group of growers who discharge to the same general location and thus could share monitoring locations. In such cases, the legal entity would be required to assume responsibility for the waste discharges of member growers, to be approved by the Central Valley Water Board, and ultimately to be responsible for compliance with ILRP requirements.

Discharge of waste to groundwater and surface water would be regulated using a tiered approach. Fields would be placed in one of three tiers based on their threat to water quality. The tiers represent fields with minimal (Tier 1), low (Tier 2), and high (Tier 3) potential threat to water quality. Requirements to avoid or minimize discharge of waste would be the least comprehensive for Tier 1 fields and the most comprehensive for Tier 3 fields. This would allow for less regulatory oversight for low-threat operations while establishing necessary requirements to protect water quality from higher-threat discharges. This alternative relies on coordination with DPR for regulating discharges of pesticides to groundwater.

For monitoring, growers would have the option of enrolling in a Third-Party group regional monitoring program. In cases where responsible legal entities were formed, these entities would be responsible for conducting monitoring. All growers would be required to track nutrient, pesticide, and implemented management practices and submit the results to the Central Valley Water Board (or an approved Third-Party monitoring group) annually. Other monitoring requirements would depend on designation of the fields as Tier 1, Tier 2, or Tier 3. Similar to Alternative 3, this alternative also includes requirements for inspection of regulated operations.

Finding
An order based wholly on Alternative 4 is not being pursued to regulate irrigated agricultural operations in the Eastern San Joaquin River Watershed instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and because it would not as consistently meet the Program's goals and objectives as would the Order. As indicated in Appendix A, pages 96–130 of the PEIR, Alternative 4 would meet most of the Program goals and objectives. However, it relies on Central Valley Water Board staff interaction directly with each irrigated agricultural operation, making it less effective at meeting the coordination objectives (Objectives 4 and 5) (page 103 of Appendix A in the PEIR):

- **Objective 4**—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, total maximum daily load development, CV-Salts, and WDRs for dairies.
- **Objective 5**—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [SB 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 4 makes it more difficult to coordinate with these programs because it involves direct interaction by the Central Valley Water Board with individual growers, rather than with Third-Party entities. The Order is considered superior to Alternative 4 for implementation in the Eastern San Joaquin River Watershed.

Alternative 5: Direct Oversight with Farm Monitoring

Alternative 5 would consist of general WDRs designed to protect groundwater and surface water from discharges associated with irrigated agriculture. All irrigated agricultural operations would be required to individually apply for and obtain coverage under the general WDRs working directly with the Central Valley Water Board ("direct oversight"). This alternative would include requirements to (1) develop and implement a FWQMP; (2) monitor (a) discharges of tailwater, drainage water, and storm water to surface water; (b) applications of irrigation water, nutrients, and pesticides; and (c) groundwater; (3) keep records of (a) irrigation water; (b) pesticide applications; and (c) the nutrients applied, harvested, and moved off the site; and (4) submit an annual monitoring report to the Central Valley Water Board. Similar to Alternative 3, Alternative 5 also includes requirements for inspection of regulated operations.

Finding

An order based wholly on Alternative 5 is not being pursued to regulate irrigated agricultural operations in the Eastern San Joaquin River Watershed instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and it would not as consistently meet the Program's goals and objectives as would the Order. As indicated in Appendix A, pages 96–130 of the PEIR, Alternative 5 would be only partially consistent with the Central Valley Water Board's Program objectives (Objectives 4 and 5) to coordinate with other programs such as TMDL development, CV-SALTS and WDRs for dairies; and promote coordination with other agriculture-related regulatory and non-regulatory programs of the DPR, the California Department of Public Health, and other agencies. These objectives are:

- **Objective 4**—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, total maximum daily load development, CV-Salts, and WDRs for dairies.
- **Objective 5**—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [SB 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 5 makes it more difficult to coordinate with these programs because it involves direct interaction by the Central Valley Water Board with individual growers, rather than with Third-Party entities.

Also, an order based on Alternative 5, due to its high relative cost as compared to the Order, would not be consistent with Program Goal 3:

- **Goal 3**—Maintain the economic viability of agriculture in California's Central Valley.

As indicated in the Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (ICF International 2010), the program costs funded by growers and operators would be significantly higher than other alternatives (see Economics Report Tables 2-18 through 2-22). This high cost could affect the viability of thousands of acres of irrigated agricultural land throughout the Central Valley. The Order is considered superior to Alternative 5 for implementation in the Eastern San Joaquin River Watershed.

Alternative 6: Staff Recommended Alternative in the Draft PEIR

Under Alternative 6, 8–12 general WDRs or conditional waivers of WDRs would be developed that would be geographic and/or commodity-based. The alternative would establish requirements for waste discharge from irrigated agricultural lands to groundwater and surface water. Similar to Alternatives 1 and 2, Third-Party groups would be responsible for general administration of the ILRP. The alternative would establish prioritization factors for determining the type of requirements and monitoring that would be applied. The prioritization would be applied geographically as a two-tier system, where Tier 1 areas would be "low priority," and Tier 2 would be "high priority."

Program requirements, monitoring and management would be dependent on the priority (Tier 1 or 2). Generally, this alternative requires regional management plans to address water quality concerns and regional monitoring to provide feedback on whether the practices implemented are working to solve identified water quality concerns. In Tier 1 areas, irrigated agricultural operations and Third-Party groups would be required to describe management objectives to be achieved, report on management practices implemented, and make an assessment of ground and surface water quality every 5 years. In Tier 2 areas, irrigated agricultural operations and Third-Party groups would be required to develop and implement ground and/or surface water quality management plans, as appropriate to address water quality concerns, report on management practices, and provide annual regional ground and surface water quality monitoring. Similar to Alternative 2, Alternative 6 would allow local groundwater management plans or integrated regional water management plans to substitute, all, or in part for ILRP GQMPs, with Central Valley Water Board approval.

Alternative 6 would establish a time schedule for compliance for addressing surface and groundwater quality problems. The schedule would require compliance with water quality objectives within five to ten years for surface water problems and demonstrated improvement within five to ten years for groundwater problems.

Finding

An order based wholly on Alternative 6 is not being pursued to regulate irrigated agricultural operations in the Eastern San Joaquin River Watershed instead of the Order because it would not substantially reduce or eliminate any of the significant adverse effects of the Order (listed in the findings above) and does not adequately reflect the clarifications and minor adjustments that were requested in comments on the Draft PEIR. The Order is considered superior to Alternative 6 for implementation in the Eastern San Joaquin River Watershed.

Statement of Overriding Considerations Supporting Approval of the Waste Discharge Requirements General Order for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group

Pursuant to the requirements of CEQA (PRC sections 21002, 21002.1, 21081) and State CEQA Guidelines (15 CCR 15093), the Central Valley Water Board finds that approval of the Order, whose potential environmental impacts have been evaluated in the PEIR, and as indicated in the above findings, will result in the occurrence of significant effects which are not avoided or substantially lessened, as described in the above findings. These significant effects include:

- Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use.
- Cumulative climate change.
- Cumulative vegetation and wildlife impacts.
- Cumulative conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use.
- Air quality impacts.
- Traffic and transportation impacts.

Pursuant to PRC section 21081(b), specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects. The specific reasons to support this approval, given the potential for significant unavoidable adverse impacts, are based on the following.

Economic Benefits

The water quality improvements expected to occur in both surface and groundwater throughout the Eastern San Joaquin River Watershed as a result of implementing the Order is expected to create broad economic benefits for residents of the State. Control of pollutants contained in agricultural discharges, as summarized in pages 18–21 of Appendix A in the PEIR and documented in detail in the *Irrigated Lands Regulatory Program Existing Conditions Report*, should reduce water treatment costs for some communities in the Central Valley. Pages 5-3–5-5 of the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program* (ICF International 2010) identifies the potential costs of upgrading wells or treating well water that is affected by nitrate contamination. The nitrate contamination is believed to be coming from a variety of sources, including fertilizers used on agricultural lands. Implementation of the SNCP will provide immediate drinking water supplies to users of drinking water impacts by nitrates and will be provide a long-term framework for salt and nitrate discharges.

Consistency with NPS Policy and State Water Board Resolution 68-16 (Antidegradation Policy)

Waste discharges from irrigated agricultural operations have the potential to affect surface and groundwater quality. As documented in the *Irrigated Lands Regulatory Program Existing Conditions Report*, many state waters have been adversely affected due in part to waste discharges from irrigated agriculture. State policy and law requires that the Central Valley Water Board institute requirements that will implement Water Quality Control Plans (California Water Code sections 13260, 13269), the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) and applicable antidegradation requirements (State Water Board Resolution 68-16). The Order is a necessary component of the Central Valley Water Board's efforts to be consistent with state policy and law through its regulation of discharges from irrigated agriculture. As documented in the PEIR Hydrology and Water Quality analysis, implementation of a long-term ILRP, of which the Order is an implementing mechanism, will improve water quality through development of farm management practices that reduce discharges of waste to state waters.

After balancing the above benefits of the Order against its unavoidable environmental risks, the specific economic, legal, and social benefits of the proposal outweigh the unavoidable adverse environmental effects, and these adverse environmental effects are considered acceptable, consistent with the Order, Central Valley Water Board Order R5-2012-0116-10.

References Cited

California Department of Conservation, Division of Land Resource Protection. 2006. 2002–2004 Farmland Conversion Report. Farmland Mapping and Monitoring Program.

California Department of Conservation, Division of Land Resource Protection. 2008. 2004 – 2006 Farmland Conversion Report. Farmland Mapping and Monitoring Program.

California Department of Justice. 2008. The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level. Last revised: December 9, 2008. Available: <http://www.ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf>. Accessed: September 25, 2009.

Central Valley Regional Water Quality Control Board. 2005. Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control Program for Factors Contributing to the Dissolved Oxygen Impairment in the Stockton Deep Water Ship Channel. Final staff report. February 23.

Central Valley Regional Water Quality Control Board. 2011. Recommended Irrigated Lands Regulatory Program Framework Staff Report. March. Rancho Cordova, CA. Available: <http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/recomnd_framewk_mar2011.pdf>.

ICF International. 2011. *Irrigated Lands Regulatory Program Program Environmental Impact Report*. Final and Draft. March. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA.

ICF International. 2010. Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program. July. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Sacramento, CA. Available: <http://www.swrcb.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development>.

Lehman, P.W., J. Sevier, J. Giulianotti, and M. Johnson. 2004. Sources of Oxygen Demand in the Lower San Joaquin River, California. *Estuaries* 27(3): 405–418.

Mason, L.B., C. Amrhein, C. C. Goodson, M. R. Matsumoto, and M. A. Anderson. 2005. Reducing Sediment and Phosphorus in Tributary Waters with Alum and Polyacrylamide. *Journal of Environmental Quality* 34: 1998–2004.

Sojka, R.E., R.D. Lentz, I. Shainberg, T.J. Trout, C.W. Ross, C.W. Robbins, J.A. Entry, J.K. Aase, D.L. Bjorneberg, W.J. Orts, D.T. Westermann, D.W. Morishita, M.E. Watwood, T.L. Spofford, and F.W. Barvenik. 2000. Irrigating with polyacrylamide (PAM): *Nine years and a million acres of experience*. P. 161-169 in R.G. Evans, B.L. Benham, and T.P. Trooien (eds.). Proceedings of the National Irrigation Symposium, 4th Decennial Symposium, Phoenix, Arizona, 14-16 November 2000. Publication 701P0004. St Joseph, MI: American Society of Agricultural Engineers.

Attachment E to Order R5-2012-0116-10 Definitions, Acronyms & Abbreviations

Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group

The following definitions, acronyms and abbreviations apply to this Order as related to discharges of waste from irrigated lands. All other terms shall have the same definitions as prescribed by the Porter-Cologne Water Quality Control Act (California Water Code Division 7), unless specified otherwise.

1. **Alternative Compliance Project** – Project(s) designed to provide the same or higher level of intended protection to water users that may be adversely affected by the discharge. For example, where a discharge is unable to comply with water quality objectives for nitrate, the permittee may seek an exception and offer to provide a safe and reliable alternative water supply for nearby drinking water wells that exceed or threaten to exceed the primary MCL for nitrate. Alternative Compliance Programs may be used in conjunction with other non-traditional regulatory options (including variances, exceptions, offsets, Management Zones and assimilative capacity allocations) to mitigate the adverse effects from a discharge until a feasible, practicable and reasonable means for meeting water quality objectives becomes available.
2. **Anonymous Member ID** – A unique, anonymous identifier permanently assigned to each Member.
3. **Anonymous APN ID** – A unique, anonymous identifier permanently assigned to each Assessor's Parcel Number (APN) that is partially or completely overlaid by irrigated lands in the region.
4. **Antidegradation Policy**– State Water Board Resolution 68-16, *"Statement of Policy with Respect to Maintaining High Quality Waters in California,"* requires existing high quality water to be maintained until it has been demonstrated that any change will be consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of water, and will not result in water quality less than that prescribed in Resolution 68-16. The Central Valley Water Board must establish standards in its orders for discharges to high quality waters that result in the implementation of best practicable treatment or control of the discharge necessary to avoid pollution or nuisance and to maintain the highest water quality consistent with maximum benefit to the people of the state. Resolution 68-16 has been approved by the USEPA to be consistent with the federal anti-degradation policy.
5. **Aquifer** – A geologic formation, group of formations, or portion of a formation capable of yielding usable quantities of groundwater to wells or springs (40 CFR Part 257.3-4).

6. **Area of Contribution** – The portion(s) of Basin or Sub-basin where a discharge or discharges will co-mingle with the receiving water and where the presence of such discharge(s) could be detected.
7. **Assimilative Capacity** – The capacity of a high-quality receiving water to absorb discharges of chemical constituents and still meet applicable water quality objectives that are protective of beneficial uses. State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Antidegradation Policy) requires a consideration, to the extent feasible, of the degree to which a discharge will affect the available assimilative capacity of a high-quality water relative to baseline water quality when the Central Valley Water Board is authorizing degradation.
8. **Back flow prevention devices** – Back flow prevention devices are installed at the well or pump to prevent contamination of groundwater or surface water when fertilizers, pesticides, fumigants, or other chemicals are applied through an irrigation system. Back flow prevention devices used to comply with this Order must be those approved by USEPA, DPR, DPH, or the local public health or water agency.[1]
9. **Basin Plan** – The Basin Plan is the Central Valley Regional Water Quality Control Plan for the Sacramento River and San Joaquin River Basins. The Basin Plan describes how the quality of the surface and groundwater in the Central Valley Region should be managed to ensure reasonable protection of beneficial uses. The Basin Plan includes beneficial uses, water quality objectives, and a program of implementation.
10. **Central Valley SNMP (2016)** – The Central Valley Salt and Nitrate Management Plan is the basis for many components of the Salt and Nitrate Control Program contained in the Tulare Lake Basin Plan and serves as one of the reference documents for the control efforts. The final version of the SNMP was accepted by the Board in Resolution No. R5-2017-0031 and can be found online. <www.cvsalinity.org/index.php/docs/central-valley-snmp/final-snmp.html>
11. **Certified Nitrogen Management Specialist** – Certified nitrogen management plan specialists include Professional Soil Scientists, Professional Agronomists, Certified Crop Advisors certified by the American Society of Agronomy and holding a California Nitrogen Management Specialty, or Technical Service Providers certified in nutrient management in California by the National Resource Conservation Service (NRCS); or other specialist approved by the Executive Officer.
12. **Degradation** – Any measurable adverse change in water quality.
13. **Durov Diagrams** – A graphical representation of water quality. The Durov diagram is an alternative to the Piper diagram. The Durov diagram plots the major ions as percentages of milli-equivalents in two base triangles. The total cations and the total anions are set equal to 100% and the data points in the two triangles are projected onto a square grid which lies perpendicular to the third axis in each triangle. This plot reveals useful properties and

[1] California Department of Public Health, Approved Backflow Prevention Devices List <www.cdph.ca.gov/certlic/drinkingwater/pages/publications.aspx>. Requirements for backflow prevention for pesticide application are located in 6 California Code of Regulations (CCR) section 6610.

relationships for large sample groups. The main purpose of the Durov diagram is to show clustering of data points to indicate samples that have similar compositions.

14. **Exceedance** – For the purposes of this Order, an exceedance is a reading using a field instrument or detection by a California state-certified analytical laboratory where the detected result indicates an impact to the beneficial use of the receiving water when compared to a water quality objective for the parameter or constituent. Exceedances will be determined based on available data and application of the appropriate averaging period. The appropriate averaging period may be defined in the Basin Plan, as part of the water quality criteria established by the USEPA, or as part of the water quality criteria being used to interpret a narrative water quality objective. If averaging periods are not defined as part of the water quality objective or the water quality criteria being used, then the Central Valley Water Board may use its best professional judgment to determine an appropriate period.
15. **Exception to a Water Quality Objective** – A special authorization, adopted by the Central Valley Water Board through the normal public review and approval process, that allows a discharge or group of discharges to groundwater, subject to various conditions, without an obligation to comply with certain water quality objectives that would normally apply to the given discharge for the period of the exception. Exceptions are limited to a specific term that is determined by the Central Valley Water Board. (See also the Exceptions Policy contained in the Tulare Lake Basin Plan). The timelines for compliance are equivalent to a “time schedule” as authorized under Water Code section 13242 and 13263, subdivision (c).
16. **Farming Operation** – A distinct farming business, organized as a sole proprietorship, partnership, corporation, limited liability company, cooperative, or other business entity that owns or operates irrigated lands.
17. **Farm Operator** – The person or entity, including, but not limited to a farm/ranch manager, lessee or sub-lessee, responsible for or otherwise directing farming operations in decisions that may result in a discharge of waste to surface water or groundwater. If a person or entity rents land to others or has land worked on shares by others, the person or entity is considered the operator only of the land which is retained for their own operation.
18. **Fertigation** – The process of applying fertilizer through an irrigation system by injecting the fertilizer into the irrigation water.
19. **Groundwater** – Water in the ground that is in the zone of saturation. The upper surface of the saturate zone is called the water table.
20. **High vulnerability area (groundwater)** – Areas identified in the approved Groundwater Quality Assessment Report “…where known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities.” (see section IV.A.3 of the MRP) or areas that meet any of the following requirements for the preparation of a Groundwater Quality Management Plan (see section VIII.N of the Order):

(1) there is a confirmed exceedance[2] (considering applicable averaging periods) of a water quality objective or applicable water quality trigger limit (trigger limits are described in section VIII of the MRP) in a groundwater well and irrigated agriculture may cause or contribute to the exceedance; (2) the Basin Plan requires development of a groundwater quality management plan for a constituent or constituents discharged by irrigated agriculture; or (3) the Executive Officer determines that irrigated agriculture may be causing or contributing to a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses.

21. **High vulnerability area (surface water)** – Areas that meet any of the following requirements for the preparation of a Surface Water Quality Management Plan (see section VIII.N of the Order): (1) an applicable water quality objective or applicable water quality trigger limit is exceeded (considering applicable averaging periods[3]) twice in a three year period for the same constituent at a monitoring location (trigger limits are described in section VIII of the MRP) and irrigated agriculture may cause or contribute to the exceedances; (2) the Basin Plan requires development of a surface water quality management plan for a constituent or constituents discharged by irrigated agriculture; or (3) the Executive Officer determines that irrigated agriculture may be causing or contributing to a trend of degradation of surface water that may threaten applicable Basin Plan beneficial uses.
22. **Hydraulic conductivity** – The volume of water that will move through a medium (generally soil) in a unit of time under a unit hydraulic gradient through a unit area measured perpendicular to the direction of flow (a measure of a soils ability to transmit water).
23. **Hydraulic gradient** – The change in total hydraulic head per unit distance in a given direction yielding a maximum rate of decrease in hydraulic head.
24. **Hydraulic Head** - The height relative to a datum plane (generally sea level) of a column of water that can be supported by the hydraulic pressure at a given point in a groundwater system. For a well, the hydraulic head is equal to the distance between the water level in the well and the datum plane (sea level).
25. **Impaired water body** – A surface water body that is not attaining water quality standards and is identified on the State Water Board's Clean Water Act section 303(d) list.

[2] A "confirmed exceedance of a water quality objective in a groundwater well" means that the monitoring data are determined to be of the appropriate quality and quantity necessary to verify that an exceedance has occurred.

[3] Exceedances of water quality objectives or water quality triggers will be determined based on available data and application of the appropriate averaging period. The averaging period is typically defined in in the Basin Plan, as part of the water quality standard established by the USEPA, or as part of the criteria being used to interpret narrative objectives. If averaging periods are not defined in the Basin Plan, USEPA standard, or criteria, or approved water quality trigger, the Central Valley Water Board will use the best available information to determine an appropriate averaging period.

26. **Irrigated lands** – Land irrigated to produce crops or pasture for commercial purposes and; nurseries~~; and privately and publicly managed wetlands~~.[4]
27. **Irrigation return flow/runoff** – Surface and subsurface water which leaves the field following application of irrigation water.
28. **Kriging** – A group of geostatistical techniques to interpolate the value of a random field (e.g., contaminant level in groundwater) at an unobserved location from observations of its value at nearby locations
29. **Low vulnerability area (surface and groundwater)** – are all areas not designated as high vulnerability for either surface or groundwater.
30. **Management practices to protect water quality** – A practice or combination of practices that is the most effective and practicable (including technological, economic, and institutional considerations) means of controlling nonpoint pollutant sources at levels protective of water quality. Member – Owners and operators of irrigated lands within the Eastern San Joaquin River Watershed that are members of the Third-Party group implementing this Order.
31. **Management Zone** – A discrete and generally hydrologically contiguous area for which permitted discharger(s) participating in the Management Zone collectively work to meet the goals of the Central Valley SNMP (2016) and for which regulatory compliance is evaluated based on the permittees collective impact, including any alternative compliance programs, on a defined portion of the aquifer. Where Management Zones cross groundwater basin or sub-basin boundaries, regulatory compliance is assessed separately for each basin or sub-basin. Management Zones must be approved by the Central Valley Water Board.
32. **Monitoring** – Monitoring undertaken in connection with assessing water quality conditions, and factors that may affect water quality conditions. Monitoring includes, but is not limited to, water quality monitoring undertaken in connection with agricultural activities, monitoring to identify short and long-term trends in water quality, nutrient monitoring, active inspections of operations, and management practice implementation and effectiveness monitoring. The purposes of monitoring include, but are not limited to, verifying the adequacy and effectiveness of the Order's requirements, and evaluating each Member's compliance with the requirements of the Order.
33. **Nitrogen Applied** – Nitrogen Applied includes all nitrogen proactively added to a field from any source, such as organic amendments, synthetic fertilizers, manure, and irrigation water.

[4] For the purposes of this Order, commercial irrigated lands are irrigated lands that have one or more of the following characteristics:

- The landowner or operator holds a current Operator Identification Number/ Permit Number for pesticide use reporting;
- The crop is sold to a Third-Party including, but not limited to, (1) an industry cooperative, (2) harvest crew/company, or (3) a direct marketing location, such as farmers' markets;
- The landowner or operator files federal taxes using federal Department of Treasury Internal Revenue Service Form 1040, Schedule F *Profit or Loss from Farming*.

34. **Nitrogen Removed** – Nitrogen Removed includes all nitrogen taken from the field in harvested or other materials. Other materials may include wheat straw, orchard prunings, almond hulls, etc. In the case of perennial crops, Nitrogen Removed also includes the nitrogen annually sequestered in the permanent wood.

35. **Nonpoint source waste discharge**– The Sacramento and San Joaquin River Basin Plan states that *"A nonpoint source discharge usually refers to waste emanating from diffused locations."* Nonpoint source pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. The term "nonpoint source" is defined to mean any source of water pollution that does not meet the legal definition of "point source" in section 502(14) of the Clean Water Act. The Clean Water Act (CWA) defines a point source as a discernible, confined, and discrete conveyance, such as a pipe, ditch, or channel. Irrigated agricultural return flows and agricultural storm water runoff are excluded from the CWA's definition of point source. Nonpoint pollution sources generally are sources of water pollution that do not meet the definition of a point source as defined by the CWA.

36. **Nuisance** – "Nuisance" is defined at section 13050 of the Water Code as *"…anything which meets all of the following requirements:*

    (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

    (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

    (3) Occur during, or as a result of, the treatment or disposal of wastes."

37. **Nutrient** – Any element taken in by an organism which is essential to its growth and which is used by the organism in elaboration of its food and tissue.

38. **Off-property discharge** – The discharge or release of waste beyond the boundaries of the agricultural operation or to water bodies that run through the agricultural operation.

39. **Perched groundwater** – Groundwater separated from an underlying body of groundwater by an unsaturated zone.

40. **Piper Diagram** – A graphical representation of the chemistry of a water sample. The relative abundance of cations as percentages of milli-equivalents per liter (meq/L) of sodium, potassium, calcium, and magnesium are first plotted on the cation triangle. The relative abundance of chloride, sulfate, bicarbonate, and carbonate is then plotted on the anion triangle. The two data points on the cation and anion triangles are then combined into the quadrilateral field that shows the overall chemical property of the water sample.

41. **Pollution** – Defined in section 13050(l)(1) of the Porter-Cologne Water Quality Control Act as *"…an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses. (B) Facilities which serve these beneficial uses."*

42. **Qualified scientist** – A person who has earned a professional degree in a scientific discipline that relates to engineering, environmental science, or chemistry with additional experience related to pesticides and water quality. This person should be familiar with the related local, state, and federal regulations.
43. **Receiving waters** – Surface water or groundwater that receives or has the potential to receive discharges of waste from irrigated lands.
44. **Requirements of applicable water quality control plans** – Water quality objectives, prohibitions, total maximum daily load implementation plans, or other requirements contained in water quality control plans adopted by the Central Valley Water Board and approved according to applicable law.
45. **Salinity** – For purposes of implementing the Salt and Nitrate Control Plan, the definition of “salinity” and “salt” includes only: electrical conductivity, total dissolved solids, fixed dissolved solids, chloride, sulfate, and sodium.
46. **Salinity Characterization Report** – An assessment of how applicable member discharges to surface and/or groundwater will comply with the requirements of the conservative permitting approach under Phase I of the Salt Control Program.
47. **Small Farming Operation** – Refers to Farming Operations that operate less than 60 total acres of irrigated land within the Eastern San Joaquin River Watershed. A parcel is not part of a Small Farming Operation if the total acres of irrigated land within the Eastern San Joaquin River Watershed managed by the Farming Operation and any of its Subsidiary or Affiliated Operations is 60 acres or greater.
48. **Stiff Diagram** - A graphical representation of the chemistry of a water sample. A polygon shaped figure created from four parallel horizontal axes using the equivalent charge concentrations (meq/L) of cations and anions. Cations are plotted on the left of the vertical zero axis and anions are plotted on the right.
49. **Stormwater runoff** – The runoff of precipitation from irrigated lands.
50. **Subsidiary or Affiliated Operation** – a Subsidiary or Affiliated Operation of a specified Farming Operation means a Farming Operation of which the principal(s) of the specified Farming Operation or the shares possessed by the specified Farming Operation have a controlling interest. A controlling interest is having 50 percent or more of the voting or management authority of the operation.
51. **Subsurface drainage** – Water generated by installing and operating drainage systems to lower the water table below irrigated lands. Subsurface drainage systems, deep open drainage ditches, or drainage wells can generate this drainage.
52. **Surface water** – Water pooled or collected at or above ground level. Surface waters include, but are not limited to, natural streams, lakes, wetlands, creeks, constructed agricultural drains, agricultural dominated waterways, irrigation and flood control channels, or other non-stream tributaries. Surface waters include all waters of the United States and their tributaries, interstate waters and their tributaries, intrastate waters, and all impoundments of these waters. For the purposes of this Order, surface waters do not include water in agricultural fields.
53. **Tailwater** – The runoff of irrigation water from an irrigated field.

54. **Total Maximum Daily Load (TMDL)** - From the Code of Federal Regulations (CFR), 40 CFR 130.2(i), a TMDL is: *"The sum of the individual WLAs [wasteload allocations] for point sources and LAs [load allocations] for nonpoint sources and natural background. … TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. …"*.

55. **Toxicity** – Refers to the toxic effect to aquatic organisms from waste contained in an ambient water quality sample.

56. **Unsaturated Zone** – The unsaturated zone is characterized by pore spaces that are incompletely filled with water. The amount of water present in an unsaturated zone varies widely and is highly sensitive to climatic factors.

57. **Vadose Zone** – See unsaturated zone.

58. **Waste** – Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal as defined in California Water Code section 13050(d). Wastes from irrigated lands that conform to this definition include, but are not limited to, earthen materials (such as soil, silt, sand, clay, rock), inorganic materials (such as metals, salts, boron, selenium, potassium, nitrogen, phosphorus), organic materials such as pesticides, and biological materials, such as pathogenic organisms. Such wastes may directly impact beneficial uses (e.g., toxicity of metals to aquatic life) or may impact water temperature, pH, and dissolved oxygen.

59. **Waste discharges from irrigated lands** – The discharge or release of waste to surface water or groundwater. Waste discharges to surface water include, but are not limited to, irrigation return flows, tailwater, drainage water, subsurface (tile) drains, stormwater runoff flowing from irrigated lands, aerial drift, and over spraying of pesticides. Waste can be discharged to groundwater through pathways including, but not limited to, percolation of irrigation or storm water through the subsurface, backflow of waste into wells (e.g., backflow during chemigation), discharges into unprotected wells and dry wells, and leaching of waste from tailwater ponds or sedimentation basins to groundwater.

    A discharge of waste subject to the Order is one that could directly or indirectly reach waters of the state, which includes both surface waters and groundwaters. Direct discharges may include, for example, discharges directly from piping, tile drains, wells, ditches or sheet flow to waters of the state, or percolation of wastes through the soil to groundwater. Indirect discharges may include aerial drift or discharges from one parcel to another parcel and then to waters of the state. See also the definition for "waste".

60. **Waters of the State** – Is defined in Water Code section 13050 as *"any surface water or groundwater, including saline waters, within the boundaries of the State."*

61. **Water Quality Criteria** – Levels of water quality required under section 303(c) of the Clean Water Act that are expected to render a body of water suitable for its designated uses. Criteria are based on specific levels of pollutants that would make the water harmful if used for drinking, swimming, farming, fish production, or industrial processes. The *California Toxics Rule* adopted by USEPA in April 2000 sets numeric water quality criteria for non-ocean surface waters of California for a number of toxic pollutants.

62. **Water Quality Objectives** – Defined in Water Code section 13050 as *"limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specified area."* Water quality objectives may be either numerical or narrative and serve as water quality criteria for purposes of section 303 of the Clean Water Act.

63. **Water quality problem** – Exceedance of an applicable water quality objective or a trend of degradation that may threaten applicable Basin Plan beneficial uses.

64. **Water Quality Standards** – Provision of state or federal law that consist of the designated beneficial uses of a waterbody, the numeric and narrative water quality criteria that are necessary to protect the uses of that particular waterbody, and an antidegradation statement. Water quality standards include water quality objectives in the Central Valley Water Board's two Basin Plans, water quality criteria in the California Toxics Rule and National Toxics Rule adopted by USEPA, and/or water quality objectives in other applicable State Water Board plans and policies. Under section 303 of the Clean Water Act, each state is required to adopt water quality standards.

Acronyms and Abbreviations

2008 Farm Bill	Food, Conservation, and Energy Act of 2008
Basin Plan	*Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4th Ed.)*
BPTC	best practicable treatment or control
CAC	county agricultural commissioner
CCR	California Code of Regulations
CEDEN	California Environmental Data Exchange Network
Central Valley Water Board	California Regional Water Quality Control Board, Central Valley Region
CEQA	California Environmental Quality Act
COC	constituent of concern
CRHR	California Register of Historic Resources
CTR	California Toxics Rule
CV RDC	Central Valley Regional Data Center
CV-SALTS	Central Valley Salinity Alternatives for Long-Term Sustainability
CWC	California Water Code
DO	dissolved oxygen
DPH	California Department of Public Health
DPM	diesel particulate matter
DPR	California Department of Pesticide Regulation
DWR	California Department of Water Resources
ECR	Existing Conditions Report
EDD	electronic data deliverable
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
ESA	federal Endangered Species Act
ESJ WQC	East San Joaquin Water Quality Coalition
FWQMP	farm water quality management plan
GeoTracker ESI	GeoTracker Electronic Submittal of Information Online System
GIS	Geographic Information System
GPS	Global Positioning System
GQMP	groundwater quality management plan

HAPs	hazardous air pollutants
ILRP	Irrigated Lands Regulatory Program
MDL	method detection limit
MLD	most likely descendant
MMRP	mitigation monitoring and reporting program
MRP	monitoring and reporting program
MRPP	monitoring and reporting program plan
MWICR	Monitoring Well Installation Completion Report
MWISP	Monitoring Well Installation and Sampling Plan
NAD83	North American Datum 1983
NAHC	Native American Heritage Commission
NAVD88	North American Vertical Datum 1988
NMFS	National Marine Fisheries Service
NOA	Notice of Applicability
NOC	Notice of Certification
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NPS	nonpoint source
NPS Policy	State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program
NRHP	National Register of Historic Places
NTR	National Toxics Rule
PAMs	polyacrylamides
PCPA	Pesticide Contamination and Prevention Act
PEIR	Long-Term Irrigated Lands Regulatory Program Final Program EIR (Final and Draft) (Certified by Resolution R5-2011-0017)
PRC	California Public Resources Code
PUR	pesticide use report, CA DPR
QAPP	quality assurance project plan
QA/QC	quality assurance and quality control
MPEP	management practice evaluation program
RL	reporting limit
RWD	report of waste discharge

SB	Senate Bill
SIP	*Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of CA* (State Implementation Plan)
SQMP	surface water quality management plan
State Water Board	State Water Resources Control Board
SWAMP	surface water ambient monitoring program
TAC	toxic air contaminant
TDS	total dissolved solids
TIE	toxicity identification evaluation
TMDL	total maximum daily load
TST	test of significant toxicity (USEPA method)
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WDRs	waste discharge requirements