CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

ORDER NO. R4-2016-0143

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS WITHIN THE LOS ANGELES REGION

The California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) finds:

PURPOSE OF ORDER

1. For the reasons set forth below, the Regional Water Board concludes that it is in the public interest to establish a Conditional Waiver for Discharges from Irrigated Agricultural Lands (Conditional Waiver or Order). The conditions established in this Order are intended to ensure that discharges from irrigated agricultural lands are managed such that they do not degrade water quality or impair beneficial uses of waters of the state within the Los Angeles Region.

2. The Los Angeles Region has approximately 97,000 acres of agriculture under irrigation and approximately 2,100 operations that are or may be discharging waste from irrigated agricultural lands to waters of the state. The Region's agriculture is concentrated in Ventura County, in the Calleguas Creek, Santa Clara River, and Ventura River watersheds. It is estimated that approximately 3,500 acres of Los Angeles County irrigated agricultural lands lie within the Los Angeles Region. These areas are dispersed, non-contiguous, and interspersed with other land uses, such as urban and industrial land uses.

3. Agricultural activities can generate wastes such as sediment, pesticides, nutrients, and oxygen-demanding organic matter that, upon discharge to waters of the state, can degrade water quality and impair beneficial uses.

4. The 2008-10 Clean Water Act Section 303(d) list of impaired water bodies in the Los Angeles Region identifies agriculture as a potential source of pollutants that impair water quality and beneficial uses of numerous waters of the state within the Region.

5. The Regional Water Board and the United States Environmental Protection Agency (USEPA) have established 16 Total Maximum Daily Loads (TMDLs) in the Los Angeles Region to address water bodies that are impaired due to sediment, pesticides, nutrients, bacteria, trash, and salts, and which identify irrigated agricultural lands as a source of pollutants and assign load allocations to discharges from irrigated agricultural lands.

6. The Regional Water Board has established this Conditional Waiver, including the specific requirements herein, based on data and information submitted through the Dischargers' past annual monitoring reports, water quality management plans, and other available information. A Staff Report has been prepared to explain the principal

facts and the significant factual, legal, methodological, and policy questions considered in preparing this Order. The Regional Water Board has considered the Staff Report in setting the requirements of this Order.

7. Annual monitoring reports, submitted during the first and second term of the conditional waiver of waste discharge requirements adopted by Order No. R4-2005-0080 and Order No. R4-2010-0186, have documented water quality that exceeds Water Quality Benchmarks in receiving waters (agriculture drains and tributaries) and edge of field monitoring sites. Water Quality Benchmark exceedances have been documented in every monitored watershed within the Los Angeles Region. Two categories of wastes frequently reported in agricultural discharges that impair waters of the state in the Los Angeles Region are pesticides and biostimulatory substances (e.g., nitrogen). Analysis of the data demonstrates some decreasing trends in waste concentrations, and several instances of specific monitoring sites attaining Water Quality Benchmarks. However, there are also many instances where there has been little change in water quality and waste concentrations are still well above Water Quality Benchmarks. In some rare cases, trends in waste concentrations appear to be increasing.

8. Irrigated agricultural discharges can impact groundwater quality. A review of groundwater quality data in the Los Angeles Region reveals that groundwater is polluted with wastes, such as nitrate, which are contained in irrigated agricultural discharges. Data obtained from the State's Groundwater Ambient Monitoring and Assessment (GAMA) program and the Ventura County Watershed Protection District groundwater monitoring program demonstrate that groundwater basins underlying areas with irrigated agricultural lands contain levels of nitrate that exceed water quality objectives, including state drinking water standards. A recent study of the effects of discharges from irrigated agricultural lands on groundwater quality funded by the State Water Board showed that nitrate applied to irrigated agricultural lands is not completely taken up in the root zone of crops and can percolate to groundwater (Modifying Agricultural Practices, Nutrients, and Pesticides, Calleguas Creek and Santa Clara River. United Water Conservation District, August 31, 2007, SWRCB Grant No. 04-073-554-1). The study did not quantify the loading of nitrate from irrigated agricultural lands to groundwater, but it provides evidence that irrigated agricultural practices are a potential source of groundwater pollution in the Los Angeles Region, specifically in Ventura County.

9. As authorized by Water Code section 13269, this Order adopts a conditional waiver of waste discharge requirements for discharges from irrigated agricultural lands that requires persons who obtain coverage under the waiver to, in part, (1) prepare monitoring plans, conduct monitoring, and report annually on monitoring results, including the identification of Water Quality Benchmark exceedances; (2) develop, as required, a water quality management plan (WQMP), which identifies management practices that will address Water Quality Benchmark exceedances; (3) implement the WQMP and management practices to attain Water Quality Benchmarks; and (4) assess the effectiveness of implemented management practices in attaining Water Quality Benchmarks and, when necessary to attain Water Quality Benchmarks, identify, implement, or upgrade management practices. This Order also requires that, if TMDL-associated Water Quality Benchmarks are not attained within a reasonable time

schedule (as set forth in Section D, Table 2 of this Order), then discharges from irrigated agricultural lands comply with discharge limitations. Finally, this Order requires Dischargers to implement management practices that minimize excess nutrient application relative to crop need and to conduct groundwater monitoring in Ventura County to assess trends in groundwater quality beneath irrigated agricultural lands to evaluate whether management practices implemented to improve groundwater quality are effective.

10. This Order sets forth conditions that apply to discharges of waste from irrigated agricultural lands. This conditional waiver of waste discharge requirements constitutes the Los Angeles Region Irrigated Lands Regulatory Program.

11. The Regional Water Board adopted a Waiver of Waste Discharge Requirements for discharges from irrigated agricultural lands on November 3, 2005 for a five year term. On October 7, 2010, the Regional Water Board renewed the Waiver for a new five year term that expired on October 7, 2015. On October 8, 2015, the Regional Water Board renewed the Waiver for a six-month period. The expiration date of Order No. R4-2015-0202 is April 15, 2016.

12. This Order differs from previous orders by containing more specific monitoring and reporting requirements for the preparation of WQMPs in order to better assess effectiveness of management practices, and more specific time schedules and requirements to ensure that Water Quality Benchmarks are ultimately attained.

13. Irrigated agriculture in Los Angeles and Ventura Counties is different in terms of the size of operations, number of operations, types of crops grown, surrounding land uses, and TMDL findings and requirements. Therefore, this Order contains separate Monitoring and Reporting Requirements for Discharger Groups in Los Angeles and Ventura Counties (Appendix 2 and 3).

DEFINITIONS

14. "Discharger" means the owner and/or operator of irrigated agricultural lands that discharge, have the potential to discharge, or propose to discharge waste that could directly or indirectly affect the quality of waters of the state.

15. A "Discharger Group" is any group of dischargers and/or organizations that forms to comply with this Order. Discharger Groups can be, but are not limited to, organizations formed on a geographic basis or formed with other factors in common, such as commodities.

16. "Discharges" are discharges of waste from irrigated agricultural lands, including surface discharges (also known as irrigation return flows or tailwater), subsurface discharges through drainage systems that lower the water table below irrigated agriculture lands (also known as tile drains), discharges to groundwater, and stormwater runoff flowing from irrigated agricultural lands.

17. "Discharge Limitation" means a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a

pollutant or pollutants that may be discharged from an authorized location as set forth in Appendices 4 and 5. A discharge limitation may be final or interim, and may be expressed as a prohibition. A discharge limitation does not include a receiving water limitation, a compliance schedule, or a management practice.

18. "Hobby Growing/Gardening" activities include growing crops for personal use (includes moderate fundraising and minor secondary incomes from sales at direct marketing locations only) and consumption only. Furthermore:

    • The crop is not sold, including but not limited to (1) an industry cooperative, (2) harvest crew/company, or (3) a direct marketing location, except in the case of moderate funding or minor secondary incomes.

    • The property owner/operator does not hold a current Operator Identification Number/Permit Number for pesticide use reporting.

    • The federal Department of Treasury Internal Revenue Service form 1040 Schedule F Profit or Loss from Farming is not used to file federal taxes.

19. "Irrigated Agricultural Lands" means lands where water is applied for producing crops and, for the purpose of this Order, includes, but is not limited to, lands planted for row, vineyard, pasture, field and tree crops, nurseries, nursery stock production, wholesale nurseries, and greenhouse operations with permeable floors, which are not subject to waste discharge requirements, including Municipal Separate Storm Sewer System (MS4) or other National Pollutant Discharge Elimination System (NPDES) permits.

20. "New Discharges" are defined as irrigated agriculture operations that did not commence the discharge of stormwater and/or irrigation water at a particular site prior to April 14, 2016.

21. "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 (Cal. Wat. Code § 13050 (d)).

22. "Water Quality Benchmark" means discharge prohibitions and narrative or numeric surface water quality objectives, a water quality objective established by an applicable Statewide plan or policy, criteria established by USEPA (including those in the California Toxics Rule and the applicable portions of the National Toxics Rule), and load allocations established pursuant to a total maximum daily load (TMDL) (whether established in the Basin Plan or other lawful means). Water Quality Benchmarks for Discharges from Irrigated Agricultural Lands are identified in Appendices 4 and 5 of this Order.

23. "Waters of the State" means any surface water or groundwater, including saline waters, within the boundaries of the state. (Cal. Wat. Code § 13050(e))

24. Unless otherwise specified above, all other terms used in this Order shall have the same definition as that set forth in California Water Code Division 7.

LEGAL AND REGULATORY CONSIDERATIONS

25. Water Code section 13260(a)(1) requires that any person discharging waste or proposing to discharge waste within the Regional Water Board's jurisdiction that could affect the quality of the waters of the state, shall file a Report of Waste Discharge (ROWD) with the Regional Water Board. The Regional Water Board may, in its discretion, issue Waste Discharge Requirements (WDRs) pursuant to Water Code section 13263(a). Water Code section 13269 authorizes the Regional Water Board to conditionally waive the provisions of Water Code sections 13260(a)(1) and 13263(a).

26. Water Code section 13269 requires that any waiver of ROWDs and/or WDRs ("Conditional Waiver") must (i) be consistent with any applicable water quality control plans; (ii) be "in the public interest;" (iii) contain conditions; (iv) not exceed five years in duration, but may be renewed in up to five-year increments; and (v) include monitoring provisions. In addition, Water Code section 13269(a)(4)(A) authorizes the State Water Resources Control Board (State Water Board) to adopt annual fees for recipients of waivers. Water Code section 13269(e) mandates that the regional water boards shall require compliance with the conditions of a waiver of waste discharge requirements.

27. All requirements for monitoring and reporting are established in this Order pursuant to Water Code sections 13267 and 13269. These monitoring and reporting requirements are necessary to evaluate the following: (1) compliance with the terms and conditions of this Conditional Waiver of waste discharge requirements for discharges from irrigated agriculture lands; (2) the effectiveness of any measures or actions taken pursuant to this Order (including water quality management plans); and (3) whether revisions to this Conditional Waiver and/or additional regulatory programs or enforcement actions are warranted. The burden of preparing technical and monitoring reports in accordance with these monitoring and reporting requirements is reasonable given the need and benefit of the reports. The costs of monitoring and reporting were evaluated prior to adoption of this Order and are included in the staff report supporting this Order entitled, "Review of Conditional Waiver Order No. R4-2010-0186 and Recommendations for Waiver Renewal."

28. Section 13267(b)(1) of the California Water Code provides, in part, that:

"*In conducting an investigation..., 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 . . .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.*"

29. Section 13269 of the California Water Code provides, in part, that:

"*Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the regional board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors. Monitoring results shall be made available to the public.*"

30. Failure to submit a report in accordance with schedules established by this Order, Monitoring and Reporting Requirements (Appendices 1-3) approved by the Regional Water Board Executive Officer, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, or failure to comply with the conditions of the waiver, may subject a Discharger to enforcement action pursuant to section 13268 and/or 13350 of the Water Code and/or the directive to submit a ROWD.

31. The Regional Water Board's Water Quality Control Plan for the Los Angeles Region (Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation programs, plans and policies for protecting waters of the region, contains prohibitions on discharges of waste, and references the plans and policies adopted by the State Water Board.

32. This Conditional Waiver is consistent with State and Regional Board water quality control plans because it requires compliance with water quality objectives, prohibitions, and TMDLs set forth in the Regional Board Basin Plan and pertinent state water quality control plans and policies and federal water quality criteria, and it requires protection of the beneficial uses of the waters of the state within the Los Angeles Region.

33. Beneficial uses designated for groundwater and surface water in the Basin Plan include:

- Municipal and Domestic Supply
- Agricultural Supply
- Industrial Process Supply
- Industrial Service Supply
- Groundwater Recharge
- Freshwater Replenishment
- Navigation
- Hydropower Generation
- Water Contact Recreation
- Non-contact Water Recreation
- Commercial and Sport Fishing
- Aquaculture
- Water Freshwater Habitat
- Cold Freshwater Habitat
- Inland Saline Water Habitat
- Marine Habitat
- Estuarine Habitat
- Wetland Habitat
- Wildlife Habitat
- Preservation of Biological Habitat
- Rare, Threatened, or Endangered Species
- Migration of Aquatic Organisms
- Spawning, Reproduction, and Early Development
- Shellfish Harvesting

34. This Order implements the Basin Plan, other statewide plans and policies, and the California Water Code by requiring the implementation of management practices to achieve compliance with applicable water quality objectives, prohibitions, and TMDLs and to protect the beneficial uses of the waters of the state within the Los Angeles Region. This 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 ensure that discharges comply with applicable water quality objectives.

35. The intent of this Order is to establish a regulatory program for irrigated agricultural lands that requires Dischargers to attain Water Quality Benchmarks through a process that quantitatively assesses the in-stream water quality impacts of discharges and, when necessary to attain Water Quality Benchmarks, requires Dischargers to implement effective management practices designed to resolve water quality impairments. Where a Discharger is determined to be causing or contributing to exceedances of Water Quality Benchmarks, this Order requires the Discharger or Discharger Group to identify and implement or upgrade management practices to attain the Water Quality Benchmarks.

36. The State Water Board has adopted the "Plan for California's Nonpoint Source Pollution Control Program" (Nonpoint Source Program Plan) dated August 2015 and the "Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program" (Nonpoint Source Policy) dated May 2004. The purpose of the Nonpoint Source Program Plan is to improve the State's ability to effectively manage nonpoint source pollution and conform to the requirements of the federal Clean Water Act and the federal Coastal Zone Management Act. The Nonpoint Source Policy explains the authorities used to implement and enforce the Nonpoint Source Program Plan and describes three options for addressing nonpoint source pollution: (1) waste discharge requirements, (2) conditional waivers of waste discharge requirements, and (3) discharge prohibitions. The policy also describes implementation programs to prevent and/or reduce nonpoint source pollution including antidegradation requirements, management practices, time schedules, feedback to Regional Water Board to evaluate the program progress, and appropriate Board actions to correct program deficiencies, if necessary.

37. This Order constitutes a Nonpoint Source Implementation Program for the discharges regulated by the Order and it is consistent with the five key elements required by the Nonpoint Source Policy. These elements include (1) the purpose of the program must be stated and the program must address nonpoint source pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements; (2) the program must 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, the program must include a specific time schedule, and corresponding quantifiable milestones designed to measure progress toward reaching specified requirements; (4) the program must include feedback mechanisms to determine whether the program is achieving its purpose or whether additional or different practices are required; and (5) the program must state the consequences of failure to achieve the stated purpose.

38. This Order is consistent with the provisions of State Water Board Resolution No. 68-16 (Statement of Policy With Respect to Maintaining High Quality of Waters in California). Regional Water Boards, in regulating the discharge of waste, must maintain high quality waters of the state unless it is demonstrated that any degradation will be consistent with the maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality worse than that described in the Regional Board or State Water Board plans and policies. This Order, appendices, and attachments require a Discharger who obtains coverage under the Conditional Waiver[1] to protect beneficial uses and prevent nuisance by implementing monitoring and reporting programs and management practices to attain Water Quality Benchmarks[2]. This Order does not authorize degradation of waters of the state. Rather, this Order is intended to improve the quality of existing waters by establishing conditions on discharges from irrigated agricultural lands, including those to implement load allocations assigned to discharges from irrigated agricultural lands in order to restore impaired waters, and including monitoring of such discharges that is designed to determine compliance with the conditions.

39. USEPA promulgated the California Toxics Rule (CTR) on May 18, 2000.[3] The CTR contains water quality criteria that, when combined with beneficial use designations in Regional Water Boards' basin plans, constitute enforceable water quality standards for priority toxic pollutants in California surface waters. The CTR contains numeric water quality criteria (i.e., objectives) that implement the narrative toxicity objective in the Basin Plan, such that compliance with CTR criteria is consistent with the Basin Plan. The State Water Board adopted the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (known as the State Implementation Policy or SIP), which contains guidance on implementation of the CTR. The SIP states that implementation of the CTR for agricultural nonpoint sources of pollution shall be consistent with the Nonpoint Source Policy. Adoption of this Order is consistent with the Nonpoint Source Implementation and Enforcement Policy.

40. 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 and potential sources of financing must be indicated in any regional water quality control plan. The Regional Water Board is not required to adopt a basin plan amendment to issue an order pursuant to Water Code section 13269. However, to assist the Regional Water Board in generally considering the economic impacts of this action, the Regional Water

[1] Dischargers are required either to enroll in this waiver or file a report of waste discharge for individual waste discharge requirements.

[2] "Water Quality Benchmark" means discharge prohibitions and narrative or numeric surface water quality objectives, a water quality objective established by an applicable Statewide plan or policy, criteria established by USEPA (including those in the California Toxics Rule and the applicable portions of the National Toxics Rule), and load allocations established pursuant to a total maximum daily load (TMDL) (whether established in the Basin Plan or other lawful means). Water Quality Benchmarks for Discharges from Irrigated Agricultural Lands are identified in Appendices 4 and 5 of this Order.

[3] 40 CFR §131.38. Minor, non-substantive typographical corrections were made to the CTR by the USEPA on February 13, 2001.

Board has considered the estimated costs (set forth in the Review of Conditional Waiver Order R4-2010-0186) to Dischargers to implement this agricultural water quality control program in order to protect water quality consistent with section 13141 of the California Water Code. In addition, the Regional Water Board has considered costs of implementation of agricultural water quality control programs in numerous TMDLs adopted as Basin Plan amendments that assign load allocations to irrigated agricultural discharges. The Regional Water Board has identified potential sources of funding in the Basin Plan, Chapter 4.

41. In California, the Department of Pesticide Regulations (DPR), State Water Board, and the Regional Boards have mandates and authorities related to pesticides and water quality. In order to promote cooperation to protect water quality from the adverse effects of pesticides, DPR and the State Water Board signed a Management Agency Agreement (MAA) in 1997. The MAA, and its companion document, "The California Pesticide Management Plan for Water Quality," strives to coordinate interaction, facilitate communication, promote problem solving, and ultimately assure the protection of water quality. The intent of this Order is to support and implement the MAA.

42. This Order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code section 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. section 1531 to 1544).

43. The TMDLs listed in the table below assign load allocations to agricultural discharges. The interim and final TMDL load allocations are presented in Appendix 5.

Table 1. Effective TMDLs with load allocations assigned to discharges from irrigated agricultural lands, listed by pollutant category

Pesticides and PCBs
Calleguas Creek Watershed and Mugu Lagoon Organochlorine Pesticides, PCBs, and Siltation TMDL (Resolution No. R05-010)
Calleguas Creek Watershed and Mugu Lagoon Toxicity, Chlorpyrifos, and Diazinon TMDL (Resolution No. R05-009)
McGrath Lake PCBs, Pesticides, and Sediment Toxicity TMDL (Resolution No. R09-006)
Oxnard Drain No. 3 Pesticides, PCBs, and Sediment Toxicity TMDL (U.S. EPA-established TMDL)
Nutrients
Santa Clara River Nitrogen Compounds TMDL (Resolution No. R03-011)
Calleguas Creek Watershed Nitrogen Compounds and Related Effects TMDL (Resolution No. R08-009)
Malibu Creek Watershed Nutrients TMDL (U.S. EPA-established TMDL)
Ventura River Algae TMDL (Resolution No. R12-011)
Malibu Creek and Lagoon TMDLs for Sedimentation and Nutrients to Address Benthic Community Impairments (U.S. EPA-established TMDL)
Trash
Ventura River Estuary Trash TMDL (Resolution No. R07-008)
Revolon Slough and Beardsley Wash Trash TMDL (Resolution No. R07-007)
Metals

Calleguas Creek Watershed and Mugu Lagoon Metals and Selenium TMDL (Resolution No. R06-012)
Salts
Calleguas Creek Watershed Boron, Chloride, Sulfate, and TDS (Salts) TMDL (Resolution No. R07-016)
Upper Santa Clara River Chloride TMDL & Revisions (Resolution No. R14-010)
Bacteria
Santa Clara River Bacteria TMDL (Resolution No. R10-006)

44. The Santa Clara River Estuary is identified on the 1998, 2002, 2006, and 2008-10 Clean Water Act Section 303(d) list of impaired water bodies as impaired due to Chem A and toxaphene in fish tissue. Approved 303(d) listings require the development of a TMDL in most cases. The Regional Water Board prepared a detailed technical document that provides the factual basis and analysis supporting a TMDL for toxaphene in fish tissue in the Santa Clara River Estuary, including a problem statement, numeric targets, source analysis, linkage analysis, load allocations, a margin of safety, and a consideration of seasonal variations and critical conditions. Based on the source analysis, the Regional Water Board finds that the implementation of the TMDL for toxaphene in fish tissue can effectively focus on source control and reduction of sediment loading from irrigated agriculture dischargers in the TMDL subwatershed area. According to the "Water Quality Control Policy for Addressing Impaired Waters" (State Water Board Resolution 2005-0050), "[i]f the solution to an impairment can be implemented with a single vote of the regional board, it may be implemented by that vote ... there is no legal requirement to first adopt the plan [TMDL] through a basin plan amendment. The plan [TMDL] may be adopted directly in that single regulatory action" (p. 5). The Regional Water Board finds, based on the technical documentation, that a single regulatory action through the Conditional Waiver can be used to implement this TMDL. This Order contains additional requirements for water, sediment, and fish tissue monitoring for toxaphene, chlordane, and dieldrin in the Santa Clara River Estuary and its subwatershed. In addition, this Order incorporates the toxaphene load allocation for sediment and the toxaphene numeric target for fish tissue as Water Quality Benchmarks (Appendix 5). Based on these requirements and other requirements in this Order, the Conditional Waiver will implement the Santa Clara River Estuary toxaphene TMDL.

45. The Regional Water Board is the lead agency for this project under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) and has conducted an Initial Study in accordance with section 15063 of the "State CEQA Guidelines" beginning at California Code of Regulations, title 14, section 15000 et seq. Based on the Initial Study, the Regional Water Board prepared a Mitigated Negative Declaration. Adoption of a waiver for discharges from irrigated agricultural lands, as mitigated, will not have a significant adverse effect on the environment. The action to adopt a conditional waiver is intended to protect, maintain, and improve water quality. The waiver sets forth conditions that will require dischargers to implement management practices to protect water quality and to ensure through monitoring that such practices are effective and are improving water quality. This Order requires monitoring and reporting to document compliance with mitigation measures that are set forth in the monitoring and requirements. The Regional Water Board approves the Initial Study and adopts the Mitigated Negative Declaration concurrently with its adoption of this Order, No. R4-2016-0143.

46. In adopting this order, the Regional Water Board has considered Water Code Section 106.3, which states that that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order requires dischargers to implement management practices to meet water quality objectives intended to protect water for municipal and domestic uses.

RATIONALE FOR CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS

47. Discharges from irrigated agricultural lands can and/or do contain wastes, as defined in Water Code section 13050 that could affect the quality of the waters of the state. The goal of this Order is to improve and protect water quality and attain Water Quality Objectives in waters of the state by providing a program to regulate and manage discharges from irrigated agricultural lands. This Order does not authorize the discharge of hazardous waste or human wastes. Discharges of such waste to waters of the state are prohibited unless regulated by waste discharge requirements.

48. The Monitoring and Reporting Requirements of this Order satisfy section 13269 of the California Water Code. As set forth in Appendices 1-3, an Individual Discharger and/or Discharger Group subject to this Order is required to monitor locations where discharges from irrigated agricultural lands enter waters of the state according to a monitoring program approved by the Executive Officer. If results from the monitoring programs indicate that applicable Water Quality Benchmarks are exceeded, the individual and/or group is required to submit a WQMP, as described Appendices 1-3. The WQMP requires improved management practices and additional monitoring, if necessary, to achieve and document compliance with Water Quality Benchmarks. If TMDL-associated Water Quality Benchmarks are not attained within a reasonable time schedule (as set forth in Section D, Table 2 of this Order), then this Order requires compliance with discharge limitations. This Order also requires dischargers to implement management practices that minimize excess nutrient application relative to crop need and to conduct groundwater monitoring in Ventura County to assess trends in groundwater quality beneath irrigated agricultural lands and evaluate monitoring results to confirm whether management practices implemented to improve groundwater quality are effective.

49. The adoption of this Order is in the public interest because, in part: (1) it was adopted in compliance with Water Code sections 13260, 13263, 13267, and 13269 and other applicable law, (2) it includes conditions that are intended to reduce and prevent pollution and nuisance and protect the beneficial uses of the waters of the state, (3) it requires compliance with State and Regional Water Board's water quality control plans, (4) it implements the Nonpoint Source Implementation and Enforcement Policy, (5) it provides for an efficient and effective use of limited staff resources given the magnitude and number of waste discharges from irrigated agricultural lands, and (6) it provides reasonable flexibility for the Dischargers who seek coverage under the Conditional Waiver by providing them with the option of complying with the Water Code through participation in Discharger Groups or as individuals.

50. The requirements of the Conditional Waiver adopted by Order No. R4-2005-0080 and R4-2010-0186 have thus far resulted in extensive water quality monitoring, ongoing grower education and outreach, and implementation of new and/or improved management practices. These activities represent significant strides toward the improvement and protection of water quality. At this time, the Regional Water Board finds the continuation of similar activities and requirements under this Order, with some enhancements and additions to provide assurance that discharges from irrigated agricultural lands will be adequately managed to attain water quality objectives in receiving waters, an appropriate approach for regulation of discharges of waste from irrigated agriculture lands. The Regional Water Board may consider reasonable and appropriate bases for the adoption of individual or general WDRs, where necessary, in the future.

51. Where other federal, State, and local agencies have a regulatory role for activities or pollution addressed by the conditions of this Order, the Regional Water Board will work cooperatively with the other agencies in order to effectively regulate discharges from irrigated agricultural lands.

52. The Regional Water Board may consider adoption of waste discharge requirements to regulate discharges from irrigated agricultural lands that do not meet the requirements for participation in the Conditional Wavier as described herein.

SCOPE OF CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS

53. This Order applies to discharges of waste from irrigated agricultural lands to waters of the state.

54. This Order does not apply to discharges that are subject to the NPDES permit program under the federal Clean Water Act and does not relieve discharges of the obligation to apply for an NPDES permit if required. This Order does not apply to discharges of waste that are regulated under another conditional waiver, or regulated by individual or general waste discharge requirements.

55. This Order applies to return flows from irrigated agriculture because such discharges are excluded from coverage under the NPDES permit program (40 CFR § 122.2).

56. This Order does not preempt or supersede the authority of municipalities, flood control agencies, agricultural commissioners, pesticide regulators or other agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.

57. This Order does not apply to confined animal operations, parks, golf courses, cemeteries, and recreational fields. These are regulated under other regulatory programs and permits.

58. This Order does not apply to hobby growing and or gardening.

59. This action to waive the requirement to submit ROWDs and to waive the issuance of waste discharge requirements for discharges from irrigated agricultural lands: (a) is

conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits that may be required by other State or local government agencies, and (e) does not preclude the Regional Water Board or Executive Officer from taking other actions authorized by the Water Code, including requiring additional technical reports or administering enforcement remedies (including civil liability).

GENERAL FINDINGS

60. The Regional Water Board will periodically evaluate whether the Conditional Waiver is adequate to restore and/or protect water quality and beneficial uses. The evaluation will include a consideration of the character of the discharges covered by this Order, the effect of those discharges on waters of the state, and the effectiveness of any management practices that were implemented to meet Water Quality Benchmarks and to address impairments of waters of the state.

61. The Regional Water Board recognizes that the overall effectiveness of this Order is based on a myriad of factors. When assessing the effectiveness of this Order, the Regional Water Board will consider the monitoring and reporting results, the effectiveness of management practices in reducing or eliminating discharges of waste and meeting Water Quality Benchmarks, changes in water quality, and other factors, including, without limitation, the level of participation and cooperation of Dischargers.

62. The formation, operation, and funding of Discharger Groups are the responsibilities of the local entities and/or members who are represented by the Discharger Group.

63. A Discharger Group collects and maintains enrollment information, financial records, monitoring data, and fulfills the reporting requirements on behalf of a specific set of Dischargers. Discharger Groups must manage and comply with the Monitoring and Reporting Requirements in Appendices 2-3.

64. The Regional Water Board may review compliance with this Order at any time and may modify or terminate the Conditional Waiver for Individual Dischargers, members of a Discharger Group, or an entire Discharger Group, as appropriate.

65. Pursuant to Water Code section 13263(g), discharge of waste to waters of the state is a privilege, not a right, and adoption of this Order establishing a Conditional Waiver, and the receipt of a Notice of Applicability from the Executive Officer, does not create a vested right to continue the discharge.

66. The Regional Water Board has notified interested agencies and persons of its intent to adopt a Conditional Waiver as described in this Order, and has provided them with an opportunity to submit written comments and recommendations regarding the tentative requirements. This notice complied with the requirements of Government Code section 11125.

67. The Regional Water Board, in a public meeting on April 14, 2016, heard and considered all comments pertaining to the discharges to be regulated under this Order and to the tentative requirements of the Conditional Waiver.

68. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of adoption of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions will be provided upon request or may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality

69. As specified in California Code of Regulations, title 23, section 2511(a), discharges covered by the Conditional Waiver established by this Order are exempt from the provisions of title 23 of the California Code of Regulations, Division. 3, Chapter 15, Discharge of Hazardous Waste to Land.

IT IS HEREBY ORDERED that:

In order to meet the provisions contained in Division 7 of the Water Code and regulations adopted there under, and those of the Regional Water Board's Basin Plan, the Regional Water Board hereby waives the requirement to obtain waste discharge requirements for discharges of wastes from irrigated agricultural lands provided that the Discharger is enrolled in and satisfies all conditions and requirements of this Conditional Waiver. This Order does not waive the requirement to pay fees.

A. ELIGIBILITY

1. Existing and future discharges from irrigated agricultural lands to waters of the state are potentially eligible for coverage under this Order.

2. Dischargers eligible under this Order bear the responsibility of complying with the provisions and conditions contained in this Order and others related thereto.

3. Dischargers eligible under this Order shall comply with the terms and conditions of the Conditional Waiver and take action to improve and protect waters of the State.

Individual Dischargers

Individual Dischargers eligible for coverage under this Order shall:

4. File a Notice of Intent (NOI) that provides Individual Discharger information, billing address, site information, water supply, type of discharge, facility information (including type and volume of crops; type, quantity and frequency of pesticide applications; irrigation schedule; and management practices in place to mitigate waste loadings). The Individual NOI form is provided in Appendix 6.

5. Submit a Monitoring and Reporting Plan (MRP) in accordance with the Monitoring and Reporting Requirements in Appendix 1 and attach it to the NOI.

6. Provide any additional technical or monitoring program reports that the Executive Officer deems necessary to evaluate the discharge pursuant to California Water Code section 13267.

7. After the required documents are reviewed and approved by the Executive Officer, the Executive Officer will issue a Notice of Applicability (NOA).

8. Upon receipt of an NOA, Individual Dischargers shall implement the approved MRP in accordance with the requirements of Appendix 1.

9. The Discharger shall complete 2 hours of educational training every year on water quality impairments related to irrigated agricultural discharges, regulatory requirements, and management practices that treat or control discharges of waste.

10. One year after issuance of an NOA and annually thereafter the Individual Discharger shall submit an annual monitoring report in accordance with the Monitoring and Reporting Requirements in Appendix 1.

11. If water quality monitoring data collected under the MRP indicate exceedances of applicable Water Quality Benchmarks, then the Discharger shall develop a water quality management plan (WQMP). The WQMP shall be revised every year, if Water Quality Benchmarks are not attained, based on ongoing monitoring data collected under the MRP.

12. Each Individual Discharger shall pay a fee to the State Water Resources Control Board in compliance with the fee schedule contained in Title 23 California Code of Regulations.

Discharger Groups

Discharger Groups eligible for coverage under this Order shall:

13. File an NOI within six months after this Order is adopted by the Regional Water Board. The NOI shall include a participant list that identifies the Dischargers participating in the group. The participant list shall include: (1) assessor parcel number, 2) parcel owner and operator name, (3) parcel size, (4) parcel watershed, and (5) parcel owner and operator mailing address. The NOI shall also include the billing address for the Group; general site information for group participants; and descriptions of water supplies used by group participants, types of discharges, types of crops, types of pesticides and application practices, irrigation practices, and other management practices.

14. Submit an MRP in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3 and attach it to the NOI.

15. Discharger Groups and members shall provide any additional monitoring or technical reports that the Executive Officer deems necessary to evaluate the discharge pursuant to California Water Code section 13267.

16. After the required documents are reviewed and approved by the Executive Officer, the Executive Officer will issue an NOA.

17. Upon receipt of an NOA Discharger Groups shall implement the approved MRP in accordance with the requirements of Appendix 2 or 3. Discharger Groups shall implement the existing MRP approved under Order No. R4-2010-0186 until the MRP is approved and the NOA is issued under this Order.

18. All members of the Discharger Group shall complete 2 hours of educational training every year on water quality impairments related to agriculture discharges, regulatory requirements, and management practices that control waste discharges.

19. The Discharger Group shall submit an annual monitoring report, including a WQMP progress report, in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.

20. The WQMP shall be revised, if necessary, based on ongoing monitoring data collected under the MRP according to the schedule in Appendix 2 or 3.

21. Each Discharger Group shall pay a fee to the State Water Resources Control Board in compliance with the fee schedule contained in Title 23 California Code of Regulations.

B. DISCHARGE PROHIBITIONS

1. The discharge of wastes from irrigated agricultural lands that are not authorized by this Conditional Waiver or by another Order issued by the State or Regional Water Board is prohibited.

2. Wastes discharged from irrigated agricultural lands shall be limited to agricultural wastewater only; no residential, municipal, industrial, hazardous or commercial wastes shall be discharged.

3. Except in conformance with the conditions of this Order, the discharge of wastes containing any substance in concentrations toxic to human, animal, plant or aquatic life is prohibited.

4. The discharge of pollutants subject to Clean Water Act section 301, 402, or 404 is not authorized by this Order.

C. GENERAL PROVISIONS

1. Dischargers shall comply with applicable Water Quality Benchmarks according to Section D.

2. Dischargers may not discharge any waste not specifically regulated by this Order except in compliance with the Water Code.

3. Dischargers shall comply with all applicable provisions of the Basin Plan and State Water Board plans and policies.

4. All dischargers shall implement management practices that minimize excess nutrient application relative to crop need, including a consideration of crop-specific applied/removed ratios for nitrogen, where available, in order to protect designated beneficial uses of waters of the state within the Los Angeles Region.

5. The Executive Officer shall issue Water Code section 13267 orders within two years of the effective date of this Order to dischargers that will require direct sampling for nitrate of all supply wells on the discharger's irrigated agricultural lands that provide drinking water. The Executive Officer shall require annual or more frequent repeat sampling of any wells that exceed 80% of maximum contaminant levels (MCLs) for nitrate (i.e., more than 36 mg/L nitrate as NO_3 or 8 mg/L nitrate + nitrite as N). Dischargers will be required to notify the well users of any exceedances of drinking water MCLs, or report the information to the County and provide confirmation to the Regional Water Board that the County notified well users.

6. This Order does not relieve the Discharger from responsibility to obtain other required local, State, and federal permits to construct facilities necessary for compliance with this Order, nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.

7. The Discharger shall furnish, within a reasonable time not to exceed 30 days, any information the Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the Discharger's coverage under this Order. The Discharger shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Order.

8. After notice, coverage of an Individual Discharger or participant of a Discharger Group under this Order may be terminated or modified for cause by the Executive Officer, including but not limited to the following:

    a. Violation of any term or condition contained in this Order;

    b. Obtaining this Order by misrepresentation or failure to disclose all relevant facts; or

    c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

9. The filing of a request by the Discharger for an Order modification, revocation and issuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

10. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from liability under federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge (Water Code section 13263(g)).

11. All Dischargers shall obtain a minimum of 2 hours of educational training every year. Training shall focus on water quality impairments from irrigated agricultural discharges, regulatory requirements, and management practices to reduce or eliminate discharges of waste to waters of the state. At least one hour of the educational training shall focus on requirements of, and compliance with, this regulatory program. Documentation of participation in educational training is required. All educational training programs must be approved by the Executive Officer in order to provide accredited hours.

D. SPECIFIC PROVISIONS

Provisions for Individual Dischargers

1. Dischargers shall develop an MRP and conduct monitoring in accordance with the Monitoring and Reporting Requirements in Appendix 1.

2. Dischargers shall submit the results of water quality monitoring to the Regional Water Board every year in accordance with the Monitoring and Reporting Requirements in Appendix 1.

   If the monitoring results demonstrate an exceedance of any Water Quality Benchmark, identified in Appendices 4 and 5, then the Individual Discharger shall develop a WQMP, and implement management practices identified in the WQMP in order to attain Water Quality Benchmarks. Water Quality Benchmarks must be attained by the deadlines specified in Table 2. The deadlines in Table 2 take into consideration the relative difficulty in achieving Water Quality Benchmarks for different constituents and are based on TMDL compliance dates. Requirements for a WQMP are set forth in the Monitoring and Reporting Requirements, Appendix 1.

3. An Individual Discharger shall maintain, for inspection by the Regional Water Board, the NOI, MRP, WQMP, monitoring data, information documenting implementation of the WQMP, and records of pesticide and fertilizer application information as required by other regulatory programs.

   The Individual Discharger understands that the Regional Water Board or its authorized representatives, may, at reasonable hours, inspect the facilities and irrigated agricultural lands of persons subject to this Order to ascertain whether the objectives of the Porter-Cologne Water Quality Control Act are being met and

whether the Discharger 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 Discharger 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.

Provisions for Discharger Groups

4. The Discharger Group will assist its members in complying with the relevant terms and provisions of this Order, including required monitoring and reporting as described in Appendix 2 or 3, Monitoring and Reporting Requirements. However, members of the Discharger Group continue to bear ultimate responsibility for complying with this Order.

5. Discharger Groups shall develop an MRP and conduct monitoring in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.

6. Discharger Groups shall submit the results of water quality monitoring, including a WQMP progress report to the Regional Water Board every year in accordance with the Monitoring and Reporting Requirements in Appendix 2 or 3.

7. Discharger Groups shall submit a WQMP according to the schedule and requirements set forth in the Monitoring and Reporting Requirements, Appendix 2 or 3. Dischargers shall continue to implement the existing WQMPs required by Order No. R4-2010-0186 and Order No. R4-2015-0202 until the WQMPs required by this Order are approved by the Executive Officer. The WQMP shall be revised according to the schedule in Appendix 2 or 3, if Water Quality Benchmarks are not attained, based on the results of continued water quality monitoring.

8. The Discharger Group shall prepare a farm evaluation plan template or survey/questionnaire to be completed by its members for the purpose of assessing management practice implementation in accordance with the requirements in Appendix 2 or 3. The Discharger Group shall submit the farm evaluation plan template or survey/questionnaire for review and approval by the Executive Officer and will make the farm evaluation plan template or survey/questionnaire available to its members according to the schedule in Appendix 2 or 3.

9. The Discharger Group in Ventura County shall submit a groundwater quality assessment report and plan for ongoing trend monitoring in accordance with the requirements in Appendix 3 to the Executive Officer for review and approval within six months of the adoption of this Order.

10. The Discharger Group in Ventura County shall submit a workplan for a study to correlate management practice activities on the land surface with the effect of those activities on underlying groundwater quality in accordance with the requirements in Appendix 3 to the Executive Officer for review and approval within

one year of the adoption of this Order. The Discharger Group in Ventura County shall begin conducting the study as soon as possible after Executive Officer approval of the plan and submit the results of the study annually, beginning December 15, 2018.

11. The Discharger Group shall work cooperatively with the Los Angeles Water Board to ensure all members are providing required information and taking necessary actions to address Water Quality Benchmark exceedances. As part of the annual water quality monitoring and WQMP report, the Discharger Group shall identify the growers who have: (1) responded and not responded to an information request associated with a WQMP or other provisions of this Order, including completion of a farm evaluation plan or survey/questionnaire developed by the Discharger Group; (2) participated and not participated in Discharger Group monitoring or studies for which the Discharger Group is the lead; (3) provided and not provided confirmation of participation in an outreach event; or (4) submitted and not submitted required fees to the third-party.

12. Members of the Discharger Group shall complete a farm evaluation plan or respond to the survey/questionnaire developed by the Discharger Group for the purpose of assessing management practice implementation and respond to any other request for information from the Discharger Group to comply with a WQMP or other provisions of this Order.

13. Members of the Discharger Group shall implement the management practices as set forth in the WQMP according to the time schedule in the WQMP in order to attain Water Quality Benchmarks. TMDL-associated Water Quality Benchmarks must be attained by the deadlines specified in Table 2. The deadlines in Table 2 are based on TMDL compliance dates and take into consideration the relative difficulty in achieving Water Quality Benchmarks for different constituents.

14. Members of the Discharger Group shall review outreach materials provided by the Discharger Group to become informed of any water quality problems and the management practices that are available to address those problems. The member shall provide annual confirmation to the Discharger Group that the member has attended two hours of educational classes and reviewed the applicable outreach materials.

15. Members of a Discharger Group shall maintain, for inspection by the Regional Water Board, proof of participation in a Discharger Group, contact information for the Discharger Group, individual pesticide information as required by other regulatory programs, the Discharger Group WQMP, a copy of the farm evaluation plan or completed survey questionnaire, and a copy of the nutrient management plan, if specified in the WQMP. Digital documents and/or access to web-based documents may satisfy this requirement.

    The member understands that the Regional Water Board or its authorized representatives, may, at reasonable hours, inspect the facilities and irrigated agricultural 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 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.

16. The member shall provide the Discharger Group with the phone number(s) of the individual(s) with authority to provide consent to access its facilities as described in the section above.

Table 2. Water Quality Benchmark Compliance Deadlines

TMDL Constituents	Compliance Date
Malibu Creek Watershed Nutrients TMDL	October 14, 2022
Santa Clara River Nitrogen Compounds TMDL	October 14, 2022
Ventura River Estuary Trash TMDL	October 14, 2020
Calleguas Creek Nitrogen Compounds and Related Effects TMDL	October 14, 2025
Revolon Slough and Beardsley Wash Trash TMDL	October 14, 2020
Upper Santa Clara River Chloride TMDL	October 14, 2020
Calleguas Creek Watershed and Mugu Lagoon Siltation TMDL*	March 24, 2015
Calleguas Creek Watershed and Mugu Lagoon Toxicity, Chlorpyrifos, and Diazinon TMDL	March 24, 2022
Ventura River Algae TMDL	June 28, 2019
McGrath Lake OC Pesticides and PCBs TMDL	June 30, 2021
Malibu Creek Watershed Sedimentation and Nutrients TMDL	July 2, 2021
Calleguas Creek Watershed and Mugu Lagoon Metals and Selenium TMDL	March 26, 2022
Calleguas Creek Watershed Boron, Chloride, Sulfate and TDS (Salts) TMDL	Dec. 23, 2023
Santa Clara River Estuary Toxaphene TMDL	October 7, 2025
Calleguas Creek Watershed and Mugu Lagoon OC Pesticides & PCBs TMDL	March 24, 2026
Oxnard Drain #3 Pesticides, PCBs, and Sediment Toxicity TMDL	April 14, 2026
Santa Clara River Bacteria TMDL	March 21, 2023 dry March 21, 2029 wet

*Additional time may be added to this TMDL deadline should a TMDL reconsideration revise the implementation schedule based on the results of special studies.

E. SCHEDULE

1. Existing Discharger Groups seeking to discharge under this Order shall submit an NOI and MRP (Appendix 2 or 3) within six months after adoption of this Order.

2. New Individual Dischargers or Discharger Groups shall file a complete NOI at least 45 days before commencement of the discharge.

3. Table 3 presents a summary of the tasks for Dischargers enrolling under this Conditional Waiver. Detailed schedules for additional tasks are specified in Appendices 1-3.

Table 3. Schedule of Tasks

Task	Responsible Party	Due Date
Submit NOI and MRP	Existing Discharger Groups	6 months after adoption of Conditional Waiver
Submit WQMP	Existing Discharger Groups	One year after adoption of Conditional Waiver
Annual Monitoring Report	Existing Discharger Groups	December 15th, annually
Submit NOI and MRP	Each Individual Discharger or New Discharger Group	45 days before commencement of discharge
Annual Monitoring Report	Each Individual Discharger or New Discharger Group	Within 12 months after issuance of NOA and annually thereafter
Submit WQMP, if necessary	Each Individual Discharger or New Discharger Group	6 months after submittal of annual monitoring report if necessary, and annually thereafter, if necessary

F. COMPLIANCE AND ENFORCEMENT

1. Individual Dischargers and members of a Discharger Group are the responsible parties for meeting the conditions of this Order. Failure by a Discharger to maintain compliance with conditions of this Order may result in enforcement actions including imposition of civil liability under Water Code 13268 or 13350, and/or withdrawal of the Conditional Waiver and issuance of waste discharge requirements by the Regional Water Board (Water Code sections 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350).

2. Under the terms of this Order, both owners and operators of irrigated agricultural lands have responsibility for compliance with the conditions of this Order. Many management practices will be operational in nature and under the direct control of the operator, while structural practices which remain in place through changes in

leaseholders will more likely be the responsibility of the landowner. In the event that the Regional Water Board undertakes enforcement action, the owner and the operator may be held accountable. Owners and operators may consider delineating these responsibilities in lease agreements; however both the owner and operator will retain full legal responsibility for complying with all provisions of this Order.

3. The conditions of this Order require the identification and implementation of management practices to attain Water Quality Benchmarks. To satisfy the conditions of this Order, an Individual Discharger or Discharger Group must submit technical reports and conduct required monitoring programs. In addition to the foregoing, a Discharger must, where necessary to attain Water Quality Benchmarks, implement management practices, evaluate the effectiveness of those practices, and upgrade those practices to improve their effectiveness as necessary to attain Water Quality Benchmarks. If a Discharger fails to implement any of the conditions in this Order, including implementation of management practices and upgraded management practices as necessary to attain Water Quality Benchmarks, then the Discharger may be subject to enforcement. If TMDL-associated Water Quality Benchmarks are not attained by the deadlines in Table 2, then Dischargers shall comply with discharge limitations, using individual discharge monitoring as described in Section 2.d of Appendix 2 or 3.

4. If a Discharger fails to meet the requirements and conditions of this Order, the Executive Officer may, upon providing the Discharger with reasonable notice and an opportunity to submit information and be heard, terminate the Discharger's coverage under this Conditional Waiver.

5. Individual Dischargers and members of a Discharger Group in compliance with the conditions of this Order will not be required to file ROWDs or be subject to waste discharge requirements during the term of this Conditional Waiver.

6. This Order and Conditional Waiver shall become effective on April 14, 2016 and expire on April 14, 2021, except for enforcement purposes, unless rescinded, renewed, or extended by the Regional Water Board.

G. TERMINATION

1. The Regional Water Board may review this Order at any time and may modify or terminate the Conditional Waiver in its entirety. Upon providing a Discharger or Discharger Group with reasonable notice and opportunity to be heard, the Executive Officer may terminate applicability of the Conditional Waiver with respect to that Individual Discharger or Discharger Group.

2. The Regional Water Board may reopen this Order to incorporate conditions, including Water Quality Benchmarks, to implement any new or revised TMDL load allocations (assigned to irrigated agricultural discharges) that become effective during the term of this Order.

3. If an Individual Discharger or member of a Discharger Group wishes to terminate coverage under this Order, the Discharger shall submit a complete Notice of Termination (NOT) (Appendix 5). Termination from coverage will occur on the date specified in the NOT, unless otherwise specified. All discharges of waste shall cease before the date of termination, and any discharges on or after that date shall be considered in violation of the California Water Code, unless the discharge is regulated by another conditional waiver or other waste discharge requirements.

4. Administrators of a Discharger Group shall notify the Regional Water Board of an individual's failure to participate in the group efforts. The Discharger Group shall not be liable for individual compliance with the terms of this Order or the Water Code in general. The Discharger Group shall provide at least 30 days' notice to a member before informing the Regional Water Board of the member's failure to participate, which may result in the Regional Water Board issuing a NOT to the participant. Termination from coverage will occur on the date specified in the NOT, unless otherwise specified. All discharges shall cease before the date of termination, and any discharges on or after that date shall be considered in violation of the California Water Code, unless the discharge is regulated by another conditional waiver or waste discharge requirements.

5. In the event that the Regional Water Board issues an individual order with more specific requirements to a Discharger, the applicability of this Order to that Discharger is automatically terminated, except for enforcement purposes, on the effective date of the individual order.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on April 14, 2016.

Samuel Unger

Samuel Unger, P.E.
Executive Officer