

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

**ORDER R5-2014-0143**

**REVISING ORDER NO. R5-2013-0120  
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR GROWERS WITHIN THE TULARE LAKE BASIN AREA THAT ARE  
MEMBERS OF A THIRD-PARTY GROUP**

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

1. On 19 September 2013, the Central Valley Water Board issued Order No. R5-2013-0120 Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group (Tulare Lake Basin Area General Order).
2. 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 Porter-Cologne Water Quality Control Act (California Water Code Division 7).
3. This Order revises the Tulare Lake Basin Area General Order to extend the open enrollment period for owners and operators of managed wetlands to allow for the consideration of alternative regulatory options for discharges from managed wetlands. Board staff has hosted multiple managed wetlands workgroup meetings to discuss the range of options for regulatory coverage including, but not limited to, development of managed wetlands-specific WDRs. Board staff will continue to work with stakeholders to develop an appropriate solution to regulate discharges from managed wetlands.
4. Section VIII.A of the Tulare Lake Basin Area General Order requires that within 30 days of the effective date of the Order, any group wishing to serve as a third-party must submit a letter to the Executive Officer. Seven groups submitted applications to the Executive Officer requesting to serve as a third-party group for portions of the Tulare Lake Basin Area. The proposed third-party boundaries in several of the initial applications did not provide full coverage within large portions of the Tulare Lake Basin Area, and therefore additional discussions between Board staff and the third-party groups were needed to resolve the issue. Due to the additional time needed to resolve the boundary concerns, a Notice of Applicability (NOA) was not issued to all third-parties groups until 21 May 2014, 6 months after the Board had initially anticipated that these NOAs would be issued.

Section VIII.D.1 of the Tulare Lake Basin Area General Order requires that the third-party groups submit a Groundwater Quality Assessment Report (GAR) one year following the issuance of their NOA. The GAR determines the High and Low Vulnerability areas within the third-party boundaries. Some grower requirements of the Tulare Lake Basin Area

General Order, such as the Farm Evaluation and Nitrogen Management Plans, are due for large farming operations within high vulnerability areas beginning 1 March 2015. Unlike the GAR deadline, these requirements are not linked to the issuance of the NOA, which means that the delay in issuing the NOA did not alter these deadlines. At this point, the GAR submittal dates for third-party groups within the Tulare Lake Basin Area range from 20 November 2014 to 21 May 2015, leaving insufficient time between the designations of high and low vulnerability areas in the GAR and the 1 March 2015 deadline for some Farm Evaluation and Nitrogen Management Plans.

5. On 17 January 2014, Governor Edmund G. Brown issued an emergency proclamation for the State of California due to severe drought. In part, the statement released by the office of the Governor regarding this proclamation directed state officials to assist farmers and communities that are economically affected by the drought. In a letter dated 7 November 2014, the Tulare Lake Basin Area third-party groups requested that additional time be allotted for growers to submit Farm Evaluations and for the third-parties to submit the Nitrogen Management Plan Summary Report because surface water allocations well below historical averages have resulted in significant economic impacts in the Tulare Lake Basin Area.
6. To address the topics detailed in Findings 4 and 5 above, this Order revises the Tulare Lake Basin Area General Order to amend the schedule for preparation and submittal of the Farm Evaluations, Nitrogen Management Plans, Certification of the Nitrogen Management Plans and Nitrogen Management Plan Summary Reports. These changes include;
  - I. Providing large farming operations in high vulnerability areas with an additional year to submit a completed Farm Evaluation Template to the third-party group,
  - II. Requiring that large farming operations in high vulnerability areas prepare a Nitrogen Management Plan within 90 days of the date the Executive Officer issues the Nitrogen Management Plan Template. This change requires the third-party groups to meet with Central Valley Water Board staff by 31 December 2014 to discuss their proposed process for determining high and low vulnerability areas. If an agreement on the vulnerability designation process is not reached by 1 February 2015, the Executive Officer will make the final determination regarding high and low vulnerability areas. See Section VII.D Nitrogen Management Plan in Attachment A of this Order for details,
  - III. Providing large farming operations in high vulnerability areas with an additional year for the certification of Nitrogen Management Plans, and
  - IV. Providing large farming operations in high vulnerability areas with an additional year to submit a Nitrogen Management Plan Summary Report for the previous year.
7. The Central Valley Water Board, acting as a lead agency pursuant to CEQA (Public Resources Code sections 21100 et seq.), certified a Program Environmental Impact Report (PEIR) for the Irrigated Lands Regulatory Program on 7 April 2011. This Order relies on the

environmental impact analysis contained in the PEIR to satisfy the requirements of CEQA. The timelines modified pursuant to this Order apply to a range of compliance activities identified and analyzed in the PEIR. Therefore, the PEIR identified, disclosed, and analyzed all potentially significant environmental impacts of this Order.

8. 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 Tulare Lake Basin Area, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
9. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

**IT IS HEREBY ORDERED** that Waste Discharge Requirements Order No. R5-2013-0120 is revised by making modifications identified in Attachment A of this Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 4 December 2014.

*Original signed by:*

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PAMELA C. CREEDON, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

**ORDER R5-2014-0143 – INFORMATION SHEET**

**REVISING ORDER R5-2013-0120  
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR GROWERS WITHIN THE TULARE LAKE BASIN AREA THAT ARE  
MEMBERS OF A THIRD-PARTY GROUP (TULARE LAKE BASIN AREA OR TLBA  
GENERAL ORDER)**

As described in the Findings, the Tentative Order would change deadlines for Members of a Third-Party Group to:

- Submit an initial Farm Evaluation;
- Complete a Farm Evaluation;
- Complete a Nitrogen Management Plan using a template approved by the Board's Executive Officer;
- Certify a Nitrogen Management Plan; and
- Prepare a Nitrogen Management Plan Summary Report.

Board staff are proposing changes to the impending deadlines because the above requirements are dependent on information that will be contained in the Groundwater Quality Assessment Reports (GARs), which have been delayed. The narrative and table below describe the similarities and differences between the Board staff proposal and the reply proposal that was submitted by the Coalitions (Third-party groups) subject to the TLBA General Order.

**Small Farming Operations**

The TLBA Order has different due dates for Members with small farming operations (less than 60 acres) and all other Members or those with large farming operations (60 acres or greater). The TLBA General Order estimated that Members with small farming operations would constitute about 58 percent of the growers and 4.6% of the irrigated lands.

The staff proposal and the Coalitions' proposal are identical with respect to the deadlines for Members with small farming operations (defined as farming operations less than 60 acres). The tentative Order would change the initial Farm Evaluation Template submittal date for small farming operations in high vulnerability areas from 1 March 2015 to 1 March 2016.

**Large Farming Operations**

**Farm Evaluations** – Board staff proposes that Members with large farming operations (greater than 60 acres) submit their first Farm Evaluation by 1 March 2015. The Coalitions' proposal would require that the first Farm Evaluation be submitted by 1 March 2016. The current TLBA General Order has a 1 March 2015 date for large farming operations in high vulnerability areas and a 1 March 2016 date for large farming operations in low vulnerability areas. Based on

written comments received, staff has revised the Tentative Order to require that large farming operations in high vulnerability areas submit a completed Farm Evaluation Template to the third-party group by 1 March 2016.

**Nitrogen Management Plan** – both the Board staff proposal and the Coalitions' proposal require preparation of the Nitrogen Management Plan within 90 days after the Executive Officer provides the Nitrogen Management Plan Template. However, the Coalitions' proposal would only apply to large farming operations in high vulnerability areas. Board staff anticipate the Nitrogen Management Plan template being provided by the Executive Officer in December 2014/January 2015, which is before the high and low vulnerability areas will be known. Both proposals delay the preparation of a certified Nitrogen Management Plan until 1 March 2016 for large farms. The current TLBA General Order has a 1 March 2015 date for large farming operations in high vulnerability areas and a 1 March 2017 date for large farming operations in low vulnerability areas. The current TLBA General Order requires that the Nitrogen Management Plan prepared in high vulnerability areas be certified starting in 1 March 2015.

Based on written comments received, staff has revised the Tentative Order to require that all large farming operations within high vulnerability areas prepare a Nitrogen Management Plan within 90 days of the date the Executive Officer issues the Nitrogen Management Plan Template. The Tentative Order requires that the third party groups meet with Central Valley Water Board staff by 31 December 2014 to discuss and receive agreement from staff on their proposed process for determining high and low vulnerability areas to be submitted as part of their GAR. If an agreement on the vulnerability designation process is not reached by 1 February 2015, the Executive Officer will make the final determination regarding high and low vulnerability areas.

**Nitrogen Management Plan Summary Report** – the Board staff proposal does not change the submittal of the first Nitrogen Management Plan Summary Report for large farming operations in high vulnerability areas (1 March 2016 in the current TLBA General Order), since vulnerability designations will be identified in 2015. The Coalitions' proposal would delay the submittal of the first Nitrogen Management Plan Summary Report to 1 March 2017. Based on written comments received, staff has revised the Tentative Order to require the submittal of the first Nitrogen Management Plan Summary Report by 1 March 2017.

Timetable of Adopted and Proposed Member Reporting Deadlines - Tulare Lake Basin Area Order

Order	FARM EVALUATION IMPLEMENTATION DEADLINES				NITROGEN MANAGEMENT PLAN DEADLINES				NITROGEN MANAGEMENT PLAN CERTIFICATION DEADLINES		NITROGEN MANAGEMENT PLAN SUMMARY REPORT DEADLINES	
	High Vulnerability		Low Vulnerability		High Vulnerability		Low Vulnerability		High Vulnerability		High Vulnerability	
	Large Farm	Small Farm	Large Farm	Small Farm	Large Farm	Small Farm	Large Farm	Small Farm	Large Farm	Small Farm	Large Farm	Small Farm
Tulare Lake Basin Area (Adopted)	1-Mar-2015	1-Mar-2015	1-Mar-2016	1-Mar-2018	1-Mar-2015	1-Mar-2017	1-Mar-2017	1-Mar-2017	1-Mar-2015	1-Mar-2017	1-Mar-2016	1-Mar-2018
Tulare Lake Basin Area (Staff Proposal)	1-Mar-2015	1-Mar-2016	1-Mar-2015	1-Mar-2018	90 Days after NMPT* 1 March after	1-Mar-2017	90 Days after NMPT	1-Mar-2017	1-Mar-2016	1-Mar-2017	1-Mar-2017	1-Mar-2018
Tulare Lake Basin Area (Coalition Proposal)	1-Mar-2016	1-Mar-2016	1-Mar-2016	1-Mar-2018	90 Days after NMPT 1 March after	1-Mar-2017	1-Mar-2017	1-Mar-2017	1-Mar-2016	1-Mar-2017	1-Mar-2017	1-Mar-2018

\*Nitrogen Management Plan Template (NMPT)

ATTACHMENT A

ORDER R5-2014-0143

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 WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
 FOR GROWERS WITHIN THE TULARE LAKE BASIN AREA THAT ARE  
 MEMBERS OF A THIRD-PARTY GROUP

**WASTE DISCHARGE REQUIREMENTS**

**Page 40, Table 1, modify due dates**

Table 1 Member due dates for required reports

Report	Vulnerability	Farm Size	Due Date
Farm Evaluations	High	All	1 March <del>2015</del> <a href="#">2016</a>
	Low	Large	1 March 2016
		Small	1 March 2018
Sediment and Erosion Control Plans	All farms identified in the Sediment Discharge and Erosion Assessment Report (SDEAR)	Large	180 days from approval of SDEAR
		Small	1 year from approval of SDEAR
Nitrogen Management Plans	High	Large	<del>1 March 2015</del> <sup>90</sup> <a href="#">Days after the EO provides template to Third-party</a>
		Small	1 March 2017
	Low	All	1 March 2017

**Page 3, Finding 11, add an additional paragraph to the end of the finding.**

[Owners and operators of managed wetlands have until 31 December 2015 to obtain membership in an applicable third-party group. The additional time is provided for managed wetlands, since the Central Valley Water Board is considering alternative regulatory options for regulating discharges from managed wetlands, and since managed wetlands in the Tulare Lake Basin were not enrolled under the previous Coalition Group Conditional Waiver.](#)

**Page 23, section V.3 Effective Dates, add a footnote to the section**

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 within 180 days<sup>22</sup> of 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.

[22 For owners or operators of managed wetlands, the deadline for obtaining membership directly with the third-party group is 31 December 2015.](#)

**Page 23, section V.4 Effective Dates, add a footnote to section**

4. After the initial 180-day period<sup>23</sup> following issuance of an NOA to the third-party group, regulatory coverage for Dischargers who are not members of the third-party under section V.2 or V.3 is effective upon notification by the Central Valley Water Board that this Order applies to the Discharger through the issuance of an NOA. The Central Valley Water Board shall only issue an NOA after it has received a Notice of Intent (NOI) as required by section VII.A, and after the Central Valley Water Board has received notification from the third-party that the Discharger is a Member. The Discharger must pay any applicable State Water Board administrative fees associated with the filing of NOIs.

[23 For owners or operators of managed wetlands, this provision applies after 31 December 2015.](#)

**Page 25, section VII. A.2 Notice of Confirmation / Notice of Intent / Membership Application, add footnote to section**

2. Within 180 days<sup>24</sup> 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 avoid additional fees and administrative requirements (see section VII.A.3 below). 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.

[24 For owners or operators of managed wetlands, this provision applies on or before 31 December 2015.](#)

**Page 25, section VII. A.3 Notice of Confirmation / Notice of Intent / Membership Application, add footnote to section**

3. Beginning 181 days<sup>25</sup> after Executive Officer issuance of an NOA to the third-party, any growers within this Order's boundaries that are not Members of a third-party or another third-party group governed by other WDRs or waiver of WDRs must submit (1) a completed Notice of Intent (NOI) to the Central Valley Water Board to comply with the conditions of this Order, (2) any required State Water Board administrative processing fee for the NOI, and (3) a Membership application to the third-party group. Upon submittal of a complete NOI, and after receiving confirmation from the third-party group that the grower is now a Member, the Central Valley Water Board Executive Officer may then issue a Notice of Applicability (NOA), after which the Member will be considered covered under this Order. In lieu of issuing an NOA, the Executive Officer may deny the NOI and 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.

<sup>25</sup> [For owners or operators of managed wetlands, this provision applies beginning 1 January 2016.](#)

**Page 26, section VII. B.2 All Members in High Vulnerability Areas (Surface/ Groundwater), modify submittal date**

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

By 1 March ~~2015~~2016, 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. As part of the Farm Evaluation, the Member shall provide information on any outreach events attended in accordance with section IV.B.4 of this Order. After four consecutive years of reporting, the Executive Officer may approve reduction in the frequency of updates and submission of Farm Evaluations, if the third-party demonstrates that year to year changes in Farm Evaluation updates are minimal and the Executive Officer concurs that the practices identified in the Farm Evaluations are consistent with practices that, when properly implemented, will achieve receiving water limitations or best practicable treatment or control, where applicable.

**Page 26, section VII.C Sediment and Erosion Control Plan, add footnote to section**

**C. Sediment and Erosion Control Plan<sup>27</sup>**

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

[<sup>27</sup> If applicable, the deadline for managed wetlands is 1 March 2016.](#)

**Page 28, section VII.D Nitrogen Management Plan, add a footnote and a paragraph to the end of the provision**

**D. Nitrogen Management Plan<sup>29</sup>**

Members must prepare and implement a Nitrogen Management Plan and submit the Nitrogen Management Plan Summary Report for the previous crop year as described below. The Member must use the Nitrogen Management Plan Template provided by the Executive Officer (see section VIII.C below). The Nitrogen Management Plan and Nitrogen Management Plan Summary Report shall be maintained at the Member's farming operations headquarters or primary place of business. The Member must provide the Nitrogen Management Plan and Summary Report to board staff, if requested or, should board staff or an authorized representative conduct an inspection of the Member's irrigated agricultural operation. In addition, Members shall comply with the following requirements where applicable:

**1. All 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 Nitrogen Management Plan. 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; 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. Such specialists include Professional Soil Scientists, Professional Agronomists, Crop Advisors<sup>30</sup> certified by the American Society of Agronomy, or Technical Service Providers certified in nutrient management in California by the NRCS; 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 Nitrogen Management Plan meets the objectives and requirements of this Order.

**a. Deadlines for Members with Small Farming Operations**

By 1 March 2017, Members with Small Farming Operations shall prepare, and update by 1 March annually thereafter, a Nitrogen Management Plan. By 1 March 2018, and by 1 March annually, thereafter, Members with Small Farming Operations shall submit to the third-party the Nitrogen Management Plan Summary Report for the previous year.

**b. Deadlines for all other Members<sup>31</sup>**

~~By 1 March 2015~~ [Within 90 days of the Executive Officer providing the Third-party with the Nitrogen Management Plan Template \(see section VIII.C below\)](#), all other Members shall prepare, and update by 1 March annually thereafter, a Nitrogen Management Plan. By 1 March ~~2016~~2017, and by 1 March annually, thereafter, all other Members shall submit to the third-party the Nitrogen Management Plan Summary Report for the previous year.

[Determination of high and low vulnerability areas is a key step in ensuring that nitrogen management practices are implemented as soon as practicable within areas of high vulnerability. Vulnerability will be determined as part of the GAR development process. This Order requires development of nitrogen management plans for high vulnerability areas within 90 days of the date the Executive Officer issues the Nitrogen Management Plan Template. This may be as early as 1 March 2015 for some Coalitions, which allows little time after GAR submittal to review vulnerability areas. Because of this, the third-party is required to meet with Central Valley Water Board staff by 31 December 2014 to discuss their proposed process for determining high and low vulnerability areas to be submitted as part of their GAR. If an agreement on the vulnerability designation process is not reached by 1 February 2015, the Executive Officer will make the final determination regarding high and low vulnerability areas.](#)

[Members are not required to certify their Nitrogen Management Plan until 1 March 2016.](#)

**c. Deadlines for Members re-designated from Low Vulnerability to High Vulnerability Groundwater Areas.**

Members with parcel(s) re-designated from low vulnerability to high vulnerability groundwater areas must prepare a Nitrogen Management Plan in compliance with this section (VII.D.1).<sup>32</sup> The schedule for certifying the Nitrogen Management Plan and submitting the initial Nitrogen Management Plan Summary Report will be established by the Executive Officer.

After 1 March 2018, the Executive Officer may approve reduction in the frequency of submission of Nitrogen Management Plan Summary Reports, if the third-party demonstrates that year to year changes in Nitrogen Management Summary Reports are

minimal and the Executive Officer concurs that the implemented practices are achieving the performance standard (see section IV.B.8).

## **2. Members within a Low Vulnerability Groundwater Area**

By 1 March 2017, all Members within low vulnerability areas shall prepare, and update by 1 March annually thereafter, a Nitrogen Management Plan. The Member must use the Nitrogen Management Plan Template approved by the Executive Officer (see section VIII.C below), or equivalent. Certification of the Nitrogen Management Plan and submittal of a Nitrogen Management Plan Summary Report are not required.

[<sup>29</sup> The requirement for a Nitrogen Management Plan does not apply to parcels that are operated exclusively as a managed wetland.](#)

<sup>30</sup> Should the California Department of Food and Agriculture and the California Certified Crop Adviser's establish a specific nitrogen management certification, any Certified Crop Adviser who certifies a nitrogen management plan must have a nitrogen management certification.

<sup>31</sup> Members with parcels that do not meet the Small Farming Operation definition (see Attachment E).

<sup>32</sup> The designation of the vulnerability area may change based on updates to the Groundwater Quality Assessment Report (see the MRP – Attachment B).

### **Page 31, section VIII.C Templates, add footnote to section**

#### **C. Templates**

The Executive Officer will provide templates to the third-party to distribute to its Members. The templates must be used to comply with the requirements of this Order, where applicable. Prior to providing the third-party with the templates, the Executive Officer will provide the third-party and other interested parties with thirty (30) days to comment on proposed templates. The following templates will be provided: Farm Evaluation<sup>37</sup>; Nitrogen Management Plan; Nitrogen Management Plan Summary Report; Sediment and Erosion Control Plan.

[<sup>35</sup> The Executive Officer will provide a Managed Wetland Evaluation Template applicable to managed wetlands parcels, if the board does not establish an alternative regulatory option to regulate discharge from managed wetlands.](#)

### **MONITORING AND REPORTING PROGRAM**

#### **Page 16, section IV.A.4 Groundwater Quality Assessment Report, add additional paragraph to the end of the section**

1. *Groundwater vulnerability designations.* The GAR shall designate high/low vulnerability areas for groundwater in consideration of high and low vulnerability definitions provided in

Attachment E of the Order. Vulnerability designations may be refined/ updated periodically during the Monitoring Report process. The third-party must review and confirm or modify vulnerability designations every five (5) years after Executive Officer approval of the GAR. The vulnerability designations will be made by the third-party using a combination of physical properties (soil type, depth to groundwater, known agricultural impacts to beneficial uses, etc.) and management practices (irrigation method, crop type, nitrogen application and removal rates, etc.). If the third-party intends to develop a Basin Plan Amendment Workplan (section VIII.M of the Order), the third-party must identify the areas where a high vulnerability designation results from exceedances due to naturally elevated levels of a constituent. The third-party shall provide the rationale for proposed vulnerability determinations. The Executive Officer will make the final determination regarding vulnerability designations.

If the GAR is not submitted to the board by the required deadline, the Executive Officer will designate default high/low vulnerability groundwater areas using such information as 1) those areas that have been identified by the State Water Board as Hydrogeologically Vulnerable Areas, 2) California Department of Pesticide Regulation groundwater protection areas, and 3) areas with exceedances of water quality objectives for which irrigated agriculture waste discharges may cause or contribute to the exceedance.

At a minimum, high and low vulnerability areas described in the GAR shall include all areas with underlying groundwater that is polluted for nitrates or other constituents associated with irrigated agriculture. The Executive Officer may revise GAR high and low vulnerability areas that do not meet the above requirements. As groundwater and other data are made available to the Central Water Board subsequent to the submittal of the initial GAR, high and low vulnerability designations may be revised based on this new information.