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Re: Regional Water Board's Irrigated Lands Regulatory Program (ILRP)

Introduction:

On September 19, 2013 the State of California Central Valley Regional Water Quality Control Board (**Water Board**) adopted the "Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group", Order R5-2013-0120 (**General Order/Permit**). This new General Order rescinded the previous Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order R5-2006-0053 (**Conditional Waiver**). Regardless of your enrollment status under the rescinded Conditional Waiver, all landowners/operators must take affirmative action (described further below) to enroll under the General Order.

The Kern River Watershed Coalition Authority (**KRWCA/Coalition**) submitted an Application to Serve as a Third-Party Representing Members under the General Order on October 18, 2013, and has received a Notice of Applicability (**NOA**) from the Board, confirming the KRWCA as an approved Third-Party on February 4, 2014.

Why My Land?:

You are receiving this letter because you currently own and/or operate irrigated lands that will be regulated under the new General Order within the approved KRWCA boundaries. The approved KRWCA boundary map can be found at http://www.krwca.org/general_order.aspx. The new General Order requires any irrigated lands having the potential to discharge to surface water or groundwater to comply with the requirements of the General Order. The Water Board defines irrigated land as "*land irrigated to produce crops or pasture used for commercial purposes including lands that are planted to commercial crops that are not yet marketable (e.g. vineyards and tree crops). Irrigated lands also include nurseries, and privately and publicly managed wetlands*". Parcels that are exempt from this Order are those that operate under a different waste discharge requirement order, such as land associated with dairies, food processors, and potentially feedlots (a feedlot order is planned to be issued this summer).

From Waiver to General Order:

In the past the water districts have covered the costs of complying with the requirements of the Conditional Waiver. Under the new General Order, the water districts will not be covering costs. As indicated below, this Coalition, composed of various water districts in the County, will be collecting required fees directly from enrolled landowners/operators. The KRWCA, on behalf of landowners within the Coalition Boundary, is challenging the new General Order through the applicable administrative and judicial process. However, in the meantime, the KRWCA is

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administering the General Order for the benefit of landowners within the Coalition Boundary so that they can comply with the new General Order, rather than seeking coverage under the more onerous Individual Order, which requires significantly more reporting and is projected to cost more than the Coalition option. You can obtain further information on this option from the Water Board.

Membership:

To comply with the new General Order, one must either (i) become a member of the Coalition, or (ii) obtain coverage on your own through the Water Board. Any landowner or operator within the boundaries of the KRWCA can join and enroll their irrigated parcels for coverage. It is important that all parcels (not just those affected by surface waters as before) are covered by either the owner or operator; only one party needs to enroll. Either the owner or operator will assume responsibility to fulfill the requirements of the General Order as the Member with the Coalition.

Due Dates & Fees:

The General Order stipulates that owners/operators have 180 days from the NOA to enroll irrigated parcels in the KRWCA for regulatory coverage (by August 4, 2014). After 180 days, additional fees and forms are required by the Water Board to enroll parcels for regulatory coverage.

KRWCA has adopted an annual fee schedule for the period of July 1, 2014 through June 30, 2015 (which covers KRWCA costs to prepare studies that must be submitted to the Water Board, administration of this program to enroll farmers, and fees to the State for its administration of the General Order, among other costs) as indicated in the following table.

The first column's fees apply to lands that are within water districts that participated financially in the KRWCA during the past two years, which would apply to most lands in Kern County. The second column's fees include an additional \$1.00 per acre assessed for any lands enrolling outside of the participating water districts' service area. The fees are reduced if received by May 31, 2014. The fee increases substantially for enrollment after the August 4, 2014 due date.



Fee per Acre Within Participating Districts	Fee per Acre Outside Participating Districts	Received by Date	Note
\$5.50/ac	\$6.50/ac	May 31, 2014	Must be postmarked or hand delivered by this date
\$6.50/ac	\$7.50/ac	After May 31 and by August 4, 2014	Must be postmarked or hand delivered by this date
\$10.50/ac	\$11.50/ac	After August 4, 2014	Does not include additional Water Board late fees

Enrollment:

The KRWCA Membership Application to enroll irrigated parcels for coverage under the General Order, accompanying instructions, and a general overview of Member requirements can be found at <http://krwca.org/join.aspx>. It is important that the Member **enroll all irrigated parcels**.

Risk of Penalties:

You should be aware that the Water Board takes the position that if the owners or operators of irrigated lands do not obtain regulatory coverage through a Coalition (or individual arrangement with the Water Board), the property owners can be subject to penalties of up to \$1,000 per day pursuant to Water Code section 13261.

Enrollment Workshops:

Various Enrollment Workshops have been scheduled to aid and facilitate Member enrollment in the KRWCA and to answer any questions you may have. It is highly recommended that you participate in one of these enrollment workshops. The Enrollment Workshop dates, venues, and times are listed below.

Date	Time	Venue	Address
Wed., March 19 th	4:00 p.m.	Kern Ag Pavilion	501 South Mt. Vernon Ave., Bakersfield
Wed., March 26 th	4:00 p.m.	Wasco Elks Lodge	16694 Wasco Ave., Wasco
Wed., April 2 nd	4:00 p.m.	McFarland Community Center	103 W. Sherwood Ave., McFarland

If the Enrollment Workshop dates above have passed, current listings of Enrollment Workshop dates, venues, and times can be found at http://krwca.org/news_updates.aspx.



Additional Information:

Additional information on the General Order and the KRWCA, frequently asked questions (FAQs), and membership application can be found on the KRWCA's website at www.krwca.org; or by contacting the KRWCA at (661) 616-6500 or admin@krwca.org.

Respectfully,

Nicole Bell
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Kern River Watershed Coalition Authority