



In Brief

A MONTHLY NEWSLETTER FROM
THE LEGAL SERVICES DIVISION OF
CALIFORNIA FARM BUREAU

OCTOBER 2024

State Water Board Releases Draft Order Revising Central Valley Dairy Order



On October 1, 2024, the State Water Resources Control Board released a draft order revising the Central Valley Regional Water Quality Control Board's existing dairy order. The draft order creates a new regulatory framework for nitrogen discharges and makes certain components precedential for dairies statewide. Comments are due on December 6, 2024. The draft order can be found [here](#).

Contact: Kari Fisher at kfisher@cfbf.com or 916-561-5666

Clean Water Act CAFO Win in 9th Circuit

Earlier this year, CAFB, along with two other state farm bureaus, submitted an amicus brief filed in the 9th Circuit in support of the U.S. Environmental Protection Agency's (EPA) Confined Animal Feeding Operations (CAFOs) regulations and the management of animal manure under the Clean Water Act. Various environmental groups sued EPA over EPA's decision to form a study group to review CAFO regulations instead of simply initiating a rulemaking to overhaul the regulations. The 9th Circuit issued its decision in *Food & Water Watch v. U.S. Environmental Protection Agency*, siding with EPA on October 2, 2024.

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North Coast Water Board Developing Permit for Lily Bulb Operations



The North Coast Regional Water Board is hosting a California Environmental Quality Act (CEQA) scoping meeting for a proposed project to develop General Waste Discharge Requirements for Commercial Lily Bulb Operations in the Smith River Plain. The CEQA Scoping meeting will be held on October 22, 2024. Click [here](#) for more information. A copy of the draft CEQA Initial Study can be accessed [here](#).

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Tule Subbasin Probationary Designation

CAFB submitted comments ahead of the State Water Resources Control Board's (Board) September 17, 2024, Tule Subbasin SGMA Probationary Hearing. CAFB's comments focused on the impact of the Board's probationary fees and metering requirements and the need for viable alternative compliance options to metering. CAFB's comments also pointed to the need for narrow tailoring and on-going adjustment of probationary oversight, while preserving local management capacity to the greatest extent possible. A "change sheet" released after submission of CAFB's comments included amended language that tracked closely with CAFB's comments.

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State Water Resources Control Board Water Right's Fees



CAFB submitted comments on the State Water Resources Control Board's (Board) annual water rights fee adoption. CAFB commented on significant proposed fee increases for 180-day and 5-year temporary groundwater recharge permits—a potential disincentive to groundwater recharge contrary to Governor Newsom's goals to recharge at least 500 acre-feet a year. Responding to these concerns, the Board voted to cut its recharge permit fees in half for the next year. The Board has committed to continuing conversations with stakeholders and greater transparency around this topic in 2025.

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Water Board Scott and Shasta River Instream Flow Resolution



CAFB Legal submitted written comments on a draft instream minimum flow resolution to be considered by the State Water Resources Control Board's (Board) at its October 16th boarding meeting. The resolution lays out Board staff's proposed approach for developing potential near- and long-term instream flow requirements for the Scott and Shasta Rivers beyond drought emergency orders, including potential baseline minimum flow across other years and possible, eventual water year-specific minimum flows, as well as potential local cooperative alternatives. CAFB's comments emphasized the need to balance among beneficial uses, including irrigation and to provide supporting science, respect water rights, and continue collaborative and data-gathering efforts as alternatives to regulatory flow requirements alone.

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PG&E Files Its GRC Phase 2 Application

Pacific Gas and Electric Company (PG&E) filed its General Rate Case (GRC) Phase 2 Application in September 2024, which updates the marginal cost of service calculations, proposes the shares of PG&E's revenue requirement to be allocated among different customer classes, as well as updates to customer class rate designs. Based on PG&E's proposal, agriculture would face a 4.6% increase in average bundled rates. Rate design proposals include increases in monthly customer charges, reductions in demand charges, some reduction in energy charges (but a higher summer peak rate), and some adjustment to AG-C's demand charge rate limiter. CAFB will file a protest on November 4, 2024, and expects following a prehearing conference that opening testimony will be submitted sometime in Spring 2025.

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