Item No. 4 **March 14-15, 2012**
Supplemental Sheet #2

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

SUPPLEMENTAL SHEET #2 FOR REGULAR MEETING OF March 14-15, 2012
Prepared March 15, 2012

ITEM NUMBER: 4

SUBJECT: Recommendation to Renew an Updated Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011

This Supplemental Sheet #2 includes the following additions to page 43 of the Staff Report (insertion as the last row) in Table 4. Proposed Revisions to Draft Agricultural Order No. R3-2011-0006. These revisions are recommended in response to input provided by agricultural stakeholders and Board Member discussion at the March 14, 2012 Hearing.

The recommended edits described below indicate the primary section of the Order involving the edit, additional edits may be necessary to make other secondary parts of the Order or Monitoring and Reporting Program to make consistent with the change.

Table 4. Proposed Revisions to Draft Agricultural Order No. R3-2011-0006 since September 1, 2011

LOCATION	PROPOSED REVISION
Attachment A, p.40 Biostimulatory Substances	Edit per the following: "Indicators of biostimulation include chlorophyll-a, dissolved oxygen, phosphorous, and nitrate. ~~Water Board staff estimates that 1 mg/L nitrate is necessary to protect aquatic life beneficial uses from biostimulation.~~"
Paragraph 24, page 17	Edit per the following: "….(such as metals, salts boron, selenium, potassium, nitrogen, etc.); organic materials ~~(such as organic pesticides)~~; and, pesticides that may enter or threaten to enter…"
Paragraph 32, page 19	Edit per the following: "Dischargers who utilize containment structures (such as retention ponds…)… must manage, construct ~~and~~ or maintain such containment structures to ~~avoid~~ minimize percolation of waste to groundwater …."
Paragraph 35, page 19	Edit per the following: "Dischargers must implement ~~source control or treatment~~ water

	quality protective management practices (e.g., source control or treatment to prevent erosion, …. ~~Practices *must* infiltrate, control or treat stormwater runoff for the first half inch of rain during each storm, and further reduce the runoff for the next one inch of rain during each storm."~~
Paragraph 39, page 19	Edit per the following: "In the case where disturbance of aquatic habitat is necessary for the purposes of water quality improvement or restoration activities or other permitted activities, Dischargers must implement appropriate and practicable measures to avoid, minimize, and mitigate erosion and discharges of waste, including impacts to aquatic habitat.
Paragraph 56, page 24	Add the following to NOI form: "Option selected to comply with groundwater monitoring conditions (cooperative monitoring or individual)"
Paragraph 58, page 24-25	"For Dischargers who do not provide adequate information for the Water Board to confirm or determine the appropriate tier, the Executive Officer will place the farm/ranch in ~~Tier 3~~ appropriate tier based upon information submitted in the Notice of Intent."
Tier 1,2,3 MRPs Part 2A(4). Individual Groundwater Sampling	Revise per the following: "Groundwater samples must be collected by a ~~State registered professional engineer, professional geologist, or other similarly qualified professional~~ qualified third party (e.g. technician consultant, individual conducting cooperative monitoring), using proper sampling methods…"
Tier 1, 2, and 3 MRP, Part 2A(6). Individual Groundwater Sampling	Revise per the following: "In lieu of conducting individual groundwater monitoring, Dischargers may participate in a cooperative ~~monitoring~~ groundwater monitoring effort to help minimize costs and to develop an effective groundwater monitoring program. Qualifying cooperative groundwater monitoring and reporting programs may include, but are not limited to, regional or subregional groundwater programs developed for other purposes as long as the proposed cooperative groundwater monitoring program meets the Central Coast Water Board's general purpose of characterizing groundwater quality and ensuring the protection of drinking water sources . Proposals for cooperative groundwater monitoring efforts, including the use of other regional or subregional groundwater monitoring programs must be approved by the Executive Officer. At a minimum, the cooperative groundwater monitoring effort must include sufficient monitoring ~~points~~ to

	adequately ~~represent~~ characterize the groundwater aquifer(s) in the local area of the participating Dischargers, characterize the groundwater quality of the uppermost aquifer, and identify and evaluate groundwater used for domestic drinking water purposes. Cooperative groundwater monitoring efforts must comply with the requirements for sampling protocols and laboratory analytical methods identified in this MRP, including parameters listed in Table 3, or propose a functional equivalent that meets the same objectives and purposes as individual groundwater monitoring. ~~and must~~The cooperative groundwater monitoring program must report results consistent with individual groundwater reporting defined in part 2.B, or report results in a manner that is consistent with that approved by the Executive Officer in his or her approval of the cooperative groundwater monitoring proposal. Dischargers electing to participate in a cooperative groundwater monitoring effort must convey this election to the Central Coast Water Board within 90 days of adoption of this Order, and the individual groundwater monitoring requirements shall not apply as long as a cooperative groundwater monitoring proposal for that Discharger's area is submitted within one (1) year of adoption of this Order. If no cooperative groundwater monitoring proposal for that Discharger's area is submitted within one (1) year, then the individual groundwater monitoring provisions shall apply and the Discharger shall have one (1) year to comply with the provisions identified in Part 2.
Tier 3 MRP, p. 14, Table 6 p.9	Revise date to submit individual Sampling and Analysis Plan to March 15, 2013 [Note: This extends submittal of plan to conduct individual surface discharge monitoring to one year, allowing for time for Dischargers to develop certifications or third-party efforts. Previous date was six months after adoption].
Order p. 37, Table 3	Revise date to initiate individual surface water discharge monitoring to October 1, 2013. [Note: This extends individual surface discharge monitoring initiation to 1.5 years allowing for time for Dischargers to develop certifications or third-party efforts. Previous date was October 1, 2012].
Order p. 37, Table 3	Revise date to submit individual surface water discharge monitoring data to March 15, 2014, and annually thereafter on October 1. [Note: This extends individual surface discharge reporting to two years, allowing for time for Dischargers to develop certifications or third-party efforts. Previous date was October 1, 2013].
Order p. 28 Condition 75, p. 37 Table 3.	Delete "By October 1, 2013" [Note: This provides flexibility on date to develop Irrigation and

	Nutrient Management Plan, allowing for time for Dischargers to develop certifications or third-party efforts. Previous date was October 1, 2013].
Order p. 28, Condition 77 p. 37 Table 3.	Modify "By October 1, 2014" to indicate "By October 1, 2015" [Note: This provides flexibility on date to submit elements of Irrigation and Nutrient Management Plan, allowing for time for Dischargers to develop certifications or third-party efforts. Previous date was October 1, 2013].
Order p. 29	By October 1, 2015, Tier 3 Dischargers with High Nitrate Loading Risk farms/ranches must ~~meet~~ report progress towards the following Nitrogen Balance ratio ~~targets~~ milestones or implement an alternative to demonstrate an equivalent nitrogen load reduction. a. Dischargers producing crops in annual rotation (such as a cool season vegetable in a triple cropping system) must achieve a Nitrogen Balance ratio target equal to one (1)….. b. Dischargers producing annual crops occupying the ground for the entire year (e.g., strawberries or raspberries) must achieve a Nitrogen Balance ratio target equal to 1.2.
Order p. 37-38, Tables 3-4 [And any necessary changes to the Tier 3 MRP to make consistent]	Move Conditions to "Achieve Nitrogen Balance Ratio…" (Table 3) to the Milestone Table 4.
Page 7 – Dischargers Regulated Under this Order	Add new finding after Finding #28: "The Central Coast Water Board recognizes that certain disadvantaged farmers [See USDA definition] may have difficulties to achieve compliance with this Order. The Central Coast Water Board will prioritize assistance for these farmers, including but not limited to technical assistance, grant opportunities, and necessary flexibility to achieve compliance with this Order (e.g. adjusted monitoring, reporting, or time schedules).