DRAFT FOR MARCH 17, 2011 BOARD CONSIDERATION

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

ORDER NO. R3-2011-0006

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

The California Regional Water Quality Control Board, Central Coast Region finds that:

1. The Central Coast Region has approximately 435,000 acres of irrigated land and approximately 3000 agricultural operations, which may be generating wastewater that falls into the category of discharges of waste from irrigated lands.

2. The Central Coast Region has more than 17,000 miles of surface waters (linear streams/rivers) and approximately 4000 square miles of groundwater basins that are, or may be, affected by discharges of waste from irrigated lands.

3. The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards) are the principal state agencies with primary responsibility for the coordination and control of water quality pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne Act, codified in Water Code Division 7). The legislature, in the Porter-Cologne Act, directed the Water Board to exercise its full power and jurisdiction to protect the quality of the waters in the State from degradation, considering precipitation, topography, population, recreation, agriculture, industry, and economic development (Water Code § 13000).

4. On July 9, 2004, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution No. R3-2004-0117 establishing a Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (2004 Agricultural Order). In the 2004 Agricultural Order, the Central Coast Water Board found that the discharge of waste from irrigated lands has impaired and polluted the waters of the State and of the United States within the Central Coast Region, has impaired the beneficial uses, and has caused nuisance. The 2004 Agricultural Order expired on July 9, 2009, and the Central Coast Water Board

renewed it for a term of one year until July 10, 2010 (Order No. R3-2009-0050). On July 8, 2010, the Central Coast Water Board renewed the 2004 Agricultural Order again for an additional eight months until March 31, 2011 (Order No. R3-2010-0040). This *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands,* Order No. R3-2011-0006 (Order), renews and revises the 2004 Agricultural Order as set forth herein.

5. Since the issuance of the 2004 Agricultural Order, the Central Coast Water Board has compiled additional and substantial empirical data demonstrating that water quality conditions in agricultural areas of the region ~~continue~~appear to be severely impaired or polluted by waste discharges from irrigated agricultural operations and activities that impair beneficial uses, including drinking water, and impact aquatic habitat on or near irrigated agricultural operations. The most serious water quality degradation appears to be ~~is~~ caused by fertilizer and pesticide use, which results in runoff of chemicals from agricultural fields into surface waters and percolation into groundwater. Runoff and percolation include both irrigation water and stormwater. Every two years, the Water Board is required by Section 303(d) of the federal Clean Water Act to assess water quality data for California's surface waters to determine if they contain pollutants at levels that exceed protective water quality ~~criteria and~~ standards. This Order prioritizes conditions to control pollutant loading in areas where water quality impairment is documented in the 2010 Clean Water Act section 303(d) List of Impaired Waterbodies (hereafter referred to as 2010 List of Impaired Waterbodies). As new Clean Water Act section 303(d) Lists of Impaired Waterbodies are adopted, the Central Coast Water Board will consider such lists for inclusion in tiering criteria and conditions for this and subsequent Orders.

6. Nitrate pollution of drinking water supplies is a critical problem throughout the Central Coast Region. Studies indicate that fertilizer from irrigated agriculture is the largest primary source of nitrate pollution in drinking water wells and that significant loading of nitrate continues as a result of agricultural fertilizer practices[1]. Researchers estimate that tens of millions of pounds of nitrate leach into groundwater in the Salinas Valley alone each year. Studies indicate that irrigated agriculture contributes approximately 78 percent of the nitrate loading to groundwater in agricultural areas[2]. ~~Hundreds of drinking water wells serving thousands of people throughout the region have nitrate levels exceeding the drinking water standard[3]~~. This presents a significant threat to human health ~~as pollution gets substantially worse each year, and the actual numbers of polluted wells and people~~

[1] Carle, S.f., B.K. Esser, J.E. Moran, High-Resolution Simulation of Basin-Scale Nitrate Transport Considering Aquifer System Heterogeneity, Geosphere, June 2006, v.2, no. 4, pg. 195-209.
[2] Monterey County Flood Control and Water Conservation District, "Report of the Ad Hoc Salinas Valley Nitrate Advisory Committee." Zidar, Snow, and Mills. November 1990.
~~[3] California Department of Public Health Data obtained using GeoTracker GAMA (Groundwater Ambient Monitoring and Assessment) online database, http://geotracker.waterboards.ca.gov/gama/.~~

~~affected are unknown~~. Protecting public health and ensuring safe drinking water is among the highest priorities of this Order. This Order prioritizes conditions to control nitrate loading to groundwater and impacts to public water systems. ~~In the case where further documentation indicates nitrate impacts to small water systems and/or private domestic wells, the Executive Officer will consider proximity to impacted small water systems and private domestic wells for inclusion in tiering criteria.~~

7. Agricultural use rates of pesticides in the Central Coast Region and associated toxicity are among the highest in the State[4]. Agriculture-related toxicity studies conducted on the Central Coast since 1999 indicate that toxicity resulting from agricultural discharges of pesticides has severely impacted aquatic life in Central Coast streams[5,6,7]. Some agricultural drains have shown toxicity nearly every time the drains are sampled. Twenty-two sites in the region, 13 of which are located in the lower Salinas/Tembladero watershed area, and the remainder in the lower Santa Maria area, have been toxic in 95% (215) of the 227 samples evaluated. This Order prioritizes conditions to address pesticides that are known sources of toxicity and sources of a number of impairments on the 2010 List of Impaired Waterbodies, specifically chlorpyrifos and diazinon. ~~In the case where further documentation indicates that additional pesticides are a primary source of toxicity and impairments in the Central Coast region, the Executive Officer will consider such pesticides for inclusion in tiering criteria.~~

8. Existing and potential water quality impairment from agricultural waste discharges takes on added significance and urgency, given the impacts on public health, limited sources of drinking water supplies and proximity of the region's agricultural lands to critical habitat for species of concern.

9. This Order regulates discharges of waste[8] from irrigated lands by requiring individuals subject to this Order to comply with the terms and conditions set forth herein to ensure that such discharges do not cause or contribute to the exceedance of any Regional, State, or Federal numeric or narrative water quality standard

[4] Starner, K., J. White, F. Spurlock and K. Kelley. Pyrethroid Insecticides in California Surface Waters and Bed Sediments: Concentrations and Estimated Toxicities. California Department of Pesticide Regulation. 2006.
[5] Anderson, B.S., J.W. Hunt, B.M. Phillips, P.A. Nicely, V. De Vlaming, V. Connor, N. Richard, R.S. Tjeerdema. Integrated assessment of the impacts of agricultural drainwater in the Salinas River (California, USA). Environmental Pollution 124, 523 - 532. 2003.
[6] Anderson B.S., B.M. Phillips, J.W. Hunt, V. Connor, N. Richard, R.S. Tjeerdema. "Identifying primary stressors impacting macroinvertebrates in the Salinas River (California, USA): Relative effects of pesticides and suspended particles" Environmental Pollution 141(3):402-408. 2006a.
[7] Anderson, B.S., B.M. Phillips, J.W. Hunt, N. Richard, V. Connor, K.R. Worcester, M.S. Adams, R.S. Tjeerdema. Evidence of pesticide impacts in the Santa Maria River Watershed (California, USA). Environmental Toxicology and Chemistry, 25(3):1160 - 1170. 2006b.
[8] This Order regulates discharge of "waste" as defined in Water Code section 13050 and "pollutants" as defined in the Clean Water Act. For simplicity, the term "waste" or "wastes" is used throughout. The term "waste" is very broad and includes "pollutants" as defined in the Clean Water Act.

(hereafter referred to as exceedance of water quality standards) in waters of the State and of the United States.

10. This Order works towards ~~requires~~ compliance with water quality standards. Dischargers must implement, and where appropriate update or improve, management practices, which may include local or regional control or treatment practices and changes in farming practices to meet water quality standards ~~and achieve compliance with this Order~~.

11. The Central Coast Water Board encourages Dischargers to coordinate the effective implementation of local or regional scale water quality protection and treatment strategies (such as managed aquifer recharge projects) to lower costs, maximize effectiveness, and achieve compliance with this Order. ~~In cases where Dischargers are participating in effective local or regional treatment strategies, and individual on-farm discharges continue to cause exceedances of water quality standards in the short term, the Executive Officer will take into consideration such participation in the local or regional treatment strategy and progress made towards compliance with water quality standards in evaluating compliance with this Order. In cases where local or regional treatment strategies necessitate a longer time schedule to achieve compliance than required by this Order, Dischargers may submit an alternative time schedule for approval by the Executive Officer.~~

12. The Central Coast Water Board encourages Dischargers to coordinate the implementation of management practices with other Dischargers discharging to common tile drains, including efforts to develop regional salt and nutrient management plans. ~~The Executive Officer may require additional monitoring and reporting for discharges to tile drains as necessary to evaluate compliance with this Order.~~

13. The Central Coast Water Board encourages Dischargers to participate in regional or local groundwater monitoring efforts conducted as part of existing or anticipated groundwater monitoring programs, including efforts related to regional and local salt and nutrient management plans, integrated regional water management (IRWM) plans, or the State Water Board's Groundwater Ambient Monitoring and Assessment (GAMA) Program.

14. Dischargers have the option of complying with surface receiving water quality monitoring conditions identified in MRP Order No. R3-2011-0006, either individually or through a cooperative monitoring program. The Central Coast Water Board encourages Dischargers to participate in a cooperative monitoring program to comply with surface receiving water quality monitoring conditions. In the development of any cooperative monitoring program fee schedule, the Central Coast

Water Board encourages Dischargers to scale the assessment of fees based on relative level of waste discharge and threat to water quality.

15. The Central Coast Water Board will evaluate various types of information to determine compliance with this Order such as, a) management practice implementation and effectiveness, b) treatment or control measures, ~~c) individual discharge monitoring results, d~~c) receiving water monitoring results, and ~~d~~e) related reporting.

16. Many owners and operators of irrigated lands within the Central Coast Region have taken actions to protect water quality. In compliance with the 2004 Agricultural Order, most owners and operators enrolled in the 2004 Agricultural Order, implemented the Cooperative Monitoring Program (CMP), participated in farm water quality education, developed farm water quality management plans and implemented management practices as required in the 2004 Agricultural Order. The 2004 Agricultural Order did not include conditions that allowed for determining individual compliance with water quality standards or the level of effectiveness of actions taken to protect water quality, such as individual discharge monitoring or evaluation of water quality improvements. This Order includes new or revised conditions to allow for such evaluations.

17. Water Code section 13260(a) requires that any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Board a report of waste discharge (ROWD) containing such information and data as may be required by the Central Coast Water Board, unless the Central Coast Water Board waives such requirement.

18. Water Code section 13263 requires the Central Coast Water Board to prescribe waste discharge requirements (WDRs), or waive WDRs, for the discharge. The WDRs must implement relevant water quality control plans and the Water Code.

19. Water Code section 13269(a) provides that the Central Coast Water Board may waive the requirement to obtain WDRs for a specific discharge or specific type of discharge, if the Central Coast Water Board determines that the waiver is consistent with any applicable water quality control plan and such waiver is in the public interest, provided that any such waiver of WDRs is conditional, includes monitoring conditions unless waived, does not exceed five years in duration, and may be terminated at any time by the Central Coast Water Board.

20. As authorized by Water Code section 13269, this Order conditionally waives the requirement to submit ROWDs and obtain WDRs for Dischargers who comply with

the terms of this Order. ~~See Attachment A to this Order for additional findings related to legal and regulatory considerations, and rationale for this Order.~~

SCOPE OF ORDER NO. R3-2011-0006

Irrigated Lands and Agricultural Discharges Regulated Under this Order

21. This Order regulates (1) discharges of waste from irrigated lands, including, but not limited to, land planted to row, vineyard, field and tree crops where water is applied for producing commercial crops; (2) discharges of waste from commercial nurseries, nursery stock production, and greenhouse operations with soil floors that do not have point-source type discharges and are not currently operating under individual WDRs; and (3) discharges of waste from lands that are planted to commercial crops that are not yet marketable, such as vineyards and tree crops.

22. Discharges from irrigated lands regulated by this Order include discharges of waste to surface water and groundwater, such as irrigation return flows, tailwater, drainage water, subsurface drainage generated by irrigating crop land or by installing and operating drainage systems to lower the water table below irrigated lands (tile drains), stormwater runoff flowing from irrigated lands, stormwater runoff conveyed in channels or canals resulting from the discharge from irrigated lands, runoff resulting from frost control, and/or operational spills. These discharges can contain wastes that could affect the quality of waters of the State and impair beneficial uses.

Dischargers Regulated Under this Order

23. This Order regulates both landowners and operators of irrigated lands on or from which there are discharges of waste that could affect the quality of any surface water or groundwater (Dischargers). Dischargers are responsible for complying with the conditions of this Order. The Central Coast Water Board will hold both the landowner and the operator liable for noncompliance with this Order.

24. The Central Coast Water Board recognizes that due to different types of operations and/or locations, discharges of waste from irrigated lands may have the potential for different levels of impacts on waters of the state or of the United States. This Order establishes three tiers of regulation to take into account the variation, including different regulatory conditions for the three tiers. This Order also allows Dischargers the option of participating in a third party group and/or Coalition that meets specific requirements as an alternative to complying with certain regulatory provisions of this Order.

25. Dischargers who have not enrolled to comply with a previous order must submit to the Central Coast Water Board a completed electronic Notice of Intent (NOI) to comply with the conditions of this Order to comply with the Water Code.

26. Dischargers who have submitted a completed electronic NOI to the Central Coast Water Board to comply with a previous order must update their NOI to reflect current operation and ranch information.

~~27. Landowners and operators of irrigated lands who obtain a pesticide use permit from a local County Agricultural Commissioner may have a discharge of waste that could affect surface water and groundwater, and therefore must submit to the Central Coast Water Board, a completed electronic NOI to comply with the conditions of this Order to comply with the Water Code.~~ Formatted: Bullets and Numbering

~~28.~~27. ~~The NOI serves as a report of waste discharge (ROWD) for the purposes of this Order.~~ Formatted: Bullets and Numbering

Agricultural Discharges Not Covered Under this Order and Who Must Apply for Individual Waste Discharge Requirements

~~29.~~28. This Order does not waive WDRs for commercial nurseries, nursery stock production and greenhouse operations that have point-source type discharges, and fully contained greenhouse operations (those that have no groundwater discharge due to impervious floors). These operations must eliminate all such discharges of wastes or submit a ROWD to apply for individual WDRs as set forth in Water Code section 13260. Formatted: Bullets and Numbering

PUBLIC PARTICIPATION PROCESS

~~30.~~29. The Central Coast Water Board notified interested persons that the Central Coast Water Board will consider the adoption of this Order, which conditionally waives individual WDRs and establishes conditions for the control of discharges of waste from irrigated lands to waters of the State, and provided several opportunities for public input. Formatted: Bullets and Numbering

~~31.~~30. In December 2008, the Central Coast Water Board invited members of the public to participate in development of this Order and provide recommendations to Central Coast Water Board staff. In particular, the Central Coast Water Board requested the assistance of an agricultural advisory panel in developing appropriate milestones, timetables, and verification monitoring programs to resolve water quality problems and achieve compliance with the Basin Plan. Additionally, in early 2009, Formatted: Bullets and Numbering

the Central Coast Water Board notified all water purveyors, water districts and municipalities that staff was developing recommendations for this Order.

~~32.~~31. In December 2009, the Central Coast Water Board encouraged any interested person who wanted to present alternative recommendations to this Order to provide those recommendations in writing by April 1, 2010.

~~33.~~32. On February 1, 2010, the Central Coast Water Board publicly released a preliminary report and preliminary draft order for the regulation of discharges from irrigated lands and accepted comments on the preliminary draft order through June 4, 2010.

~~34.~~33. The Central Coast Water Board held two public workshops (May 12, 2010, and July 8, 2010) to discuss the preliminary draft order, public comments, and alternative recommendations.

~~35.~~34. The Central Coast Water Board released a Draft Agricultural Order and staff report on November 19, 2010 for public review and comment, and held an additional public workshop on February 3, 2011.

~~36.~~35. Between November 2009 and February 2011, Central Coast Water Board staff attended more than 40 meetings and conferences to describe the process for developing the Draft Agricultural Order, discuss options, and hear public input regarding the Draft Agricultural Order. These events included numerous stakeholders representing the agricultural industry and its technical assistance providers, environmental and environmental justice organizations, local and state government agencies and other members of the public.

~~37.~~36. Interested persons were notified that the Central Coast Water Board will consider adoption of an Order, which conditionally waives WDRs for discharges of waste from irrigated lands, as described in this Order, and were provided an opportunity for a public hearing and an opportunity to submit written comments.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

~~38.~~37. For purposes of adoption of this Order, the Central Coast Water Board is the lead agency pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21100 et seq.).

~~39.~~38. In 2004, the Central Coast Water Board adopted the 2004 Agricultural Order and a Negative Declaration prepared in compliance with CEQA. CEQA Guidelines state that no subsequent environmental impact report (SEIR) shall be prepared

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when an EIR has been certified or negative declaration adopted for a project unless the lead agency determines based on substantial evidence in light of the whole record, one or more of the following:

> *(1) if substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; or,*
>
> *(2) if substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; or*
>
> *(3) if new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, becomes available.*

(Cal. Code Regs., tit. 14, § 15162(a).)

This regulation applies if there is a modification of a previous project. In this case, the Central Coast Water Board is proposing to renew the 2004 Agricultural Order, which is the previous project, with clarifications and new conditions. To assist in determining whether an SEIR would be necessary, the Central Coast Water Board staff held a CEQA scoping meeting on August 16, 2010 to receive input from interested persons and public agencies on potentially significant environmental effects of the proposed project. Staff also accepted written comments regarding scoping up until August 27, 2010 in order to allow for comments from those who were unable to attend the meeting and/or for those who wished to submit additional comments. Members of the public and representatives of public agencies provided comments regarding their views on significant environmental effects associated with the adoption of a renewed Agricultural Order. As described in Findings 30 - 37 and prior to the scoping meeting in August, 2010, significant public participation activities had occurred.

In preparing the Draft SEIR, Central Coast Water Board staff reviewed the 2004 Negative Declaration, including the Initial Study (Environmental Checklist), considered the comments received during the public participation process with respect to renewal of the 2004 Agricultural Order, including evidence in the record, written and oral comments, proposed alternatives, and information provided at and following the August 16, 2010 scoping meeting, and comments received on the Draft

SEIR. Review of this information did not result in identification of any new environmental effects that had not already been evaluated in the 2004 Negative Declaration. Staff identified two areas included on the Environmental Checklist where there was a potential for an increase in the severity of environmental effects previously identified. These areas are (1) the potential for more severe impacts on agricultural resources due to the potential for an increase in the use of vegetated buffer strips and economic impacts due to new requirements that could take some land out of direct agricultural use and (2) the potential for more severe impacts on biological resources due to the potential for a reduction in water flows in surface waters.

The Central Coast Water Board issued a Notice of Availability on October 25, 2010 and provided the public with 45 days to submit written comments on the Draft SEIR. The Water Board received 12 written comment letters. Responses to the comments are in Section 7 of the Final SEIR. In response to comments, the Central Coast Water Board staff revised the Draft SEIR and prepared a draft Final SEIR for the Central Coast Water Board's certification. The 2004 Negative Declaration and the Final SEIR constitute the environmental analysis under CEQA for this Order.

~~40.~~39. With respect to Agricultural Resources, the Final SEIR concludes that adoption of the proposed alternative could result in some economic or social changes but that there was insufficient evidence to conclude that the economic changes would result in adverse physical changes to the environment. Commenters speculated that the economic impacts would be so large as to result in large scale end to agriculture and that land would be sold for other uses that would result in impacts on the environment. No significant information was provided to justify that concern. As described in Section 2.4 of this Final SEIR, the draft 2011 Agricultural Order would impose additional conditions on approximately 100 to 300 of the estimated 3000 owners or operators currently enrolled in the 2004 Agricultural Order. CEQA states that economic or social effects of a project shall not be treated as significant effects on the environment. (Pub. Res. Code § 21083.) The Final SEIR concludes that due to some new conditions, particularly the requirement that some dischargers may be required to implement vegetated buffer strips, could result in loss of land for agricultural production since the buffer strips would generally not produce crops and some land could be converted to other uses. This impact was found to be less than significant and that mitigation could reduce impacts further. The Central Coast Water Board may not generally specify the manner of compliance and therefore, dischargers may choose among many ways to comply with the requirement to control discharges of waste to waters of the state. Even if all dischargers who could be subject to the condition to use vegetated buffers or some other method to control discharges in the draft 2011 Agricultural Order (Tier 3 dischargers) chose to use vegetated buffers or converted to other uses, the total acreage is quite small compared to the total amount of acreage used for farming and was, therefore, found to be less than significant. In addition, since the land would be

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used as a vegetated buffer to comply with the Order, this would result in beneficial impacts on the environment, not adverse impacts.

With respect to Biological Resources, the Final SEIR concludes that wide scale water conservation could result in lower flows into surface water resulting in impacts on aquatic life. The Central Coast Water Board may not specify the manner of compliance so it has insufficient information to evaluate the extent to which dischargers would choose to use water conservation to comply and to evaluate potential physical changes to the environment that could result. Reduction in toxic runoff may offset impacts due to the reduced flows that could occur. In addition, reduction in water use could result in increased groundwater levels that would also result in more clean water to surface water.

Based on this information, the Final SEIR concludes that the environmental effects associated with the draft 2011 Agricultural Order may be significant with respect to biological resources. However, given the uncertainty associated with evaluating the available information, it is possible that the effects may turn out to be less than significant. In Resolution R3-2011-0006, the Central Coast Water Board has made findings consistent with the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15091) and a statement of overriding considerations (Cal. Code Regs., tit. 14, § 15093) with respect to biological resources.

~~**ADDITIONAL FINDINGS**~~

~~41. Attachment A to this Order, incorporated herein, includes additional findings that further describe a) the Water Board's legal and regulatory authority, b) the rationale for this Order, c) a description of the environmental and agricultural resources in the Central Coast Region, and d) impacts to water quality from agricultural discharges. Attachment A also identifies applicable plans and policies adopted by the State Water Board and the Central Coast Water Board that contain regulatory condition that apply to the discharge of waste from irrigated lands. Attachment A also includes definitions of terms for purposes of this Order.~~

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IT IS HEREBY ORDERED that:

1. Pursuant to Water Code sections 13260, 13263, 13267, and 13269, Dischargers must comply with the terms and conditions of this Order to meet the provisions contained in Water Code Division 7 and regulations and plans and policies adopted there under.

2. This Order shall not create a vested right to discharge, and all discharges of waste are a privilege, not a right, as provided for in Water Code section 13263(g).

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

4. Pursuant to Water Code section 13269, the Central Coast Water Board waives the requirement that Dischargers submit ROWDs and obtain WDRs pursuant to Water Code section 13263(a) for discharges of waste from irrigated lands, if the Discharger enrolls in and complies with this Order, including Attachments and Monitoring and Reporting Program (MRP) Order No. R3-2011-0006.

5. Pursuant to Water Code section 13269, this action waiving the submittal of ROWDs and the issuance of WDRs for certain specific types of discharges: 1) is conditional; 2) may be terminated by the Central Coast Water Board at any time; 3) may be superseded if the State Water Board or Central Coast Water Board adopts specific WDRs or general WDRs for this type of discharge or any individual discharger; 4) does not permit any illegal activity; 5) does not preclude the need for permits which may be required by other local or governmental agencies; and 6) does not preclude the Central Coast Water Board from requiring WDRs for any individual discharger or from administering enforcement remedies (including civil liability) pursuant to the Water Code.

6. Dischargers or groups of Dischargers seeking regulatory requirements tailored to their specific operation or commodity may submit an ROWD to obtain individual or general orders for a specific discharge or type of discharge (e.g., commodity-specific general order). This Order remains applicable until such individual or general orders are adopted by the Central Coast Water Board.

7. The Executive Officer may propose, and the Water Board may adopt, individual WDRs for any Discharger at any time.

8. The Central Coast Water Board ~~or the Executive Officer~~ may, at any time, terminate applicability of this Order with respect to an individual Discharger upon written notice to the Discharger.

9. Dischargers are defined in this Order as both the landowner and operator of irrigated cropland, and both must comply with this Order.

10. Alternatively, Dischargers may comply with certain terms and conditions of this ~~this~~ Order by participating in third-party groups (e.g., watershed group or water quality coalition) ~~approved by the Central Coast Water Board~~that meet the requirements specified in Attachment B of this Order. In this case, the third-party group will

assist individual growers in achieving compliance with this Order, including required monitoring and reporting as described in MRP Order No. R3-2011-0006-0401, ~~MRP Order No. R3-2011-0006-02, and MRP Order No. R3-2011-0006-03~~. Consistent with the Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy, 2004), the ineffectiveness of a third-party group through which a Discharger participates in nonpoint source control efforts cannot be used as an excuse for lack of individual discharger compliance. Individual Dischargers continue to bear responsibility for complying with this Order.

11. Dischargers who are subject to this Order shall implement management practices, as necessary, to improve and protect water quality and to achieve compliance with applicable water quality standards.

Part A. Tiers

12. Dischargers are classified into a tier based upon criteria that define the risk to water quality and the level of waste discharge. ~~The Executive Officer may update the criteria, as necessary.~~

13. Dischargers must determine the tier that applies to their operation or lands when they enroll or update their Notice of Intent (NOI), via electronic submittal, or elect to participate in a third-party group that meets the requirements of Attachment B to this Order. See Part E. Submittal of Technical Reports.

14. The General Conditions and Provisions that apply to all Dischargers – Tier 1, Tier 2, and Tier 3 must be complied with by individual Dischargers as specified in this Order. The Additional Conditions and Provisions that apply to Tier 2 and Tier 3 Dischargers may be met by complying individually with the terms and conditions of this Order, or, alternatively, by joining a third party group (e.g., watershed group or water quality coalition) that meets the requirements specified in Attachment B of this Order.

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~~14.~~15. **Tier 1** – Applies to all Dischargers who meet all of the criteria described in **(1a), (1b), and (1c)**, or who are certified in a sustainable agriculture program identified in **(1d)** that requires and verifies effective implementation of management practices that protect water quality:

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1a. Discharger does not use chlorpyrifos or diazinon, which are documented to cause toxicity in surface waters in the Central Coast Region;

1b. Operation is located more than 1000 feet from a surface waterbody listed for toxicity, pesticides, nutrients, turbidity or sediment on the 2010 List of Impaired Waterbodies[9] (Table 1);

1c. If the Discharger grows crop types with high potential to discharge nitrogen to groundwater (as defined in Attachment A), ~~then~~ and the operation total irrigated acreage is *less than* 1000 acres, and is *not* within 1000 feet of a well that is part of a public water system (as defined by the California Health and Safety Code, section 116275) ~~well~~ that exceeds the primary maximum contaminant level (MCL) for nitrate, nitrite, or nitrate + nitrite[10];

1d. Sustainability in Practice (SIP, certified by the Central Coast Vineyard Team) or other certified programs approved by the Executive Officer.

~~15.~~16. **Tier 2** – Applies to all Dischargers who do not meet the Tier 1 or Tier 3 criteria. In general, Tier 2 Dischargers meet at least one of the characteristics described in **(2a), (2b), or (2c)**:

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2a. Discharger applies chlorpyrifos or diazinon, which are documented to cause toxicity in surface waters in the Central Coast Region;

2b. Operation is located within 1000 feet of a surface waterbody listed for toxicity, pesticides, nutrients, turbidity or sediment on the 2010 List of Impaired Waterbodies (see Table 1);

2c. Discharger grows crop types with high potential to discharge nitrogen to groundwater (as defined in Attachment A), and the operation total irrigated acreage is *less than* 1000 acres, and the operation is *within* 1000 feet of a well that is part of a public water system (as defined by the California Health and Safety Code, section 116275) ~~well~~ that exceeds the primary maximum contaminant level (MCL) for nitrate, nitrite, or nitrate + nitrite[9];

[9] The 2010 List of Impaired Waterbodies is available on the Water Board's Impaired Water Bodies website at http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

[10] California Department of Health Services (CDPH) has determined that public water system well location records are confidential and exempt from disclosure to the public. Until such time that public water system well location records become available to the public, the Central Coast Water Board will identify Dischargers who are within 1000 feet of a public water system well that exceeds the maximum contaminant level (MCL) for nitrate, nitrite, or nitrate + nitrite. Dischargers should evaluate their tier for the purposes of this Order based on all information available. In the case where a Discharger should be placed into a different tier based on proximity to a public water system well, the Central Coast Water Board will provide appropriate notice to the Discharger. Approximate locations for public water system wells are available on the Water Board's GeoTracker GAMA website at http://geotracker.waterboards.ca.gov/gama/.

~~16.~~17. **Tier 3** – Applies to all Dischargers who meet one the following sets of criteria ***(3a) or (3b)***:

3a. Discharger grows crop types with high potential to discharge nitrogen to groundwater (as defined in Attachment A), and operation total irrigated acreage is *greater than or equal* to 1000 acres;

3b. Discharger applies chlorpyrifos and diazinon, and operation discharges irrigation or stormwater runoff to a waterbody listed for toxicity or pesticides on the 2010 List of Impaired Waterbodies (Table 1);

~~17.~~18. Dischargers may submit a request to the Executive Officer to approve transfer to a lower tier. The Discharger must provide information to demonstrate a lower level of waste discharge and a lower threat to water quality, including site-specific operational and water quality information to characterize the waste discharge and resulting effect on water quality. Dischargers remain in the tier determined by the criteria above and must meet all conditions for that tier until the Executive Officer approves the request to transfer to a lower tier. At a minimum, information provided by Dischargers requesting transfer to a lower tier must include the following:

a. Ranch maps(s) identifying discharge points and any water quality sampling locations;
b. Schematic showing the flow of irrigation and stormwater runoff, including where it leaves the operation farm/ranch and where the discharge enters receiving water;
c. Description of the volume of discharges and when the discharge is present;
d. Description of type of chemicals applied (e.g. pesticide and fertilizer use);
e. Description of estimated pollutant loading to groundwater;
f. Description and results of any individual discharge water quality sampling information available (e.g. irrigation runoff and stormwater sampling, lysimeter sampling);

~~18.~~19. The Executive Officer may elevate Tier 1 or Tier 2 Dischargers to a higher tier if the Discharger poses a higher threat to water quality based on information submitted as part of the NOI, MRP, or information observed upon inspection of an operation or ranch/farm, or any other appropriate evidence that indicates the operation or ranch/farm meets the criteria for a higher tier. In the event that the Executive Officer elevates a Tier 1 or Tier 2 Discharger to a higher tier, the Discharger shall be given the opportunity to elect to participate in a third party group that meets the requirements of Attachment B to this Order to comply with the additional conditions and requirements associated with the higher tier classification. If the Discharger intends to elect participation in a third party group

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subsequent to the Executive Officer's elevation of the tier classification, the Discharger must notify the Central Coast Water Board of the Discharger's election to participate in a third party group within 30 days, and the Discharger must notify the Executive Officer of the third party group for which the Discharger intends to participate in to comply with the additional conditions and requirements of this Order.

~~19.~~20. The Executive Officer may require Dischargers to enroll irrigated land with similar characteristics (e.g., same landowner or operator), and proximal, adjacent, or contiguous location, as a single operation or farm/ranch.

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~~20.~~21. ~~Unless otherwise~~Except as specified, the conditions of this Order apply to all Dischargers, including Tier 1, Tier 2, and Tier 3.

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Part B. ~~Discharge Prohibitions that Apply to All Dischargers~~General Conditions and Provisions for All Dischargers – Tier 1, Tier 2, and Tier 3

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~~21.The discharge of any waste not specifically regulated by the Order described herein is prohibited under this Order. To discharge waste not specifically regulated by this Order, the Discharger must comply with Water Code section 13260(a) by submitting a report of waste discharge and the Central Coast Water Board either issues WDRs pursuant to Water Code section 13263 or an individual waiver pursuant to Water Code section 13269, or the conditions specified in Water Code section 13264(a) must be met by the Discharger.~~

22. ~~The discharge of any waste at a location or in a manner different from that described in the NOI is prohibited.~~Dischargers shall not discharge any waste not specifically regulated by this Waiver. Waste specifically qualifying for conditional discharge under this Waiver includes: earthen materials, including soil, silt, sand, clay, rock: inorganic materials, (such as metals, salts boron, selenium, potassium, nitrogen, etc.); organic materials, (such as organic pesticides) that enter or threaten to enter into waters of the state. Examples of wastes not qualifying for conditional discharge under this Waiver include, hazardous waste and human waste.

23. ~~The~~Dischargers shall not knowingly discharge ~~of~~ chemicals such as fertilizers, fumigants or pesticides down a groundwater well casing ~~is prohibited~~.

24. ~~The discharge of~~Dischargers shall not knowingly discharge chemicals used to control wildlife (such as bait traps or poison) directly into surface waters, or ~~at any~~ place ~~where~~ the chemicals in a location where they may ~~contact or may eventually be~~ likely be discharged to surface waters. ~~, is prohibited.~~

25. ~~The d~~ Dischargers shall not knowingly discharge ~~of~~ agricultural rubbish, refuse, irrigation tubing or tape, or other solid wastes into surface waters, or place such materials at any place where ~~they may contact or~~ they may ~~eventually be~~likely be discharged to surface waters~~, is prohibited~~.

26. ~~The~~ Dischargers shall not discharge ~~of~~ pollutants from point sources to waters of the United States, including wetlands, where the discharger is required to obtain an NPDES permit under Clean Water Act section~~s 301 or~~ 402 (NPDES), or a dredge and fill permit under Clean Water Act section 404 (dredge and fill), ~~is prohibited~~ except as authorized by an NPDES permit or section 404 permit. An area is considered a wetland, subject to Clean Water Act section 404, if it meets the United States Army Corps of Engineers' definition as described in the Code of Federal Regulations and associated wetland delineation procedures.~~, or relevant Water Board definitions~~.

~~Part C. General Conditions and Provisions for All Dischargers - Tier 1, Tier 2, and Tier 3~~

Water Quality Standards-

27. Dischargers shall implement management practices, as necessary, to achieve best practicable treatment or control of the discharge to reduce wastes in discharges to the extent feasible and that will achieve compliance ~~must comply~~ with applicable water quality standards, as defined in Attachment A, protect the beneficial uses of waters of the State and prevent nuisance as defined in Water Code section 13050.

28. ~~Dischargers must comply with applicable provisions of the Central Coast Region Water Quality Control Plan (Basin Plan) and all other applicable water quality control plans as identified in Attachment A.~~

29. Dischargers must comply with applicable Total Maximum Daily Loads (TMDLs), including any plan of implementation for the TMDL, commencing with the effective date or other date for compliance stated in the TMDL. TMDLs are not effective until they have been approved by the State Water Resources Control Board, the California Office of Administrative Law and U.S. EPA. A list of TMDLs adopted by the Central Coast Water Board and approved by the State Water Board and U.S. EPA~~—~~ is available on the Central Coast Water Board website at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/index.shtml.

Waste Discharge Control-

30. **By October 1, 2012**, Dischargers that apply fertilizers, pesticides, fumigants or other chemicals through an irrigation system must have functional and properly maintained back flow prevention devices installed at the well or pump to prevent pollution of groundwater or surface water, consistent with any applicable DPR requirements or local ordinances. Back flow prevention devices used to protect water quality must be those approved by USEPA, DPR, CDPH, or the local public health or water agency.

31. **By October 1, 2015,** Dischargers must properly destroy all abandoned groundwater wells, exploration holes or test holes, as defined by Department of Water Resources (DWR) Bulletin 74-81 and revised in 1988, in such a manner that they will not produce water or act as a conduit for mixing or otherwise transfer groundwater or waste constituents between permeable zones or aquifers. Proper well abandonment must be consistent with any applicable DWR requirements or local ordinances.

32. ~~Dischargers who utilize containment structures (such as retention ponds or reservoirs) to achieve treatment or control of the discharge of wastes must construct and maintain such containment structures to avoid percolation of waste to groundwater that causes or contributes to exceedances of water quality standards, and to avoid surface water overflows that have the potential to impair water quality.~~

33. ~~Dischargers must implement proper handling, storage, disposal and management of pesticides, fertilizer, and other chemicals to prevent or control the discharge of waste to waters of the State that cause or contributes to exceedances of water quality standards.~~

34. ~~Dischargers must comply with any Department of Pesticide Regulation (DPR) adopted or approved surface water protection requirements.~~

35. ~~Dischargers must implement source control or treatment management practices to prevent erosion, reduce stormwater runoff quantity and velocity, and hold fine particles in place. 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.~~

36. ~~Dischargers must minimize the presence of bare soil vulnerable to erosion and soil runoff to surface waters and implement erosion control, sediment, and stormwater management practices in non-cropped areas, such as unpaved roads and other heavy use areas.~~

37. ~~Dischargers must comply with any applicable stormwater permit.~~

38. ~~Dischargers must a) maintain existing, naturally occurring, riparian vegetative cover (such as trees, shrubs, and grasses) in aquatic habitat areas as necessary to minimize the discharge of waste; and b) maintain riparian areas for effective streambank stabilization and erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, and wildlife support to minimize the discharge of waste;~~

39. In the case where disturbance of aquatic habitat is necessary for the purposes of water quality improvement or restoration activities, Dischargers must implement appropriate and practicable measures to avoid, minimize, and mitigate erosion and discharges of waste, including impacts to aquatic habitat.

40. Where required by California Fish and Game Code, Dischargers must submit proof of an approved Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) for any work conducted within the bed, bank or channel of a lake or stream, including riparian areas, that has the potential to result in erosion and discharges of waste to waters of the State.

41. Where required by California Forest Practice Rules, Dischargers must submit proof of California Department of Forestry and Fire Protection authorization, and enrollment in the Central Coast Water Board's General Conditional Waiver of WDRs – Timber Harvest Activities in the Central Coast Region, for any commercial harvesting of timber that has the potential to result in erosion and discharges of waste to waters of the State.

42. ~~Where required by Clean Water Act Section 404, Dischargers must submit proof of a dredge and fill permit from the United States Army Corps of Engineers (USACOE) for any work that has the potential to discharge wastes considered "fill," such as sediment, to wetlands.~~

43. **By October 1, 2012**, Dischargers must update an existing or develop a new farm water quality management plan (Farm Plan), and implement it to achieve compliance with this Order. Farm Plans must be kept current and made available to Central Coast Water Board staff upon request at the Farm location. Dischargers are not required to submit Farm Plans to the Central Coast Water Board at the Water Board's place of business and may be kept on the farm. At a minimum, Farm plans must include:

    a. Copy of this Order and a copy of the Notice of Intent (NOI) submitted to the Central Coast Water Board for reference by operating personnel and inspection by Central Coast Water Board staff;

b. Date the Farm Plan was last updated;
c. Operation farm/ranch maps(s) identifying known irrigation and stormwater runoff discharge locations where ~~it~~irrigation and stormwater runoff may leave~~s~~ the operation farm/ranch and where the discharge may enter~~s~~ receiving water;
d. Description of the typical volume of discharges and when the discharge is typically present;
e. Description of type of chemicals the Discharger normally anticipates using in the course of his/her normal farming operation ~~applied~~ (e.g. pesticide and fertilizer use);
f. Specific components that address known impairments or identified farm water quality conditions or challenges shall be included in the Farm Plan. Examples of such components shall include the following when applicable to the specific farm: 1) Irrigation Management Practices, including as follows:
    i. A grower will have to plan to address and improve (where appropriate) irrigation efficiency by addressing the irrigation delivery (distribution uniformity) and/or irrigation scheduling (matching irrigation application to crop ET demand using various tools involving soil, plant, and/or weather assessments).
    ii. Irrigation efficiency of applied irrigation water should be known and a plan for improvement should be included, if applicable.
    iii. A grower will have to plan to address efficient irrigation practices by addressing the irrigation delivery and/or irrigation scheduling, whichever is appropriate, if applicable.
2) Pesticide Management Practices, including as follows:
    i. Pesticides used by the grower that may contribute to water quality toxicity (e.g., organophosphates, pyrethroids) should be identified, if applicable.
    ii. Management practices for controlling off-site discharge of irrigation water with pesticides should be identified, if applicable.
    iii. Demonstration of compliance with Pesticide Surface Water Regulations adopted by the California Department of Pesticide Regulations (DPR) when such regulations become effective and applicable.
    iv. Demonstration that the grower is implementing pesticide management practices that have become generally accepted standard practices in

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California (e.g. spray equipment calibration, proper pesticide storage, well-head protection, drift management, pest scouting techniques, and use of treatment thresholds), if applicable.

3) Sediment Management Practices, including as follows:

v. Address sediment discharges through source controls (e.g. Landguard, PAM, etc.), pollution prevention practices, or technical mitigations that are feasible in a commercial agricultural production system, if applicable.

vi. Control of sediment shall be consistent with Food Safety requirements as applicable to individual growers.

4) Fertilizer Management Practices, including as follows:

vii. Growers shall develop a Proprietary Nutrient Management Plan (NMP) that includes soil analysis, well water analysis and/or plant tissue analysis, as applicable. This will allow the grower to account for nutrients that have been "banked" in the soil profile.

viii. A grower will efficiently use fertilizer while maintaining an adequate margin of error as necessitated for commercial agricultural production.

ix. Growers will prepare a Proprietary Nutrient Management Plan, if applicable, which needs to identify individual-management practices, taking into consideration the level of nitrate in the irrigation source water when calculating the amount of fertilizer needed. This will be the mechanism by which growers implement practices to address both irrigation water runoff and groundwater nitrate impairments.

x. The NMP may not be reported on, referenced or otherwise referred to, in any further manner, than through the Farm Plan; or, as an aggregated report on a sub-watershed.

g. This Plan may include, but is not required to include, on farm verification sampling of surface irrigation water run-off to assist an individual grower to understand potential contributions to water quality impairments. Individual on-farm sampling (e.g. SMART Sampling to establish a baseline of farm practices, to determine effectiveness of individual farm measures, etc.) is a voluntary management practice. Data collected from SMART Sampling is confidential, part of the management practice itself, and

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not subject to review and inspection by Regional Board staff upon review of the Farm Plan.

h.

f.i. ~~Description and time schedule for any farm water quality management practices, treatment and control measures implemented to comply with this Order. This includes, but is not limited to, management practices related to irrigation efficiency and management, pesticide management, nutrient management, salinity management, sediment and erosion control (including stormwater management), and aquatic habitat protection to achieve compliance with this Order. In addition, Farm Plans must describe tile drain discharges and the management measures Dischargers have implemented or will implement to minimize impacts to water quality;~~

g.j. ~~Description and results of methods used to verify practice effectiveness and compliance with this Order (e.g. water quality sampling, discharge characterization, reductions in pollutant loading);~~

44.44. Dischargers must obtain appropriate farm water quality education and technical assistance necessary to achieve compliance with this Order. Education should focus on meeting water quality standards by identifying on-farm water quality problems, implementing pollution prevention strategies and implementing practices designed to protect water quality and resolve water quality problems to achieve compliance with this Order.

Other Provisions and Conditions-

45.45. Pursuant to Water Code section 13267(c), the Central Coast Water Board staff may investigate the property of persons subject to the Conditional Waiver to ascertain whether the purposes of the Porter-Cologne Water Quality Control At are being met and whether the conditions of the Conditional Waiver are being complied with. ~~or its authorized representatives may (a) enter upon the Discharger's premises where a regulated operation or activity is located or conducted; (b) inspect or photograph any operation or activity pertinent to this Order; (c) have access to and copy any records pertinent to this Order; and (d) sample or monitor to determine compliance with this Order.~~ The inspection shall be ~~may be~~ made with the consent of the owner or possessor of the facilities, 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 (commending with Section 1822.50). ~~Water Board inspections may also be made in cooperation with State of California Police or Department of Fish and Game Wardens.~~

46. Dischargers shall take all reasonable steps to prevent any discharge in violation of the Conditional Waiver.

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~~46.k. Pursuant to Water Code section 13267, the Executive Officer may require Dischargers to locate (inventory) and conduct sampling of private domestic wells in or near agricultural areas with high nitrate in groundwater and submit technical reports evaluating the sampling results. In addition, in compliance with Water Code section 13304, the Central Coast Water Board may require Dischargers to provide alternative water supplies or replacement water service, including wellhead treatment, to affected public water suppliers or private domestic well owners.~~

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47. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a "take" will result from any act authorized under this Order, the Dischargers must obtain authorization for an incidental take prior to taking action. Dischargers must be responsible for meeting all requirements of the applicable Endangered Species Act for the discharge authorized by this Order.

48. Dischargers must pay a fee to the State Water Resources Control Board in compliance with the fee schedule contained in Title 23 California Code of Regulations**.**

49. Dischargers must pay any relevant monitoring fees (e.g., Cooperative Monitoring Program) necessary to comply with monitoring and reporting conditions of this Order or comply with monitoring and reporting requirements individually.

Part D. Monitoring Conditions for All Dischargers- Tier 1, Tier 2, and Tier 3

50. Dischargers must comply with MRP Order No. R3-2011-0006, as ordered by the Executive Officer. Monitoring and reporting conditions are different for each tier, based on level of waste discharge and affect on water quality, or alternatively if a Discharger joins a third-party group or Coalition that meets the requirements specified in Attachment B of this Order. Attached to this Order are ~~three~~four specific MRPs, one for each tier, or one for Dischargers that join a third-party group or Coalition that meets the requirements specified in Attachment B of this Order:

    ~~a.~~ Tier 1 Dischargers must comply with monitoring and reporting conditions specified in MRP Order No. R3-2011-0006-01;

    ~~b.~~ Tier 2 Dischargers must comply with monitoring and reporting conditions specified in MRP Order No. R3-2011-0006-02;

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- ~~c.~~ Tier 3 Dischargers must comply with monitoring and reporting conditions specified in MRP Order No. R3-2011-0006-03;
- Dischargers that join a third-party group or Coalition that meets the requirements specified in Attachment B of this Order must comply with monitoring and reporting conditions specified in MRP Order No. R3-2011-0006-03.

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51. Tier 1, Tier 2, and Tier 3 Dischargers may ~~must~~ conduct groundwater sampling of private domestic drinking water and agricultural groundwater wells on their operations as part of their Farm Plan to evaluate groundwater conditions in agricultural areas. Groundwater sampling by Dischargers is voluntary and considered to part of the on-farm Farm Plan. Any monitoring results collected accordingly (voluntarily and as part of the Farm Plan) are not required to be submitted to the Central Coast Water Board and are no required to be made available to the public pursuant to Water Code section 13269(a)(2). ~~and reporting in compliance with MRP Order No. R3-2011-0006-01, MRP Order No. R3-2011-0006-02, and MRP Order No. 2011-0006-03 so that the Central Coast Water Board can evaluate groundwater conditions in agricultural areas, identify areas at greatest risk for waste discharge and nitrogen loading and exceedance of drinking water standards, and identify priority areas for nutrient management.~~

52. Tier 1, Tier 2, and Tier 3 Dischargers must conduct surface receiving water quality monitoring and reporting in compliance with MRP Order No. R3-2011-0006, MRP Order No. R3-2011-0006-02, ~~and~~ MRP Order No. 2011-0006-03, or MRP Order No. 2011-0006-04 either individually or through a cooperative monitoring program.

53. For Dischargers who choose to participate in a cooperative monitoring program, failure to pay cooperative monitoring program fees voids a selection or notification of the option to participate in a cooperative monitoring and hence requires individual monitoring report submittal per MRP Order No. R3-2011-0006, MRP Order No. R3-2011-0006-02, ~~and~~ MRP Order No. 2011-0006-03, or MRP Order No. 2011-0006-04.

Part E. Submittal of Technical Reports for All Dischargers- Tier 1, Tier 2, Tier 3

Notice of Intent (NOI) to Enroll under the Order for All Dischargers in Tier 1, Tier 2 and Tier 3

54. ~~Submittal of the electronic NOI is required pursuant to Water Code section 13260~~. Submittal of ~~all other~~ technical reports pursuant to this Order is required pursuant to Water Code section 13267. Failure to submit technical reports or the attachments in accordance with schedules established by this Order or MRP, or

failure to submit a complete technical report (i.e., of sufficient technical quality to be acceptable to the Executive Officer), may subject the Discharger to enforcement action pursuant to Water Code section~~s 13261,~~ 13268, or 13350. Dischargers must submit technical reports in the format specified by the Executive Officer.

55. Dischargers seeking authorization to discharge under this Order must submit a completed electronic NOI form to the Central Coast Water Board. Dischargers already enrolled in the 2004 Agricultural Order and who have submitted their NOI electronically are not required to submit a new NOI. Upon submittal of an accurate and complete electronic NOI, the Discharger is enrolled under the Order, unless otherwise informed by the Executive Officer.

    a. In the case where an operator may be operating for a period of less than 12 months, the landowner must submit the electronic NOI.

    b. **Within ~~30~~ 90 days** of the adoption of this Order, any Discharger who did not enroll in the 2004 Agricultural Order must submit an electronic NOI, unless otherwise directed by the Executive Officer.

    c. **Prior to any discharge or commencement of activities that may cause a discharge,** including land preparation prior to crop production, any Discharger proposing to control or own a new operation that has the potential to discharge waste that could directly or indirectly reach waters of the State and affect the quality of any surface water or groundwater must submit an electronic NOI.

    d. Dischargers must submit any updates to the electronic NOI by **October 1, 2012 and annually thereafter by October 1,** to reflect changes to operation or ranch/farm information.

    e. **Within 30 days**, in the event of a change in control or ownership of an operation or land presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner and operator of the existence of this Order by letter, and forward a copy of the letter to the Executive Officer.

    f. **Within 30 days** of acquiring control or ownership of an operation, any Discharger acquiring control or ownership of an existing operation must submit an electronic NOI.

56. Dischargers must submit all the information required in the electronic NOI form including, but not limited to, the following information:
    a. Identification of each property covered by enrollment,

b. Tier Classification and/or election to participate in a third-party group or coalition
c. Landowner(s),
d. Operator(s),
e. Contact information,
f. Option selected to comply with surface receiving water quality monitoring conditions (cooperative monitoring or individual),
g. Location of operation, including specific farm(s)/ranch(es),
h. Farm/ranch map with known discharge locations ~~and groundwater wells identified~~,
i. Total and irrigated acreage,
j. Crop type,
k. Irrigation type,
l. Discharge type,
m. Chemical use,
n. ~~Presence and location of any perennial, intermittent, or ephemeral streams or riparian or wetland area habitat.~~

57. Dischargers must submit a statement of understanding of the conditions of the Order and MRP signed by the Discharger (landowner or operator) with the electronic NOI form. If the operator signs and submits the electronic NOI, the operator must provide a copy of the completed NOI form to the landowner(s).

58. Dischargers must identify in the electronic NOI if they are a Tier 1, Tier 2, or Tier 3 Discharger, or indicate if the Discharger elects to participate in a third party group or coalition instead of complying with certain terms and conditions of the Order. If the Discharge identifies the Tier of their operation, then the Discharger must ~~and~~ provide complete and accurate information in the NOI that allows the Central Coast Water Board to confirm the appropriate tier. For Dischargers that identify the tier of their operation and who do not provide adequate information for the Water Board to confirm or determine the appropriate tier, the Executive Officer will place them in Tier 3.

59. Coverage under this Order is not transferable to any person except after submittal of an updated NOI and approval by the Executive Officer.

60. For Dischargers who do not enroll in the Order in a timely manner as specified in this Order, the Executive Officer may require submittal of an ROWD, and the Discharger may be subject to WDRs.

Notice of Termination (NOT) for All Dischargers

61. **Immediately**, if a Discharger wishes to terminate coverage under the Order, the Discharger must submit a completed Notice of Termination (NOT). Termination from coverage is the date specified in the NOT, unless specified otherwise. All discharges, as defined in Attachment A, must cease before the date of termination, and any discharges on or after the date of termination shall be considered in violation of the Order, unless covered by other waivers of WDRs, general WDRs, or individual WDRs cover the discharge. If a Discharger wishes to withdrawal from participation in a third-party group or coalition, the Discharger must submit a letter to the Central Coast Water Board indicating the Discharger's withdrawal from the third-party group or coalition. Withdrawal from participation in the third-party group or coalition is the date specified in the letter of withdrawal, unless specified otherwise. Upon withdrawal from a third party group or coalition, all of the other provisions of the Order that apply to individuals shall apply and the Discharger shall indicate in the letter of withdrawal what tier appropriately applies to the Discharger's operations.

Monitoring and General Technical Reports for All Dischargers

62. Dischargers must submit monitoring reports in compliance with MRP Order No. R3-2011-0006, electronically in a format specified by the Executive Officer.

63. Any laboratory data submitted to the Central Coast Water Board by Dischargers must be submitted by, or under the direction of, a State registered professional engineer, registered geologist, State certified laboratory or other similarly qualified professional. Surface water quality data must be submitted electronically, in a format that is compatible with the Central Coast Ambient Monitoring Program (CCAMP), the State's Surface Water Assessment Program (SWAMP) or as directed by the Executive Officer. ~~Groundwater quality data must be submitted in a format compatible with the electronic deliverable format (EDF) used by the State Water Board's Geotracker data management system, or as directed by the Executive Officer.~~

64. ~~Dischargers must submit technical reports that the Executive Officer may require to determine compliance with this Order as authorized by Water Code section 13267, electronically in a format specified by the Executive Officer.~~

65. If the Discharger asserts that all or a portion of a report submitted pursuant to this Order is subject to an exemption from public disclosure, the Discharger must provide an explanation of how those portions of the reports are exempt from public disclosure. Also, the Discharger must clearly indicate on the cover of the Report that the Discharger asserts that all or a portion of the report is exempt from public disclosure, submit a complete report with those portions that are asserted to be exempt in redacted form, submit separately-bound unredacted pages (to be maintained separately by staff). . The Central Coast Water

Board staff shall determine whether any such report or portion of a report qualifies for an exemption from public disclosure. If the Central Coast Water Board staff disagrees with the asserted exemption from public disclosure, the Central Coast Water Board staff shall notify the Discharger prior to making such report or portions of such report available for public inspection.

66. Dischargers or a representative authorized by the Discharger must sign technical reports submitted to comply with the Order. Any person signing a report submitted as required by this Order must make the following certification:

"In compliance with Water Code section *13267, I certify under penalty of perjury that this document and all attachments were prepared by me, or under my direction or supervision following a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. To the best of my knowledge and belief, this document and all attachments are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

Part F. Compliance with Additional Conditions of the Order by Participating in Third-party groups (e.g., watershed group or water quality coalition)

67. Within 90 days of adoption of this Order, or as otherwise allowed by this Order, Dischargers may indicate to the Central Coast Water Board their intent to join in a third-party group that meets the requirements specified in Attachment B. If a Discharger elects to join a third-party group that meets the requirements of Attachment B of this Order, than the additional conditions identified in Parts G and H below and other conditions specified for application to Tier 2 and/or Tier 3 Dischargers are no longer applicable. The general conditions that apply to all dischargers, Tier 1, Tier 2 and Tier 3 as expressed in Parts B, D and E continue to apply.

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Part G. Additional Conditions that Apply to Tier 2 and Tier 3 Dischargers

Annual Compliance Reporting for Tier 2 and Tier 3 Dischargers

67. By **October 1, 2012, and updated by October 1 annually thereafter**, Tier 2 and Tier 3 Dischargers must submit an Annual Compliance Form electronically, in a format specified by the Executive Officer that includes all the information requested, per MRP Order No. R3-2011-0006-02 and MRP Order No. R3-2011-0006-03, respectively. The purpose of the electronic Annual Compliance Form is to provide up-to-date information to the Central Coast Water Board to assist in the evaluation of affect on water quality from agricultural waste discharges and evaluate progress towards compliance with this Order, including implementation of

management practices, treatment or control measures, or changes in farming practices.

68. **By October 1, 2012**, Tier 2 and Tier 3 Dischargers must determine nitrate loading risk factor(s) in accordance with MRP Order No. R3-2011-0006-02 and MRP Order No. R3-2011-0006-03 and report the nitrate loading risk factors and overall Nitrate Loading Risk calculated for each ranch/farm or nitrate loading risk unit in the Annual Compliance Form, electronically (or in a format specified by the Executive Officer).

Photo Monitoring for Tier 2 and Tier 3 Dischargers with operations *adjacent to or containing* a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment

69. By **October 1, 2012,** and every four years thereafter, Tier 2 and Tier 3 Dischargers with operations adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment (identified in Table 1) must conduct photo monitoring per MRP Order No. R3-2011-0006-02 and MRP Order No. R3-2011-0006-03, respectively. Photo monitoring must document the condition of perennial, intermittent, or ephemeral streams and riparian and wetland area habitat, and demonstrate compliance with Basin Plan erosion and sedimentation requirements (see Part G. 77 of this Order), including the presence of bare soil vulnerable to erosion and relevant management practices and/or treatment and control measures implemented to address impairments. Photo documentation must be submitted electronically, in a format specified by the Executive Officer.

Total Nitrogen Reporting for Tier 2 and Tier 3 Dischargers with operations with High Nitrate Loading Risk

70. **By October 1, 2014 and by October 1 annually thereafter**, Tier 2 and Tier 3 Dischargers with High Nitrate Loading Risk must record and report total nitrogen in the Annual Compliance Form, electronically in a format specified by the Executive Officer, per MRP Order No. R3-2011-0006-02 and MRP Order No. R3-2011-0006-03, respectively.

71. As an alternative to reporting total nitrogen in the electronic Annual Compliance Form, Tier 2 and Tier 3 Dischargers with High Nitrate Loading Risk may propose an individual discharge groundwater monitoring and reporting program (GMRP) plan for approval by the Executive Officer. The GMRP plan must evaluate waste discharge to groundwater from each ranch/farm or nitrate loading risk unit with a High Nitrate Loading Risk.

Part HG. Additional Conditions that Apply to Tier 3 Dischargers

72. **By October 1, 2011,** Tier 3 Dischargers must conduct individual surface water discharge monitoring per MRP Order No. R3-2011-0006-03.

73. **By October 1, 2013** and annually thereafter, Tier 3 Dischargers must submit individual surface water discharge monitoring data and reports per MRP Order No. R3-2011-0006-03, electronically, in a format specified by the Executive Officer..

Irrigation and Nutrient Management Plan for Tier 3 Dischargers with High Nitrate Loading Risk

74. **By October 1, 2013,** Tier 3 Dischargers with a High Nitrate Loading Risk must determine the typical crop nitrogen uptake for each crop type produced and report the basis for the determination (e.g., developed by commodity or industry group, published agronomic literature, research trials, site specific analysis of dry biomass of crop for the nitrogen concentration) per MRP Order No. R3-2011-0006-03.

75. **By October 1, 2013**, Tier 3 Dischargers with High Nitrate Loading Risk must develop and initiate implementation of an Irrigation and Nutrient Management Plan (INMP) certified by a Professional Soil Scientist, Professional Agronomist, or Crop Advisor certified by the American Society of Agronomy, or similarly qualified professional, per MRP Order No. R3-2011-0006-03.

76. As an alternative to the development and implementation of an INMP, Tier 3 Dischargers with High Nitrate Loading Risk may propose an individual discharge groundwater monitoring and reporting program (GMRP) plan for approval by the Executive Officer. The GMRP plan must evaluate waste discharge to groundwater from each ranch/farm or nitrate loading risk unit and assess if the waste discharge is of sufficient quality that it will not cause or contribute to exceedances of any nitrate water quality standards in groundwater.

77. **By October 1, 2014 and annually thereafter,** Tier 3 Dischargers with High Nitrate Loading Risk must report specific INMP elements in the Annual Compliance Form per MRP Order No. R3-2011-0006-03, electronically in a format specified by the Executive Officer.

78. **By October 1, 2014,** Tier 3 Dischargers with High Nitrate Loading Risk must meet the following Nitrogen Balance ratio targets or implement an alternative to demonstrate an equivalent nitrogen load reduction. The Nitrogen Balance ratio refers to the total number of nitrogen units applied to the crop (considering all sources of nitrogen) relative to the typical nitrogen uptake value of the crop (crop

need to grow and produce, amount removed at harvest plus the amount remaining in the system as biomass).

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). A target of one (1) allows a Discharger to apply 100% of the amount of nitrogen required by the crop to grow and produce yield for every crop in the rotation. (Nitrogen applied includes any product, form or concentration, including but not limited to, organic and inorganic fertilizers, slow release products, compost, compost teas, manure, extracts, nitrogen present in the soil and nitrate in irrigation water.)

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. A target of 1.2 allows a Discharger to apply 120% of the amount of nitrogen required by the crop to grow and produce a yield.

c. Beyond three years, Dischargers must demonstrate improved irrigation and nutrient management efficiency, improved Nitrogen Balance ratios, and reduced nitrate loading to groundwater. After three years, the Nitrogen Balance ratio must compare the total amount of nitrogen applied to the crop against the total nitrogen removed at harvest, rather than the typical nitrogen crop uptake, to accurately calculate the nitrogen remaining and available to the crop or that could load to groundwater.

79. **By October 1, 2015,** Tier 3 Dischargers with High Nitrate Loading Risk must verify the overall effectiveness of the INMP in protecting groundwater quality and achieving water quality standards for nitrate per MRP Order No. R3-2011-0006-03. Dischargers must identify the methods used to verify effectiveness and include the results as a report with the Annual Compliance Form, submitted electronically in a format specified by the Executive Officer.

Water Quality Buffer Plan for Tier 3 Dischargers with operations adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment

80. **By October 1, 2015,** Tier 3 Dischargers with operations adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment (see Table 1) must develop a Water Quality Buffer Plan per MRP Order No. R3-2011-0006-03 that protects the listed waterbody and its associated perennial and intermittent tributaries, including adjacent wetlands as defined by the Clean Water Act. Dischargers must submit the Water Quality Buffer Plan as a report with the Annual Compliance Form,

submitted electronically in a format specified by the Executive Officer. The purpose of the Water Quality Buffer Plan is to control discharges of waste that cause or contribute to exceedances of water quality standards in waters of the State or United States in compliance with this Order and the following Basin Plan requirement:

a. Basin Plan (Chapter 5, p. V-13, Section V.G.4 – Erosion and Sedimentation, *"A filter strip of appropriate width, and consisting of undisturbed soil and riparian vegetation or its equivalent, shall be maintained, wherever possible, between significant land disturbance activities and watercourses, lakes, bays, estuaries, marshes, and other water bodies. For construction activities, minimum width of the filter strip shall be thirty feet, wherever possible. .."*

b. As an alternative to the development and implementation of a Water Quality Buffer Plan, Tier 3 Dischargers may submit evidence to the Executive Officer to demonstrate that any discharge of waste is sufficiently treated or controlled such that is of sufficient quality where it will not cause or contribute to exceedances of water quality standards in waters of the State or of the United States.

81. Tier 3 Dischargers with operations adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment must implement the Water Quality Buffer Plan immediately upon submittal, unless the plan requests a time extension that is approved by the Executive Officer. If the Executive Officer determines the Water Quality Buffer Plan is not in compliance with this Order, the Executive Officer will notify the Discharger and the Discharger must make necessary modifications accordingly.

Part IH. TIME SCHEDULE

82. Time schedules for compliance with conditions are identified in Conditions 84 – 87, and described in Table 2 (all Dischargers), and Table 3 (Tier 2 and Tier 3 Dischargers), and Table 5 for Dischargers that have elected to participate in a third party group that meets the requirements set forth in Attachment B. Milestones are identified in Table 4. Dischargers, or applicable third party groups, must comply with Order Conditions by dates specified in Tables 2, and 3 and 5 as applicable in accordance with the associated MRP. The Water Board will consider the following information in determining compliance with this Order:
    a) compliance with the time schedules;
    b) effectiveness of management practice implementation;
    c) effectiveness of treatment or control measures (including local and regional treatment strategies);

~~d) results of individual discharge monitoring (Tier 3);~~
e) results of surface receiving water monitoring ~~downstream of the point where the individual discharge enters the receiving water body;~~
f) other information obtained by Water Board staff during inspections at operations or submitted in response to Executive Officer orders;

83. The Executive Officer may require additional monitoring and reporting ~~as authorized by~~ in accordance with Water Code section 13267 in cases where Dischargers fail to demonstrate adequate progress towards compliance as indicated by milestones and compliance with other Conditions of the Order. Dischargers have the right to challenge any order issued by the Executive officer for additional monitoring in accordance with Water Code section 13320.

84. **By October 1, 2013**, Tier 3 Dischargers must effectively control individual waste discharges of pesticides and toxic substances to waters of the State and of the United States. Dischargers electing to participate in a third-party group as allowed in Part F of this Order are not considered to be Tier 3 Dischargers subject to this provision even if the operation meets the criteria for Tier 3 as indicated in Part A of this Order.

85. **By October 1, 2014**, Tier 3 Dischargers must effectively control individual waste discharges of sediment and turbidity to surface waters of the State or of the United States. Dischargers electing to participate in a third-party group as allowed in Part F of this Order are not considered to be Tier 3 Dischargers subject to this provision even if the operation meets the criteria for Tier 3 as indicated in Part A of this Order.

86. **By October 1, 2015**, Tier 3 Dischargers must effectively control individual waste discharges of nutrients to surface waters of the State or of the United States. Dischargers electing to participate in a third-party group as allowed in Part F of this Order are not considered to be Tier 3 Dischargers subject to this provision even if the operation meets the criteria for Tier 3 as indicated in Part A of this Order.

87. **By October 1, 2015,** Tier 3 Dischargers must effectively control individual waste discharges of nitrate to groundwater. Dischargers electing to participate in a third-party group as allowed in Part F of this Order are not considered to be Tier 3 Dischargers subject to this provision even if the operation meets the criteria for Tier 3 as indicated in Part A of this Order.

88. This Order becomes effective on ~~17 March 2011 and expires on 16 March 2016~~ unless rescinded or renewed by the Central Coast Water Board.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order and Attachments adopted by the California Regional Water Quality Control Board, Central Coast Region, on ~~17 March 2011~~.

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Roger W. Briggs
Executive Officer

Table 1. 2010 Clean Water Act Section 303(d) List of Impaired Waterbodies Impaired for Toxicity, Pesticides, Nutrients, Temperature, Turbidity, or Sediment

Waterbody Name	Impairment(s)[1]
Alisal Creek (Monterey Co.)[3]	Toxicity, Nutrients
Aptos Creek[2]	Sediment
Arana Gulch[3]	Pesticides
Arroyo Paredon[3]	Toxicity, Pesticides, Nutrients
Beach Road Ditch[2]	Nutrients, Turbidity
Bean Creek[2]	Sediment
Bear Creek (Santa Cruz Co.)[2]	Sediment
Bell Creek (Santa Barbara Co.)[3]	Toxicity, Nutrients
Blanco Drain[2,3]	Pesticides, Nutrients, Turbidity
Blosser Channel	Toxicity, Nutrients
Boulder Creek[2]	Sediment
Bradley Canyon Creek[2,3]	Toxicity, Nutrients, Turbidity
Bradley Channel[3]	Toxicity, Pesticides, Nutrients
Branciforte Creek[2,3]	Pesticides, Sediment
Carbonera Creek[2]	Nutrients, Sediment
Carnadero Creek	Nutrients, Turbidity
Carneros Creek (Monterey Co.)[2]	Nutrients, Turbidity
Carpinteria Creek[3]	Pesticides
Carpinteria Marsh (El Estero Marsh)	Nutrients
Casmalia Canyon Creek[2]	Sediment
Chorro Creek[2]	Nutrients, Sediment
Chualar Creek[2,3]	Toxicity, Pesticides, Nutrients, Turbidity, Temperature
Corralitos Creek[2]	Turbidity
Elkhorn Slough[2,3]	Pesticides, Sediment
Esperanza Creek	Nutrients
Espinosa Lake[3]	Pesticides
Espinosa Slough[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Fall Creek[2]	Sediment
Franklin Creek (Santa Barbara Co.)[3]	Pesticides, Nutrients
Furlong Creek[2,3]	Pesticides, Nutrients, Turbidity
Gabilan Creek[2,3]	Toxicity, Nutrients, Turbidity
Glen Annie Canyon[3]	Toxicity, Nutrients

Greene Valley Creek (Santa Barbara Co.) [2,3]	Toxicity, Pesticides, Nutrients, Turbidity, Temperature
Kings Creek[2]	Sediment
Little Oso Flaco Creek[3]	Toxicity, Nutrients
Llagas Creek (below Chesbro Reservoir) [2,3]	Pesticides, Nutrients, Sediment, Turbidity
Lompico Creek[2]	Nutrients, Sediment
Los Berros Creek	Nutrients
Los Carneros Creek	Nutrients
Los Osos Creek[2]	Nutrients, Sediment
Love Creek[2]	Sediment
Main Street Canal[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
McGowan Ditch	Nutrients
Merrit Ditch[2,3]	Toxicity, Nutrients, Turbidity
Millers Canal[2,3]	Pesticides, Turbidity, Temperature
Mission Creek (Santa Barbara Co.)[3]	Toxicity
Monterey Harbor[3]	Toxicity
Moro Cojo Slough[2,3]	Pesticides, Nutrients, Sediment
Morro Bay[2]	Sediment
Moss Landing Harbor[2,3]	Toxicity, Pesticides, Sediment
Mountain Charlie Gulch[2]	Sediment
Natividad Creek[2,3]	Toxicity, Nutrients, Turbidity, Temperature
Newell Creek (Upper) [2]	Sediment
Nipomo Creek[3]	Toxicity, Nutrients
North Main Street Channel	Nutrients
Old Salinas River Estuary[3]	Pesticides, Nutrients
Old Salinas River[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Orcutt Creek[2,3]	Toxicity, Pesticides, Nutrients, Turbidity, Temperature
Oso Flaco Creek[3]	Toxicity, Nutrients
Oso Flaco Lake[3]	Pesticides, Nutrients
Pacheco Creek[2]	Turbidity
Pacific Ocean (Point Ano Nuevo to Soquel Point)[3]	Pesticides
Pajaro River[2,3]	Pesticides, Nutrients, Sediment, Turbidity
Prefumo Creek[2]	Nutrients, Turbidity
Quail Creek[2,3]	Toxicity, Pesticides, Nutrients, Turbidity, Temperature
Rider Creek[2]	Sediment
Rincon Creek[2,3]	Toxicity, Turbidity

Rodeo Creek Gulch[2]	Turbidity
Salinas Reclamation Canal[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Salinas River (lower, estuary to near Gonzales Rd crossing, watersheds 30910 and 30920) [2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Salinas River (middle, near Gonzales Rd crossing to confluence with Nacimiento River) [2,3]	Toxicity, Pesticides, Turbidity, Temperature
Salinas River Lagoon (North) [3]	Pesticides, Nutrients
Salinas River Refuge Lagoon (South) [2]	Turbidity
Salsipuedes Creek (Santa Cruz Co.) [2]	Turbidity
San Antonio Creek (below Rancho del las Flores Bridge at Hwy 135) [3]	Pesticides, Nutrients
San Benito River[2,3]	Toxicity, Sediment
San Juan Creek (San Benito Co.) [2,3]	Toxicity, Nutrients, Turbidity
San Lorenzo River[2,3]	Pesticides, Nutrients, Sediment
San Luis Obispo Creek (below Osos St.) [3]	Pesticides, Nutrients
San Simeon Creek	Nutrients
San Vicente Creek (Santa Cruz Co.) [2]	Sediment
Santa Maria River[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Santa Rita Creek (Monterey Co.) [2]	Nutrients, Turbidity
Santa Ynez River (below city of Lompoc to Ocean)[2]	Nutrients, Sediment, Temperature
Santa Ynez River (Cachuma Lake to below city of Lompoc)	Sediment, Temperature
Schwan Lake	Nutrients
Shingle Mill Creek[2]	Nutrients, Sediment
Shuman Canyon Creek[2]	Sediment
Soda Lake	Nutrients
Soquel Creek[2]	Turbidity
Soquel Lagoon[2]	Sediment
Tembladero Slough[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Tequisquita Slough[2]	Turbidity
Uvas Creek (below Uvas Reservoir) [2]	Turbidity
Valencia Creek[2]	Sediment
Warden Creek	Nutrients
Watsonville Creek	Nutrients
Watsonville Slough[2,3]	Pesticides, Turbidity
Zayante Creek[2,3]	Pesticides, Sediment

[1]Dischargers with operations located within 1000 feet of a surface waterbody listed for toxicity, pesticides, nutrients, turbidity or sediment on the 2010 List of Impaired Waterbodies are included as Tier 2 or Tier 3;

[2]Tier 2 and Tier 3 Dischargers with operations adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment must conduct photo monitoring, and Tier 3 Dischargers must also implement a Water Quality Buffer Plan.
[3]Dischargers who apply chemicals known to cause toxicity to surface water to an operation that discharges to a waterbody on the 2010 303(d) List of Impaired Waterbodies for toxicity or pesticides must meet conditions in this Order for Tier 3.

Table 2. Time Schedule for Compliance with Conditions for All Dischargers (Tier 1, Tier 2, and Tier 3)

CONDITIONS	COMPLIANCE DATE[1]
Submit Notice of Intent (NOI)	Within ~~30~~90 days of adoption of Order or Within 30 days acquiring ownership/ control, and prior to any discharge or commencement of activities that may cause discharge.
Submit Update to NOI	Within ~~30~~90 days, upon adoption of Order and upon change
Submit Notice of Termination	Immediately, when applicable
Submit Notice of Withdrawal from Third Party Group	Immediately, when applicable
Submit Monitoring Reports per MRP	Per date in MRP
Implement, and update as necessary, management practices to achieve compliance with this Order.	Ongoing
~~Protect existing aquatic habitat to prevent discharge of waste~~	~~Immediately~~
Submit surface receiving water quality monitoring annual report	Within one year, and annually thereafter by January 1
Develop/update and implement Farm Plan	October 1, 2012
Install and maintain adequate backflow prevention devices.	October 1, 2012
~~Submit groundwater sampling results and information~~	~~October 1, 2013~~
Properly destroy abandoned groundwater wells.	October 1, 2015

Table 3. Additional Time Schedule for Compliance with Conditions for Tier 2 and Tier 3 Dischargers Not Electing To Participate In A Coalition

CONDITIONS	COMPLIANCE DATE
Tier 2 and Tier 3:	
Submit electronic Annual Compliance Form	October 1, 2012, and updated annually thereafter by October 1.
Submit photo documentation of riparian or wetland area habitat (if operation contains or is adjacent to a waterbody impaired for temperature, turbidity, or sediment)	October 1, 2012, and every four years thereafter by October 1.
Calculate Nitrate Loading Risk level and report in electronic Annual Compliance Form	October 1, 2012, and annually thereafter by October 1.
Submit total nitrogen applied in electronic Annual Compliance Form (if discharge has High Nitrate Loading Risk)	October 1, 2014, and annually thereafter by October 1.
Only Tier 3:	
Initiate individual surface water discharge monitoring	October 1, 2011
Determine Crop Nitrogen Uptake (if discharge has High Nitrate Loading Risk)	October 1, 2012
Submit individual surface water discharge monitoring data	October 1, 2013 and annually thereafter by October 1
Develop Irrigation and Nutrient Management Plan (INMP) or alternative (if discharge has High Nitrate Loading Risk)	October 1, 2013
Submit INMP elements in electronic Annual Compliance Form (if discharge has High Nitrate Loading Risk)	October 1, 2014, and annually thereafter by October 1
Achieve Nitrogen Balance Ratio target equal to one (1) for crops in annual rotation (e.g. cool season vegetables) or alternative, (if discharge has High Nitrate Loading Risk)	October 1, 2014
Achieve Nitrogen Balance Ratio target equal to 1.2 for annual crops occupying the ground for the entire year (e.g. strawberries or raspberries) or alternative, (if discharge has High Nitrate Loading Risk)	
Submit Water Quality Buffer Plan or alternative (if operation contains or is adjacent to a waterbody impaired for temperature, turbidity, or sediment)	October 1, 2015
Submit INMP Effectiveness Report (if discharge has High Nitrate Loading Risk)	October 1, 2015

Table 4. Time Schedule for Milestones

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MILESTONES[1]	DATE
Tier 1, Tier 2 and Tier 3:	
Measurable progress towards water quality standards in waters of the State or of the United States[1], or	Ongoing
~~Water quality standards met in waters of the State or of the United States.~~	~~October 1, 2015~~
Only Tier 3:	
Pesticide and Toxic Substances Waste Discharges to Surface Water	
- One of two individual surface water discharge monitoring samples is not toxic	*October 1, 2012*
- Two of two individual surface water discharge monitoring samples are not toxic	*October 1, 2013*
Sediment and Turbidity Waste Discharges to Surface Water	
- Four individual surface water discharge monitoring samples are collected and analyzed for turbidity.	*October 1, 2012*
- 75% reduction in turbidity or sediment load in individual surface water discharge relative to October 1, 2012 load (or meet water quality standards for turbidity or sediment in individual surface water discharge)	*October 1, 2013*
Nutrient Waste Discharges to Surface Water	
- Four individual surface water discharge monitoring samples are collected and analyzed	*October 1, 2012*
- 50% load reduction in nutrients in individual surface water discharge relative to October 1, 2012 load (or meet water quality standards for nutrients in individual discharge)	*October 1, 2013*

- 75% load reduction in nutrients in individual surface water discharge relative to October 1, 2012 load (or meet water quality standards for nutrients in individual surface water discharge)	*October 1, 2014*
Nitrate Waste Discharges to Groundwater *- Achieve annual reduction in nitrogen loading to groundwater based on Irrigation and Nutrient Management Plan effectiveness and load evaluation*	*October 1, 2013 and annually thereafter*

[1] Indicators of progress towards milestones includes, but is not limited to data and information related to a) management practice implementation and effectiveness, b) treatment or control measures, c) individual discharge monitoring results, d) receiving water monitoring results, and e) related reporting.

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