

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF JANUARY 31, 2013

Prepared on January 22, 2013

ITEM NUMBER: 9

SUBJECT: Proposed Total Maximum Daily Loads (TMDLs) for Nitrogen Compounds and Orthophosphate in Lower Salinas River and Reclamation Canal Basin and the Moro Cojo Slough Subwatershed

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**DISCUSSION**

This supplemental sheet presents proposed changes to two sections of the proposed basin plan amendment found in Attachment 1 of the Staff Report (proposed Resolution No. R3-2013-0008). The purpose of these changes is to improve clarity, achieve economy of language, and to provide for consistency with the identified implementing regulatory mechanisms.

Proposed changes under the heading "DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS" and "*Monitoring*" are recommended in response to stakeholder feedback about improving clarity related to how this TMDL plan is implemented by the Agricultural Order.

Proposed changes under and including the heading "NON-REGULATORY INTERIM GOALS" are recommended for clarification related to how this TMDL plan will rely on the Stormwater permits and the Agricultural Order to determine interim indicators of progress.

**PROPOSED CHANGES**

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**Proposed Changes to the Section of the Proposed Basin Plan Amendment Entitled "DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS" (page 14-15 of Attachment 1 of the Staff Report)**

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These changes are recommended in response to stakeholder feedback about improving clarity related to how this TMDL plan is implemented by the Agricultural Order.

These changes are presented below in this supplemental sheet in two ways:

1. A **mark up** version of the proposed revision basin plan amendment language (strike-outs represents deletions; underlined text represented additions)
2. A **clean** version of the proposed revisions to the basin plan amendment language.

DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS (Mark up version):

~~The Conditional Waiver of Waste Discharge Requirements for Irrigated Lands (Order R3-2012-0011) requires dischargers from irrigated lands to implement practices to achieve water quality objectives. Executive Officer Order R3-2012-0011 (Agricultural Order) also requires dischargers to~~

~~implement Monitoring and Reporting Programs in accordance with Orders R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03. The requirements in these orders, and their renewals or replacements in the future, will implement the TMDLs and rectify the impairments addressed in this TMDL. Implementing parties will comply with the Agricultural Order, and if/where appropriate, consistent with the current Agricultural Order, renewals or replacements of the Agricultural Order, and this TMDL.~~

Implementing parties will comply with the Conditional Waiver of Waste Discharge Requirements for Irrigated Lands (Order R3-2012-0011) and the Monitoring and Reporting Programs in accordance with Orders R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03 to meet load allocations and achieve the TMDL.

~~Note that the current Agricultural Order requires dischargers to comply with applicable TMDLs. If the Agricultural Order did not provide the necessary requirements to implement this TMDL, staff would propose modifications of the Agricultural Order in order to achieve this TMDL. Staff has concluded that the current Agricultural Order provides the requirements necessary to implement this TMDL. Therefore, no new requirements are proposed as part of this TMDL.~~

~~Note that the Agricultural Order states that compliance is determined by 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. The Agricultural Order also requires that dischargers comply by implementing and improving management practices and complying with the other conditions, including monitoring and reporting requirements, which is consistent with the Nonpoint Source Pollution Control Program (NPS Policy, 2004). Finally, the Agricultural Order states that dischargers shall implement management practices, as necessary, to improve and protect water quality and to achieve compliance with applicable water quality objectives. Therefore, compliance with this TMDL is demonstrated through compliance with the Agricultural Order, which provides several avenues for demonstrating compliance, including management practices that improve water quality that lead to ultimate achievement of water quality objectives.~~

~~Consistent with the Agricultural Order, owners/operators of irrigated lands in the TMDL project area should implement management measures as identified:~~

Current requirements in the Agricultural Order that will achieve the load allocations include:

- ~~a. Implement, and update as necessary, management practices to reduce nutrient loading. achieve compliance with the Agricultural Order and to make progress towards achieving Load Allocations.~~
- ~~b. Maintain existing, naturally occurring, riparian vegetative cover in aquatic habitat areas. to prevent/mitigate nutrient loading to receiving waters.~~
- ~~c. Develop/update and implement Farm Plans.~~
- ~~d. Properly destroy abandoned groundwater wells.~~
- ~~e. Develop, and initiate implementation of an Irrigation and Nutrient Management Plan (INMP) or alternative certified by a Professional Soil Scientist, Professional Agronomist, or Crop Advisor certified by the American Society of Agronomy, or similarly qualified professional.~~

#### *Monitoring*

~~In accordance with the Agricultural Order, owners Owners and operators of irrigated agricultural lands will perform monitoring and reporting in accordance with Monitoring and Reporting Program~~

Orders R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, as applicable to the operation.

The monitoring and reporting requirements should include requirements to:

- ~~1. Submit a Sampling and Analysis Plan and Quality Assurance Plan for approval by the Executive Officer. The plan should include a description of impaired waters subject to agricultural discharges, identification of applicable TMDLs, monitoring parameters including nutrients, monitoring frequency and locations.~~

#### DISCHARGES FROM IRRIGATED AGRICULTURAL LANDS (Clean revised version):

Implementing parties must comply with the Conditional Waiver of Waste Discharge Requirements for Irrigated Lands (Order R3-2012-0011) and the Monitoring and Reporting Programs in accordance with Orders R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03., or its renewals or replacements to meet load allocations and achieve the TMDL. The requirements in these orders, and their renewals or replacements in the future, will implement the TMDLs and rectify the impairments addressed in this TMDL.

Current requirements in the Agricultural Order that will achieve the load allocations include:

- a. Implement, and update as necessary, management practices to reduce nutrient loading.
- b. Maintain existing, naturally occurring, riparian vegetative cover in aquatic habitat areas.
- c. Develop/update and implement Farm Plans.
- d. Properly destroy abandoned groundwater wells.
- e. Develop, and initiate implementation of an Irrigation and Nutrient Management Plan (INMP) or alternative certified by a Professional Soil Scientist, Professional Agronomist, or Crop Advisor certified by the American Society of Agronomy, or similarly qualified professional.

#### *Monitoring*

Owners and operators of irrigated agricultural lands must perform monitoring and reporting in accordance with Monitoring and Reporting Program Orders R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, as applicable to the operation.

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#### **Proposed Changes to the Section of the Proposed Basin Plan Amendment Entitled “NON-REGULATORY INTERIM GOALS” (page 17-18 of Attachment 1 of the Staff Report)**

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This entire section is recommended for deletion because the the language is duplicative and may be interpreted as inconsistent with the MS4 permits or the Agricultural Order. The deleted language is represented by strike-out below.

#### ~~NON-REGULATORY INTERIM GOALS~~

~~The goal date to achieve the TMDLs is 30 years from the date of TMDL approval by the Office of Administrative Law. Implementing parties must demonstrate progress towards achieving their waste load or load allocations. Interim goals are a tool to gauge progress during the 30-year implementation phase. Interim goals are not waste load allocations or load allocations, and are not enforceable water quality standards. MS4 implementing parties may develop and propose interim goals as part of their WAAP as demonstration of progress. Future assessments of progress towards goals should be measured against a selected baseline of recent or current water quality information which can be determined with the input of stakeholders, resource professionals, and/or~~

~~others. While there is already a well-defined permitting process to obtain feedback from MS4 entities, it is incumbent on water board staff to obtain the input of agricultural representatives as to feasible interim goals and identification of a credible baseline standard of measurement, prior to defaulting to the identified non-regulatory interim goals.~~

~~If implementing parties choose not to develop and propose interim goals, the following interim goals are expected as demonstration of progress towards achieving waste load allocations and load allocations:~~

~~Interim goals for achieving the MUN nitrate standard and unionized ammonia standard within 12 years:~~

- ~~● 25% percent progress toward achieving load allocation within 3 years following the effective date of the TMDL;~~
- ~~● 50% percent progress toward achieving load allocation within 6 years following the effective date of the TMDL;~~
- ~~● 75% percent progress toward achieving load allocation within 9 years following the effective date of the TMDL;~~
- ~~● 100% percent progress toward achieving load allocation within 12 years following the effective date of the TMDL.~~

~~Interim goal for achieving the wet season biostimulatory goal based allocation within 20 years:~~

- ~~● 25% percent progress toward achieving load allocation within 5 years following the effective date of the TMDL;~~
- ~~● 50% percent progress toward achieving load allocation within 10 years following the effective date of the TMDL;~~
- ~~● 75% percent progress toward achieving load allocation within 15 years following the effective date of the TMDL;~~
- ~~● 100% percent progress toward achieving load allocation within 20 years following the effective date of the TMDL.~~

~~Interim goal for achieving the dry season biostimulatory goal based allocation within 30 year:~~

- ~~● 25% percent progress toward achieving load allocation within 7 years following the effective date of the TMDL;~~
- ~~● 50% percent progress toward achieving load allocation within 15 years following the effective date of the TMDL;~~
- ~~● 75% percent progress toward achieving load allocation within 22 years following the effective date of the TMDL.~~
- ~~● 100% percent progress toward achieving load allocation within 30 years following the effective date of the TMDL.~~

~~Recognizing there are uncertainties including, but not limited to, extreme inter-annual variability in pollutant loading to surface waters based on climatic conditions, flows, land use and water management practices, etc., measures of implementation progress towards the aforementioned interim goals will not necessarily be limited to water column concentration-based metrics and/or time-weighted average concentrations of water column pollutants. Other metrics that can provide insight on interim progress to reduce nutrient pollution may be utilized, for example assessments of mass-based load reductions; flow-weighted concentrations; estimates of the percent/scope/degree of implementation of management practices capable of ultimately achieving load allocations; improvements in receiving water nutrient-response indicators (i.e., dissolved oxygen, chlorophyll *a*, microcystins) etc. In addition, while the waste load and load allocations are based on the MUN~~

~~water quality standard of 10 mg/L, or biostimulatory numeric criteria, restoration of the AGR beneficial use (based on the 30 mg/L nitrate-N Basin Plan guideline value) during TMDL implementation can be used as an indication of interim progress.~~