



Presented by:

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COMMON GOALS

- 1) Adopt reasonable waste discharge requirements that protect water quality, or that lead to significant improvements in existing water quality**
- 2) Maintain economic viability of Central Coast Agriculture**
- 3) Ensure transparency and accountability**
- 4) Comply with existing laws & policies**

KEYS FOR SUCCESS

Bridge the gap between theoretical laws & policies and the realities of Central Coast farming



2. Apply requirements in phases and based on priorities

3. Incorporate Incentives for Implementing Protective Practices

4. Be clear on Water Board's Roles and Responsibilities

OUTLINE OF PRESENTATION

- **Necessary Critical Analyses - Tess**
- **Comments on Updated Options - Tess**
- **Overview of Ag Proposal**
 - **Surface Water Program – Abby**
 - **Groundwater Program – Abby**
 - **Sediment & Erosion Control – Norm**
 - **Limited Third Party Role – Norm**
 - **Education & Outreach - Claire**

CRITICAL ANALYSES NECESSARY FOR WATER BOARD DECISION

Costs & Economic Impacts

- High land values
- High labor costs
- Food safety costs
- Multi-cropping patterns
- Impact of limiting pounds per acre of nitrogen
- Impact of riparian set backs
- Impact of limiting legal products to control pests
- Reporting
- Monitoring

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Practical Implications & Environmental Impacts

- Will limits result in projected improvements to water quality?
- If agriculture ceased, would timing for groundwater improvements change?
- Will unrealistic discharge and application limits result in losses of agricultural land?
- How does the Water Board enforce compliance with an application limit?

Mandated Factors that Must Be Considered

- Beneficial Uses
- WQOs reasonably required for protecting beneficial uses
- Non agricultural discharges
- Prevention of nuisance
- Environmental characteristics
- Conditions that are reasonably achieved
- Economics
- Housing & recycled water

March 20-21, 2019

SAFE DRINKING WATER EFFORTS SHOULD CONTINUE ON THEIR OWN PATHWAYS

- Individual grower efforts for on farm domestic wells
- Legislative efforts
- Salinas Basin Agricultural Stewardship Group
- Bond Funds
- Voluntary Efforts
- Grants



CONCERN #1 WITH UPDATED OPTION

Concerns:

Fails to Comply with ESJ Order

- Limits are not supported
- Not a multi-year target value
- Need research & modeling re: loading

No evidence provided to support limit

- Fails to consider other factors
 - Climate
 - Recharge
 - Soil conditions
 - Aquifer conditions

Impracticability of Compliance

- May not be economically sustainable
- May not change environmental conditions

CONCERN #2 WITH UPDATED OPTION

Concerns

Lack of Legal Authority

- Use of nitrogen fertilizers is not illegal
- Not a discharge of waste
- Lack of connection between amount applied & potential discharge
- Unchallenged provisions in previous orders does not equal legality

Lack of Information Regarding Crop Specific Values

- What values?
- Who determines validity and efficacy?

Lack of Supporting Evidence

- No references provided

CONCERN #3 WITH UPDATED OPTION

Concerns

Receiving Water & Discharge Limits

- Need properly adopted Water Quality Objectives
- Lack of clarity regarding Nitrate limit
- State Board Biostimulatory Policy in process
- Need to consider practicability of compliance

Application Limit

- Application of fertilizers is not illegal
- No authority to limit use of legal product

Non-TMDL Areas

- Lack of specificity
- Lack of rationale for 2027

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March 20-21, 2019

9

CONCERN #4 WITH UPDATED OPTION

Concerns	
Receiving Water & Discharge Limits	<ul style="list-style-type: none"> • Lack of properly adopted Water Quality Objectives • Attachment 7 improperly turns some TMDL targets into Load Allocations <ul style="list-style-type: none"> • E.g., Salinas & Santa Maria Pyrethroid TMDLs • Groundwater receiving water limits are based on different objectives
Non-TMDL Areas	<ul style="list-style-type: none"> • Lack of properly adopted Water Quality Objectives • Arbitrary compliance date of 2023 & 2027
Lack of Supporting Evidence	<ul style="list-style-type: none"> • No references provided (other than for TMDLs)

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March 20-21, 2019

10

CONCERN #5 WITH UPDATED OPTION

Concerns

Lack of Legal Authority

- Lack of nexus between setbacks and discharges of waste to waters of the state
- Use of setbacks is a management practice – not a discharge requirement

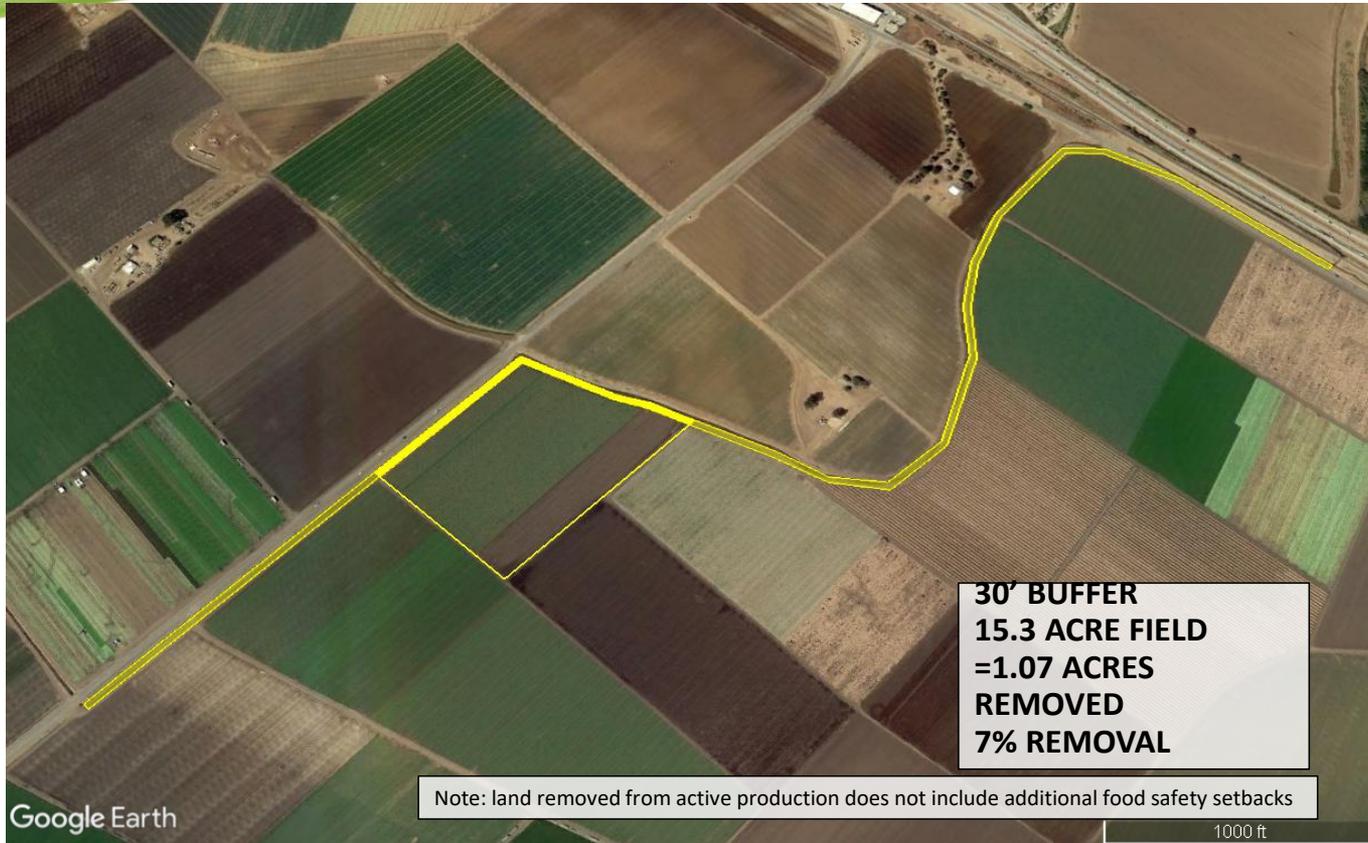
Impractical Application of Classification System

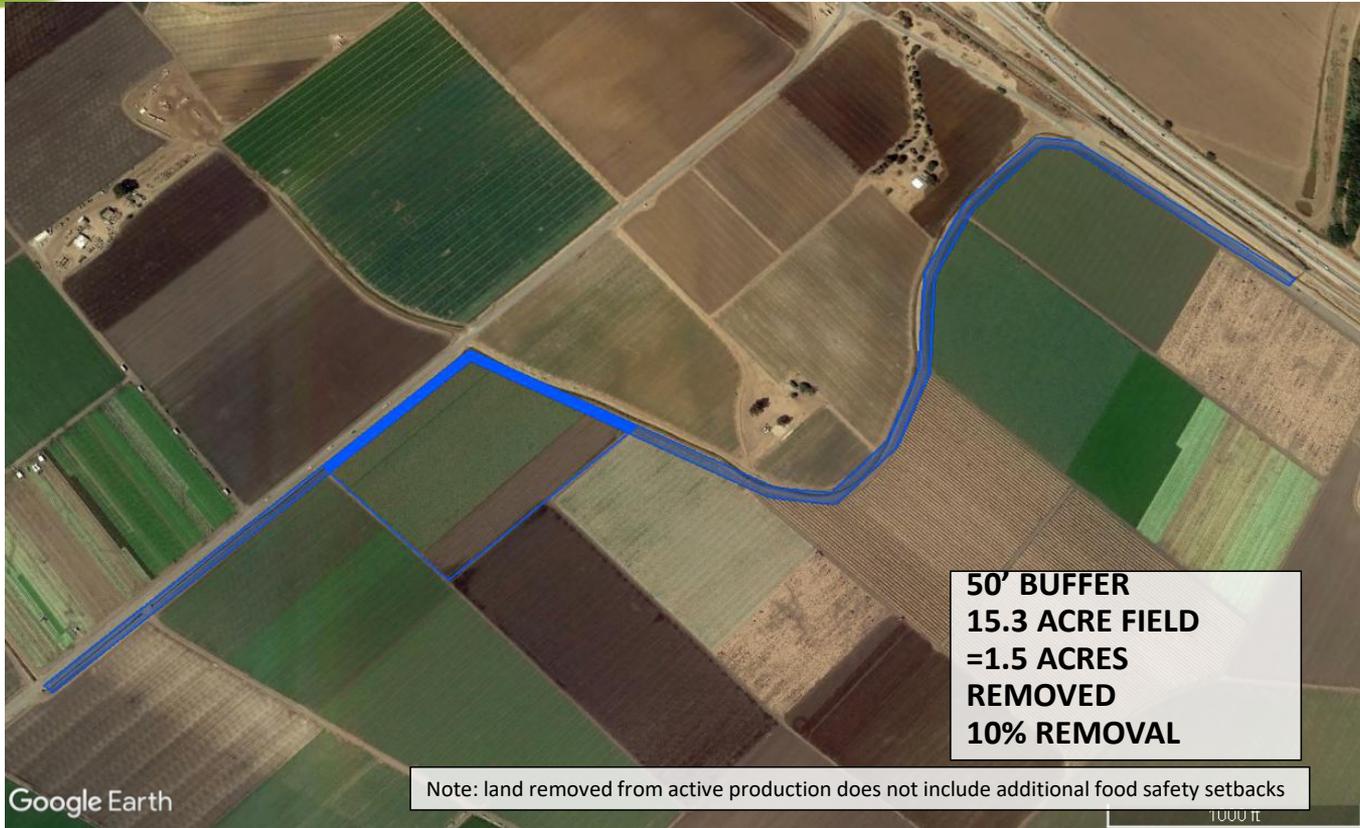
- Difficult for a Grower to apply
- No description associated with the various classes
- Definition of wetland in flux and State Policy could dramatically impact application of set backs

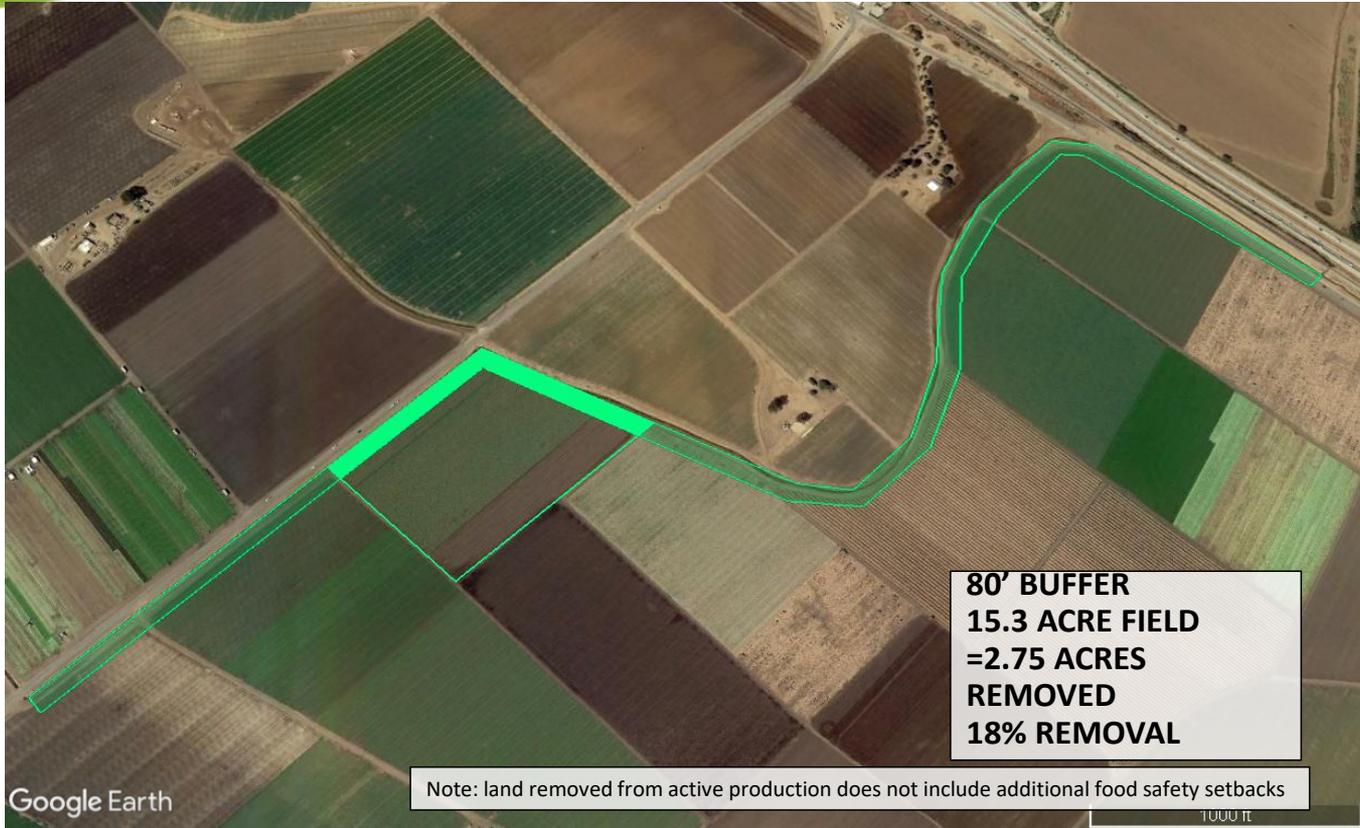
Economic Impacts May Be Significant

- Loss of productive acreage is likely to be significant

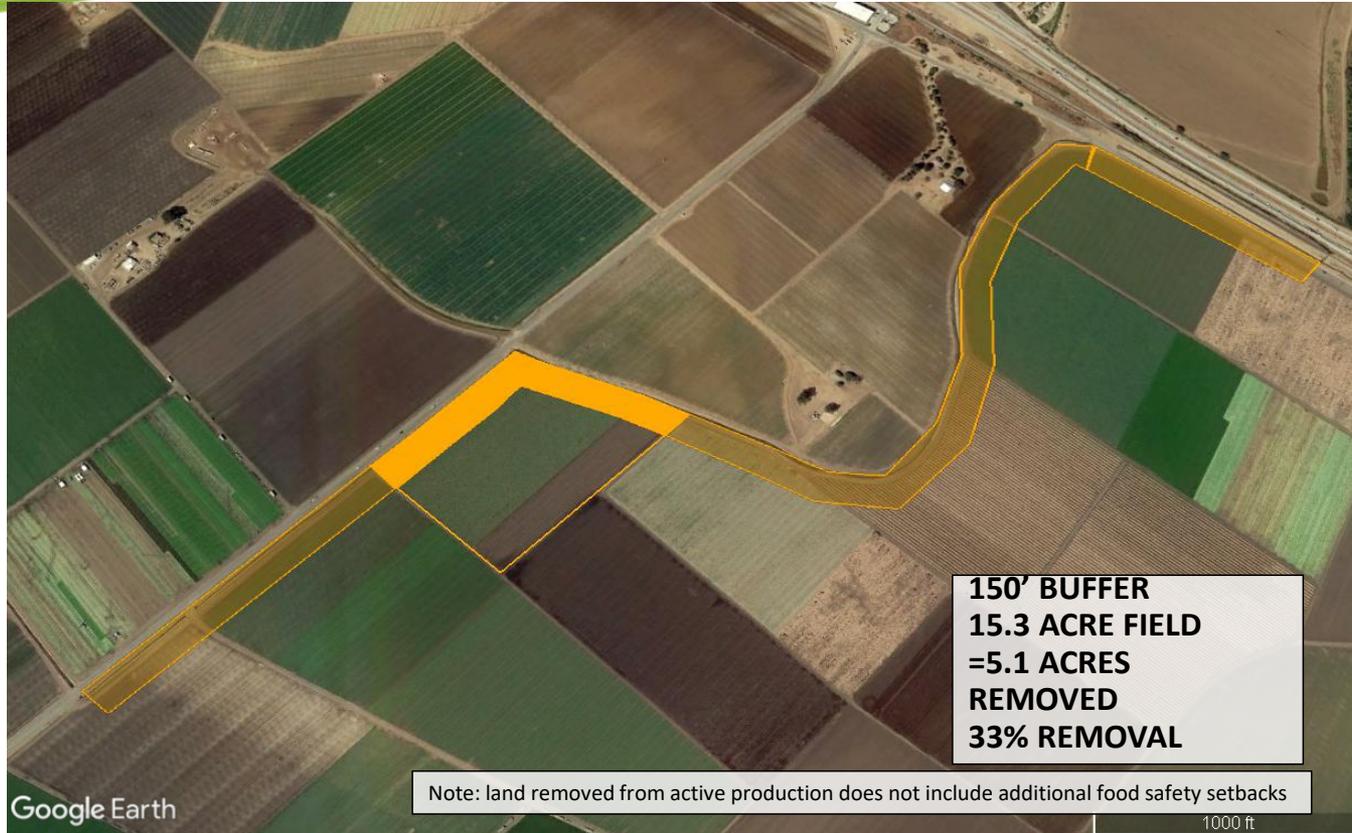
Ag Order 3.0 Buffer Requirement



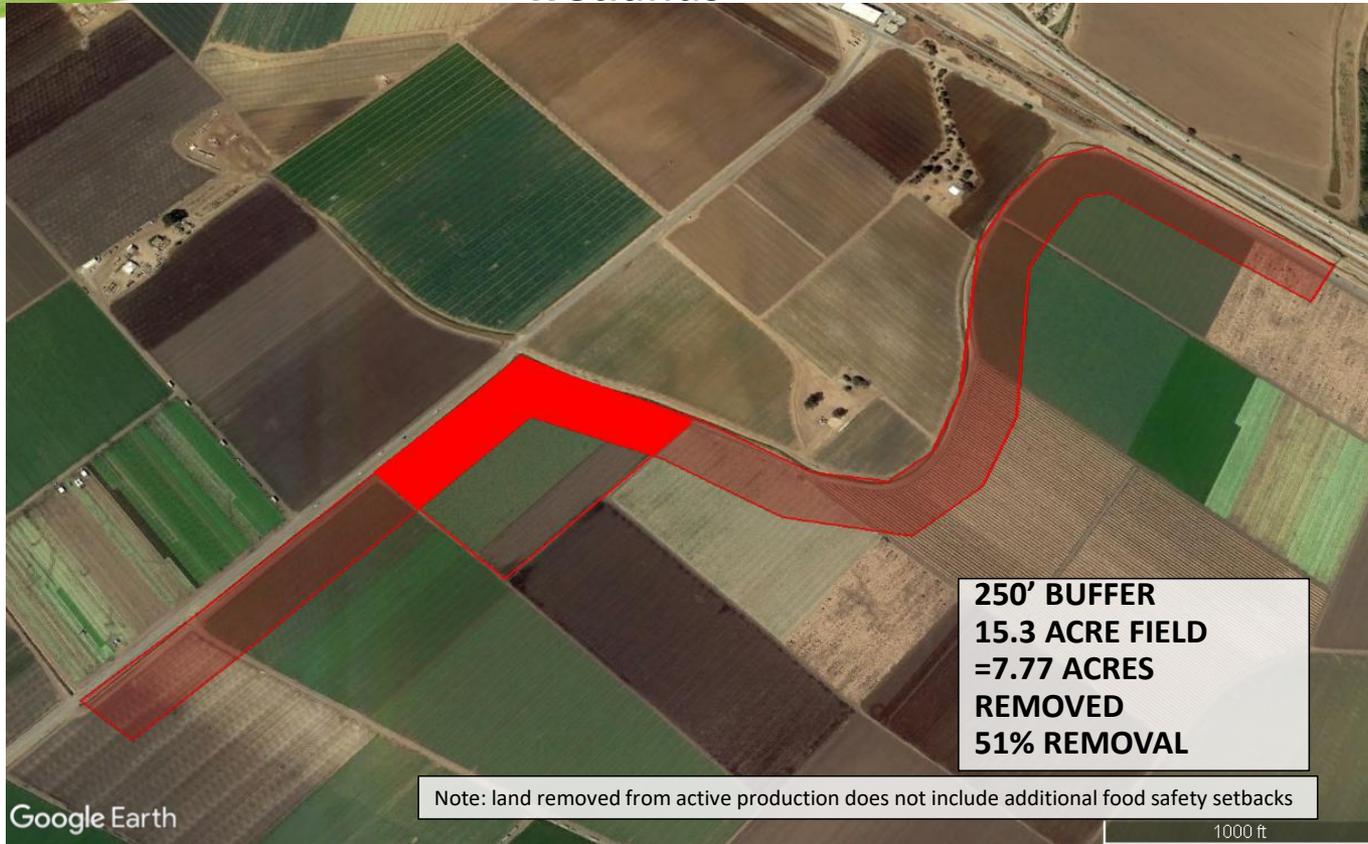




Class 5 Waterbody



Class 6 waterbodies, lakes, estuaries & wetlands





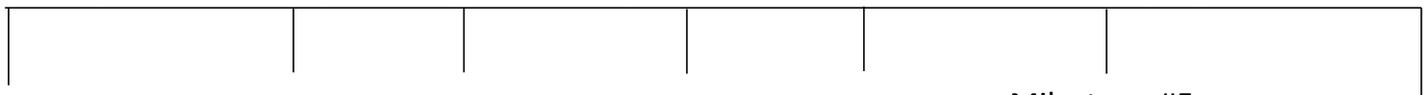
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March 20-21, 2019

17

Simple Illustration of NPS Policy & Impact of *Coastkeeper* Decision

Description of management practice implementation & Process for verifying their success.



Milestone #1 Milestone #2 Milestone #3 Milestone #4 Milestone #5

Meet
Water
Quality
Objectives
(variable)

“...,the Nonpoint Source Policy provides that, although management practice implementation is not a substitute for actual compliance with water quality requirements, a schedule of management practice implementation, assessment, and adaptive management may act as a proxy for assessing regulatory program compliance.” ESJ Order, p. 18.

PRIMARY COMPONENTS OF AG ALTERNATIVE

Surface Water
Program

Groundwater
Program

Sediment &
Erosion Control
Program

Limited Third
Party Role

Education &
Outreach

SURFACE WATER PROGRAM

Prioritize Watersheds & Subwatersheds

- Use CMP & CCAMP data & agreed on methodology
- Surface water impairments related to toxicity, sediment & Nutrients where ag is known contributor

Summary Reports of Practices

- Used to identify and track practices being implemented
- Submitted to the Central Coast Water Board

Management Plans

- Maintained on farm, but available during inspection
- Document practices being implemented on farm

Inspections

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March 20-21, 2019

20

Total Nitrogen Applied (TNA)

Applies to everyone until coefficients are developed

- Familiar to many
- Can be used to identify outliers in the interim after obtaining three years of data
- To be reported annually

Coefficients

Develop crop N coefficients for 95% of total crop acreage

- Total Crop Acreage based on combined average reported in County Crop Reports for years 2012-2017

INMP

Requirements applicable after 95% of crop N coefficients

- Certified INMP required for outliers; all INMPs certified 3 years after self-certification program is available
- INMP Summary Reports to be submitted by all enrollees
- INMP Templates to be developed by Ag Third Party and be approved by Water Board



Outliers Triggers additional actions – not limits

- Same or similar crops grown in same area
- Triggers INMP Certification earlier

Monitoring Domestic wells & Trend Monitoring

- Domestic well sampling per ESJ Order
- Cooperative Groundwater Trend Monitoring Program
 - Monitor selected wells annually; perform analysis every 5 years

Milestones Decrease in outliers every 3 years

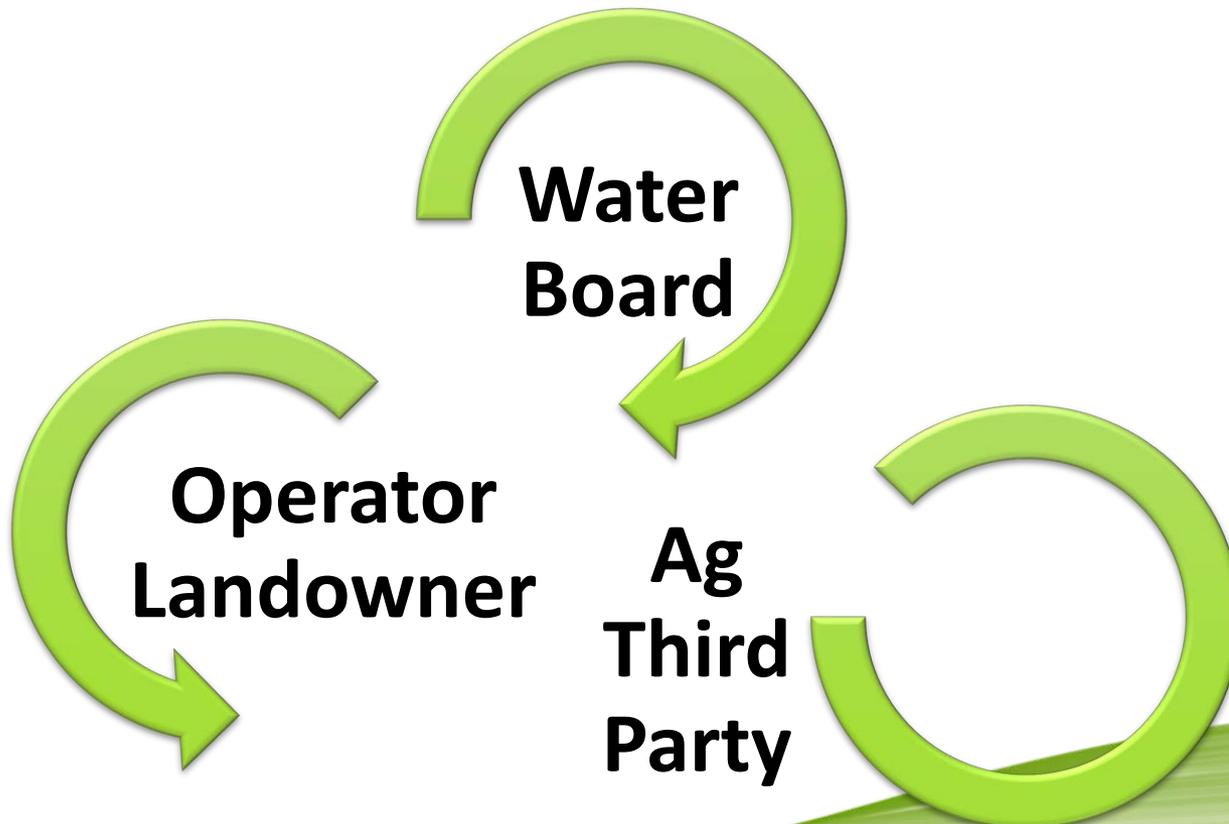
- Based on INMP Summary Reporting
- Receiving water limits ultimate backstop

SEDIMENT & EROSION CONTROL PROGRAM

- Sediment & Erosion Control Plans to be prepared by qualified professionals
- Applies to parts of ranch triggered by factors
- Factors for consideration include:
 - Slope
 - Grading activities
 - Local government requirements
- Plan to remain on farm; available to Water Board during inspection
- Such operations prioritized for inspection



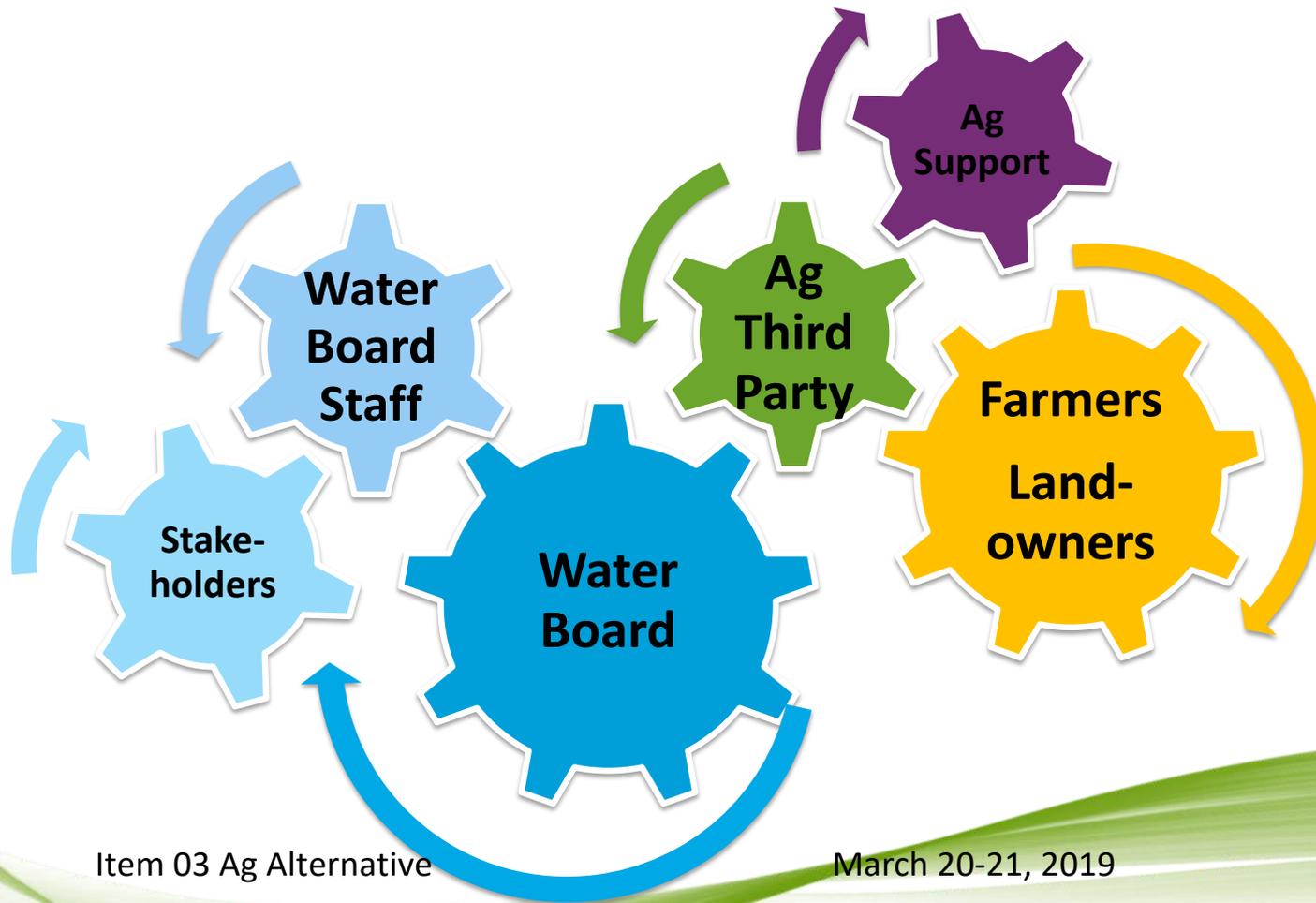
Typical Third Party Functions	Applicable
Surface Water Monitoring	X
Groundwater Trend Monitoring	X
Prepare Templates	X
Propose prioritization methodologies	X
Identify areas of research	X
Input on N crop (removal) coefficients	X
Education/Outreach	X
Aggregated Reporting	
Anonymous Reporting	
Grower enrollment	
Peer Enforcement	



EDUCATIONAL REQUIREMENT

- 10 hours once every 5 years
- 2 hours within 1 year of adoption
- Eligible topics include:
 - Surface WQ
 - Ground WQ
 - Management Practices
- **INCENTIVE: CDFA/FREP Nutrient Management Plan Self-Certification Training**





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March 20-21, 2019

27