Presented by:

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Abby Taylor-Silva, Grower-Shipper Association of Central California

Claire Wineman, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties

Norm Groot, Monterey County Farm Bureau
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

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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

## 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

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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
### Concerns:

<table>
<thead>
<tr>
<th>Concerns:</th>
<th>Fails to Comply with ESJ Order</th>
<th>No evidence provided to support limit</th>
<th>Impracticability of Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fails to Comply with ESJ Order</strong></td>
<td>• Limits are not supported</td>
<td>• Fails to consider other factors</td>
<td>• May not be economically sustainable</td>
</tr>
<tr>
<td></td>
<td>• Not a multi-year target value</td>
<td>• Climate</td>
<td>• May not change environmental conditions</td>
</tr>
<tr>
<td></td>
<td>• Need research &amp; modeling re: loading</td>
<td>• Recharge</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Soil conditions</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Aquifer conditions</td>
<td></td>
</tr>
</tbody>
</table>

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## 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  

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## Concerns

<table>
<thead>
<tr>
<th>Concerns</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receiving Water &amp; Discharge Limits</td>
<td>• Need properly adopted Water Quality Objectives&lt;br&gt;• Lack of clarity regarding Nitrate limit&lt;br&gt;• State Board Biostimulatory Policy in process&lt;br&gt;• Need to consider practicability of compliance</td>
</tr>
<tr>
<td>Application Limit</td>
<td>• Application of fertilizers is not illegal&lt;br&gt;• No authority to limit use of legal product</td>
</tr>
<tr>
<td>Non-TMDL Areas</td>
<td>• Lack of specificity&lt;br&gt;• Lack of rationale for 2027</td>
</tr>
</tbody>
</table>

### Item 03 Ag Alternative

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## CONCERN #4 WITH UPDATED OPTION

### Concerns

<table>
<thead>
<tr>
<th>Concerns</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receiving Water &amp; Discharge Limits</td>
<td>• Lack of properly adopted Water Quality Objectives</td>
</tr>
<tr>
<td></td>
<td>• Attachment 7 improperly turns some TMDL targets into Load Allocations</td>
</tr>
<tr>
<td></td>
<td>• E.g., Salinas &amp; Santa Maria Pyrethroid TMDLs</td>
</tr>
<tr>
<td></td>
<td>• Groundwater receiving water limits are based on different objectives</td>
</tr>
<tr>
<td>Non-TMDL Areas</td>
<td>• Lack of properly adopted Water Quality Objectives</td>
</tr>
<tr>
<td></td>
<td>• Arbitrary compliance date of 2023 &amp; 2027</td>
</tr>
<tr>
<td>Lack of Supporting Evidence</td>
<td>• No references provided (other than for TMDLs)</td>
</tr>
</tbody>
</table>

| Item 03 Ag Alternative            | March 20-21, 2019                                                     |
## Concerns

<table>
<thead>
<tr>
<th>Concern</th>
<th>Details</th>
</tr>
</thead>
</table>
| 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                                           |
30' BUFFER
15.3 ACRE FIELD
=1.07 ACRES
REMOVED
7% REMOVAL

Note: land removed from active production does not include additional food safety setbacks
50’ BUFFER
15.3 ACRE FIELD
= 1.5 ACRES
REMOVED
10% REMOVAL

Note: land removed from active production does not include additional food safety setbacks
80’ BUFFER
15.3 ACRE FIELD
= 2.75 ACRES
REMOVED
18% REMOVAL

Note: land removed from active production does not include additional food safety setbacks
150' BUFFER
15.3 ACRE FIELD
= 5.1 ACRES
REMOVED
33% REMOVAL

Note: land removed from active production does not include additional food safety setbacks

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Class 6 waterbodies, lakes, estuaries & wetlands

Note: land removed from active production does not include additional food safety setbacks.

250' BUFFER
15.3 ACRE FIELD
=7.77 ACRES
REMOVED
51% REMOVAL

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

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

<table>
<thead>
<tr>
<th>Milestone #1</th>
<th>Milestone #2</th>
<th>Milestone #3</th>
<th>Milestone #4</th>
<th>Milestone #5</th>
</tr>
</thead>
</table>

“...,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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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

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