

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF December 12-13, 2024  
Prepared on November 25, 2024**

**ITEM NUMBER:** 8

**SUBJECT:** Annual Agricultural Order Implementation Update

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**ACTION:** Informational Item

**KEY INFORMATION:**

Location: Regional  
Type of Discharge: Agricultural  
Existing Order: General Waste Discharge Requirements for Discharges  
from Irrigated Lands, Order R3-2021-0040

**SUMMARY**

This staff report summarizes actions related to the implementation of General Waste Discharge Requirements for Discharges from Irrigated Lands, [Order R3-2021-0040](#)<sup>1</sup> (Ag Order) that occurred since the [2023 annual update](#) to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board).<sup>2</sup> The Central Coast Water Board will receive an annual implementation update from Irrigated Lands Program (ILP) staff and from the approved third-party program, Central Coast Water Quality Preservation, Inc. (Preservation, Inc.). This annual implementation update will provide an overview of the following:

1. Revisions to the Ag Order, consistent with State Water Resources Control Board (State Water Board) [Order WQ 2023-0081](#),<sup>3</sup>
2. Alternative water supply program development,

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<sup>1</sup> Ag Order documents:

[https://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ilp/regulatory\\_information.html](https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/regulatory_information.html)

<sup>2</sup> December 2023 staff report for the Ag Order annual update to the Board:

[https://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2023/dec/item7\\_stfrpt.pdf](https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2023/dec/item7_stfrpt.pdf)

<sup>3</sup> State Water Board Order WQ 2023-0081:

[https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/docs/2023/wqo2023-0081.pdf](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/2023/wqo2023-0081.pdf)

3. Third-party program engagement and coordination efforts,
4. Ag Order compliance and enforcement, and
5. GeoTracker accomplishments.

This annual implementation update includes guest speakers from Preservation, Inc., to provide additional information and to engage with the Board on third-party program membership, compliance assistance efforts, and significant implementation actions including surface water and groundwater quality monitoring efforts and data, and outreach efforts for both the surface water follow-up program and irrigation and nutrient management program.

This summary is also available in Spanish. Interested persons may also request that the entire staff report be translated into Spanish (see instructions in the “Language Services” section of the Agenda).

## DISCUSSION

### Background

On April 15, 2021, the Central Coast Water Board adopted the Ag Order, and it went into effect immediately. The Ag Order required continued compliance with various foundational requirements of the prior Ag Order, and established new requirements, phased in over time to give enrolled dischargers<sup>4</sup> (referred to as growers in this staff report) and technical assistance providers time to plan and comply. The waste discharge requirements were developed to protect surface water and groundwater quality and associated beneficial uses (including drinking water and aquatic life habitats) and to achieve water quality objectives in the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) by:

- Minimizing nitrate discharges to groundwater
- Minimizing nutrient discharges to surface water
- Minimizing toxicity in surface water from pesticide discharges
- Protecting riparian and wetland habitat
- Minimizing sediment discharges to surface water

On September 20, 2023, the California State Water Resources Control Board (State Water Board) remanded portions of the Ag Order back to the Central Coast Water Board to revise in State Water Board [Order WQ 2023-0081](#)<sup>5</sup> and required the Central

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<sup>4</sup> Dischargers as defined in the Ag Order Attachment C: The owner or operator of irrigated lands that discharges or 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.

[https://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ilp/docs/ag\\_order4/2021/ao4\\_att\\_c.pdf](https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_att_c.pdf)

<sup>5</sup> State Water Board Order WQ 2023-0081, *In the Matter of Review of General Waste Discharge Requirements for Discharges from Irrigated Lands, Order R3-2021-0040*, at page 16-19, and footnote 69. [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2023/wqo2023-0081.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2023/wqo2023-0081.pdf)

Coast Water Board to develop an alternative water supply (AWS) program for residents in the Central Coast Region relying on groundwater in areas where the maximum contaminant level (MCL) for nitrate (10 mg/L as N) is exceeded as a result of agricultural operations. In addition to developing an AWS program, State Water Board Order WQ 2023-0081 prohibits the Central Coast Water Board from taking actions related to exceedance of the nitrogen applications and nitrogen discharge targets or limits. The State Board Order requires prompt revision the Ag Order consistent with the remand directives and the precedential requirements in Order WQ 2018-002 (Eastern San Joaquin or ESJ Order), including developing findings on potential impacts of the WDRs to underrepresented communities consistent with Assembly Bill 2108, removing enforceable limits from the Ag Order, revising the A-R formula and an outlier approach consistent with the ESJ Order and removing discount factors for nitrogen applied (A) and removed (R), and accelerating the timing for nitrogen removed reporting.

The following sections of this staff report provide an overview of ILP staff actions over the past year to revise the Ag Order, develop an AWS program, and to coordinate and implement the Ag Order.

## **Revisions to the Ag Order**

Immediately following the issuance of Order WQ 2023-0081, Central Coast Water Board staff implemented State Water Board direction to cease enforcement of the fertilizer nitrogen application and nitrogen discharge groundwater protection limits and to notify all growers enrolled in the Ag Order of this change. ILP staff are also implementing many of the relevant remand directives in advance of the adoption of a revised Ag Order that incorporates all the directives. This includes implementing State Water Board direction limiting the consequences of failure to meet numeric groundwater discharge targets and providing annual ranch summaries to growers that include calculations of the nitrogen applied (A) or nitrogen removed (R) ratio (A/R) as well as the A-R metric.

To date, ILP staff have drafted revised Ag Order language and are in coordination with legal counsel to further revise and finalize revisions to the Ag Order and its various attachments.

## **Alternative Water Supply Program Development**

Central Coast Water Board staff are actively developing an AWS program by coordinating with internal and external stakeholders, identifying potentially impacted wells and the cost of various solutions, and developing conceptual regulatory and administrative frameworks for implementing the program. In the previous year, staff facilitated 26 coordination meetings with outside parties and 40 meetings with internal parties to discuss approaches for funding, structuring, and implementing an AWS

program. These actions have been summarized in semi-annual updates to the State Water Board, in the Executive Directors Reports dated [April 2024](#)<sup>6</sup> and [October 2024](#).<sup>7</sup>

The Central Coast Water Board hired a technical Senior Engineering Geologist in September 2024 to coordinate with key stakeholders and develop the Central Coast Region's AWS program. This staff person is currently focused on developing an AWS needs and cost assessment for Central Coast Region residents relying on groundwater in areas where nitrate exceeds the MCL as a result of agricultural operations. This assessment uses data from the statewide 2024 Drinking Water Needs Assessment<sup>8</sup> and will identify Central Coast Region areas where drinking water wells are, or may, be impacted by agricultural discharges, identify possible interim and long-term solutions, and model potential costs for various solutions. This information will help inform the development of a fee structure for AWS program participants, strategies for short- and long- term solutions implementation, and identify the funding gap between cost of solutions and program funding. In addition, Central Coast Water Board staff are coordinating with attorneys from the State Water Board Office of Chief Council on concepts for revised Ag Order language for the AWS program. Central Coast Water Board staff will continue to coordinate with interested persons including representatives of environmental justice and agricultural groups to discuss the development of the program and relevant revisions to the Ag Order. Development of this language is a factor in the timing of the outreach to individual residents in impacted communities and the public release of a draft revised Ag Order.

### Third-Party Program Engagement and Coordination Efforts

ILP staff and Preservation, Inc. continue to engage every two weeks to discuss and coordinate third-party program implementation efforts. Additional focused topic meetings are also held every two weeks, or as needed. Below are some key outcomes and work in progress resulting from the ILP team's coordination efforts with Preservation, Inc., since October 2023.

### Groundwater Monitoring and Reporting

- **GeoTracker Batch Uploads** – In March of 2024, GeoTracker finalized a tool for well sampling data batch uploads (combining several laboratory reports into a single upload file instead of individual uploads for each ranch) and the third-party program successfully uploaded 2023 well sampling data (3,223 ranch reports with sampling results from 4,508 domestic and primary irrigation wells) and 2024 well sampling data (2,182 ranch reports with sampling results from

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<sup>6</sup> State Water Board October 2024 Executive Directors Report (see update starting on page 3). [https://www.waterboards.ca.gov/board\\_info/agendas/2024/apr/041724\\_8\\_edrpt.pdf](https://www.waterboards.ca.gov/board_info/agendas/2024/apr/041724_8_edrpt.pdf)

<sup>7</sup> State Water Board October 2024 Executive Directors Report (see update starting on page 48 of 55). [https://www.waterboards.ca.gov/board\\_info/agendas/2024/oct/100124\\_5\\_edrpt.pdf](https://www.waterboards.ca.gov/board_info/agendas/2024/oct/100124_5_edrpt.pdf)

<sup>8</sup> The statewide 2024 Drinking Water Needs Assessment can be accessed via the internet at the following link: [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/documents/needs/2024/2024-needs-assessment.pdf](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2024/2024-needs-assessment.pdf)

4,336 domestic and primary irrigation wells). This GeoTracker functionality allows the third party program to implement additional data quality assurance processes and saves growers the cost of lab report uploads (approximately \$25/report).

- **Groundwater Quality Trends Phase 1 Area work plan** – On December 21, 2023, Preservation, Inc. submitted a draft work plan for the Santa Maria groundwater basin area. ILP staff subsequently reviewed, provided feedback, and participated in focused topic meetings to discuss the work plan with Preservation, Inc. and their consultants. Preservation, Inc. also submitted a draft work plan for the Forebay Aquifer in the Salinas Valley on September 13, 2024, however this workplan will require revision before it can be approved. Although the Forebay Aquifer and two other Phase 1 Area work plans are past due, we continue to focus our coordination on finalizing the Santa Maria work plan as an approved study design that can be adapted to the other Phase 1 Areas. Annual monitoring of the primary on-farm irrigation well on each ranch will continue until a work plan is approved for the Phase Area where a farm is located. However, approval of Phase Area work plan does not change the requirement for annual monitoring of all on-farm domestic wells.
- **Bay Foundation contract for low-income discharger well testing** – Staff continue to co-manage a \$25,000 contract with the Bay Foundation of Morro Bay and Preservation, Inc. that provides funding assistance to low-income growers for on-farm domestic well sampling analysis costs between 2023 and 2026. As of August 31, 2024, Preservation, Inc. assisted 24 limited resource growers to analyze samples from 32 on-farm domestic wells, using \$6,505. Therefore, \$18,495 of funds remain available for future well monitoring assistance.

### Surface Receiving Water Quality Trends Monitoring and Reporting

- **Surface Water Quality Trends Monitoring Program work plan** – ILP staff continue to coordinate with Preservation, Inc. on final revisions to the work plan and associated Quality Assurance Project Plan (QAPP). Preservation, Inc. continues to implement the surface receiving water quality Cooperative Monitoring Program (CMP) that has been in place for two decades.
- **2023 annual report** – ILP staff reviewed and commented on Preservation, Inc.'s 2023 surface receiving water quality trends annual report<sup>9</sup> and compliance with the Ag Order requirements.
- **Follow-up Surface Receiving Water Implementation work plan** – Preservation, Inc. submitted the draft work plan on March 5, 2024. ILP staff reviewed and commented and continue to coordinate with Preservation, Inc. (and their consultants) in focused topic meetings to discuss and finalize the work plan. Preservation, Inc. initiated early implementation and outreach efforts in High Priority Surface Water Areas in advance of final work plan submittal and approval.

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<sup>9</sup> Preservation, Inc.'s surface receiving water quality trends annual reports website:  
<https://ccwqp.org/reports/>

### Third-Party Alternative Compliance Pathway (3P-ACP)

- **35% 3P- ACP work plan** (the first of three incremental draft work plans (35%, 70%, and 100%) required by the Ag Order) – ILP staff reviewed and commented on a revised version of the 35% work plan in April 2024 and participated in focus topic meetings with Preservation, Inc. (and their contractors) to discuss revisions.
- **Stakeholder and technical advisory committee meetings** to discuss the development of the work plan – ILP staff participated in Preservation, Inc.'s meetings on April 15, June 12, and August 28, 2024.

### Irrigation and Nutrient Management Plan (INMP) Reporting

- **Groundwater Phase 1 Area reporting** – ILP staff coordinated with Preservation, Inc. on batch uploads of third-party program member INMP data to GeoTracker. Preservation, Inc. successfully submitted 2023 third-party program member INMP data. This marks the first required submission of nitrogen removed data.
- **Nitrogen removed exemption requests** – Ongoing discussion with Preservation, Inc, regarding INMP summary reporting exemptions. No exemption requests were approved for the 2023 reporting year.
- **Workshop coordination** – ILP staff continue to coordinate with Preservation, Inc. on upcoming workshops for INMP (and TNA) reporting. Multiple workshops will be held from November 2024 to February 2025, with assistance available in English, Spanish, and Chinese.

### Total Nitrogen Applied (TNA) Reporting

- **TNA Reporting** – Continued coordination with Preservation, Inc. and GeoTracker staff on batch uploads of third-party program member TNA data to GeoTracker.
- **Workshop coordination** – ILP staff continue to coordinate with Preservation, Inc. on upcoming workshops for TNA (and INMP) reporting, as described above.

### Annual Compliance Form (ACF) Reporting

- **GeoTracker coordination** – Continued coordination on development of the GeoTracker ACF form. Preservation, Inc. is exploring the option to develop a form for third-party program members and batch upload data to GeoTracker, similar to what is now done with TNA and INMP data.

### Outreach and Education

Collaborated on outreach and education efforts to assist growers with compliance (e.g., general grower support, workshops, guidance and instruction documents, tutorial videos, etc.). ILP staff will participate in multiple workshop events coordinated by Preservation, Inc. with two scheduled in December 2024, four scheduled in January and February 2025. The goal of the workshops is to assist their members with enrollment, GeoTracker access, ACF, TNA and INMP reporting.

## Ag Order Compliance and Enforcement

The ILP implements a progressive enforcement approach that contemplates an escalating series of actions beginning with compliance assistance, requirement due date reminders, and notices of violation (NOVs), followed by enforcement orders compelling compliance, and in certain instances, a complaint for administrative civil liabilities (i.e., monetary penalties) where compliance is not attained within a reasonable time. ILP staff coordinate with the Enforcement Team to prioritize follow-up actions and progressive enforcement to effectively balance enforcement efforts with other fundamental implementation-related activities (e.g., outreach, general compliance assistance, coordination with technical assistance providers, etc.) with the goal of achieving higher levels of compliance and meaningful water quality outcomes.

The following sections provide additional details on some of these steps and related staff actions in the past year.

**Reminders** - ILP staff continue to issue Semi-Annual Ranch Summary Reports in the spring and fall. These reports alert growers to their status with respect to each Ag Order requirement and what type of action is needed. ILP staff have observed that these reminders help to improve overall understanding of and compliance with Ag Order requirements.

**Notices of Violation** - After reminders have been sent, ILP staff conduct a final compliance analysis and work with the Enforcement Team to issue NOVs to growers that have not met specific Ag Order requirements. Table 1 below provides a summary of NOVs issued since October 2023.

**Administrative Civil Liabilities** - ILP staff develop recommendations to, and coordinate with, the Enforcement Team to offer growers that have failed to comply with Ag Order requirements the opportunity to enter into settlement negotiations to resolve violations or to issue administrative civil liability (ACL) complaints to seek monetary penalties for violations of the Ag Order or the Water Code (e.g., failure to enroll in the Ag Order or failure to submit reports). The Enforcement Team frequently reaches resolution of ACL complaints through settlement.

The following sections describe compliance evaluations for Ag Order requirements over the past year. For information on all Ag Order requirements and their due-dates, please refer to the Compliance Calendar located on the ILP website.<sup>10</sup>

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<sup>10</sup> ILP Compliance Calendar:

[https://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ilp/compliance\\_calendar/docs/compliance\\_calendar\\_english.pdf](https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/compliance_calendar/docs/compliance_calendar_english.pdf)

Table 1. NOVs Issued Since October 2023.

<b>Annual Requirements</b>	<b>Ranches that complied</b>	<b>Ranches or parcels issued NOVs</b>
TNA Report - Time period: 01/01/2023 to 12/31/2023 - Report due: 03/01/2024	3,071 ranches 90%	360 ranches
INMP Summary Report - Time period: 01/01/2023 to 12/31/2023 - Report due: 03/01/2024	294 ranches 91%	29 ranches
Well Sampling and Reporting - Monitoring: 03/01/2024 to 05/31/2024 - Results due: 07/31/2024	3,085 ranches 97.5%	TBD ranches (to be issued early December)
Enrollment - Parcel may be active commercial irrigated agricultural operations needing to enroll	NA	42 parcels

### **Total Nitrogen Applied and Irrigation and Nutrient Management Plan Reporting**

On July 24, 2024, 360 ranches were issued NOVs for failure to submit 2023 TNA reports, and 29 ranches (303 operations) received NOVs for failure to submit 2023 INMP reports by the due date (March 1, 2024). Compliance rates for TNA reporting have historically been high (on average 99%), however the initial compliance rate of 90% seen for 2023 reporting might be attributed to the fact that of the 3,431 ranches required to report, 1,931 were reporting TNA for the first time.

Through October 2024, ILP staff continued to follow-up with growers. ILP staff will conduct a final compliance analysis to inform additional research and follow-up with growers prior to issuing NOV follow-up letters, which are planned for April 2025. ILP staff will continue to coordinate with the Enforcement Team to prioritize further enforcement actions.

### **Groundwater Well Monitoring and Reporting**

A total of 3,171 enrolled ranches reported at least one well and were actively farming during the March-May 2024 monitoring period. The fall 2024 Semi-Annual Ranch Summary Report contained a reminder about past due well sampling and reporting requirement. Based on the August 2024 compliance analysis, 97.5% of ranches complied with the well sampling and reporting requirement. ILP staff continue to work with Preservation, Inc. to provide more time for research and follow-up with growers prior to the issuance of NOVs.

## Non-Filer Efforts and Enrollment

As of October 2024, approximately 1,616 operations, 4,000 ranches, and 411,748 irrigated acres are actively enrolled in the Ag Order. ILP staff have previously estimated that up to 24% of potential commercially irrigated agricultural lands (128,251 irrigated acres out of 540,000 total estimated acres in the region) may not be enrolled. ILP staff have developed mapping tools to inform their efforts to identify parcels in the region that may be active commercial irrigated agricultural operations needing to enroll. Since January 2024, ILP staff have issued over 220 directive to enroll letters pursuant to Water Code section 13260. As a result, 130 parcels have either enrolled in the Ag Order or provided information showing they are not required to enroll (e.g., the parcel is not used for commercial agricultural operations). ILP staff is now engaged in conducting additional follow-up research, including issuing new directive to enroll letters to new landowners and/or addresses as identified through this research. Between October 17-22, 2024, a total of 30 NOV's were issued to landowners that failed to enroll or respond to the directive to enroll letters.

## Enforcement Actions

Staff continued efforts to finalize three enforcement cases for failure to submit 2021 TNA reporting by March 1, 2022. One case was heard by the Board on February 15, 2024, and an Order assessing administrative civil liability in the amount of \$45,840 was issued by the Board on February 23, 2024. One case was settled on April 1, 2024, for \$46,037. One case is still pending additional settlement discussions.

## Complaint Investigations

The ILP currently has 14 active complaint cases, nine of which were submitted on or after October 2023 (new cases). The following tables summarize the types of complaints received.

**Table 2. Complainant Type Summary**

Complainant	Total	% of Total
Municipalities	7	50%
Citizens	4	29%
Dischargers	3	21%

**Table 3. Complaint Type Summary**

Complaint Type	Total	% of Total
Silt/Sediment Discharge	12	86%
Riparian Area Disturbance	2	14%

Complaints against row crop growers accounted for 43% of total complaints. Geographically, 43% of the complaints were in Monterey County.

Five of the complaint cases involved multiple growers in one of five watersheds areas (three watershed areas in the lower Salinas River watershed, one are in the Galligan

Slough watershed, and one area in the Pacific Coast Nearshore Zone at Soquel Point). Each of the complaints were related to sediment-laden stormwater discharges. In September 2024, ILP staff issued complaint notification emails to 74 ranches (41 operations) in these five watersheds. All these watersheds are designated as third-party program high priority area watersheds, and all the operations are third-party program members. ILP staff and Preservation, Inc. are coordinating to develop and implement a broader solution at the watershed-level and leveraging actions that will be implemented under the surface water follow-up implementation component of the Ag Order (e.g., ranch site visits, assistance with development of sediment and erosion management plans, and management measure effectiveness evaluations). This approach will also involve outreach to (and participation by) municipalities, Resource Conservation Districts, Farm Bureaus, technical assistance providers, and landowners.

**Complaint Case Resolution** – Eight complaint cases were resolved between October 2023 and October 2024. None were elevated to formal enforcement action. The average complaint resolution time was five months, with a maximum of 1.7 years, and a minimum of three days. Longer resolution times are generally associated with growers being required to conduct monthly stormwater monitoring and submit reporting over the winter rainy season.

Complaint investigations also identified parcels that may be required to be enrolled in the Ag Order and resulted in the issuance of 51 directive letters to enroll as part of the non-filer effort discussed above.

## **GeoTracker Accomplishments**

In addition to coordinating with Preservation, Inc. on GeoTracker uploads, the ILP coordinates with the State Water Board's GeoTracker team on tickets to develop and/or revise ILP GeoTracker forms (e.g., ACF, TNA, INMP), reports, data exports, batch data uploads, and other GeoTracker functionality. Below is a summary of major efforts and accomplishments this year.

**TNA and INMP Summary Report Forms** – The ticket to revise the current TNA and INMP forms was completed in the fourth quarter of 2024. The ILP is working with the GeoTracker team and Preservation, Inc. to finalize the data exports.

**ACF Form** – The ticket to revise the current ACF is expected to be completed by the end of this year. The revisions will include new sections to report on management measure effectiveness assessments, improve data collection, data exports, and the user experience with the form.

**Housekeeping** – The ticket includes requests to develop or improve upon GeoTracker reports, data exports, and other GeoTracker functionality to increase ILP staff efficiency and enhance the user experience with GeoTracker and is expected to be completed in the first quarter of 2025.

## Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California “that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

The Ag Order implements the Central Coast Water Board's human right to water law in several ways. Staff are actively working on the development of an alternative water supply program for residents relying on groundwater where the MCL for nitrate is exceeded as a result of agricultural activities.

The Ag Order establishes surface water limits for nitrate and pesticides as well as numeric targets for fertilizer application and nitrogen discharge to groundwater designed to be quantifiable and to reduce the amount of nitrogen discharging to groundwater. Based on TNA data and assessments, a high percentage of fertilizer nitrogen applications already meet both fertilizer nitrogen application targets, confirming that the adopted fertilizer nitrogen targets are consistent with their intended purpose: to control and reduce the over-application of fertilizer nitrogen and to focus on outliers where applications occur above fertilizer nitrogen application targets.

The Ag Order also implements the Central Coast Water Board's human right to water resolution by establishing numeric surface receiving water limits for nutrients and pesticides, and a series of requirements to further identify and control sources of these pollutants. The surface water follow-up monitoring requirements include identifying implementation measures to address the pollutant sources and perform additional follow-up monitoring for source identification purposes. Also, where the surface receiving water limit is not met by the compliance date, growers are subject to a numeric discharge limit that is the same as the receiving water limit and may be required to perform additional ranch-level surface discharge monitoring and reporting to confirm they are achieving the numeric discharge limit.

The Ag Order also requires monitoring of all on-farm domestic wells for nitrate and 1,2,3-Trichloropropane (1,2,3-TCP) and requires growers to notify all well users of monitoring results and of the health risks associated with elevated concentrations of these parameters. In the event nitrate or 1,2,3-TCP concentrations exceed applicable public health drinking water standards, growers also need to confirm that well users have an alternative source of water for domestic purposes.

In addition, ILP staff continue to conduct outreach to county health departments to discuss drinking water well quality data results and grant funding opportunities and are planning additional follow-up with each county in coordination with the State Water Board Divisions of Drinking Water and Financial Assistance to address drinking water related issues.

## Environmental Justice

Environmental Justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities.<sup>11</sup> Furthermore, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

In the past 12 months of Ag Order implementation, ILP staff continued to support efforts previously initiated and related to drinking water replacement and water treatment for disadvantaged communities. Please also refer to the [February 2024 annual Board update on Environmental Justice, Racial Equity, and Tribal Affairs](#).<sup>12</sup>

The Central Coast Water Board recognizes that certain limited resource growers (as defined by the USDA) may have difficulty achieving compliance with the Ag Order. The Central Coast Water Board will prioritize assistance for these growers, including but not limited to providing technical assistance and information about grant opportunities. ILP staff continue to increase our interpretation and translation efforts to provide information and resources in multiple languages (e.g., guidance documents, YouTube tutorials, drinking water health risk information, and our public workshops and Board

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<sup>11</sup> **Disadvantaged Community:** a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); **Severely Disadvantaged Community:** a community with a median household income of less than 60% of the statewide average. (Public Resources Code section 80002(n)); **Economically Distressed Area:** a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density. (Water Code section 79702(k)); **Tribes:** federally recognized Indian Tribes and California State Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; **EnvDACs:** CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); **Fringe Community:** communities that do not meet the established DAC, SDAC, and EDA definitions but can show that they score in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.

<sup>12</sup> February 2024 Central Coast Water Board Update:

[https://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2024/feb/item09\\_att1.pdf](https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2024/feb/item09_att1.pdf)

Meetings).

## **Climate Change**

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

The Ag Order contains several requirements that further the Central Coast Water Board's climate change goals. The management measures that growers will implement to meet the Ag Order's fertilizer application and nitrogen discharge targets may have the added benefit of reduced nitrogen oxide emissions, and therefore may help mitigate greenhouse gas emissions. The prohibition for removing existing riparian vegetation has multiple benefits: Riparian vegetation sequesters carbon and nitrogen, reducing their availability as greenhouse gases and can also reduce adverse impacts associated with storm events by dispersing flows, storing floodwaters, and absorbing water (allowing for groundwater infiltration).

## **CONCLUSION**

The Ag Order focuses on the highest priority water quality issues in the region and establishes requirements to address water quality impairments and restore beneficial uses such as drinking water and aquatic life habitats. In the past year of implementation, ILP staff have successfully developed many guidance and template resources, assisted growers to understand and comply with Ag Order requirements (e.g., workshops, tutorial videos, and help desk services), evaluated compliance with requirements and developed web-based dashboards, followed our internal progressive enforcement process to provide a series of reminders before moving to NOVs and formal enforcement actions, and negotiated settlements for enforcement cases.

ILP staff will continue to conduct outreach and education, provide real-time compliance assistance to growers, and to coordinate and prioritize implementation efforts with Preservation, Inc. and other technical assistance providers and agencies like USDA, Resource Conservation Districts, CDFR, DPR, etc., to leverage their expertise in support of implementing the Ag Order.

ILP staff are currently in the process of revising the Ag Order to address the remanded items in the State Water Board Order WQ 2023-0081. Until a revised Ag Order is adopted, staff will continue to implement the provisions of the current Ag Order while

also implementing timely remands, as appropriate, and coordinate with agricultural and environmental justice groups to develop an alternate water supply program for residents relying on groundwater where the MCL for nitrate is exceeded as a result of agricultural activities.