

**CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD  
DISCLOSURE FORM  
EX PARTE COMMUNICATIONS REGARDING PENDING GENERAL ORDERS**

*Note: This form is intended to assist the public in providing the disclosure required by law. It is designed to document meetings and phone calls. Written communications may be disclosed by providing a complete copy of the written document, with attachments. Unless the board member(s) provide you with a different contact person, please your materials to: [stacy.denney@waterboards.ca.gov](mailto:stacy.denney@waterboards.ca.gov)  
Use of this form is not mandatory.*

1. Pending General Order that the communication concerned: Ag Order 4.0
2. Name, title and contact information of person completing this form:  
Sarah Lopez, Executive Director, Central Coast Water Quality Preservation, Inc.  
[sarah@ccwqp.org](mailto:sarah@ccwqp.org) / 831-331-9051
3. Date of meeting, phone call or other communication: 10/15/20  
Time: 8:00am
4. Type of communication (written, oral or both): Letter transmittal via email
5. Names of all participants in the communication, including all board members who participated: Sarah Lopez; Board Chair Wolff
6. Name of person(s) who initiated the communication: Sarah Lopez
7. Describe the communication and the content of the communication:  
Information update on evolving discussion of third party roles/programs needed to implement Ag Order 4.0
8. Attach a copy of handouts, PowerPoint presentations and other materials any person used or distributed at the meeting. If you have electronic copies, please email them to facilitate web posting.  
A copy of the email transmittal and the letter attachment are attached.

From: Sarah Lopez  
To: Jean-Pierre@Waterboards Wolff  
Cc: tammie.olson@waterboards.ca.gov  
Subject: Update letter from Preservation, Inc  
Date: Thursday, October 15, 2020 8:01:46 AM  
Attachments: CCWQP\_InformationalLetter\_101520.pdf

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Hello Chair Wolff,

I wanted to provide you with an update on some evolving discussions about third party implementation of Ag Order 4.0. Rather than request a phone call or meeting, I'm hoping the attached letter will convey the information with minimal demands on your time. That said I'm happy to answer questions if there are any. I will be submitting Ex Parte documentation for this letter this morning.

Thank you!

- Sarah.

**Sarah Lopez**

Executive Director

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# Central Coast Water Quality Preservation, Inc.

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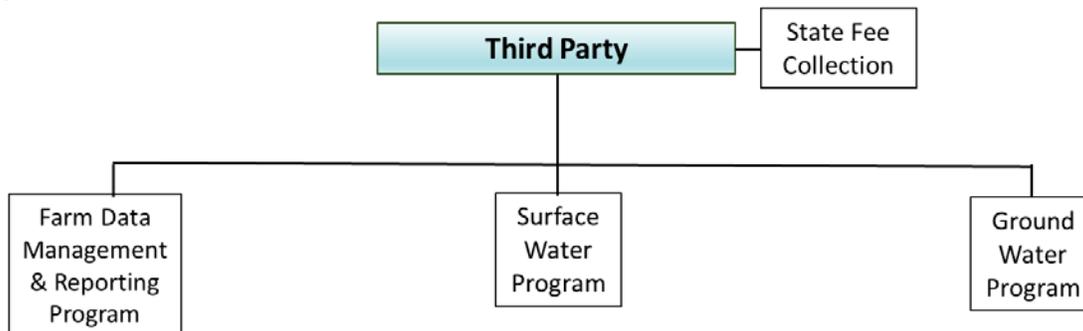
October 14, 2020

Dr. Jean-Pierre Wolff  
Board Chair  
Central Coast Regional Water Quality Control Board

Dear Chair Wolff,

Preservation, Inc. participated in the Public Comment period on Draft 4.0 by submitting a letter on June 22<sup>nd</sup>, 2020 and making a panel presentation during the September 10<sup>th</sup>, 2020 RWQCB meeting. During that meeting and in many subsequent discussions with growers and partners, I've received questions as to how exactly a Third Party might go about implementing various aspects of Draft 4.0. I also know that the Ag Partners group has worked hard in recent weeks to continue to develop some of the more agronomically complicated aspects of their alternative proposal. The intent of this letter is to provide you with information and an update on this rapidly evolving discussion, and I will be submitting the necessary Ex Parte documentation to the RWQB for this communication.

In our panel presentation to the RWQCB on September 10<sup>th</sup> of this year we suggested that the general Third Party program structure needed to implement all Draft MRP requirements with potential Third Party roles would be:



**Figure 1 – General Third Party program structure needed to implement Ag Order 4.0. (Presented by Preservation, Inc. at 9/10/20 RWQCB meeting. This diagram simplified from presentation Slide 5.)**

Since that RWQCB meeting, many discussions have taken place among growers and partner organizations as to how the groundwater and INMP requirements could be implemented via a cooperative compliance pathway. To assist industry partners and also my Board of Directors (i.e. Preservation, Inc.) in considering an expanded Third Party role under Ag Order 4.0, I have attempted to translate the various Third Party roles that have been proposed into a clearer program structure.

Expanding on the “Groundwater Program” box on the right hand side of Figure 1 above, the full scope of Third Party activities (related to groundwater and nutrient management) needed to support the Ag Partners’ proposal would be as follows:



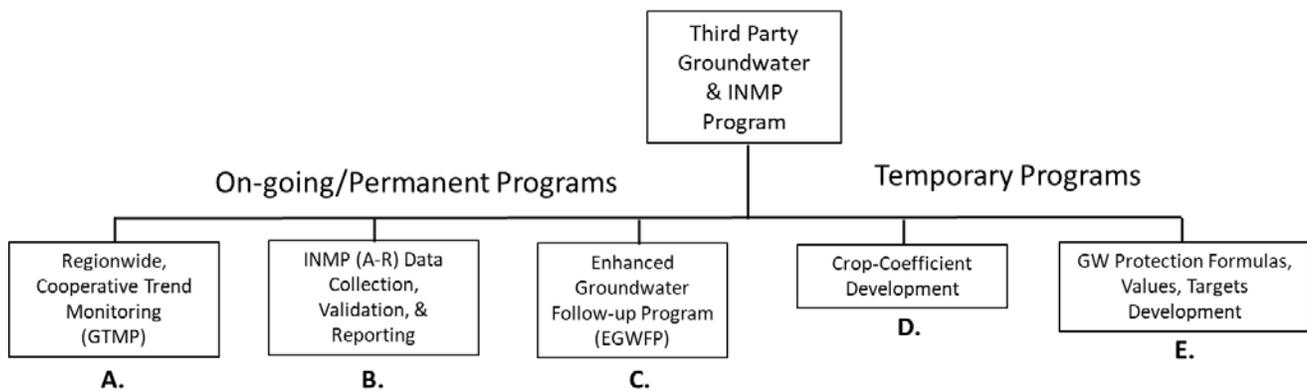


Figure 2 – Third Party program structure needed to support Ag Partners Groundwater/INMP proposal.

Details of the program components shown in Figure 2 above are as follows:

- A. Regionwide, cooperative Groundwater Trend Monitoring Program (GTMP) – Appendix A to our June 22<sup>nd</sup>, 2020 comment letter was a concept proposal for a Central Coast GTMP, which we also described in our September 10<sup>th</sup> presentation to the RWQCB, and we would be pleased to implement such a program under Ag Order 4.0.

Please recall that during our September 10<sup>th</sup> presentation we recommended developing at least some of these program details prior to adoption, so that the final Order 4.0 provides a cooperative compliance pathway that is obviously viable, and to allow for a robust stakeholder process.

- B. INMP Data collection, validation, and reporting – In both our June 22<sup>nd</sup> comment letter and our September 10<sup>th</sup> presentation to the RWQCB, we described the need for Third Party implementation of this massive data management undertaking. We believe this will result in a cleaner, more complete dataset for the ILRP, and we would be pleased to implement such a program.

Please recall that during our September 10<sup>th</sup> presentation we recommended incorporating this concept and further developing at least some of the program details prior to adoption, so that the final Order 4.0 provides a cooperative data management pathway that is obviously viable for growers and helps RWQCB staff manage their own work load. This will also allow for a robust stakeholder process.

- C. Groundwater Follow-up (EGWFP) - Numerous industry and academic stakeholders have provided feedback to the RWQCB that the more rigorous numeric fertilizer limits proposed in Draft 4.0 will be difficult, if not impossible for some growers to meet, even with current agronomic “best practices.” The Draft 4.0 provides no mechanism by which the RWQCB could feasibly follow up with a large number of non-compliant operations. The Ag Partners have recently discussed a Third Party-implemented Enhanced Ground Water Follow-up Program (EGWFP).

Preservation, Inc. cannot take much of a position on the EGWFP, as it is not a fully developed concept at this time. However we do anticipate a need for such a program. It is difficult to imagine how the Order



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could be enforced as currently drafted, without something like this. As a starting point to assist with ag stakeholder discussions, I recently created an EGWFP template that matches the Enhanced Surface Water Follow-up Program (ESWFP, for which we submitted a concept proposal as Appendix B to our June 22<sup>nd</sup> comment letter and discussed in our September 10<sup>th</sup> panel presentation to the RWQCB). That template, adapted for a possible groundwater program (EGWFP), is shown in Figure 3 below.

- D. Crop-Coefficient Development – A number of growers and industry partners have expressed interest in having a Third Party develop, and the Executive Officer (E.O.) approve, crop conversion coefficients for calculating “R,” or nitrogen removed during harvest. This is an additional Third Party role envisioned by the Ag Partners. If this is considered in Ag Order 4.0, Preservation, Inc. recommends that the Order clearly state the parameters for what the E.O. would consider a successful (or compliant) crop coefficient submittal so that a Third Party can accurately assess the work required and provide comment prior to adoption.
- E. Groundwater Protection Formulas, Values, and Targets – The Ag Partners have also expressed interest in a Third Party developing, and the E.O. approving, groundwater protection Formulas, Values, and Targets for defined groundwater protection areas (GWPA). This would require substantial effort by a Third Party in the first few years after adoption (i.e. to develop the Formulas and Targets), with lower effort but ongoing work thereafter to calculate and report the Value for each groundwater protection area.

So this is another Third Party role envisioned by the Ag Partners. If this is considered in Ag Order 4.0, we recommend that the Order clearly state the parameters for what the E.O. would consider a successful (or compliant) Formula, Value, and/or Target submittal so that a Third Party can accurately assess the work required and provide comment prior to adoption.

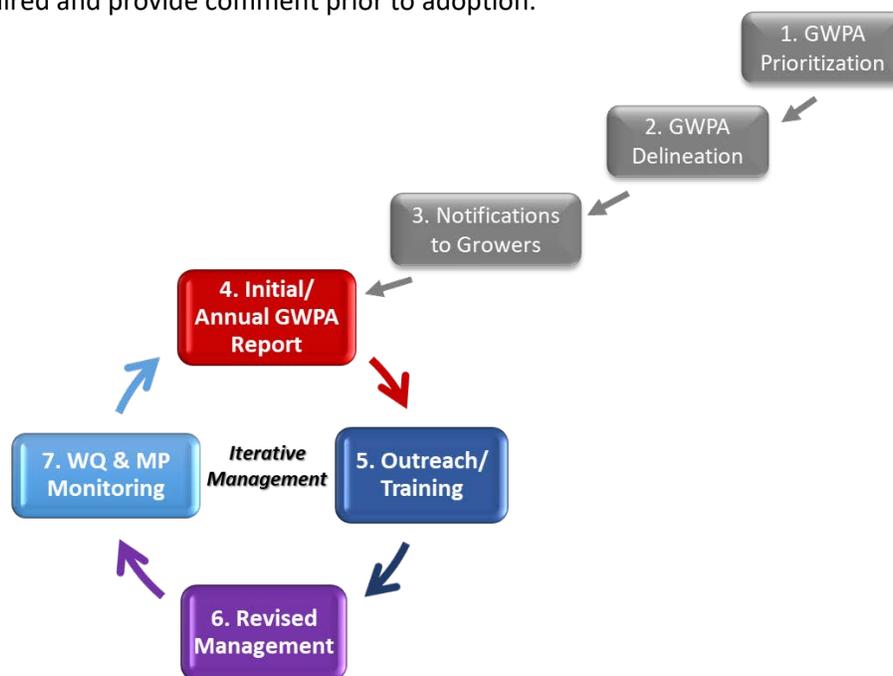


Figure 3 – Program template for Enhanced Ground Water Follow-up Program (EGWFP), similar to template previously proposed for the Enhanced Surface Water Follow-up Program (ESWFP). GWPA = Groundwater Protection Area. MP = Management Practice.



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In closing, I appreciate any time you've been able to take to digest this information. My hope is that in addition to the task of authoring the Order 4.0 document itself, the Water Board is also considering the nuts and bolts of how what is written can be implemented, as these details are not included in the Draft Order or MRP. Please don't hesitate to contact me with any questions.

Sincerely,



Sarah Lopez  
Executive Director  
Central Coast Water Quality Preservation, Inc.

