

**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
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:
Steve Shimek, Executive Director, The Otter Project, exec@otterproject.org.
3. Date of meeting, phone call or other communication: 9/9/2020
Time: 3pm
Location: Via Zoom
4. Type of communication (written, oral or both): Oral and Power Point
5. Names of all participants in the communication, including all board members who participated: Mr. Jean-Pierre Wolff
6. Name of person(s) who initiated the communication: Steve Shimek
7. Describe the communication and the content of the communication:

A copy of the PowerPoint Presentation is attached.
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 PowerPoint is attached

Time schedules and milestones

- Time schedules must reach out to resolution of water quality standards protective of all beneficial uses.
- Timelines
 - Milestones that are enforceable.
 - Measurable metrics that directly relate to achieving standards.
 - Management practices cannot substitute for meeting water quality standards.

Table C.2-2. Time Schedule for Nutrient Limits (Non-TMDL)

Constituent Group	Constituent	Matrix	Limit	Units¹	Compliance Date
Nutrients	Nitrate, as Nitrogen	Water Column	10.0	mg/L	12/31/2031
Nutrients	Ammonia (un-ionized), as Nitrogen ²	Water Column	0.025	mg/L	12/31/2031

¹mg/L is milligrams per liter

²Calculated using total ammonia and onsite instream measurements (field measurements) of pH and water temperature.

	<u>2022</u>	<u>2025</u>	<u>2028</u>	<u>2031</u>	<u>2034</u>	<u>2037</u>	<u>2040</u>	<u>2043</u>	<u>2047</u>	<u>2050</u>
<u>Enforceable</u> <u>Y/N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>
<u>N – All</u> <u>Receiving</u> <u>waters</u>		<u>20</u>	<u>15</u>	<u>10</u>	<u>8</u>	<u>6</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>

Nitrogen discharges to groundwater

- **INMP / Nitrogen management**
- **Application limits**
- **Discharge limits**

Crop	Days to Harvest	Water Requirements Acre-feet/acre	Seasonal crop N Uptake	Common Practice N Application Rate	N Removed at Harvest	N Scavenger Y/N
Broccoli	85-100	1.5-2.5	250-350	170-250	90-100	Y
Cauliflower	75-95	2.0-3.0	250-300	200-320	70-80	Y
Celery	90-110	2.5-3.5	200-250	200-320	140-160	Y
Head Lettuce	65-80	2-2.5	120-160	100-220	60-90	N
Romaine Lettuce	65-80	2-2.5	120-160	100-220	60-90	N
Baby Lettuce	30-35	1.0-2.0	60-70	160-190	40-50	N
Spinach	30-35	.3-1.0	100-130	160-200	70-90	N
Strawberries	Annual	2	180-220	162-433	105	N

Nitrogen discharges to groundwater

- Discharge limits

A_{tot}/R A ratio that will always be positive because the assumption will always be that the crop N requirement is greater than crop harvested.

$A_{\text{fer}} - R$ An estimate of load discharged. [For annual crops]
If it's not harvested the excess goes somewhere.

$A_{\text{fer}} = R$ Staff draft. N applied cannot be greater than N removed.

Our different spin on $A_{\text{fer}} - R$...

Nitrogen discharges to groundwater

- Discharge limits

A-R represents the mass or load of N added or harvested from the aquifer.

Each crop on a given acre can be added together. Some crops may yield a positive number, others (scavengers) may yield a low or negative number.

Conceptually useful as “clean up and abatement”

Table C.1-2 Time Schedule and Milestones for Total Annual Nitrogen Removed Efficiency in Pounds per Acre. Any “savings” cannot be transferred or carried forward from year to year.

	2023	2026	2029	2032	2035	2038	2041	2044	2047	2050
Total Season of Annual A_{fer-R} for all crops	190	160	130	100	70	40	20	10	0	-10

Critical missing points that need fixing

- Approval of alternative forms of compliance – Sean at end
- Adaptive management; reopener
- The Draft lacks an enforcement **PLAN** and without a plan the order does not comply with NPS policy.

Enforcement

KEY ELEMENT 5: Each RWQCB shall make clear, in advance, the potential consequences for failure to achieve an NPS control implementation program's stated purposes.

“Although not binding on the RWQCB, this element should be written with the objective of creating clear expectations and reinforcing the obligations that dischargers, third parties, and other agencies, in addition to the RWQCBs, have accepted in agreeing to implement an NPS control implementation program.”

6. The discharge of pollutants from a ranch in excess of the applicable limits after the compliance date in [Table C.3-1](#) or [Table C.3-2](#) is prohibited and may result in additional requirements, including obtaining additional education, implementing additional or improved management practices, follow-up monitoring and reporting, ranch-level surface discharge monitoring and reporting, the prohibition of discharge from the ranch, and progressive enforcement actions.

(last slide of Public Interest presentation)

Smaller points in our written proposal, but not presented today

- **We fully support suggestions from EJ groups re groundwater monitoring for additional chemicals**
- **Using the language of the NPS Policy**
- **Compost**
- **Synergisms Between the Thematic Parts of the Order**
- **When referring to limits, look to the future and changes to the Basin Plan**
- **The Order is weaker when groups splinter off**
- **All ag discharges should pay a fair share of receiving water monitoring.**