

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

**12/16/2020**

1. Pending General Order that the communication concerned: ORDER NO. R3-20XX-XXXX
2. Name, title and contact information of person completing this form: Kay Mercer
3. Date of meeting, phone call or other communication: 12/10/2020, 12/14/2020  
Time: N/A  
Location: N/A
4. Type of communication (written, oral or both):
5. Names of all participants in the communication, including all board members who participated:
  - Jean-Pierre Wolff, Chair, CCRWQCB
  - Jane Grey, Vice Chair, CCRWQCB
  - Jeffrey Young, Board Member, CCRWQCB
  - Monica Hunter, Board Member, CCRWQCB
  - Michael Johnston, Board Member, CCRWQCB
6. Name of person(s) who initiated the communication: Kay Mercer
7. Describe the communication and the content of the communication.
  - Provided a draft copy of a schedule of compliance for the Draft Order.
  - Discussion of deletion of Riparian Area requirements from the Draft Order for adoption.
8. See attached Schedule of Compliance.

## Draft - ILRP 4.0 Implementation Schedule

1	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W		
1																									
2	<b>Draft - ILRP 4.0 Implementation Schedule</b>																								
3	<b>Location in MRP and</b>																								
4	<b>MRP</b>		<b>Order</b>																						
5	<b>Section</b>	<b>Pages</b>	<b>Part</b>	<b>Pages</b>	<b>Individual Grower - Compliance Due Dates</b>															<b>New Costs</b>	<b>Comments</b>				
6					* Denotes exercise of discretionary authority																				
7	<b>General Compliance Requirements</b>																								
8	N/A	N/A	Part 2. A.	15-19	<b>Enrollment, Fees, Termination, General Provisions</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
9	N/A	N/A	Part 2. B.	21-23	<b>Planning, Education, Mgt Practices, and CEQA</b>																				
10					<b>Farm Water Quality Management Plan (Farm Plan) should be updated annually</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		* Consists of a: Irrigation Nutrient Mgt Plan (INMP), Pesticide Mgt Plan (PMP), Sediment and Erosion Management Plan (SEMP), Riparian Area Mgt Plan (RAMP), Water Quality Education, CEQA Mitigation Measure Implementation. See Order Surface Water sections for more info on FWQMP requirements. * FWQMP contains descriptions of ALL irrigation, nutrient, salinity management practices on the ranch.	
11					<b>Growers Must Obtain Education annually</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
12					<b>Growers must update the Annual Compliance Form annually</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	New ACF requirements consist of: Status of Farm Plan development and implementation, Reporting on the Sediment and Erosion Management Plan (SEMP), Reporting on the Pesticide Management Plan (PMP), Reporting on the Riparian Area Management Plan (RAMP), Reporting on Education received, Status of drinking water notification to well users. New digital map with setback boundaries.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
4	<b>MRP</b>		<b>Order</b>																				
5	<b>Section</b>	<b>Pages</b>	<b>Part</b>	<b>Pages</b>	<b>Individual Grower - Compliance Due Dates</b>														<b>New Costs</b>	<b>Comments</b>			
6					* Denotes exercise of discretionary authority	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2040	2050			
13	<b>Groundwater</b>																						
14			Part 2.C - 1	24 thru 30	<b>Irrigation and Nutrient Management for Groundwater Protection</b>																		
15					<b>Fertilizer Nitrogen Application Limits - Find the limits in Tables C.1-1 and C.1-2.</b>		1/1																x
16					<b>Nitrogen Discharge Targets and Limits - Tables C.I-1</b>																		x
17					500 lb. N/ Acre Target		x																x
18					400 lb. N/ Acre Target				x														x
19					300 lb. N/ Acre Limit						x												x
20					200 lb. N/ Acre Limit											x							x
21					150 lb. N/Acre Limit																		x
22					150 lb. N/Acre Limit															x			x
23					50 lb. N/ Acre Limit																x		x
24																							
25	B. 1 thru 15	4 thru 9	Part 2 .C - 1	24 thru 30	<b>Total Nitrogen Applied (*TNA) Monitoring and Reporting</b>																		See Groundwater Phasing Maps and Lists in Figure B 1-4 bd Table C. 1-1 and C.1-2
26					All Dischargers, regardless of Groundwater (GW) Phase, enrolled in Ag Order 3.0 and required to submit TNA reports must continue to submit a complete and accurate TNA report.	3/1	3/1																For some growers



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6					* Denotes exercise of discretionary authority	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2040	2050				
40					GW Phase 3 - Conduct monitoring and recordkeeping for INMP Summary report						1/1												x	
41					GW Phase 3 - Submit INMP Summary report (Annual requirement)							3/1	3/1	3/1	3/1	3/1	3/1	3/1					x	
42					The area reported on each INMP Summary report must be < 640 Acres																		x	* For growers with more than 640 acres, this will present challenges, especially for short-term, rotating leases.
43					N in Irrigation Water - Dischargers required to submit the INMP Summary report must obtain and report a precise nitrogen concentration from ALL sources of irrigation water (e.g., EACH irrigation well).																		For some growers	* Sampling all wells on an annual basis is assumed to be a simple task because well water sampling in-and-of itself is not complicated. *Must use weighted average for average irrigation water N concentration. * Is Staff able to manage this workload?
44					Volume of Irrigation Water Applied to the Ranch																		For some growers	* Dischargers must estimate, and where possible are encouraged to measure the volume of irrigation water applied to each specific crop * Reporting total water applied per crop is a point of statistical weakness.

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6					* Denotes exercise of discretionary authority	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2040	2050			
45					N Removed - Monitor the total mass of each specific crop in pounds per acre removed during the reporting period.													x	* Dischargers must either use a conversion coefficient provided by the regional board or develop and use their own conversion coefficient. * Dischargers who elect to develop their own conversion coefficient must do so by obtaining a laboratory result from samples collected from their operation, following standard protocols approved by the Executive Officer, to determine the nitrogen concentration in the crop material. * NOTE: N-Removal sampling and laboratory protocols previously issued by Staff in 2018 were completely unreasonable. The laboratories refused to do them.				
46	C. 14	15			<b>Irrigation Water</b>													x	* Not all growers have the staff or technical capacity to do these calculations.				
47					Growers must calculate ET for each specific crop.													x	* Crop planting hierarchy makes these calculations very difficult.				
48					Growers must report the volume of water discharged through surface outflows This will require specific design for each outfall or discharge ditch on the ranch.													x	* A great deal of allocation and guesstimation is necessary.				
49																							
50	D.	15	Part 2.	28	<b>Groundwater (GW) Monitoring and Reporting</b>														It is recommended the well name be affixed to the well.				

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4	MRP		Order			Individual Grower - Compliance Due Dates																New Costs	Comments	
5	Section	Pages	Part	Pages		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2040	2050				
6					* Denotes exercise of discretionary authority																			
51	D.1-8	15			<p><b>On-Farm Domestic Wells</b> -all domestic wells must be monitored May 1 - May 31, 2021 and annually, thereafter. Notice must be given within 10 days of receiving results. Notice must be given to any new tenants within 1- days of occupancy. In Spanish and English. Wells in exceedance of MCL must be posted. Update ACF within 30 days of receiving results.</p>	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	x	*New 1,2,3 TCP analysis.
52																								
53	D. 9 - 12	17			<b>Irrigation Wells</b>																			
54					Sample primary irrigation well and report results.	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	x	*What is the purpose of reporting ALL irrigation wells?
55					GW Phase 1 must monitor <b>ALL</b> irrigation wells and report results. Monitoring period is March 1 - May 31 in 2022 and annually after that.		7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	x	* Duplicative Reporting with other sections of the order. * This needs to be streamlined. * Can Ag negotiate the use of Nitrate results from Ag suitability tests so that growers don't have to take multiple water samples for on-farm management and water quality? They are the same EPA method.
56					GW Phase 2 must monitor ALL irrigation wells and report results. Monitoring period is March 1 - May 31 in 2024 and annually after that.				7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	x	*Is Staff able to handle this workload. Staff and AG have been struggling with taking ALL domestic wells and the primary irrigation well sample two times every four years. The biggest obstacle is getting timely lab uploads of sample results to Geotracker. This takes a substantial amount of time bird-dogging the labs and interfacing with Staff.
57					GW Phase 3 must monitor ALL irrigation wells and report results. Monitoring period is March 1 - May 31 in 2026 and annually after that.					7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	x	
58																								
59					<b>Groundwater (GW) Quality Trends</b>																		x	







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85						FWQMP contains monitoring and recordkeeping, planning, management practice implementation and pesticide application characteristics and IPM management practices.																x	Some new reporting requirements (timing, formations, wine and rainfall monitoring) will incur new labor costs.
86						* EO may require ranch-level surface discharge monitoring described in the MRP.																x	Need more details about conditions that would trigger this. Too much subjectivity and discretion here.
87						If in an area with an established TMDL must meet receiving water limits as per compliance dates in Table C.2-1. If not in a area without an established TMDL, see Table C.2-2.																x	
88																							
89	E. 1-12	21 thru 24	Part 2, C. 3.	36 - 39	<b>Sediment and Erosion Mgt for Surface Water Protection</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
90						FWQMP contains monitoring and recordkeeping, planning, management practice implementation and descriptions implemented on the ranch.																x	New reporting requirements: stormwater, road, and impermeable surface management
91						* EO may require ranch-level surface discharge monitoring described in the MRP.																x	Need more details about conditions that would trigger this. Too much subjectivity and discretion here.
92						If in an area with an established TMDL must meet receiving water limits as per compliance dates in Table C.2-1. If not in a area without an established TMDL, see Table C.2-2.																x	
93																							
94						<b>Ranches with Impermeable Surfaces</b>																	
95						Ranches with Impermeable surfaces must compare Stormwater discharge intensity and volume on ranch with impermeable surfaces to ranches with equivalent permeable areas.																x	
96						Ranches with impermeable surfaces on slopes equal to or greater than 5% must have a sediment and erosion control plan developed and certified by a qualified professional .																x	



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107					Surface Water Priority 1 Areas		3/1																X	
108					Surface Water Priority 2 Areas			3/1															X	
109					Surface Water Priority 3 Areas				3/1														X	
110					Surface Water Priority 4 Areas					3/1													X	
111					Submit Work Plan, with sampling schedule.																		X	
112					Follow-up monitoring data must be submitted quarterly.																		X	Is Staff able to process such frequent reporting?
113					Submit an annual report.	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	7/1	X	
114	E. 22-29	28 thru 29	Part 2. C.2. 7,	31	*Ranch-Level SW Discharge - EO may require dischargers to do ranch-level monitoring to assess contributions to exceedances, evaluate effects of their discharge, and evaluate compliance.																		X	*Essentially, this would be a Tier 3 Surface Water Monitoring Program with a first-flush requirement. *May have lab and sampler capacity issues depending on how many growers are required to do individual follow-up monitoring.
115					Submit a Ranch-level work plan with 90 days of being contacted by the EO	Ranch and workplan dependent																X		
116					Commence work within 90 days of receiving EO approval of the schedule	Ranch and workplan dependent																X		
117					Sampling must occur at each monitoring site 4 times per year/once per quarter.	Ranch and workplan dependent																X		
118					Reports must be submitted on Mar 1 and Sep 1 each year of the life of the Ranch-Level Monitoring Program	Ranch and workplan dependent																X	* Is Staff able to process such frequent reporting?	
119	<b>Riparian Habitat Requirements</b>																							













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192					Riparian Priority 3 Areas -												12/31						X
193					Riparian Priority 4 Areas -													12/31					X