

## **General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region**

### **Attachment C: Third-Party Requirements**

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## **Attachment C: Third-Party Requirements**

Attachment C outlines the approval process and requirements for Third-Party programs under this Order. Third-Parties are programs or entities approved by the Regional Board's Executive Officer to assist Enrollees in compliance with this Order. The general term 'Third-Party Program' encompasses two distinct types of programs under this Order:

**Grower Coalitions (Coalitions)** collect and submit State Board fees on behalf of Enrollees, manage communication between Enrollees and the Regional Board, conduct monitoring and reporting in accordance with the Coalition MRP, and provide education and outreach resources to Enrollees.

**Voluntary Sediment Control Programs (Voluntary Programs)** provide Enrollees with a compliance option with the Order's erosion and sediment control requirements through a Sediment and Erosion Control Plan and on-farm audits.

Coalitions and Voluntary Programs may work independent of one another in fulfilling their distinct functions under this Order. Enrollees may use Voluntary Programs to fulfill erosion and sediment control requirements whether they are enrolled in the Order individually or through a Coalition.

Coalitions and Voluntary Programs will be approved by the Regional Board's Executive Officer following adoption of this Order in accordance with expectations and requirements in this Attachment. Approved Third-Party programs will be listed on the North Coast Water Board's Vineyards website.

### **I. Coalition Requirements**

#### **A. General Provisions**

- 1) A Coalition that is approved to represent Enrollees under this Order shall fulfill the following responsibilities:
  - a) Collect fees from Enrollees and submit payment to the State Water Resources Control Board,
  - b) Manage communications between enrolled Enrollees, the North Coast Water Board, and State Water Board,
  - c) Provide outreach and education resources for enrolled Enrollees; and
  - d) Fulfill monitoring and reporting requirements as specified in Attachment B: Monitoring and Reporting Program for Enrollees in a Coalition on behalf of its Enrollees, including but not limited to submitting monitoring workplans and necessary technical material, conducting regional surface water and groundwater monitoring, notifying Enrollees of Adaptive Management thresholds triggered<sup>1</sup>, notifying Enrollees if they are statistical outliers for

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nitrogen application, and connecting enrolled Enrollees to resources that can assist the preparation and implementation of Water Quality Management Plans (required in Section II.E of this Order).

- 2) The Coalition may work with multiple entities or programs to meet one or more of the above requirements provided the Coalition has binding agreements (e.g., through contractual obligations, Memorandums of Agreement) that clearly define roles and responsibilities within each entity in order to meet all Third-Party requirements.
- 3) The North Coast Water Board may revoke the status of an approved Coalition applicant and require its enrolled Enrollees to enroll individually or enroll in an alternative Coalition if the Coalition fails to meet requirements of this Order after initial approval.
- 4) Prospective Coalition entities shall follow the procedures outlined below in Section B and C to become an approved Coalition applicant for this Order. New Coalition(s) shall obtain written approval from the North Coast Water Board's Executive Officer prior to assisting Enrollees with compliance with this Order.

**B. Minimum Qualifications**

Coalition(s) wishing to act as a representative on behalf of enrolled Enrollees shall meet the minimum qualifications below:

- 1) Effectiveness of scale and scope – The Coalition's program must be of sufficient scale and scope relative to its intended purpose to maximize Enrollee participation, Order implementation effectiveness, and Order compliance. Although regionally scaled programs are preferred, watershed-, basin-scale or county-scale programs will be considered as needed.
- 2) Administrative Capacity – The Coalition must have a well-defined and robust governance and administrative structure with clearly defined roles and responsibilities. The Coalition must have necessary administrative capabilities to manage Enrollee data, collect fees, conduct Enrollee outreach, and assist Enrollee with self-reporting requirements. The Coalition must demonstrate sufficient technical, managerial, and financial capacity to successfully achieve its goals and objectives.
- 3) Membership and fee accounting – The Coalition must track and provide ongoing accounting of its Enrollee membership and fees to document Enrollee compliance. The Coalition must have clearly stated membership eligibility requirements and report out on them as needed to document compliance.
- 4) Physical presence – The Coalition should have a physical presence in the North Coast Region, including staff and a headquarters that can assist its Enrollees on a continual and as-needed basis. If the Coalition administrator does not have or plan

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to have a physical presence in the region, they must demonstrate they can effectively establish, maintain, and engage with core membership without a headquarters in the North Coast Region.

- 5) Transparency and accountability – The Coalition must have meaningful and clearly stated goals, objectives, and associated performance metrics relevant to the Order requirements that are the focus of the program. The Third-Party must provide regular assessments of its performance relative to its stated goals and objective based on meaningful performance metrics. This includes reporting of water quality data and farm-level data as needed to document compliance with this Order.
- 6) Data management and Record Keeping – The Coalition must upload data as required by this Order to the Water Boards' various data management systems (e.g., CEDEN, GeoTracker, etc.). The Coalition must have the capacity to manage and retain data for ten years and comply with record-keeping requirements in Section II.E (Provisions) of the Order.
- 7) Coordination – The Coalition must consider and coordinate with other Third-Party programs/groups or local entities as may be appropriate to create consistency; leverage the efforts, infrastructure, and expertise of others; and streamline the Coalition to maximize effectiveness.
- 8) Outreach and Education – The Coalition must include continuing education opportunities as appropriate either directly through the Third-Party Program or through coordination with other technical service providers or local entities to ensure its Enrollees obtain technical skills and assistance necessary to achieve compliance with the limits and requirements established in this Order. The Coalition must conduct Membership outreach and education to inform Enrollees about the monitoring results relative to meeting objectives and goals of this Order.
- 9) Development of Required Technical Material – The Coalition must have capability to develop and implement, or contract detailed technical documents as specified in Attachment B of the Order including but not limited to: Water Quality Monitoring Workplan(s), Trend Monitoring Reports, a Quality Assurance Project Plan (QAPP), annual water quality and management practices reporting, and Groundwater Protection Plan(s).
- 10) Conducting Water Quality Monitoring – The Coalition must have the capability to develop or contract group surface water and groundwater quality monitoring programs in accordance with the requirements in Sections III and IV of the Attachment B of the Order

**C. Request for Proposal Process and Establishing Approved Coalition**

- 1) Within six months after adoption of the Order, the North Coast Water Board will release a Request for Proposals (RFP). Coalition applicants shall apply within the stated deadline of the RFP to be considered.

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- 2) Coalition proposals will be evaluated on a case-by-case basis relative to their ability to document compliance with this Order as part of a Request For Proposal process and as further informed by a forthcoming Coalition program expectations document.
- 3) The North Coast Water Board's review of Coalition program proposals will consider the Minimum Qualifications outlined above relative to overall Third-Party program effectiveness, with an emphasis on approving Coalitions that can effectively assist their Enrollees in complying with the requirements of this Order.
- 4) Included in the RFP submittal, the Coalition applicant shall submit documentation of its organizational or management structure. The documentation shall identify persons and/or entities responsible for ensuring that Third-Party program requirements are fulfilled. This documentation shall be made readily available to Enrollees.
- 5) In evaluating whether to approve a new Coalition, the Executive Officer will consider the following factors:
  - a) The ability of the applicant to carry out the identified Coalition responsibilities.
  - b) Whether the applicant is a legally-defined Third-Party applicant (i.e., non-profit corporation; local or state government; Joint Powers Authority) or has a binding agreement among multiple entities that clearly describes the mechanisms in place to ensure accountability to its Enrollees.
  - c) If the applicant plans to use subsidiary group(s) or partnering entities to assist with Coalition program requirements, whether the applicant has binding agreements with those entities to ensure any Coalition program responsibilities carried out by the entities, including the collection of fees, are done transparently and with accountability.
  - d) Whether the applicant has a governance structure that includes a governing board of directors composed in whole or in part of Enrollees, or otherwise provides Enrollees with a mechanism to direct or influence the governance of the applicant through appropriate by-laws.
  - e) Whether the applicant has membership eligibility requirements and follow-up consequences that are triggered, including revocation of membership eligibility, to address the following scenarios where Enrollees are no longer in good standing: (1) Non-payment of fees; (2) Non-submittal of information; (3) Non-participation in education/outreach or site visits; or (4) Failure to implement / adapt management practices.
- 6) If the Executive Officer determines that the applicant has the capacity to satisfactorily carry out the stated responsibilities, the North Coast Water Board's

Executive Officer will issue a Notice of Applicability to the Coalition for its enrolled members and, if appropriate, a Monitoring and Reporting Program specific to the new Coalition and its Enrollees. The new Coalition shall comply with the relevant terms and conditions of this Order and any applicable Monitoring and Reporting Program upon receipt of the letter of approval.

#### **D. Coalition Requirements**

- 1) Approved Coalitions shall comply with all requirements of Coalitions as outlined in the Order and Attachment B: Monitoring and Reporting Program for Enrollees in a Coalition.
- 2) Approved Coalitions shall be prepared to accept enrollments by **July 1, 2028**.
- 3) By **July 1, 2029**, and annually thereafter, the Coalition shall submit to the North Coast Water Board a list of all its Enrollee members. The list shall specifically identify any new Enrollees, or any Enrollees terminated since the last reporting period. As part of the membership list submittal, the Coalition shall identify Enrollees who have failed to fulfil the requirements of this Order as specified in Attachment B: Section V.A
- 4) By **January 1, 2031**, the Coalition shall submit a scope of work for a Water Quality Monitoring Workplan. By **July 1, 2031**, the Coalition shall submit a Water Quality Monitoring Workplan (Workplan) in accordance with Attachment B: Section III.A.
- 5) The Coalition shall respond promptly to North Coast Water Board requests for any of the information the Coalitions are required to maintain, which may include but is not limited to: (1) Enrollee contact information; (2) Enrollee reports (e.g., Farm Evaluations, INMPs), (3) outreach and education attendance lists, and (4) water quality monitoring locations.

## **II. Voluntary Sediment Control Programs**

As indicated in Section II.C of the Order, Enrollees may choose to develop a Sediment and Erosion Control Plan through participation in a Voluntary Sediment Control Program (Voluntary Program) to meet erosion and sediment control requirements of this Order. Following adoption of the Order, the Regional Board will develop a list of approved Voluntary Programs that Enrollees may choose to meet this compliance option. Approved Voluntary Programs will be posted on the Regional Board's Vineyards website. The following outlines the approval process and requirements of Voluntary Programs.

#### **A. Approval Process for Voluntary Programs**

- 1) Within six months after adoption of the Order, the North Coast Water Board will release a Request for Qualifications (RFQ). Voluntary Program applicants shall apply within the stated deadline of the RFQ to be considered.

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- 2) Voluntary Program will be evaluated on a case-by-case basis relative to their ability to meet Voluntary Program requirements stated below and in the RFQ.
- 3) If the Executive Officer determines that the Voluntary Program effectively meets the requirements below and stated in the RFQ, the North Coast Water Board's Executive Officer will issue a letter of approval and list the Voluntary Program on the Regional Board's Vineyards webpage. The Voluntary Program shall comply with the relevant requirements upon receipt of the letter of approval.

**B. Voluntary Program Requirements**

At a minimum, Voluntary Programs must include the elements stated below and meet all requirements to be eligible for approval under this Order:

- 1) Erosion and Sediment Control Standards: The Voluntary Program shall require its participants to meet stated performance standards or minimum requirements that will achieve the goal of preventing, minimizing, or eliminating erosion and excess sediment discharge from the Farm Area and will provide commensurate protection with the minimum ground cover requirements of Section II.C of this Order.
- 2) Sediment and Erosion Control Plan: The Voluntary Program shall, as a stand-alone or part of other program elements, include the development a plan that is consistent with the Sediment and Erosion Control Plan (SECP) requirements as described in Section II.C of the Order which inventories and implements erosion and sediment control management practices on the vineyard to meet stated performance standards or minimum requirements. At a minimum, the SECP shall include an inventory of existing and planned management practices in the Farm Area, a schedule for management practices not yet implemented, and a map consistent with Farm Evaluation map requirements in Section II.F of the Order and further described in the MRP. Enrollees may use the same map for their Farm Evaluation and Voluntary Program SECP.
- 3) On-Farm Audits: Voluntary Programs shall perform an on-farm audit of each participating vineyard at least once every five years. Audits shall take place between December 15th-April 1st each year to assess management practices in place during the winter. On-farm audits shall be performed by a third-party auditor independent of the Enrollee who is in good standing with the Voluntary Program. On-farm audits shall include:
  - a) A review of erosion and sediment control management practices indicated in the SECP and an on-site verification that management practices are present.
  - b) A review of implemented management practices against performance standards or requirements of the Voluntary Program.
  - c) A review of management practice effectiveness at preventing, minimizing or

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eliminating erosion and sediment discharge from the vineyard using the auditor's best professional judgement and the applicable standards or requirements of the Voluntary Program.

- d) Where the auditor has indicated that management practices fail to meet performance standards or requirements of the Voluntary Program, the auditor will develop a list of remedial actions and a schedule of implementation.
- 4) Remedial Actions and Schedule of Implementation: The Voluntary Program shall have a process for describing and providing a schedule for the implementation of management practices where participants do not meet the stated performance standards or minimum requirements of the Voluntary Program and achieve the goal of preventing or minimizing erosion and excess sediment discharge to surface waters. This process shall include follow-up consequences that are triggered, including revocation of program participation, to address the following scenarios where participants are no longer in good standing. (1) Failure to implement / adapt management practices that meet stated performance standards or minimum requirements of the Voluntary Program; (2) Failure to implement / adapt management practices according to the schedule of implementation (3) Non-submittal of information required by the Voluntary Program; or (4) Non-participation in on-farm audits.

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<sup>1</sup> See Section II.E of the Order for a list of Adaptive Management triggers.



