

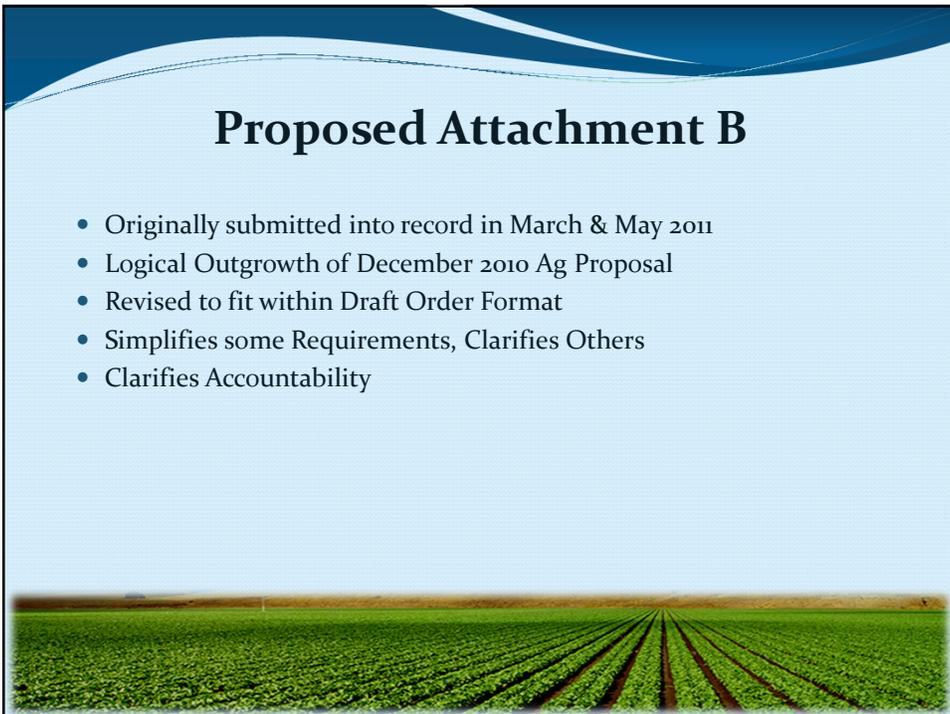
# A Coalition-Based Approach to Water Quality

Presented by: Dr. Marc Los Huertos, CSUMB  
Central Coast Water Board Workshop  
February 1, 2012  
Salinas, California



## Proposed Attachment B

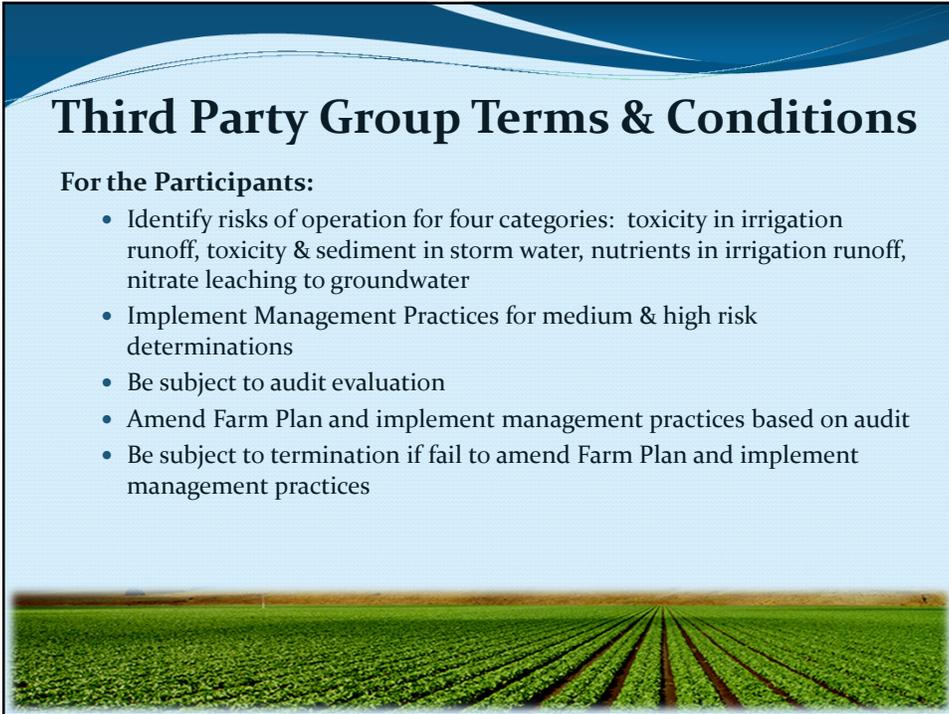
- Originally submitted into record in March & May 2011
- Logical Outgrowth of December 2010 Ag Proposal
- Revised to fit within Draft Order Format
- Simplifies some Requirements, Clarifies Others
- Clarifies Accountability



## Third Party Group Terms & Conditions

### For the Participants:

- Identify risks of operation for four categories: toxicity in irrigation runoff, toxicity & sediment in storm water, nutrients in irrigation runoff, nitrate leaching to groundwater
- Implement Management Practices for medium & high risk determinations
- Be subject to audit evaluation
- Amend Farm Plan and implement management practices based on audit
- Be subject to termination if fail to amend Farm Plan and implement management practices



## Enhanced Farm Plans

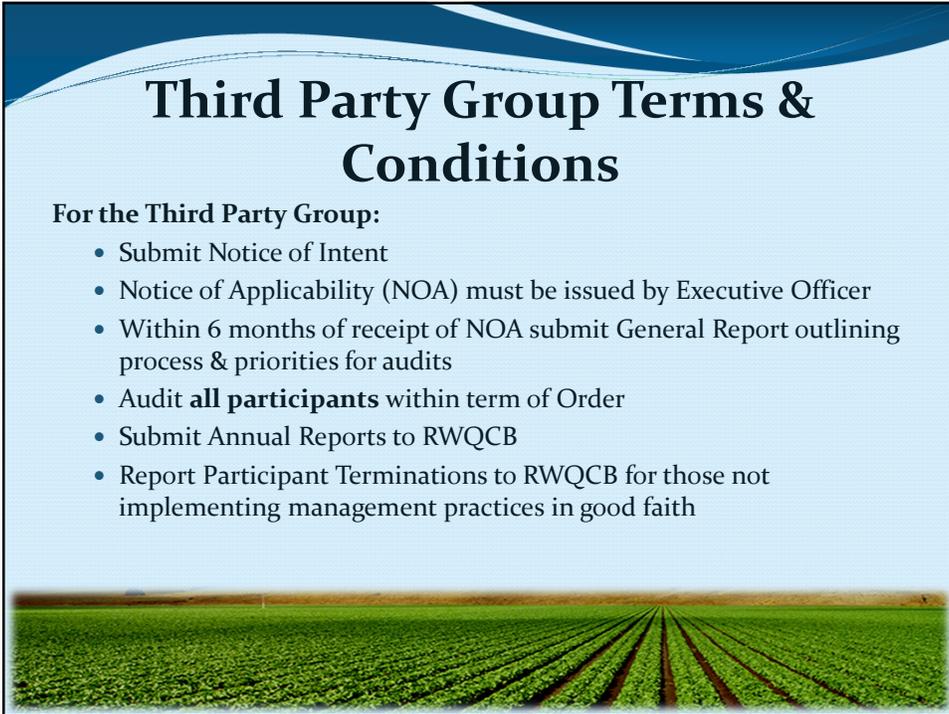
- Irrigation Management Practices
- Pesticide Management Practices
- Sediment Management Practices
- Nutrient Management Practices



## Third Party Group Terms & Conditions

### For the Third Party Group:

- Submit Notice of Intent
- Notice of Applicability (NOA) must be issued by Executive Officer
- Within 6 months of receipt of NOA submit General Report outlining process & priorities for audits
- Audit **all participants** within term of Order
- Submit Annual Reports to RWQCB
- Report Participant Terminations to RWQCB for those not implementing management practices in good faith



## Other Third Party Group Functions

- Establish Technical Advisory Committee (TAC)
  - Professionals, Technical Experts, Limited # of Growers
  - Assist in Developing Audit Process
  - Work with Participants to provide technical services.
  - Assist Participants in updating Farm Plans and implementing BMPs
  - Collaborate with Research Community



## Other Third Party Group Functions

- Establish Public Advisory Committee (PAC)
  - Could Include State Agencies, Local Agencies, Public, Ag
  - Review Annual Aggregate Reports & Make Recommendations
- Collective Treatment Systems
- Conduct Educational Workshops for Participants



## Annual Report Elements

- Names of Participants in good standing
- Number of operations audited in that 12-month period
- ID watersheds and/or sub-watersheds where audits were conducted
- Aggregated summary of audit results
- General summary of assistance provided to Participants
- Summary of any educational workshops conducted and who attended
- Summary of any other activities conducted by third party group towards the improvement of water quality



## Groundwater Assessment, Monitoring & Reporting Provisions

- Goals:
  - Assess Status of Groundwater Quality and Associated Beneficial Uses
  - Provide Feedback to Growers in Areas of Concern



## Addressing Groundwater Goals

- Establish Cooperative Monitoring Program for Groundwater
- Dischargers Would Elect to Participate (i.e., similar to surface water cooperative monitoring program)
- Coordinate with Existing Groundwater Monitoring Programs (e.g., local, DPR)



## Addressing Groundwater Goals

- Develop Workplan for Assessment & Monitoring
  - Use Existing Well Information To Extent Feasible
  - Identify Additional Monitoring Sites In Agricultural Groundwater Basins
  - Develop Monitoring Plan & QAPP
  - Timeline for Data Collection, Assessment & Submittal of Final Report



## Addressing Groundwater Goals

- Final Report
  - Include Characterization/Assessment of Groundwater
  - Include copies of all laboratory data collected
  - Identify wells sampled by section, township, and range
  - Due Within 5 years of Order Adoption



## Complies with Porter-Cologne

- Includes conditions on Participants & 3<sup>rd</sup> Party Groups
- Includes monitoring of Management Practice Implementation
- Maintains Surface Water Monitoring Program
- Includes Reporting Requirements for 3<sup>rd</sup> Party
- Focuses on compliance through implementation of management practices
- Requires implementation of management practices, with assistance to operators



## Includes Accountability

- Third Party group(s) must be approved
- Third Party must submit General Report for approval
- Third Party must submit Annual Reports
- Third Party must terminate participants not acting in good faith
- Third Party may be terminated for failing to meet requirements
- Third Party must audit all participants.



## Why Better Than Draft Order...

- 1) Provides for actual review of all Participating operations v. random RWQCB inspections
- 2) Requires implementation of management practices to be in 3<sup>rd</sup> Party Group v. paper reporting to RWQCB
- 3) Provides assistance & resources to operations that need assistance v. immediate enforcement action
- 4) 3<sup>rd</sup> Party Group likely to have more credibility with Participants v. RWQCB as the regulator
- 5) Outcome is water quality improvement v. prescriptive regulatory program



## Why Better Than Draft Order

### Cost of Compliance with Staff Order\*

- Tier 1: \$4.66/acre - \$98.97/acre
- Tier 2: \$23.74/acre to \$231.19/acre
- Tier 3: \$73.11/acre to \$620.55/acre

### Bottom Line Third Party Group Coalition Annual Costs:

Participation in Coalition: \$6.94/acre - \$11.79/acre, depending on participation level and based on a per-acre average cost, at 50-85% enrollment. Audit Cost as a Coalition Requirement: \$5.00 per acre in the on the farm(s) audited in the year of that audit.

\*Per Acre Cost Ranges for Growers with High Nitrate Crops, based upon "Economic and Cost Analysis of the Proposed Ag Waiver and Ag Alternative" (Barbeau/Mercer), submitted August 1, 2011.



## Recommendations

- Use the next six months before the current order expires to work with Dr. Los Huertos and the agriculture and conservation/scientific communities on this option in order to:
  - Further Incorporate 3<sup>rd</sup> Party/Coalition Alternative As Proposed, Including:
    - Alternative to Tier 2 & Tier 3 Requirements
    - Alternative to Individual Edge-of-Farm Monitoring
    - Alternative to Individual Groundwater Monitoring
    - Accountability Through Audits & Aggregate Reporting

