

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 22- 23, 2016**

Prepared on September 12, 2016

**ITEM NUMBER:** 11

**SUBJECT:** Update on Efforts to Develop Next Agricultural Order

**STAFF CONTACT:** Chris Rose 805/542-4770, [Chris.Rose@waterboards.ca.gov](mailto:Chris.Rose@waterboards.ca.gov)

**THIS ACTION:** Informational

**DISCUSSION**

**Staff Outreach**

At the July 28, 2016 Water Board meeting, Irrigated Lands Program Manager Chris Rose presented an informational item on the *Process and Timing of Efforts to Replace or Renew the Agricultural Regulatory Order*. The current Agricultural Order will expire in March 2017. Staff outlined a plan to replace the current Agricultural Order (version 2.0) with a new Agricultural Order (version 3.0) that is largely unchanged from 2.0 in most aspects, but with new compliance dates, as necessary. Staff also discussed the proposed changes to the current monitoring and reporting programs (MRPs) that will be implemented beginning January 2017 and recorded Water Board member and stakeholder comments. The Executive Officer signed revised MRPs on August 22, 2016. The MRP changes reflect staff's recommendations from the July 28, 2016 Water Board meeting and also incorporate board member-recommended changes from the meeting.

Since the July 28, 2016 board meeting, we have conducted several stakeholder outreach events to inform growers and other interested individuals of the revised MRPs and our plans to move forward with the development of Agricultural Order version 3.0. The following is a list of these outreach events:

- August 15, 2016 (morning session): Webcast meeting with grower technical assistance providers and individual growers.
- August 15, 2016 (afternoon session): Webcast meeting with environmental and environmental justice advocates.
- August 23, 2016: face-to-face workshop in Salinas with growers and interested parties.
- August 24, 2016: face-to-face workshop in Santa Maria with growers and interested parties.
- August 31, 2016: face-to-face workshop in San Luis Obispo with San Luis Obispo County Farm Bureau members.

During the webcast meeting with the technical assistance providers and growers, there was general agreement on the approach towards Agricultural Order version 3.0 development. Participants provided valuable input regarding necessary proposed compliance date changes. Regarding development of a third party that could act on behalf of individual growers to comply with the Agricultural Order, such as monitoring and reporting requirements, participants strongly suggested that any new third party should be driven by a grower-based effort, and not from a Water Board staff effort. The latter would be potentially viewed as a regulatory extension of the

Water Board. Participants also discussed the need for groundwater monitoring in 2017, as is required in the recently revised (August 22, 2016) MRPs.

During the webcast meeting with the environmental and environmental justice advocacy groups, there was disagreement with staff on the proposed approach to develop Agricultural Order version 3.0. Participants recommended that staff develop a new Agricultural Order with requirements consistent with the ruling in the Monterey Coastkeeper *et al.* vs. State Water Resources Control Board case; recall that this ruling is in appeal. Participants further suggested that if staff were to develop Agricultural Order version 3.0 with requirements largely similar to those in version 2.0 for approval in March 2017, that the next version of the Agricultural Order (version 4.0) could be developed for Water Board approval by March 2018, and incorporate the rulings in the aforementioned case as well as necessary antidegradation analysis and findings. In effect, the participants suggest that Agricultural Order version 3.0, if developed as recommended by staff, should have a life span of one year.

During the face-to-face workshops in Salinas, Santa Maria, and San Luis Obispo, participants generally agreed with the approach to develop Agricultural Order version 3.0 recommended by staff. Participants provided valuable suggestions on recommended compliance dates for version 3.0, as well as potential improvements to enrollment protocol, that better fit with the regulated communities' growing year. Participants posed questions regarding the groundwater monitoring requirements for 2017 and beyond. Some participants suggested that requirement compliance dates be memorialized in the MRPs, rather than the Agricultural Order, thereby giving the Executive Officer the ability to modify, when necessary.

### **Development of Agricultural Order 3.0**

Staff is now moving forward with development of Agricultural Order, version 3.0, as described at the July 28, 2016 Water Board meeting. We will make an effort to incorporate the recommendations received from interested parties during recent outreach efforts while maintaining consistency with the approach we've outlined. Acknowledging the potential conflict between these two directives, we may include expansion in requirements, where appropriate, in the draft Agricultural Order, version 3.0. Our goal is to develop a draft Agricultural Order version 3.0 ready for public comment by the first of November, followed by face-to-face workshops in late November, an update to the Water Board on December 8, 2016, and a comment period ending the first part of January 2017.

### **Update to the Water Board**

As discussed at the July 28, 2016 Water Board meeting, Irrigated Lands Regulatory Program staff is presenting an update on outreach events and recommendations for Agricultural Order 3.0 in this agenda item. This update includes:

- A summary of the outreach events
- Recommendations for Agricultural Order 3.0, including:
  - Reporting period change for Total Nitrogen Applied reporting to a calendar year basis. Note that the current reporting period is from each September 1<sup>st</sup> through August 31<sup>st</sup>.
  - The following would be due on March 1<sup>st</sup> of each year, beginning in 2018 (note that the current compliance date is October 1<sup>st</sup> of each year).
    - Annual Compliance Form update
    - Total Nitrogen Applied reports
    - Individual Surface Water Discharge Monitoring Reports
  - No *Water Board effort* to form a new third party to conduct both groundwater and surface water monitoring during 3.0. Note that this does not preclude a grower or

other third party effort from forming a new third party, as provided by the Agricultural Order.

- Annual compliance dates for update reports on:
  - Irrigation and Nutrient Management Plan Effectiveness Report
  - Water Quality Buffer Plan implementation
- No photo monitoring requirement in 3.0.

Staff will be available for questions as part of this item.