Agricultural Order 4.0
Requirement Options

Sustainable Ag Expo
November 13, 2018

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Elaine Sahl, Irrigated Lands Program Manager
Background Information

1. Regional Water Quality Control Board – AKA Water Board

2. State Agency created by Legislature in 1967

3. Regulate discharges to waters of the state

4. Permitting authority
Mission Statement

“Preserve, enhance and restore the quality of California’s water resources”

9 Regions
1. North Coast
2. San Francisco
3. Central Coast
4. Los Angeles
5. Central Valley
6. Lahontan
7. Colorado River
8. Santa Ana
9. San Diego

Central Coast Region

www.waterboards.ca.gov/central-coast
Agricultural Order (Ag Order)

- Regulates agricultural activities
- Ag Order 1.0 (2004); Ag Order 2.0 (2012)
- Ag Order 3.0 (2017)
  - Requires “enrollment” in the order:
    - Irrigated commercial crops
    - Commercial nurseries and greenhouses not otherwise permitted
    - Discharges from land not yet planted to commercial crops not yet marketable
  - Investigation of non-enrollees (non-filers)
    - Enroll now if you are not already
  - Expires March 2020
Procedural and Legal Challenges

• Petitions on Ag Order:
  – Request for review from State Water Resources Control Board
  – Central Coast Water Board; Central Valley Water Board
• Civil cases against:
  – Regional Water Board Orders
  – State Water Board Orders
• State of California Appellate Court Decision
• Pending litigation
• Helping frame future Ag Orders in the state
Timeline for Ag Order 4.0 Development
Ag Order 4.0 Roadmap with Outreach Timeline

- **Ag Order 3.0 Adoption**
  - Mar 8, 2017

- **Begin 4.0 Planning**
  - June 2017

- **Planning & Development**
  - June 2017 – Nov 2018

- **Ag 4.0 Agenda Items**
  - Mar 2017

- **Board Meeting**
  - Sept 2017

- **Board Meeting**
  - Dec 2017

- **Listening Sessions**
  - August 2017

- **Public Comment for CEQA Initial Study**
  - Feb 16 – April 30, 2018

- **CEQA Scoping Workshops**
  - March 2018

- **Public Workshop during September 2018 Board Meeting**
  - Sept 2018

- **60-day Public Comment Period**
  - Nov 2018 – Jan 2019

- **Public Stakeholder Meetings; Ongoing Focused Group Stakeholder Meetings**
  - Nov 2018 – Dec 2018

- **Board Meeting**
  - Dec 2018

- **Compile Comments; Ongoing Focused Group Stakeholder Meetings**
  - Jan – March 2019

- **60-day Public Comment Period; Public Stakeholder Meetings; Ongoing Focused Stakeholder Meetings**
  - Feb 16 – March 2019

- **Develop Draft Order and EIR**
  - Mar – July 2019

- **Develop Final Draft**
  - Aug – Oct 2019

- **Adoption Hearing**
  - Oct 2019 – Feb 2020

- **Ag Order 4.0**
  - March 5, 2020

- **Final Draft Order**
  - February 2020

- **Ag Order 4.0 Roadmap with Outreach Timeline**
  - WE ARE HERE

2017

- Mar
- May
- July
- Sept
- Nov
- Jan 2018

2019

- Mar
- May
- July
- Sept
- Nov
- Jan

2020

- Mar
Ag Order 4.0 Roadmap with Outreach Timeline

**Planning & Development**
- June 2017

**Listening Sessions**
- August 2017

**Public Comment for CEQA Initial Study**
- Feb 16 – April 30, 2018

**CEQA Scoping Workshops**
- March 2018

**Public Workshop during September 2018 Board Meeting**
- Sept 2018

**Public Stakeholder Meetings; Ongoing Focused Group Stakeholder Meetings**
- Nov 2018 – Jan 2019
- Jan 2019
- March 2019
- September 2018
- November 2018
- March 2019

**Compile Comments; Ongoing Focused Group Stakeholder Meetings; Develop Recommendation**
- Jan – Mar 2019

**60-day Public Comment Period; Public Stakeholder Meetings; Ongoing Focused Stakeholder Meetings**
- Mar – July 2019
- Oct 2019 – Feb 2020

**Develop Final Draft**
- Aug – Oct 2019

**Adoption Hearing**
- Mar 2020
Ag Order 4.0 Roadmap with Outreach Timeline

- **Planning & Development**: June 2017 – Nov 2018
  - **Listening Sessions**: August 2017
  - **Public Comment for CEQA Initial Study**: Feb 16 – April 30, 2018
  - **CEQA Scoping Workshops**: March 2018
  - **Public Workshop during September 2018 Board Meeting**: Sept 2018
  - **60-day Public Comment Period**: Nov 2018 – Jan 2019
  - **Public Stakeholder Meetings; Ongoing Focused Group Stakeholder Meetings**: Nov 2018 – Dec 2018
  - **Compile Comments; Ongoing Focused Group Stakeholder Meetings**: Jan – Mar 2019

- **Develop Final Draft Order and EIR**
  - **Draft Ag Order 4.0 and EIR Posted ~ Aug 2nd**: Aug – Oct 2019
  - **60-day Public Comment Period; Public Stakeholder Meetings; Ongoing Focused Stakeholder Meetings**: Oct 2019 – Feb 2020

- **Ag Order 4.0 Agenda Items**
  - **Ag 4.0 Agenda Items**: Mar 2018, May 2018, June 2018
  - **Board Meeting**: Dec 2018 – Jan 2019

- **Ag Order 3.0 Adoption**
  - **March 8, 2017**

- **Begin 4.0 Planning**
  - **June 2017**

- **Stakeholder Workshop**
  - **September 2018**

- **Agenda Item ~ March 5, 2020**

- **Post Draft Order and Draft EIR**
  - **August 2019**

- **Final Draft Order**
  - **February 2020**

- **Ag Order 4.0 Agenda Item ~ March 5, 2020**

- **Adoption**
  - **Mar 8, 2017**

- **Board Meeting**

- **Ag 4.0 Roadmap with Outreach Timeline**

- **Develop Draft Order and EIR**
  - **Jan – Mar 2019**

- ** Compile Comments; Ongoing Focused Group Stakeholder Meetings**
  - **Jan – Mar 2019**

- **Recommendation to Board**
  - **March 2019**

- **Agreement 4.0 Agenda Item**
  - **March 5, 2020**

- **Final Draft Order**
  - **February 2020**

- **Ag Order 4.0 Agenda Item**
  - **March 5, 2020**

- **Ag Order 4.0 Roadmap with Outreach Timeline**

- **Agenda Item ~ March 5, 2020**

- **Agenda Item**
  - **March 5, 2020**

- **Recommendation to Board**
  - **March 2019**

- **Ag Agreement 4.0 Agenda Item**
  - **March 5, 2020**

- **Final Draft Order**
  - **February 2020**

- **Ag Agreement 4.0 Agenda Item**
  - **March 5, 2020**
Ag Order 4.0 Roadmap with Outreach Timeline

- **2017**
  - Planning & Development: June 2017
  - Listening Sessions: August 2017
  - Public Comment for CEQA Initial Study: Feb 16 – April 30, 2018
  - CEQA Scoping Workshops: March 2018
  - Public Workshop during September 2018 Board Meeting: Sept 2018
  - 60-day Public Comment Period: Nov 2018 – Jan 2019
  - Public Stakeholder Meetings; Ongoing Focused Group Stakeholder Meetings: Nov 2018 – Dec 2018

- **2018**
  - Draft Ag Order 4.0 and EIR posted ~Aug 2nd; 60-day Public Comment Period; Public Stakeholder Meetings; Ongoing Focused Stakeholder Meetings: Mar – July 2019

- **2019**
  - Develop Final Draft: Aug – Oct 2019
  - Adoption Hearing: Oct 2019 – Feb 2020
  - Mar 2020
Ag Order 4.0 Roadmap with Outreach Timeline

- **Ag Order 3.0 Adoption**
  - Mar 8, 2017

- **Begin 4.0 Planning**
  - June 2017

- **Ag 4.0 Agenda Items**
  - Board Meeting: Sept 2017, Dec 2017

- **Stakeholder Workshop**
  - September 2018

- **Requirement Options**
  - November 2018

- **Recommendation to Board**
  - March 2019

- **Post Draft Order and Draft EIR**
  - August 2019

- **Final Draft Order**
  - February 2020

- **Ag Order 4.0 Agenda Item**
  - March 5, 2020

- **Planning & Development**
  - June 2017 – Nov 2018

- **Listening Sessions**
  - August 2017

- **Public Comment for CEQA Initial Study**
  - Feb 16 – April 30, 2018

- **CEQA Scoping Workshops**
  - March 2018

- **Public Workshop during September 2018 Board Meeting**
  - Sept 2018

- **60-day Public Comment Period**
  - Nov 2018 – Jan 2019

- **Public Stakeholder Meetings; Ongoing Focused Group Stakeholder Meetings**
  - Nov 2018 – Dec 2018

- **Compile Comments; Ongoing Focused Group Stakeholder Meetings**
  - Jan – Mar 2019

- **60-day Public Comment Period; Public Stakeholder Meetings; Ongoing Focused Stakeholder Meetings**
  - Mar – July 2019

- **Develop Final Draft Order and EIR**
  - Mar – July 2019

- **Adoption Hearing**
  - Mar 2020

- **Develop Final Draft**
  - Oct 2019 – Feb 2020
ILRP Website Resources

• Ag Order 4.0 page of Irrigated Lands Regulatory Program website
  https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order4_renewal.html

• Board Meeting quick links
  – Ag Order 4.0 related agenda items posted
    • Staff reports; presentations
Ag Order 4.0 Requirement Options
Outline

1. Elements of an Order
2. Options Tables
   a. Irrigation and Nutrient Management – Groundwater
   b. Irrigation and Nutrient Management – Surface Water
   c. Pesticide Management – Surface Water, Groundwater
   d. Sediment and Erosion Management – Surface Water
   e. Riparian Habitat Management – Water Quality
3. Next Steps
   a. Public comment period
   b. Workshops
Elements of an Order

• Findings, conditions, provisions
• Method for prioritization
• Numeric limits to achieve water quality objectives
• Time schedule
• Requirement to implement treatment and control measures to achieve numeric limits
• Monitoring and Reporting
• Incentives
Options Tables

1. Irrigation and Nutrient Management – Groundwater
2. Irrigation and Nutrient Management – Surface Water
3. Pesticide Management – Surface Water, Groundwater
4. Sediment and Erosion Management – Surface Water
5. Riparian Habitat Management – Water Quality
<table>
<thead>
<tr>
<th>REQUIRED ELEMENTS</th>
<th>Ag Order 3.0</th>
<th>Ag Order 4.0 (Option 1)</th>
<th>Ag Order 4.0 (Option 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phasing or Prioritization</td>
<td>Included as reference</td>
<td>Phased requirements</td>
<td>Concurrent requirements</td>
</tr>
<tr>
<td>Numeric Limits*</td>
<td>Relatively higher limits</td>
<td>Relatively lower limits</td>
<td></td>
</tr>
<tr>
<td>Time Schedule to Achieve Numeric Limits*</td>
<td>Relatively longer time schedule</td>
<td>Relatively shorter time schedule</td>
<td></td>
</tr>
<tr>
<td>Monitoring and Reporting*</td>
<td>Relatively more estimates accepted in monitoring and reporting</td>
<td>Relatively more measurements required in monitoring and reporting</td>
<td></td>
</tr>
<tr>
<td>Incentives</td>
<td>TBD</td>
<td>TBD</td>
<td></td>
</tr>
</tbody>
</table>
Phasing or Prioritization

• Ag Order 3.0
  – Tiers based on ranch characteristics including ranch size, crops grown, specific chemical usage, proximity to impaired surface water, proximity to impaired public supply well.

• Ag Order 4.0 (Option 1)
  – Phases based on location-specific conditions such as water quality impairment, high quality waters, risk to groundwater recharge areas and/or risk to surface waters.

• Ag Order 4.0 (Option 2)
  – No prioritization or phasing. All requirements apply to all ranches concurrently.
### Numeric Limits

**Ag Order 3.0**
- 30ft buffer

**Ag Order 4.0**
- Option 1
  - Relatively higher limits
- Option 2
  - Relatively lower limits

TBD means “to be determined” and is used as a placeholder for a specific numeric limit.

- **Irrigation and Nutrient Management for Groundwater Protection**
  - $A_{FER} + A_{ARR} - R = \text{TBD lbs/ac/ranch/year}$
  - $A_{FER}$ cannot exceed TBD lbs/ac/crop

- **Irrigation and Nutrient Management for Surface Water Protection**
  - Nitrate Concentration = TBD mg/L
  - Ammonia Concentration = TBD mg/L
  - Orthophosphate Concentration = TBD mg/L

- **Pesticide Management for Surface Water and Groundwater Protection**
  - Pesticide Concentration = TBD $\mu$g/L
  - Toxicity Test = TBD # of toxic samples allowed
  - Toxic Unit = TBD

- **Sediment and Erosion Management for Surface Water Protection**
  - Turbidity = TBD NTU (COLD)
  - Turbidity = TBD NTU (WARM)

- **Riparian Habitat Management for Water Quality Protection**
  - Class X width = TBD feet
  - Class X native grasses = TBD%
  - Class X native shrubs = TBD%
  - Class X native trees = TBD%
Time Schedule to Achieve Numeric Limits

Ag Order 3.0
– None

Ag Order 4.0
– Option 1
  • Relatively longer time schedule
– Option 2
  • Relatively shorter time schedule

### Irrigation and Nutrient Management for Groundwater Protection
- \( A_{FER} + A_{ARR} - R = \text{TBD by 20XX} \)
- \( A_{FER} + A_{ARR} - R = \text{TBD by 20XX} \)
- \( A_{FER} + A_{ARR} - R = \text{Discharge Limit by 20XX} \)

### Irrigation and Nutrient Management for Surface Water Protection
- \( \text{TBD mg/L by 20XX} \)
- \( \text{TBD mg/L by 20XX} \)
- \( \text{Discharge Limit by 20XX} \)

### Pesticide Management for Surface Water and Groundwater Protection
- \( \text{TBD µg/L by 20XX} \)
- \( \text{TBD µg/L by 20XX} \)
- \( \text{Discharge Limit by 20XX} \)

### Sediment and Erosion Management for Surface Water Protection
- \( \text{TBD NTU by 20XX (COLD & WARM)} \)
- \( \text{TBD NTU by 20XX (COLD & WARM)} \)
- \( \text{Discharge Limit by 20XX (COLD & WARM)} \)

### Riparian Habitat Management for Water Quality Protection
- Setback Width Establishment
  • Phase 1 by 20XX
  • Phase 2 by 20XX, etc.
- Native Vegetative Cover Establishment
  • Phase 1 by 20XX
  • Phase 2 by 20XX, etc.

TBD means “to be determined” and is used as a placeholder for a specific numeric limit.

XX means “to be determined” and is used as a placeholder for a specific date.
Monitoring and Reporting

Ag Order 3.0
- Total Nitrogen Applied Report
- Annual Compliance Form
- Irrigation and Nutrient Management Plan
- Drinking Water Supply Well
- Surface Water Quality Trends
- Individual Discharge to Surface Water
- Water Quality Buffer Plan

Ag Order 4.0
- Option 1
  - Relatively more estimates accepted
- Option 2
  - Relatively more measurements required

- Irrigation and Nutrient Management for Groundwater Protection
  - Irrigation and Nutrient Management Plan
  - Individual Discharge to Groundwater
  - Drinking Water Supply Well
  - Groundwater Quality Trends

- Irrigation and Nutrient Management for Surface Water Protection
  - Irrigation and Nutrient Management Plan
  - Surface Water Quality Trends
  - Follow-up Receiving Water Monitoring
  - Individual Discharge to Surface Water

- Pesticide Management for Surface Water and Groundwater Protection
  - Pesticide Management Plan
  - Surface Water Quality Trends
  - Follow-up Receiving Water Monitoring
  - Individual Discharge to Surface Water
  - Drinking Water Supply Well

- Sediment and Erosion Management for Surface Water Protection
  - Sediment and Erosion Management Plan
  - Surface Water Quality Trends
  - Follow-up Receiving Water Monitoring
  - Individual Discharge to Surface Water

- Riparian Habitat Management for Water Quality Protection
  - Riparian Management Reporting
  - Individual Riparian Assessment (Option 2)
  - Surface Water Quality Trends
Incentives

Ag Order 3.0
- Sustainability Certification

Ag Order 4.0
- TBD

- Irrigation and Nutrient Management for Groundwater Protection
  - Pump and Fertilize
  - Additional Incentives TBD

- Irrigation and Nutrient Management for Surface Water Protection
  - TBD

- Pesticide Management for Surface Water and Groundwater Protection
  - TBD

- Sediment and Erosion Management for Surface Water Protection
  - TBD

- Riparian Habitat Management for Water Quality Protection
  - TBD

TBD means “to be determined” and is used as a placeholder.
Next Step

Public Comment Period for Draft Options
- November 2018 – January 2019

Workshops
- November 27: Watsonville
- November 28: Salinas
- November 29: San Luis Obispo
- November 30: Santa Maria
Thank You