

## Key Elements of Proposed Ag Order 4.0

(partial list/summary, not vetted for accuracy or completeness)

All draft Order documents posted at:

[https://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ag\\_waivers/ag\\_order4\\_renewal.html](https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order4_renewal.html)

### 1. FARM PLAN – all ranches must develop. Held on site but must be submitted upon request.

- a. Plans Must Include:
  - i. Irrigation and Nutrient Management Plan (INMP)
    1. Includes nitrogen reporting requirements per Eastern San Joaquin precedential order. Reporting on fertilizer N, compost N, irrigation N, N in soil, N in irrigation water, volume of irrigation water applied and total crop harvested (public accessible record).
      - a. May quantifiably demonstrate that ranch does not pose threat to surface or groundwater quality to get out of this requirement
      - b. If a farmer can prove applied N does not percolate below the root zone in an amount that could degrade groundwater and does not migrate to surface water through runoff or erosion, are not required to submit the INMP Summary report. They do have to turn in an annual update confirming their exemption (14. Page 27)
      - c. Achieving final nitrogen discharge limit of 50 lb/yr (15. Page 28)
      - d. Easier with a 3<sup>rd</sup> Party
    - ii. Pesticide Management Plan (PMP)
    - iii. Sediment and Erosion Management Plan (SEMP)
    - iv. Riparian Area Management Plan (RAMP)
    - v. Water Quality Education
    - vi. CEQA Growers must implement the Mitigation Measures – separately included in the EIR. Requires reporting.
  - b. For each element of the plan, the grower must document practices, monitoring and recordkeeping that result in compliance with applicable surface water limits.
  - c. *Presumably, much of the required Farm Plan documentation could be satisfied by submitting sustainability certification documents/plans/etc.*

### 2. Dischargers must complete surface receiving water monitoring and reporting

- a. must submit a work plan, including a SAP and QAPP
- b. Once approved, the work plan must be implemented

### 3. GROUP MONITORING and THIRD PARTIES

- a. Group options available, to be administered by third parties.
- b. Compliance with surface water limits is monitored by cooperative monitoring programs (or individual pathway if desired).

1. If an area is not in compliance, Board may require ranch-level monitoring of discharge and improved management practices.
- c. Third parties may also assist with Riparian Restoration via Cooperative Watershed Restoration Plan (CWRP) effort.
- d. *Joining a Third Party Program*
  - i. *will reduce fees to State Board*
  - ii. *shift much of the testing and reporting to the Third Party*
  - iii. *may allow aggregation of data to partially blind individual farms*
  - iv. *“the third-party may propose alternative compliance pathways”*
  - v. *Regionally scaled programs are preferred*

#### 4. NITROGEN LIMITS (for groundwater protection)

- a. Limits vary by crop. Hard on vegetables, not too bad on wine grapes.
- b. N discharge limit (A minus R) – amount of N retained in postharvest soil

Maximum nitrogen remaining in soils post-harvest:

- o 2022 – target is 500#/acre
- o 2024 – target is 400#/acre
- o 2026 – *limit* is 300#/acre
- o 2030 – *limit* is 200#/acre
- o 2035 – *limit* is 150#/acre
- o 2040 – *limit* is 100#/acre
- o 2050 – *limit* is 50#/acre

#### 5. SURFACE WATER LIMITS

- a. These limits are the Board’s response to requirement for ‘Quantifiable Milestones’ in the Coastkeeper decision
- b. Limits and timelines vary by constituent and geographic area.
  - i. Nutrient and toxicity limits are tied to TMDLs
  - ii. Sediment limits for areas with TMDLs, Turbidity limits for non-TMDL areas
- c. Compliance with surface water limits can be monitored by cooperative monitoring programs (or individual pathway if desired).
  1. If an area is not in compliance, Board may require ranch-level monitoring of discharge and improved management practices.

#### 6. RIPARIAN ZONES – for ranches with waterbodies within property or bordering

- a. **Operational Setback – by Oct 2022**
  - i. “Dischargers with waterbodies within or bordering their ranch **must** measure and report the current on-farm setback width and vegetative cover”
  - ii. Minimum operational setback is 1.5 times width of the active channel or applicable setback distance (based on Strahler Stream Order), whichever is less.
  - iii. Bare soil vulnerable to erosion **must** be minimized within the setback
  - iv. ‘Operational Setback’ means no crop production, permanent structures, chemical application, or operation of heavy machinery, etc.
- b. **Riparian Setback (timelines differ by area)**
  - i. Board Staff in the “Findings” Section 27 Estimate they will create 554 miles of newly protected streams and fallow 4,064 productive acres.

- ii. Must achieve setback widths and vegetative cover values as specified, using one of four compliance pathways:
  1. Cooperative Approach
  2. On-Farm Setback
  3. Rapid Assessment Model (RipRAM)
  4. Alternative Proposal
- c. **“Work Plans for areas with persistent exceedances of the surface water limits in the Order must identify follow-up actions to restore the degraded areas”**

Compliance Pathway 1: Cooperative Approach

12. Dischargers who select the Cooperative Approach compliance pathway must form or identify a third-party organization to develop a Cooperative Watershed Restoration Plan (CWRP) within the watershed where the ranch is located.

13. The CWRP must identify and implement ***projects that result in riparian establishment, re-establishment, and/or enhancement*** projects that benefit water quality objectives for sediment, toxicity, nutrients, and temperature, and are **protective of all beneficial uses** for inland surface waters, enclosed bays, and estuaries as outlined in section 3.3.2 of the Basin Plan. **Projects that only serve to preserve and protect existing riparian areas do not meet the criteria for this requirement.**

**7. Sediment & Erosion Control**

- a. Monitoring and reporting required
- b. TMDL limits with time table for compliance
- c. Ranches with impermeable surfaces must not exceed stormwater discharge intensity over 10-yr storm equivalent
- d. Impermeable surfaces with slopes of 5% or more must have a sediment and erosion control plan developed and certified by a qualified professional.

**8. FOCUS AREAS OF THE ORDER**

- a. Groundwater areas organized by ‘Phases’ –
  - i. all phases, over time, have to comply with the whole Order
  - ii. The vegetable growing areas are in Phase 1 - comply by 2022
  - iii. Vegetable areas also Phase 2 – have to comply in 2024
  - iv. All the upper areas are Phase 3 – additional 4 years to comply 2026 (7)
- b. Surface Water (areas organized by ‘Priority’)
- i. The whole of the Salinas River Watershed is included as Priority 1 - highest
  - ii. Estrella watershed is Priority 4 – least, but by 2026 must comply as Priority 1
- c. Riparian (areas organized by ‘Priority’)
- i. by 2026 all must comply as Priority 1
  - ii. farmers in 3<sup>rd</sup> party groups have until 2028
- d. Phases and Priorities are temporary and all irrigated ag will have to comply
- e. See bottom of Order for maps of priority/phase areas
- f. See ‘Ag Order 4.0 – Template’ excel document for partial list of timelines

**9. Additional Requirements include**

- a. Compliance with Basin Plan
- b. Backflow prevention devices required when applying chemicals via irrigation
- c. Proper handling of chemicals
- d. Minimize presence of bare soil vulnerable to erosion and soil runoff to surface water
- e. Access roads, to the extent possible, should be hydrologically disconnected and out-sloped to promote even drainage and prevent erosion/sedimentation
- f. Composting rules, BMPs and map of compost operations

**10. Quantifiable Milestones and Time Schedules**

- a. The Order requires Quantifiable Milestones (strict limits instead of targets) for nitrogen, other fertilizers if levels rise, various pesticides of concern and turbidity over set periods of times.
- b. Both groundwater and surface water are to be monitored and improved by milestones and time schedules.
- c. Starting 2021 all ranches must create the Annual Compliance Form (page 30 Monitoring & Reporting Program)
- d. All records must be maintained for a minimum of 10 years
  - i. All reports, monitoring, co-efficient calculations, management practice implementation and assessment and education records
  - ii. Farm Plans stay on the Farm but must be submitted to CCRWQCB upon request.
  - iii. Data must be entered manually into GeoTracker
  - iv. Significant cost in time and money for compliance