



# CALIFORNIA FARM BUREAU FEDERATION

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November 7, 2012

Ben Zabinsky  
Agricultural Lands Discharge Program  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Ste A  
Santa Rosa, CA 95403-1072

***Re: Comments on the Agricultural Lands Discharge Program Draft Water Quality Performance Standards and Water Quality Management Plans***

Dear Mr. Zabinsky:

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 74,000 agricultural, associate, and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

On behalf of the Del Norte County Farm Bureau, Humboldt County Farm Bureau, Lake County Farm Bureau, Marin County Farm Bureau, Mendocino County Farm Bureau, Modoc County Farm Bureau, Siskiyou County Farm Bureau, Sonoma County Farm Bureau, and the Trinity County Farm Bureau, the California Farm Bureau Federation (collectively hereinafter "Farm Bureau") appreciates the opportunity to provide comments on the Agricultural Lands Discharge Program Draft Water Quality Performance Standards and Water Quality Management Plans released at the October 15, 2012 subgroup meeting and respectfully presents the following remarks.

## **Water Quality Performance Standards**

Farm Bureau has concerns with various provisions of the Water Quality Performance Standards and Specific and General Discharge Prohibitions, and provides specific comments in the attached document in Microsoft Word's track change format (see Attachment 1).

NANCY N. McDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN • KAREN NORENE MILLS • CHRISTIAN C. SCHEURING • KARI E. FISHER • JACK L. RICE

Additionally, given the draft nature of the performance standards, prohibitions, and general language, Farm Bureau reserves the right to provide additional comments upon the development of additional detail regarding the draft conditional waiver language.

### **Water Quality Management Plans**

Farm Bureau appreciates the opportunity to review the draft contents of the Water Quality Management Plans (“Water Quality Plans”). Unfortunately, without additional information, such as monitoring and reporting components of the program, it is difficult to provide detailed and substantial comments on the current draft contents of the Water Quality Plans. Thus, Farm Bureau provides the following general comments given the draft nature of the proposed contents as well as provides specific comments in the attached document in Microsoft Word’s track change format (see Attachment 2).

Farm Bureau is concerned about maintaining the confidential nature of the Water Quality Plans, as information within Water Quality Plans contains intellectual property, trade secrets, and proprietary information, much of which has no correlation or nexus to the Regional Board’s authority to regulate water quality. Prior to any request for the entire Water Quality Plan to be submitted, the Regional Board should make a finding showing the necessity of the data and information required to be submitted and how such data is related to water quality. Even upon submittal, such information must remain confidential. The Porter-Cologne Act explicitly provides protection to growers for intellectual property, trade secrets, and proprietary information that may be within a Water Quality Plan, monitoring report, or technical submittal:

When requested by the person furnishing a report, **the portions of a report that might disclose trade secrets or secret processes may not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies.** However, these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

(Wat. Code, § 13267(b)(2).) Thus, the Regional Board must acknowledge that farm specific information, including pesticide application, nutrient management, irrigation practices, crop rotations, best management practices, etc. are intellectual property, trade secrets, and proprietary information that must remain confidential. As such, Water Quality Plans must remain on farm, as is the norm in other irrigated lands regulatory programs, available for inspection by the Regional Board as provided by in the Water Code.

### **Water Quality Management Plan Templates**

In order to provide the Regional Board with examples of existing sample Water Quality Plan templates, Farm Bureau submits the following attached sample documents (see Attachments 3, 4, and 5). However, please note that these documents are specific to certain regions throughout the state and thus, contain provisions that are inapplicable to the North Coast Region

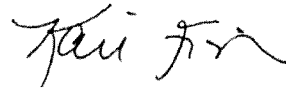
*Comments on Performance Standards and Water Quality Plans*

or the Agricultural Lands Regulatory Program. Farm Bureau is not endorsing the use of these Water Quality Plan templates, but rather is providing them in the hopes of working with the Regional Board to draft a North Coast specific document.

**Conclusion**

Farm Bureau appreciates the opportunity to submit comments on the Draft Water Quality Performance Standards and Water Quality Management Plans and looks forward to further involvement and discussion with the Regional Board on the development of the Agricultural Lands Discharge Program.

Sincerely,



KARI E. FISHER  
Associate Counsel

KEF:pkh

# **Attachment 1**

## **Ag Lands Conditional Waiver Overview**

### **What is a conditional waiver order?**

Staff of the North Coast Regional Water Quality Control Board (Regional Board) are proposing that a general conditional waiver of waste discharge requirements be the primary regulatory mechanism for the North Coast Agricultural Lands Discharge Program (Ag Lands Program). The waiver will establish the regulatory requirements for the Program, but the Program includes other elements such as technical assistance, grants, implementation, and education. Waivers are conditional. In order for the Regional Board to waive waste discharge requirements, they must make certain findings and include conditions in the waiver to ensure water quality is protected.

Conditional waivers, which are a type of permit, are adopted by the Regional Board as orders during official Board hearings. Orders are documents that formalize regulatory actions taken by the Regional Board. A typical order includes a list of findings followed by a list of required actions. The findings are declarations by the Board establishing the authority and the need for requiring the actions. The actions, which direct the conduct of both the Board staff and affected permittees, can include (among others): water quality performance standards, discharge prohibitions, planning requirements, monitoring and reporting requirements, fees, and other procedural details.

The following links provide some examples of existing conditional waivers:

1. [North Coast Regional Board Conditional Waiver for Existing Cow Dairies](#)
2. [North Coast Regional Board Categorical Waiver for Timber Activities on Non-Federal Lands](#)
3. [North Coast Regional Board Conditional Waiver for Federal Land Management Activities on National Forest Lands](#)
4. [San Francisco Bay Regional Board Conditional Waiver for Grazing Operations in the Tomales Bay Watershed](#)

### **What will the Ag Lands Program conditional waiver look like?**

The following draft outline contains list of typical conditional waiver sections to provide some context to the upcoming Advisory Group discussions regarding Ag Lands waiver requirements. Please note this outline is not necessarily complete, and sections may be added or removed as the draft waiver becomes more fully developed over time.

#### ***Findings***

- Waiver Purpose and Need
- State Law, Policies, and Regional Board Authorities
- Waiver Scope (language from Scope and Framework document)
- Explanation of Required Actions

***Actions***

- Waiver Administration
- Waiver Tiers (language from Scope and Framework document)
- **Water Quality Performance Standards**
- **Discharge Prohibitions**
- Water Quality Management Plan requirements
- Enrollment & Other Procedures
- Standard Provisions

**What will be discussed at the October 2012 Advisory Group meetings?**

The October 2012 Advisory Group meetings will focus on the conditions in the waiver that are specific to agricultural water quality management. The majority of the other conditions are standard findings and conditions common to most Regional Board orders. These conditions will be drafted and presented to the Advisory Group for discussion and comment at future meetings, before the draft waiver order is released for public review.

The Water Quality Performance Standards and Discharge Prohibitions (highlighted in the outline above) are the waiver sections that are most relevant to the management of a farm or ranch. They form the basis for compliance with the waiver conditions that must be met through the implementation of site-specific management practices. Regional Board staff are making available draft language for these sections to help facilitate productive Advisory Group discussions.

**Introduction to Portions of Draft Conditional Waiver Language**

Portions of two sections of draft waiver language are presented below along with a brief introduction. The introduction describes the Regional Board's typical approach to nonpoint source regulation as defined in statewide policy. As drafted, it explains that operators will have flexibility to select management practices that are appropriate for their specific operations, as long as the conditions of the waiver are met. The conditional waiver does not specify the manner of compliance, nor will it prescribe management practices using a 'one size fits all' approach.

The two draft waiver sections describe water quality performance standards and discharge prohibitions, respectively, which operators will meet through the implementation of practices. The waiver will allow for a reasonable amount of time to achieve compliance with these standards and prohibitions, and operators may work with Regional Board staff or with a third party as needed to develop a suitable timeline.

## Portions of Draft Conditional Waiver Language

### Introduction

The Regional Board recognizes that the most appropriate and effective management practices for a particular agricultural operation vary depending upon the nature of the operation and site-specific conditions. This Order therefore requires operators to select practices as appropriate to meet the following water quality performance standards and discharge prohibitions. If a Water Quality Management Plan is required by this order, then the management practices shall be specified therein.

### Water Quality Performance Standards

#### Specific to this Waiver

1. Minimize, to the extent practicable, the presence of bare soils vulnerable to erosion and runoff to surface waters;
2. Prevent erosion through source control and treatment, reduce controllable stormwater runoff quantity and velocity, and hold fine soil particles in place. If erosion cannot be prevented, it shall be minimized to the extent practicable;
3. Stabilize unstable areas including gullies, mass wasting features (landslides, rock falls, mudflows, etc.), and areas of bank erosion that are the result of past or current agricultural operations. Stabilization actions shall promote natural recovery or active stabilization of these erosional features to prevent additional erosion and/or to minimize sediment delivery to surface waters;
4. Construct and maintain drainage ditches, roads, and other associated facilities in a manner that prevents sediments and other wastes from reaching surface waters. If the delivery of wastes cannot be prevented, it shall be minimized to the extent practicable;
5. Manage riparian areas in a manner that maintains their essential functions to support beneficial uses, such as: effective streambank stabilization and erosion control, stream shading and temperature control, sediment and chemical filtration, woody debris recruitment, and aquatic life support. This provision does not require operators to take any restorative action, although operators may choose to include restorative work as part of a suite of agricultural management practices;
6. ~~Prevent~~ Manage livestock from disturbing or creating areas of bare soil, and from disturbing or creating other unstable or erodible features adjacent to waterbodies;
7. ~~Prevent livestock from entering surface waters except when crossing;~~
8. Store, mix, and apply fertilizers and other soil nutrients, including compost, in a manner that is consistent with all applicable federal and state regulations, and that prevents excess nutrients from reaching groundwaters and surface waters;
9. Handle, store, and dispose of pesticides and other chemicals in a manner that prevents them from reaching groundwaters and surface waters;
10. Minimize concentrations of fertilizers, nutrients, pesticides and other wastes in agricultural runoff and/or minimize the quantity of waste-containing runoff that reaches surface waters. Types of runoff include tailwater, stormwater, infiltration to groundwater, subsurface drainage water, tile drainwater, and frost protection water.

**Comment [FK1]:** This provision will need to reflect and allow for the continuance of routine agricultural practices, such as tillage, when soils are bare for periods of time.

**Comment [FK2]:** The use of the word "prevent" equates to a prohibition. Allow operators to manage their lands as applicable to prevent disturbances.

**Comment [FK3]:** The use of the word "prevent" equates to a prohibition. Delete sentence entirely or revise provision to state: "Manage impacts from livestock entering surface waters except when crossing."

## Discharge Prohibitions

### Specific to this Waiver

1. Dischargers may not discharge any waste not specifically regulated by the Conditional Waiver except in compliance with the Water Code or other orders. Operators shall not discharge any wastes unless those wastes are regulated by this or another order. Wastes specifically qualifying for coverage under this order include: earthen materials, including soil, silt, sand, clay, rock, inorganic materials; pathogens; fertilizers; livestock wastes; and pesticides or other chemicals that may enter or threaten to enter waters of the state. Examples of waste not qualifying for coverage under this Order include hazardous waste and human waste;
2. Operators shall not stockpile soil, plant waste, and/or other debris in areas where they could be washed or eroded into surface waters;
3. Operators shall not discharge chemicals such as fertilizers, fumigants, and/or pesticides down a groundwater well casing, or place such chemicals in locations where they may reach groundwaters or surface waters;
4. Operators shall not discharge chemicals used to control wildlife (such as bait traps or poisons) directly into surface waters, or place such chemicals in locations where they may reach groundwaters or surface waters;
5. Operators shall not discharge agricultural rubbish, refuse, or other solid waste into surface waters, or place such materials where they may contact or may eventually reach surface waters.

**Comment [FK4]:** Please clarify provision to exclude temporary stockpiling done in conjunction with routine agricultural practices, such as the temporary piling of soil when cleaning ditches that is removed prior to any chance of erosion into surface waters.

**Comment [FK5]:** Define the term "may contact."

### Standard General

6. Operators shall implement management practices to reduce wastes in discharges that are in violation or exceedance of applicable water quality standards to the extent feasible. Operations shall not cause or contribute to a violation or exceedance of applicable water quality standards. This order does not require immediate compliance with water quality standards but allows operators sufficient time to meet water quality standards through the implementation of scheduled management practices pursuant to Water Quality Management Plans, which may include plans developed for an individual operator, for a group of operators, or as part of an approved third party certification program.
7. Operations shall not adversely impact human health or the environment or the beneficial uses of water identified in the Basin Plan;
8. Operators shall not cause or threaten to cause pollution, contamination, or nuisance as defined in Water Code section 13050;
9. Discharges of waste are not authorized unless they are controlled through implementation of management practices.

**Comment [FK6]:** For these general provisions, please quote directly from the Water Code.

**Comment [FK7]:** This is redundant as it is already stated in prohibition 1.

**Comment [FK8]:** In addition to performance standards and prohibitions, there needs to be a section listing specific exclusions from regulation under this conditional waiver. The following is a sample list of necessary exclusions. Farm Bureau reserves the right to provide additional commentary on these exclusions as well as others yet to be developed or suggested.

### Exclusions

1. The Conditional Waiver is not intended to regulate water in agricultural fields, including, but not limited to, furrows, beds, checks, and ancillary structures contained on private



- lands associated with agricultural operations. The Conditional Waiver is not intended to address the lawful application of soil amendments, fertilizers, or pesticides to land.
2. This Conditional Waiver is not intended to apply to those lands that discharge waste to waters of the State only on rare occasions during large storm events. Whether or not an individual parcel will discharge waste to surface waters of the State depends on a number of factors that vary significantly from site to site. These factors include the amount and timing of rainfall, land topography, soil type, and proximity to a surface water body.
  3. The Conditional Waiver does not apply to discharges that are subject to the NPDES permit program under the Clean Water Act. Discharges of waste from irrigated lands that constitute agricultural return flows as defined in the Clean Water Act are exempt from regulation under the NPDES permit program.

# **Attachment 2**

## **Water Quality Management Plans**

### **Plan Development by Individuals, Groups, and Third Party Programs**

The North Coast Agricultural Lands Discharge Program (Ag Lands Program) relies on the implementation of management practices to comply with conditional waiver requirements. North Coast Regional Water Quality Control Board (Regional Board) staff recognize that individual planning needs vary for operations across the North Coast Region and want to provide flexibility to operators to select the management practices most appropriate for their operations. Therefore, Regional Board staff are proposing that the Ag Lands conditional waiver contain general performance standards and prohibitions (i.e., requirements) that may be met through the implementation of site-specific practices. Water Quality Management Plans (Water Quality Plans) are the means for documenting compliance with these requirements.

The Ag Lands conditional waiver will provide several options for developing Water Quality Plans in order to make use of existing programs and planning documents and to make the administration of the Ag Lands waiver more efficient. Regional Board staff recognize that some operators may have already developed a farm plan that addresses water quality management. Regional Board staff are inviting input from Advisory Group members regarding existing programs and planning documents that could be used to satisfy planning requirements.

Regional Board staff are proposing the following options for the development of Water Quality Plans:

1. Plan is developed for an individual operation (templates may be provided)
2. Plan is developed for a group of operations
3. Plan is developed as part of an approved third party certification program

### **Contents of Water Quality Management Plans**

**Comment [FK1]:** Farm Plans must remain on farm.

Whichever form a Water Quality Plan takes, it must contain a set of common elements and include management practices as necessary to meet all waiver requirements. The following list of Water Quality Plan elements is intended as a starting point for a discussion with the Advisory Group. The elements listed are based on the Regional Board's need for water quality-related information about each operation and the need to verify each operation's compliance with the requirements of the conditional waiver.

Operators/Coalition must develop a Water Quality Management Plan (Water Quality Plan), or update an existing alternative Water Quality Plan as necessary, and implement it to achieve compliance with this Order. Water Quality Plans must be kept current, kept on the farm, and must be made available to North Coast Water Board staff for inspection pursuant to Water Code section 13267, upon request. Water Quality Plans should include, where applicable:

**Comment [FK2]:** Additional language needs to be added explaining pertinent components/requirements of Water Quality Plans.

1. Contact information
2. Description of operations and land use relevant to the program scope
3. Description of site specific physical hydrologic features and local water quality conditions
4. Description of management practices to be implemented to meet waiver requirements. Management practices should be designed to afford water quality protection in the following areas (as applicable):
  - Nutrient management
  - Erosion control
  - Pesticide management
  - Livestock management
  - Riparian and stream management
  - Irrigation and drainage management
  - Road management
  - Treatment of existing, human-caused problem sites
5. Farm/Ranch map corresponding to above descriptions
6. General Time schedule for implementation of management practices
7. Monitoring and reporting plan

**Comment [FK3]:** All components listed to be included in the Water Quality Plans need clarification as to what specific information will be required in order to comply with the conditional waiver.

**Comment [FK4]:** More information is needed as to what the monitoring and reporting program will entail before Farm Bureau can provide proper and appropriate comments.

# **Attachment 3**

# FARM WATER QUALITY PLAN

(Document to remain on farm)

**Date of Preparation**

**Date of Latest update:**

## **Section 1: General Farm Information – NOI info**

1. Name of Farm or Operation
2. Farm / Site Address
3. County
4. APN (Assessors Parcel Number(s))
5. Name of Farmer / Operator

Mailing address

Phone number (work / cell)

Email address (if applicable)

6. Name of Land Owner if different than farmer/operator

Contact information (address or phone number)

7. Total acres
8. Total irrigated farmed acres
9. Which crops are grown on the farm?

## **Section 2: Watershed/Runoff issues**

10. Name of Watershed and subwatershed (if known)

11. What is the name of the nearest downstream waterbody (stream, river, lake, etc.)?

How close is your farm to the waterbody?

12. Does runoff from your irrigation or rain on the irrigated area drain to the waterbody?

yes  no

If yes, where is your closest drainage point into that waterbody?

adjacent?  less than 250 feet?  less than 1000 feet?  greater than 1000 feet?

Mark the drainage point on your map.

13. How would you characterize the flow of the waterbody?

- Perennial – flows all year long  
 Intermittent – flows during and for a period following rainfall  
 Ephemeral – only flows in direct response to rainfall

14. If your farm is adjacent to a waterbody, describe the condition of the riparian corridor (the vegetated area right along the stream).

Lots of trees  partly covered  very few trees/bushes  bare

(attach photo as documentation)

15. Is the waterbody (stream, river, lake) listed as “impaired” on the state’s list of impaired waterbodies (the “303d” list) due to agricultural sources?  yes  no

If yes, what is/are the listed problem(s) attributed to ag runoff? (i.e. toxicity, turbidity, etc.)

Note: You can look up your waterbody in the 303d list of impaired waterbodies at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml)

16. Does the farm irrigation water runoff (tail water) drain off of your property?

yes  no

If yes, to where does it drain? (describe below) :

to neighbor’s property  to ditch  to creek

other (explain).....

17. Does water from your irrigated land discharge from your property during storm events?

yes  no

If yes, under what conditions does water run off during storms?

- During most rain events
- Only during heavy storms
- Only after soil is saturated

(include map showing drainages)

If yes, to where does it drain? (describe below) :

to neighbor's property  to ditch  to creek

other (explain).....

18. Does water from other sources run onto your property?  yes  no

If yes, where?

Mark location on your farm map

Are you doing anything about it? (describe)

### Section 3: Determination of Tiers

- Tier 1—Low Risk
- Tier 1—Water Quality Stewardship
- Tier 2
- Tier 3

### Section 4: Recommended Maps (mark all that are included and attach here)

#### Recommended Maps:

- Area map (map of area showing farm site can be as simple as a copy of a local or Google map)
- Location map (shows closest roads and outlines borders of farm)
- Farm map showing fields, drainages, wells, roads (can be hand drawn)



## Useful Maps (optional)

- County Assessor's map (APN map)
- Watershed map of adjacent and downstream waterbodies (streams, rivers, etc.)
- Farm map showing Fields / Crops (can be hand drawn)
- Soil map(s) (one source is: <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>)
- Maps showing major events that have affected your runoff (e.g.; historical maps, landslides, earthquake faults, area hit by a major fire, etc.)
- Other (describe)

## Section 5: Irrigation System

19. Describe system (check all that apply)

- |   |                          |                |                          |
|---|--------------------------|----------------|--------------------------|
| Drip  | <input type="checkbox"/> | Microsprinkler | <input type="checkbox"/> |
| Sprinkler   | <input type="checkbox"/> | Furrow         | <input type="checkbox"/> |
| Hand  | <input type="checkbox"/> | other          | <input type="checkbox"/> |
| Sprinkler for plant establishment, then convert to drip |                          |                | <input type="checkbox"/> |

20. Does any water run off of your property during irrigation?  yes  no

If **no**, did you have to implement any practices to manage/control it? What did you do?

If **yes**, what are you doing to manage it? Explain and attach your documentation, if any.

**Check your success in stopping irrigation water runoff by:**

1. Walking the property perimeter during irrigation to look for runoff areas
2. Taking pictures before and after you install practices

**Re-evaluate irrigation practices if you see runoff during irrigation.**

## Section 6: Nutrient Management

Nutrients are primary contributors to lowered surface water quality. In areas where irrigation water runs off of the farm, excess nutrients may also run off. Nutrient sources associated with agricultural production practices include fertilizers and other amendments, biodegradation of crop residues, agricultural and municipal waste applied to land, and waste generated by animals.

21. Do you apply soil amendments and/or fertilizer on your fields?  yes  no
22. How is the fertilizer applied?
- Surface application
- Through the irrigation system
- Combination
23. How do you determine when and how much fertilizer to apply? (check all that apply)
- Crop advisor (CCA)
- Soil tests (i.e. Nitrate quick test or lab results)
- Tissue samples from crop
- Standard farming practice for this crop (describe)
- Other; explain
24. Do you store fertilizer on this farm?  yes  no
25. Is your farm adjacent to or drain toward a water body which is impaired (303d list) due to nutrients or nitrates? (see Section 2, Question 15 above)
- yes  no
26. What nutrient management practices have you used?

**Check your success in stopping nutrient runoff by:**

1. Walking the property perimeter in big rainstorms to look for runoff areas
2. Looking for blowing soil during high winds,
3. Taking pictures before and after you install practices

**If you see erosion or storm runoff with sediment, go back and re-evaluate practices.**

## Section 7: Sediment / Erosion

Soil erosion and sediment deposition are contributors to lowered surface water quality from farmlands. In areas where there are steep slopes, erodible soils, and intense storm characteristics, sediment delivery from farmlands can occur. Roads and other areas of disturbed ground where bare soils are susceptible to the erosive action of water and wind can also be contributors of sediment delivery.

27. Is your farm adjacent to or drain toward a water body which is impaired (303d list) due to sediment or turbidity (cloudiness)? (see Section 2, Question 15 above)

yes                       no

28. Is any sediment coming onto your property and causing a problem?

yes                       no

You should document this with photographs. Contact the NRCS, Coalition, or other conservation / technical provider for technical assistance.

29. Does any sediment run off of your property during irrigation?  yes                       no

If **no**, have you had to implement any practices to control it?  yes                       no

What did you do?

If **yes**, what are you doing to stop it? Explain and attach any documentation here.

30. Does any sediment run off of your property during winter storm events?  yes                       no

If **no**, have you implemented any practices to control sediment runoff?  yes                       no

What did you do? Provide a narrative explanation:

**Check your success in stopping sediment runoff by:**

- 1. Walking the property perimeter in big rainstorms to look for runoff areas**
- 2. Being sure that drainage to ditches and streams are not concentrated so that they don't cause erosion!**
- 3. Looking for blowing soil during high winds,**
- 4. Taking pictures before and after you install practices**

**If you see erosion or storm runoff with sediment, go back and re-evaluate practices.**

## **Section 8: Pesticides**

Improper movement of pesticides that move from the application site into surface water can affect the beneficial uses of water through their potential impact on human and animal health, and on non-target organisms.

31. Do you use pesticides on this farm?  yes                       no

32. Which management method best describes your farming operation?

Organic       Conventional       Both

33. Do you store pesticides on this farm?  yes       no      Where?  
*Mark storage and mixing sites on your farm map*

34. Is your farm adjacent to or does drain towards a water body which is impaired (303d list) due to toxicity or pesticides? (see Section 2, Question 15 above)  yes       no

**If yes, complete questions 35-37, if no, skip to question 38**

35. Who is your pesticide crop advisor?

36. Who is the pesticide applicator ( in house or  contracted out)

Name of applicator (or company)

Applicator number:

37. Do you keep the Pesticide Use reports on site?  yes       no

(Use reports may be included in the attachments)

38. Have you implemented practices to control pesticide movement off your farm?  yes       no  
Provide a narrative explanation:

## Section 9: Technical Assistance

39. Have you worked with anyone to address water quality issues in the past?  yes       no

If yes, explain who you worked with and your results.

## Section 10: Review of water quality goals and issues relating to this farm which can be and are being addressed

40. What are the water quality goals (objectives) for this farm?

41. Do you have potential water quality problems that you plan to address over the next five years? (If yes, describe. As you work on the problem, attach before and after documents/photos here.)

42. Is there anything that you have done to address these issues in the past that you haven't noted above? If so, what did you implement that worked? What did you implement that didn't work? Attach before and after documents/photos here.)
43. Are there other solutions (not noted above) that you are considering to help you achieve your goals? If so, what are they?
44. How are you assessing the effectiveness of these solutions?

### **Section 11: Attachments (Optional) - Check if attached**

Photo documentation

Pesticide Use reports

Soils information

# **Attachment 4**

# **Draft Farm Water Quality Plan Requirements**

## **FARM WATER QUALITY PLAN**

The Farm Water Quality Plan shall include a comprehensive inventory and assessment of the agricultural management practices at the property. This inventory and assessment is intended to document existing management practices, and to guide a strategy for implementing additional management practices and projects, as necessary, that are designed to meet Conditional Waiver Water Quality Requirements. A Farm Water Quality Plan shall address each of the elements, where applicable, as set forth below.

The Farm Water Quality Plan shall be kept at the Facility or nearby location identified in the Notice of Intent (NOI) and be available for review by Water Board staff upon request. Except in cases of an unauthorized discharge or emergency circumstances, Water Board staff will typically contact Landowners/Operators a minimum of 72 hours prior to any site inspection or Farm Plan review. Only Water Board staff, other authorized agency staff, or individuals authorized by the Landowner/Operator will inspect the Property.

### **General Site Features Element**

The Farm Water Quality Plan shall include a summary that outlines general conditions at the Property; identify existing management practices or projects; a list of already completed erosion-control projects, if any; and a time-schedule to implement any additional management practices necessary to meet the Conditional Waiver Water Quality Requirements.

The Farm Water Quality Plan shall include map(s) of the Property map, aerial photo, or adequate Google Earth image, on a 1:12,000 scale and include the following where applicable:

- Property boundaries;
- Topography;
- Drainage features including all streams, rivers, lakes, wetlands, stock ponds, and riparian areas;
- Erosion features on the property, such as gullies, rills, landslides, mudflows, rock falls, bank erosion, or channel incision;
- Runoff facilities (including detention basins, ponds, etc., if any);
- Roads, road surface material (dirt, gravel, paved), and stream crossings;
- Location of pesticide and fertilizer mixing and storage facilities, if any;
- Wells (irrigation water supply).

More than one map may be used to display the above information. A more detailed map (e.g. scale of 1 in. = 500 ft.) may be needed to accurately depict stream smaller scale features.

### **Facility Management Practices Element**

The Farm Water Quality Plan shall identify water quality management practices currently implemented at the Facility and describe the following, where applicable:

- Soil type (s), slopes, and erosion potential as needed to inform management decisions and to understand the types and scope of erosion control needs.
- Controllable sources of nutrients, pesticides, sediment, and other pollutants (existing IPM plan or agricultural commissioner pesticide use certificate may be included in the Farm Water Quality Plan to satisfy this requirement).
- Management practices and infrastructure that promote and maximize infiltration on-site to reduce erosion and to prevent increase in stormwater peak flows.
- Baseline photographs to document existing conditions at the Facility including established photo-points at points at the following location if any exist: Points of Discharge in receiving waters; significant erosional features for which actions will be prescribed in the Farm Water Quality Plan; and locations of other sources of pollutants.
- Determine whether all existing or planned management practices (including but not limited to those described below) are (1) correctly installed, (2) appropriately located given site conditions ; (3) working as designed/planned ; and (4) properly maintained in such a way as to meet the Conditional Waiver Water Quality Requirements.

### **Erosion Element**

Where applicable, the Farm Water Quality Plan shall describe the management practices that will be, or are being implemented to conserve soil and prevent erosion.

- The Farm Water Quality Plan shall describe management practices to protect soil, promote on site water infiltration, and prevent excessive rates of sediment delivery (such as cover crop/tillage/mulch practices) and document that these management practices are being properly implemented to meet the Conditional Waiver Water Quality Requirements to reduce excess rates of sediment delivery to receiving waters. The Landowners/ Operators may include a county-approved erosion control plan in this element of the Farm Water Quality Plan, provided that erosion control measures implement meet the Conditional Waiver Water Quality Requirements.
- Describe all management practices used to promote infiltration and slow runoff.
- Indicate areas where additional management practices may be needed to further reduce surface erosion potential (such as vegetated filter strips, and/or structural management practices, e.g. sediment basins, straw check dams, straw wattle collars at drop inlets).

### **Road Management Element**

The Farm Water Quality Plan shall describe roads on the Property that may impact nearby waterbodies due to sediment erosion, including currently used roads; perimeter and internal



roads (excluding areas within farmed areas); and roads routinely used by vehicular traffic and shall assess current road management practices. The Farm Water Quality Plan shall include, where applicable:

- Description of road network regulated under this Conditional Waiver, and identification of any roads on the Property that is outside the control of the Landowner/Operator.
- Description of current road management and maintenance practices at stream crossings, including an evaluation of the condition and capacity of culverts at road and stream crossings.
- Identification of areas where active restoration or road removal has already occurred.
- Description of road management actions to prevent runoff from being concentrated or directed onto unstable areas or concentrated directly to receiving waters.
- A schedule for road erosion control and prevention management practices that will reduce the amount of sediment and peak stormwater flow (e.g. management practices may include installation of water bars, rolling dips, culvert replacement, etc).

### **Stormwater Runoff Management Element**

The Farm Water Quality Plan shall describe how controllable stormwater runoff is being managed so as to prevent erosion and to reduce concentration of flow from the Facilities. The Farm Water Quality Plan shall, where applicable:

- Evaluate controllable stormwater management at the Facility and from Roads, and specify management actions needed to correct areas where concentrated flow is, or has the potential to cause erosion.
- Description of erosion features, if any, at Points of Discharge and specify management actions to address such erosion.

### **Schedule and Compliance Monitoring Element**

The Farm Water Quality Plan shall include a schedule for implementation of management practices as needed to meet the Conditional Waiver Water Quality Requirements. Where a Property is not currently in compliance with the Conditional Waiver Water Quality Requirements, the Farm Water Quality Plan shall:

- Propose a schedule that specifies a reasonable timeline (consistent with the deadlines set forth in the Conditional Waiver) for implementing management practices and other actions specified in the Farm Water Quality Plan. The Water Board may review Farm Water Quality Plan timelines to determine if other timelines are more reasonable.

- Describe the measures, protocols, and methods of documentation that will be used to verify which the management practices are being implemented and indicate the extent to which management practices are achieving the Conditional Waiver Water Quality Requirements.
- Modify and update the Farm Water Quality Plan and management practices as necessary to achieve compliance with the Conditional Waiver.

# **Attachment 5**

# Draft Farm Water Quality Survey

## Grower Evaluation of Water Quality

### Introduction:

All Growers must complete a Farm Water Quality Survey (FWQS). The FWQS is to be used as an educational self assessment tool for the Grower and is to remain on farm. The FWQS is a questionnaire that identifies and demonstrates farm water quality management practices and aids the grower in determining where management practice implementation and educational efforts should be focused.

### Directions:

Read through the following assessment questions and check the appropriate line to indicate your answer as it pertains to your farm operation. Fill out one questionnaire per contiguous (i.e. adjoining parcels) ranch.

Name of Operation: \_\_\_\_\_  
Operator AW #: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_ Contact Fax: \_\_\_\_\_  
Contact E-mail: \_\_\_\_\_  
Ranch Name: \_\_\_\_\_  
Ranch Location: \_\_\_\_\_  
Number of Irrigated Acres: \_\_\_\_\_

### Check Applicable Line

- 1) Do you have Irrigation Water Runoff on this/these ranch(es)?
- Yes \_\_\_\_\_  
No \_\_\_\_\_
- 2) Number of Acres on Ranch with Irrigation Water Runoff: \_\_\_\_\_

### Nutrient Management

- 1) Annual Crops: Do you know soil residual levels for nitrogen through soil sampling and your crop nitrogen needs?
- Yes \_\_\_\_\_  
No \_\_\_\_\_  
N/A \_\_\_\_\_

2) Perennial Crops: Do you know soil residual levels for nitrogen through soil sampling and your crop nitrogen needs?

Yes \_\_\_\_\_  
No \_\_\_\_\_  
N/A \_\_\_\_\_

3) Do you use backflow devices on all operating wells?

Yes \_\_\_\_\_  
No \_\_\_\_\_

4) Do you take into account crop maturation and weather changes when making nutrient application decisions?

Yes \_\_\_\_\_  
No \_\_\_\_\_

**Optional Narrative for Nutrient Management**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Pesticide Management**

1) Do you have irrigation return flow (surface water which leaves the property following application of irrigation water)?

Yes \_\_\_\_\_  
No \_\_\_\_\_

2) Do you use pesticides?

Yes \_\_\_\_\_  
No \_\_\_\_\_  
N/A \_\_\_\_\_

a) Are you in compliance with pesticide label requirements?

Yes \_\_\_\_\_

No \_\_\_\_\_

3) If you have irrigation water run-off, have you conducted your own sampling to determine if management practices result in water quality improvements?

Yes \_\_\_\_\_

No \_\_\_\_\_

N/A \_\_\_\_\_

**Optional Narrative for Pesticide Management**

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**Sediment Management**

1) Do you have irrigation water run-off that leaves your property?

Yes \_\_\_\_\_

No \_\_\_\_\_

N/A \_\_\_\_\_

2) Do you have soil sediment leaving your fields from irrigation?

Yes \_\_\_\_\_

No \_\_\_\_\_

N/A \_\_\_\_\_

3) If yes, do you use a sediment basin to retain and settle sediments prior to discharging irrigation water run-off?

Yes \_\_\_\_\_

No \_\_\_\_\_

N/A \_\_\_\_\_

4) Do you control sediment from leaving fields with any of the following management practices? *Please check the methods you use.*

Cover Crops

- Mulching
- Filter Strips
- Vegetated Buffers
- Vegetated Ditches
- Sediment Basins
- PAM
- Other (please describe in narrative)

5) Do you have soil sediment leaving your property from roads?

Yes \_\_\_\_\_  
 No \_\_\_\_\_  
 N/A \_\_\_\_\_

6) If yes, do you currently have management practices in place to reduce the sediment?  
 (Please describe below)

Yes \_\_\_\_\_  
 No \_\_\_\_\_  
 N/A \_\_\_\_\_

7) Does any sediment run off of your property during storm events?

Yes \_\_\_\_\_  
 No \_\_\_\_\_  
 N/A \_\_\_\_\_

**Optional Narrative for Sediment Management**

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**Irrigation Management**

5) Do you have irrigation water run-off?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

6) Are you monitoring your soil moisture level?

Yes \_\_\_\_\_  
No \_\_\_\_\_

7) Have you taken steps toward determining and understanding your irrigation distribution uniformity?

Yes \_\_\_\_\_  
No \_\_\_\_\_

8) Are there back-flow devices on your wells?

Yes \_\_\_\_\_  
No \_\_\_\_\_

**Optional Narrative for Irrigation Management**

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