

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

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 14-15, 2023

Prepared on November 30, 2023

ITEM NUMBER: 7

SUBJECT: ANNUAL AGRICULTURAL ORDER IMPLEMENTATION UPDATE

STAFF CONTACTS: Elaine Sahl, 805/542-4645,
Elaine.Sahl@waterboards.ca.gov,
Paula Richter, 805/549-3865,
Paula.Richter@waterboards.ca.gov,
Claire Bjork, 805/549-3702,
Claire.Bjork@waterboards.ca.gov,
Sarah Treadwell, 805/549-3695,
Sarah.Treadwell@waterboards.ca.gov, and
Caroline Webster, 805/549-3691,
Caroline.Webster@waterboards.ca.gov

KEY INFORMATION:

Location:	Regional
Type of Discharge:	Agricultural
Existing Order:	General Waste Discharge Requirements for Discharges from Irrigated Lands, Order R3-2021-0040

ACTION: Informational Item

SUMMARY

This staff report summarizes actions related to the implementation of General Waste Discharge Requirements for Discharges from Irrigated Lands, Order R3-2021-0040¹ (Ag Order) that occurred since the 2022 annual update to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board).² The Central Coast Water Board will receive an annual implementation update from Irrigated Lands Program (ILP) staff and from the approved third-party compliance assistance provider, Central Coast Water Quality Preservation, Inc. (Preservation, Inc.). This annual implementation update will provide an overview of the following:

¹ Ag Order documents:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/regulatory_information.html.

² October 2022 staff report for the Ag Order annual update to the Board:
https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2022/oct/item3_stfrpt.pdf

1. Ag Order requirements and implementation efforts,
2. Third-party program engagement and coordination efforts,
3. Outreach and coordination efforts, and
4. Compliance and progressive enforcement efforts.

This annual implementation update includes guest speaker Sarah Lopez, Executive Director of Preservation, Inc., to provide additional information and to engage with the Board on third-party program implementation, compliance assistance efforts, and water quality monitoring efforts and data.³

This summary is also available in Spanish. Interested persons may also request that the entire staff report be translated into Spanish, by contacting the staff named at the beginning of this staff report, dependent upon available resources.

DISCUSSION

Background

On April 15, 2021, the Central Coast Water Board adopted the Ag Order, and it went into effect immediately. The Ag Order required continued compliance with various foundational requirements of the prior Ag Order, and established new requirements, phased in over time to give enrolled growers and third-party technical assistance providers time to plan and comply. The waste discharge requirements were developed to protect surface and groundwater water quality and associated beneficial uses including drinking water and aquatic life habitats and to achieve water quality objectives in the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) by:

- Minimizing nitrate discharges to groundwater
- Minimizing nutrient discharges to surface water
- Minimizing toxicity in surface water from pesticide discharges
- Protecting riparian and wetland habitat
- Minimizing sediment discharges to surface water

On September 20, 2023, the California State Water Resources Control Board (State Water Board) remanded portions of the Ag Order back to the Central Coast Water Board to revise. Among other things, the State Water Board's Order determined that the Central Coast Water Board must immediately cease enforcement of the fertilizer nitrogen application and nitrogen discharge groundwater protection limits as currently included in the Central Coast Water Board's Ag Order.⁴ As such, the Central Coast Water Board will not take any action related to exceedances of the fertilizer nitrogen

³ Preservation, Inc. webpage containing grower support information, annual reports for the surface water quality trends program, and summary data from groundwater well sampling: <https://ccwqp.org/>

⁴ State Water Board Order WQ 2023-0081, *In the Matter of Review of General Waste Discharge Requirements for Discharges from Irrigated Lands, Order R3-2021-0040*, at page 16-19, and footnote 69. The State Water Board reviewed the Ag Order on its own motion.

application and/or nitrogen discharge groundwater protection limits and have notified all enrolled growers of this change.

ILP staff are currently in the process of developing a proposed strategy and timeline to revise the Ag Order to address the remanded items directed by the State Water Board. Until a revised Ag Order is adopted, all provisions of the current Ag Order, except as identified above related to the enforcement of fertilizer nitrogen application and groundwater protection limits, remain in effect.⁵

The following sections of this staff report provide an overview of ILP staff actions to coordinate and implement the Ag Order over the past year.

Ag Order Requirements

ILP staff developed two online tools to provide growers with a summary of Ag Order requirements:

- The [Compliance Calendar](#)⁶ summarizes all Ag Order requirements and due dates, in three languages.
- The [Requirements Checklist Tool](#)⁷ generates a customized list of requirements for individual growers based on their Surface Water Priority and Groundwater Phase area assignments, and their membership status with Preservation, Inc.

Ag Order requirements implemented since the October 2022 update to the Board include the following:

- Maintaining up to date enrollment information;
- Management practice reporting;
- Irrigation and Nutrient Management (INMP) recordkeeping for growers in Groundwater Phase 1 Areas;
- Continued Total Nitrogen Applied (TNA) reporting for growers already required to report under the prior Ag Order;
- TNA recordkeeping for growers with ranches in Groundwater Phase 2 & 3 Areas;
- Surface water quality trends monitoring and reporting;
- Groundwater quality monitoring and reporting of the primary irrigation well and all on-farm domestic wells, which includes the provision that sampling results for all

⁵ The State Water Board also ordered the Central Coast Water Board to revise additional Ag Order requirements consistent with certain procedural requirements of State Water Board Order WQ 2018-0002 (*Eastern San Joaquin River Watershed*), and to make revisions regarding composting requirements and extensions of total maximum daily load (TMDL) deadlines, and to develop an alternative water supply program. This update does not address the State Water Board's Order in its entirety; rather, a plan to address updates with the State Water Board's Order will be the subject of a later update to the Board in 2024.

⁶ Compliance Calendar in English, Spanish, and Chinese:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/compliance_calendar/

⁷ Requirements Checklist Tool:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/requirements_checklist/

domestic wells must be provided to users within three business days of their receipt;

- Surface receiving water quality trends monitoring work plan and quality assurance project plan (QAPP);⁸
- 35% work plan for the Third-Party Alternative Compliance Pathway (3P-ACP) for Groundwater Protection (specific to ranches in Groundwater Phase 1 Areas);
- Follow-up surface receiving water implementation work plan for growers whose ranches are located within a Surface Water Priority 1 Area (applies to non-third-party members only); and
- Groundwater quality trend monitoring workplan for growers whose ranches are located within a Groundwater Phase 1 Area (applies to non-third-party members only).

In addition to the requirements above, new Ag Order requirements that will be implemented in 2024 include the following:

- Follow-up surface receiving water implementation work plans either submitted by Preservation, Inc. for its members with ranches in Surface Water Priority Areas identified as high priority⁹ or by individual growers who are not members of Preservation, Inc. and who have ranches in Surface Water Priority 2 Areas;
- Total Nitrogen Applied reporting will begin for growers with ranches in Groundwater Phase 2 & 3 Areas; and
- Irrigation and Nutrient Management reporting will begin for growers in Groundwater Phase 1 Areas.

Third-Party Program Engagement and Coordination Efforts

ILP staff and Preservation, Inc. continue to engage every two weeks to discuss and coordinate third-party program implementation efforts. Additional focused topic meetings are also held every two weeks, or as needed. Below are some key outcomes and work in progress resulting from the ILP team's coordination efforts with Preservation, Inc., since October 2022.

Enrollment/Membership

- Revised timeline for third-party program and State Water Board invoicing process.

⁸ Either Preservation, Inc. submitted on behalf of their members or non-third-party members submitted individually.

⁹ Follow-up surface receiving water implementation requirements are different for third-party members and non-third-party members. The third-party program Surface Water Priority Areas are classified as either high priority, medium priority, or low priority whereas the non-third-party Surface Water Priority Areas are classified as Surface Water Priority Areas 1 – 4.

Groundwater Monitoring and Reporting

- Collaborated to review and comment on the development of a GeoTracker tool for well sampling data batch uploads (combining several laboratory reports into a single upload file instead of individual uploads for each ranch). This will improve data quality and be a cost savings to growers who would otherwise pay the lab a fee to upload individual ranch reports.
- Reviewed and provided feedback on Preservation, Inc.'s concept proposal for a groundwater quality trend monitoring program.
- Co-managed a \$25,000 contract with the Bay Foundation of Morro Bay¹⁰ and Preservation, Inc. that provides funding assistance to low-income growers for domestic well sampling analysis costs between 2023 and 2026. As of August 31, 2023, Preservation, Inc. assisted 10 limited resource growers to analyze samples from 13 on-farm domestic wells, using \$3,113. Therefore, \$21,887 of funds remain available for future well monitoring assistance.

Surface Receiving Water Quality Trends Monitoring and Reporting

- Reviewed and commented on Preservation, Inc.'s 2022 surface receiving water quality trends annual report.
- Reviewed and commented on Preservation, Inc.'s surface receiving water quality trends work plan and quality assurance project plan (QAPP).
- Discussed and provided feedback on Preservation, Inc.'s follow-up surface receiving water implementation work plan, currently under development.

Third-Party Alternative Compliance Pathway (3P-ACP)

- Reviewed and commented on Preservation, Inc.'s 35% 3P- ACP work plan.
- Participated in stakeholder and technical advisory committee meetings.

Annual Compliance Form (ACF) Reporting

- Collaborated on revisions to the ACF management measures section.

Irrigation and Nutrient Management Plan (INMP) Reporting

- Collaborated on review and comment regarding GeoTracker's development of the INMP Summary Report form and guidance documents.
- Discussed INMP summary reporting exemptions and options.

Total Nitrogen Applied (TNA) Reporting

- Continued coordination on batch uploads of TNA data to GeoTracker on behalf of third-party program members.
- Discussed third-party program development of a "TNA-EZ form" to simplify reporting for their members that produce three or fewer crops during the reporting year.

¹⁰ In coordination with the Central Coast Water Board, the Bay Foundation of Morro Bay manages the Central Coast Ambient Monitoring Program – Groundwater Assessment and Protection (CCAMP-GAP) projects.

Outreach and Education

- Collaborated on outreach and education efforts to assist growers with compliance (e.g., general grower support, workshops, guidance and instruction documents, etc.). For example, ILP staff participated in four workshop events in November 2023 coordinated by Preservation, Inc. to assist their members with TNA and INMP reporting.
- Collaboration on special assistance for limited resource growers, non-English speaking growers, and growers that face technology challenges.

Vineyard Sustainability Certification

- Discussed development of a third-party vineyard sustainability certification proposal to reduce reporting requirements for eligible program members.

ILP Implementation Efforts

Outreach and Coordination

ILP staff are maintaining a multi-pronged approach for outreach to coordinate with the regulated community, which includes YouTube video tutorials, workshops, one-on-one sessions with growers and stakeholders, email reminders and/or hard copy reminders of upcoming requirement due dates, ongoing updates to the ILP website, county outreach regarding domestic well monitoring and available funding for safe drinking water solutions, and the creation of a Dashboard for Grower Reporting and Water Quality. Our expanded outreach and coordination efforts continue to be innovative, effective, timely and in formats that are accessible to all growers enrolled in the Ag Order.

YouTube Videos

ILP staff created six YouTube tutorials in English,¹¹ three in Spanish¹² and three in Chinese,¹³ which are accompanied by downloadable transcripts. These tutorials provide interested parties with information on enrollment, TNA and INMP recordkeeping and reporting, and accessing ILP data on the Groundwater Ambient Monitoring and Assessment (GAMA)¹⁴ website.

Workshops

ILP staff hosted two virtual and one in-person workshops in December 2022 that focused on TNA and INMP recordkeeping requirements. These were offered in English,

¹¹ English YouTube Tutorials:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/tutorials_and_instructions.html

¹² Spanish YouTube Tutorials:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/spanish_tutorials_and_instructions.html

¹³ Chinese YouTube Tutorials:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/chinese_tutorials_and_instructions.html

¹⁴ GAMA Website: <https://gamagroundwater.waterboards.ca.gov/gama/gamamap/public/>

Spanish, and Chinese, and the virtual workshops were recorded and posted to the ILP website. ILP staff will also host four in-person workshops in early 2024 that will focus on TNA and INMP reporting. In addition, ILP staff presented at various external meetings including the following:

- Overview of Ag Order requirements at a San Luis Obispo area olive growers meeting (February 2023);
- Upcoming Ag Order requirements at the Salinas Valley Irrigation and Nutrient Management Meeting hosted by University of California Cooperative Extension (February 2023); and
- Upcoming Ag Order requirements at the Paso Robles Wine Alliance meeting (April of 2023).

ILP staff continue to coordinate with the third-party program, community partners, and the State Water Board's Office of Public Participation (OPP)¹⁵ to develop content and resources that provide an accessible, comprehensive, and efficient in-person workshop experience for growers.

1:1 Sessions

Many of our growers and interested parties have unique and ranch-specific questions, which are best addressed in one-on-one conversations as opposed to group workshops. Growers can connect with ILP staff by identifying the case manager assigned to the grower's geographic area on the ILP website or by using the ILP-dedicated inquiry email and voicemail systems that are monitored daily by staff who are ready to assist growers and interested parties with questions on reporting, sampling, and general compliance. Depending on the context of the assistance being provided by ILP staff in response to specific inquiries, ILP staff will also provide additional support to growers to help correct other issues such as GeoTracker reporting errors. Between January 1, 2023, and October 31, 2023, ILP staff assisted 1,560 growers and interested parties. ILP staff work with an average of 156 growers and interested parties per month.

Reminders

ILP staff sent out a series of reminders to growers and stakeholders about upcoming requirement due dates, workshops, newly released YouTube videos, and TNA/INMP recordkeeping and reporting requirements throughout the year. After these reminders are sent out, ILP staff experience a significant amount of inquiry emails and telephone calls.

ILP staff also continue to send a TNA ranch summary to growers each year (via email or hardcopy) to provide growers with an overview of their ranch TNA data relative to Ag Order targets and how their ranch compares to similar ranches in their area. This year, the TNA ranch summary was sent to growers in April for all ranches that submitted a

¹⁵ The OPP provides interpretation and translation services including public meetings, workshops, individual meetings with staff, public notices, and factsheets.

year 2022 TNA report. Growers can refer to the information in their TNA ranch summary to inform implementation of management practices and nitrogen applications.

ILP Website

The [ILP website](#)¹⁶ contains 22 fully accessible webpages including two new Tutorials and Instructions pages in Spanish and Chinese that act as a “one-stop shop” for all translated tutorials and instructions. This also includes new pages for the Requirements Checklist Tool and Dashboard. The website contains 45 instructions, guides, and template documents, 10 of which are translated to Spanish and Chinese.

County Outreach

ILP staff initiated outreach to county public health departments to facilitate assistance in addressing 1,2,3-trichloropropane (1,2,3-TCP) and nitrate impacts to drinking water supply wells in agricultural areas. Initial outreach in March and May of 2022 included notification of upcoming monitoring and reporting efforts required of all growers with on-farm domestic wells. Follow-up outreach, in coordination with Department of Financial Assistance (DFA) and Division of Drinking Water (DDW) staff, included in-person meetings with county health officers to discuss domestic well data and provide information regarding funding opportunities for county health departments to assist in-need domestic well users and communities to obtain safe interim drinking water solutions. These funding sources include the State Water Board’s [Safe and Affordable Funding for Equity and Resilience \(SAFER\) program](#)¹⁷ and [County-wide and Regional Funding Programs](#).¹⁸ Staff from the Central Coast Water Board, DFA, and DDW met with Santa Cruz and Santa Clara County Public Health Department Officials on (October 26, 2023 and November 9, 2023, respectively). Additionally, ILP staff mailed factsheets summarizing the 2022 groundwater information to Monterey, San Luis Obispo, Santa Barbara, and San Benito County Health Departments in November 2023 and will meet with those county officials in early 2024.

Dashboard for Grower Reporting and Water Quality

Staff developed the first webpages of the [Dashboard for Grower Reporting and Water Quality](#)¹⁹ in June 2023. The purpose of the dashboard is to make data on water quality and ILP reports public, interactive, and easily accessible. The intended audience includes Central Coast Water Board staff and Board members, Ag Order regulated community, including growers and consultants, and other interested parties such as Preservation, Inc., individual well users in areas where farming occurs, researchers, and environmental groups. Data presented on the dashboard pages comes from a range of sources: grower reports, surface water monitoring data, and groundwater monitoring data. Each dashboard breaks down statistics and information about each report and monitoring program; users can adjust filters on each dashboard page to view data that

¹⁶ ILP website: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/

¹⁷ SAFER website at: <https://www.waterboards.ca.gov/safer/>

¹⁸ County-wide and Regional Funding Programs website:
https://www.waterboards.ca.gov/safer/funding_solicitation.html

¹⁹ Dashboard for Grower Reporting and Water Quality:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/dashboard.html

is specific to their parameters of interest (e.g., year, location, crop type, and pollutant). The dashboard is published and maintained by ILP staff using Microsoft Power BI Desktop and will be updated annually. The following dashboard pages are now available to view:

Enrollment

The enrollment dashboard pages provide a snapshot of enrollment statistics for the years 2010 to 2023. The dashboard pulls data from the grower reported electronic notice of intent (eNOI) form in GeoTracker and automatically displays data using maps and graphs. Data can be filtered for any given year, county, watershed, groundwater basin, Surface Water Priority Area, or Groundwater Priority Area. The first enrollment dashboard page provides data regarding the number of operations, ranches, and irrigated acres are enrolled in the ILP, where ranches are generally clustered, and which crop(s) are grown. The second page provides high level details on grower reported irrigation and discharge practices. These pages allow users to identify the extent and types of irrigated agricultural being practiced in certain areas, and potentially identify non-filers (i.e., growers not enrolled in the Ag Order).

Total Nitrogen Applied Reporting

The TNA Reporting dashboard pages provide a snapshot of total nitrogen applied statistics for the years 2017 to 2022. The data displayed is grower reported TNA information downloaded from GeoTracker. The two TNA Reporting dashboard pages provide data about reported crops (acres) as well as fertilizer nitrogen applications displayed by crop and compared to fertilizer application targets and guidelines. These pages quantify how much fertilizer nitrogen is being applied throughout the Central Coast Region. Growers can compare their fertilizer applications to similar crop types and adjust their applications accordingly. Users can filter the data to identify high nitrogen use crop types and geographic areas (e.g., counties and groundwater basins), as well as identify areas that are highly impacted or at high risk for water quality impairments from irrigated agriculture.

Potential Nitrogen Discharge to Groundwater

The Potential Nitrogen Discharge to Groundwater dashboard page models potential nitrogen applied minus nitrogen removed ($A - R$) scenarios. Using grower reported TNA information and published values of harvested nitrogen for certain crops, this dashboard page provides an estimate of potential nitrogen discharged to groundwater in pounds per ranch acre per year (lbs/ac/yr). This page illustrates the magnitude of estimated nitrogen discharge in the Central Coast Region and allows users to identify groundwater basins at high risk for impacts to drinking water resources and crop types with high nitrogen discharge potential. Growers that collect INMP data (i.e., both nitrogen applied and removed) can compare their nitrogen application and removal to similar crop types and identify scenarios of potential nitrogen discharge to groundwater.

Surface Receiving Water Quality

The Surface Receiving Water Quality dashboard pages provide a snapshot of surface receiving water data collected by Preservation, Inc.'s [Cooperative](#)

[Monitoring Program](#) (CMP)²⁰ for the years 2005 to 2023. There are six dashboard pages that display surface receiving water quality data, compared to applicable surface water quality limits. The dashboard displays scores for each CMP monitoring site and water quality parameter using the Magnitude and Exceedance Quotient (MEQ) methodology.²¹ These dashboard pages illustrate the extent of water quality impairment throughout the Central Coast Region and helps users identify persistent pollutants and impaired waterbodies as well as assess progress towards meeting interim quantifiable milestones and surface water limits for TMDL areas and non TMDL areas. Interested parties and growers can use these dashboard pages to assess and prioritize follow-up efforts to address site-specific pollution.

Ag Order Compliance and Enforcement

The ILP implements a progressive enforcement approach that contemplates an escalating series of actions beginning with compliance assistance, requirement due date reminders, and notification of violations, followed by enforcement orders compelling compliance, and in certain instances, a complaint for administrative civil liabilities (i.e., monetary penalties) where compliance is not attained within a reasonable time. ILP staff coordinate with the Enforcement Team to prioritize follow-up actions and progressive enforcement to effectively balance enforcement efforts with other fundamental implementation-related activities (e.g., outreach, general compliance assistance, coordination with technical assistance providers, etc.) with the goal of achieving higher levels of compliance and meaningful water quality outcomes. The following sections provide additional details on some of these steps and related staff actions in the past year.

Reminders

In 2023, ILP staff streamlined reminders and past due reminders by transitioning to Semi-Annual Ranch Summary Reports sent out in the spring and fall. These reports alert growers to their status with respect to each Ag Order requirement and what type of action is needed. ILP staff have observed that these reports help to improve compliance with Ag Order requirements. For example, in the three weeks following the April 2023 Semi-Annual Ranch Summary Report, compliance with the ACF reporting increased from 54% to 68%.

Notice of Violation Letters

After past due reminders have been sent, ILP staff conduct a final compliance analysis and work with the Enforcement Team to issue notice of violation (NOV) letters to growers that have not met specific Ag Order requirements.

²⁰ Preservation, Inc. CMP Website: <https://ccwqp.org/monitoring/>

²¹ See CCAMP MEQ Scoring Approach, Pages 21-26 in Worcester, et. al., 2015.

https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/workplans/hw_swamp_methods_report.pdf

Administrative Civil Liabilities

ILP staff develop recommendations to, and coordinate with, the Enforcement Team to offer growers that have failed to comply with Ag Order requirements the opportunity to enter into settlement negotiations to resolve violations or to issue Administrative Civil Liability (ACL) complaints to seek monetary penalties for violations of the Ag Order or the Water Code (e.g., failure to enroll in the Ag Order or failure to submit reports). The Enforcement Team frequently reaches resolution of ACL complaints through settlement.

Compliance Evaluations and Enforcement Actions

The following sections describe compliance evaluations and enforcement actions for failure to comply with Ag Order requirements over the past year.

Enrollment

As of October 2023, approximately 1,453 operations, 3,982 ranches, and 412,267 irrigated acres are enrolled in the Ag Order. ILP staff estimates that up to 24% of commercially irrigated agricultural lands (127,733 irrigated acres out of 540,000 total estimated acres in the region) may not be enrolled. ILP staff are developing mapping tools to inform our efforts to identify parcels in the region that may be active commercial irrigated agricultural operations and need to enroll. Once identified, ILP staff will issue letters directing operations to enroll in the Ag Order pursuant to Water Code section 13260 beginning in early 2024. This past year (as of October 2023), staff issued 18 directive letters to enroll.

2021 Total Nitrogen Applied Reporting

On July 27, 2022, ILP staff issued 122 NOVs for failure to submit 2021 TNA reports. On November 30, 2022, nineteen NOV follow-up letters were issued to 17 operations (sent to both operators and associated landowners) that did not respond to the previous NOV. ILP staff reviewed and considered information submitted in response to the follow-up letters and found that nine ranches (seven operations) had not yet submitted a 2021 TNA report. The Enforcement Team offered to enter into settlement negotiations with these operators to resolve their failure to submit a timely 2021 TNA report. Four operators settled to address failure to submit TNA reports for six ranches and submitted their 2021 TNA data. The average penalty for each failure to submit a timely TNA report was approximately \$46,000. The Enforcement Team is in the process of resolving three pending enforcement cases. One enforcement case went before the Board in October 2023 and was continued by the Board to February 15, 2024. Two other cases are pending additional settlement discussions.

2022 Total Nitrogen Applied Reporting

ILP staff sent two reminders in January and February of 2022 to growers, prior to the 2022 TNA reporting deadline of March 1, 2023. ILP staff also sent a past due reminder in the newly streamlined Semi-Annual Ranch Summary Reports in April of 2023 after the deadline for submitting the 2022 TNA report had passed. A total of 88 NOVs were issued in July 2023 for failure to submit a 2022 TNA reports. Compliance rates for TNA reporting have historically been high (on average 99%). The compliance rate for 2022, as of October 2023, was 98%. ILP staff will continue to coordinate with the Enforcement Team to prioritize further enforcement actions.

Groundwater Well Monitoring and Reporting

ILP staff sent a reminder to growers in March 2023, prior to the well sampling deadline of May 31, 2023 (extended to June 30, 2022, due to the extreme storm events and flooding earlier this year). Groundwater well monitoring data are not yet available in GeoTracker because GeoTracker programmers are working to create functionality for a batch upload of well sampling data. Until the batch upload functionality is available, Preservation, Inc. cannot upload the 2023 well sampling data. Although this has delayed efforts to conduct a compliance analysis and issue past due reminders and NOVs, ILP staff will prioritize the groundwater well monitoring and reporting compliance analysis once the data are in GeoTracker.

Individual Surface Water Quality Trends Work Plans

Preservation, Inc. submitted a draft work plan on behalf of their members satisfying the Ag Order requirement. Growers that were not members of the third-party program were required to submit a surface receiving water quality trends workplan by July 1, 2022. ILP staff sent a reminder to non-third-party program members in May 2022 prior to the work plan submission deadline of July 1, 2022, and a past due reminder in July 2022 after the deadline. On December 30, 2022, ILP staff issued NOVs to 137 operations that failed to comply with this requirement. ILP staff will continue to assess compliance for non-third-party members to inform next steps in the progressive enforcement process.

Individual Follow-Up Surface Receiving Water Implementation Work Plans

Growers that were not members of the third-party program were required to submit a follow-up surface receiving water implementation work plan by March 1, 2023 (approximately 221 operations). ILP staff continue to work with these operations and the third-party program to assess compliance for growers that are not members of the third-party program and inform next steps in the progressive enforcement process, including issuance of NOVs.²²

Complaint Investigations

Since the last Board update in October 2022, there have been 18 active complaint cases, 16 of which were submitted on or after October 2022 (new cases). The following tables summarize the types of complaints received.

²² Based on outreach and compliance assistance efforts by ILP staff and Preservation, Inc. over the past year, available information suggests that most of these operations are out of compliance because they should have terminated their enrollment or are misinformed about the consequences of not maintaining their third-party program membership status.

Table 1. Complainant Summary

Complainant	Total	% of Total
Citizens	9	50%
Municipalities	4	22%
Grower	3	17%
Other	2	11%

Table 2. Complaint Type Summary

Complaint Type	Total	% of Total
Silt/Sediment Discharge	13	72%
Irrigation Discharge	2	11%
Other	3	17%

Four cases were resolved. The average complaint resolution time was approximately 60 days, with a maximum of five months, and a minimum of one day. One complaint case resulted in the issuance of a NOV. Seven cases included growers not enrolled in the Ag Order and resulted in the issuance of directive letters to enroll (25%). Row crop growers accounted for 50% of total complaints (berry growers accounted for 56% of those complaints). Geographically, complaints were evenly distributed throughout the region.

Recently, staff received complaint cases with multiple growers in a watershed having a combined and cumulative impact on silt/sediment and/or irrigation discharges. ILP staff are implementing a different approach to address these cases by engaging in watershed-level outreach and involving municipalities and our third-party program to identify and implement a broader solution to the issue, rather than focusing on individual growers. There are currently three pilot cases in progress.

Human Right to Water

California Water Code section 106.3, subdivision (a), states that it is the policy of the State of California “that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

The Ag Order implements the Central Coast Water Board’s human right to water resolution by establishing numeric targets for fertilizer application and nitrogen discharge to groundwater designed to be quantifiable and to reduce the amount of nitrogen discharging to groundwater. Based on TNA data and assessments, a high percentage of fertilizer nitrogen applications already meet both fertilizer nitrogen application targets, confirming that the adopted fertilizer nitrogen targets are consistent with their intended purpose: to control and reduce the over-application of fertilizer nitrogen and to focus on outliers where applications occur above fertilizer nitrogen application targets.

The Ag Order also implements the Central Coast Water Board's human right to water resolution by establishing numeric surface receiving water limits for nutrients and pesticides, and a series of requirements further identify and control sources of these pollutants. The surface water follow-up monitoring requirements include identifying implementation measures to address the pollutant sources and perform additional follow-up monitoring for source identification purposes. Also, where the surface receiving water limit is not met by the compliance date, growers are subject to a numeric discharge limit that is the same as the receiving water limit and may be required to perform additional ranch-level surface discharge monitoring and reporting to confirm they are achieving the numeric discharge limit.

The Ag Order also requires monitoring of all on-farm domestic wells for nitrate and 1,2,3-TCP and requires growers to notify all well users of monitoring results and of the health risks associated with elevated concentrations of these parameters. In the event nitrate or 1,2,3-TCP concentrations exceed applicable public health drinking water standards, growers also need to confirm that well users have an alternative source of water supply.

In addition, ILP staff conducted outreach to county health departments to discuss well water quality data results and grant funding opportunities and are planning additional follow-up with each county (see County Outreach section above). ILP staff will continue to coordinate with county health departments and drinking water programs as well as the State Water Board Divisions of Drinking Water and Financial Assistance to address drinking water related issues.

Environmental Justice

Environmental justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities.²³

²³ Disadvantaged Community: a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); Severely Disadvantaged Community: a community with a median household income of less than 60% of the statewide average. (Public Resources Code section 80002(n)); Economically Distressed Area: a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density. (Water Code section 79702(k)); Tribes: federally recognized Indian Tribes and California State

Furthermore, the Central Coast Water Board is committed to providing all persons the opportunity to participate in the public process and to provide meaningful input to decisions that affect their communities.

In the past 12 months of Ag Order implementation, ILP staff continued to support efforts previously initiated and related to drinking water replacement and water treatment for disadvantaged communities. Please also refer to the County Outreach section above.

The Central Coast Water Board recognizes that certain limited resource growers (as defined by the USDA) may have difficulty achieving compliance with the Ag Order. The Central Coast Water Board will prioritize assistance for these growers, including but not limited to providing technical assistance and information about grant opportunities. ILP staff continue to increase our interpretation and translation efforts to provide information and resources in multiple languages (e.g., guidance documents, YouTube tutorials, drinking water health risk information, and our public workshops and Board Meetings), as mentioned in the Outreach and Coordination section above.

Climate Change

The Central Coast Region faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution 2017-0012.

The Ag Order contains several requirements that further the Central Coast Water Board's climate change goals. The management measures that growers will implement to meet the Ag Order's fertilizer application and nitrogen discharge targets may have the added benefit of reduced nitrogen oxide emissions, and therefore may help mitigate greenhouse gas emissions. The prohibition for removing existing riparian vegetation has multiple benefits: Riparian vegetation sequesters carbon and nitrogen, reducing their availability as greenhouse gases and can also reduce adverse impacts associated with storm events by dispersing flows, storing floodwaters, and absorbing water (allowing for groundwater infiltration).

Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; EnvDACs: CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); Fringe Community: communities that do not meet the established DAC, SDAC, and EDA definitions but can show that they score in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.

CONCLUSION

The Ag Order focuses on the highest priority water quality issues in the region and establishes requirements to address water quality impairments and restore beneficial uses such as drinking water and aquatic life habitats. In the past year of implementation, ILP staff have successfully developed many guidance and template resources, assisted growers to understand and comply with Ag Order requirements (e.g., workshops and help desk services), evaluated compliance with requirements and developed web-based dashboards, followed our internal progressive enforcement process to provide a series of reminders before moving to NOVs and formal enforcement actions, and negotiated settlements for enforcement cases.

ILP staff will continue to conduct outreach and education, provide real-time compliance assistance to growers, and to coordinate and prioritize implementation efforts with Preservation, Inc. and other technical assistance providers and agencies like UCCE, USDA, Resource Conservation Districts, CDFA, DPR, etc., to leverage their expertise in support of implementing the Ag Order.

ILP staff are currently in the process of developing a proposed timeline to revise the Ag Order to address the remanded items directed by the State Water Board. Until a revised Ag Order is adopted, all provisions of the current Ag Order, except as identified above related to the groundwater protection limits, remain in effect.