CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

~~DRAFT~~PROPOSED ORDER NO. ~~R3-2012-0011~~R3-2017-0002
~~AS MODIFIED BY ORDER WQ-2013-0101~~

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

The California Regional Water Quality Control Board, Central Coast Region finds that:

1. The Central Coast Region has approximately 435,000 acres of irrigated land and approximately 3000 agricultural operations, which may be generating wastewater that falls into the category of discharges of waste from irrigated lands.

2. The Central Coast Region has more than 17,000 miles of surface waters (linear streams/rivers) and approximately 4000 square miles of groundwater basins that are, or may be, affected by discharges of waste from irrigated lands.

3. The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards) are the principal state agencies with primary responsibility for the coordination and control of water quality pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne Act, codified in Water Code Division 7). The legislature, in the Porter-Cologne Act, directed the Water Board to exercise its full power and jurisdiction to protect the quality of the waters in the State from degradation, considering precipitation, topography, population, recreation, agriculture, industry, and economic development (Water Code § 13000).

4. On July 9, 2004, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution No. R3-2004-0117 establishing a Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (2004 Agricultural Order). In the 2004 Agricultural Order, the Central Coast Water Board found that the discharge of waste from irrigated lands has impaired and polluted the waters of the State and of the United States within the Central Coast Region, has impaired the beneficial uses, and has caused nuisance. The 2004 Agricultural Order expired on July 9, 2009, and the Central Coast Water Board renewed it for a term of one year until July 10, 2010 (Order No. R3-2009-0050). On July 8, 2010, the Central Coast Water Board renewed the 2004 Agricultural Order

again for an additional eight months until March 31, 2011 (Order No. R3-2010-0040). The Central Coast Water Board did not have a quorum to take action to adopt a renewal of the 2004 Agricultural Order with modifications by the March 31, 2011 termination date. On March 29, 2011, the Executive Officer signed Executive Officer Order No. R3-2011-0208 to extend the 2004 Agricultural Order again for an additional six months, with a September 30, 2011 termination date. The Central Coast Water Board did not have a quorum to take action to adopt a renewal of the 2004 Agricultural Order with modifications by the September 30, 2011 termination date. On September 30, 2011, the Executive Officer issued Executive Officer Order No. R3-2011-0017 to extend the 2004 Agricultural Order again for an additional year, with a September 30, 2012 termination date. Executive Officer Order No. R3-2011-0017 also required dischargers to implement an updated Monitoring and Reporting Program No. R3-2011-0018. On March 15, 2012, the Central Coast Water Board adopted *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands,* Order No. R3-2012-0011 (2012 Agricultural Order), which was modified by the State Water Resources Control Board by Order WQ-2013-0101 on September 24, 2013. –This order, *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands,* Order No. R3-2017-0002 (Order), ~~replaces~~renews and revises Order No. R3-2012-0011~~ (Order) renews and revises the 2004 Agricultural Order as set forth herein~~.

5. Since the issuance of the 2004 Agricultural Order, the Central Coast Water Board has compiled additional and substantial empirical data demonstrating that water quality conditions in agricultural areas of the region continue to be severely impaired or polluted by waste discharges from irrigated agricultural operations and activities that impair beneficial uses, including drinking water, and impact aquatic habitat on or near irrigated agricultural operations. The most serious water quality degradation is caused by fertilizer and pesticide use, which results in runoff of chemicals from agricultural fields into surface waters and percolation into groundwater. Runoff and percolation include both irrigation water and stormwater. Every two years, the Water Board is required by Section 303(d) of the federal Clean Water Act to assess water quality data for California's waters to determine if they contain pollutants at levels that exceed protective water quality criteria and standards. This Order prioritizes conditions to control pollutant loading in areas where water quality impairment is documented in the 2010 Clean Water Act section 303(d) List of Impaired Waterbodies (hereafter referred to as 2010 List of Impaired Waterbodies). As new Clean Water Act section 303(d) Lists of Impaired Waterbodies are adopted, the Central Coast Water Board will consider such lists for inclusion in tiering criteria and conditions for this and subsequent Orders.

6. Nitrate pollution of drinking water supplies is a critical problem throughout the Central Coast Region. Studies indicate that fertilizer from irrigated agriculture is the largest primary source of nitrate pollution in drinking water wells and that significant

loading of nitrate continues as a result of agricultural fertilizer practices[1]. Researchers estimate that tens of millions of pounds of nitrate leach into groundwater in the Salinas Valley alone each year. Studies indicate that irrigated agriculture contributes approximately 78 percent of the nitrate loading to groundwater in agricultural areas[2]. Hundreds of drinking water wells serving thousands of people throughout the region have nitrate levels exceeding the drinking water standard[3]. This presents a significant threat to human health as pollution gets substantially worse each year, and the actual numbers of polluted wells and people affected are unknown. Protecting public health and ensuring safe drinking water is among the highest priorities of this Order. This Order prioritizes conditions to control nitrate loading to groundwater and impacts to public water systems. In the case where further documentation indicates nitrate impacts to small water systems and/or private domestic wells, the Central Coast Water Board will consider proximity to impacted small water systems and private domestic wells for inclusion in tiering criteria.

7. Agricultural use rates of pesticides in the Central Coast Region and associated toxicity are among the highest in the State[4]. Agriculture-related toxicity studies conducted on the Central Coast since 1999 indicate that toxicity resulting from agricultural discharges of pesticides has severely impacted aquatic life in Central Coast streams[5,6,7]. Some agricultural drains have shown toxicity nearly every time the drains are sampled. Twenty-two sites in the region, 13 of which are located in the lower Salinas/Tembladero watershed area, and the remainder in the lower Santa Maria area, have been toxic in 95% (215) of the 227 samples evaluated. This Order prioritizes conditions to address pesticides that are known sources of toxicity and sources of a number of impairments on the 2010 List of Impaired Waterbodies, specifically chlorpyrifos and diazinon. In the case where further documentation indicates that additional pesticides are a primary source of toxicity and impairments in the Central Coast region, the Central Coast Water Board will consider such pesticides for inclusion in tiering criteria.

[1] Carle, S.f., B.K. Esser, J.E. Moran, High-Resolution Simulation of Basin-Scale Nitrate Transport Considering Aquifer System Heterogeneity, Geosphere, June 2006, v.2, no. 4, pg. 195-209.
[2] Monterey County Flood Control and Water Conservation District, "Report of the Ad Hoc Salinas Valley Nitrate Advisory Committee." Zidar, Snow, and Mills. November 1990.
[3] California Department of Public Health Data obtained using GeoTracker GAMA (Groundwater Ambient Monitoring and Assessment) online database, http://geotracker.waterboards.ca.gov/gama/.
[4] Starner, K., J. White, F. Spurlock and K. Kelley. Pyrethroid Insecticides in California Surface Waters and Bed Sediments: Concentrations and Estimated Toxicities. California Department of Pesticide Regulation. 2006.
[5] Anderson, B.S., J.W. Hunt, B.M. Phillips, P.A. Nicely, V. De Vlaming, V. Connor, N. Richard, R.S. Tjeerdema. Integrated assessment of the impacts of agricultural drainwater in the Salinas River (California, USA). Environmental Pollution 124, 523 - 532. 2003.
[6] Anderson B.S., B.M. Phillips, J.W. Hunt, V. Connor, N. Richard, R.S. Tjeerdema. "Identifying primary stressors impacting macroinvertebrates in the Salinas River (California, USA): Relative effects of pesticides and suspended particles" Environmental Pollution 141(3):402-408. 2006a.
[7] Anderson, B.S., B.M. Phillips, J.W. Hunt, N. Richard, V. Connor, K.R. Worcester, M.S. Adams, R.S. Tjeerdema. Evidence of pesticide impacts in the Santa Maria River Watershed (California, USA). Environmental Toxicology and Chemistry, 25(3):1160 - 1170. 2006b.

8. Existing and potential water quality impairment from agricultural waste discharges takes on added significance and urgency, given the impacts on public health, limited sources of drinking water supplies and proximity of the region's agricultural lands to critical habitat for species of concern.

9. This Order regulates discharges of waste[8] from irrigated lands by requiring individuals subject to this Order to comply with the terms and conditions set forth herein to ensure that such discharges do not cause or contribute to the exceedance of any Regional, State, or Federal numeric or narrative water quality standard (hereafter referred to as exceedance of water quality standards) in waters of the State and of the United States.

10. This Order requires compliance with water quality standards. Dischargers must implement, and where appropriate update or improve, management practices, which may include local or regional control or treatment practices and changes in farming practices to effectively control discharges, meet water quality standards and achieve compliance with this Order. Consistent with the Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy, 2004), dischargers comply by implementing and improving management practices and complying with the other conditions, including monitoring and reporting requirements. This Order requires the discharger to address impacts to water quality by evaluating the effectiveness of management practices (e.g., waste discharge treatment and control measures), and taking action to improve management practices to reduce discharges. If the discharger fails to address impacts to water quality by taking the actions required by this Order, including evaluating the effectiveness of their management practices and improving as needed, the discharger may then be subject to progressive enforcement and possible monetary liability. The Discharger has the opportunity to present their case to the Central Coast Water Board before any monetary liability may be assessed.

11. The Central Coast Water Board encourages Dischargers to coordinate the effective implementation of cooperative water quality improvement efforts, local or regional scale water quality protection and treatment strategies (such as managed aquifer recharge projects), and cooperative monitoring and reporting efforts to lower costs, maximize effectiveness, and achieve compliance with this Order. In cases where Dischargers are participating in effective local or regional treatment strategies, and individual on-farm discharges continue to cause exceedances of water quality standards in the short term, the Executive Officer will take into consideration such participation in the local or regional treatment strategy and progress made towards compliance with water quality standards in evaluating compliance with this Order. In

[8] This Order regulates discharge of "waste" as defined in Water Code section 13050 and "pollutants" as defined in the Clean Water Act. For simplicity, the term "waste" or "wastes" is used throughout. The term "waste" is very broad and includes "pollutants" as defined in the Clean Water Act.

cases where cooperative water quality improvement efforts, or local or regional treatment strategies, coordinated by a third-party group (e.g., watershed group, water quality coalition, or other similar cooperative effort) or by a group of Dischargers, necessitate alternative water quality monitoring or a longer time schedule to achieve compliance than required by this Order, Dischargers may submit an alternative water quality monitoring and reporting plan or time schedule for approval by the Executive Officer. Groups of Dischargers and/or third party groups (e.g., a watershed group or water quality coalition) may submit to the Executive Officer for approval alternative water quality monitoring and reporting programs. An alternative monitoring and reporting program must include collection of data that will provide indicators of water quality improvement or pollution load reduction, and aggregate monitoring and reporting must be on a scale sufficient to track progress in small sub-basins and be sufficiently representative of conditions. Aggregate monitoring may apply to surface and groundwater. The Executive Officer will evaluate the alternative monitoring and reporting programs on a case-by-case basis considering the potential effectiveness of the aggregate or alternative monitoring (e.g., request to conduct aggregate monitoring for a certain timeframe to give new practices or treatment time to maximize effectiveness, and other factors such as whether the farms are currently significantly contributing to impaired surface water or ground water with drinking water wells, or whether farms are in compliance with other provisions such as enrollment, or submittal of annual compliance information). Dischargers who participate in an alternative monitoring and reporting program maintain individual responsibility to comply with this Order's conditions.

Dischargers may continue to implement alternative treatment or monitoring programs approved by the Executive Officer as long as they demonstrate continuous improvement and sufficient progress towards water quality improvement based upon measurable indicators of pollutant load reduction. Dischargers may seek review of Executive Officer decisions by the Water Board.

12. The Central Coast Water Board encourages Dischargers to coordinate the implementation of management practices with other Dischargers discharging to common tile drains, including efforts to develop regional salt and nutrient management plans. The Executive Officer may require additional monitoring and reporting for discharges to tile drains as necessary to evaluate compliance with this Order.

13. The Central Coast Water Board encourages Dischargers to participate in regional or local groundwater monitoring efforts conducted as part of existing or anticipated groundwater monitoring programs, including efforts related to regional and local salt and nutrient management plans, integrated regional water management (IRWM) plans, or the State Water Board's Groundwater Ambient Monitoring and Assessment (GAMA) Program.

14. Dischargers have the option of complying with surface receiving water quality monitoring conditions identified in MRP Order No. ~~R3-2012-0011~~ R3-2017-0002, either individually or through a cooperative monitoring program. The Central Coast Water Board encourages Dischargers to participate in a cooperative monitoring program to comply with surface receiving water quality monitoring conditions. In the development of any cooperative monitoring program fee schedule, the Central Coast Water Board encourages Dischargers to scale the assessment of fees based on relative level of waste discharge and threat to water quality.

15. The Central Coast Water Board will evaluate various types of information to determine compliance with this Order such as, a) management practice implementation and effectiveness, b) treatment or control measures, c) individual discharge monitoring results, d) receiving water monitoring results, and e) related reporting.

16. Many owners and operators of irrigated lands within the Central Coast Region have taken actions to protect water quality. In compliance with the 2004 Agricultural Order, most owners and operators enrolled in the 2004 Agricultural Order, implemented the Cooperative Monitoring Program (CMP), participated in farm water quality education, developed farm water quality management plans and implemented management practices as required in the 2004 Agricultural Order. The 2004 Agricultural Order did not include conditions that allowed for determining individual compliance with water quality standards or the level of effectiveness of actions taken to protect water quality, such as individual discharge monitoring or evaluation of water quality improvements. This Order includes ~~new or revised~~ conditions to allow for such evaluations.

17. Water Code section 13260(a) requires that any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Board a report of waste discharge (ROWD) containing such information and data as may be required by the Central Coast Water Board, unless the Central Coast Water Board waives such requirement.

18. Water Code section 13263 requires the Central Coast Water Board to prescribe waste discharge requirements (WDRs), or waive WDRs, for the discharge. The WDRs must implement relevant water quality control plans and the Water Code.

19. Water Code section 13269(a) provides that the Central Coast Water Board may waive the requirement to obtain WDRs for a specific discharge or specific type of discharge, if the Central Coast Water Board determines that the waiver is consistent with any applicable water quality control plan and such waiver is in the public interest, provided that any such waiver of WDRs is conditional, includes monitoring conditions designed to support the development and implementation of the waiver

program, including, but not limited to verifying the adequacy and effectiveness of the waiver's conditions, unless waived, does not exceed five years in duration, and may be terminated at any time by the Central Coast Water Board.

20. As authorized by Water Code section 13269, this Order conditionally waives the requirement to obtain WDRs for Dischargers who comply with the terms of this Order. See Attachment A to this Order for additional findings related to legal and regulatory considerations, and rationale for this Order.

21. Pursuant to Water Code section 13267, the Executive Officer may require Dischargers to locate (inventory) and conduct monitoring of private domestic wells in or near agricultural areas with high nitrate in groundwater and submit technical reports evaluating the monitoring results. In addition, in compliance with Water Code section 13304, the Central Coast Water Board may require Dischargers to provide alternative water supplies or replacement water service, including wellhead treatment, to affected public water suppliers or private domestic well owners.

SCOPE OF ORDER NO. ~~R3-2012-0011~~ R3-2017-0002

Irrigated Lands and Agricultural Discharges Regulated Under this Order

22. This Order regulates (1) discharges of waste from irrigated lands, including, but not limited to, land planted to row, vineyard, field and tree crops where water is applied for producing commercial crops; (2) discharges of waste from commercial nurseries, nursery stock production, and greenhouse operations with soil floors that do not have point-source type discharges and are not currently operating under individual WDRs; and (3) discharges of waste from lands that are planted to commercial crops that are not yet marketable, such as vineyards and tree crops.

23. Discharges from irrigated lands regulated by this Order include discharges of waste to surface water and groundwater, such as irrigation return flows, tailwater, drainage water, subsurface drainage generated by irrigating crop land or by installing and operating drainage systems to lower the water table below irrigated lands (tile drains), stormwater runoff flowing from irrigated lands, stormwater runoff conveyed in channels or canals resulting from the discharge from irrigated lands, runoff resulting from frost control, and/or operational spills. These discharges can contain wastes that could affect the quality of waters of the State and impair beneficial uses.

Dischargers Regulated Under this Order

24. This Order regulates both landowners and operators of irrigated lands on or from which there are discharges of waste that could affect the quality of any surface water or groundwater (Dischargers). Dischargers are responsible for complying with the

conditions of this Order. The Central Coast Water Board will hold both the landowner and the operator liable for noncompliance with this Order.

25. The Central Coast Water Board recognizes that due to different types of operations and/or locations, discharges of waste from irrigated lands may have the potential for different levels of impacts on waters of the State or of the United States. This Order establishes three tiers of regulation to take into account the variation, including different regulatory conditions for the three tiers.

26. Dischargers who have not enrolled to comply with a previous order must submit to the Central Coast Water Board a completed electronic Notice of Intent (NOI) to comply with the conditions of this Order to comply with the Water Code. Dischargers who were enrolled in Order R3-2012-0011 as of the effective date of this Order are automatically enrolled in this Order.

~~27. Dischargers who have submitted a completed electronic NOI to the Central Coast Water Board to comply with a previous order must update their NOI to reflect current operation and farm/ranch information.~~

~~28.~~27. Landowners and operators of irrigated lands who obtain a pesticide use permit from a local County Agricultural Commissioner and that have a discharge of waste that could affect surface water or groundwater, must submit to the Central Coast Water Board, a completed electronic NOI to comply with the conditions of this Order to comply with the Water Code.

~~29.~~28. The NOI serves as a report of waste discharge (ROWD) for the purposes of this Order.

~~30.~~29. The Central Coast Water Board recognizes that certain limited resource farmers (as defined by the U.S. Dept. of Agriculture) may have difficulty achieving compliance with this Order. The Central Coast Water Board will prioritize assistance for these farmers, including but not limited to technical assistance, grant opportunities, and necessary flexibility to achieve compliance with this Order (e.g., adjusted monitoring, reporting, or time schedules).

Agricultural Discharges Not Covered Under this Order and Who Must Apply for Individual Waste Discharge Requirements

~~31.~~30. This Order does not waive WDRs for commercial nurseries, nursery stock production and greenhouse operations that have point-source type discharges, and fully contained greenhouse operations (those that have no groundwater discharge due to impervious floors). These operations must eliminate all such discharges of wastes or submit a ROWD to apply for individual WDRs as set forth in Water Code section 13260.

PUBLIC PARTICIPATION PROCESS

31. The Central Coast Water Board notified interested persons that the Central Coast Water Board will consider the adoption of this Order, which conditionally waives individual WDRs and establishes conditions for the control of discharges of waste from irrigated lands to waters of the State, and provided several opportunities for public input.

32. The Central Coast Water Board provided a 69~~60~~ day public comment period beginning November 1, 2016. Prior to releasing the draft documents for public comment, the Central Coast Water Board engaged in outreach efforts with interested parties including agricultural stakeholders, agricultural technical service providers, environmental and environmental justice advocates. Outreach efforts including: a July ~~10~~28, 2016 Central Coast Water Board meeting with an informational item regarding development of this order - opportunity for oral comment was provided; two web-based meetings with stakeholders, both on August 15, 2016; public workshops on August 23, 24, and 31, 2016; a Central Coast Water Board meeting informational item on September 22, 2016 where opportunity for oral comment was provided.

~~32.~~33. During the 69~~60~~ day public comment period, the Central Coast Water Board engaged in outreach efforts with interested parties, including: four public workshops, including on November 7 and 10, 2016 with agricultural stakeholders, and two more in late November 2016 with the general public; a Central Coast Water Board meeting informational item on December 8, 2016 where opportunity for oral comment was provided.

~~33. In December 2008, the Central Coast Water Board invited members of the public to participate in development of this Order and provide recommendations to Central Coast Water Board staff. In particular, the Central Coast Water Board requested the assistance of an agricultural advisory panel in developing appropriate milestones, timetables, and verification monitoring programs to resolve water quality problems and achieve compliance with the Basin Plan. Additionally, in early 2009, the Central Coast Water Board notified all water purveyors, water districts and municipalities that staff was developing recommendations for this Order.~~

~~34. In December 2009, the Central Coast Water Board encouraged any interested person who wanted to present alternative recommendations to this Order to provide those recommendations in writing by April 1, 2010.~~

~~35. On February 1, 2010, the Central Coast Water Board publicly released a preliminary report and preliminary draft order for the regulation of discharges from irrigated lands and accepted comments on the preliminary draft order through June 4, 2010.~~

~~36. The Central Coast Water Board held two public workshops (May 12, 2010, and July 8, 2010) to discuss the preliminary draft order, public comments, and alternative recommendations.~~

~~37. The Central Coast Water Board released a Draft Agricultural Order and staff report on November 19, 2010, for public review and comment, and held an additional public workshop on February 3, 2011. The Central Coast Water Board released further revised versions of the Draft Agricultural Order in March, July, and August 2011 and held an additional public workshop on February 1, 2012.~~

~~38. Between November 2009 and February 2012, Central Coast Water Board staff attended more than 60 meetings and conferences to describe the process for developing the Draft Agricultural Order, discuss options, and hear public input regarding the Draft Agricultural Order. These events included numerous stakeholders representing the agricultural industry and its technical assistance providers, environmental and environmental justice organizations, local and state government agencies and other members of the public.~~

~~39. Interested persons were notified that the Central Coast Water Board will consider adoption of an Order, which conditionally waives WDRs for discharges of waste from irrigated lands, as described in this Order, and were provided an opportunity for a public hearing and an opportunity to submit written comments.~~

34. The board held a public hearing on March 7-8, 2017 to review the terms of the 2012 Agricultural Order and consider whether to issue general or individual waste discharge requirements in lieu of renewing the waiver.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

35. For purposes of adoption of this Order, the Central Coast Water Board is the lead agency pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21100 et seq.).

36. On July 9, 2004, the Central Coast Water Board adopted 2004 Agricultural Order, waiving waste discharge requirements for discharges of waste from irrigated lands in the Central Coast Region and adopted a Negative Declaration under CEQA (2004 Negative Declaration). No person filed any legal challenge to the 2004 Agricultural Order or the 2004 Negative Declaration.

37. In 2009, the Central Coast Water Board convened a public process to replace the 2004 Agricultural Order. As part of this process, the Central Coast Water Board developed a subsequent environmental impact report (SEIR).

38. On March 15, 2012, the Central Coast Water Board adopted and certified the Final SEIR for the 2012 Agricultural Order. The Final SEIR consists of a Draft SEIR as revised, the responses to comments to the Draft SEIR, and documents referenced and incorporated into the Final SEIR.

39. Adoption of the 2012 Agricultural Order complied with CEQA requirements.

40. When an environmental impact report has been prepared for a project, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs: (1) substantial changes are proposed in the project which would require major revisions of the EIR; (2) substantial changes in surrounding circumstances have occurred which would require major revisions of the EIR; or (3) significant new information that was unknown and could not have been known at the time the EIR was certified becomes available. (Pub. Resources Code, § 21166.) The CEQA Guidelines specify that the lead agency shall not prepare a subsequent environmental impact report unless it determines on the basis of substantial evidence in the light of the whole record that one of the above circumstances applies~~there would be a substantial increase in the severity of previously identified significant effects~~. (Cal. Code. Regs, tit. 14 §15162(a)(1); *see also Abatti v. Imperial Irr. Dist*. (4th Dist. 2012) 205 Cal. App. 4th 650; *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2d Dist. 2004) 126 Cal. App. 4th 1180.) The same rule applies when the lead agency adopted a negative declaration rather than an environmental impact report. (*Friends of the College of San Mateo Gardens v. San Mateo Community College District* (2016) 1 Cal.5th 937.)

41. This Order replaces the 2012 Agricultural Order. This Order will not result in a substantial increase in the severity of previously identified significant effects, relative to the 2012 Agricultural Order. This Order is substantially similar to the 2012 Agricultural Order, with the only differences being the addition of new or revised monitoring and reporting requirements. These new or revised monitoring and reporting requirements will not result in an adverse physical change to the environment. Nor ~~is~~are there substantial changes in the surrounding circumstances which would require major revisions to the Negative Declaration or EIR or significant new information, as that term is used in CEQA.

42. Therefore, the 2004 Negative Declaration and the Final SEIR for the 2012 Agricultural Order constitute the environmental analysis under CEQA for this Order.

~~40.~~43. This Order complies with CEQA requirements.

~~41. In 2004, the Central Coast Water Board adopted the 2004 Agricultural Order and a Negative Declaration prepared in compliance with CEQA. CEQA Guidelines state that no subsequent environmental impact report (SEIR) shall be prepared when an EIR has been certified or negative declaration adopted for a project unless the lead agency determines based on substantial evidence in light of the whole record, one or more of the following:~~

> ~~*(1) if substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; or,*~~
>
> ~~*(2) if substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; or*~~
>
> ~~*(3) if new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, becomes available.*~~

~~(Cal. Code Regs., tit. 14, § 15162(a).)~~

~~This regulation applies if there is a modification of a previous project. In this case, the Central Coast Water Board is proposing to renew the 2004 Agricultural Order, which is the previous project, with clarifications and new conditions. To assist in determining whether an SEIR would be necessary, the Central Coast Water Board staff held a CEQA scoping meeting on August 16, 2010, to receive input from interested persons and public agencies on potentially significant environmental effects of the proposed project. Staff also accepted written comments regarding scoping up until August 27, 2010, in order to allow for comments from those who were unable to attend the meeting and/or for those who wished to submit additional comments. Members of the public and representatives of public agencies provided comments regarding their views on significant environmental effects associated with the adoption of a renewed Agricultural Order. As described in Findings 30 - 37 and prior to the scoping meeting in August 2010, significant public participation activities had occurred.~~

~~In preparing the Draft SEIR, Central Coast Water Board staff reviewed the 2004 Negative Declaration, including the Initial Study (Environmental Checklist), considered the comments received during the public participation process with respect to renewal of the 2004 Agricultural Order, including evidence in the record,~~

~~written and oral comments, proposed alternatives, and information provided at and following the August 16, 2010 scoping meeting, and comments received on the Draft SEIR. Review of this information did not result in identification of any new environmental effects that had not already been evaluated in the 2004 Negative Declaration. Staff identified two areas included on the Environmental Checklist where there was a potential for an increase in the severity of environmental effects previously identified. These areas are (1) the potential for more severe impacts on agricultural resources due to the potential for an increase in the use of vegetated buffer strips and economic impacts due to new requirements that could take some land out of direct agricultural use and (2) the potential for more severe impacts on biological resources due to the potential for a reduction in water flows in surface waters.~~

~~The Central Coast Water Board issued a Notice of Availability on October 25, 2010, and provided the public with 45 days to submit written comments on the Draft SEIR. The Water Board received 12 written comment letters. Responses to the comments are in Section 7 of the Final SEIR. In response to comments, the Central Coast Water Board staff revised the Draft SEIR and prepared a draft Final SEIR for the Central Coast Water Board's certification. The 2004 Negative Declaration and the Final SEIR constitute the environmental analysis under CEQA for this Order.~~

~~42. With respect to Agricultural Resources, the Final SEIR concludes that adoption of the proposed alternative could result in some economic or social changes but that there was insufficient evidence to conclude that the economic changes would result in adverse physical changes to the environment. Commenters speculated that the economic impacts would be so large as to result in large scale end to agriculture and that land would be sold for other uses that would result in impacts on the environment. No significant information was provided to justify that concern. As described in Section 2.4 of this Final SEIR, the draft 2012 Agricultural Order would impose additional conditions on approximately 100 to 300 of the estimated 3000 owners or operators currently enrolled in the 2004 Agricultural Order. CEQA states that economic or social effects of a project shall not be treated as significant effects on the environment. (Pub. Res. Code § 21083.) The Final SEIR concludes that due to some new conditions, particularly the requirement that some dischargers may be required to implement vegetated buffer strips, could result in loss of land for agricultural production since the buffer strips would generally not produce crops and some land could be converted to other uses. This impact was found to be less than significant and that mitigation could reduce impacts further. The Central Coast Water Board may not generally specify the manner of compliance and therefore, dischargers may choose among many ways to comply with the requirement to control discharges of waste to waters of the State. Even if all dischargers who could be subject to the condition to use vegetated buffers or some other method to control discharges in the draft 2012 Agricultural Order (Tier 3 dischargers) chose to use vegetated buffers or converted to other uses, the total acreage is quite small compared to the total amount of acreage used for farming and~~

~~was, therefore, found to be less than significant. In addition, since the land would be used as a vegetated buffer to comply with the Order, this would result in beneficial impacts on the environment, not adverse impacts.~~

~~With respect to Biological Resources, the Final SEIR concludes that wide scale water conservation could result in lower flows into surface water resulting in impacts on aquatic life. The Central Coast Water Board may not specify the manner of compliance so it has insufficient information to evaluate the extent to which dischargers would choose to use water conservation to comply and to evaluate potential physical changes to the environment that could result. Reduction in toxic runoff may offset impacts due to the reduced flows that could occur. In addition, reduction in water use could result in increased groundwater levels that would also result in more clean water to surface water.~~

~~Based on this information, the Final SEIR concludes that the environmental effects associated with the draft 2012 Agricultural Order may be significant with respect to biological resources. However, given the uncertainty associated with evaluating the available information, it is possible that the effects may turn out to be less than significant. In Resolution R3-2012-0012, the Central Coast Water Board has made findings consistent with the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15091) and a statement of overriding considerations (Cal. Code Regs., tit. 14, § 15093) with respect to biological resources.~~

ADDITIONAL FINDINGS

~~43.~~44. Attachment A to this Order, incorporated herein, includes additional findings that further describe a) the Water Board's legal and regulatory authority, b) the rationale for this Order, c) a description of the environmental and agricultural resources in the Central Coast Region, and d) impacts to water quality from agricultural discharges. Attachment A also identifies applicable plans and policies adopted by the State Water Board and the Central Coast Water Board that contain regulatory conditions that apply to the discharge of waste from irrigated lands. Attachment A also includes definitions of terms for purposes of this Order.

IT IS HEREBY ORDERED that:

1. Pursuant to Water Code sections 13260, 13263, 13267, and 13269, Dischargers must comply with the terms and conditions of this Order to meet the provisions contained in Water Code Division 7 and regulations and plans and policies adopted there under.

2. This Order shall not create a vested right to discharge, and all discharges of waste are a privilege, not a right, as provided for in Water Code section 13263(g).

3. Dischargers must not discharge any waste not specifically regulated by this Order except in compliance with the Water Code.

4. Pursuant to Water Code section 13269, the Central Coast Water Board waives the requirement that Dischargers obtain WDRs pursuant to Water Code section 13263(a) for discharges of waste from irrigated lands, if the Discharger enrolls in and complies with this Order, including Attachments and Monitoring and Reporting Program (MRP) Order No. ~~R3-2012-0011~~ R3-2017-0002.

5. Pursuant to Water Code section 13269, this action waiving the issuance of WDRs for certain specific types of discharges: 1) is conditional; 2) may be terminated by the Central Coast Water Board at any time; 3) may be superseded if the State Water Board or Central Coast Water Board adopts specific WDRs or general WDRs for this type of discharge or any individual discharger; 4) does not permit any illegal activity; 5) does not preclude the need for permits which may be required by other local or governmental agencies; 6) does not preclude the Central Coast Water Board from requiring WDRs for any individual discharger or from administering enforcement remedies (including civil liability) pursuant to the Water Code; and 7) includes conditions for the performance of individual, group, and watershed-based monitoring in the form of monitoring requirements designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions.

6. Dischargers or groups of Dischargers seeking regulatory requirements tailored to their specific operation, farm/ranch, geographic area, or commodity may submit an ROWD to obtain individual or general orders for a specific discharge or type of discharge (e.g., commodity-specific general order). This Order remains applicable until such individual or general orders are adopted by the Central Coast Water Board.

7. The Executive Officer may propose, and the Water Board may adopt, individual WDRs for any Discharger at any time.

8. The Central Coast Water Board or the Executive Officer may, at any time, terminate applicability of this Order with respect to an individual Discharger upon written notice to the Discharger.

9. Dischargers are defined in this Order as both the landowner and operator of irrigated cropland, and both must comply with this Order.

10. Dischargers may comply with this Order by participating in third-party groups (e.g., watershed group, or water quality coalition, or other similar cooperative effort) approved by the Executive Officer or Central Coast Water Board. In this case, the third-party group will assist individual growers in achieving compliance with this Order, including implementing water quality improvement projects and required monitoring and reporting programs as described in MRP Order No. ~~R3-2012-0011-01, MRP Order No. R3-2012-0011-02~~ R3-2017-0002-01, MRP Order No. R3-2017-0002-02, and MRP Order No. ~~R3-2012-0011-03~~ R3-2017-0002-03~~,~~ or alternative monitoring and reporting programs as provided in Condition 11 below. Consistent with the Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy, 2004), the ineffectiveness of a third-party group through which a Discharger participates in nonpoint source control efforts cannot be used as an excuse for lack of individual discharger compliance. Individual Dischargers continue to be responsible for complying with this Order.

11. Dischargers may form third party groups to develop and implement alternative water quality improvement projects or programs or cooperative monitoring and reporting programs to comply with this Order. At the discretion of the Executive Officer, Dischargers that are a participant in a third party group that implements Executive Officer-approved water quality improvement projects or programs or Executive Officer-approved alternative monitoring and reporting programs may be moved to a lower Tier (e.g., Tier 3 to Tier 2, Tier 2 to Tier 1) and/or provided alternative project or program-specific requirements timelines, and/or milestones.

    To ~~—~~qualify for Tier changes or alternative requirements, timelines, and/or milestones, third party water quality improvement projects and programs will be evaluated for, among other elements:

    - Project or Program Description. Description must include identification of participants, methods, and time schedule for implementation.
    - Purpose. Proposal must state desired outcomes or goals of the project or program (e.g., pollutants to be addressed, amount of pollution load to be reduced, water quality improvement expected).
    - Scale. Solutions must be scaled to address impairment.
    - Chance of Success. Projects or programs must demonstrate a reasonable chance of improving water quality and/or reducing pollutant loading.
    - Long term solutions and contingencies. Proposals must address what new actions will be taken if the project or program does not meet goals and how the project or program will be sustained through time.
    - Accountability. Proposals must set milestones that indicate progress towards goals stated as above in "purpose."

- Project or program monitoring and reporting. Description of monitoring and measuring methods, and information to be provided to the Water Board. Monitoring points must be representative but may not always be at the edge-of-farm so long as monitoring results provide indicators of water quality improvement and/or pollutant load reductions and the efficacy of a project or program. The monitoring and reporting may be a third party monitoring and reporting program consistent with the requirements in the next paragraph.

To qualify for Tier changes or alternative requirements, timelines, and/or milestones, third party monitoring and reporting programs will be evaluated for, among other elements:

- Program Description: Description of monitoring methodologies, schedule and reporting.
- Purpose: Third party monitoring and reporting programs must include collection of data that will provide indicators of water quality improvement and/or pollutant load reduction and aggregate monitoring and reporting must be on a scale sufficient to track progress in small sub-basins and be sufficiently representative of conditions in the sub-basins.

Third party water quality improvement project or program and third party monitoring and reporting program proposals will be evaluated by a Technical Advisory Committee (TAC) comprised of: Two researchers or academics skilled in agricultural practices and/or water quality, one farm advisor (e.g., from Natural Resources Conservation Service or local Resource Conservation Districts), one grower representative, one environmental representative, one environmental justice or environmental health representative, and one Regional Board staff. The TAC must have a minimum of five members to evaluate project or program proposals and make recommendations to the Executive Officer. The Executive Officer has discretion to approve any third party water quality improvement project or program or third party monitoring and reporting program after receiving project or program evaluation results and recommendations from the committee. The Executive Officer may waive the requirement for TAC review of a project or program if the Executive Officer determines that three or more of the seven specified representatives are unavailable for serving on a TAC. The Executive Officer shall document efforts to convene representatives from each category. Third party projects or programs specifically allowed elsewhere in this Order, such as cooperative receiving water monitoring and cooperative groundwater monitoring, are subject to the specific provisions authorizing such third party projects and programs, rather than the requirements of Provision 11.

An interested person may seek discretionary review by the Regional Board of the Executive Officer's approval or denial of a third party project or program. As stated in the NPS Policy, management practice implementation is not a substitute for

compliance with water quality requirements. If the project is not effective in achieving water quality standards, additional management practices by individual Dischargers or the third party group will be necessary.

12. Dischargers who are subject to this Order shall implement management practices, as necessary, to improve and protect water quality and to achieve compliance with applicable water quality standards.

Part A. Tiers

13. Dischargers are classified into a tier based upon criteria that define the risk to water quality and the level of waste discharge. The Central Coast Water Board may update the criteria, as necessary.

14. Dischargers ~~must~~ will provide the information necessary to determine the tier that applies to the individual farm(s)/ranch(es) at their operation or lands when they enroll or update their Notice of Intent (NOI), via electronic submittal. See Part D. Submittal of Technical Reports.

15. **Tier 1** – Applies to all Dischargers whose individual farm/ranch meets all of the criteria described in **(1a), (1b), and (1c)**, or whose individual farm/ranch is certified in a sustainable agriculture program identified in **(1d)** that requires and verifies effective implementation of management practices that protect water quality:

    1a. Discharger does not use chlorpyrifos or diazinon at the farm/ranch, which are documented to cause toxicity in surface waters in the Central Coast Region;

    1b. Farm/ranch is located more than 1000 feet from a surface waterbody listed for toxicity, pesticides, nutrients, turbidity or sediment on the 2010 List of Impaired Waterbodies[9] (Table 1);

    1c. If the Discharger grows crop types with high potential to discharge nitrogen to groundwater (as defined in Attachment A) at the farm/ranch, and the farm/ranch total irrigated acreage is *less than* 50 acres, and is *not* within 1000 feet of a well that is part of a public water system (as defined by the California Health and Safety Code, section 116275) that exceeds the maximum contaminant level (MCL) for nitrate, nitrite, or nitrate + nitrite[10];

[9] The 2010 List of Impaired Waterbodies is available on the Water Board's Impaired Water Bodies website at http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

[10] California Department of Health Services (CDPH) has determined that public water system well location records are confidential and exempt from disclosure to the public. Until such time that public water system well location records become

1d. Sustainability in Practice (SIP, certified by the Central Coast Vineyard Team) or other certified programs approved by the Central Coast Water Board.

16. **Tier 2** – Applies to all Dischargers whose individual farm/ranch does not meet the Tier 1 or Tier 3 criteria. In general, a Tier 2 Discharger's farm/ranch meets at least one of the characteristics described in **(2a), (2b), or (2c)**:

    2a. Discharger applies chlorpyrifos or diazinon at the farm/ranch, which are documented to cause toxicity in surface waters in the Central Coast Region;

    2b. Farm/ranch is located within 1000 feet of a surface waterbody listed for toxicity, pesticides, nutrients, turbidity or sediment on the 2010 List of Impaired Waterbodies[9] (see Table 1);

    2c. Discharger grows crop types with high potential to discharge nitrogen to groundwater (as defined in Attachment A) at the farm/ranch, and the farm/ranch total irrigated acreage is greater or equal to 50 acres and *less than* 500 acres, or the farm/ranch is *within* 1000 feet of a well that is part of a public water system (as defined by the California Health and Safety Code, section 116275) that exceeds the maximum contaminant level (MCL) for nitrate, nitrite, or nitrate + nitrite[10];

17. **Tier 3** – Applies to all Dischargers whose individual farm/ranch meets one of the following sets of criteria ***(3a) or (3b)***:

    3a. Discharger grows crop types with high potential to discharge nitrogen to groundwater (as defined in Attachment A) at the farm/ranch, and farm/ranch total irrigated acreage is *greater than or equal* to 500 acres;

    3b. Discharger applies chlorpyrifos or diazinon at the farm/ranch, and the farm/ranch discharges irrigation or stormwater runoff to a waterbody listed for toxicity or pesticides on the 2010 List of Impaired Waterbodies[9] (Table 1);

18. Dischargers may submit a request to the Executive Officer to approve transfer to a lower tier. The Discharger must provide information to demonstrate a lower level

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available to the public, the Central Coast Water Board will identify Dischargers who are within 1000 feet of a public water system well that exceeds the maximum contaminant level (MCL) for nitrate, nitrite, or nitrate + nitrite. Dischargers should evaluate their tier for the purposes of this Order based on all information available. In the case where a Discharger should be placed into a different tier based on proximity to a public water system well, the Central Coast Water Board will provide appropriate notice to the Discharger. Approximate locations for public water system wells are available on the Water Board's GeoTracker GAMA website at http://geotracker.waterboards.ca.gov/gama/.

of waste discharge and a lower threat to water quality, including site-specific operational and water quality information to characterize the waste discharge and resulting effect on water quality. Dischargers remain in the tier determined by the criteria above and must meet all conditions for that tier until the Executive Officer approves the request to transfer to a lower tier. At a minimum, information provided by Dischargers requesting transfer to a lower tier must include the following:

a. Farm/ranch maps(s) identifying discharge points and any water quality sampling locations;
b. Schematic showing the flow of irrigation and stormwater runoff, including where it leaves the farm/ranch and where the discharge enters receiving water;
c. Description of the volume of discharges and when the discharge is present;
d. Description of type of chemicals applied (e.g., pesticide and fertilizer use);
e. Description of estimated pollutant loading to groundwater;
f. Description and results of any individual discharge water quality sampling information available (e.g., irrigation runoff and stormwater sampling, lysimeter sampling);

If the Executive Officer approves a transfer to a lower tier, any interested person may request that the Central Coast Water Board conduct a discretionary review of the Executive Officer's determination.

19. The Executive Officer may elevate Tier 1 or Tier 2 Dischargers to a higher tier if the Discharger poses a higher threat to water quality based on information submitted as part of the NOI, MRP, or information observed upon inspection of a ranch/farm, or any other appropriate evidence that indicates the ranch/farm meets the criteria for a higher tier. If the Executive Officer requires a transfer to a higher tier, any interested person may request that the Central Coast Water Board conduct a discretionary review of the Executive Officer's determination.

20. The Executive Officer may require Dischargers to enroll irrigated land with similar characteristics (e.g., same landowner or operator), and proximal, adjacent, or contiguous location, as a single operation or farm/ranch.

21. Unless otherwise specified, the conditions of this Order apply to all Dischargers, including Tier 1, Tier 2, and Tier 3.

Part B. General Conditions and Provisions for All Dischargers - Tier 1, Tier 2, and Tier 3

Water Quality Standards-

22. Dischargers shall not cause or contribute to exceedances of applicable water quality standards, as defined in Attachment A, shall protect the beneficial uses of waters of the State and shall prevent nuisance as defined in Water Code section 13050.

23. Dischargers must comply with applicable provisions of the Central Coast Region Water Quality Control Plan (Basin Plan) and all other applicable water quality control plans as identified in Attachment A.

24. Dischargers subject to the requirements of this Order ~~must~~ comply with applicable Total Maximum Daily Loads (TMDLs) through compliance with this Order, including any plan of implementation for the TMDL, commencing with the effective date or other date for compliance stated in the TMDL. A list of TMDLs adopted by the Central Coast Water Board is available on the Central Coast Water Board website at:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ tmdl/index.shtml.

25. Discharges shall not discharge any waste not specifically regulated by the Order described herein, unless the Discharger complies with Water Code section 13260(a) by submitting a ROWD and the Central Coast Water Board either issues WDRs pursuant to Water Code section 13263 or an individual waiver pursuant to Water Code section 13269, or the conditions specified in Water Code section 13264(a) must be met by the Discharger. Waste specifically qualifying for conditional discharge under this Waiver includes earthen materials, including soil, silt, sand clay, rock: inorganic materials (such as metals, salts boron, selenium, potassium, nitrogen, etc.); organic materials; and pesticides that may enter or threaten to enter into waters of the State. Examples of wastes not qualifying for conditional discharge under this Order include hazardous waste and human waste.

26. Dischargers shall not discharge any waste at a location or in a manner different from that described in the NOI.

27. Dischargers shall not discharge chemicals such as fertilizers, fumigants or pesticides down a groundwater well casing.

28. Dischargers shall not discharge chemicals used to control wildlife (such as bait traps or poison) directly into surface waters, or place the chemicals in a location where they may be discharged to surface waters.

29. Dischargers shall not discharge agricultural rubbish, refuse, irrigation tubing or tape, or other solid wastes into surface waters, or place such materials where they may contact or may eventually be discharged to surface waters.

30. This Order does not authorize persons to discharge pollutants from point sources to waters of the United States, including wetlands, where the Discharger is required to obtain an NPDES permit under Clean Water Act section 402 (NPDES), or a dredge and fill permit under Clean Water Act section 404 (dredge and fill), except as authorized by an NPDES permit or section 404 permit. An area is considered a wetland, subject to Clean Water Act section 404, if it meets the United States Army Corps of Engineers' definition as described in the Code of Federal Regulations and associated wetland delineation procedures, or relevant Water Board definitions.

Waste Discharge Control-

31. **~~By March 1, 2013~~**, Dischargers that apply fertilizers, pesticides, fumigants or other chemicals through an irrigation system must have functional and properly maintained back flow prevention devices installed at the well or pump to prevent pollution of groundwater or surface water, consistent with any applicable DPR requirements or local ordinances. Back flow prevention devices used to protect water quality must be those approved by USEPA, DPR, CDPH, or the local public health or water agency.

32. **~~By October 1, 2015,~~** Dischargers must properly destroy all abandoned groundwater wells, exploration holes or test holes, as defined by Department of Water Resources (DWR) Bulletin 74-81 and revised in 1988, in such a manner that they will not produce water or act as a conduit for mixing or otherwise transfer groundwater or waste constituents between permeable zones or aquifers. Proper well abandonment must be consistent with any applicable DWR requirements or local ordinances.

33. Dischargers who utilize containment structures (such as retention ponds or reservoirs) to achieve treatment or control of the discharge of wastes must manage, construct, and maintain such containment structures to avoid discharges of waste to groundwater and surface water that cause or contribute to exceedances of water quality standards. Dischargers may choose the method of compliance appropriate for the individual farm, which may include, but is not limited to:
    - implementing chemical treatment (e.g., enzymes);
    - implementing biological treatment (e.g., wood chips);
    - recycling or reusing contained water to minimize infiltration or discharge of waste;
    - minimizing volume of water in the containment structure to minimize percolation of waste;
    - minimizing percolation of waste via a synthetic, concrete, clay, or low permeability soil liner;

34. Dischargers must implement proper handling, storage, disposal and management of pesticides, fertilizer, and other chemicals to prevent or control the discharge of waste to waters of the State that causes or contributes to exceedances of water quality standards.

35. Upon request, Dischargers must submit information regarding compliance with any Department of Pesticide Regulation (DPR) adopted or approved surface water or groundwater protection requirements.

36. Dischargers must implement water quality protective management practices (e.g., source control or treatment) to prevent erosion, reduce stormwater runoff quantity and velocity, and hold fine particles in place.

37. Dischargers must minimize the presence of bare soil vulnerable to erosion and soil runoff to surface waters and implement erosion control, sediment, and stormwater management practices in non-cropped areas, such as unpaved roads and other heavy use areas.

38. Dischargers must comply with any applicable stormwater permit.

39. Dischargers must a) maintain existing, naturally occurring, riparian vegetative cover (such as trees, shrubs, and grasses) in aquatic habitat areas as necessary to minimize the discharge of waste; and b) maintain riparian areas for effective streambank stabilization and erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, and wildlife support to minimize the discharge of waste;

40. In the case where disturbance of aquatic habitat is necessary for the purposes of water quality improvement, restoration activities, or other permitted activities, Dischargers must implement appropriate and practicable measures to avoid, minimize, and mitigate erosion and discharges of waste, including impacts to aquatic habitat.

41. Upon request, where required by California Fish and Game Code, Dischargers must submit proof of an approved Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) for any work conducted within the bed, bank or channel of a lake or stream, including riparian areas, that has the potential to result in erosion and discharges of waste to waters of the State.

42. Upon request, where required by California Forest Practice Rules, Dischargers must submit proof of California Department of Forestry and Fire Protection authorization, and enrollment in the Central Coast Water Board's General Conditional Waiver of WDRs – Timber Harvest Activities in the Central Coast

Region, for any commercial harvesting of timber that has the potential to result in erosion and discharges of waste to waters of the State.

43. Upon request, where required by Clean Water Act Section 404, Dischargers must submit proof of a dredge and fill permit from the United States Army Corps of Engineers (USACOE) for any work that has the potential to discharge wastes considered "fill," such as sediment, to wetlands.

44. **~~By October 1, 2012~~**, Dischargers must develop a farm water quality management plan (Farm Plan), or update the Farm Plan as necessary, and implement it to achieve compliance with this Order. Farm Plans must be kept current, kept on the farm, and a current copy must be made available to Central Coast Water Board staff, upon request. At a minimum, Farm Plans must include:

    a. Copy of this Order and a copy of the Notice of Intent (NOI) submitted to the Central Coast Water Board for reference by operating personnel and inspection by Central Coast Water Board staff;
    b. Date the Farm Plan was last updated;
    c. Farm/ranch maps(s) identifying irrigation and stormwater runoff discharge locations where irrigation and stormwater runoff leaves or may leave the farm/ranch and where the discharge enters or may enter receiving water;
    d. Description of the typical volume of discharges and when the discharge is typically present;
    e. Description of type of chemicals applied (e.g., pesticide and fertilizer use);
    f. Description and time schedule for any farm water quality management practices, treatment and/or control measures implemented to comply with this Order. This includes, but is not limited to, management practices related to irrigation efficiency and management, pesticide management, nutrient management, salinity management, sediment and erosion control (including stormwater management), and aquatic habitat protection to achieve compliance with this Order. In addition, Farm Plans must describe tile drain discharges and the management measures Dischargers have implemented or will implement to minimize impacts to water quality;
    g. A description of the method and schedule for assessing the effectiveness of each management practice, treatment, and control measure identified in accordance with subsection(f). Such methods for assessing effectiveness are expected to be based on standard practices such as, but not limited to: visual inspections, photographs, soil nutrient testing, soil moisture measurements, and recordkeeping. Dischargers may also choose more advanced methods for assessing effectiveness, such as water quality sampling, modeling software, calculated reductions in pollutant loading, toxicity testing, biological indicators evaluations, and other measurement types that prove useful to determining the effectiveness of a management practice. The use of advanced methods is not required.

45. Dischargers must obtain appropriate farm water quality education and technical assistance necessary to achieve compliance with this Order. Education should focus on meeting water quality standards by identifying on-farm water quality problems, implementing pollution prevention strategies and implementing practices designed to protect water quality and resolve water quality problems to achieve compliance with this Order.

Other Provisions and Conditions-

46. Pursuant to Water Code section 13267(c), the Central Coast Water Board staff or its authorized representatives may investigate the property of persons subject to this Order to ascertain whether the purposes of the Porter-Cologne Act are being met and whether the Discharger is complying with the conditions of this Order. The inspection shall be made with the consent of the owner or possessor of the facilities, or if consent is withheld, with a duly issued warrant pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with Section 1822.50). However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.

47. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a "take" will result from any act authorized under this Order, the Dischargers must obtain authorization for an incidental take prior to taking action. Dischargers must be responsible for meeting all requirements of the applicable Endangered Species Act for the discharge authorized by this Order.

48. Dischargers must pay a fee to the State Water Resources Control Board in compliance with the fee schedule contained in Title 23 California Code of Regulations**.**

49. Dischargers must pay any relevant monitoring fees (e.g., Cooperative Monitoring Program) necessary to comply with monitoring and reporting conditions of this Order or comply with monitoring and reporting requirements individually.

Part C. Monitoring Conditions for All Dischargers- Tier 1, Tier 2, and Tier 3

50. Dischargers must comply with MRP Order No. ~~R3-2012-0011~~ R3-2017-0002, as ordered by the Executive Officer, or alternative monitoring and reporting programs approved by Executive Officer as set forth in Finding 11 and Condition 11.

Monitoring and reporting conditions are different for each tier, based on level of waste discharge and ~~a~~effect on water quality. Attached to this Order are three specific MRPs, one for each tier:

a. Tier 1 Dischargers must comply with monitoring and reporting conditions specified in MRP Order No. ~~R3-2012-0011-01~~ R3-2017-0002-01;
b. Tier 2 Dischargers must comply with monitoring and reporting conditions specified in MRP Order No. ~~R3-2012-0011-02~~ R3-2017-0002-02;
c. Tier 3 Dischargers must comply with monitoring and reporting conditions specified in MRP Order No. ~~R3-2012-0011-03~~ R3-2017-0002-03;

51. Tier 1, Tier 2, and Tier 3 Dischargers must conduct groundwater monitoring and reporting in compliance with MRP Order No. ~~R3-2012-0011-01~~ R3-2017-0002-01, MRP Order No. ~~R3-2012-0011-02~~ R3-2017-0002-02, and MRP Order No. ~~2012-0011-03~~ R3-2017-0002-03~~,~~ or alternative monitoring and reporting programs approved by Executive Officer as set forth in Finding 11 and Condition 11, so that the Central Coast Water Board can evaluate groundwater conditions in agricultural areas, identify areas at greatest risk for waste discharge and nitrogen loading and exceedance of drinking water standards, and identify priority areas for nutrient management.

52. Tier 1, Tier 2, and Tier 3 Dischargers must conduct surface receiving water quality monitoring and reporting in compliance with MRP Order No. ~~R3-2012-0011-01~~ R3-2017-0002-01, MRP Order No. ~~R3-2012-0011-02~~ R3-2017-0002-02, and MRP Order No. ~~2012-0011-03~~ R3-2017-0002-03, either individually or through a cooperative monitoring program, or alternative monitoring and reporting programs approved by Executive Officer as set forth in Finding 11 and Condition 11.

53. For Dischargers who choose to participate in a cooperative monitoring program, failure to pay cooperative monitoring program fees voids a selection or notification of the option to participate in a cooperative monitoring and hence requires individual monitoring report submittal per MRP Order No. ~~R3-2012-0011~~ R3-2017-0002-01, MRP Order No. ~~R3-2012-0011-02~~ R3-2017-0002-02, and MRP Order No. ~~2012-0011-03~~ R3-2017-0002-03.

Part D. Submittal of Technical Reports for All Dischargers- Tier 1, Tier 2, Tier 3

Notice of Intent (NOI) to Enroll under the Order for All Dischargers in Tier 1, Tier 2 and Tier 3

54. Submittal of the electronic NOI is required pursuant to Water Code section 13260. Submittal of all other technical reports pursuant to this Order is required pursuant to Water Code section 13267. Failure to submit technical reports or the attachments in accordance with schedules established by this Order or MRP, or failure to submit a complete technical report (i.e., of sufficient technical quality to be acceptable to the Executive Officer), may subject the Discharger to enforcement action pursuant to Water Code sections 13261, 13268, or 13350. Dischargers must submit technical reports in the format specified by the Executive Officer.

55. Dischargers seeking authorization to discharge under this Order must submit a completed electronic NOI form to the Central Coast Water Board. ~~Dischargers already enrolled in the 2004 Agricultural Order and who have submitted their NOI electronically are not required to submit a new NOI.~~ Upon submittal of an accurate and complete electronic NOI, the Discharger is enrolled under the Order, unless otherwise informed by the Executive Officer.

    a. In the case where an operator may be operating for a period of less than 12 months, the landowner must submit the electronic NOI.

    ~~b. **Within 60 days** of the adoption of this Order, any Discharger who did not enroll in the 2004 Agricultural Order must submit an electronic NOI, unless otherwise directed by the Executive Officer.~~

    ~~c.~~b. **Prior to any discharge or commencement of activities that may cause a discharge,** including land preparation prior to crop production, any Discharger proposing to control or own a new operation or farm/ranch that has the potential to discharge waste that could directly or indirectly reach waters of the State and affect the quality of any surface water or groundwater must submit an electronic NOI.

    ~~d.~~c. Dischargers must ~~submit any~~ update~~s~~ ~~to~~ the electronic NOI ~~by~~ **~~October 1, 2012 and annually thereafter by October 1,~~** to reflect changes to operation or ranch/farm information within ~~30~~60 days of the change.

    ~~e.~~d. **Within ~~6030~~ 60 days**, in the event of a change in control or ownership of an operation, farm/ranch, or land presently owned or controlled by the Discharger, the Discharger must notify the succeeding owner and operator of the existence of this Order by letter~~,~~ and forward a copy of the letter to the Executive Officer.

~~f.~~e. **Within ~~60~~ ~~30~~ 60 days** of acquiring control or ownership of an operation or farm/ranch, any Discharger acquiring control or ownership of an existing operation or farm/ranch must submit an electronic NOI.

56. Dischargers must submit all the information required in the electronic NOI form. including, but not limited to, the following information for the operation and individual farm/ranch:
    a. Identification of each property covered by enrollment,
    b. Tier applicable to each farm/ranch,
    c. Landowner(s),
    d. Operator(s),
    e. Contact information,
    f. Option selected how to comply with surface receiving water quality monitoring conditions (cooperative monitoring or individual),
    g. Option selected to comply with groundwater monitoring conditions (cooperative monitoring or individual),
    h. Location of operation, including specific farm(s)/ranch(es),
    i. Farm/ranch map with discharge locations and groundwater wells identified,
    j. Total and irrigated acreage,
    k. Crop type,
    l. Irrigation type,
    m. Discharge type,
    n. Chemical use,
    o. Presence and location of any perennial, intermittent, or ephemeral streams or riparian or wetland area habitat.

57. Dischargers must submit a statement of understanding of the conditions of the Order and MRP signed by the Discharger (landowner or operator) with the electronic NOI form. If the operator signs and submits the electronic NOI, the operator must provide a copy of the completed NOI form to the landowner(s).

58. Dischargers must ~~identify in the electronic NOI if the farm/ranch is a Tier 1, Tier 2, or Tier 3 and~~ provide complete and accurate information in the electronic NOI that allows the Central Coast Water Board to confirm the appropriate tier. For Dischargers who do not provide adequate information for the Water Board to confirm or determine the appropriate tier, the Executive Officer will place the farm/ranch in the appropriate tier based upon information submitted in the Notice of Intent or further communication with the Discharger.

59. Coverage under this Order is not transferable to any person except after submittal of an updated electronic NOI and approval by the Executive Officer.

60. For Dischargers who do not enroll in the Order in a timely manner as specified in this Order, the Executive Officer may require submittal of an ROWD, and the

Discharger may be subject to WDRs.

Notice of Termination (NOT) for All Dischargers

~~60.~~61. **Immediately**, if a Discharger wishes to terminate coverage under the Order for the operation or an individual farm/ranch, the Discharger must submit a completed Notice of Termination (NOT). Termination from coverage is the date specified in the NOT, unless specified otherwise. All discharges, as defined in Attachment A, must cease before the date of termination, and any discharges on or after the date of termination shall be considered in violation of the Order, unless covered by other waivers of WDRs, general WDRs, or individual WDRs cover the discharge. All required monitoring and reporting is due within ~~30~~60 days of the termination unless otherwise directed by the Executive Officer.

Monitoring and General Technical Reports for All Dischargers

~~61.~~62. Dischargers must submit monitoring reports in compliance with MRP Order No. ~~R3-2012-0011~~ R3-2017-0002~~,~~ or alternative monitoring and reporting programs approved by Executive Officer as set forth in Finding 11 and Condition 11, electronically in a format specified by the Executive Officer.

~~62.~~63. Any laboratory data submitted to the Central Coast Water Board by Dischargers must be submitted by, or under the direction of, a State registered professional engineer, registered geologist, State certified laboratory or other similarly qualified professional. Surface water quality data must be submitted electronically, in a format that is compatible with the Central Coast Ambient Monitoring Program (CCAMP), the State's Surface Water Assessment Program (SWAMP) or as directed by the Executive Officer. Groundwater quality data must be submitted in a format compatible with the electronic deliverable format (EDF) used by the State Water Board's GeoTracker data management system, or as directed by the Executive Officer.

~~63.~~64. Dischargers must submit technical reports that the Executive Officer may require to determine compliance with this Order as authorized by Water Code section 13267, electronically in a format specified by the Executive Officer.

~~64.~~65. If the Discharger asserts that all or a portion of a report submitted pursuant to this Order is subject to an exemption from public disclosure (e.g., trade secrets or secret processes), the Discharger must provide an explanation of how those portions of the reports are exempt from public disclosure. Also, the Discharger must clearly indicate on the cover of the report (typically an electronic submittal) that the Discharger asserts that all or a portion of the report is exempt from public disclosure, submit a complete report with those portions that are

asserted to be exempt in redacted form, submit separately (in a separate electronic file) unredacted pages (to be maintained separately by staff). The Central Coast Water Board staff will determine whether any such report or portion of a report qualifies for an exemption from public disclosure. If the Central Coast Water Board staff disagrees with the asserted exemption from public disclosure, the Central Coast Water Board staff will notify the Discharger prior to making such report or portions of such report available for public inspection. ~~In the interest of public health and safety, the Central Coast Water Board will not make available for public inspection, the precise location of any groundwater well monitored in compliance with this Order. Consistent with the reporting of groundwater wells on GeoTracker, groundwater well location and data will only be referenced within a one-half mile radius of the actual well location, unless otherwise directed by the State Water Board.~~

~~65.~~66. Dischargers or a representative authorized by the Discharger must sign technical reports submitted to comply with the Order. Any person signing a report submitted as required by this Order must make the following certification:

"In compliance with Water Code section *13267, I certify under penalty of perjury that this document and all attachments were prepared by me, or under my direction or supervision, following a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. To the best of my knowledge and belief, this document and all attachments are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

Part E. Additional Conditions that Apply to Tier 2 and Tier 3 Dischargers

Annual Compliance Reporting for Tier 2 and Tier 3 Dischargers

~~66.~~67. By ~~**October 1, 2012**~~**March 1, 2018, and updated by ~~October~~ March 1 annually thereafter**, Tier 2 and Tier 3 Dischargers must submit an Annual Compliance Form electronically, in a format specified by the Executive Officer that includes all the information requested, per MRP Order No. ~~R3-2012-0011-02~~ R3-2017-0002-02 and MRP Order No. ~~R3-2012-0011-03~~ R3-2017-0002-03, respectively. The purpose of the electronic Annual Compliance Form is to provide up-to-date information to the Central Coast Water Board to assist in the evaluation of the ~~affect~~ effect on water quality from agricultural waste discharges and evaluate progress towards compliance with this Order, including implementation of management practices, treatment or control measures, or changes in farming practices.

~~67. **By January 15, 2014**, Tier 2 and Tier 3 Dischargers must determine nitrate loading risk factor(s) in accordance with MRP Order No. R3-2012-0011-02 and MRP Order No. R3-2012-0011-03 and report the nitrate loading risk factors and overall Nitrate Loading Risk level calculated for each ranch/farm or nitrate loading risk unit in the Annual Compliance Form, electronically (or in a format specified by the Executive Officer).~~

~~Photo Monitoring for Tier 2 and Tier 3 Dischargers with farms/ranches *adjacent to or containing* a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment~~

~~68. **By June 1, 2014, and by June 1, 2017, and every four years thereafter**, Tier 2 and Tier 3 Dischargers with farms/ranches adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment (identified in Table 1) must conduct photo monitoring per MRP Order No. R3-2012-0011-02 and MRP Order No. R3-2012-0011-03, respectively. Photo monitoring must document the condition of perennial, intermittent, or ephemeral streams and riparian and wetland area habitat, and demonstrate compliance with Basin Plan erosion and sedimentation requirements (see Part F. 80 of this Order), including the presence of bare soil vulnerable to erosion and relevant management practices and/or treatment and control measures implemented to address impairments. Aerial photography and photography from an elevated vantage point are permitted methodologies for photo monitoring. Photo documentation must be maintained in the Farm Plan and must be submitted upon request of the Executive Officer.~~

Total Nitrogen Reporting for Tier 2 and Tier 3 Dischargers ~~with farms/ranches with High Nitrate Loading Risk~~

~~69.~~68. **By ~~October 1, 2014~~ March 1, 2018, and by ~~October~~ March 1 annually thereafter**, Tier 2 and Tier 3 Dischargers with a farm/ranch growing any crop with a high potential to discharge nitrogen to groundwater ~~with High Nitrate Loading Risk~~ must record and report total nitrogen applied on crops grown on the farm/ranch, electronically on the Total Nitrogen Applied Report form. Crops with a high potential to discharge nitrogen to groundwater are defined in Part C-Definitions, of Attachment A. ~~in the Annual Compliance Form, electronically in a format specified by the Executive Officer, per MRP Order No. R3-2012-0011-02 and MRP Order No. R3-2012-0011-03, respectively.~~

~~70.~~69. As an alternative to reporting total nitrogen applied on the Total Nitrogen Applied Report form ~~in the electronic Annual Compliance Form~~, Tier 2 and Tier 3 Dischargers with a farm/ranch growing any crop with a high potential to discharge nitrogen to groundwater ~~with High Nitrate Loading Risk~~ may propose an individual discharge groundwater monitoring and reporting program (GMRP) plan for

approval by the Executive Officer. The GMRP plan must evaluate waste discharge to groundwater from each ranch/farm or nitrate loading risk unit with a High Nitrate Loading Risk.

Part F. Additional Conditions that Apply to Tier 3 Dischargers

71.70. **By December 1, 2013,** Tier 3 Dischargers must initiate perform individual surface water discharge monitoring per MRP Order No. R3-2012-0011-03 R3-2017-0002-03 or alternative monitoring and reporting programs approved by Executive Officer as set forth in Finding 11 and Condition 11.

72.71. **By March 15, 2014, October 1, 2014** and annually thereafter by October 1, Tier 3 Dischargers must annually submit individual surface water discharge monitoring data and reports per MRP Order No. R3-2012-0011-03 R3-2017-0002-03, electronically, in a format specified by the Executive Officer, or alternative monitoring and reporting programs approved by Executive Officer as set forth in Finding 11 and Condition 11 .

Tier 3 Dischargers Subject to Irrigation and Nutrient Management Plan Requirements or Tier 3 Dischargers with farms/ranches with High Nitrate Loading Risk

72. Tier 3 Dischargers required in Order R3-2012-0011 to with High Nitrate Loading Risk farms/ranches must develop and initiate implementation of an Irrigation and Nutrient Management Plan (INMP) certified by a Professional Soil Scientist, Professional Agronomist, or Crop Advisor certified by the American Society of Agronomy, or similarly qualified professional, per MRP Order No. R3-2012-0011-03, are required to update (as necessary) and implement their INMP throughout the term of this Order, per MRP Order No. R3-2017-0002-03.

73. The Executive Officer will assess whether an INMP is required for new Tier 3 Dischargers that enroll in this Order during the term of this Order. The Executive Officer will use the criteria established in Order No. R3-2012-0011 to make this assessment. A required INMP must be developed and initiated per MRP Order No. R3-2017-0002-03.

74. **By October 1, 2016,** Tier 3 Dischargers required to develop and initiate implementation of an INMP must verify the overall effectiveness of the INMP by annually submitting an INMP Effectiveness Report per MRP Order No. R3-2017-0002-03, electronically, in a format specified by the Executive Officer by March 1, 2019. with High Nitrate Loading Risk farms/ranches must verify the overall effectiveness of the INMP per MRP Order No. R3-2012-0011-03. Dischargers must identify the methods used to verify effectiveness and include the results as a report

~~with the Annual Compliance Form, submitted electronically in a format specified by the Executive Officer.~~

Water Quality Buffer Plan for Tier 3 Dischargers with farms/ranches adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment

75. ~~**By October 1, 2016,**~~ Tier 3 Dischargers with farms/ranches adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment (see Table 1) must develop a Water Quality Buffer Plan per MRP Order No. ~~R3-2012-0011-03~~ R3-2017-0002-03 that protects the listed waterbody and its associated perennial and intermittent tributaries, including adjacent wetlands as defined by the Clean Water Act. Dischargers must submit the Water Quality Buffer Plan ~~as a report with the Annual Compliance Form, submitted~~ electronically in a format specified by the Executive Officer. The purpose of the Water Quality Buffer Plan is to control discharges of waste that cause or contribute to exceedances of water quality standards in waters of the State or United States in compliance with this Order and the following Basin Plan requirement:

a. Basin Plan (Chapter 5, p. V-13, Section V.G.4 – Erosion and Sedimentation, *"A filter strip of appropriate width, and consisting of undisturbed soil and riparian vegetation or its equivalent, shall be maintained, wherever possible, between significant land disturbance activities and watercourses, lakes, bays, estuaries, marshes, and other water bodies. For construction activities, minimum width of the filter strip shall be thirty feet, wherever possible. .."*

b. As an alternative to the development and implementation of a Water Quality Buffer Plan, Tier 3 Dischargers may submit evidence to the Executive Officer to demonstrate that any discharge of waste is sufficiently treated or controlled such that it is of sufficient quality that it will not cause or contribute to exceedances of water quality standards in waters of the State or of the United States.

76. Tier 3 Dischargers with farms/ranches adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment must implement the Water Quality Buffer Plan immediately upon submittal, unless the plan requests a time extension that is approved by the Executive Officer. If the Executive Officer determines the Water Quality Buffer Plan is not in compliance with this Order, the Executive Officer will notify the Discharger and the Discharger must make necessary modifications accordingly.

~~76.~~77. Tier 3 Dischargers that submitted a WQBP pursuant to Order No. R3-2012-0011 per MRP Order No. R3-2012-0011-03 are required to update (as

necessary) and implement their WQBP, and ~~annually~~ submit a WQBP Status Report of their WQBP implementation, or, if an alternative to the WQBP was submitted, an Alternative to WQBP Status Report, per MRP Order No. R3-2017-0002-03, electronically, in a format approved by the Executive Officer by March 1, 2019.

Part G. TIME SCHEDULE

~~77.~~78. Time schedules for compliance with conditions are identified in Conditions 80 - 83 and described in Table 2 (all Dischargers) and Table 3 (Tier 2 and Tier 3 Dischargers). Milestones are identified in Table 4. Dischargers must comply with Order Conditions by dates specified in Tables 2 and 3 in accordance with the MRP. The Water Board will consider the following information in determining the extent to which the Discharger is effectively controlling individual waste discharges and compliance with this Order:

a) compliance with the time schedules;
b) effectiveness of management practice implementation;
c) effectiveness of treatment or control measures (including cooperative water quality improvement efforts, and local and regional treatment strategies);
d) results of individual discharge monitoring (Tier 3);
e) results of surface receiving water monitoring downstream of the point where the individual discharge enters the receiving water body;
f) other information obtained by Water Board staff during inspections at operations or farms/ranches, or submitted in response to Executive Officer orders;

~~78.~~79. The Executive Officer may require additional monitoring and reporting as authorized by Water Code section 13267 in cases where Dischargers fail to demonstrate adequate progress towards compliance as indicated by milestones and compliance with other Conditions of the Order.

~~79.~~80. ~~**By October 1, 2014**~~, Tier 3 Dischargers must ~~continue to~~ effectively control individual waste discharges of pesticides and toxic substances to waters of the State and of the United States.

~~80.~~81. ~~**By October 1, 2015**~~, Tier 3 Dischargers must ~~continue to~~ effectively control individual waste discharges of sediment and turbidity to surface waters of the State or of the United States.

~~81.~~82. ~~**By October 1, 2016**~~, Tier 3 Dischargers must ~~continue to~~ effectively control individual waste discharges of nutrients to surface waters of the State or of the United States.

~~82.~~83. **~~By October 1, 2016,~~** Tier 3 Dischargers must ~~continue to~~ effectively control individual waste discharges of nitrate to groundwater.

~~83.~~84. ~~83.5.~~To comply with Provisions 22, 23, 33, and 80 - 83 of this Order, ~~:~~ Dischargers must (1) implement management practices that prevent or reduce discharges of waste that are causing or contributing to exceedances of water quality standards~~:~~ and (2) to the extent practice effectiveness evaluation or reporting, monitoring data, or inspections indicate that the implemented management practices have not been effective in preventing the discharges from causing or contributing to exceedances of water quality standards, the Discharger must implement improved management practices.

~~84.~~85. This Order becomes effective on March 9~~15~~, ~~2012~~ 2017, and expires on March 8~~14~~, ~~2017~~2020, unless rescinded or renewed by the Central Coast Water Board.

I, ~~Kenneth A. Harris, Jr.~~John M. Robertson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order and Attachments adopted by the California Regional Water Quality Control Board, Central Coast Region~~,~~ on March 9, 2017~~,15, 2012 and as modified by the State Water Resources Control Board Order WQ-2013-0101 on September 24, 2013~~.

_____ _____
~~Kenneth A. Harris, Jr.~~John M. ~~Robertson~~
Robertson Date
Executive Officer

Table 1. 2010 Clean Water Act Section 303(d) List of Impaired Waterbodies Impaired for Toxicity, Pesticides, Nutrients, Temperature, Turbidity, or Sediment

Waterbody Name	Impairment(s)[1]
Alisal Creek (Monterey Co.) [3]	Toxicity, Nutrients
Aptos Creek[2]	Sediment
Arana Gulch[3]	Pesticides
Arroyo Paredon[3]	Toxicity, Pesticides, Nutrients
Beach Road Ditch[2]	Nutrients, Turbidity
Bean Creek[2]	Sediment
Bear Creek (Santa Cruz Co.)[2]	Sediment
Bell Creek (Santa Barbara Co.) [3]	Toxicity, Nutrients
Blanco Drain[2,3]	Pesticides, Nutrients, Turbidity
Blosser Channel	Toxicity, Nutrients
Boulder Creek[2]	Sediment
Bradley Canyon Creek[2,3]	Toxicity, Nutrients, Turbidity
Bradley Channel[3]	Toxicity, Pesticides, Nutrients
Branciforte Creek[2,3]	Pesticides, Sediment
Carbonera Creek[2]	Nutrients, Sediment
Carnadero Creek	Nutrients, Turbidity
Carneros Creek (Monterey Co.) [2]	Nutrients, Turbidity
Carpinteria Creek[3]	Pesticides
Carpinteria Marsh (El Estero Marsh)	Nutrients
Casmalia Canyon Creek[2]	Sediment
Chorro Creek[2]	Nutrients, Sediment
Chualar Creek[2,3]	Toxicity, Pesticides, Nutrients, Turbidity, Temperature
Corralitos Creek[2]	Turbidity
Elkhorn Slough[2,3]	Pesticides, Sediment
Esperanza Creek	Nutrients
Espinosa Lake[3]	Pesticides
Espinosa Slough[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Fall Creek[2]	Sediment
Franklin Creek (Santa Barbara Co.)[3]	Pesticides, Nutrients
Furlong Creek[2,3]	Pesticides, Nutrients, Turbidity
Gabilan Creek[2,3]	Toxicity, Nutrients, Turbidity
Glen Annie Canyon[3]	Toxicity, Nutrients
Greene Valley Creek (Santa Barbara Co.) [2,3]	Toxicity, Pesticides, Nutrients, Turbidity,

	Temperature
Kings Creek[2]	Sediment
Little Oso Flaco Creek[3]	Toxicity, Nutrients
Llagas Creek (below Chesbro Reservoir) [2,3]	Pesticides, Nutrients, Sediment, Turbidity
Lompico Creek[2]	Nutrients, Sediment
Los Berros Creek	Nutrients
Los Carneros Creek	Nutrients
Los Osos Creek[2]	Nutrients, Sediment
Love Creek[2]	Sediment
Main Street Canal[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
McGowan Ditch	Nutrients
Merrit Ditch[2,3]	Toxicity, Nutrients, Turbidity
Millers Canal[2,3]	Pesticides, Turbidity, Temperature
Mission Creek (Santa Barbara Co.)[3]	Toxicity
Monterey Harbor[3]	Toxicity
Moro Cojo Slough[2,3]	Pesticides, Nutrients, Sediment
Morro Bay[2]	Sediment
Moss Landing Harbor[2,3]	Toxicity, Pesticides, Sediment
Mountain Charlie Gulch[2]	Sediment
Natividad Creek[2,3]	Toxicity, Nutrients, Turbidity, Temperature
Newell Creek (Upper) [2]	Sediment
Nipomo Creek[3]	Toxicity, Nutrients
North Main Street Channel	Nutrients
Old Salinas River Estuary[3]	Pesticides, Nutrients
Old Salinas River[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Orcutt Creek[2,3]	Toxicity, Pesticides, Nutrients, Turbidity, Temperature
Oso Flaco Creek[3]	Toxicity, Nutrients
Oso Flaco Lake[3]	Pesticides, Nutrients
Pacheco Creek[2]	Turbidity
Pacific Ocean (Point Ano Nuevo to Soquel Point)[3]	Pesticides
Pajaro River[2,3]	Pesticides, Nutrients, Sediment, Turbidity
Prefumo Creek[2]	Nutrients, Turbidity
Quail Creek[2,3]	Toxicity, Pesticides, Nutrients, Turbidity, Temperature
Rider Creek[2]	Sediment
Rincon Creek[2,3]	Toxicity, Turbidity
Rodeo Creek Gulch[2]	Turbidity
Salinas Reclamation Canal[2,3]	Toxicity, Pesticides, Nutrients, Turbidity

Salinas River (lower, estuary to near Gonzales Rd crossing, watersheds 30910 and 30920) [2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Salinas River (middle, near Gonzales Rd crossing to confluence with Nacimiento River) [2,3]	Toxicity, Pesticides, Turbidity, Temperature
Salinas River Lagoon (North) [3]	Pesticides, Nutrients
Salinas River Refuge Lagoon (South) [2]	Turbidity
Salsipuedes Creek (Santa Cruz Co.) [2]	Turbidity
San Antonio Creek (below Rancho del las Flores Bridge at Hwy 135) [3]	Pesticides, Nutrients
San Benito River[2,3]	Toxicity, Sediment
San Juan Creek (San Benito Co.) [2,3]	Toxicity, Nutrients, Turbidity
San Lorenzo River[2,3]	Pesticides, Nutrients, Sediment
San Luis Obispo Creek (below Osos St.) [3]	Pesticides, Nutrients
San Simeon Creek	Nutrients
San Vicente Creek (Santa Cruz Co.) [2]	Sediment
Santa Maria River[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Santa Rita Creek (Monterey Co.) [2]	Nutrients, Turbidity
Santa Ynez River (below city of Lompoc to Ocean)[2]	Nutrients, Sediment, Temperature
Santa Ynez River (Cachuma Lake to below city of Lompoc)	Sediment, Temperature
Schwan Lake	Nutrients
Shingle Mill Creek[2]	Nutrients, Sediment
Shuman Canyon Creek[2]	Sediment
Soda Lake	Nutrients
Soquel Creek[2]	Turbidity
Soquel Lagoon[2]	Sediment
Tembladero Slough[2,3]	Toxicity, Pesticides, Nutrients, Turbidity
Tequisquita Slough[2]	Turbidity
Uvas Creek (below Uvas Reservoir) [2]	Turbidity
Valencia Creek[2]	Sediment
Warden Creek	Nutrients
Watsonville Creek	Nutrients
Watsonville Slough[2,3]	Pesticides, Turbidity
Zayante Creek[2,3]	Pesticides, Sediment

[1]Dischargers with farms/ranches located within 1000 feet of a surface waterbody listed for toxicity, pesticides, nutrients, turbidity or sediment on the 2010 List of Impaired Waterbodies are included as Tier 2 or Tier 3;
[2]Tier 2 and Tier 3 Dischargers with farms/ranches adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment must conduct photo monitoring, and Tier 3 Dischargers must also implement a Water Quality Buffer Plan.
[3]Dischargers who apply chemicals known to cause toxicity to surface water to a farm/ranch that discharges to a waterbody on the 2010 303(d) List of Impaired Waterbodies for toxicity or pesticides must meet conditions in this Order for Tier 3.

Table 2. Time Schedule for Compliance with Conditions for All Dischargers (Tier 1, Tier 2, and Tier 3)

CONDITIONS	COMPLIANCE DATE[1]
Submit Notice of Intent (NOI)	~~Within 60 days of adoption of Order or~~ Within ~~60~~ 30 days of acquiring ownership/-control~~,~~ and prior to any discharge or commencement of activities that may cause discharge.
Submit Update to electronic NOI	Within ~~30~~60 days ~~upon~~of a change to the operation or ranch/farm information on the NOI~~,~~ and ~~W~~within ~~60~~ ~~30~~60 days ~~, upon adoption of Order and upon~~of change of control or ownership.
Submit Notice of Termination	Immediately, when applicable
Submit Monitoring Reports per MRP	Per ~~date in~~ MRP
Implement, and update as necessary, management practices to achieve compliance with this Order.	Ongoing
Protect existing aquatic habitat to prevent discharge of waste	Immediately
Submit surface receiving water quality monitoring annual report	~~Within one year, and annually thereafter by January 1~~Per MRP
Develop/update and implement Farm Plan	~~October 1, 2012~~Ongoing
Install and maintain adequate backflow prevention devices.	~~March 1, 2013~~ Immediately and ongoing
Submit groundwater monitoring results and information	~~October 1, 2013~~Per MRP
Properly destroy abandoned groundwater wells.	~~October 1, 2015~~Immediately and ongoing

Table 3. Additional Time Schedule for Compliance with Conditions Tier 2 and Tier 3 Dischargers

CONDITIONS	COMPLIANCE DATE
Tier 2 and Tier 3:	
Submit electronic Annual Compliance Form	~~October 1, 2012~~March 1, 2018, and updated annually thereafter by ~~October~~ March 1.
~~Submit photo documentation of riparian or wetland area habitat (if farm/ranch contains or is adjacent to a waterbody impaired for temperature, turbidity, or sediment)~~	~~June 1, 2014. June 1, 2017, and every four years thereafter by June 1.~~
~~Calculate Nitrate Loading Risk level and report in electronic Annual Compliance Form~~	~~,January 15, 2014 and annually thereafter by October 1.~~
Submit total nitrogen applied report ~~in electronic Annual Compliance Form (if discharge has High Nitrate Loading Risk)~~	~~October 1, 2014~~March 1, 2018, and annually thereafter by ~~October~~ March 1.
Only Tier 3:	
Initiate individual surface water discharge monitoring	~~December 1, 2013~~ Per MRP
Submit individual surface water discharge monitoring data	~~March 15, 2014,~~ ~~October 1, 2014~~ ~~and annually thereafter by October 1~~Per MRP
Submit Water Quality Buffer Plan, Water Quality Buffer Plan Status Report, or Alternative to Water Quality Buffer Plan Status Report ~~or alternative (if farm/ranch contains or is adjacent to a waterbody impaired for temperature, turbidity, or sediment)~~	~~October 1, 2016~~ Per MRP
Submit INMP Effectiveness Report ~~(if discharge has High Nitrate Loading Risk)~~	~~October 1, 2016~~ Per MRP

Table 4. Time Schedule for Milestones

MILESTONES[1]	DATE
Tier 1, Tier 2 and Tier 3:	
Measurable progress towards water quality standards in waters of the State or of the United States[1], or	Ongoing
Water quality standards met in waters of the State or of the United States.	October 1, ~~2016~~ 2019
Only Tier 3:	
Pesticide and Toxic Substances Waste Discharges to Surface Water	
- One of two individual surface water discharge monitoring samples is not toxic	*October 1, ~~2014~~2018*
- Two of two individual surface water discharge monitoring samples are not toxic	*October 1, ~~2015~~2019*
Sediment and Turbidity Waste Discharges to Surface Water	
~~- Four individual surface water discharge monitoring samples are collected and analyzed for turbidity.~~	*~~October 1, 2014~~*
- 75% reduction in turbidity or sediment load in individual surface water discharge relative to October 1, ~~2012~~ 2016 load (or meet water quality standards for turbidity or sediment in individual surface water discharge)	*October 1, ~~2015~~ 2019*
Nutrient Waste Discharges to Surface Water	
~~- Four individual surface water discharge monitoring samples are collected and analyzed~~	*~~October 1, 2014~~*
- 50% load reduction in nutrients in individual surface water discharge relative to October 1, ~~2012~~ 2016 load (or meet water quality standards for nutrients in individual discharge)	*October 1, ~~2015~~ 2018*

- 75% load reduction in nutrients in individual surface water discharge relative to October 1, 2012 load (or meet water quality standards for nutrients in individual surface water discharge)	*October 1, ~~2016~~ 2019*
Nitrate Waste Discharges to Groundwater *- Achieve annual reduction in nitrogen loading to groundwater based on Irrigation and Nutrient Management Plan effectiveness and load evaluation*	*October 1, ~~2016~~ 2019, and annually thereafter*

[1] Indicators of progress towards milestones includes, but is not limited to data and information related to a) management practice implementation and effectiveness, b) treatment or control measures, c) individual discharge monitoring results, d) receiving water monitoring results, and e) related reporting.