



# Media Release

## State Water Resources Control Board Issues Order Modifying Central Coast Regional Board's March 2012 Irrigated Agriculture Order

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The State Water Resources Control Board (State Water Board) today issued a Water Quality Order (State Order) for the Central Coast region which requires farmers or coalitions of farmers to prioritize drinking water sampling and assessment for nitrate and notify well users if those nitrate levels exceed public health standards for drinking water, and further requires some farmers to report the amount of nitrogen they apply to crops.

The State Water Board Order supports in large part but modifies the Central Coast Regional Water Quality Control Board's Conditional Waiver of Waste Discharge Requirements and Monitoring and Reporting Programs for Discharges from Irrigated Lands ("Central Coast Order"), Central Coast Water Board Orders No. R3-2012-0011, R3-2012-0011-01 R3-2012-0011-02, and R3-2012-0011-03).

The Central Coast Order, with revisions directed by the State Order, will provide enhanced implementation and monitoring of agricultural management practices and monitoring of water quality. The State Order also directs an expert panel to be convened to provide a more thorough analysis and long-term statewide recommendations regarding many of the issues implicated in the Central Coast Order.

### **Background**

In the agricultural areas of the Central Coast region, water quality conditions in both surface water and groundwater are significantly impaired. The most serious water quality impacts are caused by fertilizer and pesticide use and runoff and percolation of such chemicals to surface water and groundwater. Nitrate in groundwater is a particularly significant public health threat facing the Central Coast region where many residents rely on on-farm wells for drinking water.

In March 2012, the Central Coast Regional Water Quality Control Board voted to adopt an updated order regulating discharges of waste from irrigated agriculture that can affect groundwater and surface water quality. The Central Coast Order was designed to improve water quality and public health protection in areas of heavy agricultural use through more effective management practice implementation and enhanced monitoring.

A variety of Central Coast environmental and agricultural interests filed petitions with the State Water Board seeking review of the Central Coast Order, and requesting that certain provisions be stayed.



In response to the stay requests, the State Water Board issued a partial stay in September 2012 of certain provisions of the Central Coast Order. The State Water Board then turned to review of the significant issues raised in the petitions. The State Water Board proposed a draft order resolving the petitions in June 2013 and released several revised proposed orders thereafter. The State Water Board allowed four written public comment periods and conducted three public meetings on the proposed drafts. Today's action resolves all of the petitions for review.

**The final Order the board acted on will soon be posted at:**

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/a2209centralcoast\\_ag.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/a2209centralcoast_ag.shtml)

**The significant determinations made by the State Water Board include the following:**

- The State Water Board will convene an expert panel to provide long-term, statewide recommendations for agricultural practices and monitoring, including the methodologies for determining risk to surface and groundwater quality, the appropriate targets for measuring progress in lowering that risk, and the efficacy of groundwater and surface water discharge monitoring in evaluating practice effectiveness.
- The State Water Board recognizes that nitrate in groundwater is a priority public health threat facing the Central Coast region. Groundwater monitoring provisions in the Central Coast Order are amended to require prioritization of drinking water evaluation, and further to require sampling of water from all drinking water wells that are reasonably likely to approach the maximum contaminant level for nitrate and to provide notice to users if exceedances of the maximum contaminant levels are discovered.
- The Central Coast Order is amended to require detailed reporting to the Central Coast Water Board, by dischargers determined to have a high risk of loading nitrate to groundwater, of the nitrogen in irrigation water, the nitrogen present in soil, and the total nitrogen applied to the fields through fertilizer application, as well as the basis for the amount of applied. However, the Central Coast Order's requirement that the dischargers also report a numerical value for the estimated nitrogen uptake by the crop and the ratio of nitrogen applied to nitrogen uptake by the crop is eliminated, because the underlying data and calculations for these elements are speculative. The expert panel will consider this issue.
- The Central Coast Order is amended to clarify that dischargers will avoid causing or contributing to exceedances of water quality standards in groundwater and surface water by implementing management practices, and, as necessary, improving these management practices over time.
- The Central Coast Order is amended to state that dischargers are required to avoid discharges of waste from containment structures that cause or contribute to exceedances of water quality standards in groundwater or surface water and further that dischargers may comply with the containment structure requirements through iterative

management practice implementation. The Central Coast Order monitoring requirements are amended to exempt dischargers from monitoring water in the containment structures if the water is reapplied to the fields as irrigation water.

- No due process rights or ex parte communication rules were violated when the Central Coast Water Board added a late provision to the Order allowing for third party water quality improvement project proposals to be considered by a Technical Advisory Committee and approved by the Executive Officer. However, the provision is expanded to allow for consideration of broader third party management and monitoring proposals. The Central Coast Water Board is encouraged in general to give careful consideration to third party options for compliance.
- The tiered discharger classification scheme specified in the Central Coast Order is retained as a reasoned, interim, approach to identifying dischargers with higher risk to impact surface water and groundwater; however, the expert panel will be directed to evaluate the selection of appropriate indicators of risk to water quality for long-term, state-wide regulatory direction.
- The Farm Plan provisions of the Central Coast Order are amended so that dischargers know they are expected to rely upon standard practices, such as visual inspections and record keeping, and not advanced studies, to assess effectiveness of the practice.
- The individual surface water discharge monitoring provisions for dischargers determined to be in the highest risk tier for water quality impacts are retained, but with some clarifications. However, the expert panel will be tasked with considering whether receiving water monitoring, with increasingly focused monitoring in upstream channels designed to narrow down and identify the sources of exceedances, is a more appropriate monitoring mechanism for addressing high risk discharges.
- The State Water Board finds that the State Order resolving the petitions is consistent with the Water Code's directive to advance the human right to safe, clean, affordable and accessible water, adequate for human consumption, cooking and sanitary purposes, and with the state anti-degradation policy requiring that the quality of high quality water generally be maintained.

For a full overview of specific revisions to the Central Coast Order, including several deadline extensions for monitoring and reporting, a summary of the revisions is available at pages 70-73 of the Order.

To see a fact sheet that details the State Water Resources Control Board stay action in September 2012, please visit:

[http://www.waterboards.ca.gov/publications\\_forms/publications/factsheets/docs/centralcoast\\_irrigation\\_fs.pdf](http://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/centralcoast_irrigation_fs.pdf)