



09.15.2009



**Agricultural Order Renewal  
Public Workshop**

**The Alternatives**

**May 12, 2010  
RWQCB, Elks Lodge, San Luis Obispo**



# **Agricultural Order Renewal Public Workshop**

## **The Alternatives**

**Special emphasis on the alternative offered by:**

**Monterey Coastkeeper – Environmental Defense Center – Santa Barbara Channelkeeper  
The Ocean Conservancy – Surfrider Santa Barbara**

**May 12, 2010  
RWQCB, Elks Lodge, San Luis Obispo**



- **Staff has done a wonderful job**
- **Ag Stakeholders Panel convened December 2008**

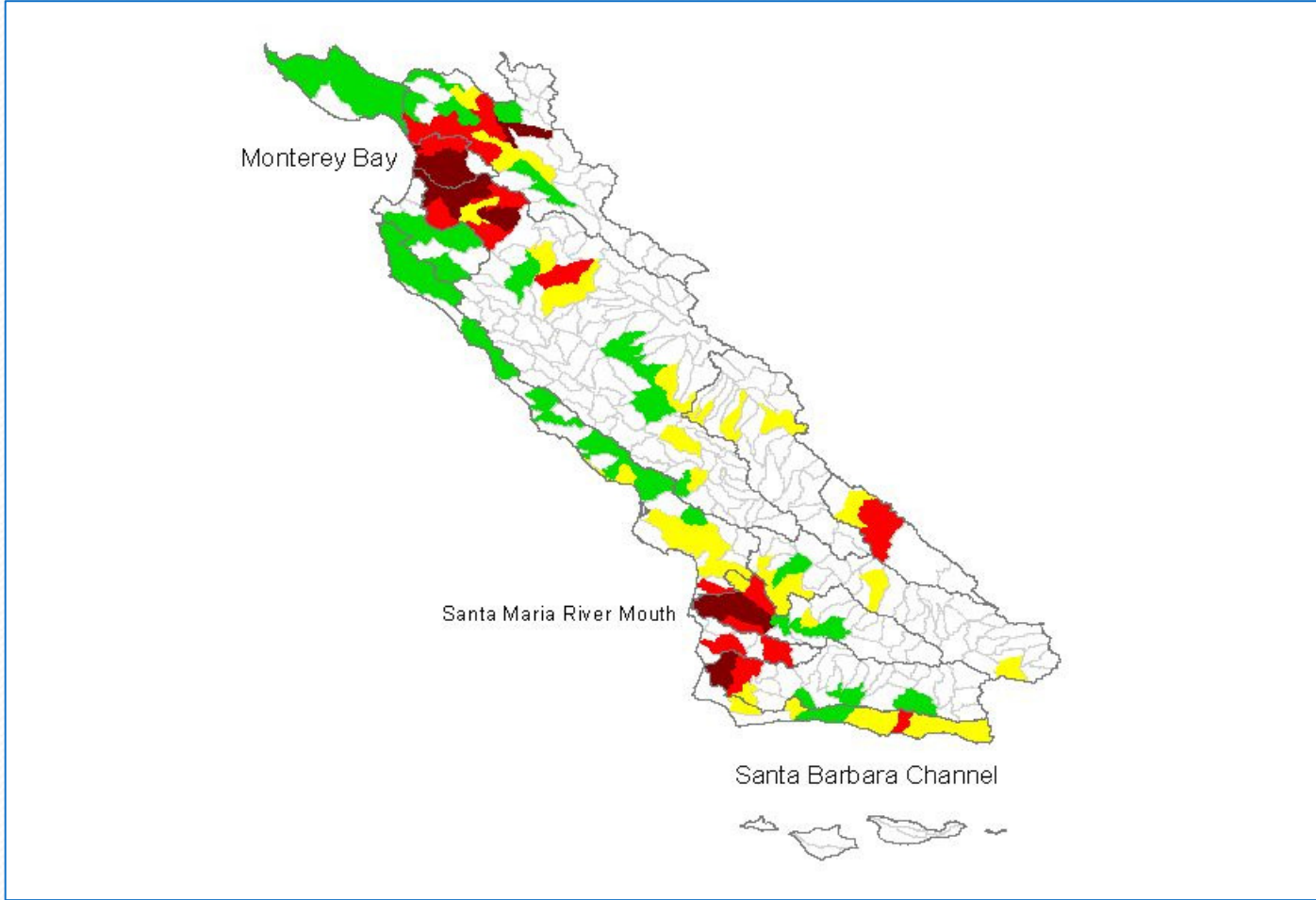




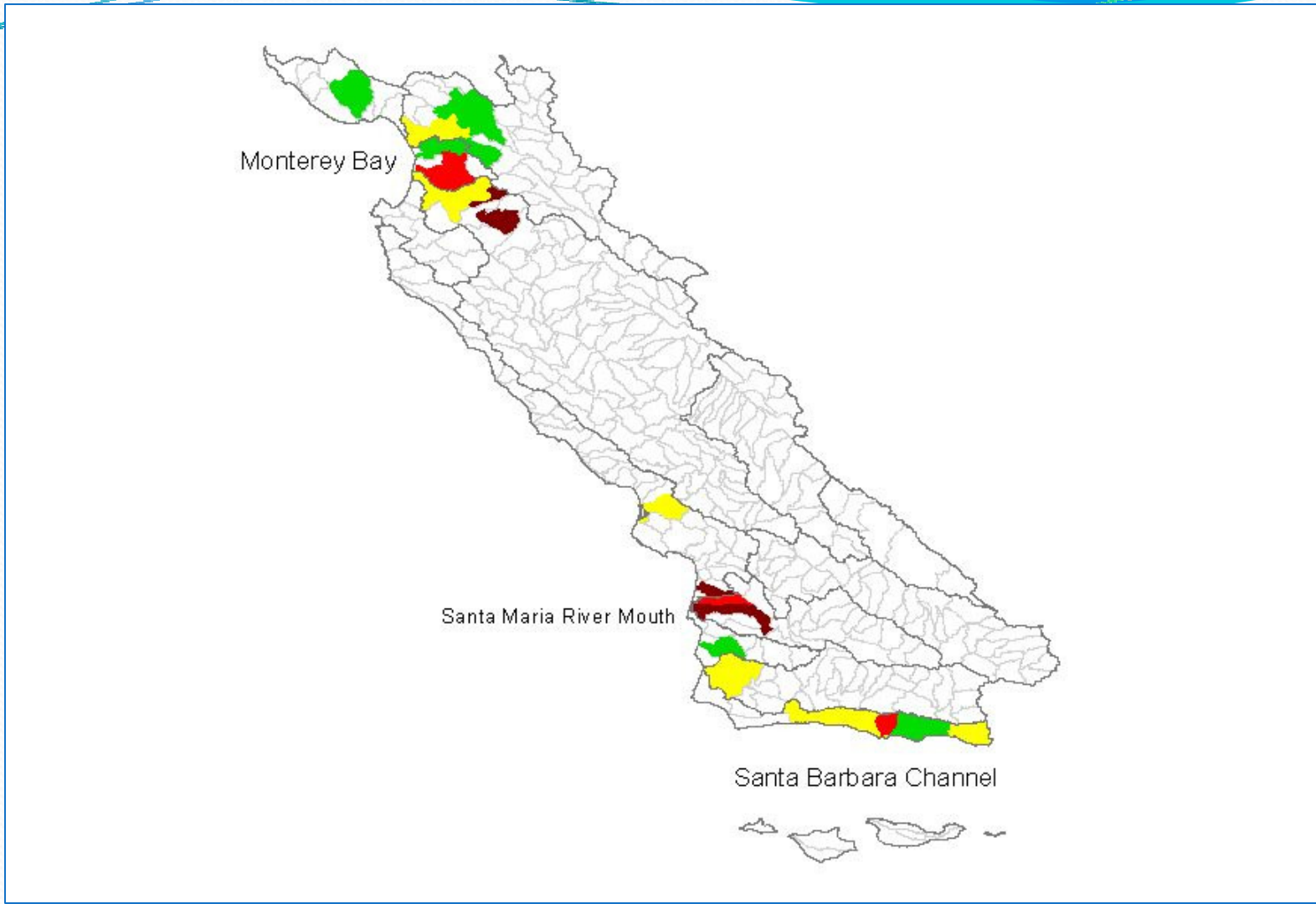
## **Common Ground:**

- **A focus on dischargers with tailwater;**
- **A focus on dischargers in sub-watersheds with impairments**
- **A common understanding of the value of individual monitoring (although there was no consensus on reporting of individual monitoring)**
- **Agreement that toxicity was more easily addressed than nitrate pollution;**
- **Agreement that nitrate groundwater pollution was a pervasive problem that would take more time to address;**
- **Agreement that growers did not want “one size fits all” management practices dictated to them; and**
- **Agreement that the RWQCB should actively enforce the Order.**





RWQCB Water Quality Index



### RWQCB Toxicity Index





- **What are the problems?**
  - **Tailwater**
    - **Contaminants**
    - **Toxicity**
  - **Ground water**
    - **Contaminants (Nitrate)**
  - **Storm water**
    - **Sediment**
  - **Aquatic Life / Riparian Habitat**
    - **Protection and Buffers for WQ**



- **What are the components of a conditional waiver?**

- **Standards**
- **Timeline / Schedule**
- **Monitoring**

- **What are the components of a conditional waiver?**

- **Standards**
- **Timeline / Schedule**
- **Monitoring**
  
- **Tier structure**



	<u>General Provisions</u>	<u>Tailwater</u>	<u>Contaminants (Nutrients (nitrate as N))</u>	<i>standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
<b>2004 Ag Order</b>	* Enrollment * 15 hours education * Farm Plan * Enrollment tiered			General narrative	none	Sub-watershed level Cooperative Monitoring Program. Designed to never pinpoint a problem farm	•Emphasis
<b>DRAFT 2010 Order</b>	* Enrollment * Farm Plan (kept on farm but can be requested)			Explicit numeric standards for many components	* Elimination of tailwater if near impaired waterbody within 2 years * Elimination of nutrient or salt to meet standards within 4 years if near impaired waterbody.	* Sub-watershed level CMP * Individual Discharge Characterization monitoring * reports to RWQCB	near impaired water.  * EO has discretion to waive individual reporting in improving circumstances  * Winegrowers SIP example

	<u>Toxicity</u>	<i>Standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
<b>2004 Ag Order</b>		narrative	none	Sub-watershed level Cooperative Monitoring Program. Designed to never pinpoint a problem farm.	
<b>DRAFT 2010 Order</b>		Explicit numeric standards	Elimination of toxic discharge within two years if near impaired waterbody	Individual toxicity monitoring two times per year.	Yes - Elimination of toxicity if near impaired.



	<b>Groundwater</b>	<u>Contaminants</u> <u>(Nutrients</u> <u>(nitrate as N))</u>	<i>standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
<b>2004 Ag Order</b>			very general narrative	none	none	no
<b>DRAFT 2010 Order</b>			* Explicit numeric standards for many components (drinking water standards) * pesticide application setbacks	Within six years eliminate or minimize nitrate and salt to groundwater	*dischargers must submit a plan to monitor groundwater (no timeline give * Dischargers must submit a test report characterizing source water with NOI. * In areas with high nitrate or salt, EO may require monitoring of source or domestic well water	more discretion in areas with 'clean' groundwater.

	<u>Stormwater</u>	<u>Sediment</u>	<i>standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
<b>2004 Ag Order</b>			general narrative	none	none?	no
<b>DRAFT 2010 Order</b>			explicit numeric standards	Within three years eliminate or minimize sediment transport and erosion to meet standards if near any Basin Plan designated waterbody.	?	not really



	<u>Aquatic Life / Riparian Vegetation</u>	<i>standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>	<u>Ancillary pieces</u>	<i>Monitoring and Reporting Plan</i>	<i>Enforcement Plan</i>
<b>2004 Ag Order</b>		none	none	none	no		Yes	No
<b>DRAFT 2010 Order</b>		* Maintain naturally occurring mixed cover *minimum buffer widths	* Photo document setbacks and protections within 4 years	photo documentation	no		not yet	no

	<b><u>General Provisions</u></b>
<b>MCK, OC, SF, SMCK, EDC Alt.</b>	supports staff proposal

<u>Tailwater</u>	<u>Contaminants</u> <u>(Nutrients</u> <u>(nitrate as N))</u>	<i>standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
		<p>Generally supports staff proposal</p> <p>* Recommends flow-based biostimulatory nitrate objective.</p> <p>* Recommends that WQ objectives for potentially toxic substances apply to discharge, not just receiving water.</p> <p>* Expresses concern that E. coli and Fecal coliform are being used interchangeably. Requests clarification.</p>	<p>supports staff proposal</p>	<p>•Generally supports staff proposal</p> <p>* Points out that methodology for testing and evaluating dissolved oxygen is flawed</p> <p>* Expresses concern about "sampling" vocabulary. Concern that sampling may not need to be reported.</p>	<p>•Generally supports staff proposal</p> <p>* Expresses concern about too much EO discretion in waiving individual reporting. Request clarification of what criteria will be used</p> <p>* While we support the effort of the winegrowers SIP program, we believe this will become the model for commodity groups seeking exemptions. We are concerned that vineyard operations may not be the best model for stormwater protections.</p>





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<u>Toxicity</u>	<i>Standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
Generally supports staff proposal. See timeline.	supports staff proposal	<p>We do not support the staff proposal:</p> <ul style="list-style-type: none"> <li>* discharge of toxic material is illegal</li> <li>* elimination of toxic discharge should happen immediately, not in two years</li> <li>* elimination of toxic discharge should not be just near impaired waterways, but should be everywhere.</li> </ul>	supports staff proposal	Elimination of toxic discharge should not be just near impaired waterways, but should be everywhere.



**In a statewide study of four agricultural areas conducted by the Department of Pesticide Regulation (DPR), the Salinas study area had the highest percentage of surface water sites with pyrethroid pesticides detected (85 percent), the highest percent of sites that exceeded levels expected to be toxic (42 percent), and the highest rate (by three-fold) of active ingredients applied (113 lbs/acre).**





<u>Groundwater</u>	<u>Contaminants</u> <u>(Nutrients</u> <u>(nitrate as N))</u>	<i>standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
supports staff proposal	supports staff proposal	supports staff proposal	supports staff proposal. We recognize the reality that groundwater pollution will take many years and several permit cycles to achieve compliance with the standards	supports staff proposal. Monitoring must be robust enough to be able to detect change.	supports staff proposal

**In Monterey County, 25 percent of 352 wells sampled (88 wells) had concentrations above the nitrate drinking water standard in the northern Salinas Valley. In portions of the Salinas Valley, up to approximately 50 percent of the wells surveyed had concentrations above the nitrate drinking water standard, with average concentrations nearly double the drinking water standard and the highest concentration of nitrate approximately nine times the drinking water standard.**



**According to the US EPA, “Infants below the age of six months who drink water containing nitrites in excess of the MCL [drinking water standard] could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.”**



<u>Stormwater</u>	<u>Sediment</u>	<i>standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
<p>•Expresses general concern that stormwater seems to be the weakest area of the staff proposal.</p> <p>* suggests that this is one area that could use prescriptive BMPs such as:</p> <p>a) cover crops during winter months to stabilize soils</p> <p>b) rows along contours on steep slopes</p>		<p>support for turbidity standard</p>	<p>supports staff proposal</p>	<p>** Not in letter. Turbidity increases are measured against "natural" levels but there appears to be no definition of what defines "natural." We request clarification.</p>	<p>no</p>

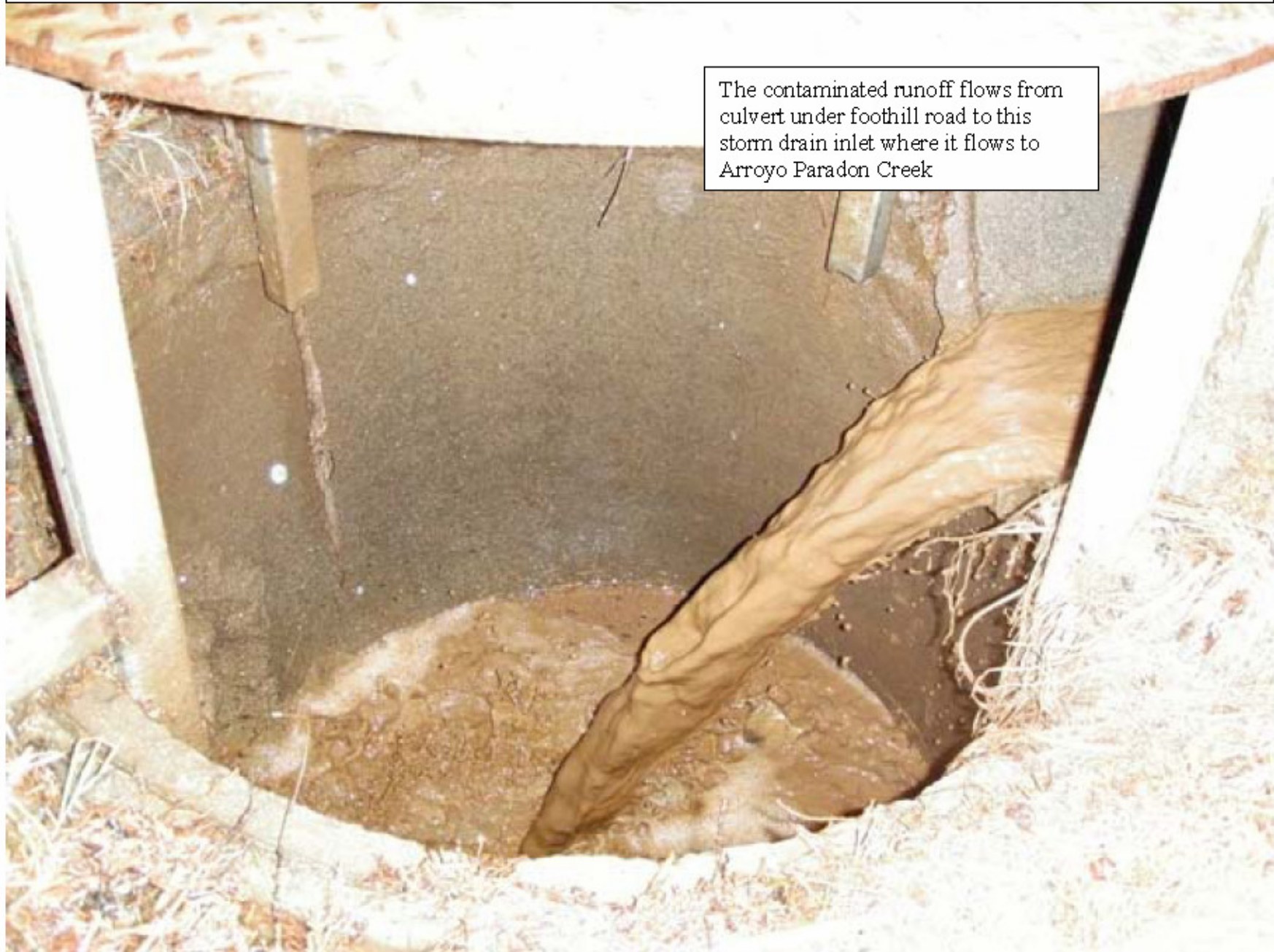


**Example 3 (cont):** Agricultural stormwater runoff to Arroyo Paradon Creek – October 13<sup>th</sup>, 2009



Contaminated runoff from fallow field and roads flowing from culvert to another culvert under Foothill Road

**Example 3 (cont):** Agricultural stormwater runoff to Arroyo Paradon Creek – October 13<sup>th</sup>, 2009



The contaminated runoff flows from culvert under foothill road to this storm drain inlet where it flows to Arroyo Paradon Creek

<b><u>Aquatic Life / Riparian Vegetation</u></b>	<i>standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
supports staff proposal	supports staff proposal	supports staff proposal	supports staff proposal	supports staff proposal





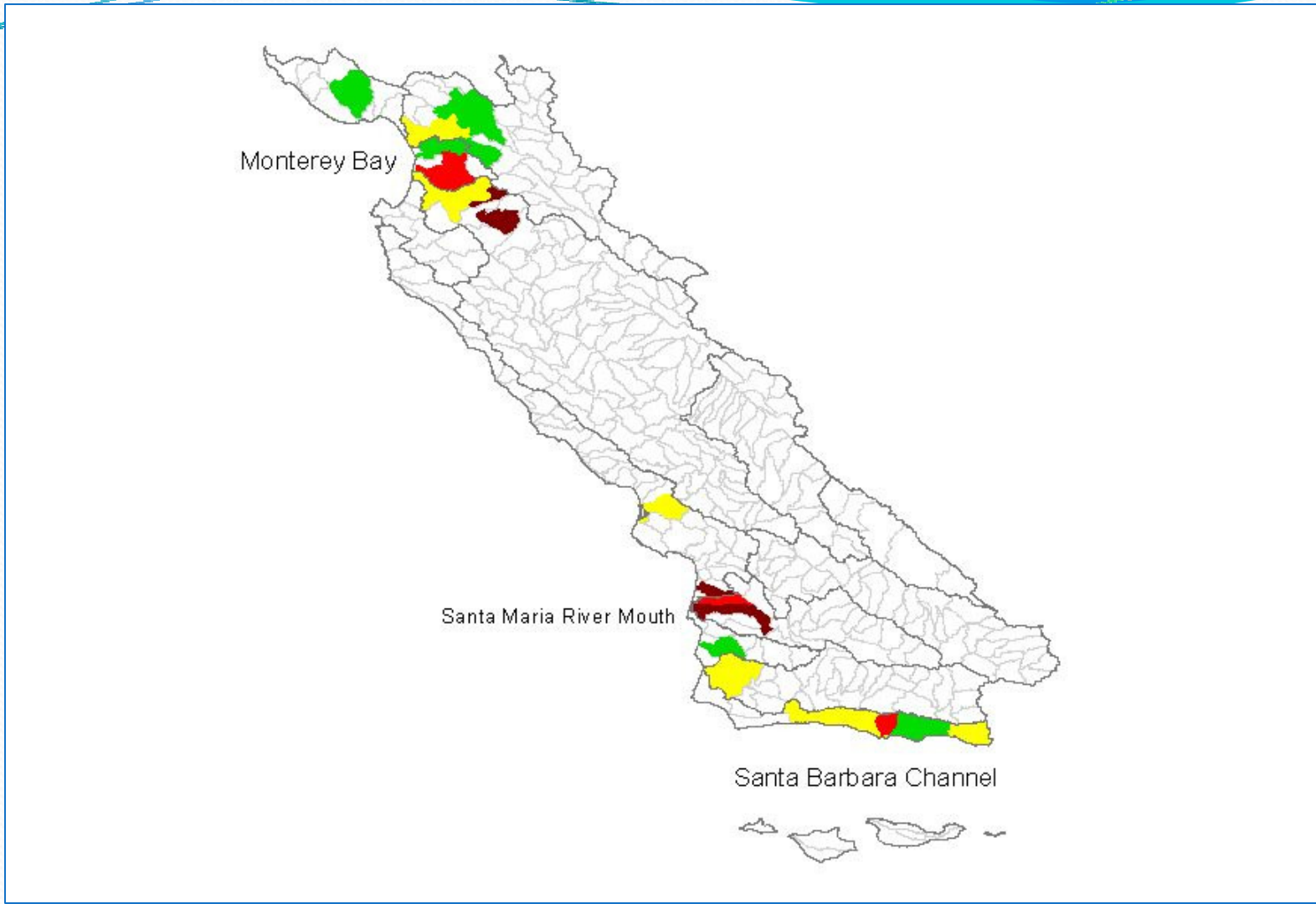




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<u>Ancillary pieces</u>	<i>Monitoring and Reporting Plan</i>	<i>Enforcement Plan</i>
		<p>We recommend that staff create an enforcement plan. Although we understand that this should not be a part of the order, enforcement is critical to success. Throughout the long stakeholder process, all parties emphasized the need for enforcement.</p>





### RWQCB Toxicity Index



	<u>Toxicity</u>	<i>Standards</i>	<i>timeline</i>	<i>monitoring</i>	<i>tiered?</i>
<b>DRAFT 2010 Order</b>		Explicit numeric standards	Elimination of toxic discharge within two years if near impaired waterbody	Individual toxicity monitoring two times per year.	Yes - Elimination of toxicity if near impaired.
<b>Farm Bureau Alt.</b>	not mentioned			?? Not mentioned but original CMP includes toxicity testing ??	
<b>Price, Postel, Parma Alt.</b>	not mentioned				

Do we have any indication of trends?

# Monterey Bay

National Marine Sanctuary

## CONDITION REPORT 2009



September 2009



**MONTEREY  
COASTKEEPER®**  
[www.montereycoastkeeper.org](http://www.montereycoastkeeper.org)



environmental  
DEFENSE CENTER



**SANTA BARBARA  
CHANNELKEEPER®**



## Do we have any indication of trends?

scientific investigations. Evaluations of status and trends are based on interpretation of quantitative and, when necessary, non-quantitative assessments, and the observations of scientists, managers and users. The ratings reflect the collective interpretation of the status of local issues of concern among sanctuary program staff and external experts based on their knowledge and perceptions of local problems. Sanctuary staff determined the final ratings after reviewing all available data. This report has been peer-reviewed and complies with the White House Office of Management and Budget's peer review standards as outlined in the Final Information Quality Bulletin for Peer Review.



## Do we have any indication of trends?

### Nearshore Waters

#	Questions/Resources	Rating	Basis for Judgment	Description of Findings	Sanctuary Response
<b>WATER</b>					
1	Are specific or multiple stressors, including changing oceanographic and atmospheric conditions, affecting water quality?	▼	Elevated levels of contaminants (e.g., POPs, heavy metals), nutrients, sediments, pathogens in some locations; ongoing input of established and emerging pollutants.	Selected conditions may inhibit the development of assemblages and may cause measurable but not severe declines in living resources and habitats.	Hazardous materials have been removed from some sunken or grounded vessels. Active water quality protection program is in place and involves planning, research, monitoring, education, and outreach. Sanctuary management plan increases focus on reducing point and non-point sources of contaminants into nearshore waters and decreasing beach closures.
2	What is the eutrophic condition of sanctuary waters and how is it changing?	▼	Frequent, localized, and enhanced nutrient enrichment; frequent algal blooms sometimes linked to biotoxin accumulation in fish, birds and mammals.	Selected conditions may preclude full development of living resource assemblages and habitats, but are not likely to cause substantial or persistent declines.	
3	Do sanctuary waters pose risks to human health?	?	Warnings and closures of some beaches and lagoons due pathogen indicators; contaminated shellfish at some locations and during some seasons.	Selected conditions have caused or are likely to cause severe impacts, but cases to date have not suggested a pervasive problem.	
4	What are the levels of human activities that may influence water quality and how are they changing?	?	Efforts to reduce pollution may be offset by intensification of human activities in coastal watersheds.	Selected activities have resulted in measurable resource impacts, but evidence suggests effects are localized, not widespread.	

**Status:** Good Good/Fair Fair Fair/Poor Poor Undet.

**Trends:** Conditions appear to be improving..... ▲  
 Conditions do not appear to be changing..... –  
 Conditions appear to be declining..... ▼  
 Undetermined trend..... ?  
 Question not applicable..... N/A



## Do we have any indication of trends?

### Estuarine Waters

#	Questions/Resources	Rating	Basis for Judgment	Description of Findings	Sanctuary Response
<b>WATER</b>					
1	Are specific or multiple stressors, including changing oceanographic and atmospheric conditions, affecting water quality?	▼	Major alternations to tidal, freshwater, and sediment processes has increased the level of pollution and eutrophication; inputs of pollutants from agricultural and urbanized land sources.	Selected conditions have caused or are likely to cause severe declines in some but not all living resources and habitats.	Active water quality protection program is in place and involves coordination with regulatory programs, agriculture and municipalities to reduce inputs and impacts.
2	What is the eutrophic condition of sanctuary waters and how is it changing?	—	Low dissolved oxygen levels and high nutrient concentrations are observed but strong tidal flushing dilutes concentrations in main channel.	Selected conditions may inhibit the development of assemblages and may cause measurable but not severe declines in living resources and habitats.	
3	Do sanctuary waters pose risks to human health?	?	Elkhorn Slough and connected waterbodies are impaired by pesticides and pathogens. High levels of contaminants in harvested crustaceans and bivalves could pose a risk to human health.	Selected conditions have caused or are likely to cause severe impacts, but cases to date have not suggested a pervasive problem.	
4	What are the levels of human activities that may influence water quality and how are they changing?	?	Substantial inputs of pollutants from non-point sources, especially agriculture. Significant efforts over past ten years to implement best management practices and educate local land owners. No evidence yet of improving water quality due to changes in land management practices.	Selected activities have resulted in measurable resource impacts, but evidence suggests effects are localized, not widespread.	





**THANK YOU**

**Are there any Questions?**

