

# An EXCERPT -

## Recommendations for Water Code Waiver for Agricultural Discharges Staff Report

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### Excerpts

Dischargers fall into the Tiers as listed below if they meet the sets of criteria for that Tier as shown in the table below (Page 16)

TIER 1	TIER 2	TIER 3
<p>does not use chlorpyrifos or diazinon</p> <p>AND</p>	<p>located within 1000 feet of impaired waterbody</p> <p>AND</p> <p>total irrigated acreage is less than 1000 acres</p> <p>AND</p> <p>does not use chlorpyrifos or diazinon;</p> <p>OR</p>	<p>total irrigated acreage greater than or equal to 1000 acres</p> <p>AND</p> <p>grows crops with high nitrate loading potential<sup>2</sup></p> <p>OR</p>
<p>not located within 1000 feet of impaired waterbody<sup>1</sup></p> <p>AND</p>	<p>not located within 1000 feet of impaired waterbody</p> <p>AND</p> <p>total irrigated acreage is less than 1000 acres AND uses chlorpyrifos or diazinon;</p> <p>OR</p>	<p>total irrigated acreage greater than or equal to 1000 acres</p> <p>AND</p> <p>applies chlorpyrifos or diazinon</p> <p>OR</p>
<p>total irrigated acreage is not greater than 1000 acres,</p> <p>AND</p> <p>does not grow crops with high nitrate loading potential<sup>2</sup></p>	<p>not located within 1000 feet of impaired waterbody</p> <p>AND</p> <p>total irrigated acreage is greater than or equal to 1000 acres AND does not grow crop with high nitrate loading potential<sup>2</sup></p> <p>does not use chlorpyrifos or diazinon.</p>	<p>adjacent to a impaired waterbody<sup>1</sup></p> <p>AND</p> <p>applies chlorpyrifos or diazinon</p>

1- listed for toxicity, pesticides, nutrients, or sediment on the Clean Water Act Section 303(d) List of Impaired Waterbodies (**See Pg 4 of This Summary For List**)

2- crop types with high potential to discharge nitrogen to groundwater, including: beet, broccoli, cabbage, cauliflower, celery, Chinese cabbage (Nappa), collard, endive, kale, leaks, lettuce (leaf and head), mustard, onion (dry and green), parsley, pepper (fruiting), spinach, and strawberry.

**Table 1. Summary of Required Conditions, Monitoring and Reporting in the Draft Agricultural Order (pg 17)**

## **CONDITIONS**

### ***Pesticide Runoff/Toxicity Elimination***

- All dischargers must implement management practices to eliminate or minimize toxicity and pesticide discharges so receiving water bodies meet water quality standards - immediately

### ***Nutrient and Salt Management***

- All dischargers must implement nutrient management practices to minimize nutrient and salt discharges so receiving water bodies meet water quality standards - immediately
- All dischargers must minimize nutrient discharges from fertilizer and nitrate loading to groundwater so receiving water bodies meet water quality standards and safe drinking water is protected - immediately
- Tier 3 dischargers must evaluate the nitrate loading risk factor (as high, medium or low) of their operations, - annually, 1 Yr
- Tier 3 dischargers with a high nitrate loading risk must develop and initiate implementation of a certified Irrigation and Nutrient Management Plan (INMP) to meet specified nitrogen balance ratio targets - 2 Yrs

### ***Sediment Management / Erosion Control / Stormwater Management***

- All dischargers must implement erosion control and sediment management practices to eliminate or minimize the discharge of sediments and turbidity so receiving water bodies meet water quality standards - 3 Yrs
- All dischargers must protect existing aquatic habitat (including perennial, intermittent, or ephemeral streams, lakes, and riparian and wetland area habitat or other waterbodies) to prevent discharges of waste so receiving water bodies meet water quality standards. - immediately
- All dischargers must implement stormwater management practices to minimize stormwater runoff - immediately
- Tier 2 and Tier 3 Dischargers must evaluate conditions of riparian and wetland habitat areas if their operations contain or are adjacent to a waterbody identified on the Clean Water Act Section 303(Dd) List of Impaired Waterbodies as impaired for temperature or turbidity. - 1 Yr
- Tier 3 dischargers must develop and initiate implementation of a Water Quality Buffer Plan to prevent waste discharge or water quality degradation, if their operations contain or are adjacent to a waterbody identified on the Clean Water Act Section 303(d) List of Impaired Waterbodies as impaired for sediment, temperature or turbidity and the discharger's runoff drains to that waterbody. The plan must include the following or the functional equivalent: minimum of 30 foot buffer; wider buffer if necessary to prevent discharge of waste; three zones with distinct types of vegetation (moving from area closest to waterbody to areas away from waterbody) to jointly provide shade, pollutant treatment through infiltration and reduced velocity of flow to promote sediment deposition; schedule for implementation; and maintenance provisions. - 4 Yrs

### ***General Groundwater Protection Requirements***

- All 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 contamination of groundwater or surface water. - 3 Yrs
- All dischargers must properly destroy all abandoned groundwater wells, exploration holes or test holes, 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.
- All dischargers who choose to utilize containment structures (such as retention ponds or reservoirs) to achieve treatment or control of the discharge of wastes, must construct and maintain such containment structures to avoid percolation of waste to groundwater that causes or contributes to exceedance of water quality standards and to avoid surface water overflows that have the potential to impair water quality

## **MONITORING**

- All dischargers must sample private domestic and agricultural supply groundwater wells located at their operation, twice in one year - 2Yrs
- All dischargers must conduct watershed-scale (receiving water) monitoring as part of cooperative group or individually, monthly for five years- 6 Months
- Tier 2 and Tier 3 dischargers must photo-document existing conditions of riparian and wetland habitat areas, one time in five years, if their operation(s) contain or are adjacent to a waterbody identified on the Clean

*Water Act Section 303(d) List of Impaired Waterbodies as impaired for sediment, temperature or turbidity. -  
1 Yr*

**The Draft Order includes a requirement for Tier 2 and 3 Dischargers to submit an Annual Compliance Document. Some of the information required to be in this report includes the following:**

For Tier 2 AND 3 Dischargers:

- Information describing individual operations (e.g., crop type, acreage, irrigation type, containment structures);
- Proof of proper backflow prevention devices;
- Proof of California Department of Fish and Game Streambed Alteration Agreements if required for work proposed in riparian areas; and
- Results of photo monitoring of existing riparian or wetland area habitat if operations contain or are adjacent to a waterbody identified on the Clean Water Act Section 303(d) List of Impaired Waterbodies as impaired for temperature or turbidity.

**For Tier 3 Dischargers only:**

- Evaluate Nitrate Loading Risk annually (see description below); and If Nitrate Loading Risk Factor is high,
  - Evaluate Nitrogen Budget parameters;
  - Develop and implement a certified irrigation and nutrient management plan (INMP);
  - Meet Nitrogen Balance ratio targets; and
  - Verify the overall effectiveness of the INMP in protecting groundwater quality and achieving water quality standards for nitrate.
- If operations contain or are adjacent to a waterbody identified on the Clean Water Act Section 303(d) List of Impaired Waterbodies as impaired for sediment, temperature or turbidity,
  - develop a water quality buffer plan (see description below) to prevent or reduce discharges of waste or submit evidence that discharge is controlled to prevent or reduce impacts associated with temperature or turbidity sufficient to attain water quality standards.
- Attain pesticide water quality standards in receiving waters associated with nonstormwater discharges within two years;
- Attain sediment and turbidity water quality standards in receiving waters associated with non-stormwater discharges within three years;
- Attain nutrients and salts water quality standards in receiving waters associated with non-stormwater discharges (not including subsurface drainage to tile drains) within four years.