

SUMMARY

Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

Order No. R3-2011-0006

March 2011

Prepared by Kris O'Connor, Central Coast Vineyard Team

The following information represents a preliminary summary of several key aspects from the newest draft with special consideration to the crops (i.e., grapes) that are *not* in the high nitrate risk crop category. **This is not a comprehensive analysis; operators are encouraged to review the source documents for further information and specific language and requirements.**

The entire order can be viewed on the page referring to the [March 17 RWQCB Meeting](#).

While the entire order contains several documents, the key points can be found in:

- [Draft Order \(Appendix A\)](#)
- [Monitoring & Reporting Plan \(MRP\) \(Appendix B\)](#) (Note: The MRP is divided into three parts (A, B, C) for Tiers 1, 2, 3.)

A key item for this draft is the identification of 303d Impaired Waterbodies (Table 2 below). Please note that the *trigger for Tier placement* involves proximity to a waterbody listed for toxicity, pesticides, nutrients, turbidity or sediment, *but the requirements vary* depending on what the waterbody is listed for. Also, while the Tier triggers (Appendix A, pg 13) do not specify waterbodies listed for temperature, there are several additional requirements specific to temperature listings throughout the document.

Table 1. Summary of Tier structure and key requirements.

Tier Requirements	Tier 1	Tier 2	Tier 3
	Does NOT use chlorpyrifos or diazinon (Note: Other materials may be added via Executive Officer Appendix A, pg 3) AND Is located MORE than 1000 feet of an impaired waterbody listed for <i>toxicity, pesticides, nutrients, turbidity or sediment</i> (see Table 2 below) OR SIP Certification or other approved certification program (Appendix A, pg 13)	DOES use chlorpyrifos or diazinon OR Is located WITHIN 1000 feet of an impaired waterbody listed for <i>toxicity, pesticides, nutrients, turbidity or sediment</i> (see Table 2 below) (Appendix A, pg 14)	Uses chlorpyrifos or diazinon AND Discharges to an impaired waterbody listed for <i>toxicity or pesticides</i> (see Table 2 below) (Appendix A, pg 14)
	Discharger may request transfer to a lower tier (Appendix A, pg 14)		

SUMMARY
 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands
 Order No. R3-2011-0006
 March 2011

Tier Requirements	Tier 1	Tier 2	Tier 3
<p>General Conditions</p> <ul style="list-style-type: none"> - Backflow Prevention - Well abandonment - Containment structures (such as retention ponds or reservoirs) - Stormwater mgt - Minimize bare soil in non cropped areas - Maintain naturally occurring riparian cover - Fee to SWRCB - Monitoring Fees 	<p style="text-align: center;">For ALL Tiers (Note: This does not represent all General Conditions in the Order.)</p> <p>“By October 2012, 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 of local ordinances...” (Appendix A – pg 16)</p> <p>“By October 2015, 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...” (Appendix A – pg 17)</p> <p>“Dischargers who 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 exceedances of water quality standards, and to avoid surface water overflows that have the potential to impair water quality.” (Appendix A – pg 17)</p> <p>“Practices must infiltrate, control, or treat stormwater runoff for the first half inch of rain during each storm, and further reduce the runoff for the next one inch of rain during each storm.” (Appendix A: Item 35 – pg 17)</p> <p>“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.” (Appendix A: Item 36– pg 17)</p> <p>“Dischargers must a) maintain existent, 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....”(Appendix A – pg 17)</p> <p>“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.” (Appendix A – pg 20)</p> <p>“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 the monitoring and reporting requirements individually.” (Appendix A – pg 20)</p>		

SUMMARY
 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands
 Order No. R3-2011-0006
 March 2011

Tier Requirements	Tier 1	Tier 2	Tier 3
Update existing or develop a new Farm Plan (by Oct 2012) <ul style="list-style-type: none"> - NOI - Date of update - Maps & discharge locations - Description of discharge - Description of chemicals/fertilizers - Time schedule for water quality mgt practices - Appropriate (not specified) continuing education 	“Farm Plans must be kept current and made available to Central Coast Water Board staff upon request. Farm Plans may be kept on the farm....” (Appendix A – pg 18)		
Notice of Intent (NOI) <ul style="list-style-type: none"> - ID of property - Tier - Landowner - Operator - Contact info - Type of surface monitoring - Location - Map with discharge and well locations - Acres - Crop type - Irrigation type - Discharge type - Chemical use - Presences of streams, riparian or wetland areas 	(Appendix A – pg 21)		
Surface Water Monitoring or Reporting (individual or cooperative)	(MRP – Part A, pg 2)	(MRP – Part B, pg 2)	(MRP – Part C, pg 4)

SUMMARY
 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands
 Order No. R3-2011-0006
 March 2011

Tier Requirements	Tier 1	Tier 2	Tier 3
Groundwater Sampling and Reporting	Spring & Fall Samples by October 2012 Repeat samples in 5 years Electronic submittal of data plus information on number of wells, well ID, state ID, well location, well construction, info on chemigation, info on backflow prevention device, photos of backflow device. Alternate data permitted upon approval (MRP- Part A, pg 8)	Same as Tier 1 (MRP – Part B, pg 8) PLUS Nitrate Loading Risk & Total Nitrogen Reporting (if nitrate risk is high) (MRP – Part B, pg 10)	Same as Tier 2 BUT Annual monitoring and reporting AND Alternative data not allowed (MRP – Part C, pg 8)
Annual Compliance Form	N/A	Information on the following: NOI, verification of monitoring/fees, Farm Plan update, type of discharge, mgt practices, nitrate in irrigation water, method & location of chemical applications relative to surface water, nitrate risk (MRP – Part B, pg 11)	Same as Tier 2 (MRP – Part C, pg 11)
Photo Monitoring	N/A	Req'd if farm contains or is adjacent to impaired waterbody listed for <i>temperature, turbidity, or sediment</i> by October 2012 (MRP – Part B, pg 13)	Same as Tier 2 (MRP – Part C, pg 13)
Individual Surface Water Discharge Monitoring and Reporting	N/A	N/A	Specifically refers to irrigation runoff (MRP – Part C, pg 13)
Irrigation and Nutrient Management Plan	N/A	N/A	Req'd IF operation has high nitrate loading risk (MRP – Part C, pg 16)

SUMMARY
 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands
 Order No. R3-2011-0006
 March 2011

Tier Requirements	Tier 1	Tier 2	Tier 3
Water Quality Buffer Plan	N/A	N/A	Req'd IF operation is adjacent to waterbody listed for temperature, turbidity, or sediment MRP – Part C, pg 19

Table 2. 2010 Clean Water Act Section 303(d) List of Impaired Waterbodies Impaired for Toxicity, Pesticides, Nutrients, Temperature, Turbidity, or Sediment Waterbody Name. (Original Reference Table 1 - [Draft Order \(Appendix A\)](#), pg 30)

1 Dischargers with operations 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 operations 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 an operation 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.

Waterbody	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

SUMMARY
 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands
 Order No. R3-2011-0006
 March 2011

Waterbody	Impairment(s)¹
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

SUMMARY
 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands
 Order No. R3-2011-0006
 March 2011

Waterbody	Impairment(s)¹
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