

Frequently Asksed Questions:

What is the Agricultural Order?

- The Agricultural Order (Order) is a Conditional Waiver of Waste Discharge Requirements for discharges from irrigated lands in the Central Coast Region. The Order number is R3-2012-0011.
- The Order is authorized by the California Porter-Cologne Water Quality Control Act and was adopted by the Central Coast Water Board on March 15, 2012. The Order is in effect for five-years unless modified by the Central Coast Water Board before it expires on March 15, 2017.
- The Order replaces a previous order which had been in effect since 2004.

Who is regulated by the Order?

- Similar to the previous order, the Order regulates both landowners and operators of irrigated lands where water is applied for producing commercial crops, from which runoff could affect water quality. Examples are land planted to row, vineyard, field and tree crops, commercial nurseries, nursery stock production, and some greenhouse operations.

How are growers regulated by the Order?

- Growers must enroll in the Order and pay fees. The fees are based on acres of irrigated agriculture.
- The Order is effective immediately but some conditions have completion or reporting dates months or years into the future.
- Growers are categorized in tiers, based on the risk their farm poses to ground and surface water. They must implement the conditions in the Order, according to the tier that applies to their farm. The conditions in the Order are listed after the words, "It is hereby ordered that:" on page 13 of the Order.
- Growers must implement the monitoring and reporting requirements in the Monitoring and Reporting Program, according to the tier that applies to their farm.
- Growers may indicate that their information is proprietary so the Water Board does not release that information to the public. The Water Code and other laws protect trade secrets from public disclosure.
- The Order scales the requirements based on threat to water quality, placing farms in one of three tiers. Farms that are lower threat are in either Tier 1 or Tier 2 (approximately 97% of all farms in the region) and have fewer requirements.

- Farms that are the highest risk to water quality and drinking water sources are in Tier 3, (approximately 3% of all farms) and have more requirements.
- The Order gives growers flexibility in choosing how to comply, and provides many alternatives to meet requirements. It encourages and provides incentives for cooperative water quality improvement efforts to reduce costs and maximize effectiveness.
- Growers who do not comply with the requirements of the Order may be subject to enforcement, consistent with the State's Enforcement Policy. The Water Board will use progressive enforcement, ranging from notices of violations or requests for information to financial penalties, as appropriate. Growers who meet reporting deadlines and implement management practices that reduce pollution loading will generally be in compliance.
- Summaries of requirements for each tier are included at the end of this Fact Sheet: Tier 1 (p.3), Tier 2 (p.4-5), and Tier 3 (p.6-8).

How does a grower enroll in the Order?

- Growers must enroll in the Order by submitting an electronic-Notice of Intent (eNOI), unless they have already done so. The eNOI and instructions are available on the Water Board's website at:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/noi_submittal.shtml

How does a grower know what tier their farm is in?

- Water Board staff have updated the eNOI so enrolled growers can see which tier their farms/ranches are in when they access their eNOI information on the Water Board's GeoTracker website using their username and password.
- **By May 15, 2012**, Water Board staff will notify enrolled growers of their tier by mail.

How can a grower and other stakeholders learn about the Order?

- **By May 15, 2012**, Water Board staff will distribute written information to growers, including a copy of the Order, a list of requirements for each tier, a five-year compliance calendar, a list of Water Board contacts, and a list of resources available to growers.
- **In May – July 2012**, Water Board staff will conduct workshops to inform growers of the new requirements.
- More detailed information about the requirements is available at:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/index.shtml
- For questions or to reach Water Board staff directly, individuals can contact the Water Board office at (805) 549-3147.

What do Tier 1 growers have to do to comply with the Order?

- **By May 15, 2012**, all Tier 1 growers that irrigate land to produce commercial crops must enroll in the Order by submitting an eNOI.
- **By October 1, 2012**, all Tier 1 growers that apply fertilizers, pesticides, fumigants or other chemicals through an irrigation system must have back flow prevention devices.
- **By October 1, 2012**, all Tier 1 growers must develop, implement and keep up to date a Farm Water Quality Management Plan (Farm Plan) that includes management practices, treatment or control measures related to irrigation efficiency, pesticide management, salinity management, nutrient management, sediment and erosion control and aquatic habitat protection.
- All Tier 1 growers must implement management practices to treat or control discharges and protect water quality.
- All Tier 1 growers must minimize bare dirt and prevent erosion.
- All Tier 1 growers must protect existing aquatic habitat next to their farms.
- Monitoring and Reporting-
 - **By September 15, 2012**, all Tier 1 growers must monitor the creeks and estuaries that may receive farm runoff. Growers can choose to participate in the existing Cooperative Monitoring Program (CMP) implemented by Central Coast Water Quality Preservation, Inc., or they can choose to monitor individually. Samples must be collected and analyzed for sediment and nutrients monthly, and pesticides, toxicity and metals quarterly. Results must be reported by January 1, 2013.
 - **By March 15, 2013**, all Tier 1 growers must sample the groundwater from the primary irrigation well and any drinking water well on their farm twice (in Sept/Oct 2012 and March 2013). Groundwater samples must be analyzed for nitrate and general minerals. Growers can also comply by submitting existing groundwater data and can also work with neighboring growers on cooperative groundwater monitoring. Results must be reported by October 1, 2013.
- Tier 1 Growers must comply with the above and all other Tier 1 conditions in the Order (pages 13-27) and the Tier 1 Monitoring and Reporting Program R3-2012-0011-01.
 - The Order is available on the Water Board's website at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/final_agorder_atta_032612.pdf
 - The Tier 1 Monitoring and Reporting Program R3-2012-0011-01 is available on the Water Board's website at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/final_mrp_tier1_032612.pdf

What do Tier 2 growers have to do to comply with the Order?

- **By May 15, 2012**, all Tier 2 growers that irrigate land to produce commercial crops must enroll in the Order by submitting an eNOI.
- **By October 1, 2012**, all Tier 2 growers that apply fertilizers, pesticides, fumigants or other chemicals through an irrigation system must have back flow prevention devices.
- **By October 1, 2012**, all Tier 2 growers must develop, implement and keep up to date a Farm Water Quality Management Plan (Farm Plan) that includes management practices, treatment or control measures related to irrigation efficiency, pesticide management, salinity management, nutrient management, sediment and erosion control and aquatic habitat protection.
- All Tier 2 growers must implement management practices to treat or control discharges and protect water quality.
- All Tier 2 growers must minimize bare dirt and prevent erosion.
- All Tier 2 growers must protect existing aquatic habitat next to their farms.
- **By October 1, 2012**, all Tier 2 growers must calculate their risk of loading nitrate to groundwater from their farm (using specified methodology).
- **By October 1, 2012**, Tier 2 growers must take photos to document the existing condition of adjacent streams or wetlands, if those waters are impaired by sediment, turbidity or temperature (a list is in the Order on page 33).
- **By October 1, 2014**, Tier 2 growers must record and report total nitrogen applied, if the farm/ranch has a high nitrate loading risk.
- Monitoring and Reporting-
 - **By September 15, 2012**, all Tier 2 growers must monitor the creeks and estuaries that may receive farm runoff. Growers can choose to participate in the existing Cooperative Monitoring Program (CMP) implemented by Central Coast Water Quality Preservation, Inc., or they can choose to monitor individually. Samples must be collected and analyzed for sediment and nutrients monthly, and pesticides, toxicity and metals quarterly. Results must be reported by January 1, 2013.
 - **By October 1, 2012**, and annually thereafter, all Tier 2 growers must submit annual compliance information, such as verification of Farm Plan, information about discharge, identification of completed farm water quality management practices and nitrate loading risk. All information must be submitted electronically through an on-line annual compliance form, similar to the eNOI.
 - **By March 15, 2013**, all Tier 2 growers must sample the groundwater from the primary irrigation well and any drinking water well on their farm twice (in Sept/Oct 2012 and March 2013). Groundwater samples must be analyzed for nitrate and

- general minerals. Growers can also comply by submitting existing groundwater data and can also work with neighboring growers on cooperative groundwater monitoring. Results must be reported by October 1, 2013.
- Tier 2 Growers must comply with the above and all other Tier 2 conditions in the Order (pages 13-28) and the Tier 2 Monitoring and Reporting Program R3-2012-0011-02.
 - The Order is available on the Water Board's website at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/final_agorder_atta_032612.pdf
 - The Tier 2 Monitoring and Reporting Program R3-2012-0011-02 is available on the Water Board's website at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/final_mrp_tier2_032912.pdf

What do Tier 3 growers have to do to comply with the Order?

- **By May 15, 2012**, all Tier 3 growers that irrigate land to produce commercial crops must enroll in the Order by submitting an eNOI.
- **By October 1, 2012**, all Tier 3 growers that apply fertilizers, pesticides, fumigants or other chemicals through an irrigation system must have back flow prevention devices.
- **By October 1, 2012**, all Tier 3 growers must develop, implement and keep up to date a Farm Water Quality Management Plan (Farm Plan) that includes management practices, treatment or control measures related to irrigation efficiency, pesticide management, salinity management, nutrient management, sediment and erosion control and aquatic habitat protection.
- All Tier 3 growers must implement management practices to treat or control discharges and protect water quality.
- All Tier 3 growers must minimize bare dirt and prevent erosion.
- All Tier 3 growers must protect existing aquatic habitat next to their farms.
- **By October 1, 2012**, all Tier 3 growers must calculate their risk of loading nitrate to groundwater from their farm (using specified methodology).
- **By October 1, 2012**, Tier 3 growers must take photos to document the existing condition of adjacent streams or wetlands, if those waters are impaired by sediment, turbidity or temperature (a list is in the Order on page 33).
- **By October 1, 2014**, Tier 3 growers must record and report total nitrogen applied, if the farm/ranch has a high nitrate loading risk.
- Irrigation and Nutrient Management
 - Tier 3 farms must prepare an Irrigation and Nutrient Management Plan if the farm/ranch has a high nitrate loading risk.
 - The purpose of the Irrigation and Nutrient Management Plan is to protect groundwater and surface water, especially drinking water sources, from nitrate contamination, by preventing the excessive application of water and nutrients.
 - The Irrigation and Nutrient Management Plan includes nutrient budgeting information such as crop nitrogen uptake values, amount of nitrogen applied, nutrient balance ratio, and an estimate of nitrate loading to groundwater and reductions achieved.
 - The Order includes nutrient balance ratio milestones as indicators of pollution reduction. The ratio compares the amount of nitrogen applied to the amount of nitrogen needed to produce a crop. The Order does not require 100 percent crop efficiency. Existing data demonstrate that, in many cases, growers are already achieving the milestones.

- Water Quality Buffer Plan
 - Tier 3 growers must prepare a Water Quality Buffer Plan if the farm/ranch is adjacent to a creek or wetland impaired by sediment, turbidity or temperature (a list is in the Order on page 33).
 - The purpose of the Water Quality Buffer Plan is to protect adjacent streams from erosion and sediment loading or other waste discharges. Growers can prepare an alternative plan if it is similarly protective.
- Monitoring and Reporting-
 - **By September 15, 2012**, all Tier 3 growers must monitor the creeks and estuaries that may receive farm runoff. Growers can choose to participate in the existing Cooperative Monitoring Program (CMP) implemented by Central Coast Water Quality Preservation, Inc., or they can choose to monitor individually. Samples must be collected and analyzed for sediment and nutrients monthly, and pesticides, toxicity and metals quarterly. Results must be reported by January 1, 2013.
 - **By October 1, 2012**, and annually thereafter, all Tier 3 growers must submit annual compliance information, such as verification of Farm Plan, information about discharge, identification of completed farm water quality management practices and nitrate loading risk. All information must be submitted electronically through an on-line annual compliance form, similar to the eNOI.
 - **By March 15, 2013**, all Tier 3 growers must sample the groundwater from the primary irrigation well and any drinking water well on their farm twice in the first year of the Order (in Sept/Oct 2012 and March 2013), and once annually thereafter. Groundwater samples must be analyzed for nitrate and general minerals. Growers can also comply by submitting existing groundwater data and can also work with neighboring growers on cooperative groundwater monitoring. First year results must be reported by October 1, 2013.
 - **By October 1, 2013**, all Tier 3 growers must start individual surface water discharge monitoring. Results must be reported by March 15, 2014, October 1, 2014, and annually thereafter.
 - **By October 1, 2015**, Tier 3 growers whose farm/ranch has a high nitrate loading risk must submit elements of their Irrigation and Nutrient Management Plan and report on progress towards meeting specified nutrient balance ratio targets.
 - **By October 1, 2016**, these same high nitrate risk Tier 3 growers must submit their Irrigation and Nutrient Management Plan Effectiveness Report.

- **By October 1, 2016**, Tier 3 growers whose farm/ranch is adjacent to a creek or wetland impaired by sediment, turbidity or temperature (a list is in the Order on page 33) must submit their Water Quality Buffer Plan.
- Tier 3 growers must comply with the above and all other Tier 3 conditions in the Order (pages 13-32) and the Tier 3 Monitoring and Reporting Program R3-2012-0011-03.
 - The Order is available on the Water Board's website at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/final_agorder_atta_032612.pdf
 - The Tier 3 Monitoring and Reporting Program R3-2012-0011-03 is available on the Water Board's website at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/final_mrp_tier3_032912.pdf