



# Fact Sheet

## FAQs on State Water Board Proposed Order Revising the Eastern San Joaquin Agricultural General Waste Discharge Requirements

### 1. Why did the State Water Board issue the Proposed Order?

The Regional Water Boards protect water quality by issuing waste discharge requirements, including waste discharge requirements for irrigated agricultural operations. Parties may file petitions with the State Water Board to review waste discharge requirements issued by the Regional Water Boards. Three petitions were filed with the State Water Board to review the Eastern San Joaquin Agricultural General Waste Discharge Requirements issued by the Central Valley Water Board. The Proposed Order addresses the issues raised in the petitions and provides additional guidance to all Regional Water Boards regarding their irrigated lands regulatory programs to better protect water quality by minimizing over-application of nitrogen fertilizers, improving grower management practices, and creating a foundation for developing and sharing best farming practices on a statewide basis.

### 2. Is the Proposed Order final?

No. The State Water Board is soliciting written comments on the Proposed Order. The State Water Board will also hold a public workshop to allow all interested persons to address the Board. The State Water Board will consider all comments, and may make revisions before making a final decision on the Proposed Order. Information on the comment period and public workshop can be found at [http://www.swrcb.ca.gov/public\\_notices/petitions/water\\_quality/a2239\\_sanjoaquin\\_ag.shtml](http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2239_sanjoaquin_ag.shtml).

### 3. Whom does the Proposed Order affect?

The Proposed Order would directly affect growers that are members of the East San Joaquin Water Quality Coalition. The Proposed Order would also give direction to the Central Valley Water Board and the other Regional Water Boards to update their irrigated lands regulatory programs to be consistent with the Proposed Order.

### 4. What was considered in the development of the Proposed Order?

In addition to the issues raised in the petitions, recommendations from the Nitrogen Tracking Task Force and the Agricultural Expert Panel were considered in developing the Proposed Order. The Nitrogen Tracking Task Force was convened by the California Department of Food and Agriculture (CDFA) to recommend a nitrogen tracking system that would provide meaningful and high quality data to help better protect groundwater quality. The Agricultural Expert Panel was convened by the State Water Board to assess existing agricultural nitrate control programs and develop recommendations to ensure that ongoing efforts are protective of groundwater quality.



How the Proposed Order affects grower-members of the East San Joaquin Water Quality Coalition

## **5. What are the significant revisions to the existing waste discharge requirements in the Proposed Order?**

The significant revisions are:

- There are uniform reporting requirements that are not based on a field being in a high/low vulnerability area;
- The Farm Evaluation, Nitrogen Management Plan (NMP) and NMP Summary Report templates have been modified;
- The third-party will now provide the data submitted by the members to the Central Valley Water Board (previously only an aggregation of the data was submitted);
- Each farm will be required to monitor its drinking water wells.

## **6. How would the uniform reporting requirements change grower obligations?**

Under the Proposed Order, all members would have to participate in outreach events, update their farm evaluation annually, have certified Nitrogen Management Plans, and submit NMP summary reports to the coalition. Previously this was only required for growers in high vulnerability areas.

## **7. What changes would be made to the Farm Evaluation template?**

Under the Proposed Order, the checklist of management practices would be expanded and the farm evaluation would also include two additional questions about notifications from the coalition.

## **8. What changes would be made to the Nitrogen Management Plan template?**

Under the Proposed Order, information on irrigation would be part of the Nitrogen Management Plan, which would be renamed the Irrigation and Nitrogen Management Plan (INMP). The Proposed Order would continue to require reporting of the amount of nitrogen applied to and removed from the field and would continue to require this reporting on a field-by-field basis, but would revise the specific types of measurements that would be reported. Recording irrigation and nitrogen management data on a field-by-field basis is consistent with existing farming best practices.

## **9. What is nitrogen removed and why would it need to be reported?**

Nitrogen removed is calculated from the total amount of crop material removed from the field. The information needed to calculate nitrogen removed may not currently be available and initially nitrogen removed would not need to be reported. Instead, growers would report their crop yield until the coalition provides further information on calculation of nitrogen removed.

## **10. What is the A/R ratio and why would it be reported to both the coalition and Central Valley Water Board?**

The A/R ratio, as recommended by the Agricultural Expert Panel, is a metric for nitrogen use efficiency. The A/R ratio is simply the amount of nitrogen applied to a field in a year divided by the amount of nitrogen removed from the same field during the same year. The grower would report the A/R ratio to the coalition, and the coalition would submit the reports to the Central Valley Water Board beginning in 2019 (see question 12 below). The coalition would use the annual A/R ratio data to calculate a multi-year average A/R ratio which could be used to compare, across a single commodity, the extent to which nitrogen is being applied efficiently. When averaged over several years, a high A/R ratio may be an indication that nitrogen has not been applied efficiently in that field. The Agricultural Expert Panel concluded that, in many cases, the A/R ratio is an appropriate alternative to monitoring the amount of nitrate that is leaching to groundwater under each field.

## **11. What changes would be made to the Nitrogen Management Plan Summary Report template?**

Information on irrigation method would also be a part of the Nitrogen Management Plan Summary Report, which would be renamed the Irrigation and Nitrogen Management Plan (INMP) Summary Report. The INMP Summary Report contains a reduced set of information from the INMP template. Data from the INMP Summary Report would be reported by a grower to the coalition.

## **12. What would happen with data submitted to the coalition on the Farm Evaluation and on the INMP Summary Report?**

The coalition would conduct data comparison analyses after receiving the Farm Evaluation data and INMP Summary Report data. The coalition will work with growers to develop management practices using the data they submit. The coalition would eventually electronically submit all individual data and data analyses to the Central Valley Water Board. As proposed, the coalition would submit the individual data for the years 2016 to 2018 to the Central Valley Water Board in May of 2019. The coalition would then submit the individual data to the Central Valley Water Board for each subsequent year on an annual basis.

## **13. Why would the Central Valley Water Board receive Farm Evaluation and INMP Summary Report data?**

The Agricultural Expert Panel recommended that it be a regulatory goal to learn the ranges of multi-year A/R ratios for multiple crops and situations, in order to develop acceptable target values. The Agricultural Expert Panel did not make any recommendations about whether the A/R ratio data would be submitted to the Central Valley Water Board. The proposed order concludes that the Central Valley Water Board should develop acceptable multi-year A/R ratio ranges, and that to do so, the Central Valley Water Board should receive all of the A/R ratio data. This process for calculating acceptable multi-year A/R ratio ranges would be based on grower-reported data, rather than estimates or numbers derived through isolated studies.

Additionally, receiving the management practice data from the Farm Evaluation by location would allow the Central Valley Water Board to correlate the management practice implementation data with the A/R ratio data and with groundwater quality monitoring data. The correlated data set would allow the Central Valley Water Board to evaluate the effectiveness of current management practices in fostering efficient nitrogen application and in protecting surface water and groundwater quality.

Finally, individual grower data would also allow the Central Valley Water Board to verify the summary analyses of the grower-submitted data prepared by the coalition and verify that the coalition is following up with growers needing assistance.

The State Water Board is especially interested in receiving public comments on the reporting requirements proposed in the proposed order.

**14. The Nitrogen Tracking Task Force recommended that the individual grower nitrogen data be submitted only to the coalitions. Why would the Proposed Order require the coalition to send individual grower nitrogen data to the Central Valley Water Board?**

The Nitrogen Tracking Task Force recommended that data related to nitrogen application be aggregated before being reported to the Regional Water Boards. However, the Nitrogen Tracking Task Force released its recommendations prior to the establishment of the Agricultural Expert Panel. The Agricultural Expert Panel report recommended that nitrogen application data be used to develop nitrogen application target ranges. The Nitrogen Tracking Task Force did not anticipate that this data would be used to develop target ranges. The proposed order concludes that the Central Valley Water Board should develop acceptable multi-year A/R ratio ranges, and that to do so, the Central Valley Water Board should receive all of the A/R ratio data.

**15. Why would the Central Valley Water Board want to develop target ranges for multi-year A/R ratios and how would the Central Valley Water Board use those ranges?**

The Central Valley Water Board would want to develop target ranges for multi-year A/R ratios to help growers apply nitrogen efficiently as a management practice. These multi-year A/R ratio target values would be calculated based on real-world farming practices, i.e. data reported from growers rather than estimates derived from isolated field studies. The multi-year A/R ratio ranges are expected to reflect reasonable and realistic targets for nitrogen application. Additionally, because the multi-year A/R ratios are based on averaging multiple years of A/R ratios, they will account for year-to-year variations. Nevertheless, the Proposed Order acknowledges that it is too early at this point to predict exactly how these ranges may be used.

The Proposed Order anticipates that it will take five or more years to develop multi-year A/R ratio ranges. The Proposed Order also requires the Central Valley Water Board to report periodically during this time to the State Water Board on its progress in developing target multi-year A/R ratios. The Proposed Order further anticipates that the State Water Board will consult with an expert panel before the ranges are fully

developed. Therefore, the Proposed Order anticipates multiple opportunities for public participation and comment in this process in the coming years.

**16. Why would the Proposed Order require monitoring of on-farm drinking water wells? How much would this cost?**

Nitrate pollution in groundwater can pose a serious health risk and drinking water wells in farming communities have been found to have high levels of nitrate. Testing of on-farm drinking water wells is the only way to determine if the water is safe to drink. Typically the cost associated with testing a drinking water well is less than \$200 per sample.

**17. Would the Proposed Order require a grower to send farm plans or other operational/management documents to the Regional Water Board?**

No. The only documents that would be required to be sent to the Regional Water Board are the INMP Summary Report and Farm Evaluation. The INMP form would be required to be maintained on the farm and available for inspection, but would not have to be submitted to the coalition or Regional Water Board.

**18. Does the Proposed Order require growers to publicly disclose trade secrets or sensitive business information through submission of the Farm Evaluation and INMP Summary Report to the Central Valley Water Board?**

No, it is not anticipated that the types of information submitted on the Farm Evaluation and INMP Summary Report would be trade secrets or sensitive business information. However, if a grower believes a particular submission, or a portion of a submission, should be kept confidential, the grower can indicate so on the cover of the form. The Central Valley Water Board will review the information to determine if it meets the legal standard for confidentiality.

**19. Would the Proposed Order require growers to work with the Central Valley Water Board instead of the coalition? Would the role of the coalition change?**

No, under the Proposed Order, the coalitions would remain the first line of contact for all growers. Growers would not see a change in their working relationship with the coalition. The State Water Board continues to support the coalition as the best party to work directly with growers to increase understanding of the permit and provide outreach and follow up for management practice selection. The State Water Board also continues to support the coalition as the best party to conduct regional and representative monitoring.

**20. Would the Central Valley Water Board use the information on the Farm Evaluation and the INMP Summary Report to take enforcement action?**

The primary purpose of collecting Farm Evaluation and INMP Summary Report data would be for the purpose of evaluating the effectiveness of management practices and developing recommended management practices for protection of water quality. The emphasis of the Irrigated Lands Regulatory

Program would continue to be the protection of water quality through education and outreach and the Program would continue to rely on the coalitions to follow up with growers where appropriate prior to initiating any enforcement actions.

## **21. Would more reporting be required under the Proposed Order?**

Under the Proposed Order, there would be no additional reporting forms. However, previous forms would be expanded to include additional information. Additionally, the Proposed Order would apply these reporting requirements to all coalition members. This means that growers previously exempt from reporting because they were in a low vulnerability area would now submit reports.

## **22. Would grower costs increase under the Proposed Order?**

The State Water Board does not anticipate that there would be a substantial increase in grower costs as a result of the Proposed Order.

## Drinking Water Supply Questions

## **23. How would the Proposed Order protect users of drinking water supply wells on farms?**

The Proposed Order would require members to sample their drinking water supply wells and provide notification to users if nitrate concentrations exceed safe drinking water levels.

## **24. Why doesn't the Proposed Order require growers to provide alternate water supplies if on-farm drinking water supply wells are polluted?**

The State Water Board expects that the Central Valley Water Board will, where appropriate, act promptly to require the Member to provide users with safe drinking water for consumption.

## **25. How would the Proposed Order assist communities that are reliant on groundwater supplies that have already been impacted by high levels of nitrates?**

The Eastern San Joaquin Agricultural General Waste Discharge Requirements regulate current discharges. If water bodies already have high pollutant levels, the Regional Water Board may rely on other authority to address the issue. The Water Boards will continue to work with all communities impacted by poor drinking water supplies. For example, the State Water Board has focused many of its grant and loan programs to provide communities with needed assistance while longer term approaches continue to evolve.

For more information visit the State Water Board's [Eastern San Joaquin River Watershed Agricultural Order](#) webpage.

This fact sheet was last updated on February 8, 2016.

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