



## **It's Ethical, It's Valuable And It's Responsible**

### *What All Central Coast Growers Need to Know About Participating in California's Agricultural Order*

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Imagine your operation losing \$10,000. If you own a large, multi-million dollar farm, maybe this one-time loss wouldn't make a huge impact but a smaller operation certainly would feel the effects. Now think about losing \$10,000 for a second day in a row – and it doesn't stop there; imagine continuing to lose \$10,000 every day for an undetermined amount of time. How long could you survive?

Failure to be in compliance of California's Agricultural Order (or Ag Order R3-2012-0011) can result in a fine of up to \$10,000 per day, every day until the operation is in compliance. Depending on the issue or issues that need to be addressed, it could take days, even weeks to bring the farm up to required standards. Beyond the sheer dollars lost from the daily fine, consider the added cost – the time, manpower and outside assistance needed to get the operation in compliance adds up quickly.



With so much at stake, it may come as a surprise to learn only an estimated 70 percent of Central Coast growers are actively enrolled in and compliant with the Ag Order. What is the other 30 percent doing? Some are unaware the Ag Order exists and don't realize they need to take a proactive approach to follow and demonstrate compliance, but many are ignoring the Ag Order; they are looking the other way and hoping the state and local Water Board does the same.

While it would seem money is enough motivation for growers to step up and follow the Ag Order, there is more to it than just avoiding fines. It is the responsibility of every grower to operate in an environmentally-ethical way; to help preserve the land and water sources for future generations, and to be a leader in best practices for running a sustainable Ag business.

The benefits are clear but some may still be thinking, "I just do not have the knowledge or time for this type of undertaking." The good news is that the Ag Order is not a one-size-fits-all program in which only the largest farms with the most resources can be successful. Every operation that enrolls is given requirements based on several factors like size, crop and location. And growers needing outside assistance will find there are several local certified professionals who can help make the process easy and ensure it is done properly.

#### **A Tiered Approach**

When a grower enrolls in the Ag Order, the operation is categorized by the Central Coast Water Board as Tier 1, Tier 2 or Tier 3. An operation's Tier designates what it needs to do to be compliant and there are

several elements that determine Tier. Factors like total acreage, proximity to impaired waterways, history of pesticide usage and crop are all taken into consideration.

Generally speaking, an operation with fewer than 50 acres that is sustainable or certified organic and not near an impaired waterway would be placed in Tier 1. A larger operation that grows non-nitrogen-loading crops like grapes, blueberries or raspberries may also be granted Tier 1 status; similarly, a small operation that grows nitrogen-loading crops like broccoli, cabbage, lettuce and strawberries may still qualify for Tier 1 status. An operation near an impaired waterway and that grows nitrogen-loading crops would be Tier 2 or 3, with the largest operations (500+ acres) virtually guaranteed a classification of Tier 3. Most Central Coast growers produce nitrogen-loading crops, therefore very few Tier 1 operations are found in the area; nearly half of the region's growers are Tier 2 (approx. 47%).



When an operation receives its Tier, what is the next step? What does it actually mean? As mentioned above, the Tier determines the specific parts of the Ag Order with which that operation must comply. There are a few standard tasks required for all enrolled.

### **Criteria for Compliance**

Regardless of Tier classification, all operations enrolled in the Central Coast Ag Order are required to complete at least 10 tasks:

#### **1. Enroll**

Grower must submit Electronic Notice of Intent (ENOI). This is a one-time requirement, due May 15 of the year of enrollment.

#### **2. Develop/Update Farm Plan**

Grower must have an up-to-date copy of its Farm Plan onsite. A Farm Plan includes several areas of the operation, including management practices, evaluations and considerations for the future. Farm Plans must be updated annually, by October 1 and are to be kept onsite at all times.

#### **3. Backflow Prevention**

If a Grower fertigates or chemigates, a Backflow Prevention Device(s) must be installed.

#### **4. Erosion Control**

Grower must minimize bare dirt and prevent erosion in order to protect water quality. This is an ongoing requirement of the Ag Order.

#### **5. Aquatic Habitat Protection**

Grower must take steps to protect any existing aquatic habitat(s) adjacent to the farm, in order to protect water quality. This is an ongoing requirement of the Ag Order.

#### **6. Surface Receiving Water Monitoring**

Grower must conduct surface receiving water monitoring – monitor creeks that may receive the farm's runoff. This is an annual requirement, and is based on the cooperative in which one is enrolled and date monitoring began.

### **7. Groundwater Monitoring**

Grower must conduct groundwater monitoring – monitor primary irrigation well and any drinking water well located on the farm. Sampling begins when a new farm is enrolled, suggested window to pull the first sample is September through December; second round samples are pulled 90 days after the first sample, usually March through June.

Note: This is an annual requirement for Tier 3 only.

### **8. Update ENOI**

Grower must update annually; includes basic farm information like crop types, acreage and location, irrigation type, runoff and tail-water, and any landowner/lease information. This is an annual requirement, due October 1.

### **9. Report Surface Receiving Water Monitoring**

Individual or cooperative. This requirement varies by grower.

### **10. Report Groundwater Monitoring**

Individual or cooperative. This is an annual requirement, due October 1.

From there, additional tasks are required for Tiers 2 and 3, and vary by each unique company and situation. Upon enrollment and Tier classification, all requirements and deadlines for compliance will be clearly communicated.

### **The Choice Is Yours**

Taking a proactive approach to follow the Central Coast Ag Order might seem like a large undertaking – and it might sound easier to look the other way. But the negative impact, both to the grower and the environment, should not be ignored. The choice is yours:

- Reallocation of valuable resources to get a non-compliant operation up to compliance
- Daily fines
- Lost time and productivity
- Potentially negative perception of the company

OR

- Lead the industry in an environmentally sustainable operation
- Adhere to the ethical responsibility held by every grower
- Avoid downtime, and loss of productivity and dollars
- Added opportunities that come from increasing interest in crops produced on sustainable farms

Which do you want for your farm?

To learn more about the Central Coast Ag Order, please visit:

[www.waterboards.ca.gov/rwqcb3/water\\_issues/programs/ag\\_waivers/index.shtml](http://www.waterboards.ca.gov/rwqcb3/water_issues/programs/ag_waivers/index.shtml). The site also includes a list of certified Technical Assistance Providers for all growers seeking professional consulting and assistance.

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**About The Author**

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