

Part 2, Section C.2. Third-Party Alternative Compliance Pathway for Groundwater Protection

1. Dischargers that are members in good standing in the third-party alternative compliance pathway program are subject to the provisions of this **Part 2, Section C.2**, unless otherwise stated. For purposes of this section, such Dischargers are referred to as “participating Dischargers.”

Participating dischargers:

- a. Are **not subject to fertilizer nitrogen application limits** in **Table C.1-2**, which are enforceable by the Central Coast Water Board.
 - b. Are **not subject to nitrogen discharge limits** in **Table C.1-3**, which are enforceable by the Central Coast Water Board.
 - c. **Are subject to targets**, which if exceeded result in consequences outlined in this **Part 2, Section C.2**.
 - d. Are not subject to ranch-level groundwater discharge monitoring and reporting.
 - e. Are generally **provided more time to achieve fertilizer nitrogen application targets and nitrogen discharge targets**, relative to non-participating dischargers.
2. Prior to the initiation of the work plan process outlined below and in the MRP for this third-party alternative compliance pathway program, entities wishing to implement the third-party alternative compliance pathway program described in this **Part 2, Section C.2** must submit a third-party alternative compliance pathway program proposal consistent with the third-party program requirements outlined in **Part 2, Section A** of this Order, as well as the request for proposal process and associated third-party program expectations document forthcoming after Order adoption. For purposes of this section, the entity approved to implement the third-party alternative compliance pathway is referred to as the approved third-party alternative compliance pathway program administrator.
 3. Participating Dischargers must develop and implement an Irrigation and Nutrient Management Plan (INMP) that addresses groundwater. The INMP is a section of the Farm Plan and must be maintained in the Farm Plan and submitted to the Central Coast Water Board upon request. Summary information from the INMP must be submitted in the INMP Summary report. At a minimum, the elements of the INMP related to groundwater and surface water protection for participating Dischargers in a third-party program must include:
 - a. Monitoring and recordkeeping necessary to submit complete and accurate reports, including the Annual Compliance form (ACF), Total Nitrogen Applied (TNA) report, and INMP Summary report.

- b. Planning and management practice implementation and assessment that results in compliance with the fertilizer nitrogen application targets in **Table C.2-1**, the nitrogen discharge targets in **Table C.2-2**, and groundwater protection area targets to be determined and approved by the Executive Officer.
- c. Descriptions of all irrigation, nutrient, and salinity management practices implemented and assessed on the ranch.

Quantifiable Milestones and Time Schedules

4. As shown in **Table C.2-1**, the fertilizer nitrogen application targets go into effect **December 31, 2024** for participating Dischargers in the third-party alternative compliance pathway.
5. As shown in **Table C.2-2**, the nitrogen discharge targets go in to effect during the third year of this Order (**December 31, 2024**) for participating Dischargers in the third-party alternative compliance pathway.

Fertilizer Nitrogen Application Targets

6. Participating Dischargers must not apply fertilizer nitrogen (A_{FER}) at rates greater than the **targets** in **Table C.2-1**. Compliance with fertilizer nitrogen application targets is assessed annually for each specific crop reported in the TNA report or INMP Summary report.
7. Participating Dischargers that apply fertilizer nitrogen (A_{FER}) at rates greater than the **targets** in **Table C.2-1** one year after the compliance date are subject to **follow-up** by the approved third-party program administrator, which could include additional education and/or implementation of additional or improved management practices.
8. Participating Dischargers that apply fertilizer nitrogen (A_{FER}) at rates greater than the **targets** in **Table C.2-1** for a two-year running average after the compliance date, are no longer eligible to participate in the third-party alternative compliance pathway program and must comply with the individual groundwater protection requirements in **Part 2, Section C.1**. Water Board staff will coordinate with participating Dischargers prior to the Executive Officer invoking this requirement to determine if non-compliance is the result of unforeseen or uncontrollable circumstances and to provide the Discharger with 90-day advanced notice of the forthcoming individual groundwater protection requirements.

Nitrogen Discharge Targets

9. Participating Dischargers must not discharge nitrogen at rates greater than the **targets** in **Table C.2-2**. Compliance with nitrogen discharge targets is assessed

- annually for the entire ranch using INMP Summary report information. Participating Dischargers must comply with at least one of the nitrogen discharge compliance pathways described in **Part 2, Section C.1** by the compliance date.
10. The final year 2028 nitrogen discharge **targets**, as shown in **Table C.2-2** will be re-evaluated based on discharger reported nitrogen applied and removed data, new science, management practice effectiveness assessment and evaluation, and groundwater protection area collective numeric interim and final targets before becoming effective.
 11. Participating Dischargers that discharge nitrogen in excess of the nitrogen discharge **targets** in **Table C.2-2** one year after the compliance date are subject to follow-up by the approved third-party alternative compliance pathway program administrator, which could include additional education and/or implementation of additional or improved management practices.
 12. Participating Dischargers that discharge nitrogen in excess of the year 2024 or 2026 nitrogen discharge **targets** in **Table C.2-2** for a two-year running average, must obtain annual INMP certification by a qualified professional until nitrogen discharge targets are achieved for a two-year running average. The INMP certification must include the certification language outlined in **Part 2, Section C.1**.
 13. Participating Dischargers that discharge nitrogen in excess of the final nitrogen discharge target in **Table C.2-2** for a three-year running average after the compliance date, are no longer eligible to participate in the third-party alternative compliance pathway program and must comply with individual groundwater protection requirements in **Part 2, Section C.1**. Water Board staff will coordinate with participating Dischargers prior to the Executive Officer invoking this requirement to determine if non-compliance is the result of unforeseen or uncontrollable circumstances and to provide the Discharger with 90-day advanced notice of the forthcoming individual groundwater protection requirements.

Groundwater Protection Areas, Formulas, Values, and Targets

14. The approved third-party alternative compliance pathway program administrator, on behalf of its participating Dischargers, must develop and submit incremental 35%, 70%, and 100% work plans for Executive Officer approval, as described in the MRP. The 35% and 70% work plans will be subject to Executive Officer approval following a 30-day written public period and a public meeting to receive public comments and board input.
15. The incremental draft and final work plans must include the following:

- a. Clearly defined objectives and scientific justification for all proposed groundwater protection (GWP) areas, formulas, values, and collective numeric interim and final targets.
 - b. Scientific justification in support of the proposed GWP areas with respect to, but not limited to, geology, hydrogeology, groundwater basin and subbasin areas, recharge areas, land uses, cropping patterns, and potential membership coverage by acreage and number of members. The proposed GWP areas, formula, values, and collective interim and final targets must be tied together and scaled in a way that will allow for the effective evaluation of water quality and beneficial use protection and compliance with GWP interim and final targets on both a collective and individual basis.
 - c. A program to assess and evaluate the performance and effectiveness of the third-party alternative compliance pathway program's collective numeric interim and final targets in achieving tangible groundwater quality improvements over time at the individual GWP area scale. The assessment and evaluation program must be scaled – spatially and temporally – in coordination with the regional groundwater quality trend monitoring program described in Part 2, Section C.1 of the third-party program over time.
 - d. Criteria and associated follow-up actions or consequences that the third-party alternative compliance pathway program administrator will implement if individual participating Dischargers do not meet collective numeric interim and final targets, and third-party program membership eligibility requirements including membership probation and revocation to address recalcitrant participating Dischargers.
16. The final work plans must be approved by the Executive Officer prior to implementation. Once approved by the Executive Officer, the work plans must be implemented.
17. Compliance with the collective numeric interim and final targets for a GWP area shall be determined by aggregating data from participating Dischargers within a GWP area to determine if the combined nitrogen discharge is achieving collective compliance with the GWP Area numeric interim and final targets.
18. Although compliance with GWP collective numeric interim and final targets is assessed using the combined nitrogen discharge of participating Dischargers in a GWP area, GWP collective numeric interim and final targets must be designed such that there is a clear and quantifiable means of assessing individual ranch level contribution to the success or failure of complying with the GWP area collective numeric interim and final targets.

19. Participating Dischargers in a GWP area that exceed the GWP collective numeric interim or final targets by 20% or more, as evaluated individually and on an annual basis, are subject to follow-up by the approved third-party alternative compliance pathway program administrator, which could include additional education or implementation of additional or improved management practices.
20. All participating Dischargers in a GWP area that exceeds the collective numeric interim and final GWP targets by 20% or more for a 3-year running average after the compliance date, are no longer eligible to participate in the third-party alternative compliance pathway program and must comply with the individual groundwater protection requirements in **Part 2, Section C.1**.

Monitoring and Reporting

21. Participating Dischargers must submit ACF, TNA, and INMP Summary information according to requirements outlined in **Part 2, Section C.1**, and as described in the MRP.
22. Participating Dischargers must submit ACF, TNA, and INMP Summary information according to the groundwater phase assigned to each ranch. Groundwater phases are outlined in **Part 2, Section C.1**.
23. Participating Dischargers must submit groundwater monitoring and reporting information according to requirements outlined in **Part 2, Section C.1** and as described in the MRP, either individually or as part of a third-party program.