

# Comments to A-2209(a)-(e) September 10, 2013 Board Meeting

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Somach Simmons & Dunn

On behalf of Grower-Shipper Association of Central  
California, Grower-Shipper Association of Santa Barbara and  
San Luis Obispo Counties, and Western Growers

## Primary Issues of Concern

- Lack of “Central Valley” type third-party program
- Electronic reporting of total nitrogen applied
- Reporting/tracking of total nitrogen applied on a field/management block basis
- User notification for exceedances of secondary MCLs
- Containment Structure Requirement
- Water Quality Standards Provisions

## If in High Vulnerable Area for Groundwater (for which nitrate is a constituent of concern), Region 5 Growers Must:

- Have Nitrogen Management Plan certified by:
  - Self-certification for individual that attends training program or adheres to NRCS site-specific recommendations
  - Nitrogen Management Plan specialists
    - CCAs, Soil Scientists, Agronomists, Technical Service Providers, etc.
- Prepare & Submit Nitrogen Management Plan Summary to Coalition
  - Report Crop, Acreage, and Nitrogen Balance Ratio from Plan

## Region 5 Third Party Responsibilities

- Prepare Nitrogen Management Plan & Summary Report Templates
- Prepare Annual Reports of Summary Reports Received from Growers
  - Information must be aggregated on a Township Basis
  - Annual Report must include: comparisons on a crop type basis with similar conditions
- Turn over individual information upon request of Executive Officer

## Grower Shipper Request

- State Water Board to direct Central Coast Water Board to work with stakeholders to develop a long-term program that includes a third party approach similar to that being used in the Central Valley.

# Concerns with Electronic Reporting of Total Nitrogen Applied

- CDFA Task Force evaluating reporting & tracking systems
- State Water Board's Expert Panel getting ready to convene
- Appropriate for information to be maintained in Farm Plan
- Conditional Waiver can be re-opened upon conclusion of Expert Panel and State Water Board recommendation

# Concerns with total nitrogen applied reporting at a field/management block level

- Central Coast agriculture includes thousands of management blocks
- Many growers have blocks in quarter-acre sizes
- A single quarter acre may support 1.8 to 2.6 plantings per year
- Each planting would likely be a management block
- Results in excessive data compilation

# Example 1: Type of Management Block



## Example 2: Type of Management Block



## Example 3: Type of Management Block

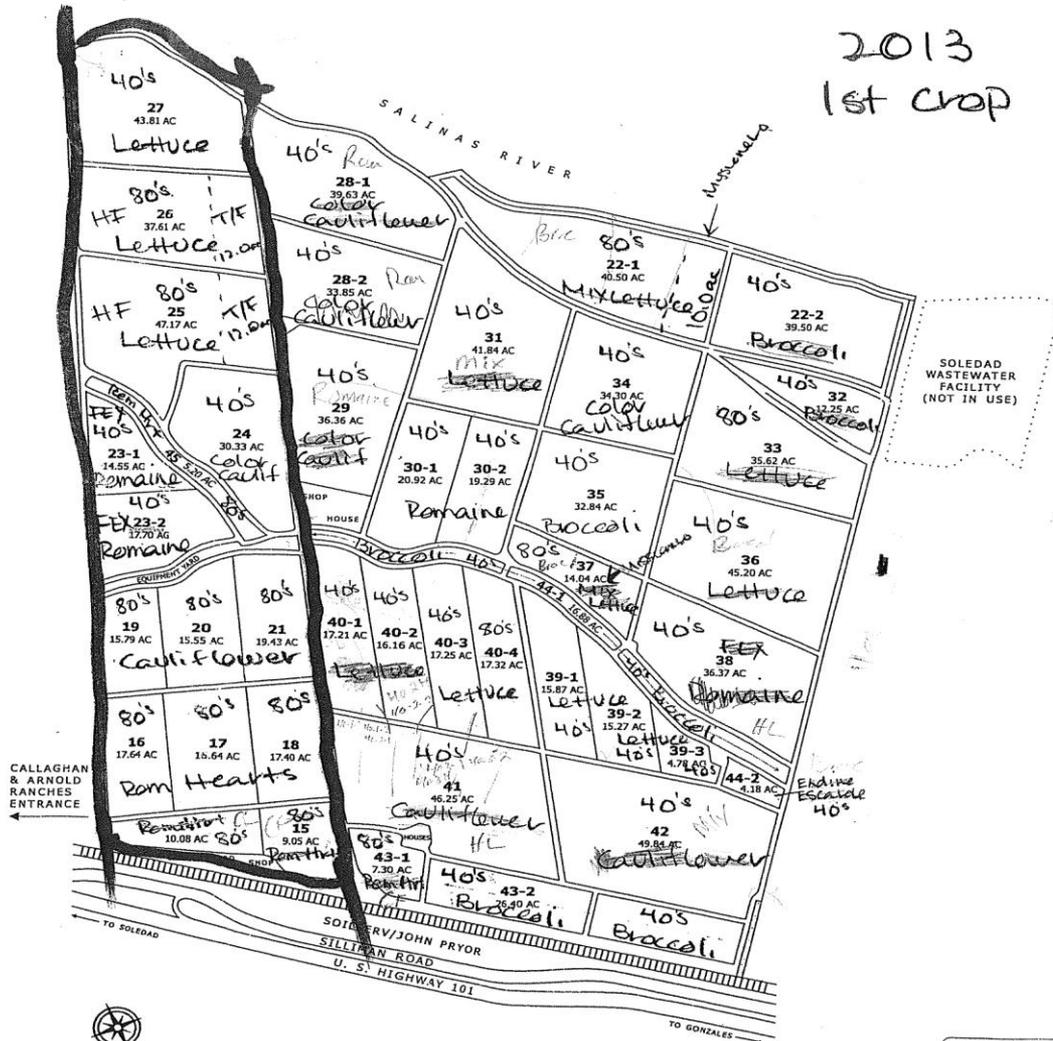


# Ranch Map 1

02

# Ranch Map 1

2013  
1st crop



Ranch Map

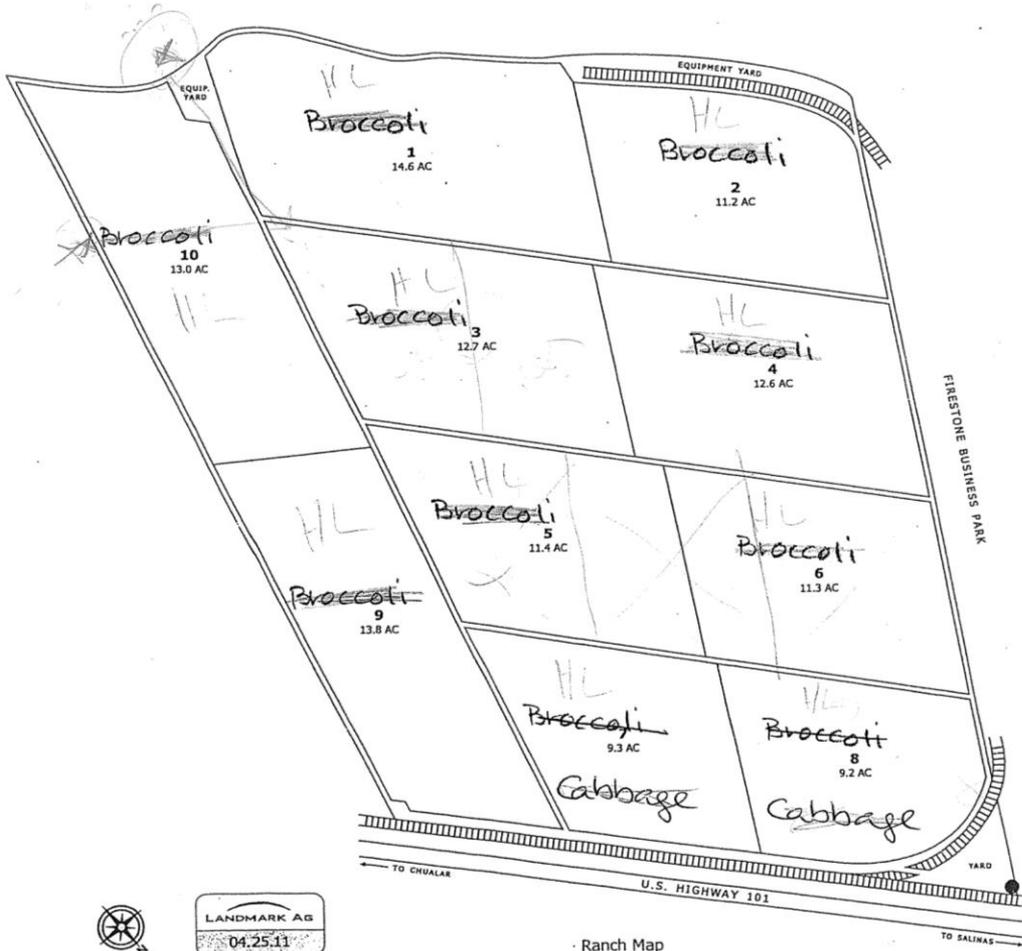
LANDMARK AG  
05.17.11

# Ranch Map 2

05

# Ranch Map 2

2013  
1st crop

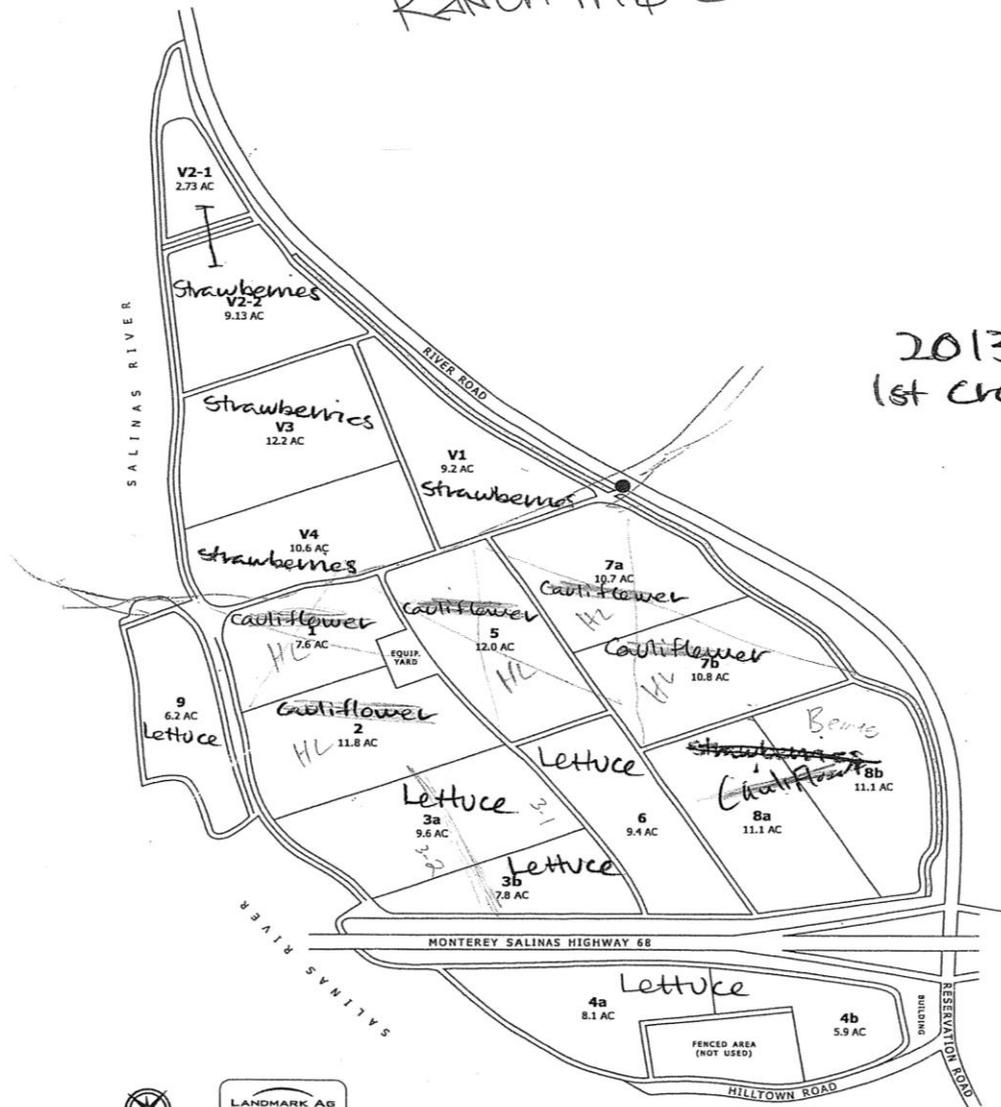


LANDMARK AG  
04.25.11

Ranch Map

# Ranch Map 3

# Ranch Map 3



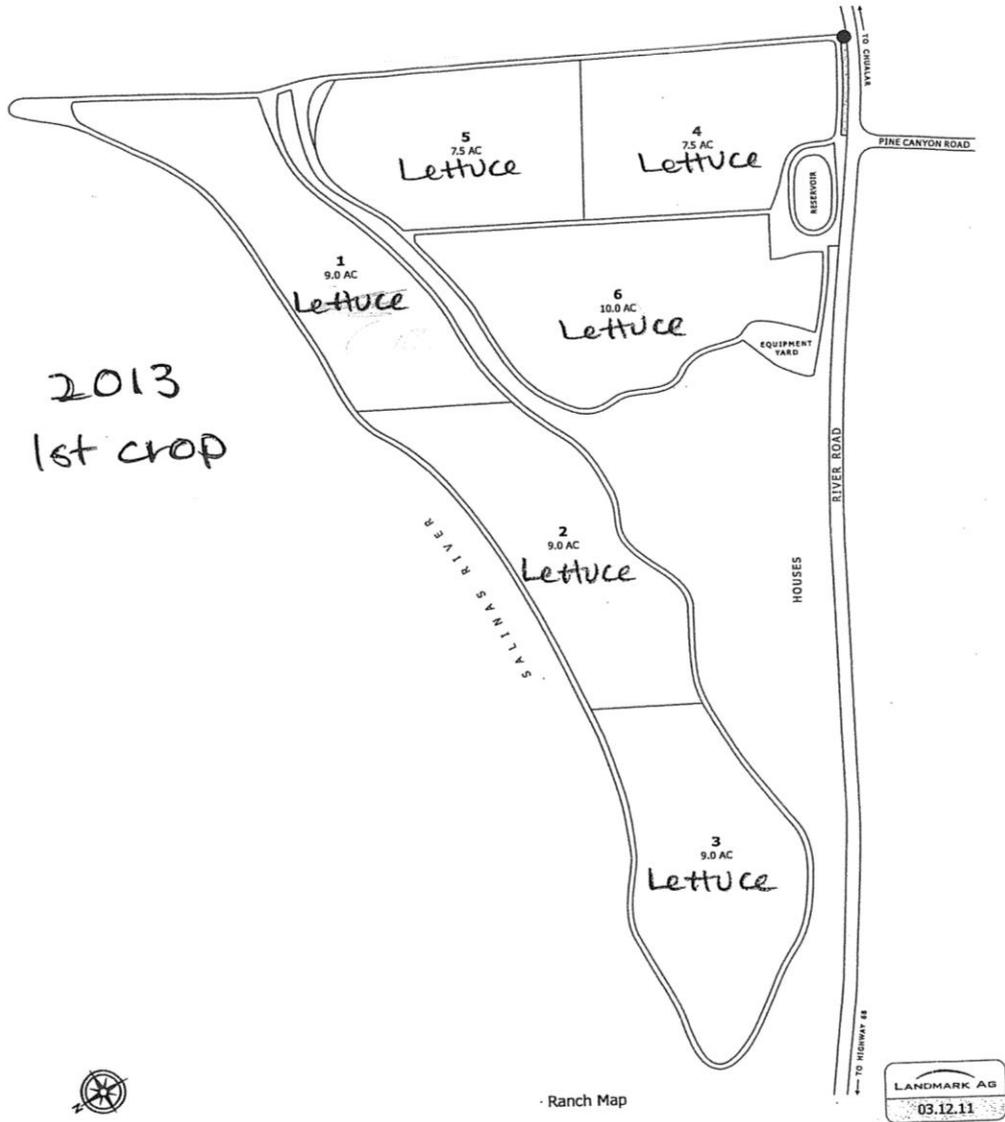
LANDMARK AG  
04.22.11

- Ranch Map

Ranch Map 4

08

# Ranch Map 4

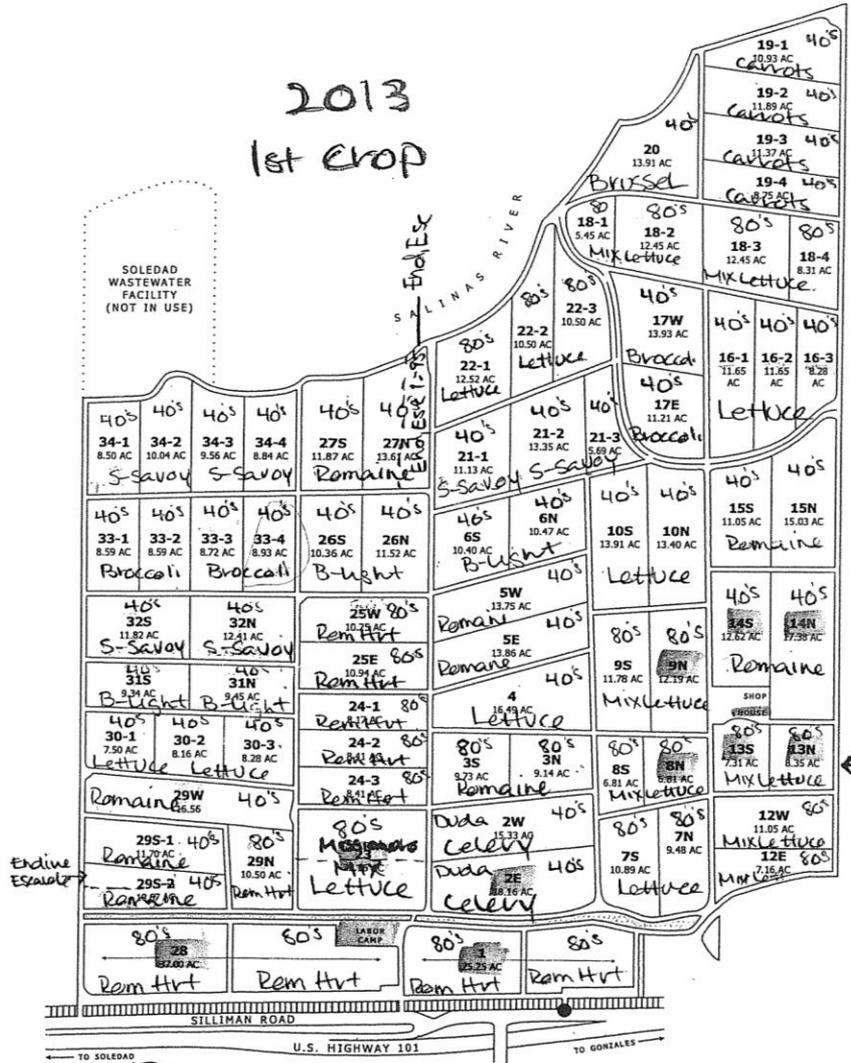


09

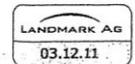
CONDITIONS

# Ranch Map 5

2013  
1st crop



Ranch Map



## Groundwater Monitoring

- Not necessary for cooperative programs to monitor all domestic supply wells
- Not necessary to include notification for all primary MCLs (program monitors nitrate)
- Secondary MCLs are taste and odor standards – not public health standards

# Containment Structures

- Revised Order creates a prohibition
- Threatens long term use of containment structures
- Need to change “avoid” to “minimize”

## Water Quality Standards (WQS) Provisions

- Needs to be revised to ensure that implementation of management practices constitutes compliance with WQS
- Provision 23 repetitive and unnecessary
- Provision 82 should be revised rather than adding a new provision 87A

## WQS Revisions

- Provision 22 adds, “Except as provided in Provision 82a, Dischargers shall not cause....”
- Add Provision 82a, “A Discharger shall be found in compliance with provisions 22 and 84 through 87 of this order, and the milestones in Table 4, as long as the Discharger is (1) implementing management practices that prevent or reduce discharges of waste to the extent feasible that are causing or contributing to exceedances of water quality standards; and (2) to the extent that such practice effectiveness evaluation or reporting, monitoring data, or inspections indicate that the implemented management practices have not been effective in preventing discharges from causing or contributing to exceedances of water quality standards, the Discharger must implement modified management practices if such modified practices are known and general available for implementation.”

## Contact Information

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