

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR BOARD WORKSHOP OF JULY 8, 2010

Prepared on June 7, 2010

ITEM NUMBER: 12

SUBJECT: Continuation of the May 12, 2010 Board Workshop to Provide Additional Opportunity for Public Comment on the Preliminary Draft Staff Recommendations for an Updated Agricultural Order

SUMMARY

On February 1, 2010, staff released preliminary draft staff recommendations for an updated Agricultural Order. The intent of this early public release was to provide interested persons insight into staff's considerations to address discharges of waste from associated with irrigated agriculture, including assuring compliance with the Central Coast Water Board's legal obligations while taking into account diverse stakeholder interests. At that time, the Central Coast Water Board also invited stakeholders to submit comments and/or alternatives to the preliminary draft staff recommendations by April 1, 2010.

On May 12, 2010, the Central Coast Water Board held a Public Workshop for staff to present a summary of water quality conditions and preliminary draft staff recommendations, and to hear public comments on the recommendations, and public presentations on proposed alternatives for regulating agricultural discharges. More than 375 members of the public attended the meeting and more than 80 individuals addressed the Water Board.

On Thursday, **July 8, 2010** the Water Board will hold a continuation of the May 12 public workshop in Watsonville. The purpose of the **July 8, 2010** workshop is to provide an opportunity for those members of the public unable to participate in the May 12 meeting to comment on the preliminary draft staff recommendations and the proposed alternatives for regulating agricultural discharges. Staff set a final deadline, June 4, 2010, for submitting written comments on the preliminary draft staff recommendations for an updated Agricultural Order prior to the July Workshop.

| Item 11 of the agenda also relates to the Agricultural Order Renewal and recommends extending the existing Agricultural Order for an additional 18 months until December 2011, to finalize recommendations for an updated Agricultural Order for Board consideration.

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BACKGROUND

The staff report for the May 12 Board Workshop included background information and context for renewing the Agricultural Order, a general overview of the preliminary draft staff

recommendations, a preliminary summary of key public comment areas, and a preliminary review of alternatives submitted by interested persons. The staff report emphasized the following key points:

- Context for renewing Agricultural Order
- Water quality conditions
- Water Board action
- Public outreach efforts
- Public outreach outcomes
- Next steps

PUBLIC COMMENTS AND ALTERNATIVES

In response to the February 1, 2010 release of the preliminary draft staff recommendations for an updated Agricultural Order, the Water Board received 1248 comment letters (approximately 212 individual letters and approximately 1036 submittals of six standardized form letters). Included in the comment letters were three alternative proposals for regulating agricultural discharges. An index to the comment letters and copies of all comment letters and alternatives received, as well as background information on the Agricultural Order Renewal and information presented at the May 12 Board Workshop are available at the Water Board's internet site below. Interested persons should visit the Internet site to view and listen to information presented at the May 12 Board Workshop. Staff will NOT repeat this information at the July 8 Workshop. In preparation for the May 12 Board Workshop, the Board set a deadline of April 1, 2010 for submitting comments. After the May 12 Board Workshop and in preparation for the July 8 Board Workshop, staff set a final deadline of June 4, 2010 for submitting written comments on the preliminary draft staff recommendations for an updated Agricultural Order prior to the July Workshop.

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml

Alternatives

In reviewing the stakeholder proposed alternatives for regulating agricultural discharges compared to the preliminary draft Agricultural Order, staff identified several concepts to discuss further with interested persons, including:

- Submittal of an annual report focused on water quality outcomes.
- Minimization or possible elimination of tailwater discharges to achieve compliance with surface water standards.
- Measures to evaluate reduction in pollutant load and concentration .
- Use of SMART sampling (Simple methods to Achieve Reasonable Targets).

Staff intends to continue to meet with interested persons, including agricultural and environmental entities, to discuss these concepts and to identify additional areas of agreement.

Public Comments

Between the May 12 Board Workshop and June 4, 2010, staff received 16 additional comment letters. These comments generally covered issues similar to the comments submitted prior to the May 12 Board Workshop. These letters have been posted on our website as Group 15 and included in the index of comments.

The May 12 Board Workshop staff report included a preliminary summary of key public comment areas based on comment letters reviewed. Staff identified those comments that appeared with the most frequency. In addition to comment letters containing general statements of support or opposition, many comment letters contained specific suggestions for improving the preliminary draft Agricultural Order - these comments are particularly helpful to inform revisions to the draft Agricultural Order. Some of the key public comment areas are highlighted below.

General Support for Preliminary Draft Agricultural Order:

The Water Board received over 880 letters of support for the preliminary draft Agricultural Order:

- Support for the process, the Agricultural Regulatory Program and preliminary draft recommendations for an updated Agricultural Order.
- Support for the prioritization of agricultural water quality and urges Central Coast Water Board to take timely actions to prevent further degradation.
- Support for the regulation of agricultural discharges to groundwater and the protection of drinking water sources.
- Support for requirements for individual groundwater monitoring, including private domestic wells and submittal of data and technical reports.

General Concern about Preliminary Draft Agricultural Order:

The Water Board received over 200 letters with criticisms of the preliminary draft Agricultural Order:

- Requirements will result in economic hardship.
- Requirements will result in crop yield reductions and farmers will go out of business.
- The current process is inadequate, including California Environmental Quality Act (CEQA) requirements and specifically requirements to consider the social, environmental and economic impacts, and evaluate alternatives.
- Lack of cooperation with the growers and farm organizations to develop requirements.
- Objections to proposed aquatic habitat requirements.
- Objections to individual monitoring and reporting.

NEXT STEPS

Staff will continue to review all alternatives and comments and use suggestions, comments, and concerns to inform revisions to the preliminary draft Agricultural Order.

Following the July 8, 2010 Board Workshop, staff will complete its review of comments and alternatives received, continue to conduct outreach and provide opportunities for additional public input, and consider such feedback in the development of the next draft version of the Agricultural Order. Staff will continue to work on the relevant issues and will bring a comprehensive draft Agricultural Order to the Board for consideration as soon as possible before December 2011. The draft will address each issue area included in the preliminary draft

(e.g., groundwater, toxicity, etc.) as well as any relevant additional issue areas raised in comments. The draft Order/staff report will discuss alternative methods and timelines for the Order to deal with each issue with analysis of probable effectiveness of each alternative method. In this manner, all aspects of comments and alternative proposals will be available for evaluation and comparison.