



June 20, 2008

Carmen Fewless
SF Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments on Waiver of Waste Discharge Requirements for Grazing Operations
in the Tomales Bay Watershed

Dear Ms Fewless:

The Marin Resource Conservation District (MRCDD) wishes to thank the SF Bay Regional Water Quality Control Board (RWQCB) and Staff for the manner in which the *Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed* (Waiver) has been presented to the agricultural community in recent months. MRCDD has found RWQCB staff to be considerate of all comments presented. The MRCDD has reviewed the Waiver and requests that you consider the following comments:

- **Notice of Intent Attachment A Section VI. Implementation of Waiver of WDRs Conditions:** Clarification is needed so that an applicant understands which boxes to check. Part A seems appropriate if the grazer is already participating in a waiver program. No part B. Part C seems appropriate for those who already have a plan. If an applicant does not have a plan but will be developing one what does an applicant mark? Part D has what appear to be two duplicative options. Alternatively, how is it possible that at this stage, or at any point in the future, when filing an NOI an applicant would have a compliance report already submitted?
- **Plan development deadline:** The deadline for Ranch Water Quality Plan development is not clear. It seems unlikely that all if any of the anticipated 150 plus parcels will have a plan completed by December 31, 2009. A more realistic deadline is the second annual certification date of November 15, 2010.
- **Conditions 1) Ranch Water Quality Plan section b):** The wording with regards to the checklist in Attachment B indicates that this is the only checklist that can be used in developing a Ranch Water Quality Plan. Currently, there are at least three different checklists in use on Tomales Bay Ranches to do water quality planning. How can these checklists and potentially others be applied in lieu of Attachment B? Resolving this will increase the ability of the applicant to capitalize on any planning that has already taken

place and thus accelerate plan development, practice implementation, and waiver compliance.

In addition, it should be stated on Attachment B clearly that forms such as these are to be included in the plan which is to be kept on the farm and the questions are intended to generate thought provoking solutions. It should be stated that the surveyor should evaluate ranch components as they relate to the questions posed and whether or not non point sources are ultimately being delivered to nearby receiving waters. The final sentence in the Mercury section should be restated, "...landowners/operators in the Walker Creek watershed, downstream of the Gambonini mine are required to assess their land management practices to evaluate the potential for mercury and methyl mercury pollution reduction".

- **Conditions, 3) Implementation of Management Practices b) and c) page 9:** The language in these sections is inconsistent with the approach for plan development and filing established elsewhere in the document. Specifically in Section b stating "Any proposed management practice that involves work within the floodplain, or any proposal to implement a management practice that may have the potential for increasing the discharge of mercury or the production methylmercury, must be submitted to Water Board staff prior to implementation." The inconsistency with other sections of the waiver is the requirement to submit a management practice directly to the Water Board for review. Alternative wording for the section could read "Any proposed management practice that involves work within the floodplain, or any proposal to implement a management practice that may have the potential for increasing the discharge of mercury or the production methylmercury, must be reviewed by Water Board staff prior to implementation. This review is typically made as part of required review and approval for relevant permits."

- **Mercury sections:** With regards to the addition of the mercury sections, what process will the Water Board put in place for this review and approval of conservation practice implementation on those parcels in the identified portion of the Watershed? What is the anticipated turn around time for this review?

- **Compliance Monitoring and Reporting sections c, d and f pages 9-10:** The implication for the pre-, mid-, and post- storm monitoring is that this monitoring is to take place for each storm. This is a difficult and burdensome task when considering the size of some of these operations and the difficulty of using ranch roads that are saturated during storms. An alternative is to have a pre-storm season (September-November), mid-storm season (January-March), and post-storm season (April-June) inspections.

Regarding the annual certification submittal, MRCD requests the Water Board mail out a reminder notice two months in advance, informing landowners of the pending annual deadline of November 15, 2009. This annual notification will best ensure waiver compliance. The notification may also clarify the Water Board's plans for compliance monitoring and enforcement.

Thank you for the opportunity to comment on this waiver. If you have questions, please feel free to contact us. We look forward to a waiver that is both practical and able to meet our mutual goals.

Sincerely,



Nancy Scolari
Executive Director