(37)

Santa Clara Valley Audubon Society
Founded 1926

May 26, 2004

Mr. Jeffrey S. Young, Chair, and other Board Members
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Revised Ag Waiver Scheme

Dear Mr.Young,

On behalf of myself and the 4000 members of the Santa Clara Valley Audubon Society, I write to express our support for a move for tougher measures to ensure water quality in the Central Coast Region (Region 3). As you know, the southern portions of our membership area fall into the Pajaro River watershed, and the majority of agricultural lands left in Santa Clara County drain through the Pajaro into Monterey Bay. In addition, many of our members routinely use Monterey Bay for recreation and birdwatching, and thus have an interest in maintaining and even improving the ecosystem health of this unique natural resource.

We feel that the scheme of agricultural waivers as proposed is not strong enough to ensure the protection of water quality in the region, and we suggest the following to achieve the objectives of California water quality laws and to further the public interest.

37.1 1. Currently, provisions for ambient water quality monitoring are too vague. A system must be established for funding, structure, and responsibility of the monitoring program. The most equitable source of funding would be from the farmers themselves, according to the size of their operations. A timetable for establishment of the program should also be clear, with a fallback of withdrawing ag waivers and requiring individual permits if the program is not up and running successfully within the time allotted.

37.2 2. In addition to the ambient monitoring called for, individual growers should also be responsible to fund independent monitoring of their farming operations on a periodic basis. This provision could perhaps be phased in over time, with the larger growers responsible for monitoring in the first years, and the program gradually expanding to smaller growers as monitoring regimes are standardized.

37.3 3. The individualized waste discharge monitoring should include all potentially harmful *constituents* used in the in the course of normal farming operations.

37.4 4. Control of sediment discharges should also be monitored and be subject to Best Management Practices. A recent study of the Upper Pajaro watershed noted that a substantial amount of sediment loading is coming from agricultural operations, to the detriment of Threatened Steelhead trout and other aquatic resources in the region.

37.5 5. Finally, we ask for a rigorous enforcement mechanism to ensure that Best Management Practices are adhered to throughout the Basin. Monitoring and enforcement, as well as management of the overall program, will necessitate increased staffing at the Regional

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Item No. 3 Attachment No. 4
Meeting of July 8-9, 2004
Conditional Waiver

Board. Given the State's current budget constraints, this funding should also come from fees imposed on farming operations.

The new state law involved here dictates that any agricultural waivers be in the public interest. While we fully accept the fact that keeping local agricultural operations financially viable is in the public interest, the values of healthy drinking water and natural resources must also be considered in the calculation. Agriculture is known to be a significant source of pollutants and a contributing factor to the degradation of resources held in public trust. It is time that we took this bull by the horns and begin to rein him in.

We hope you will keep our comments and suggestions in view while arriving at a decision on the issue. Thank you for your time and attention on this important issue.

Sincerely yours,

Craig K. Breon
Executive Director

(38)

EPI-Center, 1013 Monterey Street, Suite 207 San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384

May 27, 2004

Jeff Young, Chair
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Subject: Ag Runoff Waivers - Draft Initial Study and Negative Declaration, Draft Waiver Order, and Draft Monitoring and Reporting Program.

Chair Young and Honorable Board Members,

At the Region 3 meeting in July, your Board will consider Draft Conditional Waivers of Waste Discharge Requirements for Irrigated Lands in the Central Coast Region. A cooperative comment will be submitted by the Ocean Conservancy, which we support; however we wish to submit additional points for your consideration.

The San Luis Obispo Coastkeeper, a program of Environment in the Public Interest, is dedicated to enforcement of water quality, watershed, and coastal planning regulations in Northern Santa Barbara, San Luis Obispo, and Southern Monterey Counties. As such, the SLO Coastkeeper and our supporters concerns include, but are not limited to:

38.1 1. <u>It is unclear why Waste Discharge Requirements are not recommended.</u>

RWQCB Staff has estimated that approximately 2,500 agricultural dischargers operate within approximately 600,000 acres in Region 3. While many agriculturists in the region have taken their responsibilities to protect resources very seriously, evidence in the record is clear that runoff from agricultural lands continues to present a substantial risk to our waterways and local fisheries. As an example, the USEPA list of impaired waterbodies for 2002 identifies 44 segments in the Central Coast Region. Staff has noted that, the Salinas River, Santa Ynez River, San Luis Obispo Creek, Carpinteria Creek, Morro Bay State and National Estuary, and Elkhorn Slough are included in that list. Further, "data collected through the Central Coast Ambient Monitoring Program and other monitoring identify water quality problems in areas of irrigated agriculture throughout the Region, including groundwater." (Draft Order R3-2004-0XYZ, p2).

The Water Code authorizes Regional Boards to waive waste discharge requirements when it in the public interest and consistent with applicable water quality control plans. However, Your Board has already determined that waivers issued previously for irrigation return flows and non-NPDES storm water runoff have failed to protect beneficial uses (Draft Order, p2, #12).

The following brief analysis of the proposed waiver indicates it is unlikely identified conditions will protect the public interest:

CWC Section 13269 Public Interest Test	Compliance with Waiver Conditions
38.2 Is the discharger observing reasonable practices to minimize deleterious effects of discharge?	1. RWQCB will likely be unable to determine. It will be difficult or impossible to identify what effect individual dischargers are having under the cooperative monitoring program option. 2. Discharger will enjoy less scrutiny of individual discharge quality under the cooperative monitoring program option.
Does local government already regulate discharge?	No. Only pesticide reporting is required locally.
38.3 Does a feasible method exist to control the pollutants in the discharge?	1. RWQCB will likely be unable to determine. 2. The cooperative monitoring option will likely render analysis useless.
38.4 Will a conditional waiver adequately protect beneficial use?	1. Unlikely. The existing record indicates some agricultural operations have and will continue to threaten water quality. 2. The cooperative monitoring option will likely discourage compliance by obscuring an individual polluter's identity.

The SLO Coastkeeper urges your Board to reject the use of a Waiver program and direct Staff to further explore the use of WDR's.

2. <u>It is unclear how the Draft Monitoring and Reporting Program provides a chain of due process leading to enforcement.</u>

As proposed in the Draft Monitoring and Reporting Program, each discharger elects a monitoring option, either an individual monitoring program or a cooperative monitoring program. Those who choose the individual monitoring option will be required to meet monitoring standards equal to a WDR. However, those choosing the cooperative monitoring option will enjoy less attention to the quality of their individual discharge (Draft MRP p.3). In addition, the monitoring plan envisioned under the cooperative monitoring option (1) is not developed yet, and (2) will not be reviewed for comment by the public.

38.5 The monitoring plan is the very heart of the proposed cooperative program. As the monitoring plan is yet to be developed, it is impossible for the public to comment on its adequacy, or for the Regional Board to certify that the Conditional Waiver is indeed in the public interest.

38.6 "The intent of the Conditional Waiver is to regulate discharges from irrigated lands" (Draft Order, p.1). To ensure this intent, it is the obligation of the Regional Board to see that monitoring is conducted to demonstrate that water quality objectives are met and enforcement decisions have a factual basis. While it is clear from the record that water quality monitoring in Region 3 cannot be reduced as the Draft Waiver and Monitoring Program would allow, it is less clear how the Draft Monitoring and Reporting Program will provide the Regional Board with a chain of due process leading to an enforcement action.

It is the opinion of the SLO Coastkeeper that this scheme will, in practice, discourage compliance with water quality standards and we urge your Board to direct Staff to strengthen the Monitoring and Reporting Program to better support your ability to enforce water quality standards in the Region.

3. <u>The Draft Initial Study and Negative Declaration fail to fully inform the public or Region 3 Board of the likely environmental consequences.</u>

The purpose of an Environmental Impact Report is to inform the public and the responsible officials of the environmental consequences of agency decisions before those decisions are made. A Negative Declaration may be issued when "a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report" (Pub. Res. Code 21064).

The "project" before the Regional Board is the proposed Conditional Waiver of Waste Discharge Requirements for agricultural pollutants over approximately 600,000 acres of irrigated cropland for a period of 5 years. Contrary to the record, which identifies that "waste discharges from some agricultural operations have and will continue to threaten the quality of the waters of the state…" (Draft Order p. 2, #7), and the Regional Board has determine that "previously issued categorical waivers for irrigation return flows and non-NPDES storm water runoff" have failed to protect water quality (Draft Order, p.2, #12), your Board will be asked to find "that the Proposed Project COULD NOT have a significant effect on the environment" (Draft ND p.6).

38.7 The Conditional Waiver is intended to reduce discharge of agricultural pollutants and improve water quality. However, the Initial Study and Negative Declaration fail to fully inform the public or the Regional Board of the appropriate environmental baseline for evaluation of the impact of the proposed Waiver. The initial study is unclear about what environmental conditions are considered to judge significance of impacts. It is the opinion of the SLO Coastkeeper that the environmental conditions existing in 1983 (when the previous Waiver was approved) are the appropriate environmental baseline for analysis. As noted in the 2002 USEPA list of impaired

waterbodies, 44 segments are identified in the Central Coast Region. This current degraded level of water quality should not be considered the baseline for the latest version of the Waiver
The SLO Coastkeeper urges rejection of ND and requests your Board to order the preparation of a full environmental impact report for the project.

Respectfully Submitted,

Gordon R. Hensley,
Executive Director / SLO Coastkeeper

American Cetacean Society, Monterey Peninsula Chapter - California Sportfishing Protection Alliance
Carmel Valley Association - Coastal Resource Information Center – Defenders of Wildlife - ECOSLO
Environmental Defense Center - Environmental Information Services - Friends of the Sea Otter - Heal the Ocean
Horticulture Consortium of Santa Barbara - Natural Resources Defense Council
Pesticide Awareness and Alternatives Coalition - Prunedale Neighbors Group – San Francisco Baykeeper
Santa Barbara ChannelKeeper - Sierra Club: Loma Prieta, Santa Lucia and Ventana Chapters
SLO Coast Alliance - SLO CoastKeeper - South Coast Watershed Alliance
Surfrider Foundation National and San Luis Bay Chapter - Surfer's Environmental Alliance
The Ocean Conservancy - The Otter Project - UCSB Environmental Affairs Board
Urban Creeks Council

Delivered by facsimile to 805-543-0397 and US Mail

May 28, 2004

Chairperson Jeff Young and
Members of the Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Conditional Waiver of Waste Discharge Requirements for Irrigated Agriculture

Dear Chairperson Young and Members of the Central Coast Regional Board:

Please accept the following comments on behalf of the organizations listed above regarding the proposed Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands for the Central Coast Region. Collectively, our organizations represent thousands of Central Coast residents who are extremely concerned about the widespread and significant adverse impacts of contaminated agricultural runoff on fish, wildlife, human health and water quality. We urge the Central Coast Regional Water Quality Control Board to take immediate action to implement a rigorous program to reduce agricultural runoff and improve water quality.

Our organizations recognize and commend the farmers and ranchers in our region who have taken the lead and are already making good efforts to reduce pollution. However, overall, the increasing impacts of agricultural runoff demonstrate that stronger protection is necessary. We specifically urge the Central Coast Water Quality Control Board to create a regulatory program that will:

39.1 1. Require all farmers to develop water quality farm plans and implement best management practices to prevent polluted runoff from leaving the farm and entering waterways.
39.2 2. Require all farmers to participate in appropriate water quality education to ensure they receive necessary technical assistance to develop effective farms plans and identify and implement best management practices.
39.3 3. Monitor agricultural pollutants in water, including pesticides and nutrients, to ensure that pollution prevention efforts are effective.
39.4 4. Pay for itself through a reasonable fee system so that adequate staff will be available to administer and enforce the new program.
39.5 5. Provide for adequate enforcement to ensure compliance with the program.

Waste Discharge Requirements (permits) and individual monitoring should be required
39.6 of any farmers who do not comply with the above requirements.

The past twenty years of agricultural exemptions under the Porter-Cologne Water Quality Control Act have resulted in widespread degradation of California's waterways, including the coastal watersheds and ocean waters of the Central Coast. As evidenced by the 2002 Clean Water Act Section 303 (d) list and the results of regional water quality monitoring, dozens of waterbodies in the Central Coast region are "impaired" due to agricultural pollutants including sediment, nutrients, and pesticides. Meaningful and immediate regulation is needed to prevent this massive source of water pollution from continuing to negatively affect water quality in violation of state law.

In the Central Coast Region, agricultural pollutants have been measured at levels that far exceed water quality standards and are known to compromise beneficial uses. Recent studies suggest that pesticide pollution is likely causing ecological damage in area waterbodies. Nutrient over-enrichment, which can lead to toxic algal blooms and fish kills, is a widespread problem in the Central Coast. Nitrates from fertilizer applications have contaminated groundwater in the Santa Clara, Salinas and Pajaro valleys, rendering hundreds of wells unfit for drinking water supply and many Central Coast waterbodies exceed drinking water standards for nitrate. Some areas of the Central Coast also remain high in DDT and other extremely toxic organochlorine pesticides that have been banned for decades. These "legacy" pollutants remain in the soil and can be released into the environment during extreme winter rain events with devastating effects on the ecosystem.

The Central Coast Regional Water Quality Control Board has had five years to prepare for adoption of a program to replace "waivers" of Waste Discharge Requirements for agricultural operations. Farmers throughout the Central Coast Region have been discharging pollutants without a waiver or a permit, in violation of state law, since January 1, 2003 when the previous waivers expired. It is therefore critical that the Central Coast Regional Water Quality Control Board take action no later than its July 8, 2004 meeting to adopt and implement a regulatory program capable of protecting water quality from the impacts of agricultural runoff and demonstrating protection of beneficial uses and compliance with the Central Coast Basin Plan and the state Anti-Degradation Policy.

Thank you for your consideration of these comments.

Sincerely,

D'Anne Albers
Executive Director
Friends of the Sea Otter

David Beckman
Senior Attorney
NRDC

Doug Ardley
Board of Directors
Surfer's Environmental Alliance

John Beuttler
Conservation Director
California Sportfishing Protection Alliance

Ada Babine
Santa Barbara Chair
Sierra Club

Eric Cárdenas
Central Coast Environmental Health Project
Environmental Defense Center

Sejal Choksi
Pesticide Program
San Francisco Baykeeper

Andrew Christie
Chapter Coordinator
Sierra Club - Santa Lucia Chapter

Tarren Collins
Co-Chair
SLO Coast Alliance

Jim Curland
Marine Program Associate
Defenders of Wildlife

Alisha Dahlstrom
Co-Chair
UCSB Environmental Affairs Board

Matt Fleming
Chair
Surfrider Foundation – San Luis Bay Chapter

Estelle Foster
Executive Director
Pesticide Awareness and Alternatives Coalition

Kaitilin Gaffney
Central Coast Program Manager
The Ocean Conservancy

Leigh Ann Grabowsky
Director of Watershed Programs
Santa Barbara ChannelKeeper

Eddie Harris
President
Urban Creeks Council

Hillary Hauser
Executive Director
Heal the Ocean

Pam Heatherington
Executive Director
ECOSLO

Gordon R. Hensley,
SLO Coastkeeper
Environment n the Public Interest

Jan Mitchell
Representative
Prunedale Neighbors Group

Chad Nelson
Environmental Director
Surfrider Foundation

D'Anne Albers
Coastal Chair
Sierra Club – Ventana Chapter

Paula Lotz
Land Use Chair
Carmel Valley Association

Carol Maehr
Conservation Chair
American Cetacean Society
Monterey Peninsula Chapter

Sharyn Main
Chair
South Coast Watershed Alliance

Lee Moldaver
President
Coastal Resource Information Center

Cheryl Niman
Representative
Horticulture Consortium of Santa Barbara

Steve Shimek
Executive Director
The Otter Project

Ruth Troetschler
Pesticide Committee Chair
Loma Prieta Chapter, Sierra Club

Deb Robinson
President
Environmental Information Services

EcoSlo
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Jan Marx
Holly Sletteland
Chuck Tribbey

May 25, 2004

Chair Jeff Young and Members of the
Central Coast Regional Water Quality Control Board
895 Aerovista Place
San Luis Obispo, CA 93401

RE: CCRWQCB Negative Declaration for Conditional Waiver of Waste Requirements for Discharges from Irrigated Lands

Dear Mr. Young and Members of the Regional Board:

Please accept the following comments on behalf of Environmental Center of San Luis Obispo County (ECOSLO), regarding the proposed Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands for the Central Coast region. Our organization represents thousands of concerned Central Coast residents who are extremely alarmed about the widespread and significant adverse impacts of contaminated agricultural runoff on the health of our fish, wildlife, and water quality.

The Central Coast Regional Water Quality Control Board (CCRWQB) has had since 1999 to prepare for adoption of a program to replace "waivers" of Waste Discharge Requirements for agricultural operations. Farmers throughout the Central Coast region have been discharging pollutants without a waiver or a permit, in violation of state law, since January 1, 2003 when the previous waivers expired. It is therefore critical that the CCRWQCB take action no later than its July 8, 2004 meeting to adopt and implement a regulatory program capable of protecting water quality from the impacts of agricultural runoff and demonstrating protection of beneficial uses and compliance with the Central Coast Basin plan and Anti-Degradation Policy of California. **We urge the Board to take prompt action to adopt and implement a replacement program.** Any further delays at this point would violate not only the California Water Code, but also the good faith of the stakeholders who have invested significant time and resources in this prolonged process. 40.1

ECOSLO recommends that the following revisions be adopted into the replacement waiver program:

40.2 **1. Require all growers to participate in appropriate water quality education to develop water quality farm plans and implement best management practices (BMPs) to prevent polluted runoff from leaving the farm and entering waterways.**

There is outstanding evidence that polluted runoff from agricultural lands poses a real and substantial risk to our waterways, fisheries and community health. Some growers in the Central Coast region are making efforts to reduce pollution; however, overall, **the increasing impacts of agricultural pollution demonstrate that stronger environmental protection is necessary**. We recommend that a regulatory program be created that will require all growers to participate in appropriate water quality education that ensures growers will receive necessary technical assistance to develop effective farm plans and identify BMPs to prevent polluted runoff from leaving the farm and entering waterways. Additionally, if the state budget is not able to ensure that continuing education in water quality will be available for all growers in order to comply with these regulations, allowances need to be made on the part of the growers to provide for their own educational training.

2. Adopt adequate, scientifically-based monitoring to ensure that pollution prevention efforts are effective.

Runoff water should be monitored for agricultural pollutants, including pesticides and nutrients, to make certain that pollution prevention efforts are effective. The new program would pay for itself through a reasonable fee system so that adequate staff will be available to administer and enforce the new program to ensure compliance. Any waiver adopted by this Board must be in the public interest and must result in compliance with the Basin Plan and water quality objectives.

However, the CCRWQCB study determined that the proposed waiver project would **not** have a significant impact on the environment. A finding of no significant impact cannot be based on assumption, but must be supported by evidence in the record, which clearly indicates that the Central Coast region suffers from significant water quality impairment linked to agricultural runoff, compromising beneficial uses. Recent studies suggest that pesticide pollution is likely causing ecological damage in the Salinas River. Additionally, nitrates from fertilizer applications have contaminated groundwater in the Santa Clara, Salinas and Pajaro valleys, rendering hundreds of wells unfit for drinking water supply, and many Central Coast water bodies exceed drinking water standards for nitrate. Some areas of the region also remain high in DDT and other extremely toxic organochlorine pesticides that have been banned for decades. These "legacy" pollutants remain in the soil and can be released into the environment during extreme winter rain events with devastating effects on the ecosystem. Tests of Central Coast waterways have demonstrated that some existing agricultural discharges are also toxic to aquatic life. Agricultural discharges jeopardize populations of threatened and endangered species and their critical habitats in the Central Coast region, including salmon and steelhead trout. Nutrient over-enrichment, which can lead to toxic algal blooms and fish kills, is a widespread problem in the Central Coast. There is also extensive groundwater contamination in the Central Coast region due to the impact of agricultural and other activities - such contamination presents human health risks and is extremely costly and difficult to clean up. Farmers must be required to implement the best available water pollution prevention practices on their farms to mitigate these effects. Absent such requirements, there is nothing in the Proposed Conditional Waiver

program that will ensure that impaired water bodies do not become even more degraded over time.

A connection needs to be made between the monitoring process and the goal of obtaining water quality standards needed to protect the waters of the State. The monitoring program needs accountability in order to show effectiveness – the monitoring program currently proposed by staff is **minimal**. The adopted monitoring program must
40.3 be technically rigorous, scientifically defensible, and must be adequate to meet the legal requirements of California Water Code Section 13269 and the Basin Plan. **Scientific experts should be consulted to analyze monitoring, and the monitoring should be conducted on an ongoing basis.** The proposed monitoring program relies on an ambient monitoring design model that includes 50 sites, all of which are located in known areas of water quality impairment. Such an approach will not allow the Regional Board to identify and react to future degradation of cleaner waters. The monitoring program must include testing in areas that are not currently identified as impaired as well. In the Agricultural Advisory Panel discussions, Regional Board staff noted that additional sites would be monitored periodically using Central Coast Ambient Monitoring Program (CCAMP) funds, and that these sites would include areas where impairment had not already been determined. This component should be included in the program. Given the historic financial uncertainties facing the CCAMP program, the documents should also identify how the program will ensure compliance with the State's Anti-Degradation Policy should funding for CCAMP diminish or disappear in the future.

40.4 **3. Implement specific, enforced benchmarks for pollution levels to ensure compliance with the program.**

Since the success of the program is dependant upon participation from growers, we believe that specific milestones for levels of participation should be included as part of the Conditional Waiver Program, and these milestones should be referenced in the CEQA documents. Furthermore, we urge the Board to have a contingency plan in place
40.5 to pursue Conditional Waiver Program enrollment or promptly impose waste discharge requirements against dischargers who do not voluntarily comply with enrollment requirements and timelines. According to Draft Order Finding #16: "it is not expected that Dischargers will achieve full compliance with all of the conditions immediately." However, Regional Water Quality Control Boards do not have any authority pursuant to Section 13269 to waive compliance with water quality objectives for any period of time.
40.6 **We also suggest that the program clearly specify that water quality problems eventually link to specific dischargers, and that the cost of such follow up monitoring be borne by those causing the problem and not be shouldered by program participants that are in compliance with the law.** Waste Discharge
40.7 Requirements (permits) and individual monitoring should be required of any growers who do not comply with the requirements. Follow-up is critical by growers and RWQCB staff in order for growers to understand their effects on water quality and to respond accordingly. Staff must take steps to correct polluted waterways that have been identified by monitoring as a result of this program.

The expiration of agricultural runoff waivers has created a historic opportunity to correct past water degradation mistakes. A regulatory program of conditional waivers is necessary to curb the impacts to the surface and groundwater of the Central Coast's previously exempt 2,500+ agricultural operations, covering some 600,000 acres of cropland under irrigation. The CCRWQCB should require that agricultural waste discharges be free of toxic substances in excess of maximum contaminant levels for primary and secondary drinking water standards, and that the discharger not cause or contribute to conditions of pollution or nuisance as defined in the California Water Code. **In order to be successful, the replacement waiver program must include best management practices, farm plans for pollution management, water quality education for farmers, and reliable and enforceable monitoring.** We urge the Board to take prompt action to adopt the proposed Conditional Waiver Program incorporating our recommendations for an effective program to control agricultural pollution and protect our waterways.

Sincerely,

Pamela Heatherington

Pamela Marshall Heatherington
Executive Director

(41)

STATE OF CALIFORNIA
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June 11, 2004 08:42 PM
202-872-0619

Chair Jeff Young and Members of the Water Quality Control Board
895 Aerovista Place
Suite 101
San Luis Obispo, CA 93401

Subject: Re: Conditional Waiver for Discharges from Irrigated Lands

Dear Chair and Members of the Water Quality Control Board:

As a resident of the Central Californian Coast, I am very concerned about the widespread and significant contamination caused by agricultural runoff and its impacts on fish, wildlife, human health and water quality.

41.1 I urge you to adopt a rigorous program to reduce agricultural runoff and improve water quality. I believe such a program must:

41.2 -Require all farmers to develop water quality farm plans and implement best management practices to prevent polluted runoff from leaving the farm and entering waterways;

41.3 -Require all farmers to participate in appropriate water quality education to ensure they receive necessary technical assistance to develop effective farms plans and identify and implement best management practices;

41.4 -Monitor agricultural pollutants in water, including pesticides and nutrients, to ensure that pollution prevention efforts are effective;

41.5 -Ensure the program pays for itself through a reasonable fee system, so that adequate staff will be available to administer and enforce it; and, -Provide for adequate enforcement to ensure compliance with the program.

Twenty years ago, state regulators made the decision to 'waive' most of the requirements of California's clean water law for farmers, rationalizing that these agricultural discharges did not pose a threat to the environment and that growers would self-regulate. Today we now know that these discharges do threaten our environment. And while some growers in the Central Coast region have taken the lead and are making good efforts to reduce pollution; overall, agricultural runoff continues as one of the largest pollution sources along the Central Coast. We

now have the opportunity to change this. Please work to ensure we make the most of this opportunity by fully implementing pollution controls that will adequately protect the Central Coast's watersheds and the Monterey Bay Sanctuary.

Thank you for considering my views.

Yours truly,

Paula J Flanagan-Boyter
P.O. Box 934
Bethel Island, CA 94511

(49)

MONTEREY COUNTY WATER RECYCLING PROJECTS

Water Quality & Operations Committee

The production of clean and safe water for agriculture

June 18, 2004

Mr. Jeffrey S. Young
Chairman, CCRWQCB
895 Aerovista, Place, Suite 101
San Luis Obispo, California 93401

Dear Chairman Young and Members of the Board:

I am writing on behalf of the Monterey County Water Recycling Projects - Water Quality and Operations Committee (Committee). We have oversight of the water quality of the **recycled irrigation water** that is delivered to coastal growers in the 12,000-acre Castroville Sea Water Intrusion Project (CSIP), which has been in operation since 1998 and has resulted in an overall two-thirds reduction of ground water use in the area. The purpose of the CSIP project is to reduce pumping in the coastal area and conserve aquifer water and to halt seawater intrusion. This project operates at a cost to the growers.

The Committee has serious concerns about what nutrient Total Maximum Daily Loading (TMDL's) will be established by the Regional Board on discharge waters from irrigated lands on the central coast. Our **recycled** source water contains levels of certain nutrients like nitrogen and phosphorous that could exceed levels being considered for the TMDL's by the Board. The growers in the CSIP take advantage of the nutrient load in the recycled water and have reduced synthetic fertilizer inputs on their crops by as much as one third in some cases. This results in improved aquatic habitat of sloughs and drainage canals and an overall reduction of nutrient loading to the bay of approximately 1.3, 0.06 and 31 million pounds annually of nitrogen, phosphorous, and salt, respectively. Through operation year 2003, we have reduced discharge to Monterey Bay by 21 billion gallons.

We understand that the State Water Resources Control Board and the Regional Water Quality Control Board fully support the use of **recycled water** for irrigation; however, we have concerns about how growers might be penalized for our conservation efforts in using **recycled water** for irrigation. In other words, our source water could contain nutrient levels that exceed the TMDL's eventually established by the Regional Board.

The growers in the 12,000 acre CSIP already use advanced farming practices like drip irrigation, laser leveling, minimum tillage, reduction of conventional fertilizers, and careful use of soil amendments

[illegible] Chair

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to sustain the productivity of our soils that minimize irrigation water discharge to surrounding watersheds and the Monterey Bay. Growers in the CSIP area have met the Tier 1 requirements for the agriculture discharge waiver. We would like the Regional Board to consider these costly efforts when developing the TMDL's for the Salinas Valley coastal area.

We also would like the Regional Board to consider the alternatives of our using **recycled water** for irrigation. Our crops utilize the water and the nutrients from the **recycled water**. Every gallon of **recycled water** we apply to our crops is one less gallon (without nutrient reduction by our crops) that is discharged directly to Monterey Bay. The only alternate source of water, should your TMDL not allow the use of **recycled water**, is ground water. Changing from recycled water to ground water would increase overdraft of the ground water basin and increase seawater intrusion. We do not believe that option is viable or desirable.

Again, our concern is how can we be expected to comply with the standards on
49.1 agricultural water discharge when our source water may already contain higher levels of some nutrients than the proposed nutrient TMDL's may allow? We would like the Regional Board to
49.2 consider a permanent waiver on the discharge requirements for the 12,000 acre CSIP area based on our conservation efforts such as the use of **recycled water**, extensive use of drip irrigation, minimum tillage, and soil amendment applications.

We appreciate the opportunity to work with the Regional Board and staff in developing the proposed agricultural water discharge requirements. Please contact our committee if you or any Board Member might have questions on the challenges we face in our use of **recycled water** as an irrigation source.

Sincerely,

Dale Huss

Dale Huss
Chair – Water Quality and Operations Committee

cc:
Monterey County Farm Bureau
Western Growers Association
Monterey County Agriculture Commissioner
Grower-Shipper Vegetable Association of Central California
State Water Resources Control Board
Monterey County Supervisors
Fernando Armenta
Louis R. Calcagno
W.B. "Butch" Lindley
Edith Johnsen
Dave Potter

(53)

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June 23, 2004

STATE OF CALIFORNIA
RWQCB
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JUN 24 2004
Region 3
Office
WATER QUALITY CONTROL

Chairman Jeffrey Young and Members of the
Central Coast Regional Water Quality Control Board
895 Aerovista Place
San Luis Obispo, CA 93401

Re: Proposed Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Draft Order No. R3-2004-0XYZ

Dear Chairman Young and Members of the Board:

This letter provides the supplemental comments of Tanimura & Antle, Inc. (TAI) to the Central Coast Regional Water Quality Control Board's (Regional Board) *Proposed Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Draft Order No. R3-2004-0XYZ,* dated March 19, 2004 ("Proposed Waiver"), and the related *Draft Monitoring and Reporting Program, No. R3-2004-XXXX* ("Draft MRP").[1] TAI represents 28 growers and more than 11,500 acres of irrigated lands in the Central Coast Region. TAI has a significant interest in the water quality within the Region, and is committed to working cooperatively with the Regional Board and staff to develop an agricultural discharge waiver rule that brings about improved water quality throughout the Central Coast Region. To accomplish this result, the Regional Board must adopt an agricultural discharge waiver that is economically feasible, has a high likelihood of successful implementation, and is legally defensible.

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The Proposed Waiver falls short of these goals and, as a consequence, the Proposed Waiver does not advance the overarching goal of improved water quality within the Region. TAI is particularly concerned that the Proposed Waiver does not meet the criteria set forth in Water Code section 13269. The best way to ensure that the Proposed Waiver achieves its objectives and is implemented consistent with the requirements of section 13269 is to defer action until the Regional Board has prepared an appropriate economic analysis and an

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[1] TAI submitted comments on June 4, 2004, and those comments are incorporated herein by this reference. Regional Board staff recently informed stakeholders that the administrative record would include written comments filed prior to June 25, 2004, as well as comments lodged at the hearing scheduled for July 8, 2004.

Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). These analyses will allow the Regional Board to more closely and carefully scrutinize the true economic and environmental ramifications of the Proposed Waiver, and to make necessary amendments and adjustments to ensure that the final waiver is in the public interest and is capable of achieving improvements to water quality within the Region.

A. The Proposed Waiver is not in the Public Interest

The Proposed Waiver and comments from the environmental community fail to adequately consider whether the Proposed Waiver is "in the public interest." Paragraphs 13 and 14 of the Proposed Waiver recite a number of factors and reasons why the Proposed Waiver is in the public interest. These factors and reasons generally suggest that the Proposed Waiver is in the public interest because it will result in improved water quality. TAI agrees with the proposition that improved water quality is a key factor in determining whether the waiver is in the public interest. But the Porter Cologne Act requires that efforts to improve water quality be "reasonable" and balanced against "the total values involved, beneficial and detrimental, economic and social, tangible and intangible." (Water Code § 13000). In light of this policy, TAI submits that the Regional Board's determination of whether the Proposed Waiver is in the public interest requires the Regional Board to consider not only the potential water quality benefits, but also the economic and social consequences likely to result from the Proposed Waiver. Indeed, as explained below, these considerations bear directly on the likelihood that the waiver will achieve the anticipated water quality improvements.

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In 2003 the agricultural industry affected by the Proposed Waiver generated $3.3 billion in Monterey County alone, and in excess of $8 billion throughout the Region. The agricultural industry within the Region accounts for a large percentage of the labor workforce and services and goods, not to mention fruit and vegetable products that are consumed nationally and internationally. As presently drafted, the Proposed Waiver will have a substantial negative economic impact on the agricultural industry throughout the Region. Chairman Young and Board Member Bowker recognized the potential economic consequence of the Proposed Waiver at the January 9, 2004 Regional Board workshop on the Proposed Waiver. (*See* Minutes of Regular Meeting of the Central Coast Regional Board, Friday, January 9, 2004, Item #3, p. 5). Mr. Bowker specifically requested that staff provide examples of cost impacts to small, medium and large operations. Chairman Young likewise requested an analysis of the costs attributable to all components of the program, including farm plans, education, monitoring, and practices. We are not aware that these analyses have been completed.

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TAI performed its own analysis of the costs associated with compliance with the Proposed Waiver on one 526 acre ranch in the Salinas Valley. TAI estimates that the annual costs for this operation alone will exceed $50,000. (*See* Exhibit A). These costs include approximately $50 per acre for annual monitoring, and approximately $50 per acre for costs

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associated with land management practices called for in the Proposed Waiver and Draft MRP. For all of TAI's operations in the Region, the cost of implementing the Proposed Waiver and Draft MRP is estimated to be approximately $100 per acre; over the 11,500 owned or operated throughout the Region, TAI is looking at more than $1.1 million annually to comply with the Proposed Waiver and Draft MRP.[2] When added to the $46.5 million that TAI already has invested in improving its operations to be more environmentally protective (*see* Exhibit A), these additional costs will have a significant effect on how TAI does business in the Region.

The cost per acre is likely to run even higher for smaller ranches and operations, as the Proposed Waiver and Draft MRP do not differentiate between the size of operations. For smaller operations within the Region, or for operations that have not previously invested as much in conservation and environmental improvements, the costs of compliance with the Proposed Waiver and Draft MRP is uncertain.

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B. The Proposed Waiver is Consistent with Applicable Water Quality Control Plans

The legal framework under which the Proposed Waiver is authorized illustrates the Legislature's intent and goals with respect to the agricultural discharge waiver program. The Porter Cologne Water Quality Control Act, California Water Code §§ 13000, *et seq.*, requires dischargers of waste or those who propose to discharge waste to the waters of the state to file a report of waste discharge with the Regional Board, unless the requirement is waived pursuant to Water Code section 13269. (Water Code § 13260(a)). When a waste discharge report has been filed, the Regional Board will prescribe requirements or conditions on the discharge (commonly referred to as "waste discharge requirements" or "WDRs"), which "shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of [Water Code Section 13241]." (Water Code § 13263(a)). Thus, the purpose of WDRs is to implement applicable water quality control plans through the imposition of requirements and conditions that will ensure compliance with the water quality control plans.

The Legislature advanced a different policy objective with the waiver provisions in Water Code section 13269. Clearly, the waiver statute is intended to effectuate the overall policy of the Porter Cologne Act: regulation and protection of the quality of the waters of the state "to attain the highest quality that is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." (Water Code § 13000, emphasis added). The waiver statute reflects this policy and the Legislature's recognition that, for a variety of reasons and factors, certain

[2] This estimate assumes that TAI implements the Individual Monitoring requirements in the Draft MRP. Based on discussions with other affected agricultural interests and organizations in the Region, TAI is not confident that a Cooperative Monitoring Program can or will be implemented in the Region.

discharges or types of discharges – such as discharges from irrigated lands – are less amenable to WDRs than other types of discharges. Section 13269 establishes a process through which the State and Regional Boards could regulate and bring about improvements in water quality, while at the same time accepting the practical limitations associated with certain types or categories of discharges. Although recent amendments to section 13269 (SB 923, 2003) are designed to strengthen the waiver statute to better ensure improvements to water quality, section 13269 still provides the Regional Board with appropriate flexibility and discretion to fashion a waiver rule that takes into account "the total values involved," including social and economic values.

The environmental organizations argue that the State Water Resource Control Board's (SWRCB) recently adopted Non-Point Source Pollution Control Implementation and Enforcement Policy ("NPS Policy") requires that the Proposed Waiver ensure compliance with water quality objectives and beneficial uses in the applicable water quality control plans. This position overstates the intent of the SWRCB's NPS Policy. The NPS Policy concerns all non-point source pollution, including pollution regulated pursuant to WDRs, urban stormwater and industrial discharges and other standards that, as noted above, require compliance with water quality control plans. Section 13269 does not require that the waiver ensure compliance with applicable water quality control plans; rather, the section requires that the waiver be consistent with the applicable water quality control plans.

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In using different terminology, the Legislature intended that the standard for discharges and categories of discharges subject to waivers be something different than the standard applicable to WDRs. "Consistency" with the water quality control plan requires only that the waiver not contradict the applicable water quality control plan. With the recent amendments to Water Code section 13269, the Legislature intended to clarify that the waivers were not to authorize activities that violate water quality control plans. Indeed, the requirement that waiver be conditional and renewable every five years provides the Regional Board with considerable discretion to adapt the waiver in furtherance of the policies embodied in the Porter Cologne Act. In the extreme, this could mean that the Regional Board requires a particular discharger to obtain a WDR.

C. Recommendations

TAI respectfully requests that Regional Board staff undertake the economic analysis requested by Chairman Young and Board Member Bowker. A detailed assessment of the actual costs associated with the Proposed Waiver and Draft MRP, together with the preparation of an EIR, is the only means by which the Regional Board can determine whether the Proposed Waiver is in the public interest. We do not believe that preparation of these reports will result in

significant delays in adopting an agricultural waiver, as almost all stakeholders are in agreement that the Regional Board needs to prepare an EIR prior to adopting a waiver program.[3]

Very truly yours,

Robert E. Donlan,
On behalf of Tanimura & Antle, Inc.

Encl.

cc: Ms. Alison Jones, CCRWQCB
Mr. Arthur Baggett, Chair, SWRCB
Bob Antle
Ted Mills

[3] Although the agricultural and environmental communities disagree as to the reasons why the Regional Board must prepare an EIR for the waiver program, both constituencies are in agreement that there is a fair argument that the Proposed Waiver will result in a significant effect on the environment. (*See e.g.*, Comment Letter from TAI to Ms. Alison Jones, dated June 4, 2004, Re: *Proposed Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Draft Order No. R3-2004-0XYZ*; Letter from The Ocean Conservancy to Chair Young, et al., dated April 30, 2004, Re: *Initial Study and Negative Declaration for Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands.*)

Tanimura & Antle, Inc Proposed budget increase to cover SWRQCB District 3 Proposed Monitoring
Site: Davis Ranch 526 Acres
4 Wells
1 Discharge outlet (Sump Pump)

Activity :	Cost	Frequency	Total	Cost per acre
Well Water Monitoring	$66	1x 4 wells	$264	
Tail Water Monitoring	66	Monthly	792	
Soil Testing	70	per lot	2,000	
Design & Build improved drainage for monitoring	-		12,000	
Monitoring Fees:				
Water Toxicity	1,000	4	4,000	
Temperature, Turbidity, pH, Dissolved Oxyge	140	12	1,680	
Nitrate, Total Ammonia, Orthophosphate (P)	100	12	1,200	
Chlorophyll	60	12	720	
TDS - Total Dissolved Solids	30	12	360	
Discharge Flow Measurement	80	12	960	
Sediment Toxicity (Hyalella azteca)	900	Spring	900	
Benthic Invertebrate Assessment	1,300	Spring	1,300	
Sub Total	$3,812		$26,176	$50
Best Management Practice:				
Legal, Administration, Accounting				
Farm Plan Preparation				
Ranch Maps				
Education				
Consultants				
Sub Total			$26,300	$50
Total			$52,476	$100

Tanimura & Antle invests heavily to achieve the highest standards of Food Safety, OSHA compliance, productivity and product quality. Controlling the amount of, and the quality of our discharges is a significant part of this investment. A portion of the investments already made for a better environment are:

Drip Irrigation (Monterey County only)	$5,000,000
IPM program	5,000,000
GPS	3,500,000
Laser Levelling (Annually)	2,000,000
Sprinkler Systems	5,000,000
Cover Crops	1,000,000
Composting	2,000,000
Soil Ammendments	1,000,000
Conversion of 1500 acres to Organic production	3,000,000
Subsurface tile drains	4,000,000
Total	$31,500,000

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MONTEREY COUNTY
AGRICULTURE & NATURAL RESOURCES

1432 ABBOTT STREET • SALINAS, CA 93901
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-11 Son (130)

June 8, 2004

STATE OF CALIFORNIA RWQCB RECEIVED JUN 28 2004 Region 3 Office WATER QUALITY CONTROL

Mr. Jeffrey S. Young, Chairman
CCRWQCB
895 Aerovista Place
San Luis Obispo, CA 93401

RE: Recommendations for Incorporating Irrigation Efficiency for Agricultural Discharges

Dear Chairman Young and Members of the Board:

This is a follow up to the letter sent to the CCRWRCB dated February 5th, 2004. That letter addressed the importance of incorporating irrigation efficiency as part of the Agriculture Discharge Waiver. This letter provides further detail on how irrigation efficiency may be an effective tool for evaluating farm water quality. As mentioned in our previous letter, irrigation efficiency data collected on farms can be used to: 1. Track the implementation of practices that minimize tail water run-off and the leaching of nutrients and pesticides, 2. Assess the effectiveness of conservation practices to protect water quality, and 3. Determine sources of contaminants.

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Tail water run-off, which transports a large portion of sediments, nutrients, and pesticides into surface water, can be reduced by implementing management practices that increase irrigation efficiency. Additionally, the deep percolation of water from irrigation systems, which leaches nitrate and pesticides into ground water supplies, can be decreased by implementing practices that increase irrigation efficiency. Hence, regional assessments of irrigation efficiency, either through on-farm evaluations, or by using database information, such as ground water extraction reports, would allow the RWQCB to assess if growers are implementing practices that reduce tail water discharge and deep percolation. These data could also help with determining the source of contamination, by identifying watersheds where poor irrigation management is causing excessive run-off or deep percolation.

Irrigation efficiency can also play a valuable role for determining the extent to which conservation practices improve water quality. Although practices as simple as fixing leaks in sprinkler lines or as complex as converting irrigation systems to drip could be implemented to minimize tail-water run-off, growers will tend to adopt the most cost-effective practices. By evaluating how much a particular practice improves irrigation efficiency, growers would be able to compare the cost-effectiveness of various conservation practices.

Using monitoring to assess if agriculture is improving water quality has a number of weaknesses, including the high costs of analyses, and the large number of samples and locations needed to accurately estimate the concentration of constituents of water quality. A water quality monitoring program could be enhanced by assessing irrigation efficiency at the farm scale to estimate the amount of run-off and deep percolation contributing to water quality problems. We believe that

130.2

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a much better chance to determine if the agricultural community is doing their job to help the environment.

In summary, there are a number of opportunities for using irrigation efficiency information to help growers improve water quality and to assist the Regional Water Quality Control Board in evaluating the cause and effect between agricultural practices and water quality impacts to surface and ground water. If we can show that irrigation efficiency improvements will result in the betterment of water quality, then growers will have more incentive to change their irrigation management practices.

Thank you for the opportunity to provide suggestions for enhancing the proposed water discharge requirements of irrigated lands on the Central Coast.

Sincerely,

Michael Cahn, Ph.D.
Water Resources and Irrigation Advisor
University of California, Cooperative Extension
Monterey, San Benito, and Santa Cruz Counties

Kathleen Thomasberg
Program Manager II, Water Quality
Monterey County Water Resources Agency

Giulio Ferruzzi, Ph.D.
Agronomist
USDA Natural Resources Conservation Service

Enclosure (1) Letter to the CCRWQCB February 5, 2004

cc: Russell M. Jeffries, Board Member w/enclosure
Gary C. Shallcross, Board Member w/enclosure
Daniel M. Press, Board Member w/enclosure
Leslie S. Bowker, Board Member w/enclosure
Bruce K. Daniels, Board Member w/enclosure
Donald A. Velleneuve, Board Member w/enclosure
Roger Briggs, Regional Board Executive Officer w/enclosure
Alison Jones, Regional Board Staff w/enclosure

(131)

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Santa Barbara County Public Works Department
Flood Control & Water Agency

June 15, 2004

Mr. Bruce Daniels, Chairman
Central cost Regional Water Quality Control board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RE: Proposed Monitoring Program associated with Conditional Waiver for Irrigated Agriculture

Dear Mr. Daniels

The Water Resources Division of the Santa Barbara County Public Works Department is responsible for the implementation of "Project Clean Water" which is the County's program to improve and protect creek and ocean water quality. Part of this program is implementation of the Phase II NPDES urban non-point source regulations. Since 1998 Project Clean Water staff has developed and implemented three monitoring programs and consulted with other County programs in the development of their water quality monitoring. In addition, staff is responsible for the County-wide interagency ground-water monitoring program that has a water quality component. Thus staff has watched with interest the development of the RWQCB proposal for water quality monitoring associated with the "Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands."

While we understand the rationale for a monitoring program, we suggest that substantial modifications must be made to the "Draft Monitoring and Reporting Program" offered to the RWQCB for consideration in its July meeting. We anticipate the need to work closely with the agricultural community to address issues raised in so called 303(d) listings and proposed TMDL efforts discussed in the Region's "Basin Plan." We are concerned that the "Draft Monitoring and Reporting Program" does not focus appropriately on potential sources of impairments and does not appear to have sufficient fiscal controls. Therefore we request that your Board direct staff to revise the "Draft Monitoring and Reporting Program" to address the following concerns.

<u>The proposed monitoring program must be revised to meet its stated objectives.</u>

131.1 While we agree generally with the Monitoring Program's stated short term and long term objectives, the Proposed Monitoring Plan does not adequately identify particular pollutants that relate to irrigated agriculture within the Central Coast Region. The point of the monitoring program is to support the " waiver ...for discharges from irrigated lands" and so the focus needs to be on pollutants known to originate with irrigated agriculture. This is very important, because it leads directly to the Best Management Practice (BMP) choices that will most effectively address the particular source(s) of pollutants. Pollutants of concern (POC) are specific constituents that are relatively more prevalent in runoff or are causing or threatening to cause

Phillip M. Demery
Public Works Director

123 East Anapamu Street, Santa Barbara, California 93101
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Thomas D. Fayram
Deputy Public Works Director

impairment in receiving water. If the region's POC are not first correctly identified, then it will be difficult to improve water quality to the MEP.

Furthermore, the monitoring plan must be crafted to adequately describe whether the pollutants identified result from agricultural sources. The Proposed Monitoring Plan's short-term objectives mention these issues. But in its present form, the plan inappropriately stipulates two expensive techniques that meet only long term objectives. Specifically, "toxicity testing" and "BMI" sampling proposed will provide information on the "health" of a particular water body, and its "support of beneficial uses," but no meaningful information to guide development and implementation of BMPs. At this stage, the monitoring program needs to focus its limited resources on its short-term goals. Thus we request you direct staff to replace toxicity testing and
131.2 BMI sampling with measurements that would identify specific pollutants likely to originate from irrigated acreage.

The location of initial monitoring efforts needs to be clear.

The proposed monitoring program needs to begin with a small number of high priority areas. These areas should be identified as having significant potential agricultural contribution to "303(d) listed" water bodies. Two obvious areas are northern Monterey County and the Santa
131.3 Maria basin. These areas include important agricultural economies, impaired water bodies, and are proximate to sites responsible for large "environmental mitigation (settlement) funds" that should be used to bring down the startup cost of this monitoring program. While other areas may contain "303(d) listed" water bodies, we suggest the geographic scope of "Table 1" is inappropriately broad for the startup of this program. The proposed Monitoring Program does not sufficiently demonstrate the need for all the water bodies listed in Table 1 to be included in the initial phase of the program. Therefore, we recommend your direct you staff to split Table 1 into
131.4 three parts: 1) areas to be monitored in the initial phases of the program, 2) areas of high priority that are added as program capacity is expanded, and 3) other areas which can be included with reasonable increases in cost.

If the RWQCB staff has another perspective on this issue, your board and the stakeholders in this
131.5 process need to understand that perspective before the monitoring program is approved. Thus if your staff does not agree with this suggestion, we urge that additional workshops on this matter be held before the monitoring program is approved.

The monitoring program needs to complement, not supplant, existing monitoring.

County staff is very concerned with unintended consequences of the water quality program to ongoing water quality initiatives. Diverting resources and attention from other programs will
131.6 reduce the effectiveness of these existing efforts. Duplication of efforts may very well produce data that need to be reconciled, inevitably leading to questions of interpretation and objectivity. But most importantly, limited resources at all levels of government and a highly competitive agricultural sector are economic realities that demand an efficient approach. The monitoring needs to be better coordinated with other ongoing water quality monitoring efforts.

The entire program needs to be set up in a context of ongoing monitoring efforts. But rather than an explicit discussion of CCAMP results to date and how CCAMP will complement the proposed exemption monitoring program, the plan states: "sites should be initially selected from the suite of existing CCAMP monitoring sites which have at least one year of monthly data available, in

order to maximize the usefulness of the data in detecting trends." The practical effect is that the agricultural community is being asked to support duplication of long term monitoring, or is being asked to assume financial responsibility for the RWQCB long term monitoring program. Thus we recommend your Board direct staff to recraft the program to minimize duplication with existing monitoring programs, in particular CCAMP. But more to the point, we suggest that the initial sampling points be listed in the Proposed Monitoring Plan and any overlap with other monitoring programs be justified.

The monitoring plan needs to include a specific mechanism for technical input and revision.

131.7 The monitoring program must have input form technical experts from non-regulatory organizations in the region such as universities, local agencies and community-based organizations such as industry trade groups. This input should include 1) setting up the program, 2) evaluating results, 2) proposing changes, 3) expanding aerial coverage of the short term program and 4) establishing the nature of the long term program. While mentioned, the role of the Agricultural Monitoring Committee is not clear. Your Board needs to provide an explicit role for this important body and stipulate its membership. To do otherwise invites misunderstanding and unnecessary conflict.

County staff appreciates the opportunity to comment on this important document. We has suggested four areas which need to be addressed in order to make the monitoring plan actually address water quality issues potentially associated with the proposed conditional waiver for irrigated agriculture. As mentioned earlier, the agricultural community plays an essential role in the management of the County's natural resources. Their partnership is essential to the success of any program to improve water quality. Thus this monitoring plan must be refocused to fairly address the issues pertaining to the proposed irrigated agriculture waiver. We trust you Board will direct the necessary changes.

Sincerely,

Robert Almy, Manager
Santa Barbara County Water Agency

Cc: Mr. Joseph Centeno, Chair, Board of Supervisors
County Agricultural Advisory Committee
Cachuma RCD

(132)

From: <aka321@juno.com>
To: <ajones@rb3.swrcb.ca.gov>
Date: 7/1/04 10:27PM
Subject: Please adopt conditioned waiver at water board hearing

Dear Ms. Jones,

The Central Coast Regional Water Quality Control Board will soon have the opportunity to adopt a plan that could help improve water quality for both central coast residents and marine life by reducing the run off of pesticides, fertilizers and sediment from agricultural lands into state waters.

132.1 I urge you to adopt the conditioned waiver recommended by the advisory panel convened by RWQCB staff, and implement Best Management Practices to protect our water.

132.2 Monitoring of nitrates, sediment and pesticide toxicity is necessary to protect and improve our water quality, and we must be able to find the sources of these pollutants.

132.3 Right now, growers are operating without permits or waivers, in spite of the California Water Code, which requires waivers to be reviewed and replaced or revised after expiration. Current waivers expired in January 2003. It's past time to correct this.

We already know that water issues will be among the most important the state has to face in the coming years. Please help protect this precious resource now.

Thank you,

Amy Anderson
Santa Maria, CA

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WATER QUALITY CONTROL

MEMORANDUM

To: California Regional Water Quality Control Board
From: California Avocado Commission: Tom Bellamore, Teresa McQueen
Date: 7/2/04
RE: Revised Draft Order No. R3-2004-0117

Regional Board Members:

Upon review of Revised Draft Order No. R3-2004-0117 and after a discussion with staff regarding the absence of specific language in the Proposed Draft Waiver related to supervised access to grower property, the California Avocado Commission (Commission) repeats its earlier request that the Revised Draft Order be amended as noted below. The Board expressed support for this request at its last meeting on February 5, 2004.

The Commission understands that it is the intent of the Board to request permission to access grower properties before follow-up monitoring or site inspections are conducted. Growers remain concerned, however, that this intent may not be realized unless express language to this effect appears within the body of the Revised Draft Order. An express statement of the Board's intention to provide advance notice to growers prior to accessing their properties for follow-up monitoring or site inspections would eliminate the need for interpretation of the existing language and would minimize the degree of subjective judgment required of current and future staff members.

139.1 The Commission asks that the Board approve an amendment to the language of the Revised Draft Order (Procedures Section IV #6), as noted below. In the alternative, we ask that staff's written policy and procedures regarding follow-up monitoring and site
139.2 inspections reflect that all follow-up monitoring and site inspections must be prearranged with property owners through verbal notification.

Proposed Language Amendment:

Regional Board staff shall coordinate with property owners and/or operators in advance of all site visits and inspections.