California Regional Water Quality Control Board
Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • Fax (805) 543-0397
http://www.waterboards.ca.gov/centralcoast

Linda S. Adams.
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

Agricultural Order Renewal

Public Comments and Alternatives to

02/01/2010 Preliminary Draft Staff Recommendations

Group 3: Comment Letters

Comment ID	Affiliation	Date Received
A10	Metz Fresh LLC.	3/31/2010
A11	RCD Monterey	3/31/2010
A12	Western Growers	3/31/2010
A13	Grower Shipper Association	3/31/2010
A14	California Women for Agriculture	4/1/2010
A15	Western Plant Health Association	4/1/2010
A16	San Luis Obispo County Cattlemen's Assoc.	3/26/2010
A17	Central Coast Water Quality Preservation, Inc.	4/1/2010
A18	Bay Area Chrysanthemum Growers Assoc.	4/1/2010
A19	California Artichoke Advisory Board	4/1/2010

March 30, 2010

Chairman Jeffrey Young
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906

Re: Conditional Waiver of Discharges from Irrigated Agricultural Lands (R3-2010-00XX)

Dear Chairman Young,

This letter is written on behalf of Metz Fresh, LLC. We respectfully request the Regional Board support the Preliminary Alternative Agricultural Proposal instead of the Conditional Waiver of Discharges from Irrigated Agricultural Lands (2010 Draft Ag Waiver).

We are a grower-shipper with operations in California's Central Coast Region 3 and Arizona. We contract with growers in California to grow approximately 2,500 crop-acres of spinach, spring mix and arugula for our fresh and frozen processing operations. Our growers' farming operations differ in size and scale from small (less than 100 land-acres) to large (more than 3,000 land-acres).

Our crops are all high-density, fast-growing leafy greens, dependent on consistent and proven nutrient, irrigation and pest management programs to ensure our goals for crop yield, quality and food safety are met.

We believe several of the 2010 Draft Ag Waiver requirements would affect our crop quality and reduce our crop yields by a minimum of 10 – 20%, with the absolute probability of a complete crop failure. These requirements include 1) prohibitions against leaching nitrate based salts from the soil profile (a normal occurrence with pre-irrigation and crop irrigation); 2) a nutrient management element; 3) prohibitions against spraying pesticides within 50' (ground applications) and 150' (aerial applications) of surface water bodies; and, 4) prohibitions against foliar applications of fertilizer 72 hours prior to any FORECASTED rain event and/or 72 hours following any rain events.

As a Signatory to the California Leafy Greens Marketing Agreement (LGMA), we pride ourselves in collaborating with our growers to ensure co-management of food safety and conservation practices. Per the LGMA GAP Metrics[1] we usually require only a 30' buffer between farmland and surface water bodies and/or riparian habitat. Under the 2010 Draft Ag Waiver, most of our growers would be forced to comply with mandatory buffer requirements of 50', 75' and 100' between farmland and a stream bank for protection of riparian habitat.

[1] CA LGMA Commodity Specific Guidelines for the Production and Harvest of Lettuce and Leafy Greens

Metz Fresh, LLC
39405 Metz Road, King City, CA 93930
(831) 386-1018 P * (831) 386-1019 F

We also recognize the value of our growers installing and/or maintaining sediment basins and/or non-crop vegetation to minimize erosion and/or discharges of pesticides and nutrients from their farmland. These on-farm conservation practices are discussed during food safety risk assessments to advise our growers of our support for their efforts to improve water quality.

To promote sustainability, increase productivity and reduce inputs (seed, fertilizer, irrigation water, pesticides, fuel, diesel emissions, labor, etc.), costs and our carbon footprint, our company utilizes an intensive leafy greens re-grow program. We believe our efforts and those of our growers to maximize our re-grow program represent a serious commitment from all of us to improve water quality.

In closing, most of our growers handle both administrative and on-farm management responsibilities for their respective farming operations. They would face significant cost increases and administrative responsibilities in order to comply with the 2010 Draft Ag Waiver. Economic calculations for compliance with the 2010 Draft Ag Waiver prepared by industry associations reveal a cost-per-acre increase of $75 - $250. These calculations do not include a complete economic analysis of impacts relative to the proposed groundwater requirements in the 2010 Draft Ag Waiver. Our growers simply cannot not afford to absorb these and other costs and remain economically viable.

Thank you, in advance, for considering our request to support the Preliminary Alternative Agricultural Proposal.

Sincerely,

Andrew N. Cumming

Andrew N. Cumming
President

cc:

Vice Chairman Russell Jeffries
John Hayashi
David Hodgin
Monica Hunter
Tom O'Malley
Gary Shallcross
Roger Briggs, Executive Officer
Angela Schroeter, Senior EG

Metz Fresh, LLC
39405 Metz Road, King City, CA 93930
(831) 386-1018 P * (831) 386-1019 F

744 La Guardia Street, Building A, Salinas, CA 93905 (831) 424-1036, ext. 124

March 31, 2010

Mr. Jeffrey Young
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

To the Board and Ag Program Staff of Region 3,

I am writing to convey comments on the Preliminary Staff Recommendations for Ag Order R3-2010-00XX. I am aware of comments being provided by other RCDs and University researchers and extension agents; these comments focus on primary general issues that relate to the District's role as partner to resource agencies and farmers in facilitating natural resource management. The key items in the Preliminary Staff Recommendations commented upon in this letter are:

- An apparent change in approach to BMP prescriptions
- Riparian habitat prescriptions
- Potential limitations on riparian weed management
- Use of Farm Plans as compliance documents
- Capacity of Technical Service Providers to meet grower needs
- Timelines for compliance

BMP Prescriptions/Proscriptions
The Preliminary Staff Recommendations include descriptions of specific practices (most notably riparian buffers in Part G and the indirect reference to products such as Landguard and Polyacrylamide in Part B) and methods of management to be prescribed in the Agricultural Order. This appears to be a change in either policy or approach that is inconsistent with the mode of work I have had with Regional Board (3 & 5) staff in the past. In all of my interactions with Water Board staff at the state level and in Regions 5 and 3, prior to the past year, they have made clear to me that as regulators that their role is to set standards and enforce them, and not to direct the mode or methods of compliance. Many have emphasized this especially in the context of an industry with which Regional Board staff have limited exposure, experience, training and education. Short of enforcement, the means of compliance with regulation is best directed from the ground up by the regulated individuals and their technical advisors. This is particularly true in an industry with such dramatic site-to-site variation as agriculture with each farm and farmer having unique soils, innovations, crop combinations, resources, scale and history, among many other variables. The technical community serving agricultural and rural lands managers (i.e. university extension, NRCS, RCDs and partner non-profits among others) received few solicitations for input into the development of the Staff Recommendations. This is evidenced by the depth and breadth of concerns now expressed by *every* individual within this community with whom I have had communication on this issue.

Riparian Habitat Prescriptions
The Aquatic Habitat Protection Requirements in Part G of the Preliminary Staff Recommendations is the key instance of BMP prescriptions. No technical advisor worth his/her degree and experience would *ever* make a blanket recommendation for riparian buffer width or form without site-specific evaluation of resource variables and design considerations for the

intended benefit. This is precisely the case in Part G. Regardless of the good intentions and likely ancillary benefits of riparian buffers, even those of us who have committed our careers to promoting, studying and evaluating effectiveness of riparian buffers and vegetated treatment systems in an agricultural context would not feel confident tying their implementation (especially in this manner) to the water quality objectives identified in the Preliminary Staff Recommendations. Given the level of detailed information required for measurable benefits elsewhere in the document, this prescription for riparian buffers appears particularly out-of-place. By specifically naming restrictions on responses to food safety concerns, this element of the Staff Recommendations is further charged with political and economic consequences. Staff should be taking such 'conflicting mandates' into careful consideration to support co-management rather than directly challenging them (and raising the associated stress level) if the end goal is achievable water quality improvement for economically and environmentally sustainable agriculture.

Riparian Weed Management

The Salinas River has one of the largest populations of habitat-displacing, water-sucking, and erosion-inducing Arundo in California. The most effective (physically as well as economically) means of control of this and the Tamarisk moving in with it is through herbicide application on leaves and stumps. Proscriptions on pesticide use in the Draft Order potentially conflict with farmers' and our ability to treat such noxious riparian weeds that directly impact habitat and water quality. These proscriptions need to be clarified at the very least to accommodate effective weed and wildlife habitat management in riparian areas.

Farm Plans

I am deferring to UCCE and NRCS commentary about the composition and use of Farm Plans, but want to highlight the concern among the conservation technical support community that such a shift from 'confidential', kept-on-site documentation of management improvements to that of a more publically-accessible compliance document puts at risk our ability to serve the regulated community. We have the access to local farms to assist with projects and assess resource impacts precisely because we have local farmers' trust. Part of that trust is confidence in our ability to 'walk the line' as partners with them and their regulators, to help farmers develop realistic plans to address water quality, remain economically viable, and meet regulatory requirements. The proposed shift in purpose of Farm Plans from apparently confidential to clearly public would erode that confidence, which is weakened already by the change in approach over the past few years at Region 3 that has come at the cost of some good will between RB3 staff and growers and members of the professional service community. I and my conservation partners are concerned (and have heard directly from growers) that landowners will be reluctant to work with technical providers to identify resource problems and find solutions if this information is subject to public review.. That would leave your limited staff with very little partnership/assistance for achieving your objectives as identified in the Draft Order—especially in the Salinas River watershed, which is of key concern in the document.

Capacity of Technical Service Providers

Many of the requirements of the Waiver depend on technical input for irrigation, nutrient, pesticide, sediment and salinity management, and exceed the types of analysis that are currently in practice by the industry. The demand for these extra services likely exceeds the capacity of technical agencies and organizations given funding constraints (and challenges of accepting Water Board funding). The private sector (Certified Crop Advisors) are mentioned in the draft language but the majority of these professionals do not currently concern themselves with management of water leaving the farm and would need time to be trained in this subject. Prioritization of these limited technical professionals would be aided by a waiver policy that

evaluated the relative risk of various management practices and farm locations to water quality rather than requiring the same level of evaluation, management, and reporting on all irrigated lands.

Timelines for Compliance
The timelines set forth in each section of the Staff Recommendations need to be carefully evaluated for their achievability relative to both time and costs of making changes in technique or equipment and their impacts on diverse operations across the spectra of farm size, crops, diversity and financial stability. To my knowledge, this requires working cooperatively with ag industry. The goals identified in the Staff Recommendations may not be attainable in the 5-year timeframe of the draft Ag Order, and a longer timeframe may need to be considered for those goals to be realistically achievable, especially considering the Regional Board's limited staff and resources.

Thank you for your consideration of my input in this process. I look forward to providing further input as is appropriate.

Sincerely,

Paul Robins
Executive Director

CC:
Mr. John Hiyashi
Mr. Russell Jeffries
Ms. Monica Hunter
Mr. Tom O'Malley
Mr. Gary Shallcross
Mr. David Hodgin
Mr. Roger Briggs
Mr. Paul Binsacca
Dr. Daniel Mountjoy

April 1, 2010

Jeffrey S. Young, Chairman
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906

Dear Chairman Young:

Western Growers is pleased to have the opportunity to provide technical commentary on the "Preliminary Draft Staff Recommendations for an Agricultural Order" to the Central Coast Regional Water Quality Control Board as we work collectively to improve water quality in the region. While we have reviewed the recommendations, we are unable to provide technical comments by the April 1, 2010 deadline due to the short timeline and our diligence in producing a coordinated agricultural alternative proposal.

Per my conversation with Howard Kolb on March 30th, please be assured that we will be submitting comprehensive comments in the next few weeks for submittal in the record and for the Board's review prior to the May 12, 2010 board workshop. Although we understand our comments may not be able to be analyzed by staff until after the workshop, we appreciate that they will be considered for the revised "Draft Ag Order" that staff will be submitting sometime later this year.

Again, thank you for your consideration of our concerns. We look forward to working with you as we design a program that is achievable and feasible.

Best regards,

Gail Delihant
Director, Governmental Relations

CC: Roger Briggs rbriggs@waterboards.ca.gov
Angela Schroeter aschroeter@waterboards.ca.gov
Howard Kolb hkolb@waterboards.ca.gov

Grower-Shipper Association of Central California
"OUR MEMBERS: PARTNERS PRODUCING PROSPERITY"

GROWER-SHIPPER
ASSOCIATION
of Central California
Since 1930

March 31, 2010

Chairman Jeffrey Young
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101, San Luis Obispo, CA. 93401-7906

Dear Chairman Young,

The Grower-Shipper Association of Central California has reviewed the "Preliminary Draft Staff Recommendations for an Agricultural Order" prepared by the Central Coast Regional Water Quality Control Board staff (hereafter referred to as "Staff") dated February 1, 2010. As acknowledged in the document, this region is one of the largest agricultural regions in the U.S., "reflecting a gross production value of more than six billion dollars in 2008, contributing 14 percent of California's agricultural economy."[1]. On behalf of our more than 300 members throughout the Central Coast we are writing to express our immense concern with this proposed document, specifically with the economic consequences that are sure to follow if it is implemented.

Due to the short time frame, we were unable to conduct a statistically relevant survey of our members to determine the economic costs of implementing the draft waiver as proposed by staff. However, we have conducted surveys of growers throughout the seven counties to gauge the costs implementation on a per acre basis and determined costs to range from $354 to $445 for wine grapes and $250 to $916 for cool season vegetables per acre. Based on conversations with growers and a review of 2008 crop reports published by agricultural commissioners in the seven affected counties we have determined costs for implementation by region (see table below). The numbers are staggering. For wine grape production the costs for the entire seven county region range from $36 Million to more than $45 Million. For cool season vegetables, the costs are a drastic $48 Million to more than $176 Million. After years of profit margin decline an agricultural waiver that costs industry hundreds of millions to implement has the potential to destroy numerous farms on the Central Coast.

Group 2 - A13
May 12, 2010 Workshop
Preliminary Draft Agricultural Order

[1] Central Coast Regional Water Quality Control Board," Preliminary Draft Staff Recommendations for an Agricultural Order" (CCRWQCB), page 4, February 1, 2010.

Table 1: Central Coast Acreage and Estimated Costs for Compliance by Acre and Region

	Mont.	S. Cr.	S. Cl.	S. Ben.	SLO	S. Barb.	Total	Est. costs for compliance by Acre	Est. costs for compliance by Acre	Est. Costs by Region	
	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Min.	Max.	Min.	Max.
Wine Grapes	40,144	612	1,510	3,806	34,622	21,643	102,337	$354	$445	$36,261,069	$45,573,736
Cool Season Veg.	* 274,115	* 4,402	* 6,009	* 12,612	* 28,894	* 58,805	* 384,837	$250	$916	$48,104,625	$176,288,057
Total										$84,365,694	$221,861,793

Note: Abbreviated county names include Monterey (Mont.); Santa Cruz (S. Cr.); Santa Clara (S. Cl.), San Benito (S. Ben.), San Luis Obispo (SLO), Santa Barbara (S. Barb.)

** Total harvested acres were divided by 2 to more accurately reflect physical acres impacted*

The Grower-Shipper Association of Central California also conducted economic calculations on various commodities to attempt to understand how this proposed waiver would affect many of our members. The attached spreadsheet (Table 2: Vegetable Grower #1) is based on interviews with actual growers and represents a generic farm. This farm is a 107 acre block of cool season vegetables. The grower produces every type of leafy green or cool season vegetable common in the Salinas Valley. This grower is located on the east side of the Salinas Valley and has decomposed granite soil. These soils are highly leachable and there are no tile drains or flooding issues on this ground. One side of this block abuts a creek. We have determined, based upon the calculations in this table, that this grower's costs to implement the staff's draft proposal will be from $88,030 to as much as $120,530. For some growers, an added cost of production of this amount will equate to a deficit so great that they will no longer be able to farm.

We are asking the Central Coast Regional Water Quality Control Board to consider the significant economic impact of the staff's proposal and instead look to a more reasonable proposal. Five years ago we as agriculture came together with CCRWQCB staff and diverse community groups to find a common solution. Please don't disregard the major progress that has been made and the potential for much more by implementing a new waiver that effectively eliminates production agriculture's economic viability on the Central Coast.

Please contact me with any questions at (831) 422-8844 or .

Sincerely,

James W. Bogart

James W. Bogart
President & General Counsel

cc: Vice Chairman Russell Jeffries
John Hayashi
David Hodgin
Monica Hunter
Tom O'Malley
Gary Shallcross
Roger Briggs, Executive Officer
Angela Schroeter, Senior EG

CALIFORNIA WOMEN *for* AGRICULTURE

April 1, 2010

Sent Via U.S. Mail and Email

Jeffrey S. Young, Chairman of the Board
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

aschroeter@waterboards.ca.gov
cjones@waterboards.ca.gov
rbriggs@waterboards.ca.gov
hkolb@waterboards.ca.gov

RE: CCRWQCB Preliminary Recommendations for Renewal of Agricultural Waiver

Dear Mr. Young,

Thank you for the opportunity to comment on the preliminary staff recommendations for the agriculture order relating to water discharge from irrigated agricultural lands. The San Luis Obispo County Chapter of the California Women for Agriculture ("CWA")[1] remains very concerned with the proposed agricultural order and specifically the unintended and detrimental consequences to agriculture that will result.

The proposed regulatory requirements for discharges from irrigated land will have a severe impact on producers in Region 3. CWA is particularly concerned with the following:

1. Monitoring and Reporting Requirements. CWA disagrees with the monitoring and reporting requirements that permit the "public to determine that the program is achieving its stated purpose." The release of proprietary data will undermine growers operations. CWA supports working with the agriculture community to obtain relevant and necessary data to advance the water quality objectives without compromising the

[1] CWA is a non-partisan, non-sectarian, non-profit, all volunteer organization committed to improving the quality and sustainability of the agriculture industry.

confidentiality of individual grower data. CWA supports the use of third party facilitators to collect and inspect data on farm rather than requiring its submission to the Central Coast Regional Water Quality Control Board ("CCRWQCB" or the "Board").

2. Riparian Buffers. Requiring 50 to 100 foot riparian buffers is not only outside the scope of the Board's authority, it will clearly decrease the production and efficiency of farms, especially small acreage farms. In addition, clearing vegetation is often necessary for food safety purposes. To prohibit the clearing of vegetation will compromise the health and safety of our food and will pose a public health concern. CWA supports eliminating this restriction from the order.

3. Nurseries. CWA opposes unreasonable restrictions on nursery operators, including restrictions relating to rainfall contacting potted plants. CWA supports requirements that maintain water quality while supporting water conservation. In addition, CWA supports more localized and customized requirements for nursery operators depending on their location and the plant varieties grown.

4. Education. CWA opposes the elimination of grower's mandated educational requirements. In order to continue to improve water quality the Board should support continuing grower participation and education.

The proposed staff recommendations are extensive and far-reaching and will negatively impact production agriculture. CWA encourages the Board to carefully examine each revision and its causal relationship to improve water quality. CWA supports only those revisions that will directly improve water quality and those which the Board has authority to implement. CWA opposes unnecessary restrictions and requirements placed on agriculture and supports policies that balance utilization, conservation, and quality of water resources and protection and preservation of agricultural operations. Lastly, CWA supports adopting the Alternative Agricultural Proposal developed and submitted by the agricultural community and supports a cooperative effort between CCRWQCB and the agricultural community.[2]

Very Truly Yours,

Krista McNinch Kodl
SLO County CWA, President

[2] CWA has reviewed and supports the Agricultural Proposal developed by the agriculture community and submitted by the California Farm Bureau Federation.

WPHA
Western Plant Health Association

April 1, 2010

Jeffrey S. Young, Chairman of the Board
Roger Briggs, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

RE: Preliminary Draft Staff Recommendations for an Agricultural Order Conditionally Waiving Individual Waste Discharge Requirements for Discharges from Irrigated Lands, Preliminary Draft Report Central Coast Regional Water Quality Control Board, February 1, 2010

Dear Messrs.Young and Briggs:

On behalf of the Western Plant Health Association (WPHA), I am submitting these comments in relation to the Central Coast Regional Water Quality Control Board's (CCRWQCB) "Preliminary Draft Staff Recommendations for an Agricultural Order Conditionally Waiving Individual Waste Discharge Requirements for Discharges from Irrigated Lands." WPHA welcomes the opportunity to comment on the CCRWQCB Preliminary Recommendations for an Agricultural Order. WPHA represents the interests of fertilizer and crop protection manufacturers, distributors, agricultural biotechnology providers, and retailers in California, Arizona, and Hawaii.

WPHA recognizes that the CCRWQCB is concerned about continuing exceedances of water quality standards for nutrients, sediments and pesticides as a result of the intensive and very productive agriculture that contributes to the well-being of the people of California as well as the United States. Maintaining productive agriculture is important to WPHA both as suppliers of products and as citizens dependent on California agriculture for safe and affordable food. We urge the CCRWQCB to develop an order that minimizes the economic impact on agriculture as practices are implemented to improve water quality.

The quality of the water and suitability for beneficial uses are affected by a variety of stressors including changes in the physical structure of the water body to meet its current use. Restoring the water body to attain an idealized aquatic habitat may be possible in some cases, but will face significant challenges as a result of historical water management practices that were designed to attain agricultural production goals.

Group 2 - A15
May 12, 2010 Workshop
Preliminary Draft Agricultural Order

4460 Duckhorn Drive, Suite A, Sacramento, CA 95834 * Phone: 916.574.9744 * Fax: 916.574.9484 * **www.healthyplants.org**

In accordance with the request for public comments, WPHA is providing the following items for your sincere consideration before finalization of this Agricultural Order:

WPHA asks that staff reconsider many of the general statements within the draft order on the effect of pesticides on aquatic life (e.g. Page 4, Section 1.1, item 2; Page 5, Par. 4; Page 6, Par. 2.) WPHA is not aware of scientific evidence documenting that aquatic organisms have been "completely destroyed" in "large stretches of rivers in the entire region's major watersheds" by "severe toxicity from pesticides." Nor is it likely to be true that "many areas are devoid of aquatic organisms" as a result of toxicity found in samples from some creeks in the Central Coast Region. Toxicity to test organisms in ambient water samples is an indicator of potential adverse effects at an ecosystem level and does not provide justification for sweeping conclusions on the elimination of all life from the system. Published literature contradicts the statements and indicates that communities of organisms exist in the Salinas River watershed (Anderson et al, 2003, Environ. Tox.& Chem, 22, 2375-2384). More information is necessary to support the contention that "water quality conditions throughout the region are also impacting several other threatened and endangered species."

We agree with the statements regarding the conflict between food safety programs and water quality practices. Implementation of the order must take food safety into account so that growers are not required to follow practices that prevent them from marketing their products.

Detailed monitoring at the edge of each treated field bears no relation to in-stream impact and can only indirectly provide an estimate of watershed loads. The key to improving water quality at a watershed or aquifer scale is to sample in a small network of stations to monitor loads of contaminants contributed from upstream/upgradient sources. The data may then be interpreted to determine which specific sources are the main contributors. Detailed on-farm monitoring is a tremendous financial burden and does not provide enough useful water quality information to justify the expense. WPHA recommends that the CCRWQCB consider utilization of the CCRWQCB model for dealing with the identical agricultural conditional waiver situation that is watershed-based and more efficient in terms of yielding useful information from the local water quality coalition activities. It is better to use watershed monitoring to determine compliance, followed by targeted individual monitoring to decide where corrective measures are needed.

The timelines for implementing the order are impractical. It does not seem likely that complete elimination of irrigation runoff within two years of adoption of the order will be possible. All of the stressors (toxics, turbidity, nutrients, and salts) move into receiving waters by similar or identical transport processes, and concentration profiles are consequently highly correlated. Therefore, it would be far more efficient for best management practices (outside the area of treatment for specific constituents) to be worked on in a system type of approach in which improvements would be expected simultaneously for multiple stressors. Additionally, surface and groundwater regulatory programs are currently being developed by the state as well as other regional water

4460 Duckhorn Drive, Suite A, Sacramento, CA 95834 * Phone: 916.574.9744 * Fax: 916.574.9484 * **www.healthyplants.org**

boards. WPHA believes that it would be in the best interest of the CCRWQCB to delay final implementation of the order and develop a plan that will optimize consistency with other regulations being developed. We also believe that the current implementation timeline could put Central Coast growers at a competitive disadvantage by prematurely requiring conflicting requirements to other California regions where regulations are being developed.

The use of chemicals to treat irrigation water for the reduction of sediment runoff or reduce the concentration of chemicals in runoff through degradation reactions is well-established and is effective to mitigate sediment and pesticide transport to surface water. The chemicals are evaluated and approved for use. It is not clear why the use of such products with beneficial outcomes would be prohibited when their use contributes to attaining the goals of the order. WPHA recommends that the final order allow the continued use of these treatments.

The use of crop protection products are highly regulated by state and federal laws. Growers and applicators must follow the requirements of the federal pesticide label regulations. WPHA recommends that any application requirements developed for the order be consistent with state and federal laws before they are finalized. Spray drift buffers should be consistent with requirements for applications on the pesticide product label. We recommend the buffers, if included in the final draft, be made directional (not applicable when the wind is blowing away from the surface water body) and be consistent with federal product label requirements.

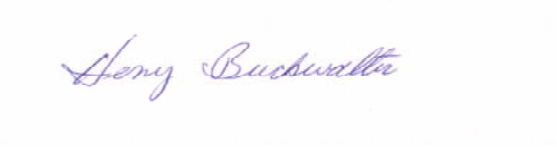
WPHA appreciates the complexity of understanding groundwater impacts in relation to agricultural practices. We encourage staff to continue to utilize best management practices as a basis for developing comprehensive management systems. WPHA appreciates the board staff's recognition that third-party entities including the California Certified Crop Advisors be recognized as professionals who, if written plans are required, can help growers develop management plans and sign-off on these management plans. We recommend the use of third-party professionals as a way to minimize costs to growers and water agencies, while assuring the CCRWQCB that the management plans are agronomically sound and environmentally sensitive. WPHA recommends that if these plans are required, that they be kept on-site at grower locations to help minimize costs to growers, as well as minimizing the significant paper submission that the board staff would be deluged with and be required to manage.

WPHA also recommends that coalition or watershed managed groundwater monitoring – rather than individual grower groundwater monitoring wells – be utilized if necessary. The cost of individual groundwater monitoring wells would be significant to growers and likely not provide additional useful data than coalition or watershed programs would provide.

WPHA appreciates the board's willingness to share this preliminary draft with interested parties for comments. WPHA looks forward to working with board staff as this program moves forward. Thank you for your consideration of our comments. If you have any

4460 Duckhorn Drive, Suite A, Sacramento, CA 95834 * Phone: 916.574.9744 * Fax: 916.574.9484 * **www.healthyplants.org**

questions, please feel free to contact me at (916) 574-9744, or henryb@healthyplants.org.



Henry Buckwalter
Director, Environmental & Regulatory Affairs

Via US Mail and E-mail
cjones@waterboards.ca.gov
rbriggs@waterboards.ca.gov
aschroeter@waterboards.ca.gov
hkolb@waterboards.ca.gov

4460 Duckhorn Drive, Suite A, Sacramento, CA 95834 * Phone: 916.574.9744 * Fax: 916.574.9484 * **www.healthyplants.org**

Rec'd
3-26-10

SAN LUIS OBISPO COUNTY CATTLEMEN'S ASSOCIATION
P. O. BOX 302
PASO ROBLES, CALIFORNIA 93447

March 22, 2010

Mr. Jeffrey Young, Chairman
Central Coast Regional Water Quality Control Board
895 Aerovista Place Suite #101
San Luis Obispo, California 93401-7906

Dear Mr. Young:

Please accept the following comments concerning the draft for Renewal of the Irrigated Ag Wavier dated February 1, 2010. Many of the Cattlemen in this region are also producers of irrigated ag.

It is very disheartening to these producers in irrigated ag that the Water Board staff has refused to acknowledge the time, effort and expense that these producers have put forth in efforts to improve water quality. There have been some significant indications of gains in some areas that staff has ignored. It should be noted and recognized that there is only 2 or 3 years of solid data. The initial 2 or 3 years of the current waiver were establishing a base-line. The scientific community realizes that at least 10 years of data is necessary to form any conclusions. This is called "Trend Analysis" and needs time to be beneficial in decision making.

In order for any new or modified version of the existing waiver to be successful and accepted by producers it must recognize the myriad of other pressures and duplications that producers are subject to on a daily basis. Food Safety concerns dictate how many producers can operate. State and County regulations, Fish & Game, Endangered Species all influence a producers ability to operate, to say nothing of the whims of both the market and the weather. Any or all of these can directly or in directory influence an individuals ability to control impacts to water quality. Economic impacts in particular must be thoroughly considered in any regulation.

The Staff of the Water Board need to expand their knowledge level. They have not sought input from University of Calif. Cooperative Extension, Researchers from U.C. Davis or recognized leaders in Ag industries. It is apparent that this draft was composed entirely in-house as evidenced on the last page-"References Consulted or Cited". In order to be workable and accepted the renewed waiver must be based on good science, not on staffs vision of a perfect world.

The job of protecting and enhancing clean water is a work in progress that will proceed much better and faster with a cooperative effort between the Water Board and the Irrigated Ag producers. If it is deemed absolutely necessary by your Board to abandon the hard work and cooperative framework established with the existing waiver, then please, give full and studious consideration to the alternatives presented by the Ag community.

Sincerely,

Aaron Lazanoff

Aaron Lazanoff, President
San Luis Obispo County Cattlemen's Association

Cc:

Mr. John Hiyashi
Mr. Russell Jeffries
Ms. Monica Hunter
Mr. Tom O'Malley
Mr. Gary Shallcross
Mr. David Hodgin
Mr. Roger Briggs

Central Coast Water Quality Preservation, Inc.
PO Box 1049 • Watsonville, CA 95077 • 831-761-8644

via email & US mail to:
Angela Schroeter (aschroeter@waterboards.ca.gov)
Howard Kolb (hkolb@waterboards.ca.gov)

April 1, 2010

Jeffrey S. Young, Chairman of the Board
Roger Briggs, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Re: Surface water and riparian monitoring parameters in preliminary draft staff recommendations (Attachment 4) for Agricultural Order from February 1, 2010

The following comments relate only to recommendations for new monitoring constituents by Central Coast Regional Water Quality Control Board (RWQCB) staff ("Staff") in Attachment 4 to the document "Preliminary Draft Staff Recommendations for an Agricultural Order," which became available to the public on February 1, 2010. Following communications with Staff after February 1, we anticipated that a more detailed and complete Staff proposal for a Monitoring and Reporting Program (MRP) would be made available to the public in time for review and comment prior to the May 12th workshop. Based on that expectation, we have limited the scope of our comments here to only the proposed new monitoring constituents, and were looking forward to submitting additional comments on a more detailed MRP proposal from Staff prior to May 12th (as soon as the more detailed proposal became available).

On March 31st however (the day before the April 1st comment deadline), we learned that a more detailed MRP would in fact *not* be made available to the public prior to the May 12th workshop, and that we were expected to comment on the rather abstract Staff recommendations included in the February 1 document. As an organization that will likely be tasked with implementing at least a portion of any new MRP, we require a more complete proposal than what was provided on February 1st in order to generate meaningful comments. Additional detail is especially important for assessing the feasibility and logistics of implementing what has been proposed. We will comment here on the monitoring constituent list proposed for "Watershed Monitoring" (presumably the Cooperative Monitoring Program, or CMP), and look forward to providing additional comments as the details of the MRP are solidified.

I. General thoughts on current and proposed "Watershed Monitoring" constituents

The list of proposed constituents is considerably larger than the suite of constituents currently monitored by the CMP. If all of the proposed new constituents were added at the monitoring frequency recommended by Staff, the CMP's analytical and quality assurance costs would increase by $273,350 per year (87% of current CMP analytical costs). We recognize that the recommended constituents bear on water quality, and also that there may be 303d or other listings for some of these constituents in Central Coast water bodies. However, very few of the proposed new constituents bear a direct, or even a well-established indirect link, to agricultural discharges. Also, few if any of the recommended new constituents would better facilitate evaluation of water quality trends related to agricultural discharges. Finally, few if any of the new constituents would provide better information to farmers to inform management practice implementation in a way that is different from the information already provided by the suite of constituents in the current CMP. The limited and uncertain benefit to be gained from adding the suggested new parameters does not justify the high associated cost.

Central Coast Water Quality Preservation, Inc.
PO Box 1049 • Watsonville, CA 95077 • 831-761-8644

Preservation, Inc. appreciates the complexity of water chemistry, as well as the large number of constituents that it is possible to monitor. To say that only a few constituents are important would be a gross oversimplification of the issue. However, several years of data analysis and outreach to growers have demonstrated that farm discharge issues are best diagnosed, best communicated, and best resolved by focusing on four constituents: Nitrates (both concentrations and loads), Turbidity (and sediment loads), Aquatic Toxicity (especially to invertebrates), and Flow (aka "discharge).

The CMP currently monitors a large suite of water quality constituents, which has shown itself to be more than adequate to characterize the arealscope and magnitude of ag-related water quality impairments on the Central Coast, and to evaluate trends in water quality. We use the phrase "more than adequate" because even the most comprehensive data analyses and discussions to date have not incorporated the full list of current constituents. To add to the list of constituents at this point would add costs to the program and additional data to be managed and analyzed, but would not add to the ag industry's ability to improve water quality. It would also increase allocation of industry resources to an activity (monitoring) which, though a necessary prerequisite, does not in and of itself improve water quality.

II. Comments on specific newly proposed constituents

1. *Total Nitrogen*: This constituent would improve the ability of the CMP to characterize aspects of water quality that may be affected by nutrients in agricultural discharges; the cost of adding this constituent is reasonable in light of the additional information to be gained; and the cost of adding this constituent will not change the overall program cost in a burdensome manner.
2. *Total Kjeldahl Nitrogen*: This constituent is redundant with other constituents already monitored or proposed for monitoring. There is no additional information to be gained by monitoring this constituent, and it would add to the cost of the program. (It can also be calculated, by difference, from the suite of other nitrogen-related parameters if *Total Nitrogen* is included.)
3. *Color, Algal Description, and Filamentous Algae Coverage*: These constituents are already monitored by the CMP, as visual observations recorded in the field log at every site during every event. Existing field techniques provide sufficient data related to these parameters, and the cost of performing a laboratory analysis for Color in lieu of the current field method is not justified in light of the minor additional utility of changing a semi-quantitative method to a fully quantitative one.
4. *Chloride, Sodium, Boron, Sulfate, and Alkalinity*: Addition of these constituents to the routine monitoring regime would add considerably to the cost of the program, which is not justified in light of the uncertain information to be gained, especially since the CMP already monitors and reports *Salinity, Total Dissolved Solids, and Specific Conductance*. No information was provided in Staff's draft proposal to indicate that any of these constituents are found at levels of concern in a sufficient number of Central Coast agricultural watersheds to justify a 5-year, monthly monitoring regime. There was also no information provided to suggest a clear link between any of these constituents and agricultural activities.
5. *Fecal Coliform*: CCRWQCB staff determined that "…data and information suggest that irrigated agriculture is not a source of indicator bacteria causing exceedance of water quality objectives" ("Total Maximum Daily Load for Fecal Coliform for the Lower Salinas River Watershed," Draft Project Report, 2008). Adding this constituent to the routine monitoring regime would increase program costs, and also complicate logistics of the field program due to short sample hold times. It is not supported as a useful constituent in an irrigated agricultural monitoring program.
6. *Multiple potential toxicants*: The constituents listed below are all potential toxicants. However, Staff's draft proposal provides no data showing that these constituents have been detected at levels of concern in a sufficient number of Central Coast agricultural watersheds to justify routine monitoring by the CMP. There was also no information provided to suggest a clear link between any of these constituents and agricultural activities:

Central Coast Water Quality Preservation, Inc.
PO Box 1049 • Watsonville, CA 95077 • 831-761-8644

- *In sediment:*
  Aluminum, Arsenic, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Fluoride, Iron, Lead, Lithium, Manganese, Mercury, Molybdenum, Nickel, Selenium, Vanadium, Zinc
- *In water:*
  Phenol (presumably nonyl-phenol)

There are a myriad of potential toxicants in Central Coast waters and sediment, and it is prohibitively expensive for the CMP to monitor specific toxicants on a routine basis. All CMP sites are monitored for toxicity to invertebrates, fish, and algae in water, four times per year. All sites are also monitored for toxicity to invertebrates in sediment once per year. This has proven to be a cost-effective and successful approach for assessing the presence of toxicants in waters/sediments of agricultural areas. Given that prior monitoring already indicates the need to control water and sediment discharges from farms, it is unclear what, if any additional information monitoring these constituents would provide to farmers to aid in management practice decisions. Also, many (if not most) of the above constituents bear no established link to Central Coast agricultural discharges. If there is clear evidence to support a concern that any of the above constituents are components or effects of agricultural discharges, then exploratory monitoring of limited scope and mining of existing data are recommended to answer specific questions about specific potential toxicants. It is an extremely inefficient monitoring approach, and a poor use of resources, to monitor large suites of specific toxicants at 50 sites on a routine basis.

7. *Nitrate + Nitrite in Sediment; Nitrite in Sediment*: These constituents can be related to agricultural discharges, however the benefit to monitoring these in sediment in unclear. They are already monitored monthly in water, and there is no clear standard or "expected" level defined for sediments in unique water bodies. Therefore, the added cost of monitoring these constituents is not justified in light of the uncertain utility of information to be gained.

In conclusion, though many parameters not currently monitored by the CMP affect water quality, we do not perceive a cost-justified benefit to adding extensively to the current suite of CMP parameters. We are also concerned that the proposed new constituents were included by Staff in their proposal without any data or scientific references to suggest that they are a) found at levels of concern in Central Coast agricultural watersheds, or b) directly or indirectly linked to irrigated agriculture. The present suite of CMP parameters provides more data than is currently used to evaluate the scope and magnitude of ag impacts on Central Coast waters, and also provides more data than can be used in providing technical assistance to growers in improving water quality. The design of the current CMP provides other, more cost-effective mechanisms for evaluating constituents that are not explicitly addressed during monthly monitoring. Adding nearly $275,000 per year in analytical costs to a monitoring program that already costs over $1 million is not an efficient use of resources, and detracts from the objective of improving water quality. We look forward to working with CCRWQCB staff to fine-tune the CMP in ways which will clearly contribute to the goal of improving water quality. Please feel free to contact us with any additional questions.

Sincerely,

Central Coast Water Quality Preservation, Inc.

Kirk Schmidt, Executive Director

Sarah Greene, Technical Program Manager

Bay Area Chrysanthemum Growers Association.
15075 Monterey Rd. Morgan Hill, CA 95037 (408) 779-1222

To: **Ms. Angela Schroeter**, Agric. Regulatory Program Manager
Mr. Howard Kolb, Agric. Order Project Lead Staff
Central Coast Regional Water Quality Control Board.
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Dear Ms. Schroeter and Mr. Kolb.

We are writing to express our concern regarding the potential negative impact of your department proposed Preliminary Draft of the Agricultural Order.

We are a group of ethnic Chinese growers in Santa Clara County. We are all greenhouse growers of Asian vegetables and cut flowers. By industry standards, we are independent, small-scale farmers of limited resources. We are all family operators. The majority of our growers are Chinese speakers.

For technical information, we mainly rely on our local UC Cooperative Extension Advisor, and other resources he facilitates. We try our best to comply with county and state regulation. We report pesticide use to our County Agricultural Commissioner's office. His staff regularly inspects us to ensure compliance with state laws.

We took part in the water quality waiver training and short courses.

We adopted several concepts such applying water to meet crop needs.

We are also using least toxic pesticides, or in some instances, organic pesticides and fertilizers. It's costly, but we believe that is good for our environment and for our families.

We worked hard to limit or eliminate irrigation water runoff from our operations. We understand that using less water use is also good for our economic survival.

Because we are mostly on urban edges, or within city jurisdiction, we try to be good neighbors and have less impact on the quality of life of our urban neighbors. We want to help protect our environment and our watershed.

Since last Ag waiver, we've been engaged in many follow-up training opportunities on alternative farming techniques to further enhance our understanding of our environment and improve our surroundings, and enhance our economic lot.

We are genuinely interested in improving water quality in our environment and want to cooperate to achieve the goals your department proposes. However, we are concerned about the potential impact of such drastic and comprehensive move that may drive us out of business. We are a community of small-scale and limited resource farmers. Please remember that the majority of our growers are not even aware of the changes, don't speak English, and would need time to get to speed on this issues. We believe that incremental reforms and education would help all of us meet the goals of the program in a sustainable way.

Sincerely, and on behalf of our association,

Bob Kwan, Chair of the Board

CALIFORNIA ARTICHOKE ADVISORY BOARD

P.O. Box 747 10719 Merritt Street Castroville, CA 95012 831-633-4411 Fax 831-633-0215

March 29, 2010

The Honorable Russell Jeffries, Vice Chairman
Central Coast Regional Water Quality Control Board
895 Aerovista Place, #101
San Louis Obispo, CA 93401

Dear Mr. Jeffries,

This letter is being written on Behalf of the California artichoke industry as represented by the California Artichoke Advisory Board. The Board is empowered and entrusted by the growers to make decisions for the industry that promote market development, the consumption of artichokes, to provide for distribution, production, and processing research.

Most artichoke production is located in the central coast area of California and would be negatively and severely impacted by the implementation of the recommendations of the Regional Water Quality Control Board staff for the Conditional Waiver of Discharges from Irrigated Agricultural lands. The additional costs involved in order to comply, on top of the already high costs of land, labor, and production will end artichoke production on the central coast.

While most of the recommendations would require additional time, effort and money, the following are the most onerous to artichoke growers of the central coast.

1. The requirement for all growers to file a notice of intent, including enrollment fees, annual update forma, and detailed maps, showing all phases of water and land management; will require large expenditures of time and money.
2. The requirement to file a new and annual Farm Management Plan will be public record, open to competitive growers.
3. The management plan for erosion and sediment control entails grower time, design, engineering, permitting, installation and maintenance costs and possible food-safety liability due to no channel clearing for flood control.
4. Buffer zones and their installations required for spray free, riparian and aquatic concerns will result in loss of productive ground, resulting in cost and a consequent loss of income. Additionally, the new buffer zones will decrease land values and also result in the loss of employment.
5. 3 day pre-rain and post-rain cessation of pesticide and fertilizer application will cause yield and quality losses.
6. Prohibition of flushing to remove salt will cause yield and quality losses.

6. Prohibition of flushing to remove salt will cause yield and quality losses
7. Groundwater, surface water and individual farm water sampling, reporting and analysis will increase costs.
8. The creation of lined sediment basins and re-plumbing tile drains will increase costs for design, consulting, installation, food safety concerns due to wildlife feeding on basins, maintenance costs for repairs and aeration, liability costs for increased pathogens in the basins, and cause the loss of land.
9. The new definition of "wetlands" will result in the loss of cropland and gives RWQCB subjective determination of the term.
10. The implementation of these recommendations will increase costs of dealing with inspection and compliance, time and money taken from the job of growing food for California and the world.

California artichoke growers have been good stewards of the land since coming to the central coast nearly 100 years ago, cooperating with nature and government to create a healthy environment and the healthiest food for America. We hope that the Regional Water Quality Control Board will work with us to continue our work, and not burden the growers with nearly impossible requirements that will drive us out of business.

Sincerely,

Michael Scattini
President, California Artichoke Advisory Board