



California Regional Water Quality Control Board Central Coast Region



Linda S. Adams.
*Secretary for
Environmental Protection*

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

Arnold Schwarzenegger
Governor

Agricultural Order Renewal

Public Comments pertaining to the Renewal of the Conditional Waiver

Group A: Comment Letters

All of these letters were received in response to the July 8th Board Meeting, 2010.

Comment ID	Affiliation	Date Received
A33	San Luis Obispo County Cattlemen's Assoc.	6/02/2010
A35	Grower Shipper Association	6/21/2010
A36	California Agricultural Irrigation Association	6/17/2010
A37	Western Growers	6/18/2010
F76	Hearst Ranch	7/02/2010
FB11	California Farm Bureau	6/17/2010
M21	Monterey County Water Resources Agency	6/24/2010
M22	San Luis Obispo Board of Supervisors	6/28/2010
P27	Form Letter 7 (1 copy, 25 submitted)	7/08/2010
U17	Monterey Coastkeeper	6/15/2010
U20	Santa Barbara Channelkeeper	6/18/2010
U21	Environmental Defense Council	7/07/2010
U22	Salinas Valley Water Coalition	7/15/2010

Lindsay Ringer - support of term renewal

From: Aaron Lazanoff <alazanoff@msn.com>
To: <AgOrder@waterboards.ca.gov>
Date: 6/2/2010 1:22 PM
Subject: support of term renewal

Dear Regional Water Quality Control Board:

The San Luis Obispo County Cattlemen's Association supports the term renewal of the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands for 18 months, until December 8, 2011. We hope this will allow you more time to look at the proposed irrigated agriculture waivers and examine the scientific data so that we may come up with an agriculture waiver that would both improve our water supply and allow agriculture to thrive in our region.

Sincerely,

Aaron Lazanoff
San Luis Obispo County Cattlemen's President



**GROWER-SHIPPER
ASSOCIATION**
of Central California
Since 1930

June 21, 2010

Chairman Jeffrey Young
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906
Fax: (805) 543-0397

Dear Chairman Young,

We are writing in regard to the Central Coast Water Quality Control Board (CCWQCB) Workshop scheduled for July 8, 2010. Our agricultural organizations, including Western Growers, California Farm Bureau Federation, the California Strawberry Commission, the Grower-Shipper Association of Central California, the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, the California Avocado Commission, and the California Association of Nurseries and Garden Centers have prepared a presentation for this workshop. We are writing to request a 100 minute time period during the workshop in which we will make a series of presentations on technical challenges and considerations of water quality protections as addressed by our proposal.

The table below describes our presentation in detail:

Agriculture's 100-Minute Presentation Layout		
Length	End Time	Topic
<i>Introduction – 10 minutes total</i>		
0:10	0:10	Purpose of Today's Presentation: Review of the technical foundation of agriculture's alternative proposal.
<i>Major Topics Addressed by the Ag Proposal</i>		
0:10	0:20	Load v. Concentration
0:35	0:55	Adaptive Management/Best Management Practices
0:35	1:30	Technical Challenges & Considerations
<i>Summary - 10 minutes total</i>		
0:10	1:40	Summary

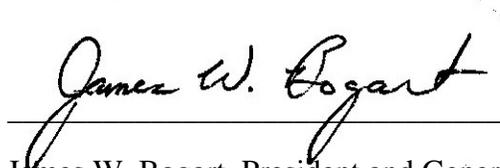
We appreciate the opportunity to provide an organized, multi-faceted presentation regarding the agricultural community's alternative proposal and the technical merits of our plan. We encourage you to

Group A - A35
July 8, 2010 Workshop

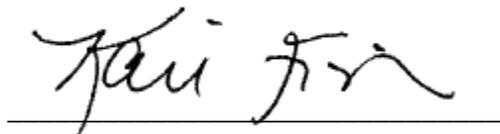
incorporate an ample amount of time for presentations and public comments from diverse perspectives into this workshop, including those of members of the agricultural industry, researchers, and other interested parties.

Please send any correspondence in regard to this letter to Jim Bogart, c/o Grower-Shipper Association of Central California, P.O. Box 828, Salinas, CA 93902 or by fax at: (831) 422-0868 or by e-mail at jim@growershipper.com. Thank you for your consideration of this request.

Sincerely,



James W. Bogart, President and General Counsel
Grower-Shipper Association of Central California



Kari E. Fisher, Associate Counsel
California Farm Bureau Federation
Monterey County Farm Bureau
San Benito County Farm Bureau
San Luis Obispo County Farm Bureau
San Mateo County Farm Bureau
Santa Clara County Farm Bureau
Santa Cruz County Farm Bureau
Santa Barbara County Farm Bureau



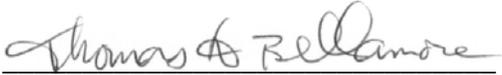
Richard Quandt
President
Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties



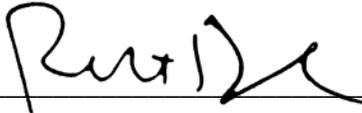
Gail Delihant
Director, CA Government Affairs
Western Growers



Kay Mercer
Executive Director
Central Coast Agricultural Water Quality Coalition



Tom Bellamore
President
California Avocado Commission



Robert Dolezal
Executive Vice President
California Association of Nurseries and Garden Centers



Rick Tomlinson
Director of Government Affairs
California Strawberry Commission

cc: Vice Chairman Russell Jeffries
John Hayashi
David Hodgin
Monica Hunter
Tom O'Malley
Gary Shallcross
Roger Briggs, Executive Officer
Angela Schroeter, Senior EG
Lisa Horowitz McCann, Watershed Protection Section Manager



June 16, 2010

Angela Schroeter, Agricultural Regulatory Program Manager
Howard Kolb, Agricultural Order Project Lead Staff
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Ste. 101
San Luis Obispo, CA 93401-7906

Dear Ms. Schroeter and Mr. Kolb:

The members of the California Agricultural Irrigation Association (CAIA) support the limited term renewal of the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands for 18 months, until December 8, 2011.

The draft recommendations for the renewal of the Agricultural Waiver issued by WQCB staff and subsequent proposals submitted by other organizations all contain requirements that will have significant impacts to the agricultural community and related industries. We commend your staff's proposal to renew the existing order so that adequate time and resources can be spent to ensure that a future order is designed with achievable objectives based on sound science and a collaborative process.

We urge the board to vote to renew the Conditional Waiver with no changes except for the expiration date. Thank you for the opportunity to provide comments.

Sincerely

A handwritten signature in black ink that reads 'Ron Nydam'. The signature is written in a cursive, flowing style.

Ron Nydam
CAIA President



Fresh produce from our families to yours.

June 17, 2010

Howard Kolb
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Re: *Limited Term Renewal of the Existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands*

Dear Mr. Kolb,

Western Growers is a not for profit trade association representing California and Arizona growers and handlers of fresh fruits, nuts and vegetables. Our mission and vision is to enhance the competitiveness and profitability of our members and to lead our members and the fresh produce industry toward a healthy, sustainable and profitable future. Western Growers is committed to working with local, state and federal regulators and other interested parties to address common issues of concern such as working to improve water quality associated with agricultural discharges in ways that allow farmers to maintain a competitive position in the marketplace and preserving their economic contributions to local and state economies.

In this regard we remain committed to working collaboratively with the Central Coast Regional Water Quality Control Board, its staff and other agricultural organizations to perfect a long term program to maintain and improve water quality in the Central Coast region and support the proposed renewal of the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Agricultural Order No. R3-2009-0050) for 18 months, until December 8, 2011.

Western Growers believes that the complexity of this issue including the need for additional requirements to be supported by sound science, the necessity for active communication with stakeholders, and the necessary compliance with all legal regulations, statutes, and laws requires that a significant period of time must be devoted to the creation of a workable long term program. Western Growers supports staff's recommendation to extend the current conditional waiver as adopted for an additional 18 months and believes this extension will allow adequate time to collaboratively craft such a workable program.

During the extension, Western Growers encourages staff to actively collaborate with the agricultural community in order to gain insight on agricultural water quality benefits and water quality solutions proposed by the agricultural community. We believe that growers are uniquely positioned to help provide workable strategies for improving water quality over time and that any program ignoring grower input will not succeed. We appreciate the Boards willingness to extend the current waiver to involve agricultural stakeholders as solutions providers committed to helping facilitate a consensus long term program on the Central Coast.

Respectfully,

Gail Delihant
Director, CA Government Affairs

**HEARST RANCH
P.O. Box 66
San Simeon, CA 93452
(805) 927-4610**



July 2, 2010

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

Dear Chairman Young:

We are writing this letter in support of the 18-month renewal of the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands to be considered by the Central Coast Regional Board on July 8 in Watsonville.

The draft Agricultural Order as prepared by staff contains many requirements that would significantly impact agriculture. Renewal of the existing Conditional Waiver until December 2011 will provide adequate time for a collaborative effort between staff and agriculture to develop a long-term workable program.

We ask the board to renew the conditional waiver and we appreciate the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Garrison".

Cliff Garrison
Ranch Operations Manager
Hearst Ranches
San Simeon and Cholame



CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

June 17, 2010

Via U.S. Mail and Email

AgOrder@waterboards.ca.gov

Howard Kolb
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Re: *Limited Term Renewal of the Existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands*

Dear Mr. Kolb,

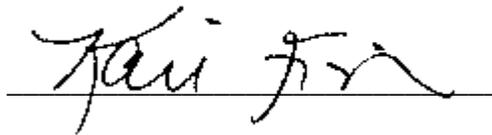
The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 81,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

On behalf of the Santa Barbara County Farm Bureau, the San Luis Obispo County Farm Bureau, the Monterey County Farm Bureau, the San Benito County Farm Bureau, the Santa Cruz County Farm Bureau, the Santa Clara County Farm Bureau, and the San Mateo County Farm Bureau, the California Farm Bureau Federation (hereinafter "Farm Bureau") respectfully presents the following comments in support of the renewal of the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Agricultural Order No. R3-2009-0050) for 18 months, until December 8, 2011.

Since its inception, Farm Bureau and its members have been actively engaged in the formation of the irrigated lands conditional waiver of waste discharge requirements and continue to be actively engaged in the proposed updated agricultural order. Given the complexity of the issue, the need for any additional requirements to be supported by sound science, the necessity for active communication with stakeholders, and the necessary compliance with all legal regulations, statutes, and laws, a significant period of time must be devoted to the creation of an updated

agricultural order or waiver. In order for this to occur, Farm Bureau supports staff's recommendation to extend the current conditional waiver as adopted for an additional 18 months. During the extension, Farm Bureau urges staff to actively collaborate with the agricultural community in order to gain insight on agricultural water quality benefits and water quality solutions proposed by the agricultural community.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari Fisher", written over a horizontal line.

Kari E. Fisher
Associate Counsel
California Farm Bureau Federation
Monterey County Farm Bureau
San Benito County Farm Bureau
San Luis Obispo County Farm Bureau
San Mateo County Farm Bureau
Santa Clara County Farm Bureau
Santa Cruz County Farm Bureau
Santa Barbara County Farm Bureau

cc: John H. Hayashi, Board Member
David T. Hodgin, Board Member
Dr. Monica S. Hunter, Board Member
Russell M. Jeffries, Vice Chairman of the Board
Gary C. Shallcross, Board Member
Tom P. O'Malley, Board Member
Jeffrey S. Young, Chairman of the Board
Roger Briggs, Executive Director

"Thomasberg, Kathy Ext.4963" <thomasbergk@co.monterey.ca.us> 6/24/2010 10:12 AM

Thursday, 6/24/10

Today I received the Notice of Public Meeting from the Region 3 Water Quality Control Board (RB3) for July 8, 2010, Item 12 - *Continuation of the May 12, 2010 Board Workshop for Public Comment on the Preliminary Draft Staff Recommendations for an Updated Ag. Order.*

On behalf of the Monterey County Water Resources Agency (Agency) General Manager, this is a request for 15 minutes to speak at the upcoming Ag. Order workshop. During this 15 minute period, three Agency speakers will make brief statements on the Preliminary Draft Order.

RB3 staff requested written comments for the July 8 meeting by June 4, 2010. The Agency will submit written comments beyond this date and understand that they comments will eventually be entered into the RB3 public record after the comment period deadline.

The Agency appreciates the RB3 staff assistance to accommodate this request to speak at the July 8, 2010 workshop, Item #12.

Please confirm this request for 15 minutes to speak by responding to this email.

Regards,
Kathleen Thomasberg
MCWRA

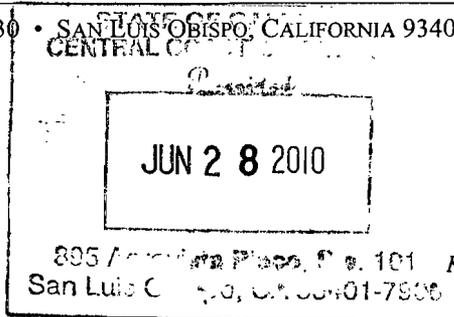
Kathleen Thomasberg
Monterey County Water Resources Agency
Senior Hydrologist
893 Blanco Circle
Salinas, CA 93901
Ph - 831.755.4963
FAX - 831.424.7935
thomasbergk@co.monterey.ca.us

<http://www.mcwra.co.monterey.ca.us/>

BOARD OF SUPERVISORS



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JAMES R. PATTERSON, Supervisor District Five

June 8, 2010

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

RE: Central Coast Regional Water Quality Control Board's Preliminary Draft
Agricultural Order to Control Discharges from Irrigated Land

Dear Chairman Young,

Thank you for the opportunity to provide comments and recommendations on the
Preliminary Draft Agricultural Order.

The San Luis Obispo County Board of Supervisors is concerned with the process
and approach currently utilized by the Regional Board's staff in developing proposed
orders that will have a significant effect on local agricultural land uses and
operations. Currently, there is no formal mechanism to work cooperatively with the
affected agriculturists to jointly develop reasonable mitigation practices that will
protect water quality while allowing irrigated agriculture to function and compete in
the world market place. In this regard, we recommend that a working group of
agricultural organizations be formed to work cooperatively with Regional Board staff
to address the many issues and details associated with the draft orders.

We are also concerned about the potentially significant negative economic impact of
this order on the county's agricultural industry. Agriculture is the backbone of the
county's economy and could take a major economic hit with the proposal to remove
land from production and through onerous restrictions on agricultural practices. This
could create an environment where local farmers cannot compete in the open
market place as other regions of California will not be required to meet the standards
proposed only for Region 3.

Jeffrey Young
Central Coast Regional Water Quality Control Board
June 8, 2010
Page 2

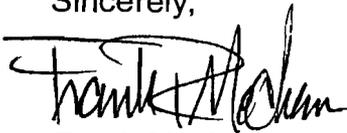
We have been advised by our Agricultural Liaison Advisory Board that the Regional Board should consider the Alternative Agricultural Proposal as presented in the California Farm Bureau Federation April 1, 2010 letter to the CCRWQCB. This proposal offers a framework to both evaluate progress and improvements of water quality to date, and construct future requirements in a fashion that are both feasible and economically achievable.

We recommend the Regional Water Board staff work cooperatively with other state agencies, such as the California Department of Food and Agriculture (CDFA) and the California Department of Pesticide Regulation (CDPR). CDFA is involved with agricultural fertilizer use (nitrate issue) and CDPR is the lead regulatory agency in the state regarding pesticide registration and regulation. These state agencies can provide technical insight into feasible mitigation strategies for protecting water quality and can assist in developing realistic water quality standards and terminology. For example, designating 0.5 part per billion (PPB) chlorpyrifos (an insecticide) as "significant toxicity" or "extremely high" is misleading, and questions the logic of setting quality standards for water at the edge of a field equal to or above drinking water standards.

We support the Regional Board's recent proposal to renew the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Agricultural Order No. R3-2009-0050) for 18 months, until December 8, 2011. No changes to the order should occur except for the expiration date.

We look forward to your consideration of these recommendations at your next scheduled public workshop.

Sincerely,



Frank Mecham
Chairperson, Board of Supervisors

cc:

Charles Hoppin, Chair, State Water Resources Control Board
A.G. Kawamura, Secretary, CDFA
Mary Ann Warmerdam, Director, CDPR
Robert Lilley, Agricultural Commissioner

Hand-Delivered

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, Ca 93401-7906

July 8, 2010

Re: Renewal of Existing Ag Waiver, Agricultural Order No. R3-2009-0050

Dear Chair Young and Board Members;

First we want to thank you for your willingness to extend the existing Ag Waiver program until December 8, 2011. This is a good start toward adequately evaluate the results of the existing program. Basing future plans on an analysis of the successes of the current Ag Waiver allows us to develop a plan to meet the community's water quality needs.

However, we do not think the extension goes far enough and respectfully request that you extend the current Ag Waiver program to July 2014. Such an extension will provide you and the agricultural community with 10 years of technical data for a statistically significant base line. This is the minimum timeframe technical experts have said is needed to adequately establish a baseline of data that can then be used to evaluate the application of new management practices in various watershed situations. Meanwhile, the agricultural community is willing to work with you and the technical community to educate and notify dischargers about the data and to facilitate and encourage and assist dischargers to improve their systems and practices.

Congressman Sam Farr, Assemblyman Sam Blakeslee, Supervisor Lou Calcagno, Supervisor Simon Salinas, San Benito County Board of Supervisors, among other elected officials, have asked the Regional Board to respect and sustain the success of the 2004 Ag Waiver. The Monterey County Water Resources Agency is requesting you extend the existing ag waiver program until July 2014, although they recognize that a 20 year program with 5 year evaluation points, is what is really needed. We join these elected officials and the water agency in their request and ask that you extend the existing Ag Waiver until July 2014 for the reasons stated above.

Sincerely,

Richard R. Smith
Paraiso Vineyards
Solidad, CA

475 Washington Street, Suite A
Monterey, CA 93940
831/646-8837
831/646-8843 FAX



June 14, 2010

Mr. Howard Kolb
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Re: Limited Term Renewal of the Existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

Dear Chair Young, Board Members, Staff, and Mr. Kolb:

Please accept the following comments regarding the renewal of the Agricultural Order (Ag Order). Our comments are made on behalf of The Otter Project, Monterey Coastkeeper, and our 3000 members.

The original Ag Order expired in July of 2009. At the July 2009 RWQCB meeting, the Ag Order was extended for one year until July 2010. What is now proposed is an additional extension until December 2011 – in total, a two-and-a-half year extension of the original order.

In parallel, staff convened the Agricultural Advisory Panel to begin working on a new order in December of 2008. The Panel met monthly for many months, until September 2009, when the growers (the vast majority of the panel) felt the process was no longer serving their particular needs. The 12 December 2008 letter sent by Mr. Briggs clearly outlines the charge of the panel:

- Eliminate toxic discharges
- Reduce nutrient discharges to surface water
- Reduce nutrient discharges to ground water
- Minimize sediment discharges
- Protect aquatic habitat and their buffer zones

By accepting their positions on the panel, panel members essentially agreed to consider these issues. Unfortunately, many of the growers simply ignored their charge and refused to discuss discharges to groundwater, sediment, or protection of aquatic habitat or buffers. Extending the Ag Order will not change the entrenched position of the growers.

In addition, staff has gathered and presented a great deal of very current, scientifically sound, information about the trends of water quality on the Central Coast and the reasons behind these trends. The conclusion of staff's report is that there are some individual areas of improved water quality, but generally:

- Agriculture is a contributing cause to 60-percent of the impairments on the Central Coast.
- Surface water quality in the hot spots of the Lower Salinas and Santa Maria watersheds is either not improving or is declining.

- Ground water is seriously impacted and there is considerable evidence that agricultural fertilizers are the major load factor.
- Ground water nitrate levels are at levels known to impact human health if not treated and we should assume that domestic and small system wells are not treated.
- Wetland and riparian habitats - and the water quality and beneficial uses these habitats provide – are being filled and bulldozed.

Given this new information, extending the order fails to protect water quality, or the health of Central Coast residents who depend on small system or domestic wells.

We are suggesting that 1) an extension will not bring the growers to the table to discuss the substantive issues the Ag Order is required to cover, 2) the existing order is not protective of water quality or human health.

Given that some stakeholders are entrenched and the fact that the existing order is inadequate, we feel there are only two alternatives:

- 1) Extend the order for 90 days (or less) and direct staff to make limited modifications to the February 2010 Preliminary Draft Order and then adopt a modified staff Preliminary Draft Order at the October 22 RWQCB meeting, or
- 2) Let the old order expire and require growers to get INDIVIDUAL waste discharge permits.

Thank you for considering these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Shimek', written in a cursive style.

Steve Shimek
Monterey Coastkeeper



Protecting and Restoring the Santa Barbara Channel and its Watersheds

714 Bond Avenue ♦ Santa Barbara, CA 93103 ♦ Tel (805) 563 3377 ♦ Fax (805) 687-5635 ♦ www.sbck.org

June 16, 2010

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

Re: Limited Term Renewal of the Existing Conditional Waiver of Waster Discharge Requirements for Discharges from Irrigated Lands

Dear Chair Young and Members of the Board,

Santa Barbara Channelkeeper (Channelkeeper) wishes to express our opposition to the proposal to renew the existing Conditional Waiver of Waste Discharges (Ag Waiver). On December 18, 2008, Channelkeeper participated in the first Agricultural Advisory Panel meeting to discuss the development of a renewed Ag Waiver. In a December 12, 2008 invitation letter (attached) that we received from the Regional Board, we were told that the renewed waiver would include:

...specific revisions to clarify existing requirements, and new requirements where necessary to directly address and resolve the major water quality issues associated with irrigated agriculture in our Region. These revisions will include time schedules to achieve compliance, milestones, and compliance verification monitoring to address each issue (surface and groundwater pollution, erosion and sedimentation, and habitat degradation).

In July 2009, the Regional Board approved a one-year extension of the existing Ag Waiver in order to provide the panel process more time to discuss and evaluate options associated with potential revisions. The existing Ag Waiver does not contain the revisions listed above.

Channelkeeper participated in the panel process with representatives from nearly every agricultural interest group in the region for over nine months. On September 25, 2009, Channelkeeper received notification from the Regional Board that this panel was being dissolved because too many agricultural representatives had walked away from the process.

Now the Regional Board is proposing to renew the existing Ag Waiver again, this time for an additional 18 months, in order to provide enough time to incorporate stakeholder input. Again, the Order to be adopted does not include the significant revisions necessary to ensure that water quality problems associated with agriculture are addressed.

Enough is enough. This proposed extension will result in a cumulative stakeholder process (one that the



agricultural community has already walked away from) of three years! Regional Board staff has presented the Board with a comprehensive draft Ag Waiver for consideration. This draft Ag Waiver incorporates over a year and a half of input from environmental groups and the agricultural community. The 18-month renewal proposed here will merely delay the adoption of critical elements necessary to protect water quality throughout the Central Coast region.

Channelkeeper respectfully requests that the Board deny the proposed extension of the existing Ag Waiver and instead focus on finalization and adoption of the draft order that has been produced by Regional Board staff.

Respectfully,



Kira Redmond
Executive Director



Ben Pitterle
Watershed Programs Director



July 7, 2010

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

RE: Limited Term Renewal of the Existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

Dear Board Members:

The Environmental Defense Center (EDC) urges you *not* to renew the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands for 18 months, through December 2011. Instead, we urge you to reconsider adopting the Draft Order distributed by your staff in February 2010. The revisions contemplated in the Draft Order are necessary to protect water quality and comply with California Water Code Section 13269, which states that conditional waivers must be consistent with the regional water quality control plan and must be in the public interest.

EDC is a non-profit public interest law firm that represents community organizations in environmental matters affecting California's south central coast. EDC attended monthly stakeholder meetings convened by your staff from December 2008 to September 2009. In a letter dated December 12, 2008, staff provided stakeholders with a list of contemplated revisions to the existing Ag Order, including: (1) eliminate toxic discharges; (2) reduce nutrient discharges to surface and groundwaters; and (3) protect riparian areas and wetlands, and their buffer zones. That was *18 months ago*; it is far past time to finalize and implement these revisions.

Water Code Section 13269 authorizes the Board to implement and renew conditional waivers in 5-year increments. The existing Ag Order expired in July 2009, and has already been extended beyond the 5-year term authorized by law. An additional 18-month extension would make the Ag Order operative for more than 7 years. This appears to be a violation of state law, because the Water Code does not authorize "extensions," and because the "extension" would not be predicated on current findings that confirm the Order is consistent with the water quality plan or is in the public interest.

Please adhere to the letter and the intent of the Water Code, and do *not* renew the existing Ag Order for 18 months. Thank you, and please contact us with any questions.

Sincerely,

Nathan G. Alley, Staff Attorney

Salinas Valley Water Coalition



P.O. Drawer 2670 • Greenfield, CA 93927
(831) 674-3783 • FAX (831) 674-3835

TRANSMITTED VIA FACSIMILE AND EMAIL

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

8 July, 2010

Re: Renewal of Existing Ag Waiver, Agricultural Order No. R3-2009-0050

Dear Chair Young and Board Members;

The Salinas Valley Water Coalition (SVWC) is a not-for-profit organization comprised of agricultural landowners, farmers and businesses within the Salinas Valley. The SVWC's primary purpose is to participate in the various governmental processes surrounding our water issues, in an effort to preserve the water rights of its members, protect their water resources and to effect water policy decisions in a manner that provides this protection while sustaining agricultural production and quality of life within the Salinas Valley.

The SVWC worked with, and supported, your Board and its efforts in developing and implementing the Agricultural Waiver Program in 2005. The development of the first Ag Waiver as adopted by the Region 3 Board and supported by the agricultural community was said to be a model for the State. Many were watching to see if it would work or if we would fall on our face. It has worked.

We want to thank you for your willingness to extend the existing Ag Waiver program until December 8, 2011. This is a good start toward adequately evaluating the results of the existing program. Basing future plans on an analysis of the successes of the current Ag Waiver will allow us to develop a plan that meets the community's water quality needs.

We do not think the extension goes far enough and respectfully request that you extend the current Ag Waiver program to July 2014 rather than move forward at this time to adopt a 'new' ag waiver program. Such an extension will provide you and the agricultural community with 10 years of technical data for a statistically significant base

Mission Statement: The water resources of the Salinas River Basin should be managed properly in a manner that promotes fairness and equity to all landowners within the basin. The management of these resources should have a scientific basis, comply with all laws and regulations, and promote the accountability of the governing agencies.

line. This is the minimum timeframe technical experts have said is needed to adequately establish a baseline of data that can then be used to evaluate the application of new management practices in various watershed situations. Meanwhile, the agricultural community is willing to work with you and the technical community to educate and notify dischargers about the data and to facilitate and encourage and assist dischargers to improve their systems and practices.

Congressman Sam Farr, Assemblyman Sam Blakeslee, Supervisor Lou Calcagno, Supervisor Simon Salinas, San Benito County Board of Supervisors, among other elected officials, have asked the Regional Board to respect and sustain the success of the 2004 Ag Waiver. In our discussions with Monterey County Water Resources Agency, we have been told that they support our request that you extend the existing ag waiver program until July 2014, although they recognize that a 20 year program, with 5 year evaluation points, is what is really needed. We join these elected officials and the water agency and ask that you extend the existing Ag Waiver until July 2014 for the reasons stated above.

We thank you for your consideration of our comments and concerns. We look forward to continuing to work with you to achieve greater water quality for our region.

Sincerely,



Nancy Isakson
President, SVWC

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