



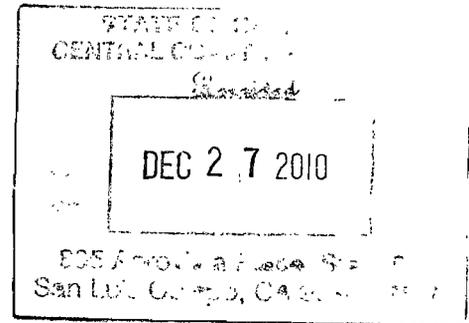
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December 23, 2010

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

RE: Comments on Ag Waiver Order

Dear Chairman Young:



It is very demoralizing to be writing you today regarding the Staffs' Draft of the Conditional Waiver of Discharges from Irrigated Agricultural Lands for Region 3. I previously wrote to you informing you that we were appalled at the recommendations of the Region 3 Staff and take it as a personal jab against our family and our operation.

In addition to myself, April England-Mackie, our Food Safety and Water Quality Manager has been involved in the Ag Waiver process and has been working diligently with the Ag Working Group in developing a proposed industry document that we term the "Ag Alternative Waiver".

Part of the successes of our business as well as other agriculture businesses in the area is that we stay abreast and flexible to change within our industry and in our operation. We understand the need for changes and improvements, but most often these tweaks are exactly that, "tweaks" not leaps. I highly encourage you and your Board to review the Ag Alternative Waiver that has been created regarding this process and consider the robust industry-wide changes being proposed by the ag industry rather than the "inconsistent, arbitrary leaps" that are being dictated by Region 3 Staff.

I am listing some examples of only a few of the issues that as a grower such as I will NOT be able to comply with in regards to staff's proposal. Below in red are selected details put forth by the Ag Working Group in the "Ag Alterative Waiver".

- 1) A huge concern we have is regarding the multiple references in the document to riparian area, wetland habitat and buffers. These are NOT in the jurisdiction of the Regional Water Quality Control Board and we are already heavily regulated by the Department of Fish and Game, US Fish and Wildlife Services, the Leafy Greens Marketing Agreement, and other such agencies. There are heavy regulations already in these areas and the

proposed rules in the new-ag waiver do NOT provide any scientific proof that they would provide any benefit to water quality.

Agriculture's Alternative Proposal instead brings research, technology, and people with a strong agronomy and/or farming background together to make appropriate recommendations to growers on management practices with will ACTUALLY CONTRIBUTE TO WATER QUALITY IMPROVEMENT. Let the regulators that already oversee these processes continue to do their jobs within their own jurisdictions and allow a Coalition(s) to work with strong science as their baseline.

- 2) We are heavily concerned with the enforcement aspect of the new waiver. It was evident from the prior years that the RWQCB was unable to staff itself with personnel with an understanding of agriculture or delegate the time to staff to actually regulate the process. It is extremely unfair to "threaten" regulation, ask growers to comply and pay money into an inadequately maintained process (including a mismanaged database) as well as conduct actual regulatory procedures. The economics of this entire process do not make a bit of sense, especially now in the troubled economic climate of our nation, state and industry.

The Ag Alternative includes the Coalition Concept and allows for random audits of priority areas so that resources are spent in productive ways to define issues of importance, challenges and forge an understanding of solutions available to a grower. A grower's investment in the Coalition system will do much more to benefit water quality than any of the requirements set forth in staff's proposal will.

- 3) Large investments have been made by the industry over the past five years by investing into the monitoring program that Preservation, Inc. conducts. It has been scientifically proven that 10 years worth of data is just the STARTING point of a valid set of water quality data. Why change this, discourage this or re-invent the program and procedures. There is no need!

The Ag Alternative includes continuation the current monitoring program with some updates based on our findings over the past five years. On-Farm Sampling will be suggested to the grower so that they have a strong understanding of their water quality situation. These sample tests will be kept in the Farm Plan.

- 4) One of the most bothersome portions of the staff proposal is the submission of a grower's Farm Water Quality Plan. Any type of farming data that becomes PUBLIC RECORD IS RIDICULOUS! Even though we as growers work together within our industry groups to protect agriculture, we each have our own "recipe" for success in order to maintain our competitive edge. If we were required to submit information regarding our day to day farming practices to the public, it would kill the industry, eliminating the entire structure of agriculture on the Central Coast. There is a portion in the ag-waiver requiring a nutrient management plan to be prepared and approved by and Certified Crop Advisor

(CCA). I pose this question for you; do you know how many CCA's are qualified to prepare something like this in the state or our region? Hardly any!

The Ag Alternative states that Proprietary Nutrient Management Plan (NMP) will be kept in the Farm Plan and will be a portion of the audit process. The Coalition(s) will likely have a committee of growers, agronomists and researchers that work together to help growers understand how to fill out, update and remain consistent with their NMP. That activity alone will do more to protect water quality on the Central Coast than any number of mandated, reported well tests will ever do.

- 5) Regulations regarding pesticide application buffers and requirements are onerous and already exist through the regulatory channels of the Department of Pesticide Regulations and safeguarded by the County Ag Commissioner. This entire section of the Staff's draft is redundant to existing regulations.

Audits under the Coalition(s) will likely focus on Chlorpyrifos and Diazinon use on acreage with irrigated water runoff to dovetail with current DPR and County Agricultural Commissioner jurisdiction. This is meant to help educate growers, not confuse the jurisdictions of current regulation.

- 6) Lastly, the most ridiculous "concept" in the Staff's version is regarding the "conceptual plan for groundwater monitoring"; the timelines associated with elimination of irrigation runoff and the sediment and turbidity standards. Are they for real? The timeline proposed is preposterous; not containing any scientific reasoning behind it and creating a no-win situation for the industry and fostering a negative image that will be placed on the RWQCB when these standards cannot be achieved. Then, the RWQCB will be charged with the truth that they have literally flushed the leading industry out of the Central Coast.

The Ag Alternative creates a start with the coalition approach in resolving issues on a watershed level which is a much more achievable concept. Additionally, it focuses resources on groundwater education in the Coalition, as well as proposing a groundwater quality data review of historical data, annual groundwater sampling by dischargers, a farm plan that includes a Proprietary Nutrient Management Plan, and a commitment by agriculture to work with other stakeholder groups on the SWRCB Ground Water Basin Management Planning process through 2017.

It will be absurd if the RWQCB and the State Board approve the document that is presented by the Staff because it will directly affect an industry and a way of life that has been providing healthy, wholesome, safe food for multiple generations. The rules and regulations that are proposed will literally run farmers and ranchers out of business in this state; creating fallow ground which will further increase any sedimentation issues that exist and create a loss of tax revenue to the state of California and our local communities.

The Ag Alternative was created by many educated and qualified individuals who deal with the day-in and day-out details of farming, agriculture and stewardship of the land. It was developed as a realistic approach to improving water quality and the Ag Discharge Waiver in which farmers and landowners within Region 3 to which we can comply.

I challenge you to:

- 1) Adopt the Ag Alternative.
- 2) Analyze the "STAFF" at the Region 3 Water Quality Control Board. Any regulator or staff member, who does not understand that agriculturalists have maintained stewardship of the land to the best of their ability utilizing the best science and technology for multiple generations, deserves to STARVE!

We look forward to collaborating with you in finding a workable Ag Waiver. There is most likely no PERFECT solution however utilizing economics, science and reality the Ag Alternative is the closest solution to addressing Agriculture's portion of the water quality concerns on the Central Coast. I wish you the best of luck with making the best and difficult decision and we really hope that you will be able to enjoy the fresh fruits, vegetables, meats and flowers that California producers pride themselves in producing; or else, enjoy it from lightly regulated countries such as Mexico or China!

Thank you for your time on this matter,



Benny Jefferson
Owner/Farm Manager



April England-Mackie
Food Safety, Water Quality and Organic Products Manager