



California Regional Water Quality Control Board  
Central Coast Region  
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Attention:

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Howard Kolb, Agricultural Order Project Lead Staff  
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Subject: DRAFT ORDER NO. R3-2011-0006  
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS  
FOR DISCHARGES FROM IRRIGATED LANDS

December 30, 2010

Dear Angela Schroeter and Howard Kolb

Thank you for the opportunity to review the DRAFT ORDER NO. R3-2011-0006 CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS (Order). Our review of this Order is oriented from the Sierra Club's interests to preserve and protect natural resources and associated water quality benefits provided by properly functioning streams and wetlands.

We appreciate the recommendation discussed in the Staff Report, top of page 8, describing the tiers to implement a program to maximize water quality benefits and minimize implementation problems within the agricultural economy. We believe the draft order is on the right track to achieve the water quality objectives, and it appears compatible with some water resource and flood protection programs in the Central Coast that may contribute to solutions, perhaps offsetting costs to agriculturists. We are optimistic that the regulations in the Order will result in agricultural practices that are able to integrate with multi-objective water resource and flood protection infrastructure projects and thus distribute and reduce costs among stakeholders. Presently in the Pajaro River Watershed, there are a few such projects which are organized into an Integrated Resource Water Management Plan (IRWMP) intended to benefit agricultural and other stakeholders in the Watershed. We anticipate the "Farm Plan" development process discussed in the Order will provide for water quality improvements that can be credited to the Watershed Projects, increasing their "Benefit Cost" ratios thus making them more competitive for federal and state funding. Our comments below elaborate on this point in the Pajaro River Watershed, with which we are most familiar, but which we anticipate may be generic to the Central Coast region.

Our review comments are organized about appendix A, utilizing the page number and topic to list our comments as follows:

Page 20 item 72, 73 & 74 Farm Plan

*72. Dischargers are encouraged to coordinate the implementation of storm water management practices with other Dischargers to maximize water quality protection and reduce costs.*

*Farm Water Quality Management Plan (Farm Plan) Requirements*

*73. **Within 18 months** of the adoption of this Order or enrollment, Dischargers must develop and implement a farm water quality management plan (Farm Plan). Farm Plans must:*

*a. Include a copy of this Order, a copy of the Notice of Intent (NOI) submitted to the Central Coast Water Board and a copy of the Notice of Enrollment (NOE) from the Executive Officer for reference by operating personnel and inspection by Central Coast Water Board staff.*

*b. Include a signed statement by the landowner(s), operator(s), and key operating and site management personnel, that they are familiar with this Order and contents of the Farm Plan.*

*c. Include the date the Farm Plan was last updated.*

*d. Indicate how water quality data from receiving water quality monitoring, groundwater monitoring and individual discharge monitoring was used to design and implement management practices that will achieve compliance with this Order.*

*e. Identify actual and potential water quality impacts associated with discharges specific to the agricultural operation(s) and design and implement management practices that will correct the water quality impacts and achieve compliance with this Order.*

*f. Describe the farm water quality management practices planned and implemented to insure discharges do not cause or contribute to exceedances of water quality standards in receiving waters. This includes, but is not limited to, irrigation management, pesticide management, nutrient management, salinity management, sediment and erosion control (including stormwater management), and aquatic habitat protection to achieve compliance with this Order.*

*g. Include a time schedule for implementation of farm water quality management practices, including a list of farm water quality management practices in progress (identify start date), completed (identify completion date), and planned (identify anticipated start date).*

*h. Demonstrate that discharges do not cause or contribute to exceedances of water quality standards in waters of the State or the United States by including methods and results to evaluate progress and effectiveness of water quality management practices, treatment or control measures, or changes in farming practices implemented to achieve compliance with this Order.*

*74. Dischargers must update their Farm Plans at least annually.*

We agree that the Farm Plan needs to address “*resolving priority water quality issues related to individual operations and the watershed.*” However, it appears the Draft Order prioritizes irrigation run-off issues over the matter of storm water drainage. We appreciate that item 72 encourages both issues to be integrated when addressed. Poorly managed storm water has potential adverse water quality impacts to local drainage, regional receiving channels and

natural streams. Lower watershed communities are at a significantly greater risk than those in the upper watershed due to the accumulated impacts as the watershed area increases. Strategic storm water management on the other hand may address this disparity and conversely have greater potential positive impacts to receiving waters if multi-objective goals for drainage and flood control projects are pursued watershed wide. Contemporary state and federal flood protection programs are capable of accommodating such multi-objective planning, and there are such projects presently taking place in the Pajaro River Watershed. These projects include the USACE Upper Llagas Creek Project in the Morgan Hill area and the USACE Lower Pajaro River Project in the Watsonville area. Presently these projects are preparing environmental impact studies including NEPA and CEQA documents which are expected to be reviewed by the CCRWCB involving water quality compliance. The Sierra Club will advocate said contemporary multi-objective planning policy for these projects and point out how they can contribute or support the beneficial uses of water as discussed in the this Order. We believe water quality problem solving needs to occur at various scales and take into account the roles and responsibilities of all involved.

We support the CCRWQCB's focus on the "Farm Plan", and its role of contributing to solutions at the local scale, but believe it needs to be strategically linked to large scale solutions such as the aforementioned flood control projects. We are optimistic that the water resource-flood control infrastructure planned for the Pajaro River Watershed will provide for a robust agricultural economy because of the contemporary planning, cooperation and progress made in the water resources area. We believe the CCRWQC will need to issue a 401 Water Quality Certification for these projects and should condition them to require water quality improvement design and construction elements.

Despite the growing pains Pajaro River Watershed water agencies have endured lately, continued progress has prevailed producing work plans and funding to solve the Pajaro Watershed's water resource problems. The aforementioned Pajaro River IRWMP could study the pollution issues identified and reported in the Farm Plans. The Final Order should identify this potential IRWMP linkage to multi-objective problem solving to optimize private enterprise and government solutions and funding at the watershed scale.

Perhaps an International Standards Organization (ISO) protocol can ultimately be developed specific to Pajaro Valley excess irrigation/ storm water discharge practices adjacent to:

- Levees or modified floodplains
- reclaimed water pipelines
- wetlands
- groundwater recharge areas (instream and off stream)

Perhaps the universal recognition of an ISO for water quality could contribute to the array of solutions appropriate to address the food safety confidence issue.

Page 22, Aquatic Habitat Requirements;

*78. By **October 1, 2012**, and every three years thereafter, Tier 2 and Tier 3 Dischargers with operations adjacent to or containing a waterbody identified on the 2010 List of Impaired Waterbodies as impaired for temperature, turbidity, or sediment (identified in Table 1) must conduct photo monitoring per MRP No. R3-2011-0006. Photo monitoring must document the condition of perennial, intermittent, or ephemeral streams and riparian and wetland area*

*habitat, the presence of bare soil vulnerable to erosion, and relevant management practices and/or treatment and control measures implemented to address impairments. Photo documentation must be submitted with Annual Compliance document*

We agree that Aquatic Habitat requires protection as a beneficial use including aquatic life (warm or cold freshwater habitat, wildlife habitat). We view aquatic and riparian habitat as inter-dependent with water quality in its role hosting the chemical, physical, and biological processes that function to keep water clean and vital. It serves as an indicator of the integrity and health of a watershed and its resistance to water pollution and groundwater contamination. We are encouraged by the case studies cited in the earlier February 1,2010 PRELIMINARY DRAFT STAFF RECOMMENDATIONS FOR AN AGRICULTURAL ORDER page 17 where constructed wetlands were installed providing a measured level of water quality improvement. We anticipate that such wetland projects will require formal planning at the watershed scale in context with features such as river reaches or lakes that perhaps have been modified for flood protection or water supply purposes involving public works infrastructure. We believe the aforementioned projects in the Pajaro River Watershed (and projects in other locations in the region) provide opportunities to address agricultural run-off pollution issues to a significant degree. The local drainage collection and drainage system typically situated at the outboard toe of a flood protection levee could be designed to include a constructed wetland to receive pre-treated agricultural run-off. This run-off would originate from the tail water at the low end of an irrigated field shown on the Farm Plan and could drain into the levee drainage/wetland system for interim storage, treatment, monitoring, and appropriate remedial measures before it would be discharged onto the lower terrace floodplain and riparian corridor. This highly productive zone of hydrophilic vegetation could be managed to improve water quality in the receiving water body.

Thank you for the opportunity to comment on the Draft Order and we look forward to effective regulations.

Sincerely,  
Kenn Reiller  
Chair, Sierra Club Ventana Chapter  
Water Committee