



December 31, 2010

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

Re: California Regional Water Quality Control Board, Central Coast Region Draft Order No. R3-2011-0006 (“Draft Ag Order”), dated November 2010 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

Dear Chairman Young:

The Paso Robles Wine Country Alliance represents 500 members comprised of wineries, growers, hospitality partners and related businesses. These are all stakeholders and rely upon a viable agricultural economy to sustain the quality of life we all enjoy on the Central Coast.

San Luis Obispo County is now the third largest wine region and has the potential to lead the California Wine Industry alongside the Napa and Sonoma Valleys. Last reported, the San Luis Obispo Wine Community contributes close to \$1.8 billion dollars in economic value and pays more than \$86 million in local and state taxes. San Luis Obispo wineries, vineyards, and allied industries and services account for over 8,000 jobs, generating a payroll of more than \$240 million per year. These jobs represent 7.5% of total county employment, 9.2% of private sector employment and a major share of recent job creation. Winegrapes remain the highest value agricultural crop in San Luis Obispo County.

For this reason, our organization has made a concerted effort to work with our local governments, neighbors and communities to expand education, awareness, and collaboration on matters that affect our industry and in turn the communities we serve. It is our view that incentives and education go much farther in addressing the end goal of resource protection and conservation, including water quality, more than regulation ever could. Although we recognize staff’s progress in developing a Tiered Program as a marked improvement from the proposal issued in February 2010, we offer the following comments and suggest additional revisions to the approach to make for a more practical and targeted program:

1) Tiered-Approach: Basing the tiers on location and size has no practical bearing on potential contribution to poor water quality. The tiers should be based upon whether there is probable cause for pollution to be transported. Farming operations that do not result in tailwater (i.e. drip irrigated vineyard operations) and are closely monitored for input requirements to the specific plant needs, should be exempt from a tiered approach.



2) Incentives: Vineyards utilize deficit irrigation practices, drip tubing, water to root technology, drip irrigation and soil moisture calibrations. These practices should be encouraged and incentives given to maximize such practices that serve to minimize water quality degradation. Incentives and performance-measures to improve water quality should be the focus of requirements. The ability to be exempt from a tiered structure or shift to a lower tier should be an incentive to incorporate best management practices and farming practices that eliminate tailwater and improve water quality.

3) All dischargers, including Tier 1, are subject to: Receiving Water Monitoring and Groundwater Well Reporting:

Receiving Water Monitoring: Dischargers who do not cause tailwater, as is the case for vineyards, should not be subject to receiving water monitoring.

Groundwater Well Reporting: The requirements for well water monitoring go beyond what is necessary to carry out the order to address pesticides, sediment, and nutrients associated with agricultural discharges. How does monitoring depth to groundwater address these issues? It may be impossible to measure depth to groundwater due to clearances in the well without pulling the pump and adding a sounding tube. This could add substantial cost for compliance without any justification for this requirement. Depth to groundwater monitoring should be eliminated from the order.

Any well testing should be associated specifically to the constituents in question. Additionally, this information should not be submitted to the Control Board for public record. Particularly, if you are not contributing to the concerns meant to be addressed through this order. The groundwater reporting requirements are over-burdensome and unnecessary.

If groundwater testing is deemed legal and necessary under this Order, we support the Ag Alternative approach to targeting water well testing to the constituents in question by limiting testing to one primary well; the constituents for testing only nitrates, TDS or EC, and pH; and keeping results on-farm in the Farm Plan to maintain proprietary information.

4) Impaired Water bodies – Much confusion surrounds the threshold trigger of 1,000' from an impaired water body. There are several lists and a number of waterbodies impaired from other sources aside from sediment, turbidity, nutrient, pesticide, toxicity, or temperature. The final order should include the list of impaired waterbodies that would trigger the setback threshold rather than creating ambiguity between what lists, what impaired waterbodies, etc.

The final list of impaired water bodies should correlate to the specific impairments called into question by this Order. For example, an impaired waterbody that is listed under pesticide impairment due to DDT should not be a matter of this order as present farming conditions are not



contributing further to this impairment. A single list needs to be referenced and used for the life (5 years) of the Ag Order. Otherwise, there is too much uncertainty in determining what tier you are in.

5) Public Review Process: Insufficient time has been allowed for the public to respond to staff's recommendations in a meaningful way. The Ag Order and the associated documents represent an enormous amount of material for anyone to review within the available timeframe.

Additionally the condensed schedule for review over the holiday season is an unfair tactic to reduce the amount of public comments received. Limiting written submittals for review by staff or your Board to the January 3rd deadline is counter to typical public review and decision-making and will limit the ability for affected growers, and jurisdictions alike, to provide meaningful comments. Written comments should continue to be allowed and encouraged throughout the Regional Board review and decision-making process.

6) NOI Requirement: The requirement to submit an updated NOI before the updated Ag Order is adopted is problematic in that there is no regulatory mechanism to enforce this. Also, there needs to be a mechanism for data submission in a non-electronic form for those farmers who do not use, or do not have, internet access.

7) Data Accumulation: Data collection should not exceed that which staff can reasonably review and enforce. Admittedly, staff cannot manage and oversee the extent of data to be collected under staff's proposal. Page 37 of Appendix F states that "with the current staffing and budget, staff cannot review information from, nor inspect, most of the operations in the region". An obvious question is why more data is being requested if staff cannot review the information nor inspect the operations.

Your Board quantified the objectives for the next 5 years during the May and July Workshops to focus on surface water nitrates and organophosphates; secondary sediment and riparian issues should be addressed later. Staff's proposal takes on too much without the necessary tools or ability to make a difference in improving water quality.

8) Cost/Benefit: Although we appreciate the attempt to evaluate costs associated with the Order in Appendix F a full cost/benefit analysis is still needed. The Water Board needs to better define their rationale for the proposed requirements to justify the costs imposed on the agricultural community as well as provide a more accurate cost of the Ag Order.

We were encouraged with the comments and directives given to staff during the workshops in May and July and wish to continue to emphasize the following general considerations as the Board evaluates and develops a final Order:

- a. A successful program is performance-based and provides incentives and opportunities to improve water quality. Arbitrary factors such as operational size and location;



unnecessary requirements; burdensome paperwork; and limited resources to manage and enforce does not provide any benefits towards improving water quality.

b. A longer term approach to improve water quality beyond 5 year increments should be sought. Water quality degradation did not occur overnight and cannot be expected to be solved in a short time horizon without creating negative and unintended consequences to the agricultural community which serves us.

c. The first 5 year Ag Waiver Program has been a success in collecting data and getting the farming community and regional board to begin talking about solving water quality issues. The next 5 years should encompass a priority-based approach targeting the most extreme issues to build momentum to continue to work collaboratively on water quality concerns.

d. It is important to maintain a cooperative effort to ensure the long term continuation of solving water quality issues as well as the long term continuation of agricultural production. Preservation of water quality/quantity and a viable food production system are equivalent priorities and should be given equal weight in any program development.

We support the Agricultural Alternative as an improved approach to addressing water quality concerns. Most particularly, we find the Ag Alternative to be more performance-based and focused on research, education, and extension rather than unnecessary and burdensome paperwork that serve no purpose in improving water quality.

Incentives and education go much farther in addressing the end goal of resource protection than regulation ever could; when people are motivated to do good (particularly by their peers), they will do good. We continue to support efforts that are collaborative, performance-based, educational, and well-researched. We respectfully request your Board give your staff very clear direction to work in conjunction with the agricultural community in developing an incentive-based proactive program that will encourage open dialogue and education among stakeholders.

Sincerely,

Lisa M. Bodrogi
Government Affairs Coordinator
Paso Robles Wine Country Alliance