

# **Comments and Responses Regarding the Consideration of a Proposed Resolution Establishing an Amendment to the Water Quality Control Plan for the Central Coastal Basin To Establish Total Maximum Daily Loads for Organophosphate Pesticides and Toxicity in the Lower Salinas River Watershed, Monterey County**

The Central Coast Water Quality Control Board (Central Coast Water Board) received one comment letter on the proposed Resolution adopting an amendment to the Water Quality Control Plan for the Central Coastal Basin to establish total maximum daily loads (TMDL) for organophosphate pesticides and toxicity in the Lower Salinas River Watershed, Monterey County, hereinafter known as the “Basin Plan amendment.” The public comment period for the proposed Basin Plan amendment started on November 2, 2023, and closed on December 22, 2023. This document contains responses to timely comment letters submitted to the Central Coast Water Board on the proposed Basin Plan Amendment.

## **List of Commenters:**

1. Theresa Dunham, Kahn, Soares & Conway, LLP on behalf of the Grower-Shipper Association of Central California.

## **Comments and Staff Responses:**

The public comments received are transcribed below in their entirety followed by staff responses to each comment.

**Comment 1.1:** On behalf of Grower Shipper Association of the Central Coast, I submit the following comments on the Proposed Basin Plan Amendments for establishment of Total Maximum Daily Loads for Organophosphate Pesticides and Toxicity in the Lower Salinas River Watershed.

**Response to Comment (RTC) 1.1:** Comment acknowledged.

**Comment 1.2:** Our primary comment of concern pertains to the proposed attainment date of 2025. We believe that this proposed date is too short and needs to be revised to allow additional time for achieving compliance with the proposed Load Allocations as they apply to irrigated agriculture. We believe that the time for attainment should be at least 10 years from the effective date of the proposed Basin Plan Amendments.

**RTC 1.2:** Staff revised the attainment date from 2025 to December 31, 2032. This attainment date is consistent with compliance dates already established in the Agricultural Order (General Waste Discharge Requirements (WDRs) for Discharges from Irrigated Lands Order R3-2021-0040)<sup>1</sup> that was adopted April 15, 2021. Staff

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<sup>1</sup> Agricultural Order website:

[https://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ilp/regulatory\\_information.html](https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/regulatory_information.html)

revised the pertinent sections of the Basin Plan amendment and the TMDL Project Technical Report to reflect this new attainment date. If approved, the Agricultural Order will not require any changes to the existing compliance dates for diazinon and chlorpyrifos.

**Comment 1.3:** Further, we are concerned that the narrative discussion with respect to compliance schedules may conflict with the State Water Board's precedential order that was adopted in September of 2023, Order WQ 2023-0081. While Grower-Shipper and other agricultural interests disagree with this part of Order WQ 2023-0081, and have challenged it accordingly in the Superior Court of Sacramento, we are concerned that if Order WQ 2023-0081 is upheld, then the compliance schedule language in the Basin Plan could be interpreted as limiting any compliance schedules to 2025. Under Order WQ 2023-0081, arguably then, such schedules could not be revised when incorporated into the WDRs and could only be changed via a Basin Plan Amendment.

**RTC 1.3:** See response to comment 1.2.

**Comment 1.4:** To avoid any uncertainty going forward, we recommend that the attainment date be revised to 10 years from the effective date of the Basin Plan Amendments.

**RTC 1.4:** See response to comment 1.2.