

August 15, 2013

VIA E-MAIL

Attn: Dr. Jelena Hartman
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114
jhartman@waterboards.ca.gov

Re: Written Comments on Draft Templates

Dear Dr. Hartman:

The Board has posted draft templates submitted by the East San Joaquin Water Quality Coalition as required by the Waste Discharge Requirements General Order R5-2012-0116 (“Draft Templates”) for public and other stakeholder comments. These comments are submitted on behalf of Paramount Farming Company LLC, Paramount Pomegranate Orchards, LLC and Paramount Citrus LLC and their related entities (“Paramount”). Paramount is the largest grower and processor of almonds, pistachios, pomegranates, and citrus in the United States and is just one of many agricultural operations that will be severely impacted by the waste discharge requirements under the long-term Irrigated Lands Regulatory Program (“ILRP”).

Paramount appreciates the time and effort of the stakeholder group and coalitions that participated in the template development process and commends the work to identify simple, reasonable and practical methods of reporting for growers. The success of the ILRP hinges on the ability to identify, track, record and analyze current practice and site condition contributions, if any, of discharges of waste to surface and groundwater. To be effective, and to avoid burdening growers with costly reporting efforts, all data needed to assess discharges of waste, if any, from current practices must be identified and collected in a uniform and consistent manner.

The Draft Templates address the general information and reporting requirements of the ILRP, however, as Paramount has communicated in multiple comment letters on the various Orders of the Central Valley Regional Board (Regional Board), we feel additional scientific and expert analysis to support the program requirements and identify the data needed to determine the contribution, if any, of current practices is necessary. The State Water Resources Control Board (“SWRCB”) and the California Department of Food and Agriculture (“CDFA”) agree and have convened expert panels to analyze key aspects of the ILRP and provide recommendations to be applied statewide, which, if incorporated by the Regional Board may alter the required data, method of collection, tracking and/or reporting. Although Paramount sees no harm in collecting public comments on the Draft Templates, Paramount feels the Executive Officer should not approve the Draft Templates the expert panel

processes have occurred and the recommendations have been considered in the context of the ILRP requirements.

The Regional Board, to its credit, in the revision to the Waste Discharge Requirements General Order R5-2012-0116 for Growers in the Eastern San Joaquin River Watershed (“Eastern Order”), released August 12, 2013, recognizes the importance of the panels and significantly extends the deadlines for several of the reports the Draft Templates address “to allow the board to make any necessary adjustments to this Order based on the findings and recommendations of the CDFA Task Force and the SWRCB Expert Panel.”

The timeline for approval of the Draft Templates by the Executive Officer, as well as any actions to adopt Orders by the Regional Board should be similarly postponed until the recommendations of the panels can be addressed it is premature for the Board to continue a timeline for implementation that does not incorporate the panel processes.

In addition to identifying the data needs, the practical aspects of grower reporting, at the coalition and individual compliance level, need to be fully considered by the Regional Board. Grower compliance should provide the needed data in the least burdensome manner possible recognizing that many growers will be in several coalitions and would benefit from a universal reporting system. For example, should it choose to pursue the coalition option, Paramount alone will be in over six coalitions. Paramount encourages evaluation of reporting tools, including those currently used by growers. A reporting and tracking system that ensures all relevant data is collected, reported and analyzed uniformly is critical to reduce the burden on growers, and to ensure the data collected can be analyzed, synthesized and reported to determine current practices and site specific conditions that are both protective of groundwater and that may contribute to discharges.

Paramount supports, when necessary, effective, practical and scientifically justified regulation. The issues to be examined by the expert panels are critical components of a successful ILRP program. It is premature and irresponsible for the Board to continue a timeline for ILRP implementation, until the panel results can be incorporated.

If you have any questions, please contact Kimberly Brown or me at the contact information listed above.

Sincerely,

A handwritten signature in black ink, appearing to read 'William D. Phillimore', with a stylized flourish at the end.

William D. Phillimore
Executive Vice President