California Regional Water Quality Control Board
Central Coast Region

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Arnold Schwarzenegger
Governor

MINUTES OF
REGULAR MEETING
Friday, January 9, 2004
REGIONAL WATER QUALITY CONTROL BOARD

Friday, January 9, 2003, 9:30 a.m.

Vice-Chairman Jeffrey Young called the meeting of the Central Coast Regional Water Quality Control Board to order at 9:35 a.m. on January 9, 2004, at the Richard W. Nutter Agricultural Conference Center, 1432 Abbott Street, Salinas, California.

1. Roll Call ..... Executive Assistant Carol Hewitt

Board Members Present:
Vice-Chairman Jeffrey Young
Leslie Bowker
Russell Jeffries
Gary Shallcross
Donald Villeneuve

Absent:
Chairman Bruce Daniels
Daniel Press

2. Introductions ..... Executive Officer Roger Briggs

Assistant Executive Officer, Brad Hagemann introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. The format for the workshop will include a staff presentation, public comment, and discussion. There will be no action at today's workshop. Action on this item is scheduled for the March 19, 2004 Board meeting in Salinas. Mr. Hagemann requested that all individuals with cell phones place them on silent or vibrate mode. We do have a Spanish interpreter available for any Spanish-speaking individuals in attendance today. Board member Jeffries noted that a former Board member, Sig Christierson was present. Mr. Jeffries also requested that staff clarify what is mandatory and non-mandatory and what issues does this Board have latitude in our decision-making on the agricultural waiver issue.

3. Workshop to Discuss Proposed Conditional Waivers of Waste Discharge Requirements for Irrigated Agriculture ..... Presentation/Workshop
[Alison Jones 805/542-4646 and Karen Worcester 805/549-3333]

Alison Jones of Regional Board staff presented proposed conditional waivers for discharges from irrigated agriculture. The proposed waivers were developed in response to revised Section 13269 of Porter-Cologne, which caused all existing waivers to sunset on January 1, 2003. The new waiver program would require all irrigated operations to develop and implement farm water quality management plans, complete 15 hours of water quality education, report management practice implementation and monitor water quality. The program would create two categories of waivers, with differential reporting and fees, depending on the extent to which the enrollee had already met the above listed requirements. Dischargers would have three years to fulfill all requirements.

Karen Worcester of Regional Board Staff presented a proposed approach to monitoring agricultural areas. Individual monitoring of discharges is an option, but Regional Board Staff believes there are many

compelling reasons to have a single entity monitor in-stream water quality in agricultural areas rather than requiring approximately 2500 individual dischargers to monitor their own discharges. In-stream monitoring of a network of sites by a single entity would allow the Regional Board to assess impacts to beneficial uses, focus staff resources on areas of identified problems, ensure data quality and simplify data management.

Public Comment
Public comment was received from several individuals and representatives of Central Coast agricultural and environmental organizations:

University of California Cooperative Extension
Mary Bianchi, Farm Advisory with University of California Cooperative Extension provided a short presentation on the Farm Water Quality Planning short course. She explained the intent, format, and end product of the course, which is for every farmer to leave the course with a completed water quality plan for their farm.

Agricultural Advisory Panel
The Board next heard comments from members of the Agricultural Advisory Panel, a group of Central Coast agricultural and environmental representatives which has provided recommendations to staff in the development of the proposed conditional waivers.

Kirk Schmidt of Quail Mountain Herbs expressed the need for enforcement to ensure that farmers participate and concern that those who participate early will be penalized. He stated that monthly monitoring is more than other industries have to do and suggested use of PG&E settlement funds to support monitoring.

Bob Martin, President of Monterey County Farm Bureau, stated that a cost analysis was needed and was mandated by Porter-Cologne. Groundwater efforts should be coordinated with Monterey County Water Resources Agency and expressed concern about the absence of an agricultural representative on the Board.

Katie Siegler of Monterey Bay National Marine Sanctuary emphasized the progress made by the Agricultural Advisory Panel and the Sanctuary's intent to help find funding for the farm water quality short courses.

Kaitilin Gaffney, representing the Ocean Conservancy, urged the Board to take the Advisory Panel's recommendations seriously, get started and recognize that changes will need to be made. She said that the proposed approach requires a leap of faith on the part of the environmental community and monitoring is needed to show it is working.

Joy Fitzhugh of San Luis Obispo County Farm Bureau stated that the program had a long ways to go in terms of understanding costs and the ability of farmers to implement the program. She expressed concern about the availability of education, the need for more time to develop monitoring recommendations, and that the program not be set up to fail because of insufficient resources. She stated that 80 farmers and 200 ranchers have completed water quality training, but many more will need the courses and that all farmers do not have computers.

Eric Cardenas, representing the Environmental Defense Center, spoke in support of the process staff has undertaken and asked the Board to consider the Panel's recommendations. He urged documentation through maps, practice checklists and monitoring to show if the program is working. He stated that fees are needed and a way to ensure that they stay in the region. He noted that the waivers expired a year ago and it will be two years by the time something is in place, and reminded the Board that they must protect water quality not the bottom line.

Miranda Leonard of Environmental Center of San Luis Obispo stated that fees were needed to make the program sustainable and recommended ambient and localized monitoring and making farm plans available to the public. She stated she looked forward to continuing to work with the Advisory Panel.

Benny and Martin Jefferson of Jefferson Farms provided a short presentation on farm water quality protection practices, to show that farmers have already invested considerable resources in water quality protection. Martin stated that monitoring will not help growers, and that money is better spent on preventative measures, recognizing that solutions are already in place.

Paul Hain, representing the San Benito County Farm Bureau, complimented staff on their efforts to work with the Advisory Panel, allowing for better recommendations. He recommended phasing the program, broadening the time line and focusing on bad actors, and spending fees on on-farm practices rather than excessive monitoring. He also suggested that a tier intended for limited resource farmers be looked at more closely.

Additional Public Comment

At the conclusion of the Agricultural Advisory Panel comments, additional comments were received from members of the public.

Bob Lilly, the Agricultural Commissioner of San Luis Obispo County, expressed support for the University of California short course, recognizing that this will take time and funding. He suggested focusing on problem areas, coordinating with Department of Pesticide Regulation's monitoring efforts and offered assistance with information and outreach to growers, since they meet annually with all growers who apply pesticides. He requested an additional workshop in San Luis Obispo.

Jim Manassero, representing D'Arrigo Brothers, expressed concern that the extent and cost of monitoring and the items tested were overdone. He mentioned efforts by agriculture to fund research to protect the environment by developing resistant varieties to reduce use of pesticides. He supported education requirements.

Gary Tanimura of Tanimura and Antle stated that a conditional waiver is not against the public interest and urged the Board to develop more detail and ensure that growers clearly understand requirements. He requested a delay until the Board has an agricultural representative.

Alan Romero, program director with Save Our Shores, applauded the work of the Agricultural Advisory Panel and staff in developing a collaborative process. He stated that the short course needs to be supported and that we don't need to sacrifice agricultural viability or environmental quality.

Danual Kasapligil, an agronomist, stated that much progress has been made in irrigation and fertilizer management, which isn't always seen. He noted that the recommendations are good but more work is needed to develop an appropriate monitoring program, and the focus should be on idenfied, solvable problems.

Laura Plaskett of Allan Giudici and Son expressed concern about growers' ability to comply, urged an extension of the timeline and identified the need to look at impacts from public infrastructure and upstream stormwater on agriculture.

Dale Huss, representing Ocean Mist Farms, said their goal is to participate, but expressed concern about being held responsible for poorer water quality if they use CSIP (Castroville Seawater Intrusion Project, which is recycled water from Monterey Regional WWTP). He also stated that stormwater from the city of Salinas will impact them.

Robert Roach, Assistant Agricultural Commissioner with Monterey County, reminded the Board of the Management Agency Agreement between the Regional Board and Department of Pesticide Regulation, which is intended to promote cooperation and coordination. He identified monitoring efforts by DPR for surface water and changes in groundwater protection efforts.

Mary Ellen Dick, the water quality coordinator for the Santa Clara and San Beniot County Farm Bureaus expressed support for a monitoring program that focuses on evaluation of practices, recognizes mixed land uses and is in line with what is required by stormwater programs.

Dave Cavanaugh, a farmer in Watsonville, discussed the many regulations farmers face and the 10% to 15% annual loss of small farms. He urged the Board to consider the profound impact of its actions and to look at costs of compliance in time and money.

Edward Ortega of the Santa Cruz Farm Bureau expressed concern that the voluntary watershed working groups formed under the Sanctuary Plan for Agriculture are not being rewarded.

Jim Curland, Marine Program Associate with Defenders of Wildlife, stated that mortality of sea otters is due to land-based runoff. The program should ensure full participation, document practices, include fees and monitoring, and use enforcement and Waste Discharge Requirements for egregious polluters.

Tom Tobias, President of the San Benito County Farm Bureau, recommended cooperative watershed monitoring on a yearly or bi-yearly basis, with focus on practices rather than on monitoring. He stated that plans should not be open to the public.

Steve Jensen, owner of Stephen N. Jensen Farms, requested conditional waivers that are practical and based on reality.

Sarah Newkirk, a water law and policy consultant, expressed support for the draft waiver as a solid document and model of participatory rule-making. She noted the environmental challenges from agricultural runoff and the importance of environmental protection. She also expressed support for the tiered waiver structure and cooperative monitoring and cautioned the Board against continuing without adopting something.

Mike Manfre, a grower with Frank Capurro and Son, stated that more regulation means more time for farmers, who must compete with other states that have fewer requirements. Practices are already in place and any monitoring should be simple and not redundant.

Kathy Thomasberg with Monterey County Water Resources Agency's water quality monitoring program expressed support for the Panel recommendations. In her experience managing a large program, creating a database and knowing who is out there first is critical and she recommended a phased program, looking at hot spots and perhaps reducing monitoring frequency to March, July and October.

Nancy Isakson, a consultant, supported a focus on BMPs and education rather than monitoring. She expressed appreciation for the work of the Agricultural Advisory Panel and stated that growers in Salinas and Pajaro have done a lot already and have taken a proactive approach.

Rebecca Thistlethwaite, Natural Resources Manager with the Agriculture and Land Based Training Association, stated that she is an environmentalist and supporter of sustainable agriculture who is organizing a Spanish short course. She expressed concern about lack of outreach to Hispanic growers and other limited resource farmers who are small scale and undercapitalized and who can't afford fees and permits. She asked if this can be free to these farmers.

Doug Iwamoto of Iwamoto Farm agreed with the Panel's recommendations and stated that data needs to be in a database so the Regional Board knows who everyone is.

Karen Mansfield, Executive Manager of San Luis Obispo County Agricultural Task Force expressed concerns by avocado and walnut growers about being put out of business and requested a workshop in San Luis Obispo.

Greg Swett asked how growers could meet Regional Board expectations for turbidity during large storm events or monitor when there is no water. He said the Regional Board hadn't looked at other monitoring efforts such as testing wells for nitrates and expressed concern about costs.

Bud Sarmento asked how the Regional Board will determine if he is impacting water quality if there is not runoff water to collect and said that his catch basins catch storm water from several property owners, and he doesn't want to be held responsible for pollution from other lands. He stated that costs of production increase each year and requested the Board to pursue its task in a thoughtful manner.

Ron Stockert of San Luis Obispo County Cattlewomen's Association wanted to go on record as requesting the old waivers be continued. He said the proposal was unrealistic because there were not enough classes and the monitoring was too high, and would put food producers out of business. If there are no problems, monitoring should not be required.

Hard work and investment should be rewarded, according to Dirk Giannini, a grower and Pest Control Advisor. He said pesticides are becoming more environmentally friendly and that reporting is misleading. He asked the Regional Board to review the region and the need for additional requirements.

George Adam said that most growers are efficient and said forests should meet the same standards as growers.

George Fontes supported the replacement program, but asked why monitoring was needed, since we know it will take time. He proposed that monitoring be delayed until the second five-year cycle, so growers could spend money on improvements. He also asked if the program had a provision for owners to hire someone to provide a plan.

Ralph Iliff of NH3 Service Company said that on marginal ground some fertilizer will escape, and urged the Board to listen to growers, since the program will affect the entire economy of the valley.

Ron Yokota, a farm manager with Tanimura and Antle, asked how much of the farm plan has to be shared and urged monitoring costs to be kept to a minimum so more money can be put into practices.

Dale Coke of Coke Farm observed that the proposed fee structure gives large growers a disproportionate benefit.

Jackie Crabb, Executive Director of San Luis Obispo County Farm Bureau, urged more work on the program and more public outreach.

Board Questions and Discussion

After public comment ended, Board members each made comments and addressed questions to staff. Mr. Jeffries requested additional clarification on storm water and more detail on monitoring. He expressed support for a workshop in San Luis Obispo and consideration of phasing to reduce impacts on staff and

on agriculture. He asked staff to point out areas where there is latitude (what is required versus what is optional). He said he understands the frustration of farmers with those who have done nothing and the need for assurance that information will not be shared with competitors. He stated that one waiver doesn't fit all, and the needs of small farmers need to be considered. Mr. Bowker asked for examples of costs for small, medium and large farmers and asked that staff look at assessing costs per acres versus per operation. Mr. Villenueve stated that he was impressed with the presentations and the work of the Agricultural Advisory Panel. He agreed with a workshop in San Luis Obispo and the need for a database. The program should not be one-size-fits-all, since agriculture is diverse. Mr. Young expressed support for a workshop in San Luis Obispo also. He asked staff to identify all funds available to fund the farm water quality classes, requested more clarification of the proposed monitoring approaches, and for staff to identify other sources of groundwater monitoring information. He also asked that staff develop plans for addressing recalcitrant growers and for more outreach to the Spanish speaking community. He requested a cost analysis of all components of the program, including farm plans, education, monitoring, and practices, and asked for a chart showing where there is discretion and what is required. He also urged the Agricultural Advisory Panel to complete its review as soon as possible.

Vice-Chairman Young adjourned the public meeting at 4:00 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its March 19, 2004 meeting in Salinas, California.

Jeffrey Young, Vice-Chairman

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