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

Via Email
AgOrder@waterboards.ca.gov

Re: Oral and Written Comments on Staff Proposal for the Ag Order Draft (March 2)

Dear Chairman Young & Mr. Briggs:

Thank you for including SIP certified growers in the Tier 1 category. We appreciate this recognition, but we still believe that there are many operations that are not certified that do not pose threats to water quality.

As previously stated, I do not believe the framework of this order will protect water resources because it does not incentivize practices that affect water quality. In fact, this draft punishes operators through overly burdensome requirements that they have no control over and have nothing to do with discharges.

The Board directed staff in May to create an order that both incentivizes practices and rewards growers. An incentive based framework encouraging modified practices would, for example, reward reductions irrigation discharge from properties and site specific technical assistance.

The current framework still presumes that all agricultural operators are polluters. They're guilty until they can prove they're innocent. This draft continues to apply a point source regulatory model for a non-point source program.

Staff has argued needing this framework so that they can adequately enforce. In my opinion, this draft demonstrates an intent to enforce from the office, which is the most inefficient approach, in terms of staff and farmers' time and effort.

Effective enforcement that actually protects water quality requires visiting agricultural operations. I'm confident that a few trips to areas with chronic water quality problems would quickly reveal which operations require further action. And this could be accomplished without requiring all the growers in the region to do significant reporting and planning.

The Board also directed staff to not require more information that can be managed or analyzed. This draft still does not meet that test. Instead, this proposal easily requires more than the 2-3 people to administer and analyze the reported information, let alone enforce the order.

Board directed to staff to not use the 303d list as a priority because it is too broad. But this trigger is still in the document. Although it "only" includes listings for sediment, turbidity, nutrients, pesticides and toxicity, we do not consider 100 impaired waterbodies "prioritization". One alternative would be to prioritize waterbodies specifically listed for diazinon, chlorpyrifos, or nitrate. This would effectively cut the list in half and address the highest priorities. It would also include waterbodies that have additional listings (i.e., toxicity, sediment, etc.) therefore having multiple benefits.

Despite the board direction to focus on surface water nitrates and organophosphates, the scope of each draft grows to include riparian areas, stormwater, and groundwater. I'm especially confused by the newest language to require "minimizing bare roads", when in fact paved roads will decrease rain infiltration and increase the volume and velocity of runoff.

This draft requires groundwater quality sampling reports from all ag operators despite their proximity to high nitrate groundwater sources and nitrogen loading potential, and despite the availability of comprehensive, historical groundwater quality available from a variety of agencies.

The Vineyard Team has an excellent track record for educating and guiding growers towards farming practices that protect natural and human resources. Through science, demonstration and grower-to-grower outreach, we've successfully affected 100,000 acres with only three staff. As always, we are available and interested in sharing our experience with other ag organizations, staff, and Board.

We urge you to not approve the current draft and direct staff to address the Board directions from the May workshop.

1. Staff should not try to do everything in 5 years; consider this Order as a "stage". This might justify developing a 10 year program.
2. Staff should consider top two priorities (surface water nitrates & organophosphates); secondary sediment and riparian issues should be addressed later.
3. Staff should prioritize location; the 303d list is too broad to effectively narrow the focus.
4. Order should ensure that the costs and efforts (to farmers and state) are justified by the results.
5. Staff should ensure that there enough staff to analyze the information required
6. Growers should be given credit for good faith efforts that are specified in the Order and should be able to easily prove it.
7. Consider a *minimum* threshold for scale – perhaps growers under X acres should not be in the program.

As always, we are available to support this process and development of an Ag Waiver that will protect water quality.

Respectfully,



Kris O'Connor, M.S.
Executive Director
Central Coast Vineyard Team

Specific Text Edit Suggestions

We believe that the framework of this waiver is inappropriate. But if it moves forward, we suggestion the following changes. This is the first opportunity to comment on material changes that are new to the March 2 draft.

Stormwater

The following paragraphs potentially conflict with eachother. Our suggestion is to use ¶ 25 from November Draft, p 12

Attachment A - pg 17

~~35. Dischargers must implement source control or treatment management practices to prevent erosion, reduce stormwater runoff quantity and velocity, and hold fine particles in place. Practices must infiltrate, control, or treat stormwater runoff for the first half inch of rain during each storm, and further reduce the runoff for the next one inch of rain during each storm.~~

~~36. Dischargers must minimize the presence of bare soil vulnerable to erosion and soil runoff to surface waters and implement erosion control, sediment, and stormwater management practices in non-cropped areas, such as unpaved roads and other heavy use areas.~~

Replace with ¶ 25 from November Draft, p 12

25. The presence of bare soil vulnerable to erosion such that it results in a discharge of waste and causes or contributes to exceedances of water quality standards in waters of the State is prohibited.

SIP NOI, p 22

Most of this information duplicates what is reported & verified through the SIP certification and audit process. Our suggestion is to have different NOI requirements for SIP Certified operators

56. Dischargers must submit all the information required in the electronic NOI form including, but not limited to, the following information:

- a. Identification of each property covered by enrollment,
- b. Tier
- c. Landowner(s),
- d. Operator(s),
- e. Contact information,
- f. Option selected to comply with surface receiving water quality monitoring conditions (cooperative monitoring or individual),
- g. Location of operation, including specific farm(s)/ranch(es),
- h. Farm/ranch map with discharge locations and groundwater wells identified,
- i. Total and irrigated acreage,
- j. Crop type,
- k. Irrigation type,
- l. Discharge type,
- m. Chemical use,
- n. Presence and location of any perennial, intermittent, or ephemeral streams or riparian or wetland area habitat.

Addition: For SIP Certified Operators (or others certified in an approved program), the NOI shall consist of the following:

- a. Identification of each property covered by enrollment,
- b. Tier
- c. Landowner(s),
- d. Operator(s),
- e. Contact information,
- f. Option selected to comply with surface receiving water quality monitoring conditions (cooperative monitoring or individual),
- g. Location of operation, including specific farm(s)/ranch(es),
- h. Copy of SIP Certificate issued by certification organization.