



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW



December 10, 2018

Subject: Comments to A-2239(a)-(c)

State Water Resource Control Board
PO Box 100
Sacramento, CA 95812-0100

Dear State Water Board;

The San Joaquin Farm Bureau Federation has some concerns of the proposed Draft Order to revise the East San Joaquin Water Quality Coalition's General Waste Discharge Requirements. The main concerns for our San Joaquin Farm Bureau members include the precedential nature of the draft order, expansion of Nitrogen Management Plan to include irrigation information, elimination of vulnerability determinations and management plan certification, expansion of public reporting to include field-level location, new metric for nitrogen application management, surface water monitoring, and sampling all drinking water supply wells. The overall result of this draft order will be enormous amount of paperwork full of inconclusive measurable values and incomparable data that will ultimately falsely flag a majority of growers as outliers and blending of identifying true nitrogen issues, all at unreasonable increased costs to all growers.

Concern 1- Precedential Nature of the Draft Order: A majority of the requirements within the draft order are precedential in nature, meaning all irrigated lands regulatory programs throughout the state will need to be updated to include these same requirements. By mandating a statewide one-size-fits-all program, irrigated lands regulatory programs cannot be individually developed and tailored to address water quality concerns specific to that area of the state such as rainfall, drainage, commodities grown, number of crops grown per year, basins, and specific water quality concerns. Just within San Joaquin County, the variety of the 3,580 farm operations, causes for different water quality aspects to be focused based on the operation. With equal reporting of all irrigated lands, it minimizes the priority of those high vulnerability groundwater areas and will lead to lapses in identifying true issues and corrections for those areas, resulting in mismanaged or unimproved WDRs. The State will spend more money to oversee more areas with less positive impact than if had been more directed and focused on the high vulnerability groundwater areas.

Concern 2- Expansion of Nitrogen Management Plan to include Irrigation Information: The draft order proposes to expand the nitrogen management plan and summary report to include irrigation management planning to collect information needed to calculate the A/R ratio. The difficulty of this expansion is the amount of time needed for calculation work that growers must do before the growing season. In an industry that is greatly affected by weather, extensive preplanning can be difficult, such as for 2017, where with a very wet winter, caused growers to not be able to get into their fields until May or June, and for



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

some, a need to change their initial planned crop in a specific field for the now shortened season. With a change in crop, such as from corn to safflower, the nitrogen and irrigation report would drastically be different. Also, for our Delta growers, a wet winter brings a higher level of the river groundwater table that provides a natural subirrigation for the crop.

Concern 3- Elimination of Vulnerability Determinations and Addition of Irrigation and Nitrogen Management Plan Certification Requirements for All Growers: The draft order removes prioritization by vulnerability designations to create uniform reporting requirements for all members. Now, each member must prepare a INMP and implement practices that minimize excess nutrient application relative to crop need. All INMPs must be certified by a Certified Crop Advisor who has taken a designated nitrogen management training program or other qualified professional, or by the farmer if they attend an irrigation and nitrate course to self-certify their farm. As currently proposed, this requirement would even apply even to growers that apply no to little nitrogen fertilizers and to growers in areas where nitrates in groundwater are not an issue. The new uniform reporting and certification requirements for all growers will place significant new, unnecessary burdens on farmers. This reporting will take extension time and costs for individual growers to develop, measure and monitor, and report data. In addition, the State will require uniform participation in third-party outreach events, regardless if a member is in a low vulnerability area to spend personal time attending events that do not apply to their operation. The State is aware that with this expanded reporting, that it will greatly increase costs to coalitions and low vulnerability individual growers, but has not shown any benefit or necessity for this expanded reporting. In San Joaquin County alone, reporting will increase from to 3,580 farm evaluations and the exponential paperwork for all of the field-level breakdown reports. The draft order even states that the Agricultural Expert Panel notes the difficulties associated with determining field level nitrogen balances.

Concern 4- Expansion of Public Reporting to Include Field-Level Location Information: The draft order substantially increases the level of information that must be reported by the third-party to the regional board. In addition to summaries and aggregate data, the third-party must also submit individual raw data records associated with unique anonymous member identifiers submitted by each grower to the regional board, making field-level data accessible to the general public. The draft order claims that the need for individual field-level data to the Central Valley Water Board is for verification of the data and analyses prepared by the third-party and that third-party is following up appropriately with the members that warrant assistance. If the concern is the reliability of the third-party data and analyses, then an audit system of checking the third-party periodically, maybe every 5-10 years would be a more appropriate, than requiring all data to be sent in annually, jeopardizing individual grower privacy. The yearly collection of thousands of additional documents under the draft order is then neither necessary, reasonable, nor useful. In addition, required reporting will violate disclosure of trade secrets and proprietary business information. Additionally, the water boards do not have the capacity to utilize or analyze this volume of data. In addition, the draft order does specifically say that the regional board can require data to be given to them with name or location identifiers if they have a grower-specific or location-specific reason, ultimately disregarding privacy infringement.



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

Concern 5- New Metric for Nitrogen Application Management: The third-party would use the annual A/R ratio data to calculate a three-year average A/R ratio which would be used to compare the extent to which nitrogen is being applied efficiently by crop type. The use of the multi-year A/R and A/R ratios is not necessarily appropriate for all areas of the state with different cropping patterns, geographic areas, etc, but will place new, unnecessary burdens on small farmers. In addition, this method will require growers to have some of their harvest tested to determine their measurable value of crop yield as there is insufficient information currently available to calculate the removal value for most crops, but will still require the information in order to calculate the A/R ratios and A/R differences. This testing or research in finding this information will be an additional cost to the third-party, which will ultimately be covered by the growers through additional fees. Additional complications for trying to compare A/R ratios is crop type. Several of our growers will double crop in a season. So, while many will have planted and harvested winter wheat, the second crop does vary between silage corn, milo, or wheat hay. In some cases, the nitrogen removal factor will be inaccurate resulting in higher than true measurements A/R ratios if a grower has sporadically assists a livestock owner to have group of sheep or goats temporary lamb/kid or overwinter in an alfalfa field. The livestock will graze down a considerable amount of the alfalfa, therefore removing nitrogen from the field, but since is the breeding livestock is not harvested and therefore testable to determine the measurable value of nitrogen, the amount of nitrogen removed will not be able to be calculated into the A/R ratio, leading to inaccurate results. Also, with permanent tree crops, a majority of the nitrogen will be utilized in the growth of the tree, not in the harvestable fruit, so the removed measurable value of nitrogen will be greatly inaccurate due to the unaccountability of the nitrogen utilized in the tree's growth for that production year. With varied stages of tree productivity, often in the same acre due to replacement plantings over time, an orchard field will have a diversity of nutrient usage, sustaining tree growth, harvestable fruit product, and for some crops, by-product such as almond hulls. This will automatically falsely identify all orchards as outliers.

Concern 6- Surface Water Monitoring: The draft order calls for a more comprehensive surface monitoring program that would fundamentally change current surface water monitoring programs. Rather than make specific surface water monitoring changes, the draft order calls for the State Water Board to convene a panel of experts to make recommendations on a monitoring framework for surface receiving water to inform irrigated lands programs statewide. Creating a new monitoring program would be costly and will likely involve more water monitoring programs beyond the irrigated lands regulatory programs. Again, with general blanket regulations for the whole state, it will not work within the current irrigated lands programs diversity of crop types and geography. Also, when just looking at data alone, it will not be interpreted correctly by the public, for whom you want this program to be more transparent to. Making field-level data public, which carries so many variables based on crop type, irrigation methods, management practices, and crop rotations, the general public does not have the background or expertise to be able to analyze and evaluate appropriately on non-comparable data. The only way to be able to evaluate the data effectively, would be to go look at each individual nitrogen and irrigation management plans developed on a case by case situation, which where the third-party entity is a necessary key partner in this monitoring and



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

regulatory process. For public transparency, township summaries, which give adequate and more comparable information are sufficient.

Concern 7- Requirement to Sample All Drinking Water Supply Wells on the Member's Property: The draft order proposes to require all members to conduct testing and monitoring of all drinking water supply wells present on the member's property. The Draft Order is infringing on individual privacy and private property rights. Specifically, when requesting information on private wells, that are not connected to the grower, but are connected to the specific field property. Commonly, a house may have been split from a large parcel, but is still linked to the larger parcel for zoning requirements of development. Often, the owners of these linked houses have no personal or business relations to the grower or the agricultural operation. Requiring their wells to be tested because it is connected to the parcel is an intrusion of their private property and invasion of privacy when that specific well is required to be posted on a public accessible database through GeoTracker.

In summary, the draft order would significantly alter and impact all of our San Joaquin Farm Bureau growers by expanding certification and reporting requirements on all growers. It will disrupt the existing successful irrigated lands program that our growers are now familiar with and which has been very effective in addressing surface water quality concerns and protecting water quality. The order will infringe on privacy by requiring all management practice and nitrogen application information to be publicly reported on a field-level basis. It will be an infringement on private property rights by requiring sampling of all drinking water supply wells and reporting results on a public website, and inevitably increased coalition costs and state regulatory fees that our growers will ultimately have to pay out of pocket. Lastly, we see a new mountain of regulations with no improvement in water quality when compared to the current program.

Sincerely,

A handwritten signature in cursive script that reads "Jim Ferrari".

Jim Ferrari
President