

May 24, 2016



Ms. Jeanie Townsend
Clerk to the Board
State Water Resources Control Board
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RE: Comments to A-2239(a)-(c)

Dear Chair Marcus and Members of the Board:

I own a farm raising French Prunes on 45 acres in Sutter County, California. I have been following the State Water Resources Control Board's Proposed Order revising the East San Joaquin Water Quality Coalition's General Waste Discharge Requirements, and I am concerned that my ability to continue to farm will be unnecessarily negatively burdened by the Proposed Order.

The proposed revisions to the East San Joaquin Waste Discharge Requirements and the potential impact the changes will have on the already successful cooperative Irrigated Lands Regulatory Program, which has been in place for over a decade, are significant and costly. Given the precedential nature of the Proposed Order, it will not only have a severe impact on agricultural operations within the Central Valley, but throughout the entire state as well.

First, I have no problem with reasonable regulation and oversight, and believe the regulations and subsequent oversight currently in place are more than adequate and are working well. I do however take issue with the fact that the State Water Resources Control Board seems to have concerns with one of its subordinate water coalitions and thereby has reason to saddle other water coalitions with the same requirements. That, to me, is like saying to my son, who stayed out past his curfew, "I'm not only going to punish you, but will also punish your sister," even though she was not at all involved.

The Butte-Yuba-Sutter Water Coalition has and continues to work hard to meet the State's requirements, and with great success has encouraged and supported the farmers and ranchers of those counties in the application and participation in the currently adopted regulations. If the State, however, feels that this approach is not meeting its perceived needs, then this board should abolish the subordinate water coalitions you yourself created and deal directly with the farmers and ranchers yourselves.

Sharing Nitrogen management data - The current standard of allowing the individual farmer, water coalition and The Central Valley Water Board to deal with a possible violation of the nitrogen management plan is exactly where it should be.

With the monitoring and reporting now in place any violation should, can and will be corrected before it becomes an issue. To open up individual private farmers and ranchers to public scrutiny of their records will only create a situation that will not solve the problem, but instead create anxiety, doubt and unnecessary litigation, ultimately driving many small farmers out of business. I believe the existing regulations, if properly utilized and enforced, will work to maintain the safety of not only our ground water but also any run off water.

Farmer and Ranchers to be required to monitor drinking wells with no legal access – How is this supposed to work? I as a private citizen having no power to obtain either a search or inspection warrant, or in this situation claim the presence of an emergency or indigent circumstance. The only right I have is to be given permission by the landowner to test his or her well, and if that is denied, what do I do then? How then can I be held in anyway liable by the State or Coalition for a failure to comply?

High/Low Vulnerability Standards - Even before the High/Low Vulnerability standards have been instituted, utilized and tested there is consideration that this standard should be abandoned for a one-size-fits-all approach. In my opinion, and I'm sure in the opinion of many others, there is absolutely no reason or proof that a "one size fits all" standard is necessary or will even work! This not only will create a greater regulatory burden on those to which a High Vulnerability standard would have never applied, but also a greater load on those agencies who have to sift through all the unnecessary paperwork.

Our family has been farming this property since 1873, when my great great grandfather first purchased what was then 460 acres. After 143 years our farm consists of only 45 acres, all except for one acre of bare land is planted with French Prunes. As you might imagine farming on such a small scale is difficult, especially when it comes to enough income to sustain our farm. Currently we make only enough from the farm to continue its operation, relying on my retirement income to live on.

As I said, our farm has been in the family for 143 years and my hope is to pass it on to future generations. However, given the increased cost of operation and ever increasing regulations this possibility is rapidly fading away. Therefore, given that we are directly adjacent to the City of Live Oak and have been approached on several occasions by individuals who would like to purchase our property for residential and commercial development, we may be left with no other option but to sell.

It is a shame that after all this time a family who has continually shown a strong desire to farm may be faced with no choice but to bow out and let buildings, streets, sidewalks and parking lots cover ground that is now permeable. Development that instead of benefiting the water table by allowing water to soak in, now takes the polluted water created from such development and diverts it into storm drainage systems that dump directly into our streams and rivers. And this doesn't even address the unregulated fertilizing of lawns and landscaping that percolates or drains into the ground water, streams and rivers from such development.

Let me ask you: In comparison to farming, how does such development benefit the water table, or the quality of the water of our streams and rivers? Additionally, if the institution of these, across the board, regulations are applied, what impacts will that have on other farmers like me who want to continue farming, but because of the costs involved are forced to abandoned it?

It is my strong belief that these and similar development activities have, over many years, had a greater impact to the depletion of our water table and the pollution of our streams and rivers than has properly regulated farming.

Therefore, to make my point clear, I do not consider the purposed regulatory changes contribute to properly regulated farming. In fact, I feel they are unnecessary, excessive, detrimental and in some measure, arbitrary!

Thank you for considering my views.

Respectfully submitted,

Harold E. Armstrong, Owner and Trustee
Harold & Terrissa Armstrong Living Trust

c: Butte-Yuba-Sutter Water Quality Coalition