



**SOUTH VALLEY FARMS**

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January 10, 2013

Dr. Karl Longley, Chair  
Jon Costantino, Vice Chair  
Sandra Meraz, Board Member  
Jennifer Moffitt, Board Member  
Carmen Ramirez, Board Member  
Robert Schneider, Board Member  
Pamela Creedon, Executive Officer  
Clay Rodgers, Assistant Executive Officer

Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114  
Sent via email: [awlaputz@waterboards.ca.gov](mailto:awlaputz@waterboards.ca.gov)

Attention: Mr. Adam Laputz

Re: Comments on November 2012 Draft "Waste Discharge Requirements General Order for Discharges from Irrigated Lands Within the Central Valley Region for Dischargers not Participating in a Third-Party Group"

Dear Board Chair, Vice Chair, Members, Ms. Creedon and Mr. Rodgers:

As growers of almonds and pistachios in Kern County, we are very concerned with the approach taken by the proposed Irrigated Lands Regulatory Program and, more specifically, the proposed "Individual Order." The levels of cost and resources that will be required to comply with the order are unduly punitive and likely to unnecessarily force many growers out of business.

In light of the potentially high economic impacts to individuals and businesses and potential related fallout for communities, we request that more collaboration with the agricultural community be pursued in ensuring that regulatory measures issued for the purpose of mitigating nitrogen levels in groundwater are sufficiently justified by sound scientific support and more accurately targeted and tailored based on the specific physical characteristics of each parcel and the management practices currently in place.

We are fully supportive of, and incorporate by reference, the comments on the subject order provided to the Regional Board by the Kern River Watershed Coalition Authority (KRWCA). Kern County has demonstrated that its water and nutrient application efficiencies are some of the highest in the state. Furthermore, based upon information provided by the KRWCA, it appears that the proposed monitoring and reporting requirements will have little value given the depth to water and transport times, among other factors. With this understanding, we urge you to develop scientific and results-based regulation which will have the desired benefit of improved groundwater quality.

Our impression is that the approach taken in the draft order is too “broad-brush” in its grouping of “dischargers” and assumes that all pose an equal threat to groundwater quality. The result will be that too many growers will be held liable for a problem that they neither caused nor currently contribute to, and thus unfairly put under same level of regulatory burden as those who pose a greater risk. The evidence that the proposed regulation has a possibility of meaningfully reducing groundwater nitrates beneath farms that have already implemented advanced irrigation technology is unconvincing. Therefore, in our judgment the regulatory burden proposed for those who are already exercising environmentally responsible practices with respect to groundwater quality is unwarranted. To remedy this deficiency, we highly suggest incorporating a nitrate “hazard index” concept at a field level, such as developed by the University of California Center for Water Resources, to more logically match required mitigation steps with corresponding risk levels posed by particular fields.

Conservation and efficient use of water, fertilizers and other products required to grow our crops is already very much a part of our normal practices as market forces demand this and will continue to demand such into the foreseeable future to remain competitive. Furthermore, our ongoing commitment to these types of management practices is ensured by our investment in significant amounts of capital in irrigation systems that deliver water and fertilizers as efficiently as possible. Because of this, stringent regulatory oversight and compliance measures requiring additional costs that will add little or no incremental efficacy to our existing practices to improve groundwater quality will unnecessarily compromise the ability of us and similarly run local farms to compete in a global market. As we are not unique in this respect, the consequences of this ultimately can affect the financial health of the state, which has already suffered the loss of too many businesses – including farms – due to regulatory issues.

One final thought: It is easy to allow emotions evoked by the understandable and legitimate concerns of residents of communities whose groundwater sources are contaminated by legacy practices of the past sway decisions toward harsher rules for farmers. Nevertheless, rather than implementing regulations that will have no proven incremental improvement effect on the future condition of the water source of these communities and contribute little toward addressing their current need, it would seem more logical and effective to promote through other means a separate plan to immediately help these communities secure safe potable water.

In summary, we strongly urge the Board to champion efforts to adopt sound reasoning as a guiding principle in this regulatory process by partnering with agriculture to arrive at a solution that links cause and effect and rewards those who have enacted practices that pose relatively small risks to current and future groundwater nitrate contamination. Otherwise, following a course leading to broad-based and stringent regulation that does little to remedy the problem will cause more problems than it will solve.

Sincerely,

A handwritten signature in blue ink, appearing to read "Winn C. Glende".

Winn C. Glende  
South Valley Farms