

Additional Response to Comments

The following additional comment letters were received after the Staff report was prepared:

37. Santa Clara Valley Audubon Society, May 26, 2004
38. Environment in the Public Interest, May 27, 2004
39. Central Coast Environmental Organizations, May 28, 2004
40. Environmental Center of San Luis Obispo County, May 25, 2004
41. Ms. Paula J. Flanagan-Boyer, June 11, 2004
42. Ms. Nancy Andon, June 11, 2004
43. Mr. Jeffery Barrett, June 14, 2004
44. Ms. Candace Cover, June 13, 2004
45. Ms. Ihadira Lopez, June 16, 2004
46. Ms. Gaia Dempsey, June 16, 2004
47. Ms. Ashleigh Lyman, June 21, 2004
48. Ms. Kacey Scheppler, June 14, 2004
49. Monterey County Water Recycling Projects, June 18, 2004
50. Mr. Dolphin Mayoral, June 22, 2004
51. Mr. Dan Meehan, June 22, 2004
52. Mr. Tanner Songer, June 23, 2004
53. Tanimura and Antle (by Ellison, Schneider & Harris), June 23, 2004
54. Ms. Carole Wilson, June 24, 2004
55. Mr. Richard Dalsemer, June 24, 2004
56. Ms. Shelley Ewing, June 24, 2004
57. Mr. Shea Craver, June 24, 2004
58. Ms. Mary Whitney, June 24, 2004
59. Mr. Jim Rahn, June 24, 2004
60. Ms. Carmen Klucsor, June 24, 2004
61. Mr. Terry Badger, June 24, 2004
62. Ms. Julianne Hansen, June 24, 2004
63. Mr. Trinity Lila, June 24, 2004
64. Mr. Alfred Kuba, June 24, 2004
65. Ms. Elizabeth Herb, June 24, 2004
66. Mr. Ray Bell, June 24, 2004
67. Ms. Gwen Reandeau, June 24, 2004
68. Ms. Billie Gordon, June 24, 2004
69. Ms. Jerre Johnson, June 24, 2004
70. Ms. Annette Novak, June 24, 2004
71. Mr. John Fischer, June 24, 2004
72. Ms. Sarah Jane Hall, June 24, 2004
73. Ms. Pamela and Mr. Michael Smith, June 24, 2004
74. Ms. Pamela Mcleod, June 24, 2004
75. Prof. John Delevoryas, June 24, 2004
76. Ms. Alice Cascorbi, June 24, 2004
77. Dr. Gwen Goodmanlowe, June 24, 2004
78. Mr. Jeff Bagwell, June 24, 2004
79. Ms. Simone Mortan, June 24, 2004
80. Mr. Karl Franzen, June 24, 2004

81. Ms. Mary Zimmerman, June 24, 2004
82. Ms. Diane Bardwell, June 24, 2004
83. Mr. Michael Iza, June 24, 2004
84. Ms. Jennifer Matlock, June 24, 2004
85. Gordon Barrett, June 24, 2004
- 86 Jay Jackman, June 24, 2004
- 87 Kathryn Britton June 24, 2004
- 88 Timothy Johnston June 24, 2004
- 89 Sonja Malmuth June 24, 2004
- 90 Alexander Jelinek June 24, 2004
- 91 Kerry O'Brien June 24, 2004
- 92 Rachel Wolf June 24, 2004
- 93 Julie Jigour June 24, 2004
- 94 Marie Mark June 24, 2004
- 95 Deborah Wine June 24, 2004
- 96 Remy Champion June 24, 2004
- 97 David Enevoldsen June 24, 2004
- 98 Sarah Peck June 24, 2004
- 99 Annie Crawley June 24, 2004
- 100 Ed Morin June 24, 2004
- 101 Sarah Stuve June 25, 2004
- 102 Shanti Maffey June 24, 2004
- 103 Barbara Schader June 24, 2004
- 104 Lexi M. June 24, 2004
- 105 Isa Dempsey June 25, 2004
- 106 Betty Smay June 25, 2004
- 107 Karen Riden June 25, 2004
- 108 Russell Weisz June 25, 2004
- 109 Alexis Manning June 25, 2004
- 110 Cyndee Elizabeth Castagnola June 25, 2004
- 111 Michael Sears June 25, 2004
- 112 Jen Stankiewicz June 25, 2004
- 113 Brighton Flaus June 25, 2004
- 114 Roger Zimmerman June 25, 2004
- 115 Matthew Savage June 26, 2004
- 116 Nancy Miller June 26, 2004
- 117 Dashiell Dunkell June 26, 2004
- 118 Jo Birns June 27, 2004
- 119 Gretchen Gossett June 27, 2004
- 120 Sarah Finstad June 27, 2004
- 121 Michele Rae June 27, 2004
- 122 Greg Smith June 28, 2004
- 123 Peter Loeff June 28, 2004
- 124 Ana Maria Rebelo June 28, 2004
- 125 Matt Farrell June 28, 2004
- 126 Kieran Alcumbrac June 28, 2004
- 127 Maria Scianna June 28, 2004
- 128 Vincente Moretti June 28, 2004
- 129 Jaci Tomulonis June 25, 2004
- 130 University of California Cooperative Extension, June 8, 2004

131 Santa Barbara County Public Works Department, June 15, 2004
132 Ms. Amy Anderson, July 1, 2004
133 Mr. Alexander Tu, June 30, 2004
134 Mr. Steen Trump, July 1, 2004
135 Ms. Eileen Taglang, June 30, 2004
136 Mr. Landon Neustadt, June 30, 2004
137 Mr. Shoshanah McKnight, June 30, 2004
138 Ms. Laurie Alaimo, June 29, 2004
139 California Avocado Commission, July 2, 2004

Comments have been summarized and organized into three sections:

- Section 1: Comments on the Initial Study and Negative Declaration
- Section 2: Comments on the Proposed Conditional Waiver Program
- Section 3: Comments on the Proposed Monitoring and Reporting Program

Following each comment are the numbers of all letters that submitted similar comments. Please note that letters 41-48, 50-52, 54-129, and 133-138 are all identical. Only letter 41 has been included in the agenda packet and posted on the website.

Section 1: Comments on the Initial Study and Negative Declaration

A. Economic impacts/conversion of farmland

No additional comments received.

B. Biological resources, water quality and hydrology impacts

No additional comments received.

C. General CEQA Comments

Comment: The Initial Study and Negative Declaration fail to inform the public of the appropriate environmental baseline for evaluation of the impact of the proposed waiver. The environmental conditions existing in 1983 are the appropriate baseline, not the current degraded level of water quality. (38.7)

Response: *Baseline conditions used for the evaluation are current unregulated discharges. (Fat v. County of Sacramento (2002) 97 Cal.App.4th 1270; Petition of Agricultural Water Quality Coalition et al., State Water Resources Control Board Order No. WQO 2004-0003.) Waivers issued in 1983 did not require monitoring and therefore associated water quality in agricultural areas from that time is poorly documented. Nitrate data from U.S. Geologic Survey monitoring sites in the area (Pajaro River at Chittendon Gap and Salinas River at Chualar) do not show evidence of declining or increasing trends since 1983. Current baseline conditions are documented in CCAMP data, collected since 1998, and in water quality assessment reports associated with Total Maximum Daily Load development. Our assessment of current baseline also includes seventy-five waterbodies identified as impaired on the CWA Section 303(d) list that identify agriculture as a source of the pollution.*

Comment: Specific milestones for levels of participation should be included in the CEQA documents, along with a contingency plan. (40.5)

Response: *Milestones are included in the July 8, 2004, Staff Report.*

Comment: The best way to ensure that the proposed waiver achieves its objectives is to defer action until the Regional Board has prepared an appropriate economic analysis and an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). This will not result in significant delay, as most stakeholders agree with the need to prepare an EIR. (53.2)

Response: *There would be a significant delay and costs associated with completion of an EIR. A possible consequence of this delay could be that the Board would be forced to issue WDRs while the EIR was pending. Staff recognizes that delay is not the appropriate test for whether to prepare an EIR, but has concluded that an EIR is not required under CEQA. Costs that do not result in environmental impacts do not require preparation of an EIR.*

Many dischargers have already met at least some waiver conditions, often because improved irrigation and nutrient efficiency, soil protection efforts and other water quality protection practices result in cost savings and are implemented for economic reasons rather than solely for water quality protection. Where increased costs are incurred, these may be spread over several years and may be at least partially offset by Federal cost share programs, State grant funds and regional settlement funds. State and regional funds will be made available as part of the Regional Board's commitment to assisting agriculture in compliance. In considering alternative monitoring approaches, Staff has reviewed and responded to the March 19, 2004 monitoring proposal as part of this response, and has met with the proponents to discuss aspects of the proposal. Although certain portions of the proposal can be incorporated into the monitoring program, in and of itself the proposal does not meet the requirements of CWC Section 13269. See Attachment 3 for monitoring cost projections. Costs for monitoring may be offset in the short term through State Agricultural Water Quality grants. Most government regulatory programs have some costs, and this factor alone is not a basis to require an EIR..

Section 2: Comments on the Draft Waiver Program

Comment: The Avocado Commission asks that the Board amend the Draft Order to say, "Regional Board staff shall coordinate with property owners and/or operators in advance of all site visits and inspections." (139.1). Alternatively, staff's written policy and procedures regarding follow-up monitoring and site inspection should reflect that all visits must be prearranged with property owners through verbal notification. (139.2)

Response: *Staff believes that the current language, stating that reasonable access will be allowed whenever requested by Regional Board staff, satisfies the owners' desire to have coordination in advance. Any written policy or procedures will reflect the intent to have such coordination.*

Comment: The Board is urged to adopt the conditional waiver recommended by the advisory panel and implement best management practices to protect our water. (132.1)

Response: *Comment noted.*

Comment: There should be a rigorous enforcement mechanism to ensure that Best Management Practices are adhered to throughout the Basin, funded by fees. (37.5)

Comment: The program should pay for itself through a reasonable fee system and provide for adequate enforcement to ensure compliance. (39.4, 39.5, 41.5-48.5, 50.5-52.5, 54.5-129.5, 133.5-138.5))

Response: *Although the Regional Board does not have authority to adopt a fee schedule, staff will provide input and comment if and when State Board develops such a schedule. Enforcement is discussed in the July 8, 2004, Staff Report.*

Comment: Waste Discharge Requirements and individual monitoring should be required of any farmers who do not comply with requirements. (39.6, 40.7)

Response: *See Staff Report for discussion of enforcement.*

Comment: It is not clear why Waste Discharge Requirements are not recommended, since the previous waivers did not protect beneficial uses. The SLO Coastkeeper urges the Board to reject the use of a waiver program and further explore the use of WDRs. (38.1)

Response: *The previous waivers did not include the conditions and monitoring requirements of the proposed waiver and are not an appropriate basis for comparison. In evaluating alternatives to replace expired waivers, staff considered various regulatory options and concluded that a conditional waiver was the most appropriate and feasible approach to ensuring water quality protection. A conditional waiver, with conditions developed with input from both the agricultural and environmental communities, will ensure widespread implementation of management practices, yet still allow flexibility and reduced paperwork as opposed to issuance of more than 2000 Waste Discharge Requirements.*

Relevant factors in determining whether a waiver is in the public interest include the following: whether the discharge is already regulated by a local governmental entity which must continue to play a major role in regulating that type of discharge; whether the Discharger is observing reasonable practices to minimize the deleterious effects of the discharge; whether a feasible treatment method exists to control the pollutants in the discharge; and whether conditionally waiving ROWDs and/or WDRs will adequately protect beneficial uses while allowing the Regional Board to utilize more of its resources to conduct field oversight, public outreach and, where necessary, enforcement. Although local government entities do not regulate water quality impacts of agricultural operations, these operations are subject to pesticide regulation and reporting. In addition, various public and private entities provide education and field assistance to growers implementing best management practices. These entities include various Resource Conservation Districts, the Monterey Bay National Marine Sanctuary, the University of California Cooperative Extension, and the programs cited in Finding 17. The Regional Board has made supplemental environmental program funds available to farm-related activities such as a watershed coordinator and monitoring, and anticipates directing further grants toward these activities, as well as to on-farm management practice implementation. Compliance with the Conditional Waiver will include reasonable management practices to minimize water quality impacts. Management practices that reduce the amount of waste produced or contain runoff are more feasible and more effective than treatment methods and will be strongly encouraged.

The adoption of the Conditional Waiver is also in the public interest because (1) it includes conditions that are intended to reduce and prevent pollution and nuisance and protect the

beneficial uses of the waters of the state, (2) it contains more specific and more stringent conditions for protection of water quality compared to existing regulatory programs, (3) given the number of persons who discharge waste from irrigated lands and the magnitude of acreage involved, it provides for an efficient and effective use of limited Regional Board resources, (4) it provides flexibility for the Dischargers who seek coverage under the Conditional Waiver by providing them with the option of complying with monitoring requirements through participation in cooperative monitoring programs or individually, and (5) it builds on, rather than replaces, existing efforts within the Region.

The Conditional Waiver provides an alternative regulatory option to adoption of WDRs for all Dischargers. Dischargers may seek coverage under this program through a tiered waiver structure. Some operations may be immediately considered for WDRs because of a past history of violations or other problems of non-compliance; however, the vast majority of operations will be allowed time to meet requirements before being considered for WDRs. The conditions of the waiver require Dischargers to comply with applicable water quality control plans and water quality objectives.

Comment: The Board is urged to create a regulatory program that will require all farmers to develop water quality farm plans and implement best management practices to prevent polluted runoff from entering waterways. (39.1, 40.2, 41.2-48.2, 50.2-52.2, 54.2-129.2, 133.2-138.2)

Response: *Development of farm plans and implementation of management practices are conditions of the waiver.*

Comment: All farmers should be required to participate in appropriate water quality education to ensure that they receive necessary technical assistance to develop effective farm plans and identify and implement best management practices. (39.2, 41.3-48.3, 50.3-52.3, 54.3-129.3, 133.3-138.3)

Response: *Completion of 15 hours of water quality education is a condition of the waiver.*

Comment: The Board is urged to take prompt action to adopt and implement a replacement program for waivers that expired January 1, 2003. (40.1, 132.3)

Response: *Comment noted.*

Comment: There should be specific, enforcement benchmarks for pollution levels to ensure compliance with the program. (40.4)

Response: *Staff has included a discussion of enforcement along with benchmarks and milestones for enrollment and compliance in the July 8, 2004, Staff Report. The monitoring program is designed to detect changes in water quality over time, with the recognition that most waterbodies will not achieve water quality objectives immediately. The goal of the waiver program is to ensure that discharges from irrigated lands are not causing exceedances of water quality objectives. In some watersheds, this will be sufficient to attain water quality standards, while in others with multiple land uses, TMDL schedules may be used to set benchmarks.*

Comment: Concern expressed about widespread and significant contamination caused by agricultural runoff; Board is urged to adopt a rigorous program to reduce runoff and improve water quality. (41.1-48.2, 50.2-52.2, 54.2-129.2, 133.2-138.2)

Response: *Comment noted.*

Comment: The Monterey County Water Recycling Program supplies recycled irrigation water, which could exceed TMDL levels of nutrients, to growers in the 12,000-acre Castroville Sea Water Intrusion Project area. How can growers be expected to meet standards if the source water already exceed them? Request the Board to consider a permanent waiver on the discharge requirements in that areas based on conservation efforts (recycled water, drip irrigation, minimum tillage, and soil amendment applications) (49.1, 49.2)

Response: *As part of the farm plan implementation, growers are encouraged to monitor nutrient concentrations in irrigation water and consider that information in calculating applications. As long as growers are implementing such best management practices, they will not be held liable for conditions that are beyond their control. CWC Section 13269 does not allow for permanent waivers, but dischargers may qualify for a Tier 1 waiver and potentially a low-threat discharge category under the cooperative monitoring program as well.*

Comment: The Regional Board must adopt an agricultural discharge waiver that is economically feasible, has a high likelihood of successful implementation and is legally defensible. (53.1)

Response: *Comment noted.*

Comment: The proposed waiver fails to adequately consider whether the waiver is in the public interest. Porter-Cologne requires that efforts to improve water quality be “reasonable” and balanced against “the total values involved, beneficial and detrimental, economic and social, tangible and intangible.” (Water Code Section 13000). These considerations bear directly on the likelihood that the waiver will achieve the anticipated water quality improvements. (53.3)

Response: *Section 13000 mandates the Regional Board to attain the highest water quality that is reasonable. The proposed waiver is reasonable in light of the Regional Board’s obligation to regulate nonpoint source discharges, the known impacts that irrigated agriculture has on water quality, the economic and societal importance of California agriculture, and the cost-effectiveness of the proposed waiver program. In Order WQO 2004-0003, the State Board upheld a similar agricultural waiver adopted by the Central Valley Regional Water Quality Control Board. The SWRCB specifically approved the monitoring program, which was more extensive and costly than the proposed requirements here. . The commenter notes that the agricultural industry generated in excess of \$8 billion throughout the Region in 2003. To the extent this information is relevant, is supports the reasonableness of the expected \$1 million annual cost of the monitoring plan regionwide. The \$1 million cost estimate can be further reduced through grant funding.*

Comment: Board members requested staff to provide examples of cost impacts to small, medium and large operations, including all components of the program (farm plans, education, monitoring, and practices). Have these analyses been completed? (53.4)

Response: *Staff has developed a cost analysis of cooperative monitoring, which was included in Attachment 5 of the Staff Report. A breakdown of costs associated with monitoring, farm plans, education and some management practices was developed and included in materials for the February 5, 2004 Board workshop. An updated cost summary is included in Attachment 3 of the Supplemental Sheet.*

Comment: Tanimura and Antle performed its own cost analysis for a 526 acre farm in the Salinas Valley and estimated that annual costs will exceed \$50,000. Costs include \$50 per

acre for monitoring, on the assumption that cooperative monitoring will not be implemented, and \$50 per acre for land management practices called for in the waiver (best management practice: legal, administration, accounting, farm plan preparation, ranch maps, education, consultants--\$26,300). (53.5)

Response: *Staff recognizes that individual monitoring is extremely costly, but disagrees that cooperative monitoring will not be implemented. Cooperative monitoring is the most feasible, cost effective and practical approach to monitoring a large number of discharges, and funds are available through the Agricultural Water Quality Grants program to help institute such a program at very little initial cost to participating growers. Attachment 5 of the Staff Report shows estimated costs once the program is fully established. Estimates of costs associated with education, cooperative monitoring and management practice implementation are included in Attachment 3 to the Supplemental Sheet.*

The \$50/acre cost of BMP implementation appears inflated. If, as the commenter suggests, Tanimura and Antle have already installed appropriate management practices, non-monitoring compliance costs should be quite low.

Comment: The cost per acre is likely to run more than \$100 per acre for small operations. (53.6)

Response: *Costs for small operations might be slightly higher per acre because of fixed costs for education and some administrative tasks. However, these costs are not expected to be significant (see Attachment 3), and staff does not believe that \$100 per acre is a realistic estimate.*

Comment: Section 13269 does not require that the waiver ensure compliance with applicable water quality control plans, but rather be consistent with the applicable water quality control plans. The proposed waiver is consistent with applicable water quality control plans. (53.7)

Response: *Comment noted.*

Section 3: Comments on the Draft Monitoring and Reporting Program

A. Monitoring Program Structure

Comment: The monitoring program must have a system for funding structure, and responsibility, with a timetable for establishment, and withdrawal of waivers if the program is not established within the allotted time. (37.1)

Response: *A more detailed timeline for establishing the cooperative monitoring program is included in Attachment 2.*

Comment: Under the cooperative monitoring program, it will be difficult or impossible to determine the effect of individual dischargers and dischargers will receive less scrutiny. (38.2)

Response: *While staff agrees that direct monitoring of individual discharges can show what is coming off a particular operation, the effect of many individual discharges on beneficial uses in a given waterbody is best evaluated by in-stream monitoring. Monitoring data will be made available so that dischargers will be aware of water quality in their watershed; follow-up by Regional Board staff will focus on management practice adjustment during the first*

five years of the waiver. (See Staff Report for more discussion of enforcement strategies). Staff disagrees that it is necessary to determine the effect of individual dischargers in all cases. When monitoring indicates a problem, follow-up monitoring will be used to determine the cause(s) of the problem and/or improved management practices will be required. In other cases, heightened scrutiny of individual dischargers is unnecessary.

Comment: The cooperative monitoring program will render any analysis of feasible methods to control pollutants useless. (38.3)

Response: *Staff disagrees. Water quality benefits from some practices have been well demonstrated already. Where practices are still being evaluated, demonstration projects with more intensive monitoring can provide information that will be made available to all growers.*

Comment: The public cannot comment on the adequacy of the monitoring plan as it is yet to be developed and the Board cannot certify that the waiver is in the public interest. (38.5)

Response: *The cooperative monitoring program is developed and described in the Monitoring and Reporting Program. Although the mechanism to implement the program is not yet in place, staff will be working closely with the agricultural industry to establish the program and oversee implementation.*

Comment: It is unclear how the monitoring program will provide the Regional Board with a chain of due process leading to an enforcement action. (38.6)

Response: *Enforcement strategy is discussed in the Staff Report.*

Comment: The cooperative monitoring will discourage compliance by obscuring an individual polluter's identity. (38.4)

Response: *Follow-up monitoring, combined with review of management practice implementation will ensure compliance.*

Comment: The proposed cooperative monitoring program is minimal. The program must include testing in areas that are not currently identified as impaired as well as in areas of known problems. If the Central Coast Ambient Monitoring Program (CCAMP) is to be relied upon, that component should be included in the program, including a contingency plan if CCAMP funding should diminish in the future. Scientific experts should be consulted to analyze monitoring. (40.3)

Response: *In areas outside of intensive agricultural activity, where other sources of data, particularly CCAMP, are being relied upon, monitoring may be less frequent. CCAMP data is collected monthly at the same sites for a year, once every five years, and will be analyzed for change detection to enable assessment of compliance with the State's antidegradation policy. Monthly monitoring for a suite of parameters including basic conventional constituents is an important component of the monitoring program because it allows for more rapid detection of long-term trends than would less frequent monitoring. This is important for understanding whether waters are slowly being degraded, so that appropriate practices prevent any further degradation. In development of the program, staff consulted with university water quality researchers from U.C. Davis, U.C. Santa Cruz, California State University Monterey Bay, and U.C. Santa Barbara. Staff will continue to interact with technical experts as the monitoring program develops and data becomes available for analysis.*

Comment: The program should clearly specify that when water quality problems link to specific dischargers, the cost of additional monitoring should be borne by those causing the problem, not those who are complying. (40.6)

Response: *Enforcement strategy is discussed in the Staff Report. The cooperative monitoring program is designed to characterize water quality in the vicinity of agricultural operations, to detect trends, and to prioritize problem areas. Data will be used to provide feedback to growers, and to guide development of more detailed monitoring and management practice implementation in problem areas. Where sites are found to have chronic problems, additional monitoring will be considered to better define the problem area, and growers may be required to report additional actions that have been taken to address the problem. Additional actions by the Regional Board may be required in cases where data and reporting information isolate the problem to an individual grower, and reasonable time has been given to allow for management practices to be implemented, but no effective action has been taken by the grower. Additional actions may include requirements for farm-specific monitoring, termination of coverage under the Conditional Waiver, issuance of Waste Discharge Requirements or enforcement action.*

B. Monitoring Program Constituents and Frequency

Comment: In addition to ambient monitoring, farmers should do individual monitoring on a periodic basis, perhaps phased in beginning with larger growers. (37.2)

Comment: Individual monitoring should include all potentially harmful constituents used in the course of normal farming operations. (37.3)

Response: *Farmers are encouraged to monitor the effectiveness of practices, know the nutrient content of their irrigation water and to maintain records of such information on site. Although it is not practical from a data management nor quality assurance perspective to require submittal of such information, such information is valuable in demonstrating compliance and may be requested by the Regional Board if necessary.*

Comment: Sediment discharges should be monitored and be subject to Best Management Practices. (37.4)

Response: *Erosion control is a required component of farm water quality plans. Self-monitoring techniques are part of the farm water quality short courses. Sediment monitoring is not included in the cooperative monitoring program because of the expense and difficulty of obtaining meaningful data. To effectively monitor sediment in the water column, entire storm hydrographs are typically sampled for both discharge and sediment concentration, with sediment collected using depth- and width-integrating techniques. These types of protocols lend themselves to detailed effectiveness monitoring programs, rather than the type of broadly-scaled monitoring for agricultural chemicals proposed for this program. The cooperative monitoring program will monitor turbidity as part of regular monthly monitoring. Turbidity typically shows a relatively high correlation with suspended sediment, but at the monthly intervals proposed this measure will be more effective at understanding chronic sediment inputs such as might occur from irrigation runoff, than large stormwater-driven sediment loading events. For the first five years of this monitoring program, self-assessment of farm management practices will be used to document management practice effectiveness at controlling sediment runoff during storm events.*

Comment: The program should monitor agricultural pollutants in water, including pesticides and nutrients, to ensure that pollution prevention efforts are effective. (39.3, 41.4-48.4, 50.4-52.4, 54.4-129.4, 133.4-138.4, 132.2)

Response: *The monitoring program includes monthly nutrient monitoring. Monitoring for toxic chemicals is initially conducted using a multi-species toxicity approach. Chronic toxicity tests evaluate impacts to growth, development and reproduction, in addition to survival. Toxicity testing also evaluates additive and synergistic effects of chemicals. In areas where toxicity problems are detected follow-up monitoring may include sampling for specific pesticides, following evaluation of pesticide application patterns in the area.*

Comment: Irrigation efficiency data collected on farms can be used to track the implementation of practices that minimize tail water run-off and the leaching of nutrients and pesticides, assess the effectiveness of conservation practices to protect water quality and determine sources of contaminants. (130.1)

Response: *Reporting on irrigation efficiency will be included in the management practice checklist that growers submit as part of waiver compliance. Staff will be consulting with technical resource professionals in developing the checklist to ensure that the most useful information is collected.*

Comment: Using monitoring to assess if agriculture is improving water quality has a number of weaknesses, including the high cost of analysis and the large number of samples and locations needed. A water quality monitoring program could be enhanced by assessing irrigation efficiency at the farm scale to estimate the amount of run-off and deep percolation contributing to water quality problems. (130.2)

Response: *Staff agrees that improving irrigation efficiency is a key component of water quality protection. All farm plans must identify practices that will be implemented for best irrigation management. Staff strongly recommends that growers take all possible steps to improve their irrigation efficiency as much as possible. Records kept on site and available for Regional Board staff review are a component of the waiver program and will allow the Regional Board to assess the effectiveness of conservation practices in protecting water quality. The proposed water quality monitoring program is intended to be used in conjunction with on-site records and tracking of management practices in the overall evaluation of the success of the waiver program.*

Comment: The focus of the monitoring program needs to be on pollutants that originate with irrigated agriculture. We request you direct staff to replace toxicity testing and BMI (benthic macroinvertebrate) sampling with measurements that would identify specific pollutants likely to originate from irrigated agriculture. (131.1, 131.2)

Response: *The monitoring program must be designed to answer the question of whether the waiver program itself is protecting beneficial uses and improving water quality in the areas of irrigated agriculture. Toxicity testing and BMI analysis are intended to be used as screening tools in order to identify problem areas and assess beneficial use support. Where problems are identified, follow-up monitoring will first include evaluation of other existing water quality data, pesticide application data, land use practices, and other potential sources. Further analysis may include chemical monitoring as necessary to identify the nature and extent of the problem. Pesticide monitoring alone does not provide information about additive and synergistic effects, non-lethal chronic effects, or beneficial use support.*

Comment: The proposed monitoring program should begin with a small number of high priority areas, such as northern Monterey county and the Santa Maria basin, both of which include important agricultural areas, have 303(d) listed waterbodies, and have settlement funds available to bring down the startup costs. (131.3)

Response: *Comment noted.*

Comment: The proposed monitoring program does not sufficiently demonstrate the need for all the waterbodies listed in Table 1 to be included in the initial phase of the program. We recommend Table 1 be divided into areas included in initial phases, areas of high priority to be added as the program capacity is expanded, and other areas which can be included with reasonable increases in cost. (131.4) If staff does not agree, we urge that additional workshops be held before the monitoring program is approved. (131.5)

Response: *The waterbodies included in Table 1 are ones where water quality problems associated with irrigated agriculture have previously been identified. All of the waterbodies included either are listed on the 303(d) list of impaired waterbodies or have sufficient data to be considered for future listing. Start-up in the lower Salinas and Santa Maria areas is being considered, to allow time for the cooperative program to be established, develop capacity, and apply for additional grant funding. The Regional Board held three workshops between October 2003 and February, 2004 to allow sufficient time for public comment on this issue. This comment letter was received June 24, 2004. Staff does not agree that additional workshops are necessary at this time.*

Comment: The monitoring needs to be better coordinated with other on-going water quality monitoring efforts. The agricultural community is being asked to support duplication of long-term monitoring or is being asked to assume financial responsibility for the RWQCB long term monitoring program. Initial sampling points should be listed and any overlap with other monitoring programs be justified. (131.6)

Response: *It makes sense to use existing data where available to provide more baseline information to compare to when attempting to detect improvement in water quality. Also, as long as ongoing data collection from other programs is of comparable quality, uses comparable protocols, and utilizes comparable time intervals it should be suitable for use by the cooperative program.*

In the Central Coast Region at this point in time there are several programs that may be able to supply data of professional quality to the Agricultural Monitoring Program. The RWQCB's Central Coast Ambient Monitoring Program is one of these programs. Several cities and counties maintain significant monitoring efforts with high levels of quality assurance. Most monitoring efforts in the Region focus on conventional water quality, with few programs sampling systematically in agricultural areas for toxicity, pesticides in water or sediment, or benthic invertebrate assemblages. In order to adequately assess impacts of pesticides on beneficial uses, and to determine long-term trends, it is important that some type of assessment of toxic and other biological effects be undertaken in a systematic way. The CCAMP program is being used in an integrated way with this proposed effort to reduce sampling requirements for the cooperative program in outlying agricultural areas where agricultural activity is not currently known to be causing water quality problems. We will integrate with and support the agricultural program wherever possible. CCAMP has never had sufficient funds to conduct continuous monitoring in watersheds (watershed monitoring is conducted on a 5-year rotational basis), and has conducted only limited toxicity testing.

Comment: The monitoring program must have input from non-regulatory technical experts, such as universities, local agencies and community-based organizations such as industry trade groups. Input should include setting up the program, evaluating results, and proposing changes. The role of the Agricultural Monitoring Committee is not clear. The Board needs to provide an explicit role and stipulate its membership. (131.7)

Response: *The monitoring program was developed with input from non-regulatory technical experts, including researchers involved in water quality monitoring from U.C. Santa*

Barbara, U.C. Davis, U.C. Santa Cruz, and California State University Monterey Bay, as well as an agricultural advisory panel. The Regional Board will review the monitoring program during the first waiver cycle and adjust the program as needed. The Agricultural Monitoring Committee will oversee the implementation of the Cooperative Monitoring Program, establish an entity to hold funds, work with appropriate organizations to apply for grant funding, develop a cost-allocation structure and collect dues. The Regional Board regulates individual dischargers, and therefore does not have authority to stipulate the membership of the Committee.

C. Monitoring Program Costs and Cost Allocations

The only additional comment was included in Tanimura and Antle's comment on overall costs in Section 2, above.