

July 6, 2004

Mr. Jeffrey Young, Chairman
Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

ATTN: Mr. Roger Briggs, Executive Officer

RE: **CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
DISCHARGES RELATED TO IRRIGATED AGRICULTURAL LANDS –
AGRICULTURAL INDUSTRY MONITORING PROPOSAL**

Dear Chairman Young and Board Members,

Representatives of twenty-three agricultural associations, whose members represent over 90% of the agricultural producers on the Central Coast, submitted a monitoring proposal to the Central Coast Regional Water Quality Control Board (CCRWQCB) on March 19, 2004. This proposal (attached) demonstrates the agricultural industry's willingness and commitment to develop a cost effective monitoring program that meets the legal and technical requirements of the Porter-Cologne Water Quality Control Act and the Conditional Waiver of Waste Discharge Requirements for Discharges Related to Irrigated Agricultural Lands (Conditional Waiver).

CCRWQCB Staff prepared a written response to the Industry Monitoring Proposal and raised several concerns about the technical feasibility of the proposal. Subsequently, CCRWQCB staff met with representatives of the twenty-three associations. CCRWQCB staff requested that the industry resubmit a monitoring proposal to the Board and staff that includes an outline of the industry's proposed phased approach including a schedule and timeline of milestones.

The industry sincerely thanks CCRWQCB staff for this opportunity to clarify and expand upon our monitoring proposal. We believe that the CCRWQCB has a unique opportunity on the Central Coast to adopt an exemplary, model Conditional Waiver program. With the industry's support, the CCRWQCB can achieve its goals of water quality protection.

The industry proposal would establish a phased and multi-level monitoring program, comprised of: (1) Focused monitoring programs that could be used to immediately address problems in areas of known impairment and (2) a Region-wide/Watershed-wide Monitoring Network that can be augmented and improved over time. Our proposed monitoring program is designed to develop and implement the waiver program in an efficient and coordinated manner. The CCRWQCB, affected parties and other stakeholders can evaluate the adequacy and effectiveness of existing monitoring efforts

and can augment the monitoring program over time as necessary to achieve the purposes of the waiver program.

Phase I: Focused Monitoring, Agricultural Committee and Subcommittees, Non-Profit Entity, Education, Farm Plans, Enrollment in Conditional Waiver Program

Focused Monitoring in Two Impaired Watersheds

In cooperation with landowners and affected irrigated agricultural operations, the Non-Profit Entity will begin focused monitoring programs in two areas of known water quality impairment, the Salinas River (including Moro Coho, Tembladero, Elkhorn Slough) in North Monterey County and the Santa Maria River in Santa Barbara County. Monitoring in these locations would comprise approximately *one-half* of all the monitoring sites outlined in CCRWQCB staff's regional monitoring proposal. Monitoring data for Phase I will be available to the CCRWQCB by November 2005.

The PG&E funds in North Monterey County and the Guadalupe funds in Santa Barbara County provide unique financial opportunities to develop and implement monitoring programs that combine data collection with timely education, outreach, grower feedback, and problem remediation. The Phase I monitoring program should utilize existing monitoring data to assess the contributing factors of urban, rural residential, and other land use sources of pollution.

Response: Staff concurs with the phase-in approach, with a start date for monitoring of January 1, 2005. This is earlier than the original date staff proposed for initiation of regionwide monitoring, and will allow time for the agricultural industry to establish the necessary infrastructure to conduct a monitoring program.

Establishment of an Agricultural Committee

By September 1, 2004

The agricultural industry will appoint fifteen (15) representatives of the irrigated agricultural industry affected by the Conditional Waiver to serve on the Region 3 Agricultural Committee, including one (1) each from the seven (7) Counties within Region 3. The remaining eight (8) representatives will be appointed from the sub-areas in Region 3 representing the highest percentages of irrigated agricultural land affected by the Conditional Waiver.

The Agricultural Committee will identify two subcommittees, (1) Cost Allocation and (2) Monitoring, to develop the recommendations for monitoring fees and monitoring parameters. These recommendations will be provided to the Non-Profit Entity's Board of Directors for approval prior to review and adoption by the CCRWQCB.

Response: Staff concurs.

Establishment of a Cost Allocation Sub-Committee

By November 1, 2004

The industry will appoint a subcommittee consisting of eight (8) members of the Region 3 Agricultural Committee to develop a recommended fee schedule by November 1, 2005, for the Monitoring Program.

The undersigned support a fair and equitable methodology for assigning financial responsibility for the Monitoring Program, which focuses on the cost of services being provided under the Conditional Waiver rule or monitoring program. Accordingly, we believe that the financial responsibility of each irrigated agricultural discharger or landowner for the monitoring program should be proportional to their respective contributions to water quality impairment. To the extent necessary, the financing methodology should include *off-sets or credits* for those dischargers and landowners that contribute to or cause *water quality improvements* as a result of agricultural or drainage practices. We believe that a per-acre fee assessed to include all irrigated agricultural dischargers and landowners in the Region, is not fair or equitable, and may be legally suspect.

Response: Staff agrees that the distribution of financial responsibility for monitoring should be fair and equitable. The agricultural industry has the opportunity to develop a cost allocation structure that it believes to be most suitable, as long as the financial needs of the program are met.

Establishment of a Monitoring Sub-Committee By November 1, 2004

Concurrent with the formation of a Cost Allocation Subcommittee, the industry will appoint a Monitoring Subcommittee, consisting of seven (7) members of the Region 3 Agricultural Committee and scientists, to develop the protocol of the region-wide monitoring program, including site selection, constituents, and frequency. Many water quality monitoring and data collection efforts throughout the Region are ongoing. The Monitoring Subcommittee would work with CCRWQCB to prepare an inventory and analysis of all existing monitoring programs, then synthesize the data and develop a region-wide database to correlate the data. These inventories and analyses will allow the CCRWQCB and the Monitoring Subcommittee to evaluate the adequacy and effectiveness of existing monitoring networks, to identify monitoring and data gaps, to effectively and efficiently determine whether additional monitoring is necessary, and to determine whether monitoring requirements can be waived in those areas that are found not to pose a significant threat to water quality. The Monitoring Subcommittee would develop a protocol for approval of the CCRWQCB by November 1, 2005.

Response: Staff is willing to provide data as part of an inventory and review of existing data and monitoring efforts, and to consider revision of existing permits where appropriate. The Monitoring Subcommittee may develop an alternative monitoring protocol for consideration by the Regional Board. In order to be considered, the proposed protocol must meet legal and data quality and reporting requirements. Staff recommends that Monitoring and Reporting Program R3-2004-0117 be adopted and implemented as proposed, beginning in the lower Salinas/Elkhorn and Santa Maria

areas. Full regionwide monitoring, in accordance with MRP R3-2004-0117 or a revised cooperative monitoring program approved by the Regional Board at a public hearing, should be implemented by January 1, 2006. This date is only three months later than the start date originally proposed by staff, which is not a significant delay. Staff also strongly recommends that the Agricultural Committee apply for Agricultural Water Quality Program grant funds to support an additional two years of monitoring.

Establishment of an Industry-Led Non-Profit Entity to Administer the Monitoring Program

By January 1, 2005

The industry will begin work immediately to identify and form an entity to develop, implement, and administer the Monitoring Program. The industry will need six (6) months to secure a Board of Directors, develop Bylaws, and file Articles of Incorporation with the State of California. The entity will be formed by January 1, 2005.

The Non-Profit Entity will work with the CCRWQCB and SWRCB to secure grant funds to implement Phase I.

Response: Staff concurs and will work closely with the industry to assist them in obtaining funding.

**Education, Farm Plans, Enrollment in Conditional Waiver Program
Ongoing From Date Conditional Waiver Is Implemented**

During Phase I, affected irrigated agricultural dischargers will be encouraged to complete the educational requirements as set forth in the Conditional Waiver, to develop farm plans, and to enroll in the Conditional Waiver Program. Dischargers may elect either Individual Monitoring or Region-wide/Watershed-wide Network Monitoring when enrolling in the Conditional Waiver Program. The Phase I Focused Monitoring Program will cover dischargers who elect Region-wide/Watershed-wide Network Monitoring upon enrollment, until January 1, 2006. From January 2, 2006, dischargers would then be eligible for enrollment under Phase II of the Region-wide/Watershed-wide Network Monitoring Program unless they choose to change their election to Individual Monitoring. Dischargers must notify the CCRWQCB, in writing, if they wish to change their election for monitoring.

Response: Staff agrees and will work closely with the industry to find funding to support education and implementation of management practices as well as monitoring.

**Phase II: Region-wide and Watershed-wide Network Monitoring
January 2, 2006 – June 2009**

Affected irrigated agricultural dischargers enrolled in a Region-wide/Watershed-wide Network Monitoring Program, as approved and adopted by the CCRWCB, would be eligible for enrollment under Phase II effective January 2, 2006, unless they change their monitoring election to Individual Monitoring. Dischargers must notify the CCRWQCB, in writing, if they wish to change their election for monitoring.

This enrollment date would allow for three years of Region-wide/Watershed-wide Network Monitoring data to be collected prior to the review of the Conditional Waiver by the CCRWQCB. To ensure industry participation in the monitoring program, it is imperative that the Non-Profit Entity adopts the Cost Allocation Committee's recommended fee structure prior to the commencement of fee collection and Region-wide/Watershed-wide Network Monitoring. The Phase II monitoring program should also utilize existing monitoring data to assess the contributing factors of urban, rural residential, and other land use sources of pollution.

Response: Staff agrees.

Attached is a diagram of the phased approach that includes a timeline of milestones.

On behalf of members of *Central Coast Ag Task Force, Central Coast Wine Grower's Association, Coalition of Central Coast County Farm Bureaus, Grower-Shipper Association of Central California, Grower-Shipper Vegetable Association of Santa Barbara and San Luis Obispo Counties, Independent Growers' Association, Monterey County Cattleman's Association, Monterey County Cattle Women's Association, Monterey County Farm Bureau, Monterey County Vintners and Growers Association, Salinas River Channel Coalition, Salinas Valley Chapter of California Women for Agriculture, Salinas Valley Water Coalition, San Benito County Cattleman's Association, San Benito County Farm Bureau, San Luis Obispo County Farm Bureau, San Mateo County Farm Bureau, Santa Barbara County Cattleman's Association, Santa Barbara Flower and Nursery Growers' Association, Santa Barbara County Farm Bureau, Santa Clara County Farm Bureau, Santa Cruz County Farm Bureau, and the Southern San Luis Obispo and Santa Barbara County Watershed Coalition*, we thank the CCRWQCB for continuing to work with the agricultural industry to meet our mutual goals of water quality protection on the Central Coast.

