



June 1, 2016

Jeanine Townsend
Clerk to the Board
commentletters@waterboards.ca.gov
Joe Serna Jr. - CalEPA Building
1001 I Street, Sacramento

Re: Proposed Order Reviewing Central Valley Regional Water Quality Control Board Order No. R5-2012-0116, Waste Discharge Requirements General Order for Growers Within the Eastern San Joaquin River Watershed

Dear Ms. Townsend:

The undersigned organizations appreciate the opportunity to provide the State Water Resources Control Board (**SWRCB**) with the following comments in relation to the SWRCB's Proposed Order reviewing Central Valley Regional Water Quality Control Board's Waste Discharge Requirement General Order (**Proposed Order**).

We are concerned with the changes in the Proposed Order. The Central Valley Regional Water Quality Control Board (**Central Valley Water Board**) adopted Waste Discharge Requirements General Order No. R5-2012-0116 for Growers within the Eastern San Joaquin River Watershed that are Members of a Third-Party Group (**ESJ WDR**) on December 7, 2012 after a series of negotiations between the Central Valley Water Board and stakeholders. The goal of the ESJ WDR, and similar Waste Discharge Requirements (**WDRs**) adopted by the Central Valley Water Board, is to focus on activities and conditions that constitute the highest risk to water quality and develop monitoring and planning programs to address nitrate contamination. The actions taken by the Central Valley Water Board and coalitions under the various WDRs, which formed the foundation for the current Irrigated Lands Regulatory Programs (**Irrigated Lands Program**), are working, and more improvement is anticipated through continuing outreach and education to growers.

The changes in the Proposed Order: (i) erode the trust built between the coalitions and their members; (ii) removes the focus of coalitions and the Central Valley Water Board from

important water quality issues; and (iii) substantially increases the cost to growers because of increased regulatory requirements and resulting need to increase the staff of the coalitions and Central Valley Water Board.

The Proposed Order is precedential and would require the Central Valley Water Board to change other WDRs to comply with the SWRCB's final adopted order. It would impose state-wide, uniform requirements on growers without room for flexibility and adaptation based on the varying conditions throughout the Central Valley Water Board's jurisdiction.

Nothing in water, especially groundwater, is one-size-fits all. The Irrigated Lands Programs developed under the Central Valley Water Board's WDRs are no exception.

1. High and low vulnerability designations ensure growers, coalitions and the Central Valley Regional Board can focus on areas with groundwater quality issues or the potential for groundwater quality issues.

Currently, the Central Valley Irrigated Lands Program distinguishes between high and low vulnerability areas. The determination between high and low vulnerability is not arbitrary. In the ESJ Order, an area will be designated as high vulnerability where: (i) known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities; or (ii) areas that meet any of the following requirements for the preparation of a Groundwater Quality Management Plan: (1) there is a confirmed exceedance a water quality objective or applicable water quality trigger limit in a groundwater well and irrigated agriculture may cause or contribute to the exceedance; (2) the Basin Plan requires development of a groundwater quality management plan for a constituent or constituents discharged by irrigated agriculture; or (3) the Executive Officer determines that irrigated agriculture may be causing or contributing to a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses.

This designation criteria places stricter requirements on areas where there are known or potential groundwater quality impacts and ensures growers, coalitions and the Central Valley Regional Board can focus on activities or conditions that constitute the highest risk to water quality. For example, under the current program, all growers must prepare a nitrogen management plan, but growers in high vulnerability are also required to have their nitrogen management plan certified by a Certified Crop Advisor or other qualified professional. Further, growers in high vulnerability areas must submit annually a nitrogen summary report to the third party coalition. Growers in low vulnerability areas must prepare a nitrogen management plan, but the plan is maintained on the farm.

The Proposed Order would eliminate vulnerability distinctions, and thus would apply all of the requirements equally to all growers in the Central Valley and across the state. This would impose significant new costs on many growers, including hiring Certified Crop Advisors to certify their nitrogen management plan when it is unnecessary to do so.

The designation of areas as either high or low vulnerability is an important distinction that is made based on specific factors important to assessing and addressing impacts to water quality. Requiring all growers to be subject to the requirements of the ESJ WDR, and subsequently amended WDRs would be costly, unnecessary and would remove focus from those areas that truly need it.

We request the SWRCB reject the proposal to remove the high and low vulnerability designations.

2. The expansion of public reporting to include field level location information is unnecessary and would substantially increase workload and staffing needs for the coalitions and the Central Valley Water Board, resulting in increased fees and costs for growers.

The Proposed Order's most significant change is the level of information that must be reported by the coalition to the Central Valley Water Board. Currently, the Central Valley Irrigated Lands Program requires growers to submit several reports to third party coalitions. The coalitions then take the information provided to them by the growers and submit it to the Central Valley Water Board in an aggregated format at a township level. This method of data collection and reporting provides coalitions with the information necessary to implement the program and helps the Central Valley Water Board avoid receiving hundreds of thousands of data points that they do not have staff time or resources to review. If the Central Valley Water Board has questions or concerns about the data submitted, they retain the authority to review coalition records.

The Proposed Order would require all data and information be transmitted to the Central Valley Water Board, including field level data by location rather than reporting aggregated information. The Central Valley Water Board's jurisdiction covers forty percent (40%) of the state's land and seventy-five percent (75%) of the state's irrigated agriculture. Submittal of data at the field level, rather than an aggregated format, would substantially increase workload and staffing needs for the coalitions and the Central Valley Water Board, resulting in increased fees and costs for growers.

Further, this change brings into question the function of coalitions. If all data must be submitted to the Central Valley Water Board, coalitions serve as a mere pass-through for data. Coalitions currently serve the important function of collecting and analyzing data submitted to identify water quality issues and develop outreach and education based on that data. If coalitions no longer analyze the data, but simply submit it to the Central Valley Water Board, there is little need for coalitions and many of the successful programs currently implemented will fall to the wayside.

We request the SWRCB reject the proposal to submit data at the field level and continue allowing aggregated data submittal to coalitions.

3. The requirement to sample all domestic wells on lands covered by the Irrigated Lands Program is outside the scope of the Program and undermines the efforts of this and other important water quality efforts.

The Proposed Order would require coalition members to sample all domestic wells on their property and report to occupants if the well water exceeds the drinking water standard for nitrates. The well sampling results, along with well location, must then also be posted to GeoTracker, the SWRCB's public database that contains water quality information from throughout the state.

Currently, the Central Valley irrigated lands program does not require individual growers to sample all domestic wells on properties that are covered by the Irrigated Lands Program. It is estimated there are between 4,000 and 6,000 wells in the East San Joaquin coalition alone. Sampling and testing of all Central Valley domestic wells will result in a significant cost impact to growers and would require substantial resources at the Central Valley Water Board to review the new data and conduct the required follow up.

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This new requirement is an overreach and removes focus from the purpose of the Irrigate Lands Program to develop monitoring and planning programs to address nitrate contamination. Further, it calls into question the substantial progress of drinking water programs, including the Central Valley Salinity Alternatives for Long-Term Sustainability initiative (**CV-SALTS**). CV-SALTS is a collaborative stakeholder program to develop sustainable salinity and nitrate management planning for the Central Valley, including development of a safe drinking water supply. Similar to the current Irrigated Lands Program, CV-SALTS relies on stakeholder engagement and collaboration. It is also intended to work in conjunction with the Irrigated Lands Program. Adding a drinking water monitoring program to the Irrigated Lands Program will undermine the substantial and important work being done through CV-SALTS and upend the benefits the program is and will provide in conjunction with the progress made under the Irrigated Lands Program.

We request the SWRCB reject the requirement that growers sample domestic wells.

In conclusion, we urge the SWRCB to reject the changes in the Proposed Order. The Irrigated Lands Program has shown a proven record of success in addressing water quality issues in surface and groundwater through the collaborative efforts of growers, coalitions and the Central Valley Water Board. Further, the Proposed Order will require a substantial increase in staff at the Central Valley Water Board, the costs of which will be imposed on the growers subject to the program.

This Proposed Order erodes trust and the progress made under the Irrigated Lands Program. It is unnecessary, overreaching and should be rejected.

Thank you for your consideration. Please contact Lauren Noland-Hajik at (916) 448-3826, or by email at lhajik@kscsacramento.com, if you would like to meet with the signatories to discuss the foregoing.

Sincerely,



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California Citrus Mutual



Roger Isom, President/CEO
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Barry Bedwell, President
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