

Central Coast Water Quality Preservation, Inc.

P.O. Box 1049
Watsonville, CA 95077

(831) 761-8644
Fax (831) 761-8695
e-mail kschmidt@ccwqp.org

December 29, 2016

Mr. Chris Rose
Irrigated Lands Program Manager
Regional Water Quality Control Board
895 Aerovista Pl, Suite 101
San Luis Obispo, CA 93401

Re: Draft Ag Order v3.0
R3-2017-0002
Hearing: March 7-9, 2017

Dear Mr. Rose;

Central Coast Water Quality Preservation, Inc., (CCWQP) conducts surface water quality monitoring through the Cooperative Monitoring Program (CMP) for 99% of the Central Coast growers enrolled in the Ag Order as part of their compliance with the associated Monitoring and Reporting Program (MRP). In 2016 there are over 417,351 irrigated acre, consisting of 4,230 farms, managed by 1,633 operators. This comprises all irrigated agriculture, including strawberries, vegetables, apples and vineyards.

Our comments are limited to the 2017 through 2019 surface water MRPs, their design and implementation.

All enrolled Central Coast growers are given the alternative of participating in the CMP or conducting individual monitoring of surface water discharged from their farm. CCWQP also collects the State Board ILRP Fee as part of its annual invoice for participating in the CMP. Participating growers pay the State Fee at the Tier 1 rate of 75¢ per acre, compared to the Tier 3 fee paid by non-participating growers, which is between five and ten times higher than the CMP participation fee including the State Fee.

Ag Waiver and Ag Order v2.0 Prior to the adoption of the Ag Waiver in 2004 and the Ag Order v2.0 in 2012 RWQCB staff and agricultural representatives discussed the format, duration and objective of the surface water monitoring program. The resulting MRPs were available to all interested parties prior to adoption of the Ag Waiver and Ag Order, and well in advance of the first monitoring event.

Ideally, the monitoring plan should be developed to meet technical objectives with minimal cost. In the current Ag Order v2.0 five year period (ending in 2016) additional monitoring for pesticides and other toxicants was conducted at each site during one monitoring year out of five (2013 in the south; 2014 in the north). Though more data is always preferable, thorough monitoring once in a five year period has proven highly useful for the CMP in the past and is also the basis for the design of the RWQCB's own CCAMP monitoring program, which samples watersheds on a rotating, once-in-five-year frequency. The year of additional toxicant monitoring conducted by the CMP for the Ag Order v2.0 period provided a clear picture of toxicants present at levels of concern in ag watersheds throughout the Central Coast, and also provided data for comparison with levels detected in prior years. Biologically meaningful reductions were detected, for example, in levels of chlorpyrifos and diazinon in 2013-2014 as compared to prior sampling conducted in 2005-2006 and in 2008-2009. The 2013-2014 study also allowed comparison of current pyrethroids in sediment with those detected in 2010.

2017 MRP The MRP dealing with surface water monitoring for 2017 was signed by RWQCB Executive Officer John Robertson on August 11, 2016 and again, with modifications not relevant here, on August 22, 2016. This MRP was before the RWQCB Board as an informational item on December 8, 2016. It requires the CMP to perform additional monitoring for pesticides and other toxicants in both sediment and water during two monitoring events in 2017. At the time the MRP was signed RWQCB staff opined that monitoring would revert to the core parameters for 2018 and 2019, with a new Order v4.0 to be developed for 2020. Analytical costs for the proposed additional toxicant monitoring are significant, requiring a 69% fee increase for CMP participants in 2017. Costs would be mitigated, however by a return to a more normal budget for 2018-2019.

To pay for the 2017 CMP the fees charged to growers increased by 69%. A grower with a 5 acres farm saw fees go from \$47.93 in 2016 to \$80.83 in 2017. An operation with 2,500 acres had fees go from \$5,887.5 to \$9,930.25. This does not include other compliance costs associated with the Draft Order v3.0, including repeated groundwater monitoring and TNA reporting. Some growers believe this steep increase makes participation in the CMP less advantageous, as the original rationale for a third party CMP was to both reduce expenses and ease the burden on RWQCB staff.

Specifics of the monitoring plan should be developed by technical staff in a scientific process. While the current proposed MRP included technical input from the RWQCB staff and some from the CCWQP, it does not reflect a coherent planning process nor does the monitoring design address clear scientific objectives.

2018 and 2019 Draft MRP The draft MRP would require the CMP to perform the additional twice-annual toxicant monitoring in both 2017 and 2018, doubling the increased cost. This change was not discussed with CCWQP staff or growers. Certainly, past CMP data indicate the presence of toxicity to sensitive aquatic organisms, and investigation into the causes is warranted. Because of the high cost of laboratory analysis however, it is important to avoid sampling that is redundant or otherwise not informative. Besides the general idea of "more data is always better," it is not clear what would be gained by repeating the proposed 2017 toxicant monitoring again in 2018 for Ag Order 3.0.

A final concern with the new MRPs as proposed for 2017-2019 is the list of additional toxicants to be monitored. The list includes some toxicant classes which did not prove to be important contributors (if at all) to aquatic toxicity in the past; for example metals and phenol. The proposed MRP draws no distinction between sites with a history of aquatic toxicity and pesticide detection, and those that have routinely had non-toxic results with no detections. Use of program resources to sample sites with non-detection or non-toxic results is not warranted and results in expensive laboratory analysis with little likelihood of increasing the understanding of impairments in specific watersheds.

Winery and Vineyard WDR CCWQP is charged with managing the surface water monitoring program for enrolled growers through the CMP. To do so it needs financing from these growers and predictability in the execution of the MRP so that the funds so raised will cover the entire year of monitoring. The 2017 CMP fee schedule is based on 417,351 participating acres. If vineyard SIP acres, estimated to be 36,000 acres, are no longer participating in the CMP the remaining growers will have their individual cost of complying with the 2018 and future MRPs increase further. This would be compounded if other commodities that currently have certified sustainability programs no longer participate in the CMP.

As this significant change in Ag Order acres is presently under consideration, its discussion should be included in the Ag Order adoption process. Therefore, CCWQP proposes that either:

1. The SIP acreage be removed from the Winery WDR, as there is no showing that there is any functional difference from the surface water impact compared to other crops; or
2. Certified sustainable programs continue to require participation in the CMP, even if the farms no longer need to comply with the remainder of the future Ag Orders. This would be similar to the proposal to require SIP acres to continue to monitor their wells in a manner consistent with the present MRP for groundwater.

Alternative Monitoring Design The EPA has extensively reviewed the design of watershed monitoring programs. Goals need to be established for the long term, particularly where the prime objective, as with the Ag Order, is trend monitoring. "... trend monitoring is intended to detect water quality changes that occur over a longer time frame (>10 years) due to the size and complexity of the watershed or more gradual implementation of management measures." (*Designing Water Quality Monitoring Programs for Watershed Projects*, TechNotes 2, National Nonpoint Source Monitoring Program, EPA, 2015, pg. 7-8) "Trade-offs between the expense and personnel effort to accommodate such constraints and the value of the resulting information must be considered when selecting variables to monitor." (ibid, pg. 10)

The CMP has been conducted at over 50 sites on the Central Coast, every month, for over twelve years. In the past a multi-year plan was established in the Ag Waiver and Ag Order v2.0. This approach should continue, and the CMP should avoid one shot programs as it neither increases the scope of data to allow for meaningful trend analysis nor provides a better focus on an area of concern. Furthermore, adopting a MRP which cannot be justified over the long term results in increased cost without any meaningful benefit.

One alternative, raised in our comments to the RWQCB Board in Watsonville in December, would be to perform the additional toxicant monitoring at half the sites in 2017, the other half in 2018, and then use the data to conduct analysis, reporting and outreach in 2019. The review of the data collected will then be available to the RWQCB prior to adoption of Ag Order 4.0. As the 2017 MRP toxicity monitoring may not be conducted until after the March, 2017, RWQCB Board meeting in Watsonville, this is still a viable option.

Should you, or any of your board members, have any questions please contact me. CCWQP will appear at the CCRWQCB board meeting in March to discuss these issues.

Sincerely
Central Coast Water Quality Preservation, Inc.



Kirk F. Schmidt
Executive Director

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