CASE HISTORY: How might the ILRP Work in a Future Scenario

To see how the ILRP alternatives might play out on the ground, I chose between two incidents that showcase nonpoint pollution on agricultural land. Water Penny Farm in Virginia mulched with picloram-tainted hay, and the broad-levaed crops of this CSA died. That incident was rejected because I could obtain no images or determine the final outcome of picloram leaching. My second choice was Skull Valley Disease that illustrates agricultural nonpoint pollution and the BMP's practiced to prevent groundwater contaimination.

6000 head of sheep died in Skull and Rus watersheds during the Ides of March, 1968. The chemical that poisoned them was a weapon-grade oil perfected from a pesticide so toxic that it was removed from the market a year after its release. A duster loaded with the oil sprayed a grid with the chemical on Utah's Dugway Proving Ground and as the plane ascended into the sky, the nozzle malfunctioned and misted the clouds of a brewing storm. Contaminated snow fell on a 30-mile-long swath within the two valleys, contaminating water and grass. Sheep are the only domestic animal that can eat snow and survive, and the sheep ate snow and contaminated forage, their carcasses dropping over many square miles of range. 52-4

The phosphonothionate, a relative of malathion, persisted in the environment, was concentrated in the carcasses of the dead sheep and combined in effect with other OP pesticides sprayed by ranchers in the Valleys. The 6000 deaths were of unknown cause at first, originally blamed on toxic plants like rabbit brush, and quickly related to a persistent organophosphate poison and a storm.

In the aftermath, roads had to be cut to reach the streams where carcasses lay, the carcasses had to be hauled out and disposed of – buried in trenches positioned so that groundwater was not contaminated.

The following photo enlargements are actual photos of the event known as Skull Valley Disease.


52-5


52-5
cont'd
16


52-5
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52-5
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18


52-5
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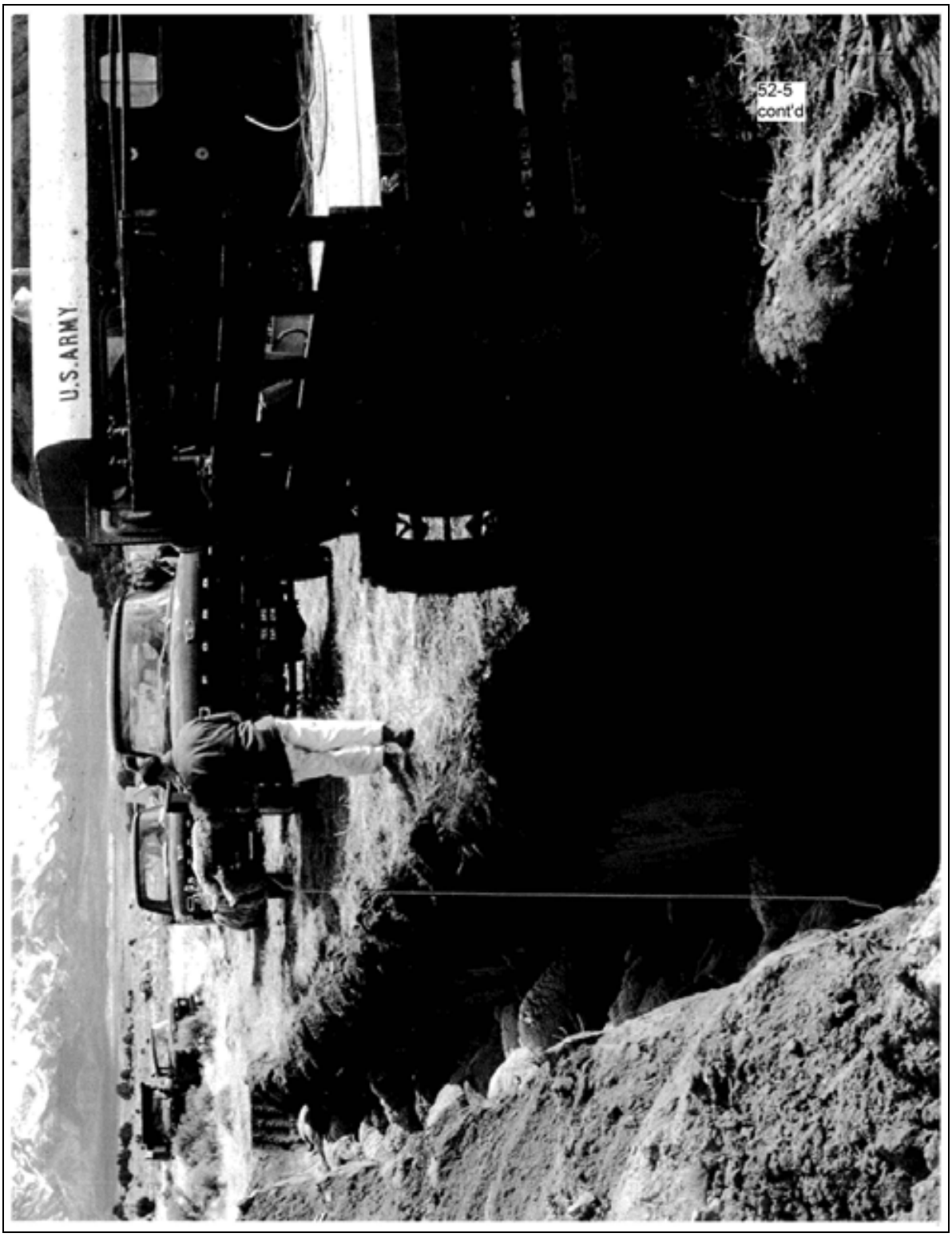
U.S. ARMY


52-5
cont'd
U.S.ARMY

The basic premises of the ILRP and the Clean Water Act, as well as the Porter-Cologne Act, are these:

*All farms pollute, some heavily, some lightly.

*The pollution migrates, gravitates or otherwise moves beyond the farm gate.

*The pollution impacts the water ecology beyond the farm gate.

The EPA urges the use of BMP's to reduce the pollutants, stop their transport and mitigate their impacts.

Unmentioned facts about California agriculture that do not appear in the draft PIER are, for the sake of example, all wells tested in the Fresno area are tainted with agricultural pesticides – the study is two-three decades old.

The dollar does not discipline farmers to work for the common good. For the common good to evolve in agriculture, it takes ethics (sustainable agriculture, e.g.) or certification (organic or biodynamic certification, e.g.) or regulation (ILRP, e.g.)

Clean water was once an ecosystem service. Having designed the ecosystem out of the farm, farmers and society at large will have to replace that lost service. The ILRP is an attempt to design clean water back into the operation a farm.

Regulation tends to be specifications for performance to micromanage practices. The EPA's vision is adaptive management that sloughs off the regulatory straight-jacket and allows more freedom to employ a variety of BMP's that work to restore water quality

Non-use of a chemical input is the best BMP.

Almost everybody in the world drinks water daily, and in drinking water, drinks contaminants produced on a farm.

The Skull Valley Incident was

- Nonpoint pollution
- Agricultural – affected irrigated and nonirrigated range land
- Required the use of BMP's.

Although the contamination occurred on agricultural land, the source of the contamination was drift from a non-agricultural operation.

52-4 cont'd

Under alternative 1, the dead sheep could be buried in any old trench. Under the remaining alternatives, the trench would have to be located so that groundwater would not be contaminated.

Under all the alternatives, only irrigated range would be subject to BMP's. Non-irrigated land is not covered by the BMP.

The discharger was unknown, so that the impacts were known before the discharger was known. Ranchers were presumed responsible at first.

Had there been standards in place, drift may have exceeded those standards for OP levels in surface water.

The drift would test out as an OP, if monitoring for OP pesticides were done.

The drift would have a combined effect with OP pesticides in the environment. Ranchers who subsequently sprayed OP pesticides would find out perchance that the safe levels of use are no longer safe because of the persistent OP from the drift.

I am not sure that I see differences in the alternatives in a response to Skull Valley Disease. Certainly, whatever the alternative, farms would fail the standard toxicity test using Daphnia.

52-4 cont'd

MARKETING the ILRP

The simplest marketing analysis names four groups that receive the ILRP regulations.

Group One: These are the guys and gals who farm with BMP's. They know the BMP's and they use them. The ILRP is about clean water, and clean water is about BMP's. Though the ILRP calls them dischargers, they discharge minimally and the discharges are presumed to be below basin standards in all cases. Generally these farmers are compliance-oriented, and they would meet clean water goals with or without regulation. More than 5% of farmers are organic in the Central Valley, and when Biodynamic farmers and sustainable agriculturalists are factored in, about 10% of the farmers in the Region occupy this category. These BMP-savvy farmers farm with a conscience to protect water quality.

Group Two: Group two is aware of the problem of water quality, expects regulations to come but knows nothing about BMP's or bringing the farm into regulatory compliance. Probably as many as half of all California farmers belong to this group; they know they have to do something but they don't know what to do. They would if they could, but they have to be educated into the art of compliance, because they can't accomplish it of their own knowledge. Many of the farmers who occupy this category have no science background, do not comprehend how farms pollute and belittle the notion that they pollute, that their farms contribute to the degradation of stream quality in any significant way.

52-6

Group Three: Group Three members oppose government. They know BMP's and could apply them, but for reasons of personal choice they are offended by regulations and they refuse to let the government tell them how to run the farm. These farmers turn a blind eye to pollution, and they chant the notion that regulation is an infringement on private-property rights. They denounce the burden of new fees and paperwork, and they act as if it is their God-given right to pollute the environment that thousands must share. The Fall edition of RANGE magazine had an opinion opposing ssustainability in politics, including sustainable agriculture as a plot by the United Nations (so-called "Agenda Twenty-One") to despoil property rights in America. The Group-Three category will defy compliance.

Group Four: Group Four farmers don't understand water quality and they don't understand BMP's. If asked to name BMP's, they couldn't get past the fingers of one hand. These farmers don't practice BMP's because they don't know them, and they haven't been persuaded yet that agriculture can compromise water quality, after all they see fish – no pesticides! – swimming in the local stream. Group-four farmers don't care, and they don't want to be bothered with regulations – government is an intrusion into the lives that would be better off without. Government is an obstacle to free enterprise, and regulation stops them from making money. These are the farmers, when asked what water quality is, wrinkle their brow in confusion and cast verbal aspersions. It takes more than education to bring about compliance in this working group.

Looking over the programs purpose and objectives, I find the presentational language awkward. "Agricultural land" is normally not pluralized, because "land" is used in the generic sense. Like corn, farmers grow "corn" not "corns." And the double offense is the compound noun or noun phrase that

52-7

2

it's used in. Land and lands are like security and securities, the plural has a different meaning. A security commission and a securities commission are two different animals. "Other lands" refers to discrete nations, not to acreage. Nobody says "corns belt," because first nouns of a noun phrase are not pluralized. We say pipe stem and pipe stems, not pipes stems. We say "cow pasture" not "cows pasture." It grates on my ear to hear "Irrigated Lands Regulatory Program" when the name, grammatically correct, would be "Irrigated Land Regulatory Program." Or, "Regulatory Program for Irrigated Land."

52-7 cont'd

The first, or number #1, goal of the regulatory program is "the highest reasonable quality of state waters." This is well-stated, and the difference between goals and objectives generally is that objectives can be measured: so the first objective states: "appropriate beneficial uses." As a place where fish swim, breathe and reproduce, that is a beneficial use that can be measured. Of course, there are standards of environmental quality for the water where fish live – these can be measured – and scientists can show that the water is clean enough for fish to live. So objective #1, the first objective, if I can be allowed to paraphrase what is said: "Water Board-established beneficial uses" by ensuring that all state waters meet water quality objectives of Basin Plans. In other words, the water Board decides how dirty a watercourse can be, and it's the job of the Board to see that they don't get any dirtier. The objective could be stated better, but it's the unstated, perhaps understated, objective that really should show up in words: The Water Board wants farmers not to dirty water more than is necessary, and the Water Board will set standards and see that farmers comply. The objective is farmer compliance.

So what the bare bones come down to: beneficial uses, standards for beneficial uses, and standards of compliance for farmers. Coordination, incentives, implementation of management practices are clear objectives of the program, but the objective "restore and maintain appropriate beneficial uses"merely defines what is meant by the goal "highest reasonable quality of state waters." The program's objective is to direct the compliance of farmers to the standards so that the goal can be met – to restore or maintain the beneficial uses.

52-6 cont'd

Once the objective is clearly stated in those terms, the relevance of regulatory markets is keener. The objectives are enforcement (compliance), implementation of BMP's, incentives and coordination. The ILRP alternatives have be evaluated in the context of these objectives – do they meet them - and the strategies to gain compliance (the objective) will vary among the different regulatory groups.

Alternative 1, the current program or the "no-project alternative [no-project alternative and no project alternative differ in meaning]," provides for a blanket waiver for members of a coalition group or a farm waiver customized for the individual farm. In addition there the WDR option for farms, and the option of escaping enrollment by lying under the radar.

Under alternative 1, and all the alternatives, the scenario is much the same. The Water Board sets up minimal standards for water ecology, farmers test, as individuals or a group, and if minimal standards are unmet, BMP's must mitigate. Farmers are compelled to use BMP's. Presumably organic farmers

25

meet the minimal standards, because BMP's are built into the law and a certifier sees to it that organic farmers meet the terms of the law.

Almost immediately, the shortcoming of the ILRP is apparent: market group #1 that includes certified farmers is exposed to double regulation. The ILRP is without coordination and incentives for them, who practice BMP's by law, and though they meet the ILRP goal of beneficial uses, they are penalized by double fees and double paperwork. The ILRP inadvertently contains disincentives for the farmers known as regulatory market #1.

As such, the ILRP is unlawful. The Water Board developed the ILRP to meet the provisions of the Clean Water Act, namely section 319, but the Clean Water Act also requires a reduction of paperwork, and the ILRP doubles the paperwork for this working group of certified farmers. The Water Board has two options: either pass a law that forbids organic farmers to irrigate, thereby excluding them from regulation, or finding another way to reconcile the ILRP with certified farmers who have paperwork, fees and inspections already in place. Joining a coalition merely doubles the fees incurred by this regulatory market group.` In summary, despite the stated objective of incentives, organic farmers pay twice and do paperwork twice, clearly a disincentive for the effort made and the BMP's done.

52-6 cont'd

I. Failings that touch all four regulatory groups:

A. Scientific illiteracy

Basin plans vary in their standards for the same constituent of concern. Dissolved oxygen is a parameter of stream health whose standard varies among basin plans: 6 mg/L, 7 mg/L or 8 mg/L. In the wild, the natural standard for all three basin plans would be just one figure. In effect, one basin plan allows more pollution than another, presumably based on differences of beneficial use.

DO is temperature-dependent, and a saturation DO of 7 mg/L is normal if water warms on a very hot day, even though the stream standard is 8 mg/L. 7 mg/L DO suggests good quality on a very hot day, bad quality on a very cold day, thermal pollution due to a waste treatment plant, thermal pollution due to loss of riparian vegetation that shades the stream, pollutants that rob the water of oxygen, or if the level of 7 mg/L is discovered at night, eutrophy from nutrient pollution.

52-8 cont'd

A polluting farm can escape detection by deft sampling.

5 mg/L DO is the limit at which fish survive in streams. Below that level, fish die from lack of enough oxygen or fail to thrive. So DO is an important parameter of stream health, but it isn't an valid measure of rainfall. Rain tends to be acid from air pollutnats, and icing and melting tends to alter DO saturation limits.

The staff that applies the regulatory program did not understand appropriateness of the monitoring technology. I was ordered to measure the DO of rainfall on my field.

B. Inappropriate standards

52-9

All wells in the Fresno area are tainted with pesticides. 40% of the wellstested nationwide by the EPA were tainted with atrazine, a member of the triazine family of herbicides.

What are the standards? Europe has one for Atrazine, made by the Swiss firm Syngenta, and the United States has one for Atrazine, both desiogned for safe use and application of the chemical. However, the European standard is hundred times tougher than the US safety standard, and California has a standard that differs from the federal standard used in the other 49 states. This is politics, not science, protecting water quality – one standard of safety is 100 times laxer than the other!

In 1992 the National Science Foundation issued a report to Congress recommending that industrial chemicals, especially pesticides, be screened for neurotoxicity, endocrine disruption and reproductive teragenicity. The Food Quality Protection Act and the amendments to the Safe Drinking Water Act, 1995 and 1996, caused the EPA to pursue screening of endocrine disruptors, especially EEDC, estrogenic endocrine disrupting chemicals. In 1992 about 35 pesticides were known to be estrogenic; today the list includes a 180 pesticides that account for half the pounds of pesticides used in agriculture. Despite the new science, the old standards are still in place.

52-9 cont'd

Natural waters have zero atrazine, natural well water has zero atrazine. Atrazine is a manmade estrogen that has no safe NOEL. However, California has a standard, and the standard, if an exceedance occurs, means that some farmers will have to switch to other herbicides not of the triazine family. If OP standards for water quality are exceeded, some farmers in the watershed can switch to pyrethroids or neonicotinoids so that the standards of water quality are met.

So the ILRP plays out this way: The Water Board sets a basin plan standard to protect water quality; a coalition group tells some farmers to use this chemical and some farmers to use that chemical because if they used the same chemical there would be an exceedance. The Water Board in effect encourages the implementation of management practices that include water quality, including a commercial paraoxonase added to an irrigation ditch to recover from an OP exceedance, while the coalition that does this includes organic farmers who use none of the chemicals and pay a fee to be inspected to see that none of the chemicals were used and whose produce is spot-checked to see that no residues of use are there. This makes no sense in terms of water quality. The users can claim financial assistance to switch from OP's to neonicotinoids because they are minimizing waste discharges of OP's.

C. Education

One objective, "encourage implementation of management practices," is nebulous in its ILRP. The ILRP alternatives discourage organic farmers who already put BMP's into practice, according to NOP law. A sizable regulatory group aforementioned is unversed in BMP's, and none of the alternatives provide for education, except the 15 workshop provided for in one alternative.

52-10

What is needed are:

TEMPLATES that illustrate a suite of management practices

ON-LINE COURSE: UCCE offers an on-line course in sustainable agriculture to staff and candidate farmadvisors, and the Rodale Institute has an-line course on organic farming at the New Farm website. UCCE patented their course FARM WATER QUALITY PLAN this year, but the course is no longer available.

FARM MAKEOVER: The USDA-NRCS and UCCE could combine resources to film a farm makeover that illustrates the implementation of BMP's.

DEMONSTRATION FARM: Both UC and CSU systems have demonstration farms where the latest technologies can be seen – like subsurface irrigation techniques. The Annual Farm Conference visits farms and demonstrates some BMP's.

COMPETITION: The Water Board could sponsor a contest and offer prizes for innovative BMP's

Appropriate technology is a big onstacle to farmers who don't understand BMP's, how to protect surface and ground water within the state. The economics of each BMP varies, and the economic analysis does not delve into details of the costs of BMP's nor the costs of exceedances of water quality standards.

52-10 cont'd

I recommend that the Water Board do three things for the future of the ILRP:

1. Allow the OSP to serve as a Farm water Quality Management Plan; OSP's are inspected by certifiers.
2. Film the UCCE workshop Farm Water Quality Plan and put an interactive version on the Web
3. Train staff in adaptive management: how to monitor to correctly gauge the effectiveness of a given BMP.

Farms can be rated by their BMP's. The effectiveness of a BMP is generally known, and if BMP X gives a farmer ten points and BMP Y two points and BMP Z six points, farms can be rated according to BMP's. A farm that uses X and Z has BMP's worth 16 points; whereas a farm that uses Y and Z, is worth 8 points on the BMP scale.

The Farm Bureau Federation at the national level worked to assure that programs like the ILRP have two features: options and market forces. The current ILRP has options: individual waiver and coalition waiver, except that the Central Valley staff works to phase out the agreed options for a coalition0based system. The alternatives need a FWQMP (or OSP substitute) to restore the lost option

Water monitoring is a discipline in an dof itself, and though water staff has experience and education in chemical engineering and running laboratories, the knowledge of BMP's and water-testing is foreign to them and as a result the staff doesn't get conditions and technical papers right. A mechanic trained in engines overhauls and tune-up's may not be able to fix a transmission. A diesel tractor mechanic may not be able to fix a chainsaw engine. The ILRP has opticians doing heart surgery, or transferring the surgery to third-party allergists. That's why, when I described a management practice in my general report (that I used but didn't name the practice which is named NRCS code 500 obstruction removal), I received a letter from the Water Board staff threatening to fine me for using the BMP that I implemented and that the staff didn't recognize. This could happen under any ILRP alternative.

52-11

3.4.18.1 Responses to Letter 52

52-1

Page 92 of the Draft PEIR, Appendix A defines irrigated lands as: "…lands where water is applied to produce crops, fiber, or livestock for commercial sale or use. For the purposes of this ILRP, irrigated agricultural lands also include managed wetlands and nurseries."

The definition of irrigated lands is broad and can include many different crop types and operations conducted in the Central Valley; the common factor is use of irrigation water. There are an estimated over 7.5 million acres of lands that may fall under this definition. Central Valley lands include many other operations that may generate waste that can be discharged into surface or groundwater. The comment specifically describes that on-farm roads are a source of waste. Other operations may include vehicle servicing, processing, and equipment staging operations—all of which may be present on farms. While these other operations may generate waste, the ILRP is specific to the operation of irrigating crops. These other types of farm or agricultural operations have not been included in the ILRP so the program could be focused on this particular issue. It is well-documented that discharges from irrigated lands have impacted Central Valley surface and groundwater (see Draft PEIR, Appendix A, Section III.C).

If waste discharges from other farming operations are found to potentially affect the quality of state waters, the Central Valley Water Board can regulate these discharges under a separate program or include them in future iterations of the Long-term ILRP.

52-2

The Central Valley Water Board appreciates the concerns expressed by the comment and will incorporate these and other "lessons learned" into the development of the Long-term ILRP. The experience described in the comment supports the Draft PEIR, Appendix A estimates used to evaluate the resources necessary to implement the Long-term IRLP alternatives, which clearly indicate the alternatives that involve staff working directly with individual irrigated agricultural operations would require substantially more resources (staffing, translating to time and expense) to implement (see Draft PEIR, Appendix A, pages 116–120).

The Central Valley Water Board intends to implement a Long-term ILRP that focuses on aligning the regulatory burden with the level of threat to surface or groundwater quality. The Board's intent is to incentivize implementation of management practices; assure adequate feedback mechanisms through monitoring; and improve regulatory efforts, particularly when problems are identified. This approach should minimize the regulatory burden and monitoring requirements for growers who are already implementing practices protective of surface and groundwater quality.

52-3

No response needed.

52-4

Under any proposed Long-term ILRP alternative, or in the absence of the ILRP, the DPR and the local County Agricultural Commissioner would have the lead responsibility for addressing contamination/toxicity event as described by the comment. In addition, Central Valley Water Board

staff members are available to respond to emergencies and spills and would coordinate with DPR in such an event.

52-5

No response needed.

52-6

This comment describes a concern that organic growers are already implementing water quality management practices that would meet the requirements of the ILRP. The practices are checked by a certifying entity, which charges fees for inspections and review. The comment expresses concern that the Long-term ILRP would create fees and paperwork in addition to the organic program fees and paperwork, essentially constituting dual regulation for, in the commenter's opinion, the same level of water quality protection.

Alternatives 3 and 6 provide the flexibility for certifying entities, such as the organic certifiers, to work with the Central Valley Water Board as a third-party certifier. Under these alternatives, third-party certifiers (including organic certifiers) would have the option of working with the Board to ensure that their certification requirements meet ILRP goals and objectives. These certifiers would then work with irrigated agricultural operations to certify individual farm water quality management plans for the ILRP in conjunction with any other certifications. This option would work to prevent dual regulation as recommended by this comment.

52-7

The comment is correct that the language usage can seem awkward. However, the Central Valley Water Board is regulating multiple discrete irrigated land operations, so the plural "irrigated lands" is considered appropriate.

52-8

The current ILRP requires field measurement (measurement taken at the location and time that a sample is collected) for DO, temperature, pH, EC and flow. If an individual under the current ILRP is subject to an individual order or WDR, the individual may be required to collect samples of any discharges from the property including collection of field measurements. These measurements are utilized to assess the water quality of the discharge that may affect a surface water of the state.

52-9

According to DPR's 2009 Update of the Well Inventory Database, 106 out of 305 public water supply wells (35 percent) had reportable detections of pesticides (atrazine was not detected in any of the Fresno County wells sampled in 2009). (California Department of Pesticide Regulation 2010.)

The Office of Environmental Health Hazard Assessment California Environmental Protection Agency has developed a Public Health Goal (PHG) for atrazine in drinking water of 1 part per billion (ppb) (February 1999). The EPA's drinking water standard for atrazine is 3 ppb, and the World Health Organization (WHO) has recommended a drinking water standard of 100 ppb (a substantial increase from the previous WHO standard of 2 ppb) (Atrazine and Its Metabolites in Drinking-water, 2010). All of the atrazine drinking water levels have been supported by various scientific studies.

These studies often contradict each other and may be superseded by additional or subsequent research (as was the case of the WHO's change from 2 ppb to 100 ppb).

Under the current ILRP and the proposed Long-term ILRP Alternatives 2 and 6, two exceedances of a water quality parameter that occur at the same location within a 3-year period require the development of a management plan to address the exceedances. The management plan is developed by the coalition or individual (if under individual WDRs) and approved by the Central Valley Water Board's Executive Officer. The management plan details a course of action to investigate the water quality problem and to stop the exceedances of the identified water quality parameter. The actual method(s) used to eliminate the water quality exceedances are developed through the process of implementing the management plan and are collaboration between the individual or coalition and the Central Valley Water Board.

As stated in the comment, there is concern that compliance with the ILRP would involve exchanging the types of pesticides used in order to meet water quality objectives. Because the California Water Code prohibits the Central Valley Water Board from specifying the manner of compliance with objectives [Section 13360], using different pesticides to reduce the discharge of pesticides that are exceeding water quality objectives would be a permissible approach. However, if water quality monitoring indicates increasing trends (degradation) or exceedances of the substituted pesticides, then other means of compliance may be necessary.

52-10

See Comment Letter 52, Response 6. The Central Valley Water Board appreciates the recommendations provided in this comment and will consider these suggestions when specific implementation tools are developed for the Long-term ILRP.

52-11

The Central Valley Water Board disagrees with the comment's characterization of staffs' capabilities. However, the Board acknowledges that water quality protection in an agricultural setting is complex and the process involves continuing improvement in understanding the means with which to best and most effectively protect water quality.

3.4.19 Letter 5—Vance Kennedy

Comment Letter IL5

Central Valley Regional Water Quality Control Board
Long-term Irrigated Lands Regulatory Program
Draft Programmatic Environmental Impact Report Public Comment Form

Name: Vance Kennedy
Mailing Address: 5052 Tully Rd
Modesto Ca 95356
Telephone No. (optional): 209 545-3575
Email (optional):

Comments/Issues:

No clear idea presented on how sampling will be done. That is critical to any conclusions 5-1

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS BY SEPTEMBER 27TH TO:

Mail: ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com

Website: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

3.4.19.1 Responses to Letter 5

5-1

Development and evaluation of the proposed ILRP alternatives is currently being undertaken at a programmatic level and detailed site-specific information has not been considered. Specific prioritization levels, monitoring frequencies, locations, and constituents will be established during development of the subsequent orders. At that time, specific information on the types of waste discharge (pesticides used, pathways of waste movement, etc.), local conditions, existing water quality, existing monitoring programs, existing wells, and other local factors will be considered.

Also see Master Response 7.

3.4.20 Letter 82—Nancy Lea

Sep 27 10 03:51p Nancy Lea RECEIVED 09/27/2010 15:46 9164566724 JSA 530-662-7087

Comment Letter IL82

To: Ms. Megan Smith
630 K Street Ste. 400
Sacramento CA 95814

From: Nancy Lea
PO Box 8667
Woodland, CA 95776

September 27, 2010

Fax # 916-456-6724

Dear Ms. Smith:

This fax is intended to provide comments on the Recommended Program Alternative, ILRP.

My husband and I have farmed walnuts in Yolo County for over 30 years. We have participated in the Irrigated Lands Program since its inception through the leadership of the Yolo County Farm Bureau and the Yolo County Agricultural Commissioners Office. The program had served to educate growers, encourage best practices, and apprise all of us of exceedences, most of which have nothing to do with agriculture.

The problem with the Recommended Alternative is that it places unsustainable financial burdens on individual family farmers and ranchers. Certainly large growers may be able to afford its costs but small growers cannot. There is a complete lack of recognition evidenced in the Recommended Alternative that California growers are selling their crops into a world market and are competing against countries with a much lower cost and input structure. Thus, the increased costs of doing business (i.e., farming) cannot be passed along to the consumer: he will just buy product grown out of California. If California farmers cannot compete with foreign growers, the smaller California farmer has no choice but to go out of business. Since the California agricultural cost structure is either static or increasing, and the only potential ability to reduce costs is to spread them over larger operations, this has the effect of pushing family farmers/ranchers and small growers out of business. 82-1

I additionally note that our county is attempting to encourage new younger farmers to grow intensive and permanent crops on smaller acreages: there are very high capital requirements to go into that type of agriculture, especially for farmers who may not have inherited their land. This type of regulatory cost burden may well keep new, young farmers from being able to enter agriculture and will defeat our county's goal of building diversification in agriculture and improving the agricultural land tax base. 82-2

The potential per acre fees to support the Regional Board's wide ranging estimated cost of $4,000,000 to $66,000,000 - since agriculture is -apparently - expected to carry up to 82-3

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Sep 27 10 03:51p Nancy Lea 530-662-7087 p.2

P. 2

97% of those costs - could be the final burden that puts many growers out of business. Additionally, the testing required - as demonstrated by the Economic Analysis - is not affordable by most small farmers and ranchers. 82-3 cont'd

It should also be noted that much of the anticipated monitoring work is already duplicated by other programs, both public and private. In an era of recession and reduced farm income it makes no sense to reinvent the wheel. 82-4

California farmers and ranchers have every interest in protecting their environment: they live in it.

Thank you for considering my comments.

3.4.20.1 Responses to Letter 82

82-1

See Master Responses 12 and 17.

82-2

See Master Response 17.

82-3

See Master Response 17.

82-4

See Comment Letter 114, Response 10 and Comment Letter 96, Response 11.

3.4.21 Letter 50—G. Fred Lee, Ph.D., G. Fred Lee and Associates; Anne Jones Lee, Ph.D., G. Fred Lee & Associates

Comment Letter IL50

G. Fred Lee & Associates

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Sent via email to ILRPcomments@icfi.com
ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

September 25, 2010

Comments on
Draft Program Environmental Impact Report for a Waste Discharge Regulatory Program for
Irrigated Lands within the Central Valley Region
Submitted by

G. Fred Lee, PhD, AAEE Bd. Cert. Env. Eng., F.ASCE
Anne Jones Lee, PhD
G. Fred Lee & Associates
El Macero, California

In response to a request for comments on the Draft Program Environmental Impact Report for a Waste Discharge Regulatory Program for Irrigated Lands within the Central Valley Region we wish to submit these comments.

Overall we find that the five alternatives listed in the draft EIR are not necessarily appropriate for providing guidance for establishing the future direction of the Central Valley Irrigated Lands Regulatory Program (ILRP). Adoption or continuation of any of the five alternatives, including the current program, cannot be expected to achieve the regulatory goals of protecting the water quality/beneficial uses of Central Valley waterbodies that are impacted by discharges/runoff from irrigated lands. Based on my (G. Fred Lee) more than 40 years of experience in development and implementation of water quality programs some of which have been directed to agricultural sources of pollutants, whichever of those alternatives the Central Valley Regional Water Quality Control Board (CVRWQCB) may adopt, it will be challenged by environmental groups and, if not overturned at the state (State Water Resources Control Board-SWRCB) and federal (USEPA) levels, it will likely be found by the courts to fail to fulfill the regulatory requirement to protect the water quality of Central Valley waterbodies from adverse impacts of discharges from irrigated lands. 50-1

The CVRWQCB Monitoring and Reporting Program Order No. R5-2008-0005 for Coalition Groups under Amended Order No. R5-2006-0053 Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Adopted in 2008 states: 50-2
"MRP OBJECTIVES
The Water Code mandates that monitoring requirements for a Waiver be designed to verify the

adequacy and effectiveness of the Waiver's conditions. One of the conditions of the Waiver is that discharges of waste from irrigated lands to surface waters of the State shall not cause or contribute to an exceedance of an applicable water quality standard."

This requirement means that, in accord with the Clean Water Act and the CWRWQCB, none of the water quality objectives (WQOs), including numeric and narrative objectives and covering all impairments of the designated beneficial uses of the state's waters, can be exceeded by any amount more than once in a three-year period. This requirement applies to all of the state's waters.

It is important to understand that just meeting all of the US EPA water quality criteria/ CVRWQCB water quality objectives for potentially toxic chemicals as required in the ILRP does not ensure protection of aquatic life from toxicity of the known potential pollutants as well as of chemicals for which there are no water quality criteria; a combination of potentially toxic chemicals in concentrations less than their respective toxic concentrations can cause toxicity by additive and/or synergistic effects. While additive and synergistic toxicity impacts are well-known to occur, the US EPA does not incorporate that information in its aquatic life criteria for potentially toxic chemicals that are used for the regulation of toxic chemicals based on numeric water quality standards. The CVRWQCB WQOs only consider a very limited number of additive impacts of mixtures and do not address synergistic impacts. This deficiency can be addressed to some extent through the appropriate measurement of aquatic life toxicity, and highlights the need to evaluate aquatic life toxicity in establishing compliance with water quality criteria/objective to protect aquatic life resources of the Central Valley waterbodies from the impacts of toxic chemicals in irrigated agriculture runoff/discharges. However the use of toxicity measurements will need to be greatly expanded from the current use to achieve this approach.

50-2 cont'd

Comments on proposed alternatives identified in the draft ILRP EIR for governing the future direction of the ILRP follow.

Alternative 1 ("No Project" Alternative). This alternative of continuing the current regulatory program falls far short of adequately defining the occurrence and water quality impacts of irrigated lands discharges/runoff. The current program is based on the "Monitoring and Reporting Program Order No. R5-2008-0005 for Coalition Groups under Amended Order No. R5-2006-0053 Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Adopted on 25 January 2008." A copy of that program is available at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2008-0005_mrp.pdf.

We provided detailed comments (see attached list of papers and reports) on significant technical deficiencies in that monitoring program for the development of an information base upon which it would be possible to reliably evaluate the occurrence and significance of the discharge of pollutants from irrigated lands that cause violations of water quality standards in the state's waters and/or impairment of the beneficial uses of Central Valley waters in the case of nutrients, TOC, and other contaminants for which no numeric water quality objectives have been adopted.

50-3

2

Our comments on technical deficiencies in that monitoring program are available on our website, www.gfredlee.com, in the Surface Water Quality section, the Agricultural Impacts on Water Quality subsection. A copy of our specific comments on the then-final ILRP MRP is attached. Also attached is a discussion of some the issues that need to be considered in developing the ILRP to achieve the program requirements.

While some of the then-proposed water quality monitoring program deficiencies were corrected by the staff after receiving our comments, there were several major deficiencies that were allowed to be implemented in the current water quality monitoring/evaluation program the most important of which is the failure to adopt edge of the field and upstream monitoring. It appeared to us that the CVRWQCB took the position that it would ignore these deficiencies in order to reduce the cost of water quality monitoring/evaluation and thereby gain acceptance of the irrigated lands regulated community to participate even to a limited extent in the monitoring program. To now propose to continue what is obviously a significantly deficient monitoring/evaluation program as proposed in *Alternative 1* is not acceptable.

50-3 cont'd

In our previous comments we stressed the need for monitoring at the edge-of-the-field and in nearby state waters to define the worst-case impacts of toxic and other chemicals discharged from agricultural activities. In some waterbodies the worst case impacts could be detrimental to fish spawning/rearing areas that would not be detected by the current downstream at a single monitoring location as practiced in the current monitoring program. This type of monitoring is also essential to evaluate the effectiveness of management practices to control WQO violations in the states waters. We also discussed the need to monitor downstream of the current monitoring locations to evaluate the impact of nutrients on downstream water quality.

50-4

The staff-recommended alternative analysis of costs and other impacts presented in the draft EIR does not reflect the true costs to achieve reasonably complete evaluation of the current water quality problems caused by irrigated agriculture discharges to surface and groundwaters. The deficiencies in the ability of the current water monitoring program to provide a proper description of the magnitude of the water quality problems caused by current agricultural discharges render the detailed analysis of these issues presented in the draft EIR unreliable. Without a technically solid assessment of water quality problems that arise at edge of the field and downstream, it is impossible to reliably estimate the control programs needed, much less the cost of implementation of control programs or their impacts on agricultural activities or water quality in the Central Valley. While a considerable amount of money has have been spent on limited aspects of the current downstream water quality monitoring, it is not possible to estimate the cost of a comprehensive water quality monitoring program that can detect essentially all the WQO violations that occur upstream, and for nutrients downstream, of the current water quality ILRP monitoring locations.

50-5

If this program is to fulfill the regulatory requirements of the program, the future water quality monitoring/evaluation program for the ILRP must include comprehensive monitoring of representative edge-of-the-field discharges and waters downstream from the discharge for the full range of potential pollutants that are likely to be in the agricultural discharge/runoff or to develop downstream as a result of the discharge. Where the discharge of pollutants (constituents that impair designated beneficial uses of the state's waters) is found, the discharger(s) should

50-6

3

evaluate and implement to the extent economically possible/feasible control measures for the pollutants at the source. The monitoring and evaluation of the pollutant control programs must be comprehensive such that it can provide a reliable foundation for developing and assessing the economic feasibility of implementing the pollutant control program. 50-6 cont'd

Alternative 2 — Third-Party Lead Entity includes third-party monitoring of surface waters and is expanded to include some groundwater quality monitoring. The expansion of the ILRP to include evaluation and potential control of pollution of groundwater by irrigated lands is an important step toward beginning to protect the groundwater resources of the Central Valley. In our previous comments on deficiencies in the ILRP we have repeatedly pointed out that the control of groundwater pollution should be part of the program. Our comments on groundwater pollution in the Central Valley by irrigated agriculture are available on our website in the Groundwater Quality Protection section at http://www.gfredlee.com/plandfil2.htm#gwprotection. A list of our papers and reports that address issues of groundwater pollution by irrigated agriculture is attached to these comments. As discussed in those writings, it has been well-established that irrigated agriculture cannot be practiced without causing groundwater pollution by salts and nitrate. The best that can be achieved is the minimization of groundwater pollution. This should be the goal of this part of the program. 50-7

The draft EIR does not provide adequate information on the characteristics of groundwater monitoring program to develop a reliable early warning monitoring program to detect management activities by agriculture to protect groundwater from further pollution. This approach is discussed in our reports concerning the protection of groundwater quality in the Central Valley. Without this information it is not possible to estimate the costs for implementation of the program. 50-8

The claim made by several agricultural representatives at the CVRWQCB September 22, 2010 meeting, that nitrate and salts do not pollute deeper groundwater because of depth to groundwater, is not technically valid. Examination of the groundwater pollution that has occurred in the Delano and McFarland areas of the Central Valley readily demonstrates the invalidity of their claim. Having grown up in Delano, G. Fred Lee is well-aware of the pollution of the area groundwater by agriculture-derived nitrate to the point that the nitrate MCLs were exceeded in water in municipal water supply wells. While some pollutants have limited ability to penetrate the unsaturated zones of aquifers, others, such as salts, nitrate and some pesticides, have limited attenuation in the unsaturated zone; it is only a matter of time before such chemicals in the surface soils pollutant the saturated zone (water table) of the aquifer. 50-9

Alternative 2 is deficient, however, in its not requiring early-warning monitoring for groundwater pollution. Without reliable monitoring of that type it is not possible to evaluate the effectiveness of the groundwater management plans. 50-10

Alternative 3 — Individual Farm Water Quality Management Program is based on "visual" monitoring. This is not a technically valid approach for controlling water pollution by irrigated agriculture. Evaluation of Farm Water Quality Management plans must be based on comprehensive water quality monitoring at the edge of the field and for nutrients downstream of 50-11

4

the discharges where nutrients are impacting water quality such as in the Delta. 50-11 cont'd

Alternative 4—Direct Oversight with Regional Monitoring is a potentially feasible approach provided that adequate surface and groundwater quality monitoring/evaluation and control of pollutant discharges are achieved including comprehensive edge of the field and downstream monitoring. 50-12

Alternative 5 — Direct Oversight with Farm Monitoring has the potential of being effective provided that comprehensive monitoring programs are implemented. However based on the past experience where the CVRWQCB adopted.allowed water quality monitoring programs that were obviously technically deficient there is concern the needed programs would not be required. The cost of this approach would likely cause the approach to not be implementable by small farms. This approach could potentially be used by larger farming interests, but, again, there will be need for comprehensive surface and groundwater monitoring/evaluation and management. 50-13

Rather than adopt a single alternative, or a combination of the alternatives, the CVRWQCB needs to first implement a comprehensive water quality monitoring program for surface and groundwaters. With several years' data from such a program it would be possible to start to develop a draft EIR that could reliably assess and outline the cost and effectiveness of control programs for pollutants in surface and groundwaters. 50-14

5

3.4.21.1 Responses to Letter 50

50-1

The Central Valley Water Board believes the range of alternatives is reasonable and appropriately reflects the Board's options under Porter-Cologne to protect water quality from agricultural dischargers. Because this program regulates discharge from agriculture, EPA has no statutory authority to overturn any Board adopted ILRP.

50-2

The Central Valley Water Board anticipates that toxicity testing would continue in the Central Valley through various monitoring programs and would be used to help evaluate the effectiveness of irrigation management practices implemented as part of the Long-term ILRP.

50-3

The Central Valley Water Board is required by CEQA to assess the No Project Alternative (Alternative 1), which was included in the Draft PEIR. Also see Master Response 2 and Comment Letter 104, Response 18.

50-4

In developing any scientific study requiring costly sampling particularly of dynamic systems such as streams or surface waters, one of the chief challenges is to balance the amount of data (number of samples) needed to answer the study question verses the funds available to perform the study. In the case of irrigated agriculture within the Central Valley, this is a particularly daunting task. Conditions vary considerably between the perennial streams in the north valley to the irrigation dominated intermittent streams in the south valley; between water quality in streams on the east side of the valley (Sierran block) to the west side streams that are dominated by the Coast Ranges marine sediments. Likewise irrigated agriculture and associated farming practices vary significantly from the north to south and from the east to the west within the Central Valley.

In addressing this natural wide variability in surface water conditions; differences in crop types, growing seasons, irrigation methods, and farming practices; any sampling program developed for the Long-term ILRP must be as flexible as possible and still incorporate the identified Long-term ILRP goals and objectives. Mandatory edge of field and downstream sampling for every irrigated agricultural operation within the Central Valley Region does not provide this necessary flexibility and is cost prohibitive, thus making it incompatible with the Long-term ILRP's Goal 3 and Objective 2.

As stated by the comment in the discussion of management practices (bottom of page 3 of the comment letter),*"Where the discharge of pollutants (constituents that impair designated beneficial uses of the state's waters) is found, the discharger(s) should evaluate and implement to the extent economically possible/ feasible control measures for the pollutants at the source."* This idea of implementing what is economically possible must also extend to the development and execution of a sampling program.

Alternative 6 provides flexibility in surface water monitoring by assessing priority factors for water bodies, beneficial uses, and pollutants. This data is then used to assign tiers which specify the period

of monitoring and utilizes sampling similar to the monitoring required under the current ILRP. The current ILRP's regional sampling program has been shown to be effective in identifying water quality problems which are then addressed through the development and implementation of a management plan. This regional sampling program would also be effective at determining levels of nutrients in receiving waters as suggested in the comment. It is primarily through the implementation of a management plan that specific management practices are evaluated for cost and effectiveness under actual site conditions.

50-5

This comment will be considered in the continued development of the Long-term ILRP. Also see Master Responses 7 and 17.

50-6

See Comment Letter 50, Response 4.

The Central Valley Water Board agrees that representative monitoring of edge of field discharges can be an important tool in determining the effectiveness of management practices. Such monitoring would be most applicable in situations in which the irrigated agricultural contribution to the water quality problem is unknown or when progress in improving water quality is not being made. The commenter's support for representative edge-of-field monitoring will be considered in the development of the Long-term ILRP.

50-7

The support for inclusion of groundwater monitoring and management requirements will be considered in the development of the Long-term ILRP. The Central Valley Water Board's Basin Plan requires that beneficial uses be maintained for surface and groundwater. Consistent with the Basin Plan, the goals and objectives of the ILRP include restoring and/ or maintaining appropriate beneficial uses. The suggestion to establish a goal of minimization of groundwater pollution is consistent with Goal 2 of the ILRP: *"Minimize waste discharge from irrigated agricultural lands that could degrade the quality of State waters."* However, establishing that operations need only minimize pollution without consideration of maintaining beneficial uses would not be consistent with Basin Plan requirements. Therefore, groundwater requirements must be developed to ensure that, at a minimum, beneficial uses are maintained.

50-8

Development and evaluation of the proposed ILRP alternatives is currently being undertaken at a programmatic level and site-specific and other waste specific information have not been considered in detail. It would be inappropriate to establish specific monitoring frequencies (groundwater/ surface water), locations, and constituents at this stage without first considering the types of waste discharge (pesticides used, pathways of waste movement, etc.), local conditions, existing water quality, existing monitoring programs, existing wells, and other local factors. These site-specific analyses will occur during development of ILRP WDRs and waivers and subsequent water quality monitoring and management plans. Also see Master Response 7.

Programmatic-level monitoring costs have been estimated for each of the alternatives using information from the current ILRP, Kings River Coalition, DPR, USGS, and groundwater vulnerability

models (DPR/State Water Board). The methods for estimating groundwater monitoring costs for ILRP alternatives are described in Chapter 2 of the Draft ILRP Economics Report.

50-9

The Draft PEIR Chapter 5, Environmental Impacts and Mitigation Measures, Section 5.9, Hydrology and Water Quality, discusses this issue in the impacts analysis and mitigation sections (beginning at page 5.9-14).

50-10

See Comment Letter 1, Response 59.

50-11

The Draft PEIR, Appendix A evaluates whether each of the alternatives is consistent with the program goals and objectives, California Water Code, NPS Policy, and Antidegradation requirements. In this evaluation, Alternative 3 was not fully consistent with the NPS and Antidegradation policies, mainly because the alternative does not specify water quality monitoring (see Draft PEIR, Appendix A, pages 107–116 and 165–168).

50-12

The support for Alternative 4, with the inclusion of edge-of-field monitoring (similar to Alternative 5), will be considered in the development of the Long-term ILRP.

50-13

The specific requirements to be included in a monitoring program(s) depend upon the alternative chosen. Alternative 5 requires monthly monitoring of tailwater discharges, storm water discharge monitoring, annual supply well sampling, and installation of groundwater monitoring wells or other approved monitoring method to be sampled semiannually if requested by the Central Valley Water Board Executive Officer.

50-14

The Central Valley Water Board finds that there is sufficient water quality data available from existing surface water and groundwater monitoring programs that indicate the importance of continued regulation of agricultural discharges in the Central Valley (see Draft PEIR, Appendix A, Table 3, page 26).

The Board must implement a Long-term ILRP to protect surface and groundwater quality in order to comply with the program goals and objectives, the California Water Code, and other state policies (see Draft PEIR, Appendix A, pages 96–116). While collection of additional water quality monitoring data will provide information important to developing the ILRP requirements, the Board must adopt regulatory requirements to ensure that discharges of waste associated with irrigated agriculture do not cause or contribute to exceedances of water quality objectives.

3.4.22 Letter 66—Kent Vander Linden

Comment Letter IL66

September 8, 2010

Central Valley Regional Water Quality Control Board
ILRP Comments
Ms. Megan Smith
630 K Street, suite 400
Sacramento, California 95814

Subject: Irrigated Lands Regulatory Program (ILRP) - Ground Water Quality Monitoring

I am a small landowner with a few Mandarin trees and at the moment, seven cows. I irrigate pasture land for feed for the cows and to water the trees. I do not spray or use fertilizer other than a little nitrogen once a year on the trees. My total profit can be measured in tens to hundreds of dollars, not thousands. Many years I do not cover costs. Why the government wants to collect any money from me is beyond me. And now someone wants more. Do you want me to stop using the land or what? 66-1

As a grower in Placer County, and a member of the Placer-Nevada-South Sutter-North Sacramento Sub-Watershed Group (PNSSNS), I am concerned that the Central Valley Regional Water Quality Control Board (Regional Board) is adding more burdensome regulations that will put many growers out of business. Over the past six years, approximately $300,000 has been drained from our ag community for this program. In fact, the recommended program will have a disproportional impact on smaller farming operations and some crop types. The *Economic Analysis* estimates it could cost a grower $5000 to characterize surface and groundwater quality for Tier 1 low impact areas **in addition to costs for water quality testing.**

More specifically, I want to address the groundwater monitoring component to the Irrigated Lands Regulatory Program (ILRP). Pesticide contamination seems to be the driving concern behind this additional regulatory scheme, which greatly concerns me as this issue has already been addressed through existing regulation.

The California Department of Pesticide Regulation (DPR) has the primary responsibility for regulating all aspects of pesticide sales and use to protect the public health and the environment. DPR's mission is to evaluate and mitigate impacts of pesticide use, maintain the safety of the pesticide workplace, ensure product effectiveness, and encourage the development and use of reduced risk pest control practices while recognizing the need for pest management in a healthy economy. DPR is a department within the California Environmental Protection Agency, just like the Regional Board.

DPR already has the following regulations (Title 3 California Code of Regulations, Division 6) in place to protect groundwater from pesticide contamination including:

Section 6416: Groundwater Protection Areas
Section 6486: Restrictions for Groundwater Protection List Pesticides Listed in Section 6800(a)
Section 6487.1: Artificial Recharge Basins
Section 6487.2: Inside Canal and Ditch Banks
Section 6487.3: Engineered Rights of Way within Groundwater Protection Areas
Section 6487.4: Runoff Groundwater Protection Areas
Section 6487.5: Leaching Groundwater Protection Areas
Section 6609: Wellhead Protection
Section 6800(a): List of Pesticides Determined to have the Potential to Pollute Groundwater

Not only is it redundant for the Regional Board to attempt to regulate something that is already regulated by DPR, but it is a poor use of public funds for two departments within the same agency to attempt to regulate the same thing for the same purpose. Moreover, Placer County, South Sutter Water District, Placer County Water Agency, the Natomas Mutual Water Company, the City of Lincoln, and the City of Roseville have extensive groundwater monitoring data or programs to keep groundwater clean.

Respectfully,

Kent Vander Linden
2350 Humphrey Rd.
Penryn, CA 95663
916-652-7319

3.4.22.1 Responses to Letter 66

66-1

See Master Response 17.

3.4.23 Letter 6—Virginia Madveno

Comment Letter IL6

Central Valley Regional Water Quality Control Board
Long-term Irrigated Lands Regulatory Program
Draft Programmatic Environmental Impact Report Public Comment Form

Name: VIRGINIA MADVENO
Mailing Address: PO BOX 696
RIVERBANK CA 95367
Telephone No. (optional): (209) 968 7052
Email (optional): vmadveno@cleanwater.org

Comments/Issues: There are communities in Stanislaus County and throughout the Valley that cannot use tap water in their homes for drinking or cooking due to nitrate contamination. Some communities are on the edge, having to pay for expensive nitrate treatment or close wells, limiting local drinking water supplies and creating additional barriers to local economic development. Nitrates are an acute contaminant that at high levels in drinking water can cause death in an infant in a matter of days, and has been linked to many other health outcomes in adults. Nitrates are a preventable problem that are caused by runoff from chemical fertilizers and animal waste. The Central Valley Regional Water Board must develop a program that will reduce nitrate pollution from farms before it becomes too expensive to clean up. We need a solution that is strong enough to stop further pollution of Central Valley's drinking waters. We need the CVRWB to collect basic information from farms on how much fertilizer is being applied. 6-1

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS BY SEPTEMBER 27TH TO:

Mail: ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com

Website: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

3.4.23.1 Responses to Letter 6

6-1

See Comment Letter 40, Response 2; Comment Letter 123, Response 10; Comment Letter 123, Response 88; and Comment Letter 14, Response 1.

3.4.24 Letter 15—Maria Magana

Comment Letter IL15

Central Valley Regional Water Quality Control Board
Long-term Irrigated Lands Regulatory Program
Draft Programmatic Environmental Impact Report Public Comment Form

Name: Maria Magaña
Mailing Address: 15675 Ave 384
Visalia CA 93292
Telephone No. (optional):
Email (optional): Teach_mca@yahoo.com

Comments/Issues:

I live in a small community with surrounding farmland. The community's water has been contaminated. Within the community there is a school, I am a teacher at that school and the school water is also contaminated. Our children deserve clean water in our schools. We need stronger regulation on pesticides and chemicals that go into the farmland that cause the contamination of our water.

15-1

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS BY SEPTEMBER 27TH TO:

Mail: ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com

Website: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

3.4.24.1 Responses to Letter 15

15-1

The support for stronger regulations will be considered in the development of the Long-term ILRP.

See Comment Letter 14, Response1.

3.4.25 Letter 16—Simona Magana

Comment Letter IL16

Dirección Regional de Control de Calidad de Aguas de Central Valley
Programa Regulatorio a Largo Plazo de Tierras de Regadío
Formulario de Comentarios Públicos Anteproyecto Programático de Impacto Ambiental

Nombre:	Simona Magaña
Domicilio:	15675 Ave 384
	Visalia CA 93292
No. Teléfono (optativo):	
Email (optativo):	

Comentarios/Problemas:

- Soy dueña de perforación, el agua no es potable.
- Por favor ayuden a que el agua se limpie y ya no se contamine.
- Queremos y necesitamos agua limpia.

16-1

Por favor utilize páginas extras si es necesario.

PRESENTE COMENTARIOS POR ESCRITO EN O ANTES DEL 27 DE SEPTIEMBRE A:

Dirección: ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com

Página Web: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

IL16

Simona Magaña
15675 Ave. 384
Visalia, CA 93292

- I am the owner of a well, the water is not drinkable.
- Please help clean the water and prevent it from being contaminated.
- We want and need clean water.

Simona Magaña
15675 Ave. 384
Visalia, CA 93292

3.4.25.1 Responses to Letter 16

16-1

See Comment Letter 14, Response 1.

3.4.26 Letter 19—Adolfo Magana

Comment Letter IL19

Dirección Regional de Control de Calidad de Aguas de Central Valley
Programa Regulatorio a Largo Plazo de Tierras de Regadío
Formulario de Comentarios Públicos Anteproyecto Programático de Impacto Ambiental

Nombre: Adolfo Magaña
Domicilio: 15675 Ave 384
Visalia CA 93292
No. Teléfono (optativo): 528-9605
Email (optativo):

Comentarios/Problemas:

Soy dueño de perforación de agua.
El agua está contaminada con nitratos.
Por favor ayudenos a tener agua limpia
para tomar, regulando el agua.

19-1

Por favor utilize páginas extras si es necesario.

PRESENTE COMENTARIOS POR ESCRITO EN O ANTES DEL 27 DE SEPTIEMBRE A:

Dirección: ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com
Página Web: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

IL19

Adolfo Magaña
15675 Ave. 384
Visalia, CA 93292

528-9605

I am the owner of a water well. The water is contaminated with nitrates. Please help us to have clean drinking water by regulating the water.

Adolfo Magaña
15675 Ave. 384
Visalia, CA 93292

3.4.26.1 Responses to Letter 19

19-1

See Comment Letter 14, Response 1.

3.4.27 Letter 141—A. J. Marcelli, Marcelli Farms

Comment Letter IL141

October 25, 2010

A.J. Marcelli
31076 County Road 29A
Winters, CA 95694

Region 5 Board Members
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Dear Board Members,

I have been made aware that you are developing a plan (that I must pay for) to control and monitor ground water. As you know we are currently monitoring all water leaving our property, and pay a fee (tax) through our coop to report our findings to you. We are required to have a license to dispense, report and monitor all pesticide use on the property. We use our underground water to irrigate crops and most of that water is reabsorbed on the property. What little water that is discharged is monitored by the coop and reported to you. We believe to charge an additional fee (tax) above all the other costs and regulation requirements would be so expensive and burdensome that we would have to stop farming. Especially in light of the Yolo county election to eliminate the Williamson act with its' subsequent huge tax increases, and the costs associated with replacing tractors that I use 50 hours or less a year. 141-1

If you promulgate additional regulations and costs, I will be forced to stop farming and turn a productive green row crop farm into a brown dirt farm.

Please do not make me pay for additional costs associated with this program. Thank you for taking the time to read my concerns.

Sincerely,

A.J. Marcelli

3.4.27.1 Responses to Letter 141

141-1

See Master Response 17 regarding regulatory burden to growers.

3.4.28 Letter 39—Chris Marenco, Marenco Cattle Co., Inc.

Central Valley Regional Water Quality Control Board
Long-term Irrigated Lands Regulatory Program
Draft Programmatic Environmental Impact Report Public Comment Form

Comment Letter IL39

Name: Chris Marenco
Mailing Address: 8475 Marenco Ranch Drive
Red Bluff, California 96080
Telephone No. (optional): 530-646-7021
Email (optional): Pmarenco@stackend.net

Comments/Issues:

Dear Miss Megan Smith —

This ranch that I'm operating now has been irrigating pasture since 1950. We have recovery ponds and sump pumps at the end of every field. We do not discharge water off this ranch. As expensive as electricity is pumping water needs to be as efficient as possible. These new regulations and fees that the state is now proposing — will be a economic burden which could make it economically impossible to make this ranch (business model) as it is now function. I have talked to Alsco and Hartman pump and drilling, and they told me walnuts, almonds and other irrigated crops use the exact same amount of water as my livestock operation now does. I went to one meeting already and the state official said Northern California wasn't had a problem — so please regionalize these regulations and keep us out of the San Joaquin water shed problems. 39-1

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS BY SEPTEMBER 27TH TO:

Mail: ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com

Website: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

3.4.28.1 Responses to Letter 39

39-1

See Comment Letter 41, Response 2; Comment Letter 44, Response 14; Comment Letter 48, Response 1B; and Comment Letter 97, Response 6.

3.4.29 Letter 17—Esther Martinez

Comment Letter IL17

Dirección Regional de Control de Calidad de Aguas de Central Valley
Programa Regulatorio a Largo Plazo de Tierras de Regadío
Formulario de Comentarios Públicos Anteproyecto Programático de Impacto Ambiental

Nombre: ESTHER MARTINEZ
Domicilio: PO Box 364 Alpaugh CA 93201

No. Teléfono (optativo): 559-802-7758
Email (optativo):

Comentarios/Problemas: USTEDES COMO ADMINISTRADORE TIENEN QUE CUIDAR TODAS LAS CONTAMINACIONE DE TODA LAS AREA PORQUE ESTOS COSTOS BAN AUMENTO NO DEBEN DE ESPERA A LARGO PLASO POR QU ABRA MAS CONTAMINACION Y COSTARA MAS DINERO NOSOTROS COMO COMUNIDAS NOS PREOCUPANO POR TODAS LAS FAMILIAS DE BAJOS INGRESO COMENSADO POR MI FAMILIA Gracias no olvider del CENO DELA CAMISA ROJA

17-1

Por favor utilize páginas extras si es necesario.

PRESENTE COMENTARIOS POR ESCRITO EN O ANTES DEL 27 DE SEPTIEMBRE A:

Dirección: ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com
Página Web: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

IL17

Esther Martinez
PO Box 368
Alpaugh, CA 93201

559-802-7758

You as administrators have to take care of all the contamination of all the areas because these costs are increasing. You should not wait long-term because there will be more contamination and it will cost more money. We as a community are concerned for all the low income families, beginning with my family.

Thank you.

Don't forget about the red shirt man.

Esther Martinez
PO Box 368
Alpaugh, CA 93201

3.4.29.1 Responses to Letter 17

17-1

See Comment Letter 14, Response 1.

3.4.30 Letter 18—Luis Medellin

Comment Letter IL18

Central Valley Regional Water Quality Control Board
Long-term Irrigated Lands Regulatory Program
Draft Programmatic Environmental Impact Report Public Comment Form

Name: Luis Medellin
Mailing Address: 1269 W. Lindmore St. SPC#39
Lindsay CA. 93247
Telephone No. (optional): 559-723-4119
Email (optional): luis_medellin7@yahoo.com

Comments/Issues: Start a water well clean up/treatment program, hundreds of low unincorporated communities ~~count~~ don't count as good clean drinking water and ~~pay~~ end up paying twice as much for water that they can't cook or even shower in, so we need something written out and start implementing in the year 2011 if possible if not now!

how many more lifes do we need to lose at the cost of dirty undrinkable water

18-1

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS BY SEPTEMBER 27TH TO:

Mail: ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com

Website: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

3.4.30.1 Responses to Letter 18

18-1

See Comment Letter 14, Response 1.

3.4.31 Letter 14—Joanna Mendoza

Comment Letter IL14

Central Valley Regional Water Quality Control Board
Long-term Irrigated Lands Regulatory Program
Draft Programmatic Environmental Impact Report Public Comment Form

Name: Joanna Mendoza
Mailing Address: 12650 Hazel Ave Cutler, Ca 93615
Telephone No. (optional):
Email (optional):

Comments/Issues:

I live in a small community. My community is Cutler, and my water is contaminated with DBCP. My family pays a water bill of $58 a month for water we can't drink. The cost for bottled water is very expensive. When we buy bottled water it's like double of the cost for the water bill. My district sends us a notice that the water is contaminated with DBCP. It also says that this is not an immediate risk, but if you've been drinking the water for many years, you have an increased risk of getting cancer. Well the years are passing, and people are getting sick. Nitrates is also a problem in Orosi. This is because of the fertalizer that is sprayed on orchards and fields. It gets in our groundwater, and this is what the communities are drinking. 14-1 14-2

Please use additional sheets if necessary.

SUBMIT WRITTEN COMMENTS BY SEPTEMBER 27TH TO:

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Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Email: ILRPcomments@icfi.com

Website: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/

3.4.31.1 Responses to Letter 14

14-1

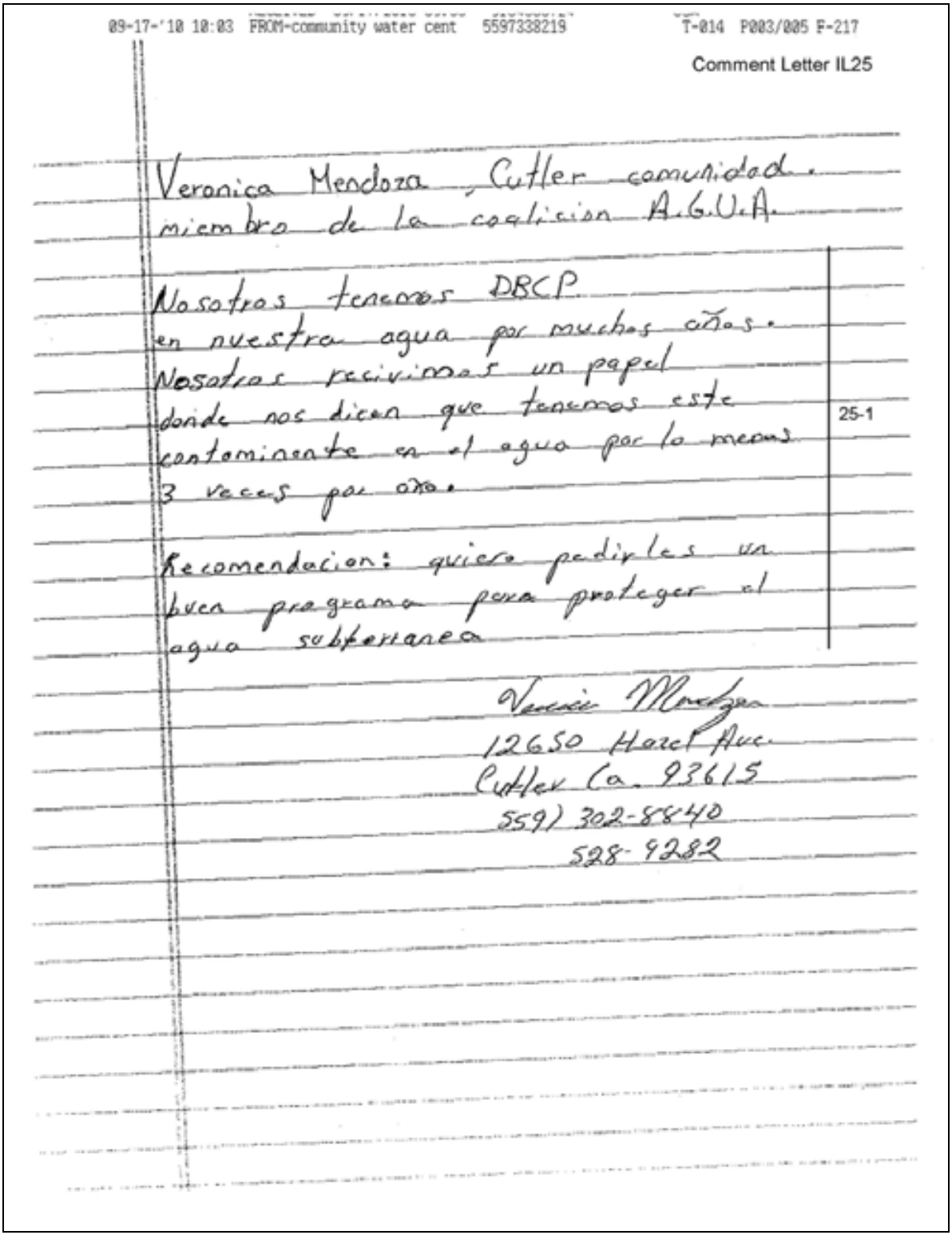
The Central Valley Water Board shares the concern regarding the need for clean drinking water. Objective 1 in the development of the Long-term ILRP is to restore and/or maintain appropriate beneficial uses established in Central Valley Water Board Water Quality Control Plans by ensuring that all state waters within the Central Valley meet applicable water quality objectives including drinking water standards.

The comment specifically references groundwater pollution caused by DBCP use. DBCP is not currently registered for use by irrigated agriculture. Because the compound is no longer used by irrigated agricultural operations, it is unlikely that these operations are currently discharging DBCP to groundwater. The ILRP would not require any source control management practices (specifically to reduce DBCP discharge) where current operations are not discharging DBCP to groundwater. There are other Water Board programs specifically designed to require cleanup of pollution See Comment Letter 123, Response 62.

14-2

See Comment Letter 14, Response 1. The Central Valley Water Board understands that the Orosi Public Utility District is currently in the review process for funding under Proposition 84. If the application is accepted, the proposed improvement project will greatly improve the drinking water quality in this area.

3.4.32 Letter 25—Veronica Mendoza



09-17-'10 10:03 FROM-community water cent 5597338219 T-814 P003/005 F-217

Comment Letter IL25

Veronica Mendoza, Cutler comunidad.
miembro de la coalicion A.G.U.A.

Nosotros tenemos DBCP
en nuestra agua por muchos años.
Nosotros recivimos un papel
donde nos dicen que tenemos este
contaminante en el agua por lo menos
3 veces por año. 25-1

Recomendacion: quiero pedirles un
buen programa para proteger el
agua subterranea

Veronica Mendoza
12650 Hazel Ave.
Cutler Ca. 93615
559) 302-8840
528-9282

IL25

Verónica Mendoza
Cutler Community
Member of the Association of People United for Water (*Asociación de Gente Unida por el Agua* [A.G.U.A.]) Coalition

We have had dibromochloropropane (DBCP) in our water for many years. We receive a sheet of paper telling us that we have this contaminant in the water at least three times per year.

Recommendation: I would like to ask you for a good program for protection of the underground water.

[signed: Veronica Mendoza]
12650 Hazel Ave.
Cutler, CA 93615
559-302-8840
528-9282

To: Ms. Megan Smith
Fax: 916-456-6724
From: Maria Herrera
Date: 9/17/10
Pages: 5
Re: ILRP Comments

3.4.32.1 Responses to Letter 25

25-1

See Comment Letter 14, Response 1.

3.4.33 Letter 22—Greg Merwin, Clarksburg Farmer

Comment Letter IL22

Sept 21, '10
To Region 5 Board Members
RE Long term Irrigated Lands Recommended Program
This is obviously designed to extract more money and water from an Ag Industry that is already reeling from a dirth of both. How about using the data already available, and concentrating on new sources such as desalinization. Its time to do some serious bullet biting.
Greg Merwin – Clarksburg farmer

22-1

3.4.33.1 Responses to Letter 22

22-1

The proposed ILRP has a specific goal to maintain the economic viability of agriculture; the Central Valley Water Board is working to minimize costs while achieving state water quality protection goals. Coordination with other agencies and programs is an objective to allow the Board to take advantage of existing data.

3.4.34 Letter 121—Trent Meyer

Comment Letter IL121

From the desk of Trent L. Meyer

September 26, 2010

TO: Region 5 Board Members,

Re: Long Term Irrigated Lands Recommended Program

I have serious concerns about the proposed Long Term Irrigate lands Program. This is a major expansion of the current IRLP. It will place increased regulatory financial burdens on agriculture, even though the water quality testing performed during the IRLP has shown very few water quality problems caused by agriculture.

The estimates in the draft PEIS to administer the program will range from approximately $4,000,000.00 to $66,000,000.00 depending on the alternative chosen. Over 95% of these costs would be funded by agriculture.

The economic analysis estimated to be at least $5,000.00 per grower to characterize surface and groundwater quality for low impact areas, in addition to costs for water quality testing.

There seems to be many flaws in fundamentally wrong assumptions in the economic analysis. Monitoring cost is underestimated and changes in the underlying assumptions will result in substantial increases in costs to agriculture.

Groundwater quality in the Sacramento Valley is very good with few problems associated to agriculture. There is already extensive groundwater monitoring programs in existence. Duplicating these tests waste time, resources and money, not to mention testing companies and labs are making a killing.

The assumption that the act of irrigating crops is considered a discharge to groundwater that causes the degradation of groundwater is not provable or plausible in many areas of the state. Your board has never addressed the benefit of water recharge to the aquifers agriculture provides. This aspect must be included in any of your analysis, comments and proposals. Your board must address this aspect before continuing. With no knowledge of what is needed to keep the aquifers recharged, your monitoring program is useless. Long term aquifers are much more important that creating more governmental bureaucracy. No water to pump, no food, no jobs, no taxes. 121-1

Trent Meyer
24700 Co. Rd 95
Davis, CA 95616
trentmeyer@jps.net
530-400-865

3.4.34.1 Responses to Letter 121

121-1

The Central Valley Water Board is aware of and will consider the benefits that agricultural irrigation can provide in groundwater recharge. Because this is a programmatic document and the location and extent of reduced groundwater recharge, if any, are unknown, there has been no speculation on the potential for and the significance of this effect. Also see Master Response 7.