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June 28, 2023

Eric Gillman
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
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SUBJECT: SWRCB/OCC Files A-2751(a-b) – Response to Request for Extension of Time to Respond

Dear Mr. Gillman:

On behalf of the Ag Petitioners in this matter¹, we respond to the requests from the Central Coast Regional Water Quality Control Board (Central Coast Water Board) and the California Coastkeeper Alliance Petitioners (CCKA Petitioners) for extensions of time related to submittal of comments and State Water Resources Control Board (State Water Board) consideration of the Draft Order that was circulated on June 16, 2023.

As an initial matter, the Ag Petitioners do not oppose the Central Coast Water Board's limited request for an additional nine days as long as this request does not result in State Water Board consideration of the Draft Order beyond September of 2023. However, the Ag Petitioners must oppose the request from CCKA Petitioners because of its potential impact to growers and the legal jeopardy that may result from their requested delays.

Specifically, CCKA Petitioners request an extension for submittal of written comments as well as additional process before consideration by the State Water Board. We are concerned that the additional process may result in significant delays in State Water Board consideration of the Draft Order. Such delays have real world consequences in that nitrogen application limits have a compliance date of December 31, 2023. Further, there are many Order provisions currently being implemented that may be significantly impacted by the State Water Board's decision on this matter. We are concerned that continued delay creates confusion and uncertainty for growers and their compliance with the Order. It may also open growers up to potential harm if this matter is not resolved quickly. Notably, the Ag Petitioners expressed their concern with significant delay in consideration of this matter by the State

¹ Grower-Shipper Association of Central California, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, Western Growers Association, Western Plant Health Association, California Farm Bureau Federation, Monterey County Farm Bureau and California Strawberry Commission (Ag Petitioners)

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Water Board when our Petition was filed on May 17, 2021. More than two-years has now passed since the petitions were filed and it is time for the State Water Board to act on this matter.

Alternatively, if the State Water Board decides to grant the CCKA request, then it is necessary for the State Water Board on their own motion to grant a stay of certain provisions such as the Nitrogen Application Limit until such time that the State Water Board acts on the Draft Order.

Please contact me at tdunham@kscsacramento.com or (916) 718-5774 if you have any questions.

Sincerely,

KAHN, SOARES & CONWAY, LLP

A handwritten signature in black ink that reads "Theresa A. Dunham". The signature is written in a cursive style with a large, looping initial "T".

Theresa A. Dunham