

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 1, 2011  
ITEM NUMBER 17 – ATTACHMENT 4  
Prepared on August 10, 2011**

Attachment 4 includes discussion and recommended changes related to the Response to comments, as well as an Errata Sheet.

**RESPONSE TO COMMENTS**

At the May 4, 2011 hearing, the Central Coast Water Board Chair accepted into the record for this matter specifically identified documents submitted by the California Farm Bureau Federation, on behalf of agricultural entities (Ag Group) after the close of the January 3, 2011 comment period (extra documents), and directed staff to prepare an Addendum to the Staff Report comparing the Ag Group proposal to the Draft Order with recommendations to the Water Board. Staff made the Ag Group extra documents available on the Water Board's website on May 27, 2011, and released the Addendum to the Staff Report on July 7, 2011. The Water Board provided an opportunity for interested persons to submit written comments on the Addendum to the Staff Report and the Ag Group extra documents by August 1, 2011.

The Central Coast Water Board received 35 comment letters from interested persons identified in Table 1 below. Some comment letters represented multiple stakeholders and stakeholder groups. For example, comment letter #4 was submitted by organizations representing multiple stakeholder interests (environmental, agricultural, and environmental justice). In addition, there were 16 submittals of a standard form letter coordinated by the California Farm Bureau. Staff responded to comments relevant to the content specified in the Public Notice dated July 8, 2011, including the Addendum to the Staff Report and the Ag Group extra documents. Individual comment letters available on the Water Board's website at:  
[http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ag\\_waivers/ag\\_order.shtml](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml).

In general, comments received can be divided into three categories: 1) Changes to the Draft Order and MRP, 2) Staff's Evaluation of the Agricultural Alternative Proposal, and 3) Legal Issues. A summary of comments and responses is included in Table 2. In some cases, staff referred to a previous comment and response contained in the March 17, 2011 Board Meeting (Item 14) Staff Report Appendix E (Response to Comments) available on the Water Board's website at:  
[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2011/march/Item\\_14/14\\_appE-Responses\\_030811.pdf](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2011/march/Item_14/14_appE-Responses_030811.pdf)

Please note that staff updated the list of stakeholder outreach meeting and events, also available on the Water Board's website at:  
[http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ag\\_waivers/docs/ag\\_order/2011\\_agorder\\_outreach.pdf](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/2011_agorder_outreach.pdf)

In summary, staff recommends the following changes to the Draft Order and MRP based on comments received during the July 8, 2011 – August 1, 2011. These changes are shown

highlighted on Attachment 1 - Red-line strikeout version of the Draft Agricultural Order with revisions.

- 1) Deleted language regarding groundwater well construction (Condition #31, p. 18);
- 2) Clarified language about keeping the Farm Plans on-site (Condition #43, p. 20);
- 3) Replaced language requiring “proof” of compliance with DPR regulation with requiring information about compliance with DPR regulations (Condition 34, p. 19);
- 4) Delete language requiring “legal justification” to address trade secrets or proprietary information (Order Condition 65, p. 25; Tier 1 MRP Condition 2, p. 10; Tier 2 MRP Condition 2, p. 14; Tier 3 MRP Condition 2, p. 21)

**Table 1. Individuals and groups that submitted comment letters on the Addendum to Staff Report and Ag Group extra documents by August 1, 2011**

<b>No.</b>	<b>Commenter(s)</b>	<b>No.</b>	<b>Commenter(s)</b>
1	Best, Best & Krieger LLP	16	Coles Cattle Company*
2	California Dept. of Food and Agriculture	17	Doug Turner*
3	California Farm Bureau Federation	18	Frank Costa*
4	Clean Water Action, California Strawberry Commission, Environmental Defense Center, Grower-Shipper Association of the Central Coast, Monterey Coastkeeper, Monterey County Farm Bureau, Santa Barbara Channelkeeper, Western Growers	19	French Camp Vineyards*
5	Costa Farms	20	General Farm Investment*
6	Dragon Spring Farm	21	Joel Stinchfield*
7	Environmental Defense Center, Monterey Coastkeeper, Santa Barbara Channelkeeper, San Luis Obispo Coastkeeper	22	Kawaguchi Farms*
8	Salinas River Channel Coalition	23	KB Farms LLC*
9	Salinas Valley Chamber of Commerce	24	L.A. Hearne Co.*
10	Santa Barbara County Farm Bureau	25	Las Vargas and Edwards Ranches*
11	Somach Simmons & Dunn	26	Maria Azevedo*
12	Dr. John Letey	27	Neil Bassetti Farms LLC*
13	Belli Architectural Group*	28	Yamanish Farms*
14 15	Bullet Ranches*	29	Clean Water Action California, Food & Water Watch, Central Coast Alliance United for a Sustainable Economy (CAUSE), San Jerardo Cooperative, Inc., Community Water Center, Environmental Justice Coalition for Water, Santa Lucia Chapter of the Sierra Club, Pacific Institute,

			Unitarian Universalist Legislative Ministry, CA, Marjorie Kay
30	Senator Sam Blakeslee	31	Best, Best & Krieger LLP
32	San Luis Obispo County Farm Bureau	33	Congressman Sam Farr
34	Grower Shipper Association of Central California	35	Assemblyman Katcho Achadjian

\*Individual submittal of standard form letter coordinated by the California Farm Bureau

**ADDITIONAL STAKEHOLDER INFORMATION**

Staff also notes the following information because so many of our severest water quality problems are in areas serving drinking water to farmworker populations and residents who have less ability or opportunity to speak up in the Water Board process.

The State Water Resources Control Board's priorities for this year include:

- 1) Groundwater Strategic Workplan,  
[http://waternet/orpp/html/groundwater\\_strategicworkplan.html](http://waternet/orpp/html/groundwater_strategicworkplan.html) - The State and Regional Water Boards will develop key strategies containing milestones and due dates to address groundwater quality, supply and overdraft issues in the State;
- 2) Environmental Justice Community Support – State and Regional Water Board staff will propose actions to correct water and wastewater supply and treatment problems in disadvantaged communities.

CalEPA issued an Environmental Justice [EJ] Strategy in 2004, which includes these key points:

“Promote enforcement of all health and environmental statutes within our jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

Improve research and data collection for programs within the agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

Identify differential patterns of consumption of natural resources among people of different socio-economic classifications for programs within the agency.

Develop an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

Cal/EPA recognizes the challenges in addressing and achieving environmental justice and acknowledges the necessity to seek emerging opportunities to make environmental justice a tangible and consistent part of the way Cal/EPA’s BDO’s [Boards, Departments and Organizations] performs our regulatory functions. In this spirit, Cal/EPA presents this intra-agency environmental justice strategy as an overarching vision to help guide our BDOs in decision-making processes and approaches to advance environmental justice.

Using this strategy as a guide, each of Cal/EPA's BDOs will review environmental programs, policies, and activities to identify and address any gaps that may impede the achievement of environmental justice."

**Table 2. Response to Comments on Draft Agricultural Order No. R3- 2011-0006  
Addendum to Staff Report and Ag Group Extra Documents**

Comment ID Similar Comment	Comment	Response
<b><i>Comments Related to Addendum to Staff Report - Changes to the Draft Order and MRP</i></b>		
<p>Letter #4 Clean Water Action, California Strawberry Commission, Environmental Defense Center, Grower-Shipper Association of the Central Coast, Monterey Coastkeeper, Monterey County Farm Bureau, Santa Barbara Channelkeeper, Western Growers</p>	<p>At this time we have respectfully “agreed to disagree” on many substantive points, as they relate to your staff’s July 7, 2011, Draft Order and to the Agricultural Alternative.</p>	<p>Comment Noted</p>
<p>Letter #6 Dragon Spring Farm</p>	<p>The recently issued addendum suggests, “dischargers may participate in an acceptable cooperative groundwater monitoring effort “(p.26, point 10). But no further detail on what might constitute an "acceptable" cooperative effort seems to be available.</p>	<p>See Draft MRP, Part 2A.6, p.9. The Draft MRP specifies that “Proposals for cooperative groundwater monitoring efforts must be approved by the Executive Officer. At a minimum, the cooperative groundwater monitoring effort must include monitoring points to adequately represent the groundwater aquifer(s) in the local area of the participating Dischargers, characterize the groundwater quality of the uppermost aquifer, and identify and evaluate groundwater used for domestic drinking water purposes. Cooperative groundwater monitoring efforts must comply with the requirements for sampling protocols and laboratory analytical methods identified in this MRP, including parameters listed in Table 3, and must report results consistent with individual groundwater reporting defined in Part 2.B.”</p> <p>Water Board staff provides the following for additional clarification: Dischargers have the flexibility to identify and determine the number of participants in cooperative groundwater monitoring that meets the minimum requirements and can present such proposals to the Executive Officer for approval.</p>

<b>Comment ID Similar Comment</b>	<b>Comment</b>	<b>Response</b>
<p>Letter #34 Grower Shipper Association of Central California</p>	<p>Staff is proposing a groundwater monitoring program that does not align with their stated objectives for water quality improvement.</p> <p>Testing and understanding the amount of nitrogen in groundwater for incorporating into a nutrient management program may be a practice used by many farmers, but Staff is missing an important linkage in their arguments. Growers are using that information so that they may make more informed fertilizer application choices. The Staff's use of that same information would be used for an ulterior purpose: "The resulting water quality data will provide the Central Coast Water Board with necessary information to prioritize areas and farms for follow-up actions related to the implementation of nutrient management practices and drinking water protection," (page 17).</p>	<p>See discussion of groundwater monitoring requirements in the Addendum to the Staff Report and the response to the comment above.</p>
<p>California Farm Bureau Form Letter submitted by individual farmers (Letters:13-28)</p> <p>Similar letters: Letter #1 Best Best &amp; Krieger, Letter #3 California Farm Bureau</p>	<p>The Addendum to the Staff Report contains numerous additions and revisions to the Staff's Draft Agricultural Order. The new Ag Order should be based upon the Agricultural Alternative Proposal rather than Staff's Draft Order.</p> <p>Staff added new requirements for prevention of aquifer cross-contamination for groundwater wells.</p>	<p>Comment Noted.</p> <p>Poor groundwater well construction, maintenance, and operation contribute to groundwater pollution in many areas. Existing California Department of Water Resources requirements and local ordinances exist to address this issue. After further evaluation, staff is recommending that the following newly proposed language be deleted from Condition #31 (p. 18-19) of the Draft Order "In addition, Dischargers must ensure that any active groundwater wells on their farm/ranch are properly constructed, maintained and operated to prevent aquifer cross-contamination."</p>
<p>Letter #11 Somach Simmons &amp; Dunn</p>	<p>Use individual farms instead of operations as the appropriate level to consider tiering criteria. Farmers support the concept behind this revision, but some ambiguity may still exist. Growers/landowners need to be allowed some flexibility in characterizing their farm or ranch for management purposes to reflect the different production practices and schedules of different commodities and operations.</p>	<p>See page 25 of the Addendum to the Staff Report (#2). This change was made in response to comments from agricultural stakeholders on the March 17, 2011 Draft Order.</p> <p>The definitions of farm and operation are based upon information in the United States Department of Agriculture (USDA) Glossary and have not changed substantively from the definitions of farm and operation, and Finding #21 describing the scope of the Order, since the November 2010</p>

Comment ID Similar Comment	Comment	Response
		<p>version of the Draft Order.</p> <p>Dischargers continue to have the flexibility to determine and identify their operation and farm in the Notice of Intent (NOI), as has been the case since 2004 with the existing Order. Staff has not received any complaints or questions due to lack of clarity regarding the definition of operation or farm related to the Dischargers' submittal of the NOI.</p>
<p>California Farm Bureau Form Letter submitted by individual farmers (Letters:13-28)</p> <p>Similar Letter #10 Santa Barbara County Farm Bureau, Letter #32 San Luis Obispo County Farm Bureau</p>	<p>The new definition to "farm/ranch" is overly broad, speculative, and inappropriate to encompass land where "commercial crops are produced or normally would have been produced."</p>	<p>See response above and similar comment about farm/ranch definition above by Somach Simmons &amp; Dunn.</p>
<p>Letter #13 French Camp Vineyards</p>	<p>French Camp Vineyards currently farms 1200 acres of wine grapes in eastern San Luis Obispo County. Due to the acreage we farm we would be placed into tier 2, this would create a large amount of paper work and consume a lot of time that could be used in a more productive manor.</p>	<p>The tiering criteria in the Draft Order only includes acreage as it relates to farms/ranches that grow crops with a high potential to load nitrogen to groundwater.</p> <p>According to info submitted by the operator in the eNOI, French Camp Vineyard farms 1589.72 acres of grapes and does not use chlorpyrifos and diazinon. In addition, French Camp Vineyard is not located within 1000 feet of an impaired waterbody.</p> <p>Based on this information, French Camp Vineyard would likely fall into Tier 1 of the Draft Order, which has less requirements than the existing 2004 Agricultural Order. The proposed Order would reduce the current "paper work" burden for this vineyard.</p>
<p>California Farm Bureau Form Letter submitted by individual farmers (Letters:13-28)</p> <p><i>Similar letters:</i> Letter #5 Costa Farms, Letter #10 Santa Barbara County Farm Bureau,</p>	<p>The change to the tiering criteria related to acreage and crop types with high potential to discharge nitrogen to groundwater. The new acreage trigger of 50 acres and 500 acres, depending on the tier classification, is not supported by any evidence, is arbitrary, and does not provide enough flexibility for situations unique to agricultural tenant practices.</p>	<p>See page 25 of the Addendum to the Staff Report (#3). As presented by staff at the May 4 Board Meeting, this change is based on relative risk to water quality from farms of different sizes that discharge nitrogen to groundwater. The proposed tiering criteria requires and verifies that farms with larger risk implement effective practices and places less burden on farms with smaller risk.</p>

<b>Comment ID Similar Comment</b>	<b>Comment</b>	<b>Response</b>
<p>Letter #3 California Farm Bureau, Letter #11 Somach Simmons &amp; Dunn, Letter #31 Best Best and Krieger, Letter #32 San Luis Obispo County Farm Bureau.</p>		
<p>Letter #11 Somach Simmons &amp; Dunn</p> <p><i>Similar letters:</i> Letter #31 Best Best and Krieger</p>	<p>The requirements in tier 2 and tier 3 should be applicable based on the reasons for why a farm or ranch has been classified as tier 2 or tier 3. For example, if the reason for being classified is because the farm or ranch uses chlorprifos or diazinon, then only requirements with respect to pesticides should apply. Otherwise, the requirements bear no rational relationship to the farm or ranch's risk to water quality.</p>	<p>The proposed requirements in Tier 2 and Tier 3 are applicable based on the reasons for why a farm or ranch is classified in a specific Tier. For example, only the subset of dischargers in Tier 2 and Tier 3 that have an individual farm or ranch with a high nitrate loading risk have to report total nitrogen applied in the Annual Compliance Form.</p> <p>Similarly, for Tier 3, only the subset of Tier 3 dischargers that have a discharge to surface water have to conduct individual discharge monitoring; for those Tier 3 dischargers that must conduct individual monitoring – they only monitor for pesticides they use; only the subset of Tier 3 dischargers that have a farm or ranch with high nitrate loading risk must develop and implement an Irrigation and Nutrient Management Plan or alternative, and only the subset of Tier dischargers with a farm or ranch that is adjacent to or contains a waterbody impaired for temperature, turbidity, or sediment must develop a Water Quality Buffer Plan or alternative.</p>
<p>Letter #11 Somach Simmons &amp; Dunn</p> <p><i>Similar letters:</i> California Farm Bureau Form Letter submitted by individual farmers (Letters:13-28), Letter #5 Costa Farms, Letter #10 Santa Barbara County Farm Bureau, Letter #3 California Farm Bureau, Letter #32 San Luis Obispo County Farm Bureau</p>	<p>The proposed revisions capture only a small number of the provisions proposed by Farmers. The Order should clarify that Farm Plans are to remain on the farm, and be available to Central Coast Water Board staff upon request at the farm.</p>	<p>See Appendix E Response to Comment #617 (p.9) and Comment #172 (p. 25) and proposed edits in the Draft Order Redline Strikeout to clarify that farm plans must be kept current, kept on the farm, and a current copy must be made available to Central Coast Water Board upon request (Condition 43, p. 20). If the Water Board requires the Farm Plan be submitted to the Board, the discharger will have the opportunity to specify any portions that are trade secrets or secret processes and request that those portions be kept confidential.</p>
<p>California Farm Bureau Form Letter submitted by individual farmers (Letters:13-28)</p>	<p>The Draft Order specifically states "the focus of this Order is non-tile drain discharges. However, new language has been added to specifically require individual monitoring, reporting of</p>	<p>See Appendix E Response to Comment #173 (page 30) and Comment # 175 (pages 48-49), at:</p>

<b>Comment ID Similar Comment</b>	<b>Comment</b>	<b>Response</b>
<p>Similar letters: Letter #3 California Farm Bureau, Letter #12 Dr. John Letey, Letter #31 Best Best and Krieger</p>	<p>management practices, and attainment of water quality standards for tile drain discharges. These new requirements for tile drains are inconsistent with and contradictory to the very focus of the Order.</p>	<p><a href="http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf">http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf</a>.</p> <p>The statement “the focus of this Order is non-tile drain discharges” acknowledges that Water Board staff understands that controlling pollution loading from tile drains and water quality impacts to receiving waters where tile drains discharge is more complex than controlling pollution loading from an individual farm. The statement does not (and did not ever) mean that dischargers do not have any responsibility to characterize water quality conditions, or evaluate steps needed to minimize adverse affects on water quality from tile drain discharges.</p> <p>Tile drains and related findings and conditions are not new to the Draft Order. For example, see Finding #12 and #129. In addition, Finding #22 identifies that tile drain discharges are within the scope of the Order. The definition of discharges of waste from irrigated lands also includes tile drains (#13, p. 47 of Attachment A) and includes a definition for tile drains (#60, p. 53 of Attachment A). In addition, Condition #43 (p. 20) specifies that farm plans must describe tile drain discharges and the management measures Dischargers have implemented or will implement to minimize impacts to water quality.</p> <p>Tile drains are also not new to the Monitoring and Reporting Program. Part 1.A.2 Surface Receiving Water Monitoring and Reporting states that dischargers must conduct monitoring to evaluate water quality impacts resulting from agricultural discharges including but not limited to tile drain discharges (p.3). The Tier 3 MRP also requires dischargers to include discharges from tile drains in the individual discharge sampling and analysis plans (p.15) and Table 5A (p. 29).</p> <p>The Draft Order does not include any specific required time schedule for which water quality standards must be met in tile drain discharges.</p>

Comment ID Similar Comment	Comment	Response
		<p>The proposed edits to the Draft Order, Attachment A (Additional Findings) #2 were included to clarify the above and clarify that while tile drains are not a primary focus of the Order, some steps to characterize and reduce pollution loading from tile drains is appropriate.</p>
<p>Letter #12 Dr. John Letey</p> <p>Similar letter #11 Somach Simmons &amp; Dunn</p>	<p>The statement is made in Table 4 of the Order that a NHI value &gt; 20 represents a HIGH risk. This is not necessarily true. The specific index number, other than &lt; 20, has limited meaning and is not the most important use for the NHI.</p> <p>Based on our review, the NHI has been added to the tiering criteria but not the substantive permit requirements applicable to those in tier 3. (Draft Order, pp. 14-15 29.) For tier 3 dischargers, waiver requirements are triggered by the High Nitrate Loading Risk, which is defined differently than the NHI. (<i>Id.</i>, p. 29.) Thus, for these requirements, tier 3 dischargers do not have the option of using the NHI.</p>	<p>In response to comments from agricultural stakeholders, staff proposed the change to the Draft Order and MRP to allow the alternative to use the University of California Division of Agriculture and Natural Resources Nitrate Hazard Index (NHI) to <i>evaluate nitrate loading risk</i> and not to <i>determine tiers</i>. First, dischargers determine which tier they are in (without using the NHI); then tier 2 and 3 dischargers may use the NHI to evaluate nitrate loading risk. The NHI was developed as a peer-reviewed "internet-based interactive hazard index to assess the relative vulnerability of groundwater to agricultural nitrate contamination of irrigated crop fields (Laosheng, Wu et al, 2007). Water Board staff proposes to include the NHI in the Draft Order and MRP for this similar purpose. The Draft Order requires Dischargers, who already have been determined to meet the tier 2 or tier 3 criteria <i>and</i> with farms with a high nitrate loading risk to implement and verify irrigation efficiency and nutrient management practices.</p> <p>The Tier 2 and Tier 3 MRPs state in Part 2.C. (p. 10) that "To calculate nitrate loading risk, Tier 3 Dischargers must use the criteria and methodology described in Table 4 of the MRP, <b>OR</b> use the Nitrate Groundwater Pollution Hazard Index (NHI) developed by University of California Division of Agriculture and Natural Resources (UCANR)." Requirements related to the determination of high nitrate loading then apply equally, whether it was determined by the method described in Table 4 of the MRP or the NHI.</p>
<p>Letter #29 Clean Water Action California, Food &amp; Water Watch, Central Coast Alliance United for a Sustainable Economy, San Jerardo Cooperative,</p>	<p>Staff's July revision represents the 4th iteration of the draft order since February 2010. While we agree that the order could be improved, we feel even more strongly that continued delay endangers communities and the environment. Staff has provided ample evidence of the plight of Central Coast</p>	<p>As the Executive Officer stated at the May hearing, we could continue to fine tune the proposed order for more years, but in so doing, we would delay water quality improvements and public health threat reduction.</p>

<b>Comment ID Similar Comment</b>	<b>Comment</b>	<b>Response</b>
<p>Inc., Community Water Center, Environmental Justice Coalition for Water, Santa Lucia Chapter of the Sierra Club, Pacific Institute, Unitarian Universalist Legislative Ministry CA, Planning and Conservation League, Marjorie Kay</p>	<p>communities that lack safe drinking water and the fact that contamination is increasing. These are the communities that will pay the price of delay. The current program will provide essential information that will allow staff to assess its effectiveness, and provides incentives (through reduced regulation) for farmers to improve their practices. We urge you, therefore, to adopt the proposed order at your September 1 meeting.</p>	
<p>Letter #7 The Environmental Defense Center, Monterey Coastkeeper, Santa Barbara Channelkeeper, and San Luis Obispo Coastkeeper</p>	<p>In general, we support a conditional waiver program that contains robust regulatory provisions to ensure that our waters are protected from agricultural discharges and which ensures that agriculture remains sustainable and productive.</p> <p>Our organizations continue to support adoption of staff's February 2010 Draft Order, as it is most protective of water quality and is adequate to fulfill your statutory duties.</p> <p>Draft Order R3-2011-0006 is not adequate to protect the public interest, and we therefore respectfully oppose its adoption. Order R3-2011-0006 represents an opportunity for your Board to take an active leadership role in fixing the problems on our Central Coast and making sure that we all have water for drinking, for agriculture and for habitat, for the long and foreseeable future. As it is presently drafted, however, Order R3-2011-0006 is not sufficient.</p>	<p>Staff has proposed changes from the February Draft Order that are responsive to valid comments (those comments that would still retain order effectiveness, but would clarify or simplify the order), and yet retain the whole of the order as an effective water quality control tool.</p>
<p>Letter #7 The Environmental Defense Center, Monterey Coastkeeper, Santa Barbara Channelkeeper, and San Luis Obispo Coastkeeper</p>	<p>Executive Officer Authority - As the staff report notes on page 23, the new Draft Order removes the Executive Officer's authority to change tiering criteria. The tiering criteria have already been relaxed to the point of near-inefficacy. To further constrain the ability of this Conditional Waiver to address additional acreage or additional high priority dischargers, will only constrain its ability to protect water quality on the Central Coast.</p> <p>In addition, the continued focus of this Draft Order on Diazinon and chlorpyrifos, to the exclusion of other toxic pesticides, limits the ability of the Conditional Waiver to protect water quality.</p>	<p>See Paragraphs after header, "Basis for Specific Revisions to the Draft Agricultural Order" on Page 26 of the Addendum to the Staff Report.</p> <p>Also see Appendix E Response to Comments 233 (page 14), #478 (page 15), #247 (page 43), #264, (page 61), #457 (page 155) ) at:</p> <p><a href="http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf">http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf</a>.</p>

<b>Comment ID Similar Comment</b>	<b>Comment</b>	<b>Response</b>
	<p>Staff needs the flexibility and authority to adapt to new information in order to meet the goals of the Order. As we have seen over the past three years, a politicized process is slow and burdensome. We oppose this revision to the Executive Officer's authority.</p>	
<p>Letter #11 Somach Simmons &amp; Dunn</p>	<p>Remove Executive Officers' authority to change tiering criteria. Farmers support this change.</p>	<p>See response to similar comment above on Executive Officer authority by the Environmental Defense Center and others, Letter #7.</p>
<p>Letter #11 Somach Simmons &amp; Dunn</p>	<p>If proof of compliance with DPR requirements means that dischargers must somehow show the Central Coast Water Board exactly how they have complied with label requirements, then proof of compliance is much more nebulous. For many of the regulatory programs required by DPR, compliance is based on the fact that there are no enforcement actions.</p>	<p>Staff did not intend for discharges to have to prove compliance with DPR regulations. Staff recommends editing Condition 34 to say that dischargers must submit information regarding compliance with DPR regulations, if requested.</p>
<p>Letter #30 Senator Sam Blakeslee</p>	<p>a. Your staff has made amendments to their recommendations, but have failed to sufficiently address the concerns of the agricultural producers that will be affected by the regulations.</p> <p>b. A rejection of concerns about the economic and jobs impacts of proposed regulations is not in the best interest of a long-term partnership, and certainly unhelpful to protecting the economic viability of our rural community.</p> <p>c. Regulations developed in collaboration with the regulated entity; and regulations that take advantage of industry's insights and expertise, are far more likely to achieve</p>	<p>a. As described in these documents, many of the changes are recommended to respond to the agriculturists. These recommended changes are sufficient to answer valid comments while maintaining order efficacy.</p> <p>b. We agree, and the staff proposal aims to ensure compliance in the most efficient manner. The Agricultural Industry's Proposal will likely cost more than the staff's Draft Agricultural Order, as stated by agricultural representatives who met with staff to clarify their proposal. Significantly higher costs would likely stem from a new institutional framework of third party groups with their own administrative and governance structure (including fees), an additional organizational framework for teams of auditors, and technical experts to determine and assess regional groundwater conditions. A rejection of concerns for contaminated drinking water wells and unsustainable use of watersheds is also contrary to basic public health protection and long term economic viability. See response to comment on costs from Costa Farms, Letter #5 below.</p> <p>c. Prior to the May 2011 hearing, staff has had countless interactions with agriculture representatives to try to develop an effective order that will achieve meaningful compliance, with the required accountability. Since the May hearing,</p>

Comment ID Similar Comment	Comment	Response
	meaningful compliance	Water Board staff met with more representatives from the agricultural industry, specifically representing Grower-Shipper Association of Central California, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, Monterey County Farm Bureau and legal counsel for the California Strawberry Commission, Western Growers, and San Benito, Santa Cruz, Santa Clara, and San Luis Obispo Farm Bureaus, to explain and discuss the new information and how it modified the Agricultural Alternative Proposal submitted December 3, 2010. Staff also met with representatives from environmental groups and environmental justice groups to discuss the Draft Agricultural Order and the new information.
<b>Comments Related to Addendum to Staff Report- Staff's Evaluation of the Agricultural Alternative Proposal and Ag Group Extra Documents</b>		
<p>California Farm Bureau Form Letter submitted by individual farmers (Letters:13-28)</p> <p>Similar letter: Letter #3 California Farm Bureau, Letter # 10 Santa Barbara County Farm Bureau, Letter 11 Somach Simmons &amp; Dunn, Letter #31 Best Best and Krieger, Letter #32 San Luis Obispo County Farm Bureau, Letter #34 Grower Shipper Association of Central California.</p>	<p>The Addendum to the Staff Report does not provide an objective review, contrast, or comparison of the Agricultural Alternative Proposal to Staff's Draft Agricultural Order as directed by the Central Coast Regional Water Quality Control Board. The analysis of the Agricultural Alternative Proposal contains numerous substantive flaws, misstatements, and incorrect assumptions leading to inaccurate and deleterious conclusions. Contrary to Staff's conclusions, the Agricultural Alternative Proposal is enforceable; contains a legally consistent approach for the use of third-party groups; provides accountability; will control waste discharges from irrigated agriculture; provides flexibility; and includes adequate surface water and groundwater monitoring components.</p>	<p>The Agricultural Alternative Proposal was reviewed by legal and enforcement staff at the State Water Resources Control Board, and staff at the Central Coast Water Board.</p> <p>The Regional Board staff's evaluation considered the entire proposal. The Regional Board staff does not object to the proposed requirement in the Ag Alternative Proposal that the group or the individual implement management practices, e.g., the "and/or" language referred to. The concern is that the Ag Alternative Proposal would, among other concerns, establish different, less stringent standards of compliance for those persons who participate in a third-party group compared to those who do not and that the information related to compliance would not be provided to the Regional Board either at all, or in a timely manner.</p>
<p>Letter #35 Assemblyman Katcho Achadjian</p>	<p>The Addendum to the Staff Report does not provide an objective review, contrast, or comparison of the Agricultural Alternative Proposal to Staff's Draft Agricultural Order as directed by the Central Coast Regional Water Quality Control Board.</p> <p>The Agricultural Alternative Proposal seems enforceable;</p>	<p>See response to similar comment above.</p>

<b>Comment ID Similar Comment</b>	<b>Comment</b>	<b>Response</b>
	<p>contains a legally consistent approach for the use of third-party groups; provides accountability; will control waste discharges from irrigated agriculture; provides flexibility; and includes adequate surface water and groundwater monitoring components.</p> <p>I urge the Board to listen to growers' feedback and suggestions...</p>	
<p>Letter #5 Costa Farms</p> <p>Similar letters: Letter #10 Santa Barbara County Farm Bureau, Letter #11 Somach Simmons &amp; Dunn, Letter# 9 Salinas Valley Chamber of Commerce, Letter #31 Best Best and Krieger</p>	<p>I support the Agricultural Alternative proposal.</p> <p>The Board should adopt the Agricultural Alternative.</p>	<p>Comment noted.</p>
<p>Letter #34 Grower Shipper Association of Central California</p>	<p>The Central Coast Regional Water Quality Control Board (CCR WQCB) Staff's priority value is reportable measurements of water quality while the agricultural community's priority value is improving water quality through actions based upon science and technology.</p>	<p>The Water Board's priority is measurable water quality improvement and beneficial use protection based on the severe surface and groundwater pollution caused by fertilizers, pesticides and sediment in agricultural runoff.</p>
<p>Letter #5 Costa Farms</p> <p>Similar letters: Letter #10 Santa Barbara County Farm Bureau, Letter #11 Somach Simmons &amp; Dunn, Letter# 9 Salinas Valley Chamber of Commerce, Letter #31 Best Best and Krieger, Letter #34 Grower Shipper Association of Central California</p>	<p>The cost of the Draft Order is substantially more than the costs for compliance that I expect under the Agricultural Alternative Proposal.</p> <p>The cost per acre of the Agricultural Alternative is much less than the cost per acre of the Draft Ag Order.</p>	<p>See Appendix F-Cost Considerations in the March 17, 2011 Agenda Item 14 at:</p> <p><a href="http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppF.pdf">http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppF.pdf</a></p> <p>Also see specific responses to comments about costs in Appendix E-Response to Comments (e.g. responses to comment numbers 64, 91, 117, 373, 402, 615, 648, 402) at:</p> <p><a href="http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf">http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf</a>.</p> <p>According to the comment Letter #11 from Somach Simmons &amp; Dunn, Farmers for Water Quality contracted with</p>

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		<p>Dr. Barbeau and others to conduct an economic and cost analysis of the Draft Order as well as the Agricultural Alternative. The analysis concluded that the costs between the two programs are significantly different and the Agricultural Alternative represents a significantly lower cost to growers. This conclusion is questionable and not fully supportable for the following reasons.</p> <p>The conclusions of this cost report, similar to the cost information in Appendix F of the March 17, 2011 Ag Order Staff Report, shows that costs for a farm or per acre to comply range widely, depending on the farm. It also acknowledges that many factors are uncertain and difficult to estimate; therefore, the authors made several assumptions. Some of the assumptions overestimate if and how some of the Draft Order Conditions apply to farms, hence overestimating costs. For example, the costs include all dischargers (in all tiers) constructing containment structures and all Tier 3 dischargers installing riparian buffers. Neither of these requirements apply universally to all dischargers or to all Tier 3 dischargers, respectively.</p> <p>The cost estimates for the Agricultural Alternative appear to only include the costs of starting and running the third-party group, auditing and conducting program review. It does not appear to include the cost to growers to implement management practices. The bulk of the costs estimated for the Draft Ag Order are costs to farmers to implement management practices and report on their status and effectiveness. Without including these costs in the Agricultural Alternative cost estimates, the results are not comparable and the comparison is invalid.</p> <p>Staff assumes the costs to individual farmers to implement practices that effectively control discharges and protect water quality should be similar for both the Draft Ag Order and the Agricultural Alternative. Both proposals also include monitoring and reporting, so those costs may be similar or at least represent similar provisions that incur costs. Therefore, the only distinct cost that is unique to the Draft Agricultural</p>

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		<p>Order compared to the Agricultural Alternative is the time spent or cost paid to farm staff or a consultant to collect and report required information (e.g., for a certified irrigation and nutrient management plan for a tier 3 grower). The distinct cost that is unique to the Agricultural Alternative is the cost to fund and operate the third-party group and pay auditors. The cost analysis for the Draft Ag Order includes all of the above cost categories. The cost analysis for the Agricultural Alternative only includes costs associated with the third-party group.</p> <p>Finally, the Agricultural Alternative costs depend on the number of farmers who choose to participate so estimating the per farm or per acre cost of the alternative is speculative and varies depending on the assumptions about the number of growers. The costs of the Draft Ag Order depends on the conditions or requirements associated with the tier that each farm falls into so the costs by farm or by acre are more predictable and can be estimated more specific to the actions a farmer must take.</p> <p>Therefore, the cost report seems to compare “apples and oranges” and does not adequately explain the costs or relative costs of the Draft Ag Order or the Agricultural Alternative.</p>
<p>Letter #2 California Department of Food and Agriculture</p>	<p>In review of the General Report/Workplan amendment submitted by the Agricultural Alternative Proposal track edit comments, the CDFG supports the Workplan concept. The concept affords for a necessary Technical Advisory Committee to assist third party groups in the proposed auditing process of agricultural operations and thus can help reduce the direct burden to individual growers.</p> <p>Per the Agricultural Alternative Proposal, growers should be allowed to perform a work plan for groundwater assessment within one year of the Order adoption and within five years submit a final report of laboratory data collected from well</p>	<p>See Addendum to Staff Report discussion on Agricultural Alternative Proposal governance and audit process (starting on p.5).</p> <p>See Addendum to Staff Report discussion and Table 2 related to comparison of milestones in Draft Order and Agricultural Alternative Proposal (p. 18 -19), and discussion related to groundwater requirements and associated timeframes (p. 15 – 18).</p> <p>A 10% reduction in nitrate load in ten years is not necessarily consistent with goals and objectives of the Water Board. As</p>

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	<p>samples. The milestone/dates proposed by the Agricultural Alternative Proposal are consistent with the goals and objectives of the Water Board. The goal of decreasing the in-stream sediment by 20% and nitrate loads by 10% from current cooperative monitoring program sites is within acceptable limits of the agricultural industry.</p>	<p>staff demonstrated in the presentation recommending the 2011 Draft Agricultural Order to the Water Board on March 17, 2011, a 10% reduction in nitrate loads in ten years would result in a change from 30 mg/l concentration to 28 mg/l concentration in a typical Central Coast stream currently impaired for nitrates (meaning currently exceeding the water quality standard of 10 mg/l by three times). The Central Coast Water Board has seen more significant load reductions in some streams in the Central Coast due to effective implementation of management practices and/or changes in land management (See the Staff Report for the March 17, 2011 Board meeting). Furthermore, it is unlikely that a 10% nitrate load reduction over ten years (1% per year) can even be ascertained accurately.</p>
<p>Letter #29 Clean Water Action California, Food &amp; Water Watch, Central Coast Alliance United for a Sustainable Economy, San Jerardo Cooperative, Inc., Community Water Center, Environmental Justice Coalition for Water, Santa Lucia Chapter of the Sierra Club, Pacific Institute, Unitarian Universalist Legislative Ministry CA, Planning and Conservation League, Marjorie Kay</p>	<p>While we appreciate the efforts of the agricultural community to provide an alternative to the staff proposal, we agree with staff's assessment that the measures proposed do not meet the requirements of an effective regulatory program.</p>	<p>Comment Noted.</p>
<p>Letter #7 The Environmental Defense Center, Monterey Coastkeeper, Santa Barbara Channelkeeper, and San Luis Obispo Coastkeeper</p>	<p>Page 28 of the staff report notes that the Ag Alternative will likely have significantly higher costs than the staff's Draft Order. These costs will stem from a new institutional framework of third-party groups, audits, governance, filtering of data, and compiling of data into composite reports. At a higher cost, the results will likely be no improvement in water quality and an impediment to enforcement against dischargers. This threatens to burden the small family farm with high cost bureaucracy, creating the likely opportunity for big farms to get</p>	<p>Comment Noted.</p>

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	<p>bigger by buying out their family farm competitors.</p> <p>Comparison of Drafts We agree with staff's comparison of the Draft Order and Ag Alternative.</p>	
<b><i>Comments Related to Addendum to Staff Report- Legal Issues</i></b>		
<p>Letter #3 California Farm Bureau</p> <p>Similar letters: Letter #11 Somach Simmons &amp; Dunn, Letter #31 Best Best and Krieger</p>	<p>The Addendum to the Staff Report concludes, and reiterates throughout, "the Agricultural Alternative Proposal does not comply with Water Code section 13269 and the NPS Policy." Water Code section 13269 does not limit the waiving of waste discharge requirements only to individual dischargers.</p> <p>The Staff Report claims the alternative is not enforceable.</p>	<p>Water Code section 13269 authorizes the Water Board to waive the requirement of "persons", i.e., individual dischargers, to obtain waste discharge requirements. The Water Board may waive the requirement for individual dischargers to obtain waste discharge requirements "as to a specific discharge or type of discharge." The proposed Draft Order would waive the requirement to obtain waste discharge requirements for types of discharges – namely discharges from irrigated agriculture. However, it is the individual dischargers who are subject to the Water Code, not the type of discharge. The individual dischargers must be granted the waiver, not the third-party group. A person who joins a third party group would be in compliance with the waiver if the individual and/or the representatives of the third-party group complies with the conditions. The Agricultural Alternative Proposal does not make it clear that the waiver applies to the individual discharger, and not to a group. However, staff agrees that either the third-party group or the individual discharger may take the actions to comply with the conditions.</p>
<p>Letter #3 California Farm Bureau</p> <p>Similar letters: Letter #11 Somach Simmons &amp; Dunn, Letter #31 Best Best and Krieger</p>	<p>The Staff Report's evaluation misconstrues the use of third-party groups/coalitions as proposed by the Ag Alternative Proposal.</p> <p>The Staff Report claims the alternative in not consistent with the Non-Point Source Policy.</p> <p>The Staff Report claims the alternative is not enforceable.</p>	<p>The Regional Board staff agrees that third-party groups/coalitions are authorized and encouraged by the State Water Board's Non-Point Source Policy. The Staff Report indicated that the staff considered that specific portions of the Agricultural Alternative Proposal were not consistent with the Water Code, not the use of third party groups, nor the entire proposal. While the Ag Proposal borrows from the Central Valley Water Board's Ag Waiver, it is not consistent with the Central Valley Waiver. For example, the Central Valley Waiver does not include</p>

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		<p>different requirements for the group waiver compared to the individual waiver and both require compliance with water quality standards; they do not include the language “working toward” compliance. See, for example, Central Valley Water Board Order No. R5-2006-0053. That Order in Attachment B, Section C.1. specifies: “Coalition Groups and Dischargers must comply with applicable water quality standards, as defined in Attachment A. The specific waste constituents to be monitored within each Coalition Group boundary and the applicable water quality objectives that protect identified beneficial uses for the receiving water will be set forth in the MRP. Dischargers shall not cause or contribute to an exceedance of any applicable water quality standard.</p>
<p>Letter #3 California Farm Bureau</p>	<p>The Addendum to the Staff Report boldly attempts to discredit the Ag Alternative Proposal by characterizing it as less stringent than the 2004 Ag Order.</p>	<p>The Regional Board staff agrees that the Ag Alternative Proposal is consistent in many ways with the NPS Policy and Water Code section 13269. However, it does include a different, less stringent standard of compliance than the 2004 Ag Order and in other ways is less stringent. For example, proposing “working toward” compliance as a standard.</p>
<p>Letter #3 California Farm Bureau</p>	<p>The July 8, 2011 revisions to the revised Draft Order have fundamentally changed the tiering criteria, which requires evaluation pursuant to the California Environmental Quality Act (CEQA).</p>	<p>The July 8, 2011 revisions to the Draft Order with respect to the tiering criteria were revised in response to public comments and direction from the panel of the Regional Board. The proposed revisions to the Draft Order with respect to tiering criteria would not result in new significant environmental effects that have not already been evaluated in the Subsequent Environmental Impact Report (SEIR). The change to the Tier 3 criteria may result in a change to the number of dischargers considering Tier 3, but will not result in an increase in the number of acres subject to Tier 3 conditions. Because the proposed revision does not change the number of acres that could be subject to Tier 3 conditions, there is no additional CEQA analysis required. It is also not a new alternative, since the SEIR already evaluates a range of alternatives that encompass the proposed revision.</p>
<p>Letter #3 California Farm Bureau</p>	<p>The July 8, 2011 revisions to the Draft Order are a “new alternative” that must be analyzed under CEQA.</p>	<p>The July 8, 2011 proposed revisions to the Draft Order do not constitute a “brand new alternative” for purposes of</p>

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		<p>CEQA. The revisions have been made primarily in response to public comment and the CEQA document need not be revised or recirculated based on changes to the Draft Order that do not result in any adverse physical changes to the environment. In some situations, it is appropriate to prepare an addendum to a certified EIR, but such addenda need not be circulated for public review, but can be attached to the EIR for consideration by the Water Board prior to making a decision on the project. See Cal. Code Regs. Tit. 14, §15164. None of the revisions proposed by staff result in new adverse physical changes to the environment and do not require preparation of a subsequent or supplemental EIR. See Cal. Code Regs. Tit. 14, §15162 and 15163. Revisions to the tiering criteria do not alter the number of acres subject to the tiers, nor to the requirements or actions that were evaluated for environmental impacts in the SEIR. The revisions with respect to tile drains clarify that tile drains are still subject to monitoring and the requirement to evaluate management practices. Those revisions do not result in adverse physical impacts on the environment. The revision with respect to prevention of aquifer cross-contamination has been removed (reverts to previous draft language which requires abandoned wells to be properly destroyed). The revision with respect to location of Farm Plans has been clarified. However, the location of the Farm Plans does not result in adverse impacts on the environment. None of the other revisions listed in the comment result in any impacts or potential impacts on the environment. The SEIR is not required to be recirculated due to the proposed revisions. Staff has prepared an Addendum to the Final SEIR that is included in the Staff Report to correct factual information due to the proposed revisions to the Draft Order and to explain that the changes to the Tiering criteria do not result in a change to the conclusions in the environmental analysis.</p>
<p>Letter #3 California Farm Bureau</p>	<p>The Addendum to the Staff Report relies on substantial new information not originally included in the Draft SEIR or Final SEIR, which triggers recirculation of the SEIR.</p>	<p>It is not clear from the comment what "new information" is being referred to. Revisions to the Draft Order were based on information provided by commenters and as discussed in the previous two comments, do not result in any new</p>

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		significant adverse physical changes to the environment. Recirculation of the SEIR is not required.
Letter #3 California Farm Bureau	Water Code section 13141 and 13241 require the Regional Board to consider economics. There is no economic analysis of the revised Draft Order.	<p>Water Code section 13141 does not directly apply to the action proposed to waive waste discharge requirements for discharges of waste from irrigated lands. A waiver is adopted pursuant to Water Code section 13269, which authorizes the Regional Board to waive Water Code section 13263(a), which, in turn, refers to Water Code section 13241. The adoption of a waiver of waste discharge requirements does not constitute the adoption of a "regulation" or an "agricultural water quality control program". However, the original staff report contained a detailed cost analysis consistent with the requirements of Water Code section 13141 and 13241. The proposed revisions do not result in the need for different methods of compliance, nor change the cost of those different methods of compliance. Those costs have been evaluated. Water Code section 13241 does not apply to a waiver of waste discharge requirements. Even if Water Code section 13141 and 13241 applied, neither requires consideration of "indirect costs", such as the "economic consequences that are transmitted via market interactions to other groups, such as consumers." Water Code section 13141 refers to the cost of the program and the potential sources of financing. Water Code section 13241 refers to "economic considerations" but does not provide more specifics.</p> <p>See Appendix F-Cost Considerations in the March 17, 2011 Agenda Item 14 at:</p> <p><a href="http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppF.pdf">http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppF.pdf</a></p> <p>Also see specific responses to comments about costs in Appendix E-Response to Comments (e.g. responses to comment numbers 64, 91, 117, 373, 402, 615, 648, 402) at:</p> <p><a href="http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf">http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf</a></p>

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<p>Letter #11 Somach Simmons &amp; Dunn</p> <p>Similar letters: California Farm Bureau Form Letter submitted by individual farmers (Letters:13 - 28), Letter #3 California Farm Bureau, Letter #11 Somach Simmons &amp; Dunn</p>	<p>Clarify reporting requirements relative to proprietary information such as trade secrets and secret processes. While the proposed revision will clarify the process for submitting information, it does not provide the growers with any protection for confidential information. Further, the proposed revision would now require every grower to provide "adequate legal justification" for protecting information from public disclosure.</p> <p>This shifts the burden of proof to the discharger.</p>	<p>The Regional Board is required by Water Code section 13267(b)(2) to maintain confidential portions of reports that might disclose trade secrets or secret processes "when requested by the person furnishing a report." It is the discharger, not the Regional Board that must identify the portions that might disclose trade secrets or secret processes since the Regional Board would not have that information. The proposed language does not shift the burden of proof – it was already the burden on the discharger to make the request to keep trade secrets and secret processes confidential. However, section 13267(b)(2) does not use the terms "legal justification", therefore staff recommends editing this language out of Condition 65.</p> <p>Also see Appendix E-Response to Comments #172 (p.25), # 633 (p. 70), #184 (p. 71), #214 (p. 108), #222 (p. 145), #505 (p. 115), #617 (p.9) at:</p> <p><a href="http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf">http://www.swrcb.ca.gov/rwqcb3/water_issues/programs/ag_waivers/docs/12_09_2010_staffrpt/AgOrder_AppE.pdf</a>.</p>
<p>Letter #2 California Department of Food and Agriculture</p>	<p>The CDFG supports growers who are "working towards compliance" and contends that the Water Board should be accepting and supporting of those growers. The water quality conditions the Water Board is addressing through this Order developed over many years, accordingly a strategic phasing of requirements within economic reason and practicality are paramount towards improving water quality and environmental conditions.</p>	<p>The phrase "working towards compliance" in the context of water quality standards is not consistent with the Water Code and Basin Plan requirements to meet water quality standards. See response above to similar comment in Letter #3 California Farm Bureau and similar letters: Letter #11 Somach Simmons &amp; Dunn, Letter #31 Best Best and Krieger</p>
<p>Letter #7 The Environmental Defense Center, Monterey Coastkeeper, Santa Barbara Channelkeeper, and San Luis Obispo Coastkeeper</p>	<p>We agree generally with staff's legal analysis of the Ag Alternative. The Ag Alternative proposal lacks accountability and specificity, and it otherwise cuts against the public interest.</p>	<p>Comment Noted.</p>

**ERRATA SHEET**

Listed below are additional changes to the Draft Agricultural Order and Monitoring and Reporting Program resulting from unintended omissions, and minor grammatical or typographical errors.

**1. Monitoring and Reporting Program (MRP), Tier 2, Part 2A (p. 9).**

The following statement regarding cooperative groundwater monitoring was intended to be included in the Tier 1, Tier 2, and Tier 3 MRPs, but was inadvertently omitted from Tier 2. It should be inserted in the Tier 2 MRP, on page 9, after Part 2A.5:

*“Dischargers may participate in a cooperative groundwater monitoring effort to help minimize costs and to develop an effective groundwater monitoring program. Proposals for cooperative groundwater monitoring efforts must be approved by the Executive Officer. At a minimum, the cooperative groundwater monitoring effort must include monitoring points to adequately represent the groundwater aquifer(s) in the local area of the participating Dischargers, characterize the groundwater quality of the uppermost aquifer, and identify and evaluate groundwater used for domestic drinking water purposes. Cooperative groundwater monitoring efforts must comply with the requirements for sampling protocols and laboratory analytical methods identified in this MRP, including parameters listed in Table 3, and must report results consistent with individual groundwater reporting defined in Part 2.B.”*