



# California Regional Water Quality Control Board Central Coast Region



**Linda S. Adams.**  
*Secretary for  
Environmental Protection*

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**Arnold Schwarzenegger**  
*Governor*

Agricultural Order Renewal  
Public Comments and Alternatives to  
02/01/2010 Preliminary Draft Staff Recommendations  
Group 2: Comment Letters

| Comment ID | Affiliation  | Date Received |
|------------|--|---------------|
| A1         | Grower Shipper Association                             | 3/10/2010     |
| A2         | Salinas River Channel Coalition                        | 3/30/2010     |
| A3         | California Association of Nurseries and Garden Centers | 3/30/2010     |
| A4         | Central Coast Vineyard Team                            | 3/29/2010     |
| A5         | Premium Packing Inc.                                   | 3/30/2010     |
| A6         | Central Coast Wine Growers Assoc.                      | 4/1/2010      |
| A7         | Santa Barbara County Flower and Nursery Assoc.         | 3/15/2010     |
| A8         | RC Farms LLC & RC Packing LLC                          | 3/30/2010     |
| A9         | Resource Conservation District of Santa Cruz County    | 3/30/2010     |

**Grower-Shipper Association of Central California**  
**"OUR MEMBERS: PARTNERS PRODUCING PROSPERITY"**



**GROWER-SHIPPER ASSOCIATION**  
of Central California  
Since 1930

**FACSIMILE TRANSMISSION**

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DATE: 3/10/10  
TO: Mr. Jeffrey Young  
COMPANY: Central Coast Regional Water Quality Control Bd.  
FAX: (805) 543-0397  
FROM: Jim Bogert  
Grower-Shipper Association

TOTAL NUMBER OF PAGES TRANSMITTED  
(including cover sheet): 3

Message: Dear Mr. Young -  
Please see attached.  
Thank you.  
Jim Bogert

Group 2 - A1  
May 12, 2010 Workshop  
Preliminary Draft Agricultural Order

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March 10, 2010

Chairman Jeffrey Young  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA. 93401-7906  
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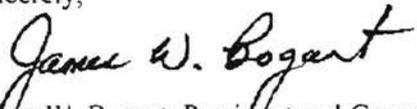
Dear Chairman Young,

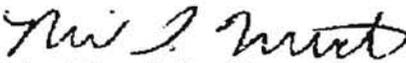
We are writing in regard to the Central Coast Water Quality Regional Board Workshop being held on May 12, 2010. Multiple agricultural organizations are reviewing the staff's draft proposal and are working on a multi-organizational response as well as a proposed alternate Ag Waiver.

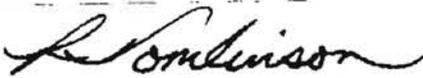
We are concerned that the diversity of interests and complexity of what is being proposed may not be adequately addressed. We would appreciate the opportunity to review and provide input into this workshop's agenda. We encourage you to incorporate an ample amount of time for presentations from diverse perspectives into this workshop, including those of members of the agricultural industry, researchers, and other interested parties.

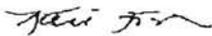
Please send any correspondence in regard to this letter to Jim Bogart, c/o Grower-Shipper Association of Central California, P.O. Box 828, Salinas, CA 93902 or by fax at: (831) 422-0868 or by e-mail at [jim@growershipper.com](mailto:jim@growershipper.com). Thank you for your consideration of this request.

Sincerely,

  
James W. Bogart, President and General Counsel  
Grower-Shipper Association of Central California

  
Richard Quandt, President  
Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties

  
Rick Tomlinson, Director of Public Policy  
California Strawberry Commission

  
Kari E. Fisher, Associate Counsel  
Natural Resources and Environmental Division  
California Farm Bureau Federation





Hank Giclas, Senior Vice President  
Science, Technology & Strategic Planning  
Western Growers  
17620 Fitch Street  
Irvine CA 92614

cc: Vice Chairman Russell Jeffries  
John Hayashi  
David Hodgin  
Monica Hunter  
Tom O'Malley  
Gary Shallcross  
Roger Briggs, Executive Officer  
Angela Schroeter, Senior EG

# Salinas River Channel Coalition

*Established 1995*

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March 30, 2010

Chairman Jeffrey Young

Vice Chairman Russell Jeffries

John Hayashi

David Hodgins

Monica Hunter

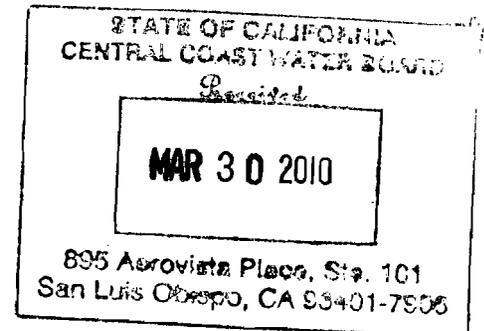
Tom O'Malley

Gary Shallcross

Central Coast Regional Water Quality Control Board

895 Aerovista Place, Suite 101, San Luis Obispo, CA. 93401-7906

Fax: 805 543 0397



**RE: Region 3: Central Coast Regional Water Quality Control Board**

**02/01/2010 - Preliminary Draft Staff Recommendations for an Updated Agricultural Order**

Dear Chairman Young and Members of the Board;

The Salinas River Channel Coalition (SRCC) represents landowners, growers, municipalities and other interested parties in issues surrounding the Salinas River and its tributaries; focus of the SRCC is the Channel Maintenance Program. We are concerned about the channel maintenance program for flood capacity, recharge, reservoir releases, and protection of infrastructure (i.e. roads & bridges) and controlling invasive, noxious weeds that are intense in water consumption, pose a flood and erosion threat to our land and reduces fish and wildlife habitat quality.

The Board of Directors and Members of the Salinas River Channel Coalition have been proactive and involved for many years with water quality solutions on the Central Coast. The first Ag Waiver process was about improvement of water quality but, this current process has become nothing more than a regulation to develop fines and fees. The draft order encroaches on the business of agriculture, "taking of land" without compensation and set regulations that are in conflict and/or the required standards will not be achievable. We believe that since the current senior staff of the regional water quality control board does not understand the complex aspects of agriculture, nor do they show that they want to understand this industry they will not be able to develop regulations that insure agricultural viability on the Central Coast. The current staff has not demonstrated a desire in continuing the proactive cooperation and educational approach which was used to develop the last Ag Waiver and has been a model program in the State. The Salinas River Channel Coalition has been very involved with public/private partnerships in order to find solutions in balancing the many interests within its basin.

The Salinas River Channel Coalition Board is concerned that the staff does not understand the Salinas Valley, nor the watersheds of the Salinas River. Here is one illustration of the draft regulation that is an example of staff's lack of understanding data in context and not requesting data that provides information that is useful to improve water quality. "Staff has stated that in review of data from both CCAMP and the CMP they have found that many of the same areas that showed serious contamination from agricultural pollutants five years ago are still seriously contaminated. They have seen evidence of improving trends in some parameters in some areas. Dry season flow volume appears to be declining in many areas of intensive agriculture. Dry season turbidity is improving along the main stem of the Salinas River. However, Staff does not believe there is improvement in nitrate concentrations in areas that are most heavily impacted, and in fact a number of sites in the lower Salinas watersheds appear to be getting worse." We are alarmed that Staff is recommending incorrect data points for monitoring to determine agricultural pollutants i.e. using concentrations to determine water quality without evaluation of decrease in flow of tailwater. As flows have decreased for better water management the concentration of some pollution has increased even though total agricultural pollutions have actually decreased the correlation of flow volume and concentration is not the proper data model. Relevant evaluation of data requires understanding best management practices of agriculture on the ground to have successful improvement of water quality.

Staff also does not understand the water projects and the Central Coast as to water supply. There are "blanket" statements as follows; Continuing to operate in a mode that causes constant or increasingly severe receiving water problems is not a sustainable model. Change will be effected one way or another. Without proactive improvements in operation, a non-sustainable model will result in increasing changes such as increasingly impaired habitat, and reactive fixes such as additional costly water supply treatment, and additional cost for developing new supplies (example: northern Monterey County water supply on-going development costs due in part to groundwater overuse by Salinas Valley water users and seawater intrusion). There is no "new water" other than through desalinization which is expensive not only in terms of money but in energy costs. Staff does not refer to the water recycling project in Castroville, the Salinas Valley Water Project, with the Reservoirs in Monterey County and the very successful channel maintenance program that the regional board staff has chosen to oppose and not be a part of the private/public proactive approach.

The Salinas River is a highly managed river system that is influenced by flow regulation from upstream dams, levees, and land use on the adjacent floodplains. Construction of Nacimiento and San Antonio dams in 1957 and 1967, respectively, altered the natural hydrology of the Salinas River. In 1956, The Nacimiento Dam was constructed to provide flood protection and aquifer recharge. The San Antonio Dam was constructed in 1965 to provide flood protection, aquifer recharge and recreation. In addition, the Santa Margarita Dam was built on the headwaters of the Salinas River. Prior to the construction of the dams, in particular the Nacimiento and San Antonio Dams, seasonal high flows scoured the channel preventing the accumulation of sediments and excessive riparian growth within the active channel (encroachment). Since then, the duration and magnitude of peak winter storms have been considerably reduced.

The Salinas River is privately owned by multiple parties. Monterey County collects assessments for flood control and the Monterey County Water Resource Agency then applies for 404 permits from the U S Army Corp requiring approvals from the resource agencies and of course the Region Water Quality Control Board, the land owners operators then apply directly for 1601 Fish and Game permits and pay for the permits and the maintenance of their property.

Currently, the Salinas River channel maintenance program is prevented from management of the channel because of the requirement of an EIR. In reviewing the draft Ag waiver we believe that a programmatic EIR under CEQA must evaluate the cumulative effect of the conversion of agricultural lands, currently farmed adjacent the river. Furthermore, Porter-Cologne Act requires an economic analysis of the effects of water quality regulations. We believe that must be completed prior to any further discussion with the public.

The Salinas River Channel Coalition focus is again channel maintenance program for flood capacity, recharge, reservoir releases, protection of infrastructure (i.e. roads & bridges) and controlling invasive, noxious weeds that are intense in water consumption, can poses a flood and erosion threat to our land and reduces fish and wildlife habitat quality. The requirements under this order do not allow for the co-management of land uses or improvement of water quality.

Sincerely,



Benny Jefferson, Chairman  
Salinas River Channel Coalition (SRCC)

CC:

*Roger Briggs, Executive Officer*

*Angela Schroeter, Senior EG*



## California Association of Nurseries and Garden Centers

3947 Lennane Drive, Suite 150 — Sacramento, California 95834-1973

Phone (800) 748-6214 — Fax (916) 567-0505 — Website [www.cangc.org](http://www.cangc.org)

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March 30, 2010

Ms. Angela Schroeter, [aschroeter@waterboards.ca.gov](mailto:aschroeter@waterboards.ca.gov)

Agricultural Regulatory Program Manager

Mr. Howard Kolb, [hkolb@waterboards.ca.gov](mailto:hkolb@waterboards.ca.gov)

Agricultural Order Project Lead Staff

Central Coast Regional Water Quality Control Board

895 Aerovista Place, Suite 101

San Luis Obispo, CA. 93401-7906

IN RE: CCRWQCB Request for Public Comments on Preliminary Draft Agricultural Order dated February 1, 2010

Dear Ms. Schroeter and Mr. Kolb:

I'm writing as the Executive Vice President of the California Association of Nurseries and Garden Centers (CANGC) to comment on the above matter pending before the Central Coast Regional Water Quality Control Board. We are a statewide nursery trade organization founded in 1911, located in Sacramento. Our nursery growers produce \$4.03 billion statewide at farm gate value, \$13.3 billion at retail, and employ over 217,500, including more than 54,000 in your Region 3. We are the number one agricultural commodity in Ventura, Santa Barbara, Monterey, Santa Cruz, and San Luis Obispo counties, and a top crop in Santa Clara and San Mateo counties. Together, all these counties in Region 3 produced \$1.33 billion in nursery crops. There are more than 600 nurseries, greenhouse, and cut flower producers in Region 3 as well as numerous freight, supply, and support companies that depend on them for their livelihood.

Because our nurseries would be significantly impacted by the proposed order, I would like to suggest opening a dialogue between our nurseries, you, and other stakeholders to talk about your proposal and jointly seek the best path to accomplish your goals. Please call me at (916) 928-3900 extension 17, or email me at [rdolezal@cangc.org](mailto:rdolezal@cangc.org) to see how this can be arranged.

Nursery products are the second largest crop commodity in California agriculture and yet most of our nurseries are small, privately-held, multigenerational family businesses. We have been on the front lines of water conservation since the 1970s. Many of our nurseries employ advanced cultural practices to reduce supply water use by more than 50% compared to 1980 while simultaneously recycling and reducing water runoff and groundwater percolation flowing from their growing areas. Some nurseries achieve over 90% reuse, and many in Region 3 are on municipal water supplies. The nursery industry is very well versed, knowledgeable, and experienced in saving precious water and preventing runoff and tailwater pollution, and we're eager to share that with you.

You solicited public comments on your proposed order, and CANGC would like to first address some general points before getting into specifics:

1. This is a challenging time for nurseries. Our members and others in the nursery community are having a hard time staying in business owing to a perfect storm of recession, regulation, and competition. We know personally of 16 licensed nurseries of long-standing operation in Region 3 that are no longer in business. Large or small, all are near their breaking points. It is essential to provide flexibility and a proven process that achieves the co-equal goals of better water quality in nursery runoff while keeping our businesses sustainable.

2. The nursery-specific requirements seem physically or financially difficult—even impossible—for growers to meet. For example, trees up to 30 feet tall grown in 5-foot by 5-foot boxes would require structural covers to prevent rainwater from entering them. Another example is a cool-water requirement imposed on runoff despite ambient inland waterway temperatures in summer being much higher than the targeted 68°F temperature. It is difficult to understand how these requirements would accomplish your objectives. We can work together to define workable solutions if we better understand the board's goals and you understand the challenges of practical nursery operations.
3. Our nurseries presently use several systems and quality controls—best management practices—that have been scientifically validated for nurseries, greenhouse growers, and cut flower producers. Working together in a public process with board staff, university, county agriculture, nurseries, and other stakeholders, we can figure out appropriate regional and local methods to safeguard water quality. Such a process would take into account nursery operating practices, site conditions, and physical layouts as well as estimate how hard to implement and costly they might be in practical application. We suggest using the best peer-reviewed science available when setting standards and requirements for agriculture and nurseries.
4. It's always concerning when data from another area of our state is applied locally. Watershed problems differ from place to place. From Dr. John Kabashima of U.C. Cooperative Extension, we understand that the board has special concerns regarding Franklin Creek in Santa Barbara, a long-standing case dating to 2003 that may require special considerations to mitigate. Franklin Creek, however, is not representative of other waterways and watersheds in Region 3. CANGC encourages you to tailor your approach depending on the many different environments and site conditions found in Region 3. From San Mateo to Ventura, the region differs not just from warm season/year-round growing areas found in other areas of California outside of Region 3, it also varies from north to south and from the ocean to the valleys of our interior coastal mountains.
5. Winters have frequent storms that overwhelm even robust municipal and area-wide wastewater treatment systems. These are especially prevalent in the San Mateo-Santa Cruz-Monterey area which receives twice the average annual rainfall as the Ventura-Santa Barbara area. Please consider the difficulties we all face from such events as you draft your order. Build your order for the norm, not for the exception. Some regions, including Region 2 in Marin County, have orders that require nurseries to capture and deal with the first inch of rain to fall on their property in a storm cycle, but recognize that after that point dilution minimizes the risks of runoff pollution having an adverse effect on the environment and downstream waters. Perhaps a similar concept should be considered for application to Region 3.
6. Many nursery, greenhouse, and cut flower operations already have in place significant runoff pollution preventive measures, including sump ponds with impervious linings, recirculation and aeration systems, segregated tailwater dividing outflows from growing areas from general nursery runoff, sand and other filtration systems, vegetative barriers for water retention and erosion control, tailored irrigation via sub-surface or at-root drip, integrated pest management approaches to limit plant health product use, and automated environmental control systems to deal with temperature, evaporation, humidity, and the like. These measures have proven cost effective and efficient at reducing water consumption and runoff while allowing natural processes to recharge ground water reservoirs. We'd like credit for what we already do and study of these methods as tools for broader application where appropriate.
7. Many of our nurseries have already adopted National Resource Conservation Service and Agricultural Extension guidelines appropriate to their businesses. These proactive steps are sufficient to provide adequate protection to our waterways, terrestrial and aquatic habitats, and the marine environment. When working groups are formed to find answers to perceived and real problems, all stakeholders should be included.

In addition to these general comments, I would like to comment specifically on several individual aspects of the proposed Agricultural Order:

1. Some aspects of the proposed management practices are already subject to other agencies' conflicting regulations. For example:
  - All pesticide applications made by nurseries, greenhouses, and cut flower producers are reported to county agriculture, including specific products employed, amounts applied, and application dates.

These products are registered by U.S. Environmental Protection Agency (US-EPA) and by California Environmental Protection Agency/Department of Pesticide Regulation (CA-EPA/DPR), and are used exactly as their label requires. The constitution gives supremacy to the federal government in interstate commerce of pesticides, while the state constitution preempts off-label requirements in the choice and application of plant health products registered by CA-EPA/DPR. Failure to report or precisely follow label directions established by the federal or state agencies make their applicators subject to costly civil penalties. The proposal would impose new, off-label requirements for using and reporting use of these FIFRA-registered products, creating a conflict of laws and jurisdictions.

- Another example concerns a nursery on municipal water supply that reduced its water outflows from its operations 100%, capturing and reusing all of it on its own site. They were subsequently cited by the Department of Fish and Game for failure to release water into a nearby stream, even though the entire flow involved was artificial, not natural runoff.
- Still a third example pertains to Section 1, Part 2.55 (commencing with Section 10608) of Division 6 of the Water Code, added last legislative session in Senate Bill SBX7-7. Nurseries can be required under this regulation to comply with water source and use restrictions that directly conflict with the proposed order on matters of source-use demand reduction.

Staff should modify the proposed order to remedy these conflicts.

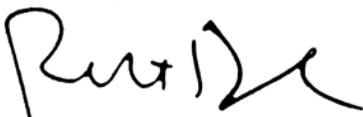
2. Another concern pertains to managing aquatic habitat through management practices. While our nurseries understand the objective of habitat restoration or maintenance at environmentally sound levels, it would challenge small and large businesses alike to control events outside their property boundaries and spheres of direct control. It's fair to ask nurseries to control and manage runoff from their own businesses, but how could they manage entire habitats to which their individual nurseries are but one of many contributors? The proposed order should be amended to make clear that an individual business is responsible only for its own operational processes and outflows.
3. Soils in natural areas and cultivated land alike are subject to erosion and runoff, and both contribute to sediment transported by water flows or deposited in the ocean. In the case of wildfire vegetative destruction, landslides, and erosion, these are natural processes that have operated for millions of years. Interruption of sediment transports can increase shoreline and streambank erosion, resulting in catastrophic failures of cliffs and loss of critical habitats. How could the monitoring of sediment load and attribution to source possibly work? Does the board plan to sample sediment plume deposits and retroactively trace them back to each of their origin sources, or attempt to segregate point sources from flowing water turbidity measures at hundreds of individual nurseries? How will turbidity from upstream sources at a nursery be quantified to apportion the contributed turbidity for which the nursery is responsible and is subject to control? How will the impacts of extraordinary events such as the Carpinteria and Santa Barbara wildfires of last year or the Big Sur wildfires of several years ago be factored into compliance metrics and regulation compared to periods when such events do not affect turbidity and sedimentation? The proposed order should be reevaluated and modified in light of the impact of these natural processes and regulatory management difficulties.
4. Water is a costly and precious resource, and nearly all of our production nurseries already practice efforts to reduce both the amount they use and limit their waste-water outflows. Denying our nurseries' crops access to winter rains means substituting municipal or groundwater sources for irrigating our plants, a costly requirement that digs the already precarious water supply predicament deeper. Many of our growers catch and reuse rainwater on their property through sump ponds that recharge groundwater resources through percolation. Most also use highly efficient base water irrigation or individual plant drip irrigation, including sub-surface drip, whenever they can. Nurseries know that this water recycling requires them to keep dissolved solids low and limit pesticide and fertilizer levels if their crops are to be healthy and thrive. Being careful about reuse of water means protecting our crops and our livelihoods. The proposed order should be modified to recognize and accommodate these beneficial production and cultural practices.

5. When the order states that each nursery has to comply with all applicable stormwater permits, it causes great concern. Would stormwater permits addressing areas in San Mateo County be applied to Carpinteria in Santa Barbara County? It is of the essence of achieving the board's goals that the order be specific, not overly broad, in order to make it relevant and effective in specific areas with unique conditions. The proposed order should be modified to restrict its application to the stormwater permits within single or adjacent watersheds.
6. Division of water from general nursery grounds and structures from that used for irrigation can be too costly to accomplish in most nursery settings due to the site topography, specific crop raised, and cultural practices. The order should provide options and allowances for economic hardship and to effectively deal with sloped sites, crops of large plants grown in ground or on the ground in large containers, and irrigation methodologies that minimize water flowing from cultivated areas.
7. Many nurseries in Region 3 grow ornamental crops in a manner that provides natural water filtration and absorption or employ vegetative buffers for the same purposes. These practices are part of the industry's efforts to control erosion and prevent sediment and runoff water from leaving their property. These practices also help to recharge ground water aquifers that otherwise would be overdrawn and depleted, potentially leading to subsidence, causing critical loss of storage capacity, or potentially modifying habitats. The proposed order should be modified to accommodate these environmentally beneficial best management practices.
8. A majority of nurseries in Region 3 are on municipal water supplies, not wells. Most are small-acreage production, with an average of about five acres per nursery based on California Department of Food and Agriculture licensing data. They are farmed intensively, meaning that they have little surplus land to use for sump ponds and infrastructure. Following the proposed order and stopping precipitation from reaching nursery crops in containers means nurseries will have to use more water to irrigate artificially and will have to make financially devastating modifications to their operations. This in turn will increase runoff from nursery properties which would increase erosion downstream and could potentially degrade the water quality in surface streams as a direct result. This will also reduce natural groundwater reserves, add costs to nursery operations, and increase demand to water supplier agencies for an already scarce resource. It will also reduce the cultivated land area in each nursery, increase costs, and make them less competitive. On the basis of impacts to sustainability and jobs, the proposed rule should be eliminated.
9. The proposed order requires crops now grown in containers exposed to natural precipitation to be covered with hoop houses, greenhouses, or other structures. These infrastructure and cultural changes will modify growing conditions on nursery sites and may make it necessary to use additional fungicides, herbicides, algaecides, and pesticides due to the environmental changes caused by enclosure of growing areas within these structures. In many cases and species, crops grown presently outdoors could not be grown at all under structures. On the basis of increased pesticide and fungicide loading, the proposed rule should be eliminated.
10. Permanent covering structures are very costly, with supplier estimates that range from \$6-12 per square foot for the construction alone. We have at least 1,500 acres in Region 3 in active cultivation for container-grown crops, so that means a financial investment for the nursery community ranging from \$392,040,000–\$784,080,000 on this single requirement. This would be an investment our out-of-region, out-of-state, and offshore competitors do not face, and for which our nursery customers will not pay higher prices; the affected nurseries cannot pass along these costs to them. Many would fail as a direct result, and many more would choose to discontinue or relocate their operations if possible. On the basis of cost and impacts on jobs, the proposed rule should be eliminated.
11. Infrastructure requires funds to build. Agricultural loans are very hard to get right now. Assuming the best scenario (that the money to build is available), the base price of nearly \$400-800 million doesn't consider the interest portion of construction loans. All of these uncertainties make good faith compliance with a schedule for implementation uncertain and perhaps impossible. There are better, cheaper, and more certain ways to avoid runoff water pollution from plant containers being discharged into the environment. Proper goal setting that allows nurseries to choose the tools that accomplish the objective would be a stronger and more certain means of achieving the board's purpose.

12. The order applies to all, but all are not alike. Many nursery crops are grown using certified organic methods. Other nurseries practice culture of plants hydroponically in a closed system. Still others grow native plants indigenous to their locale and adapted to its pests and diseases. Yet, each is forced to comply with regulations under the proposed order clearly unsuitable to its operations, cultural practices, and crop. Consideration, exception, and allowance for varying cultural practices and crops are necessary in the rule being finalized.
13. Assumption of guilt by association or potential to pollute is not responsible regulation. The reasons stated publically by staff that nurseries must prove themselves innocent because a few non-compliant operations or water sample violations have been found elsewhere in Region 3 or outside the region in Southern California is fundamentally flawed and raises Board supposition of violation to the level of legal proof requiring costly mitigation and defense, with consequential damages. It further creates a moving target in which the Board can identify any of hundreds of potential water-polluting substances as targets that nurseries must demonstrate are not present or face significant consequences, penalties, and costs. Requiring wholesale monitoring and testing at nursery expense absent a positive finding of specific pollution above scientifically established thresholds of concern should be stricken from the order.
14. The proposed standards set for non-storm water discharge seem arbitrary as well as difficult or impossible to achieve. What is the scientific basis for the standard? The purity standards would require high-tech filtration, chemical additives, and tertiary treatment to obtain, adding prohibitive costs to nurseries. While a thorough literature search of peer-reviewed scientific articles and, if necessary, grants to conduct research on appropriate purity standards for discharge water should be made and their results considered before being set as absolute metrics in the proposed order, at minimum the Board should look to other regions to see how they addressed non-storm water discharges, frequently the result of a robust stakeholder process.
15. The proposed discharge temperature standard of 68°F or less for nursery tailwater seems arbitrary. For much of the summer and early autumn months (when the standard is hardest to achieve)—a time when salmonid fry have already migrated downstream to the ocean and before their spawning species return to fresh water—water temperatures in inland creeks, streams, and rivers exceed the standard proposed in the order. What is the scientific basis for the requirement? In most climates prevalent in Region 3, meeting the standard would require cooling towers that would be expensive to build, reduce plant cultivation area, are unsightly and likely to raise concerns from neighbors and planners, and are subject to an uncertain permitting process that makes compliance doubtful. They would reduce our nurseries' competitiveness and increase their costs. The proposed standard should be reviewed in light of aquatic species biology, life cycle, and habitat and conformed to best available science.

Based on these general and specific comments, the best possible outcome would be for all the stakeholders to sit down and talk more about what you need to accomplish, then work together to get the job done while preserving our nurseries, greenhouses, and cut flower producers and their employee's jobs. We recommend working together to develop appropriate systems approaches for nursery runoff water quality on a local-application basis that would both protect the environment and our nursery community on a fully sustainable, co-equal basis.

Respectfully submitted,



Robert J. Dolezal  
Executive Vice President

RJD:abs

CC: Mr. John Hayashi  
Mr. David Hodgkin  
Dr. Monica Hunter  
Mr. Russell Jeffries  
Mr. Gary Shallcross  
Mr. Jeffrey Young

Mr. Tom O'Malley



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March 23, 2010

Mr. Jeffrey Young, Chair  
 Central Coast Regional Water Quality Control Board  
 895 Aerovista Place, Suite 101  
 San Luis Obispo, CA 93401

Re: Preliminary Draft Agricultural Order

Dear Chairman Young:

The Central Coast Vineyard Team is a non-profit grower group dedicated to sustainable winegrowing. Our membership involves 80% of the Central Coast acreage, spanning five counties. Our innovative programs have received awards from the California Department of Pesticide Regulation, United States Environmental Protection Agency, and the Regional Water Quality Control Board.

Specifically, we conduct water quality research and demonstration projects that reduce erosion, integrated pest management demonstrations that reduce the use of organophosphate and other materials that can potentially negatively affect water quality. We specialize in educational programs that reach 1,000 ag operators each year. Because we are a grower group and have credibility in the agricultural community, we are in a unique position to influence and guide behavior which results in meaningful outcomes that protect water quality.

We have been involved with the implementation of the Ag Waiver through conducting educational meetings on water quality and assisting growers with their Farm Plan. As a result, there are several notable successes and documented positive outcomes since the waiver was introduced.

**Outreach.** CCVT has sponsored over 115 meetings with over 5,500 attendees since the initiation of the original Ag Waiver. We typically reach 50,000 acres through our Tailgate Meeting program alone. And with the Sustainable Ag Expo, we reach row crops and orchards. But most importantly, surveys collected after meetings indicate that over half of those attending are planning to change or modify a practice as a result of the information learned. *Education, done appropriately with the growers needs and interests in mind, results in changed behavior.*

**Organophosphate Use.** From 2005 – 2007, both the acreage treated and total applied pounds of organophosphates in Central Coast vineyards has decreased by 10%. This has been accomplished due to the recent availability of alternative materials for invasive pests, extensive outreach & demonstration, and a true desire to not use organophosphates.

**Certification & Self Assessment.** CCVT has been facilitating whole-farm self-assessment (Positive Points System – PPS) since 1996. There is strong participation in this program and many growers have done multiple year assessments. Since 1996, CCVT has collected 965 self-assessments. On average, these assessments represent 50,000 acres annually. Since 2005, average scores have increased by 50 points – which indicates the adoption of farming practices. *The adoption of farming practices is recognized as a surrogate measure for water quality by the USDA & USEPA and cannot be overstated as a valid measure.*

More recently, the Sustainability in Practice (SIP) Certification program provides an independently audited and verified measure of the adoption of practices. In order to be certified, growers must maintain winter cover to filter stormwater, use nutrient budgets to determine fertilization needs, maintain high irrigation system performance to maximize efficiency, and soil/plant water monitoring to decrease deep

percolation. In addition certified growers are prohibited from using organophosphates or known groundwater contaminants. Currently there are over 11,000 acres certified under this program in three Central Coast counties. *SIP Certified vineyards are not contributing to water quality impairments.*

We have several comments regarding the draft order being circulated, primarily relating to the Low Risk Discharge category (Attachment 3, p 34):

1. We appreciate that SIP Certified vineyards would automatically be in the "low-risk" category. Because of the extensive work and expense that these growers go through to be certified (binders of documentation, implementation of practices according to 100 pg standards, auditing & certification costs), we believe that they should be exempt from the cooperative monitoring fees. In addition, they should be able to submit their letter of Certification to qualify - they should not have to provide additional paperwork.
2. We are concerned about the 1000 ft proximity to an impaired waterbody threshold. If a grower does not have tailwater, is managing their stormwater, utilizing a nutrient budget, and not using high-risk materials, then their proximity to an impaired waterbody should not matter.
3. The current recommendation is to prohibit the use of a long list of pesticides in order to be low risk; based on the suggested list, virtually no grower could fall into the low risk category. In fact, many alternatives to organophosphates and simazine are on this list, so even a grower using alternatives would not qualify for the low risk category.
4. A certified nutrient program is overly burdensome, especially for growers who are applying nominal nutrients, through their drip irrigation system, during the summer, when runoff is not an issue. A grower can attest to the steps they are taking to eliminate the offsite movement of nutrients without this being certified by an outside consultant.

Based on the existing conditions for the low risk category, it will be virtually impossible for any grower to be eligible for this classification, therefore adding an incredible burden to all growers, even though, in actuality, they are not high risk operators.

For those not in the low risk category (which will be virtually every operator based on the extremely restrictive existing requirements), the cost could easily reach \$25K - \$50K per operation regardless of size and actual threat to water quality. This cost will be in the form of record keeping, hiring consultants to certify practices, and individual water quality monitoring and does not necessarily include the cost for actually implementing best management practices.

In addition, there should be significant concern of the recommended order, not only in terms of the paperwork burden to the growers that will not necessarily result in improved water quality, but also in terms of the RWQCB staff capacity to manage, utilize, and effectively act upon the amount of documentation that they are requiring

We strongly urge you to extend the current Ag Waiver and enforce upon the existing regulations which prohibit discharges that impair water quality and off site movement of pesticides.

Sincerely,



Kris O'Connor, M.S.  
Executive Director  
Central Coast Vineyard Team



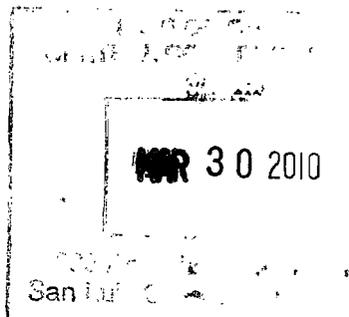
# PREMIUM PACKING INC.

Salinas • Coalinga • Stockton

March 30, 2010

*"We take the work & worry out of your labor force."*

Angela Schroeter, Senior EG  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101,  
San Luis Obispo, CA. 93401-7906



Dear Ms. Angela Schroeter,

I am writing in regards to the Central Coast Regional Water Quality Control Board ("CCRWQCB") Draft Ag Waiver that contains many proposed requirements which, if adopted, will severely impact commercial agriculture on the Central Coast.

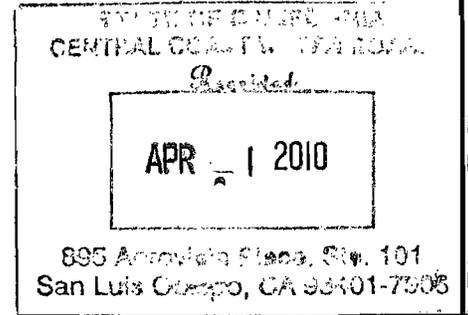
My name is Jesse Alderete Jr. and I have been a Farm Labor Contractor on the Central Coast for the past 32 years. In those years, I have provided labor to many of the leading Farmers throughout the great state of California. My company, Premium Packing, employs approximately 6,000 employees who are responsible for helping Farmers with planting, weeding, clean-up, cultural practices, as well as the harvest of their crops. A large portion of these Premium Packing employees who work on Central Coast farms have worked on these ranches for 15 years or more.

If the 2010 Draft Ag waiver is passed it would not only severely affect my business, but the livelihoods of the employees who depend on the jobs that these Central Coast ranches provide. The Draft Ag Waiver would create a domino effect where Farmers lose productive farm ground, Farm Labor Contractors lose contracts, and employees are laid off. Families who are already struggling in these harsh economic times would, in many cases, lose their only source of income.

In a time where government should be trying to stimulate the economy with jobs, they would be doing the exact opposite by adding to the rising unemployment rate. I urge you to look at this Draft Ag Waiver that CCRWQCB is trying to pass and look at the harmful effects it would have on Central Coast's economy and families. I strongly believe that the perspective of businesses like our company is essential to a complete picture of the problems caused by the proposed Draft Ag Waiver and its implementation. I thank you for your time and consideration in this matter.

Sincerely,

Jesse Alderete Jr.  
President  
Premium Packing, Inc.



Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

March 29, 2010

Dear Sirs,

The Central Coast Wine Growers' Association (CCWGA) has a 35 year history of working to improve wine grape growing practices along the Central Coast. The Association has worked proactively to educate members and the public about responsible farming. It is with the interest of economic sustainability for farming business and clean water on the Central Coast that the CCWGA takes opposition to the proposed Conditional Agricultural Waste Water Discharge Waiver.

The Central Coast Wine Growers Association was a leading force and a catalyst in the development and implementation of the original discharge waiver. The association took that role because of the value that was seen in an effort that encouraged growers to look at their whole farming system and modify practices as they made sense, to improve water quality. This process involved growers participating in educational outreach to develop best on the ground practices to reflect their individual water quality improvements needs.

A lot of progress has been made on the Central Coast. Growers have spent thousands of hours and hundreds of thousands of dollars to work with the original waiver. Water quality improvement is a slow process and everybody acknowledges that. Unfortunately the CCRWQCB has not recognized agriculture's progress and now threatens to go backwards. The proposed waiver is nothing more than a set of rules that pits growers against regulators. In today's environment that is not a healthy relationship for businesses.

The Central Coast Winegrowers Association supports the clean waters of the Central Coast. Our actions and efforts over the lifetime of the organization have been focused on healthy winegrowing businesses in healthy communities. The Association sees the value in industry lead grass root efforts to educate and improve our farming processes. This was the spirit of the original waiver and the compelling reason so many growers from so many commodity groups came together toward the common goal of improving our water quality.

Sincerely,

Grant Cremers  
President, Central Coast Wine Growers Association

March 11, 2010



**Santa Barbara County**  
Flower & Nursery Growers Association

Jeffrey S. Young, Chairman  
Central Coast Water Board  
895 Aerovista Place – Suite 101  
San Luis Obispo, CA 93401



RE: Conditional Ag Waiver Draft Proposal, February 1, 2010

Dear Chairman Young and Members of the Board:

I am writing on behalf of the Santa Barbara County Flower and Nursery Growers Association, which was one of the five (5) members of the original coalition that was formed in Santa Barbara County in 2003/2004, to develop the Conditional Waiver that was approved by your Board in July of 2004. In reviewing the February 1, 2010 Draft Conditional Waiver, I am saddened and shocked at the seeming disregard for the agricultural operators' constitutional "right of use and enjoyment" of property, through this proposed regulatory scheme. It appears that staff is proposing to squander the spirit of cooperation that has been so assiduously developed over the years, and to destroy the degree of trust between the private and public sector that has been diligently promoted over these same years. This arrogant, and heavy-handed, jack-boot approach will utterly destroy any hope of cooperation or trust from the private sector.

From the Press Release dated February 1, 2010, and throughout the Draft Ag Waiver proposal, **staff has made it abundantly clear that agriculture as a whole has been indicted as the sole and only source of any and all pollutants in every water body imaginable.** This is counter to the numerous studies that have been conducted on water pollution which demonstrate that urban areas, to a much higher degree, have been proven to be greater water polluters. **It is also abundantly clear that staff is proposing that the total cost of the mandated program, and the policing and implementation of the program, be borne by the agricultural community.**

Member growers and operators of my Association raise product in both greenhouse and open field environments. Given some of the regulations in the proposed waiver, both types of production will be heavily impacted with additional costs of operation, and the dedication of manpower to fill out the paperwork and continually meet the demands of the bureaucrats. Given the economic climate and the competitive nature of our industry, these additional regulations will require additional time of the operator, investment in equipment, sampling, testing, compliance with new standards for setbacks, establishing new buffers, loss of productive property, pesticide and nutrient reports, new irrigation system distribution, to name a few of the new requirements, will likely send marginal operators out of business. The proposed Ag Waiver is duplicative and unreasonable, and possibly in conflict with the Department of Pesticide Regulation and County Agricultural Commissioners' as it relates to pesticide reporting. This entire regulatory scheme needs to be carefully vetted as to its constitutional, legal, and duplicative ramifications.

Some of the requirements that staff proposes be met with the Draft Ag Waiver, elevate your staff to being the expert in agricultural production leaving the property owner as simply manager and taxpayer for the operation (i.e., nutrient budgets, prohibition on salt flushing of soils, pre and post-rain fertilizer

and pesticide prohibitions, prohibition on channel maintenance for flood control, safe food regulation conflicts, etc.). This Draft Ag Waiver further jeopardizes the property owner/operator through the Farm Plan by requiring **"business and operational data individual to that farm"** (i.e., detailed records of each crop, along with irrigation, fertilizer and chemical applications). This proprietary information then becomes available to third parties through the Public Records Act.

The height of absurdity that is being proposed in this Draft Waiver specifies:

- **container nursery growers shall prohibit rainwater from falling on potted plants grown outside of a greenhouse;**
- **rainwater and/or storm water shall be separated from wastewater and irrigation runoff;**
- **commercial nursery, nursery stock production and greenhouse operation Farm Plans must comply with any applicable storm water permit;**
- **all crops grown in pots or containers must treat wastewater and irrigation runoff, including tile drains, to drinking water standards.**

One question that has been posed that relates to the management of groundwater basins is: "Have the various Water Districts been a part of the discussion regarding imposition of new rules and regulations, and are any of these new rules and regulations in conflict with the role and authority of the Water Districts?" Some groundwater basins have been adjudicated and thus, the Courts have clearly defined the role of the Water District and its users. **Does this proposed Ag Waiver conflict or abrogate the authority of the local Water District?** Which jurisdiction has the authority to conduct the proposed groundwater sampling, the Water District or the Regional Board staff? Who collects the fees, as there will certainly be a fee? This and many other questions related to legality, conflict and authority are rife throughout this proposed Ag Waiver.

It is truly unfortunate that a more sensible, practical and diplomatic approach has not been chosen as the direction to be taken by your staff. This proposed Draft Ag Waiver has probably done inestimable damage to any existing and future relationship between the Regional Board and the private agricultural sector. Your staff has deliberately chosen to put the agricultural community in a defensive survival mode, with a total breakdown in communication. One concerned party made the comment: **"If this is imposed (Draft Waiver), agriculture will be out of business in three years"**.

To personalize this entire scheme with your Board, I would hope that you have read what has been proposed and have asked yourself the question: **"How would this affect me and my business if I had to comply with these regulations"?**

I cannot convey to you enough, the worry, shock and anger that has been expressed over this proposal. I urgently recommend that your Board return the proposed Draft Ag Waiver to staff with the implicit and clear direction that a more reasonable and practical program be developed, with sensitivity given to the rights of property owners, and the costs versus benefits of any regulation. **It is imperative that your staff genuinely listen to growers' feedback and suggestions, and incorporate that feedback into the development of any Draft Ag Waiver.** Any future Ag Waiver must be designed with achievable objectives that are realistic and practical, utilizing agricultural stakeholder input.

Page 3  
Conditional Ag Waiver Draft Proposal, February 1, 2010  
March 11, 2010

Respectfully,



Janice Evans, Executive Director  
For  
June Van Wingerden, President  
SANTA BARBARA COUNTY FLOWER & NURSERY GROWERS ASSOCIATION

Janice Evans  
1305 Flora Vista Drive  
Santa Barbara, CA 93109  
Phone/Fax: 805-966-0720  
E-mail: [janicevans@verizon.net](mailto:janicevans@verizon.net)

AgWaterWaiver032010

cc: Governor Arnold Schwarzenegger  
Tony Strickland, California State Senate  
A. G. Kawamura, Secretary, Department of Food and Agriculture  
Charles R. Hoppin, Chairman, State Water Resources Control Board (SWRCB)  
Frances Spivy-Weber, Vice Chairwoman, SWRCB  
Arthur Baggett, Jr., SWRCB  
Tam Doduc, SWRCB  
Walter Petitt, SWRCB  
Dorothy Rice, Exec. Dir., SWRCB  
Mr. Johnny Gonzales, SWRCB  
Janet Wolf, Chairwoman, Santa Barbara County Board of Supervisors  
Salud Carbajal, Santa Barbara County Board of Supervisors  
Doreen Farr, Santa Barbara County Board of Supervisors  
Joni Gray, Santa Barbara County Board of Supervisors  
Joe Centeno, Santa Barbara County Board of Supervisors  
Rich Matteis, Administrator, California Farm Bureau Federation  
Kevin Merrill, President, Santa Barbara County Farm Bureau  
Richard Quandt, Grower-Shipper Association  
Abby Taylor-Silva, VP Policy and Communications, Grower-Shipper Association  
Angela Schroeter, Agricultural Regulatory Program Manager, Region 3 Water Board  
Howard Kolb, Agricultural Order Project Lead Staff, Region 3 Water Board

**R.C. FARMS LLC  
R.C. PACKING LLC  
26769 El Camino Real North  
Gonzales, CA 93926**

**March 25, 2010**

**Central Coast Regional Water Quality Control Board  
Ms. Angela Schroeter  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906**

**Dear Ms. Schroeter,**

**My name is Dennis Caprara, President and owner of R.C. Farms and R.C. Packing. We farm 10,700 acres of vegetable crops in the Salinas Valley, San Joaquin Valley and Yuma, Arizona. We employ about 1200 people in our operations. We have been operating for the last 5 and one-half years under the current Ag Waiver. We have and are implementing management practices to be in compliance with that waiver. Now, it appears the Regional Water Quality Control Board wishes to impose restrictions in the new waiver that would severely damage our business economically and put a lot of people out of work.**

**The proposed new Ag Waiver has some of the components of the old waiver, which we can live with. However, I'll list a few of the proposals which are unreasonable and, more importantly, unattainable.**

- 1. Establishment of riparian areas. This would make some of our property impossible to farm.**
- 2. Elimination of tile systems or treatment of tile water. No science has been developed to treat this water.**
- 3. The farm plan requires a nutrient management element be prepared and approved by a certified crop advisor. CPA's have no experience to make nutrient needs calls.**

**4. The farm plan requires that farmers map and photo document existing perennial, intermittent or ephemeral streams or riparian or wetland area habitat and implement mandatory buffers of 50, 75 & 100 feet from the stream bank for riparian habitat within 4 years of adoption. As an alternative to habitat buffers, farmers can prepare a Riparian Function Protection Restoration Plan, certified by a registered engineer or geologist, that restores aquatic life and wildlife support. This becomes a land use issue and the MRWQCB has no jurisdiction.**

**5. The Waiver prohibits channel clearing, except for ag ditches, hydro-modification and the clearing of beneficial vegetation for food safety reasons. This leaves no provision for flood control.**

**6. Leaching to control salt must not be performed to wash nitrate based salts from the soil profile. How do you perform leaching if you shut off the tile drains?**

**7. Within 2 years from adoption, farmers must eliminate all irrigation runoff or provide water quality data through individual on the farm monitoring that irrigation runoff has been sufficiently treated or controlled to meet water quality toxicity standards for pesticides. (Chlorpyrifos 0.025 ug/L; Diazinon 0.14 ug/L). For coarse soils with slope, this time period is unreasonable.**

**8. Within 3 years from adoption, farmers must eliminate all irrigation from their farming operation or in the alternative, provide data to show runoff has been treated or controlled to meet sediment and turbidity standards. (Turbidity 5 NTU when less than 25 NTU in receiving water; 20% when 25 to 50 NTU; 10 NTU when 30 to 100 NTU; 10% when greater than 100 NTU). This would put a lot of people out of work. Three years is unattainable.**

**9. Within 6 years from adoption nitrate and salt discharges to groundwater must meet water quality standards. Farm production wells are now above 1 mg/L in most cases. There is no way you could reduce any discharges to this standard.**

**10. For farms that cannot eliminate tail water, they will have to conduct individual on farm reported monitoring. A quality assurance plan (QAP) must be submitted within 3 months of order adoption, start implementing monitoring within 6 months and start submitting reports to RWQCB 3 months later. A third party entity can conduct this monitoring, but all data must be reported to RWQCB. The Executive Office may postpone individual monitoring where discharges within a watershed collectively are making progress toward meeting the timelines of compliance. The timeline for this requirement is unreasonable.**

**These are a few of the issues for us in our operation. There could be more.**

**In summary, I believe there is a fatal flaw in the Ag Waiver in that the beneficial uses for some of the 303d listed surface waters are wrong and need to be challenged legally or changed legislatively. Why would you require drinking water standards for a watershed, where it is not used for drinking water? Why require standards for fish where there is no fishing? Why would you require the water meet standards for recreation where that is and never has been the use?**

**The RWQCB is requiring Agriculture to meet standards for constituents which are unattainable and there has been no science developed to correct the problem.**

**In these economic times and with unemployment what it is, someone needs to start applying some common sense.**

**Sincerely,**

**Dennis Caprara  
RC Farms and RC Packing**



March 30<sup>th</sup>, 2010

Mr. Jeffrey Young  
RWQCB  
895 Aerovista Pl, Suite #101  
San Luis Obispo, CA 93401-7906

RE: Preliminary Draft Report Staff Recommendations for Agricultural Order February 1, 2010

The Resource Conservation District of Santa Cruz County (RCDSCC) appreciates the opportunity to comment on the *Preliminary Draft Report Staff Recommendations for Agricultural Order dated February 1, 2010*. We share the Central Coast Regional Water Quality Control Board's vision of healthy watersheds, and provide the following comments in the context of the complex issues surrounding impairment. The following comments, concerns, and questions are intended to facilitate the development of an Agricultural Order that will improve water quality in a manner that continues to build upon our existing successful efforts within an achievable regulatory framework.

Please see our comments, concerns, and questions below:

- Long-time **technical service providers**, including RCDs, University of California Cooperative Extension Advisors and specialists, USDA NRCS staff, and Coalition staff, **have been severely impacted** by the recent poor economy and lack of available grant funding for water quality issues. As a result, many services and programs normally offered to growers will no longer be available, making it extremely difficult for Central Coast growers to find technical assistance for design and implementation of requirements set forth in the Order. Specifically, the Santa Cruz County Permit Coordination Program which has assisted growers over the last 5 years in receiving streamlined permits and regulatory agency design input up front during the implementation of management practices is in danger of not being renewed due to staff and budget cuts. This Program helps to facilitate growers with implementing management measures, especially those that require work within and around riparian areas.
- Many growers throughout the region and in particular the Pajaro River Watershed are **small-scale and non-English speaking**. We urge the CCRWQCB to incorporate tools and methods, which we feel are absent in the current order, to ensure that such growers can maintain economic viability while complying with the regulatory program is ultimately developed.
- In many ways current **food safety mandates directly conflict with riparian buffer requirements** outlined in the Preliminary Draft Agricultural Order. Although, the CCRWQCB may intend to provide growers with support for protecting riparian vegetation in light of these food safety mandates, the reality is that buyers hold significant financial incentives over growers. The CCRWQCB should engage buyers to ensure that Central Coast growers are not penalized and/or forced out of the market because they cannot balance food safety/buyer requirements with that of the Preliminary Draft Agricultural Order. Your assistance in resolving this conflict would provide a great service to the agricultural community and result in much greater water quality protection.
- After reviewing the Preliminary Draft Agricultural Order the RCDSCC sees many **opportunities for streamlining**, which we feel will make the order easier to implement from both a regulatory and industry perspective.

The mission of the Resource Conservation District of Santa Cruz County is to help people protect, conserve, and restore natural resources through information, education, and technical assistance programs.

- For example, the Ag Order states that “Application of any chemical directly to surface waterbodies designated in the Basin Plan, for the purposes of breaking down applied pesticides or reducing associated toxicity, is prohibited, unless approved by the Executive Officer.” Attempting to “break down pesticides and reduce toxicity to surface waters” is beneficial, should be encouraged, yet all growers interested in doing this are being required to receive approval from the Executive Officer, creating a great deal work from both a regulatory and industry perspective. Instead, the CCRWQCB might consider developing some guidelines with the industry and technical assistance providers up front and only require approval by the EO for very specific cases.
- A second example is found in Attachment 2 that includes very specific requirements related to irrigation runoff (see Attachment 2, pages 8-10).

The RCDSCC recommends that instead of including overly prescriptive requirements in the order, that the CCRWQCB maintain focus on the goal of eliminating irrigation runoff and not dictate how a grower achieves this goal. For example, certifying the elimination of irrigation runoff is simpler from a regulatory and industry perspective than certifying implementation of management practices that eliminate irrigation runoff. This makes sense from a practical standpoint as well as a programmatic standpoint as it can be difficult to directly link implementation of individual management practices to quantifiable reductions in runoff.

- This Order requires “Dischargers to develop and implement a Farm Plan focused on the priority water quality issues associated with a specific operation and the priority water quality issues associated with a specific watershed or subwatershed.” Who will decide what are **priority water quality issues** associated with a specific operation? When/How often will this be evaluated? At the very least, it is the opinion of the RCDSCC that experts with field experience in the regulated watersheds should be involved, along with industry and other representatives that may include other potentially contributing land uses (i.e. urban, timber).
- Attachment 2 states: “Upon notice by the Executive Officer, Farm Plan must be submitted to the Water Board. Discharger must modify Farm Plan upon notice by the Executive Officer.” What is the timeline and **process for “notice” and “modification”** of a Farm Plan?
- Throughout the documents associated with the *Preliminary Draft Report Staff Recommendations for Agricultural Order* language is not consistent regarding **applicable waterbodies**. For example, in Attachment 3, page 63 of, #53 it states applicable waterbodies are “any surface waterbody designated in the Basin Plan, or to tributaries to such waterbodies”; however, on page 64 of Attachment 3, #56 it states applicable waterbodies are “surface waterbodies designated in the Basin Plan.” Which waterbodies are applicable? Waterbodies designated in the Basin Plan, their tributaries, anything that drains to them?
- The Draft Agricultural Order states: “Dischargers using pesticides with a high potential to contaminate surface water and persons performing pest control using such pesticides for the Discharger, must comply with the following prohibitions: a. Ground applications must not be made within 50 feet of any surface waterbody; b. Airblast, high-pressure wand or hand gun applications must not be made within 100 feet of any surface waterbody; c. Aerial applications must not be made within 150 feet of any surface waterbody.” This requirement has the potential to be in direct conflict with riparian restoration goals outlined by the CCRWQB as desirable. For example, *Arundo Donax*, an invasive non-native riparian plant widely spread throughout the Central Coast can lead to erosion, flooding, and streambank failure. One of the most effective ways to treat *Arundo Donax* is through application of herbicide. The RCDSCC recommends that the CCRWQCB allow a **provision in the Agricultural Order that will allow for application of pesticides near creeks in association with restoration efforts**. If this is not done, impacts to implementation of riparian restoration projects will be significant.
- The Draft Agricultural Order states: “Dischargers must conduct waste specific monitoring and reporting that includes Individual Discharge Characterization Monitoring, Individual Discharge Monitoring,

The mission of the Resource Conservation District of Santa Cruz County is to help people protect, conserve, and restore natural resources through information, education, and technical assistance programs.

Watershed (receiving water) Monitoring, and Additional Monitoring, as required by the Executive Officer." This is too vague, and, in general, *monitoring requirements are cost-prohibitive for industry to achieve and have a disproportionate impact on small scale and non-English speaking growers.*

The RCDSCC has provided technical assistance programs in Santa Cruz County since 1941. We have worked closely with the NRCS, AQWA, the RWQCB, growers and other partners to develop and implement water quality programs for agriculture. The Central Coast Ag Waiver, and the agricultural water quality programs that led to the waiver, have been a state and national model for addressing complex environmental problems through collaboration. As your records show, over 90% of ag lands are enrolled in the Central Coast, and this should be built upon, not discarded for what will likely end up in litigation and a cessation of implementation.

The Draft Agricultural Order must work to achieve water quality improvement and we strongly support that. However, we are very concerned that the further this proposed Draft Agricultural Order moves away from a collaborative process that involves technical assistance providers, growers and the Regional Board, the more likely it is to overlook necessary components for success. Successful implementation will be critically impacted by the capacity of technical assistance providers, economic feasibility, cultural acceptance and collective participation of growers, all which appear to be currently severely compromised by the proposed Order. We would like to participate and engage with the RWQCB and growers in a collaborative way to improve the viability of agricultural water quality improvement efforts. We feel that the collaborative roundtable efforts that we have come from are a more effective approach than an embattled positioning that appears to be currently underway. We risk losing the dramatic rise in grower investment in water quality stewardship with growers. Our RCD has seen a huge rise in grower participation, requests for technical assistance and utilization of our ag water quality technical assistance over the last 10 years. We are currently losing clients at a dramatic rate due to the embattled nature of the Draft Agricultural Order process. Unfortunately, this is not hyperbole, but direct quotes from long time cooperators. We do not want to see the last 10 years of efforts go backward, but rather forward in taking water quality improvement to another level.

Thank you for your consideration.

Sincerely,



Jim McKenna, President

CC:

Mr. John Hiyashi  
Mr. Russell Jeffries  
Ms. Monica Hunter  
Mr. Tom O'Malley  
Mr. Gary Shallcross  
Mr. David Hodgkin  
Mr. Roger Briggs