



California Regional Water Quality Control Board Central Coast Region



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

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Edmund G. Brown Jr.
Governor

Agricultural Order Renewal Late Public Comments

Comment letters received *after the January 3, 2011* comment deadline, but allowed as part of the record by the Chair as policy statements.

Comment ID	Individual Submitting	Affiliation	Date Received
117	Byron Albano	Cuyama Orchards	1/20/2011
118	Cindy A. Forbes	California Department of Public Health	1/29/2011
119	State Senator Anthony Cannella	California State Senate, 12 th District	2/12/2011
120	William H. Leahy II	Big Sur Land Trust	2/12/2011
123	Congressman Sam Farr	Congressman Sam Farr, 17 th District of California	2/19/2011
159	Assemblymember William W. Monning	California State Assembly, 27 th District	5/9/2011

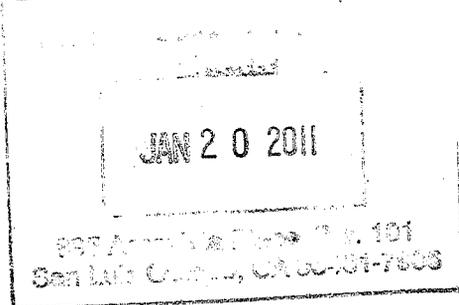
Cuyama Orchards

Office: 7331 Fulton Ave., North Hollywood, CA 91605

Tel: (818) 764-8682 Fax: (818) 764-4075

January 17, 2011

Michael Thomas, Assistant Executive Officer
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401



Re: Your letter dated November 15, 2010 regarding California Water Code Section 13267.

Dear Mr. Thomas,

On November 15, 2010 you requested that we submit a Notice of Intent relating to waste discharge requirements under California Laws: Water Code Section 13267. It also informed us that Water Board staff is drafting a new Ag Order related to this law.

We do not discharge waste as part of our operations, and to us we clearly should not fall under the NOI reporting requirements as described in sections 13260-13267 of the California Water Code.

We are a family farm growing apples organically in the Cuyama Valley. We use micro jet sprinklers and drip irrigation to irrigate from our own wells. We have no runoff. We are good stewards of our soil, our land, and our water, and we document it in our organic systems plan. We take water samples of our wells, and our nitrate results are way below safe drinking water standards. Our valley is not on the list of impaired water bodies. Actually, it is a dry Southern California desert valley.

We applaud that your staff is drafting new orders to implement California Water Code in a way that holds farms accountable to that code based on their level of threat, and protects our State water resources. It would be totally wrong, however, to force an operation like ours into that order. You would essentially be forcing us to comply with a code that does not apply to our operation, and penalizing us for the irresponsible behavior of others.

If you believe that our understanding of the California Water Code waste discharge requirements is in error, please let us know so we can resolve this without undue regulatory burden.

Sincerely

A handwritten signature in black ink, appearing to read "Byron Albano", with a long horizontal line extending to the right.

Byron Albano
Cuyama Orchards

cc.

State Assemblyman Jeff Gorell, 2659 Towngate Rd. Suite 236, Westlake Village, CA 91361
State Senator Tony Strickland, 610 Anacapa Street Unit B-4, Santa Barbara, CA 93101



MARK B HORTON, MD, MSPH
Director

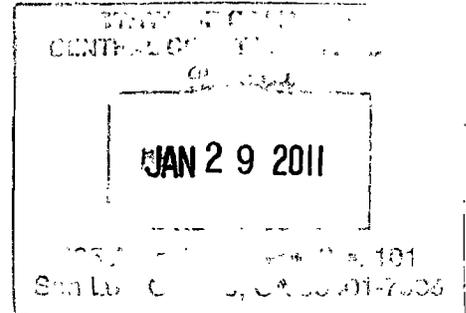
State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

January 26, 2011

Angela Schroeter, P.G.
Program Manager, Agricultural Regulatory Program
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906



RE: DRAFT AGRICULTURE ORDER NO. R3-2011-0006

Dear Ms. Schroeter,

The California Department of Public Health's Division of Drinking Water and Environmental Management has reviewed the Central Coast Regional Water Quality Control Board's proposed draft Agriculture Order. Implementation of the outlined Best Management Practices will enhance the protection of both surface water and groundwater in the Central Coast Region from fertilizer, pesticides and nitrate contamination.

The Department of Public Health supports the requirements outlined in the draft Agriculture Order and encourages the adoption of the Order by your Board. Protection against continued nitrate contamination of the groundwater in the Central Coast region will minimize the need for additional treatment of public water supply sources from this contaminant which poses a significant public health threat.

Thanks for allowing the Department to participate in the preparation of the Order and provide comments. Please contact me at (559)447-3130 if you have any questions.

Sincerely,

Cindy A. Forbes, P.E., Chief
Southern California Field Operations Branch
DIVISION OF DRINKING WATER & ENVIRONMENTAL MANAGEMENT

STATE CAPITOL
SACRAMENTO, CA 95814
(916) 651-4012

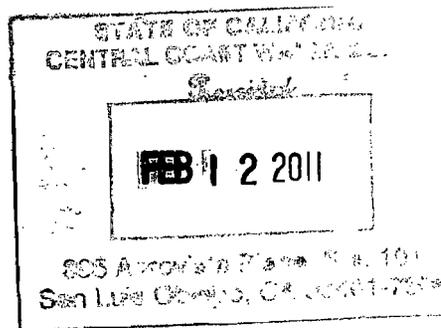
California State Senate

SENATOR
ANTHONY CANNELLA
TWELFTH SENATE DISTRICT



February 10, 2011

Mr. Jeffrey S. Young, Chairman
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista place, Suite 101
San Luis Obispo, CA 93401



Dear Mr. Young,

My office has been contacted by various Agricultural organizations in opposition to the Central Coast Regional Water Quality Control Board's (CCRWQCB) proposed 2011 Draft Agricultural Order. I would like to echo their concerns and request a high level of scrutiny of the Draft Order and due consideration of the Ag Alternative Waiver proposal.

I believe all sides of this issue agree that clean water is very important in maintaining a healthy environment. However, the tone of the current Draft Agricultural Order contains goals that are unobtainable in the time frame set forth; in fact, the process of designing and adopting a new agricultural discharge program will be anything but quick and simple. Collaboration between the CCRWQCB and the various partners in the agricultural community is essential to develop a reasonable long term solution rather than a very costly quick fix.

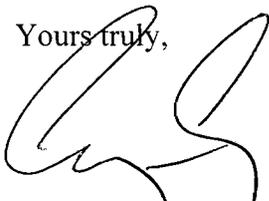
The Draft Agricultural Order does not seem to take into consideration the economic impact this order would have on our region and on the rest of the State where agriculture is a \$36 billion industry generating at least \$100 billion in related economic activity. The Draft Order could easily translate into lost jobs, fallowed farm land, and overall detriment to the economy in Monterey County. I am gravely concerned that the increasing level of regulation and mitigation requirements contained in the Draft Order will result in the loss of productive agricultural land and will threaten the existence of small farmers and ranchers. Clearly, this would be devastating to Monterey County and the surrounding area.

Mr. Jeffrey S. Young
February 7, 2011
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In addition to an in-depth review, I would also urge the CCRWQCB to closely examine the Agriculture Alternative Conditional Waiver that proposes the use of best practices, education, farm water quality surveys, verification reviews etc. In working together I believe a plan based on sound science and achievable goals can be reached.

Thank you for your attention to this critical issue. I look forward to working with you to address the concerns of the agricultural industry in the Central Coast region. Please do not hesitate to contact me if you should have questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'Anthony Cannella', written over the text 'Yours truly,'.

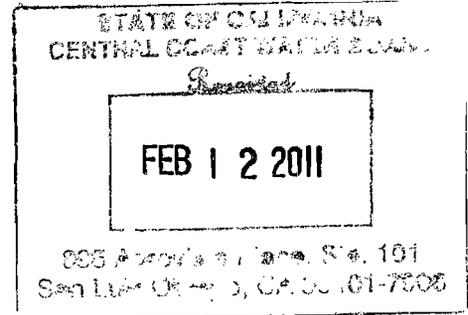
Anthony Cannella
Senator, District 12



BIG SUR
LAND TRUST

February 7, 2011

Jefferey S. Young, Chairman of the Board
Roger Briggs, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401



RE: Support for Continuing Discussions Regarding the Draft Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

Dear Mr. Young and Mr. Briggs:

As a local land conservation organization in Monterey County we have been engaged in following the continued development of the Draft Conditional Waiver of Discharge Requirements for Discharges from Irrigated Lands. Your most recent Board meeting revealed continued work by Regional Board staff and the Central Coast agricultural community to develop a program that can address the water quality impairments in the watersheds of the Central Coast, while maintaining the viability of local agriculture in our community. We were encouraged to see the dialogue continue towards a program that progresses enhanced environmental conditions in the region.

This letter provides our support for continuing the dialogue with the agricultural community to develop and reach consensus on a program that will improve water quality issues in the region and maintain agriculture as an important land use in our County. We have met with representatives of the Central Coast Agriculture's Alternative Proposal and reviewed their work to date with regards to proposed alternatives and encourage continued consideration of this and other proposals to develop a sustainable irrigated lands water quality program for the future. Our work focuses on maintaining farm and grazing lands for current and future generations of Monterey County through proactive stewardship and sound land management. We believe strongly our collective community can achieve a creative and successful program for these complex issues given the time and cooperative dialogue needed.

Sincerely,

William H. Leahy II
Executive Director
THE BIG SUR LAND TRUST

SAM FARR
17TH DISTRICT, CALIFORNIA

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www.farr.house.gov

February 18, 2011

The Honorable Jeffrey Young, Chair
California Regional Water Quality Control Board
Central Coast Region
896 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Dear Mr. Chairman:

I am writing to share with the Central Coast Regional Water Quality Control Board (RWQCB) my deep concerns regarding the direction taken by the RWQCB staff as part of the ongoing renewal of the Central Coast Ag Waiver. For reasons that I will outline below, I believe that the heavily prescriptive and regulatory approach to non point source agricultural water quality so far advanced by the RWQCB staff will cause long term environmental harm on the Central Coast. Furthermore, I fear that it will impede the ability of water quality champions to improve rural water quality both here in California and across the nation.

In April 2010, I expressed by letter to the State Water Resources Control Board the same concerns regarding this same process. In light of the pending March 2011 decision by the RWQCB on how to renew the Ag Waiver based on the RWQCB staff proposal, the ag alternative proposal recommended by various agricultural interests, or some combination of these two or other recommendations, I felt it important to reiterate my concerns.

As you may know, I have long worked to improve the quality of the Central Coast's waters. During the 1980s and early 1990s while serving in the California State Assembly, I worked with other elected officials and community activists to establish the Monterey Bay National Marine Sanctuary. The water quality impacts to the Sanctuary from upland agriculture prompted Sanctuary staff to engage in a dialogue with farmers that resulted in the Monterey Bay National Marine Sanctuary's Agricultural and Rural Lands Plan. That plan in turn spurred the formation of the Agricultural Water Quality Alliance. The Alliance has brought numerous agricultural organizations, including the farm bureaus and resource conservation districts from eight Central Coast Counties, the Grower Shipper Association, the Central Coast Vineyard Team, and the Vintners and Growers Association together in a partnership with USDA's Natural Resources Conservation Service, the Monterey Bay National Marine Sanctuary, and several other

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water quality actors to develop and implement water quality practices. I have helped support this work through an annual appropriation that I have been able to help fund the Sanctuary and USDA's support of the coalition. Since 2000 that federal funding has totaled over \$5 million.

The water quality work on the Central Coast that sprang from this collaboration has been exemplary. Over the course of the last decade, the groups I have noted above made tangible progress in improving agricultural management practices to reduce chemical use and keep water and sediment on the farm and out of waterways. They have provided farmers with funding and technical assistance to help them prepare and develop water quality plans, construct conservation improvements such as settling ponds and vegetative buffers, and promote such efforts to their peers. These efforts drew attention from other regions looking to emulate a model of success. Indeed, the RWQCB based its 2004 Ag Waiver on this collaborative approach with the strong support of environmental and agricultural stake holders. With the leadership of the RWQCB staff at that time, the RWQCB became a vital partner in this collaborative effort. The key to this overall success was the trust between the stakeholders that allowed for innovation and proactive leadership. Progress may not have always been fast, but it was steady.

Each passing year strengthened the trust and collaboration among the Central Coast's water quality stake holders that formed the basis for further progress. Most significantly, this era of partnership fostered the development of a new water quality culture within the agriculture community. Given the broad spread of agriculture across the landscape, the hundreds of ranches and other agriculture production sites, and the many thousands of individuals involved in farming, the only way to ensure meaningful long term water quality improvements is to grow and solidify this cultural change. That is, I believe, the most effecting tool that the partners in this effort can bring to bear on the problem.

In light of this past record of success, I am deeply troubled by the way that RWQCB staff have approached the renewal of the current Ag waiver over the course of the last year. I have heard a steady chorus of frustration regarding the substance and tone of the RWQCB staff proposals. I deeply respect the individual and collective work of the water quality stakeholders who have approached me, and give their concerns great weight. Many of them have a long history of working to improve Ag water quality. What I have heard over and over again is that the RWQCB staff have repudiated the collaboration of the last decade; that they continue to insist on a highly prescriptive regulatory program of specific actions and timelines in place of partnership; and that they have consistently belittled or altogether ignored the practical water quality knowledge and experience of growers, local and federal resource agency professionals, and agriculture conservation advocates.

So far, this hostile environment has curtailed, if not altogether stalled, the previous progress on agricultural water quality on the Central Coast. I fear that if the RWQCB implements its staff's current Ag Waiver proposal, much of the time, energy, and resources that previously went into implementing water quality measures, will instead be channeled into further conflict over the practical viability, economic impact, and scientific validity of the new Ag Waiver itself. The very cultural changes that I believe are so crucial for the long term progress on water quality will likely be frozen. That would be a tragedy. Water quality will suffer and the nation will lose the example of a model collaboration between agricultural and conservation interests. I have always measured the value of leadership by the practical results it achieves. By that measure the current Ag Waiver process is a stunning failure of leadership.

I also believe that the staff proposal and the process leading up to it represent a failure of imagination. Keeping agriculture viable has obvious social and economic benefits that are thoroughly outlined by many of the participants in this process. But it also has tremendous environmental benefits. This debate is not taking place in a vacuum. The "central" in Central Coast refers to our region's rock and a hard place position between San Francisco and Los Angeles. It is no accident that the Central Coast has retained so much of its rural character, its open valleys and rolling hills, in the face of the explosion of urban sprawl that has defined the regions to our north and south over the course of the last century. Agriculture in all its many forms has played, and continues to play, a key role in protecting open space. To be sure, land use planning, conservation assistance, tax incentives, and other environmental policies play central roles. But the paramount link between the economic viability of agriculture and the landscape of the Central Coast cannot be ignored.

In light of all these concerns, I urge the RWQCB to base its Ag Waiver on the collaborative success of the past decade with the goal of achieving steady, consistent, and demonstrable water quality improvements on the Central Coast. Accordingly, I believe that the ideal Ag Waiver will:

- Utilize sound science;
- Require accountability based on water quality results, not process;
- Foster trust and collaboration, not third party litigation;
- Acknowledge the capabilities and limitations of the technologies currently available to farmers; and

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- Look past the immediate debate to establish a long term commitment to both sustained water quality gains and agriculture's continued economic and environmental viability.

Thank you for your time and attention to my concerns. Please direct any correspondence related to this matter to Alec Arago in my Salinas District Office.

Sincerely,

A handwritten signature in blue ink that reads "Sam Farr". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail on the "r".

Sam Farr
Member of Congress

SF/aa

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Assembly California Legislature



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April 30, 2011

Jeffrey S. Young, Chairman of the Board
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401



Dear Chairman Young:

I am writing in response to the latest draft recommendation by the California Regional Water Quality Control Board (Board) staff recommendation for an updated Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Ag Waiver). I respectfully request the Board consider re-opening the written comment period on the Ag Waiver. I am well aware of the extensive public comment and input board members and staff have already received on this issue and appreciate their willingness to consider all viewpoints on this important issue. I regret that I am not able to address the Board at the upcoming May 4th meeting.

Although much has been stated regarding the draft Ag Waiver, if the latest draft is as different from previous ones as it appears to be, it seems appropriate that the public have an opportunity to comment on its current iteration. It is my understanding that many groups have become newly engaged in trying to find alternative solutions that accomplish the goal of improving water quality, while building trust among the stakeholders

In addition, I am concerned about the impact of the Ag Waiver on small, low-income growers who happen to use pesticides that put them into the tier 3 category. It is my understanding that unless they can join a coalition to comply with the Ag Waiver, their individual costs to comply could put them at economic risk. As you know, the scales are already tipped against small growers and I would regret seeing them disproportionately harmed economically. One of the benefits of allowing more public comment is to extend the dialogue about how coalitions might be structured to assist small farmers in our region comply with the Ag Waiver. I am concerned about the ability of small-scale, non-English speaking farmers to access the appropriate materials online to comply with the Ag Waiver. I support any efforts by the Board to accommodate the technical and language needs of these growers to ensure their maximum participation.

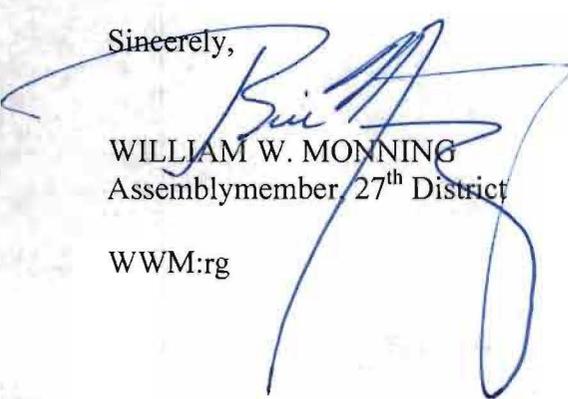
I have heard strong opinions on both sides of the Ag Waiver issue and it is my observation that somehow along the way the spirit of cooperation and shared responsibility to find solutions to water quality problems has been eroded. The Central Coast has been the envy of other regions around the state for its model of cooperation in shared monitoring and mitigation strategies. It is my strong belief that any solution the Board and staff propose that does not enlist the buy-in and cooperation of all parties will not succeed. I would like to see a more deliberative and inclusive process of negotiation and discussion between and among currently divided stakeholders.

Because there is no quorum on the current board, the current draft of the Ag Waiver will not come up for a vote until the Fall, or until the vacant Board positions are filled. It appears that extending the public comment period will not appreciably delay approval or implementation of the Ag Waiver.

Finally, I salute the Board and staff for their unwavering focus on the goal of improving water quality on the Central Coast in both surface and groundwater. As Chair of the Assembly Health Committee, I also appreciate your primary goal of protecting public health and allowing all Californians the right to safe drinking water. In twenty years, it is my hope that we will be able to say that our local waterways are no longer the most impaired in the state, our wells have been cleared of nitrates and that agriculture took the lead in spurring growth in the field of water quality improvement.

Thank you for your consideration of this request.

Sincerely,



WILLIAM W. MONNING
Assemblymember, 27th District

WWM:rg