

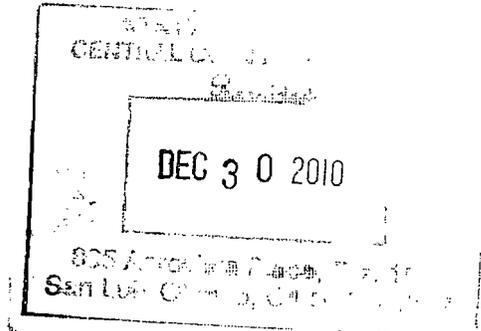


# SAN LUIS OBISPO COUNTY FARM BUREAU

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



Dear Chairman Young:

Representing the San Luis Obispo County Farm Bureau I would like to thank you for this opportunity to comment on the Draft "Conditional Waiver of Waste Discharge Requirement for Discharges from Irrigated Lands". I urge your serious consideration of Agriculture's Alternative in addition to consideration of the Regional Staff's November Draft Agricultural Order and further like to urge you to request staff to fully cooperate in a collaborative effort with the agricultural community in the development and approval of a functional and achievable Order. San Luis Obispo County agriculture is composed of a wide range of agricultural operations many of which are small and will be seriously impacted by the expanded new waiver if adopted as drafted.

Relating to the Staff Draft Agricultural Order, I would like to make the following observations and comments.

### **General Comments:**

There has been significant changes and expansion in the Draft Order from the current regulations and we believe there has been a positive step with the Staff's introduction of the tiered approach. That being said, we have a number of concerns regarding the unwarranted tone of the Draft Order and the conveyed criticism and distrust of agriculture in the draft. Agriculture worked collaboratively with the Regional Staff to create the current waiver. As farmers, we are committed to producing safe food and fiber, utilizing the best possible management practices while at the same time improving our area's water quality. We ask that the Draft Order be reviewed and amended to create a more effective and practical Order that is achievable for both the farmer and water quality regulators.

### **Specific Comments:**

The Draft Order contains undefined requirements and potentially unachievable and impractical milestones and timelines.

1) The Draft Order sights some critical data which has created the foundation for claims of agricultural pollution, as well as cost analyses, which are outdated. Some references are actually over two decades old and extracted from a report produced prior to the current waiver. In the last 20 years there has been verified water quality improvement

and significant cost increases. Such outdated information as found on page 2 (Draft Order), pages 11 and 13 (Appendix A) and page 51 (Cost Considerations) referencing nitrate pollution from a 1990 report is totally misleading today. Further using a 1999 cost analysis, found on page 52 of Cost Considerations, for the cost of ion exchange is over 10 years old. This is thoroughly irrelevant to today's costs. *The use of such outdated sources to develop the conclusions is not appropriate and must be corrected.*

2) The Tiered proposal concept has merit, although there is confusion because of lack of clarity relating to the tier requirements and the tier triggers. As an example there is a contradiction between the Staff report and the Draft Order where the Staff report (page 16) states Tier 1 irrigated acreage "is not greater than 1000 acres", while the Draft Order (page 10) states that the acreage "must be less than 1000 acres. *In this case 100 acres is a significant difference between the requirements Tier 1 and Tier 2. Such confusion must be corrected and clarified.*

3) There is serious concern over the Draft Order's surface water sampling and reporting. There is no assurance that there will be an entity, such as Preservation Inc, that can meet the required deadlines or the newly expanded requirements and costs which will have to be assumed with the approval of the Draft Order. Without some assurance that a Cooperative Monitoring Program (CMP) will cover "all dischargers" the projects/plans and costs will fall on backs of the farmers. These requirements are not doable, especially by the small farmer. As an example:

a. Relating to Receiving Water Quality Monitoring, beginning on page 9 the Monitoring Draft states that "all dischargers" must submit a Monitoring and Reporting Program (MRP) Plan. Without a Cooperative Monitoring Program or a comparable program this means that every farmer must then complete the 8 technical points of the MRP Plan and submit it within 3 months of adoption of the Order (page 9). Even with a CMP can "an approved third party" meet this requirement in this short timeframe? *This is an example of undefined, unachievable requirements. Many farmers have no idea how to complete such a Plan.*

b. Relating to the Quality Assurance Project Plan (QAPP), on page 9 and 10, all dischargers, within 3 months of adoption of the Order, must address the 4 points (Project Management, Data Generation and Acquisition, Assessment and Oversight and Data Validation and Usability) in the QAPP and submit it to the Regional Board Executive Officer. The QAPP is very detailed and without a CMP would not be achievable for every farmer to complete within the time limits. Even an approved third party would be seriously tested to complete the QAPP within the 3 month limit.

4) The constituents to be tested through the monitoring program is still of a major concern for our growers. There are constituents such as fecal coliform and e. coli or some metals which are not agricultural contributions to the water quality. We believe that the testing should only reflect those constituents used which post a concern in the impacted areas, such as Chlorpyrifos and Diazinon.

5) Individual grower well sampling is a serious concern for our growers. Samples must be collected by a State registered entity, a chain-of-custody followed and then analyzed

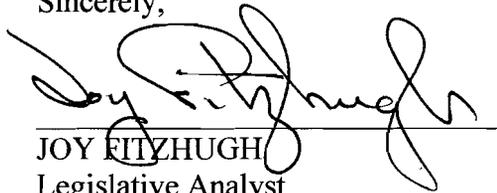
by a State certified laboratory for all domestic and at least one farm well on every ag operation. With 3,000 operations and many operations having multiple wells, it appears that there are insufficient State registered engineers or geologists or State certified labs to fulfill the required sampling and analysis within the timeframe the draft requires. This problem must be further reviewed with agricultural producers included in the discussion.

To compound all of the above, with the admission in the Cost Considerations, Appendix F, page 37 that, "*With the current staffing and budget, staff cannot review information from, nor inspect, most of the operations in the region*" it appears that the MRP, the QAPP, the well monitoring and other requirements in the Draft Order are even beyond handling capability the Regional Board Staff.

**In Conclusion:**

Our Farm Bureau has met with staff within the last few months and we have had some positive discussions about the issues. We feel that this is a positive beginning. We ask that there be continued discussion between the staff and agricultural representatives with education and understanding on both sides. We are proud of the collaboration that created the 2004 waiver and believe it can happen again. A coalition of agriculture has spent many hours working on an Alternative to the Draft Order and this must be part of the deliberation. We need a positive, incentive driven water quality program that is functional and feasible for both agriculture and the regulatory community.

Sincerely,



JOY FITZHUGH

Legislative Analyst

San Luis Obispo County Farm Bureau

cc: Russell M Jefferies, Vice Chair  
Monica S. Hunter, Board Member  
David T. Hodgen, Board Member  
John H Hayashi, Board Member  
Mr. Roger Briggs, Executive Officer  
Ms. Angela Schroeter, Agricultural Regulatory Program Manager  
Mr. Howard Kolb, Agricultural Order Project Lead Staff