



California Regional Water Quality Control Board Central Coast Region



Linda S. Adams.
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Environmental Protection*

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Edmund G. Brown Jr.
Governor

Public Comments to

Draft Agricultural Order, released 11/19/2010

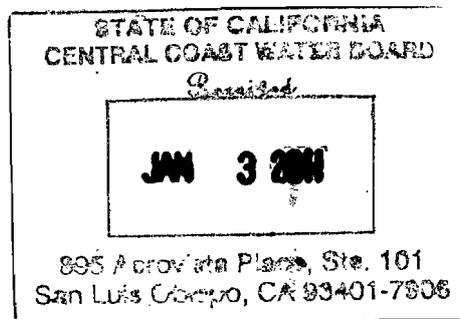
55: Form Letter - this letter was received from the following entities:

Name	Date Received
Growers Express, LLC	01/03/2011
River Ranch Fresh Foods, LLC	01/03/2011
Steinbeck County Produce	01/03/2011



January 3, 2011

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



Dear Chairman Young,

As a shipper of produce grown in the Central Coast region of California, I have been monitoring the development of a renewed "Conditional Waiver" for discharges from irrigated lands and am writing to express my concern with staff's most recent proposed draft Ag Order.

This draft Ag Order, if implemented without modification, will adversely affect the ability of the growers I contract with to continue farming productively in this region. River Ranch Fresh Foods, LLC, works with 20 growers across 5,000 acres to distribute over 150,000,000 pounds of iceberg lettuce, leafy greens, broccoli & cauliflower annually. I am committed to working to improve water quality in the region but firmly believe that any new conditions need to be grounded in science, provide flexibility for different approaches, prioritized to address the most significant concerns first and achievable for growers in reasonable timeframes. I fear the current proposed draft Ag Order is unclear and difficult to understand, is not science or risk based in its assignment of priorities and will be highly impractical if not impossible for agricultural operations like mine.

Although there are a number of items in the staff proposal that concern me, including but not limited to jurisdictional challenges, mandated nutrient budgets for vegetable crops, arbitrary tier triggers and a lack of focus on research and innovation, the item that is most immediately disconcerting are the riparian vegetation mandates that contradict nationally-recognized and customer-required food safety practices. This waiver will reverse some of the major food safety improvements we've worked hard for.

Major concerns include:

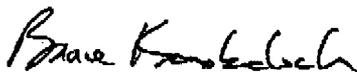
- That operators are prohibited from having bare soils vulnerable to erosion that contribute to an exceedance of sediment run-off.
- That operators must protect existing aquatic habitat by maintaining riparian functions such as streambank shading, aquatic and wildlife support and maintain naturally occurring mixed vegetative cover in aquatic habitat areas
- That by October 1, 2012 Tier 2 and 3 dischargers with operations adjacent to or containing an impaired waterbody for sediment, temperature or turbidity must conduct photo monitoring to document the condition of the waterbody including the estimated widths of vegetative filter strips and management practices or measures to address impairment
- That by October 1, 2015, Tier 3 dischargers with operations adjacent to or containing an impaired waterbody (listed in Table 1) must submit a Water Quality Buffer Plan that protects the waterbody and its associated perennial and intermittent tributaries that includes a minimum 30 foot buffer measured horizontally from the top of bank on either side of the waterway, vegetated zones within the buffer to control temperature, reduce velocity, control sediment deposition, provide treatment through infiltration.

Each of these bulleted concerns directly contradict a grower's ability to meet food safety standards, thereby creating an untenable situation in which growers will be unable to make a decision without breaking a contract, rule or regulation. I would strongly encourage the Central Coast Regional Water Quality Control Board and staff to consider the proposed agricultural alternative as a more pragmatic solution to improving water quality in the region. The "Ag Alternative" encourages growers to work in concert to reduce the discharge of waste in reasonable time frames using practical and proven solutions. The Ag Alternative enjoys broad consensus amongst agriculturalists in the region and if viewed as a baseline could provide a strong starting point for continued or expanded collaboration between the CCRWQB and growers to collaborate on the common goal of improved regional water quality.

The staff draft Ag Order does not foster collaboration, provides no incentives for growers to participate in water quality best management practices and will be difficult to comply with and enforce. It is a punitive proposal that stifles collaboration and innovation. In fact, the "tiering" proposal embodied in the staff draft Ag Order is an example of an arbitrary and punitive approach in that it assigns select operations to high risk Tiers based on size, proximity to surface water and/or crops grown regardless of the actual risk those operations may present. Once in a higher Tier the requirements for an owner/operator are much more stringent and there is no clear path out of that Tier despite the best practices, mitigation measures or improvements present or made by the owner/operator.

I urge you to listen to shipper and grower feedback and suggestions, including mine, and incorporate that feedback into the draft Ag Order. An Ag Order must be designed with achievable objectives and must be a transparent and collaborative process that encourages agricultural stakeholders – as they are uniquely positioned to provide innovative solutions to enhance the region's water quality. The failure to constructively engage growers and landowners will be counterproductive to short and long-term efforts to improve water quality.

Thank you for considering my views.



Bruce Knobloch, President

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