



January 2, 2011

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

Dear Chairman Young,

I am writing to make comments on the new Region 3 discharge waiver that The Regional Water Quality Control Board will be discussing over the next several months.

Boutonnet Farms farms approximately 5,000 acres of artichokes and vegetable crops from Highway 68 to Molera Rd. in Castroville. We employ 45 men during the growing season.

Boutonnet Farms has always been a leader in water conservation and water reuse. The original Monterey Wastewater Reclamation Study for Agriculture was done on lands provided by Boutonnet Farms, Sea Mist Farms (closely related company) and its ownership. Boutonnet Farms has been using recycled water for 12 years in the Castroville Sea Water Intrusion.

The use of recycled water to irrigate our crops is supported by agriculture, leading government officials, and environmental support groups. We take treated wastewater and reuse it instead of sending it out to the Monterey Bay. However, "recycled" water is high in salts, especially Sodium, Chloride, and the water contains Nitrates higher than drinking water standards. The use of tile drains to take these irrigation water leachates away from our crop root zone is absolutely essential in maintaining the productivity of our prime farm lands. Without it we would not be able to continue to farm these properties. Through the use of recycled water, we have helped the Salinas Valley in their efforts to slow the rate of Sea Water Intrusion into the underground aquifers. With our investment in the Recycled Water Projects in the Salinas Valley it seems that we are being penalized for being on the forefront of these water reuse technologies by the Regional Board Staff. The Staff document waffles when it comes to the subject of tile drains. First, we were told that they were excluded, and then we were told that we would have to purify the discharges within a few years. We would like to challenge the Regional Board to help us come up with methodologies that would work – cost effectively – in purifying tile drain discharges. Without these tile drainage systems, it is only a matter of time before the high levels of salt in our recycled water will make our soils unfarmable. Nevertheless, we are proud that we

have been actively involved in keeping our farming properties sustainable through our use of recycled water and advanced irrigation practices.

For over 20 years, Boutonnet Farms has made the transition to drip irrigation wherever possible. We no longer furrow or flood irrigate, and we farm approximately 90% of our acreage on drip. The balance of our acreage is irrigated with sprinklers or a combination of sprinkler and drip irrigation. The costs are high – up to \$5,500 per acre which includes irrigation system design changes, energy efficient pumps and motors, land leveling, land based assessment fees to pay for the recycled water projects, and drip irrigation equipment – like filtration, and drip tape. We are committed to maintaining our farming properties productive and sustainable for the future of our families.

Fertility: we simply can not afford to *not monitor* our input costs closely. Fertilizer costs tripled around the time the recession started. We sample our soils before planting and then determine how much fertilizer we will need for the crop. We have reduced our fertilizer inputs by one-third and we intend to continue to monitor our fertility before each crop planted. However, growing a vegetable crop of any kind is an art, and within the same field - soil types and drainage may not be uniform. Understanding how best to manage the inputs (whether fertilizer or irrigation) on your particular farming properties is key to a successful crop. These are factors that the Regional Board and its staff can not appreciate or understand.

After reading the Regional Board Staff's "Recommendations for Water Code Waiver for Agricultural Discharges, and all the supporting materials" we were completely overwhelmed with the regulation that the Regional Board is preparing to burden us with. The document is very complex, and in many cases, like the Nitrate Hazard Index is not based on sound science. For example, Table 2 has omitted criterion that was part of the original index, a soil type rating. The omission of this factor is indicative of a lack of knowledge about the fact that soil texture and clay content play a very important role in affecting hydraulic conductivity and denitrification, factors that significantly affect nitrate movement and availability in the soil profile. There is no reference or data justifying the omission of this criterion. This index should be used as one tool in the effort to reduce the use of nitrate on our crops.

The Staff admits in their document that it does not have the bodies or resources to properly follow up with site visits and grower outreach. In fact, Preservation Inc has reported to Staff that at least 26 growers have not paid their CMP fees. The names of the operations have been given to the Regional Board with no follow up or penalties against them taken. Why should we expect otherwise from this draft proposal? Once again, the growers who are doing their best to do what's right will be penalized, whereby the others will continue to do what they have been doing.

The Staff's document does not take into account that the average grower will not understand how to implement the waiver. The grower will be lost in a sea of regulation that is hopelessly flawed by its own complexity and lack of understanding of what growing crops entails. The document ignores the risk both personal and financial that the growers undertake when investing in growing a crop – like head lettuce (\$4,000 per acre per crop, and artichokes (\$5,200 per acre per crop). Finally, in reading the staff's recommendations, they underestimate the costs that will be associated with the implementation of a flawed piece of regulation. We are evaluating whether we will have to hire an individual (\$150,000.00 annually) just to understand and help us follow and implement the regulation. The estimated costs are much greater than the staff is estimating. We estimate that sampling and lab costs could run well into the 10's of thousands of dollars annually for an operation our size.

The tiered structure of the staff's proposal is most concerning. The acreage number of 1,000 acres and 1,000 feet, growing certain crops and using certain pesticides, to be thrust into tier 3 is purely arbitrary and has no scientific foundation. We farm properties that are not adjacent to impacted waterways yet are still apart of the acreage equation. For example, we farm properties that have high levees bordering between ourselves and an impacted waterway, and there is no way that waters from our ranches reach the water way. We suggest that the Regional Board look at where the sediment runoff is highest and focus their efforts there first with grower education.

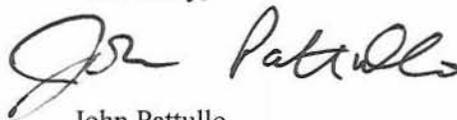
One strategy we've given consideration to would be to divide our ranches into smaller farmed parcels and seek WDR's instead of trying to comply with the Staff proposal. Should we divide our farming properties to lower our net farmed acres? I would not think that would be in the best interest of the Regional Board's mission!

Agriculture has proven that it can regulate itself with the California Leafy Greens Marketing Agreement. That is why Boutonnet Farms supports Agriculture's Alternative Discharge Proposal. We believe that Agriculture's alternative waiver will achieve the goals on water quality faster for the following reasons: 1. It takes all dischargers – no matter how large or small the acreage component and holds them accountable; 2. Growers will be audited for compliance; 3. Growers can elect to participate in the CMP or do individual monitoring, but every grower will have to participate; 4. With a grower group coalition as the auditing entity, all growers will have to participate, or face penalties by the Regional Board; and 5. Given the complexity of soils, crop diversity in the Region, and the Regional Board's lack of ability to do follow up visits and audits, the Grower based coalition will make more progress towards reducing discharge issues than the Regional Board's staff's proposal.

Boutonnet Farms grows artichokes and fresh vegetables for Ocean Mist Farms. We support the comments on the Staff draft waiver submitted on behalf of Ocean Mist Farms and RC Farms by attorney William Thomas of Best, Best, and Krieger LLP.

Finally, we would like to thank you for allowing us to comment on this very important issue. Please take into consideration how difficult it is going to be to monitor every grower/landowner in the Region to ensure they are in compliance with the Regional Board Staff's proposal. It will be nearly impossible. For that reason alone, the Ag alternative discharge waiver proposal is the superior alternative.

Sincerely,

A handwritten signature in black ink that reads "John Pattullo". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Pattullo".

John Pattullo
General Manager
Boutonnet Farms