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Date: 3/30/2011 12:00 PM
Subject: comments on ILRP for April 7/8 agenda in lieu of testimony

Submission of Comment on April 7/8 agenda regarding ILRP:

The Clean Water Act contains a provision to reduce the paperwork burden of the ILRP on organic farmers who comply with NOP regulations.

101(a)7(f) "It is national policy to the maximum extent possible the procedures used for implementing the Act shall encourage the drastic minimization of paperwork and interagency decision procedures, and the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays at all levels of government."

All the paperwork required from NOI to application to join a coalition group is duplicate for organic farmers, the reason being that 7 CFR 205 already requires the same. Also, best use of available manpower is not achieved if a NOP inspector (certifier) and a CVRWQCb inspector and a CDFA inspector all inspect the same BMP's.

7 CFR 205.201 Organic Production and Handling System Plan

"A producer or handler ... must develop an organic production or handling system plan ... An Organic System Plan must meet the requirements set forth in this section for organic production or handling..."

(1) "A description of practices and procedures to be performed and maintained..."

(3) "A description of the monitoring practices to be performed and maintained..."

7 CFR 205.203 Soil Fertility and Crop Nutrient Management Practice Standard

(a) "The producer must ... minimize erosion.

(b) "The producer must manage crop nutrients and soil fertility through [BMP's.]

(c) "The producer must manage ... in a manner that does not contribute to contamination of ... WATER by plant nutrients, heavy metals or residues of prohibited substances."

7 CFR 205.205 Crop rotation Practice Standard

"The producer must ... (a) provide erosion control."

The OSP, organic system plan, is a Farm Water Quality Plan, de facto.

The NOI, Notice of Intent, Technical Report for the Individual Farm Waiver overlaps the OSP to a great extent, meaning duplication. Therefore, Region 5 CVRWQCB should recognize and accept an OSP in place of coalition membership or individual farm waiver.

Fundamentally the OSP carries out the intent of the Clean Water Act in regard to nonpoint pollution from agriculture, as the US EPA envisions in the regulatory book NATIONAL MANAGEMENT MEASURES FOR THE CONTROL OF NONPOINT POLLUTION FROM AGRICULTURE which guided the development of the ILRP.

The OSP can be tweaked to perform as a Farm Water Quality Plan to satisfy the requirements of the ILRP. Or can be added to the ILRP. Organic farms are inspected yearly to see that the terms of the OSP are being met.

This is the best use of available manpower and funds, as mandated by the Clean Water Act.

Tuesday March 29 The US EPA's Watershed Academy Webcast invoked a case history of nitrate exceedance in the Willamette Valley of Oregon. A dairy farm in transition to organic adjusted its nutrient management and the exceedance of nitrates is groundwater dropped below the federal standard. (for info: eldridge.audrey@deq.state.or.us)

John Reganold of Washington State University: organically managed soils are better for the environment, less erosion -

The NOP rules require:

- erosion control

- protection of water

- a mandatory suite of BMP's (e.g. cover crops)

- a no-use BMP for all synthetics and toxic natural substances

- provisional control of nutrients, pathogens, heavy metals and residues of prohibited substances

- regular inspections to validate performance

THE CVRWQCB should recognize this and not require, directly by waiver or indirectly by coalition, paperwork that duplicates the OSP. It's against the law for CVRWQCB to increase paperwork for organic farmers either by WDR's or by coalition or by individual waivers. To keep within the spirit of the Clean Water Act CVRWQCB must recognize the OSP as a de facto water quality management plan for the operation of an organic farm.

Comment of Bud Hoekstra, BerryBlest Organic Farm