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SACRAMENTO
CVRWQCB

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August 3, 2012

Adam Laputz
CVRWQCB
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Re: Tentative Order R5-2012-XXXX, Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group

Dear Mr. Laputz and members of the Board,

Thank you for the opportunity to comment on the Central Valley Regional Water Quality Control Board's Tentative Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed (herein after "Tentative Order"). We appreciate the opportunity to review, and hope that you take our thoughts into consideration.

Innovative Ag Services, LLC provides agronomic and regulatory services to the agricultural industry in the Central Valley. We have a strong history of working with many agricultural groups and individual producers to improve their bottom line with increased regulations. We have a team of professional agronomists and environmental professionals that work closely with the Dairy General Order No. R5-2007-0035 and as such we can provide a unique and valued prospective toward the proposed tentative orders in the Irrigated Lands Regulatory Program (ILRP). We share a common goal with the RWQCB in protecting water quality and we hope that you may use our comments to strive toward this endeavor.

In our review of the Tentative Order, we have found the following points of concern:

- 1. The proposed Tentative Order does not provide the necessary information to evaluate the effectiveness in protecting water quality and its effects on the growers and service providers of the region:**
 - a. This Tentative Order does not provide enough information on a number of critical components:
 - i. The identification of High and Low Vulnerability Areas
 - ii. The Farm Evaluation Template
 - iii. The Sediment and Erosion Control Plan Template
 - iv. Annual Nitrogen Budget Worksheet Template
 - b. This Tentative Order estimates the cost of compliance at 100 million dollars per year, or \$120 per acre annually – yet the information to quantify these costs are not specified in the proposed Tentative Order.
 - c. The UC Nitrate Report identified the Land Application of nutrients as a primary source of groundwater pollution – yet this Tentative Order provides very little information on the requirements to manage nutrients within Irrigated Lands.



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- d. References to NRCS 590 Nutrient Management Standards are very broad and not specified for California, which cannot be used to adequately evaluate the Tentative Order.
- e. While requiring a “Certified Nutrient Management Plan Specialist” to create a Nutrient Management Plan will provide a degree of professionalism and quality standards to protect water quality and improved crop production, technical standards should be established during the public process as well to ensure water quality, its effects on industry, and its consistency with other nutrient management requirements.
- f. More information is needed before this Tentative Order should be considered for adoption
- g. The RWQCB staff and/or the Executive Officer should consult with the industry and agronomic professionals prior to the adoption of this Tentative Order. Similarly, the Executive Officer should consult with agronomic professionals in the development of any agronomic monitoring and reporting requirements, such as the proposed “Annual Nitrogen Budget Worksheet Template”

2. Nutrient Plan/Budget Terminologies:

- a. Innovative Ag Services, LLC’s experience with providing agronomic and environmental services to comply with the Waste Discharge Requirements General Order for Existing Milk Cow Dairies has shown that the incorrect use of terminology creates confusion and misunderstanding.
- b. With the proposed Tentative Order for the ILRP, both a “Final Nitrogen Budget” and a “Proposed Annual Nitrogen Budget” are proposed to be submitted by March 1st of each year. The term or word “Budget” infers the meaning of what will or is planned to occur and should not be used in the context of a record of what did occur. We believe that the term “Final Nitrogen Budget” should be replaced with “Final Nitrogen Record”.
- c. The Tentative Order also identifies the use of an “Annual Nitrogen Budget Worksheet Template” to be provided by the Executive Officer. This template should be available for review and comments prior to the adoption of an Order.

3. Proprietary Nutrient Management Plans and Nutrient Application Records:

- a. The Central Valley is home to some of the most progressive and innovative farmers in the world. Agronomist and farmers alike have dedicated their lives to the management of crops and the nutrients that are applied to the land.
- b. The success of a farmer is dependent on the management of nutrients and it is what gives them their competitive edge over other producers. While many growers have invested significant money into professional consultants like Innovative Ag Services, LLC, others have developed their unique Nutrient Management Plans over years of experience with a specific crop and/or specific property.
- c. A Nutrient Management Plan and the actual records of nutrient applications are proprietary information that should not be submitted for public record that can be easily accessed, and potentially misused or copied.



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4. **Universal Nutrient Management Regulations:**

- a. Dairy, CAFOs, ILRP, and other Waste Discharge Requirements to crop production need to have universal standards to protect water quality.
- b. Agronomic standards should be consistent throughout all irrigated lands.
- c. Organic fertilizer, inorganic fertilizers, and different elemental forms of nutrients are all needed for sustainable crop production, yet all crop nutrients pose risks to water quality, and therefore no one form, crop, geology, or management practice should be exempt from nutrient regulations.
- d. The Tentative Order does not address specific nutrient or waste limitations as the Dairy General Order. Again, we stress that all irrigated lands need to have a base standard levels of practice and regulation.

5. **Consult Agronomic Professionals to assist in development and implementation of Tentative Order:**

- a. Agronomy is a professional industry.
- b. Most accredited agronomist (Certified Professional Agronomist, Certified Soil Scientist, and Certified Crop Advisors through the American Society of Agronomy) have extensive education, testing and continued education in the agronomy field.
- c. This level of professional knowledge should be incorporated or utilized to provide the highest level of groundwater protection.

Thank you for your time and consideration. We welcome the opportunity to work with the RWQCB to improve this Tentative Order. We believe that the issues outlined in this letter should be addressed before the Tentative Order is presented to the members of the board for their consideration of adoption. Clearly more information is needed to develop technical standards of agronomic requirements, in which Innovative Ag Services, LLC is ready and willing to address with RWQCB staff.

Additionally, we hope sufficient time will be given for growers and professional service providers alike to comply with new and/or revised waste discharge requirements on irrigated lands. We hope and respectfully ask that you take additional steps to include more growers and service providers in the future development of this Tentative Order, and future orders alike.

We look forward to speaking with you soon.

Sincerely,

Warren Hutchings

Nathan Heeringa