California African American Farmers Association
California Citrus Mutual
California Cotton Growers and Ginners Associations
California Grape & Tree Fruit League
Fresno County Farm Bureau
National Hmong Farmers Association
Nisei Farmers League
Raisin Bargaining Association
Tulare County Farm Bureau
Western Agricultural Processors Association

August 10, 2012

Mr. Adam Laputz
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670
submitted via email to: awlaputz@waterboards.ca.gov

Re: Comments on Draft Waste Discharge Requirements for the Tulare Lake Basin

Dear Mr. Laputz:

The agricultural organizations identified above appreciate the opportunity to review and comment on the draft waste discharge requirements for the Tulare Lake Basin, excluding the area of the Westlands Stormwater Coalition. We have submitted comments during both the interested party review period and 2nd Draft of the East San Joaquin WDR's and many of those concerns remain with the Tulare Lake Basin Draft. Accordingly, we submit the following additional comments.

I. Adoption Schedule

After review of the 2nd draft of the ESJ order and the subsequent release of the administrative draft of the Tulare Lake Basin, it has become apparent that waste discharge requirements are very similar. The current schedule of adoption gives interested stakeholders until mid-November for the public commenting period, but the ESJ order will be presented to the Board for adoption in early October with the public commenting period

likely ending in early September. With the scheduled adoption of the ESJ order in October, many of the key issues will already be decided by the Board without full input from the stakeholders in the Tulare Lake Basin. Given the Regional Board's approach to adoption of these orders which have similar requirements for all growers, we believe it would be a more equitable to have all stakeholders at the table for the requirements that the Regional Board envisions that would be replicated in all coalition areas.

II. Nitrogen Budget Worksheets

As groups representing farmers and ranchers in the Central Valley region, we understand the great strides that our members have taken through implementation of improved, more efficient management practices resulting in reductions. Excess nitrogen application is not in the best interest of growers and they have made great progress over the years with the cooperation of UC ANR and individual commodity specific research funding programs. The research results and grower implementation has resulted in more bountiful crops and increasing nutrient efficiency. Farmers know their crops and their land and have many resources to help guide them to appropriate nutrient levels for their specific farm, soil, crop, variety and water source. Farms in the Central Valley are very diverse and some can grow up to 30 crops in any given year. Especially for these complex operations, there is no doubt that the most qualified individual to make nutrient application decisions on farm are the farmers themselves. The requirement for professional certification is not an effective or necessary requirement to achieve water quality objectives.

Additionally, the requirement for preparation of a Nitrogen Budget for growers not in High Vulnerability Areas is not necessary and just creates additional administrative burdens without any measurable water quality benefits. Most if not all growers, keep information on nutrient application for their farms already in different formats and software. If an inspection from the Regional Board is warranted, the grower should be able to produce the information needed using existing documentation if they so choose and not be subject to

penalties just because the information is not in the Nitrogen Budget Worksheet as adopted by the Regional Board.

III. Sediment & Erosion Control Plans

The draft language on sediment and erosion control plans that would lead to end of field discharge limits for sediments is cause for great concern. It would not allow growers to work cooperatively to efficiently manage sediments as many currently do. Furthermore, requirements for professional certification and engineered ponds and tailwater recovery systems are unsubstantiated and costly burden on growers. These requirements should be removed from the draft.

IV. Reporting

We believe that it is essential for a successful program that all required reports should be kept on farm and reported only to the third-party as necessary in a more defined high-vulnerability area. The Regional Board should only have access to summary data from the third-party and no individual grower data should be made available. Reporting directly to the Regional Board or in formats that could easily distinguish individual growers will diminish the Coalition group's effectiveness and purpose. This is a vital issue in continuing the success achieved in the current irrigated lands program and improving water quality in the Long-term program. We remain adamant that no reporting should be required to go to the Regional Board and even to the third-party if grower confidentiality issues are not addressed.

V. Organizational Structure

The current structure with the Coalitions as the intermediary is a vital component for increasing participation and efficiency in the water quality objectives. The structure began

with the conditional waiver and continues to build trust and relationships with the grower community. We support keeping the third-party groups structure in their current format as long as the Regional Board requirements for the third-party allow a cooperative relationship with growers and not as a regulating entity themselves. We urge the Regional Board to continue on the success of the current Irrigated Lands Regulatory Program with third-party groups and allow them to continue to work in a cooperative relationship with growers.

VI. Small Farms

According to USDA census data in California, farms under 100 acres make up 52% of the total number of farms but only represent 5% of the total farmland. The current draft regulation has no exemption level and would include every single irrigated acre of farmland in the Central Valley region. While we understand the goals of 100% participation, we believe that there should be an acreage level where efforts would produce the corresponding results. Just the reporting and logistics alone would create enormous cost burdens on third-party groups and regional board staff. The San Joaquin Valley Air Pollution Control District faced a similar issue when developing its Conservation Management Plans for valley agriculture. They determined during their process that farms less than 100 contiguous acres would convolute the process and not lead to a more effective dust reduction strategy. Efforts on behalf of the Regional Board staff and the third-party groups would be more cost effective and efficient in terms of water quality benefits by focusing on farms with more than 100 acres.

VII. Representative Groundwater Monitoring Program

We support the comments made by the ESJWQC in their 2nd Draft order about a potential representative monitoring program. The potential cost impacts to growers and third-party groups in a program are significant. A separate coordinated effort that brings in commodity organizations, fertilizer industry representatives, UC Cooperative Extension, California

Department of Pesticide Regulation, the Natural Resources Conservation Service, and the California Department of Food and Agriculture needs to be assembled to discuss what research and work has already been completed, what is underway, and what can be achieved in a cost-effective manner.

VIII. Cost Impacts

The above signed groups believe that it is vitally important to minimize the costs of the regulation. Measures that increase additional administrative reporting burdens that do not

regulations that increase production cost. In fact, costly measures will have the opposite effect. Additional monitoring and reporting costs will reduce revenues available for projects that can have a significant water quality benefit. Third-party groups and water districts have indicated that the additional cost impacts on their growers could be anywhere from $2/acre to $159/acre to implement the proposed program. We remain concerned that the cost burdens associated with this program with additional fees from the Regional Board and Coalition groups coupled with the costs on the growers for implementation and reporting are not a reasonable use of limited resources. The Regional Board should recognize that growers and the Regional Board have similar water quality goals and should work together for cost effective solutions to a complex issue.

IX. Summary

On behalf of the above listed groups, we appreciate the opportunity to comment on Draft Waste Discharges for the Tulare Lake Basin and look forward to working more closely with the Regional Board on practical solutions that build on the existing coalition framework and the success of the current conditional waiver. We do however remain concerned that the

current draft WDR's go beyond cost-effective and necessary solutions to achieve water quality benefits. Furthermore, the current process of adopting WDR's individually for third-party areas that address major regulation items that would be applicable to all areas later in the adoption timeline is not equitable. Items of regulation that staff anticipate will be applicable to all third-party areas should be addressed jointly with all third-party areas. Also, given the limited time to prepare comments and related technical documents the industry expects that additional drafts be released and workshops be held with the ability to be revised prior to consideration by the Regional Board. If you have any questions please contact Casey Creamer at (559) 252-0684 or casey@ccgga.org.

Sincerely,

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cc: Joe Karkoski, CVRWQCB
Clay Rodgers, CVRWQCB
Pamela Creedon, CVRWQCB