California Citrus Mutual

August 10, 2012

Central Valley Region WQC
Attn: Adam Laputz
11020 Sun Center Dr., Ste. 200
Rancho Cordova CA 95670-6114

VIA EMAIL
awlaputz@waterboards.ca.gov

RE: Interested Party Comments on Draft General Order

Dear CVRWQC Chairman, Vice Chairman, Board Member, Executive Staff, and Mr. Laputz:

California Citrus Mutual (CCM) welcomes this opportunity to submit comments on the proposed Southern San Joaquin Valley Water Quality Coalition (SSJVWQC) General Order for the Irrigated Lands Regulatory Program (ILRP).

CCM is a non-profit association of citrus growers, with over 2,100 members farming approximately sixty percent of California's 270,000 acres of citrus, seventy-five percent of which is located within the SSJVWQC. The California citrus industry supplies over 80% of the fresh citrus produced in the U.S., generates a farm gate revenue in excess of $1.8 billion, and directly provides over 13,000 jobs, with another 12,000 persons employed in supporting industries.

First of all, CCM participated in the discussion and drafting of the response to the Draft General Order submitted by the SSJVWQC. We are in agreement with and fully support that document.

CCM has been actively engaged in water quality issues affecting the citrus growing region that runs along the foothills on the east side of the San Joaquin Valley from Madera to Kern County since the early 1990's. CCM was actively involved and cooperated with the California Department of Pesticide Regulation in creating the Pesticide Management Zones, the precursor to the Groundwater Protection Areas and the development of grower implemented, mitigating measures that have reversed and significantly reduced the concentration and incidence of pesticide detections in groundwater. This is one example of industry partnering with government to achieve a desired objective, without the imposition of expensive or over burdensome regulations.

CCM has a successful history of working in cooperation with both federal and state regulatory agencies, including the San Joaquin Valley Air Pollution Control District, to achieve a desired result. Whether the issue is invasive pests, a trade issue, a worker safety issue, or an environmental issue, we believe that workable solutions can be achieved through partnerships that are result focused.

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CCM is fully aware of the time and effort that has gone into the drafting of this General Order. We have been engaged from the first waivers and the creation of the coalitions, to the scoping sessions for the ILRP, through the development of the five alternatives, the Program EIR, the staff recommended alternative, and finally this draft order. Unfortunately, many of the concerns we expressed at the beginning remain as this regulation moves toward implementation.

Notwithstanding the disputed staff alternative adopted by the Board that was not reviewed in the EIR or the Economic Analysis, we are very disturbed by several for the findings that estimate compliance costs at upwards of $120 per acre and the potential for as much as 23,000 acres of irrigated land to be forced out of production. It's very disturbing that the Board finds these numbers a justified cost to protect water. We do not find them acceptable, or necessary. We know that if the Board would come to the table with industry in a spirit of seeking real, workable solutions, a General Order could be drafted that would be protective of water, that would not be overly burdensome to the agency or stakeholders, and would also preserve production agriculture. We know this because of past successes working in partnership with other agencies.

The Regional Board has approached the ILRP from the point of view that agriculture through its irrigation practices is a gross polluter. While agriculture bears some responsibility it is not the only contributor to the State's drinking water problem and implementing this order as drafted will not solve the drinking water problem. A case can be made that solving the drinking water problem should be the responsibility of the Department of Health Services, or a rural development program. For its part, specifically the citrus industry, agriculture has made huge advances in irrigation and nutrient management practices in the last fifteen to twenty years. These improved practices have been implemented in the absence of regulation and are not recognized in the General Order. The practices that have been adopted will over time lead to improvements in groundwater quality, but it will possibly take decades to show up, if it shows up at all. The effects of agriculture's efficiencies may be masked by other contributors to poor groundwater quality such as faulty septic systems, natural flow from the Sierra Mountains, nitrate leaching from hundreds of marijuana gardens in the foothills, upstream from irrigated agriculture and rural communities.

There are very vocal and very well-funded environmental groups pushing for even more regulations on agriculture. Some openly express an objective of turning the most productive food producing region in the United States back to desert. This is an extreme view and we hope the Board does not implement an order that sets a course for this objective to become a reality.

There are other groups, activists in the environmental justice community, who are sincere in their objective to improve living conditions in the under-served communities. This is a noble cause and we share their desire to improve the lives of the families that live and work in the small rural communities. The people they serve make up a large part of the agricultural work force. We share a common goal with the environmental justice (EJ) community, but believe that they do

not have a good understanding of agricultural practices. Without a viable agricultural industry many of the communities they seek to serve would go away. The Board should encourage the EJ community to become better informed and to partner with agriculture and the Board to achieve solutions that direct resources away from overly burdensome regulatory requirements and toward solutions that direct resources toward real solutions, such as improved science based practices, community improvement programs, and identifying funding sources for drinking water treatment facilities in the underserved communities.

This order as drafted places too much emphasis on generating volumes of minutely detailed data, through a complicated monitoring and reporting program. It is requiring reports to be submitted that the Board does not have staff to review, let alone enforce. It imposes huge administrative burdens on growers and on the coalitions that will do nothing to improve water quality.

The Board staff and stakeholders have put endless hours into developing a workable program. We are disappointed that this draft order ignores many of our concerns and most of industry's recommendations for creating a successful program. We respectfully request that the Board direct staff to draft a general order that is result driven and that will actually achieve the objective of protecting groundwater without being overly burdensome on stakeholder and agency resources.

Sincerely,

Bob Blakely
Director of Industry Relations