



VINEYARD  
PROFESSIONAL  
SERVICES

December 31, 2010

Electronically Submitted to: [AgOrder@waterboards.ca.gov](mailto:AgOrder@waterboards.ca.gov)  
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Jeffrey S. Young, Chairman of the Board  
California Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Re: California Regional Water Quality Control Board, Central Coast Region Draft Order No. R3-2011-0006 ("Draft Ag Order"), dated November 2010 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

Dear Honorable Chairman Young:

I am a local vineyard owner and manage vineyards for others in San Luis Obispo and Monterey Counties. My livelihood as well as those depending on me; seasonally over 200 employees as well as the owners of the thirty vineyards we manage, local vendors and service businesses all depend on a healthy wine industry.

This New Year starts the thirty-ninth vintage of my career farming wine grapes in California. I have witnessed many changes in four decades at the receiving end of the increasing regulations placed upon California farmers. While I have not always embraced or agreed with many of these changes over the years, I have seen positive impacts. The California farmer is the state's original stakeholder in sustaining our environment and believe me, we care about the quality of where we live and the impacts of our actions. The most positive changes I have seen take place are the result of the various regulatory agencies working with industry to achieve understanding and work towards an end that does not destroy those of us who produce so many benefits to society.

As you Chair the formation and work towards updating the Ag Order, please take into consideration the following:

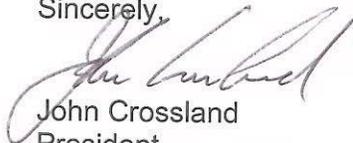
- A successful program is performance-based and provides incentives and opportunities to improve water quality. Arbitrary factors such as operational size and location; burdensome paperwork; unnecessary requirements; and limited resources to manage and enforce does not provide any benefits towards improving water quality.

- Additional written comments should be accepted for submittal to your Board beyond Jan. 3<sup>rd</sup> to accommodate an open and deliberative dialogue throughout the decision-making process.
- The Ag Order and the associated documents represent an enormous amount of material for anyone to review within the available timeframe. The lack of comments by many growers should not be considered by the Water Board as an indication of approval or disinterest.
- The tone and much of the language of the Draft Ag Order conveys a distrust of farmers that is without basis. The Regional Water Quality Control Board (Water Board) staff did not act in the spirit of cooperation as particularly demonstrated by the unreasonable timeframe for public comment, compressing the schedule over the holidays.
- Vineyards utilize deficit irrigation practices, drip tubing, water to root technology, drip irrigation and soil moisture calibrations. These practices should be encouraged and incentives given to maximize practices that serve to minimize water quality degradation.
- An exemption from additional monitoring and requirements should be available for farming practices and operations that are not contributing to water quality degradation.
- Basing the tiers on location and size has no practical bearing on potential contribution to poor water quality. The tiers should be based upon whether there is probable cause for pollution to be transported. Farming operations that do not result in tailwater (i.e. drip irrigated vineyard operations) and are closely monitored for input requirements to the specific plant needs, should be exempt from a tiered approach.
- The Ag Order should be based upon practices that have the potential to degrade water quality and provide incentives and performance-measures to improve water quality, not based upon arbitrary characteristics such as size or location.
- Dischargers who do not cause tailwater, as is the case for vineyards, should not be subject to receiving water monitoring.
- The requirements for well water monitoring go beyond what is necessary to carry out the order to address pesticides, sediment, and nutrients associated with agricultural discharges.
- Depth to groundwater monitoring should be eliminated from the order.
- Any well testing should be associated specifically to the constituents in question. Additionally, this information should remain proprietary and not be submitted to the Control Board for public record. Particularly, if you are not contributing to the concerns meant to be addressed through this order. The groundwater reporting requirements are over-burdensome and unnecessary.

- The 2010 Section 303(d) list of impaired waterbodies is referenced in the Ag Order. The reference needs to be to a single list that is based upon the constituents/ impairments the order is meant to address. A grower should be able to know clearly what list is referenced and be assured that the tier classification for their operation does not change within the term of the Order.
- There needs to be a mechanism for data submission in a non-electronic form for those farmers who do not use, or do not have, internet access.
- The November 2010 staff report starts with the statement that “discharges of waste associated with agricultural discharges (e.g., pesticides, sediment, nutrients) are a major cause of water pollution in the Central Coast region. The water quality impairments are well documented, severe, and widespread. Nearly all beneficial uses of water are impacted, and agricultural discharges continue to contribute to already significantly impaired water quality and impose certain risks and significant costs to public health, drinking water supplies, aquatic life, and valued water resources.” This language is inflammatory, does not accurately represent the situation, and does not acknowledge that relatively few farmers contribute to water quality problems.
- In order to gain popular support for the necessary programs, it would be helpful for the Water Board staff to adopt a tone that reflects an interest in working with the regulated community rather than treating farmers as adversaries. The Water Board should also offer incentives for participation.

I appreciate your consideration of the importance of the regulatory impacts upon not only on the environment, but those working to protect it while making a livelihood and producing food and fiber to sustain the populace.

Sincerely,



John Crossland  
President  
Vineyard Professional Services, Inc.