

COLAB

December 15, 2010

Comments to: The Central Coast Regional Water Quality Control Board

Concerning the Draft Agricultural Order, November 19, 2010.

Delivered Via Email

Dear Board Members,

The desire to have clean water, viable habitats, and a healthy environment is a goal we all share.

The question is, how do we realize our goal and maintain our economy and the rights of the citizenry at the same time, while respecting the bounds of reason, science and best available control technology?

How do we garner cooperation from the property owners and businesses that must be our partners in the process?

What is the best way to achieve our goals while respecting the demands of other regulatory agencies and market demands placed upon the same affected community?

Well, I can say one thing for sure. Your staff must not have had ANY of these questions in mind when they promulgated the Waste Discharge Preliminary Draft Order.

On behalf of The Coalition of Labor, Agriculture and Business, I am writing to you to request that you at once terminate and rescind the proposed regulations affecting agricultural operations throughout the region and start over!

All of the constituent pollutants in the basin are NOT attributable to agriculture. Your staff wants agriculture to clean up their contribution to water quality degradation without ever having bothered to delineate what pollutants are actually attributable to agriculture!

The draft order issued by your staff is replete with gross exaggeration, hyperbole and rhetoric that should serve as an indicator to your board that something is amiss. The basic gist of the order tries to make the case that millions of people are at risk from the pollutants attributable to agriculture on the Central Coast. However, the bulk of the land in Santa Barbara, San Luis

Obispo and Monterrey Counties is neither cultivated or inhabited! And, the bulk of the population in the northern most region of your district is in urban metropolitan areas that are not affected by agricultural runoff.

Agriculture should NOT be required to test for and clean up chemical traces in the water that are there through NO fault of their own. This desire to search for pollutants and order abatement violates principles of laws that protect the citizenry from searches and takings that are not justified or even rational.

What is in the aquifer is a result of the contributions of many sources over a very long period of time. It can not be cleaned up in a day. And, the burden to clean it up should not fall on the farmers of today.

What should your staff do to proceed in a meaningful and thoughtful way?

Well, the first thing they should do is a historical analysis of the various basins in the region for the last 150 years! Board members, this is YOUR responsibility before you enact regulations. In other words, you should know where the various trace pollutants came from and when, where they are now, and what has happened over time with respect to the same as it affects water quality. There is no way to turn back the clock and this regulatory effort should not be aimed at a futile and expensive attempt to do just do that!

The main point here is that your staff is asking the farmers of the region to monitor for and clean up pollutants that were NEVER used by farmers to begin with and are certainly NOT being used by farmers today.

Furthermore, your staff is asking the farming community to clean waste water to drinking water standards even when reservoirs like Lake Cachuma, whose waters are in part reserved for drinking water, do not meet these same standards. Municipalities do not treat water to drinking water standards UNLESS and UNTIL the water is going to actually be served for human consumption. Your staff has infuriated the public it serves by promulgating this ridiculous standard that would have them clean WASTE water to drinking water standards so that it can flow down a ditch to the ocean. What is the benefit of that?

There is no wildlife or wildlife habitat that needs drinking water standards to be met for the waters to be considered beneficial to wildlife. Moreover, if your staff succeeds in cutting back on the flow of water downstream to habitats by making the farmers retain water on site, then your staff will have created a Class One Impact to the habitat by in effect cutting off it's supply of water in this semi-arid climate we live in. For the only water keeping such habitats alive throughout much of the year is this very same water runoff from fields!

Another Class One Impact that will arise from these rules is the conversion of prime farm ground to other uses as most farming operations will not be able to withstand implementing these arbitrary and capricious standards. They will be forced by regulatory fiat and economic

necessity to convert their lands to other uses.

In view of the requirements of CEQA, your board should have to make overriding determinations to effect these impacts upon agriculture as agriculture itself is considered a significant resource by the State. Ag is worthy of the same protection as the water flea you are ostensibly trying to protect at the expense of our farms and ranches.

It is absolutely ridiculous for your staff to maintain that this order is going to positively affect spawning habitat and migration for salmonids. The fact is, most of these areas are no longer suitable for habitat and migration due to the presence of dams that restrict migration. Another factor to consider is the natural morphology of the rivers themselves. The rivers are too wide to convey a flow that is deep enough to maintain temperatures suitable for the fish. Additionally, there is not enough water to support the life cycle or breach sandbars at the mouth of the rivers. The most suitable habitat is far upstream and there is no agriculture in those areas that would have any impact on the same.

So, please direct your staff to examine, study and publish an analysis that incorporates such information that will allow your board to make meaningful decisions as you seek to improve the water quality in the region:

What background levels exist in the basins?

What impact from industries, land uses, and natural conditions have existed in the basins over the course of history as it pertains to the local historical industrial revolution? What were the impacts to water quality from the various types of use by business and manufacturing, and the evolution of agriculture in the region?

For instance, what effect did Union Sugar have on the Santa Maria basin during the previous century? They pumped millions of gallons of water a day, in and out of the aquifer, as they WASHED sugar beets (over 200 tons of beets per hour) all day and night for 90 years?

Farmers today should not be required to test for and filter out pollutants that may have been imported into the region by this factory!

The chemicals the farmers used then and now are legally registered products. It is patently unfair for your staff to ask these good stewards to clean up the water to drinking water standards when the alleged impairments stem from past approved and customary practices of decades and even a century ago.

There was and is today, a lot of mining in the region, what chemicals were released by these operations?

What about the World War II air combat training field in Santa Maria? Do you think they may have had some fuel spills? What about their use of solvents?

What about missile launch impacts at VAFB? What trace chemicals were left behind?

What spills occurred and what was the resultant impact upon the soil and groundwater in the basin from these and so many other historical uses?

What is the history of other manufacturers and business, including dry cleaners and dairies, BEFORE there was any prohibitions against disposal of waste chemical streams into drains?

What is the contribution to water quality degradation from historic dump sites (private and municipal)?

What about the oil industry? What about dry cleaners? Golf courses?

What is the impact of decades of water softener use and detergents and cleansers by urban residents and business?

What is the impact of past and present storm water runoff?

What is the impact of wastewater effluent discharges?

The City of Santa Maria allows septic system pumpers serving SLO residents to dispose of their waste, what is the impact of that practice?

What is the impact of runoff from urban areas? Urban residents use the same chemicals on their lawns and around their houses to control weeds and pests as do farmers! Your staff should quantify how many chemicals are used by urban dwellers each and every year and the impact of the same to our waters. Some of these chemicals are not available for farm use! Where do you think the runoff from these yards and homes go? Are the farmers responsible to clean up these pollutants simply because they are downstream of the source?

What about the runoff from roads and highways? Is your agency holding Cal Trans responsible for the water washing off their roads into the farmer's ditches?

What are the naturally occurring background levels in the water? Is there ANY groundwater in the State of California that meets drinking water standards? Are you going to issue an order to charge the US Forest Service with the responsibility to clean Sierra snow melt to drinking water standards?

These are just a few of the issues that should be considered BEFORE your Board initiates this order.

There has always been a standard of protection for the citizenry of the United States against unlawful and unwarranted searches and seizures of private property, and from the imposition of regulations that can only be described as arbitrary and capricious.

COLAB represents thousands of residents on the Central Coast and we are asking your board to reign in your staff! Your staff is violating these basic tenets of protection and unless you step in and stop them, you will be wreaking extreme havoc on our economy and our community. This will have a most unfortunate impact upon the ability of your board to function in the best interests of the citizenry as it will absolutely obliterate any incentive to voluntarily cooperate with your efforts.

In a nutshell, your staff has created impossible standards, violated the rights of property owners, and virtually destroyed any semblance of trust and respect for your agency. It is most unfortunate that some of your key staff members may need to be terminated to salvage the opportunity to work with the citizens whose cooperation is essential for success.

Please do the right thing and start over. Begin the historical analysis. Order your staff to work cooperatively with the regulated community and the citizenry. Respect the fact that current practices are sound and that food safety issues must be respected in any rule making effort.

Specifically, we request that the Board specifically direct your Executive Officer to dismantle the agricultural regulatory program and re-assign those responsible for this debacle to other non-agricultural related programs or other regional boards.

These are necessary steps to healing the breach that has been created and restoring confidence and trust for the agency.

Sincerely,

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COLAB of San Luis Obispo and Santa Barbra Counties

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