

RE: Proposed Ag Waiver MRP

From: Kirk Schmidt <kschmidt@ccwqp.org>
To: 'Lisa McCann' <Lmccann@waterboards.ca.gov>, 'Angela Schroeter' <ASchroeter@waterboards.ca.gov>, 'Michael Thomas' <Mthomas@waterboards.ca.gov>
Date: 12/16/2010 11:48 AM
Subject: RE: Proposed Ag Waiver MRP
CC: 'Roger Briggs' <Rbriggs@waterboards.ca.gov>, 'Fisher Kari' <kfisher@CFBF.com>, 'William Thomas' <William.Thomas@BBKLAW.COM>, 'BobMartin' <chilibob@RIOFARMS.COM>, 'Rick Tomlinson' <rtomlinson@calstrawberry.org>, <jim@growershipper.com>, <darlenedin@earthlink.net>, 'Dirk Giannini' <dgiannini@christensenandgiannini.com>, 'Merkley Danny' <dmerkley@CFBF.com>, 'Gail Delihant' <GDelihant@WGA.com>, <hgiclas@wga.com>, 'Kasey Cronquist' <kcronquist@ccfc.org>, 'Kevin Merrill' <kmerrill@mesavineyard.com>, <klmercer@charter.net>, <kris@vineyardteam.org>, 'Richard Quandt' <richard@growershipper.com>, <tdunham@somachlaw.com>, <abby@growershipper.com>

Lisa, Michael and Angela

Thank you for taking time to meet with the Ag Workgroup yesterday morning. During that conversation I raised the issue of tile drains.

The draft Order provides at page 29:

“100. **Within four years** from the adoption of this Order, Tier 3 Dischargers must demonstrate that they are not causing or contributing to exceedances of water quality standards for nutrients and salts in surface waters of the state or of the United States. Dischargers may have to implement best management practices, treatment or control measures, or change farming practices to achieve compliance with this Order.”

The time schedule at page 3 provides in relevant part:

“Demonstrate that discharge (not including subsurface drainage to tiledrains) is not causing or contributing to exceedances of nutrient water quality standards in the waters of the State or Unite States. ... Within four years...”

Correspondence with your office going back to discussion of the first draft in April shows that it has not been the intent to include tile drains in the timeline for elimination of nutrient discharges. We also discussed this yesterday and you were in agreement. Therefore it would be best if paragraph 100 was rewritten to include the phrase “not including subsurface drainage to tiledrains” following “Dischargers” in the first line of the paragraph.

It would be most helpful if there was confirmation of this change prior to the end of the comment period so that interested parties need not address the tiledrains issue at great length in the comments only to find out later that the paragraph was amended.

Please contact me if you have any questions regarding this issue. Thank you.

Kirk Schmidt
 CCWQP, Inc.
 (831) 750-5449
 kschmidt@ccwqp.org