



December 18, 2013

Eric Oppenheimer
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Groundwater Workplan Concept Paper: Discussion Draft

Submitted Electronically

Dear Eric:

Agricultural Council of California (Ag Council) is a public policy association representing more than 15,000 farmers across California, ranging from small, farmer-owned businesses to some of the world's best-known brands. As such, many of our member companies and their farmer owners will be impacted by the Groundwater Workplan ("Workplan"). Ag Council appreciates the opportunity to comment.

Agriculture's viability in this state is nonexistent without sustainable groundwater quality and quantity. In this, we have a common goal. Furthermore, groundwater availability in certain regions of the state has been of concern to many of our members. However, embarking on a statewide, overreaching, regulatory effort may not produce the results needed in these areas. Through the State Water Resources Control Board's ("SWRCB") "Cost of Compliance" project, we have learned that existing compliance measures for certain water permits aimed at improving groundwater quality are nothing more than extensive data collection and submission efforts, resulting in little-to-no environmental improvements. We are concerned that a similar system, with potentially additional layers, will be created as a result of the current version of the Workplan.

This is greatly concerning as certain regional recharge and monitoring efforts have been successful, and regulating for the sake of observing the situation does not necessarily produce meaningful results. We urge the SWRCB to heavily engage the stakeholder community in seeking ways to improve groundwater issues, prior to, and possibly instead of, creating a new regulatory scheme. Many segments of the agriculture industry have advanced technologies that minimize groundwater use and impacts in order to minimize their environmental footprints. Instead of adding more layers of regulation, SWRCB should ask, "how can we learn from these efforts and incentivize further improvements?"

If pursued under its existing themes, it is our opinion that the Workplan expands the authority of the SWRCB from its historical jurisdiction of groundwater quality to management of groundwater quantity and rights. Before SWRCB embarks on a legislative effort to increase its authorities, an in-depth evaluation of existing regulations should be pursued. We commend the

SWRCB for its list of existing programs within the Workplan, but this list does not go far enough. An in-depth analysis should include determinations in whether or not the programs are producing beneficial outcomes. In areas where regulations are not improving groundwater quality, those regulations should be repealed or amended to produce more meaningful results.

The SWRCB “Cost of Compliance” project is a good first step in this direction, however, there are questions as to whether or not regional water boards will conduct similar analyses or implement findings of the project. Once a full evaluation has been completed of existing regulations, an implementation plan should be enforced. Once this study has been completed, any missing items should be pursued with the legislature or SWRCB on an as needed basis.

Ag Council recognizes the regional successes to groundwater management and applauds the SWRCB for acknowledging that a “one size fits all” approach will not work on the many issues impacting groundwater. Additionally, when establishing sustainable thresholds, we are hopeful that the SWRCB will take into account legacy groundwater contamination, particularly in regions dealing with significant issues. There have been no cost-effective solutions available in dealing with legacy issues, and this is an on-going crisis that impacts all stakeholders.

Ag Council is greatly concerned as to how SWRCB plans to generate funding for governance of its potentially new programs under the Workplan. We have worked with SWRCB in regard to fees for existing water permit programs. The existing regulatory fee schedule is broken. SWRCB continues to pursue and expand certain water permitting programs based on a fee program which gives little opportunity for stakeholder input, even though the stakeholder group is entirely responsible for funding. While the SWRCB has committed to refining this process, it is premature to rely on the stakeholder community for additional funding for new programs, when the existing situation has not been improved.

Ag Council commends the SWRCB in analyzing the sustainability of our current groundwater situation. However, we urge the SWRCB to proceed with great caution to avoid similar pitfalls that we have experienced with already existing programs. We look forward to utilizing lessons of the past to work toward common goals. Thank you again, for the opportunity to comment.

Sincerely,



Emily Rooney
President

