

September 3, 2013

Ms. Jeanine Townsend,
Clerk of the Board
1001 I Street, 24th Floor
P.O. Box 100
Sacramento, CA 95812-0100

VIA: E-mail to commentletters@waterboards.ca.gov

RE: Comments to A-2209(a)-(e) – September 10, 2013, Board Meeting

Dear Ms. Townsend:

Monterey County Farm Bureau provided comments to the first draft of the proposed order to settle appeals to the Central Coast Regional Water Quality Control Board's Agricultural Order ("Ag Order"), adopted in March 2012. We provide these comments on the revised proposed order, as released on August 20, 2013.

We express concern that the revised proposed order does not improve the issues plaguing the original language of the Ag Order as adopted, and in some instances, creates a more onerous set of conditions for growers to comply with.

Provided here are concerns that we have with the new language as presented in the revision.

Section E, Containment Structures: the proposed change is to revert back to the original wording of the adopted Ag Order and continue the use of the word 'avoid' instead of the proposed change to 'minimize.' We renew our argument against the word 'avoid' as this will be interpreted to mean that all containment structures will need to be lined to prevent any percolation to groundwater in any instance. The use of 'avoid' becomes a strict line interpretation of how these structures must be managed for the benefit of on-farm use, and any percolation to the groundwater is considered suspect (and a potential liability). Instead of using the harsher 'avoid' and causing unintended requirements on containment structure construction, we support the proposed change to 'minimize' to allow continued recharge to aquifers where prudent. The Salinas Valley aquifer depends on annual recharge systems to maintain its current underground levels (including from containment structures), and to remove the possibility of any percolation from any containment structures will have serious unintended consequences to groundwater levels. Further, the natural effects of this type of percolation tend to filter out constituents from containment structure water that would not otherwise be possible if all water is contained in a lined structure. Growers cannot afford the risk of percolation when 'avoid' is used, and thus will need to spend a great deal of capital to line their containment structures. The unintended consequence of this use of 'avoid' will be diminished use of containment structures as an on-farm practice to manage either irrigation or stormwater runoff.

Section G, Groundwater Monitoring: revisions seek to allow ‘an interested person’ to call for a review of the Executive Officer’s decision when approving any new cooperative groundwater monitoring program. This is problematic as it will ultimately lead to all decisions by the Executive Officer being challenged and delaying implementation of these types of programs. We appreciate that any application for a cooperative program will be thoroughly vetted by Regional Board Staff as well as the Executive Officer; this proposed change initiates a challenge to every decision simply because there is always ‘an interested person’ who is dissatisfied with any decision. Further, there is no described mechanism in which this challenge would be executed or how it would be administratively handled. We see this as a cave-in to the forces that seek to oppose any cooperative program that will bind growers together for the purpose of improving water quality. The unintended consequence of this revision will be that growers will not propose any cooperative programs under this Ag Order simply because of the possibility of challenge to any program ultimately approved by the Executive Officer.

Section G, Groundwater Monitoring: the revisions include new language that any ‘secondary MCL’ detection above standard requires immediate reporting to the Regional Water Board and enumerates specific language that must be detailed in any notice to water uses. It is our understanding that secondary MCL detections are not considered public health risks, but rather are visual or odor variances from standard. This does not mean that the water cannot be consumed or utilized for household purposes, but rather the consumer may make a choice on how best to use the water for their purposes based on personal preferences. These instances occur regularly within municipal supply systems, as evidenced by the recent milky water found in the City of Soledad’s municipal supply, posing no real health risk and without the same requirement for notice to the public. We find that including secondary MCL exceedences in this requirement is a step towards overreach and will cause unnecessary reactions within the public sector when no real health risk is evident.

Section J, Provisions Addressing Nitrogen Application: Item 2 will modify the reporting requirement for farms to the ‘field of management block’ level for nitrogen use. This will prove to be a very difficult requirement to meet in the Salinas Valley due to our specific crops, rotational patterns, and quick turn over. This level of reporting requirement is far too granular to be effective when producing leafy greens and vegetable crops, and may prove to be far too many data points for growers to manage and report. For example, a grower who produces on 1,000 acres in the Salinas Valley may have crops on quarter acre blocks, achieving three full crops in an annual growing cycle. These blocks would rotate between leafy greens and vegetables throughout the cycle, yielding up to 12,000 individual blocks that are managed during any annual cycle. Recording specific instances of fertilizer applications may be difficult to manage from a practical standpoint, and will not yield any specific information other than total nitrogen applied; it will not take into account soil types, cropping patterns, water quality, weather conditions, or other variations in growing habits that may cause changes in nitrogen applications. We submit that farmers will be doing a lot of paperwork for no real apparent reason other than to provide a grand total of all nitrogen used in the Salinas Valley, information that is without any context of application; further, this will not provide any insight into surface water containment practices or groundwater quality as aquifers are not stagnant in position and contributions to groundwater through percolation are not as simple as what is applied on the ground. In the instance where a block is the same crop but fertilizer is not



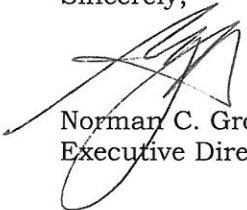
evenly applied, how will a grower determine and report his usage? How will this be managed when spring mix lettuce is produced (different varieties of lettuce on the same block, spaced in rows alternatively for mechanized harvesting purposes)? This is an inflexible method for managing nitrogen use and does not account for real world practices.

We support the arguments in the comment letter from Central Coast Groundwater Coalition related to well monitoring requirements; the additional burden of sampling each and every domestic well within a cooperative's regional area will add a substantial burden and cost to the program and not yield any improvement in the characterization of groundwater aquifers. The revised proposed order should not undermine the structure and viability of the cooperative program already in development, as approved by the Regional Water Board Executive Officer.

Monterey County Farm Bureau reiterates that many changes to the revised proposed order do not clarify or improve the language of the Ag Order; instead, we find that additional burdens on growers, particularly those with limited administrative resources, as well as infrastructure and practices, will yield farmers who are buried needlessly under reporting requirements that add little to the process necessary to adequately protect our water resources. Instead, funding for these additional reporting requirements could be directed at actual improvements in water quality and on-farm practices, including research into best management techniques that will actually make a difference in the future of our water supplies.

For this reason, we urge your careful reconsideration of the modifications proposed.

Sincerely,



Norman C. Groot
Executive Director