WPHA
Western Plant Health Association

May 21, 2012

Attn: Adam Laputz
Central Valley Regional Water Quality Control Board
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Ref: 'Waste discharge requirements general order for growers in the Eastern San Joaquin river watershed who are members of the third-party group.'

On behalf of the Western Plant Health Association (WPHA) I am writing to provide comments on the recently published rule-making order prepared by Central Valley Regional Water Quality Control Board's (CVRWB) **'Waste discharge requirements general order for growers in the eastern San Joaquin river watershed who are members of the third-party group.'** WPHA appreciates the opportunity to provide comments on the subject mentioned in the draft order. WPHA represents the interest of Crop Protection, and Fertilizer Manufacturers, Distributors, Agricultural Biotechnology providers, and Agricultural Retailers in California, Arizona and Hawaii.

WPHA appreciates the CVRWB's effort to provide descriptive, transparent, and science-based approaches in the development of regulations for irrigated agriculture in the Central Valley. We support the board's willingness to utilize Best Management Practices (BMPs) as a mechanism to address the long-term water quality issues in the Valley. However, WPHA is concerned that the CVRWB should not move forward unilaterally on several issues, as many of the strategies to address these issues are still under review process yet not complete or standardized by CVRWB.

The following major subject areas are still in process and not yet standardized by CVRWB:

- The Water Board is still working to develop the sediment quality criteria; its review of literature section was completed. It still needs clear definitions of media: soil, eroded soil, sediment, drainage canal sediment, fresh water river sediment, benthic sediments etc. Composition of sediment: organic matter content, clay, particle size, oxides and mineral composition and also their range in the sediment etc., also needs to be developed.

- The California Department of Pesticide Regulations (CDPR) is responsible for developing Pesticide Total Maximum Daily Loads (P-TMDLs). We believe that the CVRWB should consult with CDPR and utilize their scientific findings to establish any TMDLs.

- It is also necessary to develop threshold limits of different pesticide residues and metals in different sediments and ILRP-surface water. It appears the CVRWB wishes to use drinking water parameters and its threshold limit for sediment and irrigated land

regulatory program-surface water. It is our understanding that CDPR is assessing new low-risk pesticides and determining if triggers need to be implemented in relation to their use. We believe CVRWB should consult with CDPR and defer to CDPR's work on this issue. The freshwater and saltwater aquatic life criteria mentioned in 40 CFR131.38 has no criteria for irrigated land-surface water. The draft rule-making for the Irrigated Land Regulatory Program-surface water assessment is a new area of science and needs to involve different disciplined agencies. CVRWB, the California Department of Food and Agriculture (CDFA), and CDPR, should review this matter and form an advisory scientific panel to assess any need to revise the trigger limit for sediment and ILRP-surface water in accordance with applicable regulations.

- Some growers use recycled water that should be taken into account in this order. The cost of monitoring according to this draft order could put some growers out of business. CVRWB should impose attractive incentives or reimburse laboratory test cost of growers to minimize the loss recovery.

Groundwater quality in relation to nitrates is not impacted immediately after irrigation. Nitrates require extensive time periods to reach groundwater zones. CVRWB, CDFA and CDPR should provide and disseminate all existing data of groundwater to farmers and grower coalitions in Central Valley through outreach efforts according to contaminant levels. It is not scientifically justifiable that grower coalitions should monitor the groundwater immediately after irrigation. Coalitions may only need to monitor the trend of contaminants of low aquifer in every four- to five-year intervals. We understand that the CVRWB is looking to require some level of nitrate reporting for growers, particularly in highly impacted area. Again, WPHA appreciates the willingness of the CVRWB to consider the use of BMPs to mitigate nitrate impacts. We also agree with the CVRWB's effort to allow coalitions to design these reports to be workable for growers to utilize, while demonstrating to regulatory agencies the best effort a grower is making to address possible nitrate impacts.

The cost of monitoring surface and groundwater's for pesticides is an extremely expensive undertaking for grower coalitions. For surface waters, coalitions are already monitoring at a high level and CDPR also monitors surface waters for excedances. WPHA believes that the CVRWB should utilize the current program under way by coalitions and CDPR. For groundwater, CDPR has a successful monitoring program under way for pesticides. WPHA appreciates the water board's willingness to continue to utilize this program for pesticide groundwater monitoring.

WPHA thanks CVRWB for consideration of our comments and we look forward to continuing to work with the CVRWB staff. If you have any questions, please feel free to contact with me.

Yours Sincerely,

Dr. Afiqur Khan
Director of Environmental & Regulatory Affairs