

# San Joaquin County and Delta Water Quality Coalition

San Joaquin County Resource Conservation District  
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August 6, 2012

## *Via Electronic Mail*

Pamela Creedon, Executive Officer  
Adam Laputz  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
AWLaputz@waterboards.ca.gov

Re: Comments on East San Joaquin River Watershed proposed WDR

Dear Ms. Creedon and Mr. Laputz,

After reviewing the July 2012 draft of the East San Joaquin River proposed Waste Discharge Requirements General Order (Order), the San Joaquin County and Delta Water Quality Coalition (SJC & DWQC) continues to have several concerns about the Order. The SJC & DWQC is commenting on this Order due to the realization that it will be precedent setting and any orders to follow concerning agriculture waste discharge compliance by third parties will have similar requirements.

The SJC & DWQC hereby incorporates its prior comments of May 21, 2012, as most of the problems with the draft order raised in those comments have not been addressed. We also join in the comments submitted by the East San Joaquin Water Quality Coalition.

Our over-arching concern is that the Regional Board is exceeding its jurisdiction by establishing a WDR program that is designed to be a very expensive research project to determine if there is a current discharge from any particular farm that actually threatens water quality. We continue to urge the board to take a step back, look at the expense of the program it has outlined, and critically assess whether the expense is justified - will this immensely expensive paper-work exercise help improve water quality. We submit, that it will not. We also urge the board to adopt a WDR that is consistent with the scope of its jurisdiction. This order continues to exceed the board's jurisdiction by treating every farmer as a discharger without justification.

As with the other coalitions, we are very concerned about the cost and paperwork requirement required in the draft WDR and its extensive applicability. Annual Nitrogen Budgets, Farm Evaluations and Sediment and Erosion Control Plans will be burdensome and expensive. The plans and reports should only be required in areas with known threats, and even then, annually is overkill. Again, there is nothing in the proposed order to explain what will be done with the information. Further, because the template for these reports and plans is still unknown, the total costs of completing them are unable to be properly analyzed. Thus, the board cannot intelligently recommend that they be included in the WDR because the board is unable to evaluate whether the benefits of such a rule (which are also unspecified) are worth the cost of compliance. We urge the board to think about the limited resources of the coalitions and whether those resources are better spent on facilitating an enormous annual paperwork compilation and review, or on evaluating problem areas and methods to improve water quality.

We also question the need and purpose of the proposed required certifications. For example, the revised draft requires a licensed Civil Engineer to certify sediment control plans (See Section VII C) and work to modify ponds, basins, etc. (See Section IV B, Par. 16). This is really unnecessary and there is no reason given in the proposed order for why this is required. If certification is useful, the board should consider certification by a certified soil scientist under the American Society of Agronomy as well. We would ask that the board consider whether these plans could be based on a template created by the coalitions, with the assistance of the professionals listed, rather than created individually by the professionals for each member. This should accomplish the same result and be substantially less expensive.

The timelines for compliance in the proposed order remain unrealistic. All time lines should be extended by at least double the times proposed in order to meaningfully accomplish what is being asked in the proposed order. We also agree with the Eastern San Joaquin Water Quality Coalition, that its deadlines should not precede other regional groups so as to put them at a disadvantage.

In sum, we continue to believe that the proposed order exceeds the board's jurisdiction and will result in substantial burden and cost without any real or measurable improvement to water quality. We urge the Regional Board to reconsider the proposed Order consistent with these comments and aim to produce a program that can best use limited resources to improve water quality, rather than simply create mounds of paperwork and consultant fees.

Sincerely,



Mike Wackman  
San Joaquin County & Delta Water Quality Coalition