



# SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

January 17, 2014

VIA EMAIL TO Chris Jimmerson- [cjimmerson@waterboards.ca.gov](mailto:cjimmerson@waterboards.ca.gov)

**Attn: Chris Jimmerson**

Central Valley Regional Water Quality Control Board

11020 Sun Center Drive #200

Rancho Cordova, CA

95670

**RE: San Joaquin County and Delta Area WDR Comments**

Dear Mr. Jimmerson,

The San Joaquin Farm Bureau Federation (Farm Bureau) is a private, not for profit, volunteer organization that advocates on behalf of over 4,000 members in San Joaquin County. Agriculture is deeply woven into the fabric of the community and last year contributed over 2.8 billion dollars and many jobs to a recovering local economy. We have grave concerns regarding the draft waste discharge requirements order (WDR) set forth by the Central Valley Regional Water Quality Control Board (CVWB).

1. Duplicative Nitrogen Reporting

The draft WDR requires two types of nitrogen reports: (1) a plan and (2) a summary report. (Tentative Order, VII.D.,p.26). The requirement to generate both a nitrogen management plan and a summary is redundant. There is little information of any importance that could be gleaned from the management plan that would not also be included in the summary. The WDR should be revised to require only the summary as a more accurate representation of nitrogen application.

2. Nitrogen Plan Certification is Unnecessary and Unduly Expensive

The WDR requires growers to have a nitrogen plan certified. (Tentative Order, VII.D.1, p.27). Requiring that a grower not only create a nitrogen management plan, but that it must be certified as well is an expensive and time consuming requirement, that as explained above, serves no purpose that would be helpful in assessing risks to groundwater quality.

3. Self-Certification Requirements Should be Clarified.

The Farm Bureau appreciates the attention of the Board to the necessity of a self certification program. However, we are concerned that the only specific programs explicitly outlined in section VII-D-1 on page



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27 of the DWDR lack adequate resources to either offer certification for every plan or to offer enough educational trainings so that growers may certify their plans themselves. While there are other opportunities available, those are subject to the discretion of the executive officer. We recommend that

the WDR include objective curriculum for all required classes set so that other local agencies and companies may offer self certification classes as well.

#### 4. The WDR Should Not Require the RCD to Have an Enforcement Role

The Farm Bureau also has considerable apprehension regarding section IV-C-9, which requires the third party, as a part of membership list submittal, to turn in a list of names of noncompliant members. This is highly problematic for the Resource Conservation District (RCD) that serves as the third party coalition in San Joaquin County. The RCD board members are farmers, often neighboring the very people who could end up on such a list. They are not willing to act as agents of the Regional Board to assist with enforcement because (1) it causes tension in the community and (2) changes the image of the RCD from an agency that provides outreach and education to an agency that conducts enforcement. The information that is required in this section is information that could easily be obtained by CVWB staff looking over the list to compare membership from one year to the next. The implementation, oversight, and enforcement of the waste discharge requirements should remain the sole responsibility of the Regional Board.

The burden placed upon the third party by section IV-C-9 jeopardizes the existence of the third party group in San Joaquin County and that will have dire consequences for both the growers and for the Board. Historically, water quality has seen improvement through educational programs, rather than through regulatory action and the third party provides the education and outreach for the growers. To effectively dissolve this coalition that offers the educational aspect of such a program is not conducive to the mission of the CVWB and would not improve groundwater quality. Board staff should be exploring every opportunity to collaborate with the coalition for maximum program efficacy rather than risking that the RCD will no longer serve as the third party under the new WDR.

#### 5. Maintenance of Plans on Site

The Farm Bureau was very concerned about the requirement to maintain the farm management plan, the nitrogen management plan, the nitrogen summary, and the sediment control plan on site, subject to inspection by CVWB staff. For many farmers, the principle place of business is their family home. We appreciate CVWB consideration of this issue in IV-B-13, page 20, footnote 23 of the tentative order that specifically excludes private residences. . We would be opposed to any change or modification to this order that would permit such an invasion of privacy.



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6. The WDR Improperly Assumes Farmers are Guilty until Proven Innocent and Threaten the Health of the Agricultural Industry.

Farmers are, first and foremost, true stewards of environmental resources. The past two decades especially have seen major advancements to agricultural techniques that have improved water use efficiency and dramatically decreased runoff. However, drip and microdrip irrigation is very costly and the use of new irrigation technology is not a practical application for all crops. This regulation leaves growers who use flood or sprinkler irrigation vulnerable as "discharging to groundwater" is such a narrowly construed concept within the WDR.

Furthermore, the financial burden this places on growers leaves the most productive industry in the San Joaquin and Delta area in imminent danger of losing valuable acres due to the costs associated with complying with the WDR. The direct expenses of compliance such as paying for nitrogen management plan certification and increased coalition fees and indirect expenses such as altering irrigation techniques will undoubtedly lead to losses of family farms that our tenuous local economy simply cannot bear.

We appreciate the opportunity to comment on this program as it is one of the largest regulations on agriculture in many years in both scope and expense to growers. We hope to continue to be engaged in this process so that we may continue to educate the Board and staff of the major evolution in the agricultural industry that has led to technology and management practices that also serve the purpose of natural resource protection.

Sincerely,

A handwritten signature in blue ink that reads "Jack Hamm". The signature is fluid and cursive.

Jack Hamm

President, San Joaquin Farm Bureau Federation