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September 17, 2009

Via Email

Alaputz@waterboards.ca.gov

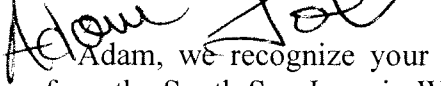
Jkarkoski@waterboards.ca.gov

Adam Laputz

Joe Karkoski

Re: South San Joaquin Water Quality
Conditions Response to draft CEQA Alternatives

Dear Adam and Joe:


Adam, we recognize your short turn around for comments on your draft CEQA Alternatives, therefore, the South San Joaquin Water Quality Condition submits these initial comments. However, we also support the comments soon to be filed by the broader agricultural coalition.

General Observations

1. We believe that the Alternatives which has been advanced are sufficiently broad and the alternatives are adequately clear and complete.
2. We accept the most recently circulated draft program goals which contain recent amendments believed to capture all reasonable comments which parties have advanced.
3. We believe it is improper to insert into each Alternative a basin plan prohibition as to all agricultural discharges. This is extreme, has not yet been vetted, is unnecessary, and inappropriate. Further, it will require the CEQA analysis to fully evaluate the consequences of the possibility of no irrigated agriculture throughout the Region. The Board has plenty of enforcement authority and should not advance such an extreme provision merely to short-cut the administrative procedures to properly enforce the Porter Cologne provisions of the California Water Code (CWC). Lastly, it is completely inconsistent with the stated goals of the program.

As has been discussed at each of our meetings the CWC generally requires an economic evaluation of proposed programs as does CEQA on each Alternative. Moreover, CWC § 13141, specifically compels programs involving agriculture to be evaluated from an economic and financing perspective.

Discussion of Preferred Alternatives

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Alternative 1

The “No change alternative” is wrongly labeled. In the absence of action, because the waiver is time limited, the waiver would terminate and there would be no such regulatory program whatsoever.

Alternative 2

This is the only alternative that builds on the last 6 years of the regulatory waiver, maintains the coalitions, results in nearly total participation of all the regions irrigated lands and therefore furthers protection of the regions water quality.

It expands on the existing surface water program by implementing a low risk option which responds to low risk areas and mountain county concerns.

As to groundwater it creates a new program of creative groundwater quality management plans so as to respond to areas showing groundwater problems. It is also the only alternative that harmonizes with local approved groundwater quality programs, which have been statutorily created.

This Alternative will be a very effective means by which the Regional Board can continue to implement this irrigated lands program per the Porter Cologne provisions of the Water Code. This program is already unique across the nation in regulating non-point agricultural discharge. Moreover, for the first time ever, it will effectively commence a region-wide regulatory program to deal with ground water quality.

Alternatives 3, 4 and 5

These 3 Alternatives will not be separately addressed as each would wholly abandon the existing successful regulatory waiver program, would eliminate the exemplary water quality coalitions, demand all 25-35,000 landowners/operators to individually file extensive farm management plans and other documents directly with the Regional Board which, at best, over several years will have only a limited percent of landowner participation necessitating thousands of individual adversarial enforcement actions. The proposals also would force farmers to sacrifice their core private property right by categorically surrendering to limitless access by regulators.

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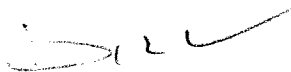
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Further, these programs would each be less effective to improve water quality, and would be extraordinary costly. Therefore, we will not be critiquing each of these components at this time.

Sincerely,



William J. Thomas
South San Joaquin Water Quality Coalition

WJT:mm