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Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
Via email: commentletters@waterboards.ca.gov

RE: COMMENTS TO A-2239(a)-(c), 2ND DRAFT ORDER, EAST SAN JOAQUIN WATER QUALITY COALITION, GENERAL WASTE DISCHARGE REQUIREMENTS

Dear SWRCB Members,

I attended the recent public workshop on Monday, November 27th in Clovis and encouraged the Water Board's staff and the one Board member present, to work with growers and grower representative groups in establishing The Order. Growers need to be on board with the draft and subsequent orders to give the ILRP any chance of achieving its perceived benefits, and that can only be achieved if we establish some common ground, if all parties are honest (at least more often than not) and growers are offered incentives for our role in the mitigation of nitrogen levels in our groundwater.

We can all agree that we have nitrogen in our groundwater, easily substantiated by water sample analysis (Arsenic, Barium, Cyanide and Mercury are but a few other elements also naturally occurring in our groundwater). Trying to establish where it came from, when it got there and identifying the villains, are not only speculation at best but it serves no purpose in addressing the concern. The vast majority of nitrogen fixation are done by microorganisms, lightning contributes 5% – 8% of the earth's nitrogen fixation (yes, the occasional thunderstorms in our pristine National Parks are great depositors of nitrogen in our groundwater) and I would suspect that San Joaquin Valley growers' application of nitrogen, as part of a sound crop nutritional program, is insignificant when compared to the earth's natural nitrogen fixation (if a fisherman throws a pinch of salt in the ocean for good luck, does he cause an increase in the ocean's salt levels?).

Growers can however play an important role in addressing this concern, provided that all of us (growers, regulators, environmentalists, sport fishermen etc.) work together amicably. Growers can play a crucial role in providing realistic data that will contribute to establishing realistic trends, hopefully easing some of the concerns, provided we are not continually portrayed as the culprit. We use groundwater for irrigation, the same groundwater that contains nitrogen. Most of us as farmers account for that nitrogen in our crop nutritional programs and reduce synthetic nitrogen inputs based on the nitrogen in our groundwater (we do not get nitrogen fertilizer for free by the way). If the Water Board has the ability to generate a calculated guess/opinion that nitrogen levels in groundwater are attributable to farmers, be it "legacy" or not, then the Board certainly has the ability to generate a calculated guess of how many millions of pounds of nitrogen are removed from our groundwater, by growers using this water for irrigation. A press release by the SWRCB on the positive impact of farmers' use of groundwater and the resulting reduction of nitrogen contamination in our aquifers, will go a long way in establishing an amicable, viable and workable relationship between the parties.

The Sustainable Groundwater Management Act came to life, in part, based on the understanding that our groundwater supplies are finite, an understanding that most farmers agree with. SGMA's implementation, burdens, language and threat is a whole other subject, but it is all based on our limited supply of groundwater. If we agree that we are in a state of overdraft, then at least we are removing the bulk of the nitrogen contaminants, aren't we? For illustrative purpose, if the water in a storage tank (groundwater) is dyed red (nitrogen), and we slowly syphon water out of the tank (Ag wells) while adding clear/clearer water into the storage tank (recharge), the red hue of the water will subside over time, wouldn't it? Let us at least consider, and occasionally mention, the positive impacts farmers have on the environment and the community. *“Pump-and-fertilize” and improved groundwater recharge* are *“less-costly long-term”* remediation alternatives noted in the Harter Report. Both these alternatives were implemented by farmers and irrigation districts long before the ILRP and SGMA came to exist.

At the aforementioned workshop, a gentleman stood up and made some comments a couple of times. If memory serves me right, he farms about 30 acres of short term, specialty row crops. I surmised that he is of Southeast Asian descent, likely an immigrant. It was apparent that English is not his first language and he was clearly outside of his comfort zone, talking in a public setting. I am stepping into sensitive territory here, I know, but in my mind he was the quintessential representation of so many minority distinctions, and also a small, sustenance farmer, fitting so many of the endearing distinctions that all of us, Democrats, Republicans, environmentalists, farmers, celebrities, CEO's, everybody, claim to want to protect and empower. Sure, he grows crops and sells those crops, technically making him a Commercial Farmer, but I will bet he is not getting rich on 30 acres (unless he grows Cannabis of course, yet another controversial subject). I was appalled when I realized that he felt it important enough to his livelihood, his future here in California, to step completely out of his comfort zone and explain the hardships, and the fear, the ILRP (amongst other 'programs' and 'acts') are imposing on him and his ability to make an honest living. The scene was akin to a setting in medieval times where a mere peasant is begging for mercy from the mighty emperor, for no crime other than being a small farmer. Seeing it in that light is disgusting, and extremely saddening. At long last California, have you no shame? I regret not introducing myself to him and sharing the tremendous respect he gained from me (and if you sir, happen to read this letter at some point, your knowledge of farming was apparent in your comments and your grasp of the English language is wonderful, I loved it!)

The list of mistakes made by previous generations is an extensive one. It is also a divisive list, to which we, as the current generation, are adding. I cannot help but get the sense that those on the opposite side of this issue than myself, are not only looking for a solution to the nitrogen in our groundwater concern, but also seeking retribution for mistakes made by generations past. All while relishing in our attempt to rationalize, disregarding the input from water quality coalitions, expert panels and farmers, watching us tax ourselves with coalition dues and additional overhead and then freely handing private information, that we collected, over to those that will undoubtedly use it against us. The Funding section under the Promising Solutions chapter in the Harter Report includes increasing the Mill Fee, establishing Local Compensation Agreements (also referred to as "liability districts"), Fertilizer Excise Fee and a Water Use Fee. This Funding section is also described as the "most critical" recommendation in the September 14, 2016 Letter to 27 Growers. One can make a cogent argument that those actions could be classified as retribution, as they will have no impact on the nitrogen levels in our groundwater tomorrow, 100 years, 500 years, or even 1000 years from now.

Farmers have proven, time after time, that we can address and overcome problems and concerns, be it perceived, legitimate, regulatory, public perception, to name a few. As cliché as it may be, growers are stewards of the environment in which we farm. We take pride in our ability to sustainably provide food that are safe and healthy to all consumers, including your families and ours. I certainly don't expect my comments to bring about a new dawn in this matter. I can only hope that with input from others, more qualified than myself, and with just a moment of pushing prerogatives aside and honestly considering facts, that we will enable a different direction than the one the ILRP is currently headed. We should at least be able to agree that nitrogen in groundwater is a very complex issue, culminated over several decades, if not centuries, and that many of the opinions on both sides are based on conclusions reached using insufficient data and interpretations that would generally not be accepted in basic scientific research. That in and by itself indicates that more time for data accumulation and interpretation by qualified individuals is needed in order for us, as Citizens of the State, to make decisions that are in the best interests of all its inhabitants.

You, Members of the Board, are the tailors, working diligently on the emperors' prized garment. If we are all completely honest with each other, something good may very well come out of these orders. Further "human caused contamination" of groundwater by nitrogen could be reduced, passionate opinions on all sides of the issue could be tempered by realism, facts and common ground, and an effective, healthy and mutually productive working relationship between the parties may come to exist. Otherwise, the time will come when someone of lesser stature, lesser credentials and void of any authority, but for the right to cast their vote, will accurately proclaim that the emperor has no clothes. At present, the fabric you are tailoring, are visible only through the lenses of ideology, borne by a select few.

The State Water Resources Control Board has an extremely important role to play in our State's natural resources. It would be difficult to come up with a more noble cause than providing readily available, safe drinking water to the People. Farmers want to be a key player in that same cause, after all, we make a living by providing readily available, safe food to the People. We have a common goal. Can we at least be civil in achieving that goal?

*"The health of our waters is the principal measure of how we live on the land."
- Luna Leopold*

Sincerely,

Henk Griffin
San Joaquin Valley Farmer