

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

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GRASSLAND DRAINAGE AREA COALITION

December 22, 2017

Michael A.M. Lauffer
Chief Counsel
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100
Via email: commentletters@waterbords.ca.gov

Subject: Comments to A-2239(a)-(c)

Dear General Counsel Lauffer:

On behalf of the Steering Committee of the Grassland Basin Drainage Management Activity Agreement ("GBD Steering Committee") we would like to offer the following comments on the above action.

The GBD Steering Committee is the third party group under Regional Water Quality Control Board Order R5-2015-0095 and as such it is directly affected by precedential rulings contained in the proposed order for the Eastern San Joaquin River Watershed Agricultural Order ("Proposed Eastside Order"), as are the Members within our Coalition.

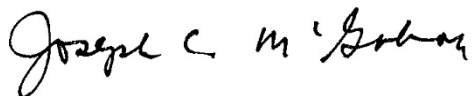
It is critical that the State Water Resources Control Board ("SWRCB") make clear that describing the Proposed Eastside Order as "precedential" does not strip the Regional Boards from essential discretion in crafting orders for different watershed coalitions. A most-restrictive, one-size fits all approach will result in an excessively burdensome regulatory program that will swallow resources that should be targeted toward the actual issues within a particular coalition. The GBD Steering Committee has worked for many years and focused substantial resources improving water quality. However, the challenges of implementing the relatively new groundwater program are significant. Growers within our coalition should not be burdened with significant new requirements designed to address water quality issues that do not exist in our area, that prohibit tailoring of regulations related to naturally occurring local conditions, or that eliminate compliance tools being developed through other programs, such as CV Salts.

Vulnerability distinctions should be maintained. Vulnerability distinctions allow growers, the coalition, and the Regional Board to focus on important water quality issues in their area. Elimination of vulnerability distinctions dilutes efforts to address water quality problems. The GBD Steering Committee has spent hundreds of thousands of dollars complying with an order requiring the determination of vulnerability classifications. Growers have been informed of these determinations. Eliminating meaningful vulnerability distinctions will frustrate education investments and make farmers believe there is no fairness or orderliness to the ILRP program. The current order allows the Regional Board to modify lower vulnerability area requirements later as necessary. The SWRCB should maintain the current high and low vulnerability designations and allow coalitions and farmers to focus resources on addressing actual water quality issues.

Although the draft order acknowledges the complex nature of addressing non-point source agricultural discharges, it is critical that this overarching reality be clearly integrated into the ILRP through the final Eastside Order. It will be easy for the public to expect and the Board to fall back on familiar point source regulatory thinking to address how existing policies fit into this innovative program. To implement the non-point source approach, groundwater quality impacts should not be evaluated on a field by field basis but instead should be evaluated on a landscape level. Further, agricultural discharges to groundwater can benefit recharge and resulting groundwater levels and therefore should not always be discouraged. The impacts of such discharges should be evaluated on a more holistic, regional level than more traditional point source regulatory approach provides, and we urge the Board to clarify that the final Eastside Order embodies that approach.

The GBD Steering Committee appreciates the SWRCB's consideration of the above comments on the Proposed Eastside Order and groundwater quality regulations. In addition to these overarching comments we join in the specific comments submitted by The Westside San Joaquin Watershed Coalition and the Eastside San Joaquin Water Quality Coalition.

Very truly yours,

A handwritten signature in black ink that reads "Joseph C. McGahan". The signature is written in a cursive, flowing style.

Joseph C. McGahan
Drainage Coordinator
Grasslands Drainage Area Coalition