

SAN JOAQUIN VALLEY DRAINAGE AUTHORITY

P O Box 2157 Los Banos, CA 93635
209 826 9696 Phone 209 826 9698 Fax



WESTSIDE SAN JOAQUIN RIVER WATERSHED 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 Westside San Joaquin River Watershed Coalition ("WWC") we would like to offer the following comments on the above action.

The Westside San Joaquin River Watershed Coalition ("WWC") is the third party group under Regional Water Quality Control Board Order R5-2014-0002 and as such 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.

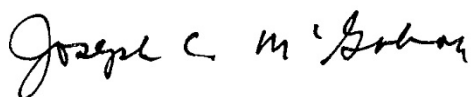
It is critical for the WWC that the State Water Resources Control Board ("SWRCB") make clear that describing the Proposed Eastside Order as "precedential" does not strip the Regional Boards from essential discretion in crafting orders for different watershed coalitions. A most-restrictive, one-size fits 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. For example, C-V Salts has undertaken various initiatives to address very difficult water quality challenges in ways that protect drinking water users and maintain viable agriculture. The Eastside Order should not make such tools unavailable or unavailing by mandating requirements regardless of local conditions. Provisions in this order should focus only on protecting beneficial uses that exist within the particular watershed.

We urge that vulnerability distinctions under the current order be maintained in the final Eastside Order. 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, frustrates educational and planning investments already made and undermines farmers' confidence that the ILRP program is logical and goal-oriented. For example, the WWC has spent hundreds of thousands of dollars complying with an order requiring the determination of vulnerability classifications. Growers have been informed of these determinations and have embraced the approach. The WWC has also shown the approach to be effective because it has been successful at addressing surface water quality issues with an approach that is similar to the high/low vulnerability concept, through its focused surface water quality management plans. The current order allows the Regional Board to modify lower vulnerability area requirements later as necessary, and that approach can continue to address future needs, but the current high and low vulnerability designations should remain as regulatory approaches in the final Eastside Order.

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 WWC 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 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, slightly slanted style.

Joseph C. McGahan
Watershed Coordinator
Westside San Joaquin River Watershed Coalition