

4-22-16

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Clerk of the Board
State Water Quality Control Board
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Email: commentletters@waterboards.ca.gov subject line: "Comments to A-2239(a)-(c)"

Re: Opposition to proposed Order for E. San Joaquin which would affect all water quality coalitions in CA

The Placer-Nevada-south Sutter-north Sacramento (PNSSNS) Subwatershed group has been in existence since 2003 as a result of the removal of the exemption for irrigated agriculture. PNSSNS is a subwatershed group as part of the Sacramento Valley Water Quality Coalition. Irrigated agriculture within this largely foothill watershed consists of only 2.6% of the land use. The PNSSNS membership consists of 510 members with over 50% having ten acres or less.

Farming in the foothills and fringes of the Sacramento Valley have low intensity farming, cover crops on slopes year round, minimal to no pesticide use, at least two management practices implemented by each grower and for 12 years have had excellent water quality results from thousands of required testing. Much of the Irrigation practices use small quantities of water and typically via drip or micro-jet irrigation resulting in no run-off.

There is absolutely no need to increase any further reporting, certify all plans, increase monitoring sites, increase regulations, test private wells, release private information, etc. Both the State Water Board and Central Valley Regional Water Board need to recognize and designate "low threat subwatersheds" based on all the scientific data we have to support our position. PNSSNS applied for a Reduced Monitoring/ Management Practices Verification Plan as allowed through the current Order R5-2014-030. This Plan recognizes low threat/ low vulnerability subwatersheds that have demonstrated good water quality results, the predominance of low intensity agriculture and minimal pesticide use and no reported toxicities. There are too many, costly regulations based on assumptions rather than the data we have provided the regulators for over 12 years. There is a complete disregard to the differences in farming practices, the types of crops, low intensity farming, minimal to no pesticide use, soil types, fractured rock groundwater system, efficient irrigation practices and all the dollars invested implementing good management practices already in place.

Farmers and livestock producers have a long history of improving management practices as education and outreach is available especially the good scientific work presented by our academic institutions, UC Cooperative Extension, USDA NRCS, County Agricultural Commissioners and the Resource Conservation Districts as well as using a multitude of private technical consultants. This has been in place for years yet, the regulators think using a "big stick" and threatening people with costly regulations will "fix" whatever the regulators think is wrong. We have proven over and over about all the good farming practices in place and how proud the members are of their efficiencies and conservation efforts, while producing healthy food for communities including schools.

The Economic Analysis Report by both the State Water Board and the Central Valley Regional waterboard is extremely flawed and does not represent the high cost already paid by farmers, let alone

the increased costs proposed by this new Waste Discharge Order. The costs of certifying plans, reporting, testing private wells, paying for additional surface water monitoring sites, analysis and reporting increase the cost to EACH small grower by a approximately \$4,000-5,000/ yr for small acreage. The State Water Board's Fact Sheet says, **"We find that the additional costs and burden associated with these revisions are not substantial"**. The waterboards have complete disregard to the costs and financial burden placed on growers especially those with small acreage and/ or in economically disadvantaged communities which are already burdened with low income challenges.

The PNSSNS subwatershed has collected over one million dollars paid by our local farmers and ranchers and we continue to be heavily regulated from this costly government program. The water quality has always been good and farming practices have shown to improve with education over time anyway. Agriculture now has the data to prove what they are doing is generally safe to the environment and in many cases beneficial to the environment! Where is the cost/ benefit ratio and the economic analysis representing the per grower cost, especially paid by the small growers?

It is estimated that these new requirements would **cost each grower, on average approx. \$4,000 - 10,000 to comply** regardless of the low threat and data generated to date. The following is list of some of the current and proposed requirements each grower would have to comply with:

- Growers pay membership fees and a per acreage fee that go to the State Water Board already of which the State Water Board had one million dollars in excess of the growers money last year, and did not reduce the cost to growers. These costs increased 375 % since 2003.
- Certify irrigation plans annually, estimate avg. cost \$1,000
- Certify nitrogen management plans annually, avg. estimate \$1,000
- Certify Sediment and Erosion Control Plans, avg. estimate \$5,000 (\$1-10,000/ grower)
- Submit annual Farm Evaluation Plans per parcel and have private information made public
- Attend at least one annual Education and Outreach plus travel times and costs from rural locations for a centralized meeting
- Increased monitoring sites means a substantial cost shared by each grower (\$35,000 plus analysis and reporting costs= \$50, 000 approx. for an additional site/ year)
- Cost for testing your private well, minimum of two water samples, analyzed and reported, depending on scope of test, SWB est. \$400
- Pay staff or increase your time to report and coordinate all requirements monthly, seasonally and annually

- Increased reporting costs growers pay subwatersheds to work with local farmers and ranchers, develop databases to track and report information,
- develop and disseminate Annual or Monthly Newsletters and coordinate information and meetings, coordinate Education and Outreach workshops, attend regulatory and Sac Valley Coalition meetings to report information back to growers, represent growers to Sac Valley and the waterboards, etc.
- Increased reporting costs with Sac Valley W.Q. Coalition as this entity then coordinates information for 13 subwatersheds to the waterboards and represents the Sacramento Valley and surrounding areas. The SVWQ Coalition coordinates regional reports, hires and coordinates water quality monitoring, analysis and reporting, hires subcontractors/ scientists and develops other major reports on groundwater, water quality trends, management practices effectiveness reporting among just a few that cost approximately \$500,000 to over \$1,000,000 dollars each.
- Waterboard's estimate suggests the need to hire 90 new positions for the new requirements, which in turn would dramatically increase the cost on a per grower basis through acreage fees

There are many sections of the CA Water Code which concern and protect the economic impact to a person/ entity. For instance, CA Water Code section 13267 states that “[t]he burden, including costs, of [monitoring and reporting] shall bear **a reasonable relationship to the need** for the report and the benefits to be obtained from the reports.” The proposed regulations and none of the three alternatives show a reasonable need nor a clear relationship of the need. PNSSNS is a low threat subwatershed group. This needs to be addressed appropriately for small growers or livestock producers, low intensity agriculture, producers with irrigated pasture and especially in the foothills of the Sierra Nevada?

We are challenging the State Water Board to explain all the high costs associated with the implementation and reporting of the proposed Waste Discharge Order and the need to address the small acreage and/or low intensity farmer/ producer. To date, members from these subwatershed groups have paid millions of dollars and have thus far paid to support a government program without a need, and now we have the data to prove it. There should be a cost/benefit ratio analysis performed!

Once again, the public is crying out with the message that a “one size fits all” regulation is without merit, costly, cumbersome and without meeting goals other than to regulate. All of this dis-incentivizes people for the good work they are so proud of- AGRICULTURE. We sincerely hope you record our comments and provide your full consideration.

Sincerely,

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