



June 1, 2016

Jeanine Townsend
Clerk to the Board
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Sacramento, CA 95814
commentletters@waterboards.ca.gov

Re: Proposed Order Reviewing the Central Valley Regional Water Quality Control Board Order No. R5-2012-0116 for the East San Joaquin River Watershed.

Dear Chair Marcus and Members of the Board:

Western Growers Association appreciates the opportunity to comment on the Proposed Order reviewing the Waste Discharge Requirement (WDR) for the East San Joaquin Water Quality Coalition.

Our members are family farmers within California, Arizona and Colorado who supply people with the best medicine in the world - fresh produce. Our members grow fruit, vegetables, and tree nuts that are essential to a healthy life. Despite all of the challenges growers face, ranging from intolerant government regulations and labor shortages to immigration issues and food safety standards, our industry will always be vitally important in people's everyday lives, as we strive to ensure a safe and secure supply of nutritious food for our nation and the world.

We encourage you to not view this proposed order in isolation. California saddles its farmers with the highest regulatory costs and compliance burdens in the nation. Below is a painfully partial list:

- ✓ Electricity costs for industrial users that are 63.4% higher than the national average.
- ✓ Gasoline costs nearly one-third higher than the national average.
- ✓ Diesel costs 14% higher than the national average.
- ✓ The highest workers' compensation premium rates in the nation.
- ✓ California-only restrictions on use of approved crop protection tools that increase the risk of crop loss due to pests and disease.

- ✓ Water supply costs driven by regulatory loss of surface water supplies, forcing farmers to drill new and deeper wells, pay more for energy to pump, and scramble to purchase expensive water (if it can be found and conveyed) from others.
- ✓ Higher labor costs than other states.

Western Growers members are concerned with several proposed changes to the East San Joaquin Water Quality Coalition WDR. The current WDR resulted from many assiduous meetings, workshops and analysis and is a program growers are not able to comply with effortlessly or without difficulty and much cost. Further, we believe there are enough significant changes in the proposed order that a new economic analysis should be considered prior to adoption.

The Proposed Order:

- assumes adoption by each region without regard for the diverse characteristics in each watershed. Although a statewide agricultural order may seem appropriate from a regulatory perspective, requiring extensive surface and groundwater monitoring, field level reporting, certified farm plans, research/analysis, etc. by each grower in every region would be extremely burdensome and excessive. Each region should have flexibility in adopting regulations based on actual conditions.
- requires growers to report detailed field level data to the Third Party Group and then acting as a “pass-through”, the Third Party Group would then report it to the Regional Water Board instead of aggregating the information on a township basis. This requirement would not only increase costs sharply, it would essentially dissolve Third Party Groups as growers would have little incentive to join. Confidentiality and trust are the foundation for the marked improvement in surface water quality the current program has produced over the past 10 years. Adopting the proposed order with regard to field level reporting will erode current efforts and hamper improvements in groundwater quality. We are additionally concerned that numerous lawsuits will result in the disclosure of this information to the public.
- does not take into consideration the timelines of the Sustainable Groundwater Management Act. Growers are actively involved in developing Groundwater Sustainable Agencies and Groundwater Sustainable Plans. These agencies will require landowners to pay fees in order to implement the Act. Monitoring should be coordinated and results shared between the two programs so growers are not paying twice for essentially the same types of data.
- would require Third Party Group members to sample all domestic wells and report to the occupants if the well water exceeds the drinking water standard for nitrates. Testing drinking water wells and providing notification of well results should be a landowner/tenant responsibility and should not be included as a

requirement in an irrigated lands program. This requirement should be the responsibility of local government and the Division of Drinking Water.

- requires growers and coalitions to conduct expensive research and analysis in order to correctly calculate and report nitrogen applied/removed. Since there are over 400 crops grown in California and little information is known to date for most of these crops, we view this proposal as an unrealistic task. Growers are keenly aware of the need to manage nitrates carefully and have worked on improved management for years and as a result farming techniques and practices have changed considerably, as new products, methods and irrigation technology have allowed farmers to apply fertilizer more precisely than ever before.

In the interest of brevity, Western Growers additionally supports the comments made by the East San Joaquin Water Quality Coalition. Thank you for your consideration of our concerns. If you have any questions, please do not hesitate to contact me at gdelihant@wga.com or 916-284-4734.

Sincerely,

A handwritten signature in cursive script that reads "Gail Delihant".

Gail Delihant
Director, CA Government Affairs