

Date: May 16, 2016  
To: State Water Resources Control Board  
From: Vernetta P. Marsh,  
1205 Gazelle Place  
Davis, CA 95616  
Re: Proposed Order Revising the Eastern San Joaquin Agricultural General Waste Discharge Requirements as precedential, to be applicable statewide—"Nitrogen Management Plan", renamed "Irrigation and Nitrogen Management Plan".



To me and to my family as farmers and farmland owners, this proposal has a direct effect. I attended the workshop in Sacramento on May 4<sup>th</sup> and read through the available information. I have several concerns regarding the proposed order.

As proposed currently, the revised order goes much further than that recommended by the Nitrogen Tracking Task Force and Agricultural Expert Panel.

A major concern is the proposal to make the data obtained from all the Farm Evaluation data and the Irrigation and Nitrogen Management Plan data available to the general public. This opens a genuine concern for the safety from harassment, vandalism and genuine harm to the farm operator and landowner. This could involve property, equipment, crops and personal harm. It is well known that those who do not understand farming, farm practices, all the rules and regulations under which farm operators and farm owners operate, all the information that must be provided to the Agricultural Commissioner of the County, FSA, our lenders, government agencies and more, have created havoc through "organized" anti-whatever activities. We do understand that electronic filing of reports and forms, etc. are now a matter of routine; however, typographical errors, either on the part of the reporting entity or on the part of the receiving entity (either of which can easily happen) on reports available to the public, especially anyone looking for an excuse to attack the farmer or farm operator, can trigger an unexpected adverse action. The concern for confidentiality of data was expressed at the workshop in Sacramento. The concern is how the submitted data will be protected. We urge you to take this concern very seriously.

The additional burden on farm operations is the requirement to monitor all drinking water supply wells, including landowner or tenant wells. This is an unreasonable requirement because of location or accessibility to the wells. A "typical cost" has been noted in the proposed order; however multiple wells will multiply that cost with the inevitability that required testing will be used to justify increased cost of the testing which must be done by a certified lab.

Overall, we are concerned with the amount of monitoring, reporting, the need to utilize "experts" or certified testers, labs, assessments for members in coalitions all add to cost increases for a farming

operation. When all operations, even low vulnerability are included in the requirement, it does become a burden. The application of this proposal with its most strict regulations to all farming operations/irrigated fields is a “one size fits all” situation. It will be punitive to those whose irrigated fields are at low vulnerability. It also does not recognize the many differences, including the watersheds, in the various regions of the state. There is a need to use a common sense approach, recognize the need for flexibility and the recommendations of the Nitrogen Tracking Task Force and Agricultural Expert Panel. Going far beyond those points with the vast expansion of mandates is an over-reach.

All costs of a coalition must be borne by its members who will also have higher costs as a direct result of the expanded regulations. Ultimately, at the end of the day, if it costs more to operate the farm land than the income received, that farmer or farm operator is out of business. The economic impact of onerous, complex rules and regulations, no matter how imposed, must be considered in the context of the entire picture of compliance. In the revised order, all operations, whether in a coalition or not, whether a high-vulnerability operation or not will be required to meet the same regulatory requirements, creating additional economic, time consuming and regulatory burden on those who are not in high vulnerability and for those who choose to be part of a coalition, with the express purpose of being better able to meet the requirements and reporting, especially if a vulnerable operation. The acreage ranges set to determine categories of size of operation are questionable.

Not only will individual operations’ costs rise exponentially, the cost of a coalition will also increase exponentially due to the expanded reporting requirements. The requirement that coalitions must report the individual data, not an aggregate level as previously done, to the Regional Water Quality Control Board, which makes the data available to the general public. Again, that brings the issue of security of the data to the level of extreme concern.

To quickly summarize, one overall concern is the lack of flexibility and recognition by the Water Board of the differences in the regions and areas of the state regarding watersheds, soils and other elements affecting agriculture. Simply put, “one size does not fit all”. The other concern is the expansion of reporting requirements and the expectations of added “duties to coalitions and farms. Another concern is the security of data from individual operations that could be accessed by the general public. Changing aggregate data to specific identifiable data source jeopardizes security. Another concern is the inevitable increase in costs for the farm operation.

We all want our water to be high quality and we are willing to work toward that end; however, if rules regulations, monitoring and reporting are made so over-reaching, costly in time and monetary demands and jeopardizing to the operation, the will to comply drastically decreases. Then facing the farm operation are the enormous destructive penalties.

I urge the Board to remember that common sense and the acknowledgement that at the end of the day, if the farm operation does not make money, it is out of business, its employees lose their jobs and the multiplier effect occurs.

There are multiple other concerns about the proposed order and the expected compliance, but to keep this letter short, I am focusing on urging the Water Board to re-look at this order and consider the entire order as it relates to agricultural businesses and economy of the State, the various differences in the regions and addressing the issues on a regional plan, rather than the state mandating the regions adopt state-wide plan.

Thank you for having the workshops and for accepting this letter.

Vernette P. Marsh