



May 21, 2014

Jeanine Townsend
Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov



Re: Proposed Approval of an Amendment to the Water Quality Control Plan for the Central Coast Basin to Establish Total Maximum Daily Loads (TMDLs) for Toxicity and Pesticides in the Santa Maria River Watershed in Santa Barbara, San Luis Obispo, and Ventura Counties, California

Dear Ms. Townsend:

We appreciate the opportunity to review and comment on the referenced Basin Plan Amendment. We believe that the Santa Maria Pesticide TMDL warrants careful consideration and review by the State Water Resources Control Board (State Board). **We have actively participated in the TMDL public outreach process and believe that the responses to our ongoing concerns have been inadequate.**

We request that the State Board remand the TMDL back to the Regional Board with direction to address the inadequacies and contradictions in the TMDL.

We have standing concerns about the lack of reasonably foreseeable methods of compliance, technical project report inadequacies, numeric targets and timelines, and Statement of Overriding Concern.

No Reasonably Foreseeable Methods of Compliance

Our main concern is that we do **not** agree that there is a reasonably foreseeable method of compliance for the targets or that the implementation process described in the TMDL that may reasonably control the constituents using the best available technology at this time.

Growers in this region have already implemented feasible agronomic methods in their farming practices. Unless unexpected new BMPs emerge in the near future, the likelihood that growers will be able to reduce pesticide or toxicity levels to meet the unreasonable TMDL targets is questionable.

Unintended consequences. With many of these purported methods, there will most certainly be negative, unintended consequences. For example, by discontinuing the use of chlorpyrifos, pest pressures, such as maggots, increase and farmers are likely applying more irrigation water and fertilizer to try to keep the struggling plants alive. Additionally, farmers may rely on pesticides that are less effective, which increases the number of required applications and may create a combined effect that has a greater environmental impact than a single, effective application.

Concern with Numeric Targets and Timelines

We **strongly** contest the aquatic toxicity numeric targets and find that they are ambiguous as written. We do not agree that there are reasonable controls to achieve these targets.

We oppose the unachievable organochlorine target date. Compliance methods are limited or nonexistent, particularly for organochlorines currently in aquatic sediment. The Technical Project Report (page 11) indicates the half-life of DDT is 150 years in an aquatic environment. As such, proposing a target date of 30 years is misleading and chemically impossible to achieve.

Furthermore, the Pesticide Management and Organochlorine Implementation Plans would be duplicative, have limited usefulness, and would not benefit water quality. We ask that these requirements are reworked to fit within the framework of the Farm Plans and existing cooperative monitoring developed to comply with the Ag Order.

Technical Project Report Inadequacies

The Technical Project Report includes the following inadequacies:

- **Outdated application information.** For example, information on organophosphate application dates to 2008. Application patterns of chlorpyrifos (diazinon is not widely used) have changed dramatically since information on the Ag Order tier criteria emerged. This information is no longer applicable and no longer represents the current circumstances in the watershed.
- **Pesticide Management Plan.** It is still unclear if the Pesticide Management Plan as described is a new requirement or would be a component of the Farm Plan. As outlined, the Plan would increase the administrative burden of farmers under the Order but not benefit water quality.
- **Organochlorine Implementation Plan.** The Plan does not capture the full contribution of historical vector control measures to the current level of organochlorines in aquatic habitat. We also strongly believe that existing monitoring efforts are adequate and additional efforts will be duplicative and have limited usefulness.
- **Gross Underestimate of Cost.** Depending on the clarification of the various Plan requirements, the actual cost will likely be much higher.

Potentially Significant Impacts

The CEQA "Substitute Document" has been revised to correctly identify several potentially significant impacts. Given these findings, we oppose the assertions related to the statement of overriding considerations.

We urge you to take these concerns into account and not approve the TMDL. We ask you to remand the TMDL to the Regional Water Board with specific direction to better consider reasonable controls, foreseeable compliance, and potential impacts on other long-term factors impacting basin health. As always, we are willing to continue to work with the Water Board to address these concerns. Thank you for your attention to this matter.

Sincerely,



Claire Wineman
President

TMDLs for Toxicity and Pesticides
Santa Maria Watershed



Gail Delihant
Director, California Government Affairs

Western Growers, Grower-Shipper Assoc of SB and SLO Counties
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