

RESPONSES TO COMMENT DOCUMENT

Regional Board staff received two sets of comments in response to the proposed revised Conditional Waiver of Agricultural Discharges in the San Jacinto River Watershed (CWAD) and CWAD staff report posted March 29, 2017 on the Regional Board website and sent to the public. The comments in each letter and their corresponding responses are annotated with the same number. Information in the letters and emails that provide basic background information do not require responses and are not bracketed/numbered.

1. Pat Boldt email dated March 28, 2017
2. Orange County Coastkeeper letter dated April 19, 2017

1. Pat Boldt - March 28, 2017 email

Comment 1: No reason to add AgNMP in when that is probably 1.5 years out.

Response: The comment is noted.

Comment 2: The 40 page permit is meaningless to Ag operators. This table will be better.

Response: The comment is noted. Regional Board staff agree the table found in the Conditional Waiver factsheet concisely states the requirements and deadlines.

Comment 3: I doubt seriously that a coalition formation will be done by 90 days beyond enrollment... I would phrase in such a way that a coalition could be formed in the future but not limit with days to do so - if that is possible.

Response: The proposed amended Conditional Waiver, if adopted by the Regional Board on April 28, 2017, would extend formation of a discharger group or coalition group from April 28, 2017 to no later than January 28, 2018. The deadline to form a group is proposed to be three months beyond the deadline to enroll as an individual discharger. Board staff hope that when potential enrollees to the Conditional Waiver clearly sees the various benefits of enrolling under a group, including fee incentives, collective monitoring and shared resources, they will be encouraged to form a group.

2. Orange County Coastkeeper - April 19, 2017 letter

Comment 1: Coastkeeper was actively involved in a stakeholder process to develop the CWAD that lasted seven years. All of the parties subject to the order were well

aware of its requirements and schedule. To extend the deadline for enrollment now just rewards inaction on the part of the covered parties.

Response: The extension and revision of the Conditional Waiver deadlines are not due to inaction by the dischargers. The primary reason for extending the enrollment deadline is due to the technical difficulties in getting the electronic enrollment form active so that potential dischargers can enroll. After a discharger enrolls, Board staff will review the enrollment application for accuracy and correctness, and then recommend the Regional Board Executive Officer issue a Notice of Authorization (NOA) to discharge under the Conditional Waiver. Upon issuance of the NOA, a discharger will then be required to respond to the Waiver requirements.

Comment 2: The compliance schedule should not be altered to delay the creation and implementation of agricultural nutrient management plans. Waiting until 90 days after the undetermined date that the Regional Board issues a NOA, or within six months of the submittal of draft recommendations for the revision of the Lake Elsinore/Canyon Lake TMDLs delays needed water quality improvements. Until modified, the existing nutrient TMDLs are still in force and the existing deadline in the order provides adequate time to develop a plan to meet the requirements of the TMDLs

Response: Board staff concur that the Lake Elsinore/Canyon Lake nutrient TMDLs are in effect, and includes a requirement that the agricultural dischargers develop and submit agricultural nutrient management plans. On April 30, 2013, the Western Riverside County Agricultural Coalition (WRCAC) submitted a final agricultural nutrient management plan for the San Jacinto Watershed to the Regional Board in compliance with the nutrient TMDLs on behalf of the agricultural operators.

The responsible agencies and dischargers in the Lake Elsinore/Canyon Lake watershed have formed a Lake Elsinore and Canyon Lake TMDL Task Force (TMDL Task Force). The TMDL Task Force members are working jointly to implement requirements of the TMDLs. The nutrient TMDLs are also undergoing revision, which is expected to be submitted to the Regional Board in 2018. The agricultural dischargers, represented by WRCAC, are fully participating in this project, and as such, are currently complying with the agricultural requirements under the TMDL. Board staff recognize that when the TMDL Task Force submits a proposed revised TMDL for Board staff review, that is the appropriate time for the Agricultural owners/operators to revise their existing AgNMP to reflect proposed TMDL changes and/or requirements.

Comment 3: Extending time for individual discharger enrollment in a Coalition Group(s) to January 28, 2018 is unnecessary. Enrollment in a coalition is just one option and exceptions to the compliance schedule should not be made to facilitate that outcome.

Response: See Board staff response to Pat Boldt comment 3.