



CALIFORNIA FARM BUREAU FEDERATION

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Ocean Plan Amendment
Public Comment
Deadline: 04/18/12 by 12 noon

Sent via E-Mail

commentletters@waterboards.ca.gov

April 18, 2012

Chairman Charles Hoppin
Attn: Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: Comment Letter - California Ocean Plan Amendments

Dear Chairman Hoppin and Members of the Board:

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 74,000 agricultural, associate, and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

Farm Bureau appreciates the opportunity to provide comments on the Proposed Amendment to the California Ocean Plan regarding designating State Water Quality Protection Areas to Protect Marine Protection Areas and the Draft Substitute Environmental Documentation for the Proposed Amendment. Farm Bureau offers the following comments on the development of the Plan.

Section 5.7.4.3 recommends an “approach that assesses all existing storm water and nonpoint source discharges categorized and use this information to determine what controls and prohibitions are needed to maintain natural water quality.” (See Plan, p. 38.) Specifically, in areas designated as SWQPA-GP, the plan asserts that higher water quality could be achieved through the following alternatives:

- Prohibit all existing storm water and nonpoint discharges;
- Prohibit specific high threat categories of discharges such as industrial storm water or runoff from gulf [sic] courses; or

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- Prohibit those discharges that have a significant and deleterious effect on natural water quality by assessment of effluent and receiving water.

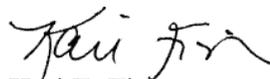
(Ibid.) Farm Bureau is concerned that the first alternative is not appropriately described. The staff report states that “adopting a discharge prohibition for these types of discharges would provide the highest level of protection.” (Ibid.) However, the Porter-Cologne Water Quality Control Act does not mandate absolute pure water quality or the highest level of protection possible. Rather, the Act calls for “the highest water quality which is reasonable” (Wat. Code, § 13000) to “ensure the reasonable protection of beneficial uses and the prevention of nuisance.” (Wat. Code, § 13241.) This authority does not require the absolute prohibition of all discharges no matter how insignificant and regardless of whether there is any impact on water quality.

Throughout the state, agricultural discharges are regulated under Chapter 4, Article 4 of the Act. Dischargers, such as agriculture, must file a report of waste discharge if their discharge of waste “could affect the quality of waters of the state.”[1] (Wat. Code, § 13260(a)(1), emphasis added.) As emphasized above, agricultural nonpoint source dischargers are regulated if they are (1) discharging waste that (2) could affect the quality of waters of the state. (Ibid.) An unqualified discharge of quantities infinitesimally small and with no impact on water quality is not sufficient to trigger the regulation, control, or prohibition of “all existing...nonpoint sources discharges.”

Because the Plan’s language as currently drafted could negatively impact our members, Farm Bureau respectfully requests that this relatively minor piece of the Plan be clarified to more accurately reflect the purposes and provisions of the Porter-Cologne Act. This could be quickly remedied by adding language to the first bullet in section 5.7.4.3 so that it read “Prohibit all existing storm water and nonpoint discharges of waste that could affect the quality of waters.”

Thank you for the opportunity to provide our comments and concerns. We look forward to further involvement and discussion with the State Water Resources Control Board on amendments to the Water Quality Control Plan for Ocean Waters of California.

Very truly yours,



Kari E. Fisher
Associate Counsel

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