



**SOUTH
SAN JOAQUIN
IRRIGATION DISTRICT**

San Joaquin River-
Deadline: April 3, 2006



March 30, 2006

Song Her
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Fax - 916-341-5620

Re: Central Valley Water Board adopted Resolution No. 205-0138 to incorporate a Program for Control of Diazinon and Chlorpyrifos Runoff into the lower San Joaquin River (Program). The San Joaquin River has been listed under the federal Clean Water Act Section 303(d) as not meeting standards due to elevated concentrations of the organophosphorous (OP) pesticides diazinon and Chlorpyrifos.

The South San Joaquin Irrigation District (SSJID) received a preliminary draft of the proposed Program for Control of Diazinon and Chlorpyrifos Runoff into the lower San Joaquin River (Program). Given the short timeframe available to review the document, we are unable to provide comprehensive comments. However, we would like to provide the following preliminary comments on the draft document and trust you will consider these comments and make provisions in the next draft to be distributed to the larger public to review and comment. The District will provide additional comments on the public review draft, when it becomes available.

For this Program it has been established that the sources of this exceedance is from Agriculture and Urban runoff. The program appears to concentrate on Agriculture with load allocations being established by sub area and applying to both irrigation and dormant seasons.

In the **Implementation** presentation it is not clear who will be identifying the growers and who will be identifying the "dischargers". In the past the Central Valley Regional Water Quality Control Board (RWQCB) has gone out of their way to pass off the implementation and hands on field work to other entities. Will this be the case again?

In the **Monitoring** portion of this program will the RWQCB staff be conducting the compliance monitoring? Who will be establishing the "management practices" for the growers to achieve the lowest levels technically and economically achievable? Who has the authority to tell a grower how to grow their crop, and who will be liable for the outcome of that crop if it should fail?

In the Cost portion of this amendment, who established that there are 1,000 individual growers who will be charged \$ 3,100 each? If a "watershed group" is established and each is charged \$ 600,000, who will be accountable for the watershed group and conduct the bookkeeping and accounting required?

The Program states that each "discharger" must submit a management plan to the Central Valley Water Board that describes the actions that the discharger will take to reduce diazinon and chlorpyrifos discharges during either the irrigation season or dormant season, and that will meet the applicable allocations by the required compliance date. Do you know who all of the "dischargers" are already? Here again there is no determination of who is going to do all of the work.

When someone assumes that all "growers" are "dischargers", they are wrong. For anyone to assume that every acre of cropland discharges into the San Joaquin River, they are wrong. One should not presume that growers use chemicals freely and at will, because growers do not waste time or money on anything that will affect their profit margin on any given crop. Every chemical, fertilizer, irrigation, cultivation, pruning, etc... affects the profit margin of each crop in each field.

Now it is proposed to charge each grower \$ 3,100 per year, how will that affect their profit margin?

With the Ag Waiver, Discharges from Irrigated Lands Program for Coalition Groups, Individuals, and Water Districts being required to monitor for diazinon and chlorpyrifos through their Monitoring & Reporting Program Plan. Why is this being proposed as a separate program?

To make a new law that proposes to meet federal Clean Water Act requirements, without due care and consideration of all of the facts, is not always the best method of controlling a situation.

If you should have any questions please contact me at (209) 993-7971

Sincerely yours,



Jim Atherstone
Environmental Compliance & Safety Officer

Cc. Steve Emrick
Stevan Stroud