



May 31, 2016

Via Email

commentletters@waterboards.ca.gov

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

Re: Comments to A-2239(a)-(c) SWRCB Own Motion Review of the Eastern San Joaquin General Order

Dear Ms. Townsend:

California Citrus Mutual appreciates the opportunity to respond to the extensive revisions proposed to Eastern San Joaquin Agricultural General Waste Discharge Requirements by the State Board. The Order states that the revisions would be precedential and therefore would be applied to other General Orders in the Central Valley Region, including the Tulare Lake Basin Order which includes 197,000 of California's 261,000 acres of citrus.

California Citrus Mutual (CCM) is a citrus producer's trade association whose 2,500 grower members comprise 75% of California's \$2.8 billion citrus industry. The mission of CCM is to represent citrus producers on matters that affect their economic livelihood and provide them with necessary information to enhance their ability to profit from their work. This includes state and federal regulatory, policy and legislative matters, marketing, trade, education and many other important areas intended to assist a citrus grower in his citrus operation and business.

We have reviewed the detailed comments submitted by Bill Thomas on behalf of the Southern San Joaquin Valley Water Quality Coalition. We agree with and are supportive of those comments.

We agree with the Central Valley Regional Water Board (CVWB) that its Irrigated Lands Regulatory Program (ILRP), including the General Order (Order) issued to the East San Joaquin (ESJ) Coalition, fully complies with all the applicable legal requirements, including the State Water Board's Nonpoint Source Policy and the Antidegradation Policy. We believe the Order achieves the objective of the ILRP and encourages implementation of management practices that improve water quality without jeopardizing the economic viability for all sizes of irrigated agricultural operations. We are very concerned that what the State Board is proposing destroys the reasonable balance achieved in the General Order and will erode grower participation and jeopardizes the coalition structure which we believe is essential to achieving the goal of establishing farming practices that are protective of groundwater.

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Reporting Individual Farmer Field Data to the CVWB and Posting Specific Data in the Public Domain

The proposed order requires farmers to report all nitrogen field data to the CVWB and compels that the information be posted to public data bases.

Under the existing Orders that information is contained in the Nitrogen Management Plans submitted to the third party coalitions where it is summarized and aggregated by crop by township. The coalitions submit the summarized data to the CVWB as box and whisker charts, which provides the CVWB the levels, the spread of data, and identifies those that lay outside of the norm. The coalitions then engage those outliers to audit the accuracy of their information, determine why they fell outside the norm, and adjust management practices, if needed to bring them back within the norm of similar crops in the area. Additionally, the CVWB has the authority to verify the accuracy of the coalition's reports and to require specific data for any purpose.

Hundreds of man hours went into creating a process for acquiring, organizing and analyzing data in an efficient meaningful manner that would make the best use of available resources and provide the CVWB meaningful information to verify practices were protective of groundwater. In developing the Orders, the CVWB structured a pathway using existing Coalition resources to achieve desired objectives. The plan adopted by the CVWB consolidates an overwhelming amount of data into manageable components without sacrificing the objective to be protective of water quality.

Neither the SWRCB in the proposed changes, nor the staff in its presentations, offered evidence that requiring the reporting of individual field level data to the CVWB would be superior to the methods adopted in the Central Valley Orders. In fact Dr. Thomas Harter, whose opinion the SWRCB and the environmental community have given great weight in the past, stated in his presentation at the Fresno workshop that the information obtained, A, R, and A/R with some standard statistics, by crop in each township would be an excellent and sufficient source of data to consider for both, assessing potential impacts and understanding trends. More detailed data provides little added information, given other potential disadvantages. This proposed change would unnecessarily increase the workload and staffing needs for the coalitions and the CVWB, which would result in fees and costs multiple times higher than they are now. This unjustifiable increase would fall squarely on growers.

Through education and outreach via newsletters and dozens, if not hundreds, of grower meetings the coalitions have attained a very high level of grower compliance. The SWRCB proposed changes would undo all the positive progress that has been made just as the program is coming into full implementation. Growers are justifiably concerned about reporting raw data to the CVWB, because of what is happening on the coast. The State Board in the Central Coast Region is presently hitting growers with clean-up and abatement orders. The environmental plaintiffs have stated publicly that they want access to site and farmer specific data in order to sue farmers. Both of these actions are counterproductive and jeopardize the CVWB's ability to achieve the objectives of the ILRP.

We request the SWRCB reject the proposal to submit field level data and allow the current aggregation and submittal of data by the coalitions to continue.

The requirement to sample all domestic wells on lands covered by the Irrigated Lands Program

Sampling of domestic wells is outside the scope of the Program and undermines the efforts of this and other important water quality efforts.

The Proposed Order would require growers to sample all domestic wells on their property and report to occupants if the well water exceeds the drinking water standard for nitrates. The well sampling results, along with well location, must then also be posted to GeoTracker, the SWRCB's public database that contains water quality information from throughout the state.

Currently, the Central Valley irrigated lands program does not require growers to sample domestic wells on properties that are covered by the Irrigated Lands Program. It is estimated there are between 4,000 and 6,000 wells in the East San Joaquin coalition alone. Sampling and testing of all Central Valley domestic wells will result in a significant cost impact to growers and would require substantial resources at the Central Valley Water Board to review the new data and conduct the required follow up.

This new requirement singles out farmers and is an overreach. It removes focus from the purpose of the ILRP to develop monitoring and planning programs to address nitrate contamination. Further, it calls into question the substantial progress of drinking water programs, including the Central Valley Salinity Alternatives for Long-Term Sustainability initiative (CV-SALTS). CV-SALTS is a collaborative stakeholder program to develop sustainable salinity and nitrate management planning for the Central Valley, including development of a safe drinking water supply. Similar to the current Irrigated Lands Program, CV-SALTS relies on stakeholder engagement and collaboration. It is also intended to work in conjunction with the Irrigated Lands Program. Adding a drinking water monitoring program to the Irrigated Lands Program will undermine the substantial and important work being done through CV-SALTS and upend the benefits the program is and will provide in conjunction with the progress made under the Irrigated Lands Program.

We request the SWRCB reject the requirement that growers sample domestic wells.

Elimination of High and low vulnerability designations

The high and low vulnerability designations ensure growers, coalitions and the CVWB can identify priority areas, as allowed by the SWRCB, and focus on areas with groundwater quality issues or where there exists a potential for groundwater quality issues associated with irrigated agriculture.

Currently, the Central Valley ILRP distinguishes between high and low vulnerability areas. The determination between high and low vulnerability is not arbitrary. In the ESJ Order, an area will be designated as high vulnerability where: (i) known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities; or (ii) areas that meet any of the following requirements for the preparation of a Groundwater Quality Management Plan: (1) there is a confirmed exceedance a water quality objective or applicable water quality trigger limit in a groundwater well and irrigated agriculture may cause or contribute to the exceedance; (2) the Basin Plan requires development of a groundwater quality management plan for a constituent or constituents discharged by irrigated agriculture; or (3) the Executive Officer determines that irrigated agriculture may be causing or contributing to a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses.

This designation criteria places stricter requirements on areas where there are known or potential groundwater quality impacts and ensures growers, coalitions and the CVWB can focus on activities or conditions that constitute the highest risk to water quality. For example, under the current program, all

growers must prepare a nitrogen management plan, but growers in high vulnerability are also required to have their nitrogen management plan certified by a Certified Crop Advisor or other qualified professional. Further, growers in high vulnerability areas must submit annually a nitrogen summary report to the third party coalition. Growers in low vulnerability areas must prepare a nitrogen management plan, but the plan is maintained on the farm.

The Proposed Order would eliminate vulnerability distinctions, and thus would apply all of the requirements equally to all growers in the Central Valley and across the state. This would impose significant new costs on many growers, including hiring Certified Crop Advisors to certify their nitrogen management plan when it is unnecessary to do so.

The designation of areas as either high or low vulnerability is an important distinction that is made based on specific factors important to assessing and addressing impacts to water quality. Requiring all growers to be subject to the requirements of the ESJ WDR, and subsequently amended WDRs would be costly, unnecessary and would remove focus from those areas that truly need it.

We request the SWRCB reject the proposal to remove the high and low vulnerability designations.

In conclusion, we urge the SWRCB to reject the changes in the Proposed Order. The surface water program which preceded the Irrigated Lands Program established a proven record of success in addressing water quality through the collaborative efforts of growers, coalitions and the Central Valley Water Board. Further, the Proposed Order will require a substantial increase in staff at the Central Valley Water Board, the costs of which will be imposed on the growers subject to the program.

This Proposed Order erodes trust and the progress made under the Irrigated Lands Program. It is unnecessary, overreaching and should be rejected.

Thank you for your consideration of these comments. Please contact Bob Blakely at California Citrus Mutual at (559) 592-3790 or bob@cacitrusmutual.com , if you would care to discuss these comments further.

Sincerely,



Bob Blakely
Vice President