

Wonderfulorchards..



December 21, 2017

SENT VIA FIRST CLASS MAIL AND E-MAIL

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor (95814)
P.O. Box 100
Sacramento, CA 95812-0100
commentletters@waterboards.ca.gov

Re: "Comments to A-2239(a)-(c)" – State Water Board Review of WDRs General Order [No. R5-2012-0116] for Growers within the Eastern San Joaquin River Watershed that Are Members of the Third-Party Group (the Eastern San Joaquin Water Quality Coalition)

Dear Ms. Townsend and State Water Board Members:

Wonderful Orchards LLC, on behalf of Wonderful Nut Orchards LLC, Wonderful Pomegranate Orchards LLC, Wonderful Citrus LLC, Wonderful Nurseries LLC, and its related entities (collectively "Wonderful"), appreciates the opportunity to provide comments on the above referenced Second Draft Order.

General Comments

Practical and Universal Tracking and Reporting Must be Protective of Grower Information

In the Second Draft Order, the revision was made to require automatic reporting of certain data to the Central Valley Water Board (Regional Board) at the field level, rather than in summary form. The rationale given for this change was to provide more effective oversight, management and transparency. Wonderful is concerned that such a practice would prove costly, ineffective and would fail to protect proprietary grower information. Despite the footnote that a nonpoint source program doesn't necessarily have to tie data to a named discharger or location, through deduction, specific growers would be capable of identification. Additionally, the State Water Resources Control Board (SWRCB) has memorialized consideration of APN-based location identifiers in the future if deemed important, which would completely negate any anonymity and protection.

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Anonymous Member ID's fail to Protect Grower Trade Secret and/or Proprietary Information

Despite the use of Anonymous Member ID's, grower data and information can be linked to specific growers through simple deduction, failing to protect trade secrets and proprietary information. The proposed Second Draft Order states that, "The Third Party is directed to submit the management practice implementation data from the Farm Evaluation...for each field, linked with the Anonymous Member ID." The Second Draft Order then references Table 1 as an example. Wonderful understands that Table 1 is just an example, but, using the SWRCB's own example, it would not be difficult to deduce almond farmers based on the crop, irrigation method and Third-Party Memberships.

Increased Requirements and Increased Costs

The following requirements will result in additional regulatory burden and increased compliance costs to growers and are unlikely to result in water quality improvements to justify their imposition. We urge the SWRCB to fully consider and disclose the economic impacts associated with implementation as compared to the technical justification for such requirements.

Requirements	Affected Party
Outreach required for all members	Members, Third Party
Create INMP, MPIR, Farm Evaluation Templates	Third Party, Regional Board
Annual INMP summary for all members	Members, Third Party
Certified INMPs required for all members, additional certification training for outlier growers	Members, Third Party
Drinking water well monitoring, replacement water	Members, Regional Board
Submit 4 versions of field level information to the Regional Board (MPIR, FE, NMP); Regional Board to audit coalition submissions	Third Party, Regional Board
Analyze A/R Ratios by multiple factors, develop targets with MPEP	Third Party, Regional Board
Additional training and outreach regarding new reporting	Third Party

MPEP and coalition to focus on development of N removed coefficients	Third Party
Representative monitoring surface water program update	Third Party, Regional Board

Failure to Comply with CEQA

The Second Draft Order's proposed changes are not within the scope of the existing program environmental impact report (PEIR) for the Irrigated Lands Regulatory Program (ILRP). As such, the proposed changes must be subject to an adequate CEQA analysis. Failure to adopt the Second Draft Order without conducting such an analysis violates CEQA by failing to appropriately analyze, mitigate and disclose environmental impacts.

Directing the Regional Board to Consider Monitoring Parameters for 1,2,3-TCP and DBCP

The Second Draft Order proposes requirements that are outside of the scope of the ILRP to regulate legacy issues, including impacts associated with 1,2,3-TCP. The Second Draft Order states that it intends to expand surface water and ground water quality monitoring [to prevent agriculture runoff from impairing surface and/or ground waters]. The Second Draft Order later requires the monitoring of pesticides, which no longer contain 1,2,3-TCP, and directs the Regional Board to consider requiring monitoring of 1,2,3-TCP, a known groundwater (legacy) contaminant without providing any rationale as to how or why that should be part of a rule for preventing water body impairment associated with existing permitted activities.

On-Farm Drinking Water Well Sampling

In the Second Draft Order, a requirement was added for sampling of on-farm drinking water wells beginning in 2019 if a legislative solution to drinking water well monitoring is not in place by that date. Drinking water well monitoring and the submittal of public health data is not an inappropriate requirement for the ILRP and we urge the SWRCB to remove this proposed requirement.

Sincerely,



Kimberly Brown
VP, Company Resource Manager