

BUTTE-YUBA-SUTTER WATER QUALITY COALITION

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General Order Link:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2014-0030.pdf

May 27, 2016

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: Files A2239 (a)-(c) (Eastern San Joaquin Ag Petitions)

Ms. Townsend,

The Butte-Yuba-Sutter Water Quality Coalition (BYSWQC) Board of Trustees appreciates the opportunity to review and comment on the State Water Resources Control Board's (State Water Board) Proposed Order revising the Eastern San Joaquin Water Quality Coalition's General Waste Discharge Requirements.

The BYSWQC was formed in 2004 as a non-profit, non-governmental, California Corporation with a specific purpose to facilitate grower participation, provide outreach and education, and to assist growers in the enrollment process necessary to be compliant with the State Water Board's Irrigated Lands Regulatory Program.

The Butte-Yuba-Sutter Subwatershed encompasses all of Butte and Yuba counties and most of Sutter County. The primary land uses include agriculture and grazing with significant crops including orchards (almonds, walnuts, peaches, prunes and olives), row crops (beans and tomatoes), rice (rice acreage is enrolled with the California Rice Commission which has an approved commodity-specific waste discharge requirement), alfalfa, and pasture. Major water ways include the Yuba, Lower Feather, Bear and the Sacramento Rivers. There are over 35 named drainages in this subwatershed, including Sacramento Slough, Sutter Bypass, Pine Creek, Lower Snake River, Cherokee Canal, Honcut Creek, Jack Slough, and Dry Creek. Major population areas include Oroville, Chico, Marysville and Yuba City. The lead organizations for our Subwatershed are the Sutter County Resource Conservation District (grower outreach for Yuba and Sutter counties), Butte County Farm Bureau (grower outreach for Butte County), and Yuba-Sutter Farm Bureau (administrative, enrollment, invoicing and reporting).

Currently, there are approximately 1,600 members enrolled in the BYSWQC, representing approximately 260,000 acres. Over 50% of the BYSWQC members are considered small farms, with 50 acres or less enrolled. Our farmers are as diverse as the crops grown in our area. Multiple ethnicities are represented, farms ownership includes, single person ownership, single families, husband and wife, or multiple generations. There are nine members who serve on the voluntary BYSWQC Board of Trustees, assuring the purpose is being fulfilled and aligning with the requirements of the current WDR approved by the Water Resources Board in 2014.

The BYSWQC is deeply committed to representing our members and protecting our natural resources, including the quality of our water and the health of our soils. The livelihoods of our members require of them to carefully manage and

protect these precious resources. In addition, the majority of our members live where they farm, where their children play, and where a myriad of wildlife live either seasonally or year round. This intimate relationship our members have with the land and its resources requires of them to be mindful of how they manage their farming practices in order to minimize and eliminate adverse impacts to the resources they depend upon.

The intent of this letter is to request no changes to the current Eastern San Joaquin Water Quality Coalition's General Waste Discharge Requirements (WDR). In our opinion, the current WDR is protective of water quality and is providing ample information needed to determine the effectiveness of the program regarding water quality concerns in compliance with the Water Code and the State Water Board's policies.

The State Board's Proposed Revisions are precedential and would apply to other Water Quality Coalitions in the Central Valley and Statewide, including the WDR for the Sacramento Valley Water Quality Coalition, of which the BYSWQC is a member.

Our concerns regarding the Proposed Revisions are as follows:

- The Proposed Revisions include requirements that will disrupt the existing successful irrigated lands regulatory program which has been effective in addressing surface water quality concerns and protecting water quality. Given the precedential nature of the Proposed Order, it will not only have a severe impact on agricultural operations within the Central Valley, but throughout the state.
- The Proposed Revisions will burden individual farmers and ranchers with additional reporting requirements, increased Regional Board per acre fees, and from increased fees that can be expected from additional administrative and hard costs required of the BYSWQC to manage the increased workload and data.
- The Proposed Revisions are precedential and would give direction to the Central Valley Water Board and all other Regional Water Boards to update (or develop) their irrigated lands regulatory programs to be consistent with the Proposed Order. The Sacramento Valley Water Quality Coalition, of which BYSWQC belongs, has continued to advocate for and provide supporting documentation of our regional differences. Although we oppose the Proposed Revisions for the Eastern San Joaquin Water Quality Coalition's WDR, requiring the same standards for other areas of the state are not appropriate nor necessary to address the intent of the WDRs to be protective of surface and ground water.
- The Proposed Revisions create privacy concerns given the requirements for the coalitions to submit all raw data, including field-specific farm evaluation and management practice data identified by location, and all nitrogen application data by field. Currently, BYSWQC submits data aggregated at the township level (BYSWQC maintains the raw data which is accessible to the Regional Board if needed). Information held by the Regional Board is public data; changing the current format to submitting field-specific data directly to the Regional Board is a major privacy concern for our farmers and ranchers.
- The Proposed Revisions completely upends the current monitoring and reporting requirements within the existing irrigated lands regulatory program which provides the Regional Water Board with ample information needed to determine the effectiveness of the program regarding water quality concerns in compliance with the Water Code and the State Water Board's policies.
- The Proposed Revisions include new nitrogen application accounting requirements - reporting of nitrogen applied divided by nitrogen removed (A/R), as well as nitrogen applied minus nitrogen removed (A-R)) and the development of nitrogen removed coefficients - placing significant new and unnecessary burdens on farmers. Each farm will be required to report their crop yield. Currently, only a small handful of nitrogen removed coefficients have been developed for crops grown in California. And finally, the reporting of the multi-year ratio of nitrogen applied to the field to nitrogen removed from the field, or the A/R ratio, will become a regulatory target.
- The Proposed Revisions require each farm to monitor its drinking water wells, including land owner or tenant wells that farmers and ranchers may not have authority to access.

- And lastly, the Proposed Revisions will erode the continued existence of the Butte-Yuba-Sutter Water Quality Coalition, and other local coalitions, as the Proposed Revisions undermine the usefulness and benefit of the coalitions. BYSWQC has built strong relationships with our members, and works diligently to communicate information on the ILRP, local monitoring results and management practices that are protective of water quality. Additionally, we provide workshops to assist in completing Farm Evaluation Surveys, Nitrogen Management Plans, and also provide our members with information on other training opportunities. The intimate relationships we have formed with our members is a product of the trust borne of local farmers trusting local organizations that have the capacity to personally and professionally ensure compliance is being met to the highest degree possible.

In closing, we want to stress our request for no revisions to the current Eastern San Joaquin Water Quality Coalition's General WDR. The current WDR is protective of water quality and is providing ample information needed to determine the effectiveness of the irrigated lands regulatory program regarding water quality concerns in compliance with the Water Code and the State Water Board's policies.

We appreciate the opportunity to comment on the Proposed Revisions. Please contact me if you have any questions.

Regards,

A handwritten signature in blue ink, appearing to read "Steve Danna", written over a horizontal line.

Steve Danna, Chair