



May 4, 2015



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

Sent via e-mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Dear Ms. Townsend:

RE: Comment Letter -- Emergency Conservation Regulation

Agricultural Council of California ("Ag Council") is a member-supported organization advocating for over 15,000 farmers ranging from farmer-owned businesses to the world's best-known brands. Due to a change in definition, Ag Council's members could be negatively impacted by the Emergency Conservation Regulation proposed by the State Water Resources Control Board ("the Board").

Ag Council requests that the Board not alter the definition of "commercial agricultural use" as proposed in the Emergency Conservation Regulation and instead urges the Board to maintain the definition of commercial agricultural use as classified in Government Code section 51201(a) where *"Agricultural commodity" means any and all plant and animal products produced in this state for commercial purposes, including, but not limited to, plant products used for producing biofuels.*

Ag Council asks that the Board rescind the proposed change to define commercial agricultural use under 51201(b) where: *"Agricultural use" means use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes.*

Changing the definition of commercial agricultural use from 51201(a) to 51201(b) is a departure from the Board's previous definition. Historically, the definition provided flexibility for local water suppliers to exempt food processing uses from their baseline calculation of their "gross water" usage. The change has the effect of placing our members, who operate farmer-owned food processing facilities, in the same category as industrial and commercial operations. Such an alteration of the definition does not recognize the agricultural affiliation at the core of our members' existence.

Most crucially, the proposed change to 51201(b) could require that urban water suppliers include food processors and manufacturers in their water production volumes, thereby having a significant and negative impact on local entities by making it more difficult for local agencies to meet their mandated conservation goals.

Water use is critical to food processing. Water is used throughout the process to power boilers and for washing and peeling fruit and other products. When appropriate, food processors recycle water to decrease their environmental impact.

However, water use is required for food safety and plant sanitation purposes. Our members' processing must meet very strict standards by the US Department of Agriculture and even more stringent demands for food safety. These are requirements they place on themselves and are expected of them by their consumers. Additionally, water is oftentimes used as an ingredient in many food products. Recycled water would not be suitable for these practices and other alternatives may not be available.

Food processors have to move highly perishable products through the processing plant in a timely fashion. The capital investments required to reduce water use at the levels required by the Board would be in several millions of dollars. Assuming these expenditures are approved, by the time these systems are installed and tested to make sure they meet food safety and other standards, the turn-around time could be at least a year or more. Furthermore, these different technologies would have uncertain outcomes as it relates to processing times and capacities. By not granting the local water suppliers flexibility to exempt this group of users, the Board is asking our industry to invest millions of dollars in technology that could yield questionable results.

Given this, Ag Council urges the Board to revise the proposed Emergency Conservation Regulation to define commercial agricultural use under 51201(a) as the Board has in the past. Thank you for your consideration of this request.

Sincerely,



Emily Rooney  
President

