



September 17, 2013

Ms. Jeanine Townsend
Clerk of the Board,
State Water Resources Control Board
1001 I Street, 24th Floor
P.O. Box 100
Sacramento, CA 95812-0100

VIA: E-Mail to commentletters@waterboards.ca.gov

RE: Comments to A-2209(a)-(e) – September 24, 2013, Board Meeting

Dear Ms. Townsend:

Monterey County Farm Bureau appreciates the opportunity to comment on the recent revisions to the proposed order for the Central Coast Agricultural discharge waiver settlement of appeals. We note that many of the comments made in our previous letter were addressed in these revisions; we are pleased to see that State Water Resources Control Board members and staff are responsive to the Agricultural community.

We generally support the following revisions made to the draft document on September 9th:

- Within the cooperative groundwater monitoring program, the change to allow the contour maps to characterize the quality of groundwater greatly improves the ability of the program to succeed, both financially and operatively.
- Allowing farmers to report nitrogen use by nitrate risk unit, either at the ranch or farm level, will streamline the recordkeeping process required by farm operators. This adds flexibility that allows farmers to manage their nitrogen application reporting in the most efficient manner for their crops.

We express concerns with the following revisions that remain problematic for the Agricultural community:

- While we appreciate the clarification concerning containment structures and the reinstatement of the word “avoid” in the context that all percolation to the groundwater basin is not prohibited, the reality is that percolated water cannot be tested prior to contact with the groundwater basin. This sets up a set of circumstances where the farm operation will attempt to avoid any percolation that



cannot be reasonably assured of meeting discharge standards, and in effect is still a prohibition on percolation simply due to the legal interpretation of “avoid.” We continue to suggest that the word “minimize” would be better served, as it will reduce legal confrontation when farmers are challenged on how containment structures are managed. The word “avoid” will still be interpreted within the Agricultural community as managing any containment structure by installing a lining or impermeable barrier to prohibit any percolation.

- We encourage that nitrogen application reporting should remain in the Farm Plan rather than within the Annual Compliance form initially; reporting through the Annual Compliance process could be tedious with numerous data points needing to be entered. How will all these multiple data points be managed so that the reporting burden is not overwhelming to the farm operator? What will be the modifications made to the Annual Compliance form so that this data can be accurately reported and aggregated? Will this data need to be keyed individually for each farm risk unit? Since this could be a huge administrative burden to all farm operators, both small and large, we suggest that initial reporting be maintained in the Farm Plan, which the Regional Water Board has access to upon request. Farm operator’s time constraints and resources should be considered before this method of reporting is implemented, possibly using a focus group of farmers who actually will be doing this reporting.
- The requirement to make notifications on domestic wells within 24 hours of any exceedance test is unreasonable and sets up farm operators for instant failure. Many times these wells are not within the direct control of the farm lessee operation, but rather with the land owner who may not be located within the region. In these instances, the farm operator may not fully be aware of who is being serviced by the domestic well. We suggest lengthening this time frame for notification to match the current municipal standards, which range from 14 to 21 days. As currently written, a 24 hour notice will become a focal point for legal challenges by those seeking to undermine the Agricultural industry, primarily through nuisance legal challenges that produce no real improvement to water quality.

Monterey County Farm Bureau appreciates your further review of the support and concerns we have to the latest revisions to the proposed order.

Sincerely,



Norman C. Groot
Executive Director