July 29, 2014

Jean-Pierre Wolff, Chairman of the Board
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

RE: Item 13, Irrigated Lands Regulatory Program: Water Board Review of Central Coast Groundwater Coalition’s Drinking Water Notification Process

Dear Board Chairman Wolff and Members of the Board:

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 78,000 agricultural, associate, and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

On behalf of the Santa Barbara County Farm Bureau, the San Luis Obispo County Farm Bureau, the Monterey County Farm Bureau, the San Benito County Farm Bureau, the Santa Cruz County Farm Bureau, the Santa Clara County Farm Bureau, and the San Mateo County Farm Bureau, the California Farm Bureau Federation (“Farm Bureau”) appreciates the opportunity to comment on the Central Coast Regional Water Quality Control Board’s (“Regional Board”) Regular Meeting of July 31, 2014 – August 1, 2014, Item 13, Irrigated Lands Regulatory Program: Water Board Review of Central Coast Groundwater Coalition’s Drinking Water Notification Process. Farm Bureau provides the following initial comments herein and supports and incorporates by reference those comments raised by the Central Coast Groundwater Coalition in its letter submitted on July 28, 2014.

Farm Bureau is concerned with the practical and precedential impacts of requiring “the Coalition to make its reporting of drinking water exceedances and associated follow up equivalent to the Water Board’s notification process for growers that conduct individual monitoring and have domestic well nitrate exceedances. (See Staff Report for Item 13, p. 2.) As correctly explained in the Coalition’s letter, there is no legal mandate for the Regional Board to require Coalition...
groups to report in an equal manner as individuals. Within its Staff Report, the Regional Board states that the notification protocols must be “equitable and aligned.” (See Staff Report for Item 13, p. 11.) However, coalitions and individuals do not have to have the exact same reporting requirements in order to provide the Regional Board with necessary information that fulfills the Agricultural Order. (See also State Board WQO 2013-0101, p. 14, calling for different future Agricultural Orders for third party programs and individual dischargers.) Coalitions and individuals can meet the intent of the Porter-Cologne Water Quality Control Act and protect water quality via different reporting fashions. This is evidenced throughout the state where numerous coalition groups and individuals have different reporting protocols. (See Central Valley Regional Water Quality Control Board’s Irrigated Lands Regulatory Program comprised of seven waste discharge requirements general orders for coalition/commodity groups and one waste discharge requirements general order for individuals.) These coalition groups not only fulfill the goal of equitable and aligned reporting requirements even with different reporting protocols, but also improve water quality and protect the privacy rights of individual participants.

By mandating that the Coalition must report drinking water exceedances and associated follow up in the same manner as individuals, the usefulness, benefits, and long-term viability of coalitions is threatened. (See State Board WQO 2013-0101, pp. 13-141 stating benefits of third party groups and the State Board’s support for such programs. Such benefits may be eroded if third party groups are required to have the same reporting requirements as individuals.)

Farm Bureau appreciates the opportunity to provide comments on Item 13. We look forward to further involvement and discussion with the Regional Board on regulations concerning waste discharges from irrigated lands.

Very truly yours,

Kari E. Fisher
Associate Counsel

KEF/pkh

1 “[W]e believe it is important here for us to express our support of third party approaches generally. There are a number of advantages to utilizing a third party approach to regulation of agricultural discharges. From a resource perspective, third parties allow a regional water board to leverage limited regulatory staff by acting as intermediaries between the regional water board staff and the growers, freeing regional water board resources to focus on problem areas or actors. Third parties also may have the expertise to provide technical assistance and training to growers at a scale that cannot be matched by regional water board staff resources, and, in many cases, third parties already have relationships in place with the dischargers… Further, in the next iteration of the Agricultural Order, the Central Coast Water Board should strongly consider developing orders for both third party programs and individual dischargers.” (State Board WQO 2013-0101, pp. 13-14.)