

STAFF DRAFT: NOT REVIEWED OR APPROVED BY THE STATE BOARD OR THE WATER COMMITTEE TO THE BOARD

RE: Comments to A-2239(a)-(c).

Dear Members of the State Water Resources Control Board (SWRCB):

We appreciate the opportunity to provide comments on this important issue. The California State Board of Food and Agriculture (Board) is deeply concerned that as proposed the order would derail the cooperative approach built over the last decade to focus on improving water quality. In fact, the existing order is the result of thirteen years of extensive outreach by the regional board staff and broad stakeholder engagement which has demonstrated success on surface water issues.

The fact that the proposed order is a statewide program and a policy precedent for other agricultural areas is especially troubling because of the complexity of groundwater nitrate issues. A statewide program must take into account regional agricultural and aquifer characteristics. The existing Eastern San Joaquin order is in the early stages of data collection about nutrient management practices and has not had the time necessary to produce the results that are the goals we all share: improved nutrient management to protect groundwater and drinking water sources.

At its March 1, 2016 meeting of our Board we heard from a number of stakeholders, including members of the Agricultural Expert Panel and the Nitrogen Tracking and Reporting Task Force ([copy attached](#)). The changes in the proposed order reflect a policy direction that is inconsistent with the findings of the Agricultural Expert Panel, fail to recognize the recommendations of the Nitrogen Tracking and Reporting Task Force (Task Force) and are in stark contrast to the enforcement and regulatory framework established by the Central Valley Regional Water Quality Control Board and its stakeholders. Further, the policy direction is an overstep of information collection/reporting that surpasses the threshold of reasonable and necessary to achieve the desired outcomes of improved nutrient management and ground water quality protection. We believe an economic impact assessment is required and that it would show very significant costs for such extensive data collection and analysis.

The Board maintains that the third party approach (agricultural coalitions), entities reporting in aggregate to state agencies, is the best avenue for reporting requirements associated with Irrigated Lands Regulatory Program. The Agricultural Expert Panel, the Task Force, and other experts agree that grower reporting to third-party coalitions which summarize data at township or regional level, over at least three years for analysis, can provide the appropriate data necessary for assessment. (Nitrogen Tracking and Reporting Task Force: Final Report, pg. 14)

As proposed, the Board does not accept the reporting alternatives identified in the public notice and recommends the SWRCB not adopt the changes to the general order for the Eastern San Joaquin River Watershed. Rather, the Board encourages the SWRCB to reach out to the regional boards, members of its Agricultural Expert Panel and the Task Force to take advantage of the

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Memorandum of Understanding with California Department of Food and Agriculture for consultation on nutrient management to better understand the significant economic impact of this proposed order and the constraints of the existing infrastructure to accommodate the overly burdensome data collection.

We are confident you will find much more effective alternatives to achieving the desired outcome of groundwater quality protection. Thank you for the opportunity to provide comments.

Sincerely,

DRAFT