



June 28, 2006

Regional Water Quality Control Board
Region 3
895 Aerovista Place,
San Luis Obispo, Ca. 93401

Re: Conditional Waiver of Waste Discharge Requirements from Irrigated Lands

Dear Members of the Board,

This letter is submitted on behalf of The Environmental Center of San Luis Obispo, The Environmental Defense Center (EDC), The Ocean Conservancy, and Santa Barbara Channelkeeper. These groups were all participants on the Ag. Advisory Panel that provided recommendations to your Board on the agricultural waiver adopted in 2004. Our groups would like to take this opportunity to voice our continued support for the implementation of the conditional waiver program.

Overall, we believe the program is headed in the right direction and we are pleased with the progress that has been made to date. We especially appreciate the hard work of Regional Board staff as well as leaders within the agricultural community who are critical to the success of the program. While we are aware of some of the start up challenges facing the program (incomplete enrollment, data collection and management, notification, etc.), we believe that such issues were to be expected with the launch of a program of this complexity and scope. With continued support from your Board, staff, and community members, we are confident that this program will improve in the coming years.

As seen in your staff report, Phase I monitoring results have been completed, with the assistance of the newly formed non-profit organization, Central Coast Water Quality Preservation, Inc. The results of this industry-led monitoring program found widespread and significant levels of toxicity at most of the sampled sites as well as elevated levels of conventional pollutants at many sites. Although we are not happy to see further evidence of impairment in area waterbodies, we believe the Phase I monitoring results provide very useful information.

First, they show that our efforts to monitor water quality are necessary and important if we are to improve the health of area waterbodies. The monitoring results can further serve as a tool for growers, the public and elected officials to work together in identifying the sources and causes of such discharges in order to take appropriate next steps. Lastly, they give us a baseline from which to judge the success and/or failure of future management practices aimed at reducing toxic discharges and other pollution to ground and surface waters.

We ask that the Regional Board continue to support these efforts in a serious manner in order to meet state water quality standards that are protective of the environment and human health. The conditional waiver that is in place in our region is unique among the state's various regions, and is being looked at as a model for others to emulate. For this reason alone, it deserves your full attention and support.

As such, we encourage the addition of permanent staff to work on this program. As seen in the charts provided to you, this program has the highest level of participation of any other water quality program being implemented at the regional level, yet has the least amount of full-time dedicated staff. We are concerned that the staffing levels may not be sufficient for the work load, especially in the coming years as we strive for 100% enrollment, and where necessary, follow up action.

While initial enrollment figures are good (an estimated 87% of irrigated acreage in the region enrolled), clearly there are still many growers who are not yet participating, and we need an aggressive plan to bring all eligible growers into the program. We believe that additional outreach and a schedule for appropriate enforcement actions are important tools to ensure full enrollment.

In addition, given the initial widespread toxicity results, we believe that a vigorous and multi-pronged outreach and education program is clearly needed as a key component of the conditional ag. waiver program. Such an effort would provide growers with clear information about the meaning of the monitoring results, the nature of the pollution problems, and access to resources on how they can reduce pollution problems in affected waterbodies. The current waiver requires this, and we strongly support this component.

While the first phase of monitoring is complete, we have now entered the second phase, which will not only revisit previously tested sites, but will also expand to other areas. These efforts, taken together, will begin to create a picture of the true severity of water quality contamination in the region. It is our hope that in continuing to work with Regional Board staff, growers, and members of our communities, we will be able to proactively address water quality problems as they arise and begin to make improvement to impaired waterbodies. In the end, proof of the effectiveness of the conditional waiver program will be in the level of improvement that is seen in water quality in the Region.

As mentioned, we are proud of the work done by your staff, Preservation Inc., and the various growers that have enrolled in this pollution prevention program. This signifies a truly collaborative effort, which with continued and increased support, can contribute to increased water quality for all Central Coast residents.

Sincerely,

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Environmental Defense Center

Kaitilin Gaffney, California Central Coast Program Manager
The Ocean Conservancy

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