

ACDF, LLC

1306 W. Herndon Ave, Suite #101, Fresno, CA 93711
Phone (559) 440-8350 • Facsimile (559) 432-2214



December 21, 2017

SENT VIA EMAIL TO: Commentletters@waterboards.ca.gov

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

RE: "Comments to A-2239(a)-(c)" – State Water Board Review of WDRs General Order [No. R5-2012-0116] for Growers within the Eastern San Joaquin River Watershed that Are Members of the Third-Party Group (the Eastern San Joaquin Water Quality Coalition)

Ms. Townsend and State Water Board Members:

ACDF, LLC is a California limited liability company that farms almonds and pistachios in the Eastern San Joaquin ("ESJ") and Tulare Lake Basin ("TLB") areas. Our goal is to manage our farm properties professionally, use effective and efficient agricultural practices, and sustain the land for generations to come.

As a member of the Eastern San Joaquin Water Quality Coalition, we object to the State Water Resources Control Board (the "SWB") staff's proposed changes to the above-referenced ESJ General Order ("Draft Revised Order"). We also are members of the Kern River Watershed Coalition Authority and are subject to a different order known as "Order R5-2013-0120, Waste Discharge Requirements General Order for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group," as amended (the "TLB Order"). It is understood some of the more significant proposed changes to the Draft Revised Order will be precedent-setting, and, if approved as such, will have or lead to adverse effects on our farming operation in TLB, including substantially increased Central Valley Irrigated Lands Regulatory Program ("ILRP") compliance costs.

We do not believe the proposed changes are appropriate or reasonable for the ESJ or TLB areas, nor will they be effective in achieving the desired outcome of protecting groundwater quality. Representatives of our coalitions and other agricultural stakeholders have made significant financial investments and devoted thousands of hours in concert with staff at the Central Valley Regional Water Quality Control Board ("CVRWQCB"), Region 5, to develop and comply with the current order. We have also devoted many personal hours to understanding the requirements of that order, changing record keeping practices, and learning to complete and submit all currently required reports. Changing the ILRP rules at this late date, after significant resources

ACDF, LLC

1306 W. Herndon Ave, Suite #101, Fresno, CA 93711
Phone (559) 440-8350 • Facsimile (559) 432-2214

have been invested to comply with the existing regulatory requirements, is not only unnecessary but will be counterproductive and hurt growers.

In addition, we specifically object to the following proposed changes:

- Requiring growers to sample all domestic wells on lands covered by the ILRP, reporting results to users and on a public website, and having to provide replacement water. This is an inappropriate public health requirement and cost burden for an “irrigated lands” regulatory program. This issue should be addressed in a more comprehensive program specifically designed and funded to address domestic well public health issues.
- Expanding certification and reporting requirements to all growers in all areas. The addition of significantly more and costly reporting across all growers is an undue burden. Growers and their coalitions should be able to focus their efforts in the highest priority areas, as outlined in technical work already paid for by the coalitions.
- Expansion of Nitrogen Management Plan to include evapotranspiration, N sequestered in wood, and for coalitions to calculate N Removed Calculations for all crops. We reject the use of values which are not available or adequately researched for many crops and the cost to the coalitions to develop them in an unreasonably short time period. Growers will have to pay even more fees to fund development of N removed coefficients for 99% of crops by March 1 2023, N sequestered in perennial crops for 95% of crops by March 1 2019, and reference evapotranspiration for all crops effective immediately. These unrealistic deadlines put unnecessary burdens on the coalitions and their growers.

These proposed changes will add direct costs to farming operations and inevitably lead to substantially increased coalition costs and state regulatory fees. The significant financial burden will not allow us to farm efficiently or effectively. We do not believe the proposed changes are necessary for the ILRP but would rather only put farming operations in jeopardy.

Overburdening farms with unnecessary regulatory costs and obstacles may cause farmers to fallow ground or go out of business. Growers compete on a worldwide market and cannot simply pass on increased costs to consumers of farm products. Farmers already struggle with increased costs of other programs and reduced commodity prices, and future programs such as the Sustainable Groundwater Management Act (“SGMA”) will only make it more difficult to continue to be viable in the future.

As a grower in the ESJ and TLB areas, we focus attention every day on sustainable practices and seek to protect employees and the environment while maintaining efficient operations. We take pride in the conservation and efficient use of water, fertilizers and other products required to grow crops that clothe and feed people throughout the world. It is frustrating to see additional financial burden associated with unreasonable regulatory oversight which further compromises agriculture’s ability to supply needed food and to compete in a global marketplace.

ACDF, LLC

1306 W. Herndon Ave, Suite #101, Fresno, CA 93711
Phone (559) 440-8350 • Facsimile (559) 432-2214

While the Draft Revised Order emphasizes the importance of preserving the viability of Central Valley agriculture, the far-reaching, costly, unreasonable and unnecessary proposed changes in the Draft Revised Order will, when applied in the real world, actually threaten the continued viability of agriculture in California. We believe the Draft Revised Order is unreasonable and ask that the SWB NOT adopt the Draft Revised Order as structured. Instead, an alternative needs to be developed, in cooperation with representatives from the Kern River Watershed Coalition Authority, that appropriately addresses our areas. The TLB Order should be reviewed in light of the extensive record unique to the area, which was developed over the course of many years by the coalition, before the CVRWQCB, to best achieve the goals of the ILRP in our basin. Finally, Kern River Watershed Coalition Authority's more extensive comments on and concerns about the Draft Revised Order are hereby incorporated into these comments.

Sincerely,



Megan Dutra
In-House Counsel