

From: Nancy Lea
To: [commentletters](#)
Subject: Comments to A-2239(a)-(c)
Date: Monday, December 11, 2017 1:40:04 PM



Dear Clerk to the Board Townsend,

As a Yolo County farmer and a member of our sub watershed coalition governing board the I have been closely following the State Water Resources Control Board's Draft Order revising the East San Joaquin Water Quality Coalition's General Waste Discharge Requirements.

I appeared and testified before the SWRCB on Wednesday, December 6, 2017 in Sacramento: the proposed order being imposed on all areas of the State is of great concern: I mention 3 particular points: I preface this entire discussion with the fact that the ag areas of the State are not fungible and what will work for one area, and be a positive, will be a negative in another area. I note that Yolo County ag is vastly different from that of other areas.

- (1) due to native language issues, computer literacy, internet access or age, many individuals in our sub watershed are already over burdened with requirements to comply with regulations requiring reporting that are already excessive, consuming too much time in light of the benefit to be received. Each new requirement, in addition to those already in place, is a "tax" on the time and labor of individual operations. The mere fact that regulators think they can legally put a new requirement on individual farmers does not mean that they should.
- (2) our farmers have worked hard and successfully kept our subwatershed in compliance. More reporting and more mandates is - basically - regulator punishment for doing well.
- (3) As a lawyer in addition to being a first generation walnut farmer I appreciate risk management. Part of successful risk management in modern day ag is anonymity. We have been advised that well funded environmental groups intend to target farmers with lawsuits naming them as "polluters" since by definition nitrogen and pesticides are in use. Even spurious litigation can kill off family farms. This potential exposure could make it very expensive to obtain liability insurance, and even lawsuits that result in findings of no liability on the part of ag can put an operation out of business. The SWRCB should be mindful that the State is well served by having ag in place that can feed and clothe our nation without relying on imports. Ag's value to the State needs to be part of the regulatory thinking process. I note also that more regulations, and exposure to litigation by loss of anonymity through "field level" reporting will lead to the increasing loss of the family farmer. The current direction of regulation favors "Big Ag" to the detriment of the family farm.

The proposed revisions to the East San Joaquin Waste Discharge Requirements are significant and costly. Given the precedential nature of the Draft Order, it will not only have a severe impact on agricultural operations within the Central Valley, but on all irrigated agricultural operations throughout the state. The cost of compliance for administration and reporting will significantly increase if the Draft Order is adopted. Under the new Order, reporting requirements will uniformly apply to all growers, whereas currently, reporting requirements vary. In addition to higher costs for individual growers, coalition/third-party costs as well as regional water board costs, will increase due to the new requirements to collect and compile all raw data.

The result imposing the many requirements in the draft order will inevitably lead to increased coalition/third-party costs and state regulatory fees, and the Draft Order does not contain any meaningful cost analysis to justify these new requirements. The draft order should be revisited: it needs to be analyzed in the context of the individual ag areas of the state and their unique characteristics including water and crops. Cost analyses should be performed that are region based. The SWRCB should consider the same approach used by the Governor and the Legislature with reference to ground water sustainability: state legislation mandating a local, ground up approach was put into place. Ground up, rather than top down, regulation is more acceptable, more relevant and thus, much more effective.

Thank you for considering my views.

Sincerely,

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