

COLAB SAN LUIS OBISPO COUNTY

WEEK OF OCTOBER 27-November 2, 2013

Two Meetings to Choose From: Santa Maria and Santa Barbara! **Meet Me Half-Way Dinner Conference**

October 30 at the Santa Maria FairPark

&

October 31 Luncheon At the Reagan Center in Santa Barbara

Featuring

Robert Zubrin Ph.D

“Merchants of Despair”

Combining riveting tales from history with powerful policy arguments, *Merchants of Despair* provides scientific refutations to antihumanism's major pseudo-scientific claims, including its modern tirades against nuclear power, pesticides, population growth, biotech foods, resource depletion, industrial development, and, most recently, fear-mongering about global warming. *Merchants of Despair* exposes this dangerous agenda and makes the definitive scientific and moral case against it.

Both Events Include a copy of the book, a \$25 value

Plus, A Great Meal by Testa Catering

Dinner meeting includes beer and wine!

Dinner Meeting: Reserved Seating \$550 for ten guests

or open seating \$55 per person

Lunch Meeting: Reserved Seating \$350 for ten guests

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COLAB SB and SLO County

**NO BOARD OF SUPERVISORS MEETING ON
TUESDAY OCTOBER 29, 2013
(5TH TUESDAY)**

**IMPORTANT WATER BOARD HEARING ON
DECEMBER 5TH AND 6TH IN SLO
(BUT YOU MUST FILE IN WRITING BY NOV 22, 2013 OR
YOU CAN'T SPEAK)**

Board of Supervisors Meeting of Tuesday, October 22, 2013 (Completed)

There were no items of major policy interest on this agenda. During the course of the meeting various items surfaced that could portend future trouble.

Los Osos Residents in Support of the Sewer Project. For the first time in almost 3 years of covering Board meetings, we observed a group of residents who are in support of the project. Three spoke during general public comment and praised Supervisor Gibson, the Board in general, the Public Works staff, and the project contractors. This looks like a counterpoise being generated by Gibson as part of the run up to the election campaign. One of the speakers encouraged others to come and speak.

Has Hill Abandoned Hope For Diablo Relicensing? At the end of the general public comment period he said he had a comment about Diablo: "We don't have any authority over the future of the plant or it's relicensing. We need to arrange a presentation by PG&E." Hill then went on to explain that in response to the Mothers for Peace group, he had written a letter to the Nuclear Regulatory Commission expressing concerns about the storage of the used fuel rods. Remember last week he said that given the probability of closing, the County needed to diversify its economy. Wonder what the plan is for that?

Item 18 - State Legislative Program. The County's State lobbyist presented a report on its activities on behalf of the County in Sacramento this past year. Board members were particularly interested in an upcoming \$6.5 billion State water bond measure. The Board is hopeful that the measure would provide the opportunity to apply for grants that could be used to build infrastructure to improve water reliability in the Paso Basin.

Undermining Proposition 13: Ominously, the lobbyist indicated that given the Democratic Party super majority in the Legislature, voters should expect a spate of new ballot propositions which, if approved, would lower the 2/3rds super majority requirements for new taxes and debt issuance. The State already has \$132.6 billion in bonded debt for various projects and past deficits. School districts have \$49.7 billion in bonded debt; City governments, \$68.1 billion; counties, \$22.1 billion; and

redevelopment agencies and special districts, \$110.4 billion. This does not include their pension liabilities.

The full report can be accessed at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/2687/RkIOQUxfMjAxM19Bbm51YWxfUmVwb3J0X3RvX1NMT19CT1MucGRm/12/n/20546.doc>

No Board of Supervisor's Meeting on Tuesday, October 29, 2013 (Not Scheduled)

The Board does not meet on the 5th Tuesday of the month.

Central Coast Regional Water Quality Control Board (CCRWQCB) Revised Ag. Order Comment Deadline.

The Central Coast Water Board will hold a public hearing to consider approval of the proposed revisions to the Order on December 5-6, 2013 in San Luis Obispo, CA. Comment Deadline is November 22, 2013 by 5 PM. This is an important deadline for written comments. It appears that public comment will not be allowed from the floor at the meeting of December 5-6, 2013 unless speakers have filed a prior written comment by the November deadline. The Board has tried to restrict public comment to technical matters and has expressed irritation about commenters who express concerns about the broader issues such as costs and the economic and societal impacts of this oppressive and extraordinary regulation of agriculture.

A very general summary is quoted below. It does not really convey the massive and penetrating attack on private property and agriculture implicit in the Order. A link to the actual text is therefore provided on page 5 below.

The significant determinations made by the State Water Board include the following:

- ☐ *The State Water Board will convene an expert panel to provide long-term, statewide recommendations for agricultural practices and monitoring, including the methodologies for determining risk to surface and groundwater quality, the appropriate targets for measuring progress in lowering that risk, and the efficacy of groundwater and surface water discharge monitoring in evaluating practice effectiveness.*
- ☐ *The State Water Board recognizes that nitrate in groundwater is a priority public health threat facing the Central Coast region. Groundwater monitoring provisions in the Central Coast Order are amended to require prioritization of drinking water evaluation, and further to require sampling of water from all drinking water wells that are reasonably likely to approach the maximum contaminant level for nitrate and to provide notice to users if exceedances of the maximum contaminant levels are discovered.*

□ *The Central Coast Order is amended to require detailed reporting to the Central Coast Water Board, by dischargers determined to have a high risk of loading nitrate to groundwater, of the nitrogen in irrigation water, the nitrogen present in soil, and the total nitrogen applied to the fields through fertilizer application, as well as the basis for the amount of applied. However, the Central Coast Order's requirement that the dischargers also report a numerical value for the estimated nitrogen uptake by the crop and the ratio of nitrogen applied to nitrogen uptake by the crop is eliminated, because the underlying data and calculations for these elements are speculative. The expert panel will consider this issue.*

□ *The Central Coast Order is amended to clarify that dischargers will avoid causing or contributing to exceedances of water quality standards in groundwater and surface water by implementing management practices, and, as necessary, improving these management practices over time.*

□ *The Central Coast Order is amended to state that dischargers are required to avoid discharges of waste from containment structures that cause or contribute to exceedances of water quality standards in groundwater or surface water and further that dischargers may comply with the containment structure requirements through iterative management practice implementation. The Central Coast Order monitoring requirements are amended to exempt dischargers from monitoring water in the containment structures if the water is reapplied to the fields as irrigation water.*

□ *No due process rights or ex parte communication rules were violated when the Central Coast Water Board added a late provision to the Order allowing for third party water quality improvement project proposals to be considered by a Technical Advisory Committee and approved by the Executive Officer. However, the provision is expanded to allow for consideration of broader third party management and monitoring proposals. The Central Coast Water Board is encouraged in general to give careful consideration to third party options for compliance.*

COLAB COMMENT: This section is highlighted here and discussed in further detail below because it raises due process, open meeting law, and liberty questions which, while important to the AG. Order issue, have broader implications.

□ *the tiered discharger classification scheme specified in the Central Coast Order is retained as a reasoned, interim, approach to identifying dischargers with higher risk to impact surface water and groundwater; however, the expert panel will be directed to evaluate the selection of appropriate indicators of risk to water quality for long-term, state-wide regulatory direction.*

□ *The Farm Plan provisions of the Central Coast Order are amended so that dischargers know they are expected to rely upon standard practices, such as visual inspections and record keeping, and not advanced studies, to assess effectiveness of the practice.*

□ *The individual surface water discharge monitoring provisions for dischargers determined to be in the highest risk tier for water quality impacts are retained, but with*

some clarifications. However, the expert panel will be tasked with considering whether receiving water monitoring, with increasingly focused monitoring in upstream channels designed to narrow down and identify the sources of exceedances, is a more appropriate monitoring mechanism for addressing high risk discharges.

□ *The State Water Board finds that the State Order resolving the petitions is consistent with the Water Code's directive to advance the human right to safe, clean, affordable and accessible water, adequate for human consumption, cooking and sanitary purposes, and with the state anti-degradation policy requiring that the quality of high quality water generally be maintained.*

For a full overview of specific revisions to the Central Coast Order, including several deadline extensions for monitoring and reporting, a summary of the revisions is available at pages 70-73 of the Order.

The full revision can be accessed at the link:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/a2209centralcoast_ag.shtml

It is worth a “quick” read because it is illustrative of the terrible restrictive and anti-agriculture bias of this State agency.

Open Meeting Law Violation and Subsequent Cover up: During the two-day long key public hearing on the order back in 2012, one of the Water Board members waited until about 6 PM on the 2nd day of the hearing and presented a whole new proposed section of the ordinance. This proposed new section outlined an unworkable compliance alternative which would allow groups of farmers to set up cooperatives to work on compliance. While a potential good in one way, the devil was in the details. The hundreds of farmers at the meeting were shocked that the Board would even consider such a major addition to the draft ordinance, which had not even been agendaized. Later agricultural representatives, organizations, and ag support industry representatives protested and included their objection in an appeal to the State Water Resources Control Board. It has been determined to ignore that appeal. The rejection is made part of the draft final ordinance quoted below:

A. Due Process Considerations and Third Party Compliance Options, Provision 11

At the March 14-15, 2012 hearing, after the close of public testimony and during Central Coast Water Board member deliberations, Board member Michael Johnston introduced a proposal that would allow third party approaches to implementation of controls and monitoring requirements (Johnston Proposal). The Central Coast Water Board then adopted the Agricultural Order with the Johnston Proposal. The Agricultural Petitioners argue that the inclusion of the Johnston Proposal violated their due process rights because it was developed based on impermissible ex parte communications and because they were not given an opportunity to comment on the Johnston Proposal.¹⁷

Allowing third party approaches to meeting permit obligations was a recurring discussion throughout the development of the Agricultural Order. There is a wide range and scope of potential third party approaches, but the distinguishing characteristic of all third party approaches is that they involve a group of dischargers organized around an entity other than a regional water quality control board (regional water board) that assists the dischargers with compliance with some or all of a regulatory program like the Agricultural Order. The Farm Bureau proposed third party based monitoring and data collection options in the first set of public comments in early 2010 and in correspondence thereafter.¹⁸ A coalition of agricultural organizations (Farmers for Water Quality), which included the Agricultural Petitioners, presented a third party alternative to the Central Coast Water Board at the March 17, 2011 and May 4, 2011 Board meetings, and in written comments.¹⁹ Farmers for Water Quality continued to refine its third party proposal with presentations at the February 1, 2012 Board workshop, and finally, at the Board adoption hearing on March 14-15, 2012.²⁰ In essence, this third party approach (referred to hereinafter as the “Agricultural Proposal”) contemplated that dischargers would have the option of joining a coalition of dischargers in lieu of meeting certain Tier 2 and Tier 3 requirements, including annual compliance reporting, photo monitoring, surface water discharge monitoring, and implementation of a water quality buffer plan. The coalition would, with the assistance of a technical advisory committee (TAC), develop an auditable farm water quality management plan and a program for auditing twenty percent of members each year to evaluate management practice implementation, as well as develop a practice effectiveness evaluation.

This rejection outrageously sidesteps the due process and open meeting law issues. The full hearing notice is reproduced on the next page and is indicative of the restrictive and anti-citizen culture of the Water Board.



STALIN ERA POSTER –THE ERADICATION OF PRIVATE FARMS-
A VIRTUOUS PEASANT DRIVES OFF THE CAPITALIST FARMERS IN THE
NAME OF THE PUBLIC INTEREST

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401**

**NOTICE OF PUBLIC HEARING
of
REVISION OF CONDITIONAL WAIVER WASTE DISCHARGE REQUIREMENTS FOR
DISCHARGES FROM IRRIGATED LANDS
ORDER NO. R3-2012-0011**

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) proposes to revise Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011 and associated Monitoring and Reporting Program.

The Central Coast Water Board will hold a public hearing to consider approval of the proposed revisions to the Order on **December 5 - 6, 2013**, at the:

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Interested persons are invited to submit comments in writing to the Central Coast Water Board at its office in San Luis Obispo or via electronic mail (centralcoast@waterboards.ca.gov) no later than **November 22, 2013 at 5 PM**. All comments received prior to that date will be considered in the formulation of staff recommendations regarding the revisions to the Order. The Central Coast Water Board will not accept written comments or other written submittals on the draft Order after **November 22, 2013**, unless the Chair of the Central Coast Water Board rules that exclusion would create a hardship, and that the late submission will not prejudice any party or the Central Coast Water Board. Any person submitting late comments or other submittals must explain why such materials were not submitted by **November 22, 2013**. The Chair of the Central Coast Water Board will rule on late submittals at or before the hearing. Late submittals that consist of evidence (as opposed to policy statements or comments) are generally prejudicial unless all parties and Central Coast Water Board staff have time to consider the evidence before the hearing.

Interested persons are invited to attend the hearing and may make oral comments relevant to the proposed action. Oral comments should summarize written comments. The Chair of the Central Coast Water Board will impose time limits on oral comments.

Documents related to this agenda item, including the proposed revisions and the associated staff report, will be available on the Central Coast Water Board's internet site at:
<http://www.waterboards.ca.gov/centralcoast/>

The proposed revisions, related documents, and all comments received may also be inspected and copied at the office of the Central Coast Water Board, 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427, on weekdays between the hours of 8:00 a.m. and 5:00 p.m. Please direct questions to Angela Schroeter at (805) 542-4644 at this office (angela.schroeter@waterboards.ca.gov).