



July 7, 2010

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

**RE: Limited Term Renewal of the Existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands**

Dear Board Members:

The Environmental Defense Center (EDC) urges you *not* to renew the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands for 18 months, through December 2011. Instead, we urge you to reconsider adopting the Draft Order distributed by your staff in February 2010. The revisions contemplated in the Draft Order are necessary to protect water quality and comply with California Water Code Section 13269, which states that conditional waivers must be consistent with the regional water quality control plan and must be in the public interest.

EDC is a non-profit public interest law firm that represents community organizations in environmental matters affecting California's south central coast. EDC attended monthly stakeholder meetings convened by your staff from December 2008 to September 2009. In a letter dated December 12, 2008, staff provided stakeholders with a list of contemplated revisions to the existing Ag Order, including: (1) eliminate toxic discharges; (2) reduce nutrient discharges to surface and groundwaters; and (3) protect riparian areas and wetlands, and their buffer zones. That was *18 months ago*; it is far past time to finalize and implement these revisions.

Water Code Section 13269 authorizes the Board to implement and renew conditional waivers in 5-year increments. The existing Ag Order expired in July 2009, and has already been extended beyond the 5-year term authorized by law. An additional 18-month extension would make the Ag Order operative for more than 7 years. This appears to be a violation of state law, because the Water Code does not authorize "extensions," and because the "extension" would not be predicated on current findings that confirm the Order is consistent with the water quality plan or is in the public interest.

Please adhere to the letter and the intent of the Water Code, and do *not* renew the existing Ag Order for 18 months. Thank you, and please contact us with any questions.

Sincerely,

Nathan G. Alley, Staff Attorney