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December 27, 2012

Dr. Karl Longley, Chair
Jon Costantino, Vice Chair
Sandra Meraz, Board Member
Jennifer Moffitt, Board Member
Carmen Ramirez, Board Member
Robert Schneider, Board Member
Pamela Creedon, Executive Officer
Clay Rodgers, Assistant Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Re: Comments of Kern River Watershed Coalition Authority re: draft "Waste Discharge Requirements General Order for Discharges from Irrigated Lands within the Central Valley Region for Dischargers not Participating in a Third-Party Group" (November 2012 draft)

Dear Board Chair, Vice Chair, Members, Ms. Creedon and Mr. Rodgers:

As an interested grower in Kern County, I am highly concerned with the proposed Irrigated Lands Regulatory Program and the upcoming draft "Individual Order" that may greatly impact my farming operation.

The proposed individual order will have grave consequences to the viability of my farm, my workforce and our community. The cost of compliance with the individual order is not sustainable and will force many smaller growers out of business.

In our case, our farming operation is located east of Bakersfield in the beginning of the foothills. All of the farming is done via drip or micro irrigation and the depth to ground water is approximately 1200 feet below the surface. Hence, there is no way that our irrigation waters are getting into the ground water. The recharge for our ground water comes from the hills, not the Kern River nor our irrigation, as evidenced by the water analysis and temperature. To require us to do extensive monitoring and reporting will place a financial burden upon us that is unnecessary.

We have spent a considerable amount of capital developing a highly efficient farming operation. There must be some way to exempt operations, such as ours, that clearly do not discharge into the "waters of the State".

Sincerely,

NICKEL FAMILY LLC

James L. Nickel, President
JLN/rrd