


**LATINO ISSUES FORUM A PUBLIC POLICY & ADVOCACY INSTITUTE**

*Advancing California's Social, Economic  
and Environmental Future*

September 4, 2007

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Division of Water Quality  
State Water Resources Control Board  
1001 I Street, 15th Floor  
Sacramento, CA 95814

VIA FACSIMILE: (916) 341-5584  
VIA EMAIL: [rmaughan@waterboards.ca.gov](mailto:rmaughan@waterboards.ca.gov)

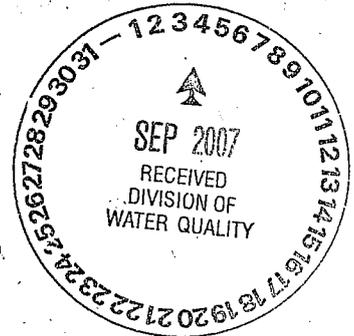
**Re: Comment Letter – September 13, 2007 Irrigated Lands Program Joint Workshop**

Dear State and Regional Water Board Members:

Thank you for the opportunity to comment on the Central Valley's Conditional Waiver Program for Irrigated Agriculture. Latino Issues Forum (LIF) is a non-profit public policy and advocacy institute dedicated to advancing new and innovative policy solutions for a better more equitable and prosperous society.

For over 10 years, LIF has played a key role in ensuring that water and environmental health issues are at the forefront throughout the state. In particular, LIF has been focused on addressing water quality issues impacting rural communities of the San Joaquin Valley. As a result of our work, which has included numerous forums, meetings with community stakeholders, on the ground projects and meetings with local legislators we have witness first hand the negative impact the Central Valley Regional Water Quality Control Board's Agricultural Waiver Program has had on the region. **For that reason, we ask you to act now and protect and restore the quality of the San Joaquin Valley's water by protecting it from the significant pollution caused by irrigated agriculture.**

Irrigation water run-off from fields contains a toxic mix of fertilizers and pesticides, which ultimately flow into waterways and seep into aquifers. As a result, local drinking water sources are among the most polluted in the state. Each year, more than 40,000 people in living in Central Valley communities are exposed to unsafe and illegal levels of contaminants in their drinking water due to groundwater contamination. Today, over 20 percent of all community water systems in Tulare County cannot meet basic safe drinking water laws, almost entirely due to nitrate contamination of groundwater sources.



Despite this, the Central Valley Regional Water Board, through its Ag Waiver Program, continues to allow water with highly concentrated levels of fertilizers and pesticides to contaminate community drinking water sources without ANY regulatory requirements. While irrigators are given a green light to pollute, rural, low-income, mainly Latino communities frequently pay exorbitant prices for water they can not drink, are forced to pay additional money for bottled water to meet their drinking water needs and are left struggling to pay for the cost for drilling new wells or upgrading their local water treatment technology. This is unacceptable. Access to safe drinking water is a fundamental human right.

The State Water Resources Control Board and the Central Valley Regional Water Quality Control Board must fulfill their mandate to protect our drinking water resource, community health and ecological integrity. To fulfill this mandate we specifically request that you do the following:

- 1) Order staff to **revise the current Irrigated Lands Conditional Waiver Program to include groundwater dischargers** and present an interim order for adoption by the Regional Board by the end of the year.
  - a. Staff should solicit public comments on a draft and ultimately present a revised interim order, which incorporates groundwater dischargers and is consistent with the State's Non-Point Source Policy, for a public hearing and Board adoption by December 2007.
  - b. The revised order should include the following:
    - i. Reports of Waste Discharge (or equivalent reporting) by all surface and groundwater dischargers.
    - ii. A timeline for enrollment of all new groundwater dischargers.
    - iii. Penalties for failure to enroll.
    - iv. A Groundwater Monitoring and Reporting Program with a timeline for implementation by all groundwater dischargers.
      1. The program should include shallow groundwater monitoring for groundwater contaminants found on-site to determine whether they occur in excess of water quality objectives.
      2. The timeline for implementation should prioritize groundwater dischargers in vulnerable geologic environments where water quality objectives are not being met.
    - v. A timeline for development of Best Management Practices (BMP's) and implementation requirements for all surface *and* groundwater dischargers.<sup>1</sup> Requirements must include:
      1. A means of verification that BMP's are being implemented;
      2. A means of quantifying BMP effectiveness;
      3. A means of incorporating feedback from monitoring results into BMP requirements.

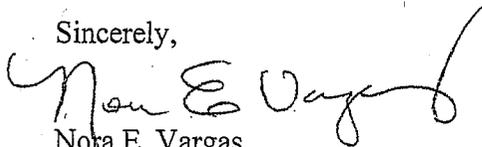
<sup>1</sup> Many of the BMPs identified by DPR for legal pesticide use may be applicable to this program. See <http://www.cdpr.ca.gov/docs/gwp/chem.htm>; Groundwater Mitigation Measures (3CCR sections 6487.1 - 6487.5); general restricted material permit regulations (3CCR sections 6400 - 6444); bentazon (3CCR section 6457); and aldicarb (3CCR section 6458) - <http://www.cdpr.ca.gov/docs/inhouse/calcode/3ccrcovr.htm>.

- vi. Milestones for the Program to meet surface *and groundwater* water quality objectives.
  - vii. Penalties for dischargers that fail to implement requirements and meet surface *and groundwater* quality objectives.
- 2) **Prepare an Environmental Impact Report (EIR)** for a final regulatory program for irrigated agriculture that fully examines the alternatives for best management and treatment technologies for surface *and groundwater*. This should include the use of *individual and general WDRs*, as well as conditional waivers for the regulatory program. The EIR should be completed within the next year, given the years and millions of dollars that the Board has already put into developing an EIR for the current program.<sup>2</sup>

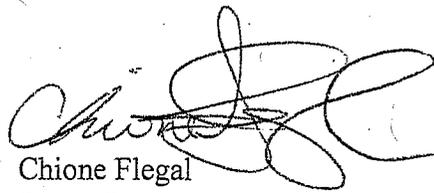
**Additionally, we request that the State Board set appropriate fees, request sufficient funds through its budget requests, and identify other sources of funding that can be used to implement an expanded program as outlined above.**

Lack of groundwater protections has gone on for too long at the expense of community health. As the agency responsible for regulating and protecting surface and groundwater in California's Central Valley we urge you to adopt the strong policies necessary to keep our water safe and issue permits to irrigated agriculture that protect our drinking water sources and protect water for other critical beneficial uses.

Sincerely,



Nora E. Vargas  
Executive Director



Chione Flegal  
Senior Program Manager

CC: Senator Dean Florez  
Assembly Member Nicole Parra  
Assembly Member Juan Arambula

<sup>2</sup> The Board is currently working on an existing conditions report for the EIR. The following is a list of data that should be included in that report:

- 1) The Department of Public Health (DPH) (formally the Department of Health Services)'s drinking water program's chemical database of all public water systems well monitoring data.
  - 2) The Department of Pesticide Regulation (DPR)'s groundwater program's Annual Well Inventory, which includes many other agencies' data as well as their own testing.
  - 3) USGS data sources, many of which go back decades.
  - 4) The State Board GAMA program's well testing data, which includes public supply wells, private domestic wells and monitoring wells.
  - 5) The Regional Board's data from individual dischargers, which are required or voluntarily report groundwater monitoring data through regulatory programs, such as dairies and food processing facilities.
- All of these sources should be easily integrated to determine where water quality objective exceedances occur.