Environmental Justice Implications and Recommendations for Ag Order 4.0

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Community of San Jerardo

— 66 Houses
— One Child Care Center
— One Community Center
— 350 Residents
Water Contamination (1990-2001)

- Three drinking water wells were contaminated
- Five years of bottled water (15 gallons per household)
- Residents suffer health issues by showering
- 17,000 dollars monthly cost filtration system (County paid)
- Nine years without refinancing (50,000 dollars opportunity loss per year)
New source of water (2010)

— A new drinking water system was built (cost six million dollars)

— Monterey County owns the new water system

— 500 percent increase in water rates
## Clean Water not Affordable

### Currently

**One Low Income Community Member**

<table>
<thead>
<tr>
<th>Monthly Income &amp; Expenses</th>
<th>Percent of Expenses &amp; Net Available Income</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>616</td>
</tr>
<tr>
<td>Medicare</td>
<td>-124</td>
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<td>Medical Prescriptions</td>
<td>-29</td>
</tr>
<tr>
<td><strong>Net Monthly Income</strong></td>
<td>463</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
</tr>
<tr>
<td>Rent (Rent subsidy provided)</td>
<td>96</td>
</tr>
<tr>
<td>Membership Fee</td>
<td>40</td>
</tr>
<tr>
<td>Electricity</td>
<td>27</td>
</tr>
<tr>
<td>Gas Propane</td>
<td>16</td>
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<tr>
<td>Water</td>
<td>85</td>
</tr>
<tr>
<td>Telephone</td>
<td>57</td>
</tr>
<tr>
<td><strong>Total Monthly Expenses</strong></td>
<td>321</td>
</tr>
<tr>
<td>Income</td>
<td>463</td>
</tr>
<tr>
<td>Expenses</td>
<td>-321</td>
</tr>
<tr>
<td><strong>Net Available Income</strong></td>
<td>142</td>
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</table>
San Jerardo Community - Currently

- County is selling the drinking water system

- Request water system to be transferred to San Jerardo

- State requires $550,000 on reserves to qualify for the TMF
Other Disadvantaged Communities

- San Jerardo water issues mirrors other communities

- Who is going to step up to fix this problem?

- Who is responsible to pay for this problem?

- Who is responsible to protect clean water wells?

- Need permanently clean drinking water solutions
Thank you
Legal Issues with the East San Joaquin WDR Order

Presentation to the California Regional Water Quality Control Board, Central Coast Region
Nathaniel Kane, Environmental Law Foundation
September 21, 2018
ESJ Order

- Adopted February, 2018
- 3 lawsuits filed March 2018
ESJ Order

• Structure:
  • Members must meet receiving water limitations
    • Except in areas subject to a Management Plan
      • 10-year timeline to meet limitations where Management Plan applies
      • Management Plans overseen by Third Party Coalition
  • Members must implement certain MPs
  • Members must complete Farm Evaluations and Irrigation and Nitrogen Management Plans
  • Third Party Coalition collects information, anonymizes and aggregates it, and transmits data tables to Regional Board
    • Conducts monitoring
ESJ Order

• Collection of A/R and A-R Data
  • Presented to the board anonymously
  • Multi-year average
  • Non-binding township level targets
    • Township = 6 mile x 6 mile square
    • Third Party determines R coefficients

• Management Practice Evaluation Program
• Trend Monitoring/Groundwater Assessment Report
• Surface Water Quality Monitoring Expert Panel
• Drinking Water Well Testing & Notification
NPS Policy

• Key Elements 1-5:
  1. Must achieve Water Quality Objectives
  2. Must describe MPs and process for verification. MP implementation is never a substitute for achieving WQOs.
  3. Where immediate compliance is not possible, specific time schedules are permissible with quantifiable milestones
  4. Must have sufficient feedback mechanisms so that the RWQCB, dischargers, and the public can determine whether the program is achieving its stated purpose(s). Monitoring programs must be reproducible, provide permanent record, and available to the public.
  5. Must make clear in advance potential consequences for failure
No Evidence-Based, Enforceable Connection Between Grower Conduct and Groundwater Contamination

• Necessary to Comply with Key Elements 1 and 2 of NPS Policy
• Required follow up for “outliers”
  • “outlier” is left undefined
• A/R standards are not enforceable
No Enforceable, Objective Standards

• Necessary to comply with Key Elements 1, 2, 3 of NPS Policy
Transparency

• Necessary for compliance with Key Element 4 of NPS Policy
  • “An NPS control implementation program shall include **sufficient feedback mechanisms** so that the RWQCB, dischargers, and the public can determine whether the program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required.”
  • “[A]ll monitoring programs should be **reproducible**, provide a permanent/documentated record and be **available to the public.**” *(Id.)*

• Public Records Act

• Water Code section 13269(a)(2)
  • “Monitoring results shall be made available to the public.”
Transparency

• California Constitution, art. I, § 3(b)(1): “The people have the right of access to information concerning the conduct of the people’s business....”

• Water is the “people’s business.”
  • California Constitution, art. X, § 5: “The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State....”
  • Water Code § 102: “All water within the State is the property of the people of the State....”
  • Water Code § 104: “[T]he people of the State have a paramount interest in the use of all the water of the State and that the State shall determine what water of the State, surface and underground, can be converted to public use or controlled for public protection.”
Transparency

• “[T]he record indicates the monitoring requirements of the Order are inadequate to detect groundwater degradation, much less prevent it.” (Asociacion de Gente Unida por el Agua v. Central Valley Regional Water Quality Control Bd. (2012) 210 Cal.App.4th 1255)
  • Monitoring must be able to link discharges to changes in water quality
Transparency

• “Two pillars of the Water Quality Act are to protect the quality of community water supplies and to promote public access…. The public is entitled to know whether the Regional Board is doing enough to enforce the law and protect the public’s water supplies.”

• “There is no justification for such obfuscation…”
  • Zamora v. Central Coast Regional Water Quality Control Board (Oct. 28, 2016) (San Luis Obispo Sup. Ct. No. 15CV-0247, at p. 2-3.)

• Nitrogen applied data is not trade secret.
  • Rava Ranches v. California Water Quality Board, Central Coast Region (Nov. 17, 2016); Triangle Farms v. California Regional Water Quality Board, Central Coast Region (Dec. 29, 2016) (Mont. Sup. Ct Nos. 16CV000255 and 16CV000257.)
Transparency

• Central Coast Board Human Right to Water Policy
  • Resolution R3-2017-0004
    • “… minimize impediments to data access, and work with the State Water Board and other appropriate agencies to maximize the availability and accessibility of data and information regarding drinking water quality to support the development of solutions and inform all stakeholders, including communities that lack adequate, affordable, or safe drinking water.”
Transparency

• Questions that we need to know the answers to:
  1. Are MPs effective in improving water quality?
  2. Where are MPs being implemented? Where are MPs not being implemented but should be?
  3. What fields belong to the largest growers? And are the largest growers applying nitrogen at acceptable rates and implementing MPs?
  4. Should a field be part of a higher or lower tier?
  5. Are there geographic patterns to MP implementation or nitrogen application? Do those patterns correlate to water quality changes?
  6. Are my neighbors implementing MPs and reducing nitrogen application?
  7. Are growers exhibiting strategic behavior?
  8. Are there questions we don’t know to ask yet?
Cannot see magnitude or detail of MP implementation
- How far from edge?
- What is “limited?”

No location ID: cannot tell if neighboring farm is implementing MPs

How many split applications? What proportions?

Cannot see whether discharger should be in SQMP

No Acreage

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**TABLE 1**

Sample Field-Level Management Practice Data Reported to the Regional Board by Anonymous Member ID* (Second Staff-Proposed Draft Order)

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>243721 Tomato</td>
<td>Yes</td>
<td>ECA</td>
<td>Drip</td>
<td>Measured soil moisture</td>
<td>Established crop</td>
<td>N/A</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>NA</td>
<td>No</td>
<td>NA</td>
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<tr>
<td>243721 Tomato</td>
<td>No</td>
<td>ECA</td>
<td>Drip</td>
<td>Weather-based measured soil moisture</td>
<td>Used drift control agents</td>
<td>Stabilized creek and stream banks</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>NA</td>
<td>No</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>243721 Corn</td>
<td>No</td>
<td>Self-fertilizer</td>
<td>Fertilizer return</td>
<td>Used split fertilizer applications</td>
<td>No irrigation drainage</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>NA</td>
<td>No</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>341962 Almond</td>
<td>No</td>
<td>BRCIS</td>
<td>Drip</td>
<td>Weather-based scheduling</td>
<td>Used split fertilizer applications</td>
<td>Field is lower than</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Limited edge of field</td>
<td>Used split fertilizer</td>
<td>Spray</td>
<td>Yes</td>
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<tr>
<td>100619 Corn</td>
<td>No</td>
<td>ECA</td>
<td>Narrow</td>
<td>Tailwater return</td>
<td>Tested irrigation water nitrogen concentration</td>
<td>ø</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Integrated pest management</td>
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<tr>
<td>100619 Alfalfa</td>
<td>Yes</td>
<td>Self</td>
<td>Border fixed</td>
<td>Laser-levelled field</td>
<td>None</td>
<td>Applied no pesticides</td>
<td>Used in-furrow drain</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Integrated pest management</td>
<td>No</td>
<td>NA</td>
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<tr>
<td>781996 Almond</td>
<td>No</td>
<td>ECA</td>
<td>Spinkler</td>
<td>Measured soil moisture</td>
<td>Tested soil for residual nitrogen</td>
<td>Irrigated with drip or micro-irrigation system</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>NA</td>
<td>Yes</td>
<td>Compacted added to soil</td>
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<tr>
<td>781996 Almond</td>
<td>No</td>
<td>ECA</td>
<td>Flood</td>
<td>Irrigation based on crop water need</td>
<td>Tested soil for residual nitrogen</td>
<td>Planted cover crops or native vegetation</td>
<td>Yes</td>
<td>No</td>
<td>Na</td>
<td>No</td>
<td>Yes</td>
<td>Compacted added to soil</td>
<td></td>
</tr>
</tbody>
</table>

*The data in this table is for illustrative purposes only and does not represent actual data collected.
No location info, cannot tell whether runoff is an issue or whether neighbor is implementing MPs

No acreage, so impossible to tell
- magnitude of loading
- which Member IDs are associated with large or small operators

### TABLE 2

Sample Field-Level Nitrogen Data Reported to the Regional Board by Anonymous Member ID*

(Second Staff-Proposed Order)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>243721</td>
<td>Tomato₁</td>
<td>180</td>
<td>10</td>
<td>6</td>
<td>196</td>
<td>148</td>
<td>1.3</td>
<td>48</td>
<td>1.3</td>
</tr>
<tr>
<td>243721</td>
<td>Tomato₂</td>
<td>150</td>
<td>0</td>
<td>45</td>
<td>195</td>
<td>60</td>
<td>3.3</td>
<td>135</td>
<td>3.7</td>
</tr>
<tr>
<td>243721</td>
<td>Corn, silage</td>
<td>230</td>
<td>0</td>
<td>17</td>
<td>247</td>
<td>210</td>
<td>1.2</td>
<td>37</td>
<td>1.4</td>
</tr>
<tr>
<td>341962</td>
<td>Almond</td>
<td>180</td>
<td>5</td>
<td>22</td>
<td>207</td>
<td>140</td>
<td>1.5</td>
<td>67</td>
<td>1.3</td>
</tr>
<tr>
<td>810619</td>
<td>Corn, grain</td>
<td>200</td>
<td>0</td>
<td>5</td>
<td>205</td>
<td>120</td>
<td>1.7</td>
<td>85</td>
<td>1.6</td>
</tr>
<tr>
<td>810619</td>
<td>Alfalfa</td>
<td>0</td>
<td>0</td>
<td>35</td>
<td>35</td>
<td>510</td>
<td>0.1</td>
<td>-475</td>
<td>0.1</td>
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<tr>
<td>781936</td>
<td>Almond₁</td>
<td>250</td>
<td>0</td>
<td>0</td>
<td>250</td>
<td>130</td>
<td>1.9</td>
<td>120</td>
<td>2.1</td>
</tr>
<tr>
<td>781936</td>
<td>Almond₂</td>
<td>135</td>
<td>10</td>
<td>31</td>
<td>176</td>
<td>54</td>
<td>3.3</td>
<td>122</td>
<td>3.6</td>
</tr>
</tbody>
</table>

*The data in this table is for illustrative purposes only and does not represent actual data collected.
Table 3

Sample Field-Level Nitrogen Data Reported to the Regional Board by Anonymous APN ID*

<table>
<thead>
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<tbody>
<tr>
<td>AQRTM 5-22.02</td>
<td>Tomato_1</td>
<td>180</td>
<td>10</td>
<td>6</td>
<td>196</td>
<td>148</td>
<td>1.3</td>
<td>48</td>
<td>1.3</td>
<td></td>
</tr>
<tr>
<td>AQRTM 5-22.02</td>
<td>Tomato_2</td>
<td>150</td>
<td>0</td>
<td>45</td>
<td>195</td>
<td>60</td>
<td>3.3</td>
<td>135</td>
<td>3.7</td>
<td></td>
</tr>
<tr>
<td>AQRTM 5-22.02</td>
<td>Corn, silage</td>
<td>230</td>
<td>0</td>
<td>17</td>
<td>247</td>
<td>210</td>
<td>1.2</td>
<td>37</td>
<td>1.4</td>
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<tr>
<td>GJZON 5-22.04</td>
<td>Almond</td>
<td>180</td>
<td>5</td>
<td>22</td>
<td>207</td>
<td>140</td>
<td>1.5</td>
<td>67</td>
<td>1.3</td>
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<tr>
<td>MNOPR 5-22.04</td>
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<td>5</td>
<td>22</td>
<td>207</td>
<td>160</td>
<td>1.3</td>
<td>47</td>
<td>1.2</td>
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<tr>
<td>CFRMO 5-22.02</td>
<td>Corn, grain</td>
<td>110</td>
<td>0</td>
<td>5</td>
<td>115</td>
<td>92</td>
<td>1.3</td>
<td>23</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td>QZIFE 5-22.02</td>
<td>Corn, grain</td>
<td>110</td>
<td>0</td>
<td>5</td>
<td>115</td>
<td>92</td>
<td>1.3</td>
<td>23</td>
<td>1.6</td>
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<tr>
<td>QZIFE 5-22.02</td>
<td>Alfalfa</td>
<td>135</td>
<td>10</td>
<td>31</td>
<td>176</td>
<td>54</td>
<td>3.3</td>
<td>122</td>
<td>3.6</td>
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<td>ROTBM 5-22.06</td>
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<td>250</td>
<td>0</td>
<td>0</td>
<td>250</td>
<td>130</td>
<td>1.9</td>
<td>120</td>
<td>2.1</td>
<td></td>
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<td>LGTVI 5-22.04</td>
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<td>10</td>
<td>31</td>
<td>176</td>
<td>54</td>
<td>3.3</td>
<td>122</td>
<td>3.6</td>
<td></td>
</tr>
</tbody>
</table>

*The data in this table is for illustrative purposes only and does not represent actual data collected. If multiple crop types are grown in the same field over the course of a year or over several years, variations in field nomenclature and crop reporting will be necessary. For example, the field could be identified as the same field in an extra column and an extra row could be added for each crop._

No acreage, so can’t prioritize large fields

Unclear how to deal with multiple rotations per year on same field
Can’t tell, even anonymously, which Members are in any given township.
• Cannot tell if members are spatially grouped or scattered.

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>02307E</td>
<td>Almonds</td>
<td>88</td>
<td>20000</td>
<td>60</td>
<td>2390</td>
<td>22450</td>
<td>22400</td>
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<td>02307E</td>
<td>Corn, silage</td>
<td>64</td>
<td>13400</td>
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<td>6300</td>
<td>13340</td>
<td>13200</td>
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<td>02500E</td>
<td>Walnuts</td>
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<td>5250</td>
<td>500</td>
<td>5750</td>
<td>3752</td>
<td>1.6</td>
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<td>05514E</td>
<td>Almonds</td>
<td>115</td>
<td>20700</td>
<td>0</td>
<td>8540</td>
<td>24240</td>
<td>16100</td>
<td>1.5</td>
<td>8140</td>
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<tr>
<td>05514E</td>
<td>Corn, grain</td>
<td>600</td>
<td>66000</td>
<td>250</td>
<td>0</td>
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<td>55200</td>
<td>1.2</td>
<td>11050</td>
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<td>05514E</td>
<td>Grapes</td>
<td>112</td>
<td>2800</td>
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<td>200</td>
<td>3075</td>
<td>3140</td>
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<tr>
<td>05514E</td>
<td>Dates</td>
<td>32</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<tr>
<td>05514E</td>
<td>Peaches</td>
<td>123</td>
<td>155160</td>
<td>0</td>
<td>8550</td>
<td>158710</td>
<td>108812</td>
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<td>50098</td>
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<td>05514E</td>
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<td>200</td>
<td>900</td>
<td>157100</td>
<td>104000</td>
<td>1.5</td>
<td>52100</td>
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<td>06509E</td>
<td>Almonds</td>
<td>58</td>
<td>5700</td>
<td>0</td>
<td>705</td>
<td>6405</td>
<td>2052</td>
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<td>06509E</td>
<td>Corn, grain</td>
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<td>235840</td>
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<td>48550</td>
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<td>2000</td>
<td>3250</td>
<td>662690</td>
<td>422640</td>
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<td>240500</td>
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<td>170380</td>
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<td>38440</td>
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<td>7995</td>
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*The data in this table is for illustrative purposes only and does not represent actual data collected.
Transparency

Transparency

Figure 1. Generalized Geology of the Eastern San Joaquin River Watershed – adapted from Thiros (2010)

Source: Information Sheet, p. 6.
Recordkeeping

• Allowed destruction of records after 10 years
• Despite 10-year planning horizon
• Violated Key Element 4 of Nonpoint Source Policy
Good Design

• Gaming incentives
  • Tiering
  • Township-level targets

• Averaging
  • Relies on assumptions about groundwater movement that are not supported
Township Targets

Township Target: 1000 lbs.
Township Targets: Incentive to Overapply

Township Target: 1000 lbs.

Township Value: 1,250 lbs.

Result: Fail

Exceedance per grower: 62.5 lbs.

Actual responsibility: Grower D – 250 lbs.

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Township Targets: Disincentive to Underapply

Township Target: 1000 lbs.

Township Value: 1,100 lbs.

Result: Fail

Exceedance per grower: 25 lbs.
Township Targets

Township Target: 1000 lbs.
Township Targets

Township Target: 1000 lbs.

A  
Corn

B  
Almonds

C  
Walnuts

D  
Tomatoes
Township Targets

Figure 2. Illustration of Anonymous APN ID, corresponding to Table 3
Antidegradation

• Findings
• Analysis
• BPTC
Thank You
California Rural Legal Assistance, Inc.

MARISOL F AGUILAR
CEI DIRECTOR

SEPTEMBER 21, 2018
Who is Primarily Affected?

- Disadvantaged communities
- Low-income residents
- Agricultural communities and workers
While we work on prevention…
Domestic Well Testing

- Requiring testing without delay
- Frequency of testing
- Timing of testing
- Testing for more than just nitrates
- Reminders of testing and notice requirements
Notices

Requiring notice of exceedance

Accessible notices
- Language
- Non-technical language
- Low-literacy
Replacement Water

Barriers

• Distance
• Access to transportation
• Cost of travel
• Cost of water
• Ability to obtain safe water…
Central Coast Regional Water Board – ILRP
Advancing community-driven water solutions through organizing, education, and advocacy
How can the regional board use discharge permit requirements to ensure current and future affordable, safe, and clean water for drinking water?
Groundwater Contamination Impacts to Environmental Justice Communities

- Public water systems have to raise rates to cover treatment or alternative water sources
  - If cannot raise rates, continue to serve contaminated water, leaving residents to pay water bill and buy bottled water
- State small water systems and private well communities may not know their water is contaminated
  - Threats to public health including:
    - Mental stress
    - Physical impacts
    - Increased medical costs
  - Treatment may be beyond financial means for residents to cover
How can the ILRP promote safe and affordable drinking water?

- Prevent contamination in the first place
- RWB does not have authority over water systems and private wells directly
ILRP Tools

• Groundwater protection targets
  • How much nitrogen can be applied to the land and not impact groundwater quality
  • Move to enforceable targets as quickly as possible
    • Encourages implementation of best practices

• Balance
  • Balance = discharges meet water quality objectives
ILRP Tools Cont.

• Expanded noticing
  • On-farm wells exceeding MCL → notify nearby domestic wells and state smalls that an exceedance has been detected and recommending testing

• Data must not only be transparent but delivered in a fashion that is understandable to the public
  • I.e. Public must be able to understand total potential nitrate loading, not just what was applied and removed
  • Water quality data should be clearly linked to on-farm practices
Community Water Center: Because clean water is a right, not a privilege.

Join the movement and find out more online!

CommunityWaterCenter.org

Deborah.Ores@CommunityWaterCenter.org
Cost of Mitigating Agricultural Damage to Drinking Water & Addressing Root Causes

May Nguyen, J.D.
Central Coast Program Director
September 21, 2018

The Environmental Justice Coalition for Water
Water Justice for All
Disadvantaged communities, private well users, unincorporated communities
THE HUMAN RIGHT TO WATER

§ 106. It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.
(Enacted by Stats. 1943, Ch. 368.)

§ 106.3. (a) It is hereby declared to be the established policy of the State that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.
(b) All relevant state agencies, including the department, the state board, and the State Department of Public Health, shall consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the uses of water described in this section.
(c) This section does not expand any obligation of the state to provide water or to require the expenditure of additional resources to develop water infrastructure beyond the obligations that may exist pursuant to subdivision (b).
(d) This section shall not apply to water supplies for new development.
(e) The implementation of this section shall not infringe on the rights or responsibilities of any public water system.
(Added by Stats. 2012, Ch. 524, Sec. 1. Effective January 1, 2013.)
STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2016-0010

ADOPTING THE HUMAN RIGHT TO WATER AS A CORE VALUE AND DIRECTING ITS IMPLEMENTATION IN WATER BOARD PROGRAMS AND ACTIVITIES

The State Water Board:

... 

2. Will continue to consider, and encourages the Regional Water Boards to continue considering, the human right to water in all activities that could affect existing or potential sources of drinking water (MUN), including, but not limited to, revising or establishing water quality control plans, policies, and grant criteria, permitting, site remediation, monitoring, and water right administration.
Adopting the Human Right to Water as a Core Value and Directing Its Implementation in Central Coast Water Board Programs and Activities

- 5. “collect the data needed to identify and track communities” w/o access to safe drinking water
- 6. “prioritize regulatory programs and activities to prevent and/or address discharges that could threaten human health by causing or contributing to ... contamination of drinking water sources”
- 7. “regulate discharges to minimize loading to attain the highest water quality” within reason
- 8. “consider affordability and avoid transfer of costs to communities affected by drinking water contamination”
- 10. “consider existing law ... relevant to assessing water safety,” etc.

Source: https://www.waterboards.ca.gov/water_issues/programs/hr2w/docs/r3_hr2w_res.pdf
SAFE, CLEAN, AFFORDABLE, ACCESSIBLE, ADEQUATE, RELIABLE, SUSTAINABLE

When Agriculture contaminates wells, California is forced to mitigate

- This drives up cost (replacement)
- Requires piping in water (i.e. less accessible)
Activities Over The Past Decade (Central Coast)

- Advocacy: Budget (SV DAC Pilot Project funding); Central Coast Ag Orders, admin. appeals, litigation; State Revolving Fund to fund private laterals; Salinas Valley GSA, etc.

- Technical Assistance: Greater Monterey County IRWM Disadvantaged Community Needs Assessment and Outreach (‘11-’12); Santa Cruz IRWM Disadvantaged Community Needs Assessment and Pilot Plan (‘13-’14); Salinas Valley Disadvantaged Community Drinking Water and Wastewater Pilot Planning Project (‘14-’17); Community Engineering Corps, national pilot in Salinas Valley (‘15-present); Interim Emergency Drinking Water Projects (Bottled Water) (‘15-’19); Proposition 1 Technical Assistance (‘17-’20); Central Coast Proposition 1 IRWM Disadvantaged Community Involvement Program (‘18-’20), including identification, needs assessment, technical assistance for project readiness, etc.; CDBG construction funding for private laterals (‘18-’19); USDA technical assistance program (‘18-’19); DW testing (‘15-’18)

- Organizing: Rose Foundation (‘14-’15, ‘16-’17); Climate Relief Fund (‘15-’17)
Identified Water and Wastewater Problems
Drinking Water and Wastewater Priority Communities

Result of Prioritization
- 13 HIGH priority communities
- 5 MEDIUM priority communities
- 2 LOWER priority communities
Current support for long-term solutions

Currently working with high and medium priority communities towards long-term solutions.

- Costly
- Ag Order must address root cause
Bottled Water Program – temporary & inadequate

- EJCW interim bottled water projects (North Monterey County)
  - State Water Board
  - Central Coast Regional Water Board

- Salinas Valley Replacement Water Settlement and Program
  - Insurmountable barriers to entry
    - Language access
    - Lack of trust/relationship
    - Overly-burdensome, intrusive, complex application and waiver
    - Claimed credit for EJCW’s work, paid for by public agencies

- Bottled water useful as interim solution, while working towards long-term solution!
Community Involvement Program

BARRIERS

Language Access
Remoteness
Digital Divide
Working Poor
The only thing standing between the people’s drinking water and pollution is a strong ag order.
THANK YOU

Environmental Justice
Implications and Recommendations for Ag Order 4.0

1. Prevent contamination
2. Address the current contamination and the effect it has on communities and residents
3. Collect enough data and be transparent with that data