



September 1, 2016

Ashley Peters  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114  
Sent via email at Ashley.Peters@waterboards.ca.gov

**Re: Comments on Nutrient Management Plan Summary report from  
East San Joaquin River Coalition**

Dear Ms. Peters,

Thank you for the opportunity to comment on the draft Nutrient Management Summary Report from the East San Joaquin River Agricultural Coalition. We appreciate the significant amount of effort that went into the development of this document and the difficulties in collecting the required information for the first time. We understand that the accuracy of the data will improve in subsequent reports as additional outreach and education helps growers better understand how to provide the required information, and look forward to improved data quality in next year's report.

Our organizations are extremely interested in this report because it represents our only source of information on nitrogen loading which is of course the precursor to degradation and pollution. In particular, we are interested in how much potential loading to groundwater is taking place in areas where impacts to drinking water are present or imminent and how that number is reduced over time. We are concerned not just about data quality but how the data collected is presented and analyzed. So we are very unhappy that this draft fails to provide basic spatial information about potential nitrogen loading to groundwater on either a regional or local basis. Without this information, it is difficult, if not impossible, to link nitrogen loading with local groundwater quality. We urge that this information be included in the final report.

In order to provide accurate information about local nitrogen loading, a solution is needed to the uncertainty in management unit reporting. We understand that the township level reporting required by the MRP is complicated by the fact that the township and management unit boundaries are seldom, if ever, contiguous. We appreciate the conservative estimate that the report authors use of incorporating the entire management unit acreage for *each* of the townships in which that unit is located. Unfortunately, the resulting duplication of nitrogen



application data makes it impossible to obtain accurate information about nitrogen loading on a township basis. Since the ESJR coalition wishes to avoid reporting this information at the field level, we strongly suggest that information and methods be developed that provide us with a reasonably accurate figure for nitrogen loading at the local level.

The NMP Summary report notes that some outliers are caused by high levels of nitrate in irrigation water. As we have stated elsewhere, we believe that nitrate levels in irrigation water should be used to calculate nutrient ratios, but should NOT be included in the calculation of A-R, which is the appropriate proxy for nutrient loading. This would allow members who rely upon nitrate in their irrigation water to receive “credit” for their reduced nitrogen loading.

This document also attempts to analyze the impact of a range of nutrient management practices on the nutrient ratio (Figure 12). This could be a potentially important tool to compare the efficacy of different management practices for specific crops. Unfortunately, as presented, it is not. No list of practices is provided and the comparison is presented simply as the number of practices implemented. We don’t even know if the same practices or suite of practices are being compared. We recommend that this analysis be revised to provide a useful comparison of specific practices or suites of practices.

A few more points:

- We agree with the Coalition that analyzing A/Y and identifying outliers on a township level is not particularly useful. Because this data is used to compare growers with their peers, we think having a larger comparison group is a good idea.
- We also agree with the report’s conclusion that soil type is not a significant indicator of nitrogen application. Soil type does become a factor when tracking infiltration below the root zone, which is an activity best conducted under the auspices of the Groundwater Quality Management Plan.

In April of this year, the Central Valley Regional Water Board adopted a resolution (Res. R5-2016-0018) adopting the Human Right to Water and laying out a framework for its implementation. As the Board has stated repeatedly, nitrate contamination of groundwater is a human health issue, and studies have shown that those impacted are disproportionately low income communities of color. This Order is the major action of this Board to address the impact of nitrate contamination on public health. This report is a critical piece of the order because it provides the most basic information about what is happening on the ground and whether or not conditions are improving.



We look forward to working with the Board and the Coalition to improve the accuracy and usefulness of this report. Thank you for providing us the opportunity to comment .

Sincerely,

Phoebe Seaton  
Leadership Counsel for Justice and Accountability

Laurel Firestone  
Co-Executive Director and Attorney at Law  
Community Water Center

Jennifer Clary  
Water Policy Analyst  
Clean Water Action

CC: Parry Klassen  
Members, Central Valley Water Quality Control Board  
Darrin Polhemus, Deputy Director, Division of Administrative Services, State Water Board