



EAST SAN JOAQUIN STATEWIDE IMPACT FOR OTHER REGIONS

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Range of Ag Issues



Pesticides



Surface & Groundwater Depletion



Riparian Encroachment



Bacteria Impairments

Problems with Statewide Precedent

- Toxicity Testing
- Third Party Delegation
- Tiered Exemption
- Nitrate Exemption
- Nitrate Standard for Surface Water
- Surface Water Monitoring

ESJ Order Is Not Ready for Statewide Precedent

- Surface Water Monitoring Expert Panel (Deadline Indefinite)
- A/R Coefficients & Research
- Drinking Water Testing

Central Coast Divergences



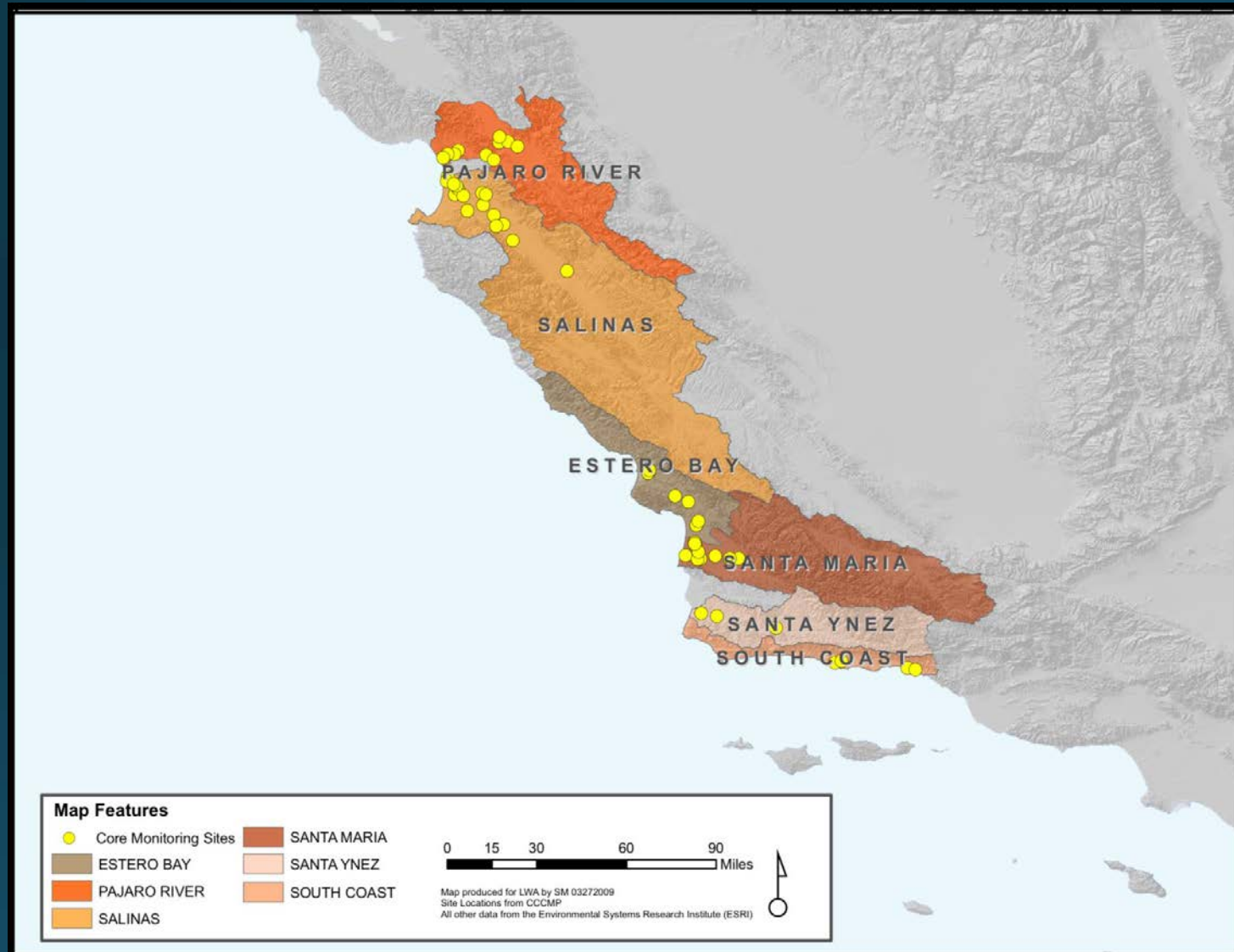
Central Coast Divergences

- 2015 Sacramento Superior Court ruling that 2012 Central Coast Order is not in the public Interest.
 - Lacks specific, enforceable measures to meet water quality objectives
 - Does not not comply with the nonpoint source pollution control program
 - Failed to conduct a thorough anti-degradation analysis
 - Does not contain adequate monitoring provisions to verify that management practices are effectively controlling pollution
 - No evidence that it will lead to quantifiable improvements in water quality
- Appealed

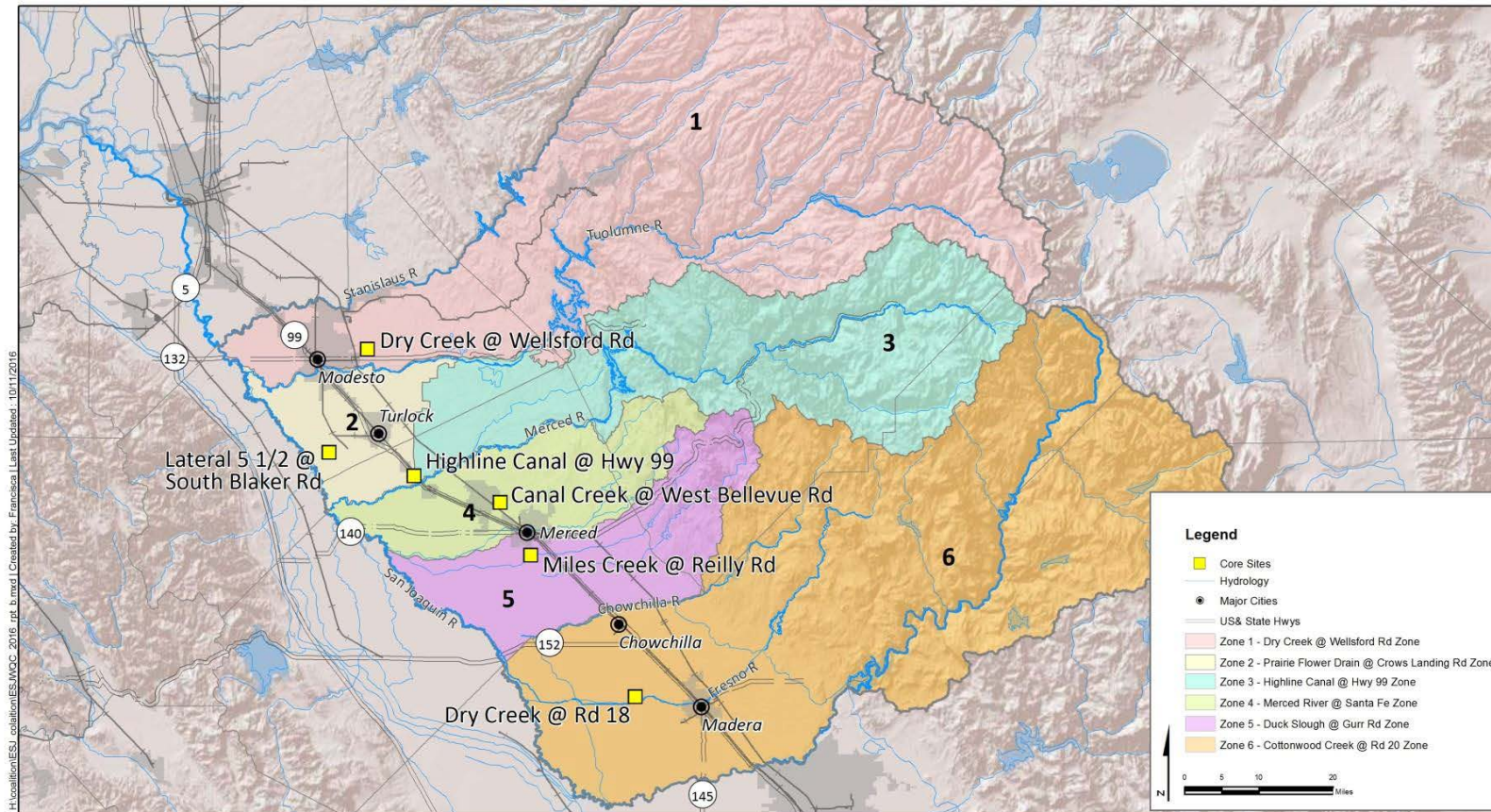
Central Coast Discrepancies

East San Joaquin Ag Order draft suffers the same flaws and is far weaker in many ways

Surface Water Monitoring



- Less than half a million irrigated acres
- 50 CORE receiving water monitoring sites. ~ 1 site / 10k acres
- Monitored for ALL constituents.



ESJWQC Zone Boundaries and 2016-2017 WY Core Sites

ESJWQC



Coordinate System: NAD 1983 StatePlane California III FIPS 5403 Feet
 Projection: property=Lambert Conformal Conic
 Units: Foot US

Service Layer Credits: Shaded Relief: Copyright © 2014 Esri
 Hydrology: SRTM30 Plus Data: 1:250,000 scale, http://hnd.sage.gov
 Roads, highways, railroads: ESRI

- Just under a million acres
- 6 CORE receiving water monitoring sites
 ~1 site / 167,000 acres
- Monitored for many constituents

Central Coast Divergences

Same deficiencies – only worse – as Central Coast

- Does not contain adequate monitoring provisions to verify that management practices are effectively controlling pollution
- No evidence that it [program] will lead to quantifiable improvements in water quality

Surface water monitoring must

- Detect exceedances and point towards where they are coming from;
- Show trends. Are WQ conditions improving or not?
- Must link changes in management practices to WQ improvements (NPS policy)

Central Coast Divergences

Same deficiencies – only worse – as Central Coast

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- Detect exceedances and point towards where they are coming from;
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Not Rocket Science

New monitoring program could and should be implemented immediately, without delay.

Domestic Well Testing

Not until 2019. Why?

SWRCB WQ-2013-0101 (Central Coast Order):

“We declined to stay the groundwater monitoring provisions when we considered the issue as part of the stay proceedings, **pointing to the compelling concerns regarding drinking water safety and nitrates in groundwater**. We decline to strike them now for the same and additional considerations as explained below.”

“[The] Cooperative groundwater monitoring program work must be scheduled so as to make drinking water evaluation the first priority.”

- Domestic well testing should begin ASAP

Notification

“For wells on a Discharger’s farm/ranch, the Central Coast Water Board will require that the Discharger notify the users within 10 days. For all other wells, the Central Coast Water Board will notify the users promptly.”

“We direct the Central Coast Water Board to work with the State Water Board, dischargers, any third-party cooperative groundwater monitoring groups, interested stakeholder groups, and public health agencies to develop and make available uniform English and Spanish language templates for notification...”

- Notification should be language appropriate

Domestic Well Testing (cont)

Verification

“If a discharger conducting individual groundwater monitoring or a third party conducting cooperative groundwater monitoring determines that water in any well that is used or may be used for drinking water exceeds or is projected to exceed 45 mg/L of nitrate as NO₃ (or 10mg/L of nitrate + nitrite as N), the discharger or third party must provide notice to the Central Coast Water Board within 24 hours of learning of the exceedance or projected exceedance.”

- Board should be able to easily verify notification
 - Receive notice from Coalition of exceedance
 - Receive copy of notification

Anonymity

A consequence of anonymous / aggregated reporting of names, location, and N application data is that a family with contaminated water cannot determine if their landlords or neighbors are contributing to exceedances.

Diminishes accountability.

- Reporting should not be anonymous or aggregated.

Central Coast Divergences

- ESJ does not adequately monitor toxicity (wrong tests)
- Central Coast uses best available science to evaluate over-application of N. I.e. farm field-tested nitrogen uptake ranges.
- Broad range of beneficial uses are considered (warm and coldwater freshwater habitat, preservation of rare and endangered species, commercial and sport fishing).

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North Coast Divergences



Certified 3rd party program vineyard w BMP's ,
runoff over 2,000 NTU showing 3rd party
programs NOT meeting WQO's.



Time release solid ferrous nitrate, applied next to
Sotoyome Creek, half mile from Russian River



Small vineyard often have biggest WQ
issues – no exemptions for size!

The ESJ Does Not Address North Coast Issues

- Sediment Management is a North Coast Priority
- Priority Pollutants Discrepancies
 - Phosphorous
 - Sediment Toxicity
 - TMDL Pollutants
 - Neonicotinoids
- Third Party Requirement – dictates an approach that delegates regulatory authority to the ag industry.
 - Abdicates regulatory authority to the regulated community.
 - Monitoring programs designed by regulated community.
 - Iterative process dictated by regulated community.
 - Provides a “safe harbor” from data reporting and accountability.

Remove Exemption for A/R Requirements

"Our order revisions allow a category of growers to be exempted from the nitrogen applied and removed reporting requirements subject to a demonstration that applied nitrogen is not expected to seep below the root zone in amounts that would, even over multiple decades, reach groundwater, and is further not expected to discharge to surface water."

- *How would this be demonstrated?*
- *"Even over multiple decades"*
- *Groundwater basins are too variable (and sensitive) for exemption to be applied statewide for a category of growers.*

Southern California Discrepancies



Conclusion



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