

Groundwater Impacts Of The Draft Order



COMMUNITY WATER CENTER
EL CENTRO COMUNITARIO POR EL AGUA

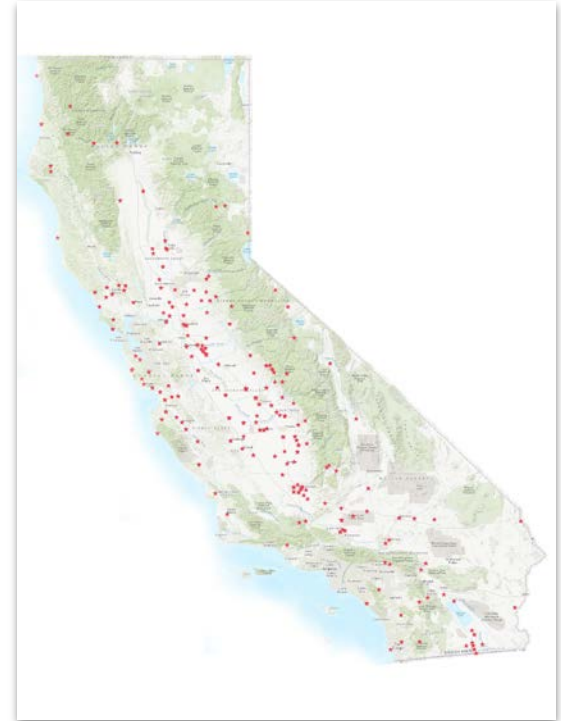


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JUSTICE & ACCOUNTABILITY



Nitrate & Drinking Water

1. USGS nitrate studies: 40% of domestic wells in Tulare Lake Basin exceed nitrates standard (2006, 2012)
2. UC Davis Nitrates report: over a quarter million impacted by nitrate contamination (2012)
3. Central Coast Irrigated Lands Program: 40% of domestic wells tested in Salinas Valley exceed the nitrate standard (2012-present)
4. This is a big problem



On Farm Drinking Water Well Testing

1. We support the requirement to test drinking water wells.
2. We also recommend testing of agricultural supply wells as required in the Central Coast order.
3. Notification of well users should be done in the user's primary language.

Discussions With Agricultural Stakeholders

- Over a year of meetings between Agricultural and EJ stakeholders
- Reached several points of compromise
- Discussed areas of compromise with Board and staff over several meetings this summer
- Current draft does not reflect compromise
- BIG PROBLEM: No **enforceable groundwater targets**

Groundwater Protection Targets

- The current draft includes no enforceable limits related to nitrate loading.
- Consensus agreement with ag proposed Two Types of Targets:
 - Agronomic: development of a target ratio of A/R by crop. Order contains no timetable for development, and in fact seeks to delay development of the metric.
 - Water Quality: based on geography - target for total nitrogen loading, regardless of crop. Order references but does not require this target.
- Without an enforceable limit on nitrate loading, this order cannot protect groundwater.

Anonymity

- We discussed anonymity as part of a larger package, but not to the degree proposed in this order
- Need enforceable Water Quality Targets to justify any support for anonymized reporting
- This requirement should not be precedential
- We still support transparency
- Without any geographic information, there is no way for the public or the State or Regional Boards to determine compliance with water quality standards.

Outliers

- This concept is not a useful measure of water quality protection
- Incorrectly implies everyone who is not an outlier is protecting groundwater.
- There is no initial standard for identifying an “outlier” in the draft Order.
- Later, identification of outliers by ratio targets will still not necessarily have any impact on groundwater degradation:
 - (a) there is no significant penalty for being an outlier (additional education and possible loss of anonymity), and
 - (b) depending on crop, an outlier may not significantly contribute to degradation, and a grower within the target ratio may.

Groundwater Trend Monitoring

1. The order requires coalition to present a work plans within one year of approval of a groundwater quality assessment report, but contains no deadline for implementation of trend monitoring.
2. No requirement that the results of trend monitoring be statistically valid, in contrast to surface water monitoring.
3. While we recognize that a shallow groundwater network would likely be prohibitively expensive, the construction of some new monitoring wells to supplement the existing network of wells should be considered, and may be necessary in certain areas.
4. Consider an expert panel.

Legal Issues

- **Porter-Cologne:** The Order fails to comply with Water Code § 13263 by, among other things, failing to implement the basin plan, which requires either compliance with water quality objectives, or where compliance is infeasible, compliance in the shortest practicable period of time not to exceed ten years.
- **Antidegradation Policy:** The Order and attached WDR fail to make the necessary findings to comply with the State Antidegradation Policy, including a complete maximum benefit analysis. Findings that agriculture is a source of employment and food are insufficient.

General

- The proposed order does not require real, timely, or measurable improvements to water quality
- Instead it chooses to apply a blanket program that fails to consider regional differences in climate, soil and groundwater hydrology
- The reluctance to prioritize regions according to water quality threat is puzzling and counterproductive
- Focus on education is laudable, but insufficient.
- The Ag Expert Panel report was deeply flawed; relying upon it so extensively in drafting this order is problematic.

