



# California Regional Water Quality Control Board Central Coast Region



895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
(805) 549-3147 • FAX (805) 543-0397  
<http://www.waterboards.ca.gov/centralcoast>

Linda S. Adams  
Acting Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

April 4, 2011

Honorable Anthony Cannella  
State Capitol  
Sacramento, CA 95814

Dear Senator Cannella,

Thank you for your letter of February 10, 2011, addressed to Central Coast Regional Water Board Chair Jeffrey Young, regarding the proposed update to the Central Coast Regional Water Board regulatory order for irrigated agriculture that the Board is considering at its March 18, 2011 meeting. I am responding on behalf of Board Chair Young to avoid any suggestion of ex parte communications for this adjudicatory matter. The Board has accepted your letter into the record for this matter and staff has, posted it, along with other comment letters, on the Board's web site and distributed it to our Board members.

Your letter expresses concern that the goals proposed by Board staff are unobtainable in the proposed time frame; contrary to a collaborative approach that could be used to improve water quality in the region in the long term rather than a costly quick fix, and will have adverse impacts on the economics of small farmers. Your letter requests the Board to look carefully at the Alternative Order submitted by the Farm Bureau.

### ***Nitrate Contamination of Groundwater***

You referred to a long term solution. However, the matter is urgent, as demonstrated by just a few pertinent points. Research shows that agricultural discharges are a major contributor of nitrate and other contaminants in groundwater and surface water in the Central Coast region. The recent statewide toxicity report by the State Water Resources Control Board singles out our region as having the highest percentage of acutely toxic waters. As for groundwater, nitrate contamination is one of the most significant water quality issues facing the Central Coast region. Testing of drinking water wells in agricultural areas in the Central Coast Region, which serve thousands of people in our region, has shown that many wells are contaminated with nitrate to a level where the wells are not just degraded, but they actually exceed the public health limit. High concentrations of nitrate in drinking water can trigger a condition that robs the blood of oxygen. This is of special concern with pregnant women and infants since a baby's system is not developed enough to compensate for that lack of oxygen. Water users in the region are bearing the economic loss from having to treat, blend, or replace their wells at a huge cost in the region. Further, most of the 44,000 very small system wells (less than five connections) and individual wells in these areas with contaminated

***California Environmental Protection Agency***

groundwater are not monitored, but are generally drilled in shallow groundwater more prone to higher nitrate concentrations than deeper municipal wells. Thousands of rural residents are risking their health by unknowingly drinking water that is contaminated.

This large-scale contamination of drinking water on the Central Coast in agriculture areas is among the most severe pollution in the United States. The threat this contamination poses to agricultural sustainability was realized long ago. The report, *Nitrates in Groundwater, Salinas, California*, June 1988, prepared by the Monterey County Flood Control & Water Conservation District, concludes, among other things, that "Nitrate contamination poses a substantial threat to this industry." Unfortunately, water quality pollution still persists and is getting worse in some areas in the Region. In 2011, contamination of drinking water supplies and surface waters poses significant threats to public health and the environment. The current situation is not viable from a public health perspective or from an economic one.

Your letter correctly points out the economic benefit from agriculture in the region. However, these drinking water contamination cases are running up bills in the \$100 million dollar range for well replacement and wellhead treatment, as well as putting many at risk of drinking unhealthy water because of lack of testing requirements. Consider that in your District for example, approximately 84 percent of the estimated nitrogen loading to groundwater in the Salinas Valley is attributable to the commercial application of agricultural fertilizers. Eighteen percent of public supply wells within the Salinas Valley groundwater basin (excluding the Paso Robles subbasin) contained nitrate in excess of the drinking water standard during the period between 1979 and 2009. Excluding the Seaside, Langlely and Corral de Tierra subbasins of the Salinas Valley groundwater basin that are not as intensively farmed but are subject to greater potential nitrogen loading from septic systems, the number of wells containing nitrate in excess of the drinking water standard increased to 23 percent. Nineteen percent of the small water supply system (with two to 14 service connections) wells sampled in Monterey County exceeded the nitrate drinking water standard.

### ***Staff Draft Proposed Order Has Been Revised Based on Stakeholder Input***

In response to comments from stakeholders, staff has revised the proposed draft order as compared to the 2010 Draft Preliminary Proposed Order. One of the significant changes is that the new draft Order responds to many comments from the agriculture community saying, "one size does not fit all," and now includes a three-tiered system, which separates dischargers based on how much waste they will potentially discharge and the nature of that discharge. We estimate that about 42 percent of growers should fall into Tier 1 which is slightly less burdensome than the existing 2004 order. These growers would be the "small farmers and ranchers" that you referenced as being threatened by this proposed order. Under the proposed order, their regulatory burden would actually be reduced. Approximately 46 percent should fall into Tier 2 which is fairly comparable to the "burden" of the existing 2004 Order with additional accountability for actions and results; and only between three and 13 percent should fall into the highest tier, Tier 3, which are growers with the highest potential effect on water quality- this tier has the most monitoring, reporting and record keeping. It should be noted that growers can submit justification to be moved into a lower tier and that the

new draft order includes an educational and training component as recommended by stakeholders.

### ***Proposed Order Designed to Ensure Accountability***

Your letter indicates that the Agricultural Order proposed by the Farm Bureau would use best practices, education, farm water quality surveys, verification reviews, etc. I agree that the agriculture community should be using those techniques. Our proposed order requires or allows for those techniques. However, an agency tasked with being a responsible regulator, as we are, needs accountability. One of the most significant areas of disagreement with the agricultural community regarding the draft order has been on the issue of accountability. The draft order would require monitoring and reporting at the individual level (only for Tier 3 growers for surface runoff) to provide more specific information for the Board to see where more improvements are needed by growers. The agricultural community's alternative proposal calls for individual sampling for both farm runoff, and groundwater (but only on a voluntary basis) without reporting that data to the Board other than in some "process" that involves aggregation. The Board already has aggregated results through the existing (and proposed on-going) Cooperative Monitoring Program with surface water monitoring at various stream confluences. Based on those results, as well as many other data sources on surface and groundwater, we know we have significant problems in the agricultural areas. Monitoring and reporting at the individual farm level for the higher risk operations is the logical next step towards developing strategies to improve water quality and to ensure accountability. The proposed order is designed to provide accountability based on water quality results, rather than process.

### ***Conclusion***

The Central Coast Regional Water Board's mission under the Porter-Cologne Water Quality Control Act is to preserve, enhance, and restore the quality of California's water resources for the benefit of present and future generations. We appreciate the importance of agriculture and the economic engine it provides, and we seek to work collaboratively with all stakeholders, including the agricultural industry, wherever possible as we develop water quality regulatory programs. However, collaboration does not supersede the Board's responsibility to do its job of protecting water users through effective regulation.

In light of the serious groundwater contamination and other problems facing the Region, the proposed order must be sufficient to reverse the trend of water quality pollution, and attain already established standards within a reasonable period of time. The staff proposed draft order includes milestones to do just that, while using a tiered approach to focus the greatest attention on those discharges that present the greatest threat to water quality.

At the March 18<sup>th</sup> Board meeting, the Board heard the draft staff proposal and provided stakeholders an opportunity to comment on the proposal until we ran out of meeting time in the evening. The Board continued the hearing so that those who submitted testimony cards at that hearing can make their statements at the next meeting (May 4<sup>th</sup> in San Luis Obispo). The Board will take all comments under consideration and take action on the issue.

Thank you for your letter. Please call me at (805) 549-3140 if you would like to discuss this critical situation further.

Sincerely,



Roger W. Briggs  
Executive Officer

cc: Ms. Patty Zwarts  
Deputy Secretary for Policy and Legislative Affairs  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Patrick Sullivan  
Assistant Secretary for Legislation  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Charles R. Hoppin  
Chairman  
State Water Resources Control Board  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Robert Egel  
Legislative Director  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



# California Regional Water Quality Control Board Central Coast Region



895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
(805) 549-3147 • FAX (805) 543-0397  
<http://www.waterboards.ca.gov/centralcoast>

Linda S. Adams  
Acting Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

April 4, 2011

Honorable Sam Farr  
17<sup>th</sup> Congressional District  
100 West Alisal Street  
Salinas, CA 93901

Dear Congressman Farr:

Thank you for your letter of February 18, 2011, addressed to Central Coast Regional Water Board Chair Jeffrey Young, regarding the proposed update to the Central Coast Regional Water Board regulatory order for irrigated agriculture that the Board is considering at its March 18, 2011 meeting. I am responding on behalf of Board Chair Young to avoid any suggestion of ex parte communications for this adjudicatory matter. The Board has accepted your letter into the record for this matter and staff has posted it, along with other comment letters, on the Board's web site and distributed it to our Board members. I also called your Salinas office a couple weeks ago and left a detailed message.

Your letter expresses concern that the regulatory approach proposed by Board staff is heavily prescriptive; contrary to the cooperative approach that has been used in other efforts to improve water quality in the region and in the Board 2004 Agricultural Waiver, and will have adverse impacts on future efforts to develop cooperative approaches to water quality improvement. Your letter requests the Board to use a more cooperative approach in the development of its Agriculture Waiver update and to utilize sound science, require accountability based on water quality results (not process), and establish a long term commitment to both sustained water quality gains and agriculture's continued economic and environmental viability.

### ***Nitrate Contamination of Groundwater***

Research shows that agricultural discharges are a major contributor of nitrate and other contaminants in groundwater and surface water in the Central Coast region. The recent statewide toxicity report by the State Water Resources Control Board singles out our region as having the highest percentage of acutely toxic waters. As for groundwater, nitrate contamination is one of the most significant water quality issues facing the Central Coast region. Testing of drinking water wells in agricultural areas in the Central Coast Region, which serve thousands of people in our region, has shown that many wells are contaminated with nitrate to a level where the wells are not just degraded, but they actually exceed the public health limit. High concentrations of nitrate in drinking water can trigger a condition that robs the blood of oxygen. This is of special concern

***California Environmental Protection Agency***

with pregnant women and infants since a baby's system is not developed enough to compensate for that lack of oxygen. Water users in the region are bearing the economic loss from having to treat, blend, or replace their wells at a huge cost in the region. Further, most of the 44,000 very small system wells (less than five connections) and individual wells in these areas with contaminated groundwater are not monitored, but are generally drilled in shallow groundwater more prone to higher nitrate concentrations than deeper municipal wells. Thousands of rural residents are risking their health by unknowingly drinking water that is contaminated.

This large-scale contamination of drinking water on the Central Coast in agriculture areas is among the most severe pollution in the United States. The threat this contamination poses to agricultural sustainability was realized long ago. The report, *Nitrates in Groundwater, Salinas, California*, June 1988, prepared by the Monterey County Flood Control & Water Conservation District, concludes, among other things, that "Nitrate contamination poses a substantial threat to this industry." Unfortunately, water quality pollution still persists and is getting worse in some areas in the Region. In 2011, contamination of drinking water supplies and surface waters poses significant threats to public health and the environment. The current situation is not viable from a public health perspective or from an economic one. Consider that in your District for example, approximately 84 percent of the estimated nitrogen loading to groundwater in the Salinas Valley is attributable to the commercial application of agricultural fertilizers. Eighteen percent of public supply wells within the Salinas Valley groundwater basin (excluding the Paso Robles subbasin) contained nitrate in excess of the drinking water standard during the period between 1979 and 2009. Excluding the Seaside, Langlely and Corral de Tierra subbasins of the Salinas Valley groundwater basin that are not as intensively farmed but are subject to greater potential nitrogen loading from septic systems, the number of wells containing nitrate in excess of the drinking water standard increased to 23 percent. Nineteen percent of the small water supply system (with two to 14 service connections) wells sampled in Monterey County exceeded the nitrate drinking water standard.

### ***Staff Draft Proposed Order Has Been Revised Based on Stakeholder Input***

In response to comments from stakeholders, staff has revised the proposed draft order as compared to the 2010 Draft Preliminary Proposed Order. One of the significant changes is that the new draft Order responds to many comments from the agriculture community saying, "one size does not fit all," and now includes a three-tiered system, which separates dischargers based on how much waste they will potentially discharge and the nature of that discharge. We estimate that about 42 percent of growers should fall into Tier 1 which is slightly less burdensome than the existing 2004 order; approximately 46 percent should fall into Tier 2 which is fairly comparable to the "burden" of the existing 2004 order with additional accountability for actions and results; and only between three and 13 percent should fall into the highest tier, Tier 3, which are growers with the highest potential affect on water quality- this tier has the most monitoring, reporting and record keeping. It should be noted that growers can submit justification to be moved into a lower tier and that the new draft order includes an educational and training component as recommended by stakeholders.

***Proposed Order Designed to Ensure Accountability***

Your letter indicates that one of the characteristics of an ideal Agricultural Order is that it will require accountability based on water quality results, not process. I agree. As noted above, water pollution has persisted and worsened in the Region, showing that improvements in our regulatory system are needed. Ironically, one of the most significant areas of disagreement with the agricultural community regarding the draft order has been on the issue that you have pointed out as necessary; that of accountability. The draft order would require monitoring and reporting at the individual level (only for Tier 3 growers for surface runoff) to provide more specific information for the Board to see where more improvements are needed by growers. The agricultural community has submitted an alternative proposal that calls for individual sampling for both farm runoff, and groundwater (but only on a voluntary basis) without reporting that data to the Board other than in some "process" that involves aggregation. The Board already has aggregated results through the existing (and proposed on-going) Cooperative Monitoring Program with surface water monitoring at various stream confluences. Based on those results, as well as many other data sources on surface and groundwater, we know we have significant problems in the agricultural areas. Monitoring and reporting at the individual farm level is the logical next step towards developing strategies to improve water quality and to ensure accountability. The proposed order is designed to provide accountability based on water quality results, rather than process.

***Conclusion***

The Central Coast Regional Water Board's mission under the Porter-Cologne Water Quality Control Act is to preserve, enhance, and restore the quality of California's water resources for the benefit of present and future generations. We appreciate the importance of agriculture and the economic engine it provides, and we seek to work collaboratively with all stakeholders, including the agricultural industry, wherever possible as we develop water quality regulatory programs. However, collaboration does not supersede the Board's responsibility to do its job of protecting water users through effective regulation.

In light of the serious groundwater contamination problems facing the Region, the proposed order must be sufficient to reverse the trend of water pollution, and attain already established standards within a reasonable period of time. The staff proposed draft order includes milestones to do just that, while using a tiered approach to focus the greatest attention on those discharges that present the greatest threat to water quality.

At the March 18<sup>th</sup> Board meeting, the Board heard the draft staff proposal and provided stakeholders an opportunity to comment on the proposal until we ran out of meeting time in the evening. The Board continued the hearing so that those who submitted testimony cards at that hearing can make their statements at the next meeting (May 4<sup>th</sup> in San Luis Obispo). ~~The Board will take all comments under consideration and take action on the issue.~~

Thank you for your letter. Please call me at (805) 549-3140 if you would like to discuss this critical situation further.

Sincerely,



Roger W. Briggs  
Executive Officer

\\SUPERDOG\VOL1\STAFF\BRIGGS\new\My Documents\Ag\congressman\_farr\_response.doc

cc: Ms. Patty Zwarts  
Deputy Secretary for Policy and Legislative Affairs  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Patrick Sullivan  
Assistant Secretary for Legislation  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Charles R. Hoppin  
Chairman  
State Water Resources Control Board  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Robert Egel  
Legislative Director  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



Linda S. Adams  
Acting Secretary for  
Environmental Protection

# California Regional Water Quality Control Board Central Coast Region

---

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
(805) 549-3147 • FAX (805) 543-0397  
<http://www.waterboards.ca.gov/centralcoast>



Edmund G. Brown Jr.  
Governor

May 20, 2011

The Honorable William W. Monning  
California State Assembly  
State Capitol, Room 6005  
Sacramento, CA 95814

Dear Assembly Member Monning:

## CONDITIONAL WAIVER FOR IRRIGATED LANDS DISCHARGES

Thank you for your letter of April 30, 2011 (received May 9<sup>th</sup>), addressed to Jeffrey Young, Chair of the Central Coast Regional Water Quality Control Board, Central Coast Region (Central Coast Regional Water Board or Regional Water Board), regarding the proposed update to the Central Coast Water Board's Order addressing discharges of waste from irrigated agriculture. I am responding on behalf of Water Board Chair Young to avoid any suggestion of ex parte communications for this adjudicatory matter.

### Re-open Comment Period

Your letter asks the Central Coast Regional Water Board to re-open the written comment period. The Regional Water Board has provided several opportunities for the submittal of written comments and has heard many hours of testimony from people with many different perspectives on the proposed Order. In March and in May, a panel of Regional Water Board members held a public hearing where it heard from nearly 100 people, including an organized presentation from the California Farm Bureau Federation and the California Strawberry Commission. At the March hearing, these groups proposed alternatives to the staff's proposal and at the May hearing, they proposed changes in their previously submitted recommended alternative. In response to comments, primarily agricultural representatives' comments, the Regional Water Board staff then recommended to the panel of Board members three substantive changes to the staff's proposed Order. Because the staff's proposed changes were in response to comments and were within the scope of options considered, the staff's proposed changes by themselves, do not trigger another round of comments (otherwise, we would be in a never ending loop).

At the conclusion of the panel hearing, the Regional Water Board panel directed staff to prepare an addendum to its staff report that compared the agriculture community proposal, as revised in May, with staff's revised proposal and provide an analysis of differences and the merits of both. The public will have an opportunity to view the agricultural proposal and comment on this addendum to the staff report.

Your letter refers to many groups that have become newly engaged in trying to find alternative solutions for this issue. We have not received any recent contacts from organizations that have

*California Environmental Protection Agency*

---

not been previously engaged in the process. I would be happy to meet with any groups that have not been previously engaged in the process to help them to better understand staff's proposal and hear their ideas.

### **Small Farmers**

Your letter expresses concern that small, low income growers may be placed in Tier 3 simply because they use certain pesticides, and that the compliance costs for these farmers would be too high. The proposed Order would not automatically place small farmers that are using certain pesticides -- chlorpyrifos or diazinon---into Tier 3. Under the proposed Order, small growers using chlorpyrifos or diazinon would not be in Tier 3 unless they are also discharging into a surface water body that is identified as impaired for toxicity or pesticides. Even then, these growers would not be subject to the more detailed nutrient management plan requirements unless they are an operation with a high nitrate loading risk (as defined in the proposed Order). If they are a high nitrate loading risk operation, and using chlorpyrifos or diazinon, and they are discharging into a surface water body that is identified as impaired for toxicity or pesticides, the Order would then require that they comply with the more detailed nutrient management plan requirements. It should be recognized that even smaller farms have the potential of causing significant problems with receiving waters and they should manage their use of fertilizers carefully. In fact, the Regional Water Board has received several comments from the agricultural community suggesting that the larger farms are actually less of a threat than smaller farms because the larger farms already manage their fertilizers carefully.

The Regional Water Board takes seriously the cost impacts of the proposed Order and staff previously revised the proposed Order to establish a three-tiered system in order to better focus the proposed Order and reduce its compliance costs. The Regional Water Board has also received comments from other parties regarding the costs of the draft waiver, especially for the small, low income growers. The Regional Water Board will carefully consider those comments as it develops the final Order.

Your letter also expresses concern about the accessibility of Agricultural Order materials to non-English speaking farmers. The Regional Water Board has worked to ensure that non-English speaking farmers have the information and opportunity to actively engage in development of the Order. Regional Water Board staff members have provided summary information in Spanish, and have provided Spanish and Chinese speaking staff as contacts for anyone who wants to communicate in those languages. Regional Water Board staff have also provided translation services and Spanish speaking staff at the Regional Water Board workshops and hearings.

### **Coalitions**

Your letter requests that the Regional Water Board allow additional public comment to extend the dialogue about how coalitions might be structured to assist small farmers. The existing Order that was adopted in 2004 already provides the option for farmers to form coalitions to assist in compliance and nearly all farmers have joined the monitoring coalition. The staff's proposed Order continues to allow farmers to join coalitions. In addition, the proposed Order also explicitly supports the coordination of local implementation efforts and provides flexibility in those cases where farmers are making progress towards water quality improvement. Regional

Water Board staff do not believe that additional public comment is necessary to allow for that dialogue – farmers already have that option. Agriculture community members are encouraged to dialogue amongst themselves to develop efficient means of making improvements and measuring those improvements. Coalitions have the potential to ease the burden on individual farmers, just as the on-going Cooperative Monitoring Program operates under the existing Order. Staff continues to be available to assist in those discussions, and it is up to the growers to decide what works best for each farm in order to comply with requirements.

### **Cooperation and Shared Responsibility**

Your letter also indicates that you have heard strong opinions on both sides of the proposed Order issue, and expresses your concern that the spirit of cooperation and shared responsibility to find solutions has been eroded. Your letter indicates that you would like to see a more deliberative and inclusive process of negotiation and discussion among divided stakeholders.

With all due respect, I don't think you have been given an accurate portrayal of the Regional Water Board's lengthy and still on-going process. By the time the Water Board acts, the Board will have been through a non-stop three year process that has been extremely deliberative and inclusive. The Regional Water Board has had more extensive outreach and interaction on this issue than on any other issue that has ever come before the Board. Staff has had roughly 50 meetings with various stakeholders, mostly agricultural representatives, and we continue to meet with stakeholders. The Board has held three workshops or meetings on earlier drafts and on the current proposed Order, participated in an agricultural representatives' requested field trip to review treatment practices, discussed those practices in the subsequent Regional Water Board meeting, held two days of hearing in March and this month on the proposed Order, and continued that hearing to yet another meeting that will provide additional comment opportunity.

The Regional Water Board has received over 1300 comment letters. The Regional Water Board has listened to all who have commented and the staff has responded, as evidenced by the many changes staff has made in the proposed Order over the years including significant changes such as creating a tiered regulatory structure and recent changes staff recommended at the May Regional Water Board panel hearing as discussed above. Staff's proposed revisions to the proposed Order have primarily been in response to agricultural representatives' comments. In fact, part of the strong opinions that the Regional Water Board has received from environmental and environmental justice organizations is that we have been too agreeable with agricultural interests, and have unacceptably weakened the proposed Order.

You have expertise in negotiation and conflict resolution, and I am reasonably sure you would agree that it is common to have issues with starkly different positions, and that there comes a time when decisions need to be made that will not please everyone, and that people may have to agree to disagree on certain aspects. In my opinion (and it's strictly an opinion), those who say we haven't collaborated or we haven't been inclusive, really mean that we haven't agreed with everything they want. Of course, with such diverse opinions on this issue, we cannot agree with everyone's position – we have to decide what will be most effective to solve these severe water quality and public health problems.

### **Nitrate Contamination of Groundwater**

As you know, agricultural discharges are a major contributor of nitrate and other contaminants in groundwater and surface water in the Central Coast region. The recent statewide toxicity report by the State Water Resources Control Board singles out our region as having the highest percentage of acutely toxic waters. As for groundwater, nitrate contamination is one of the most significant water quality issues facing the Central Coast region. Testing of drinking water wells in agricultural areas in the Central Coast region, which serve thousands of people in our region, has shown that many wells are contaminated with nitrate to a level where the wells are not just degraded, but they actually exceed the public health limit. High concentrations of nitrate in drinking water can trigger a condition that robs the blood of oxygen. This is of special concern with pregnant women and infants since a baby's system is not developed enough to compensate for that lack of oxygen. Water users in the region are bearing the economic loss from having to treat, blend, or replace their wells at a huge cost in the region. Further, most of the 44,000 very small system wells (less than five connections) and individual wells in these areas with contaminated groundwater are not monitored, but are generally drilled in shallow groundwater more prone to higher nitrate concentrations than deeper municipal wells. Thousands of rural residents are risking their health by unknowingly drinking water that is contaminated.

Consider that approximately 84 percent of the estimated nitrogen loading to groundwater in the Salinas Valley is attributable to the commercial application of agricultural fertilizers. Eighteen percent of public supply wells within the Salinas Valley groundwater basin (excluding the Paso Robles sub-basin) contained nitrate in excess of the drinking water standard during the period between 1979 and 2009. Excluding the Seaside, Langlely and Corral de Tierra sub-basins of the Salinas Valley groundwater basin that are not as intensively farmed but are subject to greater potential nitrogen loading from septic systems, the number of wells containing nitrate in excess of the drinking water standard increased to 23 percent. Nineteen percent of the small water supply system (with two to 14 service connections) wells sampled in Monterey County exceeded the nitrate drinking water standard.

This large-scale contamination of drinking water on the Central Coast in agricultural areas is among the most severe pollution in the United States. Drinking water contamination cases are running up bills in the \$100 million dollar range for well replacement and wellhead treatment, as well as putting many people at risk of drinking unhealthy water because of lack of testing requirements.

The Central Coast Regional Water Board's mission under the Porter-Cologne Water Quality Control Act is to preserve, enhance, and restore the quality of California's water resources for the benefit of present and future generations. We appreciate the importance of agriculture and the economic engine it provides, and we seek to work collaboratively with all stakeholders, including the agricultural industry, as we develop water quality regulatory programs, wherever possible. However, collaboration does not supersede the Regional Water Board's responsibility to do its job of protecting water users through effective regulation.

In light of the serious groundwater contamination problems facing the Region, the proposed Order must be sufficient to reverse the trend of water quality pollution, and attain already

established standards within a reasonable period of time. The staff proposed draft Order includes milestones to do just that, while using a tiered approach to focus the greatest attention on those discharges that present the greatest threat to water quality.

The Regional Water Board appreciates your recognition of the Board's unwavering focus on improving water quality in the Central Coast Region, and our attempts to protect drinking water. For the Water Board to continue with improving water quality, the adoption of a revised Order will allow the staff and farmers to spend their time on implementation.

Please contact me if you have any questions (805-549-3140 or [rbriggs@waterboards.ca.gov](mailto:rbriggs@waterboards.ca.gov)).

Sincerely,



Roger W. Briggs  
Executive Officer

cc: Ms. Patty Zwarts  
Deputy Secretary for Policy and Legislative Affairs  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Patrick Sullivan  
Assistant Secretary for Legislation  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Charles R. Hoppin  
Chairman  
State Water Resources Control Board  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Robert Egel  
Legislative Director  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Ms. Frances Spivy-Weber  
Vice Chair

Ms. Tam M. Doduc  
Board Member

Ms. Judy Stoullil  
Assistant to the Undersecretary  
California Environmental Protection Agency  
1001 I Street, 25th Floor  
Sacramento CA 95814

shared:\Agricultural Regulatory Program\Ag. Order 2.0\assembly\_member\_monning\_itr.doc