



Clean Water Action

September 4, 2007

Ryan Maughan, Division of Water Quality
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Transmitted via e-mail to rmaughan@waterboards.ca.gov



Re: Irrigated Lands Program Joint Workshop (September 13, 2007)

Dear Members of the State and Central Valley Regional Water Boards,

On behalf of Clean Water Action and our 20,000 California members, I wish to express our appreciation for the opportunity to provide you with our thoughts on the Central Valley's Conditional Waiver program for Irrigated Agriculture and for scheduling a joint workshop on this critical topic. We are a national non-profit organization working to assure access to clean, safe and affordable water by all communities; the prevention of health-threatening pollution at its source; an economy based on environmentally safe jobs and businesses; and the empowerment of people to take charge of their environmental future.

Clean Water Action has long opposed the granting of waivers for agricultural enterprises, thus allowing them to discharge their industrial effluent without restriction into the state's waterways and groundwater. By allowing the agricultural industry, which is one of the biggest in the world, to forgo such restrictions, the Regional Board is allowing severe pollution from pesticides, nitrates, fertilizers, and other chemicals to continue to degrade our water resources and their beneficial uses, thus shirking our responsibility under the federal Clean Water Act's to reduce, and ultimately eradicate pollutant discharges into the nation's waters.

The failure of conditions that the Central Valley Regional Water Quality Control Board (Regional Board) attached to the waiver program in 2006 to gain greater understanding of the impacts of unrestricted agricultural discharges and to reduce the effluent entering Central Valley waters serves only to support our position. The voluntary nature of discharger coalitions has resulted in little or no information about what is being discharged, where it is being discharged, the impacts on surface and ground water quality, what pollution prevention strategies if any are being implemented, or how effective they are. Consequently, the conditions of the waivers have ended up as little more than a bureaucratic smoke screen, allowing business to continue as usual in our agricultural communities.

California Office

111 New Montgomery St. Suite 600
San Francisco, CA 94105
415.369.9160 • 415.369.9180 fax

www.CleanWaterAction.org/ca
cwastf@cleanwater.org

National Office

4455 Connecticut Ave. NW Suite
A300
Washington, DC 20008
202.895.0420 • 202.895.0438 fax



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The problems with the current conditional waiver program include not only environmental degradation, but environmental injustice as well. While high quality surface water is being used for irrigation, agricultural contaminants are creating the worst groundwater pollution in the entire state and causing the drinking water coming out of the taps in tens of thousands of Central Valley households to fail basic drinking water safety standards. This creates a cyclical economic and public health crisis. While many of the communities in the Valley are comprised largely of people of color living in poverty, local water rates are often disproportionately high, creating a severe economic burden. When that water does not meet health standards, residents must choose to either drink tainted water and incur the potential health costs, or take on the additional expense of bottled water--while still having to pay their water bills. Private well owners are burdened with the expense of testing, drilling new wells, or finding alternative sources of drinking water.

What is particularly sad about the water picture in the Central Valley is that much of the contamination of our water sources is avoidable. Clearly, there is something wrong with a system that forgoes water quality regulations on the agricultural industry, while the people of the Central Valley don't have access to safe drinking water. While our preference is to abandon the conditional waiver program and regulate agricultural discharges as we do other industrial facilities, Clean Water Action calls on the water boards to, at the very least, strengthen the current program to stem the flow of pollution. Specifically, we urge the boards to:

- Address groundwater pollution by extending the conditional waivers to irrigated land operations discharging into groundwater. In particular, we urge the Regional Board to require these dischargers to submit Reports of Waste Discharge and to issue them individual or general Waste Discharge Requirement permits.
- Ensure that effective best management practices (BMPs) are implemented to improve both surface and ground water quality by establishing a timeline for development and implementation of such strategies by all irrigated land dischargers.
- Measure the effectiveness of the BMPs by establishing a system by which the Regional Board can verify their implementation and assess their impacts on water quality.
- Expedite the development of an environmental impact report on the conditional waiver program and best management practices, preferably within the next year.

As the state's website says, "The primary duty of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and *by prescribing and enforcing requirements on all agricultural, domestic and industrial waste discharges.*"

(Emphasis added) With this statement in mind, we hope that the joint workshop will result in immediate actions by both boards to protect our communities and water resources, and correct the injustice of allowing irrigators to pollute while small rural communities bear an economic

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Washington, DC 20008
202.895.0420 • 202.895.0438 fax



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and potential health burden they cannot afford.

Sincerely,

Andria Ventura

Andria Ventura
Program Manager

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111 New Montgomery St. Suite 600
San Francisco, CA 94105
415.369.9160 • 415.369.9180 fax

www.CleanWaterAction.org/ca
cwast@cleanwater.org

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4455 Connecticut Ave. NW Suite
A300
Washington, DC 20008
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