



SAN JERARDO COOPERATIVE, INC.

July 16, 2013

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State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Via electronic mail to: commentletters@waterboards.ca.gov

Re: Comment Letter – July 23rd Workshop on Central Coast Agricultural Order. Files A-2209(a)-(e)

Dear Members of the State Water Resources Control Board,

On behalf of Clean Water Action (“CWA”), Community Water Center (“CWC”), California Rural Legal Assistance Foundation (“CRLAF”), California Rural Legal Assistance, Inc. (“CRLA”), Environmental Justice Coalition for Water (“EJCW”) and Leadership Counsel for Justice and Accountability (“Leadership Council”), we respectfully submit these comments in advance of the July 23, 2013 workshop regarding the Central Coast Agricultural Order (“Order”).

I. Introduction

As representatives of environmental and environmental justice communities, our organizations have worked extensively at the local, regional, and statewide level to ensure that every Californian has the right to safe, clean, affordable, and accessible water adequate for human

consumption, cooking, and sanitary purposes. As such, we have closely followed the development of the Central Coast Conditional Waiver of Waste Discharge, as well as the State Water Resources Control Board (“State Water Board”) review of the adopted order. While we appreciate the efforts of staff at both the regional and state level to create an effective regulatory program for agriculture, we wish to underscore the need for this order to take a strong stance on stopping further nitrate contamination in the region’s groundwater, given that nitrate contamination is predominately a byproduct of fertilizers used to grow crops.¹ We are incredibly concerned because, as revised, the Order is insufficient to effectively halt the widespread groundwater contamination attributable to irrigated agriculture in the Central Coast Region.

In light of this source of contamination, it is not a surprise that some of the most agriculturally rich regions in California are also the most impacted by nitrate contamination. According to reports, groundwater aquifers on the Central Coast, particularly the Salinas Valley, have some of the highest nitrate levels in the state, rising above 6 times the legal limit. Inequitably, the individuals who bear the most direct health and economic impacts of nitrate contamination are also those that are incredibly disadvantaged. As organizations that work collaboratively with disadvantaged and severely disadvantaged communities in California, we know that one of the human costs of drinking nitrate contaminated water is the significant and immediate threat to human health, a threat that grows each year that effective implementation of this program is delayed or pushed through without effectively ensuring that further groundwater contamination will be abated.

The UC Davis Nitrate Report² commissioned by the State Water Board per Senate Bill SBX2 1 (Perata), identifies the significant threat posed by inaction, predicting that 80% of the region will be impacted by nitrate contamination by 2050 if no action is taken. According to the Monterey County Department of Public Health, the number of small community water systems that exceed the drinking water standard for nitrate jumped from 145 in 2011 to 187 in 2013, an increase of 29 percent. Delaying and/or diluting the order allows those numbers to continue to increase, disproportionately impacting small disadvantaged communities that bear the immediate risks to health and the additional cost of purchasing bottled water or installing point-of-use filters at their own expense.

Our organizations analyzed the proposed changes based upon their impact on the ability of the Conditional Waiver to provide concrete and measurable improvements in water quality. The essential factors of an effective program, as we have previously stated, are:

- 1) Effective on-farm management programs that actually reduce polluted runoff;

¹ “*Addressing Nitrate in California’s Drinking Water With a Focus on Tulare Lake Basin and Salinas Valley Groundwater*,” by the UC Davis Center for Watershed Sciences, March 2012, <http://groundwaternitrate.ucdavis.edu/>

² *Id.*

- 2) Basic data, collected and made publicly available in an accessible format, on farm practices and water quality that establishes a baseline, allows the evaluation of management practices, and measures progress towards meeting water quality objectives;
- 3) Clear standards for compliance to ensure that water quality goals and timelines are met;
- 4) Strong enforcement powers to ensure compliance; and
- 5) Provisions for cleanup and abatement of agricultural contamination.

We are specifically concerned that the proposed revisions substantially and illegally limit the ability of the Central Coast Board to implement the order, specifically by reducing reporting requirements, limiting requirements for BPTC, allowing discharges that exceed water quality objectives, and eliminating the compliance standard of meeting water quality objectives.

As such, comments are organized as follows:

- 1) The State Water Board's obligations to consider AB 685 (Eng) the Human Right to Water;
- 2) The State Water Board's obligation to comply with its own anti-degradation policy;
- 3) Recommendations that improve the Conditional Waiver;
- 4) Recommendations that weaken the Conditional Waiver and, as such, we urge them to be revised;
- 5) Expert Panel;
- 6) Groundwater monitoring.

II. The State Water Board's Obligations to Consider AB 685 (Eng) the Human Right to Water

In 2012, the Legislature passed AB 685 (Eng) and Governor Edmund Brown Jr. signed this historic legislation. As of January 1, 2013, AB 685 directs, the State Water Board to "consider" the human right to water "when revising, adopting, or establishing policies, regulations, and grant criteria." The duty to consider is an on-going obligation of the State Water Board, which is not possible to discharge through a single administrative action. To fulfill the legislative directive "to consider," the State Water Board should undertake a range of activities based on legal precedent regarding similar statutes.³ First, when considering a range of policies or regulations,

³ See generally *City of Burbank v. State Water Res. Control Bd.*, 35 Cal. 4th 613, 625 (2005) (explaining that taking into consideration means "to take into account various factors," including those specified in legislation). See also *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); *City of Arcadia v. State Water Res. Control Bd.*, 191 Cal. App. 4th 156, 177 (2010); *City of Davis v. Coleman*, 521 F.2d 661, 679, 682 (1975); *San Joaquin River Exch. Contractors Water Auth. v. State Water Res. Control Bd.*, 183 Cal. App. 4th 1110, 1120 (2010).

the State Water Board should give preference and adopt policies that advance the human right to water. Second, the State Water Board should refrain from adopting policies or regulations that run contrary to securing equal access to safe drinking water. Finally, the State Water Board should note in its record of decision the consequences that its actions have on access to safe drinking water in California.

The intent of the legislation is to ensure that all Californians have access to affordable, accessible, acceptable and safe water and sanitation in sufficient amounts to protect their health and dignity. In accordance with domestic law and human rights principles, access for human consumption should be prioritized over other water uses—including water for agriculture and industry—and should be non-discriminatory.^{4,5} Special attention must be given to those who are disadvantaged and severely disadvantaged and do not have access to safe water as a report in the San Joaquin Valley showed that low-income households have water costs above national affordability standards.⁶ This is an issue that we have heard from community residents in the Central Coast as well.

A human rights approach to water challenges also requires that individuals and communities have the opportunity to meaningfully participate in decision-making affecting their access to safe and affordable water. As such, we stress the following:

- Communities most in need of clean drinking water should be a focus of the process as well as the outcome of short-term and long-term planning regarding state water resources.
- Interested persons should have the opportunity to participate in administrative decisions through submission of written input or oral testimony.
- The State Water Board should adopt an inclusive and transparent approach to decision-making by fostering participation by communities that historically have been impacted by source water contamination.
- Outreach and Education should be done to communities that may be Limited English Proficient (LEP) in a way that is culturally and linguistically appropriate
- The State Water Board should maintain a commitment to accountability and transparency by publically disclosing efforts to consider the human right to water policy as well as the impact of these efforts on its final action.

⁴ CAL. WATER. CODE § 106. Section 106 provides that it is “the established policy of this state that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.”

⁵ See generally Resolution A/RES/55/2, United National General Assembly, September 2000; General Comment No. 15. The right to water. UN Committee on Economic, Social and Cultural Rights, November 2010; Resolution A/RES/64/292, United Nations General Assembly, July 2010.

⁶ “*The Human Costs of Nitrate-contaminated Drinking Water in the San Joaquin Valley*, by the Pacific Institute, Community Water Center, Clean Water Fund, and California Rural Legal Assistance Foundation, March 2011, <http://www.pacinst.org/publication/human-costs-of-nitrate-contaminated-drinking-water-in-the-san-joaquin-valley/>

III. The Conditional Waiver fails to meet the requirements of anti-degradation.

The Conditional Waiver to comply with Anti-degradation Policy or the Basin Plans by authorizing continued degradation possible and also authorizing pollution, nuisance and exceedences of water quality objectives. This is entirely unacceptable.

State anti-degradation law requires that baseline water quality in high quality waters must be maintained unless it has been demonstrated to the State that any change in water quality 1) will be consistent with the maximum benefit to the people of the state; 2) will not unreasonably affect present or probable future beneficial uses of such water; and 3) will not result in water quality less than prescribed in state policies.⁷ See *Asociacion de Gente Unida por el Agua v. Central Valley Regional Water 1 Quality Control Bd.* (2012) 210 Cal. App. 4th 1255. Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained. *Id.*

Thus, analysis of whether the Waiver violates anti-degradation policy is a 3 step process: (1) Will baseline water quality be maintained; (2) If not, has the board demonstrated that the change in water quality (a) will be consistent with the maximum benefit to the people of the state; (b) will not unreasonably affect present or probable future beneficial uses of such water; and (c) will not result in water quality less than prescribed in state policies and (3) has the Board established that the activities subject to this Waiver that will or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

1. The Waiver fails entirely to protect baseline water quality by failing to establish a baseline or set in place a mechanism for doing so.

Baseline water quality has been interpreted to mean “the best quality of the receiving water that has existed since 1968,... unless subsequent lowering was due to regulatory action consistent with State and federal anti-degradation policies.” APU 90-004. See *Asociacion de Gente Unida Para el Agua*, at 1270. Additionally, the California Environmental Protection Agency, and the

⁷ See California Environmental Protection Agency, Regional Water Quality Control Board Central Valley Region. *A Compilation of Water Quality Goals* (August 2003), p. 6.

Regional Water Quality Control Board Central Valley Region's, *A Compilation of Water Quality Goals* (August 2003), defines background levels to be maintained as "the concentration of substances in natural waters that are unaffected by waste management practices or contamination incidents." p. 6. Under either interpretation, the Waiver would fail to protect baseline water quality. The Waiver fails entirely to protect baseline water quality by failing to establish a baseline or set in place a mechanism for doing so.

The failure to establish a baseline means it is virtually impossible to enforce the anti-degradation policy. Furthermore, the failure to require any information to establish a baseline in any of the plans or reports or analysis developed to implement the Waiver, make it impossible to determine levels of degradation occurring and permitted under this permit. When undertaking an anti-degradation analysis, the Regional Board must compare the baseline water quality to the water quality objectives. *Asociacion de Gente Unida por el Agua* at 1270. By failing to establish a baseline, the Waiver, ipso facto, makes anti-degradation analysis impossible and is thus violative of the anti-degradation policy.

A. *The Waiver fails to demonstrate that the change in water quality authorized by this permit will be consistent with the maximum benefit to the people of the state, and provides an inadequate basis for any determination that the benefits of the levels of degradation authorized are demonstrated to outweigh the costs of that degradation.*

A determination as to whether degradation is consistent with maximum benefit to the people of the state is made on a case-by-case basis and is based on considerations of reasonableness under the circumstances. Factors to be considered include (1) past, present, and probable beneficial uses of the water (specified in Water Quality Control Plans); (2) economic and social costs, tangible and intangible, of the proposed discharge compared to the benefits, (3) environmental aspects of the proposed discharge; and (4) the implementation of feasible alternative treatment or control methods.⁸ The Board, in this Waiver engaged in no such analysis, much less demonstrated that any change in water quality will be consistent with the maximum benefit to the people of the state. Furthermore, the Board neither demonstrated that the change in water quality would not unreasonably affect present or probable future beneficial uses of such water; nor result in water quality less than prescribed in state policies. To the extent that the Waiver conclusively states such, monitoring and reporting requirements, as discussed above, fail to ensure that this will be the case.

1. This Waiver allows the degradation without any finding or basis for so allowing

⁸ See [State Board] Order No. WQ 86-17, at 22,

If the Waiver allows degradation up to water quality objectives and only sets that as the enforceable compliance goal, then it will permit all degradation from baseline up to just below the level of exceedance. If the Board wants to permit this maximum level of degradation, it needs to determine that this is the highest water quality for the maximum benefit to the people of the state. There is no such finding, nor any analysis or basis for such a finding.

2. The Waiver fails to demonstrate that degradation will not unreasonably affect present or probable future beneficial uses of such water.

Setting the effective level of degradation at essentially the same point as the level of exceedance creates a standard that will ensure impacts to domestic water users. Public water systems charged with treating drinking water to meet drinking water standards do not treat the water to just below the standard, but set a target well below that level to ensure that fluctuations in treatment or in the quality of the source water do not result in an exceedance of water quality standards. Additionally, systems that rely on source water that is near an MCL must meet significantly increased monitoring burdens to ensure that levels do not exceed an MCL (for example, if a system relies on water that is over ½ the MCL for nitrate they are required to conduct much more frequent monitoring, which can mean significant costs to systems and consumers). The waiver must set a goal for degradation far enough below that water quality objective to ensure that high quality waters do not exceed water quality objectives and beneficial uses are not impaired.

- B. The Waiver fails to establish that discharges to existing high quality waters will result in legally adequate best practicable treatment or control (BPTC)*

The Waiver fails to establish that discharges to existing high quality waters will result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that (a) pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

This Waiver would allow for discharge of pollutants above baseline, or highest quality, levels into the region's groundwater,⁹ without imposing the best practicable treatment or control ("BPTC") requirements, which by definition require first determining that it will not result in degradation that will unreasonably affect present or probable beneficial uses and that it will result in maintaining the highest water quality consistent with maximum benefit to the people of the State.¹⁰ As by definition BPTC cannot result in pollution or nuisance, while the requirements of the Waiver expressly allow for those results for up to 10 years through a groundwater management plan, the permit on its face fails to meet BPTC requirements. For the reasons

¹⁰ State Water Resources Control Board Resolution No. 68-16.

outlined above, this permit not only fails to make the necessary findings and determinations, but fails to require sufficient requirements to ensure those standards can be met. As such, this permit does not require the BPTC or adequate performance standards or sufficient reporting and monitoring requirements to protect high quality groundwater.

IV. Recommendations that improve the Conditional Waiver

We appreciate staff's agreement with the following conditions of the Order;

- The Reasonableness of Tiering Criteria;
- The need for annual groundwater monitoring by Tier 3 growers;
- Enforcing the determination of Nitrate Loading Risk Level.

We agree with the following changes to the Order proposed by staff

- The right to appeal certain decisions of the Executive Officer to the Central Coast Water Board;
- The requirement to report total Nitrogen applied;

V. Recommendations that weaken the Conditional Waiver and should be denied or revised

Provision 11: Third party water quality projects

While we agree with staff that third party efforts are beneficial and should be encouraged, we recommend making the project goal of "improving water quality" more specific to meeting the requirements of the Order.

Proposed Revision: Chance of Success. Projects must demonstrate a reasonable chance of ~~eliminating toxicity within the permit term (five years) or reducing discharge of nutrients to surface and groundwater.~~ providing measurable progress in **improving meeting water quality objectives.**

Provision 33: Containment Structures

On October 24, 1968, the State Water Board established California's antidegradation policy in Resolution No. 68-16.¹¹ The proposed single-word change from "avoiding" to "minimizing"

¹¹ See State Bd. Resolution 68-16; 40 CFR § 131.12. Among other things, Resolution No. 68-16 states: "Whereas the California Legislature has declared that it is the policy of the State that the granting of permits and licenses for unappropriated water and the disposal of wastes into the waters of the State shall be so regulated as to achieve

“percolation of waste to groundwater that can cause or contribute to the exceedances of water quality standards” constitutes a violation of California’s Antidegradation Policy as well as the Porter Cologne Water Quality Act. First, it allows degradation of high quality waters without establishing that such degradation is in the best interest of the people of the State of California. *See* Asociacion de Gente Unido para el Agua at 1270. Second, it allows the discharge of waste above water quality standards to waters that already exceed those standards, creating a nuisance condition in violation of the Porter-Cologne Water Quality Act. This is particularly concerning in areas like the Salinas Valley that already suffer from extensive nitrate contamination and heavily rely on groundwater as the primary source of drinking water.

It is the policy of the state that high quality waters be maintained to the maximum extent possible.¹² The regional board may not permit an activity that may produce waste that will discharge into high quality waters, unless it is established that the activity is consistent with the maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not violate water quality standards. Moreover, any discharge into high quality waters will be required to undergo the best practicable treatment and control of the discharge necessary to assure that no pollution or nuisance will occur, and the highest water quality consistent with the maximum benefit to the people of the state will be maintained.

As written, Provision 33 potentially violates that policy by explicitly permitting the discharge of various pollutants that “caus[e] or contribut[e] to exceedances of water quality standards,” into waters throughout the Central Coast region that may be determined to be high quality waters. For example, given the plain reading of the Provision, a Discharger discharging vast quantities of waste due to poor construction or management of an old containment structure, can continue to pollute extensively, so long as there is iterative progress towards meeting the requirements. Such standard neither preserves high quality water, nor is it consistent with the maximum benefit to the people of the Central Coast region who rely on groundwater as the main source of drinking water. Additionally, the provision does not make clear that the proposed methods of compliance must be best practical treatment and control methods (BPTC). There is no requirement to show that the proposed practices will assure that no pollution or nuisance will occur and that the highest water quality, consistent with the maximum benefit to the people of the state, will be maintained. This is particularly the case because Dischargers are free to select any method of compliance they choose, including, but “not limited to” the enumerated list of methods.

Proposed Revision: reject change and return to original language to “**avoid minimize** percolation of waste to groundwater that causes or contributes to exceedances of water quality standards, and to minimize surface water overflows that have the potential to impair water quality. **Dischargers**

highest water quality consistent with maximum benefit to the people of the State and shall be controlled so as to promote the peace, health, safety and welfare of the people of the State.”

¹² The antidegradation policy, California State Water Resources Control Board. Resolution No. 68-16.

may choose the method of compliance appropriate for the individual farm, provided it meets the requirement for BPTC, whichThis may include, but are is not limited to:

Provision 44.g: Management practice effectiveness

State Board staff proposes that management practice effectiveness be equated with “standard farming practices.” However, ample evidence indicates that “standard” practices are *not* protective of water quality. According to the UC Davis Nitrate report, only 40% of nitrogen applied is currently removed by harvested crops, resulting in a continuing increase in nitrate contamination of groundwater. Nor does this language satisfy the requirement to implement BPTC to protect water quality.

Proposed Revision to final sentence of revised provision 44.G: ...**Such methods for assessing effectiveness are expected to be based on standard farming best practices identified by NRCS, CDFA, UC Cooperative Extension or comparable source [agreed to by the Executive Officer], visual inspections, and recordkeeping.**

Provision 76 & 77, and Section B.1 of Part 6 of the Tier 3 MRP: Nutrient reporting

The decision to strike all reporting requirements for the Irrigation and Nutrient Management (Section B.1.b. of Part 6 of Tier 3 MRP) is inappropriate, not substantiated by experience, and threatens the ability of staff to adequately enforce the Order. The determination that this information is inaccurate and not useful seems to be unique to the State Board. In addition to the requirements of the Central Coast Board, the Central Valley order also requires reporting of nutrient balance ratios by crop. In that case, the determination was made that this information can be used to identify and prioritize growers with extremely high or low nutrient ratios for additional inspection and education. Nutrient management specialists for years have used this information to guide their recommendations to growers.

Our organizations have long been concerned that the irrigated agricultural regulatory programs provide insufficient data to understand where best practices are and are not being implemented. The required reporting of total nitrogen application provides important but raw data on potential nitrate loading. However, when paired with information on nutrient ratios, a much more accurate understanding can be ascertained of on-farm practices and their potential impact on water quality. It tells us not just the potential nitrogen loading to groundwater, but also provides information to understand the efficiency with which growers are currently applying nutrients – and provides a way to prioritize the extremely limited time for staff that are tasked with

administering the program. Finally, this is information already being collected by farmers as part of their nutrient management plans so the reporting requirement is not burdensome.

The California Department of Food and Agriculture is devoting resources from its Fertilizer Research and Education Program (FREP) to answer many of the questions posed by the State Water Board in its draft recommendations. Providing additional information to assist in their analysis and the development of crop recommendations would seem to be a strong reason for requiring collection of this data. Conversely, failing to collect data because there is some belief that it is imperfect delays implementation of the Order and limits the ability of experts to improve data analysis and collection methods.

Proposed Revision: Reinstate Provision 77. Reinstate bullet B.1 and B.1.b of Section 6 of the Tier 3 monitoring and reporting program, to read:

1. By October 1, 2015 and annually thereafter, Tier 3 Dischargers with High Nitrate Loading Risk must report the following INMP elements in the electronic Annual Compliance Form:
 - a. ~~b.~~Annual balance of nitrogen applied per crop compared to typical crop nitrogen uptake for each ranch/farm or nitrate loading risk unit (Nitrogen Balance Ratio).

Delete Provision 78

We have the same objections as cited above to the elimination of this requirement. The inference that these numbers have no meaning is not true. Nutrient ratios are based on certified nutrient management plans that make best efforts to analyze and adapt to on-farm conditions and represent our best effort to measure BPTC for nutrients. Eliminating nutrient ratios targets and the requirement to reduce nutrient ratios is basically a guarantee that nitrate contamination will continue at its current rate.

Recommendation: Reinstate Provision 78.

Effective Control of Pollutant Discharges, Provision 82

The proposed amendment to Provision 82 removes any requirement to meet water quality objectives in a specific time frame, nor does it sufficiently identify what constitutes a “good faith” or “iterative” process. This renders the order unenforceable.

Recommendation: remove added language

VI. Expert Panel

We appreciate the diligence of the State Water Board in convening an expert panel to advise it in relation to specific points of the order. However, this panel allows for further delay in implementing orders to protect water quality. Further, our understanding is that this is a Panel made up of Agricultural Experts; therefore questions related to groundwater quality monitoring are not really appropriate for the Panel as identified and should be addressed to a panel of groundwater experts.

VII. Groundwater Monitoring

While we appreciate the recommendation of staff to uphold the requirements for groundwater monitoring in the Order, we are puzzled by the concurrent effort to reduce those same requirements through the recent adoption of cooperative groundwater monitoring plans.

Our strong support for this order was predicated on the early and broad groundwater monitoring requirements, consisting of all on-farm drinking water wells and the primary irrigation well for each farm covered by the order in the first year of the program (October 1-December 31, 2012). This information should have provided thousands of new data points that would allow us to better characterize the quality of the aquifers and identify areas of concern, and over time, identify water quality trends. Instead, less than a thousand data points have been submitted, and changes made to weaken the recently approved cooperative groundwater program and obscure the data suggest it will be of little benefit in this regard. A search of well log information will be required before data collection can commence, so it appears that a delay of a full year or more is likely before we see water quality data from these efforts. This is an unacceptable delay for disadvantaged communities whose need to know information about their water quality is now.

Provision 51 requires groundwater monitoring to allow Central Coast Board staff to “evaluate groundwater conditions in agricultural areas, identify areas at greatest risk of waste discharge and nitrogen loading and exceedance of drinking water standards, and identify priority areas for nutrient management.” Instead, the cooperative monitoring programs as we understand them seek to limit access to data, test *fewer* wells than required under the individual monitoring program, and eliminate testing of irrigation wells altogether. The latter is an important data source because drinking water wells are often abandoned when the supply exceeds the nitrate standard. That means the nitrate results are skewed downwards and may not accurately portray the water quality of the aquifer. Irrigation well data does not have that issue, so can provide more objective water quality data that is essential to the accurate characterization of the aquifer.

That means that the cooperative groundwater programs are failing a key component of any waste discharge order – the establishment of accurate baseline values against which water quality improvements can be measured.

We are therefore left with a program that we supported because of its commitment to protecting communities and its initial testing requirements that would have produced thousands of data points, identified the potential for harm of hundreds of wells, and provided a glimpse of the variability of groundwater quality on a seasonal basis. This is information that is desperately needed – and the Board has determined that it will not be provided, either through a lack of required testing, a delay of years in testing the wells that will be required by the cooperative program, and limits on the public availability of information.

The Board's stated support for groundwater monitoring in this document is not matched by its executive decision that cooperative monitoring programs are not required to meet the standard set by the Order as adopted.

Conclusion

We appreciate and thank you for providing us the opportunity to comment on the revised order utilizing the lens of how these revisions and recommendations impact disadvantaged communities. We are very interested in working with you to ensure that this order is protective of water quality, provides concrete information by which to assess the impact of agriculture on groundwater and provides sufficient information to improve the protection of communities dependent upon groundwater for their drinking water supply.

Sincerely,



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