



June 1, 2016

Chair Felicia Marcus and Board Members
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
Sent via electronic mail to: commentletters@waterboards.ca.gov

RE: Comments to A-2239(a)-(c)

Dear Chair Marcus and Board Members:

On behalf of the Asociación de Gente Unida por el Agua, Fairmead Community and Friends, and Planada en Acción, we submit these comments on both the policy direction expressed in the Proposed Order and the proposed revisions to Central Valley Regional Water Quality Control Board Order No. R5-2012-0116 R-4 (Eastern San Joaquin Agricultural General WDRs, or General WDRs).

We thank the State Water Resources Control Board (State Board) for the opportunity to respond to the Proposed Order and proposed revisions, and accordingly, submit our comments in an effort to convey our support for components of the Proposed Order that bring the General WDRs closer to conformity with state standards and identify areas where the Proposed Order still fails to comply with State Law and still fails to protect California's most vulnerable communities from contamination of their drinking water.

While the Proposed Order makes significant strides toward conforming the General WDRs with basic data transparency standards across the state, it does not require performance standards that are linked to achieving water quality objectives, nor does it place strong requirements on the provision of replacement water and mitigation of nitrate impacts for residents denied clean drinking water due to agricultural discharges, thus preventing communities from realizing the Human Right to Water (Water Code 106.3). Accordingly, the Proposed Order does not remedy the deficiencies of the East San Joaquin Agricultural Waste Discharge Requirements with respect to either the Porter-Cologne Water Quality Control Act or the state Antidegradation Policy, nor does it address our clients concerns that the Order, in allowing pollution, nuisance and degradation has disproportionate and negative impact on communities of color.

As the State Board well understands, as agricultural discharges impair drinking water sources, an increasing number of Californians find themselves without clean drinking water, and the time and costs associated with cleaning up agricultural discharges grows. We remain concerned that the Proposed Order still allows, even facilitates, unchecked degradation and pollution in contravention of the very purpose of state water quality goals and in contravention of the human right to water.

Included in our comment letter submission is a summary of Community Water Center's well testing program at the bequest of the Board at the May 17th ILRP hearing in Fresno. We have also included redline edits to the Revised Order and select attachments. Please note that these redline edits are provided for the sole purpose of continuing our efforts to engage in a collaborative and amicable process to address concerns that remain in the Proposed Order. Redline edits should not be interpreted to represent our final analysis of whether or not language complies with law nor should omissions of redline edits indicate our approval of applicable sections of the Order or attachments.

Attached to this correspondence we have included edits to certain sections of the Order and attachments thereto. These edits should not be understood as our final suggested language on the Order, nor should omission of edits be understood as our acceptance of the Order as written. Rather, these suggested edits are designed to reflect our thinking at the time of the correspondence and our ongoing efforts to assist the Regional Board in adopting an Order that complies with the law.

Also attached to this correspondence, at the bequest of the Board at the Fresno ILRP hearing on May 17th, is a short summary plus results from Community Water Center's private well testing program.

The Proposed Order Violates the Porter-Cologne Water Quality Control Act

The Proposed Order fails to amend the Eastern San Joaquin Agricultural General WDRs so that they comply with the Porter-Cologne Water Quality Control Act (Porter-Cologne). The Porter-Cologne Act prohibits pollution and nuisance with respect to groundwater. (See Wat. Code §§ 13050, 13240-41, 13263(a), and 13304(a); see also Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Rev. June 2015) at III-1, III-10 (Basin Plan)). Pollution is defined as "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects ... [t]he waters for beneficial uses." (*Id.* § 13050(l)(1).) Nuisance is "anything ... injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property," and which occurs "as a result of ... disposal of wastes." (Wat. Code § 13050(m).)

Waste from irrigated agriculture is the leading cause of nitrate contamination of the state's groundwater. Thomas Harter et al., *Addressing Nitrate in California's Drinking Water* (2012), University of California, Davis, Groundwater Nitrate Project, p. 17. Nitrate-contaminated water poses serious health risks, including pregnancy complications, methaemoglobinaemia (blue baby syndrome), birth defects, and cancer, as detailed extensively in our comments on the Draft Programmatic Environmental Impact Report (EIR). The wastes produced by irrigated agriculture, as the primary cause of nitrate contamination of the state's groundwater, are clearly "injurious to health" and "interfere with the comfortable enjoyment of life or property." In communities reliant on groundwater for drinking water, the contamination of groundwater caused by historic and current practices on irrigated lands clearly and unreasonably affects these communities' beneficial uses. (See Harter Report, pp. 17, 47-51.)

Under Porter-Cologne, water quality control plans are developed to establish "water quality objectives [and a] program of implementation needed for achieving water quality objectives." (Water Code § 13250(j); see

also *id.* § 13240.) Water quality objectives (WQOs) are defined as “limits ... of water quality constituents ... which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance.” (*id.* § 13050(h); see also *id.* § 13241.) Waste discharge requirements, in turn, must implement water quality control plans, and thus a program to achieve water quality objectives (WQOs), protect beneficial uses and prevent nuisance. (*id.* § 13263; see also *id.* § 13240.)

The Modified General WDRs violate Porter-Cologne because they (a) fail to provide a mechanism to ensure dischargers meet water quality objectives and (b) explicitly authorize pollution and nuisance beyond a lawful timeframe. More specifically, the Modified General WDRs fail to establish a means for determining the amount of discharges authorized by this Order, and the alterations in water quality resulting from such discharges, as well as enforceable standards that are linked to achievement of WQOs. They also unlawfully authorize pollution, nuisance, and exceedances of WQOs for 10 years or more in areas subject to Groundwater Quality Management Plans (GQMPs). Additionally, the Proposed Order allows nuisance by implying that the regional board may rely on averaging to determine the extent to which discharges achieve water quality objectives.

A. Modified WDRs Do Not Ensure Achievement of Water Quality Objectives and Prevention of Pollution and Nuisance

As stated above, waste discharge requirements must “implement ... water quality control plans,” as well as “take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose. . . [and] the need to prevent nuisance.” (Wat. Code § 13263(a).) The WQO, or maximum contaminant level (MCL), for nitrates as nitrogen is 10 mg/L. 22 C.C.R. § 64431. Thus, under Porter-Cologne, the General WDRs must implement a regulatory program that will lead to attainment of this MCL.

In the Proposed Order, the State Water Board finds that “there is a high likelihood that the Modified [] General WDRs will lead to attainment of the receiving water limitations.” However, the WDRs provide no legitimate basis for reaching this conclusion--that is, a means for determining the amount of authorized discharges that would lead to attainment of WQOs, and enforceable standards (e.g., a target A-R difference) linked to those authorized amounts. As the Court of Appeal held when analyzing a general WDRs’ compliance with the Antidegradation Policy, “[t]he wish is not father to the action.” (*Asociacion de Gente Unida por el Agua v. Central Valley Regional Water Quality Control Bd.* (2012) 210 Cal. App. 4th 1255, 1260-61 (“AGUA”).) According to the AGUA Court, the general order finds “that the beneficial ... uses of the groundwater ... will be protected by the [o]rder, but the finding wholly depends upon the [o]rder’s prohibition of the further degrading of groundwater without requiring the means (monitoring wells) by which [degradation] could be determined.” (*Id.*) The same reasoning applies here. The Proposed Order concludes that the Modified WDRs will achieve the receiving water limitations, without providing a mechanism for achieving receiving water limitations: i.e. enforceable standards or limits on discharges linked to attainment of WQOs. Nor do the WDRs provide enforcement mechanisms triggered by failures to adhere to such standards. In short, the Modified WDRs provide no means for ensuring that the regulatory program will lead to achievement of WQOs or protection of beneficial uses at some point in time.

While the monitoring and reporting requirements in the Modified WDRs will help improve management practices, “[a]dherence to management practices does not ensure that [water quality] standards are being met.” *Monterey Coastkeeper, et al. v. California State Water Resources Control Board* (2015), No. 34-2012-80001324, at *34. In other words, “implementing management practices is no substitute for actual compliance with water quality standards.” (*Id.*) Thus, even if monitoring and reporting requirements create an iterative process by which management practices improve over time (see Proposed Order at 26, 60),

without providing some type of quantifiable, enforceable standards, the Proposed Order cannot ensure that improving management practices are leading to achievement of WQOs or effectively reducing pollution or nuisance.

The Proposed Order attempts to distinguish *Monterey Coastkeeper* by arguing that the Modified WDRs are “clearer in mandating that discharges may not cause or contribute to exceedances ... except where a clearly articulated program of management practice implementation with a finite time schedule is established.” (Proposed Order at 15, fn. 44.) But this begs the same questions raised above: without any data or means for linking management practices to water quality improvements, and without enforceable standards leading to achievement of WQOs, how will a “clearer” mandate or a more “clearly articulated” program of management practices do a better job of achieving water quality improvements than did the Central Coast waiver? The State Board itself acknowledges that the Proposed Order does not require the “type of data that facilitates easy determination and enforcement of compliance with receiving water limitations.” (Proposed Order at 15.) But Porter-Cologne does not require compliance only if it is easy; it simply requires compliance with the WQOs. (Wat. Code § 13263(a).)

The single largest source of nitrates in the Central Valley’s groundwater is, by far, irrigated agriculture. (Thomas Harter et al., *Addressing Nitrate in California’s Drinking Water* (2012), University of California, Davis, Groundwater Nitrate Project, p. 17 (Harter Report)). Croplands were estimated to be contributing approximately 96 percent of all nitrates leached to groundwater in the Tulare Lake Basin and Salinas Valley, predominantly agricultural regions similar to the Eastside San Joaquin. *Id.* The Proposed Order simply fails to do the one thing that would actually lead to a reduction in nitrate loading to groundwater: require farmers to apply less nitrate. We acknowledge that the Modified WDRs contain vastly improved data collection requirements. However, as stated above, data collection will not reduce nitrate pollution until the water boards require farmers to either apply less nitrogen to the field, or remove more nitrogen from the field. Without some type of quantifiable, enforceable standards, the Proposed Order cannot ensure that the regulatory program is leading to achievement of the WQOs, or effectively reducing pollution and nuisance. To the extent the Proposed Order fails to do this, it violates Porter-Cologne.

B. Modified WDRs Explicitly Authorize Exceedance of Water Quality Objectives, Pollution, and Nuisance for an Unlawful Time Period in Areas Subject to Groundwater Quality Management Plans

The Modified General WDRs provide that “[w]astes discharged ... shall not ... cause or contribute to a condition of pollution or nuisance.” (Modified General WDRs at 19.) However, in areas subject to GQMPs, these receiving water limitations are not effective for up to 10 years or more. (Proposed Order at 14; Modified General WDRs at 19, fn. 19.) In fact, since the trigger for requiring a GQMP includes a confirmed exceedance of a WQO “considering applicable averaging periods,” and since the 10-year schedule attaches after the submission of the GQMP, the timeframe for authorized pollution and nuisance is, in effect, longer than 10 years. Thus, in areas subject to a GQMP, pollution and nuisance are explicitly authorized for up to and in excess of 10 years.

The 10-year (plus) authorization of pollution and nuisance is unlawful. Although waste discharge requirements may contain a time schedule (Wat. Cod § 13263(c)), they may not permit “unnecessary time lag.” (23 C.C.R. § 2231(b).) With respect to NPDES permits, the Basin Plan authorizes compliance schedules up to 10-years long; however, this is 10 years “*from the date of adoption of the objective.*” (Basin Plan at IV-16.03 (italics added).) The State of California adopted the MCL for nitrate (45 mg/L, or 10 mg/L for nitrate as nitrogen) *back in 1977*, nearly 40 years ago. The authorization of an additional 10-year delay to attain compliance with this WQO is both unnecessary and unreasonable.

As stated above, waste discharge requirements must implement a program to achieve WQOs. (Wat. Code §§ 13250(j); 13263.) WQOs, in turn, are “limits ... of water quality constituents ... which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance.” (*Id.* § 13050(h); see also *id.* § 13241.) Authorizing, in essence, 50 years of noncompliance with the WQO for nitrate is equivalent to authorizing 50 years of nuisance and pollution (i.e., alterations of water quality to a degree that unreasonably affects beneficial uses). Far from implementing a program to achieve WQOs, the irrigated lands regulatory program for the Central Valley has authorized unreasonable interference with beneficial uses and discharges of waste injurious to health for nearly half a century. The Modified General WDRs, to the extent that they continue to authorize pollution and nuisance, violate the Porter-Cologne Act.

In addition to being unlawful in and of itself, the authorization of 10-year compliance schedule is unlawful because the water boards do not enforce mandatory milestones, benchmarks, or interim deadlines. To comply with Porter-Cologne, the General WDRs “must include requirements reasonably designed to show measurable progress toward improving water quality over the short-term and achieving water quality standards in a meaningful timeframe.” *Monterey Coastkeeper*, No. 34-2012-80001324, at *32. Per the Nonpoint Source Policy, time schedules must be specific and contain quantifiable milestones, and should include measurable, interim water quality goals. (See Policy for Implementation of the Nonpoint Source Pollution Control Program (2004), p. 13.) Since GQMPs are the primary mechanism through which the General WDRs address confirmed exceedances of WQOs, the water boards must not only require interim goals in a GQMP document, they must enforce corresponding deadlines to ensure that GQMPs are achieving their purpose. As described in the section on GQMPs below, GQMPs should contain aggressive schedules to ensure that discharges are actually on track to achieving compliance with receiving water limitations. Contrary to what the Proposed Order implies (Proposed Order at pp. 14-15, fn. 14), improved monitoring and reporting alone does not ensure that GQMPs will improve water quality in the short-term or achieve water quality standards in a meaningful timeframe.

Lastly, the authorization of 10-year schedules is unlawful because it is an inappropriate delegation of authority within the exclusive purview of the Central Valley Water Board. The regional boards may not delegate their power to modify waste discharge requirements. (See Wat. Code § 13223(a).) As stated above, GQMPs are *the* mechanism by which confirmed exceedances are addressed. So they are central to the WDRs’ program of implementation to achieve water quality objectives. (See Wat. Code §§ 13250(j), 13263.) Thus, approval or modification of a GQMP is, in essence, a modification of the waste discharge requirements. However, in the Modified General WDRs, the GQMP and its schedule for compliance are developed by the coalition and approved by the Executive Officer, not by the Central Valley Board. This delegation of authority is prohibited.

In sum, the Modified General WDRs’ explicit authorization of pollution and nuisance for 10-plus years violates Porter-Cologne because (1) it is an unnecessary and unreasonable schedule for complying with water quality objectives, given that the MCL for nitrate was established nearly forty years ago, (2) it does not contain enforced, quantifiable milestones and interim goals and deadlines, and (3) it constitutes an unlawful delegation of authority by the regional board. Until these issues are addressed, the time schedules will continue to violate Porter-Cologne, as well as the Nonpoint Source Policy and the Antidegradation Policy.

C. Averaging Groundwater Quality Allows for Pollution, Nuisance, and Interference with Beneficial Uses

The Proposed Order states that, “in determining compliance with [WQOs] to protect drinking water beneficial uses, the regional water board ... may rely on averaging.” (Proposed Order at p. 12.) This seems to imply that the regional board may do volumetric averaging over a production zone, and conclude that the entire zone is in compliance with WQOs, even when shallow, domestic wells are known to be polluted. Such a result would clearly run counter to Porter-Cologne’s mandate to protect beneficial uses. (See Wat. Code §§ 13050(h), 13050(l)(1), 13241, and 13263). If this implication was not intended, the Proposed Order should be amended to make this clear.

The Proposed Order Fails to Comply with the State Antidegradation Policy

The Proposed Order does not cure the General WDRs violations of the state’s Antidegradation Policy. Antidegradation law requires that, in high-quality waters, baseline water quality must be maintained unless it is demonstrated that any change in quality will (1) be consistent with the maximum benefit to the people of the state (“maximum benefit”); (2) not unreasonably affect present or probable future beneficial uses; and (3) not result in water quality less than that prescribed by state policies. Furthermore, any activity that produces or may produce waste, and that discharges into high-quality waters, must result in best practicable treatment or control (“BPTC”) to ensure that (a) pollution or nuisance will not occur, and (2) the highest water quality consistent with maximum benefit will be maintained.

The General WDRs fail to meet the requirements of Antidegradation Policy by failing to (1) establish a water-quality baseline to determine authorized alterations in water quality and their impacts on beneficial uses, (2) conduct an adequate maximum-benefit analysis, and (3) establish BPTC to ensure that nuisance and pollution will not occur and that the highest water quality consistent with maximum benefit will be maintained. In addition, as noted above, the General WDRs explicitly authorize pollution, nuisance for more than 10 years. Similarly, the general WDRs allow discharges that will result in water quality that falls short of water quality objectives.

The Court of Appeal ruled against the Central Valley Water Board regarding an earlier, similarly inadequate antidegradation analysis in *AGUA*. (210 Cal. App. 4th.) The Proposed Order attempts to distinguish *AGUA* (Proposed Order at 59, fn. 156.), but this attempt is unavailing. In a footnote, the Proposed Order implies that the case, and therefore the requirement to perform a robust antidegradation analysis, does not apply to nonpoint discharges, stating that the groundwater discharges regulated under the General WDRs are unlike the “concentrated discharges ... that were the subject of [*AGUA*].” (*Id.*) This characterization of *AGUA* is inaccurate. *AGUA* addressed waste discharges from existing milk cow dairies. Waste discharges from dairies are not purely “concentrated” or point-source-like, since a major source of discharges is from fields. In other words, there is no basis for distinguishing legal precedent that applied to irrigated agricultural fields owned and operated by dairies from the irrigated agricultural fields covered by these General WDRs. *AGUA* clearly applies to these General WDRs.

The Proposed Order authorizes continued noncompliance with the Antidegradation Policy. First, the Order does not require the establishment of a water-quality baseline to determine authorized alterations in water quality. The State Water Board recognizes that the appropriate baseline is the “best quality of water since 1968,” but that, “[i]n almost all cases, it will be impossible ... to establish an accurate numeric baseline for potentially hundreds of waterbodies....” Thus, the Board finds that a “general review and analysis of readily available data is sufficient.”

We acknowledge that a general analysis of available data is appropriate for determining whether the Antidegradation Policy applies in some circumstances. As the Proposed Order states, “the Central Valley Water Board appropriately assessed thousands of ... groundwater data points and concluded that at least

some of the ... groundwater in the ... watershed were high quality. Based on this finding, the Central Valley Water Board acted appropriately by then conducting a general antidegradation analysis.” We agree that this approach is appropriate for determining that the Antidegradation Policy applies to the Eastern San Joaquin River watershed.

Nevertheless, once determined that the Antidegradation Policy applies, it becomes unacceptable to abandon any attempt to establish a numeric baseline for the purpose of determining the level of authorized alteration to water quality and conducting a maximum benefit analysis. We concede that a calculation of the best water quality since 1968 will necessarily be an estimate based on available data. However, since any meaningful antidegradation analysis requires comparing said baseline to WQOs (*AGUA*, 210 Cal. App. 4th at 1270), it is fundamental that some baseline be established. For example, the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) process established 2-4 mg/L as the background concentration of nitrate-nitrogen in Central Valley groundwater. Without setting a baseline, the Modified General WDRs make it impossible to assess the level of degradation that will occur as a result of authorized discharges, and thus whether those changes in water quality are consistent with maximum benefit.

Second, the Proposed Order more generally sanctions an inadequate maximum-benefit analysis. It first notes that “the state depends on Central Valley agriculture for food and that Central Valley communities rely on agriculture for employment.” This statement implies a false choice between agriculture and no agriculture. The Proposed Order then goes on to conclude that the “societal benefits outweigh the costs associated with the effects of irrigated agriculture under the Modified General WDRs,” and thus “any degradation allowed ... is consistent with the maximum benefit to the people of the state.” This statement is purely conclusory, as there is no identified cost-benefit analysis supporting such a finding. In reaching this conclusion, the Proposed Order states that “if monitoring of drinking water wells indicates that MCLs are being exceeded, we expect dischargers that are causing or contributing to the exceedance to provide replacement water to the affected population.” A mere “expectation,” however, is not an appropriate consideration for determining the costs and benefits of discharges to the people of the state (see section on Replacement Water below).

An adequate maximum-benefit analysis must assess all of the economic, health, and environmental costs and benefits of the authorized degradation, not just the costs to the discharger. The serious health risks posed by nitrate-contaminated water increase costs not only to individuals and local agencies, but to the healthcare system as a whole. Financial costs, moreover, include not only those to farmers, but also those to individuals and communities that must spend a greater share of their incomes and resources to obtain potable water, such as through bottled water, water treatment, or the drilling of new or deeper wells; must spend increased resources on monitoring water quality; and may experience property devaluation. Contaminated water also has regional and statewide economic impacts, both because of the opportunity costs involved with diverting resources to alternative water sources, as well as because contaminated water can reduce property values throughout a town or region, increase loan costs, and in general limit community development. Without including these and other costs associated with allowed degradation, it is impossible to conclude that authorized changes in water quality are consistent with maximum benefit.

Third, the Proposed Order does not require BPTC that “ensure[s] that pollution or nuisance will not occur ... and [that] the highest water quality consistent with maximum benefit will be maintained.” As stated in the section on Porter-Cologne, the Modified General WDRs specifically authorize pollution and nuisance, and they provide no enforceable standards tied to water quality objectives. Moreover, the amount of authorized discharge is unknown, and the maximum benefit analysis is insufficient. Thus, it is impossible to know whether authorized management practices will lead to cessation of pollution and nuisance within a reasonable timeframe.

The Central Valley Water Board must ensure that activities resulting in discharges to high-quality waters meet state standards and BPTC. *San Joaquin County Resource Conservation District, et al., v. California Regional Water Quality Control Board, Central Valley Region, et al.* (2013), No. 34-2012-80001186, at *20. For the multiple reasons given above, the Modified General WDRs do not meet this requirement.

The Proposed Order Needs to Create an Enforceable Nutrient Reporting Standard

We agree that the following nutrient ratio, as defined in the Proposed Order, is a useful metric that allows raw data to be distilled into figures that can be used to compare the nutrient efficiency of growers producing the same crop:

$$\text{A/R Ratio} = \frac{\text{Nitrogen Applied (from any source, including organic amendments, synthetic fertilizers, manure and irrigation water)}}{\text{Nitrogen Removed (via harvest and annually sequestered in permanent wood of perennial crops)}}$$

The ratio allows coalitions to prioritize their outreach and education activities and the board to prioritize operations for inspection. We think identifying standard deviation as the dividing line that triggers this oversight is appropriate. As management practices are studied and refined, we expect the nutrient budgets to have fewer outliers and reflect a lower nutrient applied:crop removed ratio.

We do not agree, however, that the nutrient ratio represents an enforceable standard that will achieve water quality objectives. While we understand that this value was recommended by the Expert Panel, these values for not appropriate for regulatory purposes because they are comparative rather than direct measurements. What is needed is an estimate of the nitrogen applied in excess of crop need that has the potential to leach to groundwater – the nitrogen loading. It is this number that must be reduced in order to meet water quality objectives. While irrigation management plays a large role in N loading, the presence of N in the soil column is the critical ingredient for N leaching. Three acres of corn planted and harvested with a nutrient ratio of 1.2 will almost certainly result in greater N loading than 10 acres of grapes with the same nutrient ratio; therefore, Board oversight of these crops should not be the same.

We appreciate the requirement to calculate A-R, which we regard as the key metric to quantify nutrient loading and identify progress towards achieving water quality objectives. However, we believe that the A-R figure should not include nitrogen in irrigation water, as that source does not contribute to loading. Our formula for A^{external}-R would consist of A^{external}= (N^{synthetic fertilizer} + N^{organic amendments}), with R retaining the same value for nitrogen removed as described in the Order. This allows an estimate of nutrient loading that can be readily calculated. We understand that this figure represents *potential* rather than actual loading to groundwater, and that figures have some degree of error; however, we believe that this number provides the opportunity to set achievable targets for growers that also links directly to achievement of the water quality objective, and that the Order requirements will, over time, reduce the current level of error that exists throughout the program.

Growers should have the option of demonstrating that their nutrient loading is below a threshold that contributes to pollution or nuisance (identified by the Harter Report as 31 pounds of excess nitrogen applied per acre per year (Harter Report, p. 17)). For growers whose nutrient loading currently exceeds the discharge limitation, interim targets can be set as needed. We believe that this addresses the fundamental problem with both the original and Proposed Order; significant levels of reporting and monitoring are required with no endpoint identified.

We attended the Nitrogen Removed Task Force meetings last summer and agree that using yield as a proxy for N removed is an appropriate metric that will provide the most accurate estimates of Nitrogen removed, pending development of more precise measurements. However, we do urge that the nitrogen removal coefficients that will be used to convert yield to N^{removed} be developed and approved through a public process at the State or Regional Board. (Proposed Order at 37.) To the extent that the Proposed Order relies on these coefficients to determine the A/R ratio and A-R target, the development of the coefficients is the key to the entire program. We strongly recommend that these co-efficients be developed through a public process that engages researchers at the University of California, CDFA, and the public.

Finally, the Order should require that growers specify in the templates what mechanism was used to determine the amounts reported in the INMPs (i.e., irrigation water (e.g. flow meters), and amount of N from irrigation water (e.g. direct sampling)). We have learned from other regulatory programs that lack of equipment can mean that dischargers just estimate an amount without having an actual mechanism to measure it. It is important that reported amounts be based on realistic data, and therefore, for the data sources used be part of what is reported in INMPs.

The Proposed Order Must Strengthen Groundwater Quality Management Plans

Because the concentration of nitrates in drinking water supplies in the Central Valley is predicted to increase for some period of time, even with a robust source control program, Groundwater Quality Management Plans (GQMPs) provide an essential tool to target areas that already impact or threaten beneficial uses. We appreciate that the Board has retained the requirement to develop GQMPs; however, the Order requirements remain inadequate to ensure that water quality objectives are achieved and beneficial users of groundwater protected. These GQMPs represent those agricultural areas that are directly affecting other beneficial uses and as such should be subject to specific, aggressive and measurable requirements to reduce nutrient loading.

A. Identifying Areas Subject to Plans

We agree with the current guidance from the Central Valley Water Board that areas where nitrate concentrations in groundwater exceed 50 percent of the drinking water standard should be subject to a GQMP. This value (5 mg/l measured as N, 22.5 mg/l measured as NO₃) is a conservative standard [J2] that allows actions to be taken and the trend reversed before a health-based standard is exceeded. Moreover, the Central Valley Board's 2008 Existing Conditions Report identified a nutrient background level of just 3mg/l NO₃, so a concentration of 22.5 or higher (the level at which public water systems are required to take additional actions) is a good indication of a worsening trend in water quality. Setting GQMP requirements based on this value will allow the Regional Board to take more protective actions to protect water quality in those areas where it is most immediately threatened.

B. Necessary Plan Components

GQMPs should acknowledge that discharges have impacted beneficial uses in the areas that they cover, and accordingly include aggressive source control measures as well as full mitigation for impacted uses. Specifically, the GQMPs should include:

- Identification of all domestic and public supply wells in the area, and a plan for testing these wells for the contaminant(s) of concern in the GQMP;
- The provision of replacement water or other mitigation measures as necessary to mitigate impacts to residents (see detailed comments on this subject below)

- Increased monitoring to identify water quality trends and ensure that the boundaries of the GQMP are appropriate;
- An aggressive schedule of implementation actions with measurable goals and milestones for achieving water quality objective in the region, including:
 - Accelerated implementation of Order requirements, including:
 - Identification and safe closure of all abandoned or dry wells by a date certain. The new ability to access well drilling logs can aid in this effort;
 - Pending results from the Management Practices Effectiveness Program, the identification and implementation of practices that have been shown to limit nitrate leaching below the vadose zone.
 - Focused implementation of the Management Practices Effectiveness Program by a date certain for those crops that have the highest cumulative potential for nitrate loading to groundwater in the management area.
 - Improved and specific education and enforcement activities, including:
 - Development of a list of growers whose nutrient balance indicates improper nutrient or irrigation practices to be followed by site visits from certified nutrient practitioners;
 - Focused outreach and a hands-on, site specific education program to all growers in these areas to identify and update irrigation and fertilizer practices, with increased reporting metrics in the annual report that identify which operations have participated and whether and to what extent additional practices have been implemented and nutrient ratios improved;
 - Provide list of non-reporting growers to the Central Valley Board for enforcement within 3 months of a missed reporting deadline.
 - Targeted actions to proactively reduce nutrient loading and improve water quality, such as:
 - A schedule for implementation of a “pump and fertilize” program on a steadily increasing acreage with a goal of reducing nitrogen loading by a minimum of 10% within 5 years;
 - A target of reducing nutrient loading by at least 20% within 10 years, towards an area-wide goal of reducing nutrient loading to 31 pounds per acre or less¹;
 - Establishment of a pilot groundwater restoration program to determine the impact of affirmative efforts to improve water quality impacted by dischargers, which could include targeted recharge of high quality water upgradient of drinking water supply wells that currently exceed the MCL. This effort can be done in a coordinated fashion along the lines of the Management Practices Effectiveness Program.

The goal of GQMPs should be to achieve compliance with Water Quality objectives in a realistic timeframe. While we understand that additional data and studies are needed to improve practices and identify water quality trends, plans should be implemented with best available information and then improved as we gain greater understanding of water quality and the impact of specific practices

¹ This nutrient application figure was used to differentiate between low and high nitrate loading in “Nitrate Contamination in the Salinas Valley and Tulare Lake Basin, by the UC Davis Center for Watershed Science, March 2012, <http://groundwaternitrate.ucdavis.edu/>

The Proposed Order Must Require Mitigation of Nitrate Impacts on Beneficial Users

The proposed Order allows continued discharge of pollutants and yet does not require dischargers to mitigate the effects of nitration contamination upon nearby communities who depend on the groundwater as source of domestic water. As we have stated previously, waste from irrigated agriculture is the leading cause of nitrate contamination in the Valley (Harter Report, p. 17) and thus irrigated agriculture is responsible for mitigating the impacts nitrate contamination has on communities' beneficial uses of the contaminated water. The Order should recognize, and incorporate by reference the Human Right to Water (Water Code Section 106.3) as well as the State Water Board's recent resolution recognizing the human right to water and the Central Valley's resolution. By not requiring mitigation of impacts upon communities the Order violates the human right to water by leaving communities, rather than dischargers, to bear the cost of nitrate contamination.

Given that the proposed Order allows continued discharge of waste which will likely result in the exceedance of water quality objectives, the Order must require that dischargers mitigate their impacts to water sources used for beneficial uses. Though replacement water is mentioned in both the proposed Order and the red-line, the Order does not *require* the provision of replacement water or other mitigation requirements. Dischargers must ensure that communities impacted by nitrates and other contaminants associated with agricultural operations have access to safe, clean, and affordable drinking water in line with the Human Right to Water. This can include both interim (bottled and tanked water) and longer term solutions (treatment systems including operations and maintenance costs, new wells, etc.), depending on the extent of the contamination and the timeframe during which the contamination will persist. Furthermore, there are other costs borne by residents faced with nitrate contamination. This includes paying higher water rates to systems forced to treat water in order to provide potable water, or private well owners who have already installed a POU/POE system in their home. Dischargers must mitigate these impacts as well.

The trigger for requiring dischargers to mitigate their impacts should be attached to requirements within GQMPs. While GQMPs provide necessary monitoring and reporting requirements, these alone will not improve water quality in the near or far term. There must be a clear end goal attached to the reporting and monitoring requirements, and that goal should be to secure safe and clean water for impacted communities. As stated in the GQMP section above, plans are triggered upon testing which shows a contaminant is at 50% of the MCL, leaving time to potentially prevent an exceedance which will have negative impacts upon health. However, should the GQMP be unable to prevent further degradation of water quality mitigation of nitrate impact shall be triggered upon an exceedance of the MCL. The increased monitoring and reporting requirements of a GQMP will help protect communities from using contaminated water sooner and these plans will also show what communities may already be suffering from nitrate contamination.

As noted above, continued discharges of nitrate to groundwater violate the state's Antidegradation Policy. It is hard to see how continued discharges without a hard requirement for dischargers to mitigate the impacts of nitrates upon communities who depend on the groundwater for all their beneficial uses is in the "maximum benefit to the people of the state" nor that the discharges not "unreasonably affect present or probable future beneficial uses." (Antidegradation Policy). The health of our communities must be properly considered and this Proposed Order does not show evidence that this has occurred. Requiring mitigation fits within the requirement that the state mandate BPTC to ensure pollution will not occur and that highest quality water consistent with the maximum benefit will be maintained.

Residents directly impacted by nitrates are those whose water source (private well, water system), before any treatment system is applied, tests above the MCL. Some residents may be able to install in-home

treatment system, or their water system may have implemented a treatment program in order to deliver potable water. However, for many residents in-home treatment or water system treatment may be too expensive. Furthermore, there are homes within the Valley whose nitrate contamination is above the upper limit which treatment systems can treat the water (see Attachment A: Private Well Testing Results). This leaves communities paying for replacement water in the form of bottled, and sometimes tanked, water.

Mitigation measures must also include mitigation of contaminants which are not introduced by current agricultural operations, but which are exacerbated by agricultural operations. This includes contaminants expressed and made more hazardous due to interactions with agricultural operations and contaminants, and contaminants attributable to legacy loads that current operations move toward drinking water sources. This includes contaminants previously applied by agricultural operations which still exist in the soils such as 1,2,3-TCP, DBCP, and naturally occurring contaminants which are moved by current practices such as arsenic and uranium. These are contaminants which should be monitored under a GQMP and thus the same triggers should apply as for nitrates mitigation.

Additionally, many communities have moved drinking water wells to avoid nitrate contamination only to find arsenic or other contaminants in their new well and vice versa. Mitigation of impacts must cover treatment costs associated with cleaning up the contaminated water (whether nitrates or other contaminants in the new well) as well.

Short term mitigation of impacts solutions include tanked and bottled water to the impacted resident's home. Long-term solutions must secure a reliable source of safe and affordable water in communities and areas where contamination is likely to persist in the long term. This may include the drilling of a new well within a non-impacted area of the basin, installing new surface water or groundwater treatment systems, installing and maintaining point-of-use or point-of-entry treatment systems in communities with fewer than 200 connections that meet state requirements, or helping the community connect to a nearby water system through consolidation or service extension. The impacted communities and/or residents must be engaged in determining which option is most viable. Considerations must include consideration of the long-term viability of each option to provide safe drinking water, and cost to the consumer. Solutions which will result in a high cost of water, beyond the capacity of the residents to pay is not an acceptable solution.

Where appropriate, and other testing requirements are not already in place, such as POU solutions or re-drilling of wells serving fewer than 15 connections, there needs to be testing of the drinking water solution implemented by the discharger to ensure that the water is meeting drinking water standards.

Finally, there must be a means of enforcement to ensure that responsible parties do not shrink from their duty to provide replacement water. Affected residents should have a point of contact in case replacement water service stops unexpectedly or the residents have reason to believe the water is not of sufficient quality or quantity for domestic use.

The Proposed Order Needs Field-Level Data to Link Management Practices with Water Quality

As currently written, the General WDRs provide no means for actually determining the effect of the regulatory program on water quality. This is unacceptable and violates Porter-Cologne. To the point here, management practices data aggregated at the township level provides no means for linking practices with water quality data. As stated in the section above on Porter-Cologne, "implementing management practices is no substitute for actual compliance with water quality standards.... Adherence to management practices does not ensure that standards are being met." *Monterey Coastkeeper*, No. 34-2012-80001324, at *34. If

management practices data cannot *even be linked* to water quality data, then adherence to such practices most certainly cannot ensure that standards are being met.

The Proposed Order thus makes an important and necessary change by requiring the third-party coalition to report field-specific data, identified by location, provided by members in the Farm Evaluations and the Irrigation and Nitrogen Management Plan (INMP) Summary Reports. Field-level data will allow the water boards to link management practices with groundwater quality monitoring and nitrate-loading data. As the State Water Board makes clear, this will “allow for meaningful evaluation of management practices and their effectiveness with regard to improving water quality.” (Proposed Order at 28.) In addition, it will allow the water boards to conduct more effective oversight, respond to cases of nitrogen over-application, and, if necessary, initiate enforcement actions. At a more general level, publically-accessible, field-level data would allow the state and researchers to develop improved management practices for different crops in a variety of contexts, and to assess the impact that practices are having on water quality and groundwater loading. Since, under the existing ILRP program, farmers are already providing most of the information required in the Proposed Order, it would not be difficult for the coalition to provide the data without aggregation.

We are open to discussing whether data should be crop-based or field-based for certain acreages. But at a minimum, accurate, transparent A/R data, linked to specific locations, must be provided in order to comply with Porter-Cologne and to even begin to address the problem of nitrate contamination of groundwater. The overwhelming societal benefits of these data far outweigh the costs associated with their reporting.

Some have expressed concern that the submission of field-level data in the Farm Evaluations and INMP Summary Reports would reveal trade secrets or proprietary business information. We reject this contention. A “trade secret” is information that “[d]erives independent economic value ... from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use.” Civ. Proc. Code § 3426.1(d)(1). The data requested in the Farm Evaluation and INMP Summary Reports offer no such independent economic value, either for the farmers providing the data or for their competitors.

The current Order requires only generalized information on irrigation method, irrigation management practices, and nitrogen management practices to minimize leaching. The INMP Summary Report requires only gross information on “nitrogen applied” and “nitrogen removed” to and from the field. Neither the Farm Evaluation nor the INMP Summary Report require submission of the timing, frequency, or location of nutrient application; information about crop rotation or the location of crops within the farm; planting or harvesting schedules; source of irrigation water or how it is blended; or production costs. In other words, the reports do not require disclosure of any formula, composition, technique, or other farming-method “recipes” that could derive independent economic value. Furthermore, a competitor could not reasonably infer trade secrets merely by inspecting these reports, since the information contained therein would only be useful when combined with a number of other variables, such as weather patterns, soil conditions, and crop conditions. *See Uribe v. Howie* (1971) 19 Cal.App.3d 194, 201, 209.

Even if the broad-stroke, generalized data requested in the reports did constitute trade secrets, the public interest would weigh heavily in favor of their disclosure. (*See San Gabriel Tribune v. Superior Court* (1983) 143 Cal. App. 3d 762, 777; Gov. Code § 6254(k); Evid. Code § 1040(b).) As stated above, adequate data is a first, but necessary, step to even begin to address the immense challenge of nitrate contamination of our state’s groundwater.

The Transmittal Letter for the Board’s Proposed Order provides three scenarios for collecting this data. While the Board has incorporated Alternative One into the Proposed Order, with reporting beginning in 2019, we strongly urge the Board to adopt Alternative Two, which would require submission of field-level

data to begin during the first year of Order adoption. While the Proposed Order would require the coalitions and the Central Valley Board to collect and process more information than in the current permit, individual growers are already required to collect this information for retention on site/farm. Requiring early collection and analysis of these data will allow all parties to identify and address problems in data quality, collection, transmission, storage, and analysis.

In addition, we recommend that the State Water Board provide or require a means for verifying the field-level data reported to the Central Valley Water Board. The coalition is responsible for collecting and reporting the data submitted by growers in the Farm Evaluations and INMP Summary Reports. However, the Modified General WDRs do not provide a means for verifying the accuracy of these data. The State Board should require independent auditing or some other means of verification, which will allow the water boards, along with the public, to ensure accuracy. The University of California campuses and extensions are logical options for taking on the role of independent auditors.

The Proposed Order Must Require Third Parties to Conduct Adequate Outreach and Education

To successfully achieve the goals of the Irrigated Lands Regulatory Program, we need to ensure that all farmers are receiving proper outreach, education, and support to facilitate their compliance with the program. To date, the coalitions have done minimal outreach to non-English speaking farmers, as most coalitions have English-only websites, send out grower mailings that are only in English, and hold grower outreach meetings that are only in English, with rare opportunities for non-English speaking growers to receive public education or even have their questions answered. Third parties should be required to provide culturally and linguistically appropriate education and outreach for the grower populations they are serving in order to adequately fulfill the coalition's role in providing education and outreach.

Further, the coalitions should be required to implement more adequate policies for peer-to-peer learning amongst farmers. Specifically, after the third parties have compiled and collated information from each grower, the coalition should then be required to provide each grower with information about how his or her individual nutrient management and farm management practices compare to those of all other growers in their coalition, as well as to a target standard linked to water quality, such as 31 pounds N/acre/year (as used in the Harter Report, p. 17).

The Proposed Order Will Implement an Important On-Farm Domestic Well Testing Program

On-farm domestic well testing is an important aspect of the new Order. Many farmers may not be aware of contamination in their wells and domestic well testing is key to demonstrating that agricultural pollution of groundwater can affect everyone living in agricultural areas of California. Furthermore, the testing of on-farm domestic wells lends more data points to determine if exceedances are occurring, notifying the Regional Board that a review of the on-farm management practices is necessary. The Regional Board can then do a more thorough analysis of the farm's practices and bring enforcement actions against those who are not using best management practices to prevent contamination of the groundwater. The Regional Board can also use this data to require the discharger to further mitigate the impacts their application of nitrates has on local drinking water supplies.

However, we are concerned that the on-farm domestic well testing remains deficient in that it does not include testing for other agricultural-related contaminants, such as 1,2,3-TCP and DBCP, which are known groundwater contaminants that are not regulated by the Department of Pesticide Regulation because they are no longer in use. Just because these contaminants are no longer in use does not mean they no longer pollute groundwater. 1,2,3-TCP and DBCP still exist in the soils and percolates into the groundwater through recharge and application of irrigation water to contaminated soils. We propose that well testing includes

nitrites, 1,2,3-TCP, DBCP, and other contaminants in Title 22 of the California Code of Regulations (CCR), Division 4, Chapter 15, known to be related to agriculture, as determined by the Division of Drinking Water.

The Proposed Adequately Discloses Well Abandonment Data

As stated in the Proposed Order, abandoned, but not yet destroyed wells, pose a serious public health risk, and thus we support the amended Farm Evaluation Report template which now requires information on location of abandoned wells and their status as destroyed or not. The public health risk is especially a concern upon agricultural properties as there are more opportunities for contamination. Location data is important for tracking potential sources of contamination to a basin, and can be used by counties or groundwater sustainability agencies in tracking and trying to halt additional contamination by requiring or helping to destroy the well. Furthermore, many counties already require destruction of abandoned wells and thus this information can provide the counties with the data necessary to track down well owners who have yet to properly destroy their wells. This requirement can further be strengthened by providing the Coalitions with the authority to require the destruction of abandoned wells in a timely manner. As stated previously in the GQMP section, the proper destruction of abandoned wells must be a requirement under a GQMP.

The Proposed Order Takes a Step Forward With Disclosure of Public Water System Well Location Data

We applaud the Board for pledging to release the location information for public water system wells. This is a logical next step following the passage of last year's SB 83. The bill amended Water Code Section 13752 and made well completion reports available to the public. This was a huge step forward in providing important data so additional studies can be conducted to further explain the health and characteristics of our state's groundwater basins. Yet, there is still one last set of data that is covered by a confidentiality agreement. This is well data for public water system wells. Currently, public water system well location data is obscured, thus making it impossible to correlate water quality data for a particular well to potential sources of contamination.

However, cloaking this important data through confidentiality agreements has harmed many processes trying to address serious groundwater issues facing our state. So while we are excited by the big change, we will continue to advocate for the release of this data prior to the adoption of the Order so as to help researchers and contractors working on water management issues obtain all the necessary data to make informed decisions.

The Proposed Order has Disparate, Negative Impacts on Protected Classes

State law provides that no person shall, on the basis of race, national origin, ethnic group identification, and other protected classes, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state. (Gov. Code § 11135). Furthermore, the state's Fair Employment and Housing Act guarantees all Californians the right to hold and enjoy housing without discrimination based on race, color, or national origin. (Gov. Code § 12900 *et seq.*)

As we stated in our petition, small, majority-Latino communities within the San Joaquin Valley are disproportionately impacted by nitrate contamination of groundwater from agricultural waste. Latinos are more likely to have higher levels of nitrates in their drinking water than the population at large. (See, for example, Carolina Balasz et al., *Social Disparities in Nitrate Contaminated Drinking Water in California's San Joaquin Valley*, Environmental Health Perspectives, 19:9 (September 2011), pp. 1272-78.) The Balasz study finds that with other variables held constant, in communities served by small water systems, increases in the percentage of Latinos were associated with increases in nitrate levels. (*Id* at 1276). For example, Balasz

studied a sample size of almost 3 million people on small water systems and found that of the 5,000 people who relied on water that exceeded the MCL for Nitrates, 50% were Latino while less than 40% of the sample size as a whole was Latino. (*Id.* at 1276.) Moreover, Latino and low-income communities are less likely to have access to adequate healthcare, water treatment, and substitute water sources, which further aggravates these disparate impacts. (*Id.* at 1273; *see also* Harter Report at 17.)

The General WDRs, by authorizing waste discharges with no requirement to mitigate nitrate impacts to drinking water sources, disparately and negatively impact communities of color, are discriminatory and, as such, violate state law. The Proposed Order finds that, with the addition of the monitoring and reporting requirements discussed above, the Modified General WDRs will not disproportionately impact or discriminate against Latinos and low-income communities. However, for the reasons discussed above, the Modified General WDRs are inadequate to protecting groundwater for communities. For one, the WDRs explicitly authorize pollution and nuisance for more than 10 years. For another, there is no requirement that the dischargers must pay for the impacts nitrate contamination has on drinking water sources, leaving the burden on those low-income residents living in nitrate-impacted communities. The negative impacts of these inadequacies will continue to disparately burden low-income, communities of color.

The Government Code renders null and void any action undertaken by a local governmental agency that denies to any individual or group of individual the enjoyment of their residence, landownership or tenancy. (Gov. Code § 65008). The State Water Board's final Order, if it fails to protect the drinking water for California's most vulnerable communities, may be null and void.

The Proposed Order Must Expand its Trend Monitoring Requirement

Trend Monitoring data must be expanded to include constituents that are not covered by DPR but which are known groundwater contaminants associated with agriculture, in particular 1,2,3-TCP and DBCP. These contaminants should be expressly highlighted as contaminants not covered by DPR, but which are constituents which should be covered by the ILRP trend monitoring. While these contaminants are no longer used, they do exist in the soils and the groundwater and thus are continually applied to crops through irrigation. Furthermore, trend monitoring of these contaminants will be useful to track how contaminant plumes are moving due to on-going agricultural practices - both pumping and application of irrigation water. These constituents are associated with past agricultural practices and are moved and continue to be applied to fields due to current agricultural practices and should thus be tracked and covered by the IRP.

The Proposed Order Fails to Incentivize Compliance or Reduce Impacts to Drinking Water Sources

It is vital that the State Board consider the role of these General WDRs within the broader nitrate control and mitigation context. Currently, under the current and proposed General WDRs, our most vulnerable communities are not protected and pay the costs for ongoing contamination. There has yet to be a single replacement water order or other enforcement actions requiring clean-up or abatement in the Central Valley. The current Order has no ability to take enforcement action for contribution to pollution or nuisance because there is not adequate data from individual dischargers, and the desire of dischargers to continue to be able to conceal data just aims to continue to leave all nitrate pollution costs on drinking water users and allow dischargers to avoid any liability to pay those costs. There are no requirements within this current or Proposed Order or any other existing mechanism for agriculture to provide replacement water or pay for the costs of the on-going pollution it has and continues to cause. There is also no enforceable mechanism to ensure on-going pollution does not continue, as there is no regulatory standard or action level linked to level of nitrogen loading or water quality. Thus, even under this Proposed Order, there is no incentive for agricultural dischargers to participate in the broader nitrogen solutions being developed under CV-Salts

because under this General WDR they are given a shield from liability as long as they have submitted a groundwater quality management plan.

This Order must ensure that dischargers are not allowed to contribute to pollution or nuisance and that there is adequate standards and data collected to enforce against those that are. Without that mechanism, no rational discharger will ever participate in the kinds of voluntary Alternative Compliance Programs being developed and discussed under CV-Salts. And the burden and costs of nitrate pollution will continue to fall entirely on drinking water users without dischargers having to pay their fair share.

Conclusion

Due to the unknown nature of how long nitrates will continue to contaminate our state’s groundwater basins, we must have the mechanisms in place which ensure all communities throughout the state have access to safe, clean, and affordable drinking water which is consistent with the Human Right to Water, Porter-Cologne, and the state Anti-Degradation Policy. We value the great amount of effort that has been put into establishing the existing irrigated lands regulatory program, but without adequate data and transparency, no one - on any side - will understand what’s happening and how we can improve practices to get a handle on the problem of nitrate pollution from agriculture. We can’t have thriving agricultural communities without thriving agricultural economies, but in order to have a thriving agricultural economy, we need livable communities for farmworkers.

Thank you for your consideration of these comments. If you have any questions or concerns, please do not hesitate to contact us. We look forward to continuing to work with staff and the Boards to develop an effective irrigated lands regulatory program.

Sincerely,

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