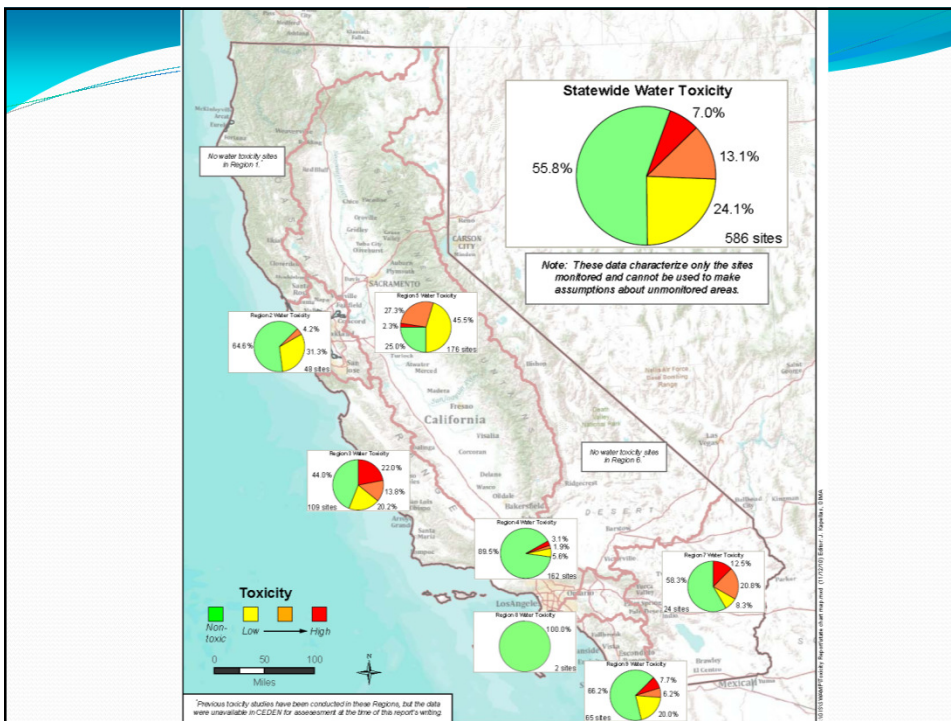




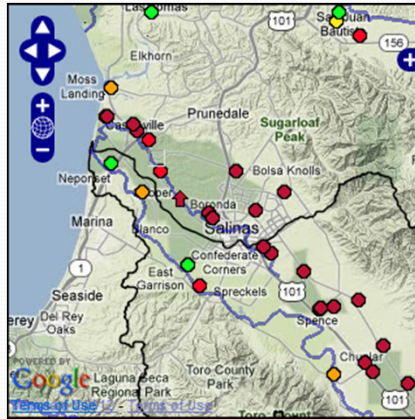


Example 3 (cont): Agricultural stormwater runoff to Arroyo Paradon Creek – October 13th, 2009





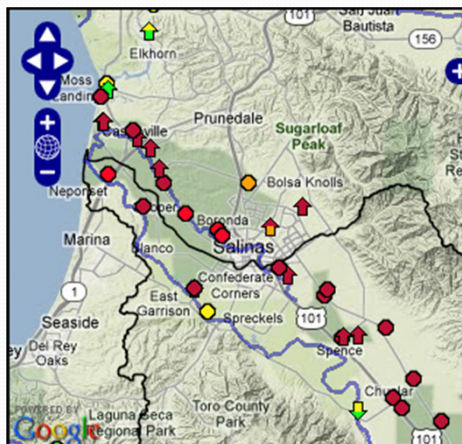
Toxicity – Invertebrate Survival in Water Lower Salinas



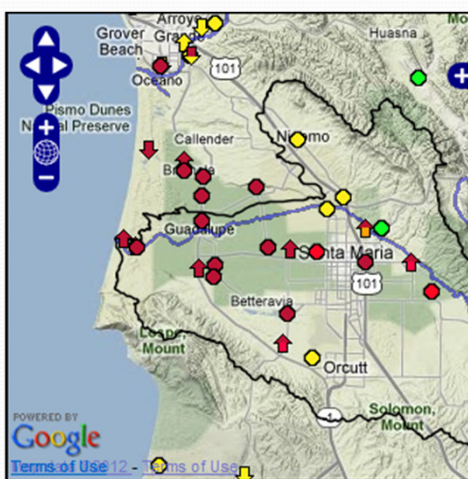
Toxicity – Invertebrate Survival in Water Lower Santa Maria



Nitrate as N Lower Salinas



Nitrate as N Lower Santa Maria





“Ocean discharge of freshwater microcystins was confirmed for three nutrient-impaired rivers flowing into the Monterey Bay National Marine Sanctuary... Deaths of 21 southern sea otters, a federally listed threatened species, were linked to microcystin intoxication.”

Miller MA, Kudela RM, Mekebri A, Crane D, Oates SC, et al. (2010) Evidence for a Novel Marine Harmful Algal Bloom: Cyanotoxin (Microcystin) Transfer from Land to Sea Otters. PLoS ONE 5(9): e12576. doi:10.1371/journal.pone.0012576

The cover of a report features a close-up photograph of a young girl's face as she drinks from a glass. The Pacific Institute logo is in the top right corner. The title 'The Human Costs of Nitrate-contaminated Drinking Water in the San Joaquin Valley' is centered in a dark blue box. Below the title, it says 'Executive Summary March 2011'. At the bottom, there are logos for the Community Water Center and the Clean Water Fund, with the text 'In Collaboration With' between them.

PACIFIC INSTITUTE

The Human Costs of Nitrate-contaminated Drinking Water in the San Joaquin Valley

Executive Summary
March 2011

COMMUNITY WATER CENTER
CLEAN WATER FUND

In Collaboration With

- **About 2.6 million people in the region rely on groundwater for drinking water**
- **254,000 people currently at risk for nitrate contamination in their drinking water**
- **1.3 million people financially susceptible because nitrate in raw water above MCL (paying for treatment)**

**Central Coast Regional Water Quality Control Board
2008 goals:**

- **Eliminate toxic discharges of ag pesticides to surface and ground waters**
- **Reduce nutrient discharges to surface waters**
- **Reduce nutrient discharges to groundwater**
- **Minimize sediment discharges from agricultural lands**
- **Protect aquatic habitat**

Table 1. General Comparison of All Alternatives

Comparison of All Alternatives ¹ based on Agricultural Order Requirements ²					
Authority	Legal Requirement	Confirmation of Compliance	Point of Compliance	Milestone(s) to Measure Progress	Time to Compliance
Porter-Cologne, Basin Plan	Eliminate toxic discharges of agricultural pesticides to surface waters and groundwater	FARM BUREAU AG GROUP OSR ENV 2011 ORDER 2004 WAIVER	FARM BUREAU ENV 2011 ORDER 2004 WAIVER	FARM BUREAU OSR ENV 2011 ORDER	FARM BUREAU OSR ENV 2011 ORDER
Porter-Cologne, Basin Plan	Reduce nutrient discharges to surface waters to meet nutrient standards	FARM BUREAU AG GROUP OSR ENV 2011 ORDER 2004 WAIVER	FARM BUREAU ENV 2011 ORDER 2004 WAIVER	FARM BUREAU OSR ENV 2011 ORDER	FARM BUREAU OSR ENV 2011 ORDER
Porter-Cologne, Basin Plan	Reduce nutrient discharges to groundwater to meet nitrate standards	FARM BUREAU ENV 2011 ORDER 2004 WAIVER	FARM BUREAU ENV 2011 ORDER	ENV 2011 ORDER	ENV 2011 ORDER
Porter-Cologne, Basin Plan	Minimize sediment discharges from agricultural lands	FARM BUREAU AG GROUP OSR ENV 2011 ORDER 2004 WAIVER	FARM BUREAU ENV 2011 ORDER 2004 WAIVER	FARM BUREAU OSR ENV 2011 ORDER	FARM BUREAU OSR ENV 2011 ORDER
Porter-Cologne, Basin Plan	Protect aquatic habitat	OSR ENV 2011 ORDER 2004 WAIVER	ENV 2011 ORDER	ENV 2011 ORDER	ENV 2011 ORDER

¹Alternatives:
 FARM BUREAU = CA Farm Bureau Federation and other Ag Organizations, December 3, 2010 version
 AG GROUP = Agricultural Industry representatives, March 17 and May 4, 2011, as for third-party groups or "coalitions"
 OSR = OSR Enterprises, Inc.
 ENV = Monterey Coastkeeper and other Environmental Organizations
 2011 ORDER = 2011 Draft Agricultural Order
 2004 WAIVER = Existing 2004 Conditional Waiver for Irrigated Agriculture
²Requirements established as framework for development of Draft Ag Order in December 2008

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 1, 2011
 Prepared on July 6, 2011. Pg 5-6. Legal Evaluation of the Agricultural Proposal

The Proposal would limit the Water Board’s authority and discretion to enforce water quality standards and other conditions of the Order by defining compliance with the “waiver” as implementation of farm water quality practices, rather than compliance with water quality standards as required by the Water Code and the NPS Policy.

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 1, 2011
Prepared on July 6, 2011. Pg 5. Legal Evaluation of the Agricultural Proposal

In summary, the Agricultural Proposal's approach to the use of third-party groups is generally not consistent with the Water Code and creates an unfair distinction between individuals because those who join a group would not be directly accountable to the Board or the public for complying with the Water Code.

Stripped out of the shell of the Ag Alternative we do not want to lose the good ideas:

**Stripped out of the shell of the Ag
Alternative we do not want to lose the
good ideas:**


- Marc los Huertos has some implementation ideas that could work if project level monitoring were added
- Ross Clark at Central Coast Wetlands Group has \$\$ for engineered wetlands

**Stripped out of the shell of the Ag
Alternative we do not want to lose the
good ideas:**

- Marc los Huertos has some implementation ideas that could work if project level monitoring were added
- Ross Clark at Central Coast Wetlands Group has \$\$ for engineered wetlands
- **If we have GOOD PROJECTS that are scaled properly, with a good chance of success, and with committed landowners we can improve water quality!**

Finding 11. The Central Coast Water Board encourages Dischargers to coordinate the effective implementation of cooperative water quality improvement efforts, local or regional scale water quality protection and treatment strategies (such as managed aquifer recharge projects) to lower costs, maximize effectiveness, and achieve compliance with this Order.

Condition 10. Dischargers may comply with this Order by participating in third-party groups (e.g., watershed group, or water quality coalition, or other similar cooperative effort) approved by the Central Coast Water Board.



Mayor
 CHEUK DELLA SALA
 March 16, 2011

Commissioners
 LARRY DOWNNEY
 BOB HARTSMAN
 NANCY MELHEDGE
 FRANK SOLLECITO

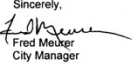
City Manager
 FRED MELSER

Jeffrey S. Young, Chair
 Central Coast Regional Water Quality Control Board
 895 Aerovista Place, Suite 101
 San Luis Obispo, CA. 93401-7906

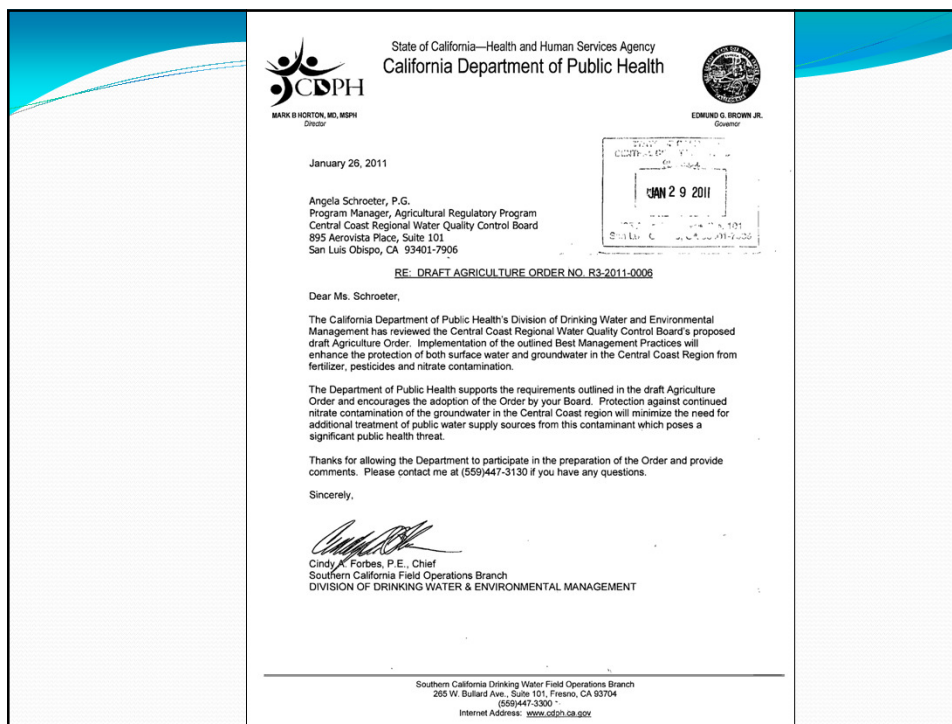
Subject: Conditional Waiver of Waste Discharge Requirements from Irrigated Lands (Ag Waiver) and Urban Storm Water Regulations

Dear Chair Young:

I am writing to ask, as you and your fellow Board members consider this item during your meeting on March 14, 2011, that you also keep in mind striking a reasonable balance between what you are requiring the urban areas to do under their storm water NPDES permits and the pollutant loads resulting from urban areas and the pollutant loads that are received from agricultural lands. Urban areas such as Monterey are being required to comply with ever-stringent requirements including the extreme requirements of the Areas of Special Biological Significance. Yet recent research conducted by the State Water Resources Control Board and the Southern California Coastal Water Research Program has disclosed that in most cases the ocean waters off of our coast are being polluted from sources outside of our urban control. Agricultural is one of those sources. Both the agricultural interests and the municipal permittees should be held to the same Maximum Extent Practicable (MEP) standard.

Sincerely,

 Fred Melser
 City Manager

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 WWW.CITYOFMONTEREY.CA.GOV



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