

**From:** Corinne Smith  
**To:** [AgNOI\\_WB@Waterboards](mailto:AgNOI_WB@Waterboards)  
**Subject:** Comments on the Proposed Ag Order 3.0  
**Date:** Monday, January 09, 2017 11:51:45 AM  
**Attachments:** [Smith Public Comment - Ag Order DRAFT 1.9.17.pdf](#)

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Dear Mr. Rose and the Central Coast Water Quality Control Board,

I'm writing as a concerned citizen regarding the proposed Ag Order 3.0. I graduated from the Middlebury Institute of International Studies (MIIS) with a master's degree in International Policy and Development in May 2015, with a focus on conflict resolution, water politics, conservation and sustainability.

Attached is my graduate research thesis for the Board's review, to inform the Ag Order policy development process. The research was conducted from February to May 2015, through the lens of improving sustainability of the water quality regulatory regime in Monterey County showing: 1) a policy analysis of the Ag Order 2.0, 2) a wide variety of perspectives - from monitoring to social justice - related to feasibility and how the Ag Order is actually lived and experienced, and 3) three detailed policy recommendations to incorporate into the new Ag Order to improve sustainability of the program.

It's absolutely crucial that all new policy created today **must exist in the reality of climate change**, warming oceans (i.e. altered water cycle), and scarcity of crucial resources like fresh water and fertile soil. I urge the Regional Board to consider this when finalizing the new Ag Order and put these environmental concerns above the growers' bottom line and "capacity to comply" concerns.

In addition to the attached policy recommendations for reforming Ag Order 2.0, I reviewed the proposed Ag Order 3.0 and urge you to consider the following:

1) How does the Water Board plan to manage compliance with the Ag Order 3.0 on management practice implementation and effectiveness? The Board must analyze the monitoring data collected from each time period to determine trends - provide feedback to growers on ways to improve. **The monitoring data must be put to use!**

Growers should be given an annual report back by the Regional Board and/or Cooperative Monitoring Program (or some other consulting or research group) about what they are doing right and wrong - **with specific strategies for improvement.**

2) For compliance to be beneficial - to improved water quality of run-off, to ecosystems, and to public health - the toxicity of the run-off must be capped so the effort must be regional. **Regulation based on property lines are meaningless in impacting a watershed.** The tier system is rational from a policy perspective but it's not enough in creating an outcome in which farm run-off and water quality is improving. Therefore the Ag Order 3.0 regulations should monitor and manage on the watershed level.

Yes, growers must be held personally responsible for the toxicity of the run-off from their farming operations. Yet to actually make significant improvements to the water quality - in a time when the pollution is known, heavily documented, and increasing at alarming rates - there must be a collective effort. At the aggregate, watershed level, **the Regional Board should reflect the monitoring results back to growers so they can understand what is happening on the landscape level, and how they fit into that.**

Furthermore, individual growers who are excessive polluters, i.e. not making progress on improving run-off and "management effectiveness" **must be publicly identified.** If the Regional Board enforcement measures do not influence the grower to cease polluting actions, this information must be available so that civil action may be taken if necessary.

3) The Regional Board must provide economic incentives to reduce nutrient contamination. As of now, it is both technically and economically feasible for growers to comply with the Ag Order, but there are very little incentives to go beyond it and address the problem of excess nitrogen loads. **Therefore it is necessary to impose a "nitrogen tax" and curb the amount of nitrogen fertilizer growers may use anew,** when many Monterey County soils are already rich in nitrogen may multiply the amount of nitrogen run-off draining from properties.

The nitrogen tax can be adopted into a Fund distributed by the Regional Board or the Monterey County Health Department to fund remediation efforts for watershed habitat restoration to improve water quality, or to restore potable water sources for drinking.

4) It's excellent to see the new draft Ag Order include monitoring of nearby domestic wells at risk for high nitrate levels. It would be more effective - as well as ethical - to require **Dischargers to be required to provide alternative water supplies or replacement water service** to affected water suppliers or private domestic well owners.

As of now, the cost of remediation is on the public. Many rural households reliant on wells do not have the information to detect hazardous nitrate levels when health problems occur, or the financial resources to put in filtration systems, reverse osmosis, or dig new wells. The burden of taking care of polluted water is shouldered by the public - by government agencies with public funds on behalf of rural households, often low income, Spanish speaking, or in ill-health and vulnerable already. It's an environmental justice issue. **Dischargers should pay for the impacts of their pollution.**

Blue baby syndrome has been documented in Monterey County, and most likely under reported. **Even one case is too many, with serious consequences for the health of the baby, and the families' wellbeing. This is entirely preventable.** With this new Ag Order, the Regional Board has the power and responsibility to impose strategic and feasible safeguards to protect public health.

Thank you for all your hard work thus far, and I look forward to learning more as the

policy develops. Please feel free to contact me with any questions or follow up.

Regards,

Corinne Smith  
MA International Policy and Development  
Freelance Journalist & Producer  
Reporter, KPFA Pacifica News  
[\(510\) 501-3550](tel:5105013550) | @cocoluces