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Water board keeps waiver for farmers

By Matt Krupnick

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SACRAMENTO - Central Valley regulators voted Friday to hold off on cracking down on farmers who pollute Delta waterways.

Instead, the Central Valley Regional Water Quality Control Board decided to continue temporarily a "conditional waiver" program that allows groups of farmers to monitor runoff from about 25,000 farms under the board's jurisdiction.

Board members said they plan to evaluate the system in January and would consider stricter standards if money is available to pay for enforcement. The board voted 5-2 to approve the waivers, with Robert Fong and Christopher Cabaldon opposing.

While environmental groups have criticized the waiver system, first implemented Jan. 1, board member Mark Salvaggio of Bakersfield said he believes farmers understand the importance of ensuring safe water. "I think the agricultural community has gotten the message. If they haven't, then they should. It's that the status quo cannot continue."

The plan to keep pesticides and other pollutants out of the water 22 million Californians drink was first discussed last year in preparation for the Jan. 1 expiration of a blanket exemption to water-quality laws for farmers. The exemption had stood since 1982.

The board approved the waivers about three weeks before the deadline, but Attorney General Bill Lockyer ruled board member Beverly Alves, a farmer, had violated conflict-of-interest rules by voting. The board rescinded the December motion Thursday.

Alves sat in the audience during Friday's vote and said afterward the board should have committed to the waiver system for a longer period.

"I only wish the board would have had enough courage to extend it until 2005. The agricultural community must feel that a sword is hanging over their necks."

Farmers have objected to rules that would impose fees, require permits or include the names of individual farmers in a public database.

Farmer Gilbert Ramos of Arbuckle asked the board Friday to keep the waivers in place based on the success of the program since January. "Just give us a chance," he said. "We've been working on this waiver. We've come up with a pretty good monitoring plan."

Environmental groups criticized the self-monitoring system and blasted the board for approving it. They had sued the board because of the first waiver approval, and environmentalists pledged to sue again.

"The agricultural waiver is simply unlawful," said Michelle Lyman, a lawyer for the California CoastKeeper Alliance. "Had the Legislature intended to exclude agricultural discharge from the water code, it could have, and it would have done so."

"If ag feels it's unfair not to have a waiver, they should go to the Legislature and not ask this board to legislate."

District employees strongly lobbied the board to accept the waiver, saying it struck a balance between two sides with completely different opinions.