

State will keep its eye on runoff pollution

New life for program regulating water from agricultural businesses, which empties into Delta

By Mike Taugher

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SACRAMENTO - State regulators on Thursday extended by five years a highly controversial program designed to rein in historically unregulated pesticides and other pollutants that wash off millions of acres of California farms.

Environmentalists, who came into the meeting furious over the proposal, left somewhat mollified after winning a series of concessions.

Farmers came to the meeting thinking they had struck a deal with regulators. They were miffed by the changes, particularly one that will allow regulators to collect the names of individual farm "dischargers" to help track pollution.

"They've created a big problem by asking for both maps and lists (of farmers)," said Bill Thomas, who represents a coalition of southern San Joaquin Valley farmers. "Some of the members might say screw it if I'm going to have to subject myself to that."

The 3-year-old program is attempting, for the first time, to regulate water pollution on farms, dairies and other agricultural businesses whose runoff eventually drains to the Delta. It was set to expire at the end of this month.

Underscoring the difficulty of developing the program from scratch, the Central Valley Regional Water Quality Control Board does not even know how many agriculture businesses it oversees or how many acres they cover.

The board estimated the figure at somewhere between 8 million and 10 million acres; the number of businesses that will be regulated is somewhere between 25,000 and 80,000, with state regulators saying the number is at the high end of that range.

The program, called "conditional waivers," encourages agricultural dischargers to voluntarily join watershed coalitions, which are meant to monitor water quality, isolate pollution problems and develop cleanup plans. Farmers who do not join the coalitions will face compliance with the program's requirements on their own -- meaning they would have to pay individually for monitoring and cleanup -- or face strict enforcement of water quality laws.

But three years into the program, only 43 percent of the farms in the region have signed up, according to a recent report by the Legislative Analyst's Office that was critical of the program.

"While still a form of regulation, 'conditional waivers' provide a less stringent method of regulation" than is normally required for polluters, the LAO said.

But regulators said building a sprawling new program would be daunting, and that the waivers offer a more efficient way of getting cleaner water.

"This is a group that's never been regulated before (for water pollution)," said Liz Kanter, a spokesman for the state water board. "We want to say, 'work with us.'"

In a 5-2 vote, the regional board approved a five-year extension of the program and vowed to get more aggressive in removing farm pollution from the valley's rivers and streams.

"I don't know if that message has been expressed loud and clear," from the board's governing panel to regulators, said board executive officer Pamela Creedon. "It's loud and clear now."

In response to testimony from dozens of residents of poor communities that rely on wells, many of who traveled hundreds of miles to attend the hours-long hearing, the board said it would also soon address groundwater pollution.

One of those residents, retired nurse Ruth Martinez, held up a plastic bottle filled with foul greenish-black water she said came from a faucet in her community of Ducor, about 32 miles north of Bakersfield.

"The water in the valley is being poisoned by agriculture and dairies," Martinez said.

The two board members who voted against continuation of the waivers program, which conditionally excuses agriculture from traditional pollution permit requirements, said they did not think the plan was effective.

"I'm not persuaded that this approach can work," said board member Christopher Cabaldon.

Board chairman Robert Schneider also expressed frustration with its lack of progress but still voted to continue the program.

"What you heard today was a very strong commitment from the board that we need to move to an enforcement mode to make this work," Schneider said. "Why should people who thumb their noses at us get a free ride?"

In addition to requiring farm coalitions to turn over membership lists, the board also said it could ask for digitized maps from the coalitions. It also set a Dec. 31 deadline for farmers to join a coalition or face the board's rules individually.

The board also said it would require cleanup plans to be developed if river monitoring turns up water quality violations.

"I think it is a significant step forward," said Bill Jennings, executive director of the California Sportfishing Protection Alliance, who before the changes had vowed to sue over the plan. "We don't believe it goes far enough, but we'll have to consider our options."

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