

## Ag-runoff limits off to rocky start

Environmentalists vow to sue over 'toothless' pollution plan

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SACRAMENTO -- In hopes of resolving months of scandals, lawsuits and confusing policy orders, Central Valley regulators approved a new plan Friday to regulate the region's No. 1 water-pollution problem: excess water that drains from farms.

But the pollution-control plan may be doomed already.

Just minutes after the decision, environmentalists already were promising to sue over the "toothless and illegal" plan. Farming groups weren't much happier and said that, at best, the program likely wouldn't work as well as envisioned.

The debate likely will be resolved by more-senior state regulators, a judge or the Legislature. Even the members of the Central Valley Water Quality Control Board will get another crack at the pollution-prevention program. Board members agreed to revisit the issue in January after the plan has had a few months to work.

More than 1.3 trillion gallons of farm runoff drains into Valley streams and creeks each year. That runoff picks up pesticides, animal feces and other pollutants that threaten wildlife and drinking-water supplies.

For more than 20 years, farmers have been exempt from certain pollution rules that apply to other industries. That exemption expired in January.

Regulators have tried since then to write a plan that would allow farmers to continue discharging some runoff as long as they tried to curb the pollution.

Those efforts had been hampered by confusing back-and-forth motions, lawsuits and a recent decision by the state attorney general that one board member, Sacramento Valley farmer Beverly Alves, had been voting illegally on the runoff issue. The attorney general said Alves had a conflict of interest, because her farm might have been affected by any regulation.

In the plan approved Friday, farmers are encouraged to join voluntary groups that would administer and pay for water-monitoring programs. The groups would have to tell regulators which farmers were participating and where their land was.

Those groups already have formed and are coming up with water-monitoring plans. However, representatives of the groups said they shouldn't be expected to act as pollution cops to turn in violators. Also, coming up with lists of farmers, their land holdings and locations of drainage pipes would be a daunting task.

"This is just not a political reality. These folks are worried their names are going to turn up on a (lawsuit) list," said David Cory, an attorney and farmer who has been working with the voluntary groups.

"Right now I can't sell that," he said.

Environmental groups have argued that the runoff plan would do little to control pollution, because it relies on weak monitoring and doesn't actually require that farmers cut pollution.

"It's a slap in the face to industries that have to obey the rules," said Bill Jennings, head of Stockton-based DeltaKeeper, an environmental watchdog group.

More than 350 people attended the first day of the hearing, and 100 protesters demonstrated outside the state building where the meeting was held. Only about 100 people turned up for the second day of testimony.

Part of the problem in coming up with a regulation plan is money. The water board is facing hefty budget cuts and hiring freezes and is not allowed to charge farmers a fee unless they impose requirements that every farmer follow a set of rules known as a general permit.

Such a plan would lack the flexibility farmers need and could be expensive, ag groups claim.

Yet that more-stringent plan is exactly what water board officials say they want to consider in January, leaving many ag groups to wonder whether they've been set up to fail.

"It's too early to tell what is going to happen. I think the (voluntary) group will have to decide where they stand now," said Tony Francois with the Farm Bureau.

Lauren Ayers, a Sacramento teacher, told board members they were allowing farmers to act like students who refused to do homework. "At the end of the semester, they always ask for a second chance," Ayers said.

"I think it's a slow-mo catastrophe on the way," she said.

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