

Alameda Creek Alliance, Albany Coalition for Environmental Health, Ballona Valley Preservation League, Beeline Associates, Beyond Pesticides Coalition for Alternatives to Pesticides, Biological Urban Gardening Services, Bluewater Network, Breast Cancer Action, Breast Cancer Fund, Butte Environmental Council, California Coalition for Alternatives to Pesticides, California Communities Against Toxics, California Indian Basketweavers Association, California League of Conservation Voters, California Nurses, California Public Interest Research Group, California Rural Legal Assistance Foundation, California Sportfishing Protection Alliance, California Trout, Center for Community Action and Environmental Justice, Center for Marine Conservation, Center for Urban Agriculture at Fairview Gardens, Children's Health Environmental Coalition, City Farms, Clean Water Action, Coast Action Group, Comite Para El Bienstar de Earlimart, Committee to Save the Mokelumne, Defend the Bay, Desert Citizens Against Pollution, Ecology Center, Environmental Action Committee of West Marin, Environmental Center of San Luis Obispo, Environmental Health Coalition, Environmental Working Group, Foothill Conservancy, Fresno Coalition Against the Misuse of Pesticides, Friends of Butte Creek, Friends of the Eel River, Friends of the Estuary, Heal the Bay, Health and Habitat, Marin Breast Cancer Watch, Mendocino Cancer Resource Center, Mexican American Legal Defense and Education Fund, Natural Resources Defense Council, Navarro Watershed Protection Association, North Coast Environmental Center, Northern California Council of the Federation of Flyfishers, Pacific Coast Federation of Fishermen's Associations, Pesticide Action Network North America, Pesticide Watch, Physicians for Social Responsibility, Los Angeles Chapter, Physicians for Social Responsibility, San Francisco-Bay Area Chapter, Planning and Conservation League, Political Ecology Group, Safe Air for Everyone (SAFE), San Diego BayKeeper, San Joaquin Audubon Society, Santa Monica BayKeeper, Sierra Club California, Surfers' Environmental Alliance, The Arts and Healing Network, The Bay Institute of San Francisco, WaterKeepers Northern California (DeltaKeeper), WaterKeepers Northern California (San Francisco BayKeeper), Women's Cancer Resource Center

November 28, 2000

Steven T. Butler, Chair
Gary M. Carlton, Executive Officer
Regional Water Quality Control Board
Central Valley Region
3443 Routier Road, Suite A
Sacramento, California 95827-3003

Re: Request to revoke agricultural return flow exemptions from the Porter-Cologne Water Quality Control Act

Dear Messrs. Butler and Carlton:

On behalf of our members, we respectfully request that the Central Valley Regional Water Quality Control Board rescind its 18 year old order exempting dischargers of pesticide-laden irrigation return waters from the permitting and monitoring requirements of the state's water quality control law - the Porter-Cologne Water Quality Control Act. As the Regional Board overseeing the bulk of pesticide use in our state, we hope you will set a model example for other Regional Boards to follow.

The Central Valley Regional Board has long recognized that pesticide-contaminated agricultural return flows pose a real and substantial risk to our waterways, fisheries and community health. The current exemption inappropriately isolates agriculture from necessary compliance with water quality controls, even while that industry contributes significantly to the degradation and contamination of vast stretches of surface waters in the Central Valley. Pesticide discharges are a major reason that the Regional Board, the State Water Resources Control Board and the federal Environmental Protection Agency ("EPA") have determined

that the Delta and its tributary rivers, in particular the Sacramento and San Joaquin Rivers, fail to meet water quality standards, imperiling ecosystem health and denying communities their right to clean and safe waterways. By revoking the waiver, the Regional Board can lead the way for the rest of the state in the long overdue task of regulating pesticide discharges to water and ensuring that our waterways are protected.

The waiver, adopted in 1982, is based on claims that are clearly no longer true. For example, the waiver states that many types of waste discharges, including irrigation return waters, have no adverse effect on the waters of the state; that many waste dischargers are willing to self-regulate their discharges and thereby protect the waters of the state; and that many waste dischargers are effectively regulated by local government or other state agencies. These claims all defy common knowledge today. As Regional Board staff themselves have documented, pesticide contamination is widespread in the Delta and its tributary waters. These waters are officially listed by the state and EPA as being impaired by pesticides. Numerous studies conducted by government agencies and published in the scientific literature have documented pesticide levels in these waterways above targets for protecting aquatic health, many over long stretches of water and for alarming periods of time. The widespread degradation caused by pesticides presents irrefutable evidence that any voluntary or local regulation of these chemicals has been absent or wholly inadequate.

In light of these findings, we request that Regional Board take swift action to:

1. Rescind the waiver exempting agricultural practitioners from regulation under the state's Porter-Cologne Water Quality Control Act.
2. Develop an agricultural permitting program that will effectively protect our waters from degradation by pesticides. The program should include phaseouts of pesticides known to contaminate surface waters; the establishment of best management practices to minimize pesticide use and discharge while promoting least-toxic alternatives; monitoring to identify and quantify pesticide discharges; and reporting and notification requirements to ensure accountability and enforceability. The program should be developed with the full participation of conventional growers, organic and other alternative agricultural practitioners, sustainable agriculture organizations and environmental organizations, among others.

For nearly twenty years, pesticides carried by agricultural run-off have contaminated our rivers, deltas, estuaries and other surface waters. Regulatory programs or volunteer efforts have failed to emerge or have been completely ineffective. Meanwhile we are all confronted by the unfortunate reality of pervasive and ongoing contamination of our waterways by pesticides. This reality can no longer be ignored.

Your consideration is appreciated.

Respectfully,

Jeff Miller

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Dorothea Dorenz
Albany Coalition for Environmental Health

Bruce Robertson
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California Communities Against Toxics

Steve Nicola
California Indian Basketweavers Association

Jon Rainwater
California League of Conservation Voters

Giuliana Milanese
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Teresa Olle
California Public Interest Research Group

Anne Katten
California Rural Legal Assistance Foundation

Jim Crenshaw
California Sportfishing Protection Alliance

Nick Di Croce
California Trout

Penny Newman
Center for Community Action and Environmental Justice

Linda Sheehan
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Nancy Chuda
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Peter Bell
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Michael Smith
Friends of Butte Creek

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Friends of the Eel River

Dave Paradies
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Gina Solomon
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Hillary Adams
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