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Monterey Coastkeeper Sues Monterey County Water Resources Agency To Protect Water Quality

Today, 21 October 2010, Monterey Coastkeeper (a program of The Otter Project) will file suit against Monterey County Water Resources Agency (MCWRA) alleging MCWRA is polluting the waters of the Central Coast and United States. The suit claims MCWRA illegally discharged waters with pollutants such as pesticides and nitrates in excess of protective standards, did not file a report of waste discharge, failed to protect public resources, and created a public nuisance. The suit does not seek monetary damages but asks for the discharge and pollution to stop. Monterey Coastkeeper is represented by Stanford Law Clinic.

MCWRA collects winter rainwater in San Antonio and Nacimiento reservoirs and then releases that water during summer months for groundwater recharge. The vast majority of groundwater is used by the county's farmers. MCWRA then collects agricultural wastewater in ditches operated and maintained by the Agency and dumps that polluted wastewater, sometimes using pumps, into the Salinas River, Elkhorn Slough, and the Monterey Bay National Marine Sanctuary. "Monterey County Water Resources Agency controls the collection, distribution, and disposal of our most precious resource: water," said Steve Shimek, Program Manager for Monterey Coastkeeper. "Monterey County Water Resources Agency is entrusted with protecting our public resources and they have failed us miserably."

The nine member board of the MCWRA is made up of members appointed by the Monterey County Farm Bureau, Monterey Grower-Shipper Association, the County's Farm Advisory Committee, five members appointed by the County Supervisors (one from each district) and a member appointed by the Mayor's Select Committee. "The MCWRA is agriculture's enclave in County Government," said Shimek, "I can't pollute; cities can't pollute; industry can't pollute. Why is agriculture allowed to pollute?"

Monterey County's inland waters are polluted. The federal list of polluted waters identifies hundreds of surface water problems on the Central Coast: The heavily irrigated and farmed northern Salinas Valley – only a small sliver of the Central Coast -- has over one-third of the region's listings (the Central Coast region includes Santa Cruz, Monterey, San Benito, San Luis Obispo counties and portions of San Mateo, Santa Clara, Santa Barbara and Ventura counties).

The northern Salinas Valley uses more than 50-percent of all the Diazinon used statewide and the area around Salinas uses three-times more pyrethroid pesticides per acre than any other agricultural region in the state according to the Department of Pesticide Regulation. Pesticides are finding their way to surface and ground waters causing acute toxicity.

Intense agricultural production can also result in nitrate pollution caused by excessive application of fertilizers. Unlike pesticides, the amount of chemical fertilizer spread on Monterey County Farms is not known; however according to MCWRA the problem of nitrate pollution in the County's groundwater has been known since the 1940s. MCWRA conducts water quality testing on hundreds of county wells to

test for groundwater quality. In a separate action, the Monterey Coastkeeper has filed a public records act request seeking the groundwater quality information. Nitrates have contaminated surface and groundwater in vast areas of Monterey County. Some people drinking from small water systems (less than 15 connections) and domestic wells are very likely drinking and bathing in contaminated water and may be suffering the health consequences. The Central Coast Regional Water Quality Control Board sent a letter to all city and county health officials in June alerting them to the pollution risks. According to the US EPA, "Infants below the age of six months who drink water containing nitrites in excess of the MCL [drinking water standard] could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome." In cities the expense to deal with the polluted groundwater has been transferred from agriculture to urban users who must pay their water companies for pre-treatment of the water before distribution.

"Agriculture needs to step up and clean up their mess; regulatory agencies need to regulate; and water agencies simply must protect precious resources for *everyone*," said Shimek.

Monterey Coastkeeper spent the past two years attempting to work with growers and grower associations on new water quality regulations. Earlier this year Monterey Coastkeeper, together with San Luis Obispo Coastkeeper and Santa Barbara Channelkeeper, appealed a decision by the Regional Water Quality Control Board to extend an old and ineffective set of water quality regulations. "I'm not going to let up until our water is drinkable, swimmable, and fishable, the basic rights promised by America's Clean Water Act and California's Clean Drinking Water Act," said Shimek.

How to explore your local water quality:

The State Water Resources Control Board has a map of polluted waters at http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml. This map is good for seeing an overview of the entire State.

If you live on the Central Coast, the Central Coast Regional Water Quality Control Board has a cutting edge water quality research tool at www.ccamp.org. Click on "CCAMP Data Browser." Make selections in the dropdowns across the top. As an example, choose "Salinas 309" then "toxicity" then "invertebrate survival in water." Be careful how you interpret the bar graphs: In this result the height represents percent survival, a good thing. No test organisms lived in water from the monitoring sites with zero survivorship, on the left side of the resulting graph. As another example, choose "Salinas 309" then "Basic Water Quality" then "Nitrates as N." In this case the height represents pollutant (nitrate) concentration, a bad thing. Explore "more information" to find things like the regulatory threshold or the amount of pesticide used in the watershed you are exploring. Highlight and click on a row to see all test results for a site. Zoom in and out on the map.

More information including a copy of the complaint can be found on the Monterey Coastkeeper website: www.montereycoastkeeper.org.