

Central Coast groups sue state over water contamination

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MONTEREY – A contingent of environmental and social justice groups has sued a state water watchdog for worsening widespread nitrate contamination in drinking water that primarily affects communities of color along the Central Coast, as well as causing environmental damage to the region's waterways.

The 69-page lawsuit alleges both the State Water Resources Control Board and the Central Coast Regional Water Quality Control Board have failed to address nitrate contamination and other agricultural pollution along the Central Coast.

Nitrate, a by-product of nitrogen fertilizer, can interfere with the ability of red blood cells to carry oxygen to the tissues of the body, producing a condition called methemoglobinemia. It is of greatest concern in infants, whose immature stomach environment enables the conversion of nitrate to nitrite, which is then absorbed into the bloodstream and interferes with oxygenating cells and causing the blue appearance in infants.

Additionally, excessive nitrogen runoff from fertilizer can enter waterways and cause such problems as algae blooms which rob oxygen from the water that fish rely on to survive. The Elkhorn Slough has been battling this for years.

The issue is extremely complicated but boils down to limits the state has placed on nitrate levels in drinking water. Environmental and social justice groups, as alleged in the Oct. 27 lawsuit, say growers apply far too much nitrogen-based fertilizers than is needed to grow healthy crops. It is the problem of some growers believing if some is good then more is better.

"Many of the Central Coast's rivers near low-income communities of color, like the Salinas River, have high levels of nitrate and pesticides," said Chelsea Tu, executive director of Monterey Waterkeeper. "It's simply not acceptable that disadvantaged communities cannot drink, fish or swim in their waters."

The state Water Boards, in a statement sent to the Monterey Herald, said its decision to direct the regional water board to change its discharge requirements for irrigated agricultural lands was necessary because the regional board's approach was not consistent with current expert advice.

“The decision to change these requirements is rooted in the State Water Board’s standard of using the best data from which to set nitrate values in irrigated lands,” the statement reads. “In doing so, the board has directed an expert panel to review the data generated by its irrigated lands regulatory programs over the last four years as the basis for calculating more accurate discharge requirements in irrigated lands statewide.”

The statement went on to say the state board directed the regional board to develop an alternative water supply program for residents who rely on nitrate-contaminated water.

“The board is confident the court will find it has acted appropriately within its regulatory authority and in accordance with its goal of protecting the public’s water supply in irrigated lands statewide,” the statement read.

Growers, many of whom are trying to reduce the amount of nitrogen fertilizer used, counter that restricting fertilizer can cause damage to certain sensitive crops.

Local social justice groups, such as the San Jerardo Cooperative and the Comite de Salinas, argue that nitrate contamination disproportionately affects people of color. Many farmworker communities rely on well water where the contamination occurs, as opposed to those living in communities that are served by water systems that filter out excess nitrate and other contaminants.

See: <https://www.montereyherald.com/2022/08/19/state-officials-visit-moss-landing-site-of-contaminated-water>.

“In the Central Coast, a person’s race predicts their access to safe, affordable drinking water,” the lawsuit alleges. “People of color and especially low-income people of color experience the rashes, vision problems, and elevated rates of cancer attributable to nitrate pollution at far higher rates than white people do.”

Plaintiffs in the lawsuit include the San Jerardo Cooperative, Comite de Salinas, three fisheries organizations and four environmental organizations.

The State Water Boards on its website notes that nitrate levels above 45 milligrams per liter can cause serious health risks. Within the latest Central Coast Agricultural Order, dubbed Ag 4.0, are findings indicating that in some low-income areas of the region the percent of on-farm wells exceeding state limits is high. It cites the Salinas Valley in particular for high nitrate levels, as well as the Pajaro area.

“San Jerardo (about 7 miles south of Salinas) has suffered from too much nitrate in our drinking water and we have seen family members get sick in part because of it,” said Ileana Miranda, the general manager of the San Jerardo Cooperative. “The Water

Boards must limit how much nitrate can go into our water and tell growers to stop contributing to this public health crisis as soon as possible.”

In the Salinas Valley’s Forebay Subbasin, a part of the valley’s broader aquifer basin, 63.5% of the wells tested above the state limit. In the Eastside Subbasin east of Salinas, 58.5% of the wells tested above state limits, according to the Ag 4.0 findings. But the state removed enforceable limits on nitrate levels, the lawsuit alleges.

By comparison, 0% of the wells in Monterey and Carmel Valley areas tested above state limits.

“The State Board’s gutting of Ag Order 4.0 violates state laws that require the Water Boards to protect our water,” said Nathaniel Kane, executive director of Environmental Law Foundation, which represents several petitioners. “This coalition is suing to enforce those laws.”

The lawsuit was filed in Sacramento.

https://www.montereyherald.com/2023/10/31/central-coast-groups-sue-state-over-water-contamination/?utm_email=758435B552EE1463E468A4756A&utm_source=litrak&utm_medium=email&utm_term=0_758435B552EE1463E468A4756A&active=no&utm_source=litrak&utm_medium=email&utm_term=0_758435B552EE1463E468A4756A&utm_campaign=norcal-monterey-morning-report&utm_content=automated