



**North Group-Redwood Chapter-Sierra Club**

**Felice Pace, Water Chair**

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Chair Felicia Marcus and Board Members  
c/o Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Sent via electronic mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) & [cj.croyts-schooley@waterboards.ca.gov](mailto:cj.croyts-schooley@waterboards.ca.gov)

**RE: Comment Letter – Water Quality Enforcement Policy**

Dear Chair Marcus and Board Members:

Since adoption of the Clean Water Act Americans have made great strides in controlling point source pollution. Yet, as EPA has recently confirmed, most of our rivers and estuaries remain impaired as a result primarily of non-point pollution and, in particular, pollution from animal and crop agriculture. This is also the situation in California.

The reason why agricultural pollution is the #1 water quality impairment across California and the USA is the reticence of state and federal clean water regulators to enforce the Clean Water Act (and, in California, Porter-Cologne) on dispersed agriculture, including small CAFOs which are often established along living streams (see photos below of small on stream CAFOs).



In addition, in many Californian agricultural areas livestock on pasture are given free riparian access. Nutrient, fecal coliform, riparian degradation, sediment and temperature impairments are the result and These are widespread across rural California. In addition, many crop farmers plow right down to the top of the bank which exacerbates water quality impairment. (see photos below)



Because agriculture, along with forestry, are currently the #1 pollution problem degrading California streams, and because we can't restore beneficial uses by meeting water quality standards unless agricultural pollution is adequately controlled, we need to strengthen enforcement on agricultural lands.

It is critical that the Board rejects the Farm Bureau's arguments that enforcement of the CWA and Porter-Cologne is not needed in agricultural landscapes. The assertion is cynical and does not comport with the facts. What is lacking right now is precisely effective enforcement of Basin Plans with respect to agriculture and that is preventing us from restoring impaired streams. In particular, regional boards have too many biologists in charge of enforcement when what is needed is personnel who are trained to enforce laws, are not easily intimidated and who are actually willing to enforce the Basin Plans.

In contrast, most current regional non-point staff have no interest in enforcement and instead insist on “stewardship”, which is a euphemism for “voluntary compliance”. The problem with voluntary compliance is that the good actors already comply and the bad actors ignore it. In other words, “voluntary compliance” allows those who do not take care of their streams to thumb their noses at regulators and “the government” and simply refuse to protect water quality and riparian areas. That damages not only the environment it damages waters which belong to the people of California. It is time to stop protecting the bad actors in agriculture and the way to do that is enhanced and effective enforcement performed by personnel who are trained in enforcement.

Effective enforcement of Basin Plan provisions with respect to agricultural pollution is the only way to restore beneficial uses within California impaired streams. Please give us a strong enforcement policy that enforces Basin Plan provisions against bad actors, including those blatantly causing non-point pollution. Within enforcement, please prioritize adequate resources for regional boards to enforce Basin Plan TMDL Implementation Plans.

Via email,  
Felice Pace  
for the North Group Redwood Chapter Sierra Club