

August 20, 2018

Assembly Member Phil Ting, Chair
Assembly Committee on Budget
State Capitol, Room 6026
Sacramento, CA 95814

RE: Senate Bill 844 (Monning) - OPPOSE

Dear Chair Ting and Members of the Committee:

California Coastkeeper Alliance (CCKA) represents locally-based Waterkeeper organizations fighting for swimmable, fishable, drinkable waters for California communities and ecosystems. Our organizations believe in the right of every Californian to have sufficient clean, safe, affordable, and accessible water; however, we cannot support a bill that provides a safe harbor to agricultural polluters while weakening agricultural regulations. Senate Bill 844 creates a precedent for polluters to negotiate payment in lieu of meeting clean water laws, while more importantly, undermining California's ability to regulate agricultural practices and sacrificing our groundwater quality for decades. We do not take this position lightly, but CCKA must respectfully oppose SB 844.

SB 844 proposes considerable changes to the way the State will regulate agricultural pollution for those growers who pay into the Safe Drinking Water Fund. Section 13278.1(a) provides immunity from "enforcement by the State Board or a Regional Board under Chapter 5" if an agricultural operation meets the requirements of its Waiver or Order. Chapter 5 contains all the Water Boards' enforcement tools, including cease and desist orders, cleanup and abatement orders, pollution and nuisance abatement notices, and compliance and civil penalty schedules. By exempting agricultural operations that pay an "applicable fee" and "enroll" under an Order or Waiver, the bill would effectively shield these operations from any realistic possibility of enforcement.

We oppose SB 844's agricultural safe harbor, but if the safe harbor remains in the bill, amendments **must** be taken to prevent undermining the Water Boards ability to issue Ag Orders that comply with the Water Code, the Non-Point Source Policy, and the Antidegradation Policy. As recognized by the Central Coast Regional Water Quality Control Board, **water quality is getting "substantially worse each year" under California's current agricultural program.** Unless SB 844 is amended as proposed in the attached handout, California's groundwater will only continue to get worse as agricultural permits are weakened.

We respectfully ask the Assembly Budget Committee to remove Section 13278, which provides a safe harbor from enforcement liability. We are deeply concerned about the creation of a "pay-to-pollute" scheme that could perpetuate, rather than mitigate, polluting practices and compromise Californians access to safe and affordable drinking water. Second, and of critical importance, we ask that our proposed amendments be made to protect the integrity of Ag Orders throughout the state. We respectfully request the Assembly to vote "no" on SB 844 and allow California more time to work on a solution that provides clean, safe, affordable, and accessible water to all Californians, while improving - rather than degrading - groundwater quality.

Sincerely,



Sean Bothwell
Acting Executive Director
California Coastkeeper Alliance