



**PRESS RELEASE
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Environmental Justice Groups and Monterey Resident Sue Regional Water Board Over Water Pollution Secrecy

Current policy allows coalition of growers to prevent access to groundwater nitrate pollution data

On May 8, 2015, Carmen Zamora, a resident of rural Monterey County represented by California Rural Legal Assistance, Inc. (CRLA) and co-plaintiff the Environmental Law Foundation (“ELF”) filed a lawsuit seeking an end to the Central Coast Regional Water Quality Control Board’s policy of allowing growers to keep groundwater data secret. The suit, filed in San Luis Obispo Superior Court, claims the policy violates the California Public Records Act and the Porter-Cologne Water Quality Act.

Nitrate pollution is the main threat to drinking water for farmworker communities throughout the Central Coast Region. Contaminated water seeps into these communities’ aquifers from irrigated agricultural operations. Drinking water polluted with nitrate harms people in many ways, and children are particularly vulnerable: birth defects, cancer, potentially deadly “blue baby syndrome,” thyroid, spleen, and kidney disease.

The lawsuit claims that an agricultural group, known as the Central Coast Groundwater Coalition, keeps data related to nitrate pollution secret. State law and regulations require growers to test well water, report the results to affected users, and report to the Board on efforts to protect the users, such as providing alternative sources of drinking water. All the information is public. Instead, the Board’s policy allows only the growers’ Coalition to perform all testing, receive the results, decide whether the data are “valid,” decide whether the testing data show elevated nitrate levels, notify the



polluter, and receive confirmation letters back from the grower. The Coalition keeps to itself all records of compliance and other materials; it cuts out the Regional Board and the public entirely.

The suit claims it refused a request to release any records at all under the Public Records Act. The suit also claims that the Board's policy allowing secrecy violates California's Water Code.

Ms. Zamora, represented by California Rural Legal Assistance, spent two years seeking documents and data and attempting to convince the Regional Board to abandon this policy. In the face of the Board's refusal, the lawsuit asks the court to do what the agency would not: withdraw its policy and turn over the requested documents.

"Small communities like Ms. Zamora's need to have access to information about where contaminated water exists and to be able to verify that residents have been notified about their water being contaminated," said Pearl Kan, CRLA attorney.

"The Regional Board's policy violates fundamental principles of democratic governance," said Nathaniel Kane, attorney for ELF. "The Board has delegated its regulatory authority over growers to a group which is entirely controlled by the growers themselves."

"Public agencies cannot hide behind private parties to shield what would otherwise be considered a public document," said Cherokee Melton, attorney for the First Amendment Project, which represents both ELF and Ms. Zamora. "To allow that would render the Public Records Act and everything it stands for meaningless."

"Low-income rural residents like Ms. Zamora have a right to know where contaminated drinking water is located in their community," stated Mike Meuter, CRLA Director of Litigation, Advocacy and Training."

The complaint is available at:

http://www.crla.org/sites/all/files/u6/2015/pr/2015/RegWaterBoard/ZamoraPetition_WritMandate11.pdf

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Founded in 1966, CRLA's mission is to fight for justice and individual rights alongside the most exploited communities of our society. Through a network of regional offices and cross-cutting programs, CRLA provides legal services to over 43,723 low-income people annually. Our work impacts farmworkers, individuals with disabilities, immigrant populations, LGBT communities, women, children and families in rural areas. For more information on CRLA, please visit: www.crla.org.

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ELF, founded on Earth Day, 1991, is a nonprofit environmental organization committed to improving environmental quality in California. For more information about ELF's long history of enforcing environmental laws, please visit <http://www.envirolaw.org/>

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