

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 12-13, 2019

Prepared on November 14, 2019

ITEM NUMBER: 13

SUBJECT: Salinas Basin Agricultural Stewardship Group – Status of Interim Replacement Water Settlement Agreement: Year 3

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ACTION: Information / Discussion

KEY INFORMATION

Location: Salinas Basin
Type of Discharge: Irrigated Agriculture

SUMMARY

This agenda item updates the Central Coast Water Board on implementation of the third year of the Salinas Basin Agricultural Stewardship Group (SBASG) interim replacement water settlement agreement (Agreement). SBASG is comprised of growers and landowners in the Salinas Groundwater Basin who are coordinating with the State Water Board and Central Coast Water Board to provide interim replacement drinking water free of cost to small water system and domestic well users impacted by nitrate pollution. Implementation of the Agreement is a critical component of the Central Coast Water Board's two-part strategy to address the region's severe groundwater nitrate problem:

1. Provide Interim Replacement Drinking Water to Well Users Impacted by Nitrate Pollution;
2. Reduce Nitrate Loading to Groundwater to Protect Current and Future Drinking Water Sources;

This work also supports the Central Coast Water Board's environmental justice priorities and implements its Human Right to Water Resolution. As part of this agenda item, an SBASG representative will make a presentation to discuss implementation of the interim replacement water settlement agreement and progress made during Year 3.

BACKGROUND

In March 2017, the Central Coast Water Board and State Water Board (collectively known as the Water Board's Team), and SBASG initiated an interim replacement water settlement agreement. The Agreement enables growers and landowners to avoid replacement water-related enforcement in exchange for participation in a program that provides free replacement drinking water to Salinas Basin individuals and communities reliant on small water systems and domestic wells that have unsafe drinking water due to groundwater nitrate pollution. Currently, growers and landowners representing approximately 182,000 acres participate in SBASG (approximately 98 percent of land within the agreement area) and receive the benefits of the enforcement relief (out of approximately 186,000 total basin acres).

Since the initiation of the Agreement in March 2017, Central Coast Water Board staff has provided routine updates to the Board. The Agreement automatically renews every year in March for an additional one-year period, unless any party to the Agreement provides notice to the other parties no less than sixty days prior to the end of a term.

DISCUSSION

The Agreement provides a mechanism to ensure safe drinking water to impacted communities in the short term, while the Water Boards Team and dischargers make efforts to resolve the nitrate pollution problem in the long term. The Water Boards Team met with SBASG representatives most recently on October 23, 2019 to discuss implementation progress made during Year 3. At this meeting, staff learned that delivery of replacement water to small water systems already participating in the program continues to be very successful; however, outreach to additional small water systems and especially domestic well owners continues to be very challenging. Staff will provide data for Year 3 and three-year replacement water provision as part of a supplemental sheet to this staff report, as this information was not finalized at the time this staff report was written.

At the October 23, 2019 meeting, the Water Boards Team also confirmed expectations regarding management of drinking water data in the GeoTracker data management system to maximize the availability and accessibility of data and information regarding drinking water quality to support the development of solutions, consistent with the Human Right to Water law, as well as the Central Coast Water Board's and State Board's associated resolutions (Resolution Nos. R3-2017-0004 and 2016-0010, respectively). SBASG indicated a willingness to report drinking water data to GeoTracker for Year 4 but has concerns regarding potential impacts to levels of participation.

To help support the replacement water program, Central Coast Water Board staff and SBASG have also been coordinating closely with the Monterey County Environmental Health Bureau and the Community Water Center. At this time, the Water Boards Team is evaluating the comprehensive progress made over the last three years of the Agreement to determine how to proceed for Year 4.

Nitrate Loading Reduction to Groundwater

As nitrate loading reduction is also a critical component of the Central Coast Water Board's strategy to address the region's groundwater nitrate problem, the Irrigated Lands Regulatory Program (ILRP) staff continue to work with growers to implement Ag Order 3.0 and are in the process of working with stakeholders to develop the future Ag Order 4.0 to effectively control agricultural sources of nitrate pollution in groundwater, reduce nitrate loading, and improve water quality to protect future drinking water supplies.

CONCLUSION

SBASG is the only agricultural industry group of its kind working to provide safe drinking water and a large number of growers and landowners in the Salinas Groundwater Basin have demonstrated initiative by participating in the interim replacement water settlement agreement. SBASG continues to effectively provide bottled water deliveries to small water systems and domestic well users already participating in this program and the Agreement represents a significant effort toward protecting human health via interim replacement water portion of the Central Coast Water Board's two-part strategy (replacement water and nitrate-loading reductions) for dealing with nitrate discharges from irrigated agriculture, while the forthcoming Ag Order 4.0 addresses ongoing, excessive nitrate loading to groundwater.

There is significant room for improvement, both to increase the number of small systems and domestic well users receiving interim replacement drinking water and also to reduce nitrate loading. Going forward, the Water Board's Team will continue to coordinate with SBASG to evaluate the effectiveness of the Agreement. As an immediate next step, the Water Board's Team will coordinate with SBASG to consider the comprehensive progress over the last three years and how best to efficiently provide safe drinking water to the maximum number of individuals and communities impacted by nitrate pollution in Year 4 and future years.