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## Central Valley Regional Water Quality Control Board

20 November 2023

Via: Electronic Mail

Sarah Rutherford, Executive Director  
Kaweah Water Foundation  
[srutherford@kaweahwater.org](mailto:srutherford@kaweahwater.org)

General Kaweah Water Foundation email  
[admin@kaweahwater.org](mailto:admin@kaweahwater.org)

**Subject: Findings of Completeness for the Management Zone Implementation Plan**

Dear Sarah Rutherford:

On 5 September 2023, the Kaweah Water Foundation submitted a Management Zone Implementation Plan (MZIP) to the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board). The submittal was prepared to meet requirements identified in the Basin Plans, and the Nitrate Control Program Notices to Comply (NTCs) issued by the Board on 29 May 2020. The NTCs require permittees that discharge nitrate to comply with the Nitrate Control Program (NCP) for the Central Valley, which includes the selection of a preferred permitting approach. The permittees who selected the Management Zone Permitting Approach opted to participate in the Kaweah Water Foundation. On 23 February 2023, the Central Valley Water Board accepted the Final Management Zone Proposal, which officially established the Kaweah Water Foundation for NCP implementation.

After a review of the MZIP, the Board's Executive Officer has determined that the MZIP is complete. In this context, a determination of completeness means that the MZIP provides information, actions, and timelines that address the key elements identified in the Basin Plan. The MZIP, however, is still subject to additional technical and public review to determine if the plans contained therein are adequate to meet the needs of communities and individuals dependent on nitrate-impacted drinking water sources and are consistent with the Board's long-term policy goals. Comments resulting from additional review, the public comment period, and community feedback may initiate further revisions to the implementation plan. At this time, the Board offers the following comments:

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

### 1. Drinking Water Solutions for Public Water Systems

The MZIP must address the future impact that proposed drinking water solutions for public water systems may have on operation and maintenance costs. Disadvantaged Communities/Severely Disadvantaged Communities (DAC/SDAC) are not only disproportionately impacted by nitrate contamination, but they are also incredibly sensitive to operation and maintenance cost increases. It is important that consideration is provided for DAC/SDAC to ensure potential drinking water solutions for public water systems are feasible and practicable.

### 2. Coordination with Path A Facilities

The Central Valley Water Board appreciates that the Kaweah Water Foundation plans to work with Path A facilities to establish a coordination agreement that will define roles and responsibilities for well testing and replacement drinking water obligations. Although there are no Path A facilities currently within the Kaweah Water Foundation boundary, future Path A facilities must be taken into consideration – whether an existing facility is switching from Path B to Path A or a new facility is selecting Path A. As Kaweah Water Foundation works with future Path A facilities towards a coordination agreement, progress updates need to be provided to the Central Valley Water Board. The coordination agreement must ensure that all areas within the Kaweah Water Foundation boundary are accounted for and that all impacted residents will be provided with the opportunity of well testing and replacement drinking water.

### 3. ILRP Drinking Water Well Testing Data

The MZIP discusses, in general, coordination between the Management Zone's Residential Well Testing Program and the Irrigated Lands Regulatory Program (ILRP) Drinking Water Well Monitoring Program to address nitrate impacted residents and to potentially provide monitoring well candidates for the MZIP Surveillance and Monitoring Program. However, the MZIP does not include a plan for reconciling the Management Zone's well testing data with ILRP well testing data and a description of how replacement drinking water will be provided, either by the Management Zone itself, by the irrigated lands coalition(s), or by a third party. The MZIP needs to include a plan for well testing data reconciliation that includes Management Zone outreach, based on the ILRP dataset, directed to residents that have groundwater exceeding the nitrate drinking water standard.

This letter hereby initiates the next step of implementation for the Nitrate Control Program. Within the next six months, the Central Valley Water Board will provide a notice of opportunity for public comment and schedule a public hearing on the MZIPs. The Central Valley Water Board appreciates the implementation of the Kaweah Water Foundation compliance plans and will continue to regularly engage with you to address issues and concerns as they arise. If you have any questions, please contact Cindy Auyeung at 916-464-4730 or by email at [cindy.ayueung@waterboards.ca.gov](mailto:cindy.ayueung@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Pulupa". The signature is written in a cursive, flowing style with some loops and flourishes.

Patrick Pulupa  
Executive Officer