

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

**STAFF REPORT FOR REGULAR MEETING OF – NOVEMBER 13-14, 2014**  
Prepared on October 21, 2014

**ITEM NUMBER:** 15

**SUBJECT:** **Irrigated Lands Regulatory Program: Water Board Review of Central Coast Groundwater Coalition's Drinking Water Notification Process**

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**KEY INFORMATION:**

Location: Region-Wide  
Type of Discharge: Irrigated Lands Runoff / Leaching to Groundwater  
Existing Orders: Order No. RB3-2012-0011 and WQ 2013-0101

**THIS ACTION:** **Continuation of July 2014 Board Meeting Item 13 - Board Review Regarding the Central Coast Groundwater Coalition's Disclosure of Individual Notification Letters and Individual Follow-Up Action Information**

**SUMMARY**

Item 15 is a discussion item for the Board regarding the Central Coast Groundwater Coalition's (CCGC's) drinking water notification process. This item is a continuation of the July 2014 Board Meeting Item 13. The staff report for the July 2014 Board Meeting Item 13 is available at: [http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2014/july/item13/index.shtml](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2014/july/item13/index.shtml).

Specifically, the purpose of Item 15 is to:

1. Present staff's evaluation and recommendation concerning the CCGC's proposal for sharing drinking water notification information that will allow the Central Coast Water Board staff to verify such notification.
2. Present staff's response and recommendations regarding California Rural Legal Assistance's (CRLA's) request for discretionary review of the CCGC's drinking water notification process. In letters dated July 3, 2014 and July 28, 2014, CRLA requests that the Board bring the coalition's notification process in alignment with the Regional Board's individual monitoring notification process.

As individual growers and the CCGC implement the groundwater monitoring requirements of the Agricultural Order, results indicate that many domestic drinking water wells exceed the safe drinking water standard for nitrate. Due to the potential severity and urgency of the health issues associated with drinking groundwater with high concentrations of nitrate, the process to effectively notify well users of these exceedances has become an important aspect of the Irrigated Lands Regulatory Program.

The Agricultural Order (as modified by State Water Resources Control Board Order WQ 2013-0101) states that in cases where there are drinking water exceedances, the Central Coast Regional Water Quality Control Board (Water Board) will require that the grower or landowner notify the users within 10 days. As acknowledged in the July 2014 Board meeting, staff could not verify that notification actions have been completed for domestic wells with unsafe levels of nitrate that were sampled by CCGC. As a result of this fact, staff worked with CCGC representatives to develop an acceptable resolution to sharing drinking water notification information that will enable staff to verify that proper drinking water notification has occurred in compliance with the Agricultural Order. CCGC has agreed to provide the required information.

Separately, staff evaluated CRLA's request for discretionary review of the CCGC's drinking water notification process such that it aligns with the notification method used for individual monitoring. Staff finds that the information submitted by CCGC provides a functional equivalent to the individual monitoring notification process.

Based on the above, staff recommends no change to the existing CCGC Work Plan (work plan) approval conditions, and to accept the CCGC's proposal for providing drinking water notification information to the Water Board. The rationale for staff's recommendation is discussed below.

## DISCUSSION

### CCGC Proposal for Providing Drinking Water Notification Information

As follow-up to several discussions with staff, on October 9, 2014, CCGC submitted a proposal for providing specific drinking water notification information (**Attachment 1**). To ensure that Water Board staff can efficiently and effectively identify the landowner/operator associated with the wells included in exceedance reports and verify that proper well user notification has occurred, the CCGC agreed to submit a supplemental list of information, which will include the ranch-specific Global ID and the associated Field Point Name (CCGC well identification) for all groundwater wells sampled in compliance with Agricultural Order. Additionally, the CCGC will amend its exceedance reports to include a brief description of follow up actions by individual well (e.g. response actions taken by the grower or landowner to ensure safe drinking water such as treatment or bottled water). A sample revised exceedance report is included in **Attachment 2**.

Ranch-specific Global IDs are associated with each individual grower enrolled in the Agricultural Order (on the eNOI in the GeoTracker database) and are used to associate submittals and evaluate compliance, including for groundwater monitoring requirements. The CCGC's submittal of a list of all wells monitored under the CCGC Work Plan and the associated ranch specific Global ID enables staff to quickly and efficiently relate any well nitrate concentration to an individual ranch, landowner/operator and address. Thus, staff can verify that proper notification has occurred and conduct follow-up, if necessary, similar to individually-monitored domestic wells that exceed the nitrate drinking water standard.

The CCGC indicates that this proposal provides Water Board staff with the necessary information in an appropriate format to allow staff to efficiently associate domestic wells with landowner/operators so that staff can verify compliance with Agricultural Order groundwater monitoring and related notification requirements. Further, CCGC indicates that providing the information to the Water Board using the proposed approach allows for a certain level of protection to alleviate security and privacy concerns expressed by CCGC members.

### Water Board Staff's Evaluation of CCGC Proposal

Staff finds the CCGC proposal acceptable and therefore recommends no change to the existing work plan approval conditions. The work plan does affirm the Executive Officer's authority to require the submittal of individual drinking water notification letters upon request. The CCGC proposal does not change this authority. However, staff does not anticipate requiring the submittal of individual drinking water notification letters, except under certain circumstances. For example, situations where the Water Board may require submittal of individual drinking water notification letters include where information suggests that proper notification may not have occurred or staff has a need to follow-up with well users to evaluate risks to public health or to ensure safe drinking water, cases where there is a specific complaint concerning the exceedance and replacement water situation, or the CCGC member does not respond or the response is unclear. While the Water Board staff will not routinely receive copies of individual drinking water notification letters and do not anticipate requesting these letters excepting in unusual circumstances like those cited above, CCGC does agree to provide Water Board staff access to all documents at CCGC/Water Board coordination meetings and at CCGC's home office or other agreed upon times and locations. This provides staff the opportunity to audit & review all documents associated with CCGC notification process. Table 1 summarizes the drinking water notification information that CCGC will provide to the Water Board.

**Table 1. Summary of Drinking Water Information CCGC Provides to Water Board**

<b>Information Provided by CCGC</b>	<b>Description</b>
Farm/Ranch Identification	Farm/Ranch GeoTracker Global ID
Well Identification	CCGC Field Point Name
Well Location	Latitude and Longitude <i>(precise information to Water Board, obscured to the public with a .5 mile blur)</i>
Well Type	Field Point Class <i>(e.g., private drinking water well or irrigation well)</i>
Sample Date	Date
Sample (Nitrate) Result	Laboratory Analytical Result
Exceedance Identification	Yes or No
Notification Date	Date CCGC member was notified
Date of Well User Notification	Date well user(s) were notified of exceedance
Description of Response Action Taken	Specific replacement water action or other response taken, if applicable <i>(e.g., bottled water, RO unit, etc.)</i>

### **CRLA'S REQUEST FOR DISCRETIONARY REVIEW OF CCGC'S NOTIFICATION PROCESS**

On July 3, 2014, CRLA submitted a request for discretionary review by the Water Board on 1) CCGC's notification process for wells that have exceeded the nitrate Maximum Contaminant Level (MCL) and 2) the manner in which the groundwater testing results of CCGC will be disclosed to the public. A copy of CRLA's July 3, 2014 letter is available on the Water Board website at this link: [CRLA July 3, 2014 letter](#) and at the Central Coast Water Board's website for the July 2014 meeting. This item addresses only the first portion of CRLA's discretionary review request; the second requested review will be considered at a Board meeting in the early portion of 2015.

As discussed at the July 2014 Board Meeting, CRLA's request for discretionary review of CCGC's drinking water notification process is related to staff's evaluation of CCGC's proposal for providing drinking water notification information to the Water Board. Thus, it is appropriate for staff to also respond to CRLA's request for discretionary review of the CCGC's drinking water notification process as part of this Board Item.

In response to CRLA's request for discretionary review, staff evaluated the CCGC drinking water notification process and CRLA's specific concerns regarding written confirmation of notification and the identification of particular wells that have a nitrate exceedance. As part of this evaluation, staff compared the drinking water notification process for growers who comply with individual groundwater monitoring requirements, to the notification process for CCGC members who comply with the cooperative groundwater monitoring requirements. The comparison is summarized in Table 2 below.

**Table 2. Summary of Drinking Water Notification Process**

<b>Drinking Water Notification Action Taken</b>	<b>Individual</b>	<b>CCGC</b>
Report all groundwater monitoring data to the Water Board in GeoTracker	YES	YES
Identify all drinking water exceedances and provide list to the Water Board.	YES	YES
Send Drinking Water Notification letter to Grower and Landowner in 10 Days	YES	YES
Drinking Water Notification letter copied to local Environmental Health Agency	YES	(No)
Requires Posting of Unsafe Drinking Water	YES	YES
Requires notification of all well users, letter includes Nitrate Resource Document (multi-lingual).	YES	YES
Requires written notification to any new well users (e.g. new tenants and employees with access to the affected well), whenever there is a change in occupancy.	YES	YES
Requires grower or landowner to respond within 30 days to confirm notification and posting, includes Penalty of Perjury Statements	YES	YES
Require grower or landowner to provide description of response action (e.g. treatment method or alternative drinking water supplies provided)	YES	YES
Individual Notification Letters Available to Water Board	YES	(Upon request)
Individual Notification Letters Available to the Public	YES	(No, unless the Water Board requests them)

In order to effectively verify compliance with groundwater monitoring and related drinking water notification requirements for CCGC members and in order to conduct any necessary follow-up, staff must have access to and review specific information. At the July 2014 Board Meeting, Board Members requested that staff continue efforts to work with CCGC to develop a process that enables Water Board staff to verify drinking water notifications by identifying the landowners/operators (based on eNOI information) in a transparent and efficient manner, while recognizing that some CCGC members desire a certain level of protection to alleviate security

and privacy concerns. Board Members also requested that staff discuss the process with CRLA as they also conduct follow-up related to drinking water exceedances. CRLA's position is that it is critical for water users to readily access information regarding possible contamination of their potable water supply and that the Water Board should prioritize the public's access to this information using the most direct and efficient means.

One of the primary differences between the individual and CCGC drinking water notification processes is that the individual drinking water notification letters are generally available to the public, and the CCGC drinking water notification letters only become available to the public when the Water Board requests them. An additional difference is that the CCGC notification letters are not copied to the local environmental health agencies. Since March 2012, the Central Coast Water Board has copied the appropriate local environmental health agencies on all drinking water notification letters. In discussions with several county staff, Water Board staff understands that county staff finds this documentation useful and timely and have encouraged the Water Board staff to continue this practice. In addition, Water Board staff is also discussing additional methods for sharing water quality and GIS data with the local environmental health agencies. CCGC has indicated that while they do not directly copy any agencies on drinking water notification letters, they are coordinating with Monterey County staff to discuss sharing nitrate exceedance information.

After completing the evaluation of CRLA's stated concerns related to the CCGC drinking water notification, staff concluded that the information provided in CCGC's proposal enables Water Board staff to verify drinking water notifications by identifying the landowners/operators (based on eNOI information) associated with individual drinking water exceedances in a transparent and efficient manner, and that the CCGC drinking water notification process does provide written confirmation that well users have been properly notified that the domestic well does not meet safe drinking water standards.

## CONCLUSION

As individual growers and the CCGC implement the groundwater monitoring requirements of the Agricultural Order, the potential severity and urgency of the health issues associated with drinking water with high concentrations of nitrate continues to be a high priority for the Central Coast Water Board. Consequently, the process to effectively notify well users of these conditions has become an important aspect of the Irrigated Lands Regulatory Program.

In conclusion, with regards to the CCGC drinking water notification process, three options are available to Water Board staff:

1. **Maintain the status quo:** As presently constructed, the information that the CCGC submits does not allow staff to verify that notification has occurred for domestic wells that exceed the drinking water standard for nitrate.
2. **Require CCGC to provide all notification letters:** This option allows for Water Board staff to verify notification has taken place, but does not factor in concerns of some CCGC members regarding privacy and security.
3. **Require additional information that allows Water Board staff to associate CCGC Field Point Name with Ranch-specific Global ID:** This option provides staff sufficient information to verify that notification has taken place, while providing consideration for CCGC member concerns as stated above.

Option 3 allows Water Board staff to verify CCGC member compliance with the Agricultural Order for domestic wells that exceed the nitrate drinking water standard by providing staff with sufficient information to audit notification process. As such, Water Board staff finds that

CCGC's drinking water notification process is functionally equivalent to the Water Board's drinking water notification process for individual growers. Water Board staff has discussed these issues with both CCGC and CRLA. Additionally, staff concludes that sufficient information is available in the case that the Water Board has a need to follow-up on a particular drinking water exceedance.

Discussion of this item and subsequent direction from the Board satisfies the CLRA request for discretionary review of the CCGC groundwater monitoring program and the Executive Officer's approval letter as it relates to this issue.

## **RECOMMENDATION**

Water Board staff recommends no change to the existing CCGC Work Plan approval conditions. Unless otherwise directed by the Board, the Executive Officer plans to respond to the CCGC in writing approving their proposal submitted on October 9, 2014 and requiring the submittal of the information described in Table 2.

## **ATTACHMENTS**

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|--------------|---|
| Attachment 1 | CCGC Letter Dated October 9, 2014 - Central Coast Groundwater Coalition Proposal for Providing Member Information to the Central Coast Regional Water Quality Control Board |
| Attachment 2 | Sample CCGC Drinking Water Exceedance Report  |