

ITEM: 7

SUBJECT: Status of the SBX2 1 Nitrate Project for the Tulare Lake Basin by Dr. Thomas Harter

BOARD ACTION: *No Board Action, Information Item Only*

BACKGROUND: This is an information item to provide the status of and present preliminary findings of the SBX2 1 nitrate project (as it pertains to the Tulare Lake Basin) being conducted by the University of California at Davis. In 2008, SBX2 1 added Water Code Section 83002.5 requiring that the State Water Board, in consultation with other agencies, develop pilot projects in the Tulare Lake Basin and the Salinas Valley that focus on nitrate contamination using two million dollars (\$2,000,000) from Proposition 84. The purpose of the projects is "to improve understanding of the causes of groundwater contamination, identify potential remediation solutions and funding sources to recover costs expended by the state for the purposes of this section to clean up or treat groundwater, and ensure the provision of safe drinking water to all communities." Specifically, the State Water Board must:

- "(a) (1) In collaboration with relevant agencies and utilizing existing data, including groundwater ambient monitoring and assessment results along with the collection of new information as needed, do all of the following:
 - (A) Identify sources, by category of discharger, of groundwater contamination due to nitrates in the pilot project basins.
 - (B) Estimate proportionate contributions to groundwater contamination by source and category of discharger.
 - (C) Identify and analyze options within the board's current authority to reduce current nitrate levels and prevent continuing nitrate contamination of these basins and estimate the costs associated with exercising existing authority.
- (2) In collaboration with the State Department of Public Health, do all of the following:
 - (A) Identify methods and costs associated with the treatment of nitrate contaminated groundwater for use as drinking water.
 - (B) Identify methods and costs to provide an alternative water supply to groundwater reliant communities in each pilot project basin.
- (3) Identify all potential funding sources to provide resources for the cleanup of nitrates, groundwater treatment for nitrates, and the provision of alternative drinking water supply, including, but not limited to, state bond funding, federal funds, water rates, and fees or fines on polluters.
- (4) Develop recommendations for developing a groundwater cleanup program for the Central Valley Water Quality Control

Region and the Central Coast Water Quality Control Region based upon pilot project results.

- (b) Create an interagency task force, as needed, to oversee the pilot projects and develop recommendations for the Legislature. The interagency task force may include the board, the State Department of Public Health, the Department of Toxic Substances Control, the California Environmental Protection Agency, the Department of Water Resources, local public health officials, the Department of Food and Agriculture, and the Department of Pesticide Regulation.
- (c) Submit a report to the Legislature on the scope and findings of the pilot projects, including recommendations, within two years of receiving funding.
- (d) Implement recommendations in the Central Coast Water Quality Control Region and the Central Valley Water Quality Control Region pursuant to paragraph (4) of subdivision (a) within two years of submitting the report described in subdivision (c) to the Legislature.
- (e) For the Salinas Valley Pilot Project, the State Water Resources Control Board shall consult with the Monterey County Water Resources Agency."

The report to the Legislature is due Spring 2012. The State Water Board contracted with the University of California, Davis, to conduct the pilot projects in March, 2010. State Water Board staff manages the contract and leads the interagency oversight. The UC Davis report will be submitted to State Water Board staff who, with assistance from the Central Coast and Central Valley Regional Water Boards, will prepare the report for submittal to the Legislature. It is expected that the report to the legislature will largely reflect the findings and recommendations of the UC Davis report, which will be independently published. The State Water Board has created an interagency task force (ITF) as allowed by SB X2 1 which, along with other interested parties, provides input at certain points in the process. Funding is not currently available to implement the recommendations, as required by subsection (d).

The information presented as preliminary findings indicates the significant relevance of the SB X2 1 Nitrate Project to inform decision makers about groundwater contamination, sources, potential options and funding solutions, in general as well as specifically regarding nitrate.

RECOMMENDATION:

Mgmt. Review _____
Legal Review _____

9/10 June 2011
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