

# Addressing Nitrate in California's Drinking Water

With a Focus on Tulare Lake Basin and Salinas Valley Groundwater

Report for the State Water Resources Control Board Report to the Legislature

## EXECUTIVE SUMMARY

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Senate Bill (SBX2-1) Report  
Addressing Nitrate in CA Groundwater  
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## Executive Summary

In 2008, Senate Bill SBX2 1 (Perata) was signed into law (Water Code Section 83002.5), requiring the State Water Resources Control Board (State Water Board), in consultation with other agencies, to prepare a Report to the Legislature to “improve understanding of the causes of [nitrate] groundwater contamination, identify potential remediation solutions and funding sources to recover costs expended by the State...to clean up or treat groundwater, and ensure the provision of safe drinking water to all communities.” The University of California prepared this Report under contract with the State Water Board as it prepares its Report to the Legislature.

This executive summary focuses on major findings and promising actions. Details can be found in the Main Report and eight accompanying Technical Reports.

### Key Issues

Groundwater is essential to California, and nitrate is one of the state’s most widespread groundwater contaminants. Nitrate in groundwater is principally a by-product of nitrogen use, a key input to agricultural production. However, too much intake of nitrate through drinking water can harm human health.

California’s governments, communities, and agricultural industry have struggled over nitrate contamination for decades. The California Department of Public Health (CDPH) has set the maximum contaminant level (MCL) for nitrate in drinking water at 45 milligrams per liter (as nitrate). Nitrate concentrations in public drinking water supplies exceeding the MCL require water system actions to provide safe drinking water.

For this study, the four-county Tulare Lake Basin and the Monterey County portion of the Salinas Valley are examined. About 2.6 million people in these regions rely on groundwater for drinking water. The study area includes four of the nation’s five counties with the largest agricultural production, representing about 40% of California’s irrigated cropland (including 80 different crops) and over half of California’s dairy herd. Many communities in the area are among the poorest in California and have limited economic means or technical capacity to maintain safe drinking water given threats from nitrate and other contaminants.

### SUMMARY OF KEY FINDINGS

- 1 Nitrate problems will likely worsen for several decades. For more than half a century, nitrate from fertilizer and animal waste have infiltrated into Tulare Lake Basin and Salinas Valley aquifers. Most nitrate in drinking water wells today was applied to the surface decades ago.
- 2 Agricultural fertilizers and animal wastes applied to cropland are by far the largest regional sources of nitrate in groundwater. Other sources can be locally relevant.
- 3 Nitrate loading reductions are possible, some at modest cost. Large reductions of nitrate loads to groundwater can have substantial economic cost.
- 4 Direct remediation to remove nitrate from large groundwater basins is extremely costly and not technically feasible. Instead, “pump-and-fertilize” and improved groundwater recharge management are less costly long-term alternatives.
- 5 Drinking water supply actions such as blending, treatment, and alternative water supplies are most cost-effective. Blending will become less available in many cases as nitrate pollution continues to spread.
- 6 Many small communities cannot afford safe drinking water treatment and supply actions. High fixed costs affect small systems disproportionately.
- 7 The most promising revenue source is a fee on nitrogen fertilizer use in these basins. A nitrogen fertilizer use fee could compensate affected small communities for mitigation expenses and effects of nitrate pollution.
- 8 Inconsistency and inaccessibility of data prevent effective and continuous assessment. A statewide effort is needed to integrate diverse water-related data collection activities by many state and local agencies.

Nitrate in groundwater poses two major problems and risks:

- **Public health concerns** for those exposed to nitrate contamination in drinking water; in California's Tulare Lake Basin and Salinas Valley, roughly 254,000 people are currently at risk for nitrate contamination of their drinking water. Of these, 220,000 are connected to community public (>14 connections) or state small water systems (5–14 connections), and 34,000 are served by private domestic wells or other systems smaller than the threshold for state or county regulation and which are largely unmonitored.
- **Financial costs of nitrate contamination** include additional drinking water treatment, new wells, monitoring, or other safe drinking water actions; over 1.3 million people are financially susceptible because nitrate in raw source water exceeds the MCL, requiring actions by drinking water systems. Nitrate contamination of drinking water sources will continue to increase as nitrogen from fertilizer, manure, and other sources applied in the last half century continues to percolate downward and flow toward drinking water wells.

### Findings: Sources of Nitrate Pollution

Within the study area, human-generated nitrate sources to groundwater include (Figure ES-1):

- cropland (96% of total), where nitrogen applied to crops, but not removed by harvest, air emission, or runoff, is leached from the root zone to groundwater. Nitrogen intentionally or incidentally applied to cropland includes synthetic fertilizer (54%), animal manure (33%), irrigation source water (8%), atmospheric deposition (3%), and wastewater treatment and food processing facility effluent and associated solids (2%) (Figure ES-2);
- percolation of wastewater treatment plant (WWTP) and food processing (FP) wastes (1.5% of total);
- leachate from septic system drainfields (1% of total);
- urban parks, lawns, golf courses, and leaky sewer systems (less than 1% of total); and
- recharge from animal corrals and manure storage lagoons (less than 1% of total);
- downward migration of nitrate-contaminated water via wells (less than 1% of total).

### Findings: Reducing Nitrate Pollution

Options for reducing nitrate pollution were identified for all sources. For cropland, where less than 40% of applied nitrogen is removed by crop harvest, 10 management measures (and 50 practices and technologies to achieve these management objectives) were reviewed that can reduce—but not eliminate—nitrate leaching to groundwater. These fall into four categories:

1. Design and operate irrigation and drainage systems to reduce deep percolation.
2. Manage crop plants to capture more nitrogen and decrease deep percolation.
3. Manage nitrogen fertilizer and manure to increase crop nitrogen use efficiency.
4. Improve storage and handling of fertilizers and manure to decrease off-target discharge.

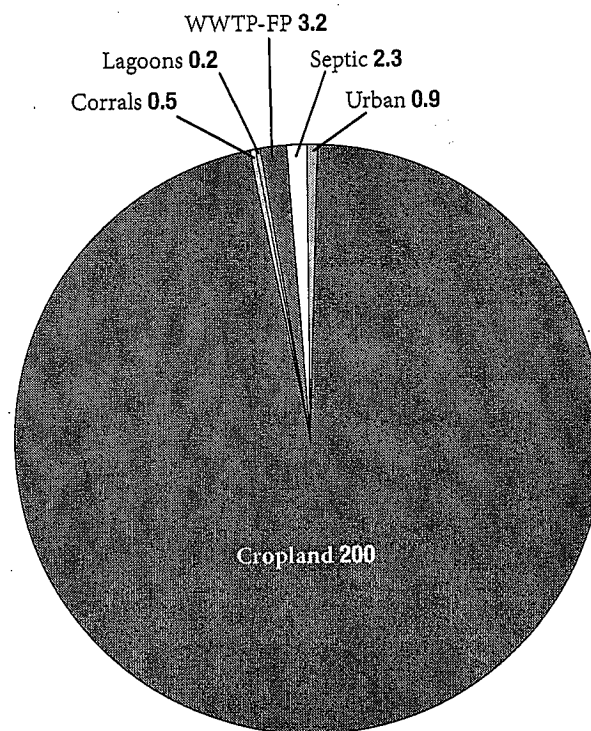
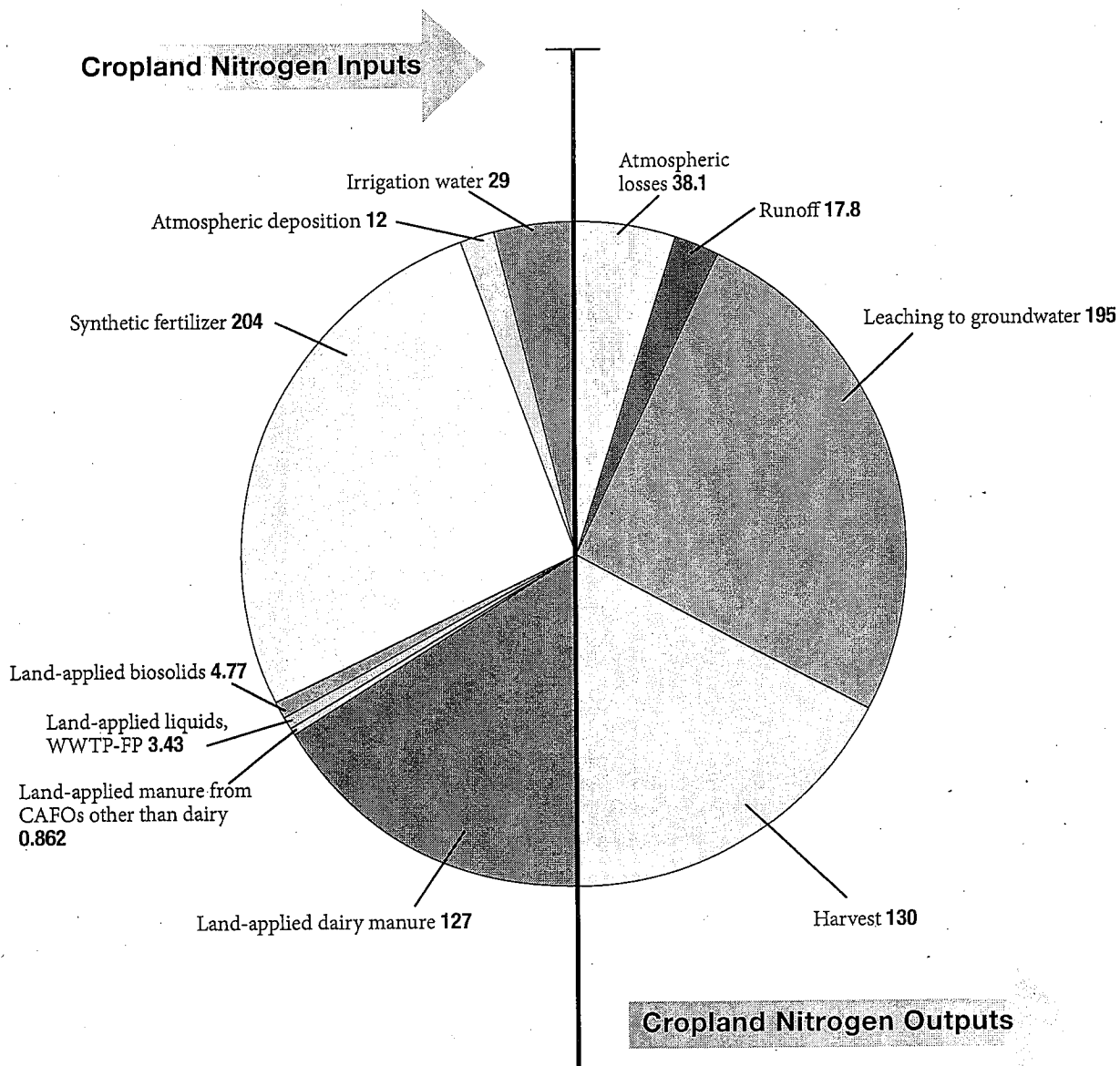


Figure ES-1. Estimated groundwater nitrate loading from major sources within the Tulare Lake Basin and Salinas Valley, in Gg nitrogen per year (1 Gg = 1,100 t).



Note: No mass balance was performed on 0.17 million ha (0.4 million ac) of nitrogen-fixing alfalfa, which is estimated to contribute an additional 5 Gg N/yr to groundwater. Groundwater nitrate loading from all non-cropland sources is about 8 Gg N/yr.

Figure ES-2. Overview of cropland input and output (Gg N/yr) in the study area (Tulare Lake Basin and Salinas Valley) in 2005. The left half of the pie chart represents total nitrogen inputs to 1.27 million ha (3.12 million ac) of cropland, not including alfalfa. The right half of the pie chart represents total nitrogen outputs with leaching to groundwater estimated by difference between the known inputs and the known outputs. Source: Viers et al. 2012.



Some of the needed improvements in nitrogen use efficiency by crops will require increased operating costs, capital improvements, and education. For some cropland, the high economic costs of nitrate source reduction sufficient to prevent groundwater degradation will likely hinder strict compliance with the state's current anti-degradation policy for groundwater (State Water Board Resolution 68-16).

## Findings: Groundwater Nitrate Pollution

Groundwater nitrate data were assembled from nearly two dozen agencies and other sources (100,000 samples from nearly 20,000 wells). Of the 20,000 wells, 2,500 are frequently sampled public water supply wells (over 60,000 samples). In these public supply wells, about 1 in 10 raw water samples exceed the nitrate MCL. Apart from the recently established Central Valley dairy regulatory program in the Tulare Lake Basin, there are no existing regular well sampling programs for domestic and other private wells.

The largest percentages of groundwater nitrate MCL exceedances are in the eastern Tulare Lake Basin and in the northern, eastern, and central Salinas Valley, where about one-third of tested domestic and irrigation wells exceed the MCL. These same areas have seen a significant increase in nitrate concentrations over the past half century, although local conditions and short-term trends vary widely.

Travel times of nitrate from source to wells range from a few years to decades in domestic wells, and from years to many decades and even centuries in deeper production wells. This means that nitrate source reduction actions made today may not affect sources of drinking water for years to many decades.

## Findings: Groundwater Remediation

Groundwater remediation is the cleanup of contaminated groundwater to within regulatory limits. Traditional pump-and-treat and in-place approaches to remediation, common for localized industrial contamination plumes, would cost billions of dollars over many decades to remove nitrate from groundwater in the Tulare Lake Basin and Salinas Valley. Timely cleanup of basin-scale nitrate contamination is not technically feasible.

Instead, long-term remediation by "pump-and-fertilize" would use existing agricultural wells to gradually remove nitrate-contaminated groundwater and treat the water by ensuring nitrate uptake by crops through appropriate nutrient and irrigation water management. Improved groundwater recharge management would provide clean groundwater recharge to mix with irrigation water recharge and partially mitigate nitrate levels in groundwater regionally.

Removal or reduction of contamination sources must accompany any successful remediation effort. Combining "pump-and-fertilize" with improved groundwater recharge management is more technically feasible and cost-effective.

## Findings: Safe Drinking Water Supply

Nitrate contamination is widespread and increasing. Groundwater data show that 57% of the current population in the study area use a community public water system with recorded raw (untreated) nitrate concentrations that have exceeded the MCL at least once between 2006 and 2010. Continued basin-wide trends in nitrate groundwater concentration may raise the affected population to nearly 80% by 2050. Most of this population is protected by water system treatment, or alternative wells, at additional cost. But about 10% of the current population is at risk of nitrate contamination in their delivered drinking water, primarily in small systems and self-supplied households.

No single solution will fit every community affected by nitrate in groundwater. Each affected water system requires individual engineering and financial analyses.

Communities served by small systems vulnerable to nitrate contamination can (a) consolidate with a larger system that can provide safe drinking water to more customers; (b) consolidate with nearby small systems into a new single larger system that has a larger ratepayer base and economies of scale; (c) treat the contaminated water source; (d) switch to surface water; (e) use interim bottled water or point-of-use treatment until an approved long-term solution can be implemented; (f) drill a new well; or (g) blend contaminated wells with cleaner sources, at least temporarily.

There is significant engineering and economic potential for consolidating some systems. Consolidation can often permanently address nitrate problems, as well as many other problems faced by small water systems.

Solutions for self-supplied households (domestic well) or local small water systems (2-4 connections) affected by nitrate contamination are point-of-use (POU) or point-of-entry (POE) treatment and drilling a new or deeper well, albeit with no guarantee for safe drinking water.

Additional costs for safe drinking water solutions to nitrate contamination in the Tulare Lake Basin and Salinas Valley are roughly \$20 and \$36 million per year for the short- and long-term solutions, respectively. About \$17 to \$34 million per year will be needed to provide safe drinking water for 85 identified community public and state small water systems in the study area that exceed the nitrate drinking water MCL (serving an estimated 220,000 people). The annualized cost of providing nitrate-compliant drinking water to an estimated 10,000 affected rural households (34,000 people) using private

domestic wells or local small water systems is estimated to be at least \$2.5 million for point-of-use treatment for drinking use only. The total cost for alternative solutions translates to \$80 to \$142 per affected person per year, \$5 to \$9 per irrigated acre per year, or \$100 to \$180 per ton of fertilizer nitrogen applied in these groundwater basins.

## Findings: Regulatory, Funding, and Policy Options

To date, regulatory actions have been insufficient to control nitrate contamination of groundwater. Many options exist to regulate nitrate loading to groundwater, with no ideal solution. Nitrate source reductions will improve drinking water quality only after years to decades. Fertilizer regulations have lower monitoring and enforcement costs and information requirements than do nitrate leachate regulations, but they achieve nitrate reduction targets less directly. Costs to farmers can be lower with fertilizer fees or market-based regulations than with technology mandates or prescriptive standards. Market-based approaches also encourage the development and adoption of new technologies to reduce fertilizer use.

Current funding programs cannot ensure safe drinking water in the Salinas Valley and Tulare Lake Basin. Small water system costs are high, and some of these systems already face chronic financial problems. Most current state funding for nitrate contamination problems is short term. Little funding is provided for regionalization and consolidation of drinking water systems. Policy options exist for long-term funding of safe drinking water, but all existing and potential options will require someone to bear the costs.

## Promising Actions

Addressing groundwater nitrate contamination requires actions in four areas: (a) safe drinking water actions for affected areas, (b) reducing sources of nitrate contamination to groundwater, (c) monitoring and assessment of groundwater and drinking water, and (d) revenues to help fund solutions. Promising actions for legislative and state agency consideration in these areas appear below (see also Table ES-1). Starred (\*) actions do not appear to require legislative action, but might benefit from it.

### *Safe Drinking Water Actions (D)*

Safe drinking water actions are the most effective and economical short- and long-term approach to address nitrate contamination problems in the Tulare Lake Basin and Salinas Valley. These actions apply especially to small and self-supplied household water systems, which face the greatest financial and public health problems from nitrate groundwater contamination.

**D1: Point-of-Use (POU) Treatment Option.** CDPH reports on how to make economical household and point-of-use treatment for nitrate contamination an available and permanent solution for small water systems.\*

**D2: Small Water System Task Force.** CalEPA and CDPH convene an independently led Task Force on Small Water Systems that would report on problems and solutions of small water and wastewater systems statewide as well as the efficacy of various state, county, and federal programs to aid small water and wastewater systems. Many nitrate contamination problems are symptomatic of the broad problems of small water and wastewater systems.\*

**D3: Regional Consolidation.** CDPH and counties provide more legal, technical, and funding support for preparing consolidation of small water systems with nearby larger systems and creating new, regional safe drinking water solutions for groups of small water systems, where cost-effective.\*

**D4: Domestic Well Testing.** In areas identified as being at risk for nitrate contamination by the California Water Boards, as a public health requirement, CDPH (a) mandates periodic nitrate testing for private domestic wells and local and state small systems and (b) requires disclosure of recent well tests for nitrate contamination on sales of residential property. County health departments also might impose such requirements.

**D5: Stable Small System Funds.** CDPH receives more stable funding to help support capital and operation and maintenance costs for new, cost-effective and sustainable safe drinking water solutions, particularly for disadvantaged communities (DACs).

### *Source Reduction Actions (S)*

Reducing nitrate loading to groundwater is possible, sometimes at a modest expense. But nitrate source reduction works slowly and cannot effectively restore all affected aquifers to drinking water quality. Within the framework of Porter-Cologne, unless groundwater were to be de-designated as a drinking water source, reduction of nitrate loading to groundwater is required to improve long-term water quality. The following options seem most promising to reduce nitrate loading.

**S1: Education and Research.** California Department of Food and Agriculture (CDFA), in cooperation with the University of California and other organizations, develops and delivers a comprehensive educational and technical program to help farmers improve efficiency in nitrogen use (including manure) and reduce nitrate loading to groundwater. This could include a groundwater nitrate-focused element for the existing CDFA Fertilizer Research and Education Program, including "pump-and-fertilize" remediation and improved recharge options for groundwater cleanup.\*

**S2: Nitrogen Mass Accounting Task Force.** CalEPA establishes a Task Force, including CDFA, to explore nitrogen mass balance accounting methods for regulating agricultural land uses in areas at risk for nitrate contamination, and to compare three long-term nitrogen source control approaches: (a) a cap and trade system; (b) farm-level nutrient management plans, standards, and penalties; and (c) nitrogen fertilizer fees.\*

**S3: Fertilizer Excise Fee.** Significantly raising the cost of commercial fertilizer through a fee or excise tax would fund safe drinking water actions and monitoring and give further incentive to farmers for reducing nitrate contamination. An equivalent fee or excise tax could be considered for organic fertilizer sources (manure, green waste, wastewater effluent, biosolids, etc.).

**S4: Higher Fertilizer Fee in Areas at Risk.** Areas declared to be at risk for nitrate contamination might be authorized to maintain a higher set of excise fees on nitrogen fertilizer applications (including synthetic fertilizer, manure, waste effluent, biosolids, and organic amendments), perhaps as part of a local safe drinking water compensation agreement.

#### ***Monitoring and Assessment (M)***

Monitoring and assessment is needed to better assess the evolving nitrate pollution problem and the effectiveness of safe drinking water and nitrate source loading reduction actions. Such activities should be integrated with other state agricultural, environmental, and land use management; groundwater data; and assessment programs (source loading reduction actions)—along with other drinking water, treatment, and wastewater management programs (safe drinking water actions).

**M1: Define Areas at Risk.** Regional Water Boards designate areas where groundwater sources of drinking water are at risk of being contaminated by nitrate.\*

**M2: Monitor at-Risk Population.** CDPH and the State Water Board, in coordination with DWR and CDFA, issue a report every 5 years to identify populations at risk of contaminated drinking water and to monitor long-term trends of the state's success in providing safe drinking water as a supplement to the California Water Plan Update.\*

**M3: Learn from Department of Pesticide Regulation Programs.** CalEPA and CDFA examine successful DPR data collection, analysis, education, and enforcement programs for lessons in managing nitrogen and other agricultural contaminants, and consider expanding or building upon the existing DPR program to include comprehensive nitrogen use reporting to support nitrate discharge management.\*

**M4: Groundwater Data Task Force.** CalEPA, in coordination with CalNRA and CDPH, convenes an independently led State Groundwater Data Task Force to examine the efficacy of current state and local efforts to collect, maintain, report, and use groundwater data for California's groundwater quality and quantity problems.

**M5: Groundwater Task Force.** CalEPA, CalNRA, and CDPH maintain a joint, permanent, and independently led State Groundwater Task Force to periodically assess and coordinate state technical and regulatory groundwater programs in terms of effectiveness at addressing California's groundwater quality and quantity problems. These reports would be incorporated into each California Water Plan Update.\*

#### ***Funding (F)***

Little effective action can occur without funding. Four funding options seem most promising, individually or in combination. State funding from fees on nitrogen or water use, which directly affect nitrate groundwater contamination, seem particularly promising and appropriate.

**F1: Mill Fee.** Increase the mill assessment rate on nitrogen fertilizer to the full authorized amount (CAL. FAC Code Section 14611). This would raise roughly \$1 million/year statewide and is authorized for fertilizer use research and education.\*

**F2: Local Compensation Agreements.** Regional Water Boards can require and arrange for local compensation of affected drinking water users under Porter-Cologne Act Water Code Section 13304. Strengthening existing authority, the Legislature could require that a Regional Water Board finding that an area is at risk of groundwater nitrate contamination for drinking water be accompanied by a cleanup and abatement order requiring overlying, current sources of nitrate to financially support safe drinking water actions acceptable to the local County Health Department. This might take the form of a local "liability district."\*

**F3: Fertilizer Excise Fee.** Introduce a substantial fee on nitrogen fertilizer sales or use, statewide or regionally, to fund safe drinking water actions, nitrate source load reduction efforts, and nitrate monitoring and assessment programs.

**F4: Water Use Fee.** A more comprehensive statewide fee on water use could support many beneficial activities. Some of such revenues could fund management and safe drinking water actions in areas affected by nitrate contamination, including short-term emergency drinking water measures for disadvantaged communities.

Table ES-1. Likely performance of promising state and agency actions for nitrate groundwater contamination.

Action	Safe Drinking Water	Groundwater Degradation	Economic Cost
<b>No Legislation Required</b>			
<b>Safe Drinking Water Actions</b>			
D1: Point-of-Use Treatment Option for Small Systems +	◆◆		low
D2: Small Water Systems Task Force +	◆		low
D3: Regionalization and Consolidation of Small Systems +	◆◆		low
<b>Source Reduction Actions</b>			
S1: Nitrogen/Nitrate Education and Research +		◆◆◆	low-moderate
S2: Nitrogen Accounting Task Force +		◆◆	low
<b>Monitoring and Assessment</b>			
M1: Regional Boards Define Areas at Risk +	◆◆◆	◆◆◆	low
M2: CDPH Monitors At-Risk Population +	◆	◆	low
M3: Implement Nitrogen Use Reporting +		◆◆	low
M4: Groundwater Data Task Force +	◆	◆	low
M5: Groundwater Task Force +	◆	◆	low
<b>Funding</b>			
F1: Nitrogen Fertilizer Mill Tax		◆◆◆	low
F2: Local Compensation Agreements for Water +	◆◆	◆	moderate
<b>New Legislation Required</b>			
D4: Domestic Well Testing *	◆◆		low
D5: Stable Small System Funds	◆		moderate
Non-tax legislation could also strengthen and augment existing authority.			
<b>Tax Legislation Required</b>			
<b>Source Reduction</b>			
S3: Fertilizer Excise Fee	◆◆	◆	moderate
S4: Higher Fertilizer Fee in Areas at Risk	◆	◆	moderate
<b>Funding Options</b>			
F3: Fertilizer Excise Fee	◆◆	◆◆	moderate
F4: Water Use Fee	◆◆	◆◆	moderate

◆ Helpful

◆◆ Effective

◆◆◆ Essential

+ Legislation would strengthen.

\* County health departments may have authority; CDPH requires legislation.

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