

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

STAFF REPORT FOR REGULAR MEETING OF JULY 13-14, 2017
Prepared on June 12, 2017

ITEM NUMBER: 12

SUBJECT: **Salinas Basin Agricultural Stewardship Group – Interim Replacement Water Agreement Implementation Update**

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KEY INFORMATION:

Location: Salinas Valley Groundwater Basins
Type of Discharge: Irrigated Lands Runoff / Leaching to Groundwater
Type of Action: Replacement Water

THIS ACTION: **Informational**

INTRODUCTION

This item provides an update on the Salinas Basin Agricultural Stewardship Group (Stewardship Group) agreement implementation status, including performance metrics, recent activities, coordination with local agencies and existing drinking water efforts, and public outreach.

DISCUSSION

In late March 2017, the State Water Board's Office of Enforcement and the Central Coast Water Board (collectively identified as the Water Boards Team), and the Stewardship Group signed an interim replacement water agreement (Replacement Water Agreement) which enables farmers and landowners who are members of the Stewardship Group to avoid replacement water-related enforcement for a specific period of time, in exchange for the provision of interim replacement drinking water to those reliant on small water systems and domestic wells in the Salinas Valley that currently have unsafe drinking water due to groundwater nitrate pollution. The Replacement Water Agreement has a maximum term of two years and contains minimum performance metrics to guide successful implementation. At the May 2017 Board Meeting, the Executive Officer recommended providing regular status updates on the Replacement Water Agreement implementation and Board Members voiced support for the agreement. Additional background and a copy of the Replacement Water Agreement are included in the May 2017 Board Meeting Item 15 Staff Report at the link below:

http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2017/may/item15/index.shtml

SALINAS BASIN AGRICULTURAL STEWARDSHIP GROUP - REPLACEMENT WATER AGREEMENT

Performance Metrics

As part of the Replacement Water Agreement, the farmers and land owners represented by the Stewardship Group agreed to provide replacement water to a minimum of 58 total wells

(including three local small systems, 42 state small systems, and 13 private domestic wells identified in Attachment A of the Replacement Water Agreement). The Stewardship Group also agreed that any disadvantaged person whose domestic well tests above the safe drinking water level for nitrate may opt in to the program and be provided replacement water at no cost. The Stewardship Group may elect to extend the enforcement standstill for a second year if: 1) they provide replacement water to at least 35 water systems during the first year, as verified by the Water Boards Team, or exhaust all reasonable efforts attempting to do so; and 2) they submit, obtain approval for, and implement a Replacement Water Plan which would identify and extend replacement water to all persons reliant on impacted domestic wells with a nitrate concentration above the safe drinking water level (i.e., all impacted persons in the groundwater basin), irrespective of socio-economic status.

The Water Boards Team will also evaluate the overall performance of the Stewardship Group's implementation of the Settlement Agreement using the following metrics:

1. Number of drinking water systems contacted
2. Number of domestic well owners/users contacted
3. Number of applications received from potential replacement water recipients
4. Number of systems declining to receive replacement water
5. Number of drinking water wells tested and test results
6. Number of households receiving replacement water
7. Quantity of replacement water provided and frequency
8. Number of missed replacement water deliveries
9. Number of complaints (e.g. from drinking water systems, domestic well owners/users, or EJ representatives) and how they are resolved

Implementation Status

Membership –

- As of June 12, 2017, the Stewardship Group membership included approximately 50 Salinas Valley farmers and landowners, with several new memberships pending. The deadline to enroll was June 1, 2017. Representatives of the Water Boards Team, in agreement with the Stewardship Group, extended this deadline to June 15 to allow for processing of backlogged and incomplete membership applications.
- Salinas Valley farmers and landowners who do not sign-up to be members of the Stewardship Group may receive investigative orders to evaluate their contribution to nitrate pollution in groundwater.

Drinking Water System and Domestic Well Outreach-

- The Stewardship Group selected the Center for Urban Rural Environmental Stewardship (CURES) as their contractor responsible for implementing the Replacement Water Agreement.
- CURES is conducting outreach to drinking water systems and domestic well owners and providing them with applications (in both English and Spanish) to receive replacement water.
- CURES is also conducting confirmation water quality testing, if needed to confirm nitrate concentrations. Because nitrate concentrations tend to fluctuate, sampling results below the safe drinking water standard are not used as the sole determination that the water is reliable for human consumption and basis for denying eligibility to participate in the replacement drinking water program.

Replacement Water Deliveries–

- As of June 2, 2017, five drinking water systems submitted applications to receive replacement water.
- As of May 26, 2017, the Stewardship Group began providing bottled water to two of these drinking water systems.

Progress Reports -

- To confirm expectations, transparency, and accountability, the Stewardship Group participates in weekly progress meetings with the Water Boards Team. The Stewardship Group also submits monthly progress reports to the Water Boards Team - including a summary on the progress for the month (i.e., new applications received, new systems receiving water, other responses including those declining to participate, etc.); as well as expected activities for the coming month.

Coordination with Related Projects

The Water Boards Team is coordinating with other drinking water projects to ensure that implementation of the Replacement Water Agreement does not disrupt any existing efforts already in progress, including drinking water grant projects implemented by Environmental Justice Coalition for Water (EJCW) and University of California, Los Angeles (UCLA). For example, the Stewardship Group is considering the possibility of using the current bottled water vendor already in place to deliver water to these communities to avoid disruption of service.

Coordination with Local Agencies

The Water Boards Team is also in close coordination with local agencies. On May 10, 2017, State Board and Central Coast Water Board staff met with Monterey County Supervisor Salinas and Supervisor Alejo, and Monterey County Environmental Health Director John Ramirez. On June 13, 2017, Monterey County Environmental Health (Director John Ramirez), the Water Boards Team (Cris Carrigan and John Robertson), and the Stewardship Group (Brett Harrell) made a joint presentation to the Monterey County Board of Supervisors to brief them on the Replacement Water Agreement.

Public Outreach

The Water Board's Team is also in close coordination with the Office of Public Participation and the Office of Public Affairs to maximize public outreach and opportunity for eligible participants to receive safe drinking water via this agreement. On June 13, 2017, State Board Office of Enforcement Staff, Angeles Caliso, participated in interviews with Spanish media (Univision and Radio Bilingue) to inform residents about the opportunity to receive interim replacement water. In addition, on August 27, 2017, the Water Boards Team will conduct community outreach at the Dia Del Trabajador Agricola (Farmworker Day) Celebration in Greenfield. State Board is also implementing a special bilingual telephone hotline and email address, as well as developing a bilingual webpage and a program flyer that will be distributed during the public events and displayed and available at local health clinics throughout Monterey County.

Requirements to Control Nitrate Loading to Groundwater

Central Coast Water Board staff are also working with agriculture and others to control the sources of nitrate pollution in groundwater through implementation of Agricultural Order 3.0 and future orders. Combined with the Replacement Water Agreement's pilot program for providing safe drinking water, these efforts address both the immediate needs and the long-term goal of improving groundwater quality through controlling the pollution's source.

CONCLUSION

The number of farmers and land owners participating in the Replacement Water Agreement has continued to increase during the enrollment window. The Stewardship Group has started bottled water deliveries to the first water systems enrolled in the Replacement Water program. The Water Board's Team will continue to coordinate with the Stewardship Group to monitor and advance implementation of the Replacement Water agreement to maximize participation and provision of replacement water, especially to disadvantaged communities. The Replacement Water agreement provides a significant step forward on the 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 agriculture while not restricting efforts by the Irrigated Lands Regulatory Program's efforts to reduce excess nitrate loading to groundwater.