

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

STAFF REPORT FOR REGULAR MEETING OF JANUARY 29, 2021

Prepared on January 11, 2021

ITEM NUMBER: 8

SUBJECT: Salinas Basin Agriculture Stewardship Group – Status of Interim Replacement Water Settlement Agreement: Year Four

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KEY INFORMATION

Location: Salinas Basin
Type of Discharge: Irrigated Agriculture

ACTION: Information/Discussion

SUMMARY

This agenda item updates the Central Coast Water Board on implementation of the fourth year of the Salinas Basin Agriculture Stewardship Group interim replacement water settlement agreement (Agreement). The Salinas Basin Agriculture Stewardship Group, LLC (SBASG) is comprised of growers and landowners in the Salinas Groundwater Basin who are coordinating with the State Water Board and Central Coast Water Board to provide interim replacement drinking water free of cost to small water system and domestic well users impacted by nitrate pollution. Implementation of the Agreement is a critical component of the Central Coast Water Board's two-part strategy to address the region's severe groundwater nitrate problem:

1. Provide Interim Replacement Drinking Water to Well Users Impacted by Nitrate Pollution.
2. Reduce Nitrate Loading to Groundwater to Protect Current and Future Drinking Water Sources.

As part of this agenda item, an SBASG representative will make a presentation to the Board to discuss implementation of the Agreement and progress made during Year 4.

DISCUSSION

Background

In March 2017, the Central Coast Water Board and State Water Board (collectively known as the Water Board's Team), and SBASG initiated an interim replacement water settlement agreement. The Agreement enables growers and landowners to avoid replacement water-related enforcement in exchange for participation in a program that provides free replacement drinking water to Salinas Basin individuals and communities reliant on small water systems and domestic wells that have unsafe drinking water due to groundwater nitrate pollution. Currently, growers and landowners representing approximately 180,127 acres participate in SBASG and receive the benefits of the enforcement stand-still (out of approximately 186,000 total basin acres).

Since the initiation of the Agreement in March 2017, Central Coast Water Board staff has provided annual updates to the Board. The Agreement automatically renews every year in March for an additional one-year period unless any party to the Agreement provides notice to the other parties no less than sixty days prior to the end of a term.

SBASG Progress During Year 4

As of January 1, 2021, SBASG is providing interim bottled water to a total of 41 small water systems and 55 individual domestic wells impacted by nitrate pollution in the Salinas Basin. Progress made during Year 4 included no additional small water systems and eight additional individual domestic wells.

Due to COVID-19, SBASG's website and social media channels, in both English and Spanish, have become the primary outreach tool used by SBASG to maximize participation in the program. SBASG's water delivery vendors have continued to make deliveries to qualified recipients while maintaining social distancing, contactless delivery, and other protective measures to reduce exposure due to COVID-19. Additionally, SBASG has multiple water testing vendors who can provide testing services in the event any of them suspend services due to COVID-19. The SBASG website can be viewed at <https://www.salinasbasinstewards.com/>

Nitrate Loading Reduction to Groundwater

Nitrate pollution of groundwater sources of drinking water is the most significant water quality problem in the Central Coast Region and has challenged regulators and stakeholders for more than 40 years. The Central Coast Water Board has the sole authority to address the pollution and nitrate loading reduction is a critical component of the Central Coast Water Board's strategy to address the region's groundwater nitrate problem through the Irrigated Lands Program. Staff are in the process of proposing draft requirements for Ag Order 4.0 to effectively control agricultural sources of nitrate pollution in groundwater using nitrogen discharge targets and limits, and quantifiable milestones and time schedules to improve water quality and protect drinking water supplies.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is “the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

The Agreement supports the Central Coast Water Board's Environmental Justice priorities and implements the Human Right to Water Resolution No. R3-2017-0004, and specifically addresses the objective to implement emergency and interim replacement water programs to address risk to human health until long-term drinking water solutions are identified.

Disadvantaged Communities

The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of people of all ethnicities, cultures, backgrounds, and income levels, including disadvantaged communities (DACs). Additionally, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities. Staff works with SBASG to support outreach to DACs. As of January 1, 2021, of the total 41 small water systems and 55 individual domestic wells receiving bottled water from SBASG, 18 small water systems and 15 individual domestic wells serve DACs.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, Central Coast Water Board staff has launched the Central Coast Water Board's Climate Action Initiative, which identifies how our work relates to climate change and prioritizes actions that promote adaptation and mitigation to improve resilience and protect beneficial uses. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012. The Climate Action Initiative recognizes that the effects of climate change are expected to disproportionately affect DACs. As climate change affects groundwater quality and groundwater supplies in the Salinas Basin, SBASG can adapt implementation of the program to meet the community's changing bottled water needs.

CONCLUSION

Staff recognizes that SBASG is the only agricultural industry group of its kind working to provide safe drinking water at a basin-scale and that a large number of growers and landowners in the Salinas Groundwater Basin have demonstrated initiative by participating in the Agreement. SBASG continues to provide bottled water deliveries to small water systems and individual domestic wells participating in the program and the

Agreement represents a significant effort toward the interim replacement water component of the Central Coast Water Board's two-part strategy (replacement water and nitrate-loading reductions) for dealing with nitrate discharges from irrigated agriculture while not restricting the Central Coast Water Board's Irrigated Lands Program's (ILP's) efforts to reduce excess nitrate loading to groundwater.

Staff also recognize that there is significant room for improvement, both to increase the number of small systems and domestic well users receiving interim replacement drinking water and to reduce nitrate loading. Going forward, the Water Board's Team will continue to coordinate with SBASG to evaluate the effectiveness of the Agreement.