Alternative Water Supply Program Brief
July 9, 2025

In Order WQ 2023-0081, the State Water Resources Control Board (State Board) directed the Central Coast Regional Water Quality Control Board (Regional Board) to create an Alternative Water Supply Program (AWS Program) to mitigate ongoing nitrate drinking water contamination throughout the Central Coast region. Specifically, the State Board directed the Regional Board to "incorporate a requirement or reach an agreement in which dischargers or their third-party representatives provide short-term and long-term alternative water supplies for residents relying on groundwater in areas where the maximum contaminant level (MCL) for nitrate is exceeded as a result of agricultural operations."[1] We recommend the AWS Program be administered by Safe and Affordable Funding for Equity and Resilience (SAFER) Program in order for the AWS Program to successfully provide sustainable and community-driven drinking water solutions to nitrate impacted communities. **The AWS Program should capitalize on the existing system under SAFER — a program which continues to effectively implement community-driven, long-term solutions across California and on the Central Coast.**

1. SAFER has a proven record of providing communities with interim and long-term drinking water solutions.

The AWS Program should be implemented under SAFER because SAFER provides the framework for communities to pursue long-term drinking water solutions and access sustainable drinking water. Through SAFER, the State Water Board removed 251 systems from the failing list between 2019-2023.[2] SAFER was the program that many communities needed to develop long-term solutions. Progress towards a long-term drinking water solution in Springfield stalled for 30 years, and now the community is just months away from starting construction to connect to a sustainable drinking water source thanks to outreach and Technical Assistance funded through SAFER.[3] The community of Walnut Avenue began receiving bottled water in 2018 through the Salinas Basin Agricultural Stewardship Group and the Greater Monterey County

[1] State Water Resources Control Board, *Order WQ 2023-0081*, pp. 24-25.
[2] State Water Resources Control Board, *2024 SAFER Drinking Water Needs Assessment*. Available at: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2024/2024-needs-factsheet.pdf.
[3] Community Water Center, *Springfield*. Available at: https://www.communitywatercenter.org/springfield

IRWM program initiated work towards a long-term solution for part of the community. However, consistent community engagement and funding were not available to the community until Technical Assistance was initiated through the SAFER program. [4] As a result of sustained outreach and Technical Assistance funded through SAFER Program, 97% of households expressed support for the long-term solution identified in the feasibility study.

a. Eligibility

Residents who are eligible for the AWS Program should be based off of SAFER eligibility to support nitrate-impacted households. Under SAFER, all public water systems, community water systems, domestic wells, and non-transient non-community water systems are eligible for SAFER support.[5] Although all households are eligible for support, SAFER prioritizes funding for disadvantaged and low-income communities. While we agree that the AWS Program should prioritize drinking water solutions for low-income and disadvantaged communities, the only requirements for low-income eligibility are for solutions funded under the Greenhouse Gas Reduction Fund.[6] Because the AWS Program will be funded by discharger fees instead of the Greenhouse Gas Reduction Fund, the Regional Board should ensure that all systems and domestic wells are eligible for AWS Program services. For this reason, all domestic wells should be eligible for AWS Program support regardless if it is an on-farm domestic well or located outside a disadvantaged community.

b. Prioritization

The AWS Program must follow similar SAFER guidelines to determine appropriate prioritization of water systems and domestic wells. SAFER prioritizes providing failing systems which serve disadvantaged communities with drinking water solutions. The SAFER Fund Expenditure Plan defines a failing system as “any public water system that consistently fails to provide an adequate supply of safe drinking water, any community water system that serves a DAC that must charge fees that exceed the affordability threshold established by the board in order to supply, treat, and distribute potable water that complies with federal and state drinking water standards, or any state small that consistently fails to provide an adequate supply of safe drinking water.”[7] Similar to SAFER, failing systems due to nitrate should be prioritized by the AWS Program.

The State Board is currently working to develop a method to prioritize domestic wells for drinking water Solutions under SAFER. Until that strategy is developed by the State Board, the

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[4] The Walnut Ave Community is a Disadvantaged Unincorporated Community (DUC) located in the purple shaded area in Figure 1. The project area consists of approximately 73 connections across 24 parcels and 2 State Small Water Systems with approximately 250 people living in the area.

[5] SAFER evaluates “Public Water Systems, with a focus on small and medium Community Water Systems and non-transient, non-community K-12 schools, for the identification of those at risk of failing to provide an adequate supply of safe drinking water. It includes an estimate of the number of households served by Domestic Wells or State Small Water Systems in areas of high risk for groundwater contamination; water shortage; and/or socioeconomic risk” (Needs assessment p. 14)

[6] State Water Board, *Fund Expenditure Plan*, p. 80-81. Available at: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/docs/2023/final-fy-2023-24-fep-100323.pdf

[7] *Id*, p. 20.

AWS Program should follow a similar structure to the CV-SALTS Management Zone Implementation Plans (MZIPs) when prioritizing domestic wells for drinking water solutions. The AWS Program should prioritize providing long-term drinking water solutions to domestic wells in areas which have 1) low income households, 2) a substantial number of people, and 3) the highest nitrate contamination levels.

c. Advisory board

The AWS Program should utilize the same SAFER advisory group, which already includes representatives whose input is critical for implementing the AWS Program. Current SAFER Advisory Group members include representatives from public water systems, technical assistance providers, NGOs, and residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells.[8] Specifically, the AWS Program can utilize the SAFER Advisory Group's system of sharing feedback from the SAFER Advisory Group members in the SAFER Fund Expenditure Plan to increase transparency. With the SAFER Advisory Group, the Central Coast Regional Board can ensure that the AWS Program prioritizes public transparency and community needs.

d. Sustainable interim and long-term solutions

SAFER identifies what qualifies as a sustainable long-term or interim solution. Under the SAFER Needs Assessment, long-term solutions include physical consolidation, centralized treatment, decentralized treatment, new wells, and bottled water as a "worst case" scenario.[9] Communities should not and cannot be forced to rely on bottled water indefinitely as a long-term solution. Interim drinking water solutions identified in the Needs Assessment include decentralized treatment and bottled water.[10] Drinking water kiosks can supplement bottled water or POU and POE systems; however, communities should not be required to rely on drinking water kiosks alone. **It is crucial that the AWS Program use the same criteria for long-term and interim solutions as SAFER to ensure that the solutions offered under the AWS program are sustainable and feasible.**

e. Engaging the community in the transition from interim to long-term solutions

SAFER is so successful because it prioritizes community engagement. Community engagement is essential to effectively shift communities from interim solutions to long-term drinking water solutions. In past grower managed programs, like the Salinas Basin Agricultural Group (SBASG)[11], some residents reported they had not been informed about changes to their bottled water service, received little to no information about their water quality, and noted that they had

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[8] State Water Board, *Fund Expenditure Plan*, pp. 51-52. Available at: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/sustainable_water_solutions/docs/2023/final-fy-2023-24-fep-100323.pdf

[9] State Water Board, *2024 Drinking Water Needs Assessment (2024)*, pp. 116-130. Available at: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2024/2024-needs-assessment.pdf

[10] *Id*, pp. 120-121

[11] The Salinas Basin Agricultural Stewardship Group was a voluntary agreement created to fund short-term drinking water solutions and to explore funding long-term solutions for domestic wells and water systems. This agreement was the result of a clean up and abatement order by the State Board for alleged nitrate contamination violations. Participating growers terminated this program in March 2024.

not participated in any discussions about potential long-term solutions. While bottled water is an interim solution, its effectiveness is diminished when recipients are not actively engaged in exploring sustainable long-term options. Without consistent outreach and engagement, bottled water risks becoming a passive service rather than a bridge to long-term water security. **The SAFER program is successful because it focuses on community engagement.** Under SAFER, community engagement begins once households access bottled water and community engagement continues until a long-term solution is developed. The AWS Program should be administered through SAFER to utilize this model and successfully transition communities from interim to long-term solutions.

2. The AWS Program should not be directly modeled after CV-SALTS.

a. <u>Limited experience with providing long-term solutions and limited success at providing communities with interim solutions</u>

It is inadequate to model the AWS Program after the Central Valley Salinity Alternatives for Long Term Sustainability (CV-SALTS) Program.[12] The CV-SALTS Program does not have experience transitioning households from interim to long-term drinking water solutions. Management Zones have focused only on testing domestic wells and providing bottled water to nitrate impacted residents and do not have a clear plan for providing long-term solutions to impacted residents. It is inappropriate to replicate an agriculture managed program on the Central Coast without evidence that the program is successful.

Management Zones have had limited success at providing impacted communities with interim solutions because their outreach techniques are ineffective. Under the CV-SALTS program, only 2,724 wells have been tested since the inception of the program in 2021. Grower-led groups lack the necessary community outreach expertise to successfully reach impacted residents.[13] "Developing Equitable and Effective Early Action Plans: The Cost of Interim Drinking Water Solutions and Public Outreach for Nitrate Contaminated Drinking Water" estimates that there are at least ~7,000 nitrate impacted domestic wells within the region.[14] However, Management Zones haven't independently estimated the total amount of nitrate impacted wells. As a result of ineffective outreach and insufficient tracking, thousands of households may be unknowingly drinking nitrate contaminated water.

b. <u>Limited success with engaging with impacted communities.</u>

Management Zones are required by both the Regional Board and State Board to consult with communities while developing the Early Action Plans and Management Zone Implementation

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[12] The CV-SALTS program was created in 2020 to address salinity and nitrogen related groundwater concerns. Growers within the CV-SALTS program were tasked to ensure safe drinking water supply, reduce discharges to no longer cause or contribute to exceedances of water quality objectives, and restore the water quality of groundwater basins.

[13] CV-SALTS Dashboard. Available at: https://cvsalts.mljenv.com

[14] Corona Consulting, *Developing Equitable and Effective Early Action Plans: The Cost of Interim Drinking Water Solutions and Public Outreach for Nitrate Contaminated Drinking Water*, pp. 1. Available at: https://static1.squarespace.com/static/5e83c5f78f0db40cb837cfb5/t/6019c9fa8e458e020abc1f4d/1612302850746/20210128+Final+Report+CWC+Interim+Water+Costs+%28V7%29.pdf

Plans.[15] Despite this requirement, Management Zones failed to hold community meetings to connect with impacted residents while developing these plans. Without meaningful engagement and input from communities, it is difficult for drinking water programs to meet the needs of impacted communities.

Management Zones make critical decisions about how they will provide safe drinking water to impacted communities during private board meetings, but the public is restricted from joining these private board meetings and providing public comment. Additionally, Management Zone board meetings, agendas, and meeting materials are not posted online. Kings Water Alliance's private board refused to provide sustainable interim drinking solutions to vulnerable residents served by Cutler Public Utilities District, despite the ongoing notices to residents to not drink the water because of nitrate contamination and public health risks. As mentioned above, the AWS Program should utilize the SAFER Advisory Group. Unlike the Management Zones' private board meetings, the SAFER Advisory Group holds public meetings, provides opportunities for public comment, and posts agendas and materials 20 days before the meeting to comply with the Bagley Keene Act.[16] The AWS Program must have a public board to ensure that the AWS Program is transparent and considers community needs.

3. The timeline for agricultural dischargers to comply with nitrogen fertilizer discharge targets should not be longer than 2051.

The timeline for dischargers to comply with nitrogen fertilizer discharge targets in the AWS Program should not extend beyond the year 2051. On average, Central Coast agricultural dischargers discharge 340 lbs. per acre per year of nitrogen into the drinking water resources of Central Coast communities. This level is 580% higher than the level of discharge that is protective of water quality. Between 2014 and 2019, nearly half of agricultural dischargers were discharging more than 300 lbs. per acre per year—or 500% over the discharge level protective of water quality. The 2051 timeline in Ag Order 4.0 was supported by scientific findings and legal authority.[17] Ag Order 4.0 further found that, in the highest priority areas, nitrate levels are increasing, not decreasing.[18] A sooner compliance date would bring greater relief to communities.

The Nonpoint Source Policy prohibits compliance timelines that are "longer than that which is reasonably necessary" to achieve water quality goals.[19] Ag Order 4.0 developed a compliance timeline of 2051. If the compliance timeline extends past 2051, nitrate contamination will continue to increase, making it harder to provide long-term solutions as more communities could become impacted by the increased nitrate levels. Increased contamination could make a long-term solution obsolete or could increase the cost of the operation and maintenance of a

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[15] State Water Board, Resolution 2019-0057, pp. 4. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2019/rs2019_0057.pdf
[16] State Water Board, SAFER Advisory Group Member Handbook (2025), pp. 2-3. Available at: https://www.waterboards.ca.gov/safer/docs/2025/safer-agm1-2025-handbook.pdf
[17] *Findings*, Section C.1.
[18] *Findings*, Section D.2.
[19] State Water Resources Control Board, *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program*, pp. 13 (2004).

long-term solution. Thus, dischargers in the AWS Program must comply with nitrogen fertilizer discharge targets no later than year 2051.

4. AWS Program administration should be divided between the CCWB and SAFER.

Administering the AWS Program will require two primary sets of responsibilities. First, an administrator must ensure program enrollees enter into and maintain enrollment in the AWS Program. This set of responsibilities will include: 1) enrolling dischargers in AWS Program; 2) ensuring dischargers are paying fees on-time into the AWS Program; and 3) assessing fees for enrollee-dischargers who are not paying into the program or are paying past-due fees.

Second, an administrator must oversee the administration of interim and long-term drinking water solutions. This set of responsibilities will include: 1) accounting all funds for the AWS Program; 2) coordinating between dischargers and impacted communities to implement interim solutions; and 3) contracting with and overseeing technical assistance providers who study and implement long-term drinking water solutions.

To have effective AWS Program administration, the CCWB should assume responsibility over the first set of responsibilities and SAFER should assume responsibility over the second set of responsibilities.

The CCWB can successfully oversee the first set of responsibilities, because it has relationships with dischargers and brings enforcement actions against dischargers. The CCWB already manages and analyzes agricultural discharge data. As part of its administration responsibilities, the CCWB could also increase AWS Program fees if the CCWB identifies a discharger who is both not paying into the AWS Program *and* failing to meet discharge targets.

SAFER is best positioned to oversee the second set of administration responsibilities, because SAFER has experience in prioritizing community needs for interim and long-term drinking water solutions and bridging the gap between communities and other stakeholders. Furthermore, SAFER has the potential to supplement grower funds with additional funding to increase the capacity of the AWS Program.

5. Funding for the AWS Program should be associated with the level of discharge; should cover interim and long-term solutions; and should include operations and maintenance costs.

First, funding for the AWS Program should be associated with the level of agricultural discharges. Agricultural discharges to aquifers from synthetic nitrogen fertilizers increase nitrate levels and threaten communities' drinking water resources when the discharge levels exceed MCLs. To incentivize less discharges, funding toward the AWS Program should be associated with the level of discharge. **The more agricultural dischargers discharge nitrate into groundwater, the more agricultural dischargers should contribute to the AWS program.**

The Nonpoint Source Pollution Policy (NPS Policy), Key Element 1 supports this principle. Key Element 1 requires implementation programs to "address [nonpoint source pollution] in a

manner that achieves and maintains water quality objectives and beneficial uses." Although the AWS Program is not a pollution reduction program in itself, State Board Order WQ 2023-0081 permitted the CCWB to "incorporate the [AWS Program] requirement in its water quality control plan, [in] cleanup and abatement orders, or . . . into the General WDRs,"—all of which would be subject to the NPS Policy.[20] Further, implementing an AWS Program in a manner that reduces discharges to groundwater aquifers reduces the long-term costs that an AWS Program would cover. In other words, reducing nitrogen loading to aquifers would reduce the need for communities to rely on the AWS Program if their groundwater sources are not exceeding MCLs for nitrates.

Additionally, the structure of clean-up and abatement orders support this principle by holding dischargers responsible for the contaminants that are associated with their operations. For example, under the California Water Code, dischargers "are liable to [a] governmental agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action."[21] In other words, the liability of dischargers are contingent on the costs to remedy the issue caused by the discharges. Like clean-up and abatement orders, the funding for an AWS Program should be associated with the level of agricultural discharge.

Second, funds from agricultural dischargers must be sufficient to implement both short- and long-term drinking water solutions. **The State Water Board Order directed the Regional Board to create an AWS Program for both interim *and* long-term supplies.** Short-term supplies typically only include bottled water provision, while long-term solutions include consolidation, well replacement, treatment of public supply wells, or point-of-use/entry treatment if a more robust long-term solution is not feasible.

Providing bottled water is not a sustainable nor just solution for Central Coast communities who are not responsible for the discharges. First, transporting bottled water is labor intensive. Transporting bottled water requires hauling by both automobile and hand. These methods of transport are inefficient because they add costs to short-term drinking water supplies. They also cause difficulty on the recipient of the bottled water. Sensitive populations like seniors and physically disabled persons cannot easily access this method.

Residents' experiences in San Lucas further illustrate this point. In 2012, after the Central Coast Regional Board issued a Clean-up and Abatement Order requiring Mission Ranches/the Naraghi family to provide bottled water, trucks carrying water supplies faced challenges delivering water to San Lucas because of the lack of paved roads. Thus, AWS Program funding should include funding for long-term solutions.

Finally, AWS Program funding should cover the operation and maintenance (O&M) costs of long-term drinking water solutions. The effects of pollution discharge to drinking water resources do not cease once a party implements a long-term drinking water solution. The community impacted by the pollution discharge continues to experience harm. This harm includes ongoing

[20] *Order WQ 2023-0081*, pp. 24-25.
[21] Cal. Wat. Code § 13304.

O&M costs–which the community experiences as increased drinking water billing rates. The issue is further complexified when a community receives either public or private funding for capital costs to implement the solution but does not receive funding for ongoing costs. AWS Program funds toward ongoing operation and maintenance costs can fill the gap when a community receives funding only for initial capital costs.

The drinking water solutions that the State Water Board proposed to San Lucas illustrate the need for the AWS Program to cover O&M costs. For example, the State Water Board proposed both a consolidation option and local treatment options to address San Lucas's long-term drinking water needs. The local treatment option included treatment systems that require ongoing O&M costs for chemicals, power, labor, membrane replacement, etc. Funds to cover the long-term solution, however, are only available to cover capital costs. Any ongoing O&M costs were estimated to be borne by the water system owner and operator–and thereby bearing costs on ratepayers who were not responsible for the pollution. Thus, AWS Program funding should include the O&M costs of long-term drinking water solutions.

6. The AWS Program should include accountability measures to encourage agricultural dischargers to participate in the AWS Program.

a. <u>10-year timeline for non-participants in the AWS Program</u>

For agricultural dischargers who do not contribute funds toward the AWS Program, the agricultural dischargers should comply with a 10-year nitrogen fertilizer discharge target timeline starting at the development of the AWS Program. Dischargers should not benefit from a longer compliance timeline if they continue to cause and contribute to nitrate exceedances in drinking water – ultimately making it more difficult for communities to access safe drinking water.[22] A shorter compliance timeline will encourage growers to participate in and contribute funds to the AWS Program. Furthermore, to disincentivize late enrollment, the Regional Board should collect escalating fees from dischargers who enroll after the development of the AWS Program.

Sincerely,

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[22] Central Coast Regional Board, *Ag Order 4.0 Attachment A,* at pp. 123: "Delays in loading reductions will result in compounded delays in the cleanup timeframe, both due to the amount of time delay itself, as well as the amount of continuing degradation during the delay time period."

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