

Table ES-1: Water Board Recommendations to Address Nitrate in Groundwater

Water Board Recommendation	Lead Agencies/ Participants	Requires Legislation?
<p>Providing Safe Drinking Water <i>An impediment to providing safe drinking water to small Disadvantaged Communities (DACs) impacted by nitrate contamination is the lack of a stable, long-term funding source. A stable funding source integrated with institutional changes is critical in providing long-term safe drinking water infrastructure and interim solutions for the small DACs impacted by nitrate contamination.</i></p>		
<p>1. The most critical recommendation in this report is that a new funding source be established to ensure that all Californians, including those in DACs, have access to safe drinking water, consistent with AB 685. The Legislature should provide a stable, long-term funding source for provision of safe drinking water for small DACs. Funding sources include a point-of-sale fee¹ on agricultural commodities, a fee on nitrogen fertilizing materials, or a water use fee. In addition, the Legislature also should authorize CDPH to assess a fee in lieu of interest on Safe Drinking Water State Revolving Fund loans, or to assess other fees associated with these loans, to generate funds for expanded assistance to water systems.</p>	<p>California Department of Public Health (CDPH), Water Boards, California Department of Food and Agriculture (CDFA), and Local Government Agencies</p>	<p>Yes</p>
<p>2. The State Water Board and Regional Water Quality Control Boards (collectively referred to as “the Water Boards”) will use their authority under the Porter-Cologne Water Quality Control Act (Porter-Cologne) (Water Code, §13000 et seq.) to order parties responsible for nitrate contamination to provide replacement water to impacted communities, as appropriate.</p>	<p>Water Boards, CDPH</p>	<p>No</p>
<p>3. The Legislature should enact legislation to establish a framework of statutory authorities for CDPH, regional organizations, and county agencies to have the regulatory responsibility to assess alternatives for providing safe drinking water and to develop, design, implement, operate, and manage these systems for small DACs impacted by nitrate.²</p>	<p>CDPH, County Agencies</p>	<p>Yes</p>
<p>4. State funding agencies should continue to increase access to safe drinking water funding sources for small DACs by streamlining funding applications, providing planning grants, and providing technical assistance.</p>	<p>CDPH, Department of Water Resources (DWR)</p>	<p>No</p>

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5. DWR should give preference in the Proposition 84 Integrated Regional Water Management (IRWM) Grant Program to proposals with IRWM Plans that include an evaluation of nitrate impacts, including the access of safe drinking water to small DACs, for areas that have been identified as nitrate high-risk areas	DWR	No
Monitoring, Assessment, and Notification <i>A groundwater monitoring and assessment program is a critical element in effectively managing groundwater quality.</i>		
6. The Water Boards will define and identify nitrate high-risk areas in order to prioritize regulatory oversight and assistance efforts in these areas. ²	Water Boards	No
7. The Legislature should enact legislation that establishes a framework of statutory authority for the Water Boards, in coordination with other state and local agencies, to improve the coordination and cost effectiveness of groundwater quality monitoring and assessment, enhance the integration of monitoring data across departments and agencies, and increase public accessibility to monitoring data and assessment information. ²	Water Boards, other State and local agencies	Yes
8. The Legislature should enact legislation that establishes a funding source for the State Water Board's Groundwater Ambient Monitoring and Assessment (GAMA) Program.	Water Boards	Yes
9. The Legislature should require state and local agencies to notify groundwater users in nitrate high-risk areas and recommend that the well owners test their wells to evaluate drinking water quality. The Water Boards, CDPH, and local public health agencies will coordinate in identifying private domestic wells and small, unregulated water systems in nitrate high-risk areas. ²	Water Boards, CDPH, local public health agencies	Yes

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<p>10. The Legislature should require property owners with private domestic wells or other unregulated groundwater systems (2 to 14 service connections) to sample their well as part of a point of sale inspection before property title transfer or purchase.</p>	<p>Water Boards, CDPH, local public health agencies</p>	<p>Yes</p>
<p style="text-align: center;">Nitrogen Tracking and Reporting <i>According to the UC Davis Nitrate Report, nitrogen fertilizing material application is the main source of nitrate in groundwater. A system to track the application of nitrogen fertilizing materials is a critical element in managing groundwater quality.</i></p>		
<p>11. CDFA, in coordination with the Water Boards, should convene a Task Force to identify intended outcomes and expected benefits of a nitrogen mass balance tracking system in nitrate high-risk areas. The Task Force should identify appropriate nitrogen tracking and reporting systems, and potential alternatives, that would provide meaningful and high quality data to help better protect groundwater quality.</p>	<p>CDFA, Water Boards, county agriculture commissioners, local agencies</p>	<p>No</p>
<p style="text-align: center;">Protecting Groundwater <i>Contaminated groundwater results in treatment, well closures, or new well construction, which increases costs for consumers and the public. Regulating groundwater is essential in maintaining a safe drinking water supply.</i></p>		
<p>12. The Water Boards should continue to provide technical assistance for CDFA's ongoing work with University of California Cooperative Extension (UCCE) and other experts in establishing a nitrogen management training and certification program that recognizes the importance of water quality protection.²</p>	<p>CDFA</p>	<p>No</p>
<p>13. CDFA should maintain the mill fee on fertilizing materials at its fully authorized amount to support and develop crop-specific nutrient application rates, Best Management Practices (BMPs), and nutrient management programs via the Fertilizer Research and Education Program (FREP). The information should continue to be made available on-line.</p>	<p>CDFA</p>	<p>No</p>

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14. The Water Boards will convene a panel of experts to assess existing agricultural nitrate control programs and develop recommendations, as needed, to ensure that ongoing efforts are protective of groundwater quality. The Water Boards and CDFA will use the findings to inform ongoing regulatory and non-regulatory efforts. ²	Water Boards, CDFA	No
15. The Water Boards will evaluate all existing Waste Discharge Requirements to determine whether existing regulatory permitting is sufficiently protective of groundwater quality at these sites. The Water Boards will use the findings to improve permitting activities related to nitrate. ²	Water Boards	No

¹ Although the term fee is used throughout this report, it is beyond the scope of this report to assess whether the fee is a fee or tax under Proposition 26. The term is simply used for convenience and consistency.

² Additional funding will be required to adequately implement these strategies.