



Board Agenda Item 76

DATE: December 14, 2021

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Management Zone Agreement with the Kings Water Alliance

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a Management Zone Agreement with the Kings Water Alliance to comply with the Central Valley Regional Water Quality Control Board's Nitrate Control Program for Wastewater Treatment Facilities at County Service Areas No. 44, Zone D (Monte Verdi Estates), and No. 47 (Quail Lake Estates), and the Juvenile Justice Campus.

If the recommended action is approved, Fresno County will enter into a management zone agreement with the Kings Water Alliance (KWA) for County Service Area No. 44 Zone D (CSA 44D), County Service Area No. 47 (CSA 47), and the Juvenile Justice Campus (JJC) to comply with the Central Valley Regional Water Quality Control Board's (RWQCB) Nitrate Control Program and share the cost of the establishment and continued participation in the KWA Management Zone. This item pertains to locations in Districts 1 and 5.

ALTERNATIVE ACTION(S):

The Board may wish to not join the KWA Management Zone. If the Board determines not to join, the County of Fresno would need to inform the RWQCB that it is choosing Pathway A, new individual permitting options, to comply with the Nitrate Control Program for CSA 44D, CSA 47, and the JJC. For Pathway A, the RWQCB will set more stringent nitrate requirements to the systems permits, which will likely include significant upgrades, extensive monitoring, and a rigorous technical justification that wastewater will not result in any exceedances of the nitrate standard over a 20-year planning horizon.

FISCAL IMPACT:

There is no Net County Cost associated with this item for CSA 44D or CSA 47. JJC is funded through Fresno County Internal Services Department (FCISD). All costs associated with participation in the KWA Management Zone for CSA 44D and CSA 47 are paid for by property owners within the respective CSA. All costs associated with participation in the KWA Management Zone for JJC are paid for from the County General Fund through FCISD. Costs of the KWA Management Zone program will be shared with other participants based upon an equitable cost allocation mechanism that is developed and approved by the KWA Board of Directors. It is expected that participation in the KWA Management Zone will lead to an increase in the operation cost of the three systems. The County's total obligation for all three systems under the proposed agreement may not exceed \$10,000 for each of the fiscal years during the term of the proposed agreement.

DISCUSSION:

In May 2018, the Central Valley Water Board approved new Salt and Nitrate Control Programs. The Nitrate Control Program was developed to address widespread nitrate pollution in the Central Valley. The County received a Nitrate Control Program Notice to Comply for CSA 44D, CSA 47, and the JJC because their wastewater systems are located in a Priority 1 basin for the Nitrate Control Program.

The Nitrate Control Program Notice to Comply requires that the County choose between two compliance pathways for each system:

Pathway A: New individual permitting options. The RWQCB will set more stringent nitrate requirements in the systems' Waste Discharge Requirements (WDR) to ensure that nitrate impacts will not cause a problem for drinking water users. It is expected that Pathway A would require significant upgrades, extensive monitoring, and a rigorous technical justification that wastewater will not result in any exceedances of the nitrate standard over a 20-year planning horizon.

Pathway B: Form or join a local management zone with other permittees. A management zone is an association of permittees that work together to reduce nitrate loading and to provide replacement water to communities and individuals whose wells are impacted by nitrates. Pathway B is a new permitting approach that allows multiple permittees to form or join a management zone in order to comply with the Nitrate Control Program. Pathway B is intended to provide a collaborative, locally managed, cost-effective and flexible approach to program compliance.

As required by the State Nitrate Control Program, KWA initiated the formation of the KWA Management Zone, which includes the Kings and Tulare Lake Subbasins, the northwestern portion of the Kaweah Subbasin and very small portions of the Madera, Delta-Mendota, Westside, Kern County, Tule, and Pleasant Valley Subbasins (Exhibit A). The purpose of the Management Zone is to address the growing needs of this large region of California to solve the nitrate problem in groundwater.

Under the proposed agreement, KWA is responsible to prepare proposals, reports, plans, and other deliverables that are required for KWA Management Zone participants under the Nitrate Control Program. Such documents include, but are not limited to, an Early Action Plan, a Preliminary Management Zone Proposal, a Final Management Zone Proposal, and a Management Zone Implementation Plan. For each of the three wastewater treatment facilities affected by the proposed agreement, the County will remain responsible for complying with the requirements of the Nitrate Control Program, including implementing the plans under the KWA Management Zone, and the applicable WDR.

In March 2021, the KWA Management Zone submitted its Preliminary Management Zone Proposal. The overarching goals of the Nitrate Control Program are: 1) to ensure safe drinking water supply; 2) to reduce nitrate loading so that ongoing discharges neither threaten to degrade high quality waters absent appropriate findings by the Central Valley Board nor cause or contribute to exceedances of nitrate water quality objectives; 3) to implement long-term, managed restoration of impaired water bodies.

As an attachment to the Preliminary Management Zone Proposal, the KWA Management Zone submitted an Early Action Plan (EAP) to the Central Valley Water Board in order to comply with the Nitrate Control Program requirements. The EAP is defined in the Nitrate Control Plan as "a plan that identifies specific activities, that will be undertaken to ensure immediate access to safe drinking water for those who are dependent on groundwater from wells that exceed the primary maximum contaminant level (MCL) for nitrate."

With your Board's approval, the Management Zone Agreement will allow Fresno County to participate in the Kings Water Alliance Management Zone to Comply with Pathway B of the RWQCB Nitrate Control Program Notice to Comply.

The initial term of the proposed agreement is until June 30, 2023. After that, the agreement is automatically extended for successive two-year terms unless there is a notice of termination by May 1 of the year before the next extension. The County may withdraw from the proposed agreement at any time upon 60 days written notice to KWA. The County would remain responsible for its cost share during the notice period.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A

On file with Clerk - Management Zone Agreement

CAO ANALYST:

Ron Alexander