



Board Agenda Item 43

DATE: October 7, 2025

TO: Board of Supervisors

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

SUBJECT: Management Zone Agreement with the Valley Water Collaborative

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a Management Zone Agreement with the Valley Water Collaborative to comply with the Central Valley Regional Water Quality Control Board's Nitrate Control Program for Wastewater Treatment Facilities at County Service Area No. 44, Zone A (Millerton Lake Mobile Home Village).

If the recommended action is approved, Fresno County will enter into a management zone agreement with the Valley Water Collaborative (VWC) for County Service Area No. 44, zone A (CSA 44A) 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 VWC Management Zone. This item pertains to a location in Districts 5.

ALTERNATIVE ACTION(S):

Your Board may wish to not join the VWC Management Zone. If your Board determines not to join, the County will need to inform the RWQCB that it is choosing Pathway A, new individual permitting options, to comply with the Nitrate Control Program for CSA 44A. For Pathway A, the RWQCB will set more stringent nitrate requirements to the system 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 44A. All costs associated with participation in the VWC Management Zone for CSA 44A are paid for by property owners within the CSA. Costs of the VWC Management Zone program will be shared with other participants based upon an equitable cost allocation mechanism developed and adopted by VWC Board of Directors. Sufficient appropriations for the program are included in the CSA 44A, Org. 9244 FY 2025-26 Adopted Budget. CSA's 44A's contribution under the proposed agreement may not exceed \$2,500 for each of the fiscal years during the term of the proposed agreement.

DISCUSSION:

In May 2018, the RWQCB approved new Salt and Nitrate Control Programs. The Nitrate Control Program was developed to address widespread nitrate pollution in the Central Valley. The RWQCB identified areas, referred to as Priority 1 and Priority 2 basins, where nitrates in groundwater are more prevalent and

therefore pose a higher risk to persons who rely on groundwater as a source of drinking water. Priority 1 and Priority 2 basins have timelines under which permittees, such as CSA 44A, which is in a Priority 2 basin is required to implement Nitrate Control Program requirements.

On December 14, 2021, the Board approved and authorized the Chairman to execute a Management Zone Agreement with the Kings Water Alliance to comply with the RWQCB's Nitrate Control Program for Priority 1 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. On May 9, 2023, the Board approved and authorized the Chairman to execute the first amendment to Agreement 21-549, Management Zone Agreement between the County of Fresno and the Kings Water Alliance, which would add a second CV Salts ID to County Service Area No. 44, Zone D (Monte Verdi Estates) and allow the addition of decommissioned Elkhorn Correctional Facility (Elkhorn) into the Management Zone Agreement. A Final Facility Closure Report was received by the RWQCB on March 31, 2024. Wastewater is no longer being generated or discharged at this site. On June 21, 2024, the RWQCB rescinded Elkhorn's Waste Discharge Requirements Order No. 97-207.

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, VWC initiated the formation of the VWC Management Zone, which includes six Priority 1 groundwater basins/subbasins: Kaweah, Turlock, Chowchilla, Tule, Modesto, and Kings and the following Priority 2 groundwater basins/subbasins: Yolo, Eastern San Joaquin, Delta-Mendota, Merced, Madera, Tulare Lake, Kern County (Westside South), and Kern County (Poso). 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, VWC is responsible to prepare proposals, reports, plans, and other deliverables that are required for VWC Management Zone participants under the Nitrate Control Program. Such documents include, but are not limited to, an Early Action Plan (EAP), a Preliminary Management Zone Proposal, a Final Management Zone Proposal, and a Management Zone Implementation Plan. For the wastewater treatment facility 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 VWC Management Zone, and the applicable WDR.

In December 2024, the VWC 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 RWQCB 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 VWC Management Zone submitted an

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 Valley Water Collaborative Management Zone to Comply with Pathway B of the RWQCB Nitrate Control Program Notice to Comply.

On June 4, 2025, the VWC Board of Directors adopted a policy for contribution management, Exhibit A. Annually, each Basin Advisory Committee reviews and subsequently votes on the contribution allocation per industry sector as it pertains to the upcoming year's budget. The Board of Directors annually approves the contribution allocation per industry sector submitted by each Advisory Committee. The VWC will email a Request for Contribution Statement to each entity. If a contribution is not received within 90 days, a final notice is mailed. After 120 days from the date of the initial Request for Contribution Statement, VWC will notify the RWQCB that the entity is considered delinquent and no longer a participant in VWC.

The agreement does not have a term limit. The County may terminate the agreement at any time upon giving a minimum of thirty (30) days' express written notification to the VWC. Any contributions made to the VWC by the County prior to giving notice of withdrawal belong to the VWC as a public, nonprofit benefit corporation and are not reimbursable by VWC to the County.

The recommended agreement differs from standard County agreements, in that it has a mutual indemnification clause. The Department believes the benefits of entering into the recommended agreement outweigh any risk posed by the nonstandard clause.

REFERENCE MATERIAL

BAI #48, May 9, 2023

BAI #76, December 14, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - Policy for Contribution Management
On file with Clerk - Management Zone Agreement

CAO ANALYST:

Maria Valencia