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## Central Valley Regional Water Quality Control Board

20 November 2023

Via: Electronic Mail

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General Tule Management Zone email  
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### **Subject: Findings of Completeness for the Management Zone Implementation Plan**

Dear David DeGroot and Don Tucker:

On 5 September 2023, the Tule Basin Management Zone submitted a Management Zone Implementation Plan (MZIP) to the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board). The submittal was prepared to meet requirements identified in the Basin Plans, and the Nitrate Control Program Notices to Comply (NTCs) issued by the Board on 29 May 2020. The NTCs require permittees that discharge nitrate to comply with the Nitrate Control Program (NCP) for the Central Valley, which includes the selection of a preferred permitting approach. The permittees who selected the Management Zone Permitting Approach opted to participate in the Tule Basin Management Zone. On 23 February 2023, the Central Valley Water Board accepted the Final Management Zone Proposal, which officially established the Tule Basin Management Zone for NCP implementation.

After a review of the MZIP, the Board's Executive Officer has determined that the MZIP is complete. In this context, a determination of completeness means that the MZIP provides information, actions, and timelines that address the key elements identified in the Basin Plan. The MZIP, however, is still subject to additional technical and public review to determine if the plans contained therein are adequate to meet the needs of communities and individuals dependent on the nitrate-impacted drinking water sources and are consistent with the Board's long-term policy goals. Comments resulting from additional review, the public comment period, and community feedback may initiate

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

further revisions to the implementation plan. At this time, the Board offers the following comments:

### 1. Managed Aquifer Restoration Program

Because managed aquifer restoration is critical to the success of the overall program, the MZIP requires extensive efforts to research and identify potential solutions that may be implemented to restore the Management Zone's aquifers. The MZIP provided to the Board was **not** supported by documentation of extensive efforts to identify a multifaceted approach to restore the Management Zone's aquifers. In addition, there appears to be no evidence provided to support the efficacy at the scale required of the singular method identified by the Management Zone nor a time schedule with interim milestones that would demonstrate to the Board, how the Management Zone would implement the managed aquifer restoration program and how the Management Zone is achieving compliance in support of Goal 3 of the Nitrate Control Program. Furthermore, there appears to be no meaningful coordination with the local Groundwater Sustainability Agencies (GSAs) that would inform additional options that the Management Zone could implement or aid other local agencies in supporting multi-benefit projects in alignment with SGMA, ILRP and CV-SALTS program goals. The Board expects the Management Zone to evaluate and assess in the MZIP all potential aquifer restoration solutions, including those being considered by the GSAs. Should an aquifer restoration solution be deemed not appropriate for the Management Zone, the Management Zone should provide evidence and rationale as to why solutions have been eliminated from the program.

### 2. Drinking Water Solutions for Public Water Systems

The MZIP must address the future impact that proposed drinking water solutions for public water systems may have on operation and maintenance costs. Disadvantaged Communities/Severely Disadvantaged Communities (DAC/SDAC) are not only disproportionately impacted by nitrate contamination, but they are also incredibly sensitive to operation and maintenance cost increases. It is important that consideration is provided for DAC/SDAC to ensure potential drinking water solutions for public water systems are feasible and practicable.

### 3. Technical Analysis and Transparency

The Board's main goal is to ensure timely and successful implementation of the Nitrate Control Program. Highly technical nitrogen loading analyses have been performed using professional judgement to estimate initial sector-specific nitrogen loading in the Management Zone. Although this information is included in Attachment B, the main body of the MZIP does not contain it. It is the Board's expectation that the Management Zone should have included within the main body of the MZIP, a full summary of methods implemented, geologic and engineering judgement, and full results.

#### 4. Coordination with Path A Facilities

The Central Valley Water Board appreciates that the Tule Basin Management Zone plans to work with Path A facilities to coordinate responsibilities for well testing and replacement drinking water obligations. In addition, future Path A facilities must also be taken into consideration – whether an existing facility is switching from Path B to Path A or a new facility is selecting Path A. As the Tule Basin Management Zone works with future Path A facilities, progress updates need to be provided to the Central Valley Water Board. The coordination between the Management Zone and Path A facilities must ensure that all areas within the Management Zone boundary are accounted for and that all impacted residents will be provided with the opportunity of well testing and replacement drinking water.

#### 5. ILRP Drinking Water Well Testing Data

The MZIP discusses, in general, coordination between the Management Zone's Residential Well Testing Program and the Irrigated Lands Regulatory Program (ILRP) Drinking Water Well Monitoring Program to address nitrate impacted residents and to potentially provide monitoring well candidates for the MZIP Surveillance and Monitoring Program. However, the MZIP does not include a plan for reconciling the Management Zone's well testing data with ILRP well testing data and a description of how replacement drinking water will be provided, either by the Management Zone itself, by the irrigated lands coalition(s), or by a third party. The MZIP needs to include a plan for well testing data reconciliation that includes Management Zone outreach, based on the ILRP dataset, directed to residents that have groundwater exceeding the nitrate drinking water standard.

This letter hereby initiates the next step of implementation for the NCP. Within the next six months, the Central Valley Water Board will provide a notice of opportunity for public comment and schedule a public hearing on the MZIPs. The Central Valley Water Board appreciates the implementation of the Tule Basin Management Zone compliance plans and will continue to regularly engage with you to address issues and concerns as they arise. If you have any questions, please contact Hannah Dailey at 916-464-4827 or by email at [hannah.dailey@waterboards.ca.gov](mailto:hannah.dailey@waterboards.ca.gov).

Sincerely,



Patrick Pulupa  
Executive Officer