



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

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**Conceptual Structure for the
Alternative Water Supply Program:
Request for Public Input**

July 23, 2025



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I. Executive Summary

The Central Coast region is the most groundwater dependent region in the state, with approximately ninety percent of the water used for drinking, irrigation, and other uses supplied by groundwater. In many agricultural areas, however, nitrate in the groundwater exceeds safe drinking water levels as a result of commercial irrigated agricultural discharges (agricultural discharges).

This document presents a conceptual structure for an Alternative Water Supply (AWS) Program for residents relying on groundwater impacted by nitrate from agricultural discharges. In the State Water Resources Control Board (State Water Board) Order WQ 2023-0081¹ (the Remand Order), the State Water Board recognized the critical drinking water impacts associated with groundwater nitrate contamination from agricultural discharges. The State Water Board directed the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) to incorporate a requirement or reach an agreement in which dischargers or their third-party representatives provide short-term (also referred to as interim) and long-term alternative water supplies for impacted residents.

In response to the Remand Order, Central Coast Water Board staff conducted several meetings over the last year with agricultural and environmental justice representatives, and others. Now, the Central Coast Water Board is initiating a public process to receive broader public input on preliminary AWS Program elements, Central Coast Water Board staff's preliminary recommendations, and additional options identified during initial engagement. All public input will be considered in the development of a proposed regulatory framework and an AWS Program that provides safe water supplies to impacted residents and communities. Additional opportunities for public input will occur over the coming year, in the form of documents available for review and comment and one or more additional public workshops.

Preliminary staff recommendations include a conceptual structure for incorporating AWS Program requirements into a revised version of the Ag Order (Order R3-2021-0040 *General Waste Discharge Requirements [WDRs] for Discharges from Irrigated Lands*),² along with an implementation agreement (Agreement) between dischargers and an independent AWS Program administrator. In the Remand Order, the State Water Board also invalidated the use of nitrogen applied minus nitrogen removed (i.e., A-R) as an enforceable nitrogen discharge metric. This, in turn, invalidated the associated time

¹ Order WQ 2023-0081 - Remand Order:

https://waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2023/wqo2023-0081.pdf

² Order R3-2021-0040 - Ag Order:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_order.pdf

schedule in the Ag Order for complying with nitrogen discharge limits. Without a valid time schedule, all dischargers must comply immediately with groundwater quality objectives.

To provide time to comply with groundwater quality objectives, preliminary staff recommendations describe two potential Ag Order compliance pathways: one pathway that establishes a longer compliance schedule for dischargers that participate in an AWS Program (AWS Program compliance pathway) and a second compliance pathway for non-participating dischargers (Default compliance pathway), with a shorter time schedule and increased individual monitoring and reporting requirements.

As part of the public process to receive input on preliminary AWS Program elements, the Central Coast Water Board is seeking input on the following questions:

1. What regulatory mechanism(s)³ should be used to implement the AWS Program?
2. What Ag Order requirements should be established for dischargers participating in the AWS Program, and therefore eligible to choose the AWS Program compliance pathway?
3. What Ag Order requirements should be established for dischargers that do not participate in the AWS Program and are therefore subject to the Default compliance pathway? What other authorities could the Central Coast Water Board use?
4. Which dischargers are eligible to participate in the AWS Program and therefore eligible to enroll in the AWS Program compliance pathway in the Ag Order?
5. Which dischargers, if any, could be exempt from financially contributing to (participating in) the AWS Program? What Ag Order requirements should apply for exempt dischargers?
6. Which residents are eligible for alternative water supplies and should residents or water systems be prioritized?
7. Which residents or water systems, if any, should be exempt from receiving benefits from the AWS Program?
8. What types of long-term solutions should the AWS Program consider? How should the cost of operation and maintenance (O&M) be incorporated into the AWS Program?

³ For example, regulatory mechanisms could include one or a combination of the following: Basin Plan amendment(s), Cleanup and Abatement Orders, or establishing requirements in a revised Agricultural Order/Waste Discharge Requirements.

9. Should provision of short-term alternative water supplies and long-term solutions be implemented in phases or concurrently under the AWS Program?
10. How should the AWS Program be funded?
11. What duties should the Independent AWS Program administrator perform and what criteria should be used to select an administrator?
12. How should the Central Coast Water Board provide oversight over the implementation of the AWS Program?

II. Introduction

The AWS Program will be a key component of the broader regulatory framework for addressing the critical drinking water impacts associated with groundwater nitrate contamination as a result of agricultural discharges in the Central Coast region. This document is prepared for public review and comment and will be the focus of a public workshop on August 21, 2025. Public input received will be considered by the Central Coast Water Board and its staff in the development of the AWS Program. This document includes the following:

- An explanation of the State Water Resources Control Board's (State Water Board) direction and requirements to develop an AWS Program in Order WQ-2023-0081 (Remand Order), which remanded for revision or eliminated certain parts of the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) Order R3-2021-0040 *General Waste Discharge Requirements for Discharges from Irrigated Lands* (Ag Order).
- Central Coast Water Board staff's preliminary recommendations and other options related to the specific requirements and other AWS Program elements.

The preliminary AWS Program concepts included herein reflect a compilation of information from Central Coast Water Board staff, State Water Board staff, and from discussions with agricultural and environmental justice representatives⁴ and other groups with knowledge and experience in community outreach and AWS Program implementation. This document is intended to guide public discussion that will inform development of future draft and final regulatory documents and the final AWS Program.

The Central Coast Water Board is seeking public comment on all AWS Program elements. Section V of this document outlines preliminary AWS Program elements and concepts for public review and comment.

III. Public Engagement Process

This section summarizes the public engagement that has taken place to date and since the issuance of the Remand Order as well as public engagement opportunities that will occur prior to the adoption of any WDRs or the implementation of the AWS Program.

⁴ See definitions for description of agricultural and environmental justice representatives.

Past Public Engagement:⁵

- January 2024-November 2024 – Initial engagement with agricultural and environmental justice representatives, State Water Board staff with the Division of Financial Assistance and Division of Drinking Water, Regional Water Board staff from the Central Coast and Central Valley Regional Water Quality Control Boards, entities operating Management Zones under the Central Valley’s Salinity Alternatives for Long-Term Sustainability (CV-SALTS), and other groups with knowledge and experience in community outreach and implementation of other alternative water supplies programs.
- December 2024-April 2025 – Focused engagement meetings with agricultural and environmental justice representatives. The focused meetings allowed for the respective parties to share and discuss their lessons learned from other AWS programs, and recommendations for the development of this AWS Program on behalf of the constituencies they represent.

Current and Upcoming Public Engagement:

- July 2025-September 2025 – Public engagement including:
 - Solicitation of written public comments on both this document and the *Assessment of Interim Drinking Water Needs and Costs in Central Coast Areas Affected by Agricultural Nitrate Groundwater Contamination*;⁶ and
 - Solicitation of public comments on both documents at an August 21, 2025, public workshop, to be held at the regular meeting of the Central Coast Water Board in San Luis Obispo and via Zoom.
- September 2025-Fall 2026 – Public engagement including:
 - One or more additional public workshops. It is likely that the public workshops will be preceded by additional written materials on which the public will have an opportunity to comment (e.g., this could include, among other things, a revised preliminary AWS Program).

⁵ Past public engagement activities are documented in semi-annual reports to the State Water Board in the following Executive Director’s Reports:

April 2024, see (p. 3-5),

https://www.waterboards.ca.gov/board_info/agendas/2024/apr/041724_8_edrpt.pdf;

October, 2024 (p. 48-50),

https://www.waterboards.ca.gov/board_info/agendas/2024/oct/100124_5_edrpt.pdf; and

April, 2025 (p. 43-46),

https://www.waterboards.ca.gov/board_info/agendas/2025/apr/040225_6_edrpt.pdf

⁶ Alternative Water Supply Program webpage:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/alternative-water.html

- Release of a draft, revised Ag Order, which will include a proposed version of an AWS Program. The public will be invited to submit written comments on the draft, revised Ag Order *at least thirty days* prior to a hearing where the Central Coast Water Board will consider those written comments and may consider adoption of a draft, revised Ag Order that includes an AWS Program.
- The Central Coast Water Board may hold an additional public hearing where the Board will consider public testimony and other comments, and adoption of a draft, revised Ag Order, that includes an AWS Program.

A summary of both completed and planned public engagement activities is provided in the timeline in Figure 1.



Figure 1. Timeline of completed and planned engagement activities.

With the exception of AWS Program elements required by the Remand Order, the AWS Program elements described herein are flexible and do not contain specific regulatory language. The Central Coast Water Board seeks public input to inform the development of a proposed regulatory framework and an AWS Program that provides safe water supplies to impacted residents and communities.

IV. Incorporation and Interpretation of the Remand Order

In the Remand Order, the State Water Board acknowledged “*the critical drinking water impacts associated with groundwater nitrate contamination*” and directed the Central Coast Water Board to, in part, “*incorporate a requirement or reach an agreement in which dischargers or their third-party representatives provide short-term [also referred to as interim] 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.*” (see p. 24-25)

This section explains how Central Coast Water Board staff interpret the State Water Board’s Remand Order and describes preliminary recommendations for an AWS Program regulatory framework.

A. Recommended Regulatory Approach

In its Remand Order, the State Water Board identified three potential regulatory approaches: “*the Central Coast Water Board could incorporate such a requirement in its water quality control plan or in cleanup and abatement orders [CAOs], or reach an agreement with the dischargers that is incorporated into the General WDRs*”. After evaluating these options, Central Coast Water Board staff recommend incorporating certain requirements into the General WDRs (e.g., a revised Ag Order). Other components of the AWS Program may be included in an Agreement between agricultural dischargers and a third-party administrator that allows for the inclusion of implementation details that may not be appropriate or feasible to require in the Ag Order.

Separately, the Central Coast Water Board retains authority to develop Basin Plan amendments⁷ and to issue CAOs to a discharger or group of dischargers requiring provision of alternative water supplies.⁸

Incorporating requirements into the Ag Order ensures a clear regulatory foundation and enables timely adoption of requirements that are enforceable. Additionally, WDRs can include provisions that allow a discharger to select a specific compliance path to meet receiving water limitations (e.g., State Water Board Order WQ-2015-0075).⁹ Although the Central Coast Water Board may not dictate the manner of compliance with WDR requirements, a regional water board may include specific reporting requirements, as well as technical and monitoring reports, work plans, and public outreach plans in WDRs.¹⁰ Failure to comply with WDR requirements would be enforceable and could also lead to issuance of CAOs requiring replacement water.

⁷ California Water Code section 13240:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13240.&lawCode=WAT

⁸ California Water Code section 13304:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13304.&lawCode=WAT

⁹ State Water Board Order WQ-2015-0075:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2015/wqo2015_0075.pdf.

¹⁰ California Water Code section 13267:

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=7.&title=&part=&chapter=4.&article=4

B. Recommended Compliance Schedule: Tied to AWS Program

The Central Coast Water Board may include time schedules for achieving final compliance with water quality objectives in general WDRs.^{11,12,13}

The Remand Order invalidated the use of nitrogen applied minus nitrogen removed (i.e., A-R) as an enforceable nitrogen discharge metric.¹⁴ The A-R nitrogen discharge limits were tied to enforceable compliance milestones in a time schedule in the Ag Order, and because the A-R discharge metric was invalidated, so was the A-R time schedule. Therefore, unless another time schedule tied to quantifiable, enforceable milestones is included in the Ag Order, dischargers must immediately comply to ensure that their nitrate discharges do not cause or contribute to exceedances of nitrate water quality objectives in groundwater.¹⁵

In its Remand Order, the State Water Board suggested that a compliance time schedule could be offered to dischargers that participate in the AWS Program: *“The Central Coast Water Board could... reach an agreement with dischargers that is incorporated into the General WDRs, in order to justify a longer final time schedule for ceasing to cause or contribute to nitrate water quality objectives exceedances in groundwater, similar to the maximum 35-year time schedule authorized under CV-SALTS.”* Consistent with that suggestion and with the authorities granted to regional boards for the inclusion of time schedules,¹⁶ Central Coast Water Board staff recommends that the revised Ag Order establish two compliance pathways with associated compliance schedules: one pathway that establishes a longer time schedule for dischargers participating in the AWS Program (the AWS Program compliance pathway) and a second pathway for

¹¹ California Water Code section 13242 subd. (b):

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=7.&title=&part=&chapter=4.&article=3

¹² California Water Code section 13263 subd. (c):

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=7.&title=&part=&chapter=4.&article=4.

¹³ Policy for Implementation and Enforcement of the Nonpoint Source Pollutions Control Program (see Key Element 3):

https://www.waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_iepolicy.pdf

¹⁴ See WQ 2023-0081 section II.A.5, beginning on page 17

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/docs/2023/wqo2023-0081.pdf

¹⁵ See, e.g., Ag Order, Part 2, Section D, ¶ 1; NPS Policy, Key Element 3; and California Water Code sections 13242 subd. (b) and 13263 subd. (c), as reflected in Ag Order Attachment A – Findings, page 49, paragraphs 147 a and b.

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_att_a.pdf

¹⁶ See California Water Code section 13242 subd. (b) and 13263 subd. (c), and the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy), Key Element 3.

dischargers that do not participate in the AWS Program (the Default compliance pathway), as further described in Section V.

C. Discharger Financial Contribution

Both the State and Central Coast Water Boards expect dischargers to bear financial responsibility for the provision of alternative water supplies. The Remand Order states: “...we hereby direct the Central Coast Water Board to incorporate a requirement or reach an agreement in which dischargers or their third-party representatives provide...” alternative water supplies to “residents relying on groundwater in areas where the ... MCL for nitrate is exceeded as a result of agricultural operations.” The Remand Order goes on to say that the Central Coast Water Board “... shall also consider mechanisms that would include funding by dischargers with program management by an independent organization that focuses on providing alternative water supplies.”

Dischargers will have flexibility in determining the specific fees and external funding sources (e.g., grants, low-interest loans, philanthropic donations, etc.) necessary to meet program needs. Dischargers may also pursue cost efficiencies such as leveraging existing drinking water well testing and water supply programs and collaborating with community-based organizations for outreach and engagement.

To evaluate AWS Program effectiveness and discharger eligibility for the AWS Program compliance pathway, the Central Coast Water Board can, in a revised Ag Order, require the AWS Program administrator to report on fees/funding collected and funding expended compared to the amount of need for alternative water supplies estimated in the Central Coast Water Board’s *Assessment of Interim Drinking Water Needs and Costs* and any updated assessments of needs and costs.¹⁷

D. Short-Term and Long-Term Alternative Water Supplies

In accordance with the directive in the Remand Order, long-term solutions must be included in the program: “... dischargers or their third-party representatives provide short-term and long-term alternative water supplies for residents...” [emphasis added]. Short-term and long-term are undefined by the State Water Board in its Remand Order but the State Water Board’s Safe and Affordable Funding for Equity and Resilience (SAFER) program provides definitions and decision criteria for selecting appropriate alternative water supplies in its annual Drinking Water Needs Assessments¹⁸ and

¹⁷ The assessment of needs and costs will be revised to include long-term solutions (among other things) as new data and other information emerge from things such as ongoing water quality testing and community outreach efforts.

¹⁸ State Water Board’s 2024 Drinking Water Needs Assessment: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2024/2024-needs-assessment.pdf

incorporates operations and maintenance (O&M) costs into its cost estimates. The SAFER assessments use the term interim as synonymous with short-term, generally referring to supplies implemented for no more than five years. Interim (short-term) supplies include, but are not limited to, bottled water, vended water, and point-of-use or point-of-entry treatment units. Long-term solutions encompass physical consolidation with nearby water systems, centralized or decentralized treatment systems (e.g., point-of-use or point-of-entry), installation of new public or private wells, and—only as a last resort when no other options are feasible—bottled water.

E. Eligible Residents

In accordance with the Remand Order, eligibility for AWS Program benefits is not limited by socioeconomic status, the type or size of water system impacted, or any other criteria, except as follows: “...*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*” [emphasis added]. While there are few constraints on program eligibility, it is anticipated that prioritization will occur, and exemptions may be identified.

F. Initial Engagement and Lessons Learned

The State Water Board mandated that the Central Coast Water Board include interested parties in the development of the AWS Program and consider potential lessons learned from other replacement drinking water initiatives that addressed agricultural nitrate contamination in California. Specifically, the Remand Order states, in part: “*the Central Coast Water Board shall invite representatives of impacted communities, environmental justice organizations and other stakeholders, ... to participate in the development of such a requirement or agreement...*” and to “... *take into account the experience gained through the Central Valley Water Board’s CV-SALTS program and the Central Coast Water Board’s own Salinas Basin Agricultural Stewardship Group (SBASG) interim replacement water settlement agreement...*”. In response, Central Coast Water Board staff engaged with representatives from all the parties described in the Remand Order.

Important lessons learned from these experiences are summarized below:

- **CV-SALTS:** The Central Coast Water Board’s AWS Program will likely differ from the CV-SALTS replacement water efforts in several important ways including the implementation of both short-term alternative water supplies and long-term solutions and by establishing requirements in revised General WDRs (i.e., the Ag Order).
- **Short-term alternative water supplies and long-term solutions and enforceable milestones:** An AWS Program compliance pathway in the Ag Order

must include clear and enforceable milestones and deliverables for the submission of work plans, monitoring, and reporting regarding the planning, prioritization, and implementation of both short-term alternative water supplies and long-term solutions.

- **Community-based outreach:** This approach to outreach and engagement is effective and necessary to facilitate access to alternative water supplies and engage residents in the planning for, and transition to, long-term solutions.

Moving forward, staff will continue discussing the terms of the revised Ag Order requirements and any terms of the Agreement for an AWS Program with all interested parties.

V. AWS Program Elements, Preliminary Recommendations, and Other Options

This section outlines the potential AWS Program elements in the form of questions and includes the following:

- 1) **Preliminary Recommendations** – Central Coast Water Board staff recommendations informed by the suggestions provided by agricultural and environmental justice representatives, lessons learned from other AWS programs, or AWS Program elements that were mandated in the Remand Order; and
- 2) **Other Options** – suggestions proposed during initial engagement with agricultural and environmental justice representatives and other Water Board staff with AWS program experience.

Interested persons are encouraged to comment on the questions, preliminary recommendations, and other options below and/or to provide additional suggestions and ideas for the AWS Program development. None of the preliminary recommendations herein are final. Public feedback is essential to inform future recommendations and proposed requirements for the Central Coast Water Board's consideration.

1. What regulatory mechanism should be used to implement the AWS Program?

Preliminary Recommendations:

Establish, in a revised Ag Order, two pathways for compliance with the nitrogen groundwater quality objectives (see Figure 2 below): one pathway for dischargers that choose to participate in the AWS Program (AWS Program compliance pathway) and one pathway for those that do not participate (Default compliance pathway). An independent AWS Program administrator would comply with AWS Program compliance pathway reporting requirements on behalf of its members. As previously mentioned, the

Central Coast Water Board staff do not recommend developing a Basin Plan amendment or pursuing region-wide CAOs requiring alternative water supplies at this time.

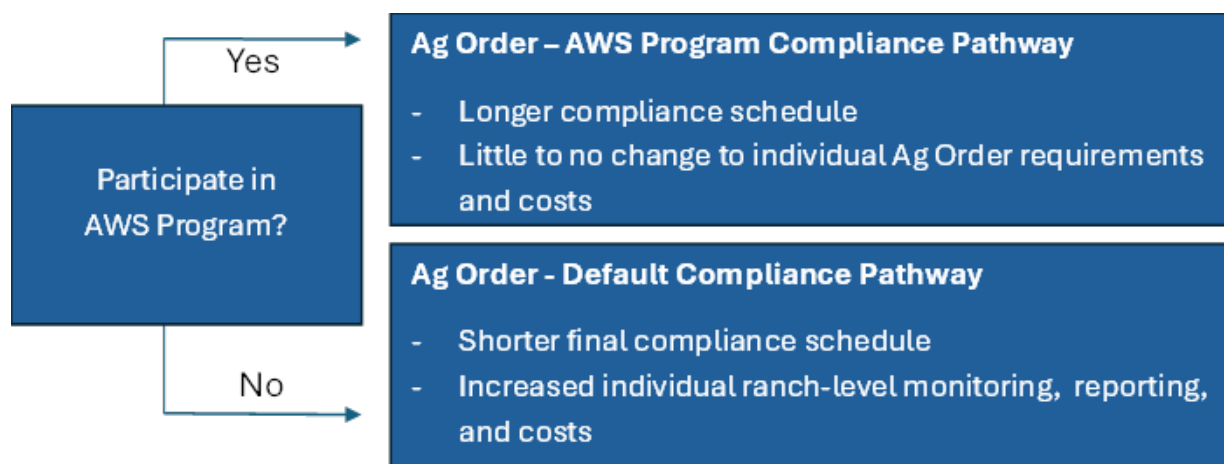


Figure 2. A conceptual diagram depicting the two proposed WDR compliance pathways, each with different time schedules and reporting requirements. Public input regarding specific potential requirements that may be established via this conceptual framework is requested in questions 2 and 3 below and additional details of the pathways are depicted in Figure 3 below.

Other Options:

- Reach an agreement with dischargers that further incentivizes participation in the AWS Program.
- Issue CAOs for replacement water.
- Develop Basin Plan amendments to establish enforceable nitrogen control mechanisms (such as nitrate discharge prohibitions).

2. What Ag Order requirements should be established for dischargers participating in the AWS Program and therefore eligible to choose AWS Program compliance pathway?

Preliminary Recommendations (also see Figure 3):

- Establish a final compliance deadline of 2051 for no longer causing or contributing to an exceedance of the nitrate MCL in groundwater, thus extending the compliance time schedule from “immediately” to 2051.
- Eligible to participate in the Third-Party Alternative Compliance Pathway (3P-ACP) in the Ag Order and receive benefits of participation such as ability to justify and establish locally relevant interim nitrogen discharge compliance schedules and targets and site-specific formulas to calculate nitrogen discharge.

- Establish a reporting compliance schedule for the AWS Program administrator that includes the following:
 - Report on the provision of short-term alternative water supplies, O&M, planning, prioritization, and implementing long-term solutions.
 - Develop and submit work plans, reports, and present to the Central Coast Water Board.
 - Report on annual need and cost evaluations and other factors that inform the fee structure for AWS Program participants.
- Require Executive Officer approval of AWS Program work plans and allow discretionary review of work plans by interested parties.
- Establish regulatory protection from new CAOs that require replacement water.

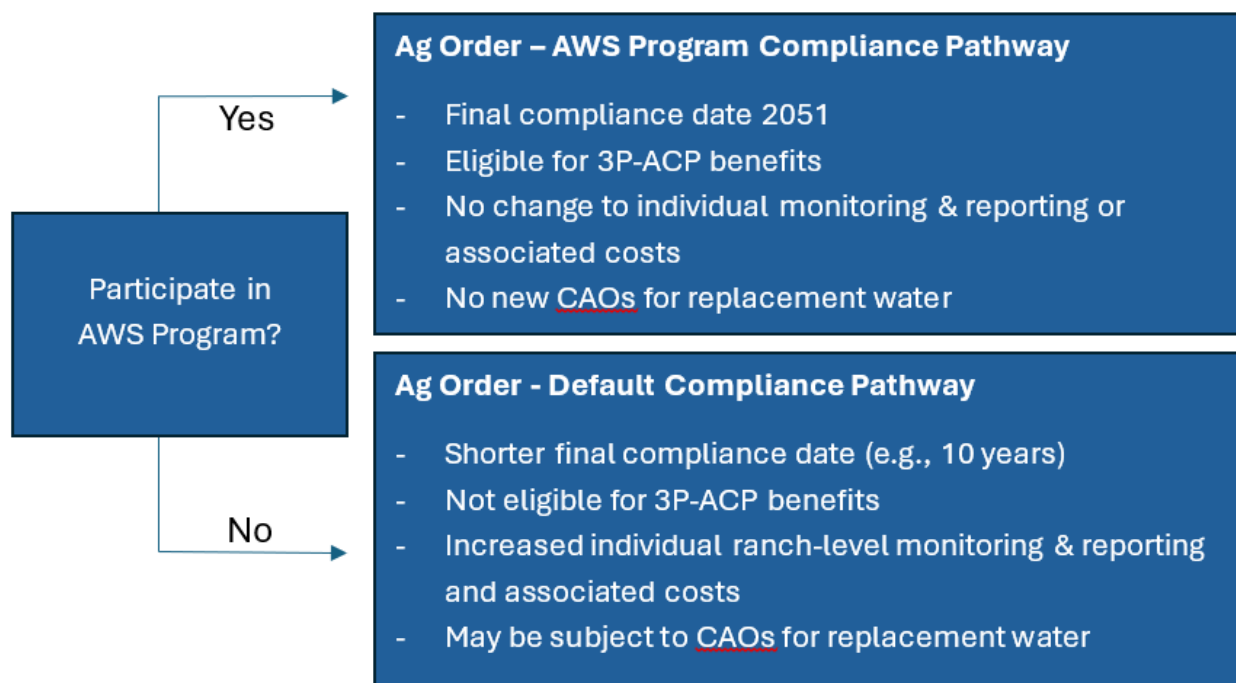


Figure 3. Expanding on Figure 2, this diagram depicts specific potential requirements that may be established in the Ag Order for each of the two compliance pathways.

Other Options:

- Extend existing interim nitrogen A-R targets (nitrogen discharge targets) and/or schedules for compliance established in Ag Order Table C.1-3.

- Do not revise existing interim nitrogen discharge targets (see Ag Order Table C.1-3) unless justified by data and information (e.g., as currently allowed via the 3P-ACP).
- Extend the final compliance deadline beyond 2051.
- Clarify that where co-contaminants occur, dischargers are responsible for the cost of providing alternative water supplies for nitrate.

3. What Ag Order requirements should be established for dischargers that do not participate in the AWS Program and are therefore subject to the Default compliance pathway? What other authorities could the Central Coast Water Board use?

As shown in Figure 3, all dischargers would be subject to the Default compliance pathway in a revised Ag Order unless they participate in the AWS Program and are therefore eligible to participate in the AWS Program compliance pathway.

Preliminary Recommendations (also see Figure 3):

- Establish a final compliance deadline of 10 years from the date of revised Ag Order adoption by which dischargers must quantifiably demonstrate that their discharge does not cause or contribute to exceedances of the nitrogen water quality objectives in groundwater.
- Establish interim nitrogen discharge targets and associated schedules.
- Establish individual ranch-level monitoring and reporting requirements that characterize the individual ranch discharge and underlying groundwater quality, such as the following:
 - Measure and report the concentration of nitrogen and volume of irrigation water migrating below the root zone;
 - Measure and report the concentration of nitrogen in groundwater upgradient and downgradient from the nitrogen application area;
 - Provide construction information for drinking water supply wells subject to monitoring under the Ag Order (e.g., well depth, screened intervals, etc.);
 - Develop and submit a work plan that describes how the discharger will comply with the interim and final nitrogen discharge target schedule; and
 - Report annually or semiannually on progress towards achieving interim and final targets, informed by nitrogen discharge reporting (nitrogen applied minus nitrogen removed [A-R]), groundwater, and root zone monitoring.

- Individual work plans are subject to Executive Officer approval and available for discretionary review by interested persons.
- Ineligible to participate in the 3P-ACP in the Ag Order and receive associated benefits such as locally relevant interim nitrogen discharge compliance schedules and targets and site-specific formulas to calculate nitrogen discharge.

Dischargers may also be subject to the following:

- California Water Code section 13267 Investigative Orders to demonstrate that their agricultural discharges are not causing or contributing to exceedances of the nitrate MCL in groundwater.
- California Water Code section 13304 CAOs for replacement water where a discharge is causing or contributing to an exceedance of the nitrate MCL in groundwater.

Other Options:

- Do not fundamentally change the Ag Order (comment received in response to the preliminary concepts depicted in Figure 2 and Figure 3).
- Dischargers who initially do not participate in the AWS Program and then later join should be subject to additional AWS Program requirements relative to dischargers that select the AWS Program compliance pathway from the outset.
- Dischargers in the Default compliance pathway should be required to submit Irrigation and Nutrient Management Plans (INMP) more frequently (e.g., semiannually) than those in the AWS Program compliance pathway.
- Increase the frequency of domestic well monitoring.

4. Which dischargers are eligible to participate in the AWS Program and therefore eligible to enroll in the AWS Program compliance pathway?

Preliminary Recommendations:

- All dischargers that are subject to the Ag Order are eligible to participate, unless otherwise exempt from financially contributing to the AWS Program (see below).

5. Which dischargers, if any, could be exempt from financially contributing to (participating in) the AWS Program? What Ag Order requirements should apply for exempt Dischargers?

Preliminary Recommendations:

- If exemptions are warranted, clarify in the Ag Order that exempt dischargers would not be required to participate in the AWS Program. Exempt dischargers would not be subject to the Default compliance pathway and instead would be

subject to the longer compliance time schedule for nitrogen discharges causing or contributing to exceedances of the nitrate groundwater water quality objectives set forth in the AWS Program compliance pathway.

Other Options:

- Exempt dischargers that can quantifiably demonstrate that nitrogen A-R is less than 50 pounds per acre or can otherwise quantifiably demonstrate that their agricultural discharges will not cause or contribute to exceedances of the nitrate MCL in groundwater.
- Exempt dischargers that are subject to a CAO requiring alternative water supply solutions for nitrate contamination.
- Exempt dischargers that are participating in an agreement to provide alternative water supply solutions for nitrate contamination.
- Exempt dischargers that demonstrate that: 1) they are in the process of developing a long-term alternative water supply solution for drinking water systems impacted by their discharge and 2) residents using impacted water systems have adequate short-term alternative water supplies.

6. Which residents are eligible for alternative water supplies and should residents or water systems be prioritized?

Preliminary Recommendations:

- Define the eligible population as any resident served by domestic wells, state small water systems, and public water systems that utilize groundwater that exceeds the MCL for nitrate as a result of agricultural discharges, unless otherwise exempt. (See question 7 regarding exemptions)
- Establish reporting requirements that demonstrate the AWS Program administrator does the following:
 - Defines a prioritization strategy for all eligible residents;
 - Plans and conducts outreach and engagement efforts;
 - Conducts water quality sampling to determine need for alternative water supplies and reports results to the GeoTracker database; and
 - Develops and implements a prioritization strategy for provision of AWS to eligible water systems and residents.

Other Options:

- Limit AWS Program benefits to:

- Residents using domestic wells located in areas that are not subject to the Ag Order; and/or
- Residents with socioeconomic disadvantages (e.g., disadvantaged community [DAC] status).
- Prioritize based on:
 - Socioeconomic metrics such as DACs.
 - Failing public water systems.
- Utilize a prioritization strategy similar to that of CV-SALTS Management Zone Implementation Plans whereby domestic wells are prioritized based on income, number of people served, and nitrate concentration in the well.

7. Which residents or water systems, if any, should be exempt from receiving benefits from the AWS Program?

Preliminary Recommendation:

- If exemptions are warranted, establish criteria to determine residents that may be exempt and require reporting on actions related to outreach and engagement efforts, identification and accounting of eligible and exempt residents, and provision of alternative water supplies.
- Water systems that have co-contaminants, in addition to nitrate, are not exempt.

Other Options:

- Residents with access to short-term replacement water and/or working toward a long-term solution via a CAO or similar agreement.
- No exemptions – all residents should be eligible.

8. What types of long-term solutions should the AWS Program consider? How should the cost of O&M be incorporated into the AWS Program?

Preliminary Recommendations:

- Define long-term solutions for nitrate consistent with the definitions and decision criteria used by SAFER¹⁹ and, consistent with SAFER, include provision of O&M for treatment solutions in the definition of both short-term alternative water supplies and long-term solutions.

¹⁹ Long-term definitions and decision criteria are included in the State Water Board's 2024 Drinking Water Needs Assessment Appendix: Cost Assessment Methodology
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2024/2024costassessment-methodology.pdf

- Define decision-making criteria to guide the selection of the appropriate short-term alternative water supplies and long-term solutions.
- Establish requirements and a schedule for the AWS Program administrator to report on the following:
 - Planning, prioritization, and implementation of long-term solutions and the provision of O&M; and
 - Evaluation and consideration of all sustainable long-term solutions, prior to choosing the appropriate long-term solution.

Other Options:

- Focus long-term solutions on replacing infrastructure (new wells, pipelines, and/or filtration systems).
- Long-term solutions could include free water fill stations, similar to the approach used in some parts of the Central Valley under CV-SALTS.
- AWS Program funding should cover the cost of O&M for long-term drinking water solutions.
- Do not include O&M in the AWS Program.

9. Should provision of short-term alternative water supplies and long-term solutions be implemented in phases or concurrently under the AWS Program?

Preliminary Recommendation:

- Establish a time schedule for reporting on actions related to the planning, prioritization, and implementation of short-term supplies, long-term solutions, and O&M.

Other Options:

- Short-term alternative water supplies should be developed concurrently with the development of long-term solutions.
- The initial term of the short-term program should last 10 years with an option to extend the program in five-year increments after review and consideration of the program and its benefits. This option would not include long-term solutions.
- Define a reporting schedule that provides time for the capacity-building needed to administer the AWS Program and for the funding to be allocated to support the cost of implementing long-term solutions.

10. How should the AWS Program be funded?

Preliminary Recommendations:

- Consistent with the directive in the Remand Order and the findings in the *Assessment of Interim Needs and Costs*, the AWS Program must be discharger funded, at least in part. An independent AWS Program administrator or individual dischargers may seek co-funding and/or leverage existing cost-saving programs such as well testing and community-based outreach programs.
- Define estimated needs and costs for short-term alternative water supplies and long-term solutions.
- Establish requirements for the AWS Program administrator to report on the sources and amounts of funding received and expended, in the context of the estimated need.
- Define a discharger fee structure to meet program needs.
- Supplement (co-fund) elements of AWS Program implementation with grants and other funding sources.

Other Options:

- Provide cost certainty for agricultural dischargers (e.g., a cap on discharger financial responsibility per acre).
- Fees should be reasonable and consider the financial viability of the agricultural industry.
- Fees should be associated with the level of nitrogen loading and/or discharge to incentivize reductions in agricultural nitrogen discharge to groundwater. Higher loading and/or discharge should result in higher AWS Program fees.
- Clarify that when co-contaminants are present, dischargers' responsibility should be proportional to the cost of treating nitrate relative to the total cost of addressing all contaminants.

11. What duties should the independent AWS Program administrator perform and what criteria should be used to select an administrator?

Preliminary Recommendations:

- The specific duties of the AWS Program administrator include, but are not limited to, collecting discharger financial contributions and other resources to fund the program, as well as providing, or contracting to provide, the following: outreach and engagement, both short-term alternative water supplies and long-term solutions, drinking water well/system testing and user notifications, and reporting to the Central Coast Water Board. If the reporting provided by the AWS Program administrator on behalf of their members fails to comply with the WDR

requirements, dischargers could be removed from the AWS Program compliance pathway.

- Establish criteria for the selection of an “independent” AWS Program administrator, consistent with the Remand Order direction. Selection of an AWS Program administrator could be conceptually similar to the existing criteria in the Ag Order for the selection of a third-party program.²⁰
- Establish criteria to ensure the AWS Program administrator is eligible to apply for state and federal government grants and loans, such as those offered by the SAFER program.
- Require annual reporting on the need for alternative water supplies and associated costs based on the results of ongoing water quality testing and community outreach and as the AWS Program progresses toward implementing long-term solutions.

Other Options:

- Fees should be collected by Central Coast Water Quality Preservation, Inc.²¹
- The AWS Program should be administered by agricultural discharger-trusted partners.
- The AWS Program should be administered by SAFER or divided between the Central Coast Water Board and SAFER.

12. How should the Central Coast Water Board provide oversight over the implementation of the AWS Program?

Preliminary Recommendations:

- The Central Coast Water Board will pursue enforcement actions against dischargers that are not complying with the requirements of the Ag Order.

VI. Next Steps

As the regulatory landscape continues to evolve, the Central Coast Water Board remains committed to transparent and science-based decision-making that reflects the complexity of nitrate contamination and prioritizes public health. We recognize that addressing the ongoing impacts of nitrate pollution requires a comprehensive, adaptive

²⁰ Order R3-2021-0040, pages 17-19:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_order.pdf

²¹ Central Coast Water Quality Preservation, Inc.: <https://ccwqp.org/>

approach that balances enforceable regulatory requirements with meaningful engagement, technical feasibility, and social equity.

We acknowledge the importance of collaboration in this process and value the insights and contributions of agricultural dischargers and their representatives, residents impacted by nitrate pollution in groundwater, environmental justice representatives, community-based organizations, and all other interested parties. Continued dialogue will be essential to ensure that the AWS Program, and broader nitrate management strategy, effectively protect drinking water sources and advances the Human Right to Water²² for all communities in the Central Coast region.

The Central Coast Water Board will continue to solicit public input as the AWS Program is further developed, including through one or more additional public comment periods and associated workshops as well as at a Central Coast Water Board hearing to consider the adoption of a revised draft Ag Order. Each subsequent public meeting will be accompanied by more detailed draft regulatory language and implementation materials for public review and comment.

Interested parties are encouraged to participate in all public participation opportunities. The first public workshop will be on August 21, 2025, and there is an opportunity to submit public written comments on the documents available prior to or after that workshop. Input received during the August 2025 workshop and through public written comments will guide the Central Coast Water Board in drafting a revised Ag Order and working with all interested parties to develop the AWS Program.

²² California Water Code section 106.3:
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=WAT§ionNum=106.3

VII. Appendix – Definitions

Agricultural Representatives: parties included in focused engagement discussions that represented agricultural discharger interests related to the development of the AWS Program. Representatives included staff from Central Coast Water Quality Preservation, Inc. as well as individuals that collectively referred to themselves as the Ag Partners from the following organizations: California Farm Bureau Federation; Grower-Shipper Association of Central California; Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties; Kahn, Soares & Conway; Monterey County Farm Bureau; Western Grower’s Association; Western Plant Health Association.

Alternative Water Supply (AWS) Program: a program being developed by the Central Coast Water Board to ensure safe drinking water for residents impacted by nitrate contamination from agricultural discharges in accordance with the direction provided by the State Water Board in the Remand Order WQ 2023-0081.

Ag Order: Central Coast Water Board Order R3-2021-0040 *General Waste Discharge Requirements for Discharges from Irrigated Lands*.

AWS Program Administrator: the independent entity that will oversee implementation of the AWS Program.

Basin Plan: see definition of a Water Quality Control Plan.

Central Coast Water Board: the California Regional Water Quality Control Board, Central Coast Region

Centralized Treatment: treating water at a central place before conveying it through a dedicated distribution system to customers.

Cleanup and Abatement Order: A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of a person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for

the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant (Water Code, section 13304, subdivision (a)).

Decentralized Treatment: water treatment units that remove contaminants from the water served to only one home or building and are not used to treat irrigation water. Decentralized treatment can be point of entry (POE) and point of use (POU) technologies.

Disadvantaged Community (DAC): the entire service area of a community water system, or a community therein, in which the median household income is less than 80% of the statewide annual median household income level. (Health & Safety Code, section 116275, subdivision (aa).)

Division of Drinking Water: an agency under the State Water Board that regulates public drinking water systems.

Domestic Well: a groundwater well used to supply water for the domestic needs of an individual residence or a water system that is not a Public Water System and has no more than four service connections. (Health & Saf. Code, § 116681, subd. (i).)

Environmental Justice Representatives: parties included in focused engagement discussions related to the development of the AWS Program. These parties represented the interests of impacted residents, underrepresented communities, and environmental groups. Representatives from the following entities were part of the group: California Coastkeeper Alliance, California Rural Legal Assistance, Community Water Center; Environmental Law Foundation, Monterey Waterkeeper, Santa Barbara Channelkeeper, and residents from the community of San Jerardo.

Federal Safe Drinking Water Act: authorizes the United States Environmental Protection Agency (US EPA) to set national health-based standards for drinking water to protect against both naturally occurring and man-made contaminants that may be found in drinking water. The Safe Drinking Water Act does not regulate private wells which serve fewer than 25 individuals.

Human Right to Water: the recognition that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking and sanitary purposes,” as defined in Assembly Bill 685 (AB 685). (California Water Code § 106.3, subd. (a).)

Agreement: a legally binding agreement between participating agricultural dischargers and the AWS Program administrator, and/or the Central Coast Water Board, which will define certain parts of the AWS Program.

Short-Term Alternative Water Supplies: is synonymous with interim alternative water supplies and includes, but is not limited to, bottled water, vended water, and point-of-use or point-of-entry treatment units. (State Water Board 2024 Drinking Water Needs Assessment)

Maximum Contaminant Level (MCL): the highest permissible amount of a contaminant statutorily allowed in water. (Health & Saf. Code, section 116275, subd. (f).)

Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy): The Policy for Implementation and Enforcement of the Nonpoint Source (NPS) Pollution Control Program (NPS Policy) is a State Water Board policy requiring all regional boards to regulate nonpoint sources of pollution, including agricultural discharges.

Operations and Maintenance (O&M): collective term for the materials, functions, duties, and labor associated with the daily operations, normal repairs, replacement of parts and structural components, and other activities needed to preserve a water system's capital assets so that it can continue to provide safe drinking water.

Point of Use (POU): a treatment device located where the end user accesses the drinking water.

Point of Entry (POE): a treatment device located at the inlet to an entire building or facility.

Public Water System: a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A public water system includes any collection, pre-treatment, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system; any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system; and any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption. (Health & Safety Code, section 116275, subdivision (h).)

State Small Water System: a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year. (Health & Safety. Code, section 116275, subdivision (n).)

Remand Order: State Water Board Order WQ-2023-0081 *In the Matter of Review of General Waste Discharge Requirements for Discharges from Irrigated Lands Order No.*

R3-2021-0040 Issued by the California Regional Water Quality Control Board, Central Coast Region.

State Water Board: the California State Water Resources Control Board.

SAFER: the Safe and Affordable Funding for Equity and Resilience Program (SAFER) is an initiative led by the State Water Board. It aims to ensure that all Californians – especially those in disadvantaged communities – have access to safe, reliable, and affordable drinking water.

Waste Discharge Requirements (WDRs): The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241 (Water Code 13263 subdivision (a)).

Water Quality Control Plan (Basin Plan): consists of a designation or establishment for the waters within a specified area of all of the following: (1) Beneficial uses to be protected, (2) Water quality objectives, and (3) A program of implementation needed for achieving water quality objectives (Water Code section 13050 subdivision (j)).