

APPENDIX 3.O. CHOWCHILLA MANAGEMENT ZONE MOU

Prepared as part of the
Groundwater Sustainability Plan
Chowchilla Subbasin

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**MEMORANDUM OF UNDERSTANDING BETWEEN CHOWCHILLA MANAGEMENT ZONE AND
GROUNDWATER SUSTAINABILITY AGENCIES IN THE CHOWCHILLA SUBBASIN**

RECITALS

WHEREAS, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins in 2018 to incorporate a Salt and Nitrate Control Program; and

WHEREAS, the Chowchilla Subbasin (Subbasin) area has been identified as an active (Priority 1) groundwater subbasin and management zone for nitrate management; and

WHEREAS, the Chowchilla Management Zone (CMZ) is a management zone formed to manage the implementation of the Nitrate Control Program in the Subbasin area by providing groundwater testing and free drinking water mitigation services for residents in the management zone whose drinking water supplies are impacted by nitrate contamination issues; and

WHEREAS, the CMZ seeks to identify and provide both interim and long-term drinking water solutions for those in the Subbasin area that are impacted by nitrate contamination; and

WHEREAS, the CMZ is actively implementing a Management Zone Implementation Plan that includes, among other measures, outreach and drinking water mitigation services to residents in the Subbasin that rely on domestic wells for their source of drinking water; and

WHEREAS, the CMZ, as part of its Early Action Plan that has been active since May 2021, has been providing outreach and offering free domestic well testing to measure nitrate levels in such wells and will continue providing replacement water to those whose wells exceed the state's primary maximum contaminant level for nitrate at no cost to the resident; and

WHEREAS, the CMZ has and will continue to seek grants from the State Water Resources Control Board's (SWRCB) Safe and Affordable Funding for Equity and Resilience (SAFER) to provide groundwater testing and free drinking water mitigation services for residents in the Subbasin whose wells are impacted by other contaminants besides nitrate; and

WHEREAS, in the Subbasin, there are four Groundwater Sustainability Agencies (GSAs) formed under and pursuant to the provisions of the Sustainable Groundwater Management Act (SGMA) (California Water Code, § 10720 et seq.) that are required to prepare and implement a Groundwater Sustainability Plan (GSP) for the Subbasin that meets the requirements of SGMA; and

WHEREAS, the four GSAs have cooperatively worked to prepare, adopt, and implement one GSP that collectively covers the entirety of the Subbasin; and

WHEREAS, on or about March 2, 2023, the California Department of Water Resources (DWR) issued an Inadequate Determination for the GSP that covers the entirety of the Subbasin; and

WHEREAS, DWR's Inadequate Determination results in transferring primary jurisdiction for review of the GSP to the SWRCB and creates the need for additional amendments to the GSP; and

WHEREAS, the four GSAs have a shared interest in revising the GSP to satisfy the requirements of SGMA and address concerns raised by the SWRCB regarding GSP implementation and potential impacts to domestic wells related to degraded groundwater quality; and

WHEREAS, the four GSAs, as part of GSP implementation, have agreed to mitigate groundwater quality impacts to domestic wells that are caused by GSP implementation and that result from degradation of groundwater quality above certain levels identified in the GSP as part of their Domestic Well Mitigation Program (DWMP); and

WHEREAS, funding for the DWMP comes from the four GSAs and is not predicated on the receipt of State and/or Federal funds; and

WHEREAS, the CMZ and its contributing members have already prepared a long-term plan for monitoring groundwater quality with regard to nitrate levels throughout the Subbasin area; and

WHEREAS, the four GSAs under SGMA must also monitor groundwater quality with regard to nitrate levels throughout the Subbasin; and

WHEREAS, the CMZ and the four GSAs desire to coordinate their programs related to monitoring groundwater quality with regard to nitrate levels, and providing drinking water mitigation services for residents in the Subbasin whose drinking water supplies are impacted by nitrate contamination issues.

NOW, THEREFORE, the CMZ and the four GSAs agree as follows:

AGREEMENT TERMS

1. The CMZ and the four GSAs agree to work collaboratively to avoid duplication of efforts in their respective administration of their programs, including but not limited to:
 - a. Compilation and assessment of groundwater data;
 - b. Groundwater monitoring;
 - c. Testing domestic wells for drinking water constituents of concern;
 - d. Development of a review process for siting of new wells to ensure that new wells are not placed in areas with degraded water quality;
 - e. Mitigating dry wells; and,
 - f. Otherwise providing drinking water mitigation services to address water quality impacts.

2. The CMZ and the four GSAs agree that it is in their mutual interest to ensure that all residents in the Subbasin have access to an adequate supply of safe and affordable drinking water.
3. The CMZ agrees, consistent with its Management Zone Implementation Plan once approved by the Central Valley Water Board, to conduct outreach to residents within the Subbasin to offer free domestic well testing for nitrate and will provide drinking water mitigation services to residents if the domestic well exceeds the state's primary maximum contaminant level for nitrate.
4. CMZ agrees that domestic well testing will be coordinated for new wells with both Madera and Merced County.
5. The CMZ agrees that, as part of its Management Zone Implementation Plan outreach efforts, the CMZ will provide residents throughout the Subbasin with information regarding the DWMP that is being implemented by the four GSAs consistent with the GSP, as long as such information is provided to the CMZ for dissemination.
6. The four GSAs agree to identify a contact person for the CMZ for cooperation and collaboration associated with implementation of the domestic well mitigation program.
7. The CMZ agrees to identify a contact person for the four GSAs for cooperation and collaboration associated with implementation of its Management Zone Implementation Plan.
8. The CMZ agrees that if the CMZ, during the normal course of implementing its Management Zone Implementation Plan, encounters a dry well that may be eligible for the domestic well mitigation program, the CMZ will notify the contact person identified by the four GSAs of the dry well and will provide the resident with referral information from the four GSAs of the resident's options for seeking mitigation under the DWMP.
9. The four GSAs agree that if a domestic well is eligible for mitigation under the DWMP, the four GSAs will take all reasonable efforts to install a replacement well that is sealed at a level where the groundwater quality meets primary drinking water standards.
10. The four GSAs agree that if a replacement well is provided through the domestic well mitigation program, the CMZ, through coordination with Madera or Merced County will test groundwater from the well to determine if it exceeds primary drinking water standards. If groundwater from the well exceeds the state's primary maximum contaminant level for nitrate, the identified contact person will work with the CMZ to ensure that drinking water mitigation services are provided to the residents that rely on the well in question.

11. The CMZ and the four GSAs agree that it is their intent to develop a future agreement, or amendments to this agreement, whereby the four GSAs will contribute annually to the CMZ to provide funding to the CMZ to cover costs for well testing and drinking water mitigation services that may be associated with implementation of the GSP.
12. The four GSAs agree to provide the CMZ with groundwater data and information compiled by the GSAs to assist the CMZ in implementation of the Management Zone Implementation Plan, and future plans as appropriate and applicable.
13. The CMZ and the four GSAs agree to work collaboratively in the development of their groundwater monitoring networks to ensure that there are not duplicative monitoring efforts and to share groundwater monitoring results so that each program enhances the other's monitoring program rather than duplicating such programs.