

Sustainable Groundwater Management Act

Fox Canyon Groundwater Management Agency Workshop
October 17, 2014

Legislative Goals

- Set minimum standards for sustainable groundwater management
- Give local agencies tools needed to sustainably manage groundwater
- Increase groundwater storage
- Provide opportunity for local control
- State intervention as needed
- Preserve existing water rights

Key Provisions

- GMA is the exclusive agency within its boundaries
- Prohibition in GMA Act against supply-side activities no longer applicable
 - Requires finding that GMA unable to sustainably manage basin without prohibited authority
- Authority to act under new law requires adoption of groundwater sustainability plan or alternative plan
 - Exception: new regulatory fees may be imposed
- New law does not limit GMA's existing authority

New Concept – Sustainability

- Groundwater sustainability agency (GSA)
- Groundwater sustainability plan (GSP)– specifies measures to ensure that basin operated within its sustainable yield
 - Required for each high- and medium-priority basin
- Sustainable groundwater management – management and use of groundwater over a 50-year period without causing undesirable results

Key Term – Sustainable Yield

- Sustainable yield – maximum that can be extracted without causing undesirable result
- Calculated over “base period representative of long-term conditions”
- Compare “safe yield” – condition when average annual extractions are equal to, or less than, average annual recharge

Key Term – Undesirable Result

- Undesirable result
 - Chronic lowering of groundwater levels
 - Allows for overdraft during period of drought if offset by increased storage during other periods
 - Significant and unreasonable:
 - Reduction of groundwater storage
 - Seawater intrusion
 - Degraded water quality
 - Subsidence
 - Adverse impacts on surface water

GSA Powers and Authorities

- Regulation of extractions
- Replenishment activities
- Imposition of fees
- Enforcement

New Regulatory Authority

- GMA already possesses most
- Broader inspection authority
- Use of surface water for underground storage must be reported to GSA

New Replenishment Authority

- Acquire land, water rights and other property
- Construct public works
- Purchase, import, store water
- Supply surface water in exchange for reduced or no extractions
- Treat brackish, saline or waste water
- Retail water service

New Regulatory Fees

- GMA extraction charge currently capped at \$6/AF
- May be imposed prior to GSP adoption
- May be used to fund GSP preparation and other costs of sustainability program
- May include permit fees and other regulatory fees

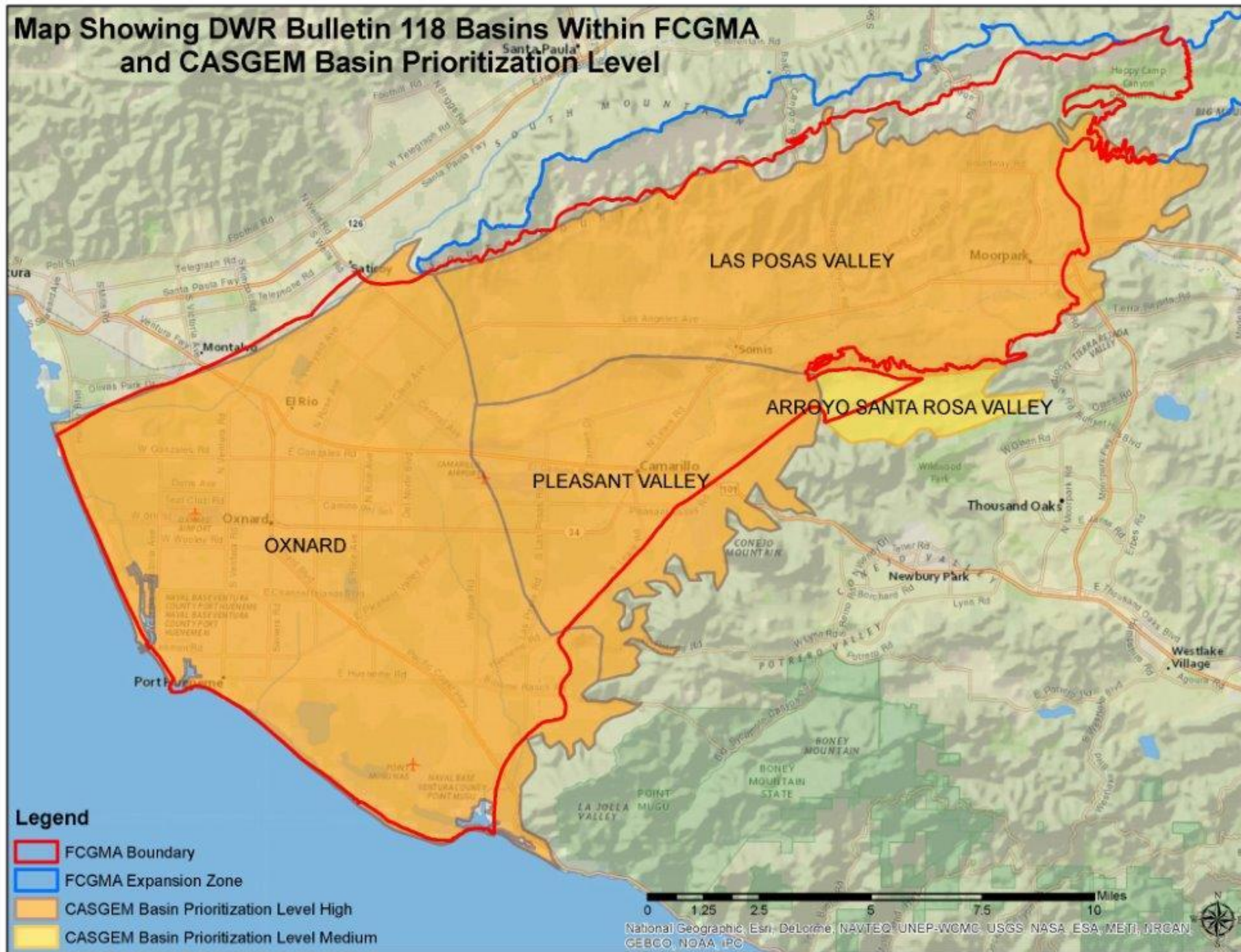
New Extraction Fees

- Available only if GSP adopted
- May be used for: (1) acquisition, operation and maintenance of facilities, or (2) acquisition, treatment, production and distribution of water
- No requirement that fees be uniform
- Proposition 218 requirements

Process for becoming GSA

- Either: (1) hold public hearing and adopt resolution; or (2) submit alternative plan
- Submit notice to Dept. of Water Resources (DWR)
- Effective immediately within GMA boundaries
- Effective after 90 days outside GMA boundaries
 - If another agency elects to become GSA for that basin, coordination effort to take place

Map Showing DWR Bulletin 118 Basins Within FCGMA and CASGEM Basin Prioritization Level



Process for Adopting GSP

- Public outreach requirement
 - Notify public and DWR how to participate in GSP development process
 - Encourage participation by diverse elements
 - Consider interests of all beneficial users of groundwater and others
- Advisory committee may be appointed
- Public hearing after 90 day comment/consultation period
- Periodic review to determine need for amendment
- GSA may file validation action to determine validity of GSP
- CEQA exemption

Required GSP Contents

- Historical data
- Groundwater levels, quality, subsidence
- Groundwater – Surface water interaction
- Historical and projected demands and supplies
- Recharge areas
- Measurable objectives
 - May exclude existing undesirable results
- Interim 5-year milestones
- Goal: Sustainability within 20 years
 - Two 5-year extensions may be granted
- 50-year planning and implementation horizon
- Monitoring data

Additional GSP Elements*

- Control of saline water intrusion
- Wellhead protection and recharge areas
- Contaminated groundwater migration
- Well abandonment and destruction program
- Replenishment
- Conjunctive use
- Underground storage
- Efficiency measures
- Relations with state and federal regulators
- Coordination with land use agencies
- Impacts on ecosystems

*Collaboration with appropriate local agencies required

Annual Reporting

- Each April 1st following plan adoption
- Report shall include:
 - Groundwater elevation data
 - Annual extractions
 - Surface water supply
 - Total water use
 - Change in storage

State Evaluation of GSPs

- GSP must be submitted to DWR for review
- Initial DWR assessment may take up to 2 years
- Periodic [5-year] review thereafter
 - Whether plan is likely to result in sustainability
 - Assess progress toward goal of sustainability
- DWR to assess GSPs based on adopted regulations
- DWR assessment may include recommended corrective actions

New Enforcement Authority

- GMA may prohibit extractions until all delinquent fees are paid
- \$500 per AF civil penalty for extractions in excess of allocation
- Additional civil penalty of up to \$1,000 plus \$100 per day for violations

State Assistance

- DWR to develop regulations to assist local agencies with developing and implementing GSPs
- DWR to publish BMPs for sustainable groundwater management
- GSA may request technical help from DWR on how to develop and implement GSP
- DWR to use its “best efforts” to provide help

GSP Alternative

- A plan developed pursuant to law authorizing groundwater management
- May be submitted if local agency “believes” plan satisfies objectives of new law
- DWR to evaluate based on regulations adopted by June 1, 2016
- Must be submitted by January 1, 2017 & approved by January 31, 2020
- Must be updated every 5 years

Advantages of Alternative

- Fewer procedural requirements
 - GMA may adopt in same manner as prior groundwater management plans
- Content requirements for GSPs may not apply
- Fewer DWR regulations may apply
- No annual reporting required

Drawbacks of Alternative

- Fewer DWR regulations may mean less guidance on plan development
- GSA that submits an alternative plan not expressly authorized to impose replenishment fees
- No validation action available

State Intervention

- Probationary basin designation
 - Triggering events
 - No GSA formed or alternative plan submitted by June 30, 2017
 - No GSP adopted or alternative plan approved by January 31, 2020/2022
 - DWR determines that GSP inadequate or not being adequately implemented
- Deadlines may be extended to account for litigation delays

State Intervention

- Local agency will be given opportunity to remedy deficiencies
- If deficiencies not corrected, basin will be subject to direct state investigation, monitoring and regulation of groundwater extractions
- Legislation provides for return to local control

Key Dates

- January 1, 2015 Law goes into effect
- January 1, 2017 Last day to file alternative plan
- June 30, 2017 Last day to file notice of intent to become GSA
- January 1, 2020 Last day to adopt GSP
- January 31, 2020 Last day to have alternative approved
- January 1, 2040 Last day to achieve sustainability

Other Important Dates

- January 31, 2015 Basins to be categorized as high-, medium- or low-priority
- June 1, 2016 DWR adopts regs for evaluating GSPs and implementation efforts
- Dec. 31, 2016 DWR estimate of water available for replenishment
- January 1, 2017 DWR publishes BMPs