

AGENDA
Borrego Water District Board of Directors
Special Meeting
October 14, 2014, 9:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

I. OPENING PROCEDURES

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda
- E. Comments from Directors and Requests for Future Agenda Items
- F. Comments from the Public and Requests for Future Agenda Items (comments will be limited to 3 minutes)

II. CURRENT BUSINESS MATTERS

- A. Discussion of 2014 Community Groundwater Management Plan (GWMP), Groundwater Sustainability Plan (GSP) and Integrated Regional Water Management Plan (IRWMP). (2-35)
- B. Discussion of proposed schedule for Raftelis Water and Wastewater Utility Rate Analysis (36)
- C. Discussion of proposed Ordinance No. 14-01 ***ORDINANCE OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT AMENDING ORDINANCE NO. 93-2 INSTITUTING A CROSS CONNECTION CONTROL PROGRAM TO PROTECT THE PUBLIC WATER SYSTEM AND THE ADOPTION OF RULES AND REGULATIONS*** (37-40)
- D. Update on Viking refinancing process and questions
- E. Discussion of potential agenda items for October 22nd board meeting

III. CLOSING PROCEDURE

The next Regular Meeting of the Board of Directors is scheduled for October 22, 2014 at the Borrego Water District.



Summary

AB 1739 (Dickinson), SB 1168 (Pavley) and SB 1319 (Pavley)

The Sustainable Groundwater Management Act empowers local agencies to manage groundwater basins in a sustainable manner over a long-term horizon. The Act provides five to seven years for locals to form a Groundwater Sustainability Agency (GSA) and to create a Groundwater Sustainability Plan (GSP). The plan would have a 20-year implementation horizon with the opportunity for two five-year extensions, if the agency is making progress towards sustainability.

(All references to code sections are to the Water Code, unless otherwise noted.)

State Policy and Local Government Coordination

- Establishes that it is the policy of the state that groundwater resources be managed sustainably for long-term water supply reliability and multiple economic, social, or environmental benefits for current and future beneficial uses. Section 1. (a) of SB 1168
- Requires a city or county planning agency, before adopting or substantially amending a general plan, to review and consider groundwater sustainability plans. Government Code Section 65352.5

I. Core Provisions

Groundwater Sustainability Agency Formation

- Local Agencies have until June 30, 2017, to form a GSA. Section 10735.2 (1)
- Any local agency or combination of local agencies overlying a groundwater basin may elect to be a Groundwater Sustainability Agency. Section 10723
- Agencies that have been created by statute to manage groundwater are deemed the exclusive agencies to comply with the Act within their boundaries, unless the agency elects to opt out. Section 10723 (c)(1) and (c)(2)
- A GSA may adopt rules, regulations, ordinances, and resolutions for the purposes of the Act.

Tools for GSAs

- The Act gives local agencies new tools to manage groundwater sustainably.
- A GSA may conduct investigations to carry out the requirements of the Act. Section 10725.4
- A GSA may require the registration of wells. Section 10725.6

- A GSA may require the installation of water-measuring devices on all groundwater wells within the basin boundaries at the expense of the operator or owner. Section 10725.8
- A GSA may require annual extraction statements or other reasonable method to determine groundwater extractions. Section 10725.8 (c) and (d)
- A GSA may impose well spacing requirements and control extractions by regulating, limiting or suspending extractions from individual groundwater wells. Section 10726.4 (a)(1) and (2)
- A GSA may assess fees to establish and implement local groundwater management plans. Section 10725.4 (a)(3)
- Local agencies may request that the Department of Water Resources (DWR) revise the boundaries of a basin, including establishing new subbasins. The request shall include information, to be specified by DWR in regulations by January 1, 2016, to support the request. Section 10722.2 (a)

Creation of Groundwater Sustainability Plans

- GSAs must create and implement a GSP in each high- and medium-priority basin to meet the sustainability goal of the Act. Section 10727 (a) [See the attached map indicating the location high- and medium-priority basins as currently identified.]
- GSAs in basins that are in “critical conditions of overdraft” must adopt a compliant plan by January 31, 2020. Section 10720.7 (a)(1)
- GSAs in all other high- and medium-priority basins must adopt a compliant plan by January 31, 2022. Section 10720.7 (a)(2)
- A plan may be a single plan covering the entire basin, a single plan covering the entire basin created by multiple agencies, or multiple plans created by multiple agencies. Section 10727 (b)(1), (2), and (3)
- A GSP must include:
 - A description of the physical setting and characteristics of the aquifer system. Section 10727.2 (a)
 - Historical data, groundwater levels, ground water quality, subsidence, groundwater-surface water interaction, a discussion of historical and projected water demands and supplies. Section 10727.2 (1), (2) and (3)
 - A map that details the area of the basin and boundaries. Section 10727.2 (4)
 - A map identifying existing and potential recharge areas that substantially contribute to the recharge of the basin. Section 10727.2 (5)
 - Measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years. Section 10727.2 (b) (1)
 - A planning and implementing horizon. Section 10727.2 (c)
 - The monitoring and management of groundwater levels, water quality, groundwater quality degradation, and inelastic land surface subsidence. Section 10727.2 (d)(1), (2), (3), (4), and (5)
 - A summary of the type of monitoring. Section 10727.2 (e)
 - The monitoring protocols. Section 10727.2 (f)

- A description of the consideration of other applicable local government plans and how the GSP may affect those plans. Section 10727.2 (g)
- DWR may grant two five-year extensions upon a showing of good cause beyond the 20-year sustainability timeframe. Section 10727.2 (3) (A)
- DWR may grant an extension beyond the two five-year extensions, if the local agency demonstrates a need for an extension, has made progress toward meeting its sustainability goal and adopts a feasibility work plan for meeting the sustainability goal during the extension period. Section 10727.2 (3) (B) (i), (ii) and (iii)

DWR Evaluation and Assessment

- DWR shall periodically review GSPs to evaluate whether they conform with the Act and are likely to achieve the sustainability goal. Section 10733 (a)
- If multiple plans are created for a basin, DWR shall evaluate whether the plans conform with the Act and together are likely to achieve the sustainability goal. Section 10733 (b)
- DWR shall evaluate whether a GSP adversely affects the ability of an adjacent basin to implement its GSP or impedes achievement of the sustainability goals in an adjacent basin. Section 10733 (c)

Probationary Status

In general, the State Water Resources Control Board (State Board) may designate a basin as “probationary” if, after consulting with DWR, it is found that a GSA has not been formed, a GSP has not been created, the GSP is inadequate or the GSP is not being implemented in a way that will lead to sustainability. “Sustainable groundwater management” means the “management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.” “Undesirable results” are defined as follows, based on a “significant and unreasonable” standard:

- Chronic lowering groundwater level
- Seawater intrusion
- Degraded water quality
- Land subsidence
- Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses

Probationary status requires a GSA to respond to the State Board and describe how it intends to rectify these shortcomings.

Specifically, the State Board may designate a basin as a probationary, if:

- After June 30, 2017, the State Board finds that there is no local agency or a collection of agencies that has elected to become the GSA or an agency has not provided an alternative plan. Section 10735.2 (1)

- After January 31, 2020, a GSA in any high- or medium-priority basin in critical condition of overdraft has not adopted a GSP for the entire basin. Section 10735.2 (2)
 - After, January 31, 2020, DWR in consultation with the State Board determines that the GSP is inadequate or the GSP is not being implemented in a manner that will likely achieve the sustainability goal. Section 10735.2 (3)
 - After January 31, 2022, a GSA in any high- or medium-priority basin that is not subject to the critical conditions of overdraft has not adopted a plan for the entire basin. Section 10735.2 (4)
 - After January 31, 2022, DWR in consultation with the State Board determines that the GSP is inadequate or that the GSP is not being implemented in a manner that will achieve the sustainability goal and the State Board determines that the basin is in a condition of long-term overdraft. Section 10735.2 (5)(A)
 - After January 31, 2025, DWR in consultation with the State Board determines that the GSP is inadequate or that the GSP is not being implemented in a manner that will achieve the sustainability goal and the State Board determines that the basin is in a condition where groundwater extractions result in significant depletions of interconnected surface waters. Section 10735.2 (5)(B)
- A GSA has 180 days to remedy any deficiency with additional time provided if the agency is making substantial progress toward remedying the problem. Section 10735.4 (a) and (b)

State Board Intervention/Interim Plans

A GSA has 180 days to respond appropriately to the designation of “probationary status” before the State Board can move forward with the next step. Failure to respond to the deficiencies in the GSP could lead to limited state intervention and the development of a State Board- created interim plan.

- The State Board may develop an “interim plan” for a probationary basin if at the end of the time provided for rectifying the deficiency the State Board, in consultation with DWR, determines that the local agency has not remedied the deficiency. Section 10735.4 (c)
- The State Board must exclude from probationary status any portion of a basin for which a GSA demonstrates compliance with the sustainability goal. Section 10735.2 (e)
- Before January 1, 2025, the State Board is prohibited from establishing an interim plan to remedy a condition where the groundwater extractions result in significant depletions of interconnected surface waters. Section 10735.8 (h)
- The State Board may adopt regulations to establish the allocation, administration or collection of fees in carrying out its duties. Section 10736 (d)(3)

Protections for Areas under Sustainable Management

- The State Board must exclude from probationary status any portion of a basin for which a GSA demonstrates compliance with the sustainability goal. Section 10735.2 (e)

- State fees may be assessed by the State Board to carry out its duties only in areas not in compliance with the Act after 2017, or 2020, or later, as described in the requirements for “probationary status” designation.

II. Other Important Provisions

California Environmental Quality Act (CEQA)

- The formation of a GSA is subject to CEQA. Any deadlines missed due to litigation challenging the formation of the agency would be extended until the litigation is resolved. Section 10735.2 (d)
- The preparation of a GSP is exempt from CEQA. Section 10728.6
- The Act does not exempt the implementation of projects under a GSP from CEQA. Section 10728.6

Water Rights

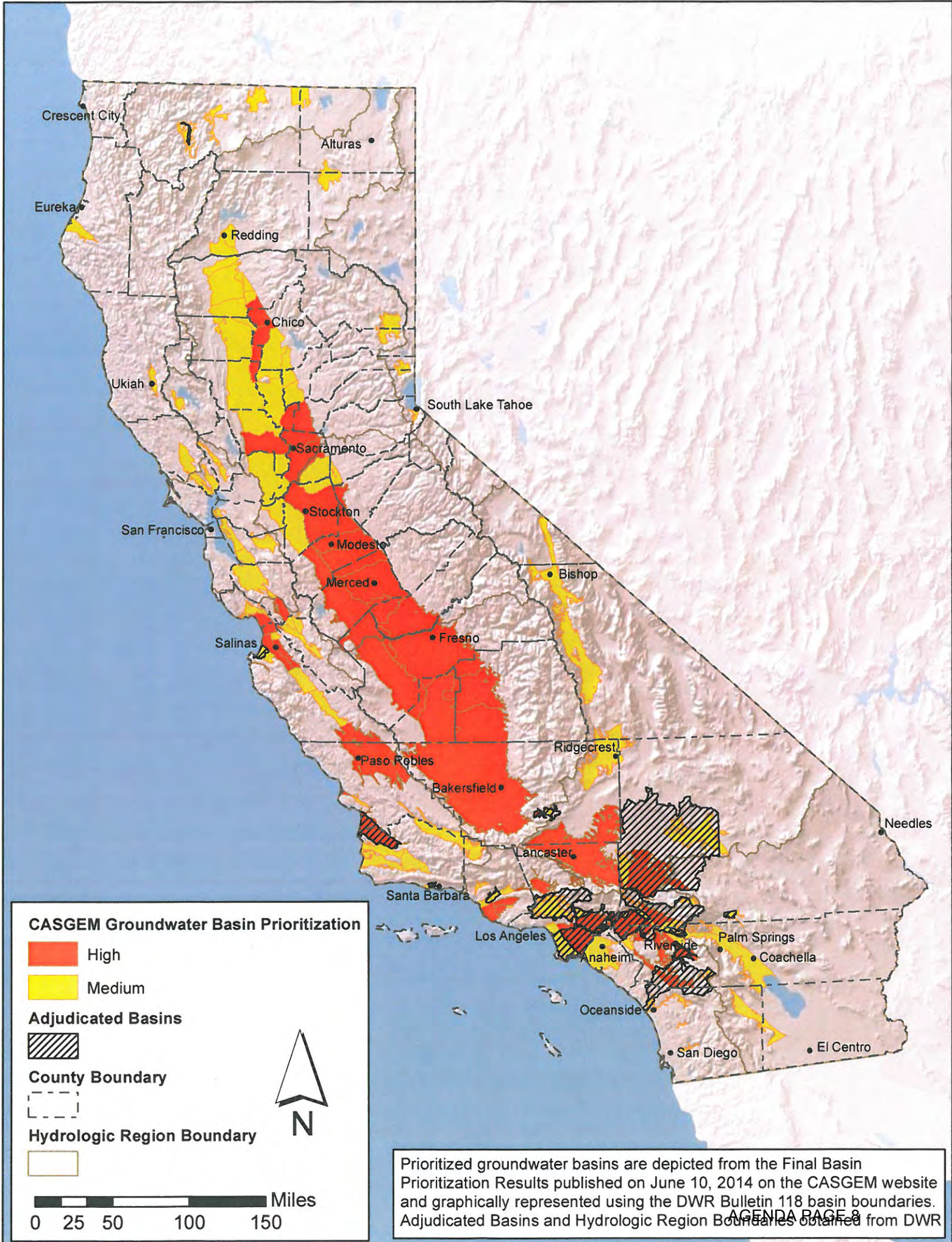
- The Act states that the intent of the Legislature is to “respect overlying and other proprietary rights to groundwater, consistent with section 1200 of the Water Code.” Section 1(b)(4) of AB 1739
- The Act further states that it is in the intent of the Legislature to “preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater.” Section 10720.1(b)
- Additionally, the Act states that “nothing in this part or in any groundwater management plan adopted pursuant to this part, determines or alters surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.” Section 10720.5(b). Similar language is at Section 10726.8(b)

Application to Adjudicated Basins

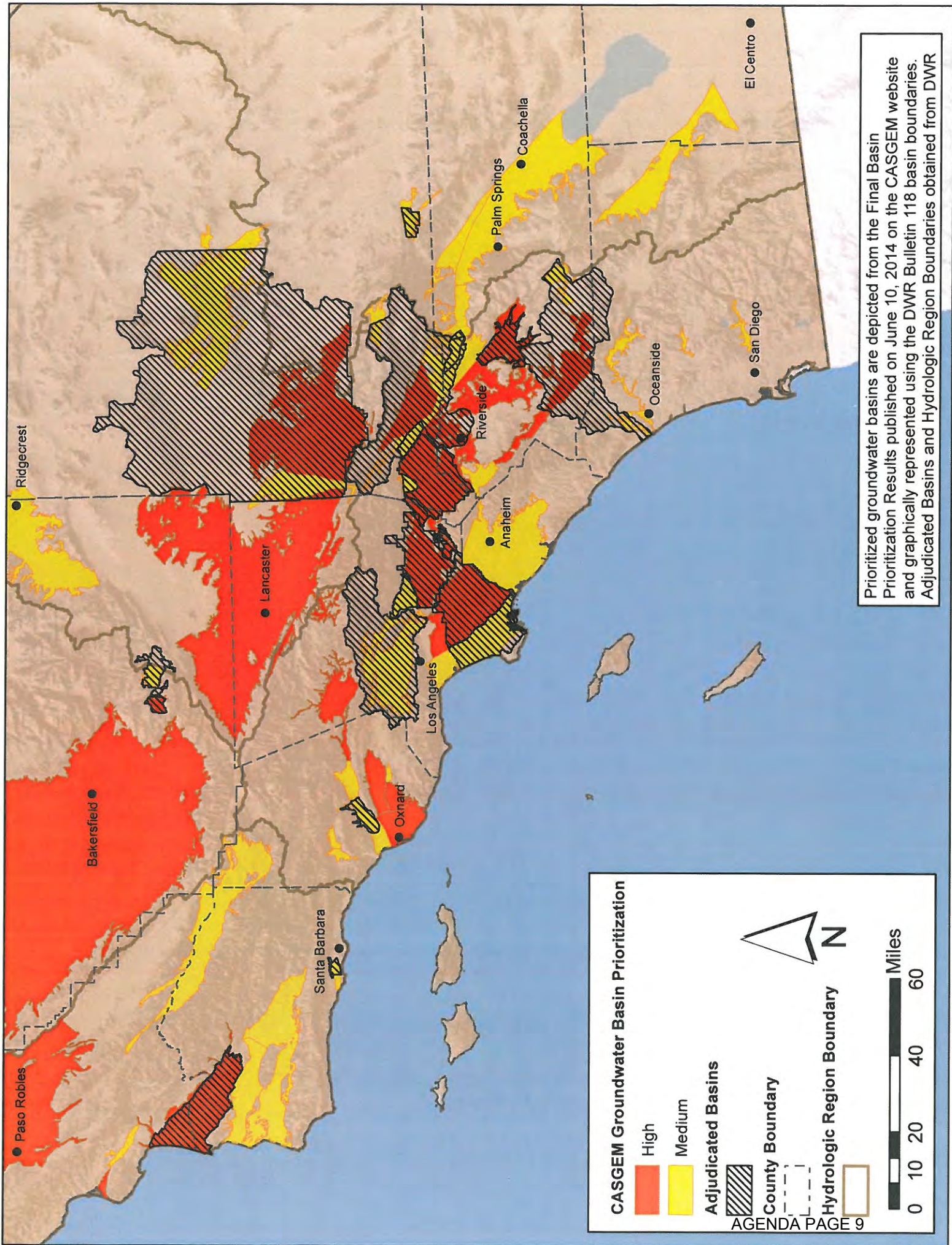
- The Act does not contain any provisions affecting the adjudicatory process.
- Adjudicated basins are required to submit to DWR a copy of a governing final judgment, or other judicial order or decree and any amendments entered before April 1, 2016. Section 10720.8 (f)(1) [See the attached map indicating the location of adjudicated basins.]
- After April 1, 2016, adjudicated basins are required to submit:
 - Any amendment made to the decree or final judgment.
 - Groundwater elevation data unless submitted under Section 10932.
 - Annual aggregate data identifying extraction for the preceding year.
 - Surface water supply used for or available for groundwater recharge or in-lieu use.
 - Total water use.
 - Change in groundwater storage.
 - The annual report submitted to the court.

Tribal Lands

- The Act applies to tribes to the extent authorized under federal law. Section 10720.3(b)
- The Act provides that tribes may voluntarily agree to participate in a GSA and GSP. Section 10720.3(c)
- The Act provides that federally reserved rights to groundwater shall be respected in full. Section 10720.3(d)




Prioritized groundwater basins are depicted from the Final Basin Prioritization Results published on June 10, 2014 on the CASGEM website and graphically represented using the DWR Bulletin 118 basin boundaries. Adjudicated Basins and Hydrologic Region Boundaries obtained from DWR




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CASGEM Groundwater Basin Prioritization

- High
- Medium
- Adjudicated Basins
- County Boundary
- Hydrologic Region Boundary



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SUSTAINABLE GROUNDWATER MANAGEMENT ACT

A Framework for Sustainability

The California Legislature enacted comprehensive legislation aimed at strengthening local control and management of groundwater basins throughout the state. Gov. Jerry Brown signed the three-bill package into law on Sept. 16, 2014.

Known as the Sustainable Groundwater Management Act of 2014, the legislation provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention when necessary to protect the resource.

Multiple discussions and a public stakeholder process that began in late 2013 helped shape the legislation, which the Brown Administration identified as a top priority for 2014. It is considered one element of a comprehensive water action plan advanced by the Administration that also includes investment in water conservation, water recycling, expanded water storage, safe drinking water, wetlands and watershed restoration.

The Act at a Glance

The Sustainable Groundwater Management Act of 2014 consists of three bills – AB 1739 (Dickinson), SB 1168 (Pavley) and SB 1319 (Pavley). Together the bills commit the state to locally controlled, sustainable groundwater management and provide tools and authorities for local agencies to achieve the sustainability goal over a 20-year implementation period.



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Key Steps on the Road to Sustainability

The legislation lays out a process and a timeline for local authorities to achieve sustainable management of groundwater basins. It also provides tools, authorities and deadlines to take the necessary steps to achieve the goal. For local agencies involved in implementation, the requirements are significant and can be expected to take years to accomplish.

- **Step one:** Local agencies must form local groundwater sustainability agencies (GSAs) within two years.
- **Step two:** Agencies in basins deemed high- or medium-priority must adopt groundwater sustainability plans (GSPs) within five to seven years, depending on whether a basin is in critical overdraft.
- **Step three:** Once plans are in place, local agencies have 20 years to fully implement them and achieve the sustainability goal.
- **State role:** The State Water Resources Control Board may intervene if locals do not form a GSA and / or fail to adopt and implement a GSP.

Timeline for Sustainability

June 30, 2017: Local groundwater sustainability agencies formed.

Jan. 31, 2020: Groundwater sustainability plans adopted for critically overdrafted basins.

News Tools for Local Agencies

The legislation gives local agencies new tools to manage groundwater sustainably. For example, groundwater sustainability agencies may:

- Require registration of wells and measurement of extractions
- Require annual extraction reports
- Impose limits on extractions from individual groundwater wells
- Assess fees to implement local groundwater management plans
- Request a revision of basin boundaries, including establishing new subbasins

Creation of Groundwater Sustainability Plans

The legislation provides options for local agencies to develop the required groundwater sustainability plans. Agencies may opt to create a single plan covering the entire basin, or knit together multiple plans created by multiple agencies.

A plan must include measurable objectives and interim milestones to achieve the sustainability goal for the basin within a 20-year time frame. The plan also must include a physical description of the basin, including information on groundwater levels, groundwater quality, subsidence and groundwater-surface water interaction; historical and projected data on water demands and supplies; monitoring and management provisions; and a description of how the plan will affect other plans, including county and city general plans.



State Technical and Financial Assistance

The California Department of Water Resources (DWR) has several tasks under the Sustainable Groundwater Management Act. It must:

- Designate basins as high, medium, low or very low priority by Jan. 31, 2015
- Adopt regulations for basin boundary adjustments by Jan. 1, 2016
- Adopt regulations for evaluating adequacy of GSPs and GSA coordination agreements by June 1, 2016
- Publish a report estimating water available for groundwater replenishment by Dec. 31, 2016
- Publish groundwater sustainability best management practices by Jan. 1, 2017

State Review and Intervention

The State Water Resources Control Board may intervene if a GSA is not formed or fails to adopt or implement compliant plans by certain dates.

DWR reviews the GSAs for adequacy after they are adopted at the local level. If DWR determines that an adequate groundwater sustainability plan is not in place, the State Board may designate the basin as "probationary." If the local agency does not respond within 180 days, the State Board is authorized to create an interim plan that will remain in place until a local GSA is able to assume responsibility with a compliant plan.

Financial Assistance

If approved by voters, Proposition 1 would provide \$100 million in funding to GSAs to develop and implement sustainable groundwater management plans.

Jan. 31, 2022: Groundwater sustainability plans adopted for high- and medium-priority basins not currently in overdraft.

By 2040:
All high- and medium-priority groundwater basins must achieve sustainability.

Probationary Status

In general, the State Water Resources Control Board may designate a basin as “probationary” if, after consulting with DWR, it is found that a groundwater sustainability plan has not been created, the plan is inadequate, or the plan is not being implemented in a way that will lead to sustainability.

Specifically, the State Board may designate a basin as probationary if:

- No local agency has formed a groundwater sustainability agency for the basin by the June 30, 2017, deadline
- No groundwater sustainability plan has been adopted for a high- or medium-priority basin in critical overdraft by the Jan. 31, 2020, deadline
- No groundwater sustainability plan has been adopted for a high- or medium-priority basin not currently in critical overdraft by the Jan. 31, 2022, deadline
- After Jan. 31, 2020, the groundwater sustainability plan for a basin in critical overdraft is found to be inadequate or is not being implemented to achieve sustainability
- After Jan. 31, 2022, the groundwater sustainability plan for any other high- or medium-priority basin is found to be inadequate, or is not being implemented to achieve sustainability, and the State Board determines the basin is in a condition of long-term overdraft
- After Jan. 31, 2025, a groundwater sustainability plan is found to be inadequate, or is not being implemented to achieve sustainability, and the State Board determines that groundwater extractions are resulting in significant depletions of interconnected surface waters

If a local agency fails to respond to a deficiency within 180 days, the State Board is authorized to create and develop an interim plan that would remain in place until a local groundwater sustainability agency is able to take over and manage the basin sustainably.



About “High-Priority” and “Medium-Priority” Groundwater Basins

The Sustainable Groundwater Management Act applies to basins or subbasins designated by the Department of Water Resources as high- or medium-priority basins, based on a statewide ranking that uses criteria including population and extent of irrigated agriculture dependent on groundwater. Final basin prioritization by DWR is due by Jan. 31, 2015.

It is anticipated that about 125 basins throughout the state will be designated as high- or medium-priority basins for which a plan must be developed. Those basins account for about 90% of California’s annual groundwater use. DWR’s California Groundwater Bulletin 118 identifies a total of 515 alluvial groundwater basins and subbasins in California.

The Sustainable Groundwater Management Act does not apply to adjudicated basins that are managed by the courts, or to basins deemed by DWR to be low or very low priority.



Implementation Schedule

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|---|--|
| <p>June 1, 2015 DWR adopts regulations for evaluating Groundwater Sustainability Plans</p> | <p>Jan. 31, 2015 DWR prioritizes basins</p> |
| <p>Jan. 1, 2017 DWR publishes best management practices for the sustainable management of groundwater</p> | <p>Dec. 31, 2016 DWR publishes report on water available for replenishment of groundwater in the state</p> |
| <p>July 1, 2017 State may designate basin as probationary basin</p> | <p>June 30, 2017 Groundwater Sustainability Agencies are formed</p> |
| <p>January 31, 2022 Groundwater Sustainability Plans are adopted and implementation under way for basins not in overdraft</p> <p>Plans are submitted to DWR for adequacy review upon adoption</p> <p>Interim milestones are reviewed by DWR every five years</p> | <p>January 31, 2020 Groundwater Sustainability Plans are adopted and implementation under way for basins in critical overdraft</p> <p>Plans are submitted to DWR for adequacy review upon adoption</p> <p>Interim milestones are reviewed by DWR every five years</p> |
| <p>Jan. 31, 2042 Groundwater Sustainability Agencies in basins not in overdraft achieve sustainability goal</p> | <p>Jan. 31, 2040 Groundwater Sustainability Agencies in critically overdrafted basin achieve sustainability goal</p> |

ACWA's Path on Advancing Sustainability

In response to mounting concerns about groundwater overdraft and subsidence in some areas of the state, ACWA's Board of Directors acted in November 2013 to establish a Groundwater Sustainability Task Force to help identify ways to address the issue.

Drawing on the expertise of ACWA Board members from across the state, the task force developed a series of recommendations on groundwater to build on the association's Statewide Water Action Plan as well as its 2011 Groundwater Framework.

The task force's work led to a suite of recommendations adopted by the ACWA Board in March 2014 as discussions intensified in the regulatory and legislative arenas to address groundwater.

ACWA's recommendations, issued formally on April 7, 2014, made a strong policy statement in support of sustainable, locally controlled management of the state's groundwater basins and called for new tools and authorities to help local agencies take action. At the same time, the recommendations recognized the need for a limited state backstop role in cases where locals cannot accomplish the goal.

ACWA's recommendations, together with recommendations from the California Water Foundation, provided the basis for many key provisions of the groundwater sustainability legislative package that ultimately emerged and was signed by Gov. Jerry Brown on Sept. 16, 2014.

Resources:

ACWA's Recommendations for Achieving Groundwater Sustainability
<http://www.acwa.com/content/groundwater/acwa-recommendations-achieving-groundwater-sustainability>

California Department of Water Resources Groundwater Information Center
<http://www.water.ca.gov/groundwater/>

California Water Foundation Information / Recommendations on Groundwater Sustainability
www.californiawaterfoundation.org

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Fact Sheet

The Sustainable Groundwater Management Act of 2014 is a comprehensive three-bill package that provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention only if necessary to protect the resource.

The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. The act provides substantial time – 20 years – for GSAs to implement plans and achieve long-term groundwater sustainability. It protects existing surface water and groundwater rights and does not impact current drought response measures.

ACWA supported the legislation, which was substantially consistent with recommendations developed by the association’s Groundwater Sustainability Task Force and adopted by the ACWA Board of Directors. ACWA’s recommendations, together with recommendations from the California Water Foundation and input from other stakeholders, helped shape many provisions to protect local control and empower local agencies to achieve the sustainability goal.

The Sustainable Groundwater Management Act of 2014 is considered just one part of a statewide, comprehensive water plan for California that includes investments in water conservation, water recycling, expanded water storage, safe drinking water, wetlands and watershed restoration. The plan is intended to ensure a reliable water supply for California for years to come.

GSAs and Local Sustainability Plans

The Sustainable Groundwater Management Act provides local GSAs with tools and authority to:

- Require registration of groundwater wells
- Measure and manage extractions
- Require reports and assess fees
- Request revisions of basin boundaries, including establishing new subbasins

GSAs responsible for high- and medium-priority basins must adopt groundwater sustainability plans within five to seven years, depending on whether the basin is in critical overdraft. Agencies may adopt a single plan covering an entire basin or combine a number of plans created by multiple agencies. Preparation of groundwater sustainability plans is exempt from CEQA.

Plans must include a physical description of the basin, including groundwater levels, groundwater quality, subsidence, information on groundwater-surface water interaction, data on historical and

projected water demands and supplies, monitoring and management provisions, and a description of how the plan will affect other plans, including city and county general plans.

Plans will be evaluated every five years.

State Involvement and Technical Assistance

The California Department of Water Resources (DWR) has several tasks under the Sustainable Groundwater Management Act. It must:

- Designate basins as high, medium, low or very low priority by Jan. 31, 2015
- Adopt regulations for basin boundary adjustments by Jan. 1, 2016
- Adopt regulations for evaluating adequacy of GSPs and GSA coordination agreements by June 1, 2016
- Publish a report estimating water available for groundwater replenishment by Dec. 31, 2016
- Publish groundwater sustainability best management practices by Jan. 1, 2017

State Review and Intervention

The State Water Resources Control Board may intervene if a GSA is not formed or it fails to adopt or implement compliant plans by certain dates.

DWR is tasked with reviewing GSPs for adequacy after they are adopted at the local level. If DWR determines in its review that a GSP is not adequate, the State Board may designate the basin as “probationary.” If the local agency does not respond within 180 days, the State Board is authorized to create an interim plan that will remain in place until a local GSA is able to reassume responsibility with a compliant plan.

Financial Assistance

If approved by voters, Proposition 1 would provide \$100 million in funding to GSAs to develop and implement sustainable groundwater management plans.

Key Implementation Dates

- **June 30, 2017:** Local groundwater sustainability agencies formed.
- **Jan. 31, 2020:** Groundwater sustainability plans adopted for critically overdrafted basins.
- **Jan. 31, 2022:** Groundwater sustainability plans adopted for high- and medium-priority basins not currently in overdraft.
- **20 years after adoption:** All high- and medium-priority groundwater basins must achieve sustainability.

Frequently Asked Questions

Q: What is the Sustainable Groundwater Management Act of 2014?

A: The Sustainable Groundwater Management Act of 2014 is a comprehensive three-bill package that includes AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley) and sets the framework for statewide long-term sustainable groundwater management by local authorities.

It requires the formation of new groundwater sustainability agencies (GSAs) tasked with assessing the conditions in their local basins and adopting locally-based sustainable management plans. It provides for limited state intervention only when a GSA is not formed and / or fails to create and implement a plan that will result in groundwater sustainability within 20 years.

Q: What authority will GSAs have?

A: GSAs are empowered to utilize a number of new management tools to achieve the sustainability goal. For example, GSAs may require registration of groundwater wells, mandate annual extraction reports from individual wells, impose limits on extractions, and assess fees to support creation and adoption of a groundwater sustainability plan (GSP). GSAs also may request a revision of a groundwater basin boundary, including the establishment new subbasins.

A GSA may adopt a single plan covering an entire basin or may combine several plans from multiple agencies.

Q: Is there any funding available to assist GSAs?

A: If approved by voters, Proposition 1 – the Water Quality, Supply and Infrastructure Improvement Act of 2014 – would provide \$100 million in funding to help create and implement GSPs.

Q: When do sustainable groundwater management plans have to be completed and implemented?

A: GSPs for critically overdrafted basins must be completed and adopted by the GSA by Jan. 31, 2020. GSPs for high- and medium-priority basins not in overdraft must be completed and adopted by the GSA by Jan. 31, 2022. All high- and medium-priority groundwater basins must achieve sustainability within 20 years of GSP adoption.

Q: Who determines whether a groundwater sustainability plan is sufficient?

A: The Department of Water Resources (DWR) is tasked with reviewing GSPs for compliance. If DWR determines that an adequate GSP has not been adopted or that it is not being implemented in a way

that will achieve sustainability within 20 years, then the State Water Resources Control Board may designate the basin “probationary.”

After receiving notice from the State Board, local authorities will have 180 days to address GSP deficiencies. If the plan is brought into compliance the state will remove the “probationary” designation and will have no further authority to intervene.

If the deficiencies are not addressed by the GSA, the State Board is authorized to create an interim plan that would remain in effect only until the GSA could assume responsibility with a compliant plan that will achieve sustainability.

Q: What does sustainable groundwater management mean?

A: The aim of the legislation is to have groundwater basins managed within the sustainable yield of each basin. The legislation defines “sustainable groundwater management” as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results, which are defined as any of the following effects:

- Chronic lowering of groundwater levels (not including overdraft during a drought, if a basin is otherwise managed)
- Significant and unreasonable reductions in groundwater storage
- Significant and unreasonable seawater intrusion
- Significant and unreasonable degradation of water quality
- Significant and unreasonable land subsidence
- Surface water depletions that have significant and unreasonable adverse impacts on beneficial uses

Q: Isn't this basically a state takeover of groundwater?

A: No. At its core, the legislation provides a framework for the improved management of groundwater supplies by local authorities. In fact, it provides protection *against* state intervention, provided that local agencies develop and implement groundwater sustainability plans as required by the legislation. Significantly, the legislation provides tools and authorities some agencies have previously lacked to manage for sustainability. In addition, it provides substantial time (20 years from the time a GSP is adopted) to take the actions necessary to achieve sustainability.

Q: Does this legislation take away the ability of growers to pump groundwater if the current drought continues?

A: No. The legislation will not affect the ability of local water managers and water users to get through the current drought. The legislation allows local managers time to get on the path of sustainability. It recognizes that implementation of local groundwater sustainability plans may take up to 20 years.

Frequently Asked Questions

Q: How does this legislation affect existing water and property rights?

A: The legislation does not change existing groundwater rights. Groundwater rights will continue to be subject to regulation under article 10, section 2, of the California Constitution.

Q: Will this legislation make future adjudications more complicated?

A: No. In fact, it is possible that future adjudications would be made easier because there will be more data and information about the basin and pumpers available. Although it is important to note that the legislation will restrict public release of information related to individual groundwater pumpers.

Q: Does this legislation allocate groundwater for environmental and habitat purposes?

A: The legislation does not allocate water for any purpose. There is no expansion of water rights and the public trust doctrine does not apply to groundwater. Local agencies may choose to address this issue in their plans, if they desire.

Q: Why doesn't this legislation address groundwater recharge as a beneficial use of surface water?

A: Groundwater recharge is currently accomplished by filing a petition with the State Board that demonstrates the water would be put to beneficial use. ACWA members have been working on legislative language to address this matter but have not yet reached agreement on any recommendations.

Q: Where can I get more information on groundwater sustainability?

A: Information is available from the following resources:

California Department of Water Resources Groundwater Information Center

<http://www.water.ca.gov/groundwater/>

ACWA's Recommendations for Achieving Groundwater Sustainability

<http://www.acwa.com/content/groundwater/acwa-recommendations-achieving-groundwater-sustainability>

California Water Foundation Information / Recommendations on Groundwater Sustainability

www.californiawaterfoundation.org

Implementation Deadlines

| When | Who | What |
|------------------------|--|---|
| January 31, 2015 | Department of Water Resources (DWR) | Categorize and prioritize basins as high, medium, low, or very low [§ 10722.4(a)] |
| January 1, 2016 | DWR | Adopt regulations for basin boundary adjustments and accept adjustment requests from local agencies [§ 10722.2(4)(b)] |
| April 1, 2016 | Local water agencies or water-masters in adjudicated areas | Submit final judgment /order / decree and required report to DWR (report annually thereafter) [§ 10720.8(f)] |
| June 1, 2016 | DWR | Adopt regulations for evaluating adequacy of Groundwater Sustainability Plans (GSPs) and Groundwater Sustainability Agency (GSA) coordination agreements [§ 10733.2] |
| December 31, 2016 | DWR | Publish report estimating water available for groundwater replenishment [§ 10729(c)] |
| January 1, 2017 | DWR | Publish groundwater sustainability best management practices [§ 10729(d)] |
| By June 30, 2017 | Local agencies | Establish GSAs [§ 10735.2(a)(1)] |
| After July 1, 2017 | State Water Resources Control Board (SWRCB) | Designate basins as probationary where GSAs have not been formed [§ 10735.2(1)] |
| After July 1, 2017 | Groundwater users in probationary basins | File annual groundwater extraction report with SWRCB by December 15 each year [§ 5202] |
| January 31, 2020 | GSAs in medium- and high-priority basins in critical overdraft | Adopt GSPs and begin managing basins under GSPs [§ 10720.7(a)(1)] or alternative [§ 10733.6] |
| After January 31, 2020 | SWRCB | Designate basins as probationary where GSPs have not been adopted in medium- and high-priority basins in critical overdraft [§ 10735.2(1)] |
| January 31, 2022 | GSAs in other medium- and high- priority basins | Adopt GSPs and begin managing basins under GSPs [§ 10720.7(a)(2)] |
| After January 31, 2022 | SWRCB | Designate basins as probationary where GSPs have not been adopted in other medium- and high-priority basins [§ 10735.2(1)] |
| After January 31, 2025 | SWRCB | Designate basins as probationary where GSPs are inadequate or not being implemented, and extractions result in significant depletions of interconnected surface waters [§ 10735.2(a)(5)(B)] |
| After January 31, 2040 | GSAs (in medium- and high-priority basins in critical overdraft) | Achieve groundwater sustainability goals (DWR may grant two five-year extensions upon a showing of good cause) [§ 10727.2(3)(A)] |
| After January 31, 2042 | GSAs (in other medium and high priority basins) | Achieve groundwater sustainability goals (DWR may grant two five-year extensions upon a showing of good cause) [§ 10727.2(3)(A)] |



Association
of California
Water Agencies

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Recommendations for Achieving Groundwater Sustainability

*Prepared by the Association of California Water
Agencies*

April 2014

Recommendations for Achieving Groundwater Sustainability

I. Introduction and Background

The Association of California Water Agencies (ACWA) has prepared these recommendations in response to growing concern about potentially unsustainable groundwater level declines, local subsidence and degraded groundwater quality in some subbasins and widespread recognition that further action is required to promote and achieve groundwater sustainability throughout California.

Most groundwater basins in the state are under sound local and regional management; some, however, are not. Local control of groundwater continues to be the most effective form of management, even in areas where sustainability concerns have emerged and must be addressed. Existing authorities and requirements for managing groundwater basins provide a strong foundation, but achieving more sustainable management requires additional tools to augment that foundation. The Brown Administration also has recognized the need for additional tools, noting in its California Water Action Plan (January 2014) that sustainable groundwater management can be improved by ensuring “that local and regional agencies have the incentives, tools, authority and guidance to develop and enforce local and regional management plans that protect groundwater elevations, quality and surface water-groundwater interactions.”

In many areas, including parts of the San Joaquin Valley, overdraft has been and continues to be exacerbated by a significant reduction in available surface water supplies over the past two decades. The inability of the State Water Project and the federal Central Valley Project to reliably deliver contracted water supplies has eliminated a substantial amount of surface water that once played a key role in recharging groundwater basins. In many cases, demand for groundwater is directly related to the reliability and availability of surface water supplies. The loss of reliable surface water supplies means that past investments in local and regional water systems – and the agricultural, urban and environmental water uses long supported by conjunctive management of surface water and groundwater resources – are now at risk.

To be sure, there are instances where unchecked new groundwater demands in unmanaged areas are putting new stresses on groundwater resources, sometimes with devastating effects on other users within the same basin or even in a neighboring basin that is being well managed. Like the loss of surface water supplies, this presents an untenable situation that simply must not go unaddressed.

This document outlines ACWA’s suggested approach for achieving groundwater sustainability and identifies incentives, tools and authorities required to implement that approach. The recommendations

provided here are focused primarily on basins and subbasins defined by the Department of Water Resources' California Groundwater Bulletin 118.

Fractured bedrock and other settings that fall outside of basins and subbasins defined by Bulletin 118 are not the focus of these recommendations. Groundwater extractions in these settings typically are site-specific or condition-specific and lack connection to areas covered by a local or regional groundwater management plan. As such, they present unique issues and warrant special consideration outside the scope of this document.

ACWA's recommendations build on the Association's Board-adopted Groundwater Management Policy Principles (March 2009) and ACWA's landmark document, "Sustainability from the Ground Up: A Framework for Groundwater Management in California" (April 2011), which provided an in-depth look at groundwater management in California and recommended proactive steps to advance groundwater sustainability.

ACWA recognizes that various legislative changes are needed to provide the authorities necessary to implement many of these recommendations. Given the importance and complexity of state policy in this area, any necessary changes should be proposed and considered through the normal legislative process for policy bills, as opposed to through the budget trailer bill process. The policy bill process will provide more time for thoughtful deliberation on the legislation and will allow for increased transparency and stakeholder input.

Implementing the following recommendations will significantly improve groundwater management capabilities where they are deficient, accelerate the achievement of sustainability by local and regional entities, and guide enhanced state support where needed.

II. Policy Objectives for Achieving Groundwater Sustainability

The following policy objectives must be advanced simultaneously to ensure groundwater sustainability in California.

- 1) **Enhance Local Management.** Groundwater basins should continue to be managed by local and regional agencies with input from local stakeholders through a local or regionally-developed and administered Groundwater Management Plan (GMP).
- 2) **Establish Mandatory Minimum Groundwater Management Plan Requirements and Increased Authorities.** Local groundwater management planning must become uniformly consistent with or functionally equivalent to requirements laid out in SB 1938 (Machado, 2002) (Water Code Section 10753 et seq.). Additionally, Section III below identifies sustainability timeframes (Recommendation 1) and additional tools and authorities (Recommendation 5) needed to advance sustainable management.

- 3) **Avoid or Minimize Subsidence.** In areas where groundwater pumping is resulting in subsidence at levels causing damage or risk of damage to overlying infrastructure that affects parties outside of an existing management area, additional land use planning, engineering, capital improvement and monitoring and reporting requirements -- including possible pumping restrictions in the impacted area -- should be implemented by the local or regional groundwater management agency.
- 4) **Assess Groundwater Connection to Surface Waters.** GMPs should include an evaluation of the relationship the surface water source has to groundwater levels and quality in the subbasin or basin and identify the impacts, if any, on the surface water source and its related public benefits.
- 5) **Improve Data Availability.** Many groundwater management agencies currently monitor and collect groundwater data to implement successful groundwater management strategies to address overdraft conditions or concerns. Consistent with their GMPs, groundwater management agencies should collect appropriate management data and make it publicly available both locally and to the state through the Department of Water Resources' (DWR) California Statewide Groundwater Elevation Monitoring (CASGEM) program.
- 6) **Increase Groundwater Storage.** Storing surface water in underground storage basins is necessary to optimize use of the state's limited and highly variable water supplies. This need will only increase with climate change. California must take aggressive steps to develop significant new groundwater storage and conjunctive use projects, including potential state funding for local project capital costs.
- 7) **Remove Impediments to Recharge.** Coordinated and planned use of surface water, recycled water, stormwater and groundwater resources to maximize the availability and reliability of water supplies is an essential management method. Policies that are impediments to groundwater recharge should be evaluated and revised as necessary.
- 8) **Do No Harm.** In many areas of the state, sustainable local and regional groundwater management is being accomplished successfully. Contemplated changes to groundwater management statutes and other potential requirements should not impose additional undue burdens or mandates in these areas.
- 9) **Reassess Surface Water Reallocations.** Actions by the State Water Resources Control Board (SWRCB) to reallocate surface water supplies to dedicated instream uses and water quality certification requirements have affected and will continue to affect to a significant degree the management and sustainability of groundwater basins in areas that previously relied on that surface water. Consequently, implications for groundwater management should be considered

explicitly when the SWRCB undertakes its balancing of beneficial uses of water in the broad public interest.

- 10) **Provide State Financial and Technical Assistance.** The state, through DWR, should provide significant new financial assistance and technical support to local and regional agencies for improving or developing GMPs. Developing management capacity in currently unmanaged areas should be the first priority.
- 11) Provide a “Backstop.” SWRCB authority should be applied only where local agencies are unwilling or unable to sustainably manage the groundwater resource despite having the tools and authorities to do so and when an appropriate period of time has passed (considering the unique management issues and geology/hydrology of the subbasin or basin) without demonstrated progress toward sustainability. The SWRCB should intervene as a last resort, in carefully prescribed circumstances and for limited duration, and should restore local control at the earliest opportunity.

III. Recommended Administrative and State Legislative Actions

ACWA recommends the following administrative and state legislative actions to help achieve the above policy objectives. Actions should be prioritized to address critical, rapidly deteriorating basins or subbasins through a combination of capacity building, technical assistance and financial support. New requirements and new local and regional authorities should be established where needed to initiate and implement effective GMPs.

1. Adopt State Definition of “Sustainable Groundwater Management”

The state should adopt a definition of “sustainable groundwater management” in statute. ACWA recognizes this is a complex issue that must take into account spatial and time scale considerations, multiple resource management objectives and stakeholder perspectives.

In its 2011 Groundwater Framework, ACWA developed the following definition of sustainability in the context of groundwater:

ACWA 2011 Definition of “Sustainability”

*Actively managing the resource at the local level in a way that satisfies the needs of both the environment and the economy while ensuring the continued health of the basin.*¹

ACWA also agrees with and has cited the following definition developed by the United States Geological Survey (USGS):

¹ ACWA (2011). *Sustainability From the Ground Up: Groundwater Management in California – A Framework* p.7

United States Geological Survey: “Sustainability of Groundwater Resources”

*Development and use of groundwater in a manner that can be maintained for an indefinite time without causing unacceptable environmental, economic, or social consequences.*²

Sustainability by nature implies a perpetual timeframe. In this context, ACWA recommends the following updated definition to underscore that sustainable groundwater management requires a long-term and continuous investment in effective planning and implementation.

Proposed State Definition of “Sustainable Groundwater Management”

“Sustainable groundwater management” is the management and use of groundwater in a *manner that can be maintained during the planning and implementation horizon without causing unacceptable related environmental, economic or social consequences through the development, implementation and updating of plans and programs based on the best available science, monitoring, forecasting and use of technological resources.*

Local or regional GMPs should be required to develop subbasin or basin-relevant indicators and performance metrics that could be used by DWR and the SWRCB to evaluate objectively the plans’ ability to achieve progress toward “sustainable groundwater management.”

2. Prioritize Unmanaged Basins or Subbasins

The state must identify and prioritize action based on the severity of groundwater threats in basins and subbasins that are not currently being managed by local or regional agencies. DWR should be directed to identify those basins or subbasins that are designated as “medium” or “high” priority based on the CASGEM basin prioritization study (2013) and that are not currently being managed by a local or regional groundwater management agency or that are not currently covered by a comprehensive (meaning complete coverage of the basin or subbasin) local or regional GMP (or functional equivalent). DWR also should identify other specific areas where groundwater use is creating damage or significant risk of damage to overlying infrastructure (conveyance, transportation, flood channels, distribution systems, etc.) external to that of the management agency that is not being addressed currently and where groundwater management assistance may be warranted.

3. Adopt Uniform Minimum Requirements for Groundwater Management Plans and Implementation

The state should adopt uniform minimum requirements for GMPs for all basins or subbasins (with the exception of adjudicated basins or subbasins). Existing local and regional GMPs in basins or subbasins statewide should be reviewed and updated by the local or regional groundwater management agency to meet the following requirements:

² Alley, W.M., Reilly, T.E., and Franke, O.L. (1999). *Sustainability of Ground-Water Resources: U.S. Geological Survey Circular 1186.*

- a) **Planning Boundary.** The optimum unit for groundwater management should be a subbasin as defined by DWR Bulletin 118. Preferably, each subbasin should be covered by only one GMP. Where multiple existing plans cover different portions of a subbasin or basin, they should demonstrate coordination such that the goals and basin management objectives of respective GMPs are complementary in their contribution to basin sustainability and do not conflict or impede management activities of neighboring groundwater management agencies. All lands overlying the subbasin should be subject to the provisions of the locally-adopted GMPs. A groundwater management planning agency should be authorized to incorporate into its existing GMP neighboring areas overlying its subbasin not already covered by another GMP. A subbasin boundary may be adjusted to address hydrologic conditions and other features of the subbasin, based on a technical analysis supporting the boundary adjustment and in consultation with adjacent subbasin groundwater management agencies and DWR. If groundwater users in a portion of a subbasin outside of the jurisdictional boundary of a groundwater management agency choose not to participate in a GMP, they should be required to prepare an individual GMP and be subject to SWRCB intervention as described in Recommendation 7 in this section.
- b) **Plan Standards.** GMPs should satisfy SB 1938 (Water Code Section 10753 et seq.) standards or their functional equivalent, including basin management objectives associated with groundwater quantity and quality, as well as subsidence and monitoring programs that meet the sustainability objective discussed above. Existing GMPs that do not meet SB 1938 standards should be required to be updated to satisfy them.
- c) **Compliance Requirements.** GMPs in basins or subbasins designated by DWR as “medium” or “high” priority based on the CASGEM basin prioritization study should be updated and adopted by local and regional agencies within five years of establishment of the mandatory minimum standards. GMPs should not be required in “low” priority basins or subbasins but should be encouraged and supported. GMPs should be required if a “low” priority basin or subbasin is subsequently reclassified as “medium” or “high.” GMPs should include an implementation schedule and best management practices and tools to ensure local and regional agencies can verify progress toward achievement of quantifiable basin management objectives, resulting in sustainable groundwater management.
- d) **Sustainability Timeframe.** GMPs should be developed to ensure that sustainable groundwater management (defined above) will be achieved over a specific timeframe, which must be long enough to be feasible and provide for implementation success (groundwater moves extremely slowly), yet short enough to spur committed action. GMPs should include an analysis demonstrating that implementation of the basin management objectives should achieve sustainable groundwater management in the basin or subbasin within 20 years. GMPs should include a planning and implementation horizon of at least 50 years. Extensions beyond the 20-year sustainability timeframe may be necessary in some instances based on particular circumstances; but in no case should an extension exceed 10 years (30 years total).

- e) **Groundwater Extraction Prohibition.** Extraction of groundwater for newly developed lands (including agricultural plantings) outside of groundwater management areas is a significant issue. Unless covered by a GMP, groundwater extractions for new development (commercial, multi-family residential or industrial) or new plantings of permanent crops should be prohibited in “medium” and “high” priority groundwater subbasins. (This provision should not apply to single-family domestic wells.) As discussed below, this requirement should be administered through a locally-administered well permitting process.

- f) **Technical Review and Approval.** GMPs should be subject to technical review for adequacy by DWR and should be approved, conditionally approved or determined to be inadequate and returned for revision within six months. GMPs that are determined to be inadequate should be revised and resubmitted to DWR within six months. For GMPs that continue to be determined to be inadequate, the SWRCB should intervene and impose an adequate GMP (after a public hearing) as necessary to ensure progress toward sustainability of the subbasin or basin. (See Recommendation 7 below.)

- g) **Performance Reporting.** Performance reports for all GMPs comparing current status to basin management objectives should be submitted to DWR annually. Summaries of monitoring data should be made available regularly to DWR’s CASGEM program and locally to basin or subbasin stakeholders through web-based applications or similar methods.

- h) **Performance Review.** GMPs and performance reports for subbasins identified through CASGEM as “medium” and “high” priority areas should be subject to review by the SWRCB on a periodic basis (every five years) to ensure that they are meeting performance metrics and are progressing toward or have achieved sustainable groundwater management.

4. Develop Best Management Practices

DWR should be directed to develop a best management practices (BMPs) guidebook that would provide a “toolbox” for local and regional groundwater management agencies to facilitate completion of effective GMPs and provide a template for evaluation of their adequacy. This BMPs guidebook should be developed using a robust and inclusive stakeholder process (similar to the process already in place to develop guidance for preparation of Urban Water Management Plans or Agricultural Water Management Plans). Example BMPs from existing successful GMPs should be considered, along with best practices proposed by groundwater management professionals, associations, academia and other sources.

GMPs would not be required to incorporate all of the identified BMPs. The local or regional groundwater management agency would select BMPs for inclusion in the GMP that would result in a sustainably-managed subbasin or basin. Additionally, the local or regional agency could develop or adopt alternative practices that would result in a sustainably-managed basin or subbasin.

The BMPs guidebook should include, but not be limited to, the following elements:

- a. **Illustrative Quantifiable Basin Management Objectives.** Methods for developing quantifiable basin management objectives relevant to the conditions of a particular subbasin, which could include but not be limited to: groundwater quantity assessment and monitoring, annual operational parameters for exercising the subbasin, drought management, aquifer recharge (both direct and indirect) and storage, groundwater quality, percolation capability or injection levels, land subsidence and characterization of surface water-groundwater relationships based on subbasin-specific hydrological analysis.
- b. **Subbasin Boundary Adjustment.** Methods for conducting subbasin interconnectivity analysis and adjusting subbasin boundaries. This could be similar to the Integrated Regional Water Management (IRWM) boundary determination and acceptance process administered by DWR.
- c. **Groundwater Monitoring.** Methods for implementing groundwater monitoring programs for groundwater elevation, extraction, aquifer recharge, change in storage and water quality.
- d. **Well Permitting.** Administrative methods for well permitting, well construction and well abandonment.
- e. **Groundwater Recharge.** Protocols for evaluating and implementing spreading basin and storage projects, for example: stormwater capture and related potential treatment and recharge projects, on-farm return systems, multi-objective flood control and habitat restoration projects and other methods to increase groundwater supplies.
- f. **Sustainability Indicators.** Methods to develop and apply locally relevant sustainability indicators that can be used to demonstrate sustainable groundwater management (as defined above).
- g. **Overdraft Measures.** Taking into account that some groundwater management agencies “exercise” their basins and utilize regular groundwater withdrawals and drawdown (“managed overdraft”) as tools within a comprehensive multi-source, multi-year planning horizon, methods should be identified to develop locally relevant measures of “overdraft” and “critical condition of overdraft.” DWR Bulletin 118 definitions provide reasonable guideposts for consideration. The definition of “overdraft” in Bulletin 118 is “the condition of a ground water basin where the amount of water extracted exceeds the amount of ground water recharging the basin over a period of time,” and “critical condition of overdraft” is defined as water management practices that “would probably result in significant adverse overdraft-related environmental, social, or economic effects.”
- h. **Public Review Process.** Protocols for conducting open, inclusive and transparent stakeholder and public review processes in the development, implementation and administration of a GMP.

- i. **Governance Structures.** Examples of governance structure options that could be used to prepare and manage GMPs based on the specific conditions and needs of the basin or subbasin, or where joint governance or coordination of multiple GMPs is necessary or preferable. In the latter instance, governance options may include, but are not limited to, a Joint Powers Authority (JPA), a Memorandum of Understanding (MOU) among existing agencies, an IRWM planning group, a newly created special district, any of which may include a locally-authorized Watermaster, or some other appropriate local or regional governance entity.
- j. **Data Collection and Reporting.** Protocols and standards for conducting adequate data collection and reporting of groundwater elevations, water quality, subsidence levels and surface water-groundwater relationships to verify progress toward basin management objectives. The BMPs should include recommended quality control and quality assurance protocols.
- k. **Demand Management.** Examples of potentially applicable demand management programs including, but not limited to, use of irrigation and water use efficiency technology, land retirement programs, conservation easements and related incentives, pumping restrictions, tiered allocation of usable groundwater and closer integration with demand management programs contained in Urban Water Management Plans or Agricultural Water Management Plans of agencies within GMP areas.

5. Enhance Local and Regional Agency Authority

Local and regional groundwater management agencies need enhanced authority to successfully implement their GMP basin management objectives to achieve sustainable groundwater management. Although some types of local or regional groundwater agencies or forms of governance are currently authorized and already may be using some of the following authorities, this is generally the exception rather than the rule. Local and regional groundwater management agencies statewide should be granted all of the following authorities and be empowered to select the ones they determine to be necessary and most effective to implement their GMPs.

- a) **Groundwater Management Fees.** Groundwater management agencies need to fund required planning and administrative activities, data collection and reporting, acquisition of supplemental water for replenishment, acquisition of lands or easements to reduce demand, and implementation of BMPs. Local or regional agencies should be granted authority to impose fees or assessments based on estimates or reports of groundwater use or other means in compliance with existing state law. Legislation may be needed to address current barriers to imposing local groundwater-related fees. (See Recommendation 6.)
- b) **Groundwater Allocation and Extraction Limits.** The rights of individuals to pump groundwater should be subject to responsible management regulations by groundwater management agencies in much the same way that the use of property is subject to land use regulations by

cities and counties. Groundwater management agencies should be authorized to monitor or estimate groundwater use within a basin or subbasin and impose allocation programs or pumping restrictions in time or amount, create exemptions for small or disadvantaged users, or to develop tiered pricing or other market-based means to implement basin management objectives and ensure sustainable groundwater management. Allocation and extraction limits may raise a significant issue with respect to groundwater rights and legal priorities among groundwater users. Further legal analysis and discussion of such issues is necessary to ensure these tools and authorities can be implemented in a legally defensible manner.

- c) **Well Permitting.** Some local or regional groundwater management agencies manage well permitting programs. In other cases counties manage well permitting programs that may or may not be implemented cooperatively with groundwater managers. Where well permitting programs are lacking or need significant improvement to provide essential management information to implement GMPs and basin management objectives, local or regional groundwater management agencies should be authorized to assume or cooperatively manage well permitting responsibilities. Existing well permitting programs may need to be expanded and adequately funded to ensure that location, well depth, water quality and production information is collected and well construction specifications and well abandonment standards are enforced. New well permits should be conditioned upon receiving a water availability determination and “will serve” letter (see “e” below).
- d) **New “Summary Proceeding” Enforcement Capability.** Along with new responsibilities and authorities to manage groundwater, local or regional groundwater management agencies should be granted new enforcement authority. Enforcement should be focused and limited to those instances where landowners or other groundwater users are in violation of groundwater management requirements, have been issued time-limited corrective notices and have been given a reasonable period to comply. In these cases, the landowner should be subject to a “summary proceeding” such as authorized by California Code of Civil Procedure, Part 3, Title 3 to enforce property-related violations. This provision could be amended to add a new chapter, “Summary Proceedings Associated with Violation of Basin or Subbasin Groundwater Regulation,” which would be instituted to obtain appropriate judicial review, judgment and writ of execution (with service and return by appropriate sworn law enforcement personnel in cooperation with the groundwater management agency) resulting in cessation of the groundwater extraction and use pending the completion of required corrective measures and payment of monetary damages, attorney fees and costs of the proceeding.
- e) **Water Availability Determinations.** Currently, new development projects are required to secure “will serve” letters from local water agencies, and larger projects are subject to Water Availability Determinations to show that sufficient water is available as part of the land use approval process. This requirement should be expanded. Land use agencies should be required to consider protection of prime groundwater recharge areas and consult groundwater

management agencies regarding any significant groundwater-dependent development, including new permanent crop plantings, in order to obtain “will serve” letters and Water Availability Determinations.

- f) **GMP Consistency Determinations.** County and city general plans are currently required to consider the Urban Water Management Plans of water agencies within their jurisdictions. This requirement should be extended to GMPs for the basins or subbasins within their jurisdictions. In addition, groundwater management agencies should be authorized to issue “GMP Consistency Determinations” for all new proposed industrial, residential or agricultural development (including introduction of permanent crops) that may have a significant effect on groundwater resources. “GMP Consistency Determinations” should be used by the lead agency to inform project environmental impact assessments and discretionary land use approvals. Where new proposed groundwater use is determined to be inconsistent with the GMP and to impede attainment of sustainable groundwater management, it should be presumed to have a “significant adverse impact on the environment” under CEQA and either be mitigated or be subject to a Statement of Overriding Consideration by the lead agency.

- g) **Expedited LAFCO Formation Assistance.** In basins or subbasins in which there is no existing local and regional groundwater management agency, the applicable Local Area Formation Commission should be authorized to provide special technical assistance and an expedited timeline to facilitate the formation of such an agency. This process also should apply to existing groundwater management agencies that are required or seek to annex into their jurisdictions unmanaged lands overlying the subbasin or basin managed pursuant to their GMPs. The cost to provide this expedited agency formation assistance should be included in the new agency’s administrative budget and assessment fees and reimbursed to the LAFCO within one year of the creation of the new agency.

6. Ensure Adequate Funding

The SWRCB and DWR should coordinate available funding and resources from the Governor’s proposed budget to identify basins or subbasins lacking coverage by an existing comprehensive GMP (see Recommendation 2, above).

For basins or subbasins in which there are existing local or regional groundwater management agencies to prepare or revise and implement GMPs, required funding should be predominantly based on local or regional fees or assessments, assuming successful implementation of Recommendation 5a., regarding funding. Local or regional groundwater management agencies also should continue to supplement their funding through grants or loans from existing state and federal funding programs (especially if the basin or subbasin includes disadvantaged communities that are dependent upon groundwater that fails to meet public health standards).

ACWA opposes the imposition of a statewide water user fee or “public goods charge” but stands ready to work with the Administration to identify alternative ways to help ensure adequate funding for local and regional groundwater management agencies to implement their GMPs. ACWA acknowledges the constraints local agencies face in raising fees for needed groundwater management investments (e.g. Proposition 218) and is committed to a dialog about sustainable and integrated financing.

Finally, an additional funding source may be created during development of a new proposed state water bond, if approved by California voters. Significant bond funding could be targeted to create an incentive for development of new groundwater storage projects in basins or subbasins that have adopted GMPs and sustainability indicators that demonstrate sustainable groundwater management.

7. Provide for State Backstop Authority When Local Action Has Not Occurred or Has Been Insufficient

In those instances where there is no groundwater management agency in a basin or subbasin and where the local or regional entity does not develop or implement a compliant GMP within defined timelines, or where the local or regional entity fails to meet performance objectives set forth in an approved GMP, the SWRCB should hold a hearing for each basin or subbasin and invite affected local, regional and other stakeholders to present information to inform SWRCB decision-making regarding whether corrective action is necessary and likely to be most effective under the specific circumstances.

Based on the results of the hearing, the SWRCB should either 1) issue an order to a qualified local or regional agency that includes a compliance schedule for completion and implementation of a GMP that will result in progress toward sustainability; or 2) assign to a qualified third party the responsibility to develop and implement a compliant GMP under contract to the SWRCB and subject to final approval by the SWRCB. In either case, the SWRCB should be given authority to assess a fee sufficient to cover the cost of SWRCB administration, and any work by a third-party contractor. The fee should be collected by the local agency, and it should be clear that the fee is a “property-related fee.”

During this period of plan development, the SWRCB should order that groundwater extraction be reduced throughout the subbasin as necessary to preserve the potential for achieving sustainable groundwater management within a 30-year timeframe. The SWRCB should be required to hold a hearing to develop a protocol or allow for alternatives to achieve the same reduction in demand to facilitate recovery of the basin.

SWRCB should return management to a new or existing qualified local or regional agency as soon as practicable after a reasonable demonstration of willingness, organization and financial capacity has been made.

8. Remove Impediments to Water Supply Reliability

Sustainable groundwater management in California depends on creating more opportunities for robust conjunctive management of surface water resources. Many groundwater basins facing unsustainable overdraft conditions have depended on previously reliable surface water supplies that are no longer available. A significant number of these areas have lost surface supplies that were once conjunctively

managed but have now been reallocated to serve instream or other regulatory requirements in response to various judicial, state and federal mandates. Climate change will only intensify the need to recalibrate and reconcile surface and groundwater management strategies.

As an illustration, water conveyed through the Delta for delivery to areas on the west side of the San Joaquin Valley and the Tulare Basin has been greatly reduced over the past 20 years due to a variety of regulatory actions. Those deliveries – and deliveries to Southern California and parts of the Bay Area, as well -- were designed in part to remedy overdraft conditions recognized many years ago. Both the state and federal governments, as operators of the State Water Project and the federal Central Valley Project, respectively, have reduced the reliability and average amount of deliveries and thus have severely diminished the supplemental supplies historically available and incorporated into plans for conjunctive use in these areas. Similar changes and resulting ramifications have occurred in some portions of the east side of the San Joaquin Valley as well. The SWRCB and the Administration cannot divorce groundwater conditions and management from overall state water policy. Any public trust balancing by the SWRCB must weigh the value of surface water for groundwater replenishment and recharge to promote the state's interest in groundwater sustainability.

The SWRCB and DWR should identify ways to reduce impediments and regulatory barriers to facilitate more water transfers, increase stormwater and recycled water recharge, and provide significant funding and technical assistance to develop projects that restore conjunctive balance by facilitating new surface and groundwater storage and conveyance projects statewide.

IV. Statement of Commitment

ACWA and its member agencies have demonstrated a history of strong leadership in confronting and embracing needed changes to manage our groundwater resources in California. ACWA is committed to working with the state and with urban and agricultural water users, growers and landowners, environmental and disadvantaged community interests, and other stakeholders on an effective approach to promote and achieve sustainable groundwater management throughout California.



ACWA Groundwater Sustainability Task Force

| | |
|------------------------|---|
| Randy Record, Chair | Eastern Municipal Water District |
| David Orth, Vice Chair | Kings River Conservation District |
| Roland Sanford | Hidden Valley Lake Community Services District |
| Stan Wangberg | Anderson-Cottonwood Irrigation District |
| Bill George | El Dorado Irrigation District |
| Rob Robscoe | Sacramento Suburban Water District |
| Jill Duerig | Zone 7 Water Agency |
| Matthew Hurley | Angiola Water District |
| William Taube | Wheeler Ridge-Maricopa Water Storage District |
| Michael Touhey | Upper San Gabriel Valley Municipal Water District |
| Craig Ewing | Desert Water Agency |
| Gary Arant | Valley Center Municipal Water District |
| Greg Zlotnick | San Luis & Delta-Mendota Water Authority |
| Thad Bettner | Glenn-Colusa Irrigation District |



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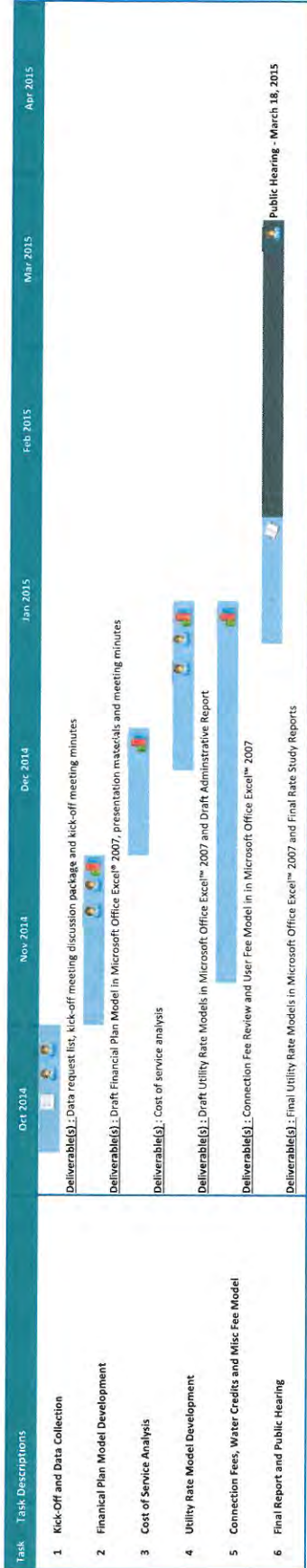
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Last updated: January 28, 2014

BORREGO WATER DISTRICT UTILITY RATE STUDY SCHEDULE



ORDINANCE NO. 14-01

ORDINANCE OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT AMENDING ORDINANCE NO. 93-2 INSTITUTING A CROSS CONNECTION CONTROL PROGRAM TO PROTECT THE PUBLIC WATER SYSTEM AND THE ADOPTION OF RULES AND REGULATIONS

CROSS-CONNECTION CONTROL PROGRAM AND REGULATIONS

§ 0001. Purpose

The intent and purpose of this code section/program is to protect public health by isolating the District's potable water distribution system from other systems from which contamination could occur as a result of unauthorized or accidental cross connections; and provide for the maintenance of a continuing program which will systematically and effectively prevent such unauthorized or accidental cross-connection.

§ 0002. Definition of Terms

The definitions of terms as related to this code section are to be found in Title 17, Article 1, Section 7583 of the California Code of Regulations. The District will enforce the most current edition of Title 17, and amend this code as necessary.

§ 0003. Authorization

The District's Cross Connection Control Specialist, or a designated cross-connection control technician is hereby authorized and directed to implement the provisions of this program code section, and to make minor and limited exceptions to prevent undue hardship or unreasonable restrictions, provided that a thorough evaluation of the customer's premises has been conducted and no imminent danger of contamination to the public water supply is present.

§ 0004. Inspection

A. All new and existing customer/user systems shall be available for inspection at all reasonable times to authorized representatives of the District to enable the District to ascertain the need for backflow protection, or to evaluate the existence of cross-connections. When backflow protection is required or a cross-connection becomes known, the District will notify the customer/user of the condition and require corrective action based on the degree of hazard. Failure of the customer/user to perform the corrective action as dictated by the District is cause for the denial or immediate discontinuance of water service to the premises.

B. Any backflow prevention device required to be installed must conform to the standards established by the American Water Works Association, U.S.C. tenth edition manual of cross connection control, or the American Backflow Prevention Association as set forth in its publication entitled: A.W.W.A C506-78 Standards for Reduced Pressure Principle and Double Check Backflow Prevention Devices. A "Certificate of Approval" issued by an approved testing laboratory, certifying full compliance with A.W.W.A Standards will evidence final approval.

C. All existing backflow prevention devices which do not meet the requirements of Title 17, Article 1, of the California Code of Regulations will be required to be repaired or replaced. All repair or replacement costs will be the sole responsibility of the customer/user.

§ 0005. Implementation

A. When the District has made the determination that a backflow prevention device is required at a potable water service connection for the safety of the potable water distribution system, a written notice to the affected customer will be issued and the inspection results outlined. The written notice will also contain the necessary District Guidelines, State Requirements, and Time Period for the installation of the required device. The customer will be required to install the approved device at his or her own expense. Failure, refusal or inability on the part of the customer to install said device or devices, will be cause for the immediate discontinuance of water service to such metered water service connections until such device or devices have been properly installed.

B. The following is a list of conditions or situations where an approved backflow prevention device must be installed:

1. In the case of premises having an auxiliary water supply (well, pond, lake, or other water utility), which is not, or may not be of safe bacteriological or chemical quality, and which is not an accepted service by the District or appropriate health agency.
2. In the case of premises on which any industrial fluid, or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the District system, including the handling of process water, or water originating from the District system which has been subject to deterioration in quality.
3. Whenever a customer's premises have been determined to have an intricate plumbing or a fire suppression system in which making a thorough inspection of the internal or subterranean workings is impossible.
4. Where in the case of multiple units, the frequency of tenant turnover, and the changes in water use makes it impracticable or impossible to determine whether or not dangerous cross-connections exist (such as industrial or commercial, apartments and condominiums (R.V./Mobile home parks, nurseries, etc.).
5. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the potable distribution system will be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principal backflow prevention device will be installed in each potable water service connection to the premises.

§ 0006. Customers Responsibility

It is the responsibility of the customer/user at any premises where backflow prevention devices are installed to have annual testing performed by certified testers. In those instances where the District deems the hazard to be great enough, it may require testing to be performed at

more frequent intervals. These inspections and tests will be at the expense of the customer/user, and must be performed by a certified tester. The customer/user will notify the District in advance when the tests are to be undertaken, so that District personnel may witness the tests if desired. Devices that fail the annual testing must be repaired, or replaced at the expense of the customer/user and re-tested to the satisfaction of the District's cross-connection control specialist or technician. The customer/user is required to submit all testing results to the District's cross-connection control specialist upon test completion. It is the duty of the customer/user to verify that the individual or company performing the test and issuing the certification has the appropriate licenses and certificates.

§ 0007. District's Responsibility

The District will collect and maintain all necessary records including: installation, repair, and certification of all backflow devices. The District will notify each customer/user when a device is required to be installed or tested. Only testers certified by the A.W.W.A or A.P.B.A will be allowed to perform testing of backflow devices. The District's cross connection control technician will evaluate the test result and perform spot-checking as necessary.

ADOPTED, SIGNED AND APPROVED this 22nd day of October, 2014.

President of the Board of Directors of Borrego Water District

ATTEST:

Secretary of the Board of Directors
of Borrego Water District

STATE OF CALIFORNIA)

) ss.

COUNTY OF SAN DIEGO)

I, _____, Secretary of the Board of Directors of the Borrego Water District, do hereby certify that the foregoing ordinance was duly adopted by the Board of Directors of said District at a regular meeting held on the 22nd day of October, 2014, and that it was so adopted by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

ABSTAIN: DIRECTORS:

Secretary of the Board of Directors of Borrego Water District

STATE OF CALIFORNIA)

) ss.

COUNTY OF SAN DIEGO)

I, _____, Secretary of the Board of Directors of the Borrego Water District, do hereby certify that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 14-01, of said Board, and that the same has not been amended or repealed.

Dated: October 22, 2014

Secretary of the Board of Directors of Borrego Water District