

Summary of Groundwater Bills

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

General Provisions

- Enacts the Sustainable Groundwater Management Act, establishing state policy for the sustainable management of groundwater resources.
- Does not alter or determine any surface or groundwater rights.
- Does not alter the State Water Resources Control Board's (State Water Board) existing authority under current law.

Groundwater Sustainability Agencies, Plans, and Authorities

- Groundwater Sustainability Agency Formation
 - Provides that, by June 30, 2017, one or more local agency with water supply, water management, or land use responsibilities may elect to be a groundwater sustainability agency responsible for preparing, adopting, and implementing a groundwater sustainability plan for the entire basin.
 - If no local agency elects to be a groundwater sustainability agency for a basin, groundwater extractors in the basin will be required to report their extractions to the State Water Board, and the State Water Board may designate the basin as probationary and adopt an interim plan.
 - These requirements do not apply to certain groundwater basins that are listed in the legislation, including adjudicated basins.
- Groundwater Sustainability Plans
 - Provides that, by January 31, 2020, groundwater sustainability agencies must prepare and adopt a groundwater sustainability plan for all high- and medium-priority basins subject to critical conditions of overdraft. Failure to do so may result in the State Water Board designating the basin as probationary and adopting an interim plan.
 - Provides that, by January 31, 2022, groundwater sustainability agencies must prepare and adopt a groundwater sustainability plan for all high- and medium-priority basins *not* subject to critical conditions of overdraft. Failure to do so may result in the State Water Board designating the basin as probationary and adopting an interim plan.
 - Encourages groundwater sustainability agencies for low- and very low-priority basins to prepare and adopt groundwater sustainability plans pursuant to the requirements of the Groundwater Management Act.
 - Plan Requirements – groundwater sustainability plans *must* contain certain elements:
 - A planning and implementation horizon of at least 50 years.
 - Measureable objectives and interim milestones to ensure a basin's sustainable management within 20 years of a plan's implementation.
 - Measures to be implemented and how those measures will achieve the plan's objectives and milestones.
 - Components that address: (1) monitoring and management of groundwater levels, groundwater quality, groundwater quality degradation, inelastic

- land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or that are caused by groundwater extractions in the basin; (2) mitigation of overdraft; (3) the identification of recharge areas and a discussion of their contribution to basin replenishment; and (4) a description of surface water supply used or available for groundwater recharge or in-lieu use.
 - Other Plan Components – groundwater sustainability plans *may* include other components and measures, including, but not limited to:
 - The control of saline water intrusion
 - Wellhead protection areas and recharge areas
 - Migration of contaminated groundwater
 - A well abandonment and well destruction program
 - Replenishment of groundwater extractions
 - Well construction policies
 - Efficient water management practices
 - Conjunctive use program implementation
 - Processes to develop land use plans and efforts to coordinate with land use planning agencies to assess activities posing a risk to groundwater quantity or quality.
 - Requires groundwater sustainability agencies to consider, when preparing a groundwater sustainability plan, the interests of all stakeholders, beneficial uses, and uses of groundwater within a basin, including, but not limited to:
 - Holders of overlying groundwater rights
 - Municipal well operators
 - Public water systems
 - Local government land use planning agencies
 - Environmental users of groundwater
 - Interconnected surface water users
 - The federal government
 - California Native American tribes
 - Disadvantaged communities
- Authorities of Groundwater Sustainability Agencies
 - Authorizes groundwater sustainability agencies to adopt rules, regulations, ordinances, and resolutions for the preparation and implementation of groundwater sustainability plans. Local agencies may rely on existing authorities to apply and enforce rules and regulations.
 - Authorizes groundwater sustainability agencies to conduct investigations to determine the need for groundwater management, to prepare and adopt a groundwater sustainability plan and implement rules and regulations, to propose and update fees, and to monitor compliance and enforcement.
 - Authorizes groundwater sustainability agencies to require extraction facilities to register with the agency, be fitted with water-measuring devices, and file annual statements of groundwater extraction.
 - Prohibits local agencies from making water right determinations and superseding the local governments' authority to issue permits for the construction and modifications of groundwater wells.

- Fee Authority
 - Authorizes groundwater sustainability agencies to impose fees for permits, groundwater extractions, and related regulated activity subject to appropriate notice and comment requirements.
 - De minimis extractors would be exempt from having to pay fees.
- Enforcement Authority
 - Authorizes groundwater sustainability agencies to enforce any rule, regulation, ordinance, or resolution related to the adoption or implementation of a groundwater sustainability plan.
 - Authorizes groundwater sustainability agencies to impose civil penalties administratively after providing notice and an opportunity for a hearing or to bring an action in the superior court to determine whether a violation occurred and to impose civil penalties.

Coordination of Groundwater Management and Local Land Use Activities

- Requires local governments, before adopting a general plan or amendment, to review and consider any applicable groundwater sustainability plan, adjudication of water rights, or interim plan adopted by the State Water Board.
- Requires local governments, before adopting a general plan or amendment, to refer the proposed action to a groundwater sustainability agency that has adopted a groundwater sustainability plan or the State Water Board where it has adopted an interim plan.
- Requires a groundwater sustainability agency, upon receiving notice of a city's or county's proposed action to adopt or amend a general plan, to provide to the local government planning agency (1) a current version of its groundwater sustainability plan; (2) a report on the anticipated effect of the proposed action to adopt or amend a general plan or the implementation of a groundwater sustainability plan; and (3) maps of the recharge basins and percolation ponds and extractions limits included in any adjudication of water rights or interim plan adopted by the State Water Board.

Department of Water Resources Role – Plan Evaluation and Technical Assistance

- Requires the Department of Water Resources, by June 1, 2016, to adopt regulations for evaluating the adequacy and implementation of groundwater sustainability plans. The regulations must include:
 - Appropriate methodologies and assumptions for baseline conditions concerning hydrology, water demand, and regulatory restrictions that may affect the availability of surface water and unreliability of, or reduction in, surface water deliveries to an agency or waters used in a basin.
 - The impact of those conditions on the achievement of a basin's sustainability goal.
- Requires the Department of Water Resources, by January 1, 2017, to publish on its website best management practices for the sustainable management of groundwater.
- Requires the Department of Water Resources to periodically review groundwater sustainability plans to determine whether the plans include adequate provisions, objectives, and measures to comply with the Act's requirements and to achieve a basin's sustainability goals.

- Authorizes the Department of Water Resources to provide technical assistance to any groundwater sustainability agency developing and implementing a groundwater sustainability plan.

State Backstop – State Water Board Authority

- Authorizes the State Water Board, in specified situations, to designate basins as probationary. Specifically, the State Water Board may designate probationary basins if, according to specified dates:
 - No local agency or group of agencies elects to be a groundwater sustainability agency;
 - A groundwater sustainability agency fails to adopt a groundwater sustainability plan;
 - A groundwater sustainability agency adopts an inadequate groundwater sustainability plan;
 - A groundwater sustainability plan is not being adequately implemented.
- Authorizes the State Water Board to adopt an interim plan for probationary basins. An interim plan must include:
 - Actions to correct a condition of long-term overdraft or issues where groundwater extractions are resulting in significant depletions of interconnected surface waters.
 - A time schedule for corrective actions to be taken.
 - A description of required monitoring activities; restrictions on groundwater extraction.
 - Guidance on the administration of surface water rights connected to the basin.
 - A groundwater sustainability plan, or element thereof, that the State Water Board finds complies with a basin’s sustainability goal.
 - An adjudication, or an element thereof, that in the judgment of the State Water Board can be relied on as part of an interim plan.
- Depending on the deficiency, a local agency, or groundwater sustainability agency, would have 90 or 180 days to cure deficiencies after the State Water Board designates the basin as probationary and before the State Water Board may adopt an interim plan. These periods may be extended if a local agency is making substantial progress toward remedying the deficiency.
- Precludes the State Water Board from designating as probationary any portion of a basin for which a groundwater sustainability agency demonstrates compliance with the basin’s sustainability goal.
- Authorizes the State Water Board to issue cease and desist orders to enforce provisions, including any extraction restriction or limitation, contained in an interim plan.
- Requires persons and entities extracting groundwater from an area within a basin that is not within the management area of any groundwater sustainability agency after June 30, 2017, or from a probationary basin, to file an annual report of groundwater extraction with the State Water Board.
- Authorizes the State Water Board to adopt a fee schedule to recover the costs of designating probationary basins and adopting interim plans, including costs incurred in connection with investigations, facilitation, monitoring, hearings, enforcement, and administrative costs in carrying out these actions.