
State Water Resources Control Board

August 8, 2016

Mr. Mike McCullough
Government Affairs Administrator
Monterey Regional Water Pollution
Control Agency
5 Harris Ct., #D
Monterey, CA 93940
MikeM@mrwpc.com

Dear Mr. McCullough:

I am responding to your request of June 17, 2016, for advice from the State Water Resources Control Board (State Water Board) regarding the eligibility of Monterey Regional Water Pollution Control Agency (MRWPCA) to serve as a groundwater sustainability agency pursuant to the terms of the Sustainable Groundwater Management Act, Water Code section 10750, et seq.

Definition of "Local Agency"

Any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin. (Wat. Code, § 10723, subd. (a).) A "local agency" is defined by the Act as a "local public agency that has water supply, water management, or land use responsibilities within a groundwater basin." (Wat. Code, § 10721, subd. (n).)

The MRWPCA is a joint powers agency of which the following parties are members: the City of Del Rey Oaks, the City of Monterey, the City of Pacific Grove, the City of Salinas, the City of Sand City, the City of Seaside, and the County of Monterey. The purpose of the MRWPCA is to undertake and implement the common power and authority of its members to study, plan for, design, construct and operate regional wastewater treatment facilities. The agency's facilities produce tertiary treated recycled water that is delivered for use on food crops in Salinas Valley and other beneficial uses.

The State Water Board considers the MRWPCA to be a local agency for purposes of Water Code section 10735.2 because it is made up of local agency members and has water supply and water management responsibilities in the treatment and delivery of recycled wastewater.

Probationary Status and Reporting Requirements

The State Water Board is authorized by the Sustainable Groundwater Management Act to designate a basin as probationary if the board finds that none of the following have occurred

after June 30, 2017: (A) a local agency has elected to be a groundwater sustainability agency that intends to develop a groundwater sustainability plan for the entire basin; (B) a collection of local agencies has formed a groundwater sustainability agency or prepared agreements to develop one or more groundwater sustainability plans that will collectively serve as a groundwater sustainability plan for the entire basin; or (C) a local agency has submitted an alternative that has been approved or is pending approval pursuant to section 10733.6. (Wat. Code, § 10735.2, subd. (a)(1).)

Because the State Water Board considers MRWPCA to be a local agency for purposes of Water Code section 10735.2, the board would not designate a basin as probationary under Water Code section 10735.2, subdivision (a)(1), if MRWPCA, or a collection of local agencies that includes MRWPCA, has satisfied one of the three conditions described. In addition, the State Water Board would not consider the reporting requirements of Water Code section 5202, subdivision (a)(2), to apply to a person who extracts groundwater within the management area of MWRPCA, if the Agency assumed responsibility to be a groundwater sustainability agency.

This letter offers a non-binding, advisory opinion. It is not a declaratory decision and does not bind the State Water Board in any future determination.

Sincerely,



Erik Ekdahl
Director, Office of Research, Planning and Performance

cc:

Via Email
Dave Gutierrez
Department of Water Resources