

DRAFT

December 18, 2013

Eric Oppenheimer, Director
Office of Research, Planning and Performance
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Dear Mr. Oppenheimer:

Subject: Los Angeles Department of Water and Power Comments on California's
Groundwater Workplan Concept Paper

Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments to the State Water Resources Control Board (Board) in response to its Draft Groundwater Workplan Concept Paper (Workplan) dated October 4, 2013. LADWP supports the efforts of the Board to develop a framework for providing consistent groundwater management policy and providing the resources necessary for collaborating with agencies, like LADWP, to ensure California's groundwater resources remain available for public benefit.

The City of Los Angeles (City) has historically relied on local groundwater supplies and the Los Angeles Aqueduct (LAA), completed in 1913, as the primary sources of supply for the City. As the City grew, imported water from northern California and the Colorado River were needed to keep pace with the growing need for water. Today, uncertainties over water rights, climate changes, and anticipation of major disruption of imported supplies due to natural disasters, all make the availability of local groundwater sources even more critical to water reliability and our residents' survivability.

Local groundwater resources available to the City include the Central Basin, West Coast Basin, and the Upper Los Angeles River Area (ULARA) basins of San Fernando, Sylmar, Verdugo, and Eagle Rock Basins. The water rights for these basins have been adjudicated by the California Superior Court and professional Watermasters are appointed by the Court to administer the water rights adjudications.

Based on our review of the Workplan, LADWP offers the following comments for consideration.

1. Managing California's Groundwater – Regional Leadership

The City supports the future envisioned by this Workplan to have well equipped local groundwater managers able to respond effectively to the challenges which threaten the long-term sustainability of their local groundwater resources, and to have their efforts backed-up by the support of the Board where needed.

The key indicators for successful groundwater management are in-line with the strategic initiatives that the City has undertaken to provide comprehensive groundwater remediation and cleanup of contamination, and to maximize opportunities for groundwater recharge via stormwater capture and basin replenishment programs.

The City appreciates the Board's desire to start a dialogue with basin managers across California to bring about resources and assistance that will ensure the availability of groundwater resources for its citizens. The Board is encouraged to maintain a strong emphasis of support for local agencies with added tools and resources, and not encumber groundwater managers with new obligations which do little to address the real challenges which threaten the sustainability of California's groundwater resources.

2. Implementing the Vision

The Board has appropriately acknowledged the impressive results of groundwater management practices which have developed at the local level in absence of a centralized state-wide approach. The Workplan also accurately depicts the significant challenges being addressed by local agencies who manage significant high-use groundwater basins in California. It is noteworthy that the Workplan recognizes the scalability of the key elements for effective groundwater management, and that these elements can be implemented effectively at the local, regional, or state levels. Comments about each key management element are provided in the sections below.

3. Sustainable Thresholds

The Board would like comments on whether proposed actions will result in thresholds that support assessment of groundwater conditions and informed management decision. The Workplan includes a proposal to enact legislation requiring groundwater managers to establish thresholds and quantifiable triggers for use in sustainable groundwater management decisions. It is recommended to exempt adjudicated groundwater basins from this component of the Workplan, whereas agencies operating within adjudicated basins provide a variety of data that are routinely measured and reported to the court-appointed Watermasters. Agencies like LADWP utilize this information to make informed groundwater

management decisions and actions are taken to protect these adjudicated basins. Court-appointed Watermasters are also empowered to prevent conditions of overdraft from occurring. Requirements to establish and utilize new thresholds and triggers for groundwater management may conflict with the operation of the water rights adjudications and potentially reopen disputes which have been settled under litigation.

4. Monitoring and Assessment

The Board would like to know whether components proposed under this element of the Workplan will improve the integration and availability of data used in basin management decisions. One such component proposed by the Workplan is to add a basin assessment module to GeoTracker Groundwater Ambient Monitoring and Assessment Program (GeoTracker) to make groundwater quality information publicly available and enable trends analysis. A second component includes expanding the authority of the Water Boards to coordinate the monitoring and assessments of groundwater quality. The City operates within adjudicated basins where considerable data are readily available. Therefore it is unlikely that these proposals will improve the City's capabilities for making informed basin management decisions. However, this component would more likely result in added cost of compliance with new reporting requirements. Concerns are also raised about the adequacy of GeoTracker to provide robust modeling and account for varying basin conditions. This can result in misinterpretations by the general public about groundwater conditions within the basins. Assessments made by the Water Boards about the local groundwater resources could present public messaging concerns where the information may be in conflict with annual water quality reports published by the City. It is recommended that regulatory oversight remain with the Drinking Water Field Operations Branch of the California Department of Public Health where there is existing authority for conducting source water assessments concerning the use of surface water and groundwater for potable supply. This state agency is empowered to determine the need for and require public notification when consumers may potentially receive poor water quality in their potable supply.

The proposal also suggests expanding the Board's Groundwater Recordation Program to include reporting of groundwater pumping for basins subject to critical overdraft. It should be recognized that adjudicated groundwater basins have mechanisms for addressing groundwater pumping and Court-appointed Watermasters are empowered to conduct safe yield studies and intervene to prevent conditions of overdraft from occurring. In the San Fernando Basin for example, local agency managers have acted responsibly by agreeing on a set of policies designed to address and prevent declining water levels. Intervention by the Board to conduct studies to determine whether overdraft conditions exist, and

to utilize regulatory enforcement to curtail groundwater pumping may interfere with the current operation of the water rights adjudications. The Board's limited resources can be utilized more effectively in other areas; it is therefore recommended to exempt adjudicated groundwater basins from this component of the Workplan.

5. Governance and Management

The Workplan recognizes the need to take action and address problems in vulnerable and high-use basins, including addressing pollution in these basins. Environmental pollution has resulted in the greatest impact to the availability of the City's local groundwater resources. The City shares the goals stated for this element of the Draft Workplan which includes preventing and cleaning up groundwater contamination, maximizing groundwater recharge, and ensuring that groundwater pumping levels are sustainable over the long-term. Currently, the City continues to make substantial investments and progress towards comprehensive groundwater remediation, stormwater capture, and groundwater replenishment. These investments will address environmental pollution and ensure the long-term sustainability of the City's local groundwater.

Solving the groundwater contamination problem presents the greatest challenge and best opportunity for collaboration with the Board. However, various proposed items have the potential of creating several new layers of additional oversight and regulations that will likely slow down the City's efforts to address groundwater contamination in the San Fernando Basin as well as other basins where the City has adjudicated water rights. Therefore, the City recommends excluding adjudicated basins from additional Board oversight. Adjudicated groundwater basins are under the continuing jurisdiction of the Superior Court and are managed by professional Watermasters appointed by the Court. Hence, there is no need for additional regulations or oversight to protect the health of these adjudicated basins.

6. Funding

As indicated in the Workplan, the City agrees that funding important groundwater management and cleanup projects is a significant challenge. Historically, the State agencies such as the California Department of Toxic Substance Control and Los Angeles Regional Water Quality Control Board have been involved with soil cleanup and/or containment of contaminated sites. The United States Environmental Protection Agency's use of the Superfund has been limited to site-specific for groundwater cleanup. However, there have not been any programs at the state or federal levels capable of providing effective and comprehensive groundwater cleanup as needed for the San Fernando Basin. Therefore, the

remedies usually employed by the State and Federal agencies are not sufficient for meeting the drinking water needs of the communities. While establishing new funding sources for addressing liability for cleanup of contaminated sites is a welcome concept, the effectiveness may be very limited. The question becomes whether adequate funding can be provided to make a meaningful difference for the widespread contamination which impacts the San Fernando Basin. Given the limited funding available in the Board's Cleanup and Abatement Fund, it is unlikely that the Board will have adequate resources for addressing the groundwater cleanup in a way that addresses the problem in a comprehensive manner.

Lastly, the Workplan does not state how the funding will be established to pay for all these new regulations, oversight and requirements. The City already pays a significant portion of the Watermaster oversight costs in the San Fernando Basin. The City also pays the California Department of Water Resources for Watermaster services for Central and West Coast Basins. Therefore, the City should not be subject to, or be required to implement, additional assessment fees for use of its adjudicated basins.

7. Oversight and Enforcement

The Board would like input on whether the State's current statutory authorities and enforcement mechanisms should be integrated into the Workplan. Within this component, potential options include targeting legacy sites for groundwater quality enforcement, evaluating and reporting on the effectiveness of well design and destruction standards, establishing an interagency task force to address groundwater overdraft, and utilizing other authorities for addressing parties responsible for nitrate contamination. The goals envisioned by the Board at the outset of the Workplan are to enable basin managers to become well equipped with tools and resources to tackle the problems within the local groundwater basins, and backed up with Board support where needed. Similarly, the Board's oversight and enforcement should be targeted to emphasize its support for the local basin managers where needed. It is recommended to focus intervention on basin overdraft issues to basins where water rights have not been adjudicated. This would allow Court-appointed Watermasters to work with the local agencies to balance local groundwater pumping with available supply, and engage the Board's assistance when needed.

Thank you for the opportunity to comment on the draft Groundwater Workplan Concept Paper. LADWP feels strongly that through dialogue initiated by the Board, a framework will be established which recognizes the efforts of local groundwater managers, and provides tools and additional resources to enable the local managers to overcome the challenges which threaten the sustainability of California's local groundwater resources.

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If you have any questions or requests for additional information, please contact Mr. Gregory R. Reed, Civil Engineering Associate III of the Water Rights Group, at (213) 367-2117 or by email to greg.reed@ladwp.com.

Sincerely,

Albert G. Gastelum
Director of Water Quality

GRR/MT:bdc
By e-mail
c: Mr. Gregory R. Reed