

December 16, 2013

Mr. Eric Oppenheimer  
Director, Office of Research, Planning and Performance  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

**Subject: Comments to SWRCB Draft Groundwater Workplan Concept Paper**

Dear Mr. Oppenheimer:

The Water Replenishment District of Southern California (WRD) is pleased to comment on the State Water Resources Control Board's (SWRCB) Draft Groundwater Workplan Concept Paper. We applaud efforts by the SWRCB to align the Regional Water Quality Control Boards' (Water Boards') current groundwater protection efforts, the groundwater management responsibilities by various regional and local entities, and potential future actions by these various entities. WRD embraces the opportunity to work even more closely and collaboratively with the SWRCB and other state and local agencies in furtherance of our mission "*to provide, protect and preserve high-quality groundwater through innovative, cost-effective and environmentally sensitive basin management practices for the benefit of residents and businesses of the Central and West Coast Basins.*"

WRD is a special district established in 1959 under the California Water Code to manage the groundwater resources of the Central Basin and West Coast Basin (CBWCB), which supply forty percent of the water used by over 10% of the State's population in a service area that covers 420 square miles in southern Los Angeles County. WRD is responsible for maintaining adequate groundwater supplies, preventing seawater intrusion into the groundwater aquifers, and protecting groundwater quality against contamination. These basins - Central and West Coast - are among the region's most reliable natural water resources. As the agency responsible for managing and safeguarding this indispensable resource, WRD's focus is on maximizing the groundwater basins' capacity, preserving them for future use, and ensuring the basins' high water quality. Funding for the District's programs and projects comes primarily from what is called a Replenishment Assessment paid by groundwater producers on each acre-foot of water they extract.

**General Comments**

As indicated in the Concept Paper, local and regional management of groundwater basins already exists in much of the State. Localized management of groundwater basins often offers the best and most practical means of caring for and managing the basins both with respect to water quality and quantity. The elements presented by the SWRCB should be utilized to enhance existing programs and assist in establishing new programs in regions where these are lacking. Continued and increased funding and support by the State to the local level in both well managed and challenged basins is a key factor for

success to create and maintain sustainable groundwater resources. WRD agrees that a well integrated approach to groundwater management is not only needed, but rather offers the most robust solution for ensuring the sustainability of the groundwater basins in the future.

WRD concurs with the SWRCB's five elements for effective groundwater management identified in the Concept Paper, and offers the following comments on each:

### **1. Sustainable Thresholds**

The current thresholds established by the various Water Boards and other State and local agencies present a baseline of criterion which could be expanded. The Concept Paper left out cleanup objectives at contaminated sites for soil and groundwater as a Water Board threshold that are important for water quality. In the same manner the Water Board's *Salt and Nutrient Management Plan* requirement for groundwater basins in the State will be utilized in the future to amend the existing Basin Plans, additional approaches could be taken to help enhance the existing Basin Plans with respect the other thresholds or basin management objectives (BMOs). Plans to legislate or codify such thresholds or objectives should be pursued with caution especially in the area of water quantity. For water quality or quantity thresholds to remain sustainable they must incorporate conditions assessments, trend evaluation, and management modifications which lend themselves to solutions and not to additional problems. Much of this work can be achieved at the local level with assistance from the regional or State level. For example, local agencies could be granted water quality regulatory authority to assist Water Boards to expeditiously investigate and remediate groundwater quality threats.

Future groundwater sustainability within the State is dependent on groundwater recharge and where feasible, groundwater storage. A priority must be placed on enhancing both natural and artificial recharge utilizing all forms of available water such as stormwater, surface water, recycled water, advanced treated recycled water, and remediation derived water. The recharge demand is largely a function of the volume of extraction, of course, and adjudicated basins like CBWCB operate with far more predictability because of the limits on extraction fixed by the courts in the 1960s. It also helps in our case that we are the only replenishment district in the state, created in part to make up the difference between natural safe yield and court established production allocations. In basins that are neither adjudicated nor served by a replenishment entity, groundwater supply sustainability is a significantly more daunting challenge.

### **2. Monitoring and Assessment**

As the Concept Paper indicates, there are numerous monitoring programs in existence throughout the State. While there are several excellent monitoring programs in place, such as those implemented by WRD in the CBWCB, many basins lack sufficient monitoring or monitoring is absent altogether. Monitoring and assessment are of paramount importance to a sustainable groundwater system. Since the State consists of a series of groundwater basins of varying complexities, a uniform monitoring system is not practical. However, great benefit would be derived from requiring the implementation of minimum monitoring and assessment requirements on each basin and requiring that the information obtained be made publically available on a State maintained platform (i.e. GAMA or CASGEM). Meanwhile, the local or regional entities conducting the monitoring and assessment activities should make the resulting

data readily available, as WRD currently does through our website and annual engineering survey and regional groundwater monitoring reports. Closely matching trend analysis with threshold values will identify sustainable basins versus at-risk basins versus overdrafted basins for which remedial measures can be implemented. Basins warranting priority attention can be readily identified by comparing monitoring and assessment results.

### **3. Governance and Management**

WRD believes that existing and proposed actions outlined in the Concept Paper have improved, or will improve, the management of groundwater quality in high-use basins. While local agencies such as WRD monitor and track contaminants in their respective basins, the Water Code does not give us the authority to assess the responsible parties for enforcement actions or cleanup costs. We rely on the State (Water Board or Department of Toxic Substance Control [DTSC]) or the United States Environmental Protection Agency (USEPA) to do so.

Groundwater basin quantity is a function of natural and artificial recharge relative to volumes of extraction over a given period of time and whether or not limits on extraction exist in tandem with a management system for replenishment. Basins with established limits on extraction and a management system to monitor extractions and enforce the limits, combined with a replenishment entity to make up the difference between extractions and natural recharge, are sustainable. Management and governance systems to ensure that balance are essential.

### **4. Funding**

The Concept Paper clearly identifies the re-occurring issues with respect to funding projects vital for the proper management of groundwater basins. As pointed out in the paper, many local and regional entities have relied on self-funding or grant funding for these projects. Due to the passage of Proposition 218, it is increasingly difficult for many agencies to self-fund projects through the imposition of rate or assessment increases. Hence, probably the most significant element of the Concept Paper brings to light the universal need for local agency funding. While it is true that there are groundwater basins in need of even the most basic monitoring program (or even an entity to take the lead), without funding there is no way for a program to get established or be maintained. Even well-monitored, well-managed, high-use basins such as CBWCB are in critical need of funding assistance to maintain our monitoring network. State programs such as CASGEM and Salt-Nutrient Management Plans have added to compliance costs without any funding from the State. For WRD, the bulk of the monies generated by means of replenishment assessments are used for replenishment purposes. When available, WRD has pursued other means of funding, including grants and bonds, and even these are becoming more difficult to procure.

WRD agrees with the SWRCB Concept Paper that the funding component is critical for successful groundwater management. The Concept Paper identified the several elements for which funding is necessary including development and implementation of groundwater management plans (e.g. programs like GAMA and CASGEM), facilities (e.g. drinking water systems, groundwater recharge facilities,

stormwater capture, etc.), ongoing operation and maintenance of infrastructure, pollution prevention and cleanup measures, and oversight and enforcement by local and regional agencies.

In addition, WRD recommends the SWRCB consider other activities that also tend to be underfunded or neglected such as groundwater sampling (field and laboratory), wellhead treatment systems, modeling, well installation, and costs associated with putting water to beneficial use. Many of the State funding programs are based on multi-purpose projects with many stakeholders (such as the IRWM process). However, significant targeted funding should also be available for stand-alone groundwater resource projects.

## **5. Oversight and Enforcement**

Currently the Water Boards, DTSC, and California Department of Public Health (CDPH) provide oversight and enforcement for sites under their respective jurisdictions while agencies such as WRD, which is responsible for replenishing the groundwater system and monitoring groundwater quality, have virtually no authority under the Water Code for oversight or enforcement. Even though the Department of Water Resources (DWR) and California Department of Fish and Wildlife (CDFW) can exercise their constitutional and statutory authorities to protect water resources, these agencies do not play as active a role in monitoring groundwater basins (except where DWR functions as the court-appointed Watermaster and enforces judgment provisions). While the SWRCB considers incorporating DWR and CDFW into its workplan for groundwater, consideration should be given to expand the authorities of the existing local and regional agencies since they are already a part of the integrated network of agencies monitoring the groundwater basins. In basins that have no local or regional agencies performing monitoring activities, including DWR may be appropriate. Section 3.5 of the Workplan Concept Paper lists existing enforcement and oversight activities for the SWRCB. That list includes “Undertake proceedings to prevent waste and unreasonable use” of water. The SWRCB could provide assistance in influencing the use of recycled water to replace of potable water where currently allowed, such as industrial uses. Section 13550 of the California State Water Code states “The Legislature hereby finds and declares that the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway, landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available which meets all of the following conditions, as determined by the state board...”. Within the CBWCB area, groundwater supplies 40% of the overall demand for water, including non-potable uses. Assistance from the SWRCB to help to influence the use of recycled water in place of non-potable uses would provide great benefit to areas that rely on groundwater for a significant portion of their water supply.

WRD appreciates the SWRCB's efforts to develop the Concept Paper and solicit comment from the various stakeholders. Ensuring sustainable groundwater basins requires a great deal of management and interagency cooperation and collaboration. Many basins already have an established, robust monitoring and assessment program conducted by local or regional agencies which are providing sustainable groundwater resources. Other basins are threatened or in critical overdraft conditions. State support to the local agencies in all of these basins is vital to ensure reliable, quality water supplies for California.

Should you have questions or need additional information, please contact me at (562) 921-5521.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robb Whitaker", written over a light blue horizontal line.

Robb Whitaker, P.E.  
General Manager