

WB-EXEC-Groundwater_Management

From: Marzan, Lisa@Waterboards on behalf of WB-EXEC-Groundwater_Management
Sent: Monday, June 20, 2016 9:42 AM
To: 'Mike McCullough'
Subject: RE: eligibility requirements

Thank you for providing the information Mike. I have forwarded your inquiry to our legal staff for review and will let you know when/if we can respond.

Lisa

From: Mike McCullough [<mailto:MikeM@mrwpca.com>]
Sent: Monday, June 20, 2016 8:48 AM
To: WB-EXEC-Groundwater_Management
Cc: Bean, Jessica@Waterboards; Ekdahl, Erik@Waterboards
Subject: RE: eligibility requirements

Here is the joint powers agreement creating us as a Joint Powers Agency, which per Govt. Code sec. 6500 et seq. is a public agency and local government entity. By section 1.05 of the JPAgmt. the Agency has the common power of its member entities "to acquire, construct, maintain and operate facilities for the collection, transmission, treatment, disposal and reclamation of *sewage and wastewater* for the benefit of lands and inhabitants within their respective boundaries."

It has always been clear that we are and cannot be a water agency, per se. The SVRP and AWT water that we are producing is a function of our reclamation power and authority, reclaiming water that is sewage or wastewater. I'm not sure how or if that relates to a groundwater sustainability agency, or involvement with any groundwater basin.

The Text above was an initial offering from our attorney: The text below is from Mark Nordberg. The last sentence in italics is the one of interest

The decision to become or form a GSA is a decision for local agencies to make, and SGMA defines "local agency" in Water Code Section 10721 as, "*A local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.*" Water Code Section 10723(a) states, "*Except as provided in subdivision (c), any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin.*"

Mark went on to offer –

As to whether your agency is eligible to be a GSA in Monterey County, that's a decision you will have to make if you feel your agency meets the definition of "local agency" as defined in SGMA. It seems like you are already coordinating with MPWMD in the Pure Water Monterey project, and DWR encourages all GSA-eligible agencies to coordinate together as they form GSAs and establish basin-wide governance. Local agencies must also consider their service area boundaries when forming a GSA (see Water Code Section 10726.8(b)).

As the MRWPCA is a JPA, also note Water Code Section 10723.6(a) which states, "A combination of local agencies may form a groundwater sustainability agency by using any of the following methods: (1) A joint powers agreement. (2) A memorandum of agreement or other legal agreement."

I've attached the Agency's JPA agreement.

Any information will be helpful.

Mike McCullough
Government Affairs Administrator
MRWPCA
831-645-4618



Pure Water Monterey
A Groundwater Replenishment Project

<http://purewatermonterey.org>

From: Marzan, Lisa@Waterboards [<mailto:Lisa.Marzan@waterboards.ca.gov>] **On Behalf Of** WB-EXEC-Groundwater_Management
Sent: Monday, June 20, 2016 8:40 AM
To: Mike McCullough
Cc: Bean, Jessica@Waterboards; Ekdahl, Erik@Waterboards
Subject: RE: eligibility requirements

Hello Mike,

Can you please provide documentation that relates to the formation of MRWPCA or any documents that describe the responsibilities of the organization? This will help facilitate the review? When received, I will provide the information to our staff and legal counsel to respond.

Thanks,

Lisa Marzan, Program Analyst
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916-327-2414
Cubicle 13-41D
State Water Resources Control Board
Groundwater Management Unit



From: Mike McCullough [<mailto:MikeM@mrwPCA.com>]
Sent: Friday, June 17, 2016 3:40 PM
To: WB-EXEC-Groundwater_Management
Subject: eligibility requirements

Our agency would like to know if we meet the requirements for a local agency as defined by SGMA?

Could the MRWPCA form a GSA and be deemed a legal GSA by the state?

Let me know if you have any other questions.

Thanks,

Mike McCullough
Government Affairs Administrator
MRWPCA
831-645-4618

