

State Intervention – The State Backstop

Sustainable Groundwater Management Act (SGMA)

SGMA and State Intervention

SGMA requires the formation of local groundwater sustainability agencies (GSAs) in California’s high- or medium-priority groundwater basins. GSAs are required to develop groundwater sustainability plans (plans) that make basins sustainable within 20 years of implementation. If locals are unable or unwilling to sustainably manage their basin or subbasin, the State Water Resources Control Board (State Water Board or Board) can step in to protect groundwater using a process called state intervention. State intervention is triggered by one of the following events:

Date	Event
July 1, 2017	Entire basin is not covered by GSA(s).
Feb. 1, 2020	Basin is in critical overdraft and there is either 1) no plan or 2) the Department of Water Resources (DWR) fails the plan.
Feb. 1, 2022	There is either 1) no plan or 2) long-term overdraft and DWR fails the plan.
Feb. 1, 2025	DWR fails plan and basin has significant surface water depletions.

For general SGMA information, visit: www.waterboards.ca.gov/water_issues/programs/gmp/sgma.shtml.

Levels of Intervention

Unmanaged Area

An unmanaged area is a part of a basin not within the management area of a GSA before July 1, 2017. Anyone that extracts groundwater from an unmanaged area must submit an extraction report to the State Water Board each year. The first extraction reports are due by Dec. 15, 2017, and must include well location and capacity, where the water was used, purpose of use, and monthly extraction volumes.

Probationary Basin

If local agencies fail to form a GSA, fail to develop an adequate sustainability plan, or fail to implement the plan successfully, the State Water Board may designate the entire basin probationary. Anyone who extracts groundwater from a probationary basin, including extractors under the management of a GSA, must file extraction reports with the Board unless the Board decides to exclude certain types of extractions. The Board may require the use of a meter to measure extractions and reporting of additional information.

Interim Plan

The State Water Board will allow local agencies time to fix the issues in the basin that led to probation. If local agencies are unable to fix those issues, the Board will develop an interim plan to directly manage groundwater extractions. An interim plan will contain corrective actions, a timeline to make the basin sustainable, and a monitoring plan to ensure corrective actions are working.

Extraction Reports

Well owners must ensure extraction reports are submitted to the State Water Board by Dec. 15 of each year for extractions made during the previous water year (Oct. 1 – Sep. 30). An extraction report is required for each well and must include monthly pumping data. Extractions must be measured by a method satisfactory to the Board. Extraction reports must be submitted online through the Board’s website. For more information about extraction reports, visit www.waterboards.ca.gov/water_issues/programs/gmp/reporting.shtml.

Intervention Fees

Each extraction report must be accompanied by a fee to cover State Water Board intervention costs. The draft fees for state intervention are detailed below.

Fee Category*	Annual Fee	Applicable Parties
Base Filing Fee	\$300 per well	All extractors required to report.
Unmanaged Rate	\$25 per acre-foot	Extractors in unmanaged areas. If extractors use a meter to measure extractions the rate is \$10 per acre-foot.
Probationary Rate	\$40 per acre-foot	Extractors in probationary basins.
Interim Plan Rate	\$55 per acre-foot	Extractors in probationary basins where the Board determines an interim plan is required.
De minimis Fee	\$100 per well	A well owner that extracts two acre-feet or less per year for domestic purposes in a probationary basin, if the Board decides these extractions are significant.
Late Fee	25% of total fee per month	Extractors that do not file reports by the due date.

*Draft fees are subject to change. Additional information available at waterboards.ca.gov/gmp.

Meters and Groundwater Management

The State Water Board can require the installation of meters in a probationary basin. The need for meters will depend on local conditions and the level of intervention required in the basin. The State Water Board is likely to require meters in the development of an interim plan, in order to develop corrective actions and verify compliance with pumping restrictions. Extractors will be responsible for installing and maintaining meters and paying the related costs – although it is unlikely that the Board would require meters for de minimis users (see below).

De minimis Users

A well owner who extracts two acre-feet or less per year from a parcel for domestic purposes is a de minimis user. Domestic purposes do not include commercial activities. A well owner that extracts more than two acre-feet per year from a parcel is not a de minimis user. De minimis users in unmanaged areas are exempt from reporting. However, the State Water Board can require reporting by de minimis users in probationary basins if necessary to manage the basin.

Interim Plans and Groundwater Sustainability Plans

State intervention is intended to temporarily protect groundwater. An interim plan is not intended to permanently manage a basin and is not designed to replace a groundwater sustainability plan. To regain local control, local agencies will have to demonstrate their ability and willingness to manage groundwater sustainably and address the issues that caused state intervention.

For More Information

Additional information on SGMA and state intervention is available at the State Water Board website: www.waterboards.ca.gov/gmp or the DWR website: www.water.ca.gov/groundwater/sgm.