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December 18, 2013

Felicia Marcus, Chair and Members  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95812-0100  
via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Re: Groundwater Workplan Concept Paper (“Workplan”)

Dear State Water Board Members:

I strongly support the Board's work to develop a Groundwater Strategic Plan that includes key provisions to protect public health and the environment. Groundwater pollution from agriculture and industrial operations has contaminated many California groundwater basins with nitrates, phosphates, and toxic pesticides. These pollutants are highly toxic, and endanger California's communities and watersheds.

California aquifers and adjacent streams are vastly depleted by the unregulated pumping of groundwater. Unmanaged and unsustainable pumping can result in depletion of groundwater resources, land subsidence and associated permanent loss of storage capacity, and reduced surface water flows.

I urge the Board to ensure key actions are included in the Groundwater Strategic Plan to protect the public's interest in clean and abundant groundwater supplies. The Plan must also address impacts of groundwater pumping on instream flows and the public trust resources that depend on them.

The Workplan outlines “potential” actions to be taken by the State Water Board and others. Instead, the Workplan should state definitively that these actions will be taken by the State Board. This will indicate that the State Board is committed to implementing successful groundwater management measures in California.

In addition, I urge the Board to develop a Workplan that:

- Emphasizes stormwater capture as a water quality control for stormwater runoff and a local water supply source.
- Reflects the severity of contaminated drinking water and associated impacts to environmental justice communities by enshrining key principles such as the human right to safe drinking water and the “polluter pays” principle;
- Provides clear guidance to Regional Boards calling for improved enforcement of existing regulatory tools available to improve groundwater quality;



- Recognizes that groundwater and surface waters are physically interconnected, and that laws must be updated to accurately reflect the physical interconnection to protect instream flows from excessive groundwater withdrawals;
- Employs the State Water Board’s constitutional authority to prevent waste and unreasonable use of the State’s water resources, including groundwater, recycled water and stormwater.

In addition, comments on the proposed Workplan Management Elements are as follows:

**Stormwater capture as a water quality control for stormwater runoff and a local water supply source.**

We strongly support the proposed action to “incentivize permits to promote storm water infiltration and protect infiltrative capacity of hydrogeologically vulnerable areas.” The State Water Board should leverage work already occurring within the stormwater program and the associated stormwater permits to identify key potential recharge locations and to encourage stormwater capture at the local level.

The Workplan recommends that other agencies “develop estimates of storm water capture and groundwater recharge potential, and a tracking database to inform water resources planning and permitting decisions.” We agree that this is an important task. However, the State Board should work with agencies and other stakeholders, such as NGOs, to leverage efforts already underway and to ensure that this task is accomplished. In other words, this should be described in the Workplan as a joint effort.

**Indirect Groundwater Recharge**

The Workplan states that “CDPH should complete the rulemaking for groundwater recharge with recycled water (indirect potable reuse).” We strongly support this effort as a priority task and encourage the State Water Board to coordinate with CDPH to ensure that this occurs in a timely manner.

**Funding of Groundwater Management**

The Workplan acknowledges that Proposition 218 hinders approval of local fees to address water management issues. Thus, the Workplan should also include Proposition 218 reform as an action item.



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### **Monitoring for Fracking Impacts**

The Workplan states that the Water Board will “work with DOGGR on monitoring and assessment requirements for hydraulic fracturing, pending the outcome of proposed legislation.” We strongly support the State Water Board and regional boards playing a lead role in implementing SB 4 and groundwater and surface water monitoring activities associated with fracking. The State Water Board is the agency best-suited for this task.

In closing, I urge the State Water Board to work with staff to ensure that these key provisions are prioritized and implemented through the Groundwater Workplan. Thank you for your work to ensure that California’s waterways are safe for swimming, drinking, and fishing for everyone.

Sincerely,

Kirsten James  
Science and Policy Director, Water Quality