

**Summary of Groundwater Management Legislation**  
**[AB 1739, SB 1168, SB 1319]**  
**Impact on Cities**  
**(Oct. 15, 2014)**

**History and Background**

Historically groundwater has been managed in California by a combination of special districts, Special Act Districts, court-appointed water-masters, and cities and counties without an enforceable set of statewide groundwater management standards. The State law previously allowed – but did not require – local agencies to develop groundwater management plans in defined basins and sub-basins. “AB 3030” plans have been adopted by 149 agencies.

This year the Governor and the Legislature identified groundwater as an important component in the State’s water system and decided that the time had come to move from permissive to mandatory regulation. The three bills, AB 1739, SB 1168, and SB 1319, enacted statewide standards intended to protect groundwater elevations, quality, and surface water-groundwater interactions. These standards are implemented through locally adopted plans.

**Summary of the Legislation**

By January 31, 2020, all groundwater basins designated as “high or medium priority” basins and identified as “subject to critical conditions of overdraft” (by the Department of Water Resources), must be managed under a Groundwater Sustainability Plan adopted by a Groundwater Sustainability Agency. All other high or medium priority basins must be managed under a Groundwater Sustainability Plan by January 31, 2022. This requirement does not apply to adjudicated basins.<sup>1</sup> The purpose of a Groundwater Sustainability Plan is to achieve sustainable groundwater management in accordance with the State’s sustainability goal.

**Establishing a Groundwater Sustainability Agency (GSA)<sup>2</sup>**

Any local agency or combination of agencies overlying a groundwater basin may elect to be a GSA after providing notice and conducting a public hearing. In certain areas, existing agencies are the GSA. If a GSA is not established by June 30, 2017, then the county becomes the GSA unless the county declines by providing written notice to the Department of Water Resources.

**Powers of GSA<sup>3</sup>**

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<sup>1</sup> Water Code 10720.7, 10720.8.

<sup>2</sup> Water Code 10723, 10723.2, 10724

<sup>3</sup> Water Code 10725, 10726.2, 10726.4

The GSA is given broad authority to adopt and enforce a groundwater sustainability plan to achieve the state's sustainability goal. In addition, the GSA may:

- regulate, limit, or suspend extractions of groundwater
- authorize temporary and permanent transfers of groundwater allocations
- impose fees for permits, extraction, development of the plan
- monitor compliance and enforcement
- acquire property
- transport, reclaim, purify, desalinate, treat, or otherwise manage and control polluted water and wastewater
- enforce the groundwater sustainability plan and impose fines

### **Groundwater Sustainability Plan**

The purpose of the GSP is to adopt policies, rules, and regulations intended to achieve the State's sustainability goal within twenty years with interim milestones in 5-year increments. The law contains an extensive description of the contents of the GSP. In addition, DWR must publish best management practices for sustainable management of groundwater by January 1, 2017, and must adopt regulations about the various components of the GSP by July 1, 2016. Each GSA must adopt a GSP no later than January 31, 2020.<sup>4</sup> CEQA does not apply to the adoption of the GSP.<sup>5</sup>

The GSP is submitted to DWR for review and comment. By June 1, 2016, DWR must adopt guidelines for the review of GSPs. Each GSA submits an annual report on implementation of the GSP.

Under certain limited circumstances, a GSA may submit an alternative to the GSP prior to January 1, 2017.<sup>6</sup>

### **Groundwater Sustainability Plan and the General Plan<sup>7</sup>**

Before adoption or any substantial amendment of a general plan, a city or county must:

- consider an adopted groundwater sustainability plan, an adjudication of groundwater rights, or an order or plan for groundwater management adopted by the State Water Resources Control Board; and
- refer the proposed amendment to the GSA that adopted a GSP or otherwise manages groundwater. In response, the GSA is required to

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<sup>4</sup> Water Code 10727, 10727.2, 10717.4, 10717.6, 10717.8, 10733.2, 10735.2

<sup>5</sup> Water Code 10728.6

<sup>6</sup> Water Code 10733.6

<sup>7</sup> Government Code 65350.5, 65352, 65352.5

provide certain information about groundwater sustainability, its GSP or an alternative to the planning agency.

The actions of a GSA to control groundwater extractions by regulating, limiting, or suspending extractions from individual wells or extractions from groundwater wells in the aggregate, construction of new wells, enlargement of existing wells, or reactivation of abandoned wells must be consistent with applicable elements of the city or county general plan unless there is insufficient sustainable yield in the basin to serve a land use designated in the general plan.<sup>8</sup>

The GSA's temporary and permanent transfer of groundwater extraction allocations is subject to applicable city and county ordinances.<sup>9</sup>

The GSP is not authorized to issue permits for the construction, modification or abandonment of groundwater wells except as authorized by a county with authority to issue those permits.

### **Department of Water Resources Intervention<sup>10</sup>**

The DWR may designate a basin as a "probationary basin" if after January 30, 2017 if a GSA has not been identified or a local agency has submitted an alternative that has been disapproved by the State; or if after January 31, 2020, a GSP has not been adopted or an alternative has not been approved; or after January 31, 2020 (or January 31, 2022), the DWR determines that a GSP is inadequate or that the groundwater sustainability program is not being implemented in a manner likely to achieve the sustainability goal.

A local agency or GSA has 180 days to remedy the deficiency that caused the basin to be designated a "probationary basin. If the deficiencies are not remedied, the State Water Resources Control Board may adopt an interim plan for a probationary basin.

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<sup>8</sup> Water Code 10726.4

<sup>9</sup> Water Code 10726.4

<sup>10</sup> Water Code 10735.2 – 10736.6