

Introduced by Senators Steinberg and KuehlFebruary 5, 2007

An act to amend Section 12924 of, and to add Part 2.11 (commencing with Section 10920) to Division 6 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 178, as introduced, Steinberg. Groundwater.

(1) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill would establish a groundwater monitoring program pursuant to which specified entities, in accordance with prescribed procedures, may propose to be designated by the Department of Water Resources as groundwater monitoring entities, as defined, for the purposes of monitoring and reporting with regard to groundwater elevations in all or part of a basin or subbasin, as defined. The bill would require the department to work cooperatively with each monitoring entity to determine the manner in which groundwater elevation information should be reported to the department. The bill would authorize the department to make recommendations for improving an existing monitoring program; require additional monitoring wells under certain circumstances; and require the department, under prescribed circumstances, to perform groundwater monitoring functions for those

portions of a basin or a subbasin for which no monitoring entity has agreed to perform those functions under this program.

(2) Existing law requires the department to conduct an investigation of the state’s groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 1980.

This bill, instead, would require the department to submit that report not later than January 1, 2010, and every 5 years thereafter.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 2.11 (commencing with Section 10920) is
2 added to Division 6 of the Water Code, to read:

3
4 PART 2.11. GROUNDWATER MONITORING

5
6 CHAPTER 1. GENERAL PROVISIONS

7
8 10920. (a) It is the intent of the Legislature that on or before
9 January 1, 2010, groundwater elevations in all groundwater basins
10 and subbasins be regularly and systematically monitored locally
11 and that the resulting groundwater information be made readily
12 and widely available.

13 (b) It is the intent of the Legislature that, if local groundwater
14 interests are unable or unwilling to perform the monitoring
15 functions described in this part, the department shall assume those
16 monitoring functions and the department shall recover its costs for
17 conducting the necessary monitoring from the local groundwater
18 users.

19 (c) It is further the intent of the Legislature that the department
20 continue to maintain its current network of monitoring wells,
21 including groundwater elevation and groundwater quality
22 monitoring wells, and that the department continue to coordinate
23 monitoring with local entities.

24 10921. This part does not require the monitoring of
25 groundwater elevations in an area that is not within a basin or
26 subbasin.

1 10922. This part does not expand or otherwise affect the powers
2 or duties of the department relating to groundwater beyond those
3 expressly granted by this part.

4
5 CHAPTER 2. DEFINITIONS
6

7 10925. Unless the context otherwise requires, the definitions
8 set forth in this section govern the construction of this part.

9 (a) “Basin” or “subbasin” means a groundwater basin or
10 subbasin identified and defined in the department’s Bulletin No.
11 118.

12 (b) “Bulletin No. 118” means the department’s report entitled
13 “California’s Groundwater: Bulletin 118” updated in 2003, or as
14 it may be subsequently updated or revised in accordance with
15 Section 12924.

16 (c) “Monitoring entity” means a party conducting or
17 coordinating the monitoring of groundwater elevations pursuant
18 to this part.

19 (d) “Monitoring functions” and “groundwater monitoring
20 functions” means the monitoring of groundwater elevations, the
21 reporting of those elevations to the department, and other related
22 actions required by this part.

23 (e) “Monitoring groundwater elevations” means monitoring
24 groundwater elevations, coordinating the monitoring of
25 groundwater elevations, or both.

26 (f) “Voluntary cooperative groundwater monitoring association”
27 means an association formed for the purposes of monitoring
28 groundwater elevations pursuant to Section 10935.

29
30 CHAPTER 3. GROUNDWATER MONITORING PROGRAM
31

32 10927. Any of the following entities may assume responsibility
33 for monitoring and reporting groundwater elevations in all or a
34 part of a basin or subbasin in accordance with this part:

35 (a) A watermaster or water management engineer appointed by
36 a court or pursuant to statute to administer a final judgment
37 determining rights to groundwater.

38 (b) (1) A groundwater management agency with statutory
39 authority to manage groundwater pursuant to its principle act that

1 is monitoring groundwater elevations in all or a part of a
2 groundwater basin or subbasin on or before January 1, 2008.

3 (2) A water replenishment district established pursuant to
4 Division 18 (commencing with Section 60000). This part does not
5 expand or otherwise affect the authority of a water replenishment
6 district relating to monitoring groundwater elevations.

7 (c) A local agency that is managing all or part of a groundwater
8 basin or subbasin pursuant to Part 2.75 (commencing with Section
9 10750) and that was monitoring groundwater elevations in all or
10 a part of a groundwater basin or subbasin on or before January 1,
11 2008, or a local agency or county that is managing all or part of a
12 groundwater basin or subbasin pursuant to any other legally
13 enforceable groundwater management plan with provisions that
14 are substantively similar to those described in that part and that
15 was monitoring groundwater elevations in all or a part of a
16 groundwater basin or subbasin on or before January 1, 2008.

17 (d) A local agency that is managing all or part of a groundwater
18 basin or subbasin pursuant to an integrated regional water
19 management plan prepared pursuant to Part 2.2 (commencing with
20 Section 10530) that includes a groundwater management
21 component that complies with the requirements of Section 10753.7.

22 (e) A county that is not managing all or a part of a groundwater
23 basin or subbasin pursuant to a legally enforceable groundwater
24 management plan with provisions that are substantively similar to
25 those described in Part 2.75 (commencing with Section 10750).

26 (f) A voluntary cooperative groundwater monitoring association
27 formed pursuant to Section 10935.

28 (g) The department pursuant to Section 10934.

29 10928. (a) Any entity described in subdivision (a) or (b) of
30 Section 10927 that seeks to assume groundwater monitoring
31 functions in accordance with this part shall notify the department,
32 in writing, on or before January 1, 2009. The notification shall
33 include all of the following information:

34 (1) The entity's name, address, telephone number, and any other
35 relevant contact information.

36 (2) The specific authority described in Section 10927 pursuant
37 to which the entity qualifies to assume the groundwater monitoring
38 functions.

39 (3) A map showing the area for which the entity is requesting
40 to perform the groundwater monitoring functions.

1 (4) A statement that the entity will comply with all of the
2 requirements of this part.

3 (b) Any entity described in subdivision (c), (d), (e), or (f) of
4 Section 10927 that seeks to assume groundwater monitoring
5 functions in accordance with this part shall notify the department,
6 in writing, by January 1, 2009. The information provided in the
7 notification shall include all of the following:

8 (1) The entity's name, address, telephone number, and any other
9 relevant contact information.

10 (2) The specific authority described in Section 10927 pursuant
11 to which the entity qualifies to assume the groundwater monitoring
12 functions.

13 (3) For entities that seek to qualify pursuant to subdivision (c)
14 or (d) of Section 10927, the notification shall also include a copy
15 of the current groundwater management plan or the groundwater
16 component of the integrated regional water management plan, as
17 appropriate.

18 (4) For entities that seek to qualify pursuant to subdivision (f)
19 of Section 10927, the notification shall include a statement of
20 intention to meet the requirements of Section 10935.

21 (5) A map showing the area for which the entity is proposing
22 to perform the groundwater monitoring functions.

23 (6) A statement that the entity will comply with all of the
24 requirements of this part.

25 (7) A statement describing the ability and qualifications of the
26 entity to conduct the groundwater monitoring functions required
27 by this part.

28 (c) The department may request additional information that it
29 deems necessary for the purposes of determining the area that is
30 proposed to be monitored or the qualifications of the entity to
31 perform the groundwater monitoring functions.

32 10929. (a) (1) The department shall review all notifications
33 received pursuant to Section 10928.

34 (2) Upon the receipt of a notification pursuant to subdivision
35 (a) of Section 10928, the department shall verify that the notifying
36 entity has the appropriate authority under subdivision (a) or (b) of
37 Section 10927.

38 (3) Upon the receipt of a notification pursuant to subdivision
39 (b) of Section 10928, the department shall do both of the following:

40 (A) Verify that each notification is complete.

1 (B) Assess the qualifications of the notifying party.

2 (b) If the department has questions about the completeness or
3 accuracy of a notification, or the qualifications of a party, the
4 department shall contact the party to resolve any deficiencies. If
5 the department is unable to resolve the deficiencies, the department
6 shall notify the party in writing that the notification will not be
7 considered further until the deficiencies are corrected.

8 (c) If the department determines that more than one party seeks
9 to become the monitoring entity for the same portion of a basin or
10 subbasin, the department shall consult with the interested parties
11 to determine which party will perform the monitoring functions.
12 In determining which party will perform the monitoring functions
13 under this part, the department shall follow the order in which
14 entities are identified in Section 10927.

15 (d) The department shall advise each party on the status of its
16 notification within three months of receiving the notification.

17 10930. Upon completion of each review pursuant to Section
18 10929, the department shall do both of the following if it
19 determines that a party will perform monitoring functions under
20 this part:

21 (a) Notify the party in writing that it is a monitoring entity and
22 the specific portion of the basin or subbasin for which it shall
23 assume groundwater monitoring functions.

24 (b) Post on the department's Internet Web site information that
25 identifies the monitoring entity and the portion of the basin or
26 subbasin for which the monitoring entity will be responsible.

27 10931. (a) The department shall work cooperatively with each
28 monitoring entity to determine the manner in which groundwater
29 elevation information should be reported to the department pursuant
30 to this part. In determining what information should be reported
31 to the department, the department shall defer to existing monitoring
32 programs if those programs result in information that demonstrates
33 seasonal and long-term trends in groundwater elevations. The
34 department shall collaborate with the State Department of Public
35 Health to ensure that the information reported to the department
36 will not result in the inappropriate disclosure of the physical
37 address or geographical location of drinking water sources, storage
38 facilities, pumping operational data, or treatment facilities.

1 (b) (1) For the purposes of this part, the department may
2 recommend improvements to an existing monitoring program,
3 including recommendations for additional monitoring wells.

4 (2) The department may not require additional monitoring wells
5 unless funds are provided for that purpose.

6 10932. Monitoring entities shall commence monitoring and
7 reporting groundwater elevations pursuant to this part on or before
8 January 1, 2010.

9 10933. (a) On or before January 1, 2010, the department shall
10 commence to identify the extent of monitoring of groundwater
11 elevations that is being undertaken within each basin and subbasin.

12 (b) The department shall prioritize groundwater basins and
13 subbasins for the purpose of implementing this section. In
14 prioritizing the basins and subbasins, the department shall, to the
15 extent data are available, consider all of the following:

16 (1) The population overlying the basin or subbasin.

17 (2) The rate of current and projected growth of the population
18 overlying the basin or subbasin.

19 (3) The number of public supply wells that draw from the basin
20 or subbasin.

21 (4) The total number of wells that draw from the basin or
22 subbasin.

23 (5) The irrigated acreage overlying the basin or subbasin.

24 (6) The degree to which persons overlying the basin or subbasin
25 rely on groundwater as their primary source of water.

26 (7) Any documented impacts on the groundwater within the
27 basin or subbasin, including overdraft, subsidence, saline intrusion,
28 and other water quality degradation.

29 (8) Any other information determined to be relevant by the
30 department.

31 (c) If the department determines that all or part of a basin or
32 subbasin is not being monitored pursuant to this part, the
33 department shall do all of the following:

34 (1) Attempt to contact all well owners within the area not being
35 monitored.

36 (2) Determine if there is an interest in establishing any of the
37 following:

38 (A) A groundwater management plan pursuant to Part 2.75
39 (commencing with Section 10750).

1 (B) An integrated regional water management plan pursuant to
2 Part 2.2 (commencing with Section 10530) that includes a
3 groundwater management component that complies with the
4 requirements of Section 10753.7.

5 (C) A voluntary groundwater monitoring association pursuant
6 to Section 10935.

7 (d) If the department determines that there is sufficient interest
8 in establishing a plan or association described in paragraph (2) of
9 subdivision (c), or if the county agrees to perform the groundwater
10 monitoring functions in accordance with this part, the department
11 shall work cooperatively with the interested parties to comply with
12 the requirements of this part within two years.

13 (e) If the department determines, with regard to a basin or
14 subbasin, that there is insufficient interest in establishing a plan
15 or association described in paragraph (2) of subdivision (c), and
16 if the county decides not to perform the groundwater monitoring
17 and reporting functions of this part, the department shall do all of
18 the following:

19 (1) Identify any existing monitoring wells that overly the basin
20 or subbasin that are owned or operated by the department or any
21 other state or federal agency.

22 (2) Determine whether the monitoring wells identified pursuant
23 to paragraph (1) provide sufficient information to demonstrate
24 seasonal and long-term trends in groundwater elevations.

25 (3) If the department determines that the monitoring wells
26 identified pursuant to paragraph (1) provide sufficient information
27 to demonstrate seasonal and long-term trends in groundwater
28 elevations, the department shall not perform groundwater
29 monitoring functions pursuant to Section 10934.

30 (4) If the department determines that the monitoring wells
31 identified pursuant to paragraph (1) provide insufficient
32 information to demonstrate seasonal and long-term trends in
33 groundwater elevations, and the State Mining and Geology Board
34 concurs with that determination, the department shall perform
35 groundwater monitoring functions pursuant to Section 10934.

36 10934. (a) Consistent with Section 10933, the department shall
37 perform the groundwater monitoring functions for those portions
38 of a basin or subbasin for which no monitoring entity has agreed
39 to perform the groundwater monitoring functions.

1 (b) Upon determining that it is required to perform groundwater
2 monitoring functions, the department shall notify both of the
3 following entities that it is forming the groundwater monitoring
4 district:

5 (1) Each well owner within the affected area.

6 (2) Each county that contains all or a part of the affected area.

7 (c) The department shall impose a charge on each well owner
8 for its share of the costs of the department to perform the
9 groundwater monitoring required under this part.

10 (d) The department shall not assess a fee or charge to recover
11 the costs for carrying out its power and duties under this part except
12 as provided in subdivision (c).

13 (e) The department may establish regulations to implement this
14 section.

15 10935. (a) A voluntary cooperative groundwater monitoring
16 association may be formed for the purposes of monitoring
17 groundwater elevations in accordance with this part. The
18 association may be established by contract, a joint powers
19 agreement, a memorandum of agreement, or other form of
20 agreement deemed acceptable by the department.

21 (b) Upon notification to the department by one or more entities
22 that seek to form a voluntary cooperative groundwater monitoring
23 association, the department shall work cooperatively with the
24 interested parties to facilitate the formation of the association.

25 (c) The contract or agreement shall include all of the following:

26 (1) The names of the participants.

27 (2) The boundaries of the area covered by the agreement.

28 (3) The name or names of the parties responsible for meeting
29 the requirements of this part.

30 (4) The method of recovering the costs associated with meeting
31 the requirements of this part.

32 (5) Other provisions that may be required by the department.

33 SEC. 2. Section 12924 of the Water Code is amended to read:

34 12924. (a) The department ~~shall~~, in conjunction with other
35 public agencies, *shall* conduct an investigation of the state's
36 groundwater basins. The department shall identify the state's
37 groundwater basins on the basis of geological and hydrological
38 conditions and consideration of political boundary lines whenever
39 practical. The department shall also investigate existing general
40 patterns of groundwater pumping and groundwater recharge within

1 such basins to the extent necessary to identify basins ~~which~~ *that*
2 are subject to critical conditions of overdraft.
3 (b) The department shall report its findings to the Governor and
4 the Legislature not later than January 1, ~~1980~~ *2010, and thereafter*
5 *in years ending in 5 and 0.*