

AMENDED IN ASSEMBLY MAY 3, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2304

Introduced by Assembly Member Huffman

February 19, 2010

An act to amend Section 65352.5 of the Government Code, and to amend Sections 10752, 10753.7, and 10753.8 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 2304, as amended, Huffman. Groundwater management plans: components.

(1) Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency seeking specified state funds to include in a groundwater management plan that is adopted pursuant to that authority various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin. Existing law authorizes a groundwater management plan to additionally include other components relating to, among other things, identification and management of wellhead protection areas and recharge areas, replenishment of groundwater, and review of land use plans and coordination with land use planning agencies.

This bill would add coordination with local planning agencies to develop and implement land use strategies that protect prime recharge areas to the list of authorized components of a groundwater management plan.

The bill also would add to the list of components that are required to be included in a groundwater management plan for the specified funding purposes, an identification and map of prime recharge areas, as defined, for the groundwater basin and identification of potential threats to the capability of those areas to replenish ~~high-quality~~ groundwater.

(2) Existing law establishes in each city and county a planning agency and imposes various requirements on cities and counties with respect to the preparation, adoption, and amendment of general plans and elements of general plans. Existing law requires a public water system, as defined, with 3,000 or more service connections, upon receiving notification of a city's or county's proposed action to adopt or substantially amend a general plan, to provide the local planning agency with specified information pertaining to existing and future water supplies.

This bill would additionally require a public water system that is subject to those requirements to provide a description of prime recharge areas and potential threats to those recharge areas identified in groundwater management plans or programs.

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

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

- 1 SECTION 1. Section 65352.5 of the Government Code is
- 2 amended to read:
- 3 65352.5. (a) The Legislature finds and declares that close
- 4 coordination and consultation between California's water supply
- 5 agencies and California's land use approval agencies is vital to
- 6 ensure that proper water supply planning occurs in order to
- 7 accommodate projects that will result in increased demands on
- 8 water supplies.
- 9 (b) It is, therefore, the intent of the Legislature to provide a
- 10 standardized process for determining the adequacy of existing and
- 11 planned future water supplies to meet existing and planned future
- 12 demands on these water supplies.
- 13 (c) Upon receiving, pursuant to Section 65352, notification of
- 14 a city's or a county's proposed action to adopt or substantially
- 15 amend a general plan, a public water system, as defined in Section
- 16 116275 of the Health and Safety Code, with 3,000 or more service

connections, shall provide the planning agency with the following information, as is appropriate and relevant:

(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.

(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.

(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.

(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.

(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.

(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.

(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:

(A) Agricultural users.

(B) Commercial users.

(C) Industrial users.

(D) Residential users.

(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.

(9) A description of prime recharge areas, as defined in Section 10752 of the Water Code, and potential threats to those areas that have been identified in a groundwater management plan adopted by a local agency pursuant to Section 10753.7 of the Water Code or any other specific authorization for groundwater management, or identified by a watermaster pursuant to a court order, judgment, or decree.

1 (10) Any additional information that is relevant to determining
2 the adequacy of existing and planned future water supplies to meet
3 existing and planned future demands on these water supplies.

4 SEC. 2. Section 10752 of the Water Code is amended to read:

5 10752. Unless the context otherwise requires, the following
6 definitions govern the construction of this part:

7 (a) “Groundwater” means all water beneath the surface of the
8 earth within the zone below the water table in which the soil is
9 completely saturated with water, but does not include water which
10 flows in known and definite channels.

11 (b) “Groundwater basin” means any basin identified in the
12 department’s Bulletin No. 118, dated September 1975, and any
13 amendments to that bulletin, but does not include a basin in which
14 the average well yield, excluding domestic wells that supply water
15 to a single-unit dwelling, is less than 100 gallons per minute.

16 (c) “Groundwater extraction facility” means a device or method
17 for the extraction of groundwater within a groundwater basin.

18 (d) “Groundwater management plan” or “plan” means a
19 document that describes the activities intended to be included in
20 a groundwater management program.

21 (e) “Groundwater management program” or “program” means
22 a coordinated and ongoing activity undertaken for the benefit of
23 a groundwater basin, or a portion of a groundwater basin, pursuant
24 to a groundwater management plan adopted pursuant to this part.

25 (f) “Groundwater recharge” means the augmentation of
26 groundwater, by natural or artificial means, with surface water or
27 recycled water.

28 (g) “Local agency” means a local public agency that provides
29 water service to all or a portion of its service area, and includes a
30 joint powers authority formed by local public agencies that provide
31 water service.

32 (h) “Prime recharge area” means an area in which the surface
33 topography, subsurface geologic composition and structures, and
34 rates of water infiltration render the area a principal contributor to
35 the replenishment of the groundwater basin, either under natural
36 conditions, artificially augmented groundwater recharge, or both.

37 (i) “Recharge area” means the area that supplies water to an
38 aquifer in a groundwater basin and includes multiple wellhead
39 protection areas.

1 (j) “Watermaster” means a watermaster appointed by a court
2 or pursuant to other provisions of law.

3 (k) “Wellhead protection area” means the surface and subsurface
4 area surrounding a water well or well field that supplies a public
5 water system through which contaminants are reasonably likely
6 to migrate toward the water well or well field.

7 SEC. 3. Section 10753.7 of the Water Code is amended to read:

8 10753.7. (a) For the purposes of qualifying as a groundwater
9 management plan under this section, a plan shall contain the
10 components that are set forth in this section. In addition to the
11 requirements of a specific funding program, a local agency seeking
12 state funds for the construction of groundwater projects or
13 groundwater quality projects, excluding programs that are funded
14 under Part 2.78 (commencing with Section 10795), shall do all of
15 the following:

16 (1) Prepare and implement a groundwater management plan
17 that includes basin management objectives for the groundwater
18 basin that is subject to the plan. The plan shall include components
19 relating to the monitoring and management of groundwater levels
20 within the groundwater basin, groundwater quality degradation,
21 inelastic land surface subsidence, and changes in surface flow and
22 surface water quality that directly affect groundwater levels or
23 quality or are caused by groundwater pumping in the basin.

24 (2) For purposes of implementing paragraph (1), the local agency
25 shall prepare a plan to involve other agencies that enables the local
26 agency to work cooperatively with other public entities whose
27 service area or boundary overlies the groundwater basin.

28 (3) For purposes of implementing paragraph (1), the local agency
29 shall prepare a map that details the area of the groundwater basin,
30 as defined in the department’s Bulletin No. 118, and the area of
31 the local agency, that will be subject to the plan, as well as the
32 boundaries of other local agencies that overlie the basin in which
33 the agency is developing a groundwater management plan.

34 (4) (A) For purposes of implementing paragraph (1), the
35 groundwater management plan shall include an identification and
36 map of the prime recharge areas for the groundwater basin and
37 identification of any potential threats to the capability of the prime
38 recharge areas to continue to replenish high-quality groundwater
39 due to future changes in land use, urban development, or instream
40 flow modifications.

1 (B) The local agency shall provide the information required
2 pursuant to subparagraph (A) to the appropriate local planning
3 ~~agencies to assist in the development of the open-space element~~
4 ~~of the general plan and future land use and zoning decisions.~~
5 ~~agencies.~~

6 (C) For purposes of this paragraph, “map of the prime recharge
7 areas” means a surface map of prime recharge areas that identifies
8 topography, surface water features, vegetation, and overlying land
9 uses.

10 (5) The local agency shall adopt monitoring protocols that are
11 designed to detect changes in groundwater levels, groundwater
12 quality, inelastic surface subsidence for basins for which
13 subsidence has been identified as a potential problem, and flow
14 and quality of surface water that directly affect groundwater levels
15 or quality or are caused by groundwater pumping in the basin. The
16 monitoring protocols shall be designed to generate information
17 that promotes efficient and effective groundwater management.

18 (6) Local agencies that are located in areas outside the
19 groundwater basins delineated on the latest edition of the
20 department’s groundwater basin and subbasin map shall prepare
21 groundwater management plans incorporating the components in
22 this subdivision, and shall use geologic and hydrologic principles
23 appropriate to those areas.

24 (7) The local agency shall update the groundwater management
25 plan required by this subdivision at least once every five years on
26 or before December 31, in years ending in zero and five.

27 (b) (1) (A) A local agency may receive state funds for the
28 construction of groundwater projects or for other projects that
29 directly affect groundwater levels or quality if it prepares and
30 implements, participates in, or consents to be subject to, a
31 groundwater management plan, a basinwide management plan, or
32 other integrated regional water management program or plan that
33 meets, or is in the process of meeting, the requirements of
34 subdivision (a). A local agency with an existing groundwater
35 management plan that meets the requirements of subdivision (a),
36 or a local agency that completes an upgrade of its plan to meet the
37 requirements of subdivision (a) within one year of applying for
38 funds, shall be given priority consideration for state funds
39 administered by the department over local agencies that are in the
40 process of developing a groundwater management plan. The

1 department shall withhold funds from the project until the upgrade
2 of the groundwater management plan is complete.

3 (B) Notwithstanding subparagraph (A), a local agency that
4 manages groundwater under any other provision of existing law
5 that meets the requirements of subdivision (a), or that completes
6 an upgrade of its plan to meet the requirements of subdivision (a)
7 within one year of applying for funding, shall be eligible for
8 funding administered by the department. The department shall
9 withhold funds from a project until the upgrade of the groundwater
10 management plan is complete.

11 (C) Notwithstanding subparagraph (A), a local agency that
12 conforms to the requirements of an adjudication of water rights in
13 the groundwater basin is in compliance with subdivision (a). For
14 purposes of this subparagraph, an “adjudication” includes an
15 adjudication under Section 2101, an administrative adjudication,
16 and an adjudication in state or federal court.

17 (D) Subparagraphs (A) and (B) do not apply to proposals for
18 funding under Part 2.78 (commencing with Section 10795), or to
19 funds authorized or appropriated prior to September 1, 2002.

20 (2) Upon the adoption of a groundwater management plan in
21 accordance with this part, the local agency shall submit a copy of
22 the plan to the department, in an electronic format, if practicable,
23 approved by the department. The department shall make available
24 to the public copies of the plan received pursuant to this part.

25 SEC. 4. Section 10753.8 of the Water Code is amended to read:

26 10753.8. A groundwater management plan may include
27 components relating to all of the following:

- 28 (a) The control of saline water intrusion.
- 29 (b) Identification and management of wellhead protection areas
30 and recharge areas.
- 31 (c) Regulation of the migration of contaminated groundwater.
- 32 (d) The administration of a well abandonment and well
33 destruction program.
- 34 (e) Mitigation of conditions of overdraft.
- 35 (f) Replenishment of groundwater extracted by water producers.
- 36 (g) Monitoring of groundwater levels and storage.
- 37 (h) Facilitating conjunctive use operations.
- 38 (i) Identification of well construction policies.

- 1 (j) The construction and operation by the local agency of
- 2 groundwater contamination cleanup, recharge, storage,
- 3 conservation, water recycling, and extraction projects.
- 4 (k) The development of relationships with state and federal
- 5 regulatory agencies.
- 6 (l) The review of land use plans and coordination with land use
- 7 planning agencies to assess activities that create a reasonable risk
- 8 of groundwater contamination.
- 9 (m) Coordination with local planning agencies to develop and
- 10 implement land use strategies that protect prime recharge areas.