

SB X7 1 (Steinberg) – October 23, 2009
2009 Delta & Water Reform Legislation
SUMMARY: Groundwater Elevation Monitoring

SUMMARY: Establishes statewide groundwater monitoring program. Specifically, the groundwater monitoring part (Sections 69-71) of this bill:

- 1) States legislative intent to have systematic monitoring and public reporting of groundwater elevations (*i.e.*, distance from surface to water) in all groundwater basins and subbasins.
- 2) Provides for local groundwater management entity to monitor groundwater elevations:
 - a) Requires entities that volunteer for groundwater monitoring to notify the Department of Water Resources (DWR) as to its interest, with specified information.
 - b) Requires DWR to consult with interested parties to determine which entity would monitor, based on certain priorities, if more than one entity volunteers for monitoring.
 - c) Requires DWR to identify the extent of groundwater monitoring in each basin.
 - d) Requires DWR to work with well owners in areas that are not monitored to determine interest in groundwater monitoring.
- 3) Requires county where groundwater is not monitored to either facilitate/form an a plan or association or directly monitor groundwater elevation.
- 4) Requires DWR to work with each monitoring entity to determine appropriate manner of reporting groundwater elevations.
- 5) Requires start of groundwater elevation monitoring on January 1, 2012, and makes such information publicly available through specified means.
- 6) Requires DWR to identify extent of monitoring, by 2012, and determine, in basins without monitoring, if there was a local party willing to conduct the monitoring or interest in developing a groundwater management association or plan.
- 7) Requires DWR to update groundwater report by 2012, and in years ending in 5 and 0.
- 8) Bars counties and specified agencies overlying groundwater basins that do not comply with groundwater monitoring requirements from receiving state water grants or loans.

EXISTING LAW allows voluntary, cooperation in management of groundwater basins, but does not provide for any reporting of groundwater elevation. State Water Resources Control Board has authority to protect groundwater quality.

COMMENTS: These provisions from SB X7 1 would establish a statewide groundwater monitoring program to ensure that groundwater elevations in all groundwater basins and subbasins be regularly and systematically monitored locally and that the resulting groundwater information be made readily and widely available.

In the past five years, the Legislature has approved three bills to improve the State's access to groundwater information, but the Governor vetoed all three. In intervening years, groundwater problems have grown worse, in part because California is the last western state without any state groundwater management. California has very little information about the conditions of its groundwater basins. Excessive pumping in the last century has led to substantial subsidence, as much as 55 feet in some areas. Recently, for example, on the west side of the San Joaquin Valley, where allocations of Delta water from the federal Central Valley Project were minimal, farmers responded by pumping more groundwater. DWR then reported that the State Water Project's canal, which passes through the area on its way south, may suffer cracks because of the high level of pumping and resulting slumping of the ground under the canal.

Proposed Agreement: Since the Assembly Water, Parks and Wildlife (WP&W) Committee considered this groundwater monitoring program, as part of SB 68 (the regular session version of this bill) on September 11, this portion of the 2009 Delta/water legislative package has changed significantly, although not substantially. The most significant change was the loss of DWR as a backstop for groundwater monitoring in basins where no one wants to do the monitoring. Instead, the county overlying the basin is required to either facilitate others monitoring the basin or do the monitoring itself. The consequence of a county failing to complete the monitoring is loss of state water grants and loans to the county and to all the agencies identified as potential volunteer monitoring entities.

This bill also allows for DWR funding from unallocated bond revenues and clarifies that this new groundwater monitoring program does not provide "any new or additional authority to any entity" to:

- Enter private property without the consent of the property owner.
- Require a private property owner to submit groundwater monitoring information.

This clarification does not affect those agencies that already have legal authority to take these actions.

Summary Prepared by: Alf W. Brandt / W., P. & W. / (916) 319-2096