



The Sustainable Groundwater Management Act in the Santa Margarita Groundwater Basin

SGMA 101 and SGMA Groundwater Sustainability Agency Roles and Responsibilities

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Outline

I. Introduction

II. Definitions

III. Background / Rationale for Presentation

IV. Roles and Responsibilities



SGMA 101 Definitions

Groundwater Sustainability Agencies (GSAs)

- “Any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin.” (Water Code § 10721)
- “Local agency” means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin. (Water Code § 10721)
 - e.g. - counties, cities, water agencies, irrigation districts, drainage districts, PUDs, CSDs. or similar



SGMA 101 Definitions

Groundwater Sustainability Agencies (GSAs)

- One or more GSAs must be formed per basin / subbasin
- A GSA may be formed by a single eligible agency, or by legal agreement between two or more eligible agencies.
- Two or more GSAs must prepare a Coordination Agreement (a legal agreement) between them. (Water Code § 10721, 10727)(b)(3), etc.)
- County represents / manages all groundwater conditions outside another managed area (Water Code § 10724)



SGMA 101 Definitions

Groundwater Sustainability Agencies (GSAs)

- SB 13 Added - “A water corporation regulated by the Public Utilities Commission or a mutual water company may participate in a groundwater sustainability agency through a memorandum of agreement or other legal agreement. The authority provided by this subdivision does not confer any additional powers to a nongovernmental entity..”

(Water Code § 10723.6 (b))



SGMA 101 Definitions

Private Pumpers / The Public

- No special authorities are granted. Only references are:
 - 10723.2 - Consideration of interests of all beneficial uses and users of groundwater
 - 10726.5 - In addition to any other authority granted to a GSA by this part or other law, a GSA may enter into written agreements and funding with a private party to assist in, or facilitate the implementation of, a GSP or any elements of the plan.
- De minimis extractor - A person who extracts, for domestic purposes, two acre-feet or less per year. (Water Code § 10721)



Background

- Stakeholder / Staff / Board Assessment Outcomes
- Reference Documents:
 - SGMA (Water Code)
 - Groundwater Sustainability Plan (GSP) Regulations
 - “*Designing Effective Groundwater Sustainability Agencies: Criteria for Evaluation of Local Governance Options*” (UC Water/ Berkeley Law)
 - Joint Exercise of Powers Act (CA Code 6500)
 - SMGWA Joint Exercise of Powers Agreement (JPA)



SGMA Foundational Items

- 6 foundational / potential undesirable results
 - Groundwater Elevation
 - Groundwater Storage
 - Seawater Intrusion
 - Degraded Water Quality
 - Land Subsidence
 - Groundwater / Surface Water interconnection
- Local Control
- “Few Shalls...Many Mays...”
 - Shall...Create GSA
 - Shall...Prepare GSP
 - Shall...Do Public Engagement



GSA Roles and Responsibilities

- Governance
- Outreach/Engagement (Transparency)
- Compliance
- Funding
- Authorities
 - General
 - Information Gathering
 - Groundwater Extraction
 - Property Acquisition and Management
 - Enforcement
- Coordination
- Technical



Governance

- Create an Agency through legal agreement or MOU
- Establish Membership including potential membership levels / roles
- Determine Member durations, replacement procedures, removal procedures, etc.
- Create a decision-making process
- Create a dispute resolution process



Governance

- SMGWA created in June 2017 through a Joint Powers Agreement (JPA as per CA Code 6500)
- JPAs create unique governance requirements and behavior
 - Representation from member organizations
 - Commitment to the roles, purpose, responsibilities of the new Agency
 - Acceptance of mutual liability and risk
 - Balance between the needs and requirements of member organizations and new agency



Outreach / Engagement (Transparency)

Beneficial Users (Water Code § 10723.2)

- All Groundwater Users
- Holders of Overlying Rights (agriculture and domestic)
- Municipal Well Operators
- Public Water Systems
- Tribes
- Local Land Use Planning Agencies
- Counties
- Local Landowners
- Disadvantaged Communities
- Business
- Federal Government
- Environmental Users
- Surface Water Users (*if connection between surface and ground water*)



Outreach/Engagement (Transparency)

- Consider all interests of all beneficial users and users of groundwater
- Maintain interested persons list
- Document a decision-making process and how stakeholder input and public response will be used.
- Encourage the active involvement of diverse social, cultural, and economic elements of the population within the basin.
- Operate under the Brown Act
- Provide access to information consistent with the California Public Records Act



Compliance

- Comply with local ordinances and similar
 - (e.g. land use ordinance, etc.)
- Comply with all State regulations, laws, and similar
 - (e.g. CEQA, California ESA, Porter-Cologne, etc.)
- Comply with all Federal regulations, laws and similar
 - (e.g. Federal ESA, Clean Water Act, etc.)



Funding

Establish / obtain one or more of the following:

- Regulatory fees
- Property-related fees or assessments
- Local taxes
- Local general obligation bonds
- Contributions from member agencies
- Grants from other State and federal agencies



Authorities

- **General**

- Do anything “necessary and proper” to carry out SGMA’s purposes
- Adopt rules, regulations, ordinances, and resolutions
- Use any other authority allowed to the GSA to apply and enforce SGMA requirements



Authorities

- **Information Gathering**

- Require registration of groundwater extraction facilities
- Require measurement and annual reporting of groundwater extractions*
- Defer all costs associated with the purchase and installation of the water-measuring device to the owner operator of said groundwater extraction facility*
- Require that the owner or operator of a groundwater extraction facility to file an annual statement describing annual water use*

*Does not apply to de minimis extractors



Authorities

- **Information Gathering**

- Conduct investigations of surface or ground water rights and related rights
- Monitor the diversion of surface water to underground storage
- Inspect property and facilities to determine compliance, upon obtaining any necessary consent or obtaining an inspection warrant



Authorities

- **Groundwater Extraction**

- Minimize well interference by imposing well-spacing requirements on new wells and reasonable operating regulations on existing wells including requiring extractors to operate on a rotation basis.
- Control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations



Authorities

- **Groundwater Extraction (cont.)**
 - Establish groundwater extraction allocations
 - Authorize within-GSA transfers of groundwater extraction allocations
 - Impose regulatory fees on groundwater extraction or other regulated activity or property-related fees on groundwater extraction



Authorities

- **Property Acquisition and Management**
 - Acquire property, including groundwater and surface water rights
 - Make physical improvements to real property
 - Acquire, transfer, or exchange groundwater water and surface water



Authorities

- **Property Acquisition and Management (cont.)**
 - Manage wastewater, stormwater, and seawater for subsequent use
 - Transport, reclaim, purify, desalinate, treat, or otherwise manage and control polluted water, wastewater, or other waters for subsequent use
 - Provide for a program of voluntary fallowing of agricultural lands or validate an existing program



Authorities

- **Property Acquisition and Management (cont.)**
 - Import surface water or groundwater into the Agency, and conserve and store water within or outside the Agency including, but not limited to, the spreading, storing, retaining, or percolating into the soil
 - Purchase, transfer, deliver, or exchange water or water rights to provide surface water in exchange for a groundwater extractor's agreement to reduce or cease extractions.



Authorities

- **Enforcement**

- Sue to collect delinquent fees, interest, or penalties or order extraction stopped until delinquent fees are paid
- Pursue civil penalties for extraction exceedances
- Pursue civil penalties for violations of SGMA-related rules, regulations, ordinances, or resolutions*

*Does not apply to de minimis extractors



Coordination

- Coordination with adjacent subbasins / Counties (if applicable)
- Coordination between Management Areas (if applicable)



Technical

- Access appropriate technical expertise, either in-house, through consultants, or via technical assistance from other agencies.
- Conduct and/or oversee monitoring, data collection, and reporting
- Develop a water budget and identify sustainable yield.
- Assess basin history and potential paths to sustainable management
- Remediate / oversee remediation of polluted groundwater



Discussion / Q&A