

**SACRAMENTO CENTRAL GROUNDWATER AUTHORITY
REGULAR MEETING OF THE BOARD OF DIRECTORS**

Wednesday, January 8, 2014; 9:00 am

10060 Goethe Road

Sacramento, CA 95827

(SASD South Conference Room No. 1212 – Sunset Maple)

The Board will discuss all items on this agenda, and may take action on any of those items, including information items and continued items. The Board may also discuss other items that do not appear on this agenda, but will not act on those items unless action is urgent, and a resolution is passed by a two-thirds (2/3) vote declaring that the need for action arose after posting of this agenda.

The public shall have the opportunity to directly address the Board on any item of interest before and during the Board's consideration of that item. Public comment on items within the jurisdiction of the Board is welcomed, subject to reasonable time limitations for each speaker.

- 1. CALL TO ORDER AND ROLL CALL – 9:00 a.m.**
- 2. PUBLIC COMMENT:** Members of the public who wish to address the Board may do so at this time. Please keep your comments to less than three minutes.
- 3. CONSENT CALENDAR**
 - Minutes of November 13, 2013 Board meeting.
Action: Approve Consent Calendar items
- 4. BUDGET REPORT**
 - Status of the 2013-2014 budget.
Action: Receive and file.
- 5. SACRAMENTO CENTRAL GROUNDWATER AUTHORITY BASIN MANAGEMENT OBJECTIVE THRESHOLD DEVELOPMENT AND RECHARGE MAPPING PROJECT**
 - The purpose of this contract is to provide a tool for implementing Basin Management Objective No. 2 – Maintain specific groundwater elevations within all areas of the basin consistent with the Water Forum solution and develop a groundwater recharge map for the basin as required by AB 359. Partial funding for this project is through an AB 303 Local Groundwater Assistance grant recently awarded to the Groundwater Authority.
Action: Authorize the Executive Director to enter into a contract with RMC.
- 6. SACRAMENTO COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT AND WATER WELL REHABILITATIONS**
 - Presentation by Bruce Kamilos with the Elk Grove Water District on requirements effecting water well rehabilitations in Sacramento County.
Action: Information presentation.
- 7. REVIEW OF POLICIES AND PROCEDURES**

- Information presentation – Chapters 6 (Claims) and 7 (Alternative Dispute Resolution): SCGA staff.

Action: Make recommendations as necessary.

8. EXECUTIVE DIRECTOR'S REPORT

- a) Local Groundwater Assistance Grant
- b) Questionnaire for the Groundwater Accounting Program (GAP)
- c) Groundwater Workplan Concept Paper
- d) Form 700

9. DIRECTORS' COMMENTS

ADJOURNMENT

Upcoming meetings –

Next SCGA Board of Directors Meeting – Wednesday, March 12, 2014, 9 am;
10060 Goethe Road, South Conference Room No. 1212 (Sunset Maple).

AGENDA ITEM 3: CONSENT CALENDER

BACKGROUND:

Minutes of the November 13, 2013 SCGA Board meeting.

STAFF RECOMMENDATION:

Action: Approve Consent Calendar items.

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)
Governing Board Meeting
Draft Minutes
November 13, 2013

LOCATION: 10060 Goethe Road, Room 1212
Sacramento, CA 95827
9:00 a.m. to 11:00 a.m.

MINUTES:

1. CALL TO ORDER AND ROLL CALL

Jim Peifer called the meeting to order at 9:00 a.m.

The following meeting participants were in attendance:

Board Members (Primary Rep):

Tom Mahon, Agricultural Interests
Rick Bettis, Conservation Landowners
Christine Thompson, Public Agencies Self Supplied
Ron Lowry, Omochumne-Hartnell Water District
Ed Crouse, Rancho Murieta Community Services District
David Armand, California-American Water Company
Dave Ocenosak, Sacramento Regional County Sanitation District
Paul Schubert, Golden State Water Company

Board Members (Alternate Rep):

Darren Wilson, City of Elk Grove
Todd Eising, City of Folsom
Britton Snipes, City of Rancho Cordova
Jim Peifer, City of Sacramento
Bruce Kamilos, Elk Grove Water District
Jose Ramirez, Sacramento Regional County Sanitation District

Staff Members:

Darrell Eck, Executive Director
Heather Peek, Clerk
Ping Chen, SCGA
Ramon Roybal, SCGA

Others in Attendance:

Rob Swartz, SGA
Jim Blanke, RMC Inc.

Casey Meirovitz, LSCE
Mark Roberson, Water Forum
Connie Nelson, City of Elk Grove

Member Agencies Absent

*County of Sacramento/Sacramento County Water Agency
Agricultural Residential*

2. PUBLIC COMMENT

None.

3. CONSENT CALENDAR

The draft meeting minutes for the September 11, 2013 Board meeting were reviewed for final approval.

Mr. Kamilos had one minor change on page 5, under Director's comments, in the last paragraph the reference should be to the Florin Resource Conservation District (FRCD) and not the Elk Grove Water District (EGWD).

Motion/Second/Carried – Mr. Bettis moved, seconded by Ms. Thompson, the motion carried unanimously to approve the minutes.

4. ELECTION OF OFFICERS

Mr. Kamilos volunteered to serve as chair. Mr. Kamilos then nominated Mr. Wilson to serve as vice chair. Mr. Peifer asked Mr. Wilson if he accepted the nomination and he affirmed. Mr. Peifer then asked the Board for ayes regarding the nominees followed by any nays. The Board unanimously confirmed Mr. Kamilos to serve as chair and Mr. Wilson to serve as vice-chair of the SCGA Board for the calendar year 2014.

5. LOW IMPACT DEVELOPMENT (LID) – DRY WELLS

Barbara Washburn with the Office of Environmental Health Hazard Assessment (OEHHA) made a presentation entitled “*Assessing the Use of Dry Wells as an Integrated LID Tool for Reducing Stormwater Runoff While Protection Groundwater Quality in Urban Watersheds.*” The focus of the study is on several dry wells constructed within the City of Elk Grove. Accompanying Ms. Washburn were Casey Meirovitz and Connie Nelson.

A copy of the presentation can be found at:

<http://www.scgah2o.org/files/CityofElkGroveDryWellPresentation.pdf>

Mr. Kamilos asked about the depth of the dry wells in relation to the water table. According to Mr. Meirovitz the dry wells are between 30 – 40 feet deep. Additionally, monitoring wells are installed in conjunction with the dry wells in order to determine existing groundwater conditions, assess geological conditions (to determine the depth of the dry well), and to monitor groundwater quality once the dry wells become operational. Mr. Kamilos then asked about maintenance requirements for the dry wells. Ms. Washburn indicated that a key component to the operation and maintenance of the dry wells is an effective pretreatment process. Effective pretreatment reduces the frequency of maintenance within the well itself. Mr. Meirovitz added that the top of the dry well is also designed to manage a surge of sediment such that the dry well would essentially be shut off creating a by-pass condition. Mr. Meirovitz admitted that while there is a bit of sacrifice in performance in by-pass mode the result is greater protection for the dry well. Mr. Wilson mentioned that this is common practice in dry wells constructed for the City of Portland. Ultimately, the State plans on evaluating information gathered from the study and potentially expand the program in urban settings statewide. Mr. Lowry then asked about the cost of on-going maintenance; who is going to pay for it? Mr. Wilson said that maintenance costs are very nominal and not cost prohibitive. In commercial settings, the property owner has to provide a report indicating that the dry well is being maintained on an annual basis. This process seems to work very well. Mr. Kamilos asked what the Regional Water Authority's opinion was on it. Mr. Wilson said the City had received some feedback from Rob Swartz.

Action: Information presentation.

6. REVIEW OF POLICIES AND PROCEDURES

Mr. Eck continued the on-going review of the Authority's Policies and Procedures with an overview of Chapter 4 (Officers and Employees) and Chapter 5 (Finance).

With respect to Section 5.33, Mr. Schubert asked if the Board had implemented a petty cash system. Mr. Eck replied that it had never been necessary. Mr. Schubert then inquired as to the frequency that Section 5.34 (c) is met, which calls on the Executive Director to report to the Board on all disbursements from the revolving account.. Mr. Eck replied that it was addressed during the annual budget process and that during the quarterly budget updates to the Board.

Mr. Ocenosak asked if there had ever been discussion related to having a target reserve in the budget. Mr. Eck replied that there was a requirement to have a reserve in the budget and that it primarily related to covering expenses during the period when requests for annual contributions from the various contributing agencies were being sent and payments received. Mr. Ocenosak then asked if it was found in the Policies and Procedures or if it was an informal budget practice. Mr. Eck responded that it was called for as a previous Board action but that he would have to look it up to confirm.

Mr. Bettis asked if there were any requirements for approving expenditures over a certain amount. Mr. Eck replied that expenditures were typically identified during the annual

budget process for funding specific projects or components of the GMP and that selection of consultants to carry out the budgeted work occurred during the year and that the Board was notified at that time. Mr. Ocenosak asked if there was any language which precluded members of the Board from involvement in the consultant selection process. Mr. Eck responded that there was not.

Action: Make recommendations as necessary.

7. EXECUTIVE DIRECTOR'S REPORT

- a) Local Groundwater Assistance Grant – Mr. Eck reported that the Groundwater Authority was awarded \$199,824 and that there would be a kick off meeting between Authority staff and DWR staff on November 22nd to review the grant agreement.
- b) Questionnaire for the Groundwater Accounting Program (GAP) – Mr. Eck introduced a first stage stakeholder questionnaire intended to assist in better defining the Groundwater Accounting Program and to facilitate future discussion on the program's content and purpose.
- c) Question Regarding Posting of Meeting Agenda – Mr. Eck reported that he consulted with legal counsel regarding the requirements of meeting/agenda notification and was advised that the notifications should be posted at the building where the board meeting is held and on the Board's website.

8. DIRECTORS' COMMENTS

Mr. Schubert asked Mr. Eck if SCWA received notifications or completion reports from Aerojet regarding the installation of monitoring wells.

Mr. Ocenosak announced that the SRCSD Board had approved an agreement to have MWH conduct ongoing work related to SRCSD's South County Ag Recycled Water Program and SMUD cogeneration. The scope of the agreement includes ten percent design for the recycled water program in addition to commencing environmental processes and institutional framework development. Mr. Ocenosak stated that SRCSD is continuing to move forward with the development of recycled water programs for the region.

ADJOURNMENT

Upcoming Meetings –

Next SCGA Board of Directors Meeting – Wednesday, January 8, 2014, 9 am; 10060 Goethe Road, South Conference Room No. 1212 (Sunset Maple).

By:

Chairperson

Date

Date

AGENDA ITEM 4: BUDGET REPORT

BACKGROUND:

2013-2014 Budget Status:

Approved budget for fiscal year 2013-2014	\$554,050
Expenditures as of September 30, 2013 (25% of budget year)	\$ 56,449
Balance	\$497,601

Expenditures are at 10.2-percent for the fiscal year.

A budget report for expenditures as of December 31, 2013 will be provided at the March 2014 Board meeting.

STAFF RECOMMENDATION:

Action: Receive and file.

SCGA - Sacramento Groundwater Authority
 FUND 096B - Fund Center 0960001
 Fiscal Year 2013/14 AP3 (25% of year expended)
 Financial Status Report

Acct No.	Account Title	2008-2009 Actuals	2009-2010 Actuals	2011-2012 Actuals	2012-2013 Actuals	2013-2014 Final Budget	Encumbrance Rollovers	2013-2014 Appropriations	AP 3 YTD	Plus Enc	2013-2014 YTD	Expended to date	
												w/ encbrnc	w/o encbrnc
EXPENDITURES													
20202900	Business Conference	0	0			1,000		1,000	-	-	0	0%	0%
20203804	Workplace Amenities	0	0			0		0	-	-	0		
20203805	Food Purch/Service (Board Meetings)	728	0			0		0	-	-	0		
20205100	Insurance - Liability	0	0			6,000		6,000	-	-	0	0%	0%
20206100	Membership Dues	0	0			5,000		5,000	-	-	0	0%	0%
20207600	Office Supplies/Postage	0	0	44		400		400	-	-	0	0%	0%
20208500	Printing Svcs	0	0			1,000		1,000	-	-	0	0%	0%
20250500	Accounting & Financial Svcs.	0	7,020	8,400	5,130	7,000	1,870	8,870	-	1,300.00	1,300	15%	0%
20253100	Legal Svcs 124146	4,722	1,236	45		5,000		5,000	-	-	0	0%	0%
20255200	DERA - Environmental Svcs. 123265	0	0			0		0	-	-	0		
20259100	Other Professional Svcs	87,036	66,734	27,479	17,945	325,000		325,000	10,820.00	-	10,820	3%	0%
Internal Billable Orders: (See this worksheet, third tab for Order details)													
20293401	AFS acctg svcs	0	1,510	630	510	750		750	257.49	763.66	1,021	136%	0%
20293403	Water Supply-Labor (W) - WR Staffing for SCGA 22246	122,600	112,437	148,986	102,587	103,400		103,400	44,246.09	53,089.99	97,336	94%	0%
20293403	Water Supply-Labor (W) - Well Protection Program for SCGA 22244	28,313	0			57,000		57,000	-	-	0	0%	0%
20293403	Water Supply-Labor (W) - WR Staffing (Admin & Finance) for SCGA 22587	3,206	0			21,000		21,000	1,125.72	8,592.85	9,719	46%	0%
20293403	SCWA Z41 Drainage Staff Time 22897	0	0			1,500		1,500	-	1,000.00	1,000	67%	0%
20293404	AFS Contract Desk labor 20801	0	0			0		0	-	-	0	#DIV/0!	#DIV/0!
20293405	Water Quality Svcs. - (Clerk to the Board)	0	0			20,000		20,000	-	-	0	0%	0%
20293400	PW-Work Request Charges	154,119	113,947	149,616	103,097	203,650	0	203,650	45,629.30	63,446.50	109,076	54%	0%
20291900	GS Contract Management Svc	0	0	0		0		0	-	-	0		
Subtotal 20 Object		246,605	188,937	185,584	126,172	554,050	1,870	555,920	56,449	64,747	121,196	22%	0%
TOTAL EXPENDITURES		246,605	188,937	185,584	126,172	554,050	1,870	555,920	56,449.30	64,746.50	121,196	22%	0%
REIMBURSEMENTS													
59599100	Operating Transfers In		0			0		0	-	-	0		
TOTAL REIMBURSEMENTS			0			0		0	-	-	0		
REVENUE													
94941000	Interest Income	(29,685)	(4,741)	(2,862)	(3,436)	(2,000)		(2,000)			0	0%	0%
94941100	Contributions	(263,336)	(267,146)	(264,048)	(254,492)	(244,222)		(244,222)			0	0%	0%
95956900	State Aid - Other Misc. AB 303 Grant Revenue (\$249,964)	0	(130,927)			(200,000)		(200,000)			0	0%	0%
TOTAL REVENUES		(293,021)	(402,814)	(266,910)	(257,928)	(446,222)	0	(446,222)	-	-	0	0%	0%
Acct 20259100 - Other Professional Svcs Detail													
93371	Water Resources & Information Mgmt. - AB303 Grant App. Prep. & Submittal		0			10,000		10,000	-	-	0		
93405	Water Resources & Information Mgmt. - Refinement of the Central Basin WPP		0			10,000		10,000	-	-	0		
93714	Water Resources & Information Mgmt. - Local Ground Water Assistance Prog.			27,479	17,945	50,000		50,000	10,820.00	-	10,820		
	Water Quality Testing (lab, data collection)					5,000		5,000			0		
93544	AB303 Data Management System Update Consultant (WRIME)	87,036	66,734			250,000		250,000		-	0		
Total - Acct 20259100		87,036	66,734	27,479	17,945	325,000	0	325,000	10,820.00	-	10,820		
		87,036	66,734	27,479	17,945	325,000	0	325,000	10,820.00	-	10,820		

SCGA - Sacramento Groundwater Authority
FUND 096B - Fund Center 0960001
Fiscal Year 2013/14 AP3 (25% of year expended)
Working Capital Analysis Report

<u>Dollars</u>	<u>Description</u>	<u>Source</u>
\$797,655	cash in treasury-ending balance	COMPASS Trial Balance by Fund
\$0	Due from other funds	COMPASS Trial Balance by Fund
\$0	Inventory	COMPASS Trial Balance by Fund
\$0	GR/IR Clearing	COMPASS Trial Balance by Fund
\$0	Sales tax due	COMPASS Trial Balance by Fund
(\$7,594)	warrants payable	COMPASS Trial Balance by Fund
\$0	stale dated warrants	COMPASS Trial Balance by Fund
\$0	claims payable	COMPASS Trial Balance by Fund
\$3,352	Deposits from Others	COMPASS Trial Balance by Fund
\$0	Due to other funds	COMPASS Trial Balance by Fund
\$793,413	Working Capital Available as of end of Accounting Period	

**AGENDA ITEM 5: SACRAMENTO CENTRAL GROUNDWATER AUTHORITY
BASIN MANAGEMENT OBJECTIVE THRESHOLD DEVELOPMENT AND
RECHARGE MAPPING PROJECT**

BACKGROUND:

This project will provide a tool for implementing Basin Management Objective (BMO) No. 2 – Maintain specific groundwater elevations within all areas of the basin consistent with the Water Forum solution and a groundwater recharge map for the basin as required by AB 359.

The purpose of BMO No. 2 is to quantify overall groundwater levels in the basin and then maintain an acceptable operating range or “thresholds” for groundwater levels in the basin. Establishing these thresholds will be in accordance with the procedures described in Appendix B of the Groundwater Authority’s GMP; utilizing historical data and integrated hydrologic model simulations to set a measureable “bandwidth” of groundwater levels. The resulting bandwidths will be used in the Groundwater Authority’s data management system, HydroDMS. The recharge map component will seek to improve the conceptual understanding of the basin through identification of sources of groundwater recharge as well as the relative magnitude of each source.

This project is partially funded by an AB 303 Local Groundwater Assistance (LGA) grant recently awarded to the Groundwater Authority additional funding is provided by the Groundwater Authority (approved in the 2013-2014 fiscal year budget). State DWR is in the process of executing the final funding agreement, so staff recommends securing consulting support for the project to commence in early 2014.

After careful consideration, staff recommends hiring RMC through a non-competitive selection process. Staff’s recommendation is based on RMC’s extensive initial work related directly to this project under a previous LGA grant to develop the HydroDMS. RMC also has extensive experience in developing the integrated hydrologic model that was used to develop the threshold concepts contained in the GMP. Additionally, RMC assisted the Groundwater Authority in developing the scope of work for this project for the LGA grant application, so it has extensive working knowledge of the work to be completed. In light of their qualifications, staff is recommending that the Board authorize the Executive Director to enter into a contract with RMC to implement the project.

STAFF RECOMMENDATION:

Action: Authorize the Executive Director to enter into a contract with RMC to implement the project.

**AGENDA ITEM 6: SACRAMENTO COUNTY ENVIRONMENTAL
MANAGEMENT DEPARTMENT AND WATER WELL REHABILITATIONS**

BACKGROUND:

In the process of rehabilitating a production well the Elk Grove Water District encountered an issue related to the discharge of wastewater generated as part of the process. Bruce Kamilos with the Elk Grove Water District will make a presentation on EMD requirements that will affect water well rehabilitations in Sacramento County.

STAFF RECOMMENDATION:

Action: Information presentation.

AGENDA ITEM 7: REVIEW OF POLICIES AND PROCEDURES

BACKGROUND:

At the May 8, 2013 Board meeting it was stated that there were a number of new Board members that were unfamiliar with the Authority's Policies and Procedures and that existing Board members could use a refresher on its content. This would also provide an opportunity to assess Policies and Procedures and make changes as necessary. To date the Board has reviewed Chapters 1 through 5. Today's review will cover Chapter 6, Claims, and Chapter 7, Alternative Dispute Resolution.

A question came up at the last Board meeting regarding reserve language in the Authority's Policies and Procedures. Board item 5a (May 14, 2008) added paragraph (g) to Chapter 5, Article 1, Section 5.01: "The Board shall maintain a reserve for operation expenses at a minimum of twenty (20) percent of the projected annual expenditures. Said reserve will be taken from the prior year fund balance and shall be used to meet Authority operating expenses until contributions as set forth in Article 2 of this Chapter have been received."

STAFF RECOMMENDATION:

Action: Make recommendations as necessary.

CHAPTER 6. CLAIMS

§ 6.01 Claims; General

Claims against the Authority for money or damages covered by Chapter 1 (commencing with section 900) and Chapter 2 (commencing with section 910) of Part 3 of Division 3.6 of the California Government Code or other statute shall be presented and processed in accordance with the applicable statute. Other claims shall be presented and processed in accordance with this Chapter.

§ 6.02 Presentation of Claims

Claims, and amendments to claims, shall be presented personally or mailed first class delivery to the Executive Director at the address of the Authority.

§ 6.03 Contents of Claims

A claim shall be presented by the claimant or by person acting on the claimant's behalf and shall show:

- (a) The name and mailing address of the claimant;
- (b) The date, place and other circumstances of the occurrence or transaction giving rise to the claim asserted;
- (c) The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at the time of presentation of the claim;
- (d) The name or names of the Authority employee or employees causing the injury, damage, or loss if known;
- (e) The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss insofar as it may be known at the time of presentation of the claim, together with the basis of computation of the amount claimed; and
- (f) The signature of the claimant or some person on the claimant's behalf.

§ 6.04 Insufficient Claims

- (a) The Executive Director shall notify or direct that notification be given to the claimant if the claim fails to include the information required by statute or this Chapter. Such notice shall be given within twenty (20) days after the claim is presented. The claimant must file an amended claim within ten days of the Executive Director's notice.
- (b) The amended claim shall be considered in lieu of the original claim. If an amended claim is not filed within the time specified in subsection (a), the claim shall be deemed rejected.

§ 6.05 Time for Presentation of Claims

- (a) Claims against the Authority shall be presented within the times specified in Division 3.6 (commencing with section 810), Title 1, of the California Government Code.
- (b) When a claim is not filed on time, an application shall be made to the Authority for leave to present a late claim. Government Code sections 911.4(b), sections 911.6 through 912.2 inclusive, and 946.4 and 946.6 are applicable to such requests. The deadline for filing an application under this section shall be as specified in Government Code Sections 911.2, 911.6 and 946.6.

§ 6.06 Time for Action

- (a) The Board shall act on the claims, amended claims, and applications to file late claims within forty five (45) days after the application, the claim or amended claim has been presented.
- (b) Written notice of any action taken by the Board acting on a claim or application to file a late claim shall be given to the person who presented the claim by the Executive Director within ten (10) days of the Board's action.
- (c) Failure by the Board or the Executive Director to act within the times set forth in subsections (a) and/or (b) shall be deemed a rejection of the claim.

§ 6.07 Claim as a Prerequisite to Suit

- (a) No court action for money or damages may be brought against the Authority, an officer or employee on a cause of action for which a claim is required by this Chapter until the claim has been acted on by the Board.
- (b) No court action may be brought against the Authority, an officer or employee on a cause of action for which a claim is required by this Chapter unless such action is commenced within six (6) months after the claim is acted on or deemed to have been rejected by the Board.

§ 6.08 Review of Claims

Counsel shall examine claims and lawsuits and provide the Board with a written report describing and evaluating the claim or lawsuit.

§ 6.09 Defense of Claims and Lawsuits

- (a) The Authority shall defend officers or employees named as defendants or respondents in a lawsuit arising within the course and scope of employment if the officer or employee did not act with fraud or malice.
- (b) An officer or employee named in a lawsuit who wishes to obtain defense by the Authority shall file a written request with the Board within three (3) days of service of the complaint or petition. Counsel shall provide the Board with a written report and recommendation with respect to the request. The Board may approve or deny the request or the Board may agree to defend and reserve the decision on the indemnity pending the outcome of the case.

- (c) If the Authority agrees to defend, the employee or officer shall fully cooperate with the attorney assigned to the case by the Board. The failure to fully cooperate can result in the revocation of the agreement to defend.
- (d) The officer or employee may obtain reimbursement in accordance with law if the Board refuses to indemnify and defend.

CHAPTER 7.
ALTERNATIVE DISPUTE RESOLUTION

§ 7.01 General

The Authority acknowledges that in managing groundwater in the Central Basin concerns and disagreements may arise that must be addressed in a direct and timely manner, therefore the following procedures are put into place, keeping in mind that nothing in these recommendations shall preclude any party from exercising their legal rights in a court of competent jurisdiction, however before doing so all members represented on the Authority Board agree to participate in good faith in the alternative dispute resolution procedures. To this end, the Authority establishes this Alternative Dispute Resolution Policy.

§ 7.02 Procedure

For the purpose of assisting the Authority and its members to resolve disputes in a timely and cost effective manner this policy provides:

- (a) If the disagreement pertains to the substance of the Water Forum Agreement, timely consultation with the Water Forum Successor Effort on the cause and current status of the disagreement as well as strategies which may lead to a resolution of the problem;
- (b) Prompt response by the Authority when any party invokes alternative dispute resolution procedures;
- (c) If the disagreement cannot be resolved by the Authority itself, use of an outside neutral third party (i.e., a mediator) to assist the parties in working toward a satisfactory resolution;
- (d) Completion of all procedures within sixty to ninety days, unless parties to the dispute agree to extend this timeline;
- (e) Timely notice to the Water Forum Successor Effort that alternative dispute resolution procedures have been initiated and the reasons therefore; and
- (f) Costs incurred, if any, in this process will be equally shared by the involved parties.

AGENDA ITEM 7: EXECUTIVE DIRECTOR'S REPORT

- a) Local Groundwater Assistance Grant
- b) Questionnaire for the Groundwater Accounting Program (GAP)
- c) Groundwater Workplan Concept Paper
- d) Form 700

January 8, 2014

TO: SACRAMENTO CENTRAL GROUNDWATER AUTHORITY BOARD

FROM: DARRELL ECK

RE: EXECUTIVE DIRECTOR'S REPORT

- a) **Local Groundwater Assistance Grant** – The Groundwater Authority is working with DWR to complete the grant funding agreement and anticipates being able to sign it this month. The Groundwater Authority will receive \$199,824 from this grant to implement the *Sacramento Central Groundwater Authority Basin Management Objective Threshold Development and Recharge Mapping Project* discussed previously.
- b) **Questionnaire for the Groundwater Accounting Program (GAP)** – Staff submitted a “first stage” stakeholder questionnaire to Board members at the November 13, 2013 Board meeting. The purpose of the questionnaire was to help better define the GAP and to facilitate future discussions by both the GAP committee and the Board on both the GAP’s content and purpose. To date xx questionnaires have been returned. As the questionnaire will be the subject of discussion for the GAP committee in February please discuss the questions with your respective organizations and return your responses to Ramon Roybal at Sacramento Central Groundwater Authority, 827 Seventh Street, Room 301, Sacramento, CA 95814 or via e-mail at roybalr@saccounty.net by February 5, 2014.
- c) **Groundwater Workplan Concept Paper** – The State Water Resources Control Board released a Groundwater Workplan Concept Paper in October 2013 outlining a framework under which the Water Boards’ groundwater activities would be organized. In this paper the Water Board’s state that they believe an effective groundwater management program requires five key elements: thresholds, monitoring and assessment, governance, funding, and enforcement. The Water Boards’ define these elements as:
 - o **Sustainable thresholds** for water level drawdown and water quality for impacted, vulnerable, and high-use basins;
 - o Water quality and water level **monitoring and assessment**, and data management systems, capable of determining if thresholds are being met and evaluating trends;
 - o **Governance** structures with the management mechanisms needed to prevent impacts before they occur, clean up contamination where it has occurred, provide adequate treatment of contaminated drinking water sources, and ensure that meeting groundwater level and quality thresholds are managed over the long term;

- **Funding** to support monitoring and governance/management actions; and
- Oversight and **enforcement** in basins where ongoing management efforts are not protecting groundwater.

ACWA recently provided comments on the five recommended elements outlined in the Concept Paper (December 18, 2013) and also emphasizing that local management of groundwater resources continues to be their preferred approach.

- d) Form 700 – At the beginning of each year the State of California requires designated positions within the Groundwater Authority to file a Conflict of Interest Form 700 (see Groundwater Authority Policy 100.2 for disclosure categories). The forms are to be submitted to the SCGA office no later than April 1, 2014. Please address them c/o Ramon Roybal, 827 Seventh Street, Room 301, Sacramento, CA 95814. Forms can be located on line at the following website.

<http://www.fppc.ca.gov/index.php?id=500/>

DISCUSSION DRAFT

Groundwater Workplan Concept Paper

The Water Boards are developing a workplan that aligns its current groundwater protection efforts, the ongoing actions of other entities with groundwater management responsibilities, and potential actions that the Water Boards and other entities could pursue. The objective is to ensure that the Water Boards address the groundwater challenges that have the greatest potential to impact beneficial uses, focus limited resources on the most important groundwater problems, and facilitate more efficient local and regional groundwater management and provide support and oversight, where needed.

This concept paper proposes a workplan framework under which the Water Boards' groundwater activities would be organized. Whether implemented at the local, regional, or State level, the Water Boards believe that an effective groundwater management program generally requires five key elements to be in place: thresholds, monitoring and assessment, governance, funding, and enforcement. The State Water Board is interested in your thoughts on the relevance of the proposed framework for groundwater management as well as its applicability to groundwater-related programs statewide. For each element of the proposed framework, this concept paper lists existing actions and suggests potential future actions that the Water Boards and others could take as a starting point for discussion. Many additional recommendations for action have been published in a variety of reports which can be found under reference materials in the website below.

The State Water Board is interested in meeting with various interests to continue the dialogue on this proposed framework, and the combination of existing and proposed actions, in the coming months. For more information please visit our website at:

http://www.waterboards.ca.gov/water_issues/programs/groundwater/workplan.shtml.

1 Managing California's Groundwater – Regional Leadership

Successful groundwater management requires prevention and cleanup of groundwater contamination, maximizing opportunities to recharge high-use basins, and ensuring that pumping occurs at sustainable levels over the long-term. **We envision a future where well-equipped local and regional groundwater management entities use monitoring information and thresholds to manage and maintain groundwater of sufficient quality at sustainable levels over the long-term; and where local and regional management efforts are backed-up by State support and oversight, where needed.** In some cases, management will also involve treatment of groundwater at the point of extraction or use for drinking water purposes, while measures to prevent further contamination are taken and long-term cleanup actions are implemented to address legacy pollution.

2 Implementing the Vision

The Water Boards currently implement a number of successful programs aimed at preventing and cleaning up groundwater pollution, monitoring quality, and encouraging recharge. Additionally, the State Water Board has broad constitutional authority to prevent the waste and unreasonable use of the State's water resources (including groundwater). While California lacks a comprehensive State

groundwater regulatory program, local and regional management of groundwater basins does exist in much of the State. The nature of groundwater and its uses vary widely by area, as does the extent of control. As a result, groundwater management has largely evolved on an as needed basis in a decentralized manner across the State. In spite of this, local and regional groundwater management efforts have produced impressive results in many areas of the State. Groundwater recharge, conjunctive use and cleanup projects have extended local water supplies, and storm water capture and recharge programs are growing around the State.

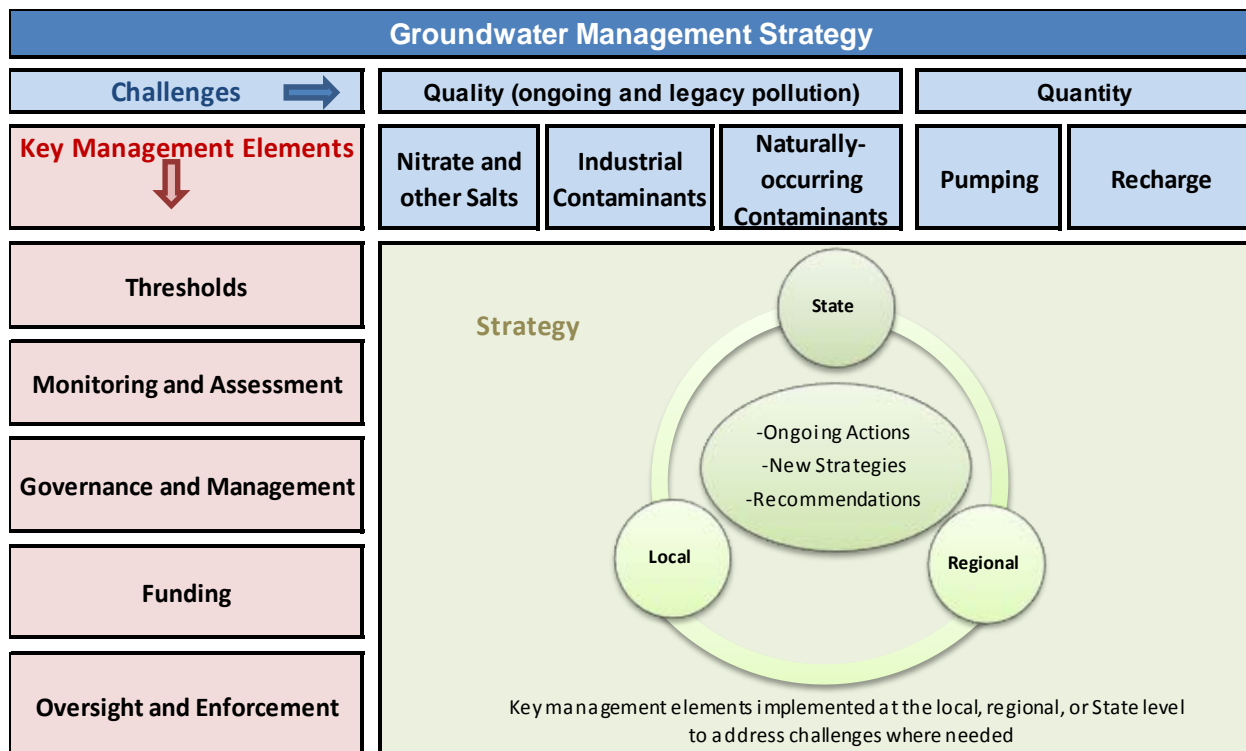
Effective groundwater management will ensure groundwater quality and quantity is maintained at sustainable levels that support beneficial uses of water over the long-term. Many of the most pressing challenges associated with groundwater quality can be broken down into three categories: (1) nitrate and other salts; (2) industrial chemicals; and (3) naturally-occurring chemicals. Nitrate and salt problems are generally associated with diffuse nonpoint pollution sources, such as agricultural drainage. Industrial pollutants typically originate from discrete point sources. Naturally-occurring chemicals are associated with geologic processes, and human activities often mobilize these pollutants into groundwater. Groundwater quality can also be impacted by pumping and declining water levels. In some areas, pumping may cause polluted groundwater or seawater to migrate or be drawn into areas that would otherwise not be impacted. The greatest challenge for groundwater quantity is overdraft leading to subsidence and the permanent loss of storage capacity. Managing groundwater levels (quantity) and preventing overdraft largely depends on maintaining a balance between the amount of pumping, natural depletion from a basin, and the amount of recharge. These challenges do not lend themselves to a “one size fits all” solution, given the varying physical and institutional characteristics of California’s groundwater basins. Therefore, an integrated approach to groundwater management is needed to ensure that appropriate action occurs at all levels of government.

Whether implemented at the local, regional, or State level, effective groundwater management generally requires that the following key elements be in place:

1. **Sustainable thresholds** for water level drawdown and water quality for impacted, vulnerable, and high-use basins;
2. Water quality and water level **monitoring and assessment**, and data management systems, capable of determining if thresholds are being met and evaluating trends;
3. **Governance** structures with the **management** mechanisms needed to prevent impacts before they occur, clean up contamination where it has occurred, provide adequate treatment of contaminated drinking water sources, and ensure that meeting groundwater level and quality thresholds are managed over the long term;
4. **Funding** to support monitoring and governance/management actions; and
5. **Oversight and enforcement** in basins where ongoing management efforts are not protecting groundwater.

This approach to groundwater management is scalable by design because each key management element can be established and implemented at the local, regional, or State level, or through a combination thereof. The Water Boards will focus attention and assistance on high-use basins where thresholds are being exceeded.

The figure below portrays the application of this management framework to groundwater quality and quantity.



3 Management Elements and Potential Actions

For each of the five key management elements needed for effective groundwater management, this section lists current Water Board and other agency/entity groundwater protection actions. Actions that the Water Boards or other agencies/entities *could take* in the future to enhance current efforts are then provided as a starting point for discussion. The Water Boards are soliciting input on the types of actions needed to ensure viable and effective groundwater management solutions, particularly in areas of greatest need.

3.1 Sustainable Thresholds

Various agencies, including the Water Boards, establish protective levels, or thresholds, that apply to groundwater. These thresholds include State water quality standards, and local or regional basin management objectives (BMOs), that are used for managing and assessing groundwater quality and quantity to support designated beneficial uses and ensure a sustainable groundwater water supply. Thresholds are an important component of groundwater management because they establish quantifiable triggers that, when approached or exceeded, signal a threat or problem. Approaching or exceeding a threshold may trigger management actions needed to address identified threats or problems. *The State Water Board is soliciting comment on whether the current and proposed actions will result in thresholds for groundwater quality and elevation that support assessment of groundwater conditions, evaluation of groundwater quality and quantity trends, and informed management decisions.*

*Nitrate Report Recommendation (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)

Existing THRESHOLDS	
Water Boards	<ul style="list-style-type: none"> • Water Quality Objectives in Basin Plans • Antidegradation Policy
Other State and Federal Agencies	<ul style="list-style-type: none"> • CDPH Maximum Contaminant Levels, Notification Levels, Response Levels, and Title 22 Water Recycling Criteria • OEHHA Public Health Goals • DWR Critical Overdraft
Regional and Local Entities	<ul style="list-style-type: none"> • Local Basin Management Objectives • Requirements for adjudicated basins (extraction and recharge measures)

3.1.1 Potential Water Board Actions

1. Clarify how the State Water Board's Antidegradation Policy (Resolution No. 68-16) applies to groundwater (including effects related to quantity, such as recharge).
2. Incorporate into Basin Plans thresholds for salt and nutrients contained in Salt and Nutrient Management Plans.
3. Summarize approaches taken towards basin management objectives (BMOs) in existing local groundwater management plans for application in high-use basins where objectives do not exist.

3.1.2 Potential Actions for Others

1. CDPH should complete the rulemaking for groundwater recharge with recycled water (indirect potable reuse).
2. The Legislature should require local groundwater management entities to establish thresholds for sustainable groundwater management in their local groundwater management plans and to report their progress.

3.2 Monitoring and Assessment

Groundwater monitoring and assessment evaluates current conditions, can be used to establish groundwater thresholds, and guides management decisions. Without sufficient monitoring, it is almost impossible to determine if groundwater problems exist or to forecast the potential for future problems that may warrant management actions. Many local, regional, and State agencies have statutory responsibility or authority to collect water quality and water use/level data and information; however, monitoring is inconsistent throughout the State, with significant regional variation in parameters monitored, monitoring frequency, and data availability. In spite of this diversity, there are excellent examples of groundwater monitoring programs now being implemented at the local, regional, and State levels. *The State Water Board is interested in understanding whether the existing and proposed actions will result in better integration and accessibility of existing groundwater quality and quantity data to support assessment of groundwater conditions, evaluation of groundwater quality and quantity trends, and informed management decisions.*

Existing MONITORING AND ASSESSMENT Activities	
Water Boards	<ul style="list-style-type: none"> • Groundwater Ambient Monitoring and Assessment (GAMA) Program • GAMA Priority (high-use) Basins Project (including mapped Priority Basins) • Hydrogeologically Vulnerable Area Mapping • AB 2222 Report to Legislature (Communities Relying on Contaminated Groundwater) • Central Coast Domestic Well Project • Central Valley Dairy and Irrigated Regulatory Lands Monitoring • Water Rights Groundwater Recordation Program (delegated to local agencies) • Define and identify nitrate high risk areas
Other State and Federal Agencies	<ul style="list-style-type: none"> • CDPH Drinking Water Program (monitoring of public supply wells, including consumer confidence reports prepared by public water suppliers) • DPR Ground Water Protection Program (pesticides sampling) • DWR California Statewide Groundwater Elevation Monitoring (CASGEM) Program • DWR basins in critical overdraft (Bulletin 118; 1980) • DWR Water Data Library (historical groundwater quality trend data, and CASGEM groundwater level data) • USGS National Water Information System (NWIS) (includes groundwater quality data collected under the GAMA Program) • NASA Central Valley Groundwater Elevation Study
Regional and Local Entities	<ul style="list-style-type: none"> • Groundwater recordation (Los Angeles, Riverside, San Bernardino, and Ventura counties) • Local agency monitoring for groundwater level as well as quality, and land subsidence in some regions

3.2.1 Potential Water Board Actions

1. **Add a basin assessment module to GeoTracker GAMA that provides publicly-accessible information on groundwater quality and is capable of analyzing trends in high-use basins.**
2. **Work with the Department of Conservation's (DOC) Division of Oil, Gas, and Geothermal Resources (DOGGR) on monitoring and assessment requirements for hydraulic fracturing, pending the outcome of proposed legislation.**
3. **Require groundwater level data coming to the State Water Board to be submitted directly to CASGEM.**
4. Require all groundwater quality data submitted pursuant to Water Board requirements to be in a format compatible with GeoTracker GAMA.*

3.2.2 Potential Actions for Others

1. **DWR could create a searchable electronic database to submit well completion reports and associated data.**
2. **The Legislature could expand the State Water Board's Groundwater Recordation Program, which requires reporting of groundwater pumping, to basins subject to critical overdraft.**

*Nitrate Report Recommendation (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)

3. **Complete CASGEM Program implementation, including: (1) statewide prioritization of basins; (2) conducting groundwater elevation monitoring in areas where voluntary monitoring is not occurring; and (3) identifying basins subject to critical overdraft.**
4. **Update assessments and develop projections on the condition of California's groundwater basins, based on current groundwater management practices.**
5. **Develop estimates of storm water capture and groundwater recharge potential, and a tracking database to inform water resource planning and permitting decisions.**
6. The Legislature should enact legislation that establishes a framework of statutory authority for the Water Boards, in coordination with other State and local agencies, to improve the coordination and cost effectiveness of groundwater quality monitoring and assessment, enhance the integration of monitoring data across departments and agencies, and increase public accessibility to monitoring data and assessment information.*
7. The Legislature should require State and local agencies to notify groundwater users in nitrate high-risk areas and recommend that the well owners test their wells to evaluate drinking water quality. The Water Boards, California Department of Public Health (CDPH), and local public health agencies will coordinate in identifying private domestic wells and small, unregulated water systems in nitrate high-risk areas.*
8. The Legislature should require property owners with either a private domestic well or other unregulated groundwater system (2 to 14 service connections) to sample their well and disclose its water quality as part of a point of sale inspection before property title transfer or purchase.*

3.3 Governance and Management

In vulnerable and high-use basins, groundwater management is necessary to ensure that thresholds for water quality and quantity are not exceeded. In some situations, actions are needed to avert potential problems or to rectify existing problems. Pollution prevention, which can help alleviate future impacts to groundwater, is the most effective and affordable form of groundwater quality control; however, once contamination occurs, more costly cleanup actions may be needed. Managing groundwater levels (quantity) generally requires maintaining a balance between pumping, natural depletion, and recharge at the basin scale over the long-term. Such a balance can effectively be achieved through conjunctive use, demand management (e.g., water conservation, reduced pumping), or a combination of both. Various local, regional, and State agencies, including the Water Boards, have authority and responsibility for managing and regulating groundwater. The ongoing actions of these agencies have proven effective in many areas, but additional management action and controls may be needed to address current and potential future challenges associated with groundwater quality and quantity. *The State Water Board is interested in understanding whether the existing and potential actions in this section will result in the sustainable management of groundwater quality and quantity in high-use basins.*

Existing GOVERNANCE AND MANAGEMENT Activities	
Water Boards	<ul style="list-style-type: none"> • Expert Panel review of agricultural nitrate programs • Onsite Wastewater Treatment Systems (OWTS) Policy • Low-Threat Underground Storage Tank (UST) Case Closure Policy

*Nitrate Report Recommendation (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)

	<ul style="list-style-type: none"> • Recycled Water Policy • Waste Discharge Requirements (WDR) Program • NPDES Storm Water Program (including LID requirements) • Recycled Water Permits • Irrigated Lands Regulatory Program (ILRP) • Confined Animal Facilities (CAF)/Concentrated Animal Feeding Operations (CAFO) Program • Land Disposal Program • Tank Tester Licensing Program • UST Program • Site Cleanup Program (SCP) • Department of Defense (DoD) Cleanup Program • Prohibitions • Water Rights Administration (subterranean streams and interconnected groundwater) • Aquifer Storage and Recovery (ASR) Permit • Evaluate WDRs to determine protectiveness of groundwater quality*
Other State and Federal Agencies	<ul style="list-style-type: none"> • DTSC Green Chemistry and Cleanup • DTSC/CalRecycle Solid Waste Landfill Program • DPR Pesticide Regulations • DOC Promulgation of Hydraulic Fracturing Regulations • USEPA Underground Injection Control Program • CDFA nitrogen mass balance taskforce*
Regional and Local Entities	<ul style="list-style-type: none"> • Local Oversight Program (UST, SCP) • Local and Regional Groundwater Management (ordinances, GWMPs, UWMPs, AWMPs, IRWMPs)

3.3.1 Potential Options for New Water Board Actions

1. **Expand the use of general orders to focus on high priority discharges to improve efficiency of regulation and better protect groundwater.**
2. **Prioritize cleanup cases based on threat and whether they are located in a hydrogeologically vulnerable area.**
3. **Focus regulatory activities to control discharges in hydrogeologically vulnerable areas that overlay high-use basins.**
4. **Work with DTSC to extend the cleanup oversight Memorandum of Agreement (MOA) between DTSC and the Water Boards for brownfields to include enforcement lead sites to align cleanup authorities with the type of contamination and route of exposure.**
5. **Incentivize permits to promote storm water infiltration and protect infiltrative capacity of hydrogeologically vulnerable areas.**
7. Continue to provide technical assistance for the CDFA's ongoing work with the University of California Cooperative Extension (UCCE) and other experts in establishing a nitrogen management training and certification program that recognizes the importance of water quality protection.*

*Nitrate Report Recommendation (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)

3.3.2 Potential Recommendations to Others

1. **Assess legal obstacles and associated liability for groundwater recharge with sources that contain low level contaminants.**
2. **Assist DWR in conducting an evaluation of local groundwater management programs in high-use basins and identify where gaps in control exist that should be addressed with further action and develop guidelines for best practices in groundwater management.**
3. **Enact legislation that would allow for the establishment of Active Management Areas with specific requirements governing the management of groundwater including withdrawal, use, storage and monitoring/reporting.**
4. **Create a standardized set of authorities that districts with groundwater management responsibilities could draw upon to effectively and actively manage groundwater.**
5. The Legislature should enact legislation to establish a framework of statutory authorities for CDPH, regional organizations, and county agencies to have the regulatory responsibility to assess alternatives for providing safe drinking water and to develop, design, implement, operate, and manage these systems for small DACs impacted by nitrate.*

3.4 Funding

Successful groundwater management requires access to sufficient funding for development and implementation of groundwater management plans, monitoring (e.g., statewide programs such as GAMA and CASGEM), facilities (e.g., drinking water treatment systems, groundwater recharge facilities, storm water capture, etc.), ongoing operation and maintenance of infrastructure, pollution prevention and cleanup measures, as well as oversight or enforcement, by local and regional management agencies. In many cases, management entities have the authority to assess fees to cover the costs of local and regional management. However, the authority to assess fees is often contingent on voter approval at the local level in conformance with Proposition 218 and, therefore, approval can be difficult to achieve. In addition to local revenue sources, significant funding for conjunctive use projects, groundwater recharge facilities, groundwater treatment and monitoring, and groundwater basin management activities has been made available through various water bond measures and both State and federal funding. *Please refer to the existing and potential actions in commenting on whether adequate funding will be available to implement the suggested management framework (developing thresholds, conducting monitoring and assessment, managing and controlling groundwater quality and quantity, and oversight/enforcement).*

Existing FUNDING Activities	
Water Boards	<ul style="list-style-type: none"> • Clean Water State Revolving Fund (CWSRF) Program • Small Community Wastewater Grant Funding • Small Disadvantaged Community Wastewater Technical Assistance • Underground Storage Tank Cleanup Fund (USTCF) Program • UST/Orphan Site Cleanup Fund (OSCF) • Replacing/Repairing/Upgrading Underground Storage Tank (RUST)

*Nitrate Report Recommendation (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)

	<p>Program</p> <ul style="list-style-type: none"> • Agricultural Drainage Loan Program (ADLP) • Agricultural Drainage Management Loan Program (ADMLP) • Nonpoint Source (NPS) Pollution Control Program • State Water Pollution Cleanup and Abatement Account (CAA) • Water Recycling Funding Program (WRFP) • Stormwater Grant Program • Seawater Intrusion Control Program • SRF and bond funding for storm water and groundwater recharge projects
Other State and Federal Agencies	<ul style="list-style-type: none"> • DWR Local Groundwater Assistance (LGA) Grant Program, Integrated Regional Water Management (IRWM) Grant Program, etc. • CDPH Safe Drinking Water SRF (for public water systems) • CDFA Fertilizer Research and Education Program (FREP) (funds studies on fertilizer use, plant nutrient efficiency, and nitrogen management) • DTSC Brownfields Loan Fund • USEPA Brownfields Grants Program • California Pollution Control Financing Authority (CPCFA) Brownfields Assessment and Redevelopment Program and California Recycle Underutilized Sites (CALReUSE) Program • USDA Rural Assistance Program for Drinking Water • CDFA mill fee collection for fertilizer research and education*
Regional and Local Entities	<ul style="list-style-type: none"> • General and Special District Fee Assessments

3.4.1 Potential Options for New Water Board Actions

None.

3.4.2 Potential Recommendations to Others

1. **Establish a funding source that also addresses liability for cleanup of contaminated sites where responsible parties are unavailable, unable, or unwilling to pay for cleanup.**
2. **Local and regional groundwater management agencies should assess fees, where needed, to cover costs of monitoring and managing groundwater.**
3. The Legislature should provide a stable, long-term funding source for provision of safe drinking water for small DACs.*
4. DWR should give preference in the Proposition 84 Integrated Regional Water Management (IRWM) Grant Program to proposals with IRWM Plans that include an evaluation of nitrate impacts, including the access of safe drinking water to small DACs, for areas that have been identified as nitrate high-risk areas.*
5. The Legislature should enact legislation that establishes a funding source for the State Water Board's Groundwater Ambient Monitoring and Assessment (GAMA) Program.*
6. Continue to increase access to safe drinking water funding sources for small DACs by streamlining funding applications, providing planning grants, and providing technical assistance.*

*Nitrate Report Recommendation (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)

3.5 Oversight and Enforcement

Oversight and enforcement encourages dischargers and groundwater pumpers to operate in a manner consistent with relevant regulations, plans, policies, and permits. To address violations of management plan provisions or regulatory requirements, federal, State, and local agencies provide oversight of pollution cleanup, and take enforcement actions of varying types and levels of stringency. Local and regional groundwater management entities may also need to take additional oversight actions when monitoring data demonstrate that thresholds are or will likely be exceeded within their jurisdictions.

The State Water Board, along with the Department of Water Resources and the California Department of Fish and Wildlife, can exercise, in varying degrees, constitutional and statutory authorities to protect the public trust, prevent the waste and unreasonable use of the State's water resources, and initiate actions to protect those resources. In addition to the actions suggested below, the State Water Board is soliciting input on whether these authorities should be integrated into its workplan for groundwater.

Existing ENFORCEMENT AND OVERSIGHT Activities	
Water Boards	<ul style="list-style-type: none"> • Enforcement and cleanup of nitrate and industrial pollutants in high-use basins and in groundwater reliant areas • UST Fund Fraud, Waste, and Abuse Program • Waste Discharge Requirements enforcement • Underground Storage Tank (UST) Leak Prevention and Cleanup • Legacy Site Cleanups • Initiate adjudication to protect groundwater quality • Undertake proceedings to prevent waste and unreasonable use • Water Right Permit enforcement
Other State and Federal Agencies	<ul style="list-style-type: none"> • CDPH enforcement and oversight of public water systems • DTSC enforcement action for violations of hazardous waste requirements • DTSC site cleanups • USEPA enforcement for violations of federal Safe Drinking Water Act • Watermaster enforcement of adjudications
Regional and Local Entities	<ul style="list-style-type: none"> • CUPA enforcement activities of environmental and emergency management programs • Local agency enforcement of tank testing requirements, GWMPs, and groundwater monitoring, reporting, and pumping requirements

3.5.1 Potential Options for New Water Board Actions

1. Target groundwater quality regulatory program enforcement on legacy sites in hydrogeologically vulnerable areas.
2. Evaluate and report on the effectiveness of enforcement of well design and destruction standards to eliminate conduits for contamination.
3. Establish an interagency task force to improve the integration of agency authorities that could be used to address groundwater overdraft.
4. Use Porter-Cologne authority to order parties responsible for nitrate contamination to provide replacement water.*

3.5.2 Potential Recommendations to Others

None.

*Nitrate Report Recommendation (http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf)



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Subject: Comments on Discussion Draft Groundwater Workplan Concept Paper

Dear Mr. Oppenheimer:

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide the following comments on the State Water Resources Control Board (Board) Discussion Draft Groundwater Workplan Concept Paper, dated October 4, 2013 (Concept Paper). We are particularly appreciative of the way staff solicited informal input on the Concept Paper as it was being prepared, and that Board members and staff attended a “focus group” meeting with water agency leaders on October 31, 2013 at ACWA to discuss the Concept Paper. The following comments will underscore some of the points previously expressed during that focus group meeting, but they also will address the broader groundwater policy landscape and how the Board’s Workplan may ultimately make its contributions to other important and related groundwater policy initiatives.

We appreciate your indication during the focus group meeting that the Concept Paper was intentionally quite broad in scope to provide Board members with a context that is intended to inform a subsequent, more detailed Workplan that the Board will use to focus its efforts in coming years. The Concept Paper helps frame the Board’s role, while rightly acknowledging the key role of local and regional groundwater managers, as well as the role of other parts of state government in ensuring comprehensive and effective groundwater management in California.

We also appreciate the way staff and the Board have indicated familiarity with ACWA’s April 2011 policy document, “Sustainability from the Ground Up: A Framework for Groundwater Management in California,” (Groundwater Framework) which addressed the challenges facing groundwater managers in basins statewide and identified proactive steps to advance sustainable management based on local leadership. The Concept Paper acknowledges a key message conveyed by the Groundwater Framework that most groundwater basins in the state are under sound local and regional management, and that local management will continue to be the preferred approach, even where concerns have been raised about potentially unsustainable water level declines, local subsidence and degraded groundwater quality. ACWA continues to believe that, given the variety of circumstances across California (different hydrology, different lithography and stratigraphy in groundwater basins, differing institutional frameworks, and different levels of dependence on imported water) it is critical that the primary

authority for the management of groundwater be retained by local and regional agencies. As members of the SWRCB indicated during our October 31 meeting, it is only when local or regional agencies have the authority, knowledge and ability to manage groundwater and still fail to sustainably do so that, depending on the circumstances, it might be appropriate for the State of California to step in to prevent irrevocable harm to a groundwater basin.

Recommendation to Align With California Water Action Plan

The Administration released its draft California Water Action Plan on the very day of our focus group meeting on October 31, 2013. We have been actively engaged with the Administration to advocate for a broad action-oriented agenda for improved water resource management in coming years. In particular, ACWA supports the commitment to improving local and regional groundwater management capabilities as articulated in the Administration's draft California Water Action Plan, and we recommend that the Board revise the draft Workplan Concept Paper to align it with the draft California Water Action Plan, which we understand the Administration will finalize in early 2014.

During our discussion on October 31, members of the Board noted that the Water Action Plan is intended to guide the Administration's actions over the next five years by identifying actions that can be taken during that period and then holding the Administration accountable for achieving the actions identified in that plan. This type of accountability and transparency represents a good model for local and regional agencies charged with managing California's groundwater resources. However, as discussed below, ACWA believes that local and regional agencies require further tools in order to be able to perform this role in the most effective manner. We look forward to an ongoing dialogue with the Board and the Administration on these issues.

Additional comments on the Concept Paper

Using the structure provided by the five key elements of groundwater management identified in the Concept Paper, we offer the following observations, related questions, and suggestions. These comments echo many of those made during our focus group meeting.

Sustainable thresholds

We understand that the concept of "thresholds" needs to apply to both water quality as well as water quantity, but since these would in fact function as management goals we recommend that this section be retitled as "Sustainable Goals". These management goals should not be equated with "standards", or even water quality objectives as these are used in Basin Planning. Clearly it will be important for "sustainability" to be defined from a management perspective and in the specific context of local groundwater basins and water management goals.

Conjunctive Use

One fundamental vehicle to ensure sustainable groundwater management is to increase opportunities for robust conjunctive management of surface water resources. Many groundwater basins that are facing unsustainable overdraft conditions have been dependent upon once reliable surface water supplies that are no longer available; a significant number of which have lost those once conjunctively managed supplies primarily because they have been reallocated to serve instream regulatory requirements. Climate change will also present additional challenges related to management strategies, protocols, and expectations that have been developed based upon historic hydrological conditions that no longer accurately represent the likely future condition. The Board needs to identify ways it can reduce barriers to more water transfers, increased stormwater and recycled water recharge, and new surface and groundwater storage and conveyance projects statewide to help ameliorate and ideally reverse basin impacts arising from past, present and future regulatory constraints in the context of a climatic transformation. This is consistent with the Administration's draft California Water Action Plan.

Through a variety of regulatory actions, the export of water conveyed through the Delta to areas on the Westside of the San Joaquin Valley and the Tulare Basin has been greatly reduced over the past twenty years. In part, those exports of water were designed – as was the export of water to Southern California and the Bay Area – to remedy overdraft conditions recognized many years ago. Both the State of California and the United States, in operating the State Water Project and the federal Central Valley Project, respectively, have reduced exports and thus have severely diminished the supplemental supplies intended for conjunctive use in these areas. The SWRCB and the Administration cannot divorce groundwater conditions and management from overall state water policy or the various related regulatory actions implicating and stressing groundwater sustainability.

Monitoring data

There needs to be a more robust discussion of the successes that local water management agencies have already achieved in the areas of monitoring and reporting. ACWA will provide some supporting information for the Board's consideration. A primary first step associated with monitoring data should be identifying problem areas and focusing limited resources on those areas. We need to identify existing data gaps and work on "connecting the dots" between information and data provided by groundwater management agencies. Part of this effort will be creating more robust reporting requirements. Investments in resources should be prioritized to support building local capacity to manage and maintain data management and reporting systems where reporting should be accessible to the public, in contrast with centralized systems managed at the State level (such as the Groundwater Ambient Monitoring & Assessment (GAMA) program and the California Statewide Groundwater Elevation Monitoring (CASGEM) program). Reporting should generally be accessible to the public, but not as reporting to Water Boards. We believe there may be some value in identifying active management areas but better criteria need to be developed to define these areas.

However, monitoring and reporting really do not address the bigger picture with regard to how California manages its groundwater resources. As mentioned above, there are some intensively used groundwater basins where there are sophisticated models of the basin that are based on decades of technical and scientific research. There are other groundwater basins that are (or shortly will be) used

in much the same manner where the technical data are lacking. The State of California last completed an update to Bulletin 118 in 2003, and it is now overdue for a complete revision that should broaden its scope to address the concerns that are identified in the Concept Paper and show how local agency plans and actions address groundwater sustainability basin-by-basin statewide. It is important for the Administration to devote the resources either to develop and maintain the basic technical data relating to groundwater levels and quality in California or to provide local and regional agencies with the resources to undertake that task. If the Administration chooses the latter course, then perhaps a discussion of a potential program modeled on the Delta Levees Subvention Program, wherein local agencies do work and are reimbursed for 75% of their costs, could become the basis of fostering a partnership between the State of California and local/regional agencies.

Further, the data developed about groundwater basins need to be, as mentioned above, appropriately accessible so that stakeholders can participate in governance discussions about groundwater basins. Such transparency is particularly important for basins that are “at risk,” i.e., where extractions are increasing and supplies are dwindling with no plan on the horizon to reverse that trend.

Governance structures and management elements

In general, we see this as a very “Board-centric” document, which is not surprising but which could be addressed by considering the governance and management as more of a “framework for sustainability” in which the unique roles of state agencies and the Regional Boards can be used to empower local agencies and groundwater basin managers. This again depends on a clearer understanding of what local agencies do, what authorities and tools they currently have available or those they may need, and what other management tools can be brought to the table. To this end, ACWA has formed a Board-level Groundwater Sustainability Task Force, which will be addressing such questions as what current and new tools and authorities may be needed by local agencies. We anticipate that this group will be developing suggestions for the Board’s consideration in coming months.

Funding

We clearly need adequate funding mechanisms to implement actions and solutions going-forward. Although the emphasis may be on lack of funding, we should identify ways we can do more effective work within current budget parameters. ACWA opposes the water user fee concept discussed in the Nitrates Report, but we want to work with the Board and the Administration to identify alternative ways to help ensure safe drinking water for communities currently at risk. In addition, ACWA appreciates the recognition of constraints that local agencies face in raising fees for needed water management investments more generally (e.g. Proposition 218), and we are committed to a dialog about sustainable and integrated financing.

Oversight/enforcement

The key questions raised by this element, are (1) in what situations does the Board expect to step-in where local management is determined not to be working, and (2) over what time frame does the Board

anticipate allowing locals to make progress before it does so? Moreover, how is “not working” going to be defined and when would an “intervention trigger” be pulled, especially considering that such determinations must be specific to the location and reflective of the unique situation pertaining to the basin in question?

Although the Board has outlined its general authorities and described many of its existing regulatory programs and enforcement tools, they must be used judiciously and as part of a wider management-based initiative. These authorities generally seem to be sufficient, and if aligned with commitments to performance-based management as described above, we do not see the need to propose new or intrusive initiatives in this regard. In regards to the time frame for ultimate Board actions consistent with its enforcement tools, it should be underscored that groundwater basins in duress fell into this condition only after many decades of extensive water resource development and usage, and achieving sustainable goals may likewise take considerable time.

With regard to the role of the Board for oversight and enforcement, ACWA believes that the Board should focus its resources in groundwater basins that are most “at risk” due to conditions of long-term unmanaged or unsustainable overdraft associated with increases in extractions resulting from, new wells outside any management jurisdiction, population growth, changes in agricultural practices, and/or reductions in imported water. Conceptually, such groundwater basins might be identified as those in which 20-year average groundwater levels are in decline and that this trend will likely continue without an active program to reverse this decline. In these basins, the Board should work collaboratively with regional and local water managers and other agencies in these basins to ensure they have sufficient authority to manage extractions and/or increase imported water, have sufficient resources (technical and monetary) to understand the nature of the problem and then seek proper remedial action, and – perhaps most important of all – sufficient political support from the State of California to make the often-hard choices needed to preserve the groundwater basin. Only if all of the above factors are present and a local/regional agency still refuses to move toward preservation of a groundwater basin might the Board be justified in considering intervention as a fail-safe.

As acknowledged in the Concept Paper, the Board needs to collaborate with other state agencies and stakeholders to effectively address oversight and enforcement needs. Improved coordination between state agencies is essential, especially between the Board and the Department of Water Resources (DWR) (for example with regard the status of the CASGEM program). We support the proposed action to establish an interagency task force to address this issue but recommend that it be convened by DWR, with Board participation. Such an effort should be broadly inclusive of stakeholders (including agriculture and land use authorities that are responsible for managing growth and which drive ever-increasing demand pressure in many groundwater basins), and charged with developing recommendations for pairing oversight and enforcement assurances with regulatory streamlining incentives and groundwater management authorities to achieve optimal outcomes.

ACWA also supports the Board’s related proposal to clarify its Antidegradation Policy to improve administrative consistency by the regional boards and reduce barriers to enhanced and improved groundwater management. Additionally, we believe the Concept Paper should describe how the proposed policies and programs are in alignment with and support the State’s climate change adaptation policies.

Eric Oppenheimer
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ACWA appreciates the interest and sensitivity that has been evidenced by each Board member personally, and by senior staff, in engaging in various focus group and other stakeholder outreach efforts in the preparation of the Concept Paper. We look forward to continuing a constructive dialog on this extremely significant issue in coming weeks and months.

If you have questions or want to follow-up concerning these comments please contact me at (916) 441-4545.

Sincerely,



David Bolland
Senior Regulatory Advocate

Copies:

The Honorable Felicia Marcus, Chair
The Honorable Frances Spivy-Weber, Vice Chair
The Honorable Dorene D'Adamo, Board Member
The Honorable Tam M. Doduc, Board Member
The Honorable Steven Moore, Board Member
Mr. Tom Howard, Executive Director
Ms. Caren Trgovcich, Chief Deputy Director
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