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SAN GABRIEL VALLEY WATER ASSOCIATION

October 10, 2024

MEMBERS

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Public Water Districts:

Foothill MWD
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Rowland WD
San Gabriel CWD
San Gabriel Valley MWD
Three Valleys MWD
Upper San Gabriel Valley MWD
Valley CWD
Walnut Valley WD

Public Utilities:

Azusa Valley Water Co.
California American Water Co.
Golden State Water Co.
San Gabriel Valley Water Co.
Suburban Water Systems

Mutual Water Companies:

Amarillo Mutual Water Co.
California Domestic Water Co.
Covina Irrigating Co.
Hemlock Mutual Water Co.
Sterling Mutual Water Co.
Sunny Slope Water Co.
Valencia Heights Water Co.
Valley View Mutual Water Co.

Private & Industrial Producers:

Los Angeles County
Martin Marietta
Sonoco Products Co.
United Rock Products Corp.
Vulcan Materials Co.
Workman Mill Investment Co.

Consultants/Others:

The B.E.S.T. Meter Co., Inc.
CalMutuals
Civiltec Engineering, Inc.
Integrated Resources Management, Inc.
John Robinson Consulting Inc.
Los Angeles County of Public Works
Main San Gabriel Basin Watermaster
Nano Banc
Ortega Strategies Group
PTL Insurance Brokers, Inc.
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San Gabriel Basin Water Quality Authority
San Gabriel River Water Committee
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Stetson Engineers Inc.
T.E. Roberts Inc.

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Henri F. Pellissier

The Honorable Steve Bennett
State Capitol
PO Box 942849
Sacramento, CA 94249

Dear Assemblymember Bennett:

Thank you for taking the time to meet with the San Gabriel Valley Water Association (SGVWA) on Wednesday, October 2, 2024. We sincerely appreciate the opportunity to discuss our concerns regarding AB 2079, a bill that would have limited the permitting of high-capacity wells in California's groundwater basins.

As the advocacy arm of the Main San Gabriel Basin Watermaster, the SGVWA brings together stakeholders across the San Gabriel Valley in Los Angeles County to ensure a reliable water supply for our community of 31 cities, covering 284 square miles and serving two million people.

During our meeting, we raised several important concerns about specific provisions in the June 3, 2024, version of AB 2079, particularly those related to the permitting process for large-diameter, high-capacity wells. We would like to take this opportunity to summarize and further clarify those concerns.

From the bill text: *“The bill would require a local enforcement agency, before approving a permit for a large diameter, high capacity well, to provide specified information to the applicant. The bill would prescribe certain standards a local enforcement agency would be required to follow in the approval or denial of the permit, including the location of the proposed large-diameter, high capacity well and specified geological and water supply considerations. The bill would provide exemptions for its provisions for specified water wells. The bill would provide that its provisions apply only to applications for permits for the construction, maintenance, abandonment, or destruction of water wells in basins identified in the Department of Water Resources Bulletin 118.”*

- Watermaster’s Rules and Regulations, adopted by the Superior Court June 21, 2012, provides the permitting consideration and approval process for drilling, modifying or destroying wells in the Main San Gabriel Basin (see Section 28, attached). We recommend including an exemption in the bill for adjudicated basins with existing well permitting requirements.

Such an exemption would help clarify and ensure that the bill does not unintentionally conflict with or override the authority granted under court judgment.

Section 2, Article 5, 13807.1 (d) defines a “*local enforcement agency*”, but it does not include Watermaster.

- The definition provided excludes the type of agency Watermaster is by narrowly specifying only *city, county or water agency* – we are none of those. We have, however through our Court Appointed authority, adopted legally binding requirements for construction, modification, and destruction of water wells within the Main Basin.
- We recommend an exemption for adjudicated basins such as the Main San Gabriel Basin to address this oversight. This exemption will clear up any confusion about whether the bill applies to these basins and will ensure that the Watermaster's authority, which is already established through a court-appointed process, is not unintentionally disregarded or conflicted with.

13807.2 (4), noticing requirements

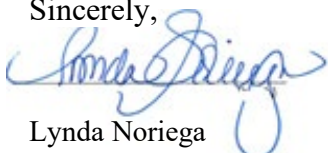
- We recommend that Section 13807.2 (4) be amended to explicitly recognize the existence of adjudicated basins, such as the Main San Gabriel Basin, which are already governed by legally binding court judgments and adopted Rules and Regulations. These existing frameworks, which include specific permitting and noticing requirements, already ensure proper oversight and public transparency for well construction, modification, and destruction.

13807.3 restrictions on well locations

- Watermaster’s Section 28 engineering review address’s location and influence concerns at a local level, relative to geology, water quality and other potential concerns with unregulated impacts. We recommend a differentiation for adjudicated basins and a deferral to the adopted Judgments and Rules and Regulations governing the basin.
- Given the robust local review and the Watermaster’s expertise in managing the Main San Gabriel Basin, we recommend that Section 13807.3 be amended to differentiate adjudicated basins from other areas. Specifically, the bill should defer to the existing court judgments and adopted Rules and Regulations that already govern well locations and permit approvals in these basins. This would ensure that the unique needs and regulatory framework of adjudicated basins are respected while maintaining the integrity of the bill's overall purpose.

Thank you again for spending time with us discussing our concerns. We look forward to continuing to work with both you and your dedicated staff. In the meantime, if I can be of any assistance, please do not hesitate to contact me.

Sincerely,



Lynda Noriega
President, Board of Directors
San Gabriel Valley Water Association

1 amount, in the ~~Deferred Replacement Water Requirement Account~~, such
2 deliveries will be equally subtracted from the Replacement Water
3 requirement of the Responsible Agency(s) ~~from which it was derived in~~
4 (1) and/or (2) above for that year so long as such deliveries shall not
5 cause total deliveries of all Responsible Agencies to exceed the amounts
6 provided for in paragraph (f) (1) and/or paragraph (f) (2) above. At the
7 time that ~~deliveries are made by a Responsible Agency from its Deferred~~
8 Replacement Water Requirement Account, Watermaster shall pay to that
9 Responsible Agency its price prevailing at that time for Replacement
10 Water.

11 (i) Advanced Delivery Account. Whenever the total quantity calculated
12 in (e) (1) above, is less than that delivered to the City of Alhambra through USG-5
13 for the previous year, an accounting of the difference shall be maintained in an
14 "Advanced Delivery Account" and such difference, or as much as possible
15 thereof, shall be subtracted from the Replacement Water Requirement of Upper
16 District in the next year when an obligation to deliver Replacement Water exists
17 for Upper District.

18 28. Ground Water Quality Management. The Watermaster, Upper District,
19 San Gabriel District, and San Gabriel Valley Water Association, through a Joint
20 Resolution dated February-March 1989, affirmed their commitment to participate in a
21 coordinated federal, state and local response to contamination of Ground Water
22 supplies of the Basin for both the purpose of preventing additional contamination and
23 the purpose of cleaning up and limiting the spread of existing contamination. The
24 entities adopting that Joint Resolution designated and accepted Watermaster as the
25 entity to coordinate local involvement in the efforts to ~~preserve and restore~~ the quality of
26 Ground Water within the Basin. Watermaster sought and received additional powers
27 from the Court to regulate extractions of water from the Basin for water quality control
28 purposes, and this Section 28 is to implement the same. These efforts shall be that any

1 New or Increased Extraction to meet water needs from the Basin shall include planned
2 treatment in existing areas of High Level Degradation or Contamination. An important
3 part of exercising these additional powers and coordinating federal, state and local
4 responses to contamination of the Basin's water supplies is the collection and
5 compilation of essential data from Producers and the expeditious distribution of such
6 data to the proper state and federal regulatory agencies involved in water quality
7 matters in the Basin

8 (a) Watermaster Approvals. Each Producer shall, after the effective
9 date of this amendment to these Rules and Regulations (June 28, 1991), apply to
10 Watermaster, on forms provided by Watermaster, for a permit to do any of the
11 following:.

- 12 -- Construct any well;
- 13 -- Deepen any existing well;
- 14 -- Modify the perforations of the casing of any existing well;
- 15 -- Notwithstanding natural fluctuations in Basin water levels, physically
16 increase or decrease the Effective Extraction Capacity of any existing
17 well, including that which may occur due to installation or modification
18 of pipelines, booster pumps or other distribution system components,
19 as of said effective date of these Rules and Regulations;
- 20 -- Abandon any existing well; or
- 21 -- Construct, relocate or abandon Ground Water Treatment Facilities.

22 Such application will be acted upon by Watermaster no later than at its first
23 regular meeting following sixty (60) days after receipt of the complete application.
24 If an emergency exists, Watermaster shall expedite its actions to the maximum
25 extent practicable.

26 (b) Watermaster Directed Change in Water Production.

27 (1) Based on available data, Watermaster's Five-Year Plan,
28 and/or Ground Water modeling, Watermaster will, for water quality protection

1 purposes, direct any Producer to increase, decrease or cease Production from
2 existing wells, initiate new well Production or deliver water to or accept water
3 from another water system or direct a Producer to obtain water from another
4 source in-lieu of Pumping from its own wells, or take other appropriate actions in
5 compliance with an approved Watermaster plan by giving such Producer
6 advanced written notice thereof, specifying a time certain for compliance.

7 (2) The increase in cost to a Producer resulting from a
8 Watermaster directed change in water Production shall not be borne by the
9 Producer, but will be reimbursed to the Producer by Watermaster through In-Lieu
10 Water Assessments levied by Watermaster, unless such funding is made
11 available from other sources such as federal, state or local governmental entities
12 or by those found to be responsible for the contamination in the Basin which
13 caused Watermaster to direct the change in Production by the Producer.

14 (c) Producer Data, Initial Submittal. After June 28, 1991, Producers
15 shall submit, within sixty (60) days of Watermaster's request, initial data in a form
16 acceptable to Watermaster, to update and ensure the accuracy of the existing
17 Basin database. The data shall include:

18 (1) Identification and location of all Active, Inactive or
19 Abandoned Wells;

20 (2) Water quality data concerning organic compounds, nitrates
21 and any other water quality parameters as specified by Watermaster,
22 including all data from other sampling Producers may conduct in addition
23 to governmental requirements;

24 (3) Available construction details of each well owned or operated
25 by Producer, as well as all logs (driller's, electric, etc.);

26 (4) Depths or zones from which water is extracted from each
27 well, if available; and
28

1 (5) A current map of the main water transmission system of
2 Producer's distribution system showing the location and sizes of
3 transmission mains and storage reservoirs, all interconnections with other
4 systems and their sizes and capacities, and any other data pertinent to the
5 transmission (but not distribution to customers) of water through the
6 Producer's system.

7 (d) Quarterly Reports. After the initial submittal of data per
8 subparagraph (c) above, the following data shall be submitted by all Producers to
9 Watermaster quarterly, on or before the last day of January, April, July and
10 October:

11 (1) Chemical water quality data collected during the quarter and
12 provided to any state, federal or local public agency;

13 (2) Data described under Section 28 (c) (3), (4) and (5) hereof
14 which supplement, amend or change the data previously submitted by a
15 Producer; and

16 (3) All data from other sampling which Producers may conduct
17 in addition to governmental requirements.

18 (e) Operating Principles. Any New or Increased Extraction by a
19 Producer in the Basin to meet water supply needs shall have prior Watermaster
20 approval, shall not contribute to contaminant migration, and shall include planned
21 treatment in existing areas of High-level Degradation and Contamination. In
22 giving such approval, Watermaster shall consider the cumulative effects of
23 multiple actions by all Producers in the area of concern by using available
24 information, the Five-Year Plan, and Ground Water modeling. If Watermaster
25 determines that a proposed new well is a Replacement Well and is not a New or
26 Increased Extraction, the requirement for Planned Treatment in existing areas of
27 High-level Degradation and Contamination may be waived.
28

1 (f) Emergency Exemptions. Where a Producer's water supply or water
2 quality problem is so urgent that the viable option for maintaining an adequate
3 short-term supply that meets drinking water standards involves an action in
4 conflict with the operating principles outlined in Section 28 (e) hereof,
5 Watermaster may approve a short-term action contingent upon the Applicant
6 Producer concurrently submitting an acceptable long-term action plan with
7 acceptable deadlines for implementation. In general, the long-term action plan
8 must be approved prior to or concurrently with the short-term action.

9 (g) Water Quality and Supply Plans. To assure that Pumping does not
10 lead to further degradation of water quality in the Basin, a Five-Year Water
11 Quality and Supply Plan must be prepared and updated annually by
12 Watermaster, projecting water supply requirements and water quality conditions
13 for each period of five (5) calendar years beginning November 1, 1991, and each
14 November 1 thereafter. This Plan will also include a water quality monitoring
15 element to obtain supplemental information as needed to assist in projecting
16 contamination levels. Watermaster will supply the Producers with projections of
17 contaminant migration by June 1 of each year for the preparation of these Water
18 Quality and Supply Plans.

19 Each purveyor of potable water produced from the Basin shall
20 submit the following information to Watermaster by July 31 of each year:

21 (1) Projected quarterly water supply requirements for each of the
22 following five calendar years and the proposed pumping rates, in gallons
23 per minute, for each well;

24 (2) Identification of each Production well known to contain
25 contaminants and the contaminant levels;

26 (3) Proposed methods for meeting the water supply
27 requirements of the system if contaminant levels are, or are projected by
28 Watermaster to become, greater than drinking water standards; and

1 (4) Any intended treatment facility.

2 Watermaster shall analyze the information submitted by Producers and
3 develop an overall draft Basin Water Quality and Supply Plan. A draft Plan will
4 be submitted by Watermaster to the Los Angeles Regional Water Quality Control
5 Board, and for public review and comment per Section 28 (i) hereof, by
6 November 1. Appropriate modifications resulting from comments received will be
7 reflected in the final draft, and a staff report providing an explanation of decisions
8 will be made available.

9 (h) Ground Water Treatment Facilities.

10 (1) Producers in the Basin shall notify Watermaster in advance
11 at the initial stages of planning of their intent to construct any Facility to
12 remove volatile organic compounds (VOCs), nitrates, or other
13 contaminants from water Produced from the Basin. Such notice shall
14 include the following information:

- 15 - the intended location and a description of the Treatment Facility;
- 16 - the water production capacity;
- 17 - the rate of contaminant removal capacity;
- 18 - the expected concentration of all identified contaminants in the
19 water to be treated;
- 20 - the expected concentration of all identified contaminants in the
21 water after treatment;
- 22 - the intended disposition of all water to be treated;
- 23 - the expected initiation date and period of time over which the
24 Treatment Facility will operate; and
- 25 - the expected capital and operating costs of the Treatment
26 Facility.

27 (2) In addition, the Producer shall describe all necessary permits
28 and/or all permits for which it has applied or has received from all

1 regulatory agencies with regard to such Treatment Facility and shall
2 supply to Watermaster copies of all environmental documents required
3 under the California Environmental Quality Act and/or the National
4 Environmental Protection Act. No construction of such Treatment
5 Facilities shall be initiated without the prior written approval of
6 Watermaster. Watermaster shall promptly examine each submittal for
7 compatibility with available information, the Five-Year Plan and the
8 operating principles, and notify the Applicant of its findings and decision
9 regarding such proposed Treatment Facility no later than at its first regular
10 meeting following sixty (60) days after receipt of a complete submittal by
11 the Producer. Watermaster will also report its determination to the Los
12 Angeles Regional Water Quality Control Board.

13 (3) All operators of Treatment Facilities shall report quarterly to
14 Watermaster at least the following information:

- 15 - name or other designation of the Treatment Facility;
- 16 - quantity of water treated during quarter;
- 17 - quantity of each contaminant removed;
- 18 - quality of water before treatment, at beginning and end of each
19 quarter;
- 20 - quality of water after treatment, at beginning and end of each
21 quarter; and
- 22 - operation and maintenance costs for each quarter.

23 (i) Decision Making Process. Hearings and Appeals.

24 (1) All Watermaster determinations relating to the control of
25 Pumping for water quality purposes shall be based upon a staff
26 recommendation and information and recommendations received from or
27 furnished by affected Producers. Staff's recommendation shall result from
28 staff's analysis of information presented by interested parties, all available

1 water quality data, Watermaster's Five-Year Plan, Ground Water modeling
2 and other water quality trend analysis reports, and will be based on the
3 operating principles set forth in these rules. Staff shall provide supporting
4 data to document each recommendation that it makes to Watermaster.
5 After consideration of the staff recommendation and public comment
6 provided at the Watermaster meeting, Watermaster shall make a final
7 decision.

8 (2) Public hearings on Watermaster's draft annual Five-Year
9 Water Quality and Supply Plan will be held following a thirty (30) day
10 public review and comment period. A notice of the availability of such draft
11 will be sent to all parties to the Judgment as well as to all other interested
12 parties following the regular Watermaster meeting in November of each
13 year, along with a notice of the date, time and place of the public hearing,
14 to be scheduled not less than thirty (30) days after the mailing date of the
15 notice of availability of the draft Plan. A notice of public hearing will also
16 be published in the San Gabriel Valley's key local newspaper(s) at the
17 beginning of the public review period. Consideration of comments received
18 is described in Section 28 (g) hereof.

19 (3) Appeal of a Watermaster decision may be made to the
20 Watermaster who shall notice and consider the same at a public hearing.
21 Actions by the Watermaster are subject to review by the Court. Any party
22 may, by a regularly noticed motion, petition the Court for review of
23 Watermaster's action or decision. Notice of such motion shall be served
24 and filed within ninety (90) days after such Watermaster action or decision.

25 29. Watermaster-directed Groundwater Management Programs. Upon written
26 request by any party, or on recommendation of Watermaster staff, Watermaster may
27 initiate an investigation of existing or proposed pumping activities, groundwater levels,
28 recharge potential and other factors that influence groundwater supply in any specific