



March 21, 2021

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Committee on Water, Parks, and Wildlife
1020 N Street, Room 160
Sacramento, CA 95814

Re: SUPPORT-- AB 2201 (Bennett) Community Drinking Water Protection Act (As Amended on March 17, 2022)

Dear Assemblymember Rebecca Bauer-Kahan:

Our organizations work alongside and represent communities with the most dire drinking water needs in the state, stemming in part from chronic and unregulated overpumping of groundwater. We write to express our strong support for AB 2201 (Bennett, 2022), the Community Drinking Water Protection Act. AB 2201 will help prevent permanent damage to the State's groundwater basins and protect the primary drinking water source for many Californians in disadvantaged communities.

Like the previous drought of 2011-2017, many California groundwater basins are seeing the rapid drawdown

of groundwater levels due to unchecked permitting of new groundwater extraction sites, leading to subsidence, wells running dry, and other undesirable results. However, since the last drought, California has enacted and begun implementing the Sustainable Groundwater Management Act (SGMA). This framework outlines the state's commitment to reach sustainable use of groundwater by 2040 for critically overdrafted basins by avoiding and mitigating six undesirable results: chronic lowering of groundwater levels, reduction of groundwater storage, seawater intrusion, land subsidence, water quality degradation, and depletions of interconnected surface water. With ever-increasing drought and climate change impacts, we must ensure that SGMA, implemented at the local level through Groundwater Sustainability Agencies (GSAs), is adequately enforced, staffed, and overseen.

Various stakeholders through the formation and evaluation of local GSA sustainability plans have clearly identified a gap that GSAs do not have express authority to regulate new well permits even though new wells directly impact their ability to reach sustainability goals within their basin. Currently, the responsibility and authority to issue well permits lies solely at the county level. However, counties are not tasked with reaching groundwater sustainability and typically issue permits without consideration to prevent undesirable impacts or permanent damage to aquifers, communities, and infrastructure.

AB 2201 is an important step to further the legislative intent of SGMA, which already grants GSAs the authority to "regulate extraction" of groundwater, by providing clear mechanisms for registering new wells within a GSAs jurisdiction and regulating their extraction of water in line with locally-developed Groundwater Sustainability Plans (GSPs). SGMA already requires GSAs to consider "*all beneficial uses and users of groundwater*," specifically including domestic well users and disadvantaged communities. AB 2201 will help equip local GSAs with the necessary authority to fully reach sustainability in all critically overdrafted by establishing the following:

- Require GSAs to establish a permitting process for new groundwater extraction facilities or replacement wells with increased capacity by June 2023 so that they comply with locally-developed GSP, which includes notification requirements, a 30-day public comment period, and annual reporting to DWR for oversight
- Prohibits the extraction of groundwater in critically overdrafted basins without a valid GSA permit
- Authorizes GSAs to enact a fee structure to cover costs associated with implementation
- Require DWR, subject to funding, to provide technical assistance to local GSAs for implementation
- Requires DWR to review the GSA groundwater extraction facility permitting process to ensure it is successfully meeting the goals of SGMA within the annual and 5-year review milestones
- Provides exemptions to the well-permitting process, such as domestic wells, community wells, wells for renewable energy facilities, and wells that provide water for the environment
- Prohibits the issuance of a groundwater extraction permit in groundwater basins declared probationary by the SWB, unless the SWB determines it is consistent with SGMA
- Does not affect or limit a county's authority to issue a well permit, this is a complimentary permit, similar to how other various environmental permits are issued
- Allows GSAs not in critically overdrafted basins to voluntarily adopt similar water extraction permits

We cannot continue an unregulated race to the bottom of our precious groundwater resources. The result of this path would be to leave entire communities throughout the state without a reliable source of clean, safe, and affordable drinking water. Residents on private wells are the most impacted as once their well runs dry or the water becomes contaminated, they are forced to rely on bottled and tanked water to drink, prepare food, and sanitary purposes. Drinking water inequities are also exacerbated when residents from disadvantaged communities cannot afford to drill a new well or treat the contaminated water for their customers when a new agricultural pump threatens their primary water supply. AB 2201 will address these inequities and empower GSAs to ensure that they can enforce their GSPs and fulfill the goals of SGMA. For these reasons, we urge your AYE vote for AB 2201.

Sincerely,

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Clean Water Action

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Leadership Counsel for Justice and Accountability

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