Date of Hearing: June 30, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 552 (Hertzberg) – As Amended June 21, 2021

SENATE VOTE: 40-0

SUBJECT: Drought planning: small water suppliers: nontransient noncommunity water systems.

SUMMARY: Imposes drought and water shortage contingency planning requirement on state small water systems, counties, and specified state agencies. Specifically, **this bill**:

1) Defines the following terms:

   a) "Community water system" as a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

   b) "Department" as the Department of Water Resources (DWR).

   c) "County Drought Advisory Group" as the group created by DWR to implement Chapter 10 (commencing with Section 10609.40) of Part 2.55 of the Water Code, which governs countywide drought and water shortage contingency plans.

   d) "Domestic well" as a groundwater well used to supply water for the domestic needs of an individual residence or a water system that is not a public water system and that has no more than four service connections.

   e) "Fund expenditure plan" as the fund expenditure plan established by SB 200 (Monning), Chapter 120, Statutes of 2019.

   f) "Nontransient noncommunity water system" as a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

   g) "Public water system" as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

      i) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.

      ii) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

iii) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

h) "Risk vulnerability tool" as the tool created by the department to implement Chapter 10 (commencing with Section 10609.40) of Part 2.55 of the Water Code, which governs countywide drought and water shortage contingency plans.

i) "Rural community" means a community with fewer than 15 service connections, or regularly serving less than 25 individuals daily at least 60 days out of the year.

j) "Small water supplier" means a community water system serving 15 to 2,999 service connections, inclusive, and that provides less than 3,000 acre-feet of water annually.

k) "State board" means the State Water Resources Control Board (state board).

l) "State small water system" as a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

2) Specifies that no later than December 31, 2022, and updated every five years thereafter, a small water supplier and a nontransient noncommunity water system that is a school shall each develop and maintain, onsite, an abridged Water Shortage Contingency Plan (WSCP) that includes, at a minimum, all of the following drought-planning elements:

a) Drought-planning contacts, including the following:

i) At least one contact at the water system for water shortage planning and response and the development of the plan.

ii) Contacts for local public safety partners and potential vendors that can provide repairs or alternative water sources, including but not limited to, local community-based organizations that work with the population in and around areas served by the water system, contractors for drilling wells, vended water suppliers, and emergency shower vendors.

iii) State and local agency contacts who should be informed when a drought or water shortage emergency is emerging or has occurred.

iv) Regional water planning groups or mutual aid networks, to the extent they exist.

b) Triggering mechanism and level for action, including both of the following:

i) Standard water shortage levels corresponding to progressive ranges based on the water supply conditions. Water shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, a fire, and other potential emergency events.

ii) Water shortage mitigation, response, customer communications, enforcement, and relief actions that align with the water shortage levels as specified.

3) Provides that a small water supplier and a nontransient noncommunity water system that is a school shall each make the abridged WSCP available on their individual internet websites, if any. A small water supplier or a nontransient noncommunity water system that is a school that does not have an internet website shall make the abridged WSCP available to persons upon request. The abridged WSCP shall be provided to the state board's Division of Drinking Water for inspection upon demand.

4) Specifies that no later than June 30, 2022, DWR and the state board shall create an abridged WSCP template for small water suppliers and nontransient noncommunity water systems that are schools to facilitate implementation.

5) Requires a small water supplier and a nontransient noncommunity water system that is a school to each report annually specified water supply condition information to the state board through the state board's Electronic Annual Reporting (eAR) System or other reporting tool, as directed by the state board.

6) Provides that a small water supplier and a nontransient noncommunity water system that is a school shall each include in their annual consumer confidence report information regarding the water system's risk to drought and water shortage.

7) Requires the state board to do all of the following:

   a) No later than December 31, 2022, in partnership with DWR and specified stakeholders conduct an assessment of drought and emergency water shortage resiliency measures for small water suppliers and nontransient noncommunity water systems that are schools. The state board shall engage with stakeholders during the development of the assessment, and shall adopt the final assessment in a public hearing of the board. The assessment shall assess availability for, at a minimum, one or more specified resiliency measures.

   b) Where availability of any of the resiliency measures required to be assessed is lacking, the state board, in partnership with DWR and specified stakeholders, shall make recommendations and identify proposed solutions to address the lack of availability of resiliency measures.

   c) In collaboration with small water suppliers and nontransient noncommunity water systems that are schools, gather information relevant to the assessment, request information, and compel reporting to implement this bill.

   d) Consider, and address in the state board's fund expenditure plan, the drought planning and preparedness of small water suppliers and nontransient noncommunity water systems that are schools as part of the state board's implementation of its Safe and Affordable Funding Equity and Resilience (SAFER) Program to inform drinking water projects and programs.

e) Establish minimum resiliency measures for infrastructure improvements for small water suppliers and nontransient noncommunity water systems that are schools.

f) Identify funding needs for implementation of resiliency projects and incorporate those needs into the state board's fund expenditure plan and intended use plan analysis, and develop a prioritization process for existing, new, and expanded funding sources.

8) Allows the state board to contract with third-party experts and technical assistance providers to implement this bill.

9) Authorizes the state board to provide funding to small water suppliers and nontransient noncommunity water systems that are schools to install additional basic infrastructure to improve drought and water shortage response.

10) Requires a county to establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, and invite representatives from state and other local governments, including groundwater sustainability agencies, and community-based organizations, and local residents, to participate in the task force.

11) Specifies that in lieu of the task force, a county may establish an alternative process that facilitates drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction. The alternative process shall provide opportunities for coordinating and communicating with the state and other local governments, community-based organizations, local water suppliers, and local residents on a regular basis and during drought or water shortage emergencies.

12) Provides that a county that establishes a drought task force on or before January 1, 2022, shall be deemed in compliance with this bill as long as the task force continues to exist.

13) Requires a county to develop a plan that includes potential drought and water shortage risk and proposed interim and long-term solutions. The plan may be a stand-alone document or may be included as an element in an existing county plan, such as a local hazard mitigation plan (LHMP), emergency operations plan, climate action plan, or a general plan. A county shall consult with its drought task force or alternative coordinating process in developing its plan. A county shall consider, at a minimum, all of the following in its plan:

a) Consolidations for existing water systems and domestic wells.

b) Domestic well drinking water mitigation programs.

c) Provision of emergency and interim drinking water solutions.

d) An analysis of the steps necessary to implement the plan.

e) An analysis of local, state, and federal funding sources available to implement the plan.

14) Provides that the state board shall work with counties, technical assistance providers, nonprofit organizations, community-based organizations, and the public to address state

small water system and domestic well community drought resiliency needs, including both of the following:

a) Proactive communication to domestic well communities before a drought occurs, such as information on local bottled water and water tank providers.

b) Funding for installation of basic drought resiliency infrastructure, such as well monitoring devices.

15) Requires a county to update its well permit application to include a checkbox or another input method to determine if the reason for the well permit application is due to a dry well, or due to a well that is actively failing or at risk of failing due to drought and water shortage. If the purpose of the new well is to replace a dry well, or a well that is failing or at risk of failing due to drought and water shortage, a county shall include on the application form a request for available information about the well, including, but not limited to, well identification number, location, and screening level. This information may include coordinates of the well or well completion report data.

16) Specifies that a county shall report at least annually a summary of information on well permits, including the number and locations of both dry wells and wells that are actively failing or at risk of failing due to drought and water shortage, that occurred over the past year to DWR via the Household Water Supply Shortage Reporting System, and to any groundwater sustainability agencies within the county. This information shall also be made publicly available on the county's internet website. During a drought emergency, a county shall report well permit information described in this section on a quarterly basis.

17) Provides that for the purpose of this bill, a well that is actively failing or at risk of failing includes, but is not limited to, a well experiencing increased pumping lift, pump cavitation, well screen clogging, or wells running dry.

18) Requires DWR to take all of the following actions to support implementation of the recommendations of its County Drought Advisory Group:

a) Maintain, in partnership with the state board and other relevant state agencies, the risk vulnerability tool developed as part of the County Drought Advisory Group process and continue to refine existing data and gather new data for the tool, including, but not limited to, data on all of the following:

i) Small water suppliers and nontransient noncommunity water systems serving a school.

ii) State small water systems and rural communities.

iii) Domestic wells and other self-supplied residents.

b) No later than October 15 of each calendar year, and annually thereafter, update the risk vulnerability tool for small water suppliers and rural communities, by doing all of the following:

i) Regularly revise the indicators and construction of the scoring as more data becomes available.

ii) Make existing and new data publicly available in a centralized location similar to the Human Right to Water Portal on the state board's internet website.

iii) In consultation with other relevant state agencies, identify deficits in data quality and availability and develop recommendations to address these gaps.

c) Provide a process for a small water supplier, nontransient noncommunity water system serving a school, or state small water system to contest data or findings of the risk vulnerability tool, no later than 45 days prior to the publication of the updated tool. DWR shall consider for inclusion any new information provided by the small water supplier, nontransient noncommunity water system serving a school, or state small water system.

19) Specifies that DWR, in collaboration with the state board and relevant state agencies, shall establish a standing interagency drought and water shortage task force to facilitate proactive state planning and coordination, both for predrought planning and postdrought emergency response.

20) Requires the interagency drought and water task force to be a continuation of, or modeled off of, the existing County Drought Advisory Group and to include representatives from local governments, community-based organizations, nonprofit technical assistance providers, and the public.

21) Provides that during a drought emergency, DWR shall update its Household Water Supply Shortage Reporting System and internet website.

22) Specifies that DWR shall, at a minimum, do all of the following regarding its Household Water Supply Shortage Reporting System and internet website:

a) Alert a county when a dry well voluntary report is filed in the Household Water Supply Shortage Reporting System for a well located in that county.

b) Provide an update from the Household Water Supply Shortage Reporting System to the interagency drought and water shortage task force on at least a quarterly basis.

23) Contains a number of findings and declarations regarding its purposes.

24) Provides that if the Commission on State Mandates determines that this act contains costs mandated by the state reimbursement to local agencies and school districts for these costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

EXISTING LAW:

1) Declares that small water suppliers and rural communities are often not covered by established water shortage requirements, and that the state should provide guidance to

improve drought planning for small water suppliers and rural communities.

2) Directs DWR to propose to the Governor and the Legislature recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities.

3) Defines the following terms:

   a) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

   b) "Nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

   c) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

   d) "State small water system" means a system for the provision of piped water to the public for human consumption that serves 5-14 service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

FISCAL EFFECT: According to the Senate Appropriations Committee:

1) Unknown but significant ongoing costs, potentially over $1 million annually (Safe Drinking Water Account), for the state board to assess drought resiliency measures for all small water suppliers and for schools that are water systems, and review Emergency Response Plans, among other things.
2) DWR estimates ongoing costs of about $300,000 annually (General Fund or special fund) to support additional workload, and one-time costs between $300,000 and $400,000 for contracts to participate in task force, develop and maintain the risk vulnerability tool, and develop and revise scoring for the tool.
3) To the extent that the Commission on State Mandates determines that this bill imposes a reimbursable mandate, unknown costs (General Fund) for reimbursement made pursuant to existing statutory provisions.

COMMENTS:

1) **Planning and Permitting.** Every county and city must adopt a general plan with seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. Most of cities' and counties' major land use decisions—subdivisions, zoning, public works projects, use permits—must be consistent with their general plans. Development decisions must carry out and not obstruct a general plan's policies.

The Planning and Zoning Law says that the safety element's purpose is to protect the community from unreasonable risks from geologic hazards, flooding, and wildland and urban fires. Many local governments have also adopted a LHMP to identify all of the natural hazards that threaten a community and strategies to mitigate those hazards. The Federal Emergency Management Agency (FEMA) reviews and approves every LHMP, and the LHMP expires five years after it's approved, unless amended and recertified. Local governments with a compliant LHMP are eligible for proactive hazard mitigation grants from the federal government, as well as additional post-disaster assistance.

2) **Drought in California.** Severe droughts occur periodically in California. The most recent declared drought emergency occurred from 2014-2017, although severely dry conditions existed in 2012 and 2013. Small or disadvantaged unincorporated communities (DUCs) often face acute challenges during droughts. According to the Public Policy Institute of California:

   "Across California, small rural communities—many of them communities of color—are ill-prepared to manage drought, often due to financial constraints. Communities that rely on shallow wells are especially vulnerable to dry conditions and regional groundwater over-pumping. During the 2012–16 drought, at least 2,600 well-dependent households experienced water shortages, and roughly 150 small water systems needed emergency assistance. Steps are underway to improve drought planning for small communities, to better anticipate problems."

   In recent years, the Legislature has taken several steps to try to address some of the service problems experienced by DUCs. SB 244 (Wolk), Chapter 513, Statutes of 2011, aimed to prevent cities from carving out DUCs by generally prohibiting annexations of small areas to a city if a DUC is contiguous with that area. SB 244 also required LAFCOs to include in the municipal service review a description of the location and characteristics of any DUCs within or contiguous to the sphere of influence and to consider the water, sewer, or fire protection needs of DUCs within the sphere when considering updates. Finally, SB 244 required cities and counties to review the water and fire service needs of DUCs in their general plans. SB 244 made it easier for LAFCOs to identify boundary changes and governmental reorganizations necessary to fix water and sewer service problems faced by disadvantaged communities.

3) **Water Shortage and Drought Planning.** In 2018, the Legislature passed AB 1668 (Friedman), Chapter 15, Statutes of 2018, and SB 606 (Hertzberg), Chapter 14, Statutes of 2018. These bills were a response to the 2012-16 drought and built on the "making conservation a way of life" executive order (B-37-16) issued by Governor Brown in May 2016. Among other provisions, AB 1668 tasked DWR with identifying small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and to report back to the Governor and Legislature by January 1, 2020, with recommendations to address the drought planning needs of small water suppliers and rural communities. DWR convened the County Drought Advisory Group in November 2018 to implement this and other requirements of AB 1668 and SB 606. The County Drought Advisory Group issued a final report on small community water suppliers and rural communities in March 2021, the "Small Water Systems and Rural Communities Drought and Water Shortage Contingency Planning and Risk Assessment."

The risk assessment examined 2,419 small water suppliers for their vulnerability to drought and water shortages, and found that 47 of the state's 58 counties had at least one supplier in the top 10% of at-risk suppliers. The final report also made recommendations pertaining to small water suppliers, self-supplied communities, and tribes, as well as other general recommendations. These recommendations include, among others:

a) Require small systems to develop emergency response plans and abridged water shortage contingency plans.

b) Provide technical assistance and infrastructure support to small water systems.

c) Incorporate drought resilience and water shortage contingency policies into local plans.

d) Encourage tribes to develop drought and water shortage contingency plans.

e) Conduct statewide drought and water shortage risk assessments periodically.

The report also includes a recommendation that "counties can strengthen drought resilience by completing a countywide drought and water shortage contingency plan for self-supplied communities, including self-supplied households and water systems with fewer than 15 service connections, specifying drought as a risk in their LHMP, and having Emergency Operations Plans covering the entire county that include planned response to drought and water shortage conditions."

The report also included the following recommendations:

a) The county or state should provide technical assistance to self-supplied households to improve the reliability of their water supply.

b) Incorporate drought resilience and water shortage contingency policies or implementation programs into the safety element, conservation element, or other appropriate elements of General Plans.

c) Counties and regional planning agencies should use the proposed periodic statewide drought and water shortage risk assessment prepared by the state, unless better local data and assessments are available, to prioritize needs for drought and water shortage contingency planning.

d) The state should continue improving its understanding of domestic well locations and associated well depths.

e) Drought and water shortage contingency planning and responses should be incorporated into implementation of the Safe and Affordable Drinking Water Fund.

f) Establish a standing interagency drought and water shortage task force to facilitate proactive state planning and coordination, both for pre-drought planning and post-drought emergency response. The task force would be composed of DWR, the state board, the California Public Utilities Commission, the California Office of Emergency Services, and the Governor's Office of Planning and Research.

4) **Electronic Annual Reporting System.** The state board's Division of Drinking Water uses the eAR system to receive information to produce the annual Electronic Annual Report, a survey of public water systems mandated by law that uses water system information to assess compliance with regulatory requirements such as source water capacity, updated contact information, and information to assess the financial capacity of systems.

5) **Household Water Supply Shortage Reporting System.** Established in 2014, this online tool managed by DWR allows local, state, and federal agencies and non-governmental organizations to voluntarily report household water shortage information to the state. The information is used to provide a better understanding of conditions across the state and to help locals obtain drought assistance. DWR caveats that information is received from a variety of sources and may contain errors or omissions and that "missing information or no data for a county does not necessarily mean that there are no household water shortages in the county..." See: www.mydrywatersupply.water.ca.gov/report/publicpage.

6) **SAFER Program.** In 2019, to advance the goals of the Human Right to Water, the Legislature enacted SB 200 (Monning), Chapter 120, Statutes of 2019, which directed the state board to establish the SAFER Program and created the Safe and Affordable Drinking Water Fund. The Fund provides up to $130 million per year through 2030 to enable the state board to develop and implement sustainable solutions for underperforming drinking water systems. The annual Fund Expenditure Plan prioritizes projects for funding, documents past and planned expenditures, and must be based on data and analysis drawn from an annual drinking water needs assessment.

7) **Bill Summary.** This bill requires small water suppliers and nontransient noncommunity water systems that are schools, not later than December 31, 2022, to develop and maintain an abridged WSCPs that includes drought-planning elements. This bill requires these systems to report annually certain information to the state board through the eAR system. The bill would require the state board, in partnership with DWR and specified stakeholders and no later than December 31, 2022, to conduct an assessment of drought and emergency water shortage resiliency measures for small water suppliers and nontransient noncommunity water systems that are schools.

   Additionally, this bill requires a county to establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, unless as otherwise specified. The bill requires a county to develop a plan that includes potential drought and water shortage risk and proposed interim and long-term solutions, and requires a county to update its well permit application to include a checkbox or another input method to determine if the reason for the well permit application is due to a dry well, and report a summary of specified information on well permits.

   Lastly, this bill requires DWR to form a standing interagency drought and water shortage task force to facilitate proactive planning and coordinating, both for predrought planning and postdrought emergency response. This bill requires DWR, during a drought emergency, to update its Household Water Supply Shortage Reporting System and internet website at least once a month, and impose other duties on DWR.

   This bill is sponsored by the author.

8) **Author's Statement.** According to the author, "California's water challenges are mounting as climate change causes more intense and prolonged droughts. Rural communities are most susceptible to losing running water because they typically rely on groundwater from small community or domestic wells, which tend to run dry during these periods. Access to water is a fundamental human right and every Californian should be able turn on their tap and expect clean water to flow - it is unacceptable this was not the case for thousands of Californians during the last drought.

   "There are currently varying levels of water contingency planning and coverage across counties for small water suppliers and self-supplied communities. SB 552 improves drought preparedness for small and rural communities by making various changes to local drought and water shortage contingency plans and by enhancing coordination to ensure we can keep faucets running for all Californians."

9) **Policy Consideration.** Counties are often tasked with the jobs that other local governments can't or won't do. Counties also possess broad police powers that allow them to protect public health, safety, and welfare that special districts, such as water districts, do not. In case of local emergencies, counties often lead local emergency response efforts. For these reasons, counties may be the best entity to execute drought planning responsibilities for very small systems and domestic wells.

   However, counties argue that recent amendments to this bill "require counties to collect and report extensive amounts of information on wells beyond the scope of the original DWR report. Not all well constructions and modifications are permitted by counties or their agencies, as state law designates the responsibility to a relevant local authority, which can include cities or water agencies. Additionally, when counties or their agencies serve as the local well permitting entity, it is often county public health or environmental quality departments that oversee well permitting. These departments are not water science agencies, and they do not tend to have expert hydrogeologists on staff. Typically, the information sought from county permitting authorities pertains to the aspects of the well construction or modification that are known to well drillers and experienced well owners.

   "These amendments impose new duties on counties that are not easily performed, nor easily accomplished without substantial additional resources. While our member counties can go through the process of amending their well permitting applications to try and meet the intent of these amendments, the process will likely involve time and cost, and may be met by local concern and opposition. Further, amendments are not clear about what would constitute sufficient basis to consider a new well permit application being made due to a well being dry, versus other reasons for seeking a well permit." The Committee may wish to consider if additional clarifying amendments are needed to alleviate some of the concerns presented by the counties.

10) **Committee Amendments.** In response to the concerns raised by the counties, the Committee may wish to amend the bill in the following ways:

    a) **WC 10609.75 (a)** A county shall update its well permit application to include a checkbox or another input method to ~~**determine if the reason**~~ **allow a well owner to self-declare that the purpose** for the well permit application is due to a dry well, or due to a well that is actively failing or at risk of failing due to drought and water shortage. If the purpose of

the new well is to replace a dry well, or a well that is failing or at risk of failing due to drought and water shortage, a county shall include on the application form a request for available information about the well, including, but not limited to, well identification number, location, and screening level. ~~**This information may include coordinates of the well or well completion report data.**~~

b) **WC 10609.75 (c)** For the purpose of this section, a well that is actively failing or at risk of failing includes, but is not limited to, a well experiencing increased pumping lift, pump cavitation, well screen clogging, or wells running dry. **A well that is actively failing or at risk of failing does not include conditions related to atmospheric or hydrologic drought.**

c) **WC 10609.75 (d) A county is not required to verify the cause of a self-reported dry well and is not liable for any self-declarations made regarding a dry well.**

d) Make other technical and clarifying changes.

11) **Arguments in Support.** According to the California Municipal Utilities Association, "California, and the world, have entered a new era. Climate change affects every facet of our lives: the air we breathe, the energy we use and the water we drink. We all must take bold and swift actions to protect our planet and the natural resources in California that sustain life, including our precious water supply. Climate change is exacerbating our existing weather extremes, resulting in more frequent and severe droughts. Our state must be prepared.

"Currently, larger water systems have robust water shortage contingency plans that help prepare those agencies for the various stages of a drought or a prolonged shortage caused by some other event such as an earthquake. However, small systems under 3,000 connections and rural communities lack a formal planning process to help ensure these areas have the tools they need when the next drought hits. Without planning in place for small systems and rural communities, hundreds of thousands of people are at risk of going without water to meet their basic household and drinking water needs in the next drought. This directly threatens California's ability to secure the Human Right to Water for all.

"We can do better as a state to prevent what happened during the last drought from happening again. SB 552 represents a historic effort to help prevent catastrophic impacts on drinking water for areas most vulnerable to the impacts of climate change."

12) **Arguments in Opposition.** The California State Association of Counties and the Rural County Representatives of California write, "While we appreciate the intent of this newly proposed section, our organizations must oppose these amendments. As was explained to us at this bill's introduction by author's office, this bill was intended to implement a series of recommendations included in the Small Water Suppliers and Rural Communities at Risk of Drought and Water Shortage Vulnerability and Recommendations and Guidance to Address the Planning Needs of these Communities report, produced by DWR pursuant to Assembly Bill 1668 (Friedman, 2018). The report is the result of a year-long multiparty stakeholder process that included several representatives from California counties, and is meant to reflect solutions that were mutually discussed among stakeholders…

"Reasons for new well applications include diminishing output, a want for increased supply, and because shifting hydrological conditions at a site requires a new well. Sometimes these reasons are related to large hydrological dynamics like climate and drought, but, as groundwater users know well, the actual reasons for modifying existing wells or constructing new wells can be quite complex, and not always attributed to one reductive explanation. Drought is itself transient, and can exacerbate conditions, but may not be the exclusive, primary, or even attributable cause of diminishing groundwater supply. Drought is also defined differently and declared at different times by federal, state, and local authorities for differing purposes.

"Even if counties have the expert staff readily on hand to attempt to make conclusions about the status of wells, the mandate directed by these amendments place counties in a politically fraught situation. Again, drought is transitory, and local hydrology varies greatly year by year. Reasons for new well permits are likely to not be easily slotted within the amendment's proposed definition for wells that are 'actively failing or at risk of failing due to drought and water shortage.' Counties, therefore, are placed in an incredibly difficult position of making public statements about well conditions. And if this new reporting requirement gets combined with other state policy objectives, counties do not have the expertise or staff capacity to engage in policing of local groundwater use, as we fear these amendments may portend."

13) **Double-Referral.** This bill is double-referred to the Water, Parks, and Wildlife Committee, where it passed on an 11-3 vote on June 17, 2021.

REGISTERED SUPPORT / OPPOSITION:

Support

350 South Bay Los Angeles
American Society of Civil Engineers-Region 9
Alliance of Nurses for Healthy Environments
California League of Conservation Voters
California Municipal Utilities Association
Carbon Cycle Institute
Clean Water Action
Community Water Center
Leadership Counsel for Justice and Accountability
Local Government Commission
Mi Familia Vita
Mono Lake Committee
Natural Resources Defense Council
NextGen California
North County Watch
Planning and Conservation League
Policy Link
Pueblo Unido CDC
Union of Concerned Scientists

Support if Amended
Association of California Water Agencies

Opposition

California State Association of Counties
Rural County Representatives of California

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