


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

AB-2201 Groundwater sustainability agency: groundwater extraction permit: verification. (2021-2022)

SHARE THIS:



Date Published: 06/22/2022 09:00 PM

AMENDED IN SENATE JUNE 22, 2022

AMENDED IN SENATE JUNE 16, 2022

AMENDED IN ASSEMBLY APRIL 27, 2022

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 2201

Introduced by Assembly Member Bennett
(Coauthors: Assembly Members Bauer-Kahan, Kalra, and Robert Rivas)
(Coauthors: Senators Allen and Stern)

February 15, 2022

An act to add Article 5 (commencing with Section 13807) to Chapter 10 of Division 7 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 2201, as amended, Bennett. Groundwater sustainability agency: groundwater extraction permit: verification.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Existing law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided. Existing law also authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin under certain conditions for specified purposes.

Existing law requires the State Water Resources Control Board to adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing certain standards for water well construction, maintenance, and abandonment and requires each county, city, or water agency, where appropriate, not later than January 15, 1990, to adopt a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds certain standards. Under existing law, if a county, city, or water agency, where appropriate, fails to adopt an ordinance establishing water well, cathodic protection well, and monitoring well drilling and abandonment standards, the model ordinance adopted by the state board is required to take effect on February 15, 1990, and is required to be enforced by the county or city and have the same force and effect as if adopted as a county or city ordinance.

This bill would prohibit a county, city, or any other water well permitting agency from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority unless specified conditions are met, including that it obtains a written verification, from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located, determining that, among other things, the extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency or an alternate plan approved or under review by the Department of Water Resources.

The bill would also ~~require~~ *require, as condition of approving a permit for a new groundwater well or for an alteration to an existing well in an above-described basin*, a county, city, or any other water well permitting agency to, *among other things*, post the well permit application on its internet website for at least 30 days before approving a permit for a new groundwater well or for an alteration to an existing well. By imposing additional requirements on county, city, or any other water well permitting agency, the bill would impose a state-mandated local program.

This bill would provide various exemptions from the above-described provisions, including exempting a permit for any well that provides less than 2 acre-feet of water annually for domestic use or any well used by a public water supply system or state small water system.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 5 (commencing with Section 13807) is added to Chapter 10 of Division 7 of the Water Code, to read:

Article 5. Water Wells

13807. (a) In addition to meeting the other requirements of this chapter, a county, city, or any other water well permitting agency shall not approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6) and classified as medium or high priority unless all of the following conditions are met:

(1) The county, city, or any other water well permitting agency obtains written verification from a groundwater sustainability agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well meets both of the following conditions:

(A) The proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency or an alternate plan approved or under review by the department.

(B) The proposed well would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan.

(2) The permit applicant has provided the permitting agency a written report prepared by a licensed professional that concludes the extraction by the proposed well is not likely to interfere with the production and functioning of one or more existing nearby wells and is not likely to cause subsidence that would adversely impact or damage nearby infrastructure. As used in this paragraph, "licensed professional" means a professional engineer licensed pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or a professional geologist licensed pursuant to Chapter 12.5 (commencing with Section 7800) of Division 3 of the Business and Professions Code.

(3) The county, city, or any other water well permitting agency considers the written report, as well as any public comments received, and accepts the findings of the written report.

~~(3)~~

(4) The county, city, or any other water well permitting agency shall post posts the well permit application on its internet website for at least 30 days.

(b) Subdivision (a) does not apply to all of the following:

(1) Permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users.

(2) Permits for wells that will exclusively provide groundwater to public water supply systems or state small water systems as defined in Section 116275 of the Health and Safety Code.

(3) Permits for wells in adjudicated basins identified in Section 10720.8.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.