



Aligning the Sustainable Groundwater Management Act (SGMA) with the Human Right to Water

Kristin Dobbin, UC Davis

Each year, more than a million Californians are impacted by unsafe drinking water. Many, especially those who experience ongoing access challenges, are residents of small, low-income “Disadvantaged Communities” (DACs), and rural areas who rely on groundwater as their exclusive drinking water source. As such, groundwater management is critical to achieving the human right to water in California as affirmed in 2012 under AB 685. Yet, DACs are just one groundwater user among many and historically they have been left out of state water management programs, which, in consequence, have often failed to meet their needs. The Sustainable Groundwater Management Act (SGMA), passed in 2014, is an important opportunity in this regard. This research seeks to explore challenges and opportunities for aligning SGMA and the implementation of the human right to water in California as two critical state water priorities.

Vulnerable drinking water users lack representation: Of the 243 DACs subject to SGMA, less than 20% are represented on the governing board of their local Groundwater Sustainability Agency (GSA). Unincorporated DACs and those reliant on domestic wells particularly lack representation. Across all types of communities, representation is limited by size and income such that the smallest most low-income communities are the least represented.

Significant barriers limit DAC stakeholder participation in implementation: While residents of small DACs overwhelmingly see SGMA as critical to the future of their communities, they face significant barriers participating in the process. Their meeting attendance is often impeded by transportation, language-barriers and inaccessible meeting times among other challenges. For the staff and volunteers who run their local water systems, day-to-day operations and critical improvement projects also take time away from longer-term planning initiatives like SGMA. Even when they are able to participate, many DAC residents reported a lack of transparency in decision-making and a lack of opportunity to provide meaningful input on Groundwater Sustainability Plan (GSP) development. In particular, drinking water considerations were often excluded from discussion and many community drinking water representatives faced resistance when they tried to raise their groundwater needs and priorities. For several, these challenges made participation feel futile leading to declining community participation over time.

Submitted Groundwater Sustainability Plans lack critical drinking water information and their implementation could threaten drinking water access: The 45 plans submitted in January 2020 cover more than 6,000 public supply wells

and more than 35,000 domestic wells yet only 55% and 33% respectively provided descriptive information about these wells including their numbers, locations and/or depths. Further, the impacts of plan implementation on these vulnerable beneficial users goes unaddressed in more than two-thirds of submitted plans even though researchers warn that 50-60% of these wells could go dry based on the proposed local sustainability criteria. When it comes to water quality, 44% of plans set no sustainability criteria for any of the seven most common regulated drinking water constituents found in groundwater. Of the remainder, only 4 set their thresholds in compliance with state and federal drinking water standards.

Policy Recommendations:

- Renew Technical Assistance funding to support DAC engagement in ongoing SGMA implementation including the development of 2022 plans and the revision, updating and implementation of all plans.
- Increase coordination between the Department of Water Resources and the State Board, particularly the Division of Drinking Water, for incorporating drinking water data/information into groundwater planning and issue joint guidance to GSAs on community drinking water needs.
- Mandate drinking water impact assessments for GSPs and ongoing monitoring of impacts during implementation.
- Set aside a portion of SGMA planning and implementation funding for DAC-benefiting projects and mitigation.
- Increase representation on GSAs for vulnerable drinking water users, especially small public water systems, state small water systems and domestic well owners.
- Increase the accessibility of SGMA meetings/workshops through improved scheduling, providing interpreting etc.

For a copy of the slides and to view the presentation, please visit us at <https://uccs.ucdavis.edu/>