

Council Meeting of  
March 22, 2011

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT: Public Works – Opposition to State Assembly Bill AB 954 (Charles Calderon) and State Senate Bill 701 (Ron Calderon) Expenditure: Not applicable**

**RECOMMENDATION**

Recommendation of the Public Works Director that the City Council take a position to oppose both State Assembly Bill AB 954 (Charles Calderon) and State Senate bill 701(Ron Calderon). Both bills would adversely impact local groundwater producers and dilute the role and responsibilities of the Water Replenishment District of Southern California with regard to the management of the local Central and West Coast Groundwater Basins.

Funding

Not applicable.

**BACKGROUND AND ANALYSIS**

During the current legislative session, State Assemblyman Charles Calderon introduced a bill, AB 954, which would amend current law relating to the current Replenishment Assessment (RA) that is levied to groundwater pumpers in both the local Central and West Coast Basin groundwater basins to maintain groundwater levels in the basins. Current law provides for a uniform RA assessment to be charged all groundwater producers in both basins, under the auspices of the Water Replenishment District of Southern California (WRD). AB 954 would establish a separate RA assessment for each basin based on a number of factors that are alleged to be unique to each basin.

The Water Replenishment District was formed in the late 1950's to preserve and protect the integrity of both the Central and West Coast Basins, which are interconnected by underground flows. A major role of WRD is to procure water needed to replenish the two groundwater basins to stabilize groundwater levels. In order to finance these operations, WRD levies a Replenishment Assessment on pumpers who

extract groundwater from either of these basins. Current law, in place for over 50 years, requires that WRD set a uniform RA applicable to both local basins.

AB 954 is nearly identical to a SB 1420, introduced last year by State Senator Ron Calderon, which would establish a "basin specific" RA for both the Central and West Coast Basins. The City Council adopted an opposition position to AB 1420 at its March 23, 2010 meeting, due to its likely adverse impacts on local basin water management and groundwater producers. AB 954 has a number of negative consequences as follows:

- AB 954 would set a differential Replenishment Assessment in both basins that would likely result in significant costs to study and/or litigate the appropriate assessment in each basin.
- The bill would adversely impact ongoing judicial proceeding that would establish a protocol for augmenting water storage in both basins through a concept known as conjunctive use.
- AB 954 would weaken cooperation between parties in both basins and negatively impact integrated regional water management efforts by promoting fragmentation rather than collaboration.

AB 701, introduced by State Senator Ron Calderon, would require the Central Basin Municipal Water District (CBMWD) to submit a report to the State Legislature on the status of the Central Basin Groundwater Basin and seawater barrier operations. The bill also requires that the State Department of Water Resources (DWR) and Water Replenishment District cooperate with CBWRD in developing this report.

The Water Replenishment District (WRD) was formed in the mid 1950's as the result of nearly 10 years of in depth vetting by parties in both the Central and West Coast Basins. As a result of this process, it was decided that creation of a common replenishment district for both basins was the best solution to protect, preserve, mitigate adverse conditions, ensure sustainability and manage both local basins to ensure the continued beneficial use of groundwater resources produced from these underground sources. SB 701 seeks to dilute the authority and role of WRD and in a de facto manner and create a parallel water management role for CBWRD, which was created to be wholesaler of imported water from the Metropolitan Water District to water agencies in southeast Los Angeles County. CBMWD currently has no authority for groundwater management. SB 701 has the following negative consequences:

- SB 701 directs a special district, the Central Basin Municipal Water District, to submit a report to the State Legislature on a matter on which the district has nor authority or expertise. CBWRD was created to wholesale MWD supplies and has no mandate to intervene in groundwater management, which has been delegated to the Water Replenishment District.
- The proposed legislation would create redundancy of a function that is currently performed by WRD in an exemplary manner.

- SB 701 implies that Central Basin Municipal Water District has authority in groundwater management for which there is no evidence under exiting law. In effect, the proposed legislative declaration creates a new statutory authority for CBMWD in the area of groundwater management.
- If enacted, SB 701 sets the stage for conflicts among groundwater pumpers in both basins that may lead to protracted litigation.

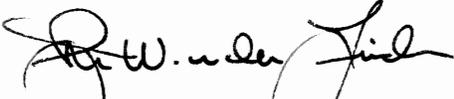
In summary, both AB 954 and SB 701 have potential serious adverse impacts on groundwater management and groundwater producers in both local groundwater basins, including Torrance. Therefore it is recommended that the City Council take a position to oppose both bills.

Respectfully submitted,

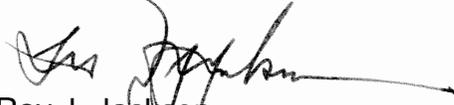
ROBERT J. BESTE  
Public Works Director

  
By: Charles J. Schaich  
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CONCUR:

  
Jack van der Linden  
Deputy Public Works Director

  
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