



**June 24, 2022**

The Honorable Anna Caballero  
 Chair, Senate Governance and Finance Committee  
 State Capitol, Room 407  
 Sacramento, CA 95814

**Re: SUPPORT-- AB 2201 (Bennett) Community Drinking Water Protection Act (As amended June 22, 2022)**

Dear Senator Caballero:

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. More recently, Governor Newsom issued an Executive Order to prevent new wells from being approved unless they are consistent with groundwater sustainability and do not injure other users of water. However, a permanent solution that is finely tuned through the Legislature is necessary to protect communities and groundwater resources beyond declared drought emergencies.

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 by ensuring that counties do not approve new groundwater wells unless they are consistent with GSPs requirements to meet sustainability and do not harm other users of water. AB 2201 builds upon Governor Newsom’s recent Executive Order to ensure that protection of groundwater resources can be made permanent, while preserving the ability of local agencies to ensure that the plans they have developed can succeed. **Recent amendments are critical to ensure that Counties evaluate and accept the findings from the required report, which would detail whether there are impacts on communities. Currently, many counties have approved permits without adequate evaluation and we need to ensure there is public oversight of the approval process. Without this critical provision, we're worried that improper approvals will continue as there will be minimal enforcement of the bill, similar to what we're seeing with the Governor's Executive Order in some regions.**

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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