

ORDINANCE NUMBER _____ (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA ADDING CHAPTER 7.18 TO THE SANTA MONICA MUNICIPAL
CODE RELATING TO SUSTAINABLE GROUNDWATER MANAGEMENT AND
PROHIBITING NEW PRIVATE WELLS AND EXPANSION OF PRIVATE WELLS
UNLESS AND UNTIL PERMITTED BY A GROUNDWATER SUSTAINABILITY PLAN

WHEREAS, the City Council finds and determines that it is in the best interests of the City of Santa Monica ("City") to ensure sustainable groundwater management; and

WHEREAS, the City's findings and determinations are based upon the following:

A. Throughout the State of California unregulated water wells have contributed to the overdraft of groundwater aquifers, the subsidence of land and the contamination and pollution of public drinking water supplies.

B. The City receives the majority of its drinking water from groundwater supplied from potable water production wells drawing from aquifer sub-basins within the Santa Monica Groundwater Basin, the boundaries of which are described in Bulletin 118 of the California Department of Water Resources ("Department").

C. On several occasions since the 1990s, various City wells have been contaminated causing the City to curtail potable water production and to construct multi-million-dollar water treatment facilities to remove the contamination.

D. These City wells and their aquifers must be protected against overdraft, pollution and contamination so that the City may continue to provide potable water to its citizens and comply with the health and welfare guidelines promulgated by the various state and federal regulatory agencies.

E. California Constitution, Article X, Section 2, as well as California Water Code section 100, prohibit the waste, unreasonable use, unreasonable method of use, and unreasonable method of diversion of water.

F. The City suffers from recurring severe drought conditions. As a result, the residents and businesses operating within the City live under an almost constant threat of potable water shortages and mandatory water use reductions.

G. The City has adopted a water conservation plan to minimize the effect of the shortage of water within the City of Santa Monica by significantly reducing the long- and short-term consumption of water, thereby preserving available water for the future requirements of the City, while minimizing the hardship caused to the general public to the greatest extent possible; and

WHEREAS, on April 9, 2013, the Santa Monica City Council adopted the Sustainability Rights Ordinance, codified as Chapter 4.75 of the Santa Monica Municipal Code, which expressly acknowledges that natural communities and ecosystems possess fundamental and inalienable rights to exist and flourish, and which authorizes residents of the City to bring actions to protect these natural communities and ecosystems; and

WHEREAS, the State legislature enacted the Sustainable Groundwater Management Act (Water Code sections 10720 *et seq.*) ("SGMA"), which became effective on January 1, 2015; and

WHEREAS, a portion of the 50-square mile Santa Monica Basin that underlies Santa Monica has been designated by the Department as a "medium-priority" groundwater basin; and

WHEREAS, any groundwater basin designated as medium-priority must be managed under a groundwater sustainability plan ("GSP") adopted by a local groundwater sustainability agency ("GSA") and approved by the Department, by January 31, 2022; and

WHEREAS, the GSP must be developed and implemented to achieve sustainability for any medium-priority basin within twenty (20) years after adoption of the GSP; and

WHEREAS, the City, City of Culver City, City of Beverly Hills, Los Angeles Department of Water and Power, and the County of Los Angeles have formed a local GSA in accordance with SGMA; and

WHEREAS, SGMA allows the member agencies of a GSA to enforce the requirements of SGMA within each member agency's jurisdiction; and

WHEREAS, this Sustainable Groundwater Management Ordinance is adopted to effectuate the Sustainability Rights Ordinance and SGMA, and to protect the health, safety, and general welfare of the residents of the City and its natural communities and ecosystems by ensuring that groundwater extraction will not result in the wasteful, unreasonable or non-beneficial use of groundwater extracted within the City, and that water wells located within the City will not cause or contribute to the overdraft of the City's

underlying aquifers or to their pollution or contamination, or lead to subsidence of land within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Chapter 7.18 is hereby added to read as follows:

CHAPTER 7.18 –SUSTAINABLE GROUNDWATER MANAGEMENT

7.18.010 Title.

This chapter is known as and may be cited as the "Sustainable Groundwater Management Ordinance" of the City of Santa Monica.

7.18.020 Purpose.

The City Council finds and determines that it is in the best interests of the City to manage groundwater resources within the City to protect the public health, safety, and general welfare of City residents, further the goals and purposes of the Sustainability Rights Ordinance (Santa Monica Municipal Code Chapter 4.75), and implement the Sustainable Groundwater Management Act (California Water Code Sections 10720, *et seq.*).

7.18.030 Definitions.

The terms used in this chapter shall have the following meanings:

- A. "City" means City of Santa Monica.
- B. "City well" means a well owned or operated by the City to provide water supply to establishments served by the City's water supply system.

C. "Groundwater Sustainability Plan" means a plan adopted by a groundwater sustainability agency for the Santa Monica Groundwater Basin and approved by the Department of Water Resources in accordance with the Sustainable Groundwater Management Act.

D. "Sustainable Groundwater Management Act" means Water Code sections 10720 *et seq.*

E. "Well" is defined in California Water Code section 13710 and any subsequent amendments, supplements or revisions thereto, except that this definition shall not include City wells.

7.18.040 Well Prohibition.

The installation of new wells or the expansion of existing wells is prohibited unless and until (i) a Groundwater Sustainability Plan is adopted, and (ii) the construction of new wells or the expansion of existing wells is expressly authorized by the Groundwater Sustainability Plan.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AS TO FORM:

LANE DILG
City Attorney