

AGENDA
Santa Rosa Plain Groundwater Sustainability Agency
Advisory Committee Meeting

Date/time: Monday, July 8, 2019 | 3:00 – 5:30 p.m.

Meeting Location: Santa Rosa Utilities Field Office, 35 Stony Point Road, Santa Rosa

Contact: Andy Rodgers, GSA Administrator

Email: arodgers@westyost.com | Phone: 707-508-3661

| Time | Agenda Item | Materials |
|-------------|--|-------------------------------|
| 3:00 | <p>Welcome, Introductions, and Agenda Review <i>Bob Anderson, Committee Chairman and Rich Wilson, Sacramento State University – Consensus and Collaboration Program</i></p> | Agenda; May Meeting Summary |
| 3:05 | <p>General Public Comment Public comment on matters not on the agenda and within committee jurisdictions.</p> | |
| 3:15 | <p>GSA Staff and Advisory Committee Updates <i>Administrator, Plan Manager, and other Staff</i> <i>Advisory Committee Members</i></p> <ul style="list-style-type: none"> ▪ June GSA Board meeting activity ▪ Sebastopol joining the GSA Board ▪ Two-year terms of Members appointed by Member Agencies up for renewal ▪ Future meeting schedule/topics <p><i>Objective: Provide relevant updates that inform Advisory Committee discussions.</i></p> | (Handout) |
| 3:45 | <p>Update and Future Direction of Rate and Fee Study <i>Andy Rodgers, GSA Administrator</i> Presentation – Direction and updates of rate and fee study</p> <ul style="list-style-type: none"> ▪ Ordinance updates ▪ Groundwater user registration program update ▪ Phased Implementation plan (three-year calendar; last being rural residential) ▪ Q&A/Open group discussion <p><i>Objective: Learn about the rate and fees adopted at June 13 Board meeting, provide input on ordinance and groundwater user registration program, and discuss implementation plan.</i></p> | PPT Presentation Ordinance |
| 4:15 | <p>Groundwater Sustainability Plan (GSP) Development <i>Marcus Trotta, Sonoma Water</i> <i>Advisory Committee Members</i></p> <ul style="list-style-type: none"> ▪ Current and historical groundwater conditions ▪ Overview of GSP water budget and models ▪ Open group discussion <p><i>Objective: Present and solicit initial committee input on draft materials from the current and historical groundwater conditions’ section of the Santa Rosa Plain GSP.</i></p> | PPT Presentation (Handout) |
| 5:30 | <p>Meeting Adjourns <i>Next Advisory Committee meeting: Monday, September 9, 2019 3:00 – 5:30 p.m.</i> <i>Next GSA Board meeting: Thursday, August 8, 2019 1:00 – 3:30 p.m.</i></p> | |

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Santa Rosa Plain Groundwater Sustainability Agency
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Accessibility

If you need special assistance to participate in this meeting, please contact Andy Rodgers at 707-08-3611 or by email arodgers@westyost.com. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility of the meeting.

Agenda Materials

Agenda materials are available for review at West Yost Associates, 2235 Mercury Way #105, Santa Rosa, CA 95407 , during normal business hours, and a copy of the agenda packet will be available for public review at the meeting. Any documents provided at the meeting by staff will also be available to the public. Any documents provided to the Advisory Committee during the meeting by the public will be available the next business day following the meeting. The agenda and agenda packet materials are also available at: <http://sonomacountygroundwater.org/srp/>.

Public Comment

Members of the public may attend meetings of the Santa Rosa Plain GSA Advisory Committee and may comment before Advisory Committee consideration of individual agenda items, or during General Public Comment on any matter within the jurisdiction of the Advisory Committee. As needed, time limits may be placed on public comments to ensure the Advisory Committee is reasonably able to address all agenda items during the course of the meeting.

**Santa Rosa Plain Groundwater Sustainability Agency
Advisory Committee Meeting
MEETING SUMMARY**

Date/time: Monday, May 13th | 3:00 – 5:30 p.m.

Meeting Location: Santa Rosa Utilities Field Office, 35 Stony Point Road, Santa Rosa

Contact: Andy Rodgers, GSA Administrator

Email: arodgers@westyost.com | Phone: 707.508.3661

MEETING RECAP

Summary of Action Items

| <i>Action Item</i> | <i>Responsible Party</i> | <i>Deadline</i> |
|--|--------------------------|---|
| Provide clarification of where the money Sonoma Water is contributing to the Alternative Plan would come from. | Ann Dubay | GSA staff meeting |
| Develop an updated fact sheet. | Administrator | Before June Board meeting |
| Share Hydro-geologic Conceptual Model figures | Marcus Trotta | Before July AC meeting |
| Send GSP reviewer form shortly after the meeting. Send comments tracker to Members. | Rich Wilson | Following Advisory Committee meeting |
| Utilize the comment reviewer form to provide comments of the Hydro-geologic Conceptual Model – Draft subsection | Committee members | COB June 3 rd |
| Review current SGMA Proposition 68 Project Solicitation Package (PSP) and let GSA staff know of any comments that should be submitted. | Committee members | At least one week before June 17 th PSP public comment period deadline |
| Circulate the Water Rights FAQ to committee members. | GSA staff | With May meeting summary distribution |

Next meeting: Monday, July 8, 2019, 3:00 – 5:30 pm, City of Santa Rosa’s Utilities Field Office (UFO), 35 Stony Point Road, Santa Rosa

MEETING SUMMARY

Welcome, Introductions and Agenda Review

Rich Wilson, Sacramento State University Consensus and Collaboration Program (facilitator), opened the meeting, suggested a round of introductions, and followed with an overview of the meeting’s agenda and ground rules. No comments were received on the agenda.

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General Public Comment Period

No public comments were received during this period.

GSA Staff and Advisory Committee Updates

April GSA Board meeting activity

Andy Rodgers, Administrator, presented a brief overview of what had been discussed at the April 11 Board meeting. Lynda Hopkins accepted the nomination as Chair, as did Tom Schwedhelm for Vice-Chair. The first reading of the Groundwater User Ordinance was waived and was introduced by title only; Rodgers will provide more detail on this later in the meeting. Board said yes to an agency budget reserve policy; Rodgers will provide more detail on this later in the meeting. A small amendment to Raftelis' contract was approved so they can finish their work. Sebastopol attended the Board meeting to discuss joining the Board; Board would support a prorated membership model. Sebastopol Council will discuss their membership options at their June 4 meeting.

"Plan B", which was introduced by Chair Hopkins, is now being called the "Alternative Plan". The Fee Methodology that was approved in March was reviewed and results summarized. The model was updated to reflect little to no pasture irrigation by groundwater.

Rate and fee study update

Andy Rodgers recapped the approved fee methodology and summarized results of irrigated pastures study, updated status of fee offset grant program and discussed Santa Rosa Plain 'Alternative Plan' Funding Proposal being developed by Sonoma County and Sonoma Water.

The Alternative Plan funding proposal includes supplemental contributions by the County and Sonoma Water (plus if Sebastopol decides to contribute payments to join the GSA) and would result in covering fees for the following three categories for three years: Category 1: Municipal suppliers: The cities of Cotati, Rohnert Park, Santa Rosa and Sebastopol, the Town of Windsor, and Sonoma Water, would pay annual groundwater sustainability user fees. Category 2: Unincorporated groundwater users: Rural residents, water districts (mutual, public systems and investor-owned utilities), commercial, and agricultural groundwater users in the unincorporated areas would be subject to the groundwater sustainability fee -- but would not be assessed for three years. Category 3: Urban groundwater users: Urban well owners (who live within city/town limits but have a well on their property), mobile home parks using groundwater, and commercial groundwater users within cities/towns would be subject to the fee -- but would not be assessed for three years. Without this contribution, the fees would move forward with the methodology already approved.

The next steps include Sonoma County Board of Supervisors and the Sonoma Water Board of Directors considers proposal for contributions totaling \$231,000 annually for three years to the GSA on May 21; Sebastopol City Council considers proposal to contribute a total of \$71,400 (in three annual payments of \$23,800) to join the GSA Board on June 4; Sebastopol joins Board (dependent on this City council meeting). At the June 13 meeting the GSA Board will consider approval for Ordinance Requiring Registration of Groundwater Use Facilities, Water User Reporting and Authorizing the Adoption of Groundwater Sustainability Fee and Resolution, and Adoption of the Groundwater Sustainability Fee, and Alternative Plan. The Alternative Plan would not replace all the work that has been done so far around the fee study and methodology.

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Rodgers asked that members review the Groundwater Use Summary and Alternative Plan handouts.

Advisory Committee member comments and questions:

- Member Gaffney posed a question regarding comparison of working draft of total actual and estimated groundwater pumping usage total doesn't match with the Page 9 acre/feet.
 - Marcus Trotta, Sonoma Water said the higher acre/feet doesn't take into account recycled water use.
 - Rodgers confirmed numbers are still being refined and that is the way the GSA is using ranges.

- Member Mikus questioned of cities that have city water customers, who gets billed?
 - Rodgers said the plan was for the GSA to bill the municipalities.

- Member Furch commented, that if the Alternative Plan is approved, the operating plan will be reduced and this would benefit the member agencies.

- Member Burke provided feedback/comment regarding the categories. She finds them confusing and wanted to know if the users who are not being covered could be named and then say everyone else is having their fee paid for, for the first three years.
 - Rodgers said he can consider making it clearer who is covered (and who is not).

- Member Bertsch suggested the categories be similar to groups discussed in past community meetings: cities, residences and businesses.

- Member Dixon said a group missing is irrigation that is stuck in the middle rural residential in the city limits.
 - Rodgers confirmed they are included in Category 3.

- Member Gaffney wanted to know if Sonoma Water's share for the Alternative Plan will come from the Aqueduct Fund.
 - Ann Dubay, Outreach and Communications Manager, Sonoma Water, indicated that the plan is going to the Board on May 21 and the split isn't final yet. Sonoma Water has budgeted and planned a budget for the next several years — 2/3 from its general fund and 1/3 from Water Transmission Fund because of the wells in the SRP to groundwater. The split from Sonoma Water would be based on that split. Part of what contractors pay for are the ground water wells that Sonoma Water has. Ann doesn't know how that would be reflected in the bills.

- Member Pawson commented that the Sonoma Water wells are metered and there is no reason why the contractor's contribution can't be the rate times the water use that comes from the well; it should not be some random 1/3, 2/3 contribution. She thinks this point should confirm to contractors that they're not being double billed.

- Member Pawson also commented that Category 2 seems extremely broad as it looks like the tax payers of Sonoma County are subsidizing SSU and CalAms investors' ground water use and

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would be a dangerous public policy precedent to set. Andy indicated that the policy makers who proposed this may have considered many factors, and the policy isn't final, but this is what is being presented to the members. Pawson said they can make an attempt to straighten out some of these issues now for Board approval down the road.

- Rodgers welcomed continued comments on the Alternative Plan.
- Member Haydon brought up Category 2 agricultural users as being listed there. Should Category 3 list agricultural within city limits?
- Member Scott commented that the Alternative Plan may have unintended consequences. To minimize these consequences, are there things that can be made to look more like the fee approach as possible? Particularly the three years, it seems arbitrary and only benefits some. Can we make it one year or less?
 - Rodgers responded that the Alternative Plan was well thought out over the last few months, despite it just being introduced to the members just now. The suggestion to have it match the fee structure that was approved is a good one. He confirmed that no one is getting a free pass, they're still part of the fee. The Alternative Plan is a funding strategy for the fee methodology that was approved. Moving it to a one year is not on the table and Rodgers confirmed a year would go by too fast to be able to address any questions and comments that will come through. The three-year period would allow for more time to gather and process the rural residential fees.
- Member O'Conner asked Marcus Trotta where we'll be with the Plan in three years.
 - Trotta said the Plan will most likely be done. Idea is that the closer we get to the GSP being done, another study would be done for how much it would cost to implement and run the agency once the GSP is submitted.
- Member Furch said her question for SSU and golf courses and others similar said that the attorneys had a hard time devising a way to legally distinguish the categories such that is made a better fit.
 - Rodgers confirmed that wasn't the primary reason, but more the ability of the GSA to not have to roll everything out right away, the three years would give more time to finalize the numbers.
- Member Burke wants clarification of where the money Sonoma Water is contributing to the Alternative Plan would come from.
 - Ann DuBay mentioned the pumpage fees (\$12,000) would come from the Water Transmission fund, the remaining contribution would come from two possible sources, the general fund and the other is being negotiated with the County right now. The contribution would not come from the Water Transmission Fund. Member recapped that the County and Sonoma Water are offering a voluntary contribution to pay fees for certain categories and that the GSA is going to be in a position to accept or reject the contribution and what it would offset, not how the County and Sonoma Water wants to spend their money.

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- Rodgers confirmed that no decision is being made today, but the comments, questions, and feedback that is happening is helpful. He confirmed the two actions that will happen is approving to adopt the fee, and in order to adopt the fees, to approve/pass the ordinance. Another item is approving Sebastopol joining the Board.
- Member Potter asked if there are other groups that want to strategize on getting their fees waived, is that something that has to go through the GSA?
- Member Pawson, how critical is Sebastopol joining the board to the Alternative Plan? Does it still work if the GSA decides to use Sebastopol's GSA membership fee for something else, like reimbursing other members?
 - Andy said Sebastopol's member fees are not real at the moment, but what is, is the fee methodology that was approved in March. If the Alternative Plan is approved as is written now or some version of it. And if Sebastopol does join, then the GSA will be presented with a plan on how their contribution would be spent.
- Member Burke asked if the County and Sonoma Water would be paying for Category 2 and Sebastopol's fees would pay Category 3 and if there is a range for the County's contribution should Sebastopol not join.
 - Rodgers reiterated that we don't know what would happen just yet in part due to refining numbers.
- Member Bertch asked if we can still list the fee on the tax bill that shows waived (for the next three years). This would ease the shock to folks seeing it on their bill.
 - Rodgers agrees but due to some other logistics, it doesn't look like it would show.

Groundwater user registration program update

Andy Rodgers provided an overview of the free and convenient registration program that will allow the GSA to verify basic information about groundwater use, including how the Groundwater User Registration Program works and why the GSA is proposing a program. The program will provide important information about groundwater use in the Santa Rosa Plain basin and will help identify areas in the basin that may benefit from future programs. SGMA requires some form of regulation to assess fees on de minimis groundwater users (i.e., most rural residential groundwater users). A registration program was determined to be the least intrusive form of regulation for groundwater users, and provide the most value to the GSA (information). He confirmed that the Groundwater User Registration Program is not requiring meters to be installed on wells, requiring groundwater users to monitor their water use (although people are welcome to join the voluntary monitoring program), requiring groundwater users to fill out forms, unless they want to correct or share additional information. Assistance/guidance will be available from Ag Commissioner and Permit Sonoma.

Rodgers also asked members to comment on the name of the registration program, so it better reflects what it is.

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- Member Pawson recommended the language stay consistent with the Ordinance and focused on sustainable management.
- Member Bates commented that Sustainability should be part of the title/language. Make it clear that they're not being "charged to access their own water" but rather we all need to make sure we have water for 20-30+ years from now.
- Member Haydon wanted to make sure we recap groundwater law and how it all works. Rodgers said a fact sheet was developed and is on the website. A request to send this out was made.
- Member Pawson suggested the name Groundwater Sustainability Information Survey. Make it less about an individual but the system. The word "suitability" provides optimism.
- Member O'Conner asked what relevant data would come from the three years waiting that Andy mentioned earlier.
 - Rodgers said more information that is contributed from residents will help refine numbers. There's been no real effort in gathering this type of data before. New use information will come through.
- Member Pawson asked that language stating this is mandated by the state be added to the form. She also wants to know if there is a way to incentivize their participation. Perhaps give context to their participation.
- Member Dixon made the point that the registration program needs to be made available to folks without access to computers. A kiosk someplace? Or school computer labs hours?
 - Rodgers confirmed that yes, there were partnering agencies that will help those with limited access otherwise.
- Member Bertsch said having areas in the registration form where participants can voice concerns or additional comments, like not being able to use well water due to nitrate.

Marcus Trotta provided the following technical updates: DWR came out with their draft basin prioritization. Wilson Grove Basin has been changed to Low Priority and would not need to comply with SGMA. Santa Rosa Plain was bumped back down to medium priority. Water use estimates were higher in May draft but are now in line with current rate and fee study estimates. The Department of Water Resources announced the opening of the 45-day public comment period for the Draft Proposition 68 2019 Sustainable Groundwater Management Grant Program Guidelines and the Planning – Round 3 Proposal Solicitation Package (PSP). Summer is focused on planning and targeted to GSA's that may not have received funding the first time around or Basins that didn't get enough funding the first time around. After receiving a 1-million-dollar grant, there is a cap (\$200,000-800,000) that the Santa Rosa Plain could apply for, for GSP development. Trotta encouraged members to look at PSP draft material to provide comments or think about what we would want to put forth in a funding application.

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- Member Furch questioned funding planning. Is there a way to get funding for watershed analysis?
 - Trotta said there is language that he interprets as no, this analysis wouldn't be constrained.
- Furch also asked - Did DWR make any comments that would enlighten how they review jurisdictional boundaries vs scientific analysis statewide or here?
 - Trotta said no, they did not.
- Member Bertsch suggested a fact sheet that shows what the County has done to prevent more bureaucracy and millions in other costs if the state took over.
- Member Pawson asked that this be put together.
 - Marcus Trotta said the next July meeting will focus on the historical groundwater conditions subsection and reviewed the Board and Advisory Committee Meeting Schedule in more detail. Marcus confirmed they brought in a couple of sub-consultants, per Sonoma Water's contract with the GSA Board, to help with certain areas of the GSP, including Parker Groundwater and Montgomery Associates for the computer modeling and the water budget work.

Sonoma Water presented on Outreach efforts. A request was made to the members to provide ways the GSA can reach out to stakeholders during the summer and going into the fall.

Public Comment - GSA is not interested in the fee schedule and members should give thought to exempting de minimis users in general. He is looking into legal arguments for rural residential de minimis users.

All-Basin SGMA Climate Change Workshop

Andy Rich of Sonoma Water talked about SGMA requirements for incorporating climate change into the Santa Rosa Plain Groundwater Sustainability Plan. He reminded committee members about the upcoming May 22 climate change workshop. He focused on how climate change will affect future water budgets and described DWR climate scenarios that must be considered during the GSP development process.

Groundwater Sustainability Plan (GSP) Development – Basin Setting

Current and Historical Groundwater Conditions – Draft materials

Marcus Trotta provided an overview of the revised draft of the Plan Area sections. Highlights of the revisions were discussed. The figures are still being worked on the Hydrogeological Conceptual Model. Trotta requested that Advisory Committee members send in any additional comments. Unless there are substantial changes, these sections will not be shown at the next advisory committee meeting. Input on these sections will be helpful to receive over the next two weeks. The majority of changes are more comprehensive referencing (documents used to compile the section). Streamlined Section 3.1.4. Main changes this round was in Section 3.1.5 and describing the principal aquifers and DWRS requirements to have them well defined.

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This GSP is going to be recommending additional information gathering at a minimum and as new information becomes available in the future, we may want to reconsider how we're defining these aquafer systems, it may make sense to add a system or to combine some in the future, depending on what they're seeing.

Advisory Committee member comments and questions:

- Member Furch asked that the water basin setting be worked on so people understand what imported water means, either through figures or language in the text.
 - Trotta agreed that figures that show the story is going to be worked on by his team.

Public comments and questions:

- Michael Hilber wanted to have better communication on the water budget and do we have any estimates of the volumes that go behind some of the concepts that are described in the conceptual model pumping and recharge?
 - Trotta said that will be part of the water budget section.

Meeting Attendees

Advisory Committee Members (present)

Agriculture, Bob Anderson
City of Cotati, Craig Scott
City of Rohnert Park, Mary Grace Pawson
City of Santa Rosa, Jennifer Burke
City of Sebastopol, Henry Mikus
Environmental, Sebastian Bertsch
Sonoma RCD, Wayne Haydon
Business, Joe Gaffney
Environmental, Rue Furch
Federated Indians of Graton Rancheria, Maureen Geary
Gold Ridge RCD, Matt O'Connor
Independent Water Systems, Chris Bates
Sonoma Water, Carolyn Dixon
Town of Windsor, Sandi Potter
Rural/residential, Doug Beretta

Advisory Committee Members (absent)

Rural Residential, Marlene Soiland
County of Sonoma, Mark Grismer
Agriculture, David Long

Staff

GSA Administrator, Andy Rodgers
Sonoma Water, Marcus Trotta
Sonoma Water, Ann DuBay
GSA Administrative Assistant (minute taker), Sabrina Marson

Facilitator

Rich Wilson, Sacramento State University – Consensus and Collaboration Program

Public

Approximately 8 members of public

ORDINANCE NO. 19-01

AN ORDINANCE REQUIRING REGISTRATION OF GROUNDWATER USE FACILITIES, WATER USER REPORTING AND AUTHORIZING THE ADOPTION OF GROUNDWATER SUSTAINABILITY FEE

The Board of Directors of the Santa Rosa Plain Groundwater Sustainability Agency, State of California, hereby ordains as follows:

ARTICLE 1. General

Section 1. Title

This ordinance shall be known as the "Groundwater Reporting and Fee Ordinance" of the Santa Rosa Plain Groundwater Sustainability Agency.

Section 2. Definitions

As used in this ordinance, the following terms shall have the meanings stated below:

- A. "Acre-Foot" or "AF" of water is the equivalent amount of water covering 1 acre to a depth of 1 foot, and equals 326,000 gallons or 43,560 cubic feet of water,
- B. "Agency" means the Santa Rosa Plain Groundwater Sustainability Agency.
- C. "De Minimis Extractor" means a person who extracts, for domestic purposes, two acre-feet or less per year.
- D. "Extraction" means the act of obtaining groundwater by pumping or other controlled means.
- E. "Extraction Facility" means any device or method for extraction of groundwater within a groundwater basin or aquifer.
- F. "Groundwater" means water beneath the surface of the earth within a zone in which the soil is sufficiently saturated with water to allow collection and extraction.
- G. "Municipalities/Large Water Service Provider" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:
 - (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
 - (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

(3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

- H. "Operator" means a person who operates a groundwater Extraction Facility. In the event the Agency is unable to determine who operates a particular Extraction Facility, then "operator" shall mean the person to whom the Extraction Facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which the Extraction Facility is located.
- I. "Person" includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, and any federal agency.
- J. "Santa Rosa Plain Groundwater Basin" or "Basin" or "SRP" shall mean the Santa Rosa Plain Groundwater Subbasin which is designated basin number 1-55.01 in Department of Water Resources' Bulletin No. 118 and as its boundaries may be modified from time to time through the procedures described in California Water Code section 10722.2 or by the Department of Water Resources under its separate authority.
- K. "Small Water Service Provider" means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year

**ARTICLE 2. Registration of Groundwater Extraction Facilities,
Methods of Computing Extractions and the Recordation of Extractions**

Section 1. Registration

All groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency within thirty (30) days of notice given to the operator.

The Operator of an Extraction Facility shall register the Extraction Facility and provide at a minimum the following information on a form provided by the Agency. The Agency form may ask for, and the Operator shall supply additional information if requested.

- A. Name, mailing address, and email address of the operator.
- B. Name and address of the owner of the land upon which the Extraction Facility is located.
- C. A description of the equipment associated with the Extraction Facility.
- D. Location of the water Extraction Facility.

Section 2. Methods of Estimating Extractions

The methodology for estimating groundwater extraction is as follows:

- A. *Municipalities/Large Water Service Provider Use:* Cities, municipalities and large water service providers in the SRP Jurisdiction use groundwater for municipal water supply. Future groundwater use by Municipalities and Large Water Service providers in the Agency's jurisdiction provide the amount of groundwater pumped annually to the California Department of Water Resources (DWR) Division of Drinking Water (DDW). Future groundwater use of these users will be projected based on a running average of the last five years of pumping data.
- B. *Small Water Service Provider Use:* The Basin has a variety of Small Water Service Providers (SWSPs) that use groundwater for a variety of purposes. These SWSPs vary between Wineries, Warehouses, Office Parks, Office Parks, Schools, Mutual Water Companies (water companies that provide water service to rural areas), and other commercial properties. These SWSPs provide the amount of groundwater pumped annually to the California Department of Water Resources (DWR) Division of Drinking Water (DDW). Future groundwater use of these SWSPs will be projected based on an average of the available pumping data for the last five years.
- C. *Agriculture and Irrigation Use:* Basin agricultural groundwater pumping will be estimated using Sonoma County Land Use Data from California Department of Water Resources (DWR). Calculated water use of groundwater irrigated agricultural parcels will be estimated by applying DWR applied water factors to DWR Land Use Data crop coverage data. Other irrigation uses such as turf and golf course irrigation will be estimated by applying the relevant DWR applied water factor per acre per year.
- D. *Rural Residential:* Rural residential parcel groundwater use will be estimated using a combination of Sonoma County Assessor data and service areas of water service providers (excluding wholesale water service providers). Any parcel that is located outside of the service area of water service provider and has a residential use shall be *assumed* to have a well, or share a well with another parcel, within the Agency's jurisdiction. Note, well records on the existence and precise location for wells within the SRP are incomplete and are not sufficient to locate Extraction Facilities to individual parcels. An estimated annual use of 0.5 AF shall be assumed for the first residential dwelling unit. An additional 0.5 AF shall be assumed for each additional residential dwelling unit on the parcel.
- E. *Urban Residential with Well:* Urban residential parcels with known or suspected wells will be assumed to use 0.1 AFY for outdoor irrigation. It is assumed that all indoor potable use will be covered by the water service provider serving the property.

Section 3. De minimis Extractors

- A. It is the intent of the Agency to regulate De Minimis Extractors by this Ordinance, as provided for in Water code section 10730(a).

ARTICLE 3. Groundwater Sustainability Fee

Section 1. Groundwater Sustainability Fee

The Agency shall establish a groundwater sustainability fee by resolution which shall be payable by all persons operating groundwater extraction facilities for all groundwater extracted after July 13, 2019, in the amount as established by the Board. The ground water sustainability fee may be collected by any lawful method set forth in Water Code section 10730.

Section 2. Penalties

Any operator or person who intentionally violates any provision of this ordinance, or any resolution authorized by Article 3, shall be guilty of an infraction, and in addition to the fees due may be required to pay a fine to the Agency of not to exceed five hundred dollars (\$500).

Any operator or person who negligently or intentionally violates any provision of this ordinance, or any resolution authorized by Article 3, may also be liable civilly to the Agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.

Upon the failure of any operator or person to comply with any provision of this ordinance, the Agency may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those which may be provided elsewhere in this ordinance or otherwise allowed by law.

The Agency may petition the Superior Court of the County of Sonoma to recover any sums due the Agency.

ARTICLE 4. Appeals

(1) Any person may contest the determination that their property is subject to registration under this ordinance, the imposition or amount of the groundwater user fee, or penalties imposed pursuant to Article 3, Section 2 above by requesting a hearing pursuant to the procedures set forth in this section. The request must be made in a written appeal submitted within thirty (30) days after the service of the notice of imposition of penalties. The appeal must contain:

- (a) A brief statement setting forth the interest the appealing party has in the matter.
- (b) A brief statement of the material facts that the appellant claims supports the appeal.

- (c) An address at which the appellant agrees to receive, by first class-mail, notice of any additional proceedings or an order relating to the appeal. Service of such notices shall be effective three (3) days following deposit in the first-class mail.
- (d) A signature by the appellant under penalty of perjury.

(2) The failure of any person to file a proper appeal in accordance with this section shall constitute a failure to exhaust administrative remedies, and a waiver of the right to an administrative hearing and adjudication of the matter subject to appeal.

(3) Only after a request for hearing is received within the required period, shall the Agency set the date and time for the appeal hearing.

The hearing shall be set for a date no more than sixty (60) days from the date of a timely filed appeal unless the Agency Administrator determines that good cause exists for an extension of time.

(4) The appellant shall be served with notice of the date, time, and place set for the hearing at least fifteen (15) days prior to the date of the hearing. Notice shall be mailed to the address provided in the written appeal.

(5) If the Agency's Administrator or designee submits an additional written report concerning the imposition of penalties to the Board of Director's for consideration at the hearing, then a copy of this report shall also be served on the person requesting the hearing at least five (5) days prior to the date of the hearing.

(6) Hearings may be continued once at the request of the appellant or the Administrator. The Board of Directors may also continue the hearing on its own accord for cause.

(7) The hearing serves to provide full opportunity for a person subject to groundwater facility registration, groundwater user fee, or penalties to object to the imposition of said regulations, fees, or penalties.

(8) At the place and time set forth in the notice of hearing, the Board of Directors shall conduct a hearing and consider all written or oral evidence presented at the hearing. Administrative hearings are informal and need not be conducted according to technical rules related to evidence and witnesses, except as provided herein. Irrelevant evidence shall be excluded, and the Board of Directors has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time. Each party shall have the opportunity to present evidence in support of that party's case and to cross examine any witnesses present.

The notice requiring groundwater facility registration, imposing fees, or imposing penalties and any additional reports submitted by the Agency's enforcing officer or his or her designee shall constitute prima facie evidence of the respective facts contained in those documents.

Parties may represent themselves or be represented by any person of their choice.

(9) The Board of Directors may continue the hearing and request additional information from the Agency's enforcing officer or the appellant prior to issuing a written decision.

(10) Absent a showing of good cause or the prior granting of a continuance in writing, the failure of the appellant to appear at the hearing shall constitute a forfeiture of the appeal and a failure to exhaust administrative remedies.

(11) No later than twenty (20) days after the date on which the hearing concludes, or after the appellant has failed to appear at the hearing, the Board of Directors will issue a written decision to the appellant to (i) uphold or reject the finding of a violation of this ordinance and (ii) uphold, modify, suspend, or cancel the fees or penalties imposed. The decision shall list the reason or reasons for the decision and may order the appellant to comply with this ordinance.

(12) The decision of the Board of Directors shall be final.

(13) The Board of Director's decision may be appealed to the Superior Court of Sonoma County in accordance with the provisions set forth in Government Code section 53069.4 or Code of Civil Procedure section 1094.5.

ARTICLE 5. Effective Date

Section 1. Effective Date

This ordinance shall become effective on the 30th day after adoption.

ADOPTED THIS ____ day of _____, 20 __, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Directors
Santa Rosa Plain Groundwater Sustainability Agency

ATTEST:

By: _____
Clerk of the Board

Parties may represent themselves or be represented by any person of their choice.

(9) The Board of Directors may continue the hearing and request additional information from the Agency's enforcing officer or the appellant prior to issuing a written decision.

(10) Absent a showing of good cause or the prior granting of a continuance in writing, the failure of the appellant to appear at the hearing shall constitute a forfeiture of the appeal and a failure to exhaust administrative remedies.

(11) No later than twenty (20) days after the date on which the hearing concludes, or after the appellant has failed to appear at the hearing, the Board of Directors will issue a written decision to the appellant to (i) uphold or reject the finding of a violation of this ordinance and (ii) uphold, modify, suspend, or cancel the fees or penalties imposed. The decision shall list the reason or reasons for the decision and may order the appellant to comply with this ordinance.

(12) The decision of the Board of Directors shall be final.

(13) The Board of Director's decision may be appealed to the Superior Court of Sonoma County in accordance with the provisions set forth in Government Code section 53069.4 or Code of Civil Procedure section 1094.5.

ARTICLE 5. Effective Date

Section 1. Effective Date

This ordinance shall become effective on the 30th day after adoption.

ADOPTED THIS 13th day of June, 2019, by the following vote:

AYES: 8 (Fudge, Jacobs, Duttan, Nagle, Hopkins, Belforte, Harvey, Schwedhelm)

NOES: 0

ABSENT: 1 (Zane)



Chair, Board of Directors

Santa Rosa Plain Groundwater Sustainability Agency

ATTEST:

By: 
Clerk of the Board