



March 18, 2019

Assembly Member Bill Quirk  
Chair, Assembly Environmental Safety and Toxic Materials  
1020 N Street, Room 171  
Sacramento, CA 95814

**RE: AB 637 (Gray) State Water Resources Control Board: drinking water supplies – OPPOSE**

On behalf of the Natural Resources Defense Council, Sierra Club California, Golden Gate Salmon Association, Defenders of Wildlife, Friends of the River, The Nature Conservancy, Planning and Conservation League, California Coastkeeper Alliance, Los Angeles Waterkeeper, Save the Bay, and Wholly H2O, we are writing to oppose AB 637 by Assembly Member Gray. We strongly believe that the State and local governments must do more to protect drinking water quality and water supply for disadvantaged communities. However, rather than providing the State Water Resources Control Board and Regional Boards with the legal tools and financial resources necessary to address the root causes of contaminated drinking water and unsustainable groundwater withdrawals, AB 637 would prevent the State and Regional Boards from implementing plans and policies that protect the environment and the public. This bill is a thinly veiled attempt to prevent the State Board from implementing the Bay-Delta Water Quality Control Plan (“Bay Delta Plan”).

It is unconscionable that many communities in California lack safe and affordable drinking water, particularly disadvantaged communities in the Central Valley. However, in a great many cases the drinking water problems in the Central Valley are the result of unsustainable, extractive

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agricultural practices, including pervasive nitrate contamination of groundwater by agricultural operations (*see* Harter et al 2012), as well as groundwater overdraft by agribusinesses that caused small community wells to dry up during California's recent drought.

Rather than providing the State and Regional Boards with new legal authority or funding to address these problems, Assembly Member's Gray's February 15, 2019 press release<sup>1</sup> makes clear that this bill is intended to prevent the State Water Resources Control Board from implementing the 2018 update to the Bay Delta Plan. The first set of amendments to the Bay Delta Plan, which were adopted after an extensive 10-year public process, require increased flows in the Tuolumne and Merced Rivers, and largely maintains existing flows in the Stanislaus River, while still permitting agricultural water districts and cities to divert the majority of the rivers' flow. The second phase of the Bay Delta Plan amendments are still being developed by the State Board. The Bay Delta Plan is critically important to protect and restore the health of California's rivers, our native fish and wildlife, and the thousands of fishing jobs that depend on healthy salmon runs. However, in adopting the Phase 1 amendments to the Bay-Delta Plan, the Board concluded that it lacked the legal authority to prevent agricultural water users from increasing groundwater pumping in response to the adoption of the Plan and found that increased groundwater pumping could impact drinking water supplies for disadvantaged communities.

We agree that it is inappropriate for irrigation districts and other water users to harm drinking water supplies for disadvantaged communities, and we agree that State and local governments should do more to ensure that unsustainable, extractive agricultural practices do not threaten drinking water supplies. While the Board has funded numerous safe drinking water projects, existing programs are not sufficient to ensure safe and affordable drinking water throughout California.

AB 637 would prohibit the State and Regional Boards from implementing any plan or policy that could result in a significant impact on drinking water supplies for disadvantaged communities, even when, as with the Bay Delta Plan, those impacts are caused by private parties. While Groundwater Sustainability Agencies have authority under the Sustainable Groundwater Management Act to prevent unsustainable groundwater pumping that harms drinking water supplies, the State and Regional Boards lack the legal authority to prevent or remedy the impacts perpetrated by those private parties. The overbroad language of AB 637 likely would prohibit implementation of numerous plans and policies that advance important State interests.

AB 637 does not provide the State with additional tools to ensure safe drinking water for disadvantaged communities, and instead it would prevent the State and Regional Board from implementing plans and policies, including the Bay Delta Plan, that protect the environment and

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<sup>1</sup> That press release is available online at: <https://a21.asmdc.org/press-releases/20190215-gray-proposes-package-water-reform-legislation>.

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the public. For these reasons, we must respectfully oppose AB 637, and we urge Members to vote **NO** when the bill is heard in committee.

Thank you for consideration of our views.

Sincerely,



Doug Obegi  
Natural Resources Defense Council



Kim Delfino  
Defenders of Wildlife



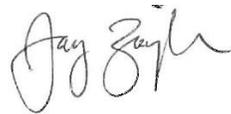
Barry Nelson  
Golden Gate Salmon Association



Brandon Dawson  
Sierra Club California



Ron Stork  
Friends of the River



Jay Ziegler  
Nature Conservancy California

/s

Elizabeth Dougherty  
Wholly H2O



Matt Baker  
Planning and Conservation League



Sean Bothwell  
California Coastkeeper Alliance



Bruce Reznik  
Los Angeles Waterkeeper



David Lewis  
Save the Bay