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**SENATE BILL 13 AMENDMENTS TO THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT:
CHANGES TO GROUNDWATER SUSTAINABILITY AGENCY FORMATION**

As you may be aware, [Senate Bill \(SB\) 13 \(Pavley\)](#), which was passed in September 2015 and becomes law in January 2016, amended or clarified numerous Water Code sections of the [Sustainable Groundwater Management Act \(SGMA\)](#). Among other things, SB 13 changed the Department of Water Resources' (DWR) role with respect to reviewing and posting [groundwater sustainability agency \(GSA\)](#) formation notices – these changes generally relate to: (1) notification completeness reviews; (2) overlapping GSA boundaries; and (3) exceeding service area jurisdictions as a GSA. SB 13 also amended the notice of intent provision related to GSA formation – Water Code §10723(d) now reads, *"The decision of a local agency or combination of local agencies to become a GSA shall take effect as provided in Water Code §10723.8."*

In response to SB 13, DWR has developed guidelines for local agencies to use after they have decided to become or form a GSA. The attached document outlines the information that must be submitted by a local agency after the decision to become or form a GSA has been made. DWR will be using this information to perform completeness reviews for all GSA formation notices. Pursuant to the amendments made by SB 13, only complete GSA formation notices will be posted on DWR's [GSA Formation Table](#) and [GSA Interactive Map](#).

DWR will be hosting a webinar in November 2015 to present the GSA information related to SB 13 and to explain how SB 13 will impact existing GSA formations. Details about the webinar will follow in a separate email.

During November and December 2015, DWR will be reviewing GSA formation notifications that have already been posted. DWR will notify local agencies of any issues related to one or more of the following. Based on the 90-day period described in Water Code §10723.8(c), many local agencies that

have formed GSAs will need to seek agreement to resolve overlapping service area boundaries before they can proceed as a GSA.

- **COMPLETENESS REVIEW:** Prior to SB 13, DWR was responsible for posting GSA formation notices, as they were submitted, within 15 days. Pursuant to Water Code §10723.8(b), DWR is now required to post “complete” notices. Therefore, DWR will be conducting a completeness review for each notification received after January 1, 2016, and will also be reviewing existing notifications. Incomplete notices will not be posted. If you are planning to form a GSA, please review the [SB 13 amendments](#) to Water Code §10723 *et seq.* and follow the attached guidelines.
- **OVERLAPPING GSAS:** Prior to SB 13, there was no direct guidance in SGMA related to overlapping GSA areas; as a result, many GSA formations currently have overlapping boundaries. SB 13 added Water Code §10723.8(c) which addresses service area overlap. Now, if two or more local agencies form (or have formed) GSAs within a 90-day period, and if any of those formations result in service area overlap in all or a portion of the basin or subbasin, then none of the GSA formations will move forward until the overlap is resolved. The agreement to resolve service area overlap could involve the withdrawal or modification of notifications to eliminate overlap. If the modification of the existing notice involves a material change, then the new notification will be required to follow the requirements of Water Code §10723.8(a) and a new 90-day period will begin.
- **EXCEEDING SERVICE AREA BOUNDARIES:** SB 13 added Water Code §10723.8(d) which addresses a local agency’s decision to become a GSA in part of a basin or subbasin that exceeds its service area. For existing GSA formation notifications and for new notices, if the information required by Water Code §10723.8(a)(1) indicates that service area boundaries are being exceeded, then that notification could be determined to be incomplete.

If you have any questions related to SB 13, please contact one of the DWR staff listed at the top of this message.

