

## Urban Water Management Plans and Groundwater Contamination Issues

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California water agencies that manage groundwater resources will want to carefully examine a recent decision from the California court of appeal invalidating a water agency's Urban Water Management Plan ("UWMP"). (Friends of the Santa Clara River v. Castaic Lake Water Agency, 2004 WL 2106543, September 22, 2004.)

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Water agencies are required by state law to prepare UMWPs. These plans are intended to encourage active management of urban water demands and water use efficiency. Because the plans must include 20-year supply assessments, they are key components to Kuehl Bill water supply assessments and verifications used in land use planning for new development.

In Friends of the Santa Clara River, an environmental organization challenged the validity of the Castaic Lake Water Agency's year 2000 UWMP. Castaic obtains its water supplies from groundwater and the State Water Project. The environmental group claimed Castaic's UWMP did not adequately address the impact of local perchlorate groundwater contamination on the long-term integrity of its supplies.

Castaic's year 2000 UWMP analyzed the perchlorate contamination based on the information it had available in 1999-2000. Nevertheless, the court of appeals ruled that the UWMP was flawed because it failed to fully consider (i) the time needed to implement a program of remediating the contamination, and (ii) the impact of the contamination on the availability of groundwater during the remediation period.

The court's key concern appears in one sentence: "Timing considerations of other aspects of the perchlorate contamination also affect the reliability of the supply of groundwater."

The major lesson to be learned from this case is that water agencies must include as complete an analysis as possible of all issues relevant to the long-term availability and reliability of their water supplies, including water quantity and quality issues. It bears noting that the opinion is unpublished and, under California law, is not a precedent for other cases. In addition, the case is a reminder that California water agencies operate under the close scrutiny of interested community organizations.

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