



Press Release

Marina Files Lawsuit to Prevent Illegal Extraction and Exportation of Groundwater for CalAm Desalination Project

(May 11, 2020 -- Marina, CA) The City of Marina filed a lawsuit today in Monterey County Superior Court against RMC Pacific Materials, LLC (CEMEX) and California-American Water Company (CalAm) to enforce a binding agreement restricting the extraction of groundwater at the CEMEX Property to no more than 500 acre-feet per year and prohibiting export of the water out of the Salinas Valley Groundwater Basin. CalAm's planned desalination project at the CEMEX site would violate both the extraction limitation and the groundwater export prohibition, pumping more than 17,000 acre-feet of groundwater every year, almost all of which would be delivered to its Monterey District customers located outside the Basin.

The City also seeks a court declaration that CalAm's proposed exportation of water violates the 1990 "Agency Act" enacted by the California Legislature.

Protection of the groundwater resources in the Basin was a critical need in 1996 when the City and other parties entered into this legally binding Annexation Agreement restricting groundwater pumping from the CEMEX Property. The critical need to protect this Basin remains to this day, particularly since the subbasin where the extractions would occur has been designated by the Department of Water Resources as one of only 21 California basins/subbasins that are "critically overdrafted."

The CEMEX entity that owned this site in 1996 agreed on behalf of itself and its successors to limit all groundwater extractions at this property to 500 acre-feet per year. CEMEX is bound by the contract and lacks authority to convey groundwater extraction rights greater than it possesses to CalAm. On May 23, 2018, CEMEX purported to grant a permanent easement to CalAm over 39 acres of the CEMEX Property to install slant wells and other facilities for CalAm's desalination project.

These slant wells would extract groundwater at the rate of approximately 15.5 million gallons every day, which equates to a total of over 17,300 afy of water. These massive extractions, which are barred by the Agreement, threaten to cause irreparable harm to Marina's clean, affordable, and reliable groundwater resources, which provide 100% of the City's drinking water.

"Cal Am thinks it is above the law, but it is not. CalAm is not entitled to receive state and federal agency permits for a project that violates local agreements and state laws," said Bruce Delgado, Mayor of the City of Marina.

CalAm's proposed pumping could dangerously deplete this valuable water supply and eliminate the groundwater barrier protecting against further contamination of the Basin. These contractual and statutory violations by CEMEX and CalAm threaten irreparable harm to the Basin and could defeat decades of efforts by Marina and other agencies to carefully conserve, protect and manage the groundwater resources underneath and near the City.

"The issues addressed in this lawsuit are additional warning alarms to everyone that CalAm's project is infeasible and environmentally harmful," said Bruce Delgado, Mayor of the City of Marina. "The desal project cannot be justified on economic or environmental merits. It is distracting our region from direct and speedy pursuit of the vastly superior Pure Water Monterey expansion alternative, which would provide adequate water supplies to CalAm's customers through 2050."

Please contact Marina Mayor Bruce Delgado at bdelgado62@gmail.com or Marina City Manager Layne Long at llong@cityofmarina.org if you have any questions regarding this lawsuit.

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