

Discussion of SGMA and GSA Issues relative to County Well Ordinance Update

1. GSA Review of well permit applications:

- a) Exec order N-7-22 requires written verification from the GSA that the proposed well will not be inconsistent with the GSP and achieving sustainability. Domestic de minimis users (<2 afy) and wells serving public water systems are exempt. Propose option to review all well permits by affected GSA and water district/purveyor
- b) GSAs will be given the option to review within 10 days, longer time if additional information is required.
- c) General authority to require adequate information for a determination can be provided in the code update, with specifics to be defined as policy outside the code.
- d) Authority is proposed to deny any well that would conflict with a GSP project (eg. in exclusion zones). (There is already authority to deny permits close to sources of contamination.)
- e) However, what are authorities of County and GSA to deny a well permit that is inconsistent with the GSP? (SGMA retains groundwater rights, recent court cases)

2. Assessment of well impacts on Basins:

- a) All 3 GSPs indicate that they do not anticipate any restriction of new or existing uses although that might be needed in the future if minimum thresholds are not being met. This assumption was based on current land use patterns and assumptions that things will not change dramatically. What if a new large unanticipated use is proposed? What about new State demands for increased housing? Are land use agencies adequately evaluating cumulative impacts on water sources?
- b) Until such time that the GSA deems restrictions on new uses are needed, it would seem that an assumption can be made that a new well does not contribute to cumulative adverse impacts under CEQA?
- c) If a proposed well is found to contribute to adverse cumulative impacts, it could be grounds for denial under CEQA. (Potential conflict between CEQA and groundwater rights.)
- d) Is there anything that can/should be done regarding cumulative impacts of domestic wells?

3. Groundwater Emergencies: Potential role of GSA's in considering a groundwater emergency and taking necessary actions

- a) Preserve the county's role in potentially declaring a groundwater emergency and exercising its police powers as needed. This could support the GSAs.
- b) Add language to refer to a request from the GSA to declare a groundwater emergency.
- c) Restrictions under a groundwater emergency can potentially be seen to be a temporary moratorium rather than a permanent denial/taking of water rights.

- d) Some have argued that the county should be required to declare a groundwater emergency even if adequate measures are already being taken to address the situation. Staff is not inclined to do that.
4. Metering: How best to coordinate metering requirements
- a) SMGWA and MGA are moving toward requiring retrofit of meters on all non-de minimis wells. Meter installation and reporting would be the responsibility of the well owners.
 - b) PV Water has long required metering of all wells producing more than 10 afy. Installation and reporting is the responsibility of PV Water.
 - c) County is proposing metering for all new non-de minimis wells, with installation and reporting the responsibility of the well owner.
5. Problem Areas: quality and quantity
- a) Provide better definition/maps of water supply and water quality challenge areas
 - i) Increase yield requirements in fractured hard-rock areas
 - ii) Add additional water quality parameters in 7.73 for parts of the County: Currently require testing for TDS, Chloride, Nitrate, Iron, Magnesium. Consider adding Hexavalent Chromium (Aromas), Arsenic (county-wide). Maintain requirement to require additional testing where there are other concerns.
 - iii) Record notices on the deeds if there is a water quality issue for awareness and possible treatment requirement.
 - b) Prohibit any use of streams for new IWS
 - c) Evaluate County authority to deny well or IWS permits
6. Protections needed for Karst?
- a) Karst protection required in General Plan
 - b) Drilling challenges in Karst
 - c) Potential escape/impact of drilling fluid and sealing material
 - d) Potential for rapid movement of contaminants
 - e) Drawing from underground channel may be subject to surface water rights process
7. Proposed Tiered approach to evaluation and conditions for CEQA, surface water influence, nearby wells
- a) Extent of review/mitigation based on pumping amount, setback, gradient, aquifer properties, basin status, resource value/vulnerability.
 - b) Simple setback and seal requirements for Tier 1 and 2 wells (de minimis and supplemental/replacement)
 - c) More nuanced calculation for Tier 3 based on pumping amount, setback, gradient, aquifer properties, basin status, resource value/vulnerability.
 - d) CEQA review and project specific evaluation/mitigation for Tier 4.
 - e) Use tiered approaches similar to Sonoma, Glenn and Monterey counties