SANTA CRUZ COUNTY
ENVIRONMENTAL HEALTH

Well Ordinance Update

TAC Meeting 1

Agenda:

1) Welcome
    a. Introductions,
    b. Goal, expectations, ground rules
2) Introduction to the well ordinance and the need to update.
3) Current status of well permitting
4) Process Review
    a. Agreement on Code sections for staff to lead.
    b. Topics for additional discussion at the next two meetings.
    c. Discuss permitting approaches used in other places
5) Schedule of next meetings

Introductions:

1) Name
2) Area of expertise
3) Biggest area of interest/concern

Goal and Objectives:

The goal of the TAC is to help staff develop an ordinance that provides protection against adverse impacts of well construction and use, while not creating an undue burden to applicants.

The resulting updated ordinance should meet the following objectives:

1) Follows all applicable laws and regulations.
2) Honors the core tenants of the County General Plan which includes recognition of agricultural land as an essential and irreplaceable resource for future generations.
3) Is equitable in its consideration of impacts to groundwater users, including the public trust.
4) Facilitates communications with Groundwater Sustainability Agencies and recognizes their mandate to sustainably manage their groundwater basins.
5) Acknowledges the impact that climate change is having on water resources.

Ground rules:

1) Active, full participation.
2) Focused participation.
3) Respectful interaction.
4) Integration and creative thinking.
5) Satisfy mutual Interests.
6) Meeting attendance.
7) Come prepared.
8) Commitment to ground rules.

Purpose of Well Ordinance:

1. Provide for the location, construction, repair, and reconstruction of all wells… to the end that the groundwater will not be polluted or contaminated and that water obtained from such wells will be suitable.

2. Provide for the destruction of abandoned wells which may serve as a conduit for movement of contaminants.

3. Implement policies of the County General Plan and the Local Coastal Program Land Use Plan:

- Provide for discretionary review for water systems and in sensitive habitat areas, including some Coastal Zone wells
- Require sealing in Pajaro Valley and other WQ problem areas
- Provide for efficient water use for non de minimis wells
- Provide for declaration of groundwater emergency and resulting actions if overdraft is not being adequately addressed
- Take into account the needs of agriculture

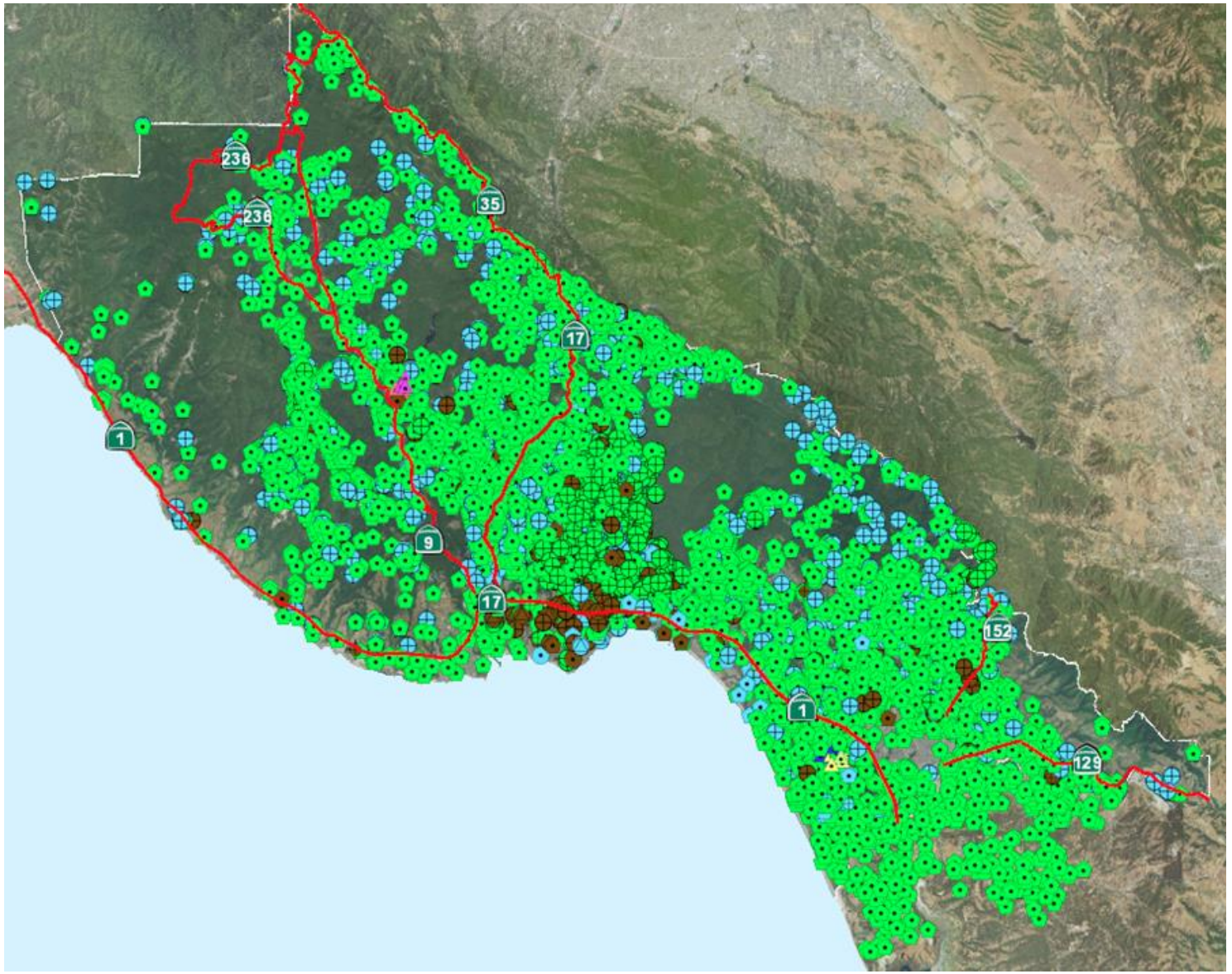
Year	Update
1971	County well Ordinance first adopted as Chapter 6.20, Water Well Control
1973	Chapter 6.20 amended to add cathodic protection wells
1974	amended technical standards to require 50 ft property line setback
1980	Chapter 11.90, Relating to Well Construction. Amended to add provisions regarding discharge of drilling fluids and water from pump testing.
1981	Restrictions on new wells in Soquel Creek Water District Service area and Purisima formation.
1982	Requirement for e-logs and specially designed seals in areas with problems of groundwater quality
Pre-1986	A number of provisions added, chapter changed to 7.70, including groundwater emergencies
1987	Chapter 7.70, Water Wells, amended to regulate monitoring wells and make other miscellaneous changes. Required approval by Coastal Commission as LCP implementation amendment. (Followed from adoption of AB 3127, requiring adoption of well ordinances by all counties and cities. All cities except Capitola already have ordinances; County is administering authority in Watsonville and Scotts valley.)
1989	Chapter 7.70 and 13.10 amended to exclude requirement of coastal permit for wells to serve a new single family dwelling and to charge double fees for work without a permit.
1997	Review and update of policies regarding wells in flood plains and riparian corridors, and CEQA review.
2000	Minor miscellaneous amendments
2001	added geothermal heat exchange wells, required C-57 Contractor, and other minor changes.
2009	Modifications of Well Ordinance making most well applications ministerial, adding water conservation measures, requiring water quality testing, evaluation of proximity to contaminated sites, requirement for legal lots of record, requirement for e-logs and single zone completion within the PVWMA boundaries, and clarification of requirements for declaration of groundwater emergency.

Reasons for Update:

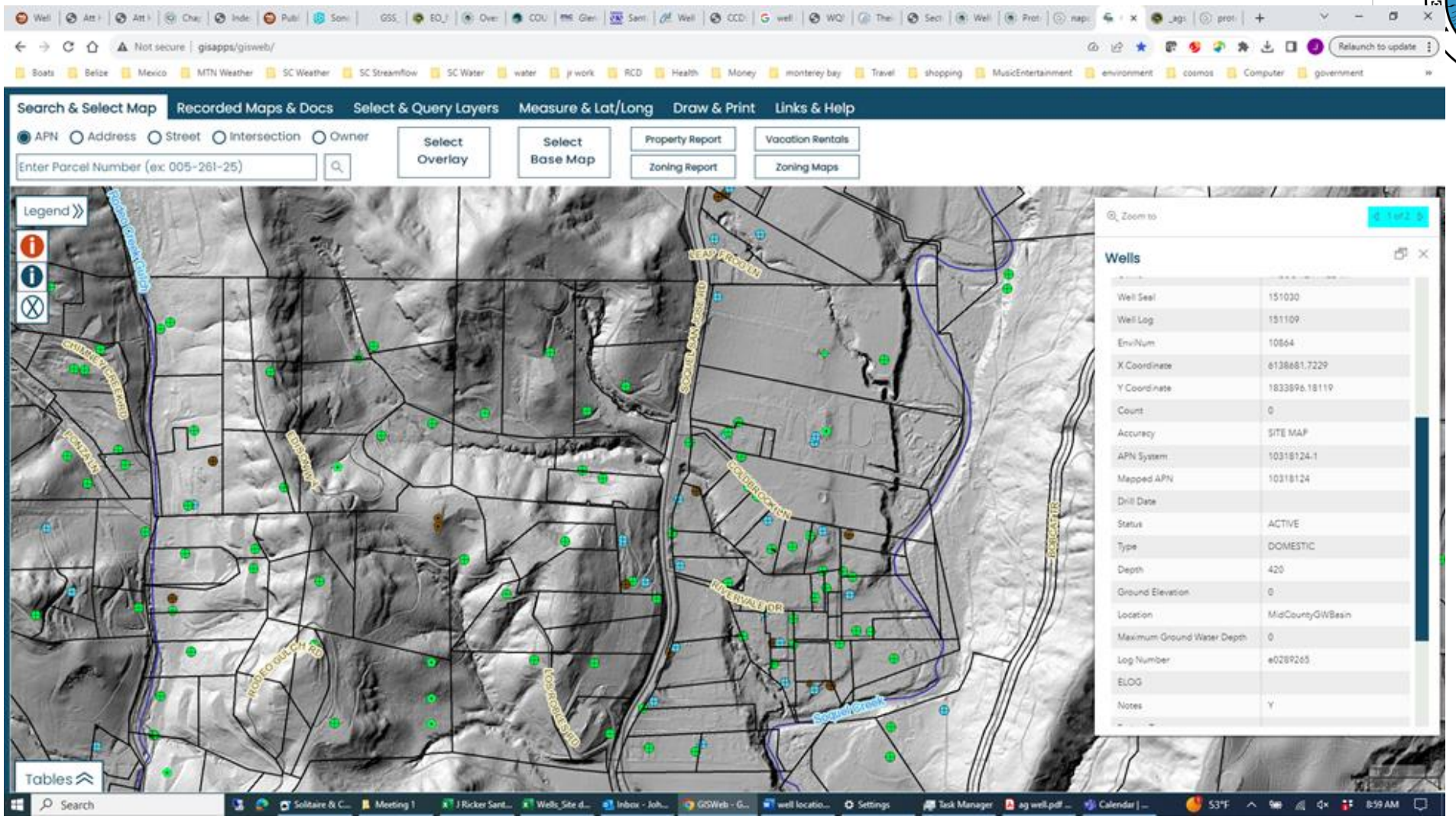
Since the last update, policy changes at the State and local level, including the following have taken place:

- The Sustainable Groundwater Management Act, formation of 3 local GSAs, and greater push for metering
- Senate Bill 552 and EO N-7-22, drought provisions
- Ongoing case law has created a greater emphasis on CEQA review and protection of public trust values
- Locally, the County has adopted the Climate Action and Adaptation Plan, the Drought Response and Outreach Plan
- Concerns raised by the National Marine Fisheries Service about interconnected surface waters in the County
- Lack of regulatory oversite of soil borings

9,100+ Wells in County:



Well Info in GIS Database:



Example: Stream Setback:

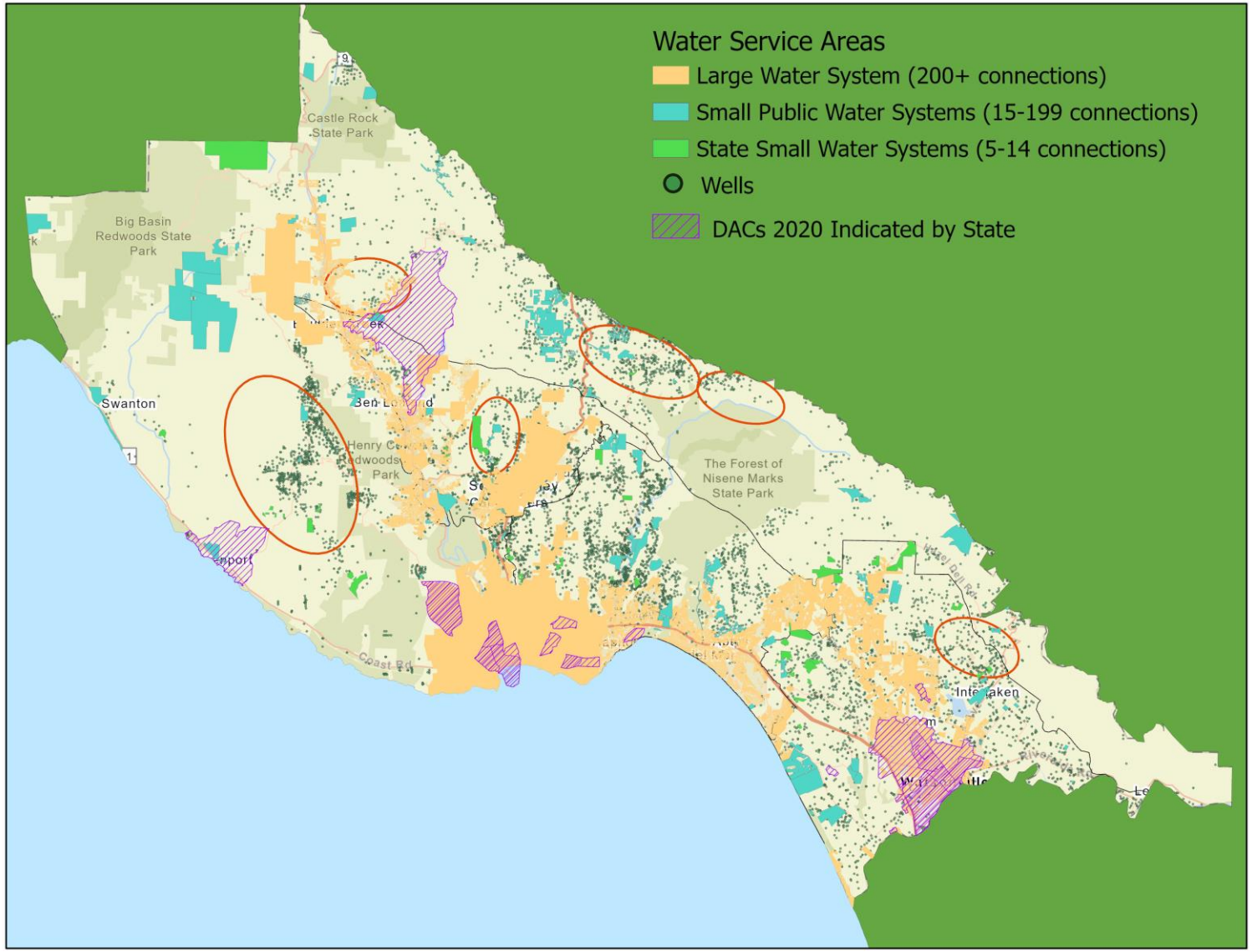
(Info also available in GIS on geologic formation, floodplain, slope, groundwater basin, watershed, biotic resources, cultural resources, etc.)

Wells in Database		9,089	
Wells with Site Location		2,604	
	Setback to Stream(ft)	Number	Percent
	50	60	2%
	100	145	6%
	200	327	13%
	250	413	16%
	500	820	31%
	750	1,198	46%

Current Well Permits:

		Subtotals	Percent	Average/year
Total Water Wells in Database		9100		
Well Construction Applications 2018-23		285		52/yr
	Permit Type			
	NEW WELL DOMESTIC	52	18%	10
	NEW WELL IRRIGATION	3	1%	0.5
	NEW WELL NON-DOMESTIC	6	2%	1
	REPLACEMENT WELL - DOMESTIC	23	8%	
	REPLACEMENT WELL - IRRIGATION	12	4%	
	REPLACEMENT WELL - NON-DOMESTIC	6	2%	
	SUPPLEMENTAL WELL - DOMESTIC	147	52%	
	SUPPLEMENTAL WELL - IRRIGATION	22	8%	
	SUPPLEMENTAL WELL - NON-DOMESTIC	14	5%	
Subtotal replacement/supplemental		224	79%	41
Subtotal Non-de minimis (non-domestic)		63	22%	13

Areas of Concern:



Update Process:

1. Data Collection and Process Review
2. Prepare draft Well Ordinance Update Recommendations Table
3. Engage Water Advisory Commission for review and recommendation
4. Engage Technical Advisory Committee for challenging issues
5. Engage key partners for review and revisions
6. Conceptual Well Ordinance to BOS for review and approval (Fall 2024)
7. Complete CEQA/environmental review
8. Public hearing at the Planning Commission (LCP Amendment)
9. BOS consideration and adoption.
10. Submittal to the Coastal Commission for certification.
11. Return to BOS, if modifications needed.
12. Distribute to GSAs, cities, local jurisdictions and develop formal agreements if needed

Priority review:

1) Seeking agreement and input on the priority sections for TAC input
   a) Anything you would add (sections in green that warrant TAC discussion)?
   b) Anything you would take out (sections in orange that are not necessary)?
   c) The TAC will review the final revised Chapters before they go to the Planning Commission.

Meeting Number	Meeting Topics (Subject to Change)
Meeting 1; November 6, 2023	1) Introductions, ground rules, goal, expectations 2) Intro to well ordinance, reasons for update 3) Code update process 4) Topics for future in-depth discussion
Meeting 2; December 8, 2023	Focused meeting on groundwater: 1) Sustainable Groundwater Management Act, GSAs, GSPs 2) Groundwater emergencies 3) Metering of non-de minimus new and replacement wells 5) Areas of declining GW levels/quality and new wells
Meeting 3; Late January 2024	Evaluating surrounding impacts: 1) Discuss where/how wells may impact Public Trust values 2) Review existing protections and what other Counties have done 3) Determine when additional evaluation and/or protections are needed 4) Consider impacts to surrounding wells 5) How to include Karst
Meeting 4; Late Spring 2024	TAC reviews draft language and assessment of impacts to staffing, permit turnaround time, and fees.
Public Workshop	
Meeting 5	Review Final language
Optional Meeting 6	Final review after changes from Planning Commission, Coastal Commission, Board of Sups

Topics for Consideration at next Meetings:

1. GSA review
   - Consideration of cumulative impacts on GSP
   - Authority to deny if conflicts with GSP or exclusion zones?
   - Require metering of all new non-de minimis wells
   - Consider County authority vs. GSA authority re. GW emergency, etc.
   - No planned curtailment or pumping restrictions in GSPs
2. Problem Areas: quality and quantity
   - Provide better definition of problem areas
   - Increase yield requirements in fractured hard-rock areas
   - Evaluate County authority to deny well permits
   - Protections needed for Karst?
3. Tiered approach to CEQA, impacts on streams and nearby wells
   - Extent of review/mitigation based on pumping amount, setback, gradient, aquifer properties, basin status, resource value/vulnerability.
   - Simple setback and seal requirements for de minimis wells
   - Use approaches similar to Sonoma, Glenn and Monterey counties

Discussion

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