



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: July 18, 2017
Placement: Departmental
Estimated Tme: 45 min
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Public Health Department, Carrie Topliffe, Interim Director
Director(s) Planning and Development, Dr. Glenn Russell, Director
Contact Info: Larry Fay, Director
Environmental Health Services 346-8463
SUBJECT: Water Well Permits and Policy Direction

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive a report on current water well program and options related to water well permits.
- b) Provide policy direction with regard to future water well permits and direct staff to return at a future date as appropriate.
- c) Determine that the proposed action is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378(b)(5) as it is an administrative action that will not result in direct or indirect changes to the environment, and direct staff to file the Notice of Exemption (Attachment C).

Summary Text:

This item is on the agenda for the Board of Supervisors to receive a report on the water well permitting program and provide policy direction related to issuance of water well permits in Santa Barbara County. The above-listed departments are bringing this item forward due to a number of factors, including:

- More than five years of drought;
- Increased water well drilling and deeper well drilling in our county;
- Concerns expressed by the California Coastal Commission; and
- Pending Groundwater Sustainability Plans (GSPs) for medium and high priority groundwater basins that will further impact the management and use of water resources.

These considerations prompted Environmental Health Services (EHS) and Planning & Development (P&D) to bring the issues to the Board for policy consideration. These two County agencies have permitting and policy responsibilities related to the management of groundwater.

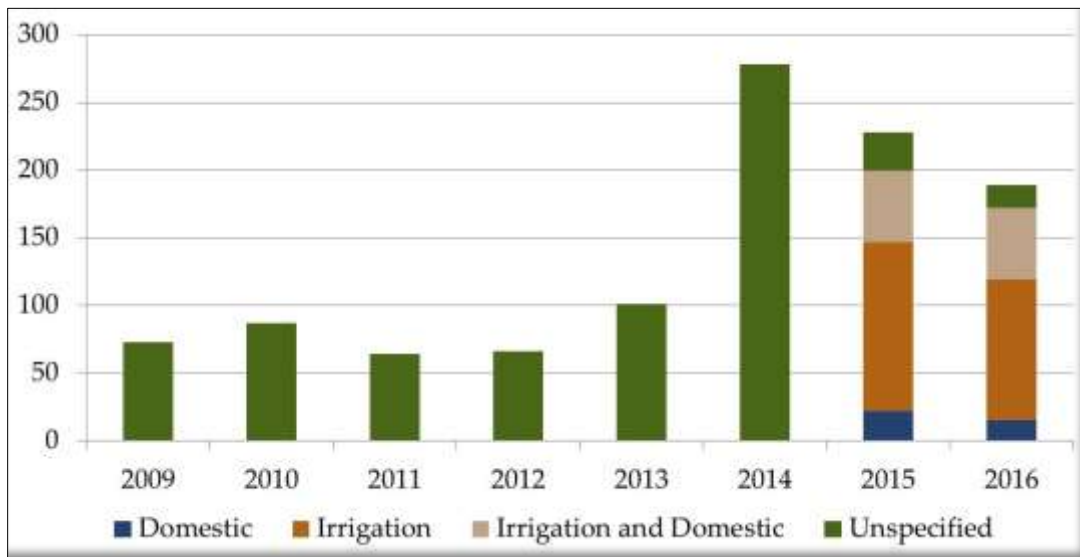
Recognizing the importance of water and the need to plan for its sustainability, staff is providing several options for Board consideration. The following options are in listed order of relative ease of implementation:

- Direct EHS staff to amend Chapter 34-A of the County Code to add a requirement that all water well permit applications include a plan that describes actions that must be taken should a Hydrogen Sulfide (H₂S) leak occur during the water well drilling process. Water well decisions that incorporate this requirement could be either ministerial or discretionary depending on how the requirement is drafted;
- Direct EHS staff to amend Chapter 34-A to require new wells be fitted with flow meters to monitor water being extracted;
- Direct EHS staff to research possible options for requiring discretionary review of specified categories of water wells.

Background:

On March 17, 2015, EHS brought forth policy choices related to water well permits for consideration by your Board. As a result of that presentation, the Board directed EHS to revise the water well application to gather additional information about the proposed well depth, well production and well diameter. The water well application form was subsequently revised to meet that directive.

The following chart shows water well permitting activity for the years 2009 through 2016. While fewer wells were permitted in 2016 than the previous year, activity remains higher than historic norms.



Currently, the permitting of wells occurs in both P&D and EHS, depending on the nature and location of the well. All water well drilling operations require a ministerial permit from EHS. The review criteria or decision-making regarding water well permits is limited to whether the proposed well is compliant with the standards of the well construction ordinance at County Code Chapter 34-A. Wells used for domestic purposes also require a water system permit administered by EHS pursuant to Chapter 34-B.

All shared water systems that provide potable water to two or more residences require a Minor Conditional Use Permit under the discretion of the zoning administrator. Additionally, in the coastal zone all wells further require a Coastal Development Permit (at a minimum) from P&D. Attachment A includes the policies from the County's certified Coastal Land Use Plan and the Land Use Element of the County's Comprehensive Plan related to water services and resources.

Recent H2S Incident

On October 8, 2016, while drilling an agricultural well in the unincorporated County west of the city of Goleta, there was a release of Hydrogen Sulfide (H₂S). As a result of this incident, a large number of residents were impacted. It is important to note the well in question was drilled in excess of 3,000 feet when artesian conditions were encountered resulting in an estimated flow in excess of 100 gallons per minute (GPM). If the drought conditions continue and wells are drilled deeper, EHS anticipates that these releases could become more frequent. Chapter 34-A could be amended to require all water well applicants to submit H₂S mitigation plans as a condition of approval.

California Coastal Commission

On September 7, 2016, the California Coastal Commission sent a letter to EHS regarding the approval of private water well permits on parcels within or adjacent to the coastal zone that may impact ground water quality in the coastal zone. (See Attachment B.) Specifically, the Coastal Commission letter stated:

- Construction of a water well constitutes development as defined by the County's Local Coastal Plan (LCP);
- Development must be authorized by a coastal development permit;
- At least one instance occurred where a well permit was approved absent a Coastal Development Permit (since this came to the attention of EHS in 2013, the division has implemented a requirement that an applicant for a well permit in the coastal zone must obtain a coastal development permit prior to issuance of the well permit);
- The letter points to other policies of the LCP that the Commission indicates are intended to protect water resources and priority land uses by:
 - Requiring all new, non-agricultural development within designated urban areas be serviced exclusively by a municipal water district, if such service is available, and;
 - Requiring that long term integrity of the groundwater basins within the Coastal Zone be protected from sea water intrusion due to the depletion of groundwater supplies. This is significant in that it points to potential impacts of groundwater within the coastal zone from wells and withdrawals occurring outside the zone.

The Coastal Commission letter concludes with a request that the County halt the issuance of any new private water well permits for residential properties in the designated urban areas with existing municipal water district service connections, and that the County abide by the Commission's interpretation of relevant groundwater related LCP policies.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) went into effect on January 1, 2015. SGMA provides a framework for the sustainable management of groundwater supplies by local agencies and provides tools, authority, and deadlines for achieving sustainable groundwater management over a 20-

year implementation period. SGMA requires sustainable management of groundwater basins that are designated as medium- or high-priority by the Department of Water Resources (DWR). The County Water Agency is working with other local agencies to form Groundwater Sustainability Agencies (GSAs) in the Cuyama Valley, San Antonio Creek Valley, Santa Ynez River Valley groundwater basins, and the non-adjudicated portion of the Santa Maria groundwater basin. The Goleta Water District is working to form a GSA in the Goleta Valley groundwater basin, and the Montecito Water District is working towards voluntary GSA formation in the Montecito groundwater basin, despite its designation as a very low priority basin.

SGMA directs Groundwater Sustainability Agencies to develop GSPs and grants broad powers for implementation of such plans. These powers include the authority to “control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations” (Water Code §10726.4. (a)).

However, GSA powers do not extend to the permitting of groundwater wells, unless specifically granted by the County. As stated in §10726.4(b), SGMA “does not authorize a groundwater sustainability agency to issue permits for the construction, modification, or abandonment of groundwater wells, except as authorized by a county with authority to issue those permits. A groundwater sustainability agency may request of the county, and the county shall consider, that the county forward permit requests for the construction of new wells, the enlarging of existing wells, and the reactivation of abandoned wells, to the groundwater sustainability agency before permit approval.”

Policy Options

With the goal of minimizing potential harmful impacts to the environment and the public with new water wells as well as maintaining sustainable water resources, EHS and P&D propose several potential policy changes for consideration at this time and requests direction from your Board as to whether any should be pursued. These options are not mutually exclusive and multiple actions could be considered.

- Amend Chapter 34-A of the County Code to add conditions to all water well permits regarding actions that must be taken should an H2S leak occur during the well drilling process. Note that this could result in water well permits becoming discretionary and subject to CEQA review.
- Amend Chapter 34-A of the County Code for Board consideration requiring new wells be fitted with flow meters to monitor water extraction. This information would be of value to the purveyors to better manage their resources. This action is not without precedent. Madera County has included in its County Code provisions that require meters on all new wells. Questions of what standards would apply for meters, who reads and manages the data and who enforces, would need to be explored.
- Direct staff to report back to your Board with various options for requiring discretionary review of certain categories of water wells. Discretionary review of water wells is not without precedent as discretionary review of proposals to drill wells in the coastal zone is already required. In addition, Stanislaus County adopted a “Groundwater Ordinance” that prohibits the unsustainable extraction of ground water within the unincorporated area and prohibits most water exports.

Fiscal and Facilities Impacts:

There is no fiscal impact associated with the acceptance of this report. Financial impacts could occur depending on the options and will be further analyzed as options are developed.

Fiscal Analysis:

N/A

Staffing Impacts: N/A

Special Instructions:

Please email the Minute Order to phdcu@sbcphd.org.

Attachments:

- A. Coastal and Comprehensive Plan Policies Applicable to Water Services and Resources
- B. September 7, 2016 letter from California Coastal Commission
- C. CEQA Notice of Exemption
- D. Powerpoint Presentation

Authored by:

Larry Fay, Environmental Health Director