



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:** 03/17/15  
**Placement:** Departmental  
**Estimated Tme:** 30 min  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Dr. Takashi Wada, MD, MPH, Director  
Director(s) Public Health Department  
Contact Info: Larry Fay, Director  
Environmental Health Services 346-8463

**SUBJECT:** Water Well Permits and Policy Direction

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form:

**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.
- 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.

**Summary Text:**

As a consequence of the ongoing drought, Environmental Health Services (EHS) has experienced a significant increase in the number of well permit applications, especially in the Montecito area. Most of these wells are proposed to be used for irrigation. In November 2014, the Montecito Water District (the District) sent a letter to 1<sup>st</sup> District Supervisor's Office, the County CEO's office, Planning and Development and EHS, formally requesting that a moratorium be instituted on the issuance of new water well permits in their service area until the current water emergency ends. In addition, the District requested that in the future, all new wells constructed within their service area be required to install meters, an appropriate backflow protection device and that District personnel be granted reasonable access to monitor water levels.

This item outlines the issues related to a moratorium as well as alternative actions the Board might wish to consider in addition to or in lieu of a moratorium.

**Background:**

As a result of the ongoing drought, water levels in reservoirs throughout the state are at record lows. This has led the State Water Project to make severe reductions to the amount of water that they deliver throughout the State, including to Santa Barbara County.

In response to these reduced water deliveries, many water purveyors (suppliers) in the county have declared “water emergencies” and instituted measures to conserve their dwindling water supplies. These measures include restrictions on landscape irrigation, tiered rate structures and in several jurisdictions, moratoriums on the issuance of new water meters.

The water purveyors have stated that their customers have responded reporting reductions in water use of as much as fifty percent. However, EHS has experienced almost a 300% increase in the number of applications for permits to construct new wells over the number received in 2013 (278 vs 101). EHS processed 35% more well permit applications in 2013 than it did in 2012 (101 vs 66). The majority of these wells were proposed to be used for irrigation. Most of those are located in the Montecito area.

As a result of the greater demand, groundwater levels throughout the county are generally dropping with some basins showing signs of stress. With the dropping water levels, wells are beginning to fail. The Montecito Water District reports that about three dozen private wells located within their service area have failed. EHS is anecdotally aware of new wells being constructed because the existing well failed or no longer produced sufficient water.

County Regulations Regarding Wells

Environmental Health: Currently, the issuance of a well permit is a ministerial action by EHS to ensure that the well is located an adequate distance from any potential sources of contamination and that the well is constructed according to the standards outlined in Section 34A of the County Code. Beyond those criteria, EHS has no ability to limit where a well can be placed or how much water the well may extract.

Planning and Development: Planning and Development regulates development activities in the Coastal Zone including well construction where well permits are discretionary. The department also regulates groundwater extractions where ground water will be transported and used in another basin, whether by truck or by pipe.

Request from Montecito Water District

In November 2014, the Montecito Water District sent a letter to the office of the 1<sup>st</sup> District Supervisor, the County CEO, Planning & Development and EHS expressing concern about the impact of all these new wells on the groundwater basin that they now critically rely on to supply water to all of their customers. Therefore, the District requested that the County implement a moratorium on the issuance of permits to construct new wells within their jurisdiction until the current water emergency passes. In addition, they requested that permits for new wells be conditioned to require the installation of flow meters and appropriate backflow prevention devices and that the District have access to the well in order to monitor groundwater levels.

In addition to Montecito, some residents in the Cuyama/New Cuyama area have expressed an interest in more comprehensive regulation of wells on the part of the County in response to their concerns about water use in the valley.

### Policy Options to Consider

EHS and County Counsel met with representatives from the District in December 2014 to discuss their letter and requests. Subsequent to that meeting, County staff met to outline the mechanics and the implications of a moratorium as well as to develop possible alternative actions that the County might take in response to the District's request. Those discussions centered on the following options:

- In light of the ongoing drought, the Board could adopt a resolution declaring a water emergency with a subsequent moratorium on the issuance of permits for new wells. Moratoriums on new wells have been instituted in San Luis Obispo and Ventura Counties. However, this is relatively untested action.
- In addition to or in lieu of a moratorium on the issuance of permits for new wells, the County could adopt an ordinance requiring that new wells be fitted with flow meters so that it is possible to monitor the amount of water being extracted. This information would be of value to the purveyors as it would allow them to better manage their resources. This action is not without precedent as Madera County has recently amended its County Code to require meters on all new wells. County EHS staff does not have the resources nor ability to monitor or track flow data from private wells. Questions of what standards would apply for meters, who reads and manages the data, and who enforces would need to be explored.

The County could make some well or all well permits discretionary. Currently, the issuance of a well permit is a ministerial action similar to obtaining a building permit. Such an action would not be without precedence. Recently Stanislaus County modified its local code adopting a "Groundwater Ordinance" that prohibits most water exports and the "unsustainable extraction of groundwater within the unincorporated areas of the county." Applications for well permits submitted after the effective date of the ordinance must include "substantial evidence that the extraction of groundwater by the proposed well will not constitute unsustainable extraction of groundwater." Additional resources needed to process discretionary permits would need to be evaluated..

- The County could opt to continue with its current rules allowing the deliberative process envisioned in the recently adopted Ground Water Sustainability Act to determine appropriate long term actions necessary to protect and maintain groundwater resources.

Any ordinance adopted would apply to the entire county and not just one area.

EHS has met with water purveyors to discuss the request of the Montecito Water District and possible options for Board consideration. There is a wide range of perspectives. The Department seeks policy direction at this time.

### **Fiscal and Facilities Impacts:**

There is no fiscal impact associated with the acceptance of this report. Financial impacts could occur depending on the options selected.

**Fiscal Analysis:**

N/A

**Staffing Impacts:** N/A

**Special Instructions:**

Please email the Minute Order to [phdcu@sbcphd.org](mailto:phdcu@sbcphd.org).

**Attachments:**

November 21, 2014 letter from the Montecito Water District

**Authored by:**

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