

DRAFT WELL ORDINANCE AND REGULATIONS

RECOMMENDATION SUMMARY

October 9, 2013

| Issues | AAC Recommendation | PC Recommendation | Comments |
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| 1. Limitations on New Domestic Wells | No recommendation. Applies to domestic wells only. | Apply performance based criteria for minimum lot size. Require specific setbacks. | Performance based criteria include setbacks, fractured rock, well replacement, water availability. Setbacks must be met within the subject property (lines). No set back required for a well lot. Regulations would apply to new wells. Allow replacement of an existing, permitted well if it can meet quality standards. |
| 2. Setbacks for New Ag Wells | No (0) setback for Ag to Ag properties in single ownership 20 foot setback for Ag to Ag with different owners 20-foot setback for Ag to non-Ag No (0) setback from a public road unless there is “planned development” No (0) setback on a well lot Regulations only apply to new wells, not replacement wells | <i>Accept AAC recommendation</i> Critical how define “planned development.” Needs to be a very restricted definition – real expectation. Less (no) “discretion” by staff. | General Plan (GP) Policy AG-1.2 requires development to buffer from impact to Ag. Staff raised potential issue where sewer line planned but not yet built. Staffs recommended starting from 50-foot setback where a sewer is “planned” and authorize Planning Director to grant waivers. The 50-foot setback can be reduced to 25 feet for sewer laterals when the sewer line meets UPC standards. There is no set back reduction from main lines. |
| 3. Wells in Consolidated Materials | No recommendation. Applies to domestic wells only | Allow new wells based on defined standards Prohibit new wells when there is an alternative water source | Standards include min. lot size, potential back up well site (to accommodate a replacement well if the well fails), 100-foot sanitary seal, etc. Hard rock standards would not apply if the well is not perforated in hard rock (e.g. alluvial soils below rock formation). Do not allow wells if the area was planned (designed) for connection |

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| | | | <p>to a public water system. For example, CalAm service area is considered available so there would be no new wells allowed. Possible exception where connected to public sewer if meets minimum standards. Prohibit where there is septic or on-site wastewater treatment.</p> <p>Monterey Peninsula Water Management District (MPWMD) is developing new ordinances. County staff to coordinate with MPWMD staff.</p> |
| <p>4. High Capacity Wells</p> | <p>Amend GP Glossary for High Capacity Well.</p> <p>Until GP is amended require submission of well use reports:</p> <ul style="list-style-type: none"> - Establish pre-drilling standards based on well design. - Require a post-drilling pump test. | <p><i>Accept AAC recommendation</i></p> <p>Need to determine the basis for current policy that was used for GP/EIR and identify issue that policy was designed to address.</p> <p>Use science to determine appropriate gallons for high capacity. May need to consider criteria to make proper determination.</p> | <p>Monterey County does not have a one size fits all water condition.</p> <p>Consideration needs to be given to what impact the regulation was meant to address (e.g., effect on in-stream flows) and amend the policy to more specifically address the issue. A GP amendment would require environmental review and may trigger re-evaluation of the impacts (EIR) and could result in additional mitigation.</p> <p>Science-based number. California defines a High Capacity (HC) well as 50 gallons per minute (gpm). Mid West defines HC Well as 75 gpm.</p> <p>Consider how regulations apply to fracking.</p> <p>Pre-drilling pump design specifies if well will be high capacity or not for permit application. Post-drilling test indicates actual production capacity. HC well subject to assessments (in stream and other wells) and possible mitigation, unless it is a replacement well.</p> |
| <p>5. Replacement Wells</p> | <p>Establish specific criteria:</p> <ul style="list-style-type: none"> - location, similar application, use - Ag v domestic - When must destroy to be considered replacement | <p><i>Accept AAC recommendation depending on what happens with High Capacity Well issue</i></p> <p>Cannot really address until determine how to address high capacity wells.</p> | <p>Replacement wells are exempted from certain policies but “replacement well” not defined in GP. GP policies do not prevent drilling wells, but require assessments if not a replacement well.</p> <p>Need to destroy wells that create risk of contamination (multiple perforation, seal depth, etc)</p> <p>Ag operations create efficiencies to have well fields or keep old wells that do not create risks. Define Ag well replacement based on “replacement capacity” or “no increase in impact” for an entire property.</p> <p>Define replacement for domestic wells as 1-for-1 replacement with</p> |

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| | | | <p>minimal exceptions (e.g. back-up well).</p> <p>MPWMD is developing new ordinances. County staff to coordinate with MPWMD staff.</p> |
| 6. Assessment of Effect on In-Stream Flows | <p>Require an assessment if water body is Critical Steelhead Habitat</p> <p>Periodically update scientific analysis methodologies.</p> | <p><i>Accept AAC recommendation depending on what happens with High Capacity Well issue</i></p> <p>Cannot really address until determine how to address high capacity wells and what modeling needs to address.</p> | <p>Tier I – conservative model assessment. Since GP adoption, 4 out of 34 high capacity well applications for new wells have been found to have a potential impact using this model.</p> <p>Tier II – consultant provides site specific assessment. Likely to result in significant conclusion.</p> <p>Account for seasonal and operational variability</p> <p>MPWMD is developing new ordinances. County staff to coordinate with MPWMD staff.</p> |
| 7. Well Influence Assessment | <p>Immediate vicinity” – a high capacity well influencing domestic well based on well/pump design, located in alluvial material</p> <p>Testing – Develop specific standards.</p> | <p><i>Accept AAC recommendation depending on what happens with High Capacity Well issue</i></p> <p>Cannot really address until determine how to address high capacity wells and what modeling needs to address.</p> | <p>Current threshold/standard – Greater than five (5) feet of drawdown over a 12 hour pumping cycle.</p> <p>Standards need to take into account actual use</p> <p>MPWMD is developing new ordinances. County staff to coordinate with MPWMD staff.</p> |
| 8. Water Quality Testing Protocols | <p>No recommendation. Applies to domestic wells only</p> | <p>Maintain existing process for domestic wells only:</p> <ul style="list-style-type: none"> - Proceed if pass initial test - If exceed 80% of MCL, need 4 continuous quarters of testing - Treatment is option for 15+ connections. | <p>Currently applicant can continue to test until get four consecutive tests that result in positive conclusion. If there is concern of sustainability (quality) when more tests are needed, then applicant must meet standard within four consecutive tests (1 year) or they fail.</p> <p>MPWMD is developing new ordinances. County staff to coordinate with MPWMD staff.</p> |
| 9. Seawater Intruded Areas | <p>Apply regulations only within defined boundary.</p> <p>Do not prohibit wells located in Zone 2C.</p> <p>Apply regulations only to</p> | <p>Interpret policy to include the entire mapped area, not just the existing Zone 6.</p> <p>Need standards to prevent risk of contamination or expansion.</p> | <p>Current Zone 6 (where existing regulations apply) is smaller footprint than area of mapped seawater intrusion.</p> <p>Policy (PS-3.5) is to prohibit “any new well in known areas of sweater intrusion.”</p> <p>Two components: 1) water quantity (in Zone 2C policy, there is a</p> |

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| | production wells not monitoring wells. | Include buffer in defined boundary | rebuttable presumption until March 31, 2018 and 2) water quality (risk of contamination or expansion). |
| 10. Archeological Study Requirements | <p>No report required for a new well that does not include grading (“pit”). All Zones.</p> <p>Report required for a new well if grading in a High Sensitivity Zone. Exempt if previously disturbed (cultivated).</p> | <i>Accept AAC recommendation</i> | <p>Exemption applies to disturbed layer (42-inches in cultivated areas). Pits extending below disturbed level in High Arch Zone require an archaeological report. There are some areas (High Sensitivity Zone) where archaeologists believe resources may exist. May want to require an assessment for a waiver to determine if grading is located in an area suspected to contain resources.</p> <p>Existing maps are broad-based.</p> |