

Consider Recommendation to Adopt an Urgency  
Ordinance Prohibiting New Wells in Seawater Intruded  
Aquifers with Specified Exemptions

Monterey County Health Department

Environmental Health Bureau

5-19-2020

# Background

- November 14, 2017 BOS received the 2017 Recommendations report from Water Resources Agency (WRA)
  - Environmental Health (EH), WRA and Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) directed to convene a 90 day working group
- April 24, 2018 joint meeting of WRA and BOS to receive the 90 day working groups recommendations
- On May 22, 2018, the BOS approved and adopted urgency interim Ordinance No. 5302
  - Expiring on July 5, 2018, unless extended
- On June 26, 2018, the BOS adopted Ordinance No. 5303 which extended Ordinance No. 5302
  - Expires May 21, 2020
- Ordinance cannot be further extended pursuant to Government Code section 65858
  - The threat to Public Health and Safety continues to exist and therefore necessary to consider immediate adoption of an urgency ordinance pursuant to Government Code section 25123

# Urgency Ordinance

Based on the WRA 2020 Update *“Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin”*

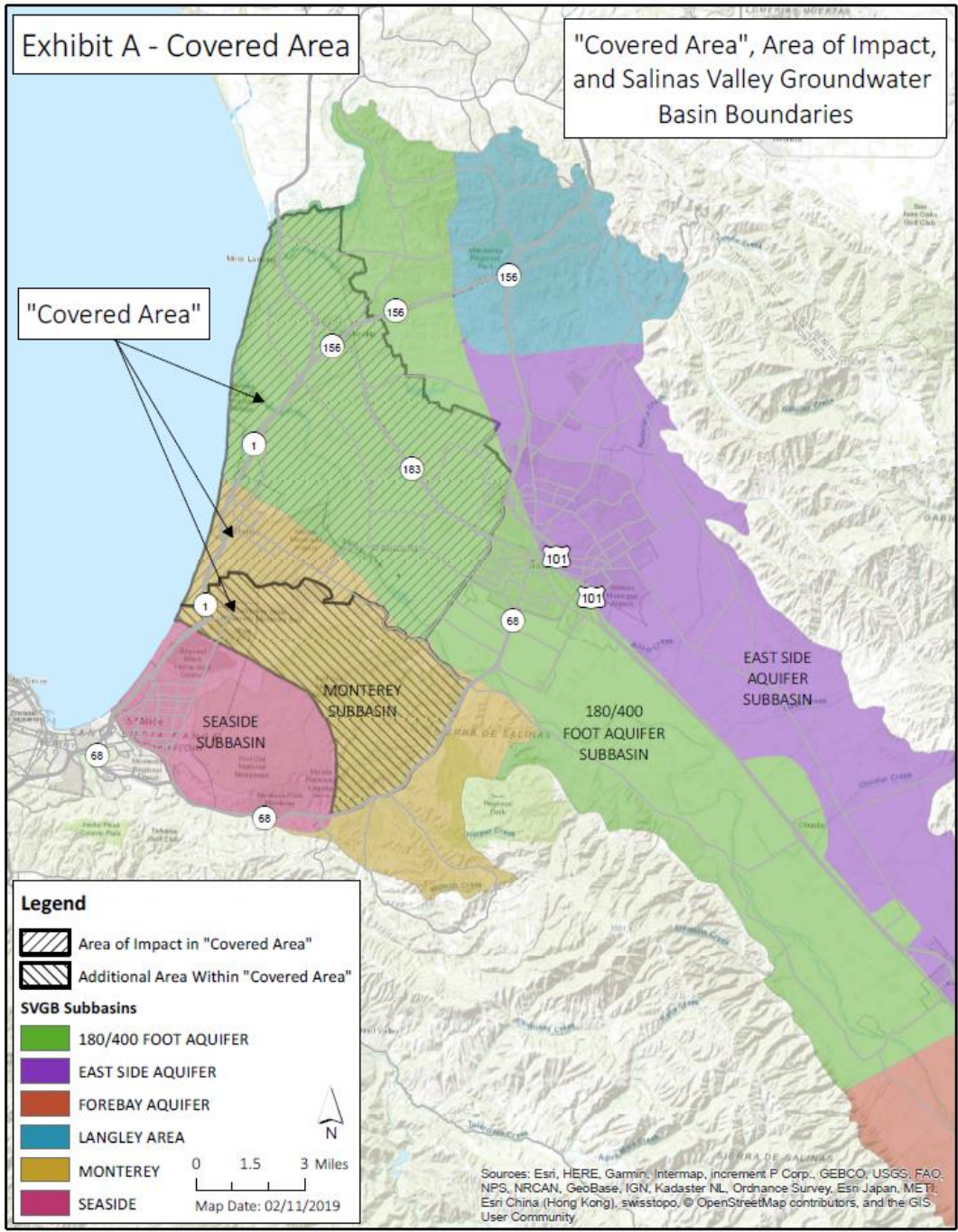
- Conditions in the Findings and Declarations of Ordinances 5302 and 5303 continue to exist and worsen, and thus continue to pose a threat to the public peace, health and safety

**EHB is presenting two alternative urgency ordinances for the Board’s consideration:**

- Exhibit A (Urgency Ordinance) includes exemption for replacement wells
- Exhibit B (Urgency Ordinance) includes the Agency report’s recommendation to prohibit replacement wells
- Proposed in each ordinance is an expiration date in three (3) years unless extended
- Urgency ordinance pursuant to Government Code section 25123, requires four-fifths vote of the Board of Supervisors and would take effect immediately on May 21, 2020

# Side by Side Comparison of Proposed Ordinances

Exhibit A (Urgency Ordinance)	Exhibit B (Urgency Ordinance)
Prohibition on new wells in or into the 180/400 Foot Aquifer Subbasin and Monterey Subbasin within the Area of impact and the Deep Aquifers	Same
Prohibition of deepening wells within the deep aquifers that would expand the length, depth, or capacity of an existing well unless exempted	Same
Prohibition of new wells drilled or constructed in or into any portion of the deep Aquifer within and outside the area of impact (Exhibits B and C)	Same
Exemptions: <ul style="list-style-type: none"><li>• Wells under CSIP in the 180/400 Aquifers</li><li>• Domestic Wells</li><li>• WRA or other water management agency monitoring wells</li><li>• Municipal water supply wells</li><li>• Replacement wells</li></ul>	The same except <ul style="list-style-type: none"><li>• there is no exemption for Replacement wells</li></ul>
Ordinance would expire in 3 years	Same



## Recommendation

- Consider Recommendation to Adopt an Urgency Ordinance Prohibiting New Wells in Seawater Intruded Aquifers with Specified Exemptions
- Urgency Ordinance under Exhibit A (with a replacement well exemption)
- Urgency Ordinance under Exhibit B (with no exemption for replacement well)