

Well Permitting Update & Status

Stanislaus County
Water Advisory Committee
January 29, 2020



Agenda

Coordination with GSAs and GSPs

Streamlined CEQA Process

Recent Court Decisions on Well Permitting





Coordination with GSAs and GSPs



County Responsibilities

Water Code § 13801, 13803 and 13808

- Adopt a Well Ordinance that meets or exceeds State Well Standards
- Adopt any subsequent RWQCB well permitting requirements
- Collect supplemental information for well permits in critically overdrafted basins (SB252)

Government Code § 65352.5

- Consult with GSAs and consider the effect of GSPs on proposed General Plan Updates or Amendments

Water Code 10726.4

- Can submit permit applications to GSAs for review prior to approval



GSA Responsibilities

Water Code § 10726.4

- Can develop Well Spacing Standards/Operating Regulations
- Can regulate groundwater extractions
- Review Well Permit Applications if provided by Permitting Agencies
- Does not have well permitting authority unless granted by a Permitting Agency (but many Permitting Agencies are on GSAs)

Government Code § 65352.5

- Provide a report on the anticipated effect of a proposal to adopt or substantially amend a general plan on implementation of a GSP



Stanislaus County Groundwater Ordinance

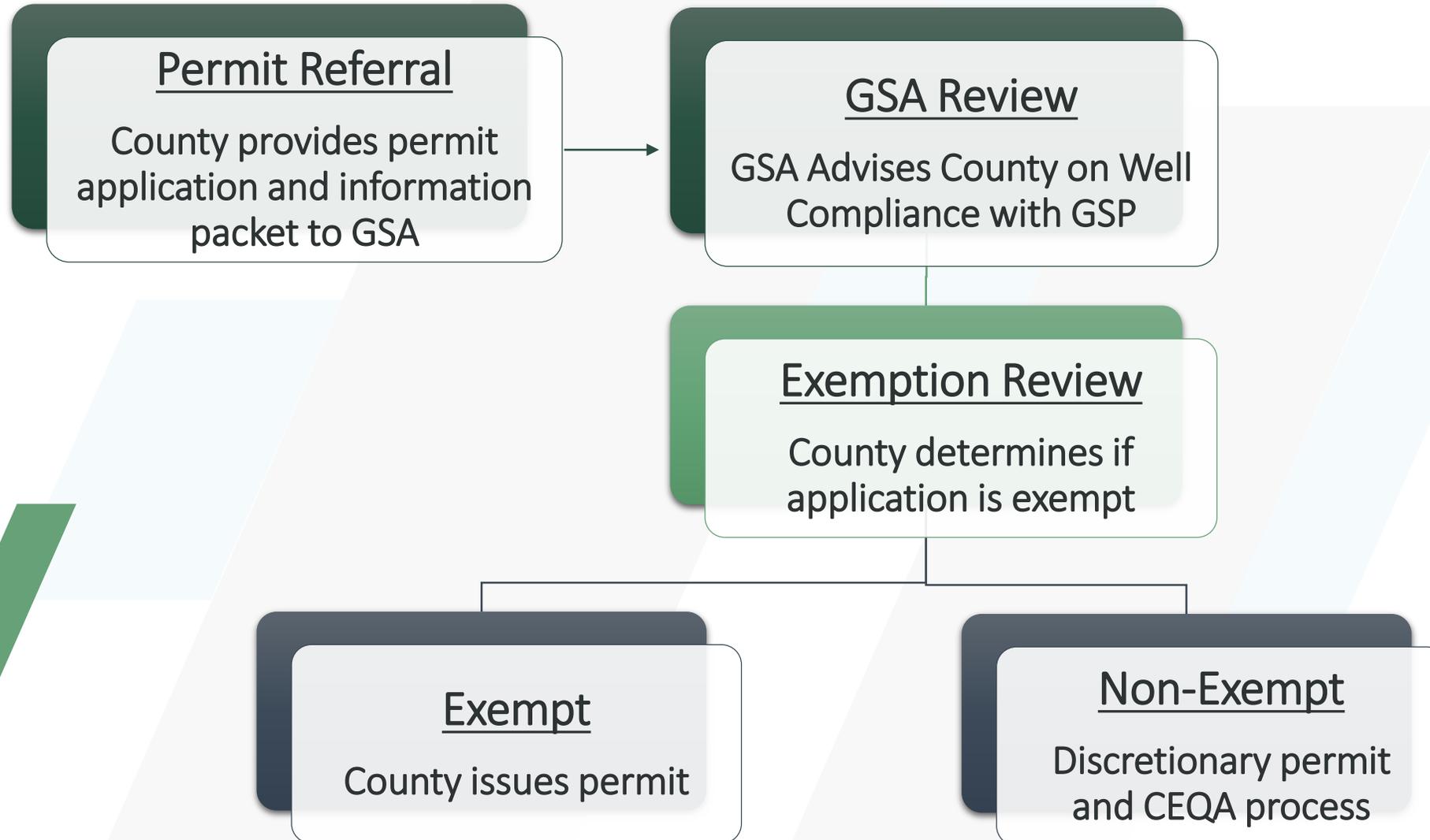
Chapter 9.37.050 Exemptions

- Replacement wells (similar capacity and construction)
- De minimis wells (less than 2 acre-feet/year)
- “Water resources management practices of public water agencies that have jurisdictional authority within the county, and their water rate payers, that are in compliance with and included in ... an approved groundwater sustainability plan” (GSP).

Chapter 9.37.045 Application

- Upon adoption of a GSP, the prohibition and requirements of the Groundwater Ordinance shall be applicable to any groundwater well from which the county reasonably concludes extraction is unsustainable.

Stanislaus County Well Permitting Process



Permitting Process Considerations



GSA Referral Packet

- Packet content requirements under development
- Information provided by Applicant
 - Well location and completion details
 - Groundwater demand and extraction rate
- Local conditions information provided by applicant and County

County Exemption Review Process

- Process under development
- Considers local conditions not addressed in a GSP
- Consideration of setback distances from existing wells, GDEs and interconnected surface water

Well Type Considerations



Lot Split, Capacity Restoration

- New wells that serve an existing demand with no net extraction increase
- Presumed GSP compliant except in areas where measurable objectives are not being met
- Potential for local impacts if setbacks are insufficient

Backup Wells to Surface Water Supplies

- Wells in areas receiving surface water have historically been shown to be sustainable and were the basis for the jurisdictional exemption in the Groundwater Ordinance
- Presumed GSP compliant except in areas where measurable objectives are not being met
- Potential for local impacts if setbacks are insufficient

Legal Considerations



POWER v. Stanislaus County

- At issue is whether well permitting under state well standards is ministerial or discretionary (triggering CEQA review)
- Appellate courts for similar cases in Stanislaus and San Luis Obispo Counties made opposite findings
- Fully briefed; Likely decision later this year; Has generated extensive interest and amicus filings

ELF v. SWRCB

- At issue is whether permitting wells near streams with public trust resources requires counties to consider public trust values
- Decision by State Supreme Court affirms the requirement
- PEIR addresses the; may refine to decrease setbacks



Some Options if Court Decisions are Upheld

Work with CSAC on Legislative/Regulatory Solution

Amendment of State Well Standards

Amendment of CEQA Guidelines

Proposal for Categorical Exemption

Amend County Well Ordinance to Maintain Ministerial Permitting

Identify more prescriptive well seal requirements

Carve out areas or conditions for prescriptive requirements

Identify surface water protection zones

Refine Permitting Implementation Guidelines

Identify Categorical and Common Sense Exemptions

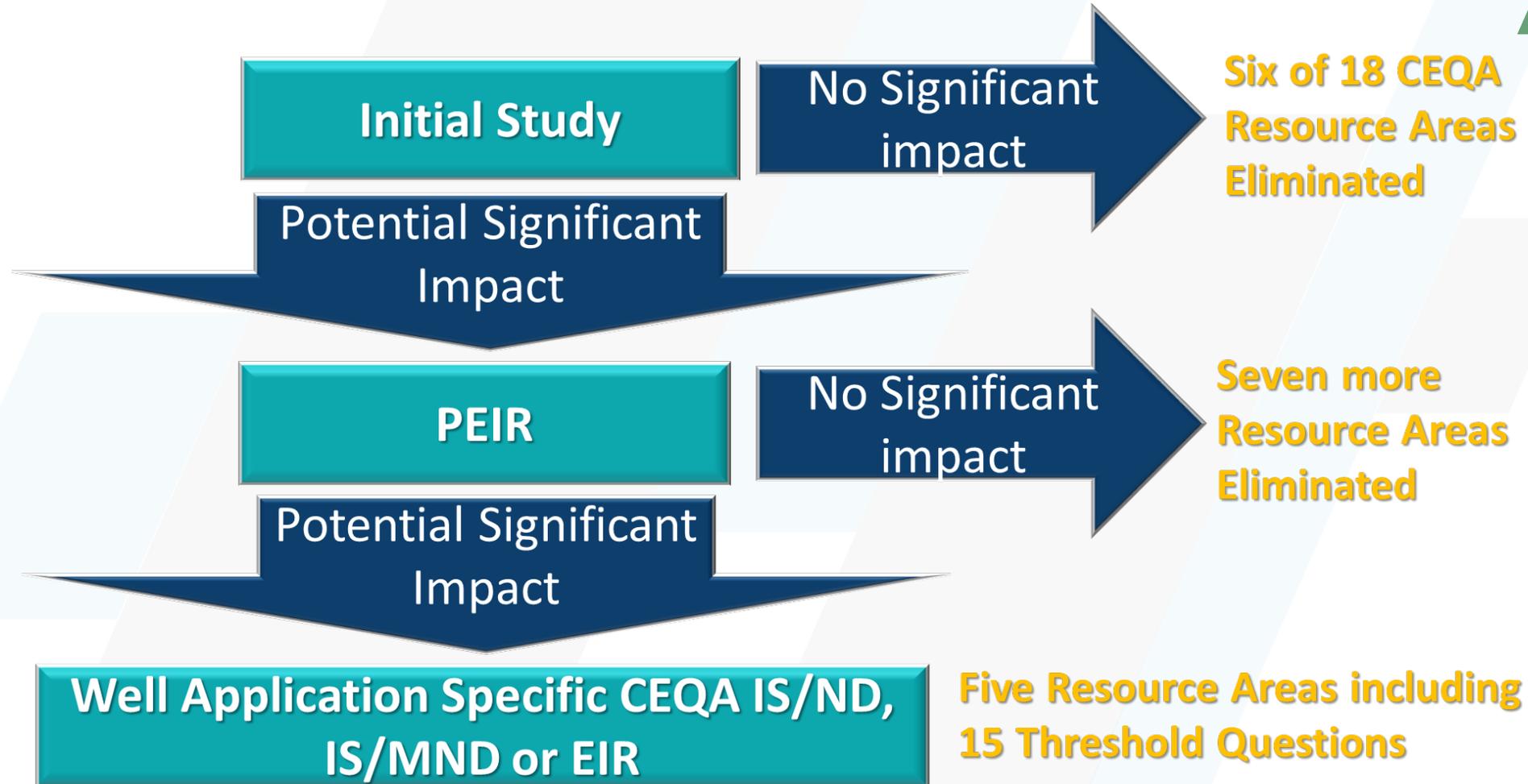
Update PEIR and refine streamlined CEQA review documentation

Use Management Zones to carve out areas where permitting is easier



Post-PEIR CEQA Review Streamlining

The PEIR Process



Post-PEIR Streamlining

Tiering from the PEIR

- Eliminate previously addressed issues and focus on Issues specific to individual applications

Permitting Guideline Amendment

- Adopt Decision Flow Chart / Analysis Checklist to simplify and standardize evaluation

Hydrologic Analysis Tools

- Refine/develop standardized tools to evaluate well hydrologic effects

Ordinance Amendment

- Nothing planned at this time, but could consider

Flowchart / Checklist Process

