



# County of Santa Cruz



## HEALTH SERVICES AGENCY ENVIRONMENTAL HEALTH DIVISION

Water Resources Program  
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### **Amendment of Chapter 7.70 and 7.73**

#### **Project Description:**

Amend County Code Chapter 7.70 (Water Wells) and Chapter 7.73 (Individual Water Systems) to bring County provisions into conformance with State Policy and recent court decisions. Amendments include various measures for improved protection of groundwater and other resources and improved water supply reliability, including requirements for: various measures to reduce impact of wells on groundwater resources, streams and associated public trust resources, karst areas, nearby wells, and designated groundwater extraction concern areas; different levels of review and protective measures for different types of wells, including discretionary review and potential for denial of Tier 4 wells; provisions for review and comment on well applications by affected water agencies and groundwater sustainability agencies; provisions for regulation of soil borings and stormwater infiltration devices; metering of all newly installed non domestic wells; penalties for code violations; promulgation of specific policies for implementation of code requirements; more extensive water quality testing for individual water systems and more stringent yield testing in known limited yield areas; recordation of a notice on the deed for wells with limited yield or quality; water quality testing and yield testing at the time of property transfer; and, various other wording changes and clarifications. Amendments to County Code Chapter 7.70 and 7.73 are Coastal Implementing and will require Coastal Commission certification after County Adoption.

#### **Chapter 7.70, Significant changes**

Change Chapter title from "Water Wells" to "Wells and Borings"

7.70.010: Expand Chapter purpose to include regulation of soil borings; protection of groundwater, surface water, public trust resources; and support implementation of the Sustainable Groundwater Management Act and local Groundwater Sustainability Plans.

7.70.015: Add section to clarify applicability.

7.70.020: Add various definitions: Control zones, groundwater, groundwater extraction concern areas, karst, public trust resources, seepage pit, soil boring, stormwater infiltration device, sustainable yield, tier, water well (including de minimis well, and replacement/supplemental well).

7.70.030(A): permits will be required for soil borings.

(C) Tier 1-3 wells, including qualifying water system wells, will be ministerial; Tier 4 wells and wells requiring discretionary approval under other County Code Chapters will be discretionary, subject to CEQA review.

(D) Tier 4 wells will require an evaluation of potential impacts and may be denied if significant impacts cannot be mitigated.

(F) Applications will be transmitted to affected water agencies and groundwater sustainability agencies for review and comment

(I): Double fee for work commenced without permit

7.70.090(A) Add additional provisions for horizontal well separation from seepage pits (150 ft), community wells and shallow sewage dispersal system (150 ft) community well and deep dispersal system (200-600 ft)

7.70.105: Policies shall be established for installation and destruction of soil borings.

7.70.107: Policies shall be established for installation and destruction of stormwater infiltration devices.

7.70.110(D): Water efficiency measures, metering and reporting required for all newly installed non-de minimis wells, with authority for Health Officer to verify ongoing efficiency.

7.70.110(E, H,J) Tier 1-4 are defined: Tier 1 is all de minimis wells that do not require other discretionary approval, Tier 2 are non-de minimis replacement wells that meet

protective requirements, Tier 3 are new non-de minimis wells that produce less than 50 af/y; Tier 4 are all other wells that do not meet requirements for Tier 1-3, including wells control zones and seawater intrusion concern areas. Wells will be prohibited in control zones. Specific criteria for Tiers and other resource protection measures will be included in a Resource Protection Policy to be adopted by Board resolution, and subject to adaptive management.

(F) A well will not be approved that conflicts with implementing a groundwater sustainability plan.

(G) Non-de minimis wells in karst will require further evaluation.

(I) The Health Officer may require compliance with GSA requirements for metering or other actions.

7.70.180, 190 Ability to levy violation reinspection fee and record notice of violations

7.70.200: Provides for promulgation of policies for detailed implementation. It is much quicker to update policy than code sections, allowing for more adaptive management.

### **Chapter 7.73: Significant changes**

7.73.030, 050(C): Language added to require IWS permit and yield testing for non-de minimis uses that provide water to the public but are smaller than public water systems.

7.73.050(D): More extensive yield testing required in limited yield areas.

7.73.050(F): Streams will no longer be permitted as an IWS water source.

7.73.070(B): Water quality testing expanded to include all Title 22 parameters, with the addition of testing for hexavalent chrome in the Aromas formation.

7.73.070(D): Allowances for deviation from water secondary quality standards and provision for treatment to meet standards, including point of entry and point of use treatment.

7.73.070(E): A Notice of Nonstandard water quality will be recorded on the deed where water quality does not meet drinking water standards and/or treatment is required.

7.73.075: Requirement for water quality and yield testing prior to property transfer.

**Resource Protection Policy**

Proposed Level of Review and Mitigation Required for Various Types of Well permit Applications					
Tier	Criteria	Average Number of Permits/year	CEQA Review Required?*	Connected Stream Setback	Nearby Well Setback
Tier 1	De Minimis, domestic < 5 connections; Non-de minimis <2 AFY	44	Ministerial	>50 ft and 100 ft deep seal <u>within 1000 ft of stream**</u>	>50 ft
Tier 2	Non-De minimis Replace/Supplemental	11	Ministerial	>100 ft or not less than existing, and 200 ft deep seal <u>within 2000 ft of stream**</u>	>50 ft, or not less than existing
	<u>Public Water system</u> replace/supplemental	1			
Tier 3	New Non-De minimis wells that are consistent with GSPs, meet Tier 3 calculated setbacks, and will pump less than 50 afy/100gpm	1	Ministerial	<u>If within 2000 ft of stream</u> , Using depletion model, 10th percentile dry season flow shall not be reduced by more than allowed % after 10 years of pumping ***	Calculated minimum setback so that drawdown at nearby well is less than 5 feet****
	Wells that do not meet Tier 1 or 2 minimum setbacks, but do meet Tier 3 calculated setbacks	?			
Tier 4	Wells that do not meet Tier 1,2,or 3 requirements; or located in a control zone or Tier 4 gw concern area	?	Yes	Analysis, including cumulative effect on streamflow in overall basin	Analysis and mitigation
	<u>New Public Water System</u> Serves > 199 connections	<1			
Notes:					
*	Well permit is discretionary if other discretionary permits are required by other sections of County Code.				
**	Deep Seal is specified depth or first impermeable layer, whichever is less.				
***	Allowed depletion is function of stream value and current impairment, as shown in Critical Stream Table				
****	Use modified Theis Non-Equilibrium Equation (Cooper-Jacob), with proposed well parameters and regional aquifer properties. Calculated drawdown at proposed distance of nearby well should not exceed 5 foot after 60 days of pumping.				
Water use efficiency measures are required for all wells; metering and reporting is required for all non-de minimis wells; other mitigation measures may be required.					