

A photograph of a wooden roof structure under construction, showing the intricate framework of beams and trusses against a clear blue sky. The structure is made of light-colored wood and is partially covered with a metal grate.

ITEM 13. CONSIDER FIRST READING OF ORDINANCE NO. 150 – NOTICING REQUIREMENTS FOR WATER DISTRIBUTION SYSTEM WELL CAPACITY TESTING

Meeting Date: March 19, 2012

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Overview of Ordinance 150

- Amends Rule 21-A, Water Distribution System (WDS) Applications (contents and requirements).
- Requires that Neighboring Well owners be notified of an impending Well Capacity Test and be given an opportunity to have their wells monitored during the test. Requires reasonable effort to accommodate neighbors' schedules.
- Requires documentation of contacts and responses before test begins in order for test to be accepted by MPWMD.
- Details in Implementation Guidelines to be prepared with oversight by Rules and Regulations Review Committee.

Background

- Issues about notice to neighbors regarding well testing arose in 2011.
- In 2012, staff and Rules/Regs Committee are developing comprehensive refinements to WDS Implementation Guidelines, including notice to neighbors.
- Current guidelines on noticing are not specific enough. Ordinance and improved Implementation Guidelines will correct this situation.
- Inclusion of noticing in the Rules enables an appeal to be filed early in the process, and timely corrective action.

New Rule 21-A-2

Adds requirement of documentation to be submitted before the well test. New text reads:

- Documentation regarding notification to Neighboring Well owners. Based on information provided by the District, the Applicant shall provide notice to Neighboring Well owners regarding the opportunity to monitor Wells as specified in the Implementation Guidelines. Applicant shall make reasonable efforts to accommodate the Neighboring Well owners' schedules. Applicant shall provide documentation of the Neighboring Well owners' responses, if any, to the District prior to the commencement of Well Capacity (Aquifer Pumping) Tests, as specified in the Implementation Guidelines.

New Rule 21-A-12

Adds a new component to the materials to be submitted in a WDS application package. New text reads:

- Documentation of notice to, and responses by, Neighboring Well owners regarding the opportunity to monitor Wells during Well Capacity (Aquifer Pumping) Tests as referenced in Rule 21-A-2.

New Rule 11, Definitions

The term “Neighboring Well” is defined. New text reads:

- **NEIGHBORING WELL** – “Neighboring Well” means a Well within 1,000 feet of a Well owned by the Applicant for a Water Distribution System Permit if the Applicant’s Well is located outside of the Carmel Valley Alluvial Aquifer, or within 300 feet of the Applicant’s Well if located within the Carmel Valley Alluvial Aquifer.

Discussion/Impacts

- Future applicants will need to start their WDS planning earlier and engage a Qualified Consultant sooner.
- Could be some time constraints for applicants planning well tests early in the 2012 season as the Implementation Guidelines have not been written. Staff will provide “early warning” to consultants if first reading passes today.
- New rules should not apply to 2011 well tests.
- More time will be needed by District staff, which adds to WDS permit cost. Pre-Application fee likely to be increased.
- Preparation of revised Implementation Guidelines takes time from other tasks, given limited personnel.

Recommended Board Action

- Approve the first reading of Ordinance No. 150.
- Direct staff to work with Rules/Regs Committee to prepare Implementation Guidelines related to noticing before the effective date (May 16, 2012 assumed).
- Confirm that new rules apply to the 2012 testing season (June 1 through November 30) and are not retroactive to applications in progress, where testing occurred in 2011 or earlier.
- Confirm that the notification requirement in Ordinance No. 150 is not a “project” under CEQA.
- Rules/Regs Com (3/7/2012) and District Counsel and have reviewed this item.

For More Information

Staff reports, ordinances and presentation materials can be found on the District's website at:

www.mpwmd.net

PowerPoint presentations will be posted on the website the day after the meeting