



## **ACTION ITEM**

### **13. Consider Changes to MPWMD Rules and Regulations for Water Distribution System Permits**

Meeting Date: December 9, 2013

Prepared by: Larry Hampson and Henrietta Stern



# 2013-14 Board Goal


## Streamline Essential Services

- Assess District's interests.
- What changes would benefit customers and the District?
- What regulatory alternatives exist?
  - clarify MPWMD authority.
  - which areas within the District are more important?
- Recommend amendments to rules.
- Consider more exemptions.

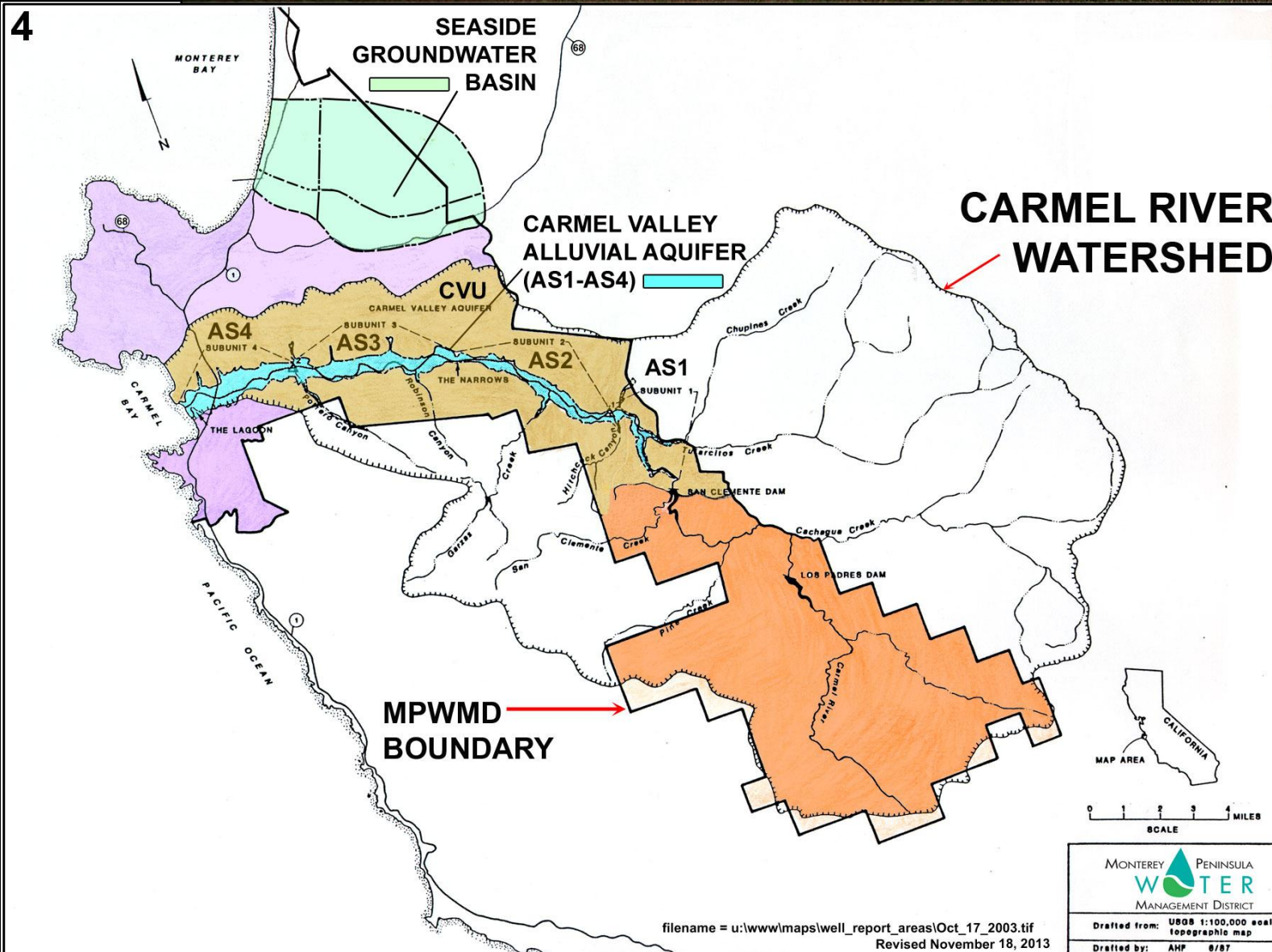




# Definitions and Acronyms

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- MPWRS = Monterey Peninsula Water Resource System
  - CVAA = Carmel Valley Alluvial Aquifer
  - SGB = Seaside Groundwater Basin
  - SER = Sensitive Environmental Receptors
  - System Limits = annual water production and connection limits
  - Critical habitat = habitat required for endangered or threatened species

# District Areas





# Existing WDS Rules

- Exemptions from setting a System Limit and conducting CEQA review apply in very limited circumstances
- For most wells, current Rules require:
  - pre-application & application (\$3,500 to \$5,000)
  - notification of nearby properties
  - hydrogeologic testing and report (\$5k - \$10k)
  - CEQA and legal review
  - Permit with System Limits (production and connection limit)



# Existing WDS Rules



## ■ Review Levels

- 153 different combinations of property size, parcels, water use, and location
- only four combinations are exempt
- Exemption: no WDS Permit needed; System Limits are set based on historical use
- WDS Permit: includes CEQA review; System Limits are set based on hydrogeologic testing and analysis; testing is limited to dry season (normally June 1 through November 30)



# District Authority

- District can regulate all water systems
- *in the absence of a declared overdraft or other physical or legal constraint*, District may not have authority to set System Limits in some areas
- within MPWMD, this concept applies most often to percolating groundwater outside of the MPWRS
- areas within MPWRS have legal constraints where System Limits are appropriate

# Staff Proposal

- Combine Pre-Application and Application (one step)
- Expand exemptions; simplify permit categories
- Extra review if within 1,000 feet of SER
- Revise SER definition to include all sources to the MPWRS
- General Manager to approve exemptions and permits unless the WDS is large or complex (all decisions remain appealable to the Board)
- Applications for 4 or more parcels will still require a WDS Permit (District law)
- **No change for facilities relying on the CVAA or the Seaside Groundwater Basin**



# Proposed Permit Pathways

- Exemptions:  $\leq 3$  parcels (no System Limits)
  - Type A – must be outside of MPWRS buffer
  - Type B – if within MPWRS buffer, must not have adverse effect on MPWRS
- Permit Examples:
  - Type C – 4 or more parcels outside of MPWRS buffer; SGB wells  $< 5$  AFY; no System Limits
  - Type D – if within MPWRS or buffer, testing and review, System Limits may be set
- Note: these examples do not cover all situations - see Exhibit C

# Benefits to Property Owners

- Reduce duplication with Monterey County
  - MPWMD to coordinate with Monterey County on new well ordinance
  - Include criteria for potential impacts of wells in a 1,000-foot buffer zone around MPWRS sources
  - MPWMD would rely on Monterey County assessments for wells that do not affect MPWRS
- Cost reduction to applicants
  - Reduce hydrogeologic tests and simplify legal review



# Benefits to MPWMD

- Most applications could be processed with a simple review and an exemption
- Exemptions would have reduced set of standard conditions
- Minimal staff review for exemptions meeting certain criteria
- Reduced timeline for exemptions and some permits




# Continued monitoring and data assessment







# Staff Recommendation

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- Concur with staff proposal and/or provide guidance.
  - Direct staff to prepare draft ordinance for Rules & Regulations Review Committee.
  - Direct staff to conduct CEQA review on first reading of an ordinance for future Board consideration (early 2014).
  - Provide the General Manager with the discretion to waive setting System Limits for qualified non-MPWRS applications currently in progress.

# For More Information

District website:

[www.mpwmd.net](http://www.mpwmd.net)

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

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