



## PUBLIC HEARING

13. Consider First Reading of Ordinance No. 160 Amending MPWMD Rules and Regulations for WDS Permits

Meeting Date: March 17, 2014

Prepared by: Henrietta Stern



# Agenda Package

- Ordinance No. 160 amends Rules to create or amend Water Distribution System permits (Rules 11, 20, 21, 22 and 173) – [see Exhibit 13-A](#)
- Determination of permit level review simplified (Table 22-A of Rule 22) – [see Exhibit 13-B](#)
- Draft Implementation Guidelines provide “road map” for applicants/staff – [see Exhibit 13-C](#)
- Counsel determination: no Cal-Am bailout for failed wells – [see Exhibit 13-D](#)






# Ordinance No. 160 Reflects Board Direction in December 2013

- Streamline permitting and avoid duplication with other agencies;
- Expand exemptions as allowed by CEQA;
- Comply with enabling legislation re: four or more parcels require a permit;
- Maintain District authority to set System Limits, as appropriate;
- Protect water resource system;
- Coordinate with Monterey County agencies.

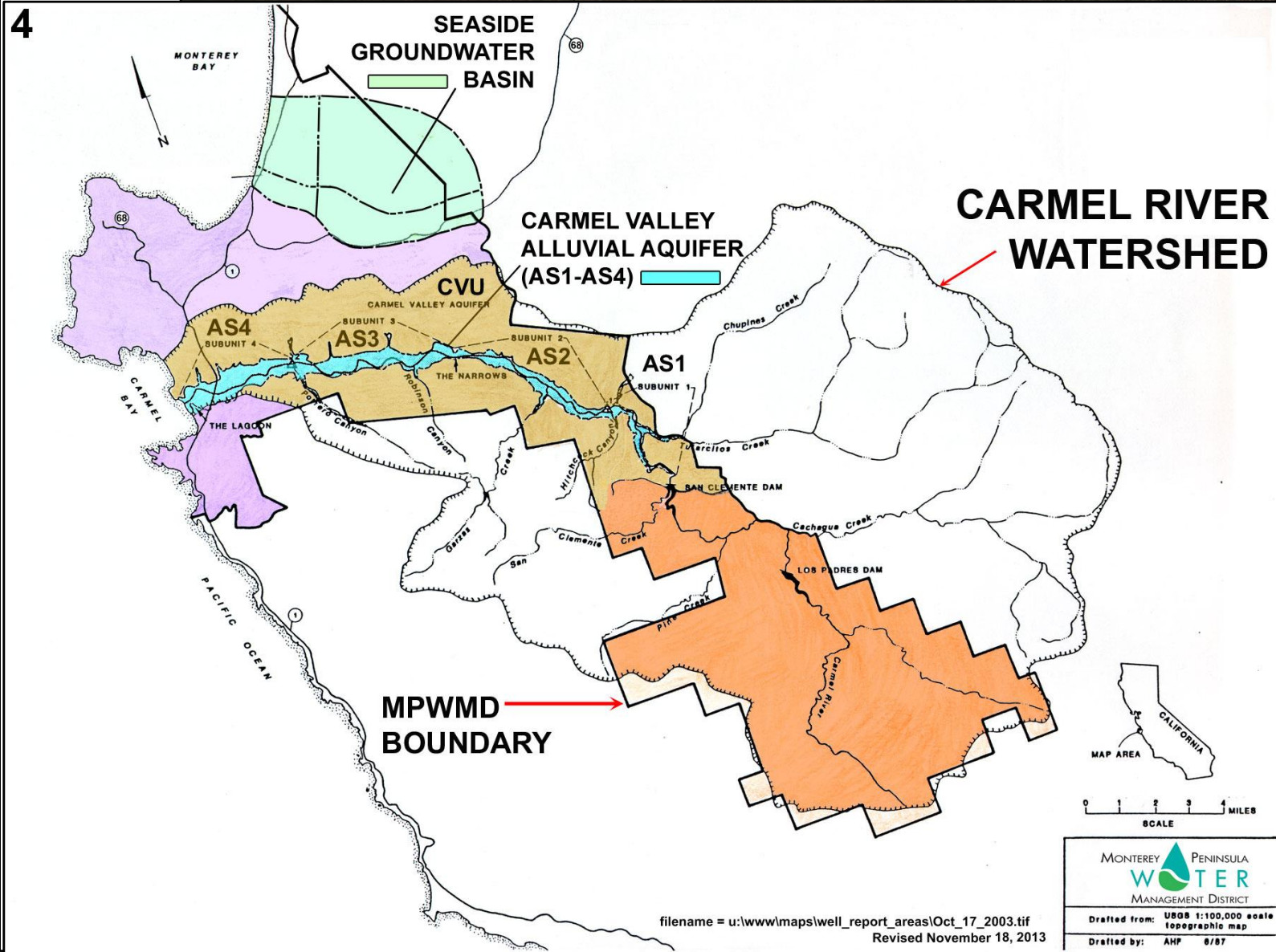


# Definitions and Acronyms

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- WDS = Water Distribution System
  - CEQA = Calif. Environmental Quality Act
  - MPWRS = Monterey Peninsula Water Resource System
  - CVAA = Carmel Valley Alluvial Aquifer
  - SGB = Seaside Groundwater Basin
  - System Limits = annual water production and connection limits



# Water Resource Areas



# Existing WDS Rules

- Limited exemptions, four WDS permit levels, and a complex review matrix;
- Pre-application and Application (with fees);
- Must assess potential impact to nearby wells;
- Must prepare hydrogeologic testing report;
- Must submit environmental and legal review;
- System Limits imposed on all WDS permits and many exemptions.





# Proposed Ordinance 160

- Create and revise definitions, including “Sensitive Environmental Receptor” (Rule 11)
- Expand exemptions for non-MPWRS systems, consistent with CEQA (Rule 20A, 20C);
- Delete Pre-Application step (info on website) and amend required application materials (Rule 21);
- Amend protocol for Exemption and Level 1, 2 and 3 WDS Permit categories (Rule 22);
- Amend protocol for Mobile WDS (Rule 173).



# Ordinance 160, continued

- Reduced regulation for systems greater than 1,000 feet from the MPWRS;
- Extra review if system within 1,000 feet of MPWRS;
- Most rigorous review for systems in the CVAA or Seaside Groundwater Basin;
- WDS permit required for systems that serve four or more parcels;
- Implementation Guidelines spell out procedures;
- General Manager has authority to issue most permits (staff decisions appealable to the Board).




# 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 the authority to set System Limits;
- This concept applies most often to systems outside the MPWRS (percolating groundwater with correlative water rights);
- District can require hydrogeologic testing if w/in 1,000 ft. of MPWRS and may set limits;
- MPWRS has physical and legal constraints.



# Permit Pathways and Criteria

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- Location of water system (esp. MPWRS);
  - Number of parcels served;
  - Amount of proposed production (if MPWRS is affected);
  - Type of system (well, desal, mobile etc);
  - Exemption, Level 1, Level 2 or Level 3;
  - Implementation Guidelines describe required information, permit pathways, source areas, and types of water systems.



# Continued Monitoring and Data Assessment; Access Required

No change to existing reporting requirements







# Staff Recommendation

- 1) Approve first reading of Ordinance No. 160 or provide direction; set second reading for 4/21/2014
- 2) Direct staff to finalize Implementation Guidelines by effective date (5/21/2014)
  - Rules & Regulations Committee reviewed on 3/4/2014 (no changes). County and MPWMD staffs discussed Ordinance on 3/7/2014. Ordinance and Guidelines revised to reflect roles and coordination between MPWMD and County.
  - Ordinance 160 approval is not a CEQA “project” (no direct or indirect physical effect). However, each WDS application is a “project.” See Ord. 160 Findings.



# 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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