



Board Agenda Item 11

DATE: March 6, 2018

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

David Pomaville, Director
Department of Public Health

SUBJECT: Amendment to Fresno County Ordinance Code Title 14 (Water and Sewage)

RECOMMENDED ACTION(S):

- 1. Conduct first hearing to amend Fresno County Ordinance Code, Section 14.04.050, relating to the potential conversion of proposed abandoned wells to groundwater monitoring wells in lieu of destruction; and, waive the reading of the ordinance in its entirety and set second hearing for March 20, 2018; and,**
- 2. Designate County Counsel to prepare a fair and adequate summary of the proposed ordinance and direct the Clerk to the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

Approval of the recommended actions would allow an opportunity to determine whether abandoned water wells proposed for destruction can be converted to groundwater monitoring wells in areas managed by Groundwater Sustainability Agencies (GSA) that require additional groundwater monitoring data. Development of the proposed ordinance is a requirement to receiving \$500,000 in grant funds from the California Department of Water Resources as part of the Proposition 1 Sustainable Groundwater Planning (SGWP) grant award issued to the County in 2016.

ALTERNATIVE ACTION(S):

Your Board could determine not to adopt the proposed amendment. The SGWP grant only requires that a proposed groundwater ordinance be presented to your Board for consideration.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Staff costs are reimbursable via the SGWP grant. Sufficient appropriations and estimated revenues are included in the Public Works and Planning Org 4360 FY 2017-18 Adopted Budget.

DISCUSSION:

On November 17, 2015, your Board adopted a resolution authorizing the Director of Public Works and Planning to submit a grant application to the California Department of Water Resources to fund development of groundwater monitoring wells within the Kings and Westside Subbasins in order to assist GSAs in the development of Groundwater Sustainability Plans (GSP). Also part of the grant application was the proposed development of a groundwater ordinance to be presented to the Board of Supervisors for consideration. On the same date, your Board directed staff to prepare a groundwater well protection ordinance (See Exhibit A).

Currently, Section 14.08.150 of the Fresno County Ordinance Code requires all abandoned wells to be destroyed in such a way that they will not produce water or act as a channel for the interchange of waters, when such interchange will, result in significant deterioration of the quality of water in any or all water-bearing formations penetrated, or present a hazard to the safety and well-being of people or animals.

This section is proposed to be amended (see Exhibit B) to now provide that if during the permit review process, a well proposed for destruction is determined to be located within an area requiring additional groundwater monitoring wells, consideration will be made for conversion of the well for groundwater monitoring purposes. Wells considered appropriate for this purpose would be referred by the Department of Public Health, Environmental Health Division (EHD), to the Water and Resources Manager of the Department of Public Works and Planning for dissemination to the appropriate GSA, allowing pursuit of an agreement for conversion of the well for monitoring purposes in lieu of destruction. Interest by the GSA must be expressed within five working days of notification or destruction of the well would proceed per the permit request. Easements, maintenance, and eventual destruction of the well shall be the responsibility of the GSA and/or property owner(s), which shall be clearly documented in a formal agreement, copies of which shall be provided to EHD. Should an agreement not be reached between the GSA and property owner(s), the well shall be immediately destroyed. At such time an established monitoring well is deemed no longer useful, and meets the definition of an abandoned well, it shall be destroyed.

If approved, the ordinance will take effect thirty days after the second reading.

REFERENCE MATERIAL:

BAI #55, November 17, 2015

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Exhibit B
Ordinance
On file with Clerk - Proposed Ordinance Summary

CAO ANALYST:

Sonia M. De La Rosa