

**COUNTY OF SAN MATEO
INTERDEPARTMENTAL CORRESPONDENCE**

To: Honorable Board of Supervisors
From: Supervisor Mark Church
Supervisor Richard Gordon
Subject: Report of the Board Subcommittee on Wells and Aquifers on Introduction of Ordinance Amending the County Well Ordinance for the Midcoast Area
Date: July 24, 2002

Board Meeting Date: August 6, 2002

RECOMMENDATION:

1. Certify the Negative Declaration by making the following findings that:
 - a. The Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
 - b. On the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the proposed changes to the Well Ordinance will have a significant effect on the environment.
 - c. The Negative Declaration reflects the independent judgment of the Board of Supervisors.
2. Introduce an Ordinance Amending Chapter 4.68 (Wells) of the San Mateo County Ordinance Code Relating to Standards for Domestic Wells in the Unincorporated Midcoast Area, and waive the reading of the ordinance in its entirety.

BACKGROUND:

At its May 14, 2002 meeting, the Board of Supervisors received a report from the Board Subcommittee on Wells and Aquifers which is composed of Supervisors Church and Gordon. This included a report on Phase 1 of the Midcoast Groundwater Study and a copy of a proposed draft ordinance to amend standards for domestic wells in the Midcoast Area. In response, the Board of Supervisors directed staff to begin the process of developing the ordinance and receiving public comment from residents. Hearings on the draft ordinance were held by the San Mateo County Planning Commission and the Midcoast Community Council on May 22, 2002. In early June, the Board of Supervisors Subcommittee for Wells and Aquifers reviewed all comments with staff and

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recommended revisions to the draft ordinance to clarify the original draft and address technical concerns raised by the public. The changes were to:

- Remove the seasonal restriction that only allowed pump tests to be performed from July 15 through November 30. The Subcommittee concluded that based on the length of time required for surface water to infiltrate to the underlying aquifer the seasonal requirement unduly burdens property owners and well drillers. Additionally, County policy already allows for staff to place seasonal restrictions on activities as warranted.
- Remove the restriction that the pump test shall not allow the water level to be drawn below mean sea level. The Subcommittee concluded that the other performance measure within the existing well ordinance and the proposed measures are sufficient in evaluating the health, sustainability, and quality of the aquifer. The Subcommittee further concluded that there was no technical or scientific basis for this requirement and would cause an unfair burden on well owners.
- Clarify the description of the water recovery level required after the pump test. Based on numerous comments and technical discussion, the Subcommittee concluded that the original proposed language was vague and would have caused staff difficulties in interpretation and proper implementation.
- Clarify the reference to State drinking water standards for water treatment purposes.
- Remove the urgency clause. The Subcommittee concluded that since the seasonal restrictions are no longer included an urgency issue was no longer warranted.

Attached to this report is a chart which compares the proposed amendment (with the changes described above) and the current well ordinance. As revised, the new ordinance will require that: (1) water sampling be taken at the conclusion of a pump test and transported for testing under a chain-of-custody, (2) water treatment will not be considered if either the State Upper Secondary Maximum Contaminant levels for specific conductance or chloride are exceeded, (3) the requirement that the water level within the well casing recovers to 80% or greater of the hydrostatic level, as determined by a California Registered Geologist immediately following the completion of the pump test (recovery time shall be equal to the time taken to perform the pumping test, but not less than four hours), and (4) all pumping tests shall be performed by, or under the supervision of, a California Registered Geologist and certified by signature of the same.

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The Subcommittee directed staff to circulate the revised draft ordinance for public comment and to conduct the environmental review required under CEQA so that the matter could be brought back to the Board of Supervisors at its August 6 meeting. A public meeting was held by the Midcoast Community Council on June 25, 2002 to review the changes. Staff has also met with interested citizens and organization such as the California Groundwater Association regarding the draft and changes.

DISCUSSION:

With the changes described above, the proposed ordinance will provide adequate assurance to the health of the aquifers and domestic wells in the urban Midcoast area. Action is warranted since the Phase 1 report of the Midcoast Aquifer Study identified areas of potential concern in the Midcoast area. Yet, the report does not provide enough information to support a moratorium on wells at any specific locations. The Midcoast area is geologically complex, and it is difficult, due to this complexity, to identify a discrete area in which a moratorium could be justified. The proposed ordinance is a performance-based approach which provides a reasonable level of protection against concerns for saltwater intrusion while the Phase 2 study proceeds. These are interim measures that will be reviewed once Phase 2 is completed. Staff believes that the current draft of the ordinance addresses most of the concerns raised by concerned parties. If adopted, the ordinance will take effect thirty (30) days from adoption.

ENVIRONMENTAL REVIEW:

An initial study and Proposed Negative Declaration were prepared and circulated for public comment from July 1 to July 31, 2002. No comments were received as of the date this memo was prepared. Any comments received after that date will be raised at the hearing.

VISION ALIGNMENT:

This project keeps the commitment to "preserve and provide people access to our natural environment" and goal number 14 - Important natural resources are preserved and enhanced through environmental stewardship.

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FISCAL IMPACT:

There is no net county cost with the adoption of the amendments.


SUPERVISOR MARK CHURCH


SUPERVISOR RICHARD GORDON

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- Attachments: (1) An Ordinance Amending Chapter 4.68 (Wells of the San Mateo County Ordinance Code Relating to Standards for domestic wells in the Unincorporated MidCoast Area)
- (2) Chart Comparing Proposed Amendments (As Revised) with current well ordinance
- (3) Negative Declaration

cc: John L. Maltbie, County Manager
Thomas F. Casey III, County Counsel
Margaret Taylor, Director of Health Services
Marcia Raines, Director of Environmental Services Agency
Dean Peterson, Director of Environmental Health Services Division
Terry Burnes, Planning Administrator