

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)
Governing Board Meeting
Final Minutes
October 10, 2007

LOCATION: 10545 Armstrong Avenue, Suite 101
Mather, CA 95655
9:00 a.m. to 11:00 a.m.

MINUTES:

1. Call to Order and Roll Call

Chair Scott Fort called the meeting to order at 9:05 a.m.

Roll call was taken and the following meeting participants were in attendance:

Board Members (Primary Rep.)

Anthony van Steyn, Agricultural Interests
Rick Bettis, Conservation Landowners
Edwin Smith, Public Agencies Self-Supplied
Ron Lowry, Omochumne-Hartnell Water District
Ed Crouse, Rancho Murieta Community Services District
Scott Fort, Golden State Water Company

Board Members (Alternate Rep.)

Clarence Korhonen, City of Elk Grove
Walter Sadler, City of Folsom
Albert Stricker, City of Rancho Cordova
Mel Johnson, City of Sacramento
Herb Niederberger, County of Sacramento/Sacramento County Water Agency
Andy Soulé, California-American Water Company
Ruben Robles, Sacramento Regional County Sanitation District

Staff Members

Darrell Eck, Executive Director, Sacramento Central Groundwater Authority
Michelle Fiorino, Clerk, Sacramento Central Groundwater Authority
Ramón Roybal, Sacramento Central Groundwater Authority
Jose Ramirez, Sacramento Central Groundwater Authority

Others in Attendance

Jafar Faghieh, MWH
Jonathan Goetz, Water Forum
Rob Swartz, SGA/RWA
Ali Taghavi, WRIME
Dana Booth, EMD

2. Public Comment

Chair Fort called for any public comment. No public comment was made.

3. Consent Calendar

The draft meeting minutes for the meeting held on September 12, 2007 were reviewed for final approval.

Motion/Second/Carried - Herb Niederberger moved, by a second from Mel Johnson to approve the minutes.

4. Sacramento County Well Ordinance

Dana Booth, from the Environmental Management Department, gave a presentation on the County's Well Ordinance (**see corresponding attachment**).

Well Ordinance managed under the EMD Water Protection Division: Wells Program. Water Program Activities include well permitting, sanitary seal inspection, final inspections, complaint response, enforcement/compliance, and tracking. Most complaints received are on abandoned wells. EMD maintains a database for new and abandoned wells and tracks well by address, parcel, or GPS coordinates. Working towards GIS integration of well data. Sacramento County has maintained a Well Ordinance for over 40 years and was last revised in 2003. The 2003 Well Ordinance changed and clarified responsibilities. It added new definitions for "Director" and "Well Owner". It also clarified the differences in responsibility between "Well Owner" and "Applicant". Well Ordinance revision upcoming. De-watering wells do not require a drilling permit and EMD believes there is a need for regulatory involvement as there may be a significant number of these wells that are destroyed or abandoned improperly. Well Ordinance scheduled for update in 2008. EMD open to receive input on Well Ordinance update.

Another issue discussed was the drilling of private wells in areas that receive municipal water service. According to Mr. Booth individual jurisdictions have language within their respective codes that acknowledge the County Well Ordinance and the regulatory authority of EMD to implement this ordinance within their boundary. If a jurisdiction wants to control or limit the drilling of private wells within their jurisdictional boundaries they can add language to their code defining these conditions and EMD can enforce accordingly.

Question was asked if testing for water quality is required during installation of a new well. Mr. Booth stated that water quality testing is not required unless the new well location is within a "Consultation Zone" as described in the Well Ordinance. In this case the Well Ordinance prescribes a course for regulatory compliance.

5. Groundwater Management Program Update

Darrell Eck provided the following information on AB 303 grant opportunities from the California Department of Water Resources (DWR). The Local Groundwater Management Assistance Act of 2000 (California Water Code [CWC] Section 10795 *et seq.*), or AB 303, was enacted to provide grants to local public agencies to conduct groundwater studies or to carry out groundwater monitoring and management activities. Priority for grant funding is

given to local public agencies that have adopted a groundwater management plan and demonstrate collaboration with other agencies in the management of the affected groundwater basin.

DWR anticipates funding will be available in the Fiscal Year 2007-2008 Budget. Proposal Solicitation Packages are expected to be released in mid-October, with applications due in early December. Local public agencies with authority to manage groundwater resources may apply for up to \$250,000. DWR is encouraging local public agencies that have not received local groundwater assistance grants to apply.

Examples of appropriate projects for this Grant Program include:

- Groundwater data collection
- Modeling
- Monitoring and management studies
- Monitoring programs and installation of equipment
- Basin management
- Development of information systems

An AB 303 grant would provide the Authority an opportunity to develop additional aspects of the Basin's Data Management System (DMS). It was agreed at last month's Board meeting that staff should investigate contracting with a hydrogeologist to assist in the review and evaluation of the well log information provided by State DWR. Successfully securing this grant could pay for the hydrogeologist's services and also provide money to assist staff with data entry and other tasks associated with the DMS. Because the timeframe for submitting the AB 303 application is so short it was agreed that a subcommittee be formed to discuss and approve a scope of work. This scope would then be submitted to a number of consultants who have had experience in developing and submitting AB 303 grants. Said consultants would be requested to provide a Statement of Qualifications (SOQ) for the scope and then the subcommittee would select a consultant based on the SOQs.

Motion/Second/Carried – Herb Niederberger moved, by a second from Ed Crouse to form a subcommittee to select a consultant to prepare the application. Ron Lowry abstained.

Motion/Second/Carried – Walter Sadler moved, by a second from Rick Bettis to give authority to the subcommittee to select a consultant with a budget of up to \$20,000. The subcommittee will consist of Walter Sadler, Jose Ramirez, and Scott Fort.

6. Central Basin Well Protection Program

Darrell Eck reported back on the September 12, 2007 Board meeting discussion of the following issues:

Who are we trying to protect and what are we trying to protect them from?

This question is answered in Section 4.3.1 of the Groundwater Management Plan. This

Section states, "Protection of the Central Basin's groundwater resource and the domestic and agricultural wells located within the basin is of fundamental importance to the stakeholders of the Central Sacramento County Groundwater Forum (CSCGF). Regarding the basin's long-term sustainable yield, the CSCGF was concerned that the continued decline in groundwater levels could result in the "dewatering" of some wells, particularly agricultural and agricultural-residential wells. Agricultural and agricultural-residential users have no alternative source of supply if their wells are dewatered, and current groundwater users should not have to subsidize future growth in the basin by paying the cost of deepening or replacing wells."

The Trial Balloon for the Well Protection Program, found in Appendix D of the Groundwater Management Plan, contains similar language and also includes this statement from the stakeholders, "In order to address this concern, we propose that the following (meaning the Program recommendations) be included as part of the "solution package" concerning groundwater management in the Central Area."

Area of Impact

The approach that was taken in the Impact Analysis (see Appendix E of the Groundwater Management Plan) was to look at groundwater impacts from a basin wide perspective. The reason for this is related in part to some of the difficulties associated with developing the North Vineyard Well Protection Program. Initially, the area of impact for the North Vineyard program was delineated based on hydrologic modeling; however, significant lobbying by the surrounding community resulted in a significantly larger boundary. This increase in the size of the program area has not entirely resolved the issue as others immediately outside the boundary (or farther) claim that they are impacted by the operation of the well field and continue to lobby to have the boundary expanded to include them. This lobbying effort has been moderated to a certain degree because of the prospect of the larger Central Basin Well Protection Program, which has been actively promoted in community meetings and through other points of contact. This promotion has significantly raised community expectations for the Central Basin Well Protection Program.

Further complicating the process is the "no fault" approach that is being used by the North Vineyard program in paying claims and is proposed for the Central Basin's program. While this process significantly streamlines well registration it makes it impossible to determine if a dewatered well is a direct result of localized pumping or regional pumping.

Nexus for Well Protection Fee

The Well Protection Program fee was determined based on the Impact Analysis contained in the Groundwater Management Plan. The impact cost was based on the most conservative scenario addressed in the analysis, *Reduced Surface Water Availability*, and an estimate of the amount of development that would occur in the Central Basin from the beginning of the program through the "eleventh year after surface water from the Freeport Regional Water Authority project is delivered to the Central Basin," or approximately 2022.

As mentioned by Herb Niederberger at last month's meeting Government Code Section 66000 and following, requires that any action establishing, increasing or imposing a fee as a condition of approval on a development project by a local agency, the local agency shall do the following: (1) identify the purpose of the fee, (2) identify the use to which the fee will be

put, (3) determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed, and (4) determine how there is a reasonable relationship between the amount of the fee and the cost of the public facilities on which the fee is imposed.

Section 66000 also requires the local agency to hold a noticed public hearing, at which oral or written presentations can be made, prior to the adoption of a new fee or increasing an existing fee.

General Question

What is the role of the Groundwater Authority in the development of the Well Protection Program? The Groundwater Management Plan envisioned that the basin governance body, the Groundwater Authority, would be responsible for the development and implementation of the Central Basin Well Protection Program. This is supported by the JPA that states that one of the purposes of the Authority is, "to oversee the operation of any Well Protection Program that may be prescribed by the GMP." Staff has drafted an ordinance for adoption by the Groundwater Authority Board that is based on the requirements prescribed by the GMP. Because the Authority does not have a "front counter" it has been proposed that business agreements be entered into with the Cities and County for the collection of the Well Protection Fee.

Herb Niederberger stated that it was not the responsibility of the Authority to adopt an ordinance establishing the Well Protection Program but that it was the responsibility of the various land use agencies. Clarence Korhonen agreed, referring to Section 20 of the JPA which states that a draft Well Protection Plan ordinance would be submitted to the signatories who have land use authority "to consider for adoption." Herb added that the land use agencies have had a significant amount of time to consider an ordinance for adoption and that it appeared that significant issues remained that seemingly made it impossible to do so. Herb asked the Board in general, "are we are done here or do we need to delay the process and try to work through some of the Cities concerns?" Albert Stricker stated that, "while the concept is good the program as currently proposed is not viable." Herb mentioned that he has been in regular contact with the BIA and indicated that while they may have supported a fee for this program two years ago that they would not support it today given the present condition of the housing market. After additional discussion the Board felt that there was an obligation to the Basin stakeholders to continue working on the program.

Motion/Second/Carried – Herb Niederberger moved, by a second from Walter Sadler to direct staff to develop an action plan, continue to work with the various land use agencies to identify and address fatal flaws, and report back to the Board in December with recommendations. Jonathan Goetz (Water Forum) offered the support of the Water Forum in assisting staff in this effort.

7. Executive Director's Report

South Basin Water Council-October 9, 2007 Meeting

The Council plans on moving forward with the stakeholder process but continues to work on obtaining necessary funding. The budget for this fiscal year is settled, but funding for the 2008/09 fiscal year is still uncertain. The Council has decided to begin the stakeholder

process in November 2008.

Water Accounting Framework-Proposed Projects

Members of the Board were reminded of the presentation last month on the Water Accounting Framework program. Introduction of this type of program is important to the Board as there has been some discussion of potential projects within the Central Basin that would require a water accounting framework to be in place. As these proposals mature their proponents will be invited to make presentation to the Board.

8. Directors' Comments

Clarence Korhonen is happy that the Board is going to continue working on the Central Basin Well Protection Program.

Herb Niederberger provided a Freeport update. The pipeline projects are underway and the contracts came in well under budget. The Treatment Plant contract is out to bid now and they will hopefully be able to award the contract in February.

No other comments.

9. Adjournment

With no further business to come before the Board, Chair Scott Fort adjourns meeting at 10:50 a.m.

By:

Scott D. Fort
Chairperson

11/14/07
Date

Attest:

Michelle Fiorino

11/14/07
Date

