

# ORDINANCE 2023-01

**An Ordinance of the Yucaipa Groundwater Sustainability Agency Regulating the Construction, Reconstruction, Abandonment, and Destruction of Wells and Incorporating by Reference San Bernardino County Code Sections 33.0630 to 33.0645 and Riverside County Ordinance 682.4**

## 1 Purpose

In 2014, the California State Legislature adopted the Sustainable Groundwater Management Act (Wat. Code § 10720 *et seq.*) (SGMA). In furtherance of the SGMA, the California Department of Water Resources (DWR) promulgated Subchapter 2 (commencing with Section 350) of Chapter 1.5 of Division 2 of Title 23 of the California Code of Regulations (GSP Regulations).

The SGMA empowered local agencies to form Groundwater Sustainability Agencies (GSAs) to develop and adopt Groundwater Sustainability Plans (GSPs). The goal of developing and implementing GSPs is to manage the use of local groundwater resources sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future users. Among the legislative purposes of the SGMA are for California's groundwater basins to be managed sustainably "through the actions of local government agencies to the maximum extent feasible," and to provide local public agencies acting as GSAs with the authority and technical and financial assistance necessary to achieve basin sustainability (Wat. Code § 10720.1).

The Yucaipa Groundwater Sustainability Agency (Yucaipa GSA) was formed in 2017 to act as the GSA for the Yucaipa Subbasin. The Yucaipa Subbasin lies within the Upper Santa Ana River Basin Hydrologic Region (DWR basin number 8-002.07) and underlies an area of approximately 25,300 acres under portions of the cities of Calimesa, Redlands, and Yucaipa, as well as unincorporated San Bernardino and Riverside Counties. The Yucaipa GSA jurisdictional boundary consists of the entire Yucaipa Subbasin within San Bernardino County and Riverside County (Dudek, 2022).

In January 2022, Yucaipa GSA adopted the Yucaipa Subbasin Groundwater Sustainability Plan (Yucaipa Subbasin GSP) pursuant to the SGMA and the GSP Regulations.

This Ordinance is adopted to provide minimum standards for the construction, reconstruction, abandonment, and destruction of all wells in the Yucaipa Subbasin in order to: (a) protect and sustainably manage the groundwater resources in the Yucaipa Subbasin, (b) ensure that the construction and use of groundwater supply wells and monitoring wells are consistent with the groundwater sustainable management criteria and monitoring protocols established in the Yucaipa Subbasin GSP, and (c) provide safe water for the beneficial use by all groundwater users in the Yucaipa Subbasin.

## 2 Authority

Pursuant to the SGMA, including without limitation Water Code section 10725.2, the Yucaipa GSA shall enforce the provisions of this Ordinance within its jurisdiction. This Ordinance shall be in addition to, and not a limitation on, the authority and well permitting requirements by the Riverside County Department of Environmental Health (RCDEH) and the San Bernardino County Department of Environmental Health Services (SBCDEHS) within their respective jurisdictions.

## 3 Implementation

The Yucaipa Subbasin is primarily in San Bernardino County, with portions of the North Bench, Calimesa and San Timoteo management areas in Riverside County. Both counties adopted ordinances that provided minimum standards for the construction, reconstruction, abandonment and destruction of wells to protect groundwater resources and to provide safe water for persons within their respective jurisdictions. The following summarizes the well ordinances adopted by San Bernardino County and Riverside County.

### 3.1 San Bernardino County

The Board of Supervisors for San Bernardino County adopted Ordinance 3105 in 1986, codified as Article 3 (commencing with Section 33.0630) of Chapter 6 of Division 3 of Title 3 of the San Bernardino County Code of Ordinances (SB Ordinance). The SB Ordinance establishes requirements for well permit applications, the conditions for approving or denying well permit applications, the licensing and registration of water well drillers and contractors, the selection of well sites, water well surface construction features, and inspections by County staff during certain aspects of well construction and destruction. The Department of Environmental Health Services of the County of San Bernardino (SBCDEHS) is responsible for enforcing the SB Ordinance. The SB Ordinance references the recommended well standards in DWR Bulletin 74-81 and adopts these standards as the well standards for San Bernardino County (DWR, 1981).

The Yucaipa GSA hereby adopts the well standards in the SB Ordinance, as may be amended, as the minimum standards for the construction, reconstruction, abandonment and destruction of wells in those portions of the Yucaipa Subbasin that are within San Bernardino County. The Yucaipa GSA also requires additional well construction details to assess the influence of the new well or altered existing well on conditions in the Yucaipa Subbasin, as set forth in Section 4 of this Ordinance.

### 3.2 Riverside County

In 1989, the Board of Supervisors of the County of Riverside adopted Riverside County Ordinance 682, amended in its entirety in 2021 by Ordinance 682.5, entitled "An Ordinance of the County of Riverside Regulating the Construction, Reconstruction, Abandonment and

Destruction of Wells and Incorporating by Reference Ordinance No. 725” (Riverside Ordinance). The Riverside Ordinance establishes requirements for well permit applications, the conditions for approving or denying well permit applications, the licensing and registration of water well drillers and contractors, the selection of well sites, construction standards, inspections by County staff during certain aspects of well construction and destruction, water quality standards, and minimum well production. The Riverside County Department of Environmental Health (RCDEH) is responsible for enforcing the provisions of the Riverside Ordinance. RCDEH also references the recommended well standards in DWR Bulletin 74-90, in addition to Bulletin 74-81, as the well standards for Riverside County (DWR, 1991).

The Yucaipa GSA hereby adopts the well standards in the Riverside Ordinance, as may be amended, as the minimum standards for the construction, reconstruction, abandonment and destruction of wells in those portions of the Yucaipa Subbasin that are within Riverside County. The Yucaipa GSA also requires additional well construction details to assess the influence of the new well or altered existing well on conditions in the Yucaipa Subbasin, as set forth in Section 4 of this Ordinance.

### 3.3 Drought Executive Order

In March 2022, Governor Newsom adopted Executive Order N-7-22, also known as the Drought Executive Order, specifying certain requirements to mitigate the effects of the drought on California’s water supply systems. Paragraph 9 of the Drought Executive Order requires local well permitting agencies to forward a well permit application for new wells or for alterations to existing wells in medium to high priority basins to the managing GSA to review and provide written verification that the proposed well will be consistent with the applicable GSP. Paragraph 9 of the Drought Executive Order also requires that the permitting agency assess whether the extraction of groundwater from the proposed well will interfere with the production and functioning of existing nearby wells and will cause land subsidence that will adversely impact or damage nearby infrastructure.

Executive Order N-3-23, adopted on February 13, 2023, withdraws Paragraph 9 of the Drought Executive Order and replaces it with similar text, with the following exception: “This Paragraph shall not apply to permits for wells (i) that will provide less than two acre-feet per year of groundwater for individual domestic users, (ii) that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code, or (iii) that are replacing existing, currently permitted wells with new wells that will produce an equivalent quantity of water as the well being replaced when the existing well is being replaced because it has been acquired by eminent domain or acquired while under threat of condemnation.”

As required by Executive Order N-3-23, RCDEH and SBCDEH shall forward a complete well permit application to the Yucaipa GSA for the purpose of evaluating whether the proposed new well or alteration of an existing well will be consistent with the groundwater resource sustainable management criteria established in the Yucaipa Subbasin GSP (Dudek, 2022).

The following procedures will be implemented by the Yucaipa GSA.



1. The Yucaipa GSA will review the well permit application and provide RCDEH or SBCDEH a completed Yucaipa GSA Executive Order N-3-23 Compliance Form documenting whether the proposed use of the new well or altered existing well will be consistent with the Yucaipa Subbasin GSP (Appendices A and B). The Yucaipa GSA will provide a completed Compliance Form to the RCDEH or SBCDEH within 30 days of receiving the well permit application from the respective agency.
2. The Compliance Form will reference this Ordinance and indicate that the additional well construction requirements listed herein (see Section 4) are included with the RCDEH or SBCDEH well permit applications.
3. No person or entity shall engage in any activity subject to the jurisdiction of this Ordinance without first obtaining a well permit from RCDEH or SBCDEH commensurate with their respective well permit application requirements and fees.
4. Any person who shall commence any work for which a permit is required by RCDEH or SBCDEH without having obtained a permit for emergency work when it was established in writing to the satisfaction of RCDEH or SBCDEH that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work shall provide well construction, development and testing details to the Yucaipa GSA to assess the use of the well in relation to sustainable groundwater management criteria established in the Yucaipa Subbasin GSP. Nothing in this provision shall relieve the applicant from adhering to the permit requirements stipulated by RCDEH or SBCDEH under all circumstances, including emergency work.
5. Copies of all well permits issued by RCDEH or SBCDEH shall be provided to the Yucaipa GSA within thirty (30) days of issuance by RCDEH or SBCDEH.

## 4 Information Required by the Yucaipa GSA

To assess the potential effect of the proposed well or alteration to an existing well on groundwater sustainability in the Yucaipa Subbasin, the Yucaipa GSA requests additional information be included with well permit applications submitted to SBCDEHS and RCDEH and post-construction details of the well.

### 4.1 Additional Information in Well Permit Applications

The following information shall be provided as an addendum to the “Application for Well Permit” submitted to SBCDEHS or the “Water Well Application” submitted to RCDEH.

1. The proposed use of the well (e.g., agriculture, municipal, community, private domestic, monitoring, etc.) and the anticipated long-term production rate in gallons per minute (GPM) and acre-feet per year (AFY).
2. The proposed well depth, including casing size and proposed interval(s) of perforations.

3. The make and model of a totalizing flow meter and location of its installation in the discharge line per specifications by the manufacturer.
4. The proposed specifications and depth of a dedicated sounding tube to facilitate the measurement of a water level in the well casing.
5. The type and location of a sampling port for purposes of collecting representative water quality samples from the discharge stream of the well.

## 4.2 Post-Construction Details of the New Well or Alteration to an Existing Well

The following information shall be provided to the Yucaipa GSA after the new well is constructed and, if applicable, equipped with a pump and water conveyance system, or if an existing well is altered.

1. Details on the drilling method(s) used to drill the borehole for the conductor casing (if applicable) and well casing.
2. The results of downhole geophysical logging of the borehole, if applicable.
3. Details on the construction of the well, including
  - a. Depth of borehole drilled.
  - b. If applicable, the type of material, wall thickness, and depth of conductor casing installed, and annular sealing material used per requirements in Bulletins 74-81 and 74-90.
  - c. Type of material, wall thickness and depth of well casing, including details on casing perforations (slot size and interval).
  - d. Depth interval and gradation of the filter pack.
  - e. If applicable, details of the placement of a transition zone above the filter pack.
  - f. The type of material and method of placement of the annular seal.
  - g. A schematic of the surface completion for the well, identifying, if applicable, the sounding port to measure depths-to-water, sampling port for collecting water quality samples, and access port for camera tube.
4. Survey results by a licensed surveyor indicating the locations, referenced to the North American Datum of 1983 (NAD83), and elevations, referenced to the North American Vertical Datum of 1988 (NAVD88), for the following points:
  - a. Land surface

- b. Reference point from which depths-to-water will be measured in the well (e.g., top of sounding tube). The reference point shall be clearly and permanently marked.
  - c. Top of well casing (this point shall be clearly and permanently marked).
6. For alterations to existing wells, please provide the details for the alterations (e.g., zone of perforated casing that was sealed off, backfill casing to a certain depth, etc.) made to the existing well and the resulting improvements (e.g, increased production and/or improvement in water quality).

## 5 References

Department of Water Resources (DWR). 1981. Water Well Standards: State of California. State of California The Resources Agency. Bulletin 74-81. December.

Department of Water Resources (DWR). 1991. California Well Standards. California Department of Water Resources. Bulletin 74-90 (Supplement to Bulletin 74-81). June.

Dudek. 2022. *Final Groundwater Sustainability Plan for the Yucaipa Groundwater Subbasin*. Prepared by Dudek, 605 Third Street, Encinitas, California. Prepared for Yucaipa Groundwater Sustainability Agency, c/o San Bernardino Valley Municipal Water District. January 27, 2022.



# Appendix A

## Executive Order N-3-23 Compliance Form for Riverside County Department of Environmental Health

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## **Appendix B**

### Executive Order N-3-23 Compliance Form for San Bernardino County Department of Environmental Health Services

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