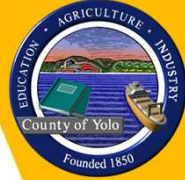




Agricultural Well Permit #23-022W Appeal

Division of Environmental Health



Introduction

- Well Permit #23-022W was approved by Yolo County Environmental Health (YCEH) and issued to Boundary Bend Olives on December 14, 2024.
- The well permit application met all the requirements under the Yolo County Code and Yolo County Urgency Ordinance No 1569 including:
 - ❖ Minimum setback requirement to nearby wells.
 - ❖ Construction Standards in YCC, Title 6, Ch. 8, Art. 10
 - ❖ Verification from the Yolo Subbasin Groundwater Agency (YSGA)
- Well permits meeting these criteria are ministerial permits.



The Instant Appeal

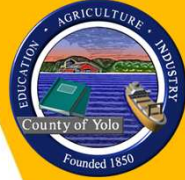
The appeal procedures for well permits are set forth in Title 6, Chapter 8 of the Yolo County Code.

- Appeals must be filed within 30 days after the Enforcement Officer renders a decision.
- The well permit was issued on December 13, 2024.
- Annie Main filed an appeal on January 13, 2025 which was 31 days after the permit was approved.
- It is County Counsel's opinion that the appeal was timely since the 30th day fell on Sunday although the final determination of timeliness rests with the Board.

The Yolo County Code authorizes the Board to make the following determinations upon hearing the appeal:

- Grant the permit, or grant the permit upon conditions, if it is found that the well permit meets the applicable standards contained in or determined as set forth and described in the Yolo County Code and Urgency Ordinance No. 1569. For good cause shown, the Board may also impose other conditions or requirements for such permit; or
- Deny the permit application if the well permit applied for fails to meet and comply with the applicable well permit standards.

Agricultural Well Permitting Background



- YCEH is responsible for issuing well permits in the County.
- On March 28, 2022 Governor Newsom issued Executive Order (EO) N-7-22 which was later replaced by EO N-3-23. The EO required additional review and analysis of applications for groundwater permits.
- Yolo County Environmental Health (YCEH) worked with a hydrogeologist from Luhdorff & Scalmanini, Consulting Engineers (LCSE) to develop a Technical Memorandum (TM) which contained temporary well permitting procedures for agricultural wells to meet the requirements under the EO.
- On September 5, 2024, the Governor issued a new EO N-3-24 rescinding certain provisions of prior EO including the additional review and analysis of well permits.
- On October 22, 2024, the Board approved Urgency Ordinance No. 1569 which continues the temporary well permit procedures including the routing of well permit applications to the applicable GSA for review and verification in accordance with the review procedures of the pertinent GSA to determine whether the well is consistent with the adopted groundwater sustainability plan (GSP).



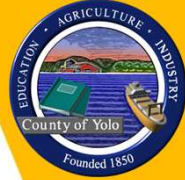
Current Agricultural Well Permitting Requirements

- Wells must continue to meet the construction standards of the Yolo County Code.
- Under the Urgency Ordinance an agricultural well permit application must also demonstrate that a proposed well is unlikely to interfere with the function and operation of nearby wells. This can be demonstrated in either of two ways:
 1. The new well must meet the required distances from nearby active wells shown in Table 1 of the Urgency Ordinance. These distances are based on the pumping capacity of the new well. This table was developed by LCSE as part of the TM process; or
 2. Applicants can submit a report by a licensed professional geologist or hydrogeologist that includes technical analysis and justification for why the proposed separation distance is unlikely to impact the function and operation of nearby wells.
- Most significant difference from TM was the removal of the separate YCEH replacement agricultural well permit review process that did not require replacement wells to meet the minimum well separation distances to protect against impacts to nearby wells.
- The Urgency Ordinance continues the routing of well permit applications to the applicable GSA.

History of Well Permit 23-022W

The review process for well permit #23-022W was unusual for several reasons:

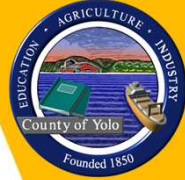
1. The permit was mistakenly issued on March 29, 2023, and later placed on hold as County well permitting procedures changed to comply with Governor's Executive Orders.
2. The well's classification shifted from replacement to new and then back to replacement.
3. A change in the well driller resulted in confusion and unauthorized commencement of drilling, but the applicant and driller complied with the Stop Work Notice issued by the County.
4. Governor lifted the Executive Order regarding the well permitting process, resulting in the adoption of Ordinance No. 1569 on October 22, 2024. Following that:
 - November 15, 2024: YCEH received a revised well permit application designating the proposed well as a replacement well consistent with the original March 2023 application. YCEH staff confirmed location of well and that well being replaced also has a 12" casing.
 - November 19, 2024: YSGA informed YCEH that no additional verification review is required and that YSGA's prior written verification was still valid.
 - December 13, 2024: YCEH issued well permit #23-022W.
 - January 13, 2025: Appeal to the issuance of well permit #23-022W filed.





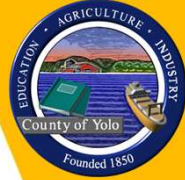
Appeal

- An appeal to the issuance of well permit #23-022W was filed on January 13, 2025
- Reasons cited for the appeal of the well permit were:
 1. The replacement well permit was issued without on-site verification.
 2. This well is in violation of the Executive Order for replacement wells.
 3. Drilling a well without a valid permit.
 4. Undermining of Subbasin Sustainability Goals
 5. Focus Area concerns.



Final Approval of Well Permit #23-022W

- Well Permit #23-022W met all applicable requirements of the County Code and Urgency Ordinance No. 1569 (and prior well permitting requirements) including:
 - Construction- The application demonstrated compliance with all construction requirements under Yolo County Code and the California Well Standards
 - Minimum Separation Distances- Based on the pumping capacity and site map submitted with application, the proposed well meets required minimum separation distances from nearby wells
 - GSA Verification- YSGA issued a verification letter on March 21, 2023 for the proposed well and confirmed the verification was still valid on November 19, 2024 since it related to the original application.
- The Board may not deny the application unless it finds that the proposed well permit application violates the County's applicable well permit standards.
- Staff have determined that the well permit application satisfied all County and State requirements.
- *Staff want to emphasize that the recommended denial of the appeal does not diminish the importance of the concerns raised by the appellant as the County works to develop a long-term well permitting ordinance.*



Recommended Action

- Conduct a public hearing to consider the appeal of well permit #23-022W
- Adopt the proposed findings included in the Board packet
- Affirm the Yolo County Environmental Health's issuance of and approve Well Permit #23-022W
- Deny the appeal