

County bans mining, exportation of groundwater

By Bill Allam, Turlock Journal, 11-1-13

In an effort to help protect the region's diminishing groundwater, the Stanislaus County Board of Supervisors passed new groundwater mining and exportation regulations on Tuesday morning that will help end the overuse of the precious resource.

With a few exemptions, the ordinance prohibits the mining of groundwater within the unincorporated areas of the county and the export of water.

Developing a solution has not been an easy task, however, as the process of determining the best possible means to address groundwater mining and exportation practices has taken over four years. As early as 2009, concerns about the potential overdraft and exportation of groundwater has been continually growing amongst local stakeholders and members of the water community.

In 2009, county staff was directed to work alongside the Stanislaus County Agricultural Advisory Board in drafting an ordinance that would address the issues surrounding groundwater exportation and mining. After several months of development, the draft ordinance was then circulated for comment and input from local stakeholders. The draft ordinance was generally accepted by all.

When the original final draft was recommended for consideration by the Stanislaus County CEO in early 2010, the development of the draft was suspended for outside counsel by water experts to assist with the final steps for completion.

At this time, however, a controversial sale of surface water made by the Modesto Irrigation District in Turlock became such a high-profile community issue that County staff was given the additional task of adding two new components to the draft ordinance that would include limits on surface water exports and the regulation of groundwater banking.

The updated draft was then sent to the Agricultural Advisory Board and re-circulated for comment in June 2012, featuring significant changes from the original 2010 draft, causing a great deal of concern from local stakeholders.

After receiving input from the Turlock Irrigation District to the county in August 2012, TID Director of Water Resources Management said that TID had "significant concerns regarding the proposed ordinance."

"I believe that the county should better define the goals and objects of the ordinance," wrote Boyd. "The ordinance appears to be a solution in search of a problem and attempts to address too many issues at once with a broadly sweeping approach, [the ordinance] could cause conflicts and require agencies to apply for

Multiple meetings and revisions, a groundwater ordinance was developed that was found to be acceptable by the stakeholders working group that were involved. The newly revised draft ordinance continued to address the mining and exportation of groundwater, in addition to surface water exports in the event that groundwater is used to backfill exported water. The previous regulation of groundwater banking was removed in efforts to avoid confusion with the exempted subsurface recharge activities conducted or planned by local water districts.

The ordinance was approved by the AAB on June 10 and then later presented to partner city managers in early July. A water summit was also held with the greater water community on July 24. According to the Commission, the ordinance has been, in large part, well-received by the water community as an important first step.

Stanislaus Irrigation District, however, still raised concerns in August, saying that there were several areas that were "ambiguous and could lead to problems in implementation."

Specifically, the penalties for non-compliance, the definition of 'mining' should be more tightly defined," wrote Stanislaus Manger Robert Pierce. "The language as written, however, allows for ambiguity and puts local water users at risk."

Despite these concerns, however, the ordinance was largely crafted by the water community and took into account the concerns of local stakeholders, noting that the protection of groundwater will only happen if the water community work together.

"Even though there's not enough surface water in Stanislaus County, there's not enough in Merced County, not enough in San Joaquin County, so everyone needs to band together if we want to keep something," said County Supervisor Vito Chiesa on Wednesday. "We need to make sure to protect our water rights and that is going to be critical. There is not enough surface water available for the farm expansion and municipality expansions all together. So we need to band together and not fight for water."

The ordinance defines "mining" as the "extraction of groundwater in a manner that constitutes a waste, a non-productive use, or unreasonable method of use within the county, as interpreted under California Law of water" as "the act of conveying groundwater or surface water, substituted with groundwater, out of the county."

Although there are several exemptions, the mining of groundwater resources within the unincorporated areas of the county and the export of water outside the county are both separately prohibited. Any person found in violation of the provisions of the new ordinance will be found guilty of a misdemeanor, with each convicted person facing a separate offense for each and every day during the portion of which any violation of the provisions is committed, continued or allowed, and will be punished accordingly.

h the approval of the ordinance proves to be a significant first-step in protecting groundwater, the
h work to be done in the coming months

newly approved law, a Water Resources Manager position will be added to the Stanislaus County
ee the planning and implementation of the ordinance, alongside the formation of a 15-member Water
y Committee, comprised of representatives from irrigation districts, Stanislaus County Farm Bureau,
he nine cities in the County, the business community, and a member of the County Board of Supervisors