

**BEFORE THE BOARD OF DIRECTORS OF
THE EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY**

RESOLUTION R-24-02

ADOPTING PROGRAM FOR DRY DOMESTIC WELL MITIGATION

WHEREAS, the Eastern San Joaquin Groundwater Authority ("Authority") is a Joint Powers Authority created by the 16 Groundwater Sustainability Agencies ("GSAs") overlying the Eastern San Joaquin Subbasin to coordinate the Groundwater Sustainability Plan ("GSP") and activities thereunder as required by the Sustainable Groundwater Management Act ("SGMA").

WHEREAS, SGMA encourages GSAs to include in their GSP implementation measures that provide mitigation for undesirable results of overdraft, including the failure of domestic water supply wells due to overdraft pumping occurring after January 1, 2015;

WHEREAS, the GSA's in the Eastern San Joaquin Subbasin have not experienced significant dry well reports as reported by the State of California Dry Well Reporting System or as reported by individuals within the GSAs;

WHEREAS, nevertheless the GSA's desire to establish a single program, to be operated through the Authority, that can be used to provide emergency, interim and long-term mitigation assistance for owners and other persons who experience a failure of a domestic water supply well due to overdraft pumping within the subbasin;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Authority that:

1. The attached Eastern San Joaquin Subbasin Program for Domestic Well Mitigation is hereby adopted and approved. The Program establishes the rules and procedures to be used by the Authority and its members to address mitigation for failure of domestic water supply wells caused by groundwater overdraft occurring after January 1, 2015.
2. The Program shall be implemented by the Authority and coordinated through the designated Authority Secretary.
3. The DRY WELL MITIGATION FUND (FUND) is hereby created with a funding target in the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00). Initial funding shall be raised from GSA Member dues as part of the Authority's annual budget and apportioned to Member GSAs using the Authority's annual budget allocation formula.
4. Program activities and funding needs shall be reviewed annually and updated as needed with the understanding that this is an evolving situation and there is a need to establish an initial Program and then adjust as the GSA Members learn more about the needs of the community.

PASSED AND ADOPTED this 11 day of September 2024, by the following vote of the Board of Directors of the Eastern San Joaquin Groundwater Authority, to wit:

AYES: Jason Colombini, Mike Henry, Robert Holmes, Dante Nomellini, Christy McKinnon, Keith Bussman, Mitchell Maidrand, Mel Panizza, John Herrick, Myron Blanton, Eric Thorburn, Alan Nakanishi, and David Breitenbucher.

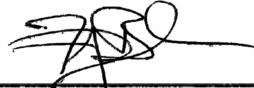
NOES:

ABSTAIN:

ABSENT: George Biagi, Michael Blower, Paul Canepa, Anthony Carrasco, Kevin Jorgensen, Trais Kahrs, Mel Lytle, Scot Moody, Robert Rickman, Reid Roberts, Eric Schmid, Grant Thompson, Gary Tofanelli, Jose Valente, Andrew Watkins, and Dan Wright.



Robert Rickman
Chairman, Board of Directors
Eastern San Joaquin Groundwater
Authority



ATTEST: Fritz Buchman, C.E., P.E., CFM
Secretary, Board of Directors
Eastern San Joaquin Groundwater
Authority

Eastern San Joaquin Subbasin Program for Domestic Well Mitigation

(draft 08/08/24, approved by the ESJGWA on _____)

1. **PURPOSE AND APPLICABILITY LIMITS:** This Program provides emergency, interim and financial mitigation for domestic water supply wells that have been determined to have failed due to groundwater overdraft conditions occurring since January 1, 2015.
2. **DRY WELL MITIGATION FUND:** The Authority shall establish a DRY WELL MITIGATION FUND (FUND) with a funding target in the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00).
 - 2.01 Initial funding shall be raised from GSA Member dues as part of the Authority's annual budget and apportioned to Member GSAs using the Authority's annual budget allocation formula.
 - 2.02 By action of the Authority Board of Directors, the Fund may be replenished by utilizing reserves or additional Member dues as part of the Authority's annual budgeting process or as a budget amendment.
 - 2.03 Should the Fund fall below ONE-HUNDRED THOUSAND DOLLARS (\$100,000.00), GSA Members will meet and confer in good faith to determine the appropriate funding mechanism, replenishment amount, and GSA Member allocation methodology prior to Fund replenishment.
3. **PUBLIC OUTREACH AND CLAIMS ASSISTANCE:** Authority and GSA Members shall assign staff or representatives (collectively herein referred to as "staff") to engage in public outreach to give notice to domestic well owners and residents of their right to request assistance under this Program, and how to apply for assistance.
 - 3.01 **Outreach:** Staff will perform outreach to populations likely to require assistance under this Program and create fliers, social media posts and website links to publicize this Program. The above fliers shall be posted at appropriate locations such as County Environmental Health Departments, GSA offices, Farm Bureau locations, community organizations and City and County Public Works and Utility Offices. The Authority may also contract with non-governmental organizations to assist with outreach.
 - 3.02 **Development of an Application for Assistance:** Staff will develop a simple application form for residents applying for assistance under this Program. Pertinent information submitted with the application form may include contact information, location of the well, age of the well, well construction information such as total depth of the well, screen intervals, annular seal depth, and date the well first failed to produce water or meet water quality standards. Applicants will be strongly urged to provide evidence such as official lab results, declarations from a licensed well driller identifying the cause of the well failure (if available), and all other evidence in

applicant's possession that the failure was caused by overdraft pumping (i.e. depth to water measurements, nearby wells, etc.).

3.03 Filing Applications for Assistance: Staff will assist residents with filing the request for assistance called for in this Program. The Authority may also contract with non-governmental organizations to assist residents with filing claims.

4. **CLAIMS PROCESS:**

4.01 Limitations Period: All claims brought under this Program must have accrued after January 1, 2015. Claims brought that accrued between January 1, 2015 and the adoption of this policy shall be brought within six months of the adoption of this policy. The limitations period for claims brought after the adoption of this policy shall be the limitations process and period provided by the California Government Tort Claims Act (Government Code Section 810 and following).

4.02 Technical Review Committee: A Technical Review Committee will be formed to review each application under this Policy. The Technical Review Committee shall consist of the following members:

4.02.1 The District Engineer for the GSA where the well is located.

4.02.2 A licensed hydrologist hired by the Authority on an eligibility list pre-approved by the ESJGWA Steering Committee.

4.02.3 A registered Environmental Health Specialist from the County Environmental Health Department in which the well is located.

4.02.4 The well owner, agent (i.e. well driller, independent consultant, attorney, or designated representative), or environmental justice advocate selected from a list compiled by the ESJGWA Steering Committee.

4.02.5 A technical representative designated by a Member GSA that is not the GSA for the area in where the well is located. The Steering Committee will vet and compile a list of names of eligible technical representatives from Member GSAs and assign a person from this list to serve on the Technical Review Committee on a rotating basis.

5. **Interim Remedies:** The Authority will work with county Office of Emergency Services where the well is located, other non-governmental agencies, or directly with vendors to ensure the applicant is provided an interim water supply to all applicants with a reasonable facial complaint for damages. An interim water supply consists of bottled water intended to meet drinking water and cooking needs while the claim is reviewed and processed. If the claim is approved, the Authority will ensure that an interim water supply will continue until the selected mitigation is complete.

6. **Claims Subject to Mitigation:** The following claims are eligible for mitigation assistance under this Program:

6.01 Well Failures caused by declining water levels that were caused by overdraft pumping that occurred after January 1, 2015.

6.02 Well Failures due to water quality problems caused by overdraft pumping that occurred after January 1, 2015. Water quality problems means well water that exceeds State or Federal maximum contaminant levels. Water quality problems that are not the result of overdraft pumping shall not be subject to mitigation under this Program. Eligibility for an alternative water supply such as bottled water may be available through CV-Salts.

6.03 Well failure due to subsidence caused by overdraft pumping that occurred after January 1, 2015.

7. **Claim Administration:**

7.01 Notice of Claim: Claims must be submitted in the form of a completed application to:

Eastern San Joaquin Groundwater Authority
Director of Public Works, San Joaquin County
PO BOX 1810
Stockton, CA 95201

Or in-person:
Eastern San Joaquin Groundwater Authority
Director of Public Works, San Joaquin County
1810 E. Hazelton Avenue
Stockton, CA 95201

7.02 The Secretary of the Authority is authorized to summarily reject any claim if and only if, the well failure can be remedied by replacing failed electrical or mechanical pump components without needing to re-drill the well.

7.03 The Technical Review Committee shall have authority to conduct its own investigation of the evidence including contracting with hydrogeologists and well drillers, researching county well records and requesting records from the applicant.

7.04 The Technical Review Committee will draft a written technical memorandum recommending how, whether and to what extent to mitigate a claim, if any, within 15 days of receipt of the application together with any additional information requested by the Technical Review Committee.

7.05 The Technical Committee will forward its Technical Memorandum and Recommendation for funding/mitigation to the GWA Steering Committee. The

GWA Steering Committee will issue a final written decision on the Claim within 40 days of receipt of the Technical Review Committee's memorandum. The written decision will be provided to the Claimant via mail at the address located in the Application on the date it is issued.

- 7.06** The GWA Steering Committee may decide to provide complete or partial mitigation for a particular Claim based on the Committee's determination of the percentage of responsibility for the well failure related to groundwater pumping as opposed to other contributing factors, such as the age or construction of the well.
- 7.07** A Claimant may appeal a decision of the GWA Steering Committee by submitting a written appeal to the GWA Board Chair within 30 days of the mailing date of the GWA Steering Committee Decision. The appeal shall contain a copy of the original application, the Technical Memorandum and the Steering Committee Decision and state the basis for the appeal.
- 7.08** The GWA Board Chair shall agendize the appeal for the next quarterly GWA Board Meeting that is at least 15 days after receipt of the appeal and provide written notice and the agenda to the appellant.
- 7.09** The GWA Board of Directors shall act on the appeal and issue a written decision. The decision of the GWA Board of Directors shall be final.