

This discussion of the County Groundwater Ordinance was prepared by Mindy Fogg, Planning Manager, and Jim Bennett, Groundwater Geologist in the County Department of Planning and Development Services on May 15, 2014

This discussion was prepared in response to public comments and questions received related to water supply for Soitec Solar Development 3800 12-010 (GPA), LOG NO. 3910-120005 (ER); Tierra Del Sol, 3300 12-010 (MUP), 3600 12-005 (REZ), 3921 77-046-01 (AP); Rugged Solar, 3300 12-007 (MUP); LanWest 3300 12-002 (MUP)

The County of San Diego Groundwater Ordinance (GWO) regulates certain discretionary permit applications in the County unincorporated area to ensure that adequate groundwater supplies are available to serve existing and proposed uses. The definition section of the ordinance (County of San Diego Code of Regulatory Ordinances Section 67.703) provides definitions that are pertinent to understanding and implementing the GWO. One of the definitions is for a Water Service Agency, which states:

Water Service Agency: Any city, mutual or municipal water district, or any other private or public agency which provides water at retail from either: (1) groundwater resources, to two or more users; or (2) imported water resources. Such water service agency must be in existence prior to the date of submittal of any project relying on service from that agency.

This definition is important within the context of the GWO because Section 67.722 of the ordinance sets forth the requirements for projects that propose the “use of groundwater not provided by a Water Service Agency.” For these types of projects, Section 67.722 requires a groundwater investigation along with findings that must be made by the approving authority.

The County interprets both sentences in the definition of Water Service Agency in Section 67.703 as being necessary for the complete definition of this term. In other words, the County applies this definition to water districts, agencies, or other entities that: (1) provide water at retail from either (a) groundwater resources to two or more users, or (b) from imported water resources, *and* (2) were in existence prior to the date of submittal of any project relying on service from that agency. This interpretation is consistent with the County’s past use of this definition to prevent projects from circumventing the regulatory requirements of the GWO by forming a Water Service Agency following project submittal.

It is important to note that the GWO does not regulate the operation of water agencies, water districts or water companies themselves. An entity does not need to meet the definition of a Water Service Agency under the GWO in order to operate. Rather, the definition of Water Service Agency in the GWO is simply used to determine whether a project must comply with the regulatory requirements contained in the GWO. As such,

use of the definition of Water Service Agency set forth in Section 67.703 is limited to the GWO. Accordingly, a discretionary project may propose to obtain water from a mutual water company that does not meet the GWO definition of a Water Service Agency; however, that project must also comply with the regulatory requirements provided in Section 67.722.

For reference, the GWO can be accessed at <http://www.sdcounty.ca.gov/pds/docs/GROUNDWATER-ORD.pdf>.