

FAQ – Napa County Well Permit Standards (including response to Governor’s Executive Order N-7-22)

1. The changes to County procedures include requirements outside the Governor’s Executive Order N-7-22 (EO). Why?

The EO was promulgated after the Governor’s declaration of a drought emergency for 41 counties (including Napa County) on May 11, 2021 due to extremely low reservoir levels and drought conditions. The declaration was expanded to the entire state on October 19, 2021 and Napa County declared a State of Local Emergency due to drought on March 8, 2022. The EO is one of many requirements and factors the County must consider when regulating groundwater use. Other requirements include: CEQA, recent court decisions, pending litigation around the state, the County’s Water Availability Analysis (WAA, May 12, 2015), implementation of the Napa Valley Subbasin Groundwater Sustainability Plan (GSP) and the County’s own drought emergency. Any changes to well permitting standards and procedures are the result of the necessity to comply and balance all competing directives.

2. What will it cost if an applicant wants to retain County’s consultant (LSCE) to perform well interference analysis (Tier 2) or stream interference (Tier 3)? Cost for this service will be charged back to the applicant at \$225/hour for up to 5 hours (not to exceed). If the analysis is expected to take more than 5 hours, the County will inform the applicant.

3. If the applicant chooses to have LSCE perform Tier 2 analysis, what data/info will the applicant need to provide? The applicant will be asked to provide the anticipated total depth of the proposed well and maximum anticipated pumping rate. If the applicant has well construction reports from any other existing well(s) on their property, this would help inform the analysis of the applicant’s pumping of their proposed well and whether there are potential effects that would interfere with the operation of a neighboring well(s) on an adjacent property(ies).

4. If existing wells within 500’ of the proposed well are on the same parcel or on an adjacent parcel under the same ownership, do they have to do a Tier 2 well interference analysis?

No, a Tier 2 analysis is not required for wells on the same or adjacent parcels under the same ownership. However, owners should be aware of the potential for well interference that could occur between their own wells.

5. Does the 0.3 AF/acre apply to other existing wells on the same parcel? Yes, the standard is not specific to a given well; it is a limitation of overall groundwater use within a parcel(s), regardless of the number of existing or proposed wells involved. For example, a 40-acre parcel would be limited to 12 AF/year irrespective of how many existing wells are present or new wells are proposed. However, under this example, if there are existing groundwater uses within the 40-acre parcel in excess of 12 AF/year, no additional groundwater use (i.e., no net increase) could be permitted.

6. Replacement wells: Will the well being replaced be required to be destroyed? Yes, the well being replaced will need to be destroyed (with the potential exception of public water supply wells). In order to approve a permit for a replacement well, the existing well being replaced must be destroyed and inspected by Napa County Environmental Health Division within 60 days of completion of the new well. A permit for a replacement public water supply well may request a 60 day extension of the time allotted to destroy the well being replaced, if a written request for such an extension is provided prior to the expiration of the initial 60 day period and if sufficient justification is provided.

7. Are replacement wells required to conform to the 0.3 AF/acre standard? Replacement wells in the Napa Valley Subbasin are required to conform to their existing use or “no net increase” (with the potential exception for public water supply wells). If the existing use is less than 0.3 AF/acre total groundwater for the parcel, the 0.3 AF/acre standard for the parcel applies.

Replacement wells outside the Napa Valley Subbasin are required to conform to “no net increase” (with the potential exception for public water supply wells). If the existing use is less than 0.3 AF/acre total groundwater for the parcel, applicants must still conform to “no net increase”.

Tier 1 analysis to document usage is required for all new or modified well permits.

8. Would an upward adjustment of the 0.3 AF/acre threshold be a discretionary action subject to CEQA review notwithstanding the possible termination of the EO? No. Also, the 0.3 AF/acre is not an absolute limit, it may be adjusted up or down in the future pending other considerations as described above in # 1.

9. What must an applicant do to demonstrate compliance with the 0.3 AF/acre water use? A Tier 1 analysis will be required to document all existing and proposed water uses. The applicant will fill out a table showing estimated use for domestic, landscape, pool/water feature, and agricultural uses. If available, the applicant should provide records or other evidence of actual usage.

10. Do the new standards apply to discretionary projects where projects rely on existing wells? Yes, if the project involves an increase in groundwater use on the existing wells.

11. Are conversions of private wells to new public water supply systems subject to the new standards?

Yes, if there is an increase in water demand and use and would require a use permit modification.

12. Do the new standards apply to permits “in process”, i.e., well permits or use permits applied for prior to March 28th but for which permits have not been issued/approved? Yes, the new standards apply to all pending and future well permits.

13. If EO expires, will new well permitting requirements also expire? The requirements relating to the EO would be lifted but other requirements referenced in # 1 (e.g., WAA, GSP) would remain in place.

14. Does the 0.3 AF/acre water use limitation also apply to new or modified discretionary permits? Yes. The WAA Guidelines will be updated to reflect this, but this limit goes into effect immediately.