

**GENERAL INFORMATION REGARDING GROUNDWATER PERMITS  
FOR PROJECTS WITHIN THE MST GROUNDWATER DEFICIENT AREA  
July 2005 (updated 2012)**

The following are provided as general guidelines only for projects located within the Milliken-Sarco-Tulocay (MST) Groundwater Deficient Area (see attached map). These guidelines may be modified from time to time depending upon additional information that may become available to the County. The requirements for your specific project or situation may be different. Prior to the submittal of an application for a building permit for a structure or an erosion control plan for a new or expanded agricultural project within the MST groundwater basin you should consult the Department of Environmental Management regarding the possible need for the issuance of a groundwater permit, or if you are proposing a or new or expanded winery in the MST you should consult with the Conservation Development and Planning Department about a Use Permit or Use Permit modification. The following information applies to projects using groundwater located in the MST:

1. **NO GROUNDWATER PERMIT REQUIRED** (project considered exempt)
  1. Additions and/or alterations to existing dwellings do not trigger a groundwater permit review. This includes bedroom and bathroom additions, additional living space, etc. Additionally, guest houses (no kitchen) do not trigger a groundwater review as they are considered "detached" bedrooms.
  2. Replacement dwellings where an existing legal dwelling previously existed are included in the definition of a 'minor improvement' and are exempt from groundwater permit requirements.
  3. Replacement wells are exempt; however the existing well must be destroyed.
  4. Pools, if filled with hauled in water (from a source outside the MST) and if provided with a pool cover, do not trigger a groundwater review.
  5. Agricultural land development less than or equal to a quarter (1/4) of an acre will not trigger a groundwater review.
  
2. **MINISTERIAL GROUNDWATER PERMIT REQUIRED** (project considered ministerial)
  1. For parcels with no existing structures or agriculture: Applications for a single-family dwelling of any size (and may include a guest house) and the associated well and associated landscaping shall be issued a ministerial groundwater permit provided the applicant does the following: Limits the total water used on the parcel to 0.6 acre feet per year; meters the total water used on the parcel; and reports those water use numbers to the Department of Public Works as required.
  2. For parcels with existing agricultural land development that wish to re-plant or re-develop: Applications for agricultural land re-development shall be issued a ministerial groundwater permit provided the applicant does the following: Limits the water use to an average of 0.3 acre feet of water per acre per year (calculated as the average water used over a three-year period with no yearly use exceeding the total average allotment by more than fifteen (15) percent); meters all wells serving the parcel to measure all groundwater used on the parcel; and reports all water use to the Department of Public Works as required.
  
3. **GROUNDWATER PERMIT REQUIRED** (project considered discretionary)

For parcels that do not meet the criteria for exemption or a ministerial permit:

To add any additional use (including, but not limited to, a second residence, a new or expanded vineyard, or a winery), an environmental assessment in the form of an initial study most likely leading to an EIR (Environmental Impact Report) will be required to be completed by the Conservation, Development Planning Department unless the applicant is able to prove that there will be "no net increase" in water consumption.

"No net increase" means that the applicant will have to show that no additional water will be used by the proposed use. This can be done by giving up an existing use, changing

practices to reduce the amount of water that is used by existing uses, or by bringing in water from outside of the MST in sufficient quantities to compensate for the new use. So-called "trucked in" water may only be used for agricultural activities.

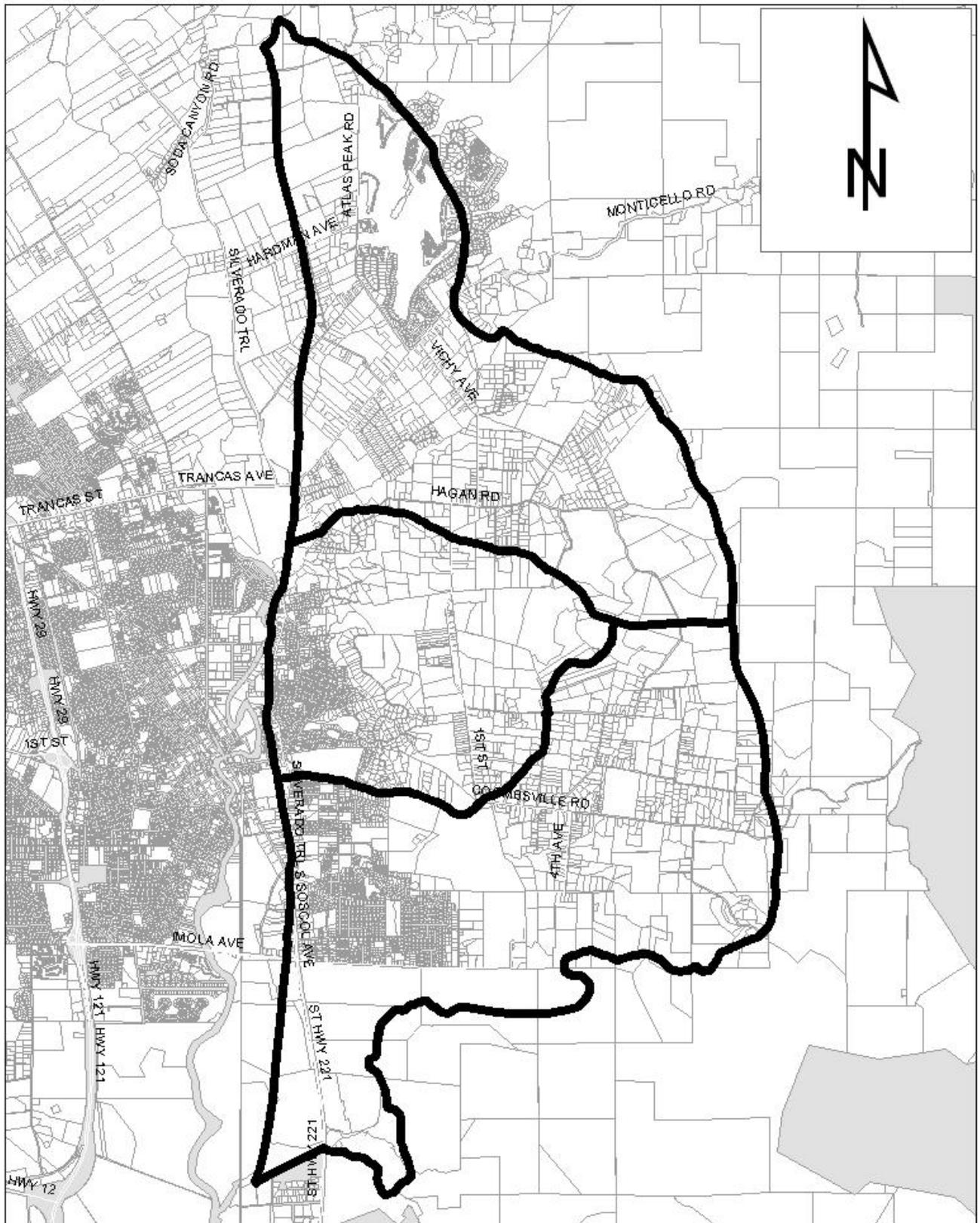
If you are going to document an "existing use" that you wish to give up for a proposed new use, you must confer with the Department of Public Works and the Conservation Development, and Planning Department prior to submittal of a groundwater permit application. These departments will evaluate your proposal for accuracy (i.e. are the water use estimates reasonable based on the existing use), and will make an initial determination whether your claim of the existing use can be supported (i.e. is the use one that ceased in the last few years or is it an ongoing use, etc.).

Along with the "no net increase" standard, applicants are also required to meet the "fair share" (0.3 acre-ft of groundwater/acre of land owned) specified in the Department of Public Works policy report.

The no net increase standard for CEQA review may be lifted by the Napa County Board of Supervisors when a plan (such as bringing a recycled water pipeline to the MST) is fully in place and operating.

## **GROUNDWATER PERMIT PROCESSING PROCEDURE**

1. Ministerial Permits: Applications are available at the Department of Environmental Management. If your project meets the criteria for a ministerial permit, the application will be processed and the permit issued within a couple of days.
  
2. Discretionary Permits:
  - Applications and instructions are available at the Department of Environmental Management. Applications shall be returned with the required fees and certified list of adjoining property owners.
  - The complete application and all supporting material will be referred to the Department of Public Works for review of water use estimations and projections.
  - The application, along with the Department of Public Works analysis, is then referred to the Conservation, Development and Planning Department for environmental review.
  - Once the environmental review process has been completed, the environmental document is transmitted to the Department of Environmental Management for their review.
  - Following notice to the neighbors, and any requested public hearing (if a hearing request is not submitted, then no hearing is held), the groundwater permit is either issued or denied by the Department of Environmental Management.
  - Appeals to either an approval or denial of a groundwater permit application are submitted to the Napa County Board of Supervisors.



Map 13-1: Milliken Sarco Tulocay Groundwater Deficient Basin