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10 **File No.:**

11 **Attorneys for Plaintiff**
12 **COUNTY OF SACRAMENTO**

FILED
ENDORSED

2019 JUN 19 AM 11:09

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

13 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SACRAMENTO**

15 **COUNTY OF SACRAMENTO,**

16 **Plaintiff,**

17 **vs.**

18 **CALIFORNIA DEPARTMENT OF**
19 **WATER RESOURCES**

20 **Defendant.**

Case No. 34-2019-00258739

**DECLARATION OF CHRISTOPHER
HUNLEY IN SUPPORT OF
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

DATE: June 20, 2019

TIME: 9:15 a.m.

DEPT: 53

JUDGE: David I. Brown

21 I, Christopher Hunley, declare:

22 1. I am a Supervising Environmental Specialist in the Environmental
23 Compliance Division of the Environmental Management Department ("EMD") of the
24 County of Sacramento. I have personal knowledge of each fact stated in this Declaration.

25 2. On June 17, 2019, I issued a Stop Work Order to the California Department
26 of Water Resources (DWR), Delta Conveyance Office, as well owner, for ground drilling
27 work being performed at Assessor's Parcel Number 132-0210-054 in Sacramento County
28 ("the Site"). I also issued the Stop Work Order to DWR's well driller at the site, Gregg
Drilling, Inc.

3. When I arrived at the Site on the afternoon of June 17, 2019, DWR and its

1 drill contractor were performing a bore that had reached a depth of about 25 feet. The
2 drill contractor reported that groundwater was encountered at 4 feet to the total depth of
3 25 feet.

4 4. It is my understanding that DWR was drilling the bore hole at the Site in
5 connection with geotechnical explorations for the Delta water conveyance project
6 previously known as "the Waterfix" or "the Tunnels".

7 5. Exploratory drilling and/or boring for the purpose of determining geologic
8 or hydrologic conditions is subject to issuance of a well permit by EMD pursuant to the
9 Sacramento County Code if the boring is drilled to a depth within ten feet of
10 groundwater. EMD carries out enforcement of the County's well permit ordinance.

11 6. Neither DWR nor Gregg Drilling had applied for or obtained or stated an
12 exemption from the County of Sacramento's well permit requirement for this particular
13 work. To my knowledge, neither DWR nor Gregg Drilling has applied for or obtained or
14 stated an exemption from the County of Sacramento's well permit requirement for any
15 drilling work to be performed in Sacramento County in connection with exploratory
16 geotechnical investigations for DWR's delta conveyance project.

17 7. Unregulated drilling performed in connection with investigations of
18 hydrologic or geologic conditions can be harmful and detrimental to water quality,
19 including potable drinking water supplies, because the drilling can remove or open up
20 preexisting underground geologic layers between aquifers and expose groundwater
21 resources to pollutants, contaminants and sediments from other aquifers that had no prior
22 hydrologic connection.

23 8. Most of the Delta area of Sacramento County relies upon wells for drinking
24 water supply. The Sacramento Delta is a sensitive area with respect to groundwater
25 quality. The Courtland area has special annular sealing material requirements to protect
26 high quality waters from degradation by poor quality waters via pathways that are
27 unsealed or improperly sealed. The potable groundwater supply exists at a depth of

1 roughly 120 feet and lower. While borings are not water supply wells, improper
2 construction of borings can potentially negatively affect the region's drinking water
3 aquifer by creating a hydrologic connection between the dirtier river seepage water at
4 shallower depths and the separate, cleaner groundwater in the lower aquifer.

5 9. An improperly constructed or drilled boring could cause irreparable harm to
6 public health because domestic well water could be infiltrated and contaminated by non-
7 potable water from other aquifers as a result of drilling a single bore through multiple
8 aquifers.

9 10. It is my understanding that DWR and its drill contractor intended to drill to
10 a depth of over 200 feet at the Site.

11 11. The geotechnical drilling work that DWR was conducting at APN 132-
12 0210-054 on June 17, 2019, was an uncased temporary excavation or boring drilled to a
13 depth within ten (10) feet of groundwater. More specifically, the boring was drilled 21
14 feet into a groundwater zone.

15 12. Even though I issued the Stop Work Order, I do not know whether DWR or
16 Gregg Drilling intend to comply with the County's well permit requirement.

17 13. A true and correct copy of the Stop Work Order that I issued to DWR and
18 its agents on June 17, 2019, is attached hereto as Exhibit 1.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 DATED: JUNE 18, 2019

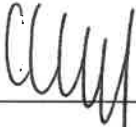
22 
23 _____
24 Christopher Hunley
25
26
27
28

EXHIBIT 1

Environmental Management
Department
Marie Woodin, Director



County of Sacramento

June 17, 2019

STOP WORK ORDER

WELL OWNER

CALIFORNIA DEPARTMENT OF WATER
RESOURCES, DELTA CONVEYANCE OFFICE
PO BOX 942836
SACRAMENTO, CA 94236-0001

WELL DRILLER

GREGG DRILLING, LLC
2723 WALNUT AVENUE
SIGNAL HILL, CA 90755

PERSONAL DELIVERY TO: _____ PERSONAL DELIVERY TO: _____

**SUBJECT: NOTICE AND ORDER TO CEASE WELL CONSTRUCTION AT APNs:
132-0210-001-0000, 132-0210-054-0000, and 132-0210-032-0000**

NOTICE

Pursuant to the California Water Code and Sacramento County Code (SCC), you are required to cease construction of any well until further notice. You are to complete the following activities prior to drilling any well, including any geotechnical or soil exploratory bore holes, or cone penetration tests (CPT), within ten feet of groundwater:

1. Obtain a Well Permit from the Sacramento County Environmental Management Department (EMD);
2. Schedule an inspection for sealing the boring;
3. Comply with all applicable requirements of the DWR Well Standards and SCC.

The Sacramento Delta is a sensitive area with respect to groundwater quality. The Courtland area has special annular sealing material requirements to protect high quality waters from degradation by poor quality waters via pathways that are unsealed or improperly sealed.

**FAILURE TO
COMPLY**

Failure to comply with any provision of SCC Chapter 6.28 is subject to administrative enforcement action to assess appropriate penalties and ensure compliance with the Sacramento County Code. Pursuant to SCC section 6.28.120 (A), the maximum administrative penalty for violation of any provision of the SCC Chapter 6.28 is \$10,000.00 per well, per day of violation. SCC Chapter 6.28 is available for viewing at <http://qcode.us/codes/sacramentocounty/> or the well owner

NOTICE TO COMPLY – STOP WORK ORDER

June 17, 2019

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may request a copy of the ordinance from EMD. Compliance with the timeline prescribed in this Notice may not prevent the imposition of administrative penalties.

CONTACT

For further information regarding this Notice to Comply, please contact Environmental Specialist Derek Jacks at (916) 875-8507 or JacksD@saccounty.net

Regards,

Christopher Hunley, REHS
Supervising Environmental Specialist
Environmental Compliance Division
Environmental Management Department

CWH

Attachments: 6-14-2019 Sacramento County Counsel Letter to DWR Delta Conveyance Office