

Chapter 7.30 Water Wells

§ 7.30.005 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

A. Abandoned or Abandonment: well that has not been used for a period of 1 year, unless the well standards advisory board approves the owner's written declaration that it intends to use the well again for supplying water or other associated purpose (such as an observation well or injection well). All such declarations must be resubmitted to the board for approval annually. Test holes and exploratory holes shall be considered abandoned 24 hours after construction work has been completed, unless otherwise approved by the health officer.

B. Agricultural Well: water well used to supply water for irrigation or other agricultural purposes including so-called stock wells.

C. Cathodic Protection Well: any artificial excavation in excess of 50 feet constructed by any method for the purpose of installing equipment or facilities for the protection, electrically, of metallic equipment in contact with the ground, commonly referred to as a cathodic protection well or a deep anode.

D. Community Water Supply Well: water well used to supply water for domestic purposes in systems subject to the Health and Safety Code.

E. Construct, Reconstruct (Construction, Reconstruction): to dig, drive, bore, drill or deepen a well, or to re-perforate, remove, replace or extend a well casing.

F. Destruction: the proper filling and sealing of a well that is no longer useful so as to assure that the ground water is protected and to eliminate a potential physical hazard.

G. Electrical Grounding Well: any artificial excavation in excess of 50 feet constructed by any method for the purpose of establishing an electrical ground.

H. Health Officer: county health officer.

I. Individual Domestic Well: water well used to supply water for domestic needs of an individual residence or commercial establishment.

J. Industrial Well: water well used to supply an industry on an individual basis.

K. Observation Well: a well used for monitoring or sampling the conditions of a water-bearing aquifer, such as water pressure, depth, movement or quality.

L. Public Nuisance: when applied to a well, means a well that threatens to impair the quality of ground water or otherwise jeopardize the health or safety of the public.

M. Salt Water (hydraulic) Barrier Well: a well used for extracting water from or injecting water into the underground as a means of preventing the intrusion of salt water into a fresh water bearing aquifer.

N. Test or Exploratory Hole: an excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation or any other means.

O. Well: any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection or electrical grounding of equipment, for making tests or observations of underground conditions, or for any other similar purpose. "Well" shall include, but shall not be limited to, community water supply wells, individual water supply wells, individual domestic wells, industrial wells, agricultural wells, cathodic protection wells, electrical grounding wells, test and exploratory holes, observation wells and salt water (hydraulic) barrier wells, as defined herein, and other wells whose regulation is necessary to fulfill the purpose of this chapter as determined by the well standards advisory board.

"Well" shall not include:

1. Oil and gas wells, geothermal wells or other wells constructed under the jurisdiction of the State Department of Conservation, except those wells converted to use as water wells;

2. Wells used for the purpose of dewatering excavations during construction, or stabilizing hillside or earth embankments; or

3. Other wells whose regulation is not necessary to fulfill the purpose of this chapter as determined by the well standards advisory board.

§ 7.30.010 Well Standards Advisory Board.

The well standards advisory board, as established by the county, shall have jurisdiction for the enforcement of this chapter, including but not necessarily limited to the issuing of permits, inspections, the issuing of notices, the providing for public hearings before the board, the findings if public nuisances exist relating to water wells within the city, the provisions for abatement and abatement costs, and the

establishment of standards for the construction, reconstruction or destruction or abandonment of wells and the imposition of penalties for the violation of this chapter.

§ 7.30.015 Acts Prohibited; Permit Required.

A. No person shall construct or reconstruct any well unless such construction or reconstruction is carried out pursuant to and in conformance with a written permit issued for that purpose by the health officer as provided in this chapter.

B. Nor shall any such person abandon a well unless it has been destroyed pursuant to and in conformance with a written permit issued by the health officer.

C. Nor shall any such person violate the terms of any order issued by the well standards advisory board or the health officer, issued pursuant to this chapter.

§ 7.30.020 Permits.

A. Applications for permits shall be made to the health officer containing such information as required by the health officer.

B. Each application shall be accompanied by a fee which shall be established by the board of supervisors on the basis of the cost incurred in enforcing the provisions of this chapter. 50% of the fee shall be returned to the applicant should the permit be denied or if the permit is canceled within 60 days after issuance and no work has been done. A permit shall remain in effect for 1 year from date of issuance.

C. Permits may be issued subject to any condition or requirement found by the health officer to be necessary to accomplish the purposes of this chapter.

D. A permit may be canceled or the conditions amended by the health officer upon a determination that to proceed with the work would result in a public nuisance or the permit holder has violated the terms of the permit or this chapter.

§ 7.30.025 Completion of Work.

The permittee shall notify the health officer in writing upon completion of the work and no work shall be deemed to have been completed until such written notification has been received. A final inspection of the work shall be made by the health officer and no permittee shall be deemed to have complied with this chapter or the permit until such inspection has been performed.

§ 7.30.030 Notice; Cancellation or Denial of Permit.

In the event a permit is denied or cancelled, the applicant or permit holder shall be given written notice by the health officer, which notice shall specify the reasons for the action and shall notify the applicant or permit holder of the right to request a hearing before the well standards advisory board within 10 days.

§ 7.30.035 Notice; Wells Constituting a Public Nuisance.

In the event the health officer determines that a well constitutes a public nuisance, the health officer shall mail a written notice to the landowner and the permit holder, if other than the landowner. A copy of the notice shall be posted on the affected property. The notice shall state the specific facts giving rise to such nuisance, the corrective measures deemed necessary, and the time, date and place at which a hearing shall be held by the well standards advisory board relating thereto, which date shall be not less than 10 nor more than 30 days after the date such notice is mailed. The notice shall state that in the event the board determines that a public nuisance exists, a special assessment shall be imposed upon the land for any costs of abatement.

§ 7.30.040 Immediate Abatement.

If the health officer finds that immediate action is necessary to prevent impairment of the ground water or a threat to the health or safety of the public, the health officer may abate the nuisance without giving notice. Within 24 hours after initiating such abatement, the health officer shall give notice of a hearing before the well standards advisory board in the manner prescribed by this chapter.

§ 7.30.045 Board Hearing.

At the time fixed for the hearing, the well standards advisory board shall hear and consider all relevant testimony and evidence offered by the landowner, and by any other interested person. In the event the board finds that a public nuisance exists, it shall direct the health officer to take any necessary action to protect the ground water or the health and safety of the public, unless the situation is corrected by the landowner on or before a date to be specified by the board. The costs of such corrective work by the health officer shall become a special assessment upon the land pursuant to this chapter.

§ 7.30.050 Abatement Costs a Special Assessment.

Upon a finding by the well standards advisory board that a well constitutes a public nuisance, all costs of abatement carried out under the terms of this section shall constitute a charge and special assessment upon the parcel of land

involved. If such costs are not paid within 60 days, they shall then be declared a special assessment against that parcel as provided in Government Code Section 38773.5. Such special assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary county taxes. The county shall retain the additional and independent right to recover its costs by way of civil action against the owner and person in possession or control, jointly or severally.

§ 7.30.055 Standards.

Standards for the construction, reconstruction, destruction or abandonment of wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74, Chapter II, and future amendments thereto. Standards for the construction, reconstruction, destruction or abandonment of cathodic protection wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74-1. Well standards may be modified by the health officer, with the advice and concurrence of the well standards advisory board, where required to cope with local geological and ground water conditions.

* * * * *