

2014 UPDATE TO COUNTY OF VENTURA

WATER WELL ORDINANCE WORKSHOP

NOVEMBER 19, 2014

Join us at a Public Stakeholder Workshop from 2 – 4 pm at the Multipurpose Room at the Ventura County Hall of Administration located at 800 S. Victoria Ave. Ventura, CA 93009 **on November 19, 2014** to review the DRAFT of the 2014 Update to County of Ventura's Water Well Ordinance No. 4184 prior to its presentation to the County Board of Supervisors on December 2, 2014.

WHO SHOULD ATTEND? Any water well owner and property owner, resident, driller, civil engineer, geologist, hydrogeologist, and other party interested in water resources within Ventura County.

WATER WELL ORDINANCE ADMINISTRATION AND HISTORY

The Groundwater Section within the Ventura County Watershed Protection District (on behalf of the County of Ventura) is tasked with administering the County's Water Well Ordinance No. 4184. This includes issuing well permits and inspecting the installation of well seals on water wells, as well as inspecting construction, destruction, and repair of water supply wells, cathodic protection wells, monitoring wells, and engineering test holes. Other responsibilities include conducting water level measurements (approximately 200 measurements a year) and water quality sampling (approximately 200 samples a year), reporting on the condition of the 32 groundwater basins in the County, and reviewing development projects for potential impacts to the County's groundwater resources.

Since 1980, when the first Well Ordinance was enacted, five revisions/amendments/updates have occurred. The Ordinance was last revised on May 18, 1999. Since that time, it has become clear a number of updates and revisions as described below, are necessary.

PURPOSE OF WATER WELL ORDINANCE

Approximately 63 percent of the total County water demand is supplied by groundwater (County Water and Supply Report for Calendar 2013). Groundwater supplies Agriculture with 84% and Municipal and Industrial users 16% of their supply.

The purpose of this Ordinance is to provide for the management and protection of groundwater quality and supply by regulating the construction, maintenance, operation, use, repair, modification, and destruction of wells and engineering test holes (soil borings) in such a manner that the groundwater of the County will not be contaminated or polluted, and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the people of Ventura County.

Proposed Updates and Revisions to this Ordinance

- Definitions – Definitions were updated and some additions incorporated to be consistent with the California Department of Water Resources Bulletin No. 118 and the newly enacted State of California groundwater sustainability legislation.
- Internal Consistency, Outdated Text and Elimination of Redundancy – Changes were made throughout the Ordinance.
- Data Collection – In order to manage a resource, the availability of sufficient water resources data is necessary. Therefore, to assist with the collection of future water resources data from water wells, several provisions were added.
 - Water level measurements: Sounding tubes to be installed in new wells.
 - Water quality sampling: Sampling ports to be installed in new wells.
 - Flowmeters: A flowmeter is required to be installed with each new well above de minimis extractions (2 AFY), and it is to be calibrated every 3 years.
- Well Head Protection Program – Clear reference made to the DWR Standards and Water Well Setbacks.

ORDINANCE NO. 4184 (November 12, 2014 DRAFT)

AN ORDINANCE OF THE COUNTY OF VENTURA
~~REPEALING AND REENACTING VENTURA COUNTY
ORDINANCE CODE SECTION 4811 ET SEQ.
RELATING TO~~

ARTICLE 1 - GROUNDWATER CONSERVATION
~~DIVISION 4 - PUBLIC HEALTH CHAPTER 8 - WATER ARTICLE 1 -
GROUNDWATER CONSERVATION~~

~~REENACTED BY ORD. NO. 3476 - FEBRUARY 12, 1980
REPEALED/REENACTED BY ORD. NO. 3698 - JULY 24, 1984
REPEALED/REENACTED BY ORD. NO. 3739 - AUGUST 20, 1985
REPEALED/REENACTED BY ORD. NO. 3809 - APRIL 28, 1987
AMENDED BY ORD. NO. 3991 - DECEMBER 17, 1991
REPEALED/REENACTED BY ORD. NO. 4171 - AUGUST 11, 1998~~

The Board of Supervisors of the County of Ventura ordains as follows:

- ~~1. Ventura County Ordinance Nos. 3809 and 3991 are hereby repealed.~~
- ~~2. Ventura County Ordinance Code Sections 4811 et seq. are hereby repealed and reenacted as follows:~~

Sec. 4811 PURPOSE

It is the purpose of this Article to provide for the management and protection of groundwater quality and supply and quantity by regulating the construction, maintenance, operation, use, repair, modification, and destruction of wells and engineering test holes (soil borings) in such a manner that the groundwater of the County will not be contaminated or polluted, and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the people of ~~this~~Ventura County.

Sec. 4812 -- DEFINITIONS

For the purposes of this Article, unless the context otherwise requires:

“Active well” – A water production well that has operated for at least 8 hours during a calendar year, a monitoring well from which data has been collected at least once during the past two years, or a cathodic protection well maintained and utilized for its intended purpose.

~~A. “Abandoned well” means~~ any of the following:

- ~~(1) (4)~~ A water well used less than 8-hours in any twelve month period. Failure to submit annual reports of well usage pursuant to Section 4826 will result in the well(s) being classified as abandoned.
- (2) A monitoring well from which no monitoring data has been taken for a period of two years.
- (3) A well which is in such a state of disrepair that it cannot be made functional for its original use or any other use regulated by this Article within the time frame required by the Director (default time frame is 6 months, but may be longer or shorter depending on well condition and risk to aquifer).
- (4) An engineering test hole after 24 hours has elapsed after construction and testing work has been completed on the site.
- (5) A cathodic protection well which is no longer used for its intended purpose.

“Acre-foot” – The volume of water necessary to cover one acre to a depth of one foot; equal to 43,560 cubic feet or 325,851 gallons.

“Agency” – Ventura County Public Works Agency.

“Aquitard”- A confining bed and/or formation composed of rock or sediment that retards but does not prevent the flow of water to or from an adjacent aquifer. It does not readily yield water to wells or springs, but stores groundwater. (DWR) Bulletin No. 118 (Updated in 2003)

“Aquifer” – A body of rock or sediment that is sufficiently porous and permeable to store, transmit, and yield significant or economic quantities of groundwater to wells and springs. (DWR) Bulletin No. 118 (Updated in 2003)

“Applicant”- The well owner or authorized representative.

“Artesian pressure” - Hydrostatic pressure of artesian water, often expressed in terms of pounds per square inch, or the height, in feet above land surface, of a column of water that would be supported by the pressure. This pressure may cause water to flow from the well. (DWR) Bulletin No. 118 (Updated in 2003)

“Basin” – A groundwater basin or subbasin identified and defined in the State of California Department of Water Resources’ (DWR) Bulletin No. 118 (Updated in 2003).

“Can’t Locate well” – Classification assigned to a well for which the owner has demonstrated ~~indicated~~, cannot be located.

“Can’t Locate Report well” – Classification assigned to a well for which the owner has conducted a well search according to the County’s Well Location Procedures, and submitted a report documenting the search efforts and results.

~~B. “Cathodic protection well” means any excavation constructed by any method for the purpose of installing electrical equipment or facilities for the protection of metallic equipment in contact with the ground. 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 cathodic protection. (California Water Code Section 137101)~~

“Certificate of Exemption” -- A certificate prepared by the County documenting that a well condition inspection has been conducted by a Registered Inspector and a well inspection report has been prepared and deemed satisfactory by the County.

~~C. “Community water supply well” means any water well which provides water for community or public water systems as defined in Section 116,275, subdivision (i), of the California Health and Safety Code.~~

“Completion operation” means any of the following work conducted after excavation:

- (1) Placement of a well casing.
- (2) Gravel packing.
- (3) Sealing.
- (4) Perforation of a well casing.
- (5) Any other work listed on a permit issued pursuant to this Article as being a required part of a completion operation.

~~E. “Confined aquifer” is an aquifer separated from the surface by an aquaclude or an aquitard to the extent that pressure can be created in the lower reaches of the aquifer. The confined aquifers in Ventura~~

~~County include; the aquifers comprising the Oxnard Plain Pressure Basin, the aquifers of the East and West Las Posas Basin, the Pleasant Valley Basin, and the aquifers comprising part of the following Basins; South Las Posas, Simi, Ojai, and Upper Ojai. An aquifer that is bounded above and below by formations of distinctly lower permeability than that of the aquifer itself. An aquifer containing confined groundwater. (DWR) Bulletin No. 118 (Updated in 2003)~~

~~F. **"Contamination Contaminant"** means_ alteration of waters by waste, salt water intrusion or other material to a degree which creates a hazard to the public health through actual or potential poisoning or through actual or potential spreading of disease. Any substance or property preventing the use or reducing the usability of the water for ordinary purposes such as drinking, preparing food, bathing, washing, recreation, and cooling. Any solute or cause of change in physical properties that renders water unfit for a given use. (Generally considered synonymous with pollutant) (DWR) Bulletin No. 118 (Updated in 2003)~~

~~G. **"County inspector"** means_ A person authorized by the Agency Department to inspect all permitted work pursuant to Section 4822.~~

~~H. **"Department"** means the Water Resources and Engineering Department of the Ventura County Public Works Agency.~~

~~I. **"Destroy"** means_ To fill a well (including both interior and annular spaces if the well is cased) completely in such a manner that it will not produce water or act as a conduit for the transmission of water between any water-bearing formations penetrated.~~

~~"De minimis extractor" – A person who extracts, for domestic purposes, two acre-feet or less per year. (SB 1168)~~

~~J. **"Director"** means_ The Director of the Ventura County Public Works Agency or his or her duly authorized representative.~~

~~"Domestic Well"- A water well used to supply water for the domestic needs of an individual residence or systems of four or fewer service connections.~~

~~K. **"Engineering test hole"** means_ – An uncased excavation used to determine the engineering, geologic, and/or geological/chemical properties of subsurface materials by seismic investigation, direct observation, or any other means.~~

~~L. **"Good State of Repair"**~~

~~"Exempt well" – An abandoned well for which a Water Well Condition Inspection Report has been conducted, and a certificate of exemption has been applied for by the well owner, and approved by the County of Ventura.~~

~~"Flowmeter" – A manufactured instrument for accurately measuring and recording the flow of water in a pipeline.~~

~~"Good State of Repair" – means_ A well whose condition is adequate to perform its intended function without allowing cross-contamination/contaminants to migrate between zones of water bearing sediments where one or more zones contain water of different quality and where the well has a physical barrier that~~

prevents ~~contamination surface water contaminants from entering of any zone by surface water~~groundwater.

"Groundwater" – Water beneath the surface of the earth within a zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels. (SB 1168)

"Groundwater Basin" – An alluvial aquifer or a stacked series of alluvial aquifers with reasonably well-defined boundaries in a lateral direction and having a definable bottom. (DWR) Bulletin No. 118 (Updated in 2003)

~~M. "Individual Domestic well" means_ any water well used to supply water for domestic needs of an individual residence, or to systems having four or less service connections~~

~~N. "Inspect" means_ To personally witness, record, and certify work pursuant to a condition or conditions of a valid permit.~~

~~O. "Modify or repair" means_ To replace a well's casing in a manner which involves removal or partial removal of the old casing, to re-perforate the well, to install a seal, to change the depth of the well, or to install a liner.~~

~~P. "Monitoring well" means_ a well constructed exclusively for monitoring or sampling conditions of a water-bearing aquifer such as water pressure, depth, movement or quality. Any artificial excavation by any method for the purpose of monitoring fluctuations in groundwater levels, quality of underground waters, or the concentration of contaminants in underground waters. (California Water Code Section 13712)~~

~~Q.~~

~~"Non-Compliant Well" – An abandoned well for which the owner does not repair and reuse, destroy or obtain a certificate of exemption.~~

~~"Owner of a well" is_ the owner of the land on which the well is located. A person who owns a well. Ownership shall be determined by reference to whom the well is assessed by the County Assessor, or if not separately assessed, the person who owns the land upon which the well is located.~~

~~R. "Person" includes_ any individual or entity included in the definition of "person" set forth in Section 10 of this Code and any governmental agency. An individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution. (Health and Safety Code Section 116.275 (g))~~

~~S. "Pollution" means_ a substance that when introduced into waters will alter those waters to a degree which adversely affects either the suitability of such waters for beneficial uses or the facilities employed in conjunction with such beneficial uses. (of water) The alteration of the physical, chemical, or biological properties of water by the introduction of any substance into water that adversely affects any beneficial use of water. (DWR) Bulletin No. 118 (Updated in 2003)~~

~~T. "Possesses" means_ To be in actual possession of the well or to have a legal right to the possession thereof.~~

~~U. "Registered inspector" _means_ A Civil Engineer or, a Professional Geologist, or a Certified Engineering Geologist possessing a current license or registration in the State of California and approved~~

by the Department. Registered inspectors are required to inspect drilling and sealing operations for engineering test holes and monitoring wells and for the determinations in connection with a Certificate of Exemption. A technician trained and experienced in drilling and sealing operations who is working under the direct supervision of one of the aforementioned professionals may be deemed qualified to perform required inspection(s) provided one of the aforementioned professionals reviews the well inspection record and assumes responsibility for the accuracy and completeness of the work by signing the well inspection record.

"Replacement Well" – A new well that replaces a well but does not increase the former well's capacity. Well capacity means the name plate performance rating for the existing well equipment.

"Sounding tube" – A tube for water level measurement, or similar access for water level measuring equipment.

"Unconfined Aquifer" – An aquifer which is not bounded on top by an aquitard. The upper surface of an unconfined aquifer is the water table. (DWR) Bulletin No. 118 (Updated in 2003)

"Unsaturated Zone" – The zone below the land surface in which pore space contains both water and air. (DWR) Bulletin No. 118 (Updated in 2003)

V. "Water well" means

any excavation constructed by any method for the purpose of determining the availability of water, extracting water from or injecting water into the underground, except the following:

(1) Oil wells, gas wells, and geothermal wells subject to regulation under the provisions of Division District 3 (commencing with Section 3000) of the Public Resources Code;

(2) Wells used exclusively to dewater excavations during construction or for stabilizing hillsides or earth embankments; and

(3) Seepage pits approved for use under permit from the Environmental Health Division.

W. "Well" includes a cathodic protection well, engineering test hole, monitoring well or water well.

"Well" or "Water Well" - Any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) oil and gas wells or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments. (California Water Code Section [BA1]13710)

"Well Condition Inspection Report" – A report documenting the integrity of a well and its associated components pursuant to Section 4817.

"Wellhead Protection Area" – The surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

~~"Well Repair" – Minor routine well maintenance on an existing well.~~

"Well Completion Report" – A required, confidential report detailing the construction, alteration, abandonment, or destruction of any water well, cathodic protection well, groundwater monitoring well, or geothermal heat exchange wells. The reports were called Water Well Drillers' Report prior to 1991, and

are often referred to as "driller's logs. The report requirements are described in California Water Code Section 13751.

Sec. 4813 - WELL PERMITS

This ordinance does not preclude any other agency-specific well permitting that may be necessary in addition to County of Ventura well permitting.^[BA2]

~~A. With the exception of the City of Oxnard, No~~ No person shall, within the unincorporated area ~~County of Ventura County~~ Ventura County, construct, repair, modify or destroy any cathodic protection well which is over 50 feet deep, any engineering test hole which is over 50 feet deep, any monitoring well, or any water well unless such work is done pursuant to and in compliance with an unexpired written permit for such work issued by the ~~Department as provided in this Article.~~

~~In Sealing Zone III, as described in the California Department of Water Resources Bulletin No. 74-9, no permit shall be issued pursuant to this Article for the replacement of an existing well or construction of a new well unless it is consistent with the then current Fox Canyon Groundwater Management Agency (GMA), Groundwater Management Plan, as determined by the GMA. In making this determination, the GMA shall also consider the suitability of the water quality for the intended use of the well Agency Department as provided in this Article. Additionally, for cathodic protection wells and engineering test holes, if groundwater is encountered (or expected to be encountered) shallower than 50 feet deep, a permit is required.~~

~~Alterations, repairs, modification, and rehabilitation of an existing well within Sealing Zone III which do not involve a change of the aquifer in which the well is perforated do not require approval of the GMA, provided the original production capacity of the well is not increased.~~

~~B. A copy of the approved permit shall be made available for inspection on the job site during any work authorized by the permit.~~

B. Types of Permits for Water Wells:

Permits for construction, modification, replacement, and repair of all water wells.

Permits for destruction of all wells, except engineering test holes which shall be destroyed immediately after completion of testing in compliance with Section 4817 E.

Annual permits for one or more engineering test holes which are over 50 feet deep and which are inspected by registered inspectors.

C. Application for a permit shall be made to the ~~dDepartment Agency,~~ and shall include the following:

~~8-1.~~ A vicinity map showing the location of the property on which the well is located.

~~9-2.~~ A plot plan suitable for inclusion as part of the well record and indicating the location of the well with respect to the following items within a radius of 500 feet of the well:

- a. Property lines.
- b. Sewage disposal systems or works carrying or containing sewage.
- c. All intermittent or perennial, natural or artificial water bodies or water courses.
- d. Drainage pattern of the property.
- e. Existing wells of all types, regardless of whether they are subject to regulation under this Article.

- f. Access roads.
- ~~10-3.~~ Name of the person, or firm who will perform the work on the well.
- ~~11-4.~~ Name and affiliation of the Registered Inspector, when a Registered Inspector will be utilized.
- ~~12-5.~~ Proposed depth of well.
- ~~13-6.~~ Proposed use of well.
- ~~14.~~ Proof satisfactory to the Department/Division/District that the person who will construct the well is in possession of a valid license appropriate to such work which has been issued in accordance with the Contractor's License Law (Chapter [d3] 9, commencing with Section 7000, of Division 3 of the Business and Professions Code). [BA4]
- ~~15-7.~~ A certificate satisfying the requirements of Section 3800 of the Labor Code (Worker's Compensation).
- ~~16-8.~~ Such other information as the Department may deem necessary in order to determine whether underground waters will be protected.

DD. Permit applications for monitoring and extraction wells used for environmental cleanup as directed by local or regional regulatory agencies do not need to be signed by the property owner provided an agreement has been completed between the property owner and Responsible Party (responsible party as defined by Title 23 of the California Code of Regulations). The agreement shall allow entry by the appropriate parties for the purpose of environmental investigation and cleanup activities. A copy of the agreement shall be submitted to the Agency/Department with the permit application.

E. Permits shall be issued or denied within 15 days after/from the day on which the completed application and fee is received by the Department Agency. If a proposed water supply well is located within one of the following cities/agencies, the well permit application is not considered complete unless accompanied by the respective agency/city authorization:

- Fox Canyon Groundwater Management Agency (FCGMA)
- Ojai Basin Groundwater Management Agency (OBGMA)
- Santa Paula Basin Pumpers Association (SPBPA)
- United Water Conservation District (UWCD)
- City of Fillmore
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- City of Ojai
- City of Simi Valley
- City of Thousand Oaks
- City of Ventura
- City of Port Hueneme
- Any additional Government Agency authorized to regulate new well construction

EE. Permit requirements and expiration:

1. Permits shall require compliance with all applicable standards set forth in Section 48184.
- ~~2-1.~~ A permit shall expire six months from the date of issuance unless it is extended by the Agency/Department. The Agency/Department may grant one or more extensions of a permit, each for a period not to exceed six months provided the permittee proves to the satisfaction of the Agency/Department that circumstances beyond the control of the permittee make it infeasible to complete the permitted work prior to the expiration date. Annual permits for engineering test holes shall expire one year from the date of issuance and shall not be extended.

~~3-2.~~ The permittee shall complete work authorized by the permit and satisfy all the requirements of the permit prior to the expiration date of the permit or any extension.

~~FG.~~ Prior to the issuance of a well permit or any extension thereof, the applicant may be required to post with the ~~Agency Department~~ a cash deposit or bond to guarantee compliance with the provisions of this Article and the applicable permit, such cash or bond to be in an amount deemed necessary by the ~~Agency Department~~ to remedy improper work, but not in excess of the total estimated cost of the permitted work.

~~GH.~~ No person shall perform any work, either on such person's own property or on the property of another, for which a permit is required by this Article unless such person is in possession of a valid license appropriate to such work which has been issued in accordance with the Contractors License Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) and is registered with the Department to perform work permitted by this Article. Licensed water well contractors (Class C-57) registered with the Department may perform all types of permitted work, while licensed engineering contractors (Class A) and limited specialty contractors (Class C-61) registered with the Department may only perform the work permitted by their license. An application for registration with the Department shall include a copy of the applicable license and a copy of a certificate of Worker's compensation insurance. The registration shall expire automatically on the expiration date indicated on the copy of the license or the expiration date indicated on the copy of the certificate of Worker's Compensation insurance submitted with the application, whichever expiration date is earlier.

~~Geological determinations pertaining to a recommendation for a certificate of exemption of a water well shall be performed by a Registered Inspector. (Barbara and Jeff - what does the preceding sentence refer to?)~~

~~HI.~~ Suspension or termination of a well permit.

1. Any permit issued pursuant to this Article is subject to suspension or termination prior to expiration as provided in this Section.
 - a. Grounds - Any of the following occurrences constitute~~s~~ grounds for termination of a permit:
 - i. Suspension, revocation or termination of the license, required by Section 4813 G, of the person who is to perform the work.
 - ii. Failure of permittee to comply with any provision of Section 3800 of the Labor Code.
 - iii. Failure of a permittee, or of any person who owns or possesses the well, to comply with any provision of this Article, or any condition of a permit issued pursuant to this Article.
 - b. Notice - To initiate proceedings to terminate a permit, the Director shall send written notice to the person to whom the permit was issued. The notice shall briefly describe the proposed grounds for termination, shall specify a time and a place for a hearing at which such person shall be afforded an opportunity to present evidence showing the proposed grounds for termination do not exist, and shall state that failure to appear and present such evidence may result in termination of the permit.
 - c. Hearing - The Director shall conduct the hearing specified in the notice. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The person to whom the permit was issued and/or the owner of the well shall have the right to present relevant evidence at the hearing. The Director may, but need not, permit other persons to present relevant evidence. At the conclusion of the hearing, or within 30 calendar days thereafter, the Director shall determine, based upon the preponderance of the evidence presented at the hearing, whether there are grounds for

suspension and shall note the findings of fact upon which the determination is based. If it is determined there are grounds for termination, the Director shall terminate the permit; provided, however, that the Director shall have the discretion not to terminate the permit if the Director determines that the occurrence which gave rise to the grounds for termination was not willful, is not ongoing and is ~~not likely~~unlikely to recur.

- d. The Director may suspend a permit prior to the hearing when the Director determines that such action is necessary to protect the public health and safety or the environment from imminent danger. The Director shall notify the person to whom the permit was issued of such suspension. The suspension shall remain in effect until the Director makes a final determination based upon the hearing; provided, however, that the Director may rescind the suspension at any earlier time at which the Director determines it is no longer necessary.

This Section shall not deprive the Director, or the County, of the authority to pursue any other action or remedy otherwise available to them under the law.

Sec. 4814 - STANDARDS

A. Standards for the construction, relocation, repair, modification or destruction of wells shall be those set forth in the ~~California Department of Water Resources Bulletin No. 74-1 entitled "Cathodic Protection Well Standards," Bulletin No. 74-9, Chapter IV, entitled "Water Well Standards - Ventura County" and Bulletin No. 74-81, Bulletin No. 74-90, Chapter II, entitled "Water Well Standards - State of California," as supplemented or revised from time to time by the California Department of Water Resources, with the following exceptions:~~Department of Water Resources, California Well Standards Bulletins 74-81 and 74-90, and Ventura County Water Well Standards Bulletin 74-9.

B. The Department may adopt additional or more stringent standards to be applicable in any or all zones of the County as delineated in aforementioned Bulletins.

C. All wells shall be constructed with a sounding tube, taphole with plug, or similar access for water level measuring equipment. For wells fitted with a well cap, the cap shall have a removable plug for this purpose. (DWR 1981)

Well discharge piping shall contain a water sampling port, or valve for water quality sampling.

Every new water well shall be equipped with a flow meters calibrated no less frequently than once every three years with proof thereof submitted to the Department. This flowmeter requirement does not apply to de minimis extractors. For those required to have flow meters, flow meters will be calibrated and a report submitted to the Agency at a minimum of every three years.

D. All pump discharge pipes not discharging or open to the atmosphere shall be equipped with an automatic device to prevent backflow and/or siphonage into a well. Specific backflow prevention measures are required for drinking water supply wells as prescribed in Title 17, Public Health, California Code of Regulations (Sections 7583-7585 and 7601-7605), effective June 25, 1987. (DWR 1991)

Irrigation well systems, including those used for landscape irrigation and other well systems that employ, or which have been modified to employ chemical feeders or injectors shall be equipped with a backflow prevention device. (DWR 1991)

Ventura County Environmental Health monitors installation, repair, and annual testing of backflow prevention devices installed on industrial, irrigation, and drinking water distribution systems operated throughout the County. Additionally, Environmental Health conducts inspections, issues permits and reviews water sample analytical results for individual water systems (1-4 service connections), and state

[small water systems \(5-14 service connections\). A one-time inspection is conducted for individual water systems. Small water systems are inspected annually for construction and maintenance purposes. California Department of Public Health regulates water systems with 15 or more service connections. \(California Health and Safety Code Section 116270\)](#)

E. All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other disinfecting agents may be introduced directly into the well. If a pipe is provided, it shall be installed at a height at or above the pump slab, shall be kept sealed, and shall be provided with a threaded or other secure cap. Equivalent protection for preventing ~~contamination~~ [contaminants from entering](#) of the well shall be provided for subsurface pump discharge installations. If an air relief vent is used, it shall terminate downward and be screened with 16 mesh screen to prevent contaminating material from entering the vent.

DF. Every new, repaired or modified community water supply well or individual domestic water well, after construction, modification or repair, and before being placed into service, shall be thoroughly cleaned of all foreign substances and shall be thoroughly disinfected utilizing the procedures set forth in Appendix C of the aforementioned Bulletin 74-81.

G. [For irrigation and industrial wells chemicals of any type are not to be injected, pumped or poured into the well with the exception of disinfection following any well rehabilitation work. Rehabilitation work could include use of chemicals to clean or remove scale the well casing. Chemicals used for disinfection of groundwater extracted from the well shall be injected downstream from a backflow prevention device.](#)

EGH. Engineering test holes deeper than 50 feet shall be destroyed immediately upon completion of testing by completely filling and/or sealing of the borehole in accordance with criteria established by the Department. The Department may waive complete sealing if the permittee demonstrates to the Director's satisfaction that the purpose of this Article as set forth in Section 4811 will be satisfied.

FHI. No well, regardless of status, shall be left unattended without a cap that has been constructed to prevent the accidental access to the well by a person or animal, or have an opening that allows the well to be susceptible to ~~contamination~~ [contaminants](#)/pollution.

[Well Head Protection Program/Water Well Setbacks – All wells shall be located an adequate horizontal distance from potential sources of contamination and pollution as specified in the Department of Water Resources, California Well Standards Bulletins 74-81, Section 8.A.](#)

Sec. 4815 - LOG OF WELL

~~A. Licensed water well constructors~~ [contractor](#). ~~Any person~~ who has performed any work for which a permit is required by this Article and which involves drilling, digging, excavating or boring of a well, except for an engineering test hole, shall, within 30 days of completion of such work, submit to the Department an accurate and complete [Well Completion Report-well log on forms satisfactory to the Department](#) ~~District~~.

[For the purpose of obtaining sealing requirements from the Department, geophysical well logs will be required as described in this Article.](#) New water wells in Sealing Zone III shall have a geophysical log performed by resistivity. New water wells in Sealing Zone II shall either have a geophysical log performed by resistivity, or soil samples shall be collected and recorded for every ten feet of depth within potential sealing zones. All abandoned water wells to be destroyed in Sealing Zones II and III shall have a geophysical log by Gamma Ray if no existing electric log or satisfactory drilling report is available for that well, unless it is determined by the Department that a log is not warranted.

Any [licensed water well contractors permittee](#) failing to comply with this provision shall be in violation of this Article and shall not be granted any new permits until the violation has been corrected. ~~This shall not preclude the application of other penalties for violation of this Article. A well log shall include, [at a minimum](#), all of the following:~~

1. A detailed record of the boundaries, character, size, distribution and color of all lithologic units penetrated.
2. The type and size of well casing.
3. The location of perforations, sealing zones and existing seals.
4. Report on the quantity and quality of groundwater.

Any other data required by the Department as a condition of the permit.

~~5. [Per Water Code Section 13752, Well Completion Reports are confidential and not available to the public, but may be available to governmental agencies for use in making studies, or to any person who obtains a written authorization from the owner of the well. Note that the Agency is not authorized to release Well Completion Reports without written authorization from the California Department of Water Resources.](#)~~

Sec. 4816 - FLOW PREVENTION DEVICE

All wells having a history of flowing ~~as a result of artesian pressure located in Sealing Zone III, or any other confined aquifer,~~ shall be maintained and equipped to prevent flowing due to pressure in the aquifer system. Wells without any history of flowing that begin to flow shall be repaired, or retrofitted as necessary to prevent flowing. Such repair or retrofit shall be completed within a period of thirty (30) days. This includes flowing as a result of a failed casing or other deteriorated component, or the absence of a surface seal.

Sec. 4817 — WELL SEAL INSPECTION REPORTS

A. ~~WATER~~-WELL CONSTRUCTION SEALING INSPECTION REPORT. A County Inspector will prepare a Well Seal Inspection ~~Sealing~~ Report for water supply wells and cathodic protection wells constructed pursuant to and in compliance with an unexpired permit issued under this Article. ~~to include:~~

- ~~1. Permit number.~~
- ~~2. Date of sealing work.~~
- ~~3. Diameter and depth of bore hole, diameter and depth of casing installed, depth to top and bottom of perforated interval(s), and depth to top of annular gravel pack⁽⁴⁵⁾.~~
- ~~4. Type and volume of sealing material delivered to well site.~~
- ~~5. Copy of invoice for sealing material delivered to well site.~~
- ~~6. Depth to water.~~
- ~~7. Method of placement of sealing material (if by grout pipe, include the number and length of pipe sections).~~
- ~~8. Volume of surplus sealing material remaining after seal placement.~~
- ~~9. Photographs of well site and of well sealing activity.~~
- ~~10. Remarks by County Inspector describing any variance from adherence to permit conditions.~~
- ~~11. Opinion of County Inspector that seal placement was satisfactory or unsatisfactory.~~
- ~~12. 1. Signature by the County Inspector.~~

B. ~~WATER~~-WELL DESTRUCTION SEALING REPORT. A County Inspector will prepare a Well Seal Inspection Report for water supply wells and cathodic protection wells destroyed pursuant to and in compliance with an unexpired permit issued under this Article, ~~to include:~~

- ~~1. Permit number.~~
- ~~2. Date of casing perforating work (if required by a permit condition).~~
- ~~3. Diameter and (sounded) depth of well casing.~~
- ~~4. Depth to top and bottom of zone(s) perforated for destruction seal placement (if required by a permit condition).~~
- ~~5. Type of casing perforator used (if required by a permit condition).~~
- ~~6. Photographs of well site and (if required by a permit condition photos of casing perforating activity and seal placement activity).~~
- ~~7. Depth to top of casing filler material (if required by a permit condition).~~
- ~~8. Opinion of County Inspector that casing perforating work (if required by a permit condition) was satisfactory or unsatisfactory.~~
- ~~9. Date of placement of sealing material.~~
- ~~10. Type and volume of sealing material delivered to well site.~~
- ~~11. Copy of invoice for sealing material delivered to well site.~~
- ~~12. Depth to water.~~
- ~~13. Method of placement of sealing material (if by grout pipe, include the number and length of pipe sections).~~
- ~~14. Volume of surplus sealing material remaining after seal placement.~~
- ~~15. Remarks by County Inspector describing any variance from adherence to permit sealing conditions.~~
- ~~16. Opinion of County Inspector that seal placement was satisfactory or unsatisfactory.~~
- ~~17.1. _____ Signature of County Inspector.~~

C. MONITORING WELL/ENGINEERING TEST HOLE CONSTRUCTION SEALING REPORT. The Well Seal Inspection ~~Sealing~~ Report for monitoring wells and engineering test holes constructed pursuant to and in compliance with an unexpired permit issued under this Article shall be submitted by a Registered Inspector within 30 days of sealing on a form* satisfactory to the Department, and shall include:

1. Permit number.
2. Date(s) of sealing work.
3. Number of wells constructed under this permit.
4. Diameter and depth of bore hole(s), diameter and depth of casing(s) installed, depth to top and bottom of perforated interval(s), and depth(s) to top of annular filter pack.
5. Depth to water.
6. Depth and type of sealing material(s).
7. Method of placement of sealing material(s).
8. Method of protection of wellhead or open (engineering test) bore hole.**
9. Signature of Registered Inspector.

* Bulletin 74-90 (DWR) requires that monitoring well construction, alteration, and destruction reports be completed on forms provided by the California Department of Water Resources.

** Section 4814E requires that all engineering test holes be destroyed immediately after completion of testing.

D. MONITORING WELL DESTRUCTION SEALING REPORT. The Well Seal Inspection ~~Sealing~~ Report for monitoring wells and engineering test holes destroyed pursuant to and in compliance with an

unexpired permit issued under Section 4813 shall be submitted by a Registered Inspector within 30 days of sealing on a form* satisfactory to the Department, and shall include:

1. Permit number.
2. Date(s) of sealing work.
3. Number of wells destroyed under this permit.
4. Diameter and depth of bore hole(s) and diameter and depth of casing(s) installed (monitoring wells).
5. Depth to water.
6. Depth and type of sealing material(s).
7. Method of placement of sealing material.
8. Method of restoration of site area.
9. Signature of Registered Inspector.

* Bulletin 74-90 (DWR) requires that monitoring well construction, alteration, and destruction reports be completed on forms provided by the California Department of Water Resources.

E. WATER WELL CONDITION INSPECTION-REPORT FOR CERTIFICATE OF EXEMPTION OR RETURNING WELL TO ACTIVE STATUS. Any person who owns, or who possesses a water well that is abandoned or about to become abandoned due to lack of use, but who does not desire to destroy the well may submit to the Department a Well Condition Inspection-Report signed by a Registered Inspector pursuant to Section 4820. The report shall include:

1. State Well Number.
2. Driller's report.
3. Assessor Parcel Number of the property on which the well is located.
4. An accurate location description with respect to nearby wells, septic systems, animal enclosures, roads, and property boundaries.
5. Photographs of the well site, taken not more than six months prior to application for a Certificate of Exemption.
6. Video log of well casing, conducted not more than six months prior to application for a Certificate of Exemption.
7. A description of the well casing condition based upon a review of the most recent video log of the well.
8. An opinion that the well is, or is not, equipped with an annular seal or seals to prevent the interchange of waters between water-bearing strata penetrated by the well.
9. A statement that the well is, or is not, protected from artesian flow and from entry by surface waters.
10. A description of any work necessary to assure the safety of local groundwater supplies due to the continued existence of the well.
11. A description of any repair work necessary to allow the well to function for its intended purpose.

Sec. 4818 - CORRECTIVE ACTION

A. Any person who owns a well, or any person who is in possession of a well, may be required to take corrective action with respect to the well as provided in this Section.

B. Any of the following occurrences constitutes grounds for ordering corrective action:

1. Maintenance, operation, or use of the well in a manner that causes or contributes to, or may result in a substantial risk of causing or contributing to, the pollution ~~or contamination~~ of the groundwater, or allowing water to be wasted as a result of ~~a flowing well~~ artesian pressure.

2. Construction, maintenance, repair, modification or destruction of the well in a manner that violates any provision of this Article.

C. To initiate proceedings to order corrective action, the Director shall send written notice to the person who owns the well, and/or the person in possession of the well. The notice shall briefly describe the grounds for ordering corrective action, shall describe the proposed corrective action, shall specify a time and place for a hearing at which such person will be afforded an opportunity to present evidence showing that the grounds for corrective action do not exist, or that the proposed corrective action is inappropriate. The notice shall also state that failure to appear and present such evidence may result in an order requiring such person to take some or all of the proposed corrective action.

D. The Director shall conduct the hearing specified in the notice. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The person who owns the well or the person in possession of the well shall have the right to present relevant evidence at the hearing. The Director may, but need not, permit other persons to present relevant evidence. At the conclusion of the hearing, or within 30 calendar days thereafter, the Director will determine, based upon the preponderance of the evidence presented at the hearing, whether there are grounds for ordering corrective action, and, if so, whether the proposed corrective action is appropriate. Such determination shall be in writing and shall contain a brief statement of the findings of fact upon which the determination is based.

E. If ~~the determination~~ it is determined that there are grounds for ordering corrective action and that some or all of the proposed corrective action is appropriate, the Director may issue and serve upon the person or persons who were served with the notice of the hearing, a written order requiring such appropriate corrective action. The order shall contain a deadline for commencing the corrective action if such action is to be ongoing or shall contain a deadline for completing the corrective action if such corrective action is not to be ongoing. The order shall further state that, if the corrective action is not taken in compliance with the order, such action may be taken by the County at the expense of the person served with the order and, in addition, such person may be subject to criminal prosecution.

F. Any person who owns or is in possession of a well who is served with such an order shall, on or before the deadline stated therein, commence every corrective action described therein as being ongoing and complete every corrective action described therein as not being ongoing. Any person who owns or is in possession of a well served with such an order, and any person who thereafter acquires ownership or possession of the well with actual or constructive notice of the order, shall, for so long as such person owns or is in possession of the well, continue to take every corrective action described in the order as ongoing, until such time as the well is destroyed pursuant to this Article, or the Director states in writing that such ongoing corrective action is no longer necessary.

Sec. 4819 - DESTRUCTION OF ABANDONED WELLS

A. No person shall own or be in possession of an abandoned cathodic protection well which is over 50 feet deep, an abandoned monitoring well, an abandoned engineering test hole which is over 50 feet deep, or an abandoned water well unless ~~either such well has been destroyed pursuant to this Article,~~ ~~or~~^[BA6] a current Certificate of Exemption has been issued for such abandoned water well pursuant to Section 4820.

B. Any down-hole explosive work shall be ~~performed~~conducted by a state licensed blaster who has obtained all appropriate city and county permits.

Sec. 4820 - CERTIFICATE OF EXEMPTION/RETURN TO ACTIVE STATUS

Any person who owns ~~or possesses~~ a water well or monitoring well that is abandoned or about to become abandoned, but who does not desire to destroy the well, or a person who desires to return an abandoned well to active status, may submit to the Department a report prepared and signed by a Registered Inspector as required by Section 4817(E). Recommendations for repair must be submitted for review and approval of the Department. If the Department determines based on such application that exemption from the requirement that the well be destroyed would not result in pollution ~~or contamination~~ of groundwater and would not create a hazard to health ~~or~~ safety, the Department may issue such a Certificate of Exemption or may approve the well to be returned to active status. Either alternative is based upon a satisfactory Well Condition Inspection Report.

A certificate of exemption shall expire five years after issuance and may be terminated by the Department at any time prior to expiration upon a determination that destruction of the well is necessary to prevent pollution ~~or contamination~~ of groundwater or to avoid a hazard to health or safety. Successive Certificates of Exemption may be issued with respect to a well in the same manner as the original certificate was issued.

The Well Condition Inspection Report shall only be approved when the well has been shown to meet the requirements of Section 4817 E Inspection Report. The Well Condition Inspection Report will expire after 12 months and a new Well Condition Inspection Report will be necessary for status changes.

Sec. 4821 - FEES

The Board of Supervisors may, by resolution, establish fees for issuance of a permit, extension of a permit, a certificate of exemption, or an appeal pursuant to this Article. The payment of such fee, if any, established by such resolution, shall accompany the application to which it pertains. If the application is withdrawn before issuance of the permit, the Agency Department shall compute the cost to the County of processing the application up to that point in accordance with the County's standard cost accounting procedures, and if such cost is less than the amount of the fee paid, the difference remaining shall be refunded to the applicant.

Sec. 4822 - INSPECTION

The Department and the County's inspector may, at any and all reasonable times, enter any and all places, property, enclosures and structures for the purpose of making examinations and investigations to determine whether any provision of this Article is being violated. The Department may require that any work for which a permit is required by this Article be completed in stages and that each such completed stage be inspected prior to any further work. Registered inspectors shall inspect drilling and sealing operations for engineering test holes and monitoring wells when required by conditions of any permit.

Sec. 4823 - MISDEMEANOR/ INFRACTION/CIVIL PENALTIES^[BA7]

Any person who violates any provision of this Article shall be guilty of a misdemeanor/infraction and may be required to pay a fine to the Agency in an amount not to exceed five hundred dollars (\$500)^[BA8], and shall be guilty of a separate offense for each and every day or portion thereof during which such violation is committed, continued or permitted, and shall be subject to the same punishment for each such separate offense as for the original offense. The provisions of this section are in addition to and independent of any other sanctions which are or may be imposed under this Article or any other provision of law.

Any person who negligently or intentionally violates any provision of this Ordinance Code may also be liable civilly to the Agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.

Civil penalties for specified violations of this Article shall be established by a Resolution adopted by the Board of Supervisors. [BA9]

Sec. 4824 - ABATEMENT

If any corrective action required by an order issued pursuant to Section 4818 is not taken in full compliance with such order, the Director may cause the corrective action to be taken by the County and all persons required by Section 4818 to take such corrective action shall be jointly and severally liable to the County for the cost of such action. In cases where the public health and safety require emergency corrective action, the Director may cause the emergency corrective action to be taken by the County without a prior order or notice and all persons who own or are in possession of a well shall be jointly and severally liable to the County for the cost of such action.

Sec. 4825 - EXEMPTION

A. Leak Detection System. The foregoing provisions of this Article do not apply to any leak detection system installed or destroyed pursuant to the provisions of Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code or of Article 2 (commencing with Section 4521) of Chapter 5 of Division 4 of this Code.

B. Monitoring and Recovery Wells. The Department may waive permit requirements for installation or destruction of monitoring and recovery wells which are less than 50 feet deep and which are constructed to determine the extent of, or remove, pollution from underground storage tanks-contamination, pursuant to requirements of the Environmental Health Division, provided the Director determines that the purpose of this Article as set forth in Section 4811 will be satisfied.

C. Natural Gas Monitoring and Recovery Wells. The Department may waive permit requirements for installation or destruction of natural gas monitoring and recovery wells which are less than 50 feet deep pursuant to requirements of the Environmental Health Division, provided the Department determines that the purpose of this Article as set forth in Section 4811 will be satisfied.

Sec. 4826 - AQUIFER PROTECTION PROGRAM

The purpose of this program is to allow retention of those wells that are being used and are in good condition, and require either repair or destruction of those wells that are not usable and are causing ~~damage to~~ groundwater pollution.

A. Water Wells

1. Beginning on January 1, 1999, and on each January first thereafter, any person who owns a water well, or any person who is in possession of a water well, except those wells for which a valid Certificate of Exemption is in effect, shall submit to the Department a report of the amount

of groundwater extracted and the total time the well was operated within the preceding 12 months. This report shall be submitted to the Department prior to February 1st of each year on a form approved by the Department. Owners of wells located ~~in~~within the following ~~agencies~~agency jurisdictions may ~~utilize~~submit copies of the ~~same~~existing reporting forms ~~already approved by such agencies:~~

- a. United Water Conservation District
- b. Fox Canyon Groundwater Management Agency
- c. Ojai Basin Groundwater Management Agency

~~e-d.~~Any other Government Agency that requires the reporting of groundwater extractions within its boundaries.

2. If a well is classified as abandoned, as defined in Section 4812, a Certificate of Exemption shall be obtained or the well may be returned to active status by completing a "Well Condition Inspection Report" in the manner provided in Section 4820, or the well shall be destroyed as required by Section 4819.

B. Based upon the above information, all wells in ~~the unincorporated area of~~ Ventura County shall be classified as one of the following:

1. Active ~~or,~~
2. Abandoned with a valid Certificate of Exemption ~~or,~~
3. Abandoned and requiring destruction,
4. Non-compliant-abandoned,
- ~~4-5.~~ Non-compliant,
6. Can't Locate, or
- ~~3-7.~~ Can't Locate Report.

C. ~~No applications for new, or replacement wells~~Applicants in violation of this article shall not be entitled to further well permits, or any other land use entitlement ~~will be processed~~ until all violations of this Article are corrected.

Sec. 4827 - LIENS APPLIED

Failure to comply with any section of this Article may result in the County placing a notice of non-compliance or a lien on the affected property to cover the costs of managing and performing work deemed necessary, as well as other remedies prescribed by this Article.

Sec. 4828 - APPEALS

Any person shall have the right to appeal the decision of the Director to the Board of Supervisors, provided such appeal is made in writing within twenty-one days of the date of the ~~Director's~~ decision and the applicable appeal fee is paid.

REFERENCES:

California Health and Safety Code Section 116275

California Water Code Section 13710, and 13712

California Water Code Section 1370.5-13752

California Department of Water Resources, 2003, California's Groundwater: California Department of Water Resources Bulletin 118 – Update 2003

California Department of Water Resources, 1991, California Well Standards: California Department of Water Resources Bulletin 74-90 (Supplement to Bulletin 74-81)

California Department of Water Resources, 1981, Water Well Standards: State of California: California Department of Water Resources Bulletin 74-81.

California Department of Water Resources, 1968, Water Well Standards: Ventura County: California Department of Water Resources Bulletin 74-9.

Senate Bill 1168 (Pavley), Chapter 2, Definitions

PASSED AND ADOPTED this ~~18th day of May, 1999~~ _____, by the following vote:

AYES: ~~Supervisors Schillo, Long, Mikels and Lacey~~

NOES: ~~— None~~

ABSENT: ~~Supervisor Flynn~~

NOES: _____

ABSENT: _____

(~~s/s Susan K. Lacey~~ _____)

CHAIR, BOARD OF SUPERVISORS

ATTEST:

~~RICHARD D. DEAN~~ _____, County Clerk,

County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By: ~~s/s Richard D. Dean~~ _____.

Deputy Clerk

- Confidentiality of Well Logs (Well Completion Reports or Drillers' Report) – Clear reference to their availability.
- Backflow Prevention Devices – Clarification of standards for health and safety reasons.
- Rehabilitation work and Disinfection – Clarification of standards for health and safety reasons.
- Enforcement and Penalties – Remedies to enforce compliance with the current Ordinance provisions are limited to a non-compliance lien on the well owner's real property. Historically, this has been shown to be ineffective. Therefore, additional provisions were added to provide more compliance tools within the Ordinance.

Information will be available within 24 hours at: <http://pwa.ventura.org/pwa/groundwater-resources>.

For more information and to submit comments, please contact Jeff Dorrington at 805-654-2907, or Barbara Council at 805-654-2024. You may also submit comments via email at pwaweb@ventura.org