

ARTICLE 2. CONSTRUCTION AND ABANDONMENT OF WATER WELLS

Sec. 4-5-14. Purpose.

It is the purpose of this article to control the construction and reconstruction of wells to the end that the groundwater of this County will not be impaired in quality and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this County, and to provide for the destruction of abandoned wells or wells found to be public nuisances to the end that such wells will not impair the quality of groundwater or otherwise jeopardize the health, safety or welfare of the people of this County.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-15. Definitions.

As used in this article, the following words shall have the meanings provided in this section:

Abandoned and abandonment. The terms "abandoned" or "abandonment" shall apply to a well which has not been used for a period of one year, unless the owner declares in writing, to the Well Standards Advisory Board, his intention to use the well again for supplying water or other associated purpose (such as an observation well or injection well) and receives approval of such declaration from the Board. All such declarations shall be renewed annually and at such time be resubmitted to the Board for approval. Test holes and exploratory holes shall be considered abandoned twenty-four (24) hours after construction work has been completed, unless otherwise approved by the Health Officer.

Agricultural well. A water well used to supply water for irrigation or other agricultural purposes, including so-called stock wells.

Cathodic protection well. Any artificial excavation in excess of fifty (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.

Community water supply well. A water well used to supply water for domestic purposes in systems subject to chapter 7 of part I of division 5 of the California Health and Safety Code.

Construct, reconstruct (construction, reconstruction). To dig, drive, bore, drill or deepen a well, or to re-perforate, remove, replace or extend a well casing.

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

Electrical grounding well. Any artificial excavation in excess of fifty (50) feet constructed by any method for the purpose of establishing an electrical ground.

Health Officer. The Orange County Health Officer or his designee.

Individual domestic well. A water well used to supply water for domestic needs of an individual residence or commercial establishment.

Industrial well. A water well used to supply an industry on an individual basis.

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

Permit. A written permit issued by the Health Officer permitting the construction, reconstruction, destruction or abandonment of a well.

Person. Any person, firm, corporation or governmental agency.

Public nuisance. The term "public nuisance," when applied to a well, shall mean any well which threatens to impair the quality of groundwater or otherwise jeopardize the health or safety of the public.

Saltwater (hydraulic) barrier well. A well used for extracting water from or injecting water into the underground as a means of preventing the intrusion of saltwater into a fresh water-bearing aquifer.

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.

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. Wells shall include, but shall not be limited to, community water supply wells, individual domestic wells, industrial wells, agricultural wells, cathodic protection wells, electrical grounding wells, test and exploratory holes, observation wells and saltwater (hydraulic) barrier wells, as defined herein, and other wells whose regulation is necessary to fulfill the purpose of this article as determined by the Well Standards Advisory Board. Wells shall not include:

- (a) 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;
- (b) Wells used for the purpose of dewatering excavations during construction, or stabilizing hillsides or earth embankments; or
- (c) Other wells whose regulation is not necessary to fulfill the purpose of this article as determined by the Well Standards Advisory Board.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-16. Well Standards Advisory Board.

A board consisting of five (5) members shall be appointed by the Board of Supervisors. One of the members appointed shall be a person employed in a supervisory capacity by a water purveyor in the County of Orange whose system relies to a significant extent upon groundwater; one shall be a registered civil engineer under the laws of the State of California who is experienced in sanitary engineering and who is qualified in the field of water supply; one shall be a person licensed in accordance with the provisions of the Contractors License Law, chapter 9, division 3 of the Business and Professions Code of the State of California; one shall be a person who is qualified in the field of water quality; and one shall be a registered geologist under the laws of the State of California who is qualified in the field of groundwater hydrology. One of the aforementioned persons shall be a representative of the Orange County Water District and one shall represent the Orange County Water Pollution Department.

Members shall serve for a three-year term and until the qualification of a successor, except that the first members shall serve staggered terms, as determined by the drawing of lots, in the following manner: One member shall serve for a one-year term of office; two (2) members shall serve for a three-year term of office. All terms shall end on the first Monday in January of the year in which such term is to expire. All members shall serve at the discretion of the Board of Supervisors; and any member or members of the Board, Committee or Commission may have his membership terminated by a majority vote of the Board of Supervisors. A vacancy thereby created shall be filled in the same manner as the original appointment.

Traveling and other expenses incurred by each Board member in the performance of his official duties shall be reimbursed at a rate of ten dollars (\$10.00) per meeting.

(Ord. No. 2607, § 1, 7-18-72; Ord. No. 3038, § 3, 2-14-78)

Sec. 4-5-17. Acts prohibited; permit required.

No person shall, within the unincorporated area of the County of Orange, 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 article.

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.

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 article.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-18. Permits.

Applications for permits shall be made to the Health Officer containing such information as he shall require.

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 article. Fifty (50) per cent of the fee shall be returned to the applicant should the permit be denied or if the permit is canceled within sixty (60) days after issuance and no work has been done. A permit shall remain in effect for one year from date of issuance.

Permits may be issued subject to any condition or requirement found by the Health Officer to be necessary to accomplish the purposes of this article.

A permit may be canceled or the conditions amended by the Health Officer if he determines 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 article.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-19. 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 article or his permit until such inspection has been performed.

(Ord. No. 2607, § 1, 7-18-72)

Secs. 4-5-20—4-5-24. Reserved.

Sec. 4-5-25. Notice; cancellation or denial of permit.

In the event a permit is denied or canceled, the applicant or permit holder shall be given written notice by the Health Officer, which notice shall specify the reasons for his action and shall notify the applicant or permit holder of his right to request a hearing before the Well Standards Advisory Board within ten (10) days.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-26. Notice; public nuisance.

In the event the Health Officer determines that a well constitutes a public nuisance, he 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 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 ten (10) nor more than thirty (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.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-27. Immediate abatement.

If the Health Officer finds that immediate action is necessary to prevent impairment of the groundwater or a threat to the health or safety of the public, he may abate the nuisance without giving notice. Within twenty-four (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 in section 4-5-26.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-28. 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 groundwater 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 section 4-5-29.

If the Board finds that a permit was improperly denied or canceled, it shall order the Health Officer to issue or reinstate such permit.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-29. Abatement costs a special assessment.

Upon a finding by the Well Standards Advisory Board that a well constitutes a public nuisance, all cost of abatement carried out under the terms of this article shall constitute a charge and special assessment upon the parcel of land involved. If such costs are not paid within sixty (60) days, they shall then be declared a special assessment against that parcel as provided in Government Code, section 25845. 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.

(Ord. No. 2607, § 1, 7-18-72)

Sec. 4-5-30. 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 and electrical grounding wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74-1, and future amendments thereto. 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 the local geological and groundwater conditions.

(Ord. No. 2607, § 1, 7-18-72; Ord. No. 2691, § 1, 7-17-73)

Sec. 4-5-31. Penalty.

Any person who violates the terms of this article or any permit issued hereunder shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued or permitted and shall be subject to the same punishment as for the original offense.

(Ord. No. 2607, § 1, 7-18-72)