



**COUNTY OF ORANGE**  
**WELL STANDARDS ADVISORY BOARD**

**MEMBERS**  
ROY L. HERNDON, CHAIRMAN  
JOHN M. GREGG  
NABIL B. SABA  
JAMES FORTUNA  
MICHAEL GRISSO

HCA/ENVIRONMENTAL HEALTH  
MAILING ADDRESS:  
PO BOX 25400  
SANTA ANA, CA 92799

TELEPHONE: (714) 433-6000  
FAX: (714) 433-6481

**A G E N D A**

**WELL STANDARDS ADVISORY BOARD (WSAB)**  
**REGULAR MEETING**

**Friday, May 31, 2024, 10:00 A.M.**

**Health Care Agency**  
**Environmental Health Division**  
**Crystal Cove Conference Room**  
**1241 E. Dyer Road, Ste. 120, Santa Ana, Ca 92705**

This agenda contains a brief description of each item to be considered. Except as provided by law, no action shall be taken on any item not appearing in the agenda. To speak on any item, make a verbal request through the Chairperson following the Chairperson's invitation from the public to speak on the item. Once acknowledged and prompted by the Chairperson, you may begin to speak. When addressing the Well Standards Advisory Board, it is requested that you state your name, city of residence, and occupation for the record. Speakers may address the Well Standards Advisory Board on any item on the agenda for up to three minutes. PowerPoint and video presentation must be requested in advance of the meeting through the Orange County Health Care Agency by contacting Hisham Elmishad, at [Helmishad@ochca.com](mailto:Helmishad@ochca.com).

You may request supporting documentation distributed to the Well Standards Advisory Board as related to the agenda items by contacting Hisham Elmishad, at [Helmishad@ochca.com](mailto:Helmishad@ochca.com).

The agenda is available online at <https://www.ochealthinfo.com/about-hca/public-health-services/environmental-health-division>.

In compliance with the American with Disabilities Act, those requiring reasonable accommodations for this meeting should notify the Orange County Health Care Agency prior to the meeting at [Helmishad@ochca.com](mailto:Helmishad@ochca.com).

# A G E N D A

1. Approve Well Standards Advisory Board Minutes of the October 30, 2023 Regular Meeting

2. Well Permit Appeal regarding Embee Processing, LLC

3. Public Comments

*At this time members of the public may address the WSAB on any matter not on the agenda but within the subject matter jurisdiction of the Board.*

4. Adjournment



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**SUMMARY ACTION MINUTES**

**WELL STANDARDS ADVISORY BOARD (WSAB)  
REGULAR MEETING SUMMARY ACTION MINUTES**

Monday, October 30, 2023, 10:00 A.M.  
Health Care Agency  
Environmental Health Division  
Crystal Cove Conference Room  
1241 E. Dyer Road, Ste. 120, Santa Ana, Ca 92705

**Board Members**

**In Attendance:**

Roy L. Herndon, Orange County Water District, Chairman  
John M. Gregg, Gregg Drilling and Testing, Inc.  
James Fortuna, Orange County Public Works  
Nabil B. Saba, City of Santa Ana, Public Works Water Dept.  
Michael Grisso, City of Tustin, Public Works Water Dept.

Chairman Roy Herndon called the meeting to order at 10:00 A.M.

**1. Introductions**

The WSAB board members introduced themselves, then invited the attending Health Care Agency staff, Clerk, County Counsel as well as the representatives and Counsel for Forest Lawn to introduce themselves.

**2. Approve Well Standards Advisory Board Minutes of the May 4, 2016 Regular Meeting**

On the motion of Nabil Saba, seconded by John Gregg, the WSAB unanimously approved the minutes of the May 4, 2016 regular meeting as amended to correct Page 6, agenda item VII to reflect the correct spelling for all instances of the term "site tube(s)" to read "sight tube(s)."

**3. Approve Well Standards Advisory Board Minutes of the June 1, 2022 Special Meeting**

On the motion of Nabil Saba, seconded by Michael Grisso, the WSAB unanimously approved the minutes of the June 1, 2022 Special Meeting.

#### 4. Well Permit Appeal regarding Forest Lawn Well Permit No. 23-08-21

- On the issue of whether the appeal was reviewable by WSAB, the Chairman confirmed that the permit had not been denied or cancelled up to the present time.
- Counsel for the Permittee, Forest Lawn, stated that the permit was initially issued in August with a condition for a Reduced Pressure principal backflow prevention device (RP), and that in September the permit was amended to remove the RP condition and instead require an air gap for backflow prevention, and that the amended permit condition effectively denied or cancelled their original permit.
- David Obrand, County Counsel for the Health Care Agency/Environmental Health Division (HCA), stated that it was upon learning new information that the well would have a direct connection to Forest Lawn's recycled water system that the permit was amended to reflect requirements due to this change, and had HCA known of the direct connection, the air gap would have been the required condition from the beginning. David Obrand also stated that construction currently continuing under the permit is an indication that the permit has not been denied or cancelled and that the appeal rights under the Well Ordinance are only triggered when a permit has been denied or cancelled.
- Julia Woo, County Counsel for the WSAB, asked if HCA would agree to stipulate that the permit appeal could be heard. David Obrand indicated they would not stipulate because the permittee is still constructing under the permit and to do so would also set a precedent to allow appeals to be filed at any point in the permit process.
- Chairman Roy Herndon made a motion to hear the appeal at the discretion of the WSAB on this case alone and without intention to change process or set precedent, Nabil Saba seconded the motion. The motion failed to carry with WSAB members James Fortuna, Michael Grisso and John Gregg voting no.
- On the motion by Michael Grisso to deny the appeal as unripe for review due to lack of cancellation or denial, seconded by John Gregg, the WSAB voted unanimously to deny the appeal.
- David Obrand proposed that if Forest Lawn indicates their refusal to accept the air gap condition, then HCA agrees to cancel the permit effective today, which then triggers the appeal rights of Forest Lawn based on the cancellation of their permit. Counsel for Forest Lawn indicated their refusal to accept the air gap condition and their desire to move forward with the appeal.

- On the motion by Michael Grisso to rescind the prior action denying the appeal as unripe for review, seconded by Nabil Saba, the WSAB voted unanimously to rescind the previous denial of the appeal and to hear the appeal on the merits.
- Counsel for Forest Lawn summarized their position that an RP should be allowed because in 2016, the State Water Board approved Forest Lawn's Recycled Water Use Program that included a provision to connect Well No. 3, fitted with an RP device assembly to Forest Lawn's irrigation system, and further that the approved recycled water use program provides that Forest Lawn may refurbish, add, or destroy wells, subject to review and approval by HCA, to maintain access to well water.
- David Obrand summarized HCA's position that the State Water Board approval for Well No. 3 does not apply to this well (Well No. 4), and that the provision allowing Forest Lawn to refurbish, add, or destroy wells does indicate additional wells are subject to review and approval by HCA and HCA has the authority to require conditions necessary to protect health and safety. Also noted was the need for the applicant to seek review and approval by several other involved agencies before a proposed well project is submitted to HCA for review and approval.
- Chairman Roy Herndon made a motion stating that HCA has the review and approval authority and, on that basis, to deny the appeal by Forest Lawn. The motion was seconded by Michael Grisso and the WSAB voted unanimously to deny the appeal.

**5. Public Comments**

*None*

**6. Adjournment**

Chairman Roy Herndon adjourned the meeting at 11:44 A.M.



# COUNTY OF ORANGE

CLERK OF THE BOARD OF SUPERVISORS

Via electronic mail

To: Embee Processing  
c/o Greg Hoehn  
Principal Consultant  
Stantec  
2999 Oak Road, Suite 800  
Walnut Creek, CA 94597-7966  
Greg.hoehn@stantec.com

Juan Anzora, REHS  
Environmental Health Division  
OC Health Care Agency  
1241 E. Dyer Road, Suite 120  
Santa Ana, CA 92705  
EHOCwells@OCHCA.com

Subject: Notice of Hearing and Briefing Schedule  
Appeal of Denial of Permit Applications for Embee Processing

The parties are hereby notified that the Well Standards Advisory Board (“WSAB”) will hear the above referenced matter on **May 31, 2024, at 10:00 a.m.**, at 1241 E. Dyer Road, Suite 120, Santa Ana, CA 92705, in the Newport/Sunset/Crystal Cove Meeting Room.

To assist the WSAB in considering this matter, the parties are requested to submit a brief written summary of the relevant facts, issues, governing regulations, and reasons the WSAB should grant or deny the appeal, in accordance with the following:

**Briefing Schedule:**

- Opening brief by May 13, 2024: Embee Processing is requested to submit an opening letter brief, no more than five (5) pages (single-sided) in length.
- Respondent’s brief by May 23, 2024: OC Health Care Agency is requested to submit a responding letter brief, no more than five (5) pages (single-sided) in length.
- Reply brief by May 29, 2024: Embee Processing may submit a reply brief, no more than three (3) pages (single-sided) in length.

**Submission of Documents:**

All submissions in this matter shall be made electronically, to Valerie Sanchez, Chief Deputy Clerk of the Board, at [Valerie.Sanchez@ocgov.com](mailto:Valerie.Sanchez@ocgov.com), with copies concurrently distributed to all parties.

Enclosed herewith is a roster of WSAB members. As a reminder, parties are to avoid *ex parte* communications with any member.

Enclosure: WSAB Roster of Members Detail

cc: Julia C. Woo, Senior Deputy County Counsel



# Roster of Members Detail

## Well Standards Advisory Board

**Contact:** Lauren Robinson

**Support Agency:** Health Care Agency - Health Policy & Communication **File #:** 1151

**Phone:** (714) 433-6011 **Sunset Date:**

**# of Members:** 5 **Office Term:** 3 years

**FAX:** **Term Limits:** None

**Meets:** As needed / Meeting location: 1241 E. Dyer Road, Suite 120, Santa Ana CA 92705 **COI Required:** Yes

**Compensation:** \$10.00 per meeting

**Legal Authority:** Established 7/18/72, OC Ordinance 2607, Article 2, Section 4-5-16; 7/26/22, Item 2 adopted bylaws in conformance with Bylaws template with exception to retain 3 year terms pursuant to OCCO section 4-5-16

**Min. Qual.:** Employed in a supervisory capacity by a water purveyor; registered civil engineer experienced in sanitary engineering and qualified in the field of water supply; registered geologist qualified in groundwater hydrology; licensed contractor; qualified in the field of water quality.

**Purpose:** To hear appeals and matters related to the denial, revocation or suspension of groundwater well construction or destruction permits or findings that a well constitutes a public nuisance; and to advise and concur County Health Officer regarding modifications to well standards.

**Duties:** Hear and consider testimony and evidence from landowners and interested persons. Direct the health officer to take any necessary action to protect the groundwater or the health and safety of the public.

**Comments:** "Other" is nominated by Environmental Health Program Director. One of the 5 members must also represent the OC Water District and one member must also represent OC Public Works All terms shall end on the first Monday in January of the year the term is set to expire. All appointments are Chairman At-Large per BOS Rule 16

**Member:** Fortuna, James **Appointment Date:** 12/20/2022

**Position:** Water Quality Expert and Represents O. C. Watersheds formerly O.C. Water Pollution Dept. **Beginning Term:** 1/2/2023

**Nomination Type:** At Large **Ending Term:** 1/5/2026

**District:** N/A **Expire Date:** 1/5/2026

**Appointed By:** Board Of Supervisors **Term:** 3 years

**Original Appointment:** 7/11/2017 **Final Term:** No

**Comments:** All terms shall end on the first Monday in January of the year in which such term is to expire. Nominated by the Environmental Health Program Director; last member Jian Peng



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**Member:** Gregg, John      **Appointment Date:** 12/20/2022

**Position:** Represents Licensed Contractor      **Beginning Term:** 1/2/2023

**Nomination Type:** At Large      **Ending Term:** 1/5/2026

**District:** N/A      **Expire Date:** 1/5/2026

**Appointed By:** Board Of Supervisors      **Term:** 3 years

**Original Appointment:** 12/15/1998      **Final Term:** No

**Comments:** All terms shall end on the first Monday in January of the year in which such term is to expire. Nominated by the Environmental Health Program Director

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**Member:** Grisso, Michael      **Appointment Date:** 12/20/2022

**Position:** Sup. For Water Purveyor of Groundwater      **Beginning Term:** 1/2/2023

**Nomination Type:** At Large      **Ending Term:** 1/5/2026

**District:** N/A      **Expire Date:** 1/5/2026

**Appointed By:** Board Of Supervisors      **Term:** 3 years

**Original Appointment:** 4/12/2022      **Final Term:** No

**Comments:** All terms shall end on the first Monday in January of the year in which such term is to expire. Nominated by the Environmental Health Program Director. Last member Nabil Saba (was moved to registered civil engineer position).

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**Member:** Herndon, Roy L.      **Appointment Date:** 12/20/2022

**Position:** Registered Geologist in Groundwater Hydrology and Rep. O.C.W.D.      **Beginning Term:** 1/2/2023

**Nomination Type:** At Large      **Ending Term:** 1/5/2026

**District:** N/A      **Expire Date:** 1/5/2026

**Appointed By:** Board Of Supervisors      **Term:** 3 years

**Original Appointment:** 7/22/1993      **Final Term:** No

**Comments:** All terms shall end on the first Monday in January of the year in which such term is to expire. Nominated by the Environmental Health Program Director

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**Member:** Saba, P.E., Nabil B.      **Appointment Date:** 12/20/2022

**Position:** Registered Civil Engineer in water supply      **Beginning Term:** 1/2/2023

**Nomination Type:** At Large      **Ending Term:** 1/5/2026

<b>District:</b>	N/A	<b>Expire Date:</b>	1/5/2026
<b>Appointed By:</b>	Board Of Supervisors	<b>Term:</b>	3 years
<b>Original Appointment:</b>	4/12/2022	<b>Final Term:</b>	No

**Comments:** All terms shall end on the first Monday in January of the year in which such term is to expire. Last member Robert R. McVicker; nominated by the Environmental Health Program Director

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May 13, 2024

Attn: Valerie Sanchez, Chief Deputy Clerk of the Board  
Orange County Health Care Agency  
400 W. Civic Center Drive, Sixth Floor,  
Santa Ana, CA 92701-4062

**Subject: Appeal of Denial of Permit Applications for Embee Processing**

Well Standards Advisory Board:

The following document summarizes the environmental remediation system to be installed on the Embee Processing (Embee) property in Santa Ana, CA. Boring construction details, intended use, and proposed abandonment techniques are included to satisfy the Orange County Health Care Agency abandonment requirements.

As part of a voluntary cleanup action by Embee, a thermal remediation system has been designed and approved by the Department of Toxic Substance Control (DTSC) to address contamination of soil and groundwater on the property. A copy of the Work Plan approval by DTSC is included as Appendix A. This system includes the installation of at least 67 electrode borings used to input energy into the subsurface. The energy will heat the subsurface and will volatilize contamination so that it can be collected under vacuum and treated above grade.

The electrode borings include either one or two electrode elements powered by a copper plate connected to one or two electrical cables. The electrodes also contain either 1 or 2 drip tubes which are used to add small amounts of potable water throughout the boring length to maintain hydration of the boring. These drip tubes will be made with ½" PEX and copper. Each boring will also contain a vapor recovery screen between 6-inches and 3-feet long. Vapor recovery screens will be installed within the top 20 feet of each boring to collect the volatile organic compounds (VOCs) during thermal remediation. The annular space around the above listed components will be mostly filled with graphite (99.4% carbon) a non-organic mineral used to aid in electrical conductivity. In addition, 2-element electrodes will include a 3-foot-long 10x30 silica sand (sand) pack between elements. Electrodes will include at least 4 feet of sand for the vapor recovery screen. Finally, each electrode will include a 1-foot-thick neat cement grout seal at the ground surface. A site plan layout of the electrodes as well as a single and 2-element electrode cross section are provided in Appendix B.

When reviewing the abandonment requirements from OCHCA, there do not seem to be specific regulations related to electrode borings or environmental remediation borings. We have been advised by OCHCA that our electrodes should be considered water wells when considering their abandonment. Due to the unique design and use of the electrodes, we would like to pursue an Exemption Due to Unusual Conditions under Section 3 of the General, Water Well Standards.

The following unique circumstances are offered as reasons for the requested exemption:

- 1) Electrodes are temporary installations designed to remove groundwater contaminants and reduce indoor air quality risks. Thermal remediation is expected to remove greater than 99% of observed contaminate mass in 4 to 6 months)
- 2) Planned upgradient oxidant injection will further reduce contaminate mass within the depths of the electrode borings.
- 3) A 1-foot neat cement grout seal is required to facilitate the capture of vapors generated during the thermal remediation process.
- 4) The majority of electrode borings must be installed at an angle to avoid demolition of the active manufacturing facility. The angled nature of the borings requires the use of roto-sonic drilling. The sonic drilling companies we have talked to have indicated they cannot over drill the angled borings safely.
- 5) Asphalt, concrete, and/or building roofs cover the ground surface within 10 feet of all borings except for 3 electrodes in the southern portion of the treatment area.
- 6) Subsurface conditions
  - a) The natural vertical gradient measured within the treatment area is upward or neutral;
  - b) The upper 60 feet represent one water bearing zone given that the shallow water-bearing zone between 20 and 40 feet below ground surface (bgs) is laterally discontinuous and does not represent a separate water bearing zone distinct from the lower 60 feet bgs zone;
  - c) The graphite is not expected to represent a significant conduit.
    - i) The upper 60 feet already shows evidence of hydraulic connection and although differentiated as separate zones for Site characterization purposes, the upper water bearing unit is laterally discontinuous and not a hydraulically separate unit;
    - ii) Vertical gradient in EP-3A/C and EP-4A/C which are not impacted by the in-situ treatment of carbon substrate addition, is upward and the initial vertical gradient at EP-16A/C was also upward.

In light of the above-described subsurface conditions and drilling complexities, we propose the following alternative approach for abandonment of the electrode borings:

- 1) Vapor recovery piping and screen will be removed from each electrode.
- 2) Electrode elements and cables will be removed, if possible, by pulling with a winch. If the cables or electrode plates cannot be recovered they will be cut off or pushed down to at least 5 feet bgs and abandoned in place. These are solid inert materials and will not provide a conduit to the subsurface.
- 3) Drip tubes will be pressure grouted in place so that no conduit remains to the subsurface.
- 4) Borings will be cleared by air-knife (vacuum truck) or by hand auger to a minimum depth of 5 feet bgs.
- 5) The annular space of each boring will be filled with neat cement grout to a minimum depth of 5 feet bgs.

Site operations within the overlying buildings no longer pose a risk to underlying groundwater as the facility no longer uses chlorinated solvents in their processes and have installed secondary containment. The Site is expected to operate as a manufacturing facility for the foreseeable future and the treatment area will be covered by an impermeable surface.

If the above abandonment procedure is unacceptable, we would be interested in discussing a more agreeable abandonment method. A delay in implementation of this remedy puts a greater risk on the

aquifer than the risk of vertical migration, so we are eager to work with you on a quick resolution to this issue.

Please feel free to contact me with any questions at 360-560-4853 or via email at [ccrownover@thermalrs.com](mailto:ccrownover@thermalrs.com).

Sincerely,  
TRS Group, Inc.

A handwritten signature in black ink, appearing to read 'Chad Crownover', with a long horizontal flourish extending to the right.

Chad Crownover  
Managing Principal Engineer

cc: Greg Hoehn  
Angus McGrath  
Chris Thomas



**Yana Garcia**  
Secretary for  
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director  
5796 Corporate Avenue  
Cypress, California 90630



**Gavin Newsom**  
Governor

February 12, 2024

**SENT VIA ELECTRONIC MAIL**

Mr. Rey J. Santos  
Environmental Safety and Health Manager  
Embee Processing  
2136 South Hathaway Street  
Santa Ana, California 92705  
[ReyS@embee.com](mailto:ReyS@embee.com)

ADEQUACY OF INTERIM MEASURES WORK PLAN FOR PUBLIC COMMENT,  
EMBEE PLATING, 2136 SOUTH HATHAWAY STREET, SANTA ANA (EPA ID NO.  
CAD009655941, SITE CODE: 400928)

Dear Mr. Santos:

The Department of Toxic Substances Control (DTSC) has determined that the Interim Measures Workplan (Workplan): In Situ Thermal Remediation (Stantec Consulting Services, Inc. [Stantec], December 12, 2023) for the Embee Plating facility (Site) is adequate for public comment. DTSC also prepared a draft Initial Study (IS) pursuant to the California Environmental Quality Act.

The Workplan specifies removal action objectives, evaluates alternatives, and describes the alternative proposed for the Site. The objective of the Workplan is to mitigate potential risk to human health and the environment by using In Situ Thermal Remediation (ISTR) for the remediation of Volatile Organic Compounds (VOCs) in soil and groundwater at the Site.

The Site consists of approximately 5.2 acres of land surrounding the northern terminus of South Hathaway Street in the City of Santa Ana, Orange County. The Site is developed with 11 buildings and associated structures related to Embee's plating and anodizing operations. It has historically been used for metal plating including use of chromium, tin, nickel, and copper. Tetrachloroethene and 1,1,1-trichloroethane were

Mr. Rey J. Santos  
February 12, 2024  
Page 2

used as vapor degreasing agents in the plating operation. Investigations conducted at the Site under DTSC oversight have revealed the presence of constituents of concern, including 1,4-dioxane, perchlorate and chlorinated solvents in soil gas and/or groundwater. DTSC approved an Interim Measures Workplan for enhanced biodegradation of constituents of concern in groundwater by injection of carbon amendments in 2010. The Interim Measure was expanded in 2017.

DTSC comments on the Workplan dated November 29, 2022, May 15, 2023, and October 24, 2023 have been adequately addressed and incorporated into the Workplan. DTSC hereby concurs the Workplan is adequate for public comment. The IS demonstrates the proposed remedy will not have a significant effect on the environment. The IS will be finalized concurrently with RAW approval.

DTSC will prepare a Public Notice and Community Update for the Site. Embee shall publish the Public Notice in two local newspapers of general circulation (one in English, one in Spanish) for a formal 30-day comment period on the Workplan, mail the Community Update to the mailing list established in the Community Profile and coordinate a public meeting. Embee shall also place the Workplan, Community Profile, and IS in the designated information repositories for public access at the start of the public comment period. After the formal public comment period ends, DTSC will consider all comments received prior to modifying and/or approving the Workplan. The Workplan may be implemented after it is approved by DTSC.

If you have any questions regarding the project, please contact Ms. Angela Turner, Project Manager, at 714-484-5477 or via e-mail at [Angela.Turner@dtsc.ca.gov](mailto:Angela.Turner@dtsc.ca.gov) or me at (714) 484-5368 or via e-mail at [Shahir.Haddad@dtsc.ca.gov](mailto:Shahir.Haddad@dtsc.ca.gov).

Sincerely,



Shahir Haddad, P.E.  
Branch Chief  
Brownfields Restoration & Schools Evaluation Branch  
Site Mitigation and Restoration Program

mm/at/sz/sh

Mr. Rey J. Santos  
February 12, 2024  
Page 3

cc: (via e-mail)

Mr. Greg Hoehn  
Principal Geologist  
Stantec Consulting Services, Inc.  
[Greg.Hoehn@stantec.com](mailto:Greg.Hoehn@stantec.com)

Mr. Angus McGrath, Ph.D.  
Principal Geochemist  
Stantec Consulting Services, Inc.  
[Angus.McGrath@stantec.com](mailto:Angus.McGrath@stantec.com)

Mr. Paul Pongetti, P.G.  
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DTSC/Geological Services Branch  
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Mr. Chawn Y. (CY) Jeng, Ph.D.  
Staff Toxicologist  
DTSC/Human and Ecological Risk Office  
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Ms. Christine Brown, P.E.  
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DTSC/Engineering and Special Projects Office  
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Dr. Scarlett Zhai, P.E.  
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DTSC/Site Mitigation & Restoration Program  
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Ms. Angela Turner, P.G.  
Project Manager  
Brownfields Restoration & Schools Evaluation Branch  
DTSC/Site Mitigation & Restoration Program  
[Angela.Turner@dtsc.ca.gov](mailto:Angela.Turner@dtsc.ca.gov)



# PRELIMINARY

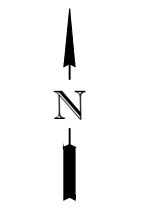
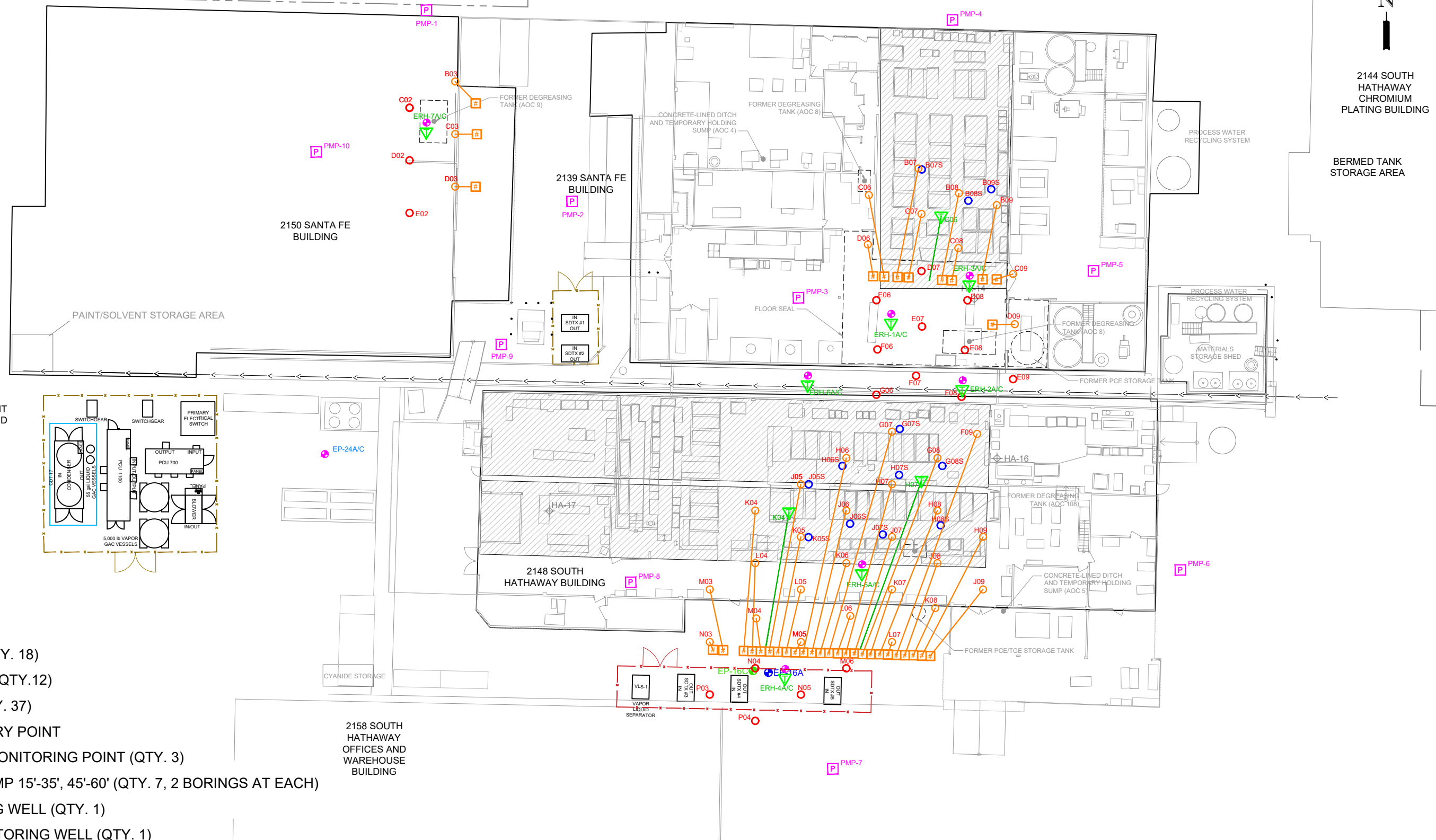
Awaiting DTSC Approval

## NOTES

1. TRENCH AND BORING LOCATIONS WITHIN 2 FT OF A UTILITY WILL BE AIR-KNIFED OR HAND-AUGERED TO THE DEPTH OF THE UTILITY.

## LEGEND

- VERTICAL ELECTRODE (QTY. 18)
- VERTICAL (HAND BORED) (QTY.12)
- ANGLED ELECTRODE (QTY. 37)
- # ANGLED ELECTRODE ENTRY POINT
- ▽ ANGLED TEMPERATURE MONITORING POINT (QTY. 3)
- ▽ MONITORING WELL AND TMP 15'-35', 45'-60' (QTY. 7, 2 BORINGS AT EACH)
- STANDALONE MONITORING WELL (QTY. 1)
- DEEP PRE-EXISTING MONITORING WELL (QTY. 1)
- SHALLOW PRE-EXISTING MONITORING WELL (QTY. 1)
- P STANDALONE PRESSURE MONITORING POINT (QTY. 10)
- RENTAL SECURITY FENCE
- VINYL CLAD SECURITY FENCE
- PRODUCTION CRANE
- SECONDARY CONTAINMENT



2144 SOUTH HATHAWAY CHROMIUM PLATING BUILDING

BERMED TANK STORAGE AREA



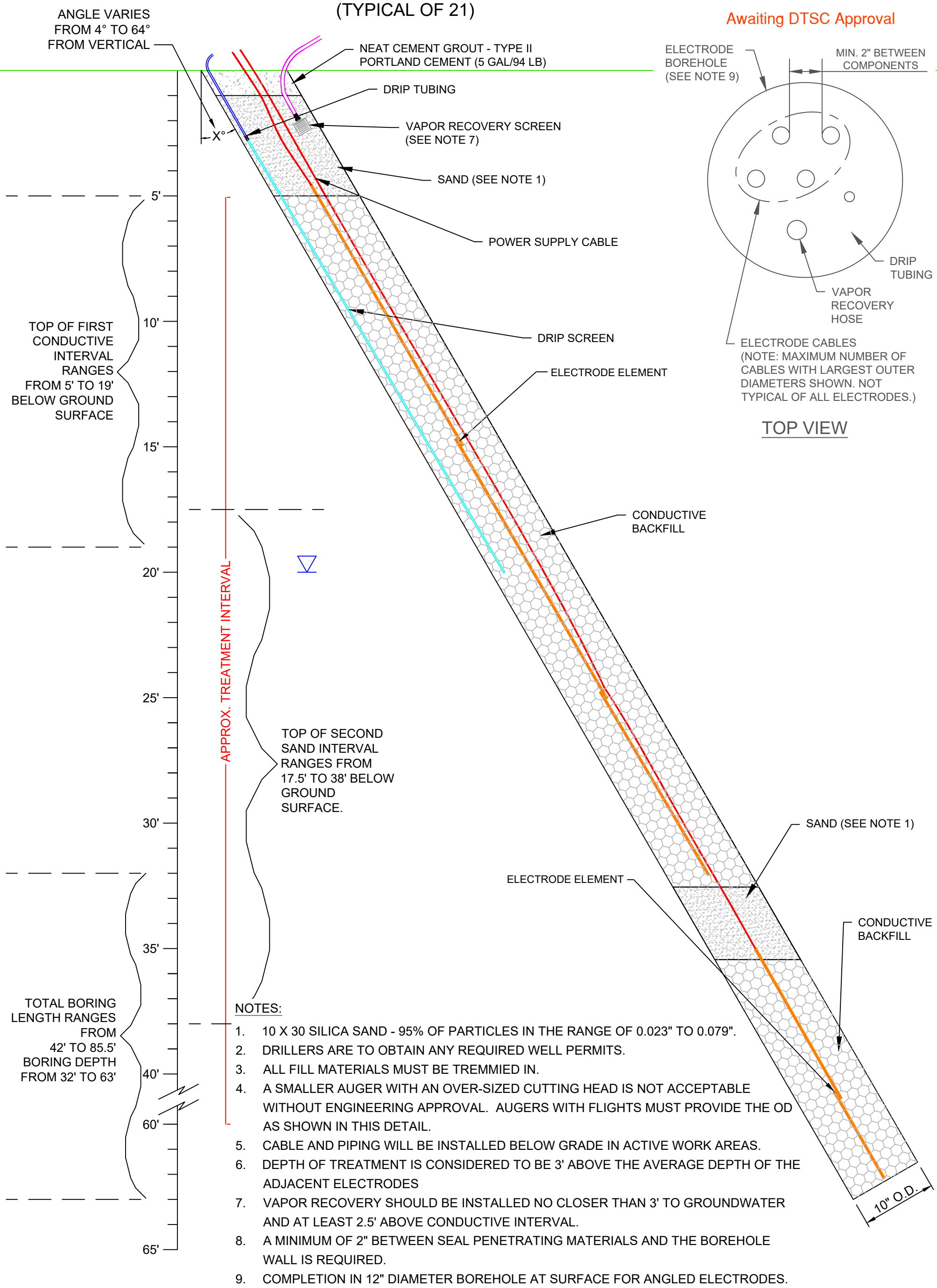
<p>TRS GROUP, INC. PO BOX 737 LONGVIEW, WA 98632</p>	DESIGNED BY <b>C. CROWNOVER</b>	SITE LOCATION EMBEE PROCESSING SANTA ANA, CALIFORNIA
	DRAWN BY <b>E. SEILER</b>	CLIENT STANTEC
CHECKED BY <b>PENDING APPROVAL</b>	SITE PLAN	
PROJECT MANAGER TRS PERSONNEL	APPROVED FOR CONSTRUCTION	DATE 2022.NOV.01
QSAT REVIEW xx/xx/xx	BY _____	PROJECT P1382
	DATE _____	SHEET <b>Y-1</b>

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# MULTI-ELEMENT ANGLED ELECTRODE WITH SHORT FIRST SAND INTERVAL (TYPICAL OF 21)

**PRELIMINARY**

Awaiting DTSC Approval



ANGLE VARIES FROM 4° TO 64° FROM VERTICAL

NEAT CEMENT GROUT - TYPE II PORTLAND CEMENT (5 GAL/94 LB)

DRIP TUBING

VAPOR RECOVERY SCREEN (SEE NOTE 7)

SAND (SEE NOTE 1)

POWER SUPPLY CABLE

DRIP SCREEN

ELECTRODE ELEMENT

CONDUCTIVE BACKFILL

SAND (SEE NOTE 1)

ELECTRODE ELEMENT

CONDUCTIVE BACKFILL

10" O.D.

5'

10'

15'

20'

25'

30'

35'

40'

60'

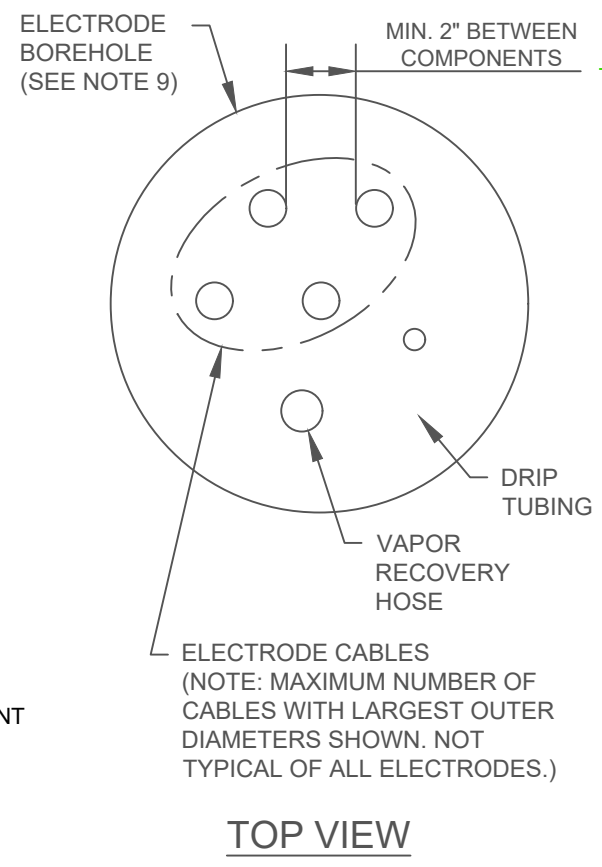
65'

TOP OF FIRST CONDUCTIVE INTERVAL RANGES FROM 5' TO 19' BELOW GROUND SURFACE

APPROX. TREATMENT INTERVAL

TOP OF SECOND SAND INTERVAL RANGES FROM 17.5' TO 38' BELOW GROUND SURFACE.

TOTAL BORING LENGTH RANGES FROM 42' TO 85.5' BORING DEPTH FROM 32' TO 63'



**NOTES:**

1. 10 X 30 SILICA SAND - 95% OF PARTICLES IN THE RANGE OF 0.023" TO 0.079".
2. DRILLERS ARE TO OBTAIN ANY REQUIRED WELL PERMITS.
3. ALL FILL MATERIALS MUST BE TREMMIED IN.
4. A SMALLER AUGER WITH AN OVER-SIZED CUTTING HEAD IS NOT ACCEPTABLE WITHOUT ENGINEERING APPROVAL. AUGERS WITH FLIGHTS MUST PROVIDE THE OD AS SHOWN IN THIS DETAIL.
5. CABLE AND PIPING WILL BE INSTALLED BELOW GRADE IN ACTIVE WORK AREAS.
6. DEPTH OF TREATMENT IS CONSIDERED TO BE 3' ABOVE THE AVERAGE DEPTH OF THE ADJACENT ELECTRODES
7. VAPOR RECOVERY SHOULD BE INSTALLED NO CLOSER THAN 3' TO GROUNDWATER AND AT LEAST 2.5' ABOVE CONDUCTIVE INTERVAL.
8. A MINIMUM OF 2" BETWEEN SEAL PENETRATING MATERIALS AND THE BOREHOLE WALL IS REQUIRED.
9. COMPLETION IN 12" DIAMETER BOREHOLE AT SURFACE FOR ANGLED ELECTRODES.

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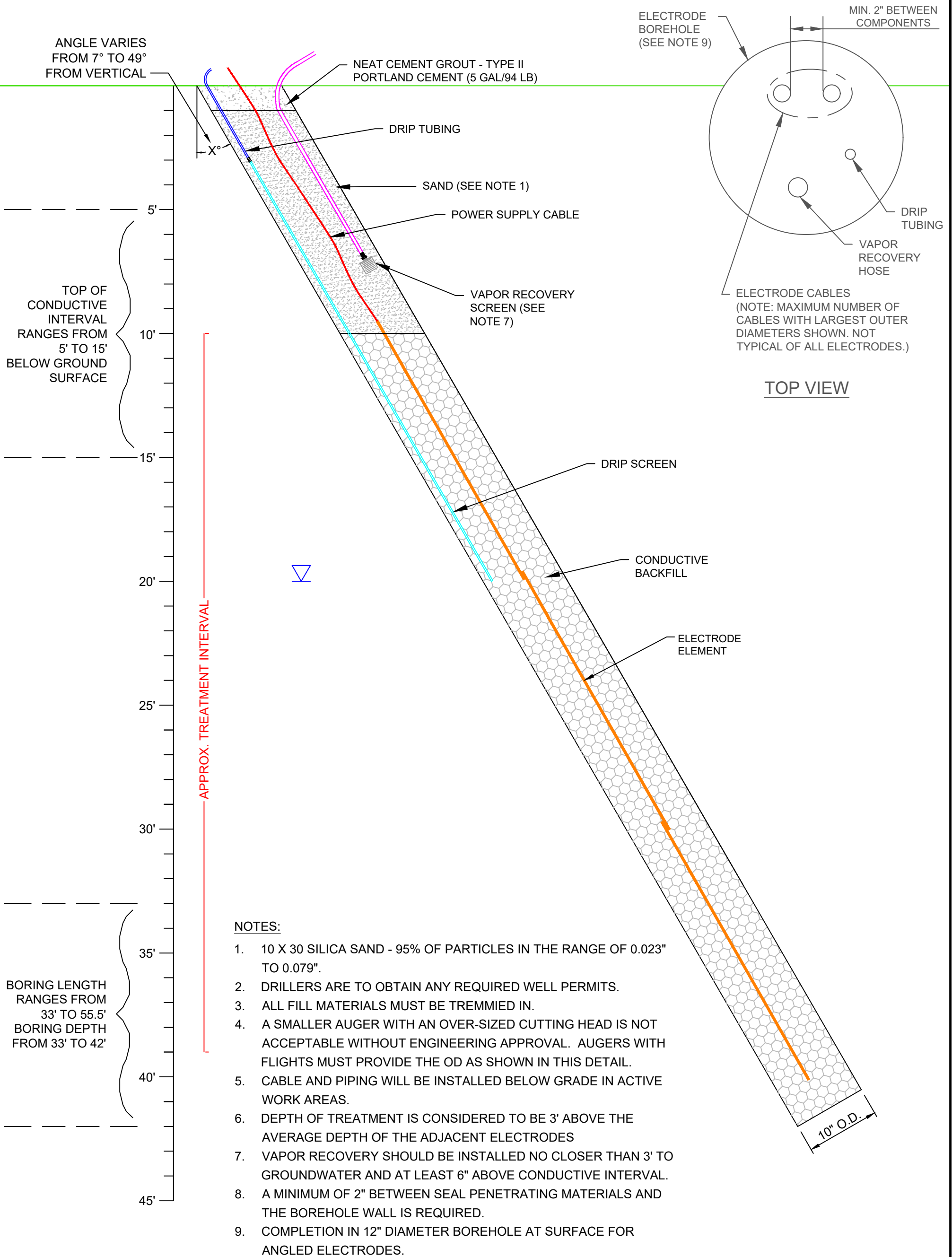


DESIGNED BY C. CROWNOVER	SITE LOCATION EMBEE PROCESSING SANTA ANA, CALIFORNIA		
DRAWN BY E. SEILER	CLIENT STANTEC		
CHECKED BY PENDING APPROVAL	<b>MULTI-ELEMENT ANGLED ELECTRODE WITH SHORT FIRST SAND INTERVAL DETAIL</b>		
PROJECT MANAGER TRS PERSONNEL			
QSAT REVIEW TRS PERSONNEL	APPROVED FOR CONSTRUCTION BY _____ DATE _____	DATE 2023.OCT.25	PROJECT P1382
		SHEET <b>M-6</b>	

SINGLE-ELEMENT ANGLED ELECTRODE WITH SHORT SAND INTERVAL (TYPICAL OF 10)

**PRELIMINARY**

Awaiting DTSC Approval



**NOTES:**

1. 10 X 30 SILICA SAND - 95% OF PARTICLES IN THE RANGE OF 0.023" TO 0.079".
2. DRILLERS ARE TO OBTAIN ANY REQUIRED WELL PERMITS.
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4. A SMALLER AUGER WITH AN OVER-SIZED CUTTING HEAD IS NOT ACCEPTABLE WITHOUT ENGINEERING APPROVAL. AUGERS WITH FLIGHTS MUST PROVIDE THE OD AS SHOWN IN THIS DETAIL.
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TRS GROUP, INC. PO BOX 737 LONGVIEW, WA 98632

DESIGNED BY C. CROWNOVER	SITE LOCATION CLIENT		EMBEE PROCESSING SANTA ANA, CALIFORNIA STANTEC		
DRAWN BY E. SEILER	<b>SINGLE-ELEMENT ANGLED ELECTRODE WITH SHORT SAND INTERVAL DETAIL</b>				
CHECKED BY PENDING APPROVAL					
PROJECT MANAGER TRS PERSONNEL	APPROVED FOR CONSTRUCTION	DATE	2023.OCT.25	PROJECT	P1382
QSAT REVIEW TRS PERSONNEL	BY	DATE		SHEET	<b>M-8</b>



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May 23, 2024

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Wells Standards Advisory Board  
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Santa Ana, CA 92705  
c/o Valerie Sanchez, Deputy Clerk of the Board  
Valerie.Sanchez@ocgov.com

Re: Respondent HCA's Letter Brief in Opposition to Petitioner Embee Processing, LLC's Opening Brief

Dear WSAB Board Members:

This letter brief is submitted on behalf of the Orange County Health Care Agency ("HCA") in opposition to Petitioner Embee Processing, LLC's ("Petitioner" or "Applicant") opening brief ("Opening Brief") in support of its appeal to the denied permit application to install monitoring wells, electrodes, and temperature monitoring points ("devices") at the sites located at 2139 South Santa Fe Street, 2148 South Hathaway Street, and 2150 South Santa Fe Street in the City of Santa Ana. This appeal should be denied for the following reasons:

1. The electrode and temperature monitoring point devices Applicant seeks to construct are considered "wells" under the definition contained in Orange County Well Ordinance ("Ordinance"), No. 2607, § 7-18-72;
2. The proposed devices would be constructed "[a]s part of a voluntary cleanup action by Embee...to address contamination of soil and groundwater on the property;"
3. Applicant proposes to install these devices not according to the minimum construction standards for any type of well as proscribed by the California Well Standards, Combined ("Well Standards") and seeks an exemption as provided, also, by the Well Standards;
4. However, Applicant further proposes abandoning these devices in place when the devices are no longer used in the cleanup action, which is in violation of the Well Standards and Ordinance. The Well Standards and Ordinance require, at a minimum, that a "well shall be destroyed by removing all material within the original borehole...if the following

conditions exist...[t]he well is located in an area of known or potential pollution or contamination, and, the well's annular seal, casing, screen, filter pack, or other components were not constructed or maintained according to [the Well Standards]."

Pursuant to Ordinance 2607, § 4-5-30, the HCA's well permitting authority has the ministerial duty to apply the Well Standards to all well construction permit applications. Therefore, although the Well Standards provides for an exemption of the construction standards for these devices in order to prevent "unsatisfactory condition or well function," the Well Standards are clear that exempted wells or devices on a contaminated site must be properly destroyed when they are no longer used and become abandoned. The HCA, thus, requests that this Board deny Petitioner's appeal for these reasons, as further explained below.

1. The Devices Applicant intends to Construct are Wells subject to the California Well Standards, Combined.

HCA's authority to approve or deny a permit application for well construction is governed by the Orange County Well Ordinance which defines "wells" broadly, pursuant to Ordinance 2607, § 7-18-72, as "[a]ny 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" and which is not specifically excluded under the same section.

In this instance, all of the proposed devices to be constructed, as contained in Petitioner's application, falls under the definition of "wells." As such, these devices, clearly defined as wells, are subject to the minimum standards established by the Well Standards, as the Ordinance states "[s]tandards for the construction, reconstruction, destruction, or abandonment of wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74<sup>1</sup>, Chapter II and future amendments thereto." (Ordinance No. 2607 § 4-5-30.)

2. Applicant Seeks to Construct Devices Pursuant to an Exemption on a Contaminated Site and thus must be Destroyed, not Abandoned in Place.

Applicant notes in its Opening Brief that it intends to construct these devices to "address contamination of soil and groundwater on the property." Indeed, due to the significant contamination at the Applicant's site, the workplan for these devices had to be first approved by the Department of Toxic Substances Control ("DTSC"). Nonetheless, due to the alleged unique circumstances for constructing these devices, Applicant seeks an exemption to the minimum

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<sup>1</sup> Bulletin No. 74 constitutes the Well Standards, Combined, see <https://water.ca.gov/Programs/Groundwater-Management/Wells/Well-Standards/Combined-Well-Standards>.

requirements of the Well Standards. In following Section 3 of the Well Standards, HCA is authorized with the ability to provide such an exemption in order to prevent an unsatisfactory condition or well function:

Under certain circumstances the enforcing agency may waive compliance with these standards and prescribe alternate requirements. These standards may be waived where they are impractical or ineffective because of unusual conditions or would result in an unsatisfactory condition or well function. In waving any of these standards the enforcing agency shall, if at all possible, require measures be implemented to provide the same or greater level of water-quality protection that would otherwise be provided by these standards.  
(Monitoring Well Standards, Part I, Section 3.)

Here, as outlined in its Opening Brief, Applicant seeks to construct these devices subject to an exemption, so that the devices function as intended in the remediation process, as the workplan does not meet the minimum standards for monitoring well construction under the Well Standards. HCA does not contend that such an exemption cannot apply in this situation, whatsoever. However, the application was properly denied due to Applicant's intent to construct these devices subject to an exemption on a contaminated site and then simply abandon the devices in place once they are no longer being used in the remediation process. While the Well Standards provides for the ability for HCA to grant an exemption of the construction standards, the minimum requirement to destroy these devices under the outlined circumstances is not exempt nor discretionary. Relating to the destruction of monitoring wells, Part III, Section 19(2)(b) of the Well Standards absolutely requires destruction of Applicant's proposed wells as follows:

A monitoring well shall be destroyed by removing all material within the original borehole, including the well casing, filter pack, and annular seal; and the created hole completely filled with appropriate sealing material, if the following conditions exist:

**The well is located in an area of known or potential pollution or contamination, and,**

**The well's annular seal, casing, screen, filter pack, or other components were not constructed or maintained according to these standards** so that well destruction be merely filling the well casing with sealing material, as "a<sup>2</sup>" above, would not prevent potential water-quality degradation from the movement of poor-quality water, pollutants, or contaminants through the destroyed well structure.  
(emphasis added.)

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<sup>2</sup> Relating to when a well is constructed in accordance with the Well Standards.

Respondent HCA's Letter Brief in Opposition to Petitioner Embee Processing, LLC's Opening Brief.

May 23, 2024

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The above is the minimum standard for destruction, and indeed, the Well Standards further prescribes overdrilling as the means for destruction if necessary to remove all materials from the original borehole<sup>3</sup>. As previously noted, in Section 3 of the Well Standards relating to the exemptions, "In waiving any of these standards the enforcing agency shall, if at all possible, require measures be implemented to provide the same or greater level of water-quality protection that would otherwise be provided by these standards." And so, not only is permitting Applicant to abandon these devices in place not permitted under the Well Standards, but it is also in direct contradiction with the prerogative of the Well Standards to "require measures be implemented to provide the same or greater level of water-quality protection" when permitting an exemption to construction standards.

These requirements under the Well Standards are clear and the HCA's well permitting role in applying them is ministerial. There is no option for HCA to permit Applicant to abandon the devices in place at a contaminated or potentially contaminated site, as proposed in the Opening Brief. Applicant's unsupported contention that "Site operations within the overlying buildings no longer pose a risk to under groundwater..." does not provide an opportunity to apply an exemption to the destruction requirement because no such exemption exists in the Well Standards under these circumstances.

3. Conclusion

For all of the reasons above, HCA requests that this Board deny Applicant's appeal.

Very truly yours,

LEON J. PAGE  
COUNTY COUNSEL



By \_\_\_\_\_  
David A. Obrand, Deputy

cc: Juan Anzora  
Hisham Elmishad  
Lauren Robinson

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<sup>3</sup> Monitoring Well Standards, Part III, §19(2)(b) continues: "Material to be extracted from the original borehole shall be removed by means of drilling, including overdrilling, if necessary..."

## Division 5 WATER CONSERVATION

### ARTICLE 1. WELL WATER

#### Sec. 4-5-1. Definitions.

The following terms as used in this article shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth:

*Beneficial use or beneficial purpose* is defined to be the causing, suffering or permitting of any water pumped or flowing from any well to be used for the purpose of irrigation of lands and/or for domestic use and/or for the propagation of fish.

*Irrigation of land* is defined to be the artificial application of water to lands whenever rainfall is insufficient to meet the full water requirements of crops, applied to lands in such quantities and in such manner, from time to time during the growing season of the trees or plants being irrigated, as will provide sufficient moisture to promote plant growth, having reference to the particular kind of crops grown and the particular type of soil involved.

*Propagation of fish* is defined to be the breeding and/or propagating of edible or pet species of fish where such breeding and/or propagation is carried on as a commercial enterprise.

*Unnecessarily flow* is defined to be the causing, suffering or permitting water flowing from an artesian well or pumped from a pumping well to be stored or used for any purpose other than a beneficial use or beneficial purpose, as defined in this section.

*Waste of water* is defined to be:

- (a) The causing, suffering or permitting of any water pumped or flowing from any well to run into any river, creek or other natural watercourse or channel, or into any bay or pond or artificial reservoir, or into any street, road or highway, unless it be used thereafter for a beneficial purpose; and where such water is caused, suffered or permitted to be run into any pond or artificial reservoir, such storing of water shall be deemed a waste of water, unless it is used thereon for the beneficial purposes of domestic use and/or propagation of fish and/or thereafter removed therefrom and used for the beneficial purpose of irrigation.
- (b) The causing, suffering or permitting any water pumped or flowing from any well to run upon the land of any person, or upon the public lands of the United States or the State of California, unless it be used thereon for the beneficial purposes of irrigation thereof or for the propagation of fish.
- (c) The causing, suffering or permitting any water pumped or flowing from any well to be used for a beneficial purpose, where such beneficial use allows more than five (5) per cent of the water so pumped to escape in such a way as would define the use of such escaped water to be classified as "waste of water" under this section.

*Water well or wells* shall mean an artificial hole made in the ground through which water naturally flows from subterranean sources to the surface of the ground, commonly known and designated as an artesian well, or any well from which water is obtained by means of a pump or other mechanical device, commonly known and designated as a pumping well.

(Code 1961, § 45.011)



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**Sec. 4-5-2. Unlawful use of water.**

It shall be unlawful for any person, firm, copartnership, corporation or association of individuals, either as owner, tenant, manager, agent or employee, to cause, permit or suffer any water well or wells, under the ownership, control or management of such person, firm, copartnership, corporation or association of individuals, to be operated or used in such manner as to cause, suffer or permit the water from such well or wells to unnecessarily flow or be pumped therefrom or to go to waste.

(Code 1961, § 45.012)

**Sec. 4-5-3. Civil execution on fine.**

Any fine imposed for violation of the provisions of this article may be collected as in other criminal cases, and the Court may also issue an execution upon the judgment therein rendered and the same may be enforced and collected as in civil cases.

(Code 1961, § 45.013)

**Secs. 4-5-4—4-5-13. Reserved.**

**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.

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*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 1 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)

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#### **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.

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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)

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#### **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)