

**ORDINANCE AMENDING  
COUNTY CODE CHAPTER 34A, WELLS  
ORDINANCE NO. 12-\_\_\_\_\_**

**An ordinance of the County of Santa Barbara amending the existing County Code Chapter 34A – Wells, to revise standards for the construction, modification, inactivation and destruction of water wells within the unincorporated area of Santa Barbara County by modifying certain provisions and adopting, by reference, the standards contained in the Department of Water Resources, Well Standards.**

**WHEREAS**, Section 13700 of the Water Code provides that the majority of the water used in the State is obtained from underground sources and that those waters are subject to impairment in quality and purity; and

**WHEREAS**, Section 13701 of the Water Code provides that improperly constructed and abandoned wells may allow for the contamination of groundwater resources posing a serious threat to public health; and

**WHEREAS**, Section 13801(c) of the Water Code requires that a county, city or water agency adopt a well ordinance by January 15, 1990 that meets or exceeds the standards contained in the Department of Water Resources, Bulletin 74-81; and

**WHEREAS**, Chapter 34A of the Santa Barbara County Code regulates the construction, modification or repair, and the destruction of wells within the unincorporated areas of the County; and

**WHEREAS**, Chapter 34A was last revised in 1975 and no longer reflects the current standards or industry and County practices; and

**WHEREAS**, the proposed revisions to Chapter 34A will require that private water wells be constructed to the same standards as those of public water wells to: better support and protect the well head and its associated appurtenances; provide greater protection to the County's groundwater resources; and to provide the owner with the greatest flexibility of use for the well; and

**WHEREAS**, the proposed Ordinance will codify several administrative practices utilized by Environmental Health Services to implement the provisions of the code, including: the permit application submittal and approval process; inspections of the work performed; and final construction approval; and

**WHEREAS**, the Board of Supervisors finds that the amendments set forth in this Ordinance are exempt from the California Environmental Quality Act (CEQA) review pursuant to 14 CCR 15273 and Public Resources Code §21080, subd. (b)(8)(A) and (B); and

**WHEREAS**, the County of Santa Barbara has, in connection with amending Chapter 34A of the County Code, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code § 6062a;

**NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS** that the amended Chapter 34A, Wells, is hereby adopted and is to become effective thirty (30) days after adoption by County.

**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_ 2012 by the following vote:

AYES:  
NOES:

ABSTAIN:  
ABSENT:

COUNTY OF SANTA BARBARA

By: \_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:  
CHANDRA L. WALLAR  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DENNIS MARSHALL  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
ROBERT W. GEIS, CPA  
AUDITOR-CONTROLLER

By: \_\_\_\_\_  
Deputy County Counsel

By: \_\_\_\_\_  
Deputy

## Final Ordinance

### CHAPTER 34A – WELLS

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#### **Sec. 34A-1. – Declaration of purpose, findings and intent.**

It is the purpose of this chapter to establish minimum standards for the construction, modification, inactivation and destruction of water wells (hereafter wells) within the unincorporated area of Santa Barbara County in such a manner that the groundwater of the county will not be contaminated or polluted. In adopting these standards, it is the intent of the Board of Supervisors to ensure that water obtained from these wells will be suitable for beneficial uses and will not jeopardize the health, safety and general welfare of the people of the county.

#### **Sec. 34A-2. – Definitions.**

- (a) Unless the context requires otherwise, the definitions set forth in this section shall govern the construction of this chapter.
- (b) Words not otherwise defined in the ordinance codified in this chapter shall have the meaning ascribed to them in Chapter II of the California Department of Water Resources Bulletin No. 74-81 Water Well Standards and California Department of Water Resources Bulletin 74-90 (Supplement to 74-81), and as each may be amended by their successors (hereinafter referred to as “the Bulletins”).
  - (1) “Abandoned Well” means a well that has not been used for a period of one year and the property owner has not demonstrated an intention to use the well by filing a letter of intention of future use with the Administrative Authority and or has not maintained the well in accordance with the standards contained in Section 34A-12.
  - (2) “Administrative Authority” shall mean Santa Barbara County Health Officer or Environmental Health Services with the following exception:

Wells constructed for the purpose of monitoring or abating contaminants in underground waters that are associated with a hazardous materials release shall be subject to the administrative authority of the Santa Barbara County Fire Department or its designated successor for enforcement of statutes, ordinances or regulations related to hazardous materials, hazardous wastes or hazardous substances as set forth on the Santa Barbara County Code, Chapter 15, Fire Prevention, as amended from time to time.

- (3) "Applicant" shall mean:
  - (A) The legal owner(s) or person(s) who has a legal possessory interest, whether by lease easement or other legal claim, of the property on which the well is to be constructed, modified or repaired, inactivated or destroyed; or
  - (B) The owner's agent authorized to act on behalf of or represent the owner in water well permit activities; or
  - (C) A licensed well drilling contractor who shall perform the work at the request of the property owner or owner's agent.
- (4) "Contamination" and "Pollution" shall have the meanings ascribed to them by California Water Code, Section 13050.
- (5) "County" shall mean the County of Santa Barbara, acting through its Board of Supervisors or Environmental Health Services as the duly authorized Administrative Authority.
- (6) "Destruction" shall mean the complete filling of the well in accordance with the procedures outlined in the Bulletins.
- (7) "Emergency" shall mean a circumstance which is either:
  - (A) An imminent threat of or is actually contaminating or polluting the groundwater of Santa Barbara County; or
  - (B) Jeopardizes the health or safety of the people of the county; or
  - (C) Will cause a substantial or immediate loss of property, crops or livestock.
- (8) "Inactive well" shall mean a well not routinely operated but capable of being made operable with minimum effort.
- (9) "Modification" shall only mean the deepening of a well, re-perforation, sealing or replacement of a well casing.
- (10) "Monitoring Well" shall have the meaning as defined by Section 13712 of the California Water Code or its successor.
- (11) "Nuisance" shall mean any condition which creates the potential for unsanitary or unsafe conditions resulting from water well drilling or operation activities, as determined by the Administrative Authority. A nuisance shall also mean a well or component thereof which contaminates or pollutes, or potentially may contaminate or pollute, the groundwater or that jeopardizes or threatens the health and safety of the public.
- (12) "Person" shall mean any individual, firm, partnership, general corporation, association or governmental entity. A governmental entity, as used herein, shall not

include any local agency exempt from the application of the ordinance codified in this chapter pursuant to state law.

- (13) "Water well" or "well" shall mean any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into the ground. It shall include Geothermal Heat Exchange Wells and Cathodic Protection Wells, as defined in California Water Code Sections 13711 and 13713. This definition shall not include:
- (A) Oil and gas wells, or geothermal resource wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or
  - (B) Wells used for:
    - (1) Dewatering excavation during construction;
    - (2) Stabilizing hillsides or earth embankments;
    - (3) Geologic borings;
  - (C) Springs;
  - (D) Disposal and Injection wells constructed or converted under the jurisdiction of the California Regional Water Quality Control Board or the Environmental Protection Agency underground injection control program.

**Sec. 34A-3. – Acts prohibited, permit required.**

- (a) It shall be unlawful for any person to construct, modify or destroy any well, including test holes, unless such person has obtained a valid permit issued by the Administrative Authority for the specific work to be performed or in the case of an emergency, fully complied with the provisions of this chapter relating to emergencies.
- (b) It shall be unlawful for any person to construct, modify or destroy any well unless such construction, modification, or destruction is in accordance with the standards set forth in this chapter.

**Sec. 34A-4. – Permit procedure for construction, modification or destruction of wells.**

- (a) An application for a permit required by this chapter shall be made in writing on such forms as may be prescribed by the Administrative Authority. The application shall be signed by the applicant and accompanied by the appropriate fee as established by resolution of the Santa Barbara County Board of Supervisors. No part of said fee shall be refundable except as provided in such fee resolution.
- (b) An application for a permit shall include the following:
  - (1) Name and mailing address of the applicant and the legal owner of the property;
  - (2) California licensed well drilling contractor's name, address, and contractor's license number and a statement that the contractor drilling the well is licensed under the provisions of Water Code section 13750.5 as a well drilling contractor and such license is in full force and effect; or

A statement that the applicant is exempt from the provisions of Water Code section 13750.5 and the basis for the exemption;

- (3) Estimated or proposed depth of the well, casing material, sealing material, sealing method, use of the well, and drilling method to be used;
- (4) Location of the property and well site including street address and Assessor's Parcel number;
- (5) A plot plan indicating the location of the well with respect to the following items:
  - (A) Property lines;
  - (B) Sewage disposal systems or works carrying or containing sewage or industrial wastes within a two hundred foot radius of the proposed well;
  - (C) All perennial, seasonal, natural, or artificial water bodies or watercourses, including the location of the one hundred year floodplain as defined by the Santa Barbara County Flood Control, if applicable;
  - (D) Drainage pattern of the property;
  - (E) Existing wells on the property;
  - (F) Access roads and easements (water, sewer, utility, roadway);
  - (G) Existing and/or proposed structures;
  - (H) Animal or fowl enclosures, pens, paddocks, stockyards within a one hundred foot radius of proposed well site;
  - (I) Overhead power lines;
  - (J) Other sources of contamination such as landfills and hazardous materials sites.

**Sec. 34A-5. – Fees.**

- (a) Each application for a well construction, modification or destruction permit shall be accompanied by the established permit fee.
- (b) A supplemental hourly fee shall be charged to the applicant for any inspection service by the Administrative Authority as follows:
  - (1) Staff time in excess of two hours on-site for witnessing annular seals;
  - (2) Witnessing seals after regular business hours or on weekends or recognized holidays;
  - (3) The abatement of nuisances or hazards resulting from the well drilling operation;
  - (4) Staff time in excess of the hourly time limit, as established in the fee resolution for permit processing and related inspections.
- (c) The Board of Supervisors may, by resolution, adopt such fees as allowed under Section 101325 of the California Health and Safety Code and may prescribe such terms and conditions as may be necessary to enable the County of Santa Barbara to recover the reasonable and necessary costs incurred by the County in administrating this ordinance.

**Sec. 34A-6. – Permit approval.**

- (a) If the Administrative Authority finds the application for a permit requested pursuant to this chapter to contain all the required information and the proposed work is in

compliance with all applicable standards as specified in this chapter, the Administrative Authority shall issue a well permit.

- (b) If an application is found to be incomplete, the Administrative Authority shall notify the applicant in writing, advising the applicant of the specific information or documentation that is required to complete the application.
- (c) Should the applicant wish to make any changes to the approved permit, the change shall be approved by the Administrative Authority in writing prior to commencing work.
- (d) A permit issued for construction of a well applies to the construction of one (1) completed well. Prior approval from the Administrative Authority is required if the well is to be moved to a location other than that designated on the approved permit. Any preliminary tests holes that are not developed into completed wells are to be properly filled with compacted backfill material prior to relocating the drill site.
- (e) The permit approval received from the Administrative Authority is separate from any other permit or clearance that may be required by another governmental agency or entity.
- (f) Prior to the issuance of a new well construction or modification permit, any abandoned wells on the property shall be declared inactive or destroyed in accordance with acceptable standards provided in the ordinance.

**Sec. 34A-7. – Permit denial, suspension and revocation.**

- (a) Permits may be denied if the specific work as proposed would violate the terms, conditions or standards of this chapter.
- (b) The Administrative authority may suspend or revoke any permit issued pursuant to this chapter as follows:
  - (1) Whenever it determines that the applicant, or the applicant's agents, employees or the licensed well drilling contractor performing the work have misrepresented any material facts in the permit application or have violated any provision of this chapter or any terms and conditions of the permit;
  - (2) Whenever it determines that a condition resulting from any work performed under such a permit constitutes a nuisance as defined herein;
  - (3) If the responsible party, employees or the drilling contractor continues to work on a project past the state at which an inspection has been prescribed pursuant to this chapter unless that inspection has been completed or waived by the Administrative Authority.
- (c) Except in emergency situations, before the Administrative Authority suspends or revokes a well permit, the Administrative Authority shall notify the applicant of the opportunity to show cause why the permit should not be suspended or revoked.
- (d) No person whose permit has been suspended or revoked shall continue to perform any work until receiving written permission from the Administrative Authority. The permit shall not be reinstated until the violation has been abated.
- (e) Upon suspending or revoking any permit, the Administrative Authority shall order the applicant to perform any work reasonably necessary to protect the groundwater and/or public health and abate the emergency condition. No person who has been issued a permit pursuant to this chapter shall fail to comply with such order.

**Sec. 34A-8. – Permit transferral and expiration.**

- (a) A permit issued under the provisions of this chapter is non-transferable.
- (b) Every permit issued pursuant to this chapter shall expire upon completion of the work authorized thereby. In any event such permit shall expire one year from the date of issuance unless a written request by the applicant for an extension is approved by the Administrative Authority; in which case a single one year time extension may be granted. Once a permit has expired no further work shall be performed unless and until the applicant has received a permit extension or a new permit.
- (c) Applications that are not approved by the Administrative Authority due to submission of insufficient information shall expire one year after notification to the applicant of such deficiency.

**Sec. 34A-9. – Appeal.**

- (a) Any person whose application for a permit has been denied, suspended, or revoked may appeal to the Director of Environmental Health Services in writing within ten days after receiving written notification of such action. Said appeal shall specify the reasons thereof. The Director of Environmental Health Services shall set the appeal for the hearing at the earliest practicable time, and shall notify the appellant in writing of the established time and place at least ten (10) days prior to the date of the hearing.
- (b) After the completion of the appeal hearing, the Director of Environmental Health Services may affirm, modify or reverse, wholly or in part, the order or determination being appealed.

**Sec. 34A-10. – Emergency.**

In the event of an emergency, a person may construct, modify or destroy a well without the permit required by this chapter; provided that:

- (a) Such work is performed in conformance with the standards set forth herein;
- (b) The Administrative Authority is notified in writing of such emergency work by the following business day; and
- (c) An application for the required permit is made within three (3) business days after initiation of such emergency work.

**Sec. 34A-11. – Standards for Wells.**

- (a) Standards for construction, repair or modification, destruction or inactivation of wells as set forth in the Bulletins, are hereby adopted as part of this chapter, with the following additional clarification and requirements for well construction:
  - (1) The annular space between the casing and surrounding formation shall be a minimum of 3 inches greater than the casing and shall be sealed to a minimum depth of fifty (50) feet below ground surface;
  - (2) The sealing material shall be pumped into the annular space using a tremie pipe;
  - (3) The minimum set up time allowed for annular seal materials shall be in accordance with the Bulletins. When additives to shorten setting time are proposed to be used with the sealing material, setup time may be reduced per the additive



manufacturer's specification. No additional construction or well development activity may resume until the sealing material has sufficient time for proper set up;

- (4) Every well shall be equipped with an adequately sized opening by which disinfecting agents may be conveniently introduced directly into the well casing. This opening shall be protected against entrance of contaminants by use of a watertight cap or plug;
  - (5) Before being placed in service, every new, deepened, repaired or reconstructed individual domestic or community water supply well shall be thoroughly disinfected utilizing the procedures set forth in Appendix C of the Bulletins;
  - (6) Upon completion of the drilling process, the well head shall be sealed in accordance with the Bulletins, so as to prevent entry of contaminants into the casing;
  - (7) Drilling waste shall be controlled and may not be discharged so as to create conditions which violate Water Quality Control Board Regulations, other state laws, federal regulations or local ordinances;
  - (8) Mud pits created to confine drilling mud shall be maintained during the well drilling operation so as not to be a safety hazard. It shall be the well drilling contractor's responsibility to properly earth fill the mud pit(s) upon completion of the job;
  - (9) The location and design of all wells, including horizontal or lateral wells, shall be approved by the Administrative Authority on a case-by-case basis prior to construction or modification of such wells;
  - (10) A concrete base or pad shall be constructed at ground surface around the top of the well casing and contact the annular seal as per the Bulletins, except for Cathodic protection wells and Monitoring wells which will follow California Well Standards Bulletin 74-90 or its successors.
    - (A) The soil under the pad must be thoroughly compacted and the pad shall have a minimum thickness of four inches above grade, extend two (2) feet laterally in all directions and slope away from the exterior of the casing;
    - (B) A minimum of 48 hours setting time shall be required on Bentonite well seals before a concrete base or pad is installed around the well casing;
    - (C) The well pad for turbine pump installations shall be constructed to allow for additional weight and soil bearing capacity as per the Bulletins;
    - (D) The well casing shall extend a minimum of 18 inches above the finished grade.
- (b) The Administrative Authority may approve requests for variances from the provisions of this chapter if it is determined that complete compliance with the prescribed standards is not possible or practical due to site characteristics and that the variance will not endanger groundwater quality or jeopardize public health and safety.

**Sec. 34A-12. – Standards for inactive wells.**

- (a) Upon receipt of notification by the Administrative Authority that an existing well that has not been used for a period of one (1) year has been classified as an abandoned well, the property owner shall properly destroy the well as set forth in section 34A-13 or submit a letter of intention of future use. When this letter is received by the Administrative Authority, the well will be re-classified as inactive. As evidence of this intention for future use, the owner shall demonstrate that:

- (1) The well has no defects which may impair water quality or the water-bearing formations penetrated;
  - (2) If the pump has been removed, the well has been fitted with a watertight cover that cannot be removed without the use of tools to prevent the entrance of debris or contamination;
  - (3) The well is marked so that it can be clearly seen;
  - (4) The area surrounding the well is maintained clear of brush or debris.
- (b) Additional evidence to demonstrate that the well is capable of being made operational and that the well does not result in impairment of ground water quality may be required by the Administrative Authority.

**Sec. 34A-13. – Destruction of wells.**

- (a) Abandoned wells shall be properly destroyed under permit and inspection from the Administrative Authority as provided in this chapter. Failure to destroy an abandoned well will constitute a nuisance, as defined, and the Administrative Authority will take appropriate measures to mitigate the nuisance.
- (b) Destruction of wells shall consist of the complete filling of the well in accordance with the procedures described in the Bulletins.

**Sec. 34A-14. – Construction inspections.**

- (a) An applicant or his/her designated agent shall obtain a confirmed inspection appointment with the Administrative Authority at least forty eight (48) hours prior to the estimated time for the required inspections as listed below:
- (1) Annular seal installation on a well;
  - (2) Final inspection of a completed well installation;
  - (3) Destruction of wells.
- (b) At the discretion of the Administrative Authority, the required notification for a scheduled inspection may be reduced.
- (c) Inspections shall be scheduled during standard business hours. The Administrative Authority may, at its discretion, waive an inspection. Such a decision by the Administrative Authority shall not be deemed a waiver of any future inspections. In the event that an inspection is waived, the applicant or his/her designated agent shall supply any and all documentation requested by the Administrative Authority to demonstrate compliance with the standards contained in this chapter.
- (d) With prior approval, an inspection by the Administrative Authority may be waived when the placement of the annular seal is completed under the supervision of a Registered Professional Geologist or a Registered Professional Civil Engineer. When supervising the placement of an annular seal, a Registered Professional Geologist or Registered Professional Civil Engineer shall provide a written statement with wet signature stamp to the Administrative Authority within 30 days of completion of the work, certifying that they personally witnessed the placement of the seal and detailing the seal depth, thickness, seal material and method of placement.

- (e) Within five (5) days after the work on a well has been completed, the Administrative Authority shall be notified by the person performing the work so the final inspection may be conducted. The well concrete pad, disinfection tube and either water tight gasket seal or a well cap shall be in place for this inspection. The Administrative Authority may waive the onsite inspection of a conductor casing cap if verified in writing by the Registered Professional Civil Engineer, Registered Professional Geologist or C57 Water Well Drilling contractor.

**Sec. 34A-15. – Final approval.**

- (a) Final approval of the well shall be based on satisfactory completion of the following:
  - (1) Any person who has drilled, dug, excavated or bored a well subject to this chapter shall, within thirty days (30) after completion of the work, furnish the Administrative Authority with a copy of the State Driller's Report. The well driller shall notify the county if submission of the report is to be delayed;
  - (2) Payment for all costs of related county services shall be submitted to the Administrative Authority prior to final approval of the well;
- (b) No well shall be placed into use until final approval is granted by the Administrative Authority.
- (c) Any newly constructed well that has not been completed or given final approval of the construction within ninety (90) days of the cessation of drilling shall be declared out of service by the Administrative Authority, and shall be immediately inactivated or properly destroyed by the property owner.

**Sec. 34A-16. – Nuisance.**

Upon a finding by the Administrative Authority that an inactive, abandoned or in-operational well or well drilling activity constitutes a nuisance, as defined herein, the county shall take the necessary action to abate such nuisance. The owner of the property where the well is located and/or the person causing the nuisance thereon shall be jointly liable for the reasonable costs incurred by or at the request of the Administrative Authority for abatement of the nuisance.

**Sec. 34A-17. – Powers and duties of the Administrative Authority.**

- (a) The Administrative Authority may adopt policies and procedures to implement and administer this chapter.
- (b) Within the unincorporated area of Santa Barbara County, the Administrative Authority is authorized and directed to enforce the provision of this chapter. It is authorized to consult with qualified experts in any matter concerning well construction and ground water protection to the extent it deems it reasonably necessary to assist in carrying out its duties under this chapter. The Administrative Authority may request and shall receive the assistance and cooperation of other officials of the County of Santa Barbara, so far as may be necessary in the discharge of its duties.

**Sec. 34A-18. – Rights to inspect.**

The Administrative Authority shall have the right to enter any property at any reasonable time to make inspections and examination for the purposes of administration and enforcement of this chapter, subject to the provision of the Code of Civil Procedure Sections 1822.50 - 1822.60.

**Sec. 34A-19. – Severability.**

If any section, subsection clause or provision of this chapter is held invalid, the remainder of this chapter shall not be affected by such invalidity.

**Sec. 34A-20. – Remedies.**

Any violation of the provisions of this chapter by any person is also subject to Administrative Fines as provided in Chapter 24A of this code.