

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

Th9g



Prepared February 19, 2009 (for March 12, 2009 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Susan Craig, Coastal Planner

Subject: Minor Amendment Determination for Santa Cruz County Local Coastal Program Amendment Number 1-08 Part 4 (Wells and Groundwater Protection)

Santa Cruz County's Proposed Amendment

Santa Cruz County is proposing to amend the certified Local Coastal Program (LCP) Implementation Plan's (IP) water well ordinance (Chapter 7.70) to provide for increased protection of groundwater resources and to clarify issues regarding environmental review and groundwater emergencies. See Exhibit A for the Board of Supervisors' Resolutions and see Exhibit B for the cross-through and underlined proposed changes. These proposed changes would apply throughout the County.

Minor LCP Amendment Determination

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on March 12, 2009).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed amendment would provide additional specificity to LCP Chapter 7.70 to ensure that wells are constructed and deconstructed in a manner that protects water quality, including by: 1) requiring that wells only be constructed on an existing legal lot of record; 2) allowing construction of a replacement



well less than 100 feet from a septic system only if there is no other alternative and the well is constructed in a manner to prevent contamination (e.g., through the use of a sanitary seal); 3) requiring evaluation by an appropriately qualified professional when a new well is proposed to be located in proximity to a hazardous materials facility or site of known soil or groundwater contamination; 4) providing additional procedures specific to construction and destruction of monitoring wells; 5) providing more explicit requirements for the abandonment and destruction of wells generally; 6) prohibiting wells that would provide a conduit for contamination or pollution between aquifers in the Pajaro groundwater protection zone; 7) requiring basic water quality testing whenever a new or replacement well is constructed; 8) requiring water use efficiency measures for wells serving more than four residential connections or serving nonresidential uses that consume more than two acre-feet of water per year; 9) modifying wording to provide the Board of Supervisors greater discretion to declare a groundwater emergency, depending on whether adequate actions are being taken to alleviate the overdraft condition, and; 10) other minor corrections and clarifications.

The proposed amendments to the LCP's water well chapter would provide greater groundwater protection specificity, and have been reviewed by the Well Ordinance Technical Advisory Group, the Water Advisory Commission, the Soquel Creek Water District, and the City of Santa Cruz Water Department. The expected effect of the proposed amendment would be to further ensure groundwater protection in the County's coastal zone.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its March 12, 2009 meeting at Portola Hotel and Spa, Two Portola Plaza in Monterey. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Susan Craig at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by March 6, 2009.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on December 19, 2008. It is IP only and the original 60-day action deadline was February 17, 2009. On February 5, 2009, the Commission extended action deadline by one year to February 17, 2010. Thus, the Commission has until February 17, 2010 to take a final action on this LCP amendment.

Exhibits:

Exhibit A: Board of Supervisors' Resolutions

Exhibit B: Proposed Changes to LCP Chapter 7.70



BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 6-2008

On the motion of Supervisor Stone
duly seconded by Supervisor Campos
the following resolution is adopted

**RESOLUTION ADOPTING AMENDMENTS OF CHAPTER 7.70
OF THE SANTA CRUZ COUNTY CODE REGARDING WATER
WELLS AND ADOPTING A NEGATIVE DECLARATION**

WHEREAS, amendments to Chapter 7.70 of the County Code, Water Wells, a Local Coastal Program implementing ordinance have been proposed; and

WHEREAS, the proposed County Code amendments, in compliance with CEQA and County Environmental Review Guidelines, have been determined to have no significant impact on the environment and have been considered by Board of Supervisors; and

WHEREAS, the County Planning Commission held a public hearing on July 25, 2007, and made recommendations to the Board of Supervisors for approval of the proposed County Code amendments; and

WHEREAS, the Board of Supervisors has conducted a properly noticed public hearing on the proposed County Code and has considered the staff and Planning Commission recommendations and public testimony; and

WHEREAS, the County Code amendments are consistent with all other portions of the adopted County General Plan and Local Coastal Program.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby adopts the ordinance amending Chapter 7.70, Water Wells, as shown in Exhibit A.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors hereby adopts the negative declaration and determination that the amendments of the County Code described herein will not have a significant impact on the environment.

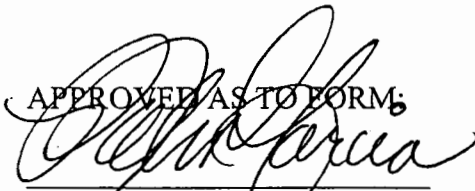
BE IT FURTHER RESOLVED AND ORDERED, that the Planning Department is hereby directed to submit the amendments to the California Coastal Commission for certification as an amendment to the Santa Cruz County Local Coastal Program, and to return with any changes to the Board of Supervisors for further consideration. This ordinance shall take effect on the 31st day after the date of final passage or upon certification by the State Coastal Commission, whichever is latest.

**RESOLUTION ADOPTING AMENDMENTS OF CHAPTER 7.70
OF THE SANTA CRUZ COUNTY CODE REGARDING WATER WELLS**
Page 2

PASSED AND ADOPTED by the Board of Supervisors of Santa Cruz County State of California this 8th day of January, 2008, by the following vote:

AYES: SUPERVISORS Beautz, Coonerty, Campos, Stone and Pirie
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None

ELLEN PIRIE
Chairperson, Board of Supervisors

APPROVED AS TO FORM:

County Counsel

Attest:

TESS FITZGERALD
Clerk of the Board

DISTRIBUTION: County Counsel
Planning Department
Environmental Health

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) ss
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on January 8 2008.
SUSAN A. MAURIELLO, County Administrative Officer
By Sharon Mitchell Deputy

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RECEIVED

RESOLUTION NO. 279-2008

DEC 09 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

On the motion of Supervisor Beautz
duly seconded by Supervisor Coonerty
the following resolution is adopted

**RESOLUTION ACCEPTING THE COASTAL COMMISSION'S SUGGESTED
MODIFICATIONS TO PREVIOUSLY APPROVED ORDINANCE 4901 AMENDING
CHAPTER 7.70 OF THE SANTA CRUZ COUNTY CODE REGARDING
WATER WELLS**

WHEREAS, the Board of Supervisors adopted Ordinance 4901 on January 8, 2008 amending Chapter 7.70 of the County Code, Water Wells, a Local Coastal Program implementing ordinance; and,

WHEREAS, Ordinance 4901 would modify Section 7.70.030.A to allow the Board of Supervisors to waive the requirement for a county well permit if a permit is issued by another agency which would require measures to protect groundwater and public health; and,

WHEREAS, the State Coastal Commission staff have notified the County that the amendments to Chapter 7.70 can be processed as a minor amendment if the proposed amendments were modified to only allow waiver of permit requirements outside the coastal zone; and,

WHEREAS, County staff recommend that the Coastal Commission requested modification be accommodated by deleting the entire provision allowing a waiver of permit requirements which will leave the existing language of that Section 7.70.030.A unchanged; and,

WHEREAS, this modification will result in no change relative to the California Environmental Quality Act; and,

WHEREAS, on October 28, 2008, the Board of Supervisors has conducted a properly noticed public hearing to consider the Coastal Commission's suggested modifications and adopted these modifications, incorporating them into the amendments to Chapter 7.70 of the County Code.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby accepts the Coastal Commission's suggested modifications to County Code Chapter 7.70, Water Wells, as shown in Exhibit A and adopts the changes necessitated by this modification as an amendment to Coastal Act implementing ordinances and authorizes submittal of this resolution to the Coastal Commission for continued processing of this amendment package.

CCC Exhibit A
(page 3 of 6 pages)


~~0354~~

PASSED AND ADOPTED by the Board of Supervisors of Santa Cruz County State of California this 18th day of November, 2008, by the following vote:

AYES: SUPERVISORS Beautz, Coonerty, Campos, Stone & Pirie
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None

ELLEN PIRIE

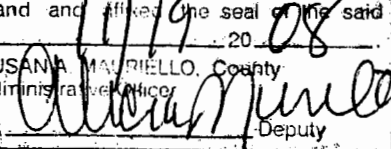
Chairperson, Board of Supervisors

APPROVED AS TO FORM:

County Counsel

TESS FITZGERALD

Clerk of the Board

DISTRIBUTION: County Counsel
Planning Department
Environmental Health

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) SS
I, SUSANA MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 11/19/08
SUSANA MAURIELLO, County Administrative Officer
By:  Deputy

Board approved additions are shown as underlined
 Deletions are shown as ~~strikeout~~
 Coastal Commission requested modification is shown as double strike-out
Staff Comments are in italics

ORDINANCE NO. _____

AN ORDINANCE APPROVING COASTAL COMMISSION MODIFICATIONS TO PREVIOUSLY APPROVED AMENDMENTS TO SUBSECTION A. OF SECTION 7.70.030 OF THE SANTA CRUZ COUNTY CODE RELATING TO WATER WELLS

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection A. of Section 7.70.030 of the Santa Cruz County Code is hereby amended to read as follows:

A. No person shall, within the unincorporated area of the county, construct, repair, reconstruct or destroy any well, abandoned well, cathodic protection well, geothermal heat exchange well, monitoring well, or test well unless a written permit has first been obtained from the Health Officer of the county as provided in this chapter, and the work conforms to the conditions of such permit and this chapter. Applications for such permits shall be made on the forms provided for that purpose and in accordance with procedures established by the County Health Officer. Upon recommendation by the Health Officer, the Board of Supervisors may waive the requirement for a permit if a permit is issued by another agency having jurisdiction which will require measures necessary to protect groundwater and public health, as are contained in this Chapter.

Coastal Commission staff requested that this permit waiver only apply outside the Coastal Zone. County staff believe it would be appropriate to eliminate the waiver provision entirely for consistency, and to fully maintain county oversight over all well permits.

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage or ten days after certification by the State Coastal Commission, whichever is latest.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 2008, by the following vote:

CCC Exhibit A
(page 5 of 6 pages)

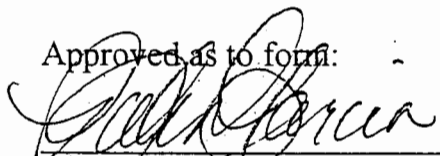
AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chair, Board of Supervisors

Attest:

Clerk of the Board

Approved as to form:



County Counsel

CCC Exhibit A
(page 6 of 6 pages)

Additions are shown as underlined
Deletions are shown as ~~strikeout~~

ORDINANCE NO. 4901 and 5022

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA CRUZ AMENDING AND ENACTING CHAPTER 7.70 OF THE
SANTA CRUZ COUNTY CODE RELATING TO WATER WELLS

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 7.70 of the Santa Cruz County Code is hereby amended to read as follows:

CHAPTER 7.70
WATER WELLS

Sections (underlined sections have changes):

- 7.70.010 Purpose of provisions.
- 7.70.020 Definitions.
- 7.70.030 Permit--Required--Issuance.
- 7.70.040 Permit--Expiration.
- 7.70.050 Permit--Suspension or revocation.
- 7.70.060 Licensed contractor required.
- 7.70.070 State reporting.
- 7.70.080 Inspections.
- 7.70.090 Technical Standards.
- 7.70.100 Well Abandonment and Destruction; Inactive Well.
- 7.70.110 Groundwater Protection.
- 7.70.120 Soquel Creek service area restrictions.
- 7.70.130 Groundwater emergencies.
- 7.70.140 Abatement--Investigation.
- 7.70.150 Abatement generally.
- 7.70.160 Nuisance--Abatement of safety hazard.
- 7.70.170 Amendments.

7.70.010 Purpose of provisions.

It is the purpose of this chapter to provide for the location, construction, repair, and reconstruction of all wells, including geothermal heat exchange wells, cathodic protection wells, test wells and monitoring wells, to the end that the groundwater of this county will not be polluted or contaminated 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. It is also the purpose of this chapter to provide for the destruction of any abandoned wells, monitoring wells, test

RECEIVED

DEC 09 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

wells, geothermal heat exchange wells, or cathodic protection wells which may serve as a conduit for movement of contaminants, or which is found to be a public nuisance, or when otherwise appropriate, to the end that ~~all~~ such a wells will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety or welfare of the people of this county. It is also the purpose of this chapter to implement policies of the County General Plan and the Local Coastal Program Land Use Plan.

7.70.020 Definitions.

As used in this chapter, the following words shall have the meaning provided in this section:

A. "Abandoned Well" means any well whose original purpose and use has been permanently discontinued or which is in such a state of disrepair that it cannot be used for its original purpose. A well is considered abandoned when it has not been used for a period of one year, unless the owner demonstrates his intent to use the well again for supplying water or other associated purposes and the well is ~~considered~~ maintained as an inactive well.

B. "Abatement" means the construction, reconstruction, repair or destruction of a well so as to eliminate the possibility that such well could pollute or contaminate groundwater.

C. "Agricultural wells" means a water wells used to supply water for irrigation or other commercial agricultural purposes, including so-called "livestock wells."

D. "Cathodic protection well" means any artificial excavation in excess of fifty feet in depth constructed by any method for the purpose of installing equipment or facilities for the protection electronically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

E. "Community water supply well" means 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 (commencing with Section 4010).

F. "Contamination" or "contaminated" means an impairment of the quality of water to a degree that water contains contaminants in excess of the applicable standards currently promulgated by the California Department of Health Services which create a hazard to the public, and shall include any effect which results from disposal of wastes, whether or not waters of the state are affected.

G. "Contamination Hazard" is the hazard to a well when the water entering a well contains or that within a reasonable period of time it will likely contain contaminants in excess of the applicable standards currently promulgated by the California Department of Health Services.

~~G~~H. "Geothermal heat exchange well" means any uncased artificial excavation, by any method, that uses the heat exchange capacity of the earth for heating and cooling, and in which excavation the ambient ground temperature is 30 degrees Celsius (86 degrees Fahrenheit) or less, and which excavation uses a closed loop fluid system to prevent the discharge or escape of its fluid into surrounding aquifers or other geologic formations. Geothermal heat exchange wells include ground

source heat pump wells. Such wells or boreholes are not intended to produce water or steam.

HI. "Health Officer" means the County Health Officer or his/her authorized representative.

IJ. "Individual domestic well" means a water well used to supply water for domestic needs of an individual residence or commercial establishment.

JK. "Industrial well" means a water well used to supply industry on an individual basis.

KL. "Inactive well" means a well not routinely operated but capable of being made an operating well with a minimum of effort.

LM. "Observation or Monitoring Well" means a well constructed or modified for the purpose of observing or monitoring groundwater conditions.

MN. "Order of abatement" means both mandatory and prohibitory orders requiring or prohibiting one or more acts; the term also includes those orders effective for a limited as well as an indefinite period of time, and includes modifications or restatements of any order.

NO. "Pajaro groundwater protection zone" means ~~that the~~ the area in the Pajaro Groundwater Basin within the boundaries of the Pajaro Valley Water Management Agency. in the vicinity of San Andreas Road and Beach Road, as shown on the map of the Pajaro groundwater protection zone on file with the Director of Environmental Health.

OP. "Person" means any person, firm, corporation or governmental agency.

PQ. "Pollution" means an alteration of the quality of water to a degree which unreasonably affects:

1. Such waters for beneficial uses; or
2. Facilities which serve such beneficial uses.

Pollution may include contamination or the presence of contaminants in amounts less than the applicable standards currently promulgated by the California Department of Health Services.

QR. "Safe yield" means the annual draft of water that can be withdrawn from an aquifer without producing some undesirable result such as reducing the total amount of water available or allowing the ingress of low-quality water.

RS. "Test well" means a well constructed for the purpose of obtaining information needed to design a well prior to its construction. Test wells are cased and can be converted to observation or monitoring wells and under certain circumstances to production wells

ST. "Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground. "Well" or "water well" does not include:

1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the

Department of Conservation, except those wells converted to use as water wells; or

2. Wells or bores used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments.

FU. "Well reconstruction" means certain work done to an existing well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include the cleaning out of sediments or surging, or maintenance to the pump or appurtenances where the integrity of the annular seal or water bearing strata are not violated.

7.70.030 Permit--Required—Issuance.

A. No person shall, within the unincorporated area of the county, construct, repair, reconstruct or destroy any well, abandoned well, cathodic protection well, geothermal heat exchange well, monitoring well, or test well unless a written permit has first been obtained from the Health Officer ~~of the county~~ as provided in this chapter, and the work conforms to the conditions of such permit and this chapter. Applications for such permits shall be made on the forms provided for that purpose and in accordance with procedures established by the ~~County~~ Health Officer.

see
Exhibit
A (pg. 5)
for
revised
language

~~B. In the coastal zone, where a well is to be drilled on an undeveloped parcel for any purpose other than to serve one proposed single family dwelling, meeting the requirements of Section 13.20.078 of Chapter 13.20, a coastal zone permit shall be required pursuant to the provisions of~~ A Coastal zone permit shall be required for any well proposed to be drilled in the coastal zone unless exempt or excluded as provided in Chapter 13.20.

~~C. Well permit applications shall be consistent with Chapter 16 of Santa Cruz County Code pertaining to Environmental and Resource Protection prior to issuance. Well permits are ministerial unless the proposed well will serve a water system that is regulated by the State Department of Health Services or issuance of the well permit requires one or more discretionary approvals pursuant to Chapter 13.20, 16.20, 16.30, 16.32, or 16.42 of the Santa Cruz County Code.~~

D. Each such application shall be accompanied by a filing fee set by resolution of the Board of Supervisors. No part of the fee shall be refundable.

E. Within ten business days after receipt of a complete application including all studies or additional information requested by the Health Officer, the County Health Officer shall either grant, ~~conditionally grant~~ or deny the permit. ~~A permit shall not be issued if, in the judgment of the Health Officer, the well may jeopardize the health, safety or welfare of the people of the county. Well permits shall be issued only if the proposed well is in compliance with all applicable county codes and will be located on a legal lot of record. Well permits may be approved with specific requirements to comply with this Chapter.~~

F. At the discretion of the Health Officer and prior to the commencement of any work, an emergency approval may be granted for any work for which a permit is required by this Chapter if the Health Officer determines that a sudden, unexpected occurrence demands immediate action to prevent loss of or damage to life, health, property or essential public services, and it is not practical to obtain a permit before the commencement of the work. The Health Officer may request, at the

applicant's expense, verification by a qualified professional of the nature of and solutions to the emergency situation.

~~Any person who shall commence any work for which a permit is required by this Chapter without having obtained a permit therefore, shall, if subsequently granted a permit, pay double the permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Health Officer that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work. In all cases in which emergency work is necessary, a permit shall be applied for within three working days after commencement of the work. If emergency approval by the Health Officer is not requested or an application is not submitted within the specified time, the work shall be considered a violation of this Chapter. The applicant for a permit for any such emergency work shall demonstrate that all work performed is in compliance with the technical standards of Section 7.70.090 of this Chapter.~~

7.70.040 Permit--Expiration.

A. Each permit issued pursuant to this chapter shall expire and become null and void if the work authorized thereby has not been completed within one year following the issuance of the permit.

B. Upon expiration of any permit issued pursuant thereto, no further work may be done in connection with construction, repair, reconstruction or destruction of a well, monitoring well, test well, geothermal heat exchange well, or cathodic protection well unless and until a new permit for such purpose is secured in accordance with the provisions of this chapter.

C. The Health Officer may authorize renewal of a permit for an additional year upon payment of 20% of the application fee within 180 days after the date of permit expiration.

7.70.050 Permit--Suspension or revocation.

A. A permit issued under this Chapter may be revoked or suspended by the Health Officer as provided in this section if he/she determines that a violation of this Chapter exists, that written notice has been directed to the permittee specifying the violation and that the permittee has failed or neglected to make necessary adjustments within thirty days after receiving such notice.

B. A permit may be revoked or suspended by the Health Officer if he/she determines at a hearing held by the Health Officer for such purpose that the person to whom any permit was issued pursuant to this chapter has obtained the same by fraud or misrepresentation; provided that notice of the time, place and purpose of such hearing is given to the permittee at least five days prior thereto.

C. The suspension or revocation of any permit shall not be effective until notice thereof in writing is mailed to the permittee.

CCC Exhibit B
(page 5 of 14 pages)

7.70.060 Licensed contractor required.

Construction, reconstruction, repair and destruction of all wells, including cathodic protection wells, geothermal heat exchange wells, test wells and monitoring wells, shall be performed by a contractor with a C-57 contracting license, or an equivalent license issued by the Department of Professional and Vocational Standards.

7.70.070 State and Federal Reporting Regulations.

Nothing contained in this Chapter shall be deemed to release any person from compliance with the provisions of Article 3, Chapter 10, Division 7 of the Water Code of the state or any other State or Federal reporting regulations.

7.70.080 Inspections.

A. Upon receipt of an application, an inspection of the location of the well, test well, geothermal heat exchange well, or cathodic protection well shall be made by the Health Officer prior to issuance of a well permit. Inspection of monitoring well locations prior to permit issuance may be made by the Health Officer.

B. The person responsible for construction, reconstruction or destruction of any well shall notify the Health Officer ~~when~~ at least 48 hours prior to commencement of work commences. All work shall be subject to inspection by the Health Officer to insure compliance with all the requirements of this Chapter.

C. After work has been completed, the person performing the work shall file with the Health Officer a notice of completed work or a copy of the California Department of Water Resources well ~~driller's completion~~ report. The Health Officer shall make final inspection of the completed work to determine compliance with the well standards.

7.70.090 Technical Standards.

Standards for the construction, repair, reconstruction of or destruction of wells, abandoned wells, monitoring wells, test wells, geothermal heat exchange wells, and cathodic protection wells shall be as set forth in Chapter II of the Department of Water Resources Bulletin No. 74-81, "Water Well Standards" (December, 1981), the Department of Water Resources Bulletin No. 74-90, "Water Well Standards" (June, 1991) and Chapter II of the Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Well Standards" (March, 1973), or as subsequently revised or supplemented, which are incorporated by reference in this Chapter, with the following modifications:

A. The minimum distance between all wells and subsurface sewage leaching fields, ~~or~~ septic tanks, or animal enclosures shall be one hundred feet. If the property is already developed and served by a well that is less than 100 feet from the septic system, and if no other alternative water source is available, a replacement well may be drilled less than 100 feet from the septic system if a sanitary seal at least 100 feet deep is installed and the existing well is destroyed.

B. No well shall be constructed within fifty feet from the property line of the property owner authorizing construction of the well. This setback may be reduced to not less than 5 feet if the

owner of the adjacent property authorizes a reduction in setback, or if the Health Officer determines that area on the adjacent property within 100 feet of the proposed well is unsuitable for installation of an onsite sewage disposal system.

C. All wells shall be constructed so that the well seal shall be a minimum of fifty feet below the surface of the ground. If usable water is only available less than 50 feet from the surface, the Health Officer may allow the seal depth to be reduced to not less than twenty feet if the well construction, site conditions, and the characteristics of the underlying geology will preclude the downward movement of contaminants into the aquifer.

D. Drilling fluids and other drilling materials used in connection with well construction shall not be allowed to discharge onto streets or into waterways; and shall not be allowed to discharge off the parcel on which the well is constructed onto adjacent properties; provided, that adjacent property may be used temporarily for the discharge of such fluids and materials pursuant to a written agreement with the owner(s) of the adjacent property and provided that such fluids and materials are removed and cleaned up within thirty days of completion of the well drilling.

E. Water generated during test pumping of wells shall be dispersed or disposed of in a manner which will not cause excessive erosion or turbidity, in violation of County Code Chapters 16.22 or 16.24.

F. Paragraphs A. B. and C. do not apply to monitoring wells.

G. New wells that supply water to a public water system must use the methodology, as required by the State of California Department of Health Services Drinking Water Source Assessment and Protection Program, to determine the ten-year time-of-travel Ground Water Protection Zone. For other wells, e.g., individual domestic wells, the default Ground Water Protection Zone minimum radius of 1,000 feet for a five-year time-of-travel shall be used to protect the drinking water source from chemical contamination. If sites with existing soil and/or groundwater contamination are present within the ten-year zone for public water systems, or five-year zones for other wells such as domestic wells, and the Health Officer determines that there is a potential for a Contamination Hazard to be created, the Health Officer may require that a report evaluating the potential for contamination or pollution of the well from existing nearby activities be prepared prior to issuance of a well permit. The report shall be prepared by a Professional Geologist, Engineering Geologist or Professional Engineer and shall at a minimum include conclusions and data supporting the conclusions, including a description of site and regional geology, subsurface conditions, strata, direction and rate of groundwater flow, locations of vicinity water wells, and construction details for those wells as can be determined based on existing data. The report shall describe proposed well construction methods and other measures to be taken to prevent contamination or pollution of the well and surrounding aquifers. The Health Officer shall deny a well permit or require specific construction requirements in order to prevent contamination or pollution of the well or surrounding aquifers.

~~G.H.~~ The Health Officer shall have the power to allow minor variances from the standards set forth in this section so as to prevent unnecessary hardship or injustice and at the same time accomplish the general purpose and intent of the standards and the resource protection policies of the County's General Plan and Local Coastal Program Land Use Plan. In no case may a variance be

granted that constitutes a special privilege.

I. The Health Officer may establish standards and procedures for the construction and destruction of wells to be used for monitoring or remediation of sites with known or threatened contamination.

7.70.100 Well Abandonment and Destruction; Inactive Well

A. A well is considered abandoned when it has not been used for a period of one year ~~and it is not being maintained as a monitoring well or an Inactive Well. If the well owner demonstrates to the satisfaction of the Health Officer an intent to use the well again for supplying water or other associated purposes, the well is considered an Inactive Well.~~

B. The owner of an Inactive Well shall properly maintain the well in such a way that:

1. The well is covered such that the cover is watertight and cannot be removed, except with the aid of equipment or the use of a tool.

2. The well is marked so it can clearly be seen.

3. The area surrounding the well is kept clear of brush or debris.

4. The pump shall be maintained in the well, with an approved power supply, except for temporary removal for repair or replacement.

C. On abandonment of a well, or on the order of the Health Officer, a well shall be destroyed under permit by methods described in Bulletin 74-81 and Bulletin 74-90, which are incorporated by reference in this chapter with the following modifications.

1. All open wells shall be immediately capped with a fixed cover until the well is properly destroyed.

2. The well shall be completely sealed with acceptable sealing material from the true bottom of the well up to 5 feet of the surface. The casing should be cut off 5 feet below the surface, with the excavation backfilled by compacted native material.

3. Acceptable sealing materials are ~~237~~sack neat cement, 10 sack cement grout, hydrated high solids 20 percent bentonite slurry, or any other compound approved by the Health Officer.

4. A tremie pipe or other method approved by the Health Officer shall be used to pump the sealing material into the well under pressure if the well is over 30 feet deep or more than 3 feet of standing water is present in the well. ~~In some cases the well casing may be required to be perforated by the Health Officer, prior to sealing.~~

5. Where there is potential for movement of contaminants between the outside of the well casing and the borehole, the Health Officer shall require perforation of the casing at certain

depths, overdrilling, and/or other techniques which will seal the annular space outside the well casing as needed to prevent the migration of contaminants.

6. For destruction of wells where groundwater quality problems are known to exist, the Health Officer may require that destruction be designed and supervised by a professional Geologist, Professional Engineer or other qualified person. The proposed method of destruction shall be subject to approval by the Health Officer prior to performance of the work.

D. A well which has any defects which will allow the impairment of quality of water in the well or in the water-bearing formations penetrated shall be destroyed and may not be designated Inactive. In areas where groundwater problems are known to exist, abandoned wells that penetrate and/or are perforated in two or more aquifers shall be destroyed and may not be designated Inactive.

E. To prevent the contamination of underground water supplies through open wells, no person shall knowingly permit the existence on premises in his or her ownership or possession or control of any well opening or entrance which is not sealed or secured in such a way as to prevent the introduction of contaminants.

F. No person shall knowingly permit on premises in his or her ownership or possession or control the existence of any abandoned well that constitutes a known or probable pathway for the vertical movement of contaminants.

7.70.110 Groundwater protection.

A. Within the Pajaro groundwater protection zone, and in other areas where groundwater quality problems are known to exist by the Health Officer, water contains constituents in excess of the applicable standards currently promulgated by the California Department of Health or where a monitoring agency has determined that seawater intrusion is threatened, all new wells shall be constructed in such a manner that the well does not provide a conduit for contamination or pollution between aquifers screen or perforations are located solely in one aquifer. All other aquifers shall be sealed by installing a cement or cement grout seal in the annular space between the well casing and the borehole to prevent present and future inter-aquifer movement of water.

1. In such areas where groundwater quality problems are known to exist by the Health Officer, the Health Officer shall impose a requirement for new wells which penetrate more than one aquifer that an electric log device measuring spontaneous potential and resistivity be run in the uncased well bore hole by a ~~registered~~ certified hydrologist, geohydrologist or other qualified person. Based on the data obtained from the electric log and the geologic log of the well, the hydrologist, geohydrologist or other qualified person approved by the Health Officer shall identify strata containing poor water quality and recommend to the well driller the location and specifications of the seal or seals needed to prevent the entrance of poor-quality water or its migration into other aquifers.

2. The well shall be completed with the seal or seals specified by the hydrologist, geohydrologist or other such qualified person. The person performing and evaluating the electric log shall submit a written report to the Health Officer.

B. Prior to completion of a well, a water sample shall be collected and tested for total

dissolved solids, chloride, nitrate, and any other constituent which the Health Officer has reason to believe could be present in the well. The sample results shall be submitted to the Health Officer. If any constituent exceeds drinking water standards, the Health Officer shall require testing and sealing of the well pursuant to Section A., above. If drinking water standards cannot be met or the aquifer cannot be adequately protected from contamination or pollution, the Health Officer shall require that the well be destroyed. The Health Officer may require additional water quality testing upon completion of the well.

C. Each application for a new or replacement well shall accurately specify the parcels proposed to be served, the type of land uses to be served, the estimated annual water use, and the presence of any existing wells which also serve those uses. The Health Officer may require documentation to support the water use estimates provided.

D. For wells which will serve more than four residential connections or which will serve nonresidential uses which can be expected to utilize more than 2 acre-feet of water per year, the following measures will be taken to ensure that groundwater is put to beneficial use and is not wasted:

1. A water use efficiency audit shall be completed, with recommendations for increased efficiency of use identified. The Health Officer shall require that all reasonable measures be implemented.

2. In lieu of performing an efficiency audit as required by subsection D.1, the property owner may provide verification that conservation measures to achieve efficient interior and exterior water use have been taken.

3. For new uses that will be developed after the well is completed, the property owner shall provide certification that conservation measures will be implemented as a part of the new use.

4. Requirements for water efficiency audits and acceptable conservation measures shall be established by resolution of the Board of Supervisors and updated as appropriate at least every three years to reflect advanced technology that is readily available locally.

7.70.120 Soquel Creek service area restrictions.

A. Findings. The Board of Supervisors finds and determines that:

1. Several reports have been prepared which indicate the potential for seawater intrusion into the ~~Purisima Formations~~ of the Soquel-Aptos groundwater basin; and

2. There is need for careful monitoring and management of the groundwater basin; and

3. Careful management is greatly facilitated by restricting the number of new wells and requiring that new development be supplied by Soquel Creek ~~County~~ Water District, a public agency empowered to carry out monitoring and management efforts; and

4. Construction of new wells within the water district service area increases the potential

public health hazard of cross-connection between public and private water systems;

5. Current County General Plan policies require that new development within the urban services line be served by a public water system.

B. Well Construction Within the Soquel Creek County Water District Service Area. The construction of new wells shall be prohibited on parcels that are both within the area designated as the "Soquel-Aptos groundwater basin" (as adopted by separate Board Resolution 233-81) and within two hundred feet of a water distribution line of the Soquel Creek County Water District.

C. New Well Construction--Exceptions. The following new well construction shall not be subject to the prohibition of this section:

1. Replacement of existing wells;
2. Construction of a well for agricultural use, monitoring and observation purposes, geothermal heat exchange or cathodic protection; and
3. Well construction on parcels which cannot be served by the Soquel Creek County Water District, as determined by the Environmental Health Director based on a written statement from the District clearly demonstrating their inability to provide service.
4. Construction of a well by any public water purveyor.

7.70.130 Groundwater emergencies.

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the safe yield in order to prevent further depletion and degradation of water resources where such degradation threatens the public health, safety and welfare of the community and where the Board of Supervisors finds that adequate measures are not already being taken to alleviate the overdraft situation. The emergency shall have no effect on drilling of monitoring geothermal heat exchange or cathodic protection wells.

A. Declaration. A declaration of a groundwater emergency shall be made by the Board of Supervisors only after a public hearing. Such an emergency shall be declared by resolution of the Board after the public hearing to consider all relevant information such as, but not limited to, the most current groundwater study, recommendations of water purveyors and the Water Advisory Commission and only after the following findings can be made:

1. The designated area is experiencing a groundwater overdraft exceeding the long-term average annual recharge of groundwater resource;
2. The creation of new wells or the expansion of existing wells will significantly increase the demand on the affected aquifer and thereby increase the overdraft; and
3. The continuation of the overdraft will result in further depletion and degradation of the water resource that can lead to, but is not limited to, impairment of the aquifer or allowing the

ingress of low-quality or saline waters.

4. Adequate measures are not being taken by water users and other responsible agencies to alleviate the overdraft situation.

B. Immediate Measure to Alleviate. In areas where a groundwater emergency is declared, the Board of Supervisors shall take action to establish water conservation measures, to limit construction of new wells, to regulate pumping from or expansion of existing wells, and in order to prevent further depletion and degradation of the affected aquifer. In taking these actions, the Board shall give consideration to the seasonal needs of agriculture including, but not limited to, the following factors.

1. Agriculture's need to repair, maintain and replace existing wells serving existing agricultural use acreage;

2. Well construction for agricultural use to serve existing agricultural acreage when new parcels are created due to change in legal ownership, split parcels or parcels created by change in zoning laws or other governmental regulations; and

3. The different water requirements of agricultural crops.

C. Long-term Measures to Alleviate. The Board shall initiate actions such as, but not limited to, joint power agreements with other agencies with the goal of finding permanent solutions to the groundwater problem.

D. Duration. A groundwater emergency and the measures enacted to alleviate the emergency shall remain in effect until rescinded as established in Subsection F of this Section.

E. Annual Review. The establishment of a groundwater emergency and all actions to alleviate the emergency shall be reviewed by the Board of Supervisors within one year of the date of enactment of the measures at a public hearing to decide whether the declaration of emergency shall remain in effect.

F. Rescinding. A groundwater emergency shall be rescinded by resolution of the Board of Supervisors after a public hearing when one of the following findings are made:

1. Alternative water sources which compensate for the existing overdraft and supply the affected area are developed;

2. A groundwater management program is implemented which will allow for additional development without contribution to groundwater overdraft; or

3. The Board of Supervisors determines that new information is available which indicates that the technical data upon which the original findings were based is no longer valid.

7.70.140 Abatement--Investigation.

The Health Officer may, upon reasonable cause to believe that an abandoned well, a cathodic protection well, or any other well, may potentially either contaminate or pollute groundwater, investigate the situation to determine whether such potential threat to groundwater quality or present nuisance, does, in fact exist. The Health Officer shall have the power upon presenting identification to any person apparently in control of the premises to enter upon any such premises between the hours of 8:00 a.m. and 6:00 p.m., to discover or inspect any thing or condition which may indicate such a nuisance or threat to groundwater quality. The Health Officer may examine such premises, things or conditions, take such samples and make such tests as needed and take other steps reasonably necessary for the proper investigation and determination of whether a nuisance or threat to groundwater quality exists.

7.70.150 Abatement generally.

Whenever the Health Officer determines that an abandoned well, a cathodic protection well, or any other well or is presently polluting or contaminating groundwater, or poses a substantial threat to groundwater quality, or is otherwise not in compliance with the provisions of this Chapter, the Health Officer may abate the well as a nuisance in accordance with the provisions of Chapter 1.14 of this Code.

7.70.160 Nuisance--Abatement of safety hazard.

This chapter shall not affect the right of the county to abate as a public nuisance pursuant to Article 9, Chapter 1, Division 1, Title 5, of the Government Code (commencing with Section 50230) any abandoned well, or cathodic protection well, or other well which presents a safety hazard.

7.70.170 Amendments

Any revision to this chapter which applies to the coastal zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 of the Santa Cruz County Code, and shall be subject to approval by the California Coastal Commission.

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage or ten days after certification by the State Coastal Commission, whichever is latest.

SECTION III

In order to prevent or control groundwater overdraft, and to preclude the declaration of a groundwater emergency pursuant to Section 7.70.130, the County Board of Supervisors, after holding a public hearing, may take action to enact additional measures applicable to production wells, water conservation, monitoring and other activities within its jurisdiction that are deemed

necessary to prevent degradation of the aquifer and which are in support of and consistent with programs and requirements adopted by established groundwater management authorities.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 8th day of January, 2008, further modified on the 18th day of November, 2008, by the following vote:

AYES: SUPERVISORS Stone, Campos, Beautz, Coonerty, and Pirie
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Ellen Pirie
Chair, Board of Supervisors

Attest:

TESS FITZGERALD
Clerk of the Board

Approved as to form:

Rahn Garcia
County Counsel

CCC Exhibit B
(page 14 of 14 pages)