

ORDINANCE NO. 1323

AN ORDINANCE OF THE COUNTY OF GLENN AMENDING THE GLENN COUNTY CODE BY AMENDING TITLE 20, CHAPTER 20.08 RELATING TO WATER WELL DRILLING AND STANDARDS

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN ORDAINS AS FOLLOWS:

SECTION 1: The Glenn County Code is hereby amended by amending Title 20, Chapter 20.08 to read in its entirety as follows:

Chapter 20.08

WATER WELL DRILLING AND STANDARDS

Sections:

20.08.010	<i>Purpose.</i>
20.08.020	<i>Authority.</i>
20.08.030	<i>Definitions.</i>
20.08.040	<i>Duties and Powers of Local Enforcement Agency.</i>
20.08.050	<i>Well Standards.</i>
20.08.060	<i>Permit Required.</i>
20.08.070	<i>Permit Application, Issuance and Term.</i>
20.08.080	<i>Exempt Wells.</i>
20.08.090	<i>Consultant Review Required for Non-Exempt Wells</i>
20.08.100	<i>Reserved.</i>
20.08.110	<i>Permit Approval.</i>
20.08.120	<i>Inspections.</i>
20.08.130	<i>New, Replacement and Repaired Exempt Well Minimum Depth Requirements.</i>
20.08.140	<i>Well Completion Report.</i>
20.08.150	<i>Electric Logging (E-Log) Required.</i>
20.08.160	<i>Replacement of Existing Wells.</i>
20.08.170	<i>Abandoned Well Exemption/Inactive Well</i>
20.08.180	<i>Well Destruction.</i>
20.08.190	<i>Permit Expiration, Revocation, Rescission and Hazard Abatement.</i>
20.08.200	<i>Appeals.</i>
20.08.210	<i>County Action Not Guarantee.</i>
20.08.220	<i>Conflicting Regulations.</i>
20.08.230	<i>Violations & Penalties.</i>

20.08.010 Purpose.

The Board of Supervisors finds that the protection of groundwater within the county is of major concern to the residents of the county. It is the purpose of this chapter to provide for the placement, construction, replacement, repair, modification and destruction of wells in such a manner that the groundwater of this county will not be contaminated, depleted or polluted, and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the residents of this county. In addition,

Ordinance 1323

this chapter attempts to reduce potential well interference problems to existing wells, public trust resources of navigable waterways and potential adverse impacts to the environment, which could be caused by the placement, construction, replacement, repair, modification and destruction of wells where a permit is required under this chapter.

20.08.020 Authority.

The chapter is adopted pursuant to the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq. as amended from time to time.

20.08.030 Definitions.

The following words and phrases shall, for the purpose of this chapter, have the meanings ascribed to them in this section:

A. "Abandoned wells." A well is "abandoned" if it is not used for a period of 1 year unless the owner demonstrates, by meeting all of the following conditions, an intent to use the well again (Health and Safety Code Section 115700):

1. The well shall not allow impairment of ground water quality;
2. The top of the well shall be sealed to prevent removal of the seal, prevent unauthorized access and illegal disposal, and prevent a safety hazard to humans and animals;
3. The well shall be marked to be easily visible and easily identified as a well; and
4. The area surrounding the well shall be kept clear of brush, debris, and waste materials.

B. "Agricultural wells" means water wells used to supply water for irrigation and growing of crops or production of other agricultural commodities for commercial purposes.

C. "Board" means the Glenn County Board of Supervisors.

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

E. "Community water supply well" means a water well 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) as amended from time to time.

F. "Completion or completion operation" means any work conducted after artificial excavation to include:

1. Placement of well casing,
2. Gravel packing,
3. Sealing,

Ordinance 1323

4. Casing perforation, or
5. Other operations deemed necessary by the LEA.

G. "Consultant" means a California Licensed Professional Geologist or Engineer with a Certified Hydrogeologist Specialty Certification.

H. "County" means the County of Glenn.

I. "Contamination" means an impairment of the quality of water to a degree which creates a hazard to the public health through poisoning or through spread of disease.

J. "Destruction or destroy" means the complete filling of a well in such a manner that it will not produce water or act as a conduit for the interchange of water, when such interchange will result in deterioration of the quality of water in any water-bearing formations penetrated.

K. "Domestic water well" means a well that will provide less than two (2) acre-feet per year of groundwater and will be devoted exclusively to the residential and related yard, garden and barnyard uses and small personal crops within the same parcel of land as the served dwelling house. Such uses do not include the growing of crops, or production of other agricultural commodities, for commercial purposes.

L. "Electric logging" or "E-Log" means lowering a device used to measure the electric resistance of the rock and soil layers in the downhole portion of the well.

M. "Groundwater" means water in the zone of saturation. Groundwater is presumed to be percolating, although it does occur in known and definite channels.

N. "Health officer" means the Glenn County Health Officer or duly authorized registered environmental health specialist.

O. "Hydrology" shall mean the origin, distribution, and circulation of water through precipitation, streamflow, infiltration, groundwater storage, and evaporation.

P. "Inactive well" means a water well that has not failed and is not currently being used.

Q. "Industrial wells" mean water wells used to supply industry on an individual basis.

R. "Livestock well" means a water well used for the watering of livestock and other uses directly related to the operation of a feedlot, confined livestock operation or dairy.

S. "Local Enforcement Agency" or "LEA" means the Glenn County Environmental Health Department, which is designated as such by the Board of Supervisors.

T. "Monitoring well" means a well that is used for monitoring or sampling the condition of a water-bearing aquifer, such as water pressure, depth, movement or quality.

U. "Navigable waters" means waterways capable of being navigated by oar or motor-propelled small craft, consistent with the California public right of navigation test.

Ordinance 1323

V. "Overdraft" shall mean the condition of a groundwater basin where the amount of water withdrawn exceeds the amount of water replenishing the basin over a period of time. Also, as the point at which extractions from the basin exceed its safe yield plus any temporary surplus.

W. "Percolation" shall mean the movement of water through the soil to the groundwater table.

X. "Permeability" shall mean the capability of soil or other geologic formation to transmit water.

Y. "Person" includes any person, firm, association, corporation, organization, partnership, business trust, company, or special district formed under the laws of the State of California.

Z. "Piezometric surface" shall mean the surface to which the water in a confined aquifer will rise.

AA. "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.

BB. "Porosity" shall mean voids of open spaces in alluvium, other soils and rocks that can be filled with water.

CC. "Public nuisance," when applied to a well, means any well which threatens to impair the quality of ground water or otherwise jeopardize the health and safety of the public.

DD. "Public trust resources" means waterways the government is obligated to hold in trust pursuant to the Public Trust Doctrine for the benefit of the public for purposes of commerce, navigation, recreation, fishing, and preservation of wildlife habitat and natural resources.

EE. "Public water system well" means a water well that is constructed or used to supply water for domestic purposes in systems subject to the requirements of sections 116275 et seq. of the California Health and Safety Code (California State Safe Drinking Water Act) as amended from time to time.

FF. "Radius of influence" shall mean the radial distance from the center of a well bore to the point where there is no lowering of the water table or potentiometric surface (the edge of the well's cone of depression).

GG. "Recharge" shall mean flow to groundwater storage from precipitation, infiltration from streams, irrigation, spreading basins, and other sources of water.

HH. "Repair" or "Modification" means changing the dimensions of a well, deepening of a well, reperforation or the addition of an inner well casing.

II. "Replacement well" means the construction of a new well to replace an existing well where the existing well is destroyed under permit within 90 days of completion of the replacement well.

JJ. "Safe yield" shall mean the maximum quantity of water which can be withdrawn annually from a groundwater supply under a given set of conditions without causing an undesirable result. The phrase "Undesirable Result" is intended to refer to a gradual lowering of the groundwater levels resulting in, or tending to result in, the eventual depletion of or the substantial diminution of the supply of water.

Ordinance 1323

KK. "Saltwater intrusion" shall mean the movement of saltwater into freshwater aquifers.

LL. "Specific capacity" shall mean the volume of water pumped from a well in gallons per minute per foot of drawdown.

MM. "Spreading water" shall mean discharging native or imported water to a permeable area for the purpose of allowing it to percolate to the zone of saturation. Spreading, artificial recharge and replenishment all refer to operations used to place water in a groundwater basin.

NN. "Test or exploratory hole" means an excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation, or any other means.

OO. "Transmissivity" shall mean the rate of flow of water through an aquifer.

PP. "Usable storage capacity" shall mean the quantity of groundwater of acceptable quality that can be economically withdrawn from storage.

QQ. "Water table" shall mean the surface where groundwater is encountered in a well in an unconfined aquifer.

RR. "Well" means any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into, the underground, or for providing cathodic protection or electrical grounding of equipment, or for making tests or observations of underground conditions, or for any other similar purpose. Wells include, but shall not be limited to, community water supply wells, individual domestic wells, livestock wells, industrial wells, agricultural wells, cathodic protection wells, electrical grounding wells, test and exploratory holes and observation wells, as defined herein, and other wells whose regulation is necessary to fulfill the purpose of this chapter. This definition shall not include oil and gas wells, or geothermal wells constructed under the jurisdiction of the State Department of Conservation, except those wells converted to use as water wells.

SS. "Well drilling contractor" means a contractor licensed in accordance with the provisions of the Contractor's License Law, Chapter 9 of Division 3 of the Business and Professions Code (commencing with section 7000), as amended from time to time, and who shall possess a valid C-57 water well contractor's license.

TT. "Zone of saturation" shall mean the area below the water table in which the soil is completely saturated with groundwater.

20.08.040 Duties & Powers of the Local Enforcement Agency (LEA).

The LEA shall enforce all the provisions of this chapter and may issue correction notices, notices of violation, stop work orders, and citations for any violations of this chapter, or any permit issued pursuant to this chapter.

20.08.050 Well Standards.

A. In order to provide minimum standards for the proper regulation of well placement, construction, replacement, repair, modification and destruction, the State of California water well standards (Department of Water Resources Bulletin 74-81 and 74-90) which may be amended from time to time, are hereby adopted, incorporated and made a part of this chapter by this reference without further publication, as though set forth at length in this chapter and are hereby declared to be the well placement, construction, replacement, repair, modification and destruction code of Glenn County, except where superseded by this chapter.

B. All annular well seals shall extend at least five (5) feet into the first low permeability stratum encountered and to at least fifty (50) feet. The annular well seal minimum depth may be reduced when salinity or bedrock restrictive layers are encountered during well construction, provided that the well complies with all other sections of this chapter. The LEA shall require that the well complies with the annular well seal minimum depth requirements to the extent reasonably possible. Salinity or bedrock restrictive layers shall be confirmed thru samples, in writing, and approved by the LEA.

C. All well destruction seals shall extend at least fifty (50) feet below ground surface or to the total depth if the well is less than fifty (50) feet in depth.

D. A domestic water well shall only serve the parcel on which it is located and shall not cross property lines.

E. All agriculture, industrial, community water supply, domestic, and livestock water wells shall be tested for total dissolved solids (TDS) or electrical conductivity (EC) and the results shall be submitted to the LEA before the casing is installed.

F. All saline, poor-quality, polluted or contaminated portions of the aquifer shall be sealed from good-quality water portions of the aquifer to prevent contamination.

G. All agriculture, industrial, community water supply, domestic, and livestock water wells shall be disinfected, using the conventional and acceptable methods, at the time of the construction, replacement, repair or modification and prior to the well being used or placed into service. Water used for the drilling of community water supply and domestic water supply wells shall be secured from a potable source or another groundwater well.

H. All agriculture, industrial, community water supply, domestic, and livestock water wells shall be located with a minimum setback of fifty (50) feet, as measured from top of the bank, from, but not limited to, lakes, rivers, streams, ponds, canals, reservoirs and wetlands.

I. All agriculture, industrial, community water supply, domestic, and livestock water wells shall be located with a minimum setback of ten (10) feet from a property line.

J. All agriculture, industrial, community water supply, domestic, and livestock water wells shall have a casing that extends at least eighteen (18) inches above all known levels of flooding and at least eighteen (18) inches above grade.

K. Steel well casing shall be no less than ten gauge in thickness.

20.08.060 Permit Required.

No person, firm, association, organization, partnership, joint venture, business trust, corporation, company, federal, state or local agency, or special district formed under the laws of this state shall, within the County of Glenn, construct, replace, repair, modify or destroy a well unless a permit has first been obtained and approved by the LEA as provided in this chapter.

20.08.070 Permit Application, Issuance & Term.

Applications for permits shall be made to the LEA together with the required fee established by the board of supervisors of the County of Glenn. If construction, replacement, repair, modification or destruction of a well is begun prior to obtaining a permit, the fee for such permit may be doubled, but shall not relieve any person from fully complying with the provisions of this chapter nor from any other penalties described in this chapter. Applications shall be made on forms provided by the LEA. Applications for permits to construct, replace, repair, modify or destroy a well shall include the following information:

- A. Location of the well on the property/parcels and the location and size in acreage of the contiguous properties and assessor's parcel number to be served.
- B. Well location longitude and latitude.
- C. Name, address and contractor's license number of the person who will construct the well.
- D. The proposed depth of the well.
- E. The proposed well casing diameter.
- F. The proposed screen depth intervals.
- G. The size of the proposed pump.
- H. The proposed use of the well.
- I. An accurate plot plan which will show the following:
 - 1. Property lines with dimensions and existing and proposed buildings.
 - 2. Sewage disposal systems, sewer lines, and any other works carrying or containing sewage within two hundred (200) feet of the proposed well.
 - 3. All intermittent perennial, natural or artificial bodies of water or watercourses.
 - 4. All other existing wells.
 - 5. The approximate surface drainage pattern of the property and areas subject to flooding.
 - 6. All existing and proposed structures.
- J. Such additional information as required by the LEA.

K. The LEA is authorized to reduce the amount of information required to be included in a permit application when applicable based upon the permit type.

L. The LEA shall review all completed permit applications. If the application, site evaluation or plans do not conform to the requirements of this chapter and all pertinent laws and ordinances, the application shall be denied in writing, including the reasons for denial. If the LEA is satisfied that the proposed work conforms to the requirements of this chapter and all pertinent laws and ordinances, a water well permit shall be issued.

M. The LEA shall stamp or endorse in writing all permits and all sets of approved plans. One set of such approved plans and the permit shall be retained by the LEA and another set shall be kept at the well construction site, open to inspection by the LEA at all reasonable times. All work shall conform to the approved plans for which the permit has been issued and any approved amendments.

N. Every permit expires one year after issuance. If the permittee cannot complete the work within one year, the LEA may extend the permit for one additional year if the permittee applies for an extension prior to expiration of the permit and pays the required fees.

020.08.080 Exempt Wells.

The following wells shall not be subject to requirements set forth in section 20.08.090:

A. Wells that will provide less than two (2) acre-feet per year of groundwater for individual domestic users, livestock or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the California Health and Safety Code as may be amended from time to time.

B. Limited purpose wells including:

1. Fire suppression wells;
2. Cathodic protection wells;
3. Geothermal wells;
4. Soil borings;
5. Monitoring and mitigation wells; and
6. Exploratory wells used only for the limited purpose of determining the presence of sufficient potable water.

C. Wells proposed in areas which are not within the boundaries of the Corning, Colusa or Butte Subbasins.

20.08.090 Consultant Review Required for Non-Exempt Wells.

A. All non-exempt well permit applications shall include the proposed well construction design along with the maximum pump size and specifications. Those applications shall be reviewed by a consultant, retained by the County, for the purpose of conducting hydrogeologic studies to determine the likelihood that

Ordinance 1323

extractions from the proposed well will cause: interference with the production and function of existing nearby wells; subsidence that would adversely impact or damage nearby infrastructure or cause exceedance of Groundwater Sustainability Plan minimum thresholds for land subsidence; groundwater level declines that will cause exceedance of Groundwater Sustainability Plan minimum thresholds for groundwater levels; exceedance of Groundwater Sustainability Plan minimum thresholds for water quality; or, exacerbate a substantial adverse impact on public trust resources of navigable waters. When applicable, the consultant shall provide well design mitigation measures intended to eliminate impacts to nearby wells, land subsidence, groundwater levels, water quality and public trust resources of navigable waters. The cost of such studies and design mitigation measures shall be borne by the applicant.

B. Well Permit Applications shall be reviewed against the following five (5) categories:

1. Groundwater Levels: Will the new well interfere with groundwater levels for existing wells;
2. Subsidence Impacts: Will the new well increase the risk of subsidence;
3. Change in Storage Impacts: Will the new well result in changes in groundwater storage;
4. Groundwater Quality Impacts: Will the new well result in significant changes in groundwater quality; and
5. Public Trust Resources of Navigable Waters Impacts: Will the new well impact surface water operations.

C. In conducting the evaluation, each category shall be evaluated on a tier basis which shall determine the level of review. In conducting such review, the consultant shall utilize the most recent data from the applicable GSA and RMS ("Representative Monitoring Site"). The review for each category shall be as follows:

1. Groundwater Levels:

Tier 1 Analysis:

- i. Utilize existing Glenn County well database to identify all existing wells within a fixed radius of one half (1/2) of a mile.
- ii. If no wells exist, or the only existing wells are owned by the applicant, then no additional analysis would be required. No further analysis will be required if no domestic wells, and a maximum of one agricultural well, not including any well owned by the applicant, are within the specified radius.

Tier 2 Analysis:

- i. If any existing wells are identified, then conduct a screening level Well Interference Analysis (WIA) which shall quantify variability of groundwater levels in the area by utilizing the nearest monitoring well in the groundwater monitoring network with a complete ten (10) year water level record.

Ordinance 1323

- ii. If the WIA indicates no impacts (impact defined as operations of the new well would lower groundwater levels at the nearest domestic well by more than one (1) foot or ten (10%) percent of the historical decrease in groundwater levels measured from either the nearest monitoring well with at least a ten (10) year historical record or from the nearest RMS well, whichever is greater), then no additional analysis required.

If the WIA indicates an impact of more than ten (10%) percent and less than fifteen (15%) percent, then either the well would have to be constructed fifty (50) feet below the 85th percentile depth of the domestic wells within the corresponding polygon or shall extend at least fifty (50) feet below the most current minimum threshold (MT) established by the applicable Groundwater Sustainability Plan adopted by the corresponding Groundwater Sustainability Agency (GSA) whichever is deeper. If the WIA indicates an impact of more than fifteen (15%) percent, then a Tier 3 analysis would be required.

Tier 3 Analysis:

- i. Additional more comprehensive analysis would be required (utilizing the regional groundwater model).
- ii. Conditional approval and well specific data (hydraulic conductivity and storativity) would be submitted, and the WIA analysis would be revised.
- iii. The well design and construction shall reduce the WIA impact to less than fifteen (15%) for approval.

2. Subsidence Impacts:

Tier 1 Analysis:

- i. Utilize publicly available InSAR data to confirm subsidence prone areas (to be updated annually).
- ii. If new wells are located outside of these subsidence prone areas, no additional analysis would be required.

Tier 2 Analysis:

If a new well is located within a known subsidence area, then utilize tiered criteria from Category 1 (Groundwater Levels) as a proxy for Land Subsidence.

3. Change in Storage Impacts:

Tier 1 Analysis:

If proposed well is located within a GSP polygon with a long-term positive or stable change in storage value, no additional analysis would be required.

Tier 2 Analysis:

Utilize tiered criteria from Category 1 (Groundwater Levels) as a proxy for Change in Storage Impacts.

4. Groundwater Quality Impacts:

Tier 1 Analysis:

Utilize RMS water quality data sets to develop baseline groundwater quality conditions. Conditions can be represented by Electrical Conductivity (EC)/ Total Dissolved Solids (TDS) contours. If no historical/known water quality issues are identified (i.e., proposed well is outside an elevated EC/TDS zone), then a permit would be approved.

Tier 2 Analysis:

- i. If there are known contamination issues (i.e., TDS, As, etc.), then a permit would be conditionally approved based on results of water quality testing (which would be required as part of the permit process).
- ii. If water quality exceeded GSP water quality objectives, then well construction design shall prevent transfer between aquifers in accordance with Section 20.08.050 (F).

5. Public Trust Resources of Navigable Waters Impacts:

Tier 1 Analysis:

- i. Utilize known mapped major surface water ways within a half (1/2) mile radius.
- ii. If no known mapped major surface water ways exist, then permit would be approved.

Tier 2 Analysis:

If major surface water ways exist within a half (1/2) mile radius then the depth of final annual seal would be evaluated from geophysical log (eLog) and the seal shall extend at least five (5) feet into the first low permeability stratum encountered and to a minimum of fifty (50) feet.

D. The consultants hydrogeological study results and well design requirements shall be submitted to the LEA within thirty (30) days of receiving the application package. The results shall be in report form and in a format approved by the county.

20.08.110 Permit Approval.

The LEA shall only approve the permit, if the requirements of this chapter, and all pertinent laws and ordinances, have been met.

20.08.120 Inspections.

A. The LEA is hereby empowered to enter upon private property in order to make inspections for the purpose of enforcing the provisions of this chapter in the manner set forth in Title 1, Chapter 14, Section 1.14.020 of this code. A final inspection of the work performed on any well pursuant to this chapter shall be made by the LEA unless such inspection is waived by the LEA. No permittee shall be deemed to have complied with this chapter or the conditions of the permit until such inspection has been either made and the installation approved, or the inspection waived by the LEA.

B. The LEA shall inspect the proposed well location before any drilling begins to confirm the location meets the provisions of this chapter.

C. The LEA shall be notified a minimum of twenty-four (24) hours prior to installing or placing a sanitary seal. Drillers who anticipate completing a well in less than a day may notify the LEA twenty-four (24) hours prior to commencement of drilling and provide the anticipated time at which the sanitary seal shall be installed. Notification does not guarantee a requested inspection date or time.

20.08.130 New, Replacement and Repaired Exempt Well Minimum Depth Requirements.

A. New, replacement and repaired exempt wells shall extend at least fifty (50) feet below the most current minimum threshold established by the applicable Groundwater Sustainability Plan adopted by the corresponding Groundwater Sustainability Agency (GSA). The minimum threshold may vary depending on the location within the groundwater basin. The minimum permitted well depth is not a guarantee as to water availability or production, but rather a minimum requirement only for the specific area.

B. The minimum depth requirement may be reduced when salinity or bedrock restrictive layers are encountered during well construction and all other mitigative options have been exhausted, so long as the well is in compliance with all other sections of this chapter. The LEA shall require that the well complies with the minimum depth requirements to the extent reasonably possible. Salinity and/or bedrock restrictive layers shall be confirmed thru samples, in writing and approved by the LEA.

C. Minimum depth requirements shall only apply to wells located within an established high or medium priority groundwater basin.

20.08.140 Well Completion Report.

As required by section 13751 of the California Water Code, which may be amended from time to time, every person who digs, bores, or drills a water well, cathodic protection well, groundwater monitoring well, or geothermal heat exchange well; abandons or destroys such a well; or deepens or reperforates such a well; shall file a Well Completion Report of that well with the LEA within 60 days of the date of completion.

20.08.150 Electric Logging (E-Log) Required.

A. If a well is larger than eight (8) inches, a test hole shall be drilled, and the E-Log submitted to the LEA for review. In addition, the proposed well construction shall meet the conditions listed below:

1. To the extent feasible, controlling hydrological conditions that existed before the well was drilled and constructed, including the elimination of physical hazards.
2. Prevent pollution of groundwater.
3. Preserve the integrity of the aquifers.
4. Prevent intermingling of potable and irrigable waters with saline and other unsuitable waters.

B. The purpose of these conditions is to manage interactions between new, replacement, modified and existing neighboring wells.

C. The LEA does not design the proposed well. The applicant and contractor are responsible for submitting the proposed well design.

D. Upon receiving the proposed well design, and prior to approving drilling of the well, the LEA will review and determine if the requirements of this chapter, and all pertinent laws and ordinances, have been met.

20.08.160 Replacement of Existing Wells.

A. If a failed existing well is destroyed, a replacement well shall not be subject to the requirements set forth in section 20.08.090, if all of the following conditions are met:

1. The replacement well is drilled within one hundred (100) feet of the failed existing well;
2. The replacement well has the same casing diameter, casing depth, pump size and substantially similar screen interval(s) as the failed existing well;
3. The replacement well is in compliance with all other sections of this chapter; and
4. The failed existing well is destroyed under permit and as set forth in section 20.08.170.

The Well Completion Report (WCR) of the failed existing well shall be submitted to the LEA to confirm the construction requirements. When a WCR does not exist, construction requirements may be confirmed by a method acceptable to the LEA.

B. If a replacement well must be constructed as a result of the failure of an existing well, the LEA shall condition issuance of a permit on the mandatory destruction of the existing well in accordance with the methods and requirements of this chapter. A well may be deemed to have failed under the following circumstances:

1. When groundwater drops to a level below the useful depth of the well.

Ordinance 1323

2. When the well yields sand or soil in quantities to make it unusable for domestic, livestock, agricultural or industrial purposes.
3. When contamination is present.
4. When the well is inside of the established minimum setback requirements from potential sources of contamination.
5. When established setback requirements do not exist and, in the judgment of the LEA, degradation of the groundwater is likely to occur or continue if the well is not destroyed.

20.08.170 Abandoned Well Exemption/Inactive Well.

- A. The well owner shall declare to the LEA in writing, on a form provided by the County, their intent for future use of an inactive well. The declaration form shall be adequate for as long as the required conditions are maintained.
- B. If the required conditions set forth in the declaration form are not maintained, the inactive well shall be destroyed according to this chapter and this requirement shall be a condition of all future county permits.

20.08.180 Well Destruction.

All abandoned wells, as defined in this chapter, shall be destroyed in accordance with this chapter and to the following standards:

A. A well that is no longer useful (including exploration and test holes) shall be destroyed in order to ensure that the groundwater supply is protected and preserved for future use and to eliminate potential physical hazards.

B. After all reasonable efforts to clear contamination have been made, a well that contains poor-quality water, pollutants, contaminants or is a potential hazard to the purity of the groundwater, shall be destroyed by completely filling the well with an approved sealing material or by destruction standards and methods required by the LEA.

C. Observation or test wells used in the investigation or management of groundwater basins by government agencies or research/engineering organizations are not considered abandoned if they are maintained for that purpose; however, such wells shall be covered with an appropriate cap, bearing the label "Observation Well" and the name of the agency or organization, and shall be locked when measurements are not being made. When these wells are no longer used for this purpose, or for supplying water, they shall be considered abandoned.

20.08.190 Permit Expiration, Revocation, Rescission and Hazard Abatement.

A. A permit issued pursuant to this chapter expires one year after issuance. If the permittee cannot complete the work within one year, and applies for an extension before the permit expires, the LEA may extend the permit for one additional year.

Ordinance 1323

B. A permit issued pursuant to this chapter may be revoked by the LEA if the LEA 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 take corrective action within the time specified in the notice.

C. A permit may also be rescinded by the LEA upon determination that the permit was obtained by false statement or misrepresentation. The permittee shall be notified in writing of the action and the rescission shall be effective upon the date of issuance of the notification.

D. Whenever the LEA determines that any well on private property has become a hazard to public safety; endangers property; or adversely affects the safety, use, or stability of an adjacent property, an overhead or underground utility, or a public way or watercourse; or could adversely affect the water quality of any watercourse or water body, the LEA shall provide written notice to the owner or other person in control of the property, identifying the hazard; what must be done to eliminate the hazard; and, the time within which the actions must be taken. Upon receipt of the written notice from the LEA, the owner or other person in control of the property shall, within the time specified in the notice, take those actions necessary to eliminate the hazard and conform with the requirements of this chapter. Failure to eliminate the hazard within the time prescribed could result in violations and penalties pursuant to this chapter and all pertinent laws and ordinances.

20.08.200 Appeals.

A. The applicant or any aggrieved party may appeal a decision of the LEA or any notice of violation issued. Any such administrative appeal shall be commenced by filing a written request within ten (10) days after service of notice or determination with the clerk of the board of supervisors for a hearing. If the tenth (10th) day falls on a county holiday or weekend, the time to request the hearing shall be extended to the next day that is not a holiday or weekend. The written request shall include the name, address, and telephone number of the person requesting the appeal and any applicable project number, or other means of identification, and the date on which the decision was made. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed written request that complies fully with the requirements of this section, the findings of the LEA or the enforcing officer contained in the notice or determination shall become final and conclusive on the eleventh (11th) day following service of the notice or determination.

B. Upon timely receipt of a written request for hearing which complies with the requirements of this section, the clerk of the board of supervisors shall set a hearing date. The clerk shall send written notice of the hearing date to the requesting party, to any other parties upon whom the notice was served, and to the LEA and/or enforcing officer.

C. Unless jurisdiction over a specific violation or determination is exercised by the board of supervisors at a meeting of the board of supervisors, the hearings required by this chapter and California Government Code Section 25845, to be heard by the board of supervisors are hereby delegated to an administrative hearing officer established by Chapter 2.28 of the Glenn County Code.

D. Pursuant to California Government Code Section 25845, subdivision (i), the administrative hearing officer shall preside over the hearing and decide evidentiary issues and any requests for delays.

E. The administrative hearing officer shall not determine the legality of this chapter or legality of the enforcement procedures used. The administrative hearing officer shall determine if the decision of the LEA or the enforcing officer conforms to this chapter and is supported by a preponderance of the evidence

Ordinance 1323

presented by the LEA or enforcing officer or his or her department. The hearing shall be recorded. The record and evidence shall be preserved for three years.

F. If requested by the administrative hearing officer, the County Counsel shall appoint a deputy county counsel to impartially advise the administrative hearing officer. He or she shall not have been involved in assisting the LEA or the enforcing officer, or the enforcing officer's department, on the determination or enforcement action at issue.

G. Any hearing conducted pursuant to this chapter need not be conducted according to technical rules of evidence. Any relevant sworn evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The administrative hearing officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

H. The written findings and recommendations of the administrative hearing officer shall be referred to the board of supervisors, and the appellant, within fifteen (15) days of the conclusion of the hearing. The board of supervisors may adopt the recommendation without further notice of hearing or may set the matter for a de novo hearing before the board of supervisors. No specific form is required for the findings and recommendations, which need only be generally stated. Written notice of the administrative hearing officer's findings and recommendations shall be mailed to the appellant at the address listed on the application and/or appeal.

G. The decision of the board of supervisors, which shall be by resolution, shall be final and conclusive. A failure to appeal the determination of the LEA or the enforcing officer will constitute a failure to exhaust administrative remedies by the responsible person(s).

H. This section does not authorize appeals to the board of supervisors from any action of the LEA authorized or required by state law or regulation.

20.08.210 County Action Not Guarantee.

This chapter shall not be construed as imposing upon the county any liability or responsibility for damage resulting from defective placement, construction, replacement, modification, repair or destruction of any well or for damage to, or interference with, wells on adjoining or other properties. Neither the issuance of a permit pursuant to this chapter, final inspection of work performed on any well pursuant to this chapter, nor the waiver of such final inspection shall be, nor construed to be, a guarantee by the County of Glenn that suitable water in sufficient quantity and quality is available from any well.

20.08.220 Conflicting Regulations.

Where there is a conflict between the regulations of this chapter and any other chapter of local, state or federal regulation, the greater or more stringent regulation or restriction shall apply and shall be enforced by persons authorized in this chapter.

20.08.230 Violations and Penalties.

Pursuant to section 1.13.010 of this code, any person who violates any regulatory or prohibitory provision of this chapter is guilty of a misdemeanor punishable by a fine not exceeding five thousand

Ordinance 1323

(\$5,000.00) dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. A separate offense is committed upon each day or portion thereof during or on which a violation occurs or continues. Nothing herein shall be deemed to abrogate or annul the right to enjoin or abate such violations by civil action.

SECTION 2: The Board of Supervisors hereby finds that this ordinance is not subject to review under the California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15601, subdivision (b)(3) (there is no possibility the activity in question may have a significant impact on the environment). In addition to the forgoing general exemptions, the Board of Supervisors further finds that the ordinance is categorically exempt from review under CEQA under the Class 7 (Actions by Regulatory Agencies for Protection of Natural Resources) and Class 8 (Actions by Regulatory Agencies for Protection of the Environment) Categorical Exemptions. Lastly, none of the exceptions to the use of categorical exemptions identified in State CEQA Guidelines section 15300.2 apply: there is no potential for cumulative impacts; there are no unusual circumstances that would have a significant impact on the environment due to the adoption of the ordinance; the ordinance would not negatively impact scenic resources within a duly designated scenic highway; there is no record of hazardous waste and the ordinance has no potential to impact historic resources.

SECTION 3: Pursuant to section 25131 of the California Government Code, the Board of Supervisors finds that, in light of the impending expiration of Urgency Ordinance No. 1310 on June 22, 2023, this ordinance is necessary as an urgency measure to preserve the public health, safety, and welfare because: (1) Urgency Ordinance No. 1310 was adopted in order to provide time for the County to study and develop regulations to protect groundwater resources within the County from further contamination, depletion or pollution; (2) this ordinance fulfills those goals by regulating the placement, construction, replacement, repair, modification and destruction of wells within the County in a manner that the groundwater will not be contaminated, depleted or polluted, and that water obtained from wells will be suitable for beneficial use; (3) allowing Urgency Ordinance 1310 to expire prior to this ordinance taking effect would provide an opportunity for wells to be constructed in a manner that does not protect groundwater resources within the County from further contamination, depletion or pollution; and (4) allowing wells to be constructed in a manner that does not protect groundwater resources within the County from further contamination, depletion or pollution would be detrimental to the public health, safety and welfare. Based upon the foregoing, the Board of Supervisors declares this ordinance to be an urgency measure and therefore, the requirement that ordinances altered after introduction shall be passed only at a regular meeting held at least five days after alteration shall not apply.

SECTION 4: If any section, subsection, sentence, clause, portion, or phrase of this ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 5: It is the intention of the Board of Supervisors that this ordinance shall be reviewed annually and modified as necessary to reflect changes in hydrological conditions within Glenn County.

SECTION 6: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in a

Ordinance 1323

newspaper of general circulation, in the County of Glenn, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED this **23rd day of May 2023**, by the Glenn County Board of Supervisors, State of California, by the following vote:

AYES: Supervisors Arnold, Rossman, Yoder and Carmon (Chairman)

NOES: None

ABSENT OR ABSTAIN: None



GRANT CARMON, Chairman
Board of Supervisors, Glenn County, California

ATTEST:



SCOTT H. DEMOSS, Clerk of the Board
County of Glenn, California

APPROVED AS TO FORM:



WILLIAM J. VANASEK, County Counsel
County of Glenn, California