

Ordinance No. 596, N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 14, CHAPTER 14.06 OF THE MUNICIPAL
CODE, REGULATION OF WELL CONSTRUCTION, REPAIR,
MODIFICATION AND DESTRUCTION**

Be it ordained by the City Council of the City of El Paso de Robles, that the following amendments to Title 14, Chapter 14.06 are hereby adopted.

Chapter 14.06 CHANGES OR ADDITIONS as follows:

14.06.010. PURPOSE.

The City of El Paso de Robles is dependent upon the water supplied from wells drawing from the Paso Robles formation and from the underflow in the Salinas River. These wells constitute the City's sole source of water supply and their aquifers must be protected against overdraft and contamination so that the City may continue to provide the necessary volume of potable water to its citizens within the health and welfare guidelines promulgated by the various state and federal regulatory agencies.

It is the purpose of this chapter to protect the health, safety, and general welfare of the people of the State of California by ensuring that the ground waters of this state will not be polluted or contaminated. To this end, minimum requirements are contained in this ordinance for construction, reconstruction, repair, and destruction of water wells, cathodic protection wells, monitoring wells, and other wells of similar type.

14.06.020. DEFINITIONS AND INTERPRETATION.

Except as otherwise required by the context of this chapter, the terms used in this chapter shall have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-90 and subsequent supplements or revisions. The definitions in this chapter apply to the provisions of this chapter only and do not affect any other provisions of law.

A. **"Well"**. An 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 are not limited to, community water supply wells, individual domestic wells, industrial wells, agricultural wells, cathodic protection wells, test and exploratory holes, observation wells and salt water (hydraulic) barrier wells, as defined herein:

- (1) "Community Water Supply Well" means a water well for domestic purposes in system subject to Chapter 7 of Part 1 of Division 5 of the California Health and Safety Code; (See "City Well").
- (2) "Individual Domestic Well" (See "Non-City Well").
- (3) "Industrial Wells" means water wells used to supply industry water on an individual basis.
- (4) "Agricultural Wells" means water wells used to supply water for crop irrigation or other agricultural purposes, including stock wells.

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C. Construct the well and appurtenances in accordance with the requirements of the California Department of Water Resources, California Department of Health Services, San Luis Obispo County Health Department, Public Works Department, and other applicable agencies;

D. Operate and maintain the non-City well and related facilities in a sanitary manner at all times, at no expense to the City.

E. Install, at the discharge outlet of the well, a reduced pressure principal backflow prevention assembly (R.P.), such unit to conform to the standards of the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, and said device to be inspected/tested at least once per year by a qualified technician and report submitted to the Public Works Department;

F. Grant to the City the authority to enter the property for periodic inspection to ensure proper operation and maintenance of the well;

G. Grant to the City the authority to enter onto property to inspect the well. A nuisance created by the system, which in the opinion of the City, the Health Department, or state or federal agencies, creates a hazard that threatens the health and safety of citizens, shall cause the owner to follow the instructions of the enforcement agency; any expenses rendered pursuant to these instructions shall be borne by the owner. When a health hazard or nuisance is determined to exist the City may revoke certificate of occupancy for those utilizing the non-City well.

H. Abandon the non-City well in the time established in this chapter when an order to do so has been issued by the City Council, or upon such time that it is mandated by the Director or Public Works because of contamination of the well or other situation posing a pollution threat to City groundwater sources, and the non-City well shall be abandoned in accordance with the standards of the California Department of Water Resources;

I. Reimburse to the City, when a water main is available, the pro-rated share of the cost of the installation of water main as determined and directed by the City; and,

J. Pay all connection fees and other applicable charges and construct service line to the meter when City water service becomes available.

14.06.140. REPORTS TO THE REGIONAL BOARD.

Pursuant to California Water Code Section 13225(c), the enforcement agency shall submit an annual report to the applicable California Regional Water Quality Control Board. The minimum amount of data to be submitted is as follows:

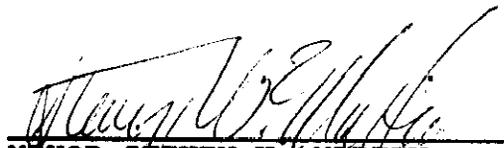
- A. The number of wells constructed or destroyed;
- B. Descriptions of all well destructions undertaken by an enforcement agency using its regulatory authority under nuisance abatement powers;
- C. A description of each specific case where variances were granted and the circumstances that made a variance necessary; and,
- D. A description of the cases where inspections were made by other agencies and thereby waived by the City of Paso Robles.

PASSED AND ADOPTED THIS 5th day of June, 1990 by the following roll call vote:

AYES: Cousins, Conway and Martin

NOES: None

ABSENT: Reneau and Russell


MAYOR STEVEN W. MARTIN

ATTEST:


JERRY BANKSTON, CITY CLERK

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(5) "Salt Water (Hydraulic) Barrier Wells" means wells constructed to extract or introduce water into the ground as a means of preventing intrusion of salt water into a fresh water-bearing aquifer.

(6) "Cathodic Protection Well" means any artificial excavation in an aquifer or in excess of fifty feet (50'), 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.

(7) "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.

(8) "Electrical Grounding Well" means any artificial excavation in an aquifer or in excess of fifty feet, constructed by any method for the purpose of establishing an electrical ground.

(9) "Observation Well" means a well used for monitoring or sampling the condition of a water-bearing aquifer - such as water pressure, depth, movement, or quality.

(10) "Non-City Well" means any well that supplies potable or irrigation water, or both, to residential, commercial, and industrial users that are located within the boundaries of the City of Paso Robles.

These wells listed above, and other wells not listed, but whose regulation is necessary, shall be regulated to fulfill the purpose of this chapter. The ordinance shall not pertain to the following types of wells and excavations;

(a) Oil and gas wells, or geothermal wells constructed under the jurisdiction of the State Department of Conservation except when these wells are converted for use as water wells;

(b) Drill holes for soil testing purposes where such holes are less than twenty-five feet in depth;

(c) Holes or excavations for soil percolation tests;

(d) Drill holes for seismic exploration where such drill holes are less than twenty-five feet in depth;

(e) Excavations for drainage percolation ponds or spreading basins; and,

(f) Wells used for the purpose of (1) Dewatering excavation during construction, or (2) Stabilizing hillsides or earth embankments.

B. "Contamination". An impairment of the quality of water to a degree which creates a hazard to the public health.

C. "Pollution". An alteration of the quality of water to a degree which negatively affects (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. Pollution may include contamination.

D. "Modification of Repair". The deepening of a well, preformation, sealing or replacement of a well casing, or similar activities which result in the change of the original well or well appurtenances.

E. "Board". The governing board of the local jurisdiction having well standards authority: (1) The City Council of the City of Paso Robles as pertaining to the regulations administered and inspections conducted by the City of Paso Robles, and (2) the County Board of Supervisors as pertaining to those regulations administered and inspections conducted by the County of San Luis Obispo.

F. "Enforcement Agencies". The regulatory agencies designated by the boards to administer the well standards regulations: (1) the Department of Public Works as pertaining to those regulations administered and inspections conducted by the City of Paso Robles, and (2) the County Health Department as pertaining to those regulations administered and inspections conducted by the County of San Luis Obispo.

G. "City Well". A public well owned by the City of Paso Robles to provide water supply to those commercial, industrial, and residential establishments served by the City's water supply system (see "Community Water Supply Well").

H. "Person". Any person, firm, corporation, or governmental agency, to the extent authorized by law.

I. "Well Drilling Contractor" (or "Well Driller"). A contractor licensed in accordance with the provisions of the California Contractors' Law, Chapter 9, Division 3, of the Business and Professions Code, commencing with Section 7000.

14.06.030. VIOLATION.

These regulations shall be considered violated when: (a) work is attempted without benefit of a permit, (b) work is attempted after permit has been denied, (c) work is attempted after permit has been revoked or suspended, and (d) the permittee does not follow the requirements of this chapter.

14.06.032. NOTICE OF VIOLATION.

Unless expressly provided otherwise, any notice of chapter violation shall be given under one or both of the methods listed herein: (1) Emergency conditions - at such time that proposed or actual actions occur that pose probable or immediate danger to the City's groundwater sources, then such Notice of Violation may be hand delivered to such party that is involved in said actions and/or responsible for these actions; or, (2) Normal conditions - under those circumstances that do not pose probable or immediate danger to the City's groundwater sources, Notice of Violation may be given by mailing notice, postage prepaid, addressed to the person to be notified at the person's residence or principal place of business. It is at the discretion of the Director of Public Works to designate the conditions as emergency or normal. The affidavit of the person who delivers or who mails notice, stating the fact of such delivery or mailing, is prima facie evidence that the notice was given.

14.06.034. PENALTIES FOR VIOLATION.

In addition to any other penalties provided for by law, the Department of Public Works may suspend or revoke those permits where the requirements of this chapter have not been met.

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14.06.036. REMOVAL OF VIOLATION NOTICE.

The enforcement agency shall remove the violation notice when (a) it is determined by the enforcement agency or the City Council that no violation exists, or (b) all required and corrective work has been completed and approved by the enforcement agency.

14.06.040. PERMITS.

No person, firm, corporation, or special district formed under the laws of this State shall within the City, construct, repair, modify, or destroy any well unless such person possesses a valid permit issued by the Department of Public Works as provided in this chapter. Any person, firm, corporation, or special district refused or denied the issuance of a permit shall have the opportunity for an appeal as described under Section 14.06.050 ("Appeals").

14.06.041 CONFORMANCE TO CHAPTER.

No person shall construct, repair, modify, or destroy any well unless such construction, repair, modification, or destruction is in conformance with the terms, conditions, and standards specified in this chapter and requirements stated and in the written permit issued by the Department of Public Works.

14.06.042. APPLICATIONS.

Applications for permits shall be made to the Department of Public Works on forms provided by that department. The application shall be accompanied by the required filing fee. A permit shall be issued upon satisfactory completion of the application form and compliance with all conditions as are necessary to fulfill the purposes of this chapter.

A. "Minimum information required". The following minimum information must be provided by the applicant for the permit:

- (1) A plot plan indicating the exact location of the well with respect to the following items within a radius of two hundred feet of the proposed well: (a) property lines, (b) sewage disposal systems or facilities carrying or containing sewage or industrial waste, (c) all intermittent or perennial, natural or artificial water bodies or watercourses, (d) drainage pattern of the property, (e) existing wells, (f) access roads;
- (2) Location of the property (including township, range, and section);
- (3) Name of the well driller who will construct the well;
- (4) Size and proposed depth of well;
- (5) Use of well; and,
- (6) Other information as may be required by the Department of Public Works to fulfill the purpose of this chapter.

B. "Filing Fees". Filing fees may be set by the Council from time to time by resolution.

14.06.043. PERMIT CONDITIONS.

A permit may be conditioned in any manner necessary to carry out the purposes of this chapter. Conditions shall include, but are not limited to the items listed herein:

14.06.044. PROHIBITION.

Permits may be issued to an owner of property provided that the construction, destruction, repair, and/or modification of the well is done by a contractor as described under Section 14.06.046. Work done on the discharge side of the well, including the backflow prevention device and from this device through the pipes and plumbing, may be completed by the owner or a competent worker in the employ of the owner, except where limited by the other sections of this chapter or by state or local law.

14.06.045. BONDS.

As a condition precedent to the issuance of a permit, every applicant shall file or have on file with the Department of Public Works, a corporate surety bond in the sum of two thousand five hundred dollars issued by a surety company licensed to do business in this state, or in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars. As used in this section, the term "cash deposit" includes, without limitation, certificates of deposit payable to the City issued by banks doing business in this state, investment certificates or share accounts assigned to the City and issued by savings and loan associations doing business in this state, or bearer bonds issued by the United States Government or by this State. Said surety bond shall be conditioned to secure the compliance and faithful performance by the permittee of the terms, conditions, and standards imposed by this chapter, or by any permit issued hereunder. If cash is deposited in lieu of such bond, said cash deposit shall secure the compliance and faithful performance by the permittee of the terms, conditions, and standards imposed by this chapter, or by any permit issued hereunder.

14.06.046. PERSONS PERMITTED TO WORK ON WELLS.

All construction, reconstruction, or destruction work on wells shall be performed by a competent well drilling contractor possessing an active C-57 contractor's license in accordance with the provisions of the California Business and Professions Code, Section 7000, Et. seq., and Water Code Section 13750.5. In addition, the contractor shall fulfill the following requirements:

A. Either prior to or after the application for permit with the City, but prior to commencement of well construction or other related work, the well contractor shall obtain the necessary County permit(s) and a copy of said permit(s) shall be attached to the City application.

B. During well construction, the contractor shall maintain a daily well log and give details in regard to depths and types of soils/formations encountered. A copy of this log shall be submitted to the City prior to finalization of well project.

C. The contractor shall perform all work in conformance with the latest standards of the California Department of Water Resources. The well contractor shall pay particular attention to the construction of the sanitary seal.

D. The contractor shall submit data sheets indicating the depth and dimension of the well and the location of the sanitary seal; along with this information, copies of the materials certifications used in the for well construction shall also be submitted to the Department of Public Works.

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14.06.047. PROPER DISPOSAL OF DRILLING FLUIDS.

The well contractor shall ensure the safe and appropriate handling and disposal of drilling fluids and other drilling materials used in connection with the permitted work. The permittee shall have the ultimate responsibility for all actions taken by the contractor in regard to all work attempted and/or completed.

14.06.048. ABANDONED WELLS.

As a condition for obtaining a permit, any abandoned wells on the property shall be properly destroyed in conformance with the applicable standards for well abandonment.

14.06.049. PERMIT: GENERAL REQUIREMENTS

A. "Posting of Permit". It shall be the responsibility of the permittee, during the progress and completion of the work, to have a copy of the permit posted at the job site.

B. "Permit - Expiration". The permittee shall complete the work authorized by the permit within the time and before the date set out in the permit. If there have been extenuating circumstances, the Department of Public Works may grant the applicant an extension. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received an extension or a new permit.

C. "Permit - Suspension and Revocation". The Department of Public Works may suspend or revoke any permit issued pursuant to this chapter, whenever it finds that the permittee has violated any of the provisions of this chapter, or has misrepresented any material fact in his application, or any supporting documents, for such a permit. An appeal to a decision of the Department of Public Works may be made as described under section 14.06.050, "Appeals".

D. Consequences. No person whose permit has been denied, suspended, or revoked shall perform, or continue to perform, the work for which a permit is required under this chapter.

E. Ordered Additional Work. Upon suspending or revoking any permit, the Department of Public Works may order the permittee to perform any work that is necessary to protect the underground waters from pollution or contamination. No permittee or person who has held any permit issued pursuant to this chapter shall fail to comply with any such order.

14.06.050. APPEALS.

14.06.052. APPEALS PROCEDURE.

Any person may appeal a decision by the Department of Public Works regarding the issuance, denial, or suspension of a permit, or any conditions attached thereto, by filing an appeal with the Council. The City Clerk shall set the matter for hearing before the Council and shall give reasonable notice of the time and place thereof to the applicant. The Council shall hear the evidence offered by the applicant/permittee and the Department of Public Works, and shall forthwith decide the issue.

14.06.060. WELL STANDARDS.

Except as otherwise specified, the standards for the construction, repair, reconstruction, or destruction of wells shall be as set forth in:

A. "Department of Water Resources Bulletin 74-81". The California Department of Water Resources Bulletin 74-81 "Water Well Standards, State of California" except as modified by subsequent revisions.

B. "All Subsequent Supplements and Revisions". All subsequent Bulletin 74-81 supplements or revisions issued by the Department of Water Resources - once the revised standards have been reviewed at appropriate public hearing.

14.06.070. VARIANCES.

The enforcement agency shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced above and to prescribe alternative requirements in their place.

A. "Special Circumstances". There must be, in a specific case, a special circumstance where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any standard.

B. "Intent of Ordinance Not Compromised". The granting of such a variance is consistent with the purposes of this chapter.

14.06.080. SPECIAL GROUND WATER PROTECTION.

The enforcement agency may designate areas where ground water quality problems are known to exist and where a well will penetrate more than one aquifer. The enforcement agency may require special measures and precautions when wells are contemplated in such areas.

14.06.090. INSPECTIONS.

The Director of Public Works, or his representatives, may at any and all reasonable times enter any and all places, property, enclosures, and structures for the purpose of making examinations and investigations to determine whether any provision of this chapter is being violated. The Director of Public Works may require that each completion, modification, repair, or destruction operation be inspected prior to any further work.

14.06.091. INITIAL INSPECTION.

Upon receipt of an application, the Department of Public Works may make an inspection of the drilling site prior to the issuance of a permit. The purpose of this inspection is to determine whether there are any site conditions such that the enforcement agency shall do the following:

A. "Relocation of Drilling Site". The enforcement agency may require relocation of the drilling site should the location shown on the permit application be too close to potential sources of pollution.

B. "Additional Conditions". The enforcement agency may set additional conditions if necessary to remediate any previously unknown ground water quality protection problems.

14.06.092. INSPECTION OF WELL SEAL.

The enforcement agency shall inspect the annular space grout seal depth prior to the sealing.

14.06.093. REQUIRED NOTICE.

The enforcement agency shall be notified by the well driller a minimum of twenty-four hours prior to sealing the annular space. Drillers who anticipate completing a well in less than one day shall notify the enforcement agency twenty-four hours prior to

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commencement of drilling and provide the anticipated time to commence the sealing of the annular space.

14.06.094. FINAL INSPECTION.

In order to make the final inspection, the driller shall notify the enforcement agency within 72 hours of their completion of their work at the drilling site(s). The enforcement agency shall make a final inspection after completion of the work to determine whether the well was completed in accordance with this chapter.

14.06.095. WELL INSPECTED BY OTHER AGENCIES.

Inspections may be waived by the City of Paso Robles Department of Public Works where the work will be inspected by the staff of the California Regional Water Quality Control Board, the California Department of Health Services, or the San Luis Obispo County Health Department. These agencies will provide a copy of their inspection report(s) to the Department of Public Works.

14.06.100. COMPLETION REPORTS.

The driller shall provide the enforcement agency a well completion report within 30 days of the completion of any well construction, reconstruction, or destruction job.

14.06.102. SUBMITTAL OF STATE "REPORT OF COMPLETION".

A copy of the "Report of Completion" (Water Well Drillers report, Department of Water Resources form 188) required by California Water Code Section 13751 shall be submitted by the permittee to the enforcement agency within 30 days of construction, modification, or destruction of any well. This report shall document that the work was completed in accordance with the standards and with all additional permit conditions.

14.06.104. CONFIDENTIALITY OF REPORT.

In accordance with California Water Code Section 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.

14.06.106. OTHER AGENCY'S REQUIREMENTS.

Nothing in this chapter shall be deemed to excuse any person from compliance with the provisions of California Water Code Sections 13750 through 13755 relating to notices and reports of completion or any other federal, state or local reporting regulations.

14.06.110. PUBLIC NUISANCE.

In the event the Director of Public Works determines that a well constitutes a public nuisance, he shall abate the nuisance in accordance with provisions of Chapter 9.06 of this Code or by any other means available at law.

14.06.112. IMMEDIATE ABATEMENT.

If the Director of Public Works finds that immediate action is necessary to prevent impairment of the ground water or a threat to the health and safety of the public, he may immediately abate the nuisance. After abating the nuisance, the Director of Public Works shall comply with the provisions of Chapter 9.06 of this Code.

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14.06.120. ABATEMENT OF ABANDONED WELLS.

All persons owning an abandoned well as defined in the well standards, except those excluded by California Health and Safety Code Section 24440, shall destroy it before December 31, 1991, under the direction of, and to be inspected by, the San Luis Obispo County Health Department.

14.06.130. SPECIAL PROVISIONS FOR NON-CITY WELLS SERVING RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL USERS.

14.06.132. RESTRICTIONS ON NON-CITY WELLS WITHIN BOUNDARIES OF CITY.

It is the goal of the City of Paso Robles to supply water to all premises within the boundaries of the City. Nevertheless, it is recognized that some residential, commercial, and industrial users may be located in an area that will be without City water service for a period of time. Therefore, permission to construct non-City wells for supply of potable and irrigation water may be granted by the Council for a period of 5 years from the adoption of this chapter, when such wells are installed in accordance with the rules, regulations and requirements and of any federal, state or local agency.

14.06.134. PERMIT REQUIRED.

It shall be unlawful for any person or entity to construct a non-City well without first obtaining a permit and following the procedures and provisions of this chapter.

14.06.136. PERMIT ELIGIBILITY.

No permit approval for non-City wells shall be granted after five years from the adoption of this chapter, and immediately upon adoption permit approval may be granted only to owners of residential, commercial, or industrial establishments which meet all of the following criteria:

A. Non-City well to provide water to only that establishment so listed on the permit application;

B. Be a residential, commercial or industrial establishment with no access to City water supplies because of lack of facilities in area;

C. Establishment location and/or well location within the City boundaries; and,

D. Be able to physically construct well within applicable guidelines and requirements of this chapter, and without jeopardizing the integrity of the City's groundwater supply and the health and safety of its citizens.

14.06.138. APPROVAL CONDITIONS.

As a condition of an approval the owner shall:

A. Consent to future formation of an assessment district if said district is established by the City for the purpose of constructing water mains to serve said residential, commercial, or industrial user;

B. Connect said residential, commercial or industrial establishment to the City water system, when available and when directed to do so by the City;

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