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Chapter 7.70
~~WATER~~ WELLS AND BORINGS

DRAFT UPDATE FOR DISCUSSION

Sections:

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, and soil borings, 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 wells, geothermal heat exchange wells, ~~or~~ cathodic protection wells or soil borings, which may serve as a conduit for movement of contaminants, or which are found to be a public nuisance, to the end that such a well or boring 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 protect surface and ground water resources and implement policies of the County General Plan and the Local Coastal Program Land Use Plan, the California Sustainable Groundwater Management Act, and local groundwater sustainability plans.

7.70.015 Applicability.

Except as otherwise provided in this chapter, this chapter shall apply to all wells and borings within the unincorporated area of the County, except the following:

(A~~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~~

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(B~~2~~) Wells or bores used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments; or~~.~~
(C) Seepage Pits.

7.70.020 Definitions.
As used in this chapter, the following words shall have the meanings provided in this section:

(A) "Abandoned well" means any well whose original purpose and use have 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 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 well" means a water well used to supply water for commercial agricultural purposes, including so-called "livestock wells."~~

(D) "Cathodic protection well" means any artificial excavation in excess of 50 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.

(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.

(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.

"Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.

(I) "Health Officer" means the County Health Officer or his/her authorized representative.

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

~~(K) "Industrial well" means a water well used to supply industry on an individual basis.~~

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

(M) "~~Observation or m~~Monitoring or observation well" means a well constructed or modified for the purpose of observing or monitoring groundwater level or quality~~conditions.~~

(N) "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.

(O) "Pajaro groundwater protection zone" means the area in the Pajaro Groundwater Basin within the boundaries of the Pajaro Valley Water Management Agency.

(P) "Person" means any person, firm, corporation or governmental agency.

(Q) "Pollution" means an alteration of the quality of water to a degree that 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.

"Seepage pit" means a large diameter borehole for the disposal of sewage extending more than 10 feet below the ground surface.

"Soil Boring or Boring" means an excavation or boring constructed to obtain information on subsurface soil conditions, which may create a potential conduit or preferential pathway for movement of water or contaminants to groundwater.

"Stormwater infiltration device or dry well" means a trench or large diameter borehole for the infiltration of stormwater.

(R) Sustainable~~"Safe~~ yield" means the annual draft of water that can be withdrawn from an aquifer without producing some significant unreasonable, undesirable result such as ~~reducing the total amount of water available or allowing the ingress of low-quality water.~~chronic lowering of groundwater levels, reduction of storage, seawater intrusion, degraded water quality, depletion of interconnected surface water.

(S) "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.

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"Tier" means the type of well application and the level of review and conditions that will be needed for approval based on the proposed volume of pumping, the aquifer characteristics and the potential for impact on streams, nearby wells, groundwater sustainability, and/or the environment.

"Water Well" means a well constructed to extract groundwater. Types of water wells include:

(1~~C~~) "Agricultural well" means a water well used to supply water for commercial agricultural purposes, including so-called "livestock wells."

(2) "Community well" means a water well used to supply water for domestic purposes in public water systems or state small water systems as defined in Section 116275 of the State Health and Safety Code.

(3) De Minimis Well" means a well that is used to extract less than 2 acre-feet per year ~~for domestic purposes,~~ including non-commercial residential landscaping and gardening.

(4~~I~~) "Individual domestic well" means a water well used to supply water for domestic needs of ~~an~~up to four individual residences or a small commercial establishment using less than 2 acre-feet per year.

(5) "Industrial well" means a water well used to supply industry on an individual basis.

(6) "New Well" means a well that will serve a new or significantly expanded use, which represents an increased extraction of groundwater.

(7) "Replacement Well" means a well that will serve an existing use with no significant increase in water use and will replace an existing water source such as a spring or well that is to be destroyed.

(8) "Supplemental Well" means a well that that will support an existing use with no overall increase in water use. The existing source could be a shared well or other well that will be maintained as a backup source.

(T) "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, evaluating subsurface conditions, providing for geothermal heat exchange or cathodic protection, or any other subsurface installation that may create a potential conduit or preferential pathway for movement of water or contaminants to groundwater. ~~"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.~~

(U) "Well reconstruction" or "well repair" 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 is 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, or soil boring unless a written permit has first been obtained from the Health Officer 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 Health Officer.

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(B) A coastal development 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 SCCC.

(C) Well permits for wells that meet the Tier 1 and Tier 2 requirements of Section 7.70.110(E) of this chapter are ministerial unless the proposed well will serve a water system that ~~is regulated by the State Department of Health Services~~serves more than 199 connections or issuance of the well permit requires one or more discretionary approvals pursuant to Chapter 13.20, 16.20, 16.30, 16.32, 16.40 or 16.42 SCCC.

(D) For wells that do not meet the Tier 1 or Tier 2 requirements, the Health Officer may require that a report evaluating the potential for the well to impact nearby wells, surface waters or groundwater sustainability 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 nearby 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 adverse impacts of the well. The Health Officer shall deny a well permit or require specific construction requirements in order to prevent significant adverse impacts on nearby wells, surface water or groundwater sustainability as defined by the applicable groundwater sustainability agency.

(E~~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.

(F) Water well permit applications shall be transmitted to the water system, water district, and/or groundwater sustainability agency that has jurisdiction over the parcel where the proposed well will be located. Those entities shall have shall have ten ~~business days~~business days to provide any comment, request additional information, or identify any other requirements that must be met for the construction of the proposed well within their jurisdiction.

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(~~E~~G) Within ~~10~~ 20 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 or deny the permit. 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.

(H~~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. 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 SCCC 7.70.090.

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, or soil boring 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 percent 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 30 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.

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 covered by this Chapter, 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 and soil boring locations prior to permit issuance may be made by the Health Officer.

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

(C) The Health Officer shall make inspection of the well seal and completed work to determine compliance with the well standards. 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 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 potential sources of contamination shall be:

(1) 100 feet between subsurface sewage leaching fields, septic tanks, or animal enclosures ~~shall be 100 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 under permit.

(2) 150 feet to seepage pit

(3) 150 feet between a community well and subsurface sewage dispersal system less than 10 feet deep

(4) 200 feet between a community well and a subsurface sewage dispersal system greater than 10 feet deep. A greater separation up to 600 feet may be required in order to maintain a 2 year time of travel.

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(B) No well shall be constructed within 50 feet from the property line of the property owner authorizing construction of the well. This setback may be reduced to not less than five feet if the owner of the adjacent property authorizes a reduction in setback, or if the Health Officer determines 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 50 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 20 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 written agreement with the owner(s) of the adjacent property; and provided, that such fluids and materials are removed and cleaned up within 30 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 Chapter 16.22 or 16.24 SCCC.

(F) Subsections (A), (B) and (C) of this section 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 10-year time-of-travel groundwater protection zone. For other wells, e.g., individual domestic wells, the default groundwater 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 10-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.

(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 or borings to be used for evaluation, 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.

(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 Nos. 74-81 and 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 five feet of the surface. The casing should be cut off five feet below the surface, with the excavation backfilled by compacted native material.

(3) Acceptable sealing materials are 23 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 three feet of standing water is present in the well.

(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.

7.70.105 Soil Borings.

The Health Officer shall establish policies and procedures for installation and destruction of soil borings so that such borings do not create a conduit or preferential path for movement of contaminants into groundwater.

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7.70.107 Stormwater Infiltration Devices.

The Health Officer shall establish policies and procedures for installation and destruction of stormwater infiltration devices so that such installations do not create a conduit or preferential path for movement

of contaminants into groundwater. In no case shall a stormwater infiltration device have less than a 5 foot separation to groundwater.

7.70.110 Groundwater protection.

(A) Within the Pajaro groundwater protection zone, and in other areas where water contains constituents in excess of the applicable standards currently promulgated by the California Department of Health or where a monitoring agency or groundwater sustainability 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.

(1) In such areas 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 borehole by a 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 subsection (A) of this section. 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, supplemental, 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 for non-domestic wells, 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 new, supplemental or replacement wells which will serve more than four residential connections or which will serve nonresidential uses which can be expected to utilize more than two 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) of this section, the property owner may provide verification that conservation measures to achieve efficient interior and exterior water use have been taken.

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(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 policy 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~~the Health Officer.
(5) A meter shall be installed to measure water use and usage shall be reported annually to the Health Officer, according to procedures established by the Health Officer. The cost of meter installation and reporting shall be borne by the well owner(s).
Add language to allow for access to the well and areas of the property supplied by the well to confirm compliance with the conservation practices described in the form. Should the operator not be in compliance, they must take action as required by the HO.

(E) Each application for a new, supplemental, or replacement well shall be evaluated and specific measures shall be required to ensure that the well will not have significant adverse impacts on groundwater sustainability, nearby wells, surface water or the environment. The level of evaluation and required measures will depend on the Tier in which the well falls, based on the type of well, the location, and the aquifer characteristics. The Health Officer shall establish specific criteria and procedures for assigning the Tier and the extent of required evaluation and protective measures. The Health Officer may deny applications for Tier 3 or 4 wells that will have a significant adverse impact on groundwater sustainability or the environment.

(1) Tier 1 will include de minimis wells and non-de minimis wells using less than 2 acre-feet per year that do not require any discretionary review under other chapters of the County code and that meet the minimum standards for preventing impacts on streams and nearby wells based on aquifer characteristics, well characteristics, depth of well seal, and location.
(2) Tier 2 will include non-de minimis supplemental and replacement wells with no significant increase in water use.
(3) Tier 3 will include new non-de minimis wells serving new uses and de minimis wells that do not meet the Tier 1 requirements.
(4) Tier 4 will include wells that do not meet the Tier 1, 2, or 3 requirements.

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(F) A well permit shall not be approved for a well that poses a significant conflict with the implementation of a groundwater replenishment project or other project specified in an adopted groundwater sustainability plan, as determined by the affected water district or groundwater sustainability agency.

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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 ~~Soquel-Aptos~~Mid-County 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 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 Water District Service Area. The construction of new wells shall be prohibited on parcels that are both within the Santa Cruz Mid-County Groundwater Basin ~~area designated as the "Soquel-Aptos Groundwater Basin" (as adopted by separate Board Resolution 233-81)~~ and within 200 feet of a water distribution line of the Soquel Creek 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 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 or state small water system.

7.70.130 Groundwater emergencies.

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the ~~safe~~ sustainable 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, or the ability of a groundwater sustainability agency to meet its minimum thresholds, 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 groundwater sustainability agencies, 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;~~sustainable yield;

(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;

(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 water, or other undesirable results~~s~~; and

(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 is 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 or boring that 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 boring 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~~ shall abate the well as a nuisance in accordance with the provisions of Chapter 1.14 SCCC.

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 or boring which presents a safety hazard.

Proposed Updates: 12-4-23

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 SCCC, and shall be subject to approval by the California Coastal Commission.

7.70.180 Promulgation of policies.

Any policy, specification or procedure which the Health Officer is authorized by this chapter to adopt shall be in writing with copies made available to the public. Such policies, specifications or procedures shall be made available to the public 30 days before their implementation by the Health Officer.

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