



# County of Santa Cruz 0263

## HEALTH SERVICES AGENCY

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ENVIRONMENTAL HEALTH

May 11, 2000

AGENDA: May 23, 2000

### BOARD OF SUPERVISORS

County of Santa Cruz

701 Ocean Street

Santa Cruz, CA 95060

### RE: AMENDMENTS TO CHAPTER 7.70, WATER WELLS

Members of the Board:

Environmental Health staff have developed a number of proposed amendments to the Water Well Ordinance. These amendments are technical "clean up" of existing provisions in order to bring County Code into compliance with State standards, while other amendments would strengthen requirements for well abandonment and destruction. Additional minor amendments are proposed. These amendments are being submitted to your Board for review and conceptual approval for inclusion in Round 2 of the 2000 General Plan/Local Coastal Plan amendments.

The proposed amendments to the Water Well Ordinance are presented in a draft ordinance (Attachment) and are summarized below. Detailed explanations of each change are included in the draft ordinance.

### Proposed Amendments

Several sections of the ordinance are proposed for amendment to add geothermal heat exchange wells to those wells whose construction is regulated by Environmental Health. These additions are for consistency with State law. In actuality, very few, if any, such wells are anticipated to be drilled within the County. Geothermal heat exchange is more cost-effective and beneficial in areas with more extremes in climate and temperature.

Section 7.70.060 is proposed for revision to be consistent with State law and opinions of the State Attorney General that only a licensed C-57 contractor (or equivalent) may drill a well. Section 7.70.080 is similarly proposed for amendment to accomplish the same purpose.

Section 7.70.090.B. would be amended to recognize and codify the current practice for allowing a reduction in setback of a new well to a property line, under specific conditions. Additional amendments to Section 7.70.90 are minor in nature and explained within the body of the draft ordinance.

Section 7.70.100 is proposed to be retitled “Well Abandonment and Destruction.” The original wording of the section relative to groundwater protection would be moved and added to Section 7.70.110. The new text of Section 7.70.100 would add strengthened requirements for abandoned wells and destruction of wells so as to ensure protection of water quality. Such revisions have been recommended by local well drillers, and have been prepared by utilizing requirements in effect in both Monterey County and Santa Clara County.

An earlier set of proposed amendments brought to your Board in 1999 recommended revision of Section 7.70.120, at the request of the Central Water District. That earlier proposal would have provided for the same type of review for wells proposed for construction within the Central Water District as currently exists for wells proposed within the Soquel Creek Water District. Additionally, the earlier proposal would have expanded the distance of well prohibition to within 500 feet of a water distribution line of either district. However, the legal authority to enact such requirements has come into question. Environmental Health has discussed this matter with both water districts and the California Groundwater Association with the outcome that there is consensus to leave the existing wording intact at the present time, pending future recommendations for management of the Purisima groundwater basin.

Other amendments are minor and/or editorial in nature.

In previous discussions before your Board, consideration was given to requiring installation of water meters and water conservation measures as a condition of approval for new wells. The metering requirement is contained in a separate ordinance that your Board considered on April 11, 2000. Pursuant to your Board’s direction, that ordinance is now being refined and will be reviewed by the Environmental Coordinator prior to being brought back to your Board. Also at the April 11 meeting, your Board directed that staff consider recommendations for development of a county-wide water conservation plan. Possible actions to promote water conservation among private well users will be considered as a part of that effort.

### **Recommendation**

It is therefore RECOMMENDED that your Board direct the Environmental Health Director to work with the Planning Department to submit the proposed amendments to Chapter 7.70, Water Wells, to the Environmental Coordinator and the Planning Commission, and bring them back to the Board as part of Round 2 of the General Plan/Local Coastal Plan amendments.

Sincerely,

Rama Khalsa  
by  
Rama Khalsa, Ph.D.  
HSA Administrator

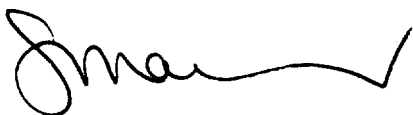


Diane L. Evans, REHS  
Environmental Health Director

Attachment: draft Well Ordinance

cc: Water Advisory Commission  
HSA Administration  
Environmental Health  
Planning Department  
County Counsel

RECOMMENDED:



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SUSAN A. MAURIELLO  
County Administrative Officer

ORDINANCE NO. \_\_\_\_\_

0266

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

The Board of Supervisors of the County of Santa Cruz, State of California, does ordain as follows:

SECTION I

**CHAPTER 7.70  
WATER WELLS**

**Sections:**

- 7.70.010 Purpose of provisions.**
- 7.70.020 Definitions.**
- 7.70.030 Permit--Required--Issuance.**
- 7.70.040 Permit--Expiration**
- 7.70.050 Permit--Suspension or revocation.**
- 7.70.060 Licensed contractor required.**
- 7.70.070 State reporting.**
- 7.70.080 Inspections.**
- 7.70.090 Technical Standards.**
- 7.70.100 ~~Special groundwater protection~~ Well Abandonment and Destruction: Inactive Well.**
- 7.70.110 ~~Pajaro~~ Groundwater Protection--.**
- 7.70.120 Soquel Creek service area restrictions.**
- 7.70.130 Groundwater emergencies.**
- 7.70.140 Abatement--Investigation.**
- 7.70.150 Abatement generally.**
- 7.70.160 Nuisance--Abatement of safety hazard.**
- ~~7.70.170 Variances~~**
- ~~7.70.180~~ 170 Amendments.**

**7.70.010 Purpose of provisions.**

It is the purpose of this chapter to provide for the construction, repair, and reconstruction of all wells, including geothermal heat exchange wells, cathodic protection wells, test wells and monitoring wells, to the end that the groundwater of this county will not be polluted or contaminated and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this county. It is also the purpose of this chapter to provide for the destruction of abandoned wells, monitoring wells, test wells, geothermal heat exchange wells, and cathodic protection wells found to be public nuisances, or when otherwise appropriate, to the end that all such wells will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety or welfare of the people of this county. It is also the purpose of this chapter to implement policies of the County General Plan and the Local Coastal Program Land Use Plan.

*Staff Analysis: The proposed amendment adds the category of geothermal heat exchange wells to those wells subject to regulation under County Code. The California Water Code was amended in 1996 to require regulation **of** such wells by local agencies.*

#### **7.70.020 Definitions.**

As used in this chapter, the following words shall have the meaning provided in this section: 0267

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

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

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

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

E. "Community water supply well" means a water well used to supply water for domestic purposes in systems subject to Chapter 7 of Part 1 of Division 5 of the California Health and Safety Code (commencing with Section 4010).

F. "Contamination" means an impairment of the quality of water to a degree which creates a hazard to the public, and shall include any effect which results from the disposal of wastes, whether or not waters of the state are affected.

G. "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 around 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.

*Staff Analysis: The proposed amendment adds a definition of geothermal heat exchange well to this section. The definition is the same as that contained in the California Water Code, Section 13800 et seq.*

~~G.H.~~ "Health Officer" means the County Health Officer or his/her authorized representative.

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

~~I.J.~~ "Industrial well" means a water well used to supply industry on an individual basis.

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

~~K.L.~~ "Observation or Monitoring Well" means a well constructed for the purpose of observing or monitoring groundwater conditions.

~~L.M.~~ "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.

~~M.N.~~ "Pajaro groundwater protection zone" means that area in the Pajaro Groundwater Basin in the vicinity of San Andreas Road and Beach Road, as shown on the map of the Pajaro groundwater protection zone on file with the Director of Environmental Health.

~~N.O.~~ "Person" means any person, firm, corporation or governmental agency.

~~O.P.~~ "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.

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"Pollution" may include "contamination."

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

~~Q.R.~~ "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

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

1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or

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

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

#### **7.70.030 Permit--Required--Issuance,**

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

*Staff analysis: The amendment adds the category of geothermal heat exchange wells to those wells requiring a permit from the Health Officer.*

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

C. Well permit applications shall be consistent with Chapter 16 of Santa Cruz County Code pertaining to Environmental and Resource Protection prior to Issuance.

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

E. Within ten business days after receipt of a complete application including all studies or additional information requested by the Health Officer, the County Health Officer shall either grant, conditionally grant or deny the permit. A permit shall not be issued if, in the judgment of the Health Officer, the well may jeopardize the health, safety or welfare of the people of the county.

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

#### **7.70.040 Permit--Expiration.**

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

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

*Staff analysis: The amendment adds geothermal heat exchange wells to the category of wells regulated under the Section.*

#### **7.70.050 Permit--Suspension or revocation.**

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

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

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

#### **7.70.060 Licensed contractor required.**

~~&Construction, reconstruction, repair and destruction of all wells, including cathodic protection wells, geothermal heat exchange wells, test wells and monitoring wells, shall be performed by a contractor with a C-57 contracting license, or an equivalent license issued by the Department of Professional and Vocational Standards; provided, however, that a property owner may construct, reconstruct, repair or destruct a well on his own property, which well serves or will serve the property that is neither being offered for sale nor intended to be so offered.~~

~~B. Construction, reconstruction, repair and destruction of cathodic protection wells shall be performed by a contractor holding a C 57 license, or an equivalent license issued by the State Department of Professional and Vocational Standards.~~

*Staff analysis: Subsections A. and B. are combined and revised to require that all well construction, re-construction, repair and abandonment be performed by a licensed C-57 contractor. The amendment brings the ordinance into consistency with the California Water Code and opinion of the State Attorney General that prohibits unlicensed property owners from drilling wells on their property.*

### 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.

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### 7.70.080 Inspections.

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

*Staff analysis: The proposed amendment would add geothermal heat exchange wells to the category **of** wells subject to a site inspection by the Health Officer prior to permit issuance.*

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

~~C. Whenever any well is constructed by an unlicensed property owner, or his unlicensed employee or agent, he shall notify the Health Officer when the well seal is to be poured. The seal shall not be poured until an on-site inspection of the well construction is made or express permission is granted by the Health Officer to proceed with the well construction.~~

*Staff analysis: See the staff analysis under Section 7.70.060. Since unlicensed property owners would not be allowed to drill wells, this subsection relative to the construction **of** well seals by property owners is superfluous and is proposed **for** deletion.*

~~D.C.~~ After work has been completed, the person performing the work shall file with the Health Officer a notice of completed work or a copy of the California Department of Water Resources well driller's report (~~Form 188~~). The Health Officer shall make final inspection of the completed work to determine compliance with the well standards.

*Staff analysis: The proposed amendment deletes reference to a specific State **form** number, as the State may change the number **of** the form.*

### 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. 74-8 1, "Water Well Standards" (December, 1981) and Chapter II of the Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Well Standards" (March, 1973), or as subsequently revised or supplemented, which are incorporated by reference in this Chapter, with the following modifications:

A. The minimum distance between all wells and subsurface sewage leaching fields or septic tanks shall be one hundred feet.

B. No well shall be constructed within fifty feet from the property line of the property owner authorizing construction of the well. This setback may be reduced to not less than 5 feet if the owner of the adjacent property authorizes a reduction in setback, or if the Health Officer determines that area on the adjacent property within 100 feet of the proposed well is unsuitable for installation of an onsite sewage disposal system.

*This modification reflects current practice **of** allowing a reduction in setback **if** authorized by the adjacent property owner. The separation may **also** be reduced **if** there is no chance that a septic system would ever be installed in the affected area **of** the adjacent property.*

C. All wells shall be constructed so that the well seal shall be a minimum of fifty feet below the surface of the ground.



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

E. Water generated during test pumping of wells shall be dispersed or disposed of in a manner which will not cause excessive erosion.

F. Paragraphs A, B, And C.

Modifications a, b, and c do not apply to monitoring wells.

*Staff analysis: The proposed amendment is strictly editorial in nature.*

G. 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.

*Staff analysis: The proposed amendment would insert the language found in the present variance section, 7.70.170.*

#### **7.70.100 Special groundwater protection Well Abandonment and Destruction: Inactive Well**

~~In areas where groundwater quality problems are known to exist by the Health Officer, the Health Officer shall impose a requirement for new wells which penetrate more than one aquifer that an electric log device measuring spontaneous potential and resistivity be run in the uncased well bore hole by a registered 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.~~

~~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.~~

*The above wording has been moved and added to Section 7.70.110. Section 7.70.100 has been rewritten to address provisions for water quality protection during the destruction of abandoned wells.*

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

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

1. The well is covered such that the cover is watertight and cannot be removed, except with the aid of equipment or the use of a tool.
2. The well is marked so it can clearly be seen.
3. The area surrounding the well is kept clear of brush or debris.
4. The pump shall be maintained in the well, with an approved power supply, except for temporary removal for repair or replacement.

C. On abandonment of a well, or on the order of the Health Officer, a well shall be destroyed under permit by methods described in bulletin 74-81, which are incorporated into this Chapter by reference with the following amendments:

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 the surface. The casing should be cut off 5 feet below the surface, with the

- excavation backfilled by compacted native material.
3. Acceptable sealing materials are 27 sack neat cement, 10 sack cement grout, hydrated high solids 20 percent bentonite slurry, or any other compound approved by the Health Officer.
  4. A tremie pipe or other method approved by the Health Officer shall be used to pump the sealing material into the well under pressure if the well is over 30 feet deep or more than 3 feet of standing water is present in the well. In some cases the well casing may be required to be perforated by the Health Officer, prior to sealing.
- 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.

*Staff Analysis: This section provides for the proper destruction of abandoned or unused wells. Such wells can provide a direct conduit for contaminants to migrate from the surface or between underlying groundwater layers. It is critical that they be properly plugged and sealed to limit any vertical movement of contaminants. Wording has been compiled from Monterey County and Santa Clara Valley Water District.*

#### **7.70.110 Pajaro Groundwater protection zone.**

Within the Pajaro groundwater protection zone, and in other areas where groundwater quality problems are known to exist by the Health Officer, all new wells shall be constructed in such a manner that the well screen or perforations are located solely in one aquifer. All other aquifers shall be sealed by installing a cement or cement grout seal in the annular space between the well casing and the borehole to prevent present and future inter-aquifer movement of water

In areas where groundwater quality problems are known to exist by the Health Officer, the Health Officer shall impose a requirement for new wells which penetrate more than one aquifer that an electric log device measuring spontaneous potential and resistivity be run in the uncased well bore hole by a registered 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.

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.

*Staff Analysis: Wording that was previously contained in Section 7.70.100 was moved to this section and expanded to ensure that new wells are constructed in a manner that they will not cause cross contamination between aquifer layers, particularly in the Pajaro Valley and other areas experiencing seawater intrusion. Proper well construction also allows effective sealing and abandonment of the well when it has reached the end of its useful life.*

#### **7.70.120 Soquel Creek service area restrictions.**

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

1. Several reports have been prepared which indicate the potential for seawater intrusion into the Purisima Formations of the Soquel-Aptos groundwater basin; and
2. There is need for careful monitoring and management of the groundwater basin; and
3. Careful management is greatly facilitated by restricting the number of new wells and requiring that new development be supplied by Soquel Creek County Water District, a public agency empowered to carry out monitoring and management efforts; and
4. Construction of new wells within the water district service area increases the potential public health hazard of cross-connection between public and private water systems;
5. Current County General Plan policies require that new development within the urban services line be served by a public water system.

B. Well Construction Within the Soquel Creek County Water District Service Area. The construction of new wells shall be prohibited on parcels that are both within the area designated as the "Soquel-Aptos groundwater basin" (as adopted by separate Board Resolution 233-8 1) and within two hundred feet of a water distribution line of the Soquel Creek County Water District, 0273

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

*Staff analysis: Monitoring and observation wells, cathodic protection wells and geothermal heat exchange wells do not remove water from the groundwater basin and thus do not contribute to groundwater overdraft or seawater intrusion..*

**3.2.** Well construction on parcels which cannot be served by the Soquel Creek County Water District, as determined by the Environmental Health Director based on a written statement from the District clearly demonstrating their inability to provide service.

4. Construction of a well by any public water purveyor.

*Staff Analysis: Previous versions of the proposed well ordinance amendments included provisions to expand the limitation on new wells to the service area of the Central Water District, at the request of that District. However, recent correspondence from the California Groundwater Association suggest that there may be legal constraints on such prohibitions. Staff has discussed this matter with the water districts and with the CGA, and there seems to be consensus to leave the existing wording intact for now, without any expansion, pending further development of recommendations for management of the Purisima groundwater basin.*

#### **7.70.130 Groundwater emergencies**

A groundwater emergency shall be declared in areas demonstrated to be experiencing a groundwater overdraft exceeding the safe yield in order to prevent further depletion and degradation of water resources where such degradation threatens the public health, safety and welfare of the community. The emergency shall have no effect on drilling of monitoring, geothermal heat exchange or cathodic protection wells.

*Staff analysis: This proposed amendment would add geothermal heat exchange wells to the category of wells whose drilling is not subject to groundwater emergency provisions. Geothermal heat exchange wells do not remove water from groundwater basins and therefore do not contribute to overdraft.*

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

1. The designated area is experiencing a groundwater overdraft exceeding the long-term average annual recharge of groundwater resource;

2. The creation of new wells or the expansion of existing wells will significantly increase the demand on the affected aquifer and thereby increase the overdraft; and

3. The continuation of the overdraft will result in further depletion and degradation of the water resource that can lead to, but is not limited to, impairment of the aquifer or allowing the

ingress of low-quality or saline waters.

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.

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

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

3. The different water requirements of agricultural crops.

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

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

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

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

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

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

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

#### **7.70.140 Abatement--Investigation.**

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

#### **7.70.150 Abatement generally.**

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

Health Officer may abate the well as a nuisance in accordance with the provisions of Chapter 1.14 of this Code.

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**7.70.160 Nuisance--Abatement of safety hazard.**

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

**~~7.70.170 Variances.~~**

~~The Health Officer shall have the power to allow minor variances from the standards referred to in Section 7.70.090 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 the Local Coastal Program Land Use Plan. In no case may a variance be granted that constitutes a special privilege.~~

*Staff analysis: This Section is relocated to Section 7.70.090 as subsection G.*

**7.70.1870 Amendments**

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

**SECTION II**

This ordinance shall take effect upon certification by the State Coastal Commission, or after 30 days, whichever is greater.

PASSED AND ADOPTED this day of \_\_\_\_\_, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

\_\_\_\_\_  
CHAIRPERSON OF THE BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
CLERK OF SAID BOARD

APPROVED AS TO FORM:

Obachman III \_\_\_\_\_  
COUNTY COUNSEL

DISTRIBUTION: CAO  
County Counsel  
Coastal Commission  
Planning Department  
Environmental Health  
Soquel Creek Water District  
Central Water District