

VENTURA COUNTY WELL ORDINANCE NO. 4184

AN ORDINANCE OF THE COUNTY OF VENTURA REPEALING AND REENACTING VENTURA COUNTY
ORDINANCE CODE SECTION 4811 ET SEQ.
RELATING TO GROUNDWATER CONSERVATION

DIVISION 4 - PUBLIC HEALTH
CHAPTER 8 - WATER
ARTICLE 1 - GROUNDWATER CONSERVATION

REENACTED BY ORD. NO. 3476 - FEBRUARY 12, 1980
REPEALED/REENACTED BY ORD. NO. 3698 - JULY 24, 1984
REPEALED/REENACTED BY ORD. NO. 3739 - AUGUST 20, 1985
REPEALED/REENACTED BY ORD. NO. 3809 - APRIL 28, 1987
AMENDED BY ORD. NO. 3991 - DECEMBER 17, 1991
REPEALED/REENACTED BY ORD. NO. 4171 - AUGUST 11, 1998
REVISED BY ORD. NO. 4184 - MAY 18, 1999

The Board of Supervisors of the County of Ventura ordains as follows:

1. Ventura County Ordinance Nos. 3809 and 3991 are hereby repealed.
2. Ventura County Ordinance Code Sections 4811 et seq. are hereby repealed and reenacted as follows:
Sec. 4811 – PURPOSE

It is the purpose of this Article to provide for the construction, maintenance, operation, use, repair, modification, and destruction of wells in such a manner that the groundwater of the County will not be contaminated or polluted, and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the people of this County.

Sec. 4812 – DEFINITIONS

For the purposes of this Article, unless the context otherwise requires:

A. "Abandoned well" means any of the following:

1. A water well used less than 8-hours in any twelve month period. Failure to submit annual reports of well usage pursuant to Section 4826 will result in the well(s) being classified as abandoned.
2. A monitoring well from which no monitoring data has been taken for a period of two years.
3. A well which is in such a state of disrepair that it cannot be made functional for its original use or any other use regulated by this Article.
4. An engineering test hole after 24 hours has elapsed after construction and testing work has been completed on the site.
5. A cathodic protection well which is no longer used for its intended purpose.

B. "Cathodic protection well" means any excavation constructed by any method for the purpose of installing electrical equipment or facilities for the protection of metallic equipment in contact with the ground.

C. "Community water supply well" means any water well which provides water for community or public water systems as defined in Section

116275, subdivision (h), of the Health and Safety Code.

D. "Completion operation" means any of the following work conducted after excavation:

1. Placement of a well casing.
2. Gravel packing.
3. Sealing.
4. Perforation of a well casing.
5. Any other work listed on a permit issued pursuant to this Article as being a required part of a completion operation.

E. "Confined aquifer" is an aquifer separated from the surface by an aquaclude or an aquitard to the extent that pressure can be created in the lower reaches of the aquifer. The confined aquifers in Ventura County include; the aquifers comprising the Oxnard Plain Pressure Basin, the aquifers of the East and West Las Posas Basin, the Pleasant Valley Basin, and the aquifers comprising part of the following Basins; South Las Posas, Simi, Ojai, and Upper Ojai.

F. "Contamination" means alteration of waters by waste, salt-water intrusion or other material to a degree which creates a hazard to the public health through actual or potential poisoning or through actual or potential spreading of disease.

G. "County inspector" means a person authorized by the Department to inspect all permitted work.

H. "Department" means the Water Resources and Engineering Department of the Ventura County Public Works Agency.

I. "Destroy" means to fill a well (including both interior and annular spaces if the well is cased) completely in such a manner that it will not produce

water or act as a conduit for the transmission of water between any water-bearing formations penetrated.

J. "Director" means the Director of the Ventura County Public Works Agency or his or her duly authorized representative.

K. "Engineering test hole means an uncased excavation used to determine the engineering or geological properties of subsurface materials by seismic investigation, direct observation, or any other means.

L. "Good State of Repair" means a well whose condition is adequate to perform its intended function without allowing cross-contamination between

zones of water bearing sediments where one or more zones contain water of different quality and where the well has a physical barrier that prevents

contamination of any zone by surface water.

M. "Individual domestic well" means any water well used to supply water for domestic needs of an individual residence, or to systems having four or less service connections.

N. "Inspect" means to personally witness, record, and certify work pursuant to a condition or conditions of a valid permit.

O. "Modify or repair" means to replace a well's casing in a manner which involves removal or partial removal of the old casing, to re-perforate the

well, to install a seal, to change the depth of the well, or to install a liner.

P. "Monitoring well" means a well constructed exclusively for monitoring or sampling conditions of a water-bearing aquifer such as water pressure, depth, movement or quality.

Q. "Owner of a well" is the owner of the land on which the well is located.

R. "Person" includes any individual or entity included in the definition of "person" set forth in Section 10 of this Code and any governmental agency.

S. "Pollution" means a substance that when introduced into waters will alter those waters to a degree which adversely affects either the suitability of

such waters for beneficial uses or the facilities employed in conjunction with such beneficial uses.

T. "Possesses" means to be in actual possession of the well or to have a legal right to the possession thereof.

U. "Registered inspector" means a Civil Engineer, a Registered Geologist, or a Certified Engineering Geologist possessing a current license or

registration in the State of California and approved by the Department. Registered inspectors are required to inspect drilling and sealing operations

for engineering test holes and monitoring wells and for the determinations in connection with a Certificate of Exemption. A technician trained and

experienced in drilling and sealing operations who is working under the direct supervision of one of the aforementioned professionals may be deemed

qualified to perform required inspection(s) provided one of the aforementioned professionals reviews the well inspection record and assumes

responsibility for the accuracy and completeness of the work by signing the well inspection record.

V. "Water well" means any excavation constructed by any method for the purpose of determining the availability of water, extracting water from or

injecting water into the underground, except the following:

1. Oil wells, gas wells, and geothermal wells subject to regulation under the provisions of Division 3 (commencing with Section 3000) of the Public Resources Code;

2. Wells used exclusively to dewater excavations during construction or for stabilizing hillsides or earth embankments; and

3. Seepage pits approved for use under permit from the Environmental Health Division.

W. "Well" includes a cathodic protection well, engineering test hole, monitoring well or water well.

Sec. 4813 - PERMITS

A. No person shall, within the unincorporated area of Ventura County, construct, repair, modify or destroy any cathodic protection well which is over 50 feet deep, any engineering test hole which is over 50 feet deep, any monitoring well, or any water well unless such work is done pursuant to and in compliance with an unexpired written permit for such work issued by the Department as provided in this Article.

In Sealing Zone III, as described in the California Department of Water Resources Bulletin No. 74-9, no permit shall be issued pursuant to this Article for the replacement of an existing well or construction of a new well unless it is consistent with the then current Fox Canyon Groundwater Management Agency (GMA), Groundwater Management Plan, as determined by the GMA. In making this determination, the GMA shall also consider the suitability of the water quality for the intended use of the well.

Alterations, repairs, modification, and rehabilitation of an existing well within Sealing Zone III which do not involve a change of the aquifer in which the well is perforated do not require approval of the GMA, provided the original production capacity of the well is not increased.

B. Types of Permits:

1. Permits for construction, modification, and repair of all wells.
2. Permits for destruction of all wells, except engineering test holes which shall be destroyed immediately after completion of testing in compliance with Section 4814 E.
3. Annual permits for one or more engineering test holes which are over 50 feet deep and which are inspected by registered inspectors.

C. Application for a permit shall be made to the Department, and shall include the following:

1. A vicinity map showing the location of the property on which the well is located.
2. A plot plan suitable for inclusion as part of the well record and indicating the location of the well with respect to the following items within a radius of 500 feet of the well:

- (a) Property lines.
- (b) Sewage disposal systems or works carrying or containing sewage.
- (c) All intermittent or perennial, natural or artificial water bodies or water courses.
- (d) Drainage pattern of the property.
- (e) Existing wells of all types, regardless of whether they are subject to regulation under this Article.
- (f) Access roads.

3. Name of the person, or firm who will perform the work on the well.
4. Name and affiliation of the Registered Inspector, when a Registered Inspector will be utilized.
5. Proposed depth of well.
6. Proposed use of well.
7. Proof satisfactory to the Department that the person who will construct the well is in possession of a valid license appropriate to such work which has been issued in accordance with the Contractor's License Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code).
8. A certificate satisfying the requirements of Section 3800 of the Labor Code (Worker's Compensation).
9. Such other information as the Department may deem necessary in order to determine whether underground waters will be protected.

D. Permits shall be issued or denied within 15 days after the day on which the completed application is received by the Department.

E. Permit requirements and expiration:

1. Permits shall require compliance with all applicable standards set forth in Section 4814.

2. A permit shall expire six months from the date of issuance unless it is extended by the Department. The Department may grant one or more

extensions of a permit, each for a period not to exceed six months provided the permittee proves to the satisfaction of the Department that

circumstances beyond the control of the permittee make it infeasible to complete the permitted work prior to the expiration date. Annual permits

for engineering test holes shall expire one year from the date of issuance.

3. The permittee shall complete work authorized by the permit and satisfy all the requirements of the permit prior to the expiration date of the permit or any extension.

F. Prior to the issuance of a permit or any extension thereof, the applicant may be required to post with the Department a cash deposit or bond to

guarantee compliance with the provisions of this Article and the applicable permit, such cash or bond to be in an amount deemed necessary by the

Department to remedy improper work, but not in excess of the total estimated cost of the permitted work.

G. No person shall perform any work, either on such person's own property or on the property of another, for which a permit is required by this Article

unless such person is in possession of a valid license appropriate to such work which has been issued in accordance with the Contractors License

Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) and is registered with the Department to

perform work permitted by this Article. Licensed water well contractors (Class C-57) registered with the Department may perform all types of permitted

work, while licensed engineering contractors (Class A) and limited specialty contractors (Class C-61) registered with the Department may only perform

the work permitted by their license. An application for registration with the Department shall include a copy of the applicable license and a copy of a

certificate of Worker's compensation insurance. The registration shall expire automatically on the expiration date indicated on the copy of the license

or the expiration date indicated on the copy of the certificate of Worker's Compensation insurance submitted with the application, whichever expiration

date is earlier. Geological determinations pertaining to a recommendation for a certificate of exemption of a water well shall be performed by a

Registered Inspector.

H. Suspension or termination of a permit.

1. Any permit issued pursuant to this Article is subject to suspension or termination prior to expiration as provided in this Section.

(a) Grounds - Any of the following occurrences constitutes grounds for termination of a permit:

(i) Suspension, revocation or termination of the license, required by Section 4813 G, of the person who is to perform the work.

(ii) Failure of permittee to comply with any provision of Section 3800 of the Labor Code.

(iii) Failure of a permittee or of any person who owns or possesses the well to comply with any provision of this Article, or any condition of a permit issued pursuant to this Article.

(b) Notice - To initiate proceedings to terminate a permit, the Director shall send written notice to the person to whom the permit was

issued. The notice shall briefly describe the proposed grounds for termination, shall specify a time and a place for a hearing at which

such person shall be afforded an opportunity to present evidence showing the proposed grounds for termination do not exist, and

shall state that failure to appear and present such evidence may result in termination of the permit.

(c) Hearing - The Director shall conduct the hearing specified in the notice. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The person to whom the permit was issued and/or the owner of the well shall have the right to present relevant evidence at the hearing. The Director may, but need not, permit other persons to present relevant evidence.

At the conclusion of the hearing, or within 30 calendar days thereafter, the Director shall determine, based upon the preponderance of the evidence presented at the hearing, whether there are grounds for suspension and shall note the findings of fact upon which the determination is based. If it is determined there are grounds for termination, the Director shall terminate the permit; provided, however, that the Director shall have the discretion not to terminate the permit if the Director determines that the occurrence which gave rise to the grounds for termination was not willful, is not ongoing and is not likely to recur.

2. The Director may suspend a permit prior to the hearing when the Director determines that such action is necessary to protect the public health and safety or the environment from imminent danger. The Director shall notify the person to whom the permit was issued of such suspension. The suspension shall remain in effect until the Director makes a final determination based upon the hearing; provided, however, that the Director may rescind the suspension at any earlier time at which the Director determines it is no longer necessary.

3. This Section shall not deprive the Director, or the County, of the authority to pursue any other action or remedy otherwise available to them under the law.

Sec. 4814 - STANDARDS

A. Standards for the construction, relocation, repair, modification or destruction of wells shall be those set forth in the California Department of Water Resources Bulletin No. 74-1 entitled "Cathodic Protection Well Standards," Bulletin No. 74-9, Chapter IV, entitled "Water Well Standards - Ventura County" and Bulletin No. 74-81, Bulletin No. 74-90, Chapter II, entitled "Water Well Standards - State of California," as supplemented or revised from time to time by the California Department of Water Resources, with the following exceptions:

B. The Department may adopt additional or more stringent standards to be applicable in any or all zones of the County as delineated in aforementioned Bulletins.

C. All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other disinfecting agents may be introduced directly into the well. If a pipe is provided, it shall be installed at a height at or above the pump slab, shall be kept sealed, and shall be provided with a threaded or other secure cap. Equivalent protection for preventing contamination of the well shall be provided for subsurface pump discharge installations. If an air relief vent is used, it shall terminate downward and be screened with 16 mesh screen to prevent contaminating material from entering the vent.

D. Every new, repaired or modified community water supply well or individual domestic water well, after construction, modification or repair, and before being placed into service, shall be thoroughly cleaned of all foreign substances and shall be thoroughly disinfected utilizing the procedures set forth in Appendix C of the aforementioned Bulletin 74-81.

E. Engineering test holes deeper than 50 feet shall be destroyed immediately upon completion of testing by completely filling and/or sealing of the borehole in accordance with criteria established by the Department. The Department may waive complete sealing if the permittee demonstrates to the Director's satisfaction that the purpose of this Article as set forth in Section 4811 will be satisfied.

F. No well, regardless of status, shall be left unattended without a cap that has been constructed to prevent the accidental access to the well by a person or animal, or have an opening that allows the well to be susceptible to contamination/pollution.

Sec. 4815 - LOG OF WELL

A. Any person who has performed any work for which a permit is required by this Article and which involves drilling, digging, excavating or boring of a well, except for an engineering test hole, shall, within 30 days of completion of such work, submit to the Department an accurate and complete well log on forms satisfactory to the Department. New water wells in Sealing Zone III shall have a geophysical log performed by resistivity. New water wells in Sealing Zone II shall either have a geophysical log performed by resistivity, or soil samples shall be collected and recorded for every ten feet of depth within potential sealing zones. All abandoned water wells to be destroyed in Sealing Zones II and III shall have a geophysical log by Gamma Ray if no existing electric log or satisfactory drilling report is available for that well, unless it is determined by the Department that a log is not warranted. Any permittee failing to comply with this provision shall be in violation of this Article and shall not be granted any new permits until the violation has been corrected. This shall not preclude the application of other penalties for violation of this Article. A well log shall include all of the following:

1. A detailed record of the boundaries, character, size, distribution and color of all lithologic units penetrated.
2. The type and size of well casing.
3. The location of perforations, sealing zones and existing seals.
4. Report on the quantity and quality of groundwater.
5. Any other data required by the Department as a condition of the permit.

Sec. 4816 - FLOW PREVENTION DEVICE

All wells having a history of flowing located in Sealing Zone III, or any other confined aquifer, shall be maintained and equipped to prevent flowing due to pressure in the aquifer system. Wells without any history of flowing that begin to flow shall be repaired, or retrofitted as necessary to prevent flowing. Such repair or retrofit shall be completed within a period of thirty (30) days. This includes flowing as a result of a failed casing or other deteriorated component, or the absence of a surface seal.

Sec. 4817 - WELL INSPECTION REPORTS

A. WATER WELL CONSTRUCTION SEALING REPORT. A County Inspector will prepare a Well Inspection Sealing Report for water supply wells and cathodic protection wells constructed pursuant to and in compliance with an unexpired permit issued under this Article, to include:

1. Permit number.
2. Date of sealing work.
3. Diameter and depth of bore hole, diameter and depth of casing installed, depth to top and bottom of perforated interval(s), and depth to top of annular gravel pack.
4. Type and volume of sealing material delivered to well site.
5. Copy of invoice for sealing material delivered to well site.
6. Depth to water.
7. Method of placement of sealing material (if by grout pipe, include the number and length of pipe sections).
8. Volume of surplus sealing material remaining after seal placement.
9. Photographs of well site and of well sealing activity.
10. Remarks by County Inspector describing any variance from adherence to permit conditions.
11. Opinion of County Inspector that seal placement was satisfactory or unsatisfactory.

12. Signature by the County Inspector.

B. WATER WELL DESTRUCTION SEALING REPORT. A County Inspector will prepare a Well Inspection Report for water supply wells and cathodic protection wells destroyed pursuant to and in compliance with an unexpired permit issued under this Article, to include:

1. Permit number.
2. Date of casing perforating work (if required by a permit condition).
3. Diameter and (sounded) depth of well casing.
4. Depth to top and bottom of zone(s) perforated for destruction seal placement (if required by a permit condition).
5. Type of casing perforator used (if required by a permit condition).
6. Photographs of well site and (if required by a permit condition photos of casing perforating activity and seal placement activity).
7. Depth to top of casing filler material (if required by a permit condition).
8. Opinion of County Inspector that casing perforating work (if required by a permit condition) was satisfactory or unsatisfactory.
9. Date of placement of sealing material.
10. Type and volume of sealing material delivered to well site.
11. Copy of invoice for sealing material delivered to well site.
12. Depth to water.
13. Method of placement of sealing material (if by grout pipe, include the number and length of pipe sections).
14. Volume of surplus sealing material remaining after seal placement.
15. Remarks by County Inspector describing any variance from adherence to permit sealing conditions.
16. Opinion of County Inspector that seal placement was satisfactory or unsatisfactory.
17. Signature of County Inspector.

C. MONITORING WELL/ENGINEERING TEST HOLE CONSTRUCTION SEALING REPORT. The Well Inspection Sealing Report for monitoring wells and engineering test holes constructed pursuant to and in compliance with an unexpired permit issued under this Article shall be submitted by a Registered Inspector within 30 days of sealing on a form* satisfactory to the Department, and shall include:

1. Permit number.
2. Date(s) of sealing work.
3. Number of wells constructed under this permit.
4. Diameter and depth of bore hole(s), diameter and depth of casing(s) installed, depth to top and bottom of perforated interval (s), and depth(s) to top of annular filter pack.
5. Depth to water.
6. Depth and type of sealing material(s).
7. Method of placement of sealing material(s).
8. Method of protection of wellhead or open (engineering test) bore hole.**
9. Signature of Registered Inspector.

*Bulletin 74-90 (DWR) requires that monitoring well construction, alteration, and destruction reports be completed on forms provided by the California Department of Water Resources.

**Section 4814E requires that all engineering test holes be destroyed immediately after completion of testing.

D. MONITORING WELL DESTRUCTION SEALING REPORT. The Well Inspection Sealing Report for monitoring wells and engineering test holes destroyed pursuant to and in compliance with an unexpired permit issued under Section 4813 shall be submitted by a Registered Inspector within 30 days of sealing on a form* satisfactory to the Department, and shall include:

1. Permit number.
2. Date(s) of sealing work.
3. Number of wells destroyed under this permit.

4. Diameter and depth of bore hole(s) and diameter and depth of casing(s) installed (monitoring wells).
5. Depth to water.
6. Depth and type of sealing material(s).
7. Method of placement of sealing material.
8. Method of restoration of site area.
9. Signature of Registered Inspector

*Bulletin 74-90 (DWR) requires that monitoring well construction, alteration, and destruction reports be completed on forms provided by the California Department of Water Resources.

E. WATER WELL CONDITION INSPECTION REPORT FOR CERTIFICATE OF EXEMPTION. Any person who owns, or who possesses a water well that is abandoned or about to become abandoned due to lack of use, but who does not desire to destroy the well may submit to the Department a

Well Condition Inspection Report signed by a Registered Inspector pursuant to Section 4820. The report shall include:

1. State Well Number.
2. Driller's report.
3. Assessor Parcel Number of the property on which the well is located.
4. An accurate location description with respect to nearby wells, septic systems, animal enclosures, roads, and property boundaries.
5. Photographs of the well site, taken not more than six months prior to application for a Certificate of Exemption.
6. Video log of well casing, conducted not more than six months prior to application for a Certificate of Exemption.
7. A description of the well casing condition based upon a review of the most recent video log of the well.
8. An opinion that the well is, or is not, equipped with an annular seal or seals to prevent the interchange of waters between water-bearing strata penetrated by the well.
9. A statement that the well is, or is not, protected from artesian flow and from entry by surface waters.
10. A description of any work necessary to assure the safety of local groundwater supplies due to the continued existence of the well.
11. A description of any repair work necessary to allow the well to function for its intended purpose.

Sec. 4818 - CORRECTIVE ACTION

A. Any person who owns a well, or any person who is in possession of a well, may be required to take corrective action with respect to the well as provided in this Section.

B. Any of the following occurrences constitutes grounds for ordering corrective action:

1. Maintenance, operation, or use of the well in a manner that causes or contributes to, or may result in a substantial risk of causing or contributing to, the pollution or contamination of the groundwater, or allowing water to be wasted as a result of a flowing well.
2. Construction, maintenance, repair, modification or destruction of the well in a manner that violates any provision of this Article.

C. To initiate proceedings to order corrective action, the Director shall send written notice to the person who owns the well, and/or the person in possession of the well. The notice shall briefly describe the grounds for ordering corrective action, shall describe the proposed corrective action, shall specify a time and place for a hearing at which such person will be afforded an opportunity to present evidence showing that the grounds for corrective action do not exist, or that the proposed corrective action is inappropriate. The notice shall also state that failure to appear and present such evidence may result in an order requiring such person to take some or all of the proposed corrective action.

D. The Director shall conduct the hearing specified in the notice. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The person who owns the well or the person in possession of the well shall have the right to present relevant evidence at the

hearing. The Director may, but need not, permit other persons to present relevant evidence. At the conclusion of the hearing, or within 30 calendar days thereafter, the Director will determine, based upon the preponderance of the evidence presented at the hearing, whether there are grounds for ordering corrective action, and, if so, whether the proposed corrective action is appropriate. Such determination shall be in writing and shall contain a brief statement of the findings of fact upon which the determination is based.

E. If the determination is that there are grounds for ordering corrective action and that some or all of the proposed corrective action is appropriate, the Director may issue and serve upon the person or persons who were served with the notice of the hearing, a written order requiring such appropriate corrective action. The order shall contain a deadline for commencing the corrective action if such action is to be ongoing or shall contain a deadline for completing the corrective action if such corrective action is not to be ongoing. The order shall further state that, if the corrective action is not taken in compliance with the order, such action may be taken by the County at the expense of the person served with the order and, in addition, such person may be subject to criminal prosecution.

F. Any person who owns or is in possession of a well who is served with such an order shall, on or before the deadline stated therein, commence every corrective action described therein as being ongoing and complete every corrective action described therein as not being ongoing. Any person who owns or is in possession of a well served with such an order, and any person who thereafter acquires ownership or possession of the well with actual or constructive notice of the order, shall, for so long as such person owns or is in possession of the well, continue to take every corrective action described in the order as ongoing, until such time as the well is destroyed pursuant to this Article, or the Director states in writing that such ongoing corrective action is no longer necessary.

Sec. 4819 - DESTRUCTION OF ABANDONED WELLS

A. No person shall own or be in possession of an abandoned cathodic protection well which is over 50 feet deep, an abandoned monitoring well, an abandoned engineering test hole which is over 50 feet deep, or an abandoned water well unless either such well has been destroyed pursuant to this Article, or a current Certificate of Exemption has been issued for such well pursuant to Section 4820.

B. Any down hole explosive work shall be performed by a state licensed blaster who has obtained all appropriate city and county permits.

Sec. 4820 - CERTIFICATE OF EXEMPTION

Any person who owns or possesses a water well or monitoring well that is abandoned or about to become abandoned, but who does not desire to destroy the well may submit to the Department a report prepared and signed by a Registered Inspector as required by Section 4817(E).

Recommendations for repair must be submitted for review and approval of the Department. If the Department determines based on such application that exemption from the requirement that the well be destroyed would not result in pollution or contamination of groundwater and would not create a hazard to health or safety, the Department may issue such a Certificate of Exemption. A certificate of exemption shall expire five years after issuance and may be terminated by the Department at any time prior to expiration upon a determination that destruction of the well is necessary to prevent pollution or contamination of groundwater or to avoid a hazard to health or safety. Successive Certificates of Exemption may be issued with respect to a well in the same manner as the original certificate was issued.

Sec. 4821 - FEES

The Board of Supervisors may, by resolution, establish fees for issuance of a permit, extension of a permit, a certificate of exemption, or an appeal pursuant to this Article. The payment of such fee, if any, established by such resolution, shall accompany the application to which it pertains. If the application is withdrawn before issuance of the permit, the Department shall compute the cost to the County of processing the application up to that point in accordance with the County's standard cost accounting procedures, and if such cost is less than the amount of the fee paid, the difference remaining shall be refunded to the applicant.

Sec. 4822 - INSPECTION

The Department and the County's inspector 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 Article is being violated. The Department may require that any work for which a permit is required by this Article be completed in stages and that each such completed stage be inspected prior to any further work. Registered inspectors shall inspect drilling and sealing operations for engineering test holes and monitoring wells when required by conditions of any permit.

Sec. 4823 - MISDEMEANOR/ INFRACTION

Any person who violates any provision of this Article shall be guilty of a misdemeanor/infraction, and shall be guilty of a separate offense for each and every day or portion thereof during which such violation is committed, continued or permitted, and shall be subject to the same punishment for each such separate offense as for the original offense. The provisions of this section are in addition to and independent of any other sanctions which are or may be imposed under this Article or any other provision of law.

Sec. 4824 - ABATEMENT

If any corrective action required by an order issued pursuant to Section 4818 is not taken in full compliance with such order, the Director may cause the corrective action to be taken by the County and all persons required by Section 4818 to take such corrective action shall be jointly and severally liable to the County for the cost of such action. In cases where the public health and safety require emergency corrective action, the Director may cause the emergency corrective action to be taken by the County without a prior order or notice and all persons who own or are in possession of a well shall be jointly and severally liable to the County for the cost of such action.

Sec. 4825 - EXEMPTION

A. Leak Detection System. The foregoing provisions of this Article do not apply to any leak detection system installed or destroyed pursuant to the provisions of Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code or of Article 2 (commencing with Section 4521) of Chapter 5 of Division 4 of this Code.

B. Monitoring and Recovery Wells. The Department may waive permit requirements for installation or destruction of monitoring and recovery wells which are less than 50 feet deep and which are constructed to determine the extent of, or remove, underground tank contamination, pursuant to requirements of the Environmental Health Division, provided the Director determines that the purpose of this Article as set forth in Section 4811 will be satisfied.

C. Natural Gas Monitoring and Recovery Wells. The Department may waive permit requirements for installation or

destruction of natural gas monitoring and recovery wells which are less than 50 feet deep pursuant to requirements of the Environmental Health Division, provided the Department determines that the purpose of this Article as set forth in Section 4811 will be satisfied.

Sec. 4826 - AQUIFER PROTECTION PROGRAM

The purpose of this program is to allow retention of those wells that are being used and are in good condition, and require either repair or destruction of those wells that are not usable and are causing damage to groundwater.

A. Water Wells.

1. Beginning on January 1, 1999, and on each January first thereafter, any person who owns a water well, or any person who is in possession of a water well, except those wells for which a valid Certificate of Exemption is in effect, shall submit to the Department a report of the amount of groundwater extracted and the total time the well was operated within the preceding 12 months. This report shall be submitted to the Department prior to February 1st of each year on a form approved by the Department. Owners of wells located in the following agencies may utilize the same forms already approved by such agencies:

- (a) United Water Conservation District
- (b) Fox Canyon Groundwater Management Agency
- (c) Ojai Basin Groundwater Management Agency

2. If a well is classified as abandoned, as defined in Section 4812, a Certificate of Exemption shall be obtained in the manner provided in Section 4820, or the well shall be destroyed as required by Section 4819.

B. Based upon the above information, all wells in the unincorporated area of Ventura County shall be classified as:

- 1. Active; or
- 2. Abandoned with a valid Certificate of Exemption; or
- 3. Abandoned and requiring destruction.

C. No applications for new, or replacement wells, or any land use entitlement will be processed until all violations of this Article are corrected.

Sec. 4827 - LIENS APPLIED

Failure to comply with any section of this Article may result in the County placing a lien on the affected property to cover the costs of managing and performing work deemed necessary, as well as other remedies prescribed by this Article.

Sec. 4828 - APPEALS

Any person shall have the right to appeal the decision of the Director to the Board of Supervisors, provided such appeal is made in writing within twenty-one days of the date of the Director's decision and the applicable appeal fee is paid.

PASSED AND ADOPTED this 18th day of May, 1999, by the following vote:

AYES: Supervisors Schillo, Long, Mikels and Lacey
NOES: None

ABSENT: Supervisor Flynn

(s/s Susan K. Lacey)

CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County Clerk,

County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By: s/s Richard D. Dean

Deputy Clerk