



# Humboldt County Department of Health and Human Services

## DIVISION OF ENVIRONMENTAL HEALTH

100 H Street - Suite 100 - Eureka, CA 95501  
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241  
envhealth@co.humboldt.ca.us

### TITLE VI – WATER AND SEWAGE

#### DIVISION 3 – WELLS

#### CHAPTER 1 – WELLS

#### 631-1. PURPOSE.

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

#### 631-2. DEFINITIONS AND INTERPRETATION.

- (a) **As Defined In Other Documents:** Except as otherwise required by the context of this division, the terms used in this division shall have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions.
- (b) **“Board”** shall mean the Humboldt County Board of Supervisors.
- (c) **“Enforcement Agency”** shall mean the Humboldt County Department of Health and Human Services, Public Health Branch, Environmental Health Division.
- (d) **“Person”** shall mean any person, firm, corporation or governmental agency, to the extent authorized by law.
- (e) **“Well Or Water Well”**. The California Water Code, Section 13710, defines wells or water well to mean “...any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground.” The State Water Resources Control Board does not intend that potholes, drainage trenches or canals, waste water ponds, shallow root zone piezometers, stock ponds, or similar excavations be included within the definition of wells.
- (f) **Tense OR Gender:** Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and the plural singular.
- (g) **Section Headings,** when contained in this division, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

631-3. **PERMIT APPLICATIONS.**

- (a) **When Required:** No person shall dig, bore, drill, deepen, modify, repair, or destroy a water well or any other excavation that may intersect ground water without first applying for and receiving a permit as provided in this division unless exempted by law.
- (b) **Penalty For Failure To Obtain Permit:** Any person who shall commence any work for which a permit is required by this division without having obtained a permit shall be required, if subsequently granted a permit for this work, to pay double the standard permit fee.
- (c) **Emergency Work:** The above provisions shall not apply to emergency work required on short notice to maintain drinking water or agricultural supply systems. In such cases, the person responsible for the emergency work shall:
  - (1) **URGENCY:** Satisfy the Division of Environmental Health that such work was urgently necessary.
  - (2) **CONFORMANCE WITH STANDARDS:** Demonstrate that all work performed was in conformance with the technical standards as designated in Article 3.

631-4. **APPLICATION PROCEDURE.**

Applications for permits shall be made to the Division of Environmental Health on forms approved by the agency and shall contain the following information:

- (a) A plot plan showing the location of the well with respect to the following items within a radius of 200 feet from the well:
  - (1) Property Line
  - (2) Sewage disposal systems or works carrying or containing sewage.
  - (3) All intermittent or perennial, natural or artificial bodies of water or watercourses.
  - (4) The approximate drainage pattern of the property.
  - (5) Other wells.
- (b) Location of the property and the Assessor's parcel number.
- (c) The name, address and phone number of the person who will construct the well.
- (d) The name and address of the owner (s) of the property upon which the well is located.
- (e) The proposed minimum and the proposed maximum depth of the well.

- (f) The proposed minimum depths and types of casings and minimum depth of perforation to be used.
- (g) The proposed use of the well.
- (h) Other information as may be necessary to determine if the underground waters will be adequately protected.

The application shall be completed and signed by the owner of the property or the person who proposes to perform the work.

The application shall be accompanied by the required filing fee. If the Health Department finds the application contains all necessary information, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purposes of this division.

#### 634-5. **FILING FEES**

Filing fees may be set by the Board from time to time by resolution.

#### 631-6. **PERMIT CONDITIONS.**

- (a) **LIMITATIONS:** When the Division of Environmental Health issues a permit pursuant to this division, it may condition the permit in any manner necessary to carry out the purposes of this division. Conditions may include, but are not limited to such quantity and quality testing methods as the Division of Environmental Health finds necessary.
- (b) **PERFORMNCE BOND:** The Division of Environmental Health may require a performance bond as a condition to the permit.
- (c) **PERSONS PERMITTED TO WORK ON WELLS:** All construction, reconstruction, or destruction work on wells shall be performed by a person who possesses an active C-57 contractor's license in accordance with the provisions of the California Business and Professions Code, Section 7000, et seq. and Water Code Section 13750.5.
- (d) **PROPER DISPOSAL OF DRILLING FLUIDS:** The permit shall contain a clause requiring the safe and appropriate handling and disposal of drilling fluids and other drilling materials used in connection with the permitted work.
- (e) **ABANDONED WELLS:** As a condition of a construction or reconstruction

permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this division.

- (f) **POSTING OF PERMIT:** It shall be the responsibility of the permittee to maintain a copy of this permit on the drilling site during all stages of construction or destruction.

631-7. **PERMIT – DENIAL.**

The Division of Environmental Health shall deny an application for a permit if, in its judgment, issuance of a permit is not in the public interest.

631-8. **PERMIT – EXPIRATION.**

The work authorized by the permit shall be completed within the time and before the date set out in the permit. If there have been exceptional circumstances, the Division of Environmental Health may grant the applicant an extension. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received an extension or a new permit.

631-9. **PERMIT – SUSPENSION AND REVOCATION.**

- (a) **Circumstances For Such Action:** The Division of Environmental Health may suspend or revoke any permit issued pursuant to this division, whenever it finds that the permittee or his agent has violated any of the provisions of this division, or has misrepresented any material fact in his application, or any supporting documents, for such a permit. Prior to ordering any such suspension or revocation, the Division of Environmental Health shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the Director of the Division of Environmental Health or his designated representative. An appeal may be made as set forth below.
- (b) **Consequences:** No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the Division of Environmental Health.
- (c) **Order Additional Work:** Upon suspending or revoking any permit, the Division of Environmental Health may order the permittee to perform any work reasonably necessary to protect the underground waters from pollution or contamination, if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the underground waters. No permittee or person who has held any permit issued pursuant to the division shall fail to comply with any such order.

631-10. **WELL STANDARDS.**

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

- (a) **Department Of Water Resources Bulletin 74-81.** The California Department of Water Resources Bulletin 74-81 “Water Well Standards, State of California”, except as modified by subsequent revisions.
- (b) **All Subsequent Supplements And Revisions.** All subsequent Bulletin 74-81 supplements or revisions issued by the Department of Water Resources, once the revised standards have been reviewed at appropriate public hearing.

631-11. **VARIANCES.**

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

- (a) **Special Circumstances.** There must be, in a specific case, a special circumstance where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any standard
- (b) **Intend Of Ordinance Not Compromised.** the granting of such a variance is consistent with the purposes of this division.

631-12. **SPECIAL GROUND WATER PROTECTIONL.**

The Division of Environmental Health may designate areas where ground water quality problems are known to exist and where a well will penetrate more than one aquifer. The Division of Environmental Health may require in these designated areas special well seal (s) to prevent mixing of water from several aquifers. Where an applicant proposes well construction, reconstruction, or deconstruction work in such an area, the Division of Environmental Health may require the applicant to provide a report prepared by a Registered Geologist or Registered Civil engineer (California Business and Professions Code Section 7850 and 6762 respectively) that identifies all strata containing poor quality water and recommends the location and specifications of the seal or seals needed to prevent entrance of poor-quality water or its migration into other aquifers.

### 631-13. **INSPECTIONS.**

The Division of Environmental Health shall make an inspection of the annular seal construction work, It may make an initial inspection of each proposed drilling site, an inspection at the completion of the work, and inspections at such other times as it deems appropriate.

- (a) **Initial Inspection.** Upon receipt of an application, the Division of Environmental Health inspection of the drilling site prior to the issuance of a well permit. The purpose of this inspection is to determine whether there are any site conditions such that the Division of Environmental Health shall do the following:
  - (1) **Relocation of Drilling Site.** Require relocation of the drilling site should the location shown on the permit application be too close to potential sources of pollution.
  - (2) **Additional Conditions.** Set additional conditions if needed to remediate any previously unknown ground water quality protection problems.
- (b) **Inspection of Well Seal.** The Division of Environmental Health shall inspect the annular space grout depth prior to the sealing.
  - (1) **Required Notice.** The Division of Environmental Health shall be notified by the well driller a minimum of twenty-four hours prior to sealing the annular space. Drillers who anticipate completing a well in less than on day shall notify the Division of Environmental Health twenty-four hours prior to commencement of drilling and provide the anticipated time to commence the sealing of the annular space.
  - (2) **Should Enforcement Agency Fail To Be Present.** If the Health Department wishes to allow a seal to be tremied or placed without inspection, the driller shall seal the well in accordance with the standards of this division and any permit conditions. No seal shall be tremied or placed until permission is given.

- (c) **Final Inspection.** If requested by the Division of Environmental Health, the driller shall notify the Division of Environmental Health within seven (7) days of the completion of their work at each drilling site. The Division of Environmental Health may make a final inspection after completion of the work to determine whether the well was completed in accordance with this division.
  
- (d) **Waiver Of Inspections.** The Division of Environmental Health may waive inspections should any of the following conditions exist:
  - (1) **Well Inspection By Other Agencies.** Inspections may be waived where the work will be inspected by the staff of the California Regional Water Quality Control Board or the California Department of Health Services if these designated agencies will inspect and report to the enforcement agency on all drilling features required by the Standards.
  - (2) **Monitoring Wells Under Specified Conditions.** Inspections may be waived for monitoring wells that will penetrate only aquifers containing degraded waters or will penetrate only formations that normally contain no water.
  - (3) **Drilling Sites Known To Have No Threats To Ground Water Quality.** Initial inspections may be waived when the drilling site is well known to the Division of Environmental Health staff and it is known that no significant threats to ground water quality exist in the area.

#### 631-14. **COMPLETION REPORTS.**

The driller shall provide the Division of Environmental Health a completion report within 30 days of the completions of any well construction, reconstruction, or destruction job.

- (a) **Submittal Of State “Report Of Completion”.** A copy of the “Report of Completion” (Water Well Driller’s Report, Department of Water Resources Form 188) required by California Water Code Section 13751 shall be submitted by the permittee to the Division of Environmental Health within thirty (30) days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the standards and all additional permit conditions, This section shall not be

deemed to release any person from the requirement to file said report with the state Department of Water Resources.

- (b) **Confidentiality of Report.** In accordance with California Water Code section 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.
- (c) **Other Agency's Requirements.** Nothing in this ordinance shall be deemed to excuse any person from compliance with the provisions if California Water Code Sections 13750 through 13755 relating to notices and reports of completion or any other Federal, State or Local reporting regulations.

631-15. **APPEALS.**

- (a) **Right of Hearing.** Any person whose application for a permit has been denied, or granted conditionally, or whose permit has been suspended or revoked, or whose variance request has been denied, may appeal to the Board, in writing, within ten (10) days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by the required filing fee. The Clerk of the Board shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and the Division of Environmental Health, in writing, of the time so set least five (5) days prior to the hearing.
- (b) **Action By The Board.** After such hearing, the Board may reverse, wholly or partly, or may modify the order or determination appealed from.

631-16. **RIGHT OF ENTRY AND INSPECTION.**

Representatives of the Division of Environmental Health shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of such enforcement and administration. If any such premises are occupied, he/she shall first present proper credentials and demand entry. If the same is unoccupied, he/she shall first make a reasonable effort to locate the owner or other person having charge or control of same and demand entry. If such entry is refused, he/she shall have recourse to such remedies as are provided by law to secure entry.

631-17. **ABATEMENT OF ABANDONED WELL**

All persons owning an abandoned well as defined in the well standards shall destroy it before December 31, 1991, except those excluded by California Health and Safety Code Section 24440.

631-18. **CRIMINAL AND CIVIL ENFORCEMENT.**

(a) **Violation A Misdemeanor.** Any person who violates any of the provisions of this division s guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalty as set forth in Section 112-5 of this Code.

(b) **Civil Enforcement – Notice Of Violation.**

(1) **Notice Of Violation Recordation.** Whenever the Division of Environmental Health determines that a well (a) has not been completed in accordance with a well permit or the plans and specification relating thereto, (b) has been constructed without the required permit, or (c) an abandoned well has not been destroyed in accordance with the standards, the enforcement agency may record a notice of violation with the office of the county recorder. The owner (s) of the property, as revealed by the assessment roll, on which the violation is situated an any other person responsible for the violation shall be notified of the recordation, if their address is available.

If the property owner (s) or authorized agent disagrees with the determination, he/she may submit evidence to the Division of Environmental Health indicating that there is no violation and then shall have a right to appeal an adverse decision of the Division of Environmental Health to the Board in accordance with the provisions of the following section.l

(2) **Appeal – Action By The Board.**

(a) **Date Of Hearing.** Upon receipt of the notice of appeal, the Board shall, within thirty (30) days following the filing of the appeal, set a date for public hearing thereon.

(b) **Evidence.** The evidence before the Board shall consist of records in the Division of Environmental Health’s files and any other relevant evidence which, in the judgment of the Board, should be considered to effectuate and implement the policies of this division.

(c) **Decision By Board.** The Board may reverse or affirm, wholly or in part, or modify the decision or the notice of violation and may make such order as should be made. Such action shall be final.

(3) **Cancellation Of Violation Notice.** The Division of Environmental Health shall submit a cancellation of notice of violation to the county recorder when (a) it is determined by the Division of Environmental Health or the Board, after review, that no violation of this division exists; or (b) all

required and corrective work has been completed and approved by the Division of Environmental Health.

- (c) **Civil Enforcement – Nuisance.** In addition to being subject to prosecution, person who violates any of the provisions of this division may be made the subject of a civil action. Appropriate civil action includes, but it not limited to, injunctive relief and cost recovery.
- (d) **Abatement By County.** Any violation of this division is declared to be a public nuisance, which may be abated by the Division of Environmental Health pursuant to the provisions of Chapter 1 of Division 5 of Title III of this Code. The procedure authorized by this Section may be utilized together with the procedure authorized by Section 631-18 (b) above.
- (e) **Remedies Cumulative.** The remedies available to the Board to enforce this division are in addition to any other remedies available under ordinance or statute, an do not replace or supplant any other remedy but are cumulative thereto.

#### 631-19. **REPORT TO THE REGIONAL BOARD**

Pursuant to California Water Code Section 13225(c), the Division of Environmental Health shall submit report, not less than annually, to the California Regional Water Quality Control Board (s) having jurisdiction in their area. This report shall contain the following data, unless the Regional Board determines a lesser amount of information is necessary:

- (a) **Wells Constructed Or Destroyed.** The number of wells constructed or destroyed.
- (b) **Abatement Actions.** Descriptions of all well destructions undertaken by the enforcement agency using its regulatory authority under nuisance abatement powers.
- (c) **Variances Granted.** A description of each specific case where variances were granted and the circumstances that made a variance necessary.
- (d) **Inspection Waives Granted.** A description of each specific case where an inspection was waived and the circumstances that made the waiver necessary.

#### 631-20. **SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, or phrase of this division is for any reason held to be invalid, or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this division, including any other section, subsection, sentence, clause, or phrase therein.