

COUNTY OF SAN MATEO  
Inter-Departmental Correspondence

DATE: January 8, 2001

TO: Honorable Board of Supervisors  
FROM: Brian Zamora, Director, Public Health and Environmental Protection Division  
SUBJECT: Proposed Revisions to the San Mateo County Well Ordinance

RECOMMENDATION

1. Certify the Negative Declaration, by making the following findings.
  - a That the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
  - b That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the proposed changes to the Well Ordinance will have a significant effect on the environment
  - c That the Negative Declaration reflects the independent judgement of the Board of Supervisors
2. Approve amendments and deletions to the San Mateo County Well Ordinance, Title 4, Chapter 4.68, as recommended by the Environmental Health Advisory Committee

Background

Water is a precious resource that must be protected to ensure both public and environmental health. The indigenous water sources of San Mateo County (County) include ground and surface waters. Surface water from springs and creeks is captured for use in dams, ponds, and by direct connections. Groundwater resources are obtained by installing wells. The improper installation and management of wells can result in contamination of aquifers and water supplies, public safety concerns, and damage to the environment. Federal, state, and local regulations are enforced by the San Mateo County Environmental Health Division to prevent and/or abate these situations.

Water wells in the County are predominately regulated by the *California Well Standards*, issued by the Department of Water Resources, and San Mateo County Ordinance Title 4, Chapter 4.68, Wells (well ordinance), of the County Code of Regulations. California passed legislation in 1949, which led to the first printing of *California Well Standards* in 1968. These standards were last updated in 1990. The County began regulating wells in the 1950's, with the last revision to the well ordinance adopted in 1987. Changes in technology, demographics, and state regulations since 1987 have made portions of the well ordinance obsolete and new provisions appropriate.

## Discussion

In 1998 the Environmental Health Advisory Committee (EHAC) was formed by Supervisor Rich Gordon to address community issues with septic systems and water wells. Various representatives from advisory boards, regulatory agencies, environmental groups, builders, well contractors, realtors, and County Counsel served on the EHAC. The EHAC addressed several septic system issues and a subcommittee tackled the well ordinance. After several months of meetings and expert opinion from the subcommittee, the EHAC proposed several changes to the well ordinance. These changes were summarized in a report that was presented and accepted by the Board of Supervisors. Environmental Health staff prepared a draft well ordinance that incorporated these changes into the existing well ordinance.

This draft well ordinance was presented at public meetings of the Mid-Coast Community Council, the Pescadero Municipal Advisory Council, San Mateo County Planning Commission, and Coastside County Water District. Substantive comments from these groups and staff responses are listed below.

1. Should the ordinance specify a greater distance between wells than the fifty feet required now? *Staff has been unable to find a single instance where the current separation has caused a problem and concluded that increasing this distance is unwarranted.*
2. Can more explicit language be included to address site restoration and preservation (specifically mud pits and trees)? *Staff has changed the draft well ordinance to comply with this request.*
3. Should sections requiring a permit to operate domestic water wells and providing for Environmental Health staff access to water wells be deleted? *These sections were added in 1987 to address issues raised by coastal residents, and recommended in the Draft Montara-Moss Beach Water Well EIR, by Klienfelder and to address possible health issues due to contamination of groundwater (e.g. MtBE). Since they provide a mechanism by which aquifers can be managed if necessary, staff concluded that these sections should be retained.*
4. Since some of these changes promote the destruction of unused wells, should the well ordinance explain well destruction methods and costs? *The methods of destroying a well are site specific and are contained in California Well Standards. Staff concluded that further requirements are not necessary, and therefore not appropriate to include in the well ordinance.*
5. Other comments dealing with superfluous or improperly worded sections were incorporated as appropriate.

### ***Summary of Proposed Changes***

- I. Definitions – several definitions were changed or added to clarify the Ordinance and to bring it into compliance with state codes
  - a. Abandoned Well – The term “abandoned” is replaced by “inactive” in most contexts of the Ordinance, since it is less confusing and more in agreement with the “California Well Standards”. An abandoned well would now mean a well that is not maintained and must be destroyed to protect groundwater and prevent accidents.
  - b. Monitoring wells are defined.
  - c. Geothermal heat exchange wells are defined, and added to appropriate sections of the chapter.

- d Potable water is now defined by the state and this draft incorporates that definition. This will require additional water quality tests for wells meant to serve as a domestic water supply. The cost to well owners will increase from the current \$150 to about \$1,000 per well. This will help ensure that drinking water is safe.
- II. Changes were made to setbacks from seepage pits and septic tanks to comply with state regulations and to provide greater safety to drinking water.
- III. The time in which water well logs must be submitted has been increased from thirty (30) to sixty (60) days. The thirty day requirement did not give the driller adequate time to develop and test the well.
- IV. An outdated section meant to prevent certain types of water well installation (horizontal wells) in the Skyline area was deleted. No such wells have been installed in the last 20 years.
- V. A section requiring the installation of backflow prevention devices on agricultural wells that are equipped with chemical feeders or injectors was added. The lack of backflow prevention devices has led to the contamination of aquifers in other counties.
- VI. A portion of Section 4.68 050 (Mitigation of disturbance at a well site) was rewritten to clarify its intent, and to include mud pits and winterization requirements.
- VII. Section 4.68 190 (4) was changed to accept a rate of 1.5 gallons per minute for springs tested in the dry season, as proof of adequate water (was 2.5 gallons per minute all year). This requirement would allow a water test in the dry period of the year. (This is as stringent as accepting 2.5 gallons per minute in the spring).
- VIII. Section 4.68 390, Special circumstances, was added, providing additional authority for the Director of Environmental Health (the Director) to deny a permit or impose conditions upon the issuance of a permit when the installation of a well may be detrimental to public health and/or safety, the environment, aquifers or watersheds.
- IX. Section 4.68 400, Wells installed without a permit, was added to require that wells installed without a permit be destroyed or brought into compliance.
- X. Section 4.68.410, Policies, regulations, and procedures, was added to allow the County Health Officer to adopt policies, regulations, and procedures as appropriate to implement provisions of the Well Ordinance.
- XI. Section 4.68 420, Abandoned wells, was added to require that unused wells be maintained as inactive wells, put into service, or destroyed. This section will make it easier to prevent contamination of groundwater and entrapment of children and/or animals via wells that have been abandoned.

### ***Environmental Review***

An Initial Study and Proposed Negative Declaration were prepared and circulated for public comment from November 28, 2000 to December 27, 2000. No comments were received.

Term and Fiscal Impact

The proposed amendment to the County Ordinance Code will take effect thirty (30) days from adoption. There is no net county cost with the adoption of the amendments.

**RECOMMENDED**

  
\_\_\_\_\_  
**HEALTH SERVICES**

COUNTY OF SAN MATEO, PLANNING DIVISION

**NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.) that the following project: Revision of County Well Ordinance, when implemented will not have a significant impact on the environment.

FILE NO.: PLN 2000-00808

APPLICANT: Environmental Protection

OWNER: Department of Health Services

ASSESSOR'S PARCEL NO : N/A

PROJECT LOCATION: Countywide

PROJECT DESCRIPTION

The project is the revision of the existing County Ordinance regulating the construction of wells. The revisions include deletions, revisions and additions of new elements to the Ordinance. The objectives of the changes include updating the Ordinance to conform to new State requirements and technology for well construction, changes based on the Division's experience in implementing the requirements, and additions of definitions and clarifying language.

Under the California Environmental Quality Act, projects or actions which may have environmental consequences are subject to review and determination as to whether such impacts are significant, insignificant with mitigation or insignificant. The proposed ordinance revision is an action and is considered a project if implementation may result in subsequent environmental impacts.

The County Ordinance for Wells is a locally administered regulation intended to conform with State requirements for well construction but which also contains elements tailored to local conditions. It is unique in that all counties in the State have adopted slightly different county well ordinances which include the minimum State requirements.

The Ordinance is both regulatory and technical as it prescribes various criteria for approval of the well location and the water supply in the land development and approval process, and it establishes minimum standards for construction materials and methods for construction. The technical aspects of the ordinance conform to State requirements, which have been changed periodically to incorporate new technology, new methods, and elements intended to respond to new groundwater management and pollution issues. The County Ordinance has been revised less frequently and consequently periodic revisions incorporate changes, which have occurred over several years and anticipated changes, which will occur in the near future.

The Proposed Revisions to the Well Ordinance are attached. (Note: for purposes of preparing and refining this draft application, the proposed changes are attached which represent the recommendation from the Environmental Health Advisory Committee and the final position from Environmental Protection. At the time the County Counsel has completed the drafting of the actual text for the Ordinance Change, that document will be substituted at the time of the filing of the final environmental clearance application. It is assumed that the essential elements and impacts will not be altered as the proposed changes are inserted into the existing ordinance structure and that the working recommendations will serve for review of this draft.)

The following is a brief summary of the proposed changes to the Ordinance:

1. Drilling mud disposal is more stringently regulated and a requirement for site restoration is added. (§4704)
2. Specific requirements for approval of water supplies in the Skyline Area are deleted. (§4718)
3. Definition of “potable water” is revised to conform to new State definition. (§4701j)
4. Time limit for submittal of a well construction log is extended. (§4714)
5. Standards for determining adequacy of water supply from springs are modified.
6. Required setback for wells from septic tanks and seepage pits are extended to conform with the revised County Septic Tank requirements. (§4712).
7. Definitions and requirements for abandoned wells are made more stringent. (§4702, 4703, 4701a)
8. New definitions are provided for “observation and monitoring wells,” “spring,” “non-residential water use . . . inactive well,” “thermal heat exchange well,” and “exploratory well.”
9. Requirements are established for a new type of well-called a “thermal heat exchange well,” which is a closed circuit heating/cooling system.
10. A new requirement is established requiring a backflow prevention device on agricultural wells used for chemical applications.
11. A new requirement is established for conforming to other County requirements for stormwater mitigation during well construction.

Only one of the proposed changes, number five above, has the potential to effect development or have an impact on future development. The proposed change modifies approval of spring water

supplies. The current requirement is for a yearround minimum measured flow of 2½ gallons per minute. The proposed change is to allow for a dry season and wet season measurement. A minimum flow of 1½ gallons (observed for 30 days) would be considered acceptable if the observation were made between August 2 through November 30. The existing 2½-gallon flow requirement continues if the observation is made at other times of the year. The rationale for this change was that for purposes of domestic water supply, the sustained yield of 2½ gallons is more than adequate. If the supply is measured in the drier periods of the year and a sustained production of 1½ gallons is observed, this amount is also considered more than adequate for residential supply.

This change is an action for which the impact would not be substantial or significant but would be considered a non-significant impact. Staff have reported that the frequency of proposal of a spring system for new development is very infrequent, averaging less than one proposal per year, the actual number of undeveloped properties with active springs is estimated to be very small and most of the areas that have active springs are already under requirements from the San Gregorio Adjudication (California State Water Resources Control Board San Gregorio Creek Adjudication and Order of Determination, 1989). Consequently, the potential for this change to allow for additional or increased development is considered very slight and the impact to future development is insignificant.

In general terms, the Well Ordinance itself provides mitigation for various impacts associated with the development of water supply wells in the development process. Most of the other recommended revisions increase the mitigation requirements for impacts associated with the construction of wells, with associated environmental benefits.

#### FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Planning Division has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially,
2. The project will not have adverse impacts on the flora or fauna of the area;
3. The project will not degrade the aesthetic quality of the area;
4. The project will not have adverse impacts on traffic or land use;
5. In addition, the project will not
  - a. Create impacts which have the potential to degrade the quality of the environment.
  - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.

- c. Create impacts for a project which are individually limited, but cumulatively considerable;
- d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

None.

RESPONSIBLE AGENCY CONSULTATION

None.

INITIAL STUDY

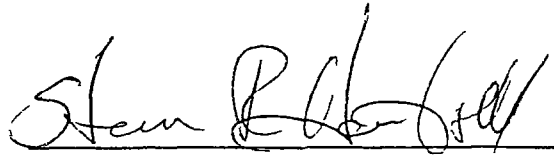
The San Mateo County Planning Division has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD 11/25/00 to 12/15/00

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning Division, 455 County Center, Fourth Floor, Redwood City, no later than 5:00 p.m., 12/15/00.

CONTACT PERSON

Steve Hartsell  
650/363-4798



Steve Hartsell, Project Coordinator

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FILED ENDORSED  
IN THE OFFICE OF THE  
COUNTY CLERK RECORDER OF  
SAN MATEO COUNTY CALIF

NOV 28 2000

WARREN SLOCUM, County Clerk  
By Maria Perez  
DEPUTY CLERK

COUNTY OF SAN MATEO  
Environmental Services Agency  
Planning and Building Division

Initial Study Pursuant to CEQA  
Project Narrative and Answers to Questions for the Negative Declaration  
File Number: PLN 2000-00808  
Revision of County Well Ordinance

111808

PROJECT DESCRIPTION

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## ANSWERS TO QUESTIONS

File No. PLN 2000-00808

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## **ANSWERS TO QUESTIONS**

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## **ANSWERS TO QUESTIONS**

**INITIAL STUDY**  
**ENVIRONMENTAL EVALUATION CHECKLIST**  
(To Be Completed By Planning Division)

**I. BACKGROUND**

Project Title Revision of County Well Ordinance

File No PLN 2000 00808

Project Location Countywide

Assessor's Parcel No N/A

Applicant/Owner. Environmental Protection/Department of Health Services

Date Environmental Information Form Submitted \_\_\_\_\_

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II. ENVIRONMENTAL ANALYSIS

Any controversial answers or answers needing clarification are explained on an attached sheet For source, refer to pages 10 and 11

|   | IMPACT |                 |                              |             | SOURCE |
|---|--------|-----------------|------------------------------|-------------|--------|
|   | NO     | Not Significant | Significant Unless Mitigated | Significant |        |
| <p><b>1 LAND SUITABILITY AND GEOLOGY</b></p> <p>Will (or could) this project</p> <p>a Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay</p> <p>b Involve construction on slope of 15% or greater.</p> <p>c. Be located in area of soil instability (subsidence, landslide or severe erosion)?</p> <p>d Be located on, or adjacent to a known earthquake fault?</p> <p>e Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts</p> <p>f. Cause erosion or siltation?</p> <p>g Result in damage to soil capability or loss of agricultural land?</p> <p>h Be located within a flood hazard area?</p> <p>i Be located in an area where a high water table may adversely affect land use?</p> <p>j Affect a natural drainage channel or streambed, or watercourse?</p> | X      |                 |                              |             | B,F,O  |
|   |        | X               |                              |             | E,I    |
|   | X      |                 |                              |             | Bc,D   |
|   |        | X               |                              |             | Bc,D   |
|   | X      |                 |                              |             | M      |
|   | X      |                 |                              |             | M,I    |
|   | X      |                 |                              |             | A,M    |
|   |        | X               |                              |             | G      |
|   |        | X               |                              |             | D      |
|   |        | X               |                              |             | E      |
| <p><b>2 VEGETATION AND WILDLIFE</b></p> <p>Will (or could) this project</p> <p>a Affect federal or state listed rare or endangered species of plant life in the project area?</p>   | X      |                 |                              |             | F      |

|                              | IMPACT |                 |                              |             | SOURCE |
|------------------------------|--------|-----------------|------------------------------|-------------|--------|
|                              | NO     | Not Significant | Significant Unless Mitigated | Significant |        |
| b                            | X      |                 |                              |             | I,A    |
| c                            | X      |                 |                              |             | F      |
| d                            | X      |                 |                              |             | I      |
| e                            |        | X               |                              |             | E,F,O  |
| f                            | X      |                 |                              |             | F      |
| g                            | X      |                 |                              |             | I,F,Bb |
| <b>3 PHYSICAL RESOURCES</b>  |        |                 |                              |             |        |
| Will (or could) this project |        |                 |                              |             |        |
| a                            | X      |                 |                              |             | I      |
| b                            | X      |                 |                              |             | I      |
| c                            | X      |                 |                              |             | I      |
| d                            | X      |                 |                              |             | A,K,M  |

- b. Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?
- c. Be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?
- d. Significantly affect fish, wildlife, reptiles, or plant life?
- e. Be located inside or within 200 feet of a marine or wildlife reserve?
- f. Infringe on any sensitive habitats?
- g. Involve clearing land that is 5,000 sq ft or greater (1,000 sq. ft within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?

**3 PHYSICAL RESOURCES**

- Will (or could) this project
- a. Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or top soil)?
- b. Involve grading in excess of 150 cubic yards?
- c. Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?
- d. Affect any existing or potential agricultural uses?

|  | IMPACT |                 |                              |            | SOURCE  |
|--|--------|-----------------|------------------------------|------------|---------|
|  | NO     | YES             |                              | Cumulative |         |
|  |        | Not Significant | Significant Unless Mitigated |            |         |
| <b>4 AIR QUALITY, WATER QUALITY, SONIC</b><br>Will (or could) this project:  |        |                 |                              |            |         |
| a Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on site or in the surrounding area? | X      |                 |                              |            | I,N,R   |
| b Involve the burning of any material, including brush, trees and construction materials?  | X      |                 |                              |            | I       |
| c Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?   | X      |                 |                              |            | Ba,I    |
| d Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?                      | X      |                 |                              |            | I       |
| e Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?   | X      |                 |                              |            | A,Ba,Bc |
| f Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?   | X      |                 |                              |            | I       |
| g. Generate polluted or increased surface water runoff or affect groundwater resources?  |        | X               |                              |            | I       |
| h Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity?                             | X      |                 |                              |            | S       |



|   | IMPACT |                                    |             |             | Cumulative | SOURCE |
|---|--------|------------------------------------|-------------|-------------|------------|--------|
|   | NO     | Significant<br>Unless<br>Mitigated | Significant | Significant |            |        |
| <b>5 TRANSPORTATION</b><br>Will (or could) this project.<br>a Affect access to commercial establishments, schools, parks, etc.?<br>b Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?<br>c Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?<br>d Involve the use of off road vehicles of any kind (such as trail bikes)?<br>e. Result in or increase traffic hazards?<br>f Provide for alternative transportation amenities such as bike racks?<br>g Generate traffic which will adversely affect the traffic carrying capacity of any roadway? | X      |                                    |             |             |            | A.I    |
|   | X      |                                    |             |             |            | A.I    |
|   | X      |                                    |             |             |            | I      |
|   | X      |                                    |             |             |            | I      |
|   | X      |                                    |             |             |            | S      |
|   | X      |                                    |             |             |            | I      |
|   | X      |                                    |             |             |            | S      |
| <b>6. LAND USE AND GENERAL PLANS</b><br>Will (or could) this project:<br>a Result in the congregating of more than 50 people on a regular basis?<br>b Result in the introduction of activities not currently found within the community?<br>c Employ equipment which could interfere with existing communication and/or defense systems?  | X      |                                    |             |             |            | I      |
|   | X      |                                    |             |             |            | I      |
|   | X      |                                    |             |             |            | I      |

|    | IMPACT   |                                     |                                     |                          | SOURCE                   |             |
|----|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------|
|    | NO   | YES                                 |                                     | Cumulative               |                          |             |
|    |  | Not Significant                     | Significant Unless Mitigated        |                          |                          | Significant |
| d  | Result in any changes in land use, either on or off the project site?  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | I           |
| e  | Serve to encourage off site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | I,Q,S       |
| f  | Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | I,S         |
| g  | Generate any demands that will cause a public facility or utility to reach or exceed its capacity?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | I,S         |
| h  | Be adjacent to or within 500 feet of an existing or planned public facility?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | A           |
| i  | Create significant amounts of solid waste or litter?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | I           |
| j  | Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc )?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | I           |
| k. | Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | B           |
| l  | Involve a change of zoning?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | C           |
| m  | Require the relocation of people or businesses?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | I           |
| n. | Reduce the supply of low income housing?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | I           |

|  | IMPACT |     | Cumulative | SOURCE |
|--|--------|-----|------------|--------|
|  | NO     | YES |            |        |
| o Result in possible interference with an emergency response plan or emergency evacuation plan?        | X      |     |            | S      |
| p Result in creation of or exposure to a potential health hazard?                                      | X      |     |            | S      |
| <b>7 AESTHETIC, CULTURAL AND HISTORIC</b>  |        |     |            |        |
| Will (or could) this project:  |        |     |            |        |
| a Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?              | X      |     |            | A, Bb  |
| b Obstruct scenic views from existing residential areas, public lands, public water body, or roads?    | X      |     |            | A, I   |
| c Involve the construction of buildings or structures in excess of three stories or 36 feet in height? | X      |     |            | L      |
| d Directly or indirectly affect historical or archaeological resources on or near the site?            | X      |     |            | H      |
| e Visually intrude into an area having natural scenic qualities?                                       | X      |     |            | A, I   |

III. **RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

| AGENCY   | YES | NO | TYPE OF APPROVAL                            |
|--|-----|----|---|
| U S Army Corps of Engineers (CE)                                 |     |    |   |
| State Water Resources Control Board                              | X   |    | Conformance with existing State regulations |
| Regional Water Quality Control Board                             |     |    |   |
| State Department of Public Health                                | X   |    | Conformance with existing State regulations |
| San Francisco Bay Conservation and Development Commission (BCDC) |     |    |   |

| AGENCY                                     | YES | NO | TYPE OF APPROVAL |
|--|-----|----|------------------|
| U.S. Environmental Protection Agency (EPA) |     |    |                  |
| County Airport Land Use Commission (ALUC)  |     |    |                  |
| CalTrans                                   |     |    |                  |
| Bay Area Air Quality Management District   |     |    |                  |
| U.S. Fish & Wildlife Service               |     |    |                  |
| Coastal Commission                         |     |    |                  |
| City                                       |     |    |                  |
| Sewer/Water District                       |     |    |                  |
| Other.                                     |     |    |                  |
|  |     |    |                  |

**IV. MITIGATION MEASURES**

Mitigation measures have been proposed in project application.

Other mitigation measures are needed

Yes   X   No         
              X       

The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines:

V. MANDATORY FINDINGS OF SIGNIFICANCE

|   | Yes   | No      |
|---|-------|---------|
| 1 Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal, or eliminate important examples of the major periods of California history or prehistory? | _____ | X _____ |
| 2. Does the project have the potential to achieve short term environmental goals to the disadvantage of long term environmental goals?  | _____ | X _____ |
| 3 Does the project have possible environmental effects which are individually limited, but cumulatively considerable?   | _____ | X _____ |
| 4 Would the project cause substantial adverse effects on human beings, either directly or indirectly?   | _____ | X _____ |

On the basis of this initial evaluation

X

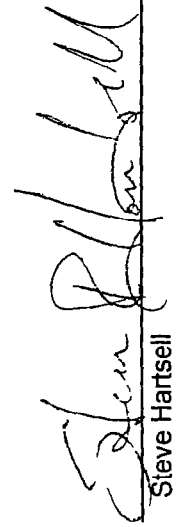
I find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared by the Planning Division

I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because of the mitigation measures in the discussion have been included as part of the proposed project. A **NEGATIVE DECLARATION** will be prepared

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required

11/25/00

Date

  
Steve Hartsell

Project Coordinator  
(Title)

## VI. SOURCE LIST

- A Field Inspection
- B County General Plan 1986
  - a General Plan Chapters 1 16
  - b Local Coastal Program (LCP) (Area Plan)
  - c Skyline Area General Plan Amendment
  - d Montara Moss Beach El Granada Community Plan
  - e. Emerald Lake Hills Community Plan
- C County Ordinance Code
- D Geotechnical Maps
  - 1 USGS Basic Data Contributions
    - a #43 Landslide Susceptibility
    - b #44 Active Faults
    - c #45 High Water Table
  - 2 Geotechnical Hazards Synthesis Maps
- E USGS Quadrangle Maps, San Mateo County 1970 Series (See F and H )
- F San Mateo County Rare and Endangered Species Maps, or Sensitive Habitats Maps
- G Flood Insurance Rate Map National Flood Insurance Program
- H County Archaeologic Resource Inventory (Prepared by S Dietz, A.C R S ) Procedures for Protection of Historic and Cultural Properties -36 CFR 800 (See R )
- I Project Plans or EIF
- J Airport Land Use Committee Plans, San Mateo County Airports Plan
- K Aerial Photography or Real Estate Atlas – REDI
  - 1 Aerial Photographs, 1941, 1953, 1956, 1960, 1963, 1970
  - 2 Aerial Photographs, 1981
  - 3 Coast Aerial Photos/Slides, San Francisco County Line to Ano Nuevo Point, 1971
  - 4 Historic Photos, 1928 1937
- L Williamson Act Maps

- M Soil Survey, San Mateo Area, U S. Department of Agriculture, May 1961
- N Air Pollution Isoleth Maps - Bay Area Air Pollution Control District
- O California Natural Areas Coordinating Council Maps (See F and H )
- P Forest Resources Study (1971)
- Q Experience with Other Projects of this Size and Nature
- R Environmental Regulations and Standards:
  - Federal
    - Review Procedures for CDBG Programs 24 CFR Part 58
    - NEPA 24 CFR 1500-1508 36 CFR Part 800
    - Protection of Historic and Cultural Properties Executive Order 11988
    - National Register of Historic Places Executive Order 11990
    - Floodplain Management
    - Protection of Wetlands
    - Endangered and Threatened Species
    - Noise Abatement and Control 24 CFR Part 51B
    - Explosive and Flammable Operations 24 CFR 51C
    - Toxic Chemicals/Radioactive Materials HUD 79 33
    - Airport Clear Zones and APZ 24 CFR 51D
  - State
    - Ambient Air Quality Standards Article 4, Section 1092
    - Noise Insulation Standards
- S Consultation with Departments and Agencies:
  - a. County Health Department
  - b. City Fire Department
  - c. California Department of Forestry
  - d. Department of Public Works
  - e. Disaster Preparedness Office
  - f. Other

MJS:kcd MJSK1730\_WKH DOC  
 CPD FORM A ENV-30  
 FRM00018 DOC (8/4/1999)



Gray Davis  
GOVERNOR

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse



Steve Nissen  
ACTING DIRECTOR

**ACKNOWLEDGEMENT OF RECEIPT**

DATE. December 14, 2000  
TO: Steve Hartsell  
San Mateo County Env Health  
455 County Center  
4th Floor  
Redwood City, CA 94063  
RE: County Well Ordinance Revisions  
SCH#: 2000112064

SAN MATEO CO  
ENVIRONMENTAL  
DEC 14 2000  
RECEIVED

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: November 28, 2000  
Review End Date: December 27, 2000

We have distributed your document to the following agencies and departments.

- Caltrans, District 4
- Department of Conservation
- Department of Fish and Game, Region 3
- Department of Health Services
- Department of Parks and Recreation
- Native American Heritage Commission
- Regional Water Quality Control Board, Region 2
- Resources Agency
- San Francisco Bay Conservation and Development Commission
- State Lands Commission
- State Water Resources Control Board, Division of Water Rights

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process





Gray Davis  
GOVERNOR

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse



Steve Nissen  
ACTING DIRECTOR

December 28, 2000

SAN MATEO COUNTY  
ENVIRONMENTAL HEALTH

JAN - 3 2001

RECEIVED

Steve Hartsell  
San Mateo County Env Health  
455 County Center  
4th Floor  
Redwood City, CA 94063

Subject County Well Ordinance Revisions  
SCH# 2000112064

Dear Steve Hartsell

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on December 27, 2000, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

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

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

\* \* \* \* \*

AN ORDINANCE AMENDING CHAPTER 4.68 WELLS, SAN MATEO COUNTY  
ORDINANCE CODE

---

The Board of Supervisors of the County of San Mateo, State of California,  
ORDAINS as follows:

SECTION 1. Chapter 4.68 Wells, San Mateo County Ordinance Code is hereby amended  
to read as follows:

**Sections:**

- 4.68.010 Intent.
- 4.68.020 Definitions.
- 4.68.030 General standards.
- 4.68.040 Well-driller.
- 4.68.050 Mitigation of disturbance at well site.
- 4.68.060 State regulations.
- 4.68.070 Fees.
- 4.68.080 Permit for the construction, destruction, inactivation ~~abandonment~~ or  
conversion of water well or geothermal heat exchange well.
- 4.68.090 Placement of permit on job site.
- 4.68.100 Standards for the construction, destruction, ~~abandonment~~  
~~inactivation~~ or conversion of water well, geothermal heat exchange  
well or cathodic protection well.
- 4.68.110 Water well slabs.
- 4.68.120 Water well sanitization.
- 4.68.130 Exclusion of contamination.
- 4.68.140 Location of water well.
- 4.68.150 Protection of community system.
- 4.68.160 Log of new water well.
- 4.68.170 Expiration of permit for the construction, destruction, ~~abandonment~~  
~~inactivation~~ or conversion of a well.
- 4.68.180 Certification for building permit.
- 4.68.190 Standards for adequate water.
- ~~4.68.200 Domestic water supply for purposes of certification in the Skyline  
area.~~
- 4.68.200 Backflow prevention device requirement for water wells used for  
agricultural chemical applications.
- 4.68.210 Permit for the use or operation of a well as a domestic water supply.
- 4.68.220 Application to existing wells.

- 4.68.230 Application to existing wells located in the unincorporated area of the County lying north of Highway 92 and west of Highway 280.
- 4.68.240 General standards for the operation or use of a water well as a domestic water supply.
- 4.68.250 Monitoring standards.
- 4.68.260 Testing requirements.
- 4.68.270 Duration of permit to operate water well as a domestic water supply.
- 4.68.280 Right of inspection.
- ~~4.68.290 Permit requirement for the construction and operation of cathodic protection well.~~
- ~~4.68.300 Standards for the construction and operation of cathodic protection well.~~
- 4.68.290 Application for permit or certification.
- 4.68.300 Fees.
- 4.68.310 Issuance of permit.
- 4.68.320 Variances.
- 4.68.330 Suspension or revocation of permit.
- 4.68.340 Hearing and determination.
- 4.68.350 Appeals to the Board of Supervisors.
- 4.68.360 Violations.
- 4.68.370 Finding of public nuisance.
- 4.68.380 Special circumstances.
- 4.68.390 Wells installed without permit.
- 4.68.400 Policies, regulations and procedures.
- 4.68.410 Abandoned wells.
- 4.68.420 Severability.

**4.68.010 Intent.**

It is the purpose of this chapter to provide for the construction, conversion, abandonment inactivation, or destruction of water wells, geothermal heat exchange wells, and cathodic protection wells so that the groundwater of this County shall not be polluted or contaminated and that water obtained from such wells shall be adequate and suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this County.

**4.68.020 Definitions.**

The following definitions govern the construction of this chapter:

(a) "Abandoned well" means ~~any well that has not been used for over one calendar year and presents a potential threat to the public health and safety~~ any of the following:

- (1) A water supply well which has not been used for a period of one calendar year and has not been permitted as an inactive well by the County Health Officer.
- (2) A monitoring or contamination extraction well which has not been used for a period of three calendar years and has not been permitted as an inactive well by the County Health Officer.

- (3) A well which is in such a state of disrepair that it cannot be made operational for its intended purpose.
- (4) A test hole or exploratory boring 24 hours after construction and testing work has been completed.
- (5) A cathodic protection well that is no longer functional for its original purpose.
- (b) "Agricultural well" or "stock well" means any well used solely to supply water for irrigation or other agricultural purposes
- (c) "Cathodic protection well" means any well designed or used to protect pipelines, tanks, cables, power lines and other facilities from corrosion.
- (d) "County Health Officer" means the Public Environmental Health Director of San Mateo County or an authorized representative. The County Health Officer or his or her designee shall have the authority and responsibility for the enforcement of this chapter.
- (e) "Domestic water supply" means a system consisting of a well, storage tank(s), reservoirs, integrated piping or other related appurtenances used for the purposes of delivering potable water intended for human consumption. Except as otherwise provided by this chapter, this term shall include any water well, agricultural well, industrial well or other type of well which is used to provide potable water for human consumption.
- (f) "Dwelling unit" means a room or suite of two (2) or more rooms, which are designed for, intended for, or are occupied by one family doing its cooking therein and having only one kitchen.
- ~~(g) "Horizontal well" means a water well drilled horizontally or at an angle with the horizon. A horizontal well for the purpose of this chapter does not include horizontal drains or wells constructed to remove subsurface water from hillsides, cuts or fills which are used to prevent or correct conditions that may produce landslides.~~
- (g) "Exploratory well" means a test production well installed for the purpose of assessing well water quantity and quality.
- (h) "Inactive well" means a well that has been properly secured, protected, and maintained in an inactive condition in accordance with state requirements, for a period not to exceed five years.
- (i) "Geothermal heat exchange well" means any artificial excavation by any method for the purpose of using the heat exchange capacity of the earth for heating and/or cooling and in which the ambient ground temperature is 86 degrees Fahrenheit or less and which uses a closed loop fluid system to prevent the discharge or escape of its fluid into the surrounding aquifers or geologic formations. Geothermal heat exchange wells are also known as ground source heat pump wells. Such wells or boreholes are not intended to produce water or steam.
- (j) "Non residential water use" means a potable water supply which serves the public in a commercial setting that is not subject to surface water contamination.
- ~~(j) "Potable water" means water of a quality which meets the Regulations Relating to Domestic Water Supply Quality and Monitoring issued by the California Department of Health~~
- (k) "Observation and monitoring well" means any well constructed or used for the sole purpose of observing or monitoring groundwater conditions artificial excavation by any method for the purpose of obtaining groundwater, vadose zone, or other subsurface data, including groundwater levels, groundwater quality, and soil vapor quality. Monitoring wells shall conform with applicable California Department of Water Resources, U.S.

Environmental Protection Agency, State Department of Toxic Substance Control, or the Regional Water Quality Control Board standards and guidelines for the construction of monitoring wells.

(l) "Person" means any individual, organization, partnership, business, association, corporation or governmental agency

(m) "Potable water" means water that complies with standards for transient non-community water systems pursuant to the California Safe Drinking Water Act (Chapter 4, commencing with Section 116275) of part 12).

(n) "Property line" means the legally established line separating one piece of property from another or separating a public-right-of-way from private properties.

(o) "Sewer" means a pipe carrying wastewater from any structure or a part of a community or individual sewerage system.

(p) "Spring" means a place where groundwater flows naturally from rock or soil onto the land surface and is not subject to surface water contamination.

(q) "Stabilized water level during pumping" means that level of water in the well which remains constant after a period of pumping at the specified rate in gallons per minute provided under Section 4 68.190 of this chapter. The required period of time for such pumping may vary at the discretion of the Health Officer depending upon the geological factors and groundwater recharge of the site. The minimum test period for individual domestic wells shall be four hours after the water level is stabilized.

(r) "Well" or "water well" means any artificial excavation by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall include agricultural wells and monitoring and observation wells. This definition shall not include: (1) oil and gas wells, or geothermal wells constructed pursuant to state law except those wells converted to use as water wells, or (2) wells used for the purpose of (A) dewatering excavations during construction; or (B) stabilizing hillsides or embankments.

#### **4.68.030 General Standards.**

No person shall construct, reconstruct, repair, destroy, ~~inactivate~~ ~~abandon~~, convert, operate or use a water well, geothermal heat exchange or cathodic protection well except as provided by this chapter.

#### **4.68.040 Well-driller.**

Any construction, reconstruction, repair, destruction, ~~abandonment~~ or conversion of a water well, geothermal heat exchange or cathodic protection well shall be undertaken by a well-driller who possesses a C-57 Water Well Contractor's License as provided by state licensing law.

#### **4.68.050 Mitigation of disturbance at well site.**

(a) Any disturbance at a well site for the purposes of construction, reconstruction, repair, destruction, ~~abandonment~~ or conversion of a water well, geothermal heat exchange or cathodic protection well shall be limited to the minimum amount of disturbance necessary to gain access to drill the well and shall be in compliance with any other pertinent laws or regulations, including but not limited to grading permit requirements, coastal development regulations, and roadway encroachment permits. ~~Drilling fluids and~~

~~other drilling materials produced or used in connection with well construction, destruction or conversion shall not be allowed to discharge onto or into streets, waterways, or adjacent properties unless written permission to discharge is granted by the appropriate property owner or legal entity.~~ Drilling fluids and other drilling materials produced or used in connection with well construction, destruction, or conversion shall not be allowed to discharge onto or into streets, waterways, sensitive habitats, or storm drains. Drilling fluids discharged onto an adjacent property requires the written permission of the property owner. Drilling fluids shall be properly managed and disposed of in accordance with applicable local, regional, and state requirements. Upon completion of the construction, destruction or conversion of the well, the site shall be restored as near as possible to its original condition, and appropriate erosion control measures shall be implemented. Site restoration is the responsibility of the property owner and must be implemented within 60 days of the completion of the well, and not more than a year from the date of the permit issuance. ~~All drilling fluids or drilled material shall be retained on the site or disposed of to the satisfaction of the County Health Officer.~~ In the event a water well should, at the time of drilling, prove to have an inadequate water supply or quality for its intended use, it shall be closed in accordance with requirements of the County Health Officer and the site shall be returned as near as possible to its original condition. In the event a water well is tested for certification for a building permit, any water generated by pumping during the test shall be disbursed or disposed of in a manner which will not cause excessive erosion.

(b) In addition to the requirements above, the well site, including any excavations and drainage pits, shall at the time of drilling be secured or maintained in such a manner as to prevent injury or damage to persons and animals.

(c) Wells constructed during a period where winterization requirements are in effect, between October 15 and April 15, shall comply with County grading and storm water pollution prevention measures.

(d) Mud pits shall not be installed in the drip zone of any tree.

#### **4.68.060 State regulations.**

Nothing contained in this chapter shall be deemed to release any person from compliance with the provisions of state law, including but not limited to any reporting requirements under the California Water Code.

#### **4.68.070 Fees.**

Permit fees shall be charged for each permit to cover the cost of inspection and enforcement pursuant to this chapter, in an amount to be set by resolution of the Board of Supervisors.

#### **4.68.080 Permit for the construction, destruction, inactivation, repair abandonment or conversion of a water well, geothermal heat exchange well or cathodic protection well.**

No person shall dig, bore, deepen, re-perforate, excavate, construct, reconstruct, inactivate, convert, destroy or repair any water well, geothermal heat exchange well or cathodic protection well, ~~destroy or abandon any existing water well, or convert any water well~~ without first having applied for and obtained a permit for such activity from

the County Health Officer pursuant to the provisions of this chapter. A permit granted pursuant to this article is valid only for the proposed activity listed on the permit application and solely for the site specified therein. A permit granted pursuant to this Section does not authorize the use or operation of the well as a water supply intended for human consumption as provided by Sections 4.68.180 through 4.68.280 of this chapter.

**4.68.090 Placement of permit on job site.**

A permit issued pursuant to this article shall be kept available for inspection at the well site during the course of and until completion of the construction, reconstruction, repair, destruction, inactivation abandonment or conversion of the well, and until the site has been restored as per Section 4.68.50 of this chapter.

**4.68.100 Standards for the construction, destruction, inactivation abandonment or conversion of water well, cathodic protection well or geothermal heat exchange well.**

All water wells, geothermal heat exchange wells, and cathodic protection wells shall be constructed, reconstructed, repaired, destroyed, inactivated abandoned or converted in accordance with the standards set by this chapter and by state law, including those regulations and standards issued by the California Department of Water Resources.

**4.68.110 Water well slabs.**

All water wells shall be provided with a watertight reinforced concrete slab of a minimum thickness of (6) six inches which shall extend horizontally at least two (2) feet from the well casing in all directions. The concrete slab shall be adequately sloped to drain water away from the well casing. The top surface of the slab at its outer edge shall be at least four (4) inches above the surrounding ground level. Notwithstanding the provisions of Section 4.68.340 ("Variances"), the County Health Officer may authorize alternative specifications for such concrete slab or allow an alternative means of protecting the well where he finds that such alternative specifications or means provide protection to the well equivalent to that provided under the requirements of this Section.

**4.68.120 Water well sanitization.**

All water wells shall be provided with a pipe or other effective means of directly introducing chlorine or other disinfecting agents into the well.

**4.68.130 Exclusion of contamination.**

All water wells shall be designed and constructed to exclude contamination as follows.

- (a) All sanitization pipes for an above surface pump discharge shall extend to height equal to the pump pedestal that is at least eight inches above the finished grade. The pipe shall be kept sealed by a threaded or equivalently secure cap.
- (b) All sanitization pipes for a subsurface pump discharge installation shall be kept sealed by a threaded or equivalently secure cap.
- (c) All air relief vents shall terminate downward and be screened and protected against the possibility of contaminating material entering the vent.

(d) All entry pipes into gravel packed sections of a well shall be tightly capped.

**4.68.140 Location of water well.**

In order to protect the water source and public health and safety, all water wells shall be set back from possible sources of pollution and contamination. The amount of the setback shall depend upon the geology, soil conditions and topography of the well site. Because of the many variables involved in the determination of the safe horizontal distance of a well from potential sources of contamination and pollution, no one set of distances will be adequate and reasonable for all conditions. In areas where adverse conditions exist, the distances listed will be increased. Conversely, where especially favorable conditions exist or where special means of protection, particularly in construction of the well, are provided, lesser distances may be acceptable if approved by the County Health Officer or his designee. The following minimum setbacks, measured horizontally from the well, typically shall be

|  |                              |
|--|------------------------------|
| From another well  | 50 feet                      |
| From any septic tank   | <del>50 feet</del> 100 feet  |
| From a septic tank leachfield  | 100 feet                     |
| From a seepage pit   | <del>100 feet</del> 150 feet |
| From a sewer line or lateral   | 50 feet                      |
| From a property line (sewered area)  | 5 feet                       |
| From a property line (unsewered area)  | 50 feet                      |
| From an exterior wall of a building's foundation   | 5 feet                       |
| From a boundary line of any easement dedicated to or reserved for sanitary sewers or wastewater facilities as shown on a map approved by a sanitary district and placed on file by that district with the County Environmental Health Division | 50 feet                      |

**4.68.150 Protection of community system.**

In the event a well is used on a property served by a public water system, there shall be installed between the dwelling unit or structure being served water and the meter box or distribution system a backflow prevention device approved jointly by the County Health Officer and the Water Superintendent of the Public Water System.

**4.68.160 Log of new water well.**

Any person to whom the County Health Officer has issued a permit to construct, repair, reconstruct, ~~inactivate or abandon~~, convert or destroy a well shall, within ~~thirty (30)~~ ~~sixty (60)~~ days of the completion of the drilling, diggings, boring, or excavating authorized by such permit, furnish the County Health Officer with a log of such well. The log shall include, but is not limited to, information on the type of casing, the number and location of the perforations therein, the depth of the well and soil types encountered during drilling of the well, as well as any other data requested by the County Health Officer. Any person who has earlier submitted a log for the well to the State of California may satisfy this provision by submission of that same log to the County Health Officer.



**4.68.170 Expiration of permit for the construction, destruction, inactivation abandonment or conversion of a well.**

A permit issued pursuant to Section 4.68.080 for the construction, reconstruction, inactivation, destruction abandonment or conversion of a water well, cathodic protection well, or geothermal heat exchange well shall expire and become null and void if the work authorized has not been completed within one calendar year following the issuance of the permit. Upon expiration of such permit, no further work may be done in connection with the construction, reconstruction, repair, destruction, inactivation abandonment or conversion of a well unless and until a new permit for that purpose is secured in accordance with the provisions of this chapter.

**4.68.180 Certification for building permit.**

Upon the completion of the construction or conversion of a well in compliance with the provisions of this chapter, the County Health Officer shall, upon request, certify the well as a domestic water supply for one to four dwelling units or for industrial or commercial use for the purpose of obtaining a building permit to construct a new structure or for the enlargement of an existing structure if the well provides a water supply that is potable, adequate and delivered under a minimum pressure of twenty (20) pounds per square inch during periods of maximum demand. A certification issued pursuant to this Section shall be valid only for the purposes of obtaining a building permit and is not and shall not be deemed a permit to use or operate a well as a domestic water supply as may be required by Sections 4.68.210 through 4.68.280.

**4.68.190 Standards for adequate water.**

For the purposes of this article, "adequate water" means:

(1) For a vertical well serving a single family dwelling, said term shall mean a well, which produces a minimum of 2 1/2 gallons per minute at a stabilized water level during pumping with at least 1,250 gallons of storage.

(2) For a vertical well serving a single family dwelling with the second unit less than 750 square feet, said term shall mean a well which produces a minimum of 3 gallons per minute at a stabilized water level during pumping with at least 1,500 gallons of storage.

(3) For a vertical well serving two to four dwelling units, said term shall mean a well which produces at a minimum at a stabilized water level during pumping:

(A) Five gallons per minute with 2,500 gallons storage for two dwelling units.

(B) 7.5 gallons per minute with 3,750 gallons storage for three dwelling units.

(C) Ten gallons per minute with 5,000 gallons storage for four dwelling units.

(4) For a horizontal well or spring serving a single family dwelling, said term shall mean a well or spring that produces a minimum flow of 2.5 gallons per minute with minimum storage of 1,250 gallons after 30 days of observation or if done in the dry period, August 1 through November 30, 1.5 gallons per minute for a thirty-day observation period and 2,000 gallons of storage.

(5) For nonresidential uses, said term shall mean an amount of water determined by the County Health Officer in accordance with the Uniform Plumbing Code and water quality standards issued by the California Department of Health Services.

**4.68.200 — Domestic water supply for the purposes of certification in the skyline area.**

~~Within the Skyline Area, as defined in Section 6102.71.1 of Chapter 1 Part 1 of Division III, only a vertical well or a spring which meets County Ordinance specifications for quantity and quality shall qualify as a domestic water supply for the purposes of certification for building permits under this article. Stream infiltration galleries and horizontal wells in the Skyline Area shall not qualify as domestic water supplies for the purposes of certification for building permits under this article.~~

**4.68.200 Backflow prevention device requirement for water wells used for agricultural chemical applications.**

Agricultural well irrigation systems including those used for golf courses which employ chemical feeders or injection systems shall be equipped with a backflow prevention device approved by the County Health Officer.

**4.68.210 Permit for the use or operation of a well as a domestic water supply.**

No person shall use or operate a well as a domestic water supply without applying for and obtaining a permit for such activity from the County Health Officer in accordance with the provisions of this chapter

**4.68.220 Application to existing wells.**

The requirements of this article shall be applicable to all new wells used or operated as a domestic water supply. The requirements of this chapter shall not be applicable to wells existing on April 14, 1987, at the time of the adoption of this chapter except as provided by Section 4.68.230.

**4.68.230 Application to existing wells located in the unincorporated area of the County lying north of Highway 92 and west of Highway 280.**

The requirements of this chapter shall be applicable to all wells used or operated as a domestic water supply which are existing at the time of the adoption of this ordinance, and are located in the unincorporated area of the County lying north of Highway 92 and west of Highway 280

**4.68.240 General standards for the operation or use of a water well as a domestic water supply.**

Any well used or operated as a domestic water supply shall meet all standards of construction under Section 4.68.020 of this chapter and shall provide water that is potable, adequate, and delivered under a consistent minimum pressure of twenty (20) pounds per square inch during periods of maximum demand and shall not be operated or used in any manner that would, in the opinion of the County Health Officer, threaten or harm the public health or safety. The term "adequate" shall be defined in Section 4.68 190 of this chapter

**4.68.250 Monitoring standards.**

Any well used or operated as a domestic water supply shall have a meter installed on the well to record the volume of water used. A record of such water usage shall be submitted by the permittee to the County Health Officer annually unless otherwise requested by the County Health Officer.

**4.68.260 Testing requirements.**

Any well used or operated as a domestic water supply shall be tested for water quality at the expense of the permittee upon the request of the County Health Officer. Results of these tests shall be provided to the County Health Officer.

**4.68.270 Duration of permit to operate water well as a domestic water supply.**

A permit issued pursuant to this article for the use or operation of a water well as a domestic water supply shall not expire and shall remain valid provided that the operation or use of the well is in compliance with the standards under this chapter and state law. The permittee shall, however, pay an annual fee to the County Health Officer for reimbursement of the costs of inspection and administration of this chapter. The amount of this annual fee shall be set by resolution of the Board of Supervisors.

**4.68.280 Right of inspection.**

As a condition for the issuance of a permit under this article, the permittee shall allow the County Health Officer or an authorized representative to enter the property where the well is located, upon reasonable notice to the permittee, property owner and/or occupant, between the hours of 8 a.m. and 6 p.m., unless otherwise agreed by the parties, to investigate, examine and test the well and well site.

~~**4.68.290 Permit Requirement for the construction and operation of cathodic protection well.**~~

~~No person shall dig, bore, deepen, re-perforate, excavate, construct, reconstruct, repair, abandon or destroy a cathodic protection well, or operate such well, without applying for and obtaining a permit for such activity from the County Health Officer pursuant to the requirements of Sections 4.68.030 through 4.68.170 of this chapter.~~

~~**4.68.300 Standards for the construction and operation of cathodic protection well.**~~

~~A cathodic protection well or geothermal heat exchange well shall be constructed and operated in accordance with state law and with cathodic protection well standards issued by the California Department of Water Resources.~~

**4.68.290 Application for permit or certificate.**

Any person applying for a well permit or certificate pursuant to the provisions of this chapter shall complete an application form provided by the County Health Officer and furnish whatever information the County Health Officer deems necessary regarding

the proposed construction, reconstruction, repair, destruction, inactivation, certification or operation of that well.

**4.68.300 Fees.**

Each application for a permit or certificate provided under this chapter shall be accompanied by a nonrefundable filing fee. The amount of such fee shall be set by resolution of the Board of Supervisors.

**4.68.310 Issuance of Permit.**

A permit or certificate provided under this chapter shall be issued by the County Health Officer within fifteen (15) working days after receipt of an appropriate and complete application and payment of the required filing fee if, in the opinion of the County Health Officer, the proposed construction, reconstruction, repair, destruction, abandonment, conversion, use, inactivation, operation or certification of the well complies with the requirements of this chapter and such action will not cause pollution or contamination of water resources or in any other manner jeopardize the public health, safety or welfare.

**4.68.320 Variances.**

A variance from the specific terms of this chapter may be granted by the County Health Officer when, due to special conditions or exceptional circumstances of the property, its location or surroundings, a literal enforcement of this chapter would result in unnecessary hardships. A variance cannot be approved if it would be contrary to the intent of this chapter or harm public health, safety or welfare. such variance will not be contrary to the intent of this chapter nor harm public health, safety, or welfare, and due to special conditions or exceptional characteristics of the property, its location or surroundings, a literal enforcement of the chapter would result in unnecessary hardships. Applications for a variance shall be made in writing and filed with the County Health Officer with the request for a permit or certificate provided by this chapter. The County Health Officer shall make a determination on the request for variance within thirty (30) days of receiving the completed application.

**4.68.330 Suspension or revocation of a permit.**

(a) In the event any person holding a permit for the construction, reconstruction, repair, destruction, inactivation abandonment, conversion or operation of a well pursuant to this chapter violates the terms of the permit, this chapter or state law, or conducts or carries on any use under that permit that is materially detrimental to the public health, safety or welfare, the County Health Officer shall revoke or suspend said permit in accordance with the procedures set forth below.

(b) Except as provided in subdivision (c) of this Section, no permit issued under the provisions of this chapter shall be revoked or suspended until a hearing is held by the County Health Officer. Written notice of the hearing and intent to revoke or suspend the permit shall be served upon the permittee as provided in subSection (d) below.

(c) The County Health Officer may revoke or suspend a permit issued under this chapter before a hearing is held on the matter if, in the opinion of the County Health Officer, the

continued activity or use under the permit constitutes an immediate and substantial threat to public health, safety or welfare.

(d) Written notice under this Section shall state the grounds for the revocation or suspension in clear and concise language, and the date, time, and place for the hearing. Such notice shall be served by registered mail or personal service on the permittee at least ten (10) days prior to the date set for the hearing.

**4.68.340 Hearing and determination.**

At the hearing provided under Section 4.68.350, the permittee or an authorized representative shall be given an opportunity to be heard and present evidence. Upon conclusion of such hearing, the County Health Officer shall determine whether or not the permit shall be suspended or revoked or, in the event there is no suspension or revocation whether additional conditions necessary to prevent any present or future threat to the public health or safety should be imposed. The decision of the County Health Officer shall be made in writing within thirty (30) days after the hearing and shall provide the reasons for the decision. The written declaration shall be served by registered mail or personal service upon the permittee.

**4.68.350 Appeals to Board of Supervisors.**

Any aggrieved party may appeal the decision of the County Health Officer resulting from the hearing provided in Section 4.68.350 to the Board of Supervisors by filing a notice of appeal with the County Health Officer on a form provided by that office. The notice of appeal must be filed within ten (10) working days from the date of the issuance of the County Health Officer's decision. Within thirty (30) days of a timely filing of a notice of appeal, the County Health Officer shall transmit the notice together with its minutes and all other records in the matter to the Board of Supervisors. Upon receiving a notice of appeal, record, and supporting documents from the County Health Officer, the Board of Supervisors shall set the matter for public hearing. At such hearing, the Board of Supervisors shall have all the powers of the County Health Officer under the provisions of this chapter. In deciding an appeal, the Board of Supervisors shall not hear or consider any evidence of any kind other than the evidence contained in the record contained in the record received from the County Health Officer, nor any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for a hearing de novo before itself and gives the same notice of hearing that is required for hearings before the County Health Officer under Section 4.68 350. The decision of the Board of Supervisors upon an appeal is final and conclusive in the matter.

**4.68.360 Violations.**

Any violation of this chapter shall be a misdemeanor and shall be punishable as provided by San Mateo County Ordinance Code.

**4.68.370 Findings of Public Nuisance.**

Notwithstanding any other action or penalty provided by law, any violation of this chapter shall be deemed a public nuisance, and the County Health Officer may

commence action or proceedings for the abatement, removal and/or enjoinder thereof in any manner provided by law.

**4.68.380 Special circumstances.**

Before issuing any permit under section 4.68.080 for construction of a water well or geothermal heat exchange well, the County Health Officer may consider whether the granting of the permit would result in special circumstances which may present a threat of harm to the health, safety, or welfare of persons, watersheds, aquifers, or the environment. If the County Health Officer determines that special circumstances exist which may result in harm to the health, safety, or welfare of persons, watersheds, aquifers, or the environment, the County Health Officer may deny such permit or grant such permit with conditions designed to eliminate such threat. "Special circumstances", for the purposes of this section shall include but not be limited to:

- (a) A well proposed in an area that is subject to a specific and localized groundwater problem.
- (b) A well intended for unusually high water usage purposes (e.g. a well intended to serve a hotel) which presents a potential of overdraft of an aquifer.

**4.68.390 Wells installed without permit**

Upon determining that a well has been installed without the required permit or permits, the County Health Officer may issue a cease and desist order by certified mail, return receipt requested, to the owner of the property where the well is located, requiring the owner to immediately cease use of the well and to obtain such permits as are necessary to destroy the well or legalize its use.

**4.68.400 Policies, regulations and procedures.**

The County Health Officer shall adopt policies, regulations and procedures consistent with this chapter, as appropriate, to implement the provisions of this chapter.

**4.68.410 Abandoned wells.**

It is unlawful to maintain an abandoned well. Any person owning property upon which an abandoned well is located shall obtain a permit to destroy or inactivate the well.

**4.68.420 Severability.**

If any section, subsection, paragraph, sentence clause or phrase of this ordinance is for 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 chapter, including any other section, subsection, sentence, clause or phrase therein.

SECTION 2. This ordinance will be effective in thirty days.