

## Chapter 6.28

## WATER AND OTHER WELLS

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**Section 6.28.010 Purpose, authority and implementation.**

The purpose of this chapter is to provide minimum standards for construction, reconstruction, abandonment and destruction of all wells in order to (a) protect underground water resources; and (b) provide safe water to persons within the City of Riverside. Pursuant to the requirements of Section 13801 of the California Water Code, the request of the County of Riverside and the provisions of City Resolution No. 14733, the Riverside County Health Department shall enforce the provisions of this chapter within the jurisdiction of the City of Riverside. (Ord. 5815 § 1, 1990)

**Section 6.28.020 Definitions.**

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

"Abandoned Well" shall mean a well whose original or functional purpose and use has been discontinued for a period of one year and which has not been declared for reuse by its legal owner with the Department, or a well in such a state of disrepair that it cannot be functional for its original purpose or any other purpose regulated under this chapter. An exploration hole shall be considered to be an abandoned well twenty-four hours after its construction and testing

work have been completed.

"Agriculture Well" shall mean any water well used to supply water for irrigation or other agricultural purposes including so-called "Stock Wells".

"Annular Seal" or "Sanitary Seal" shall mean the approved material placed in the space between the well casing and the wall of the drilled hole (the annular space).

"Cathodic Protection Well" shall mean any artificial excavation in excess of fifty feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

"Community Water Supply Well" shall mean any well which provides water for public water supply systems.

"Contamination" shall mean an impairment of the quality of the waters of the State by waste substances to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

"Cross-Connection" shall mean any unprotected connection between any part of a water system used or intended to supply water for domestic purposes and any source or system containing water or other substances that are not or cannot be approved as safe, pure, wholesome, and potable for human consumption.

"Department" shall mean the Riverside County Department of Health, Division of Environmental Health Services.

"Director" shall mean the Director of the Department or his duly authorized representative.

"Distribution System" shall mean and include the facilities, conduits, and all other means used for the delivery of water from the source facilities to the customer's system.

"Exploration Hole" shall mean an uncased excavation for the purpose of immediately determining the existing geological and/or hydrological conditions at the site either by direct observation or other means.

"Individual Domestic Well" shall mean any well used to supply water for domestic needs other than a public water system.

"Industrial Well" shall mean any well used primarily to supply water for industrial processes and which may supply water intentionally or incidentally for domestic purposes.

"Lateral (Horizontal) Well" shall mean a well drilled or constructed horizontally or at an angle with the horizon as contrasted with the common vertical well, but does not include horizontal drains or "wells" constructed to remove subsurface water from hillsides, cuts or fills.

"Monitoring Well" shall mean an artificial excavation by any method for the purpose of observing, monitoring or supplying a water bearing aquifer, such as fluctuations in groundwater levels, quality of groundwaters or the concentration of contaminants in underground waters.

"Person" shall mean any individual, firm, corporation, association, profit or non-profit organization, trust, partnership, special district or governmental agency to the extent authorized by law.

"Pollution" shall mean an alteration of water by waste substances to a degree which unreasonably impairs such water for beneficial uses, or the facilities which serve such beneficial uses. "Pollution" includes "contamination".

"Public Water System" shall mean:

1. A system, regardless of type of ownership, for the provision of piped water to the public for domestic use, if such system has at least five service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days of the year. A public water system includes:

- a. Any collection, treatment, storage and distribution facilities which are used primarily in connection with such system and which are under control of the water supplier.

- b. Any collection or pretreatment storage facilities which are used primarily in

connection with such system but are not under control of the water supplier.

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

"Source Facilities" shall include wells, stream diversion works, infiltration galleries, springs, reservoirs, tanks, and all other facilities used in the production, treatment, disinfection, storage, or delivery of water to the distribution system.

"Water Well" shall mean any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into the ground. This definition shall not include:

1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or
2. Wells used for the purpose of:
  - a. Dewatering excavation during construction, or
  - b. Stabilizing hillsides or earth embankments. (Ord. 5815 § 1, 1990)

### **Section 6.28.030 Permit requirements.**

A. No person or entity, as principal agent or employee, shall dig, drill, bore, drive, reconstruct or destroy (1) a well that is to be, or has been, used to produce or inject water; (2) a cathodic protection well; or a monitoring well without first filing a written application to do so with the Department, and receiving and retaining a valid permit as provided herein.

B. No person or entity shall engage in any activity subject to the jurisdiction of this chapter without first paying all applicable fees to the Department of Health for each activity in the amounts set forth in Riverside County Ordinance No. 640 et seq.

C. Any person who shall commence any work for which a permit is required hereunder by the Department without having obtained a permit therefor shall, if subsequently granted a permit, pay double the permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be established in writing to the satisfaction of the Director that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work. In all cases in which emergency work is necessary, a permit shall be applied for within three working days after commencement of the work. The applicant for a permit for any such emergency work shall, in any case, demonstrate that all work performed is in compliance with the technical standards of Section 6.28.100 of this chapter.

D. An application for a permit to construct a water well, monitoring well or cathodic protection well shall be submitted to the Department on a form and in a manner prescribed by the Department, and shall include the following information:

1. A Plot Plan showing the proposed well location with respect to the following items within a radius of five hundred feet from the well:
  - a. Property lines, including ownership.
  - b. Sewage or waste disposal systems (including reserved waste disposal expansion areas), or works for carrying or containing sewage or waste.
  - c. All intermittent and perennial natural and artificial bodies of water and watercourses.
  - d. The approximate drainage pattern of the property.
  - e. Other wells, including abandoned wells.
  - f. Access road(s) to the well site.
  - g. Structures.
2. Location of the property with a vicinity map including the legal description of the property (Assessor's Parcel Map/Tract Map Number).
3. The name and state license number of the general contractor (when applicable), and

the name and C-57 license number of the person responsible for constructing the well.

4. The proposed well depth, including casing size and zones of perforations and strata to be sealed off, if such data can be reasonably projected.

5. The proposed use of the well.

6. Location of underground storage tank(s) within five hundred feet of the proposed well.

7. Location and classification by visual inspection of any solid, liquid or hazardous waste disposal sites, including municipal and individual package sewage treatment plants, within two thousand feet of the proposed well.

8. Where proposed work is reconstruction or destruction of a water well, monitoring well or cathodic protection well, provide the following information, if available:

a. Method of reconstruction or destruction of well.

b. Total depth.

c. Depth and type of casing used.

d. Depth of perforation.

e. Well log.

f. Any other pertinent information required by the Department.

9. Other information as may be deemed necessary for the Department to determine if the underground waters will be adequately protected.

E. 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 chapter. (Ord. 5815 § 1, 1990)

#### **Section 6.28.040 Conditions of approval.**

Permits shall be issued after compliance with the standards provided and incorporated by reference in this chapter. Plans shall be submitted to the Department demonstrating compliance with such standards. Permits may include conditions and requirements found by the Department to be reasonably necessary to accomplish the purpose of this chapter. Completion bonds, contractor's bonds, cash deposits or other adequate security may be required to insure that all projects are performed completely and properly to protect the public's health and safety and the integrity of underground water resources. (Ord. 5815 § 1, 1990)

#### **Section 6.28.050 Conditions of denial.**

Where the Department determines that the standards of this chapter have not been met, it shall deny the application. (Ord. 5815 § 1, 1990)

#### **Section 6.28.060 Expiration or extension of permit.**

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

B. Any permit issued pursuant to this chapter may be extended at the option of the Department. Each individual extension granted by the Department shall be for not longer than one hundred twenty days. In no event shall the Department grant an extension which would make the total term of the permit exceed one year. Application for extension shall be made on a form provided by the Department. The application shall be accompanied by a fee in the amount set forth in Riverside County Ordinance No. 640 et seq.

C. Upon expiration of any permit issued pursuant hereto, no further work may be done in connection with construction, repair, reconstruction or abandonment of a well unless and until a new permit for such purpose is secured in accordance with the provisions of this chapter. (Ord. 5815 § 1, 1990)

**Section 6.28.070 Permit revocation or suspension.**

A. A permit issued hereunder may be revoked or suspended by the Director as hereinafter provided if he determines that a violation of this chapter exists, that written notice has been directed to the permittee specifying the violation and that the permittee has failed or neglected to make the necessary adjustments within fifteen days after receiving such notice.

B. A permit may be so revoked or suspended by the Director if he determines at a hearing held for such purpose that the person to whom any permit was issued pursuant to this chapter has obtained the same by fraud or misrepresentation. (Ord. 5815 § 1, 1990)

**Section 6.28.080 Hearings.**

Any person whose application for a permit has been denied or whose permit has been suspended or revoked may request a hearing. The person shall file with the Department a written petition requesting the hearing and setting forth a brief statement of the grounds for the request. The Hearing Officer shall be the Director or his designee. At the time and place set for the hearing, the Hearing Officer shall give the petitioner and other interested persons adequate opportunity to present any facts pertinent to the matter at hand. The Hearing Officer may, when he deems it necessary, continue any hearing by setting a new time and place and by giving notice to the petitioner of such action.

At the close of the hearing, or within thirty working days thereafter, the Hearing Officer shall order such disposition of the application or permit as he has determined to be proper, and shall, by postage prepaid registered mail, notify the petitioner of his final determination. (Ord. 5815 § 1, 1990)

**Section 6.28.090 Licensing and registration of water well drillers and contractors.**

No person shall engage in any activity listed in Section 6.28.030 of this chapter unless he is in compliance with the provisions herein and possesses a valid C-57 license in accordance with the California Contractor's State License Law (Chapter 9, Division 3 of the Business and Professions Code), or possesses a license appropriate to the activity to be engaged in. Such person shall register annually with the Department and pay the registration fee specified in Riverside County Ordinance No. 640 et seq., prior to commencing any activity regulated by this chapter. (Ord. 5815 § 1, 1990)

**Section 6.28.100 Standards.**

Standards for the construction, reconstruction, abandonment or destruction of wells shall be the standards recommended in the Bulletins of the California Department of Water Resources as follows: Bulletin No. 74-81 Chapter II Water Wells, and Bulletin No. 74-90 (Supplement to Bulletin 74-81) as these Bulletins may be amended by the State from time to time. The content of said Bulletins is hereby incorporated by reference with the following additions or modifications:

Bulletin No. 74-90 Monitoring Well.

Exploration holes for determining immediate geological or hydrological information relating to on-site sewage disposal systems, liquefaction studies, hazardous materials investigations or geotechnical investigations for construction purposes, such as foundation studies, are exempt from the monitoring well destruction standards of Part III Bulletin 74-90, provided that a zone of low permeability overlying sediments with water-bearing capabilities has not been penetrated. For the above-listed cases, the excavation or boring shall be backfilled with native soils immediately after the investigatory work has been completed. Where a zone of low permeability has been penetrated, the hole shall be abandoned as specified in Bulletin 74-90, Part III. When the excavation or boring is to be left open and unattended (such as at the end of a work shift), the person in charge of the construction shall take all necessary precautions to insure that the excavation has not created a public health or safety hazard. (Ord.

5815 § 1, 1990)

**Section 6.28.110 Lateral (horizontal) well standards.**

The location and design of lateral wells shall be in accordance with the standards recommended in the State of California, Department of Health Services' Publication: Requirements for Use of Lateral Wells in Domestic Water Systems as such publication may be amended by the State from time to time. The content of said publication is hereby incorporated herein by reference. (Ord. 5815 § 1, 1990)

**Section 6.28.120 Required inspection of well site.**

A site inspection by the Department is required prior to issuance of a permit for a well that is to be part of a public water system or other wells that possess a high potential for contamination as determined by the Director. In the event that the well is to serve a system under the direct jurisdiction of the State Department of Health Services, then that agency may perform the site inspection and notify the Director of its approval or disapproval. (Ord. 5815 § 1, 1990)

**Section 6.28.130 Required inspections of wells.**

A. A well inspection shall be requested of the Department at least two working days in advance of the following activities:

1. For individual domestic wells, agricultural wells, cathodic protection wells and monitoring wells:

a. The filling of the annular space or conductor casing.

b. Immediately after the installation of all surface equipment and (for individual domestic wells) after the well has been disinfected and purged.

2. For community water supply wells:

a. All community water wells shall be inspected at the frequencies stated in subsection 1 of this section for individual domestic water wells. In addition, a site inspection prior to issuance of a permit is required in accordance with Section 6.28.120 of this chapter.

3. For all wells:

a. Any other operation or condition for which a special inspection is stipulated on the well permit.

4. For well destruction (all wells):

a. During the actual sealing of the well.

b. Immediately after all well destruction work has been completed.

B. Upon failure to notify the Department of the filling of the annular space, approved geophysical tests including Sonic Log and Gamma Ray Log shall be conducted at the owner's expense to substantiate that an annular seal has been properly installed.

C. If the enforcement agency fails to appear at the well site at the time designated for sealing, the well may be sealed without the presence of the enforcement agency. However, the driller shall seal the well in accordance with the standards of this chapter and the permit in the absence of any inspection. (Ord. 5815 § 1, 1990)

**Section 6.28.140 Discharge of drilling fluids.**

Drilling fluids and other drilling materials used in connection with cathodic protection, monitoring or water well construction shall not be allowed to discharge onto streets or into waterways, and shall not be allowed to discharge to the adjacent property unless a written agreement with the owner(s) of the adjacent property is obtained. Such fluids and materials shall be cleaned up and removed within thirty days after completion of the well drilling without any violation of waste discharge regulations. This section shall not operate to prohibit the surface discharge of contaminated groundwater provided such discharge is carried out in

compliance with a lawful order of a regional water quality board. (Ord. 5815 § 1, 1990)

**Section 6.28.150 General location of water wells.**

It shall be unlawful for any person or entity to drill, dig, excavate or bore any water well at any location where sources of pollution or contamination are known to exist or have existed, or where substantial risk exists that water from that location may become contaminated or polluted even though the well may be properly constructed and maintained. Exceptions to the above include the following:

1. Extraction wells used for the purpose of extracting and treating water from a contaminated aquifer.
2. Wells from which water is to be treated to meet all State Department of Health standards and requirements.
3. Wells from which water will be blended with other water sources resulting in water that meets all State Department of Health standards and requirements.

Every well shall be located an adequate distance from all potential sources of contamination and pollution as follows:

Sewer	50-foot minimum
Watertight septic tank	100-foot minimum
Subsurface sewage leach line or leach field	100-foot minimum
Cesspool or seepage pit	150-foot minimum
Animal or fowl enclosures	100-foot minimum
Any surface sewage disposal system discharging 2,000 gal/day or more	200-foot minimum

Minimum distances from other sources of pollution or contamination shall be as determined by the Department upon investigation and analysis of the probable risks involved. Where particularly adverse or special hazards are involved as determined by the Health Department, the foregoing instances may be increased or specially approved means of protection, particularly in the construction of the well, may be required as determined by the Department. (Ord. 5815 § 1, 1990)

**Section 6.28.160 Well logs.**

Any person who has drilled, dug, excavated or bored a well subject to this chapter's regulations shall within thirty days after completion of the drilling, digging, excavating or boring of such well furnish the Department with a complete log of such well on a standard form provided by the State Department of Water Resources. This log shall include depths of formations, character, size distribution, i.e., clay, sand, gravel, rocks and boulders, and color for all lithological units penetrated, the type of casing, pump test results when applicable, and any other data required by the Department. The Department may require inspection of the well log during any phase of the well's construction and where necessary to achieve the purposes of this chapter may require modification of the work as originally planned.

Well logs furnished pursuant to this chapter shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies; provided, that any report may be made available to any person who obtains written authorization from the owner of the well. (Ord. 5815 § 1, 1990)

**Section 6.28.170 Water well surface construction features.**

- A. Check Valve. A check valve shall be provided on the pump discharge line adjacent to the pump for all water wells.
- B. Sample Spigot. An unthreaded sample spigot shall be provided on the pump

discharge line of any water well used as a public water supply adjacent to the pump and on the distribution side of the check valve.

C. Water Well Disinfection Pipe. All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other approved disinfecting agents may be introduced directly into the well. The pipe shall be extended at least four inches above the finished grade and shall have a threaded or equivalently secured cap on it.

D. Water Well Flow Meter. A flow meter or other suitable measuring device shall be located at each source facility and shall accurately register the quantity of water delivered to the distribution system from all community water supply wells serving a public water supply system.

E. Air-Relief Vent. An air-relief vent, when required, shall terminate downward, be screened, and otherwise be protected from the entrance of contaminants.

F. Backflow Prevention Assembly. Agricultural wells equipped with chemical feeder devices for fertilizers, pesticides or other nonpotable water treatment shall be furnished with an approved backflow prevention assembly or a sufficient air gap to insure that a cross-connection with the well does not exist. (Ord. 5815 § 1, 1990)

#### **Section 6.28.180 Disinfection of water wells.**

Every new, repaired or reconstructed community water supply well or individual domestic well, after completion of construction, repair or reconstruction and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well gravel used in packed wells, pipes, pump, pump column and all well water contact equipment surfaces shall be disinfected by a Department-approved method. The disinfectant shall remain in the well and upon all relevant surfaces for at least twenty-four hours. Disinfection procedures shall be repeated until microbiologically safe water is produced, as set forth in the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring. (Ord. 5815 § 1, 1990)

#### **Section 6.28.190 Water quality standards.**

A. Water from all new, repaired and reconstructed community water supply wells shall be tested for and meet the standards for microbiological, general mineral, general physical, chemical, and radiological quality in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring.

B. In addition to the microbiological standards required in Section 6.28.180, all individual domestic water wells shall be tested for and meet the nitrate, fluoride and total dissolved solids (TDS) standards in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring.

C. At the discretion of the Director, for the purpose of protecting the health and safety of the public, any new, repaired or reconstructed individual domestic water well or community well shall be tested for and must meet any or all additionally specified Water Quality Standards in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring. Exceptions would be community well water to be either treated or blended with other water sources to meet State Department of Health Services standards and requirements. Said treatment or blending must be approved by the State Department of Health Services. (Ord. 5815 § 1, 1990)

#### **Section 6.28.200 Private well evaluations.**

All individual domestic water wells for which the owner requests a Department evaluation of water quality shall be tested for Water Quality Standards for individual domestic water wells as provided for in Sections 6.28.180 and 6.28.190 of this chapter. The Department shall perform a well-site inspection and conduct the microbiological sampling portion of the evaluation. Any additional testing, including any pump test to determine the yield quantity of the

well, shall be performed by State-certified individuals at the expense of others. The Department shall collect an evaluation service fee in accordance with Riverside County Ordinance No. 640 et seq. (Ord. 5815 § 1, 1990)

**Section 6.28.210 Well abandonment.**

If after thirty days of abandonment, the owner has not declared to the Department a proposed reuse of the well pursuant to Section 6.28.230 of this chapter, and the well has been found by the Department to be a hazard whereby its continued existence is likely to cause damage to ground water or a threat to public health and safety, the Department shall direct the owner to destroy the well in accordance with Section 6.28.100 of this chapter. Upon removal of the pump, the casing shall be provided with a threaded or equivalently secured watertight cap. The well shall be maintained so that it will not be a hazard to public health and safety until such time as it is properly destroyed. (Ord. 5815 § 1, 1990)

**Section 6.28.220 Public nuisance abatement.**

Where an abandoned well has been identified and the owner fails to comply with the Department's order to destroy the well, such well may be declared a public nuisance pursuant to Government Code Section 50231, and thereafter abated pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 9 of the California Government Code. Where abatement is undertaken at the expense of the County, such cost shall constitute a special assessment against the parcel and shall be added to the next regular tax bill as provided under Government Code Section 50244 et seq. (Ord. 5815 § 1, 1990)

**Section 6.28.230 Declaration of proposed reuse.**

Where a well is unused or its disuse is anticipated, the owner may apply to the Department, in writing, declaring an intention to use the well again for its original or other approved purpose. The Department shall review the declaration and may grant an exemption from certain of the provisions of Section 6.28.210 of this chapter, provided no undue hazard to public health or safety is created by the continued existence of the well. Thereafter, an amended declaration shall be filed annually with the Department. The original or subsequent exemption may be terminated for cause by the Department at any time. (Ord. 5815 § 1, 1990)

**Section 6.28.240 Administrative variance.**

Subject to approval by the State Department of Health Services, the Director may grant an administrative variance from the provisions of this chapter where documentary evidence establishes that a modification of the standards as provided herein will not endanger the general public health and safety, and strict compliance would be unreasonable in view of all the circumstances. (Ord. 5815 § 1, 1990)

**Section 6.28.250 Violations and penalties.**

A. The Director, or his designee, may at any and all reasonable times enter any and all places, property, enclosures and structures for the purpose of conducting examinations and investigations to determine whether all provisions of this chapter are being complied with.

B. It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this chapter or to violate the provisions of any permit granted pursuant to this chapter. Any person, firm, corporation or association of persons violating any provision of this chapter or the provisions of any permit granted pursuant to this chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter or the provisions of any permit granted pursuant to this chapter is committed, continued or permitted.

Any person, firm, corporation or association of persons so convicted shall be (1) guilty of

an infraction offense and punished by a fine not exceeding one hundred dollars for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars for a second violation at the same site. The third and any additional violations on the same site shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person, firm, corporation or association of persons from the responsibility for correcting the violation.

C. Anything done, maintained or suffered in violation of any of the provisions of this chapter is a public nuisance dangerous to the health and safety of the public and may be enjoined or summarily abated in the manner provided by law. Every public officer or body lawfully empowered to do so shall abate the nuisance immediately. (Ord. 5815 § 1, 1990)

**Section 6.28.260 Severability.**

If any provision, clause, sentence or paragraph of this chapter, or the application thereof, to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable. (Ord. 5815 § 1, 1990)

**Section 6.28.270 Conflict with existing laws.**

The provisions of any existing ordinance or State or federal law affording greater protection to the public health or safety shall prevail within this jurisdiction over the provisions of this chapter and the standards adopted or incorporated by reference hereunder. (Ord. 5815 § 1, 1990)