

ORDINANCE NO. 1244

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY REPEALING ORDINANCE NO. 949 (TITLE 6, CHAPTER 7 OF THE SIMI VALLEY MUNICIPAL CODE) IN ITS ENTIRETY AND APPROVING A GROUNDWATER CONSERVATION ORDINANCE FOR THE CITY OF SIMI VALLEY

WHEREAS, on December 16, 2014, the Ventura County Board of Supervisors approved and adopted an updated Groundwater Conservation Ordinance in the unincorporated areas of the County of Ventura; and

WHEREAS, several changes and clarifications have been made to the County's Groundwater Conservation Ordinance that require modifications to the County Well Permit Application and Conditions applied to the Well Permit; and

WHEREAS, the existing Agreement between the City of Simi Valley and the County of Ventura requires the City to amend and revise the City's Groundwater Conservation Ordinance to reflect the changes made to the County's Groundwater Conservation Ordinance in order for the County to continue to perform the functions and exercise the authority set forth in the City's Groundwater Conservation Ordinance, and to implement the changes to the Well Application and Permit within the boundaries of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council adopts the attached amendment to Title 6, Chapter 7 of the Simi Valley Municipal Code, the "Groundwater Conservation Ordinance" as set forth in Exhibit A.

SECTION 2. The City Council hereby repeals Ordinance No. 949 in its entirety.

SECTION 3. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 4. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 31<sup>st</sup> day of August 2015.

**Attest:**

/s/  
Ky Spangler, Deputy Director/City Clerk

/s/  
Robert O. Huber, Mayor of the City of  
Simi Valley, California

**Approved as to Form:**

**Approved as to Content:**

/s/  
Lonnie J. Eldridge, City Attorney

/s/  
Eric J. Levitt, City Manager

/s/  
Ronald K. Fuchiwaki, Director  
Department of Public Works

**EXHIBIT A**

**TITLE 6. SANITATION AND HEALTH  
CHAPTER 7. GROUNDWATER CONSERVATION**

Sec. 6-7.01. PURPOSE

It is the purpose of this Ordinance to provide, in cooperation with the County of Ventura, for the protection of groundwater quality and supply and quantity by regulating the construction, maintenance, operation, use, repair, modification, and destruction of wells and engineering test holes (soil borings) within the City in such a manner that the groundwater of the County of Ventura will not be contaminated or polluted, and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety, or welfare of the people of Ventura County.

Sec. 6-7.02. DEFINITIONS

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

- (a) "Abandoned well" – An abandoned well is any of the following:
- (1) A water well used less than eight hours in any twelve-month period.
  - (2) A monitoring well from which no monitoring data has been taken for a period of two years.
  - (3) A well which is in such a state of disrepair that it cannot be made functional for its original use or any other use regulated by this Ordinance within six months or such other shorter or longer period as determined by the Director depending on well condition and risk to the aquifer.
  - (4) An engineering test hole after 24 hours has elapsed after construction and testing work has been completed on the site.
  - (5) A cathodic protection well which is no longer used for its intended purpose.
  - (6) A water well for which annual reports of well usage pursuant to Section 6-7.21 have not been submitted.
- (b) "Acre-foot" – The volume of water necessary to cover one acre to a depth of one foot; equal to 43,560 cubic feet or 325,851 gallons.

(c) “Active well” – A water well that has operated for at least eight hours during a calendar year, a monitoring well from which data has been collected at least once during the past two years, or a cathodic protection well maintained and utilized for its intended purpose.

(d) “Agency” – Ventura County Public Works Agency.

(e) “Aquitard” – A confining bed and/or formation composed of rock or sediment that retards but does not prevent the flow of water to or from an adjacent aquifer and that does not readily yield water to wells or springs but stores groundwater.

(f) “Aquifer” – A body of rock or sediment that is sufficiently porous and permeable to store, transmit, and yield significant or economic quantities of groundwater to wells and springs.

(g) “Applicant” – The well owner or the well owner’s authorized representative.

(h) “Artesian pressure” – Hydrostatic pressure of artesian water, often expressed in terms of pounds per square inch, or the height, in feet above land surface, of a column of water that would be supported by the pressure and which pressure may cause water to flow from the well.

(i) “Backup well” or “Standby well” – A well that is not the primary well, but is a well used to provide supplemental water when the primary well is out of service or not fully functional. The backup well shall not be used to initiate any new use or increased use of groundwater, and must meet the minimum requirements for an active status well.

(i) “Basin” – A groundwater basin or subbasin identified and defined in the latest State of California Department of Water Resources’ (DWR) Bulletin No. 118.

(k) “Can’t locate well” – Classification assigned to a well which the owner cannot locate.

(l) “Can’t locate report well” – Classification assigned to a well for which the owner has conducted a well search according to the County’s Well Location Procedures, and submitted a report documenting the search efforts and results.

(m) “Cathodic protection well” – 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 (Water Code Section 13711).

(n) “Certificate of exemption” – A certificate prepared by the County documenting that a well condition inspection has been conducted by a registered inspector and a well condition inspection report has been prepared and deemed satisfactory by the County.

- (o) "City" -- The City of Simi Valley.
- (p) "City inspector" – A person authorized by the Director to inspect all work for which a permit is issued pursuant to this Ordinance.
- (q) "Community water supply well" – means Any water well which provides water for community or public water systems as defined in Section 116.275, subdivision (i), of the Health and Safety Code.
- (r) "Completion operation" – Any of the following work conducted after excavation:
  - (1) Placement of a well casing.
  - (2) Gravel packing.
  - (3) Sealing.
  - (4) Perforation of a well casing.
  - (5) Any other work listed on a permit issued pursuant to this Ordinance as being a required part of a completion operation.
- (s) "Confined Aquifer" – An aquifer that is bounded above and below by formations of distinctly lower permeability than that of the aquifer itself, or an aquifer containing confined groundwater.
- (t) "Contaminant" – Any substance or property preventing the use or reducing the usability of water for ordinary purposes such as drinking, preparing food, bathing, washing, recreation, and cooling, or any solute or cause of change in physical properties that renders water unfit for a given use.
- (u) "County" – The County of Ventura.
- (v) "County inspector" – A person authorized by the Agency to inspect all permitted work pursuant to the County's Groundwater Conservation Ordinance.
- (w) "Department" – The City's Public Works Department.
- (x) "Destroy" – To fill well (including both interior and annular spaces if the well is cased) completely in such a manner that it will not produce water or act as a conduit for the transmission of water between any water-bearing formations penetrated.
- (y) "De minimis extractor" – A person who extracts, for domestic purposes, two acre-feet or less per year.

(z) "Director" – The Director of the Department or his or her duly authorized representative, including, but not limited to, the County's Director of the Ventura County Public Works Agency.

(aa) "Domestic well" – A water well used to supply water for the domestic needs of an individual residence or a system of four or fewer service connections.

(bb) "Engineering test hole" – An uncased excavation used to determine the engineering, geologic, and/or chemical properties of subsurface materials by seismic investigation, direct observation, or any other means.

(cc) "Exempt well" – An abandoned well for which a well condition inspection report has been conducted and a certificate of exemption has been approved by the County of Ventura.

(dd) "Flowmeter" – A manufactured instrument for accurately measuring and recording the volume of water pumped from a well or wells.

(ee) "Good state of repair" – A well whose condition is adequate to perform its intended function without allowing contaminants to migrate between zones of water bearing sediments where one or more zones contain water of different quality and where the well has a physical barrier that prevents surface water contaminants from entering groundwater.

(ff) "Groundwater" – Water beneath the surface of the earth within a zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

(gg) "Groundwater basin" – An alluvial aquifer or a stacked series of alluvial aquifers with reasonably well-defined boundaries in a lateral direction and having a definable bottom.

(hh) "Inspect" – To personally witness, record, and certify work pursuant to a condition or conditions of a valid permit.

(ii) "Modify" or "repair" – To replace a well's casing in a manner which involves removal or partial removal of the old casing, to re-perforate the well, to install a seal, to change the depth of the well, or to install a liner.

(jj) "Monitoring well" – Any artificial excavation by any method for the purpose of monitoring fluctuations in groundwater levels, quality of underground waters, or the concentration of contaminants in underground waters quality (Water Code Section 13712).

(kk) "Non-compliant well" – An abandoned well for which the owner does not repair and reuse, destroy, or obtain a certificate of exemption.

(ll) "Owner of a well" – The person who is assessed as the owner of the well by the County Assessor or, if the well is not separately assessed, the person who owns the land upon which the well is located as shown on the latest equalized assessment roll of the County Assessor.

(mm) "Person" – An individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution (Health and Safety Code Section 116275 (g)).

(nn) "Pollution" (of water) – The alteration of the physical, chemical, or biological properties of water by the introduction of any substance into water that adversely affects any either the suitability of such waters for beneficial use of water.

(oo) "Possesses" – To be in actual possession of the well or to have a legal right to the possession thereof.

(pp) "Registered inspector" – A Civil Engineer or a Professional Geologist possessing a current license in the State of California and approved by the Agency. Registered inspectors are required to inspect drilling and sealing operations for engineering test holes and monitoring wells and for the determinations in connection with a certificate of exemption. A technician trained and experienced in drilling and sealing operations who is working under the direct supervision of one of the aforementioned professionals may be deemed qualified to perform required inspection(s) provided one of the aforementioned professionals reviews the well condition inspection report and assumes responsibility for the accuracy and completeness of the work by signing the well condition inspection report.

(qq) "Replacement well" – A new well that replaces a well but does not increase the former well's capacity. Well capacity means the nameplate performance rating for the existing well equipment or the well's documented historical production.

(rr) "Unconfined aquifer" – An aquifer which is not bounded on top by an aquitard and the upper surface of which is the water table.

(ss) "Unsaturated zone" – The zone below the land surface in which pore space contains both water and air.

(tt) "Well" or "Water well" – Any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) oil and gas wells or geothermal wells constructed under the jurisdiction of the State of California Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments. (Water Code Section 13710). Includes replacement, backup, or standby wells.

(uu) “Well condition inspection report” – A report documenting the integrity of a well and its associated components pursuant to Section 6-7.10.

(vv) “Well field” – Two or more water wells located in close proximity or area, and that extract groundwater.

(ww) “Wellhead protection area” – The surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

(xx) “Well completion report” – A required, confidential report detailing the construction, alteration, abandonment, or destruction of any water well, cathodic protection well, groundwater monitoring well, or geothermal heat exchange well. The reports were called water well drillers’ reports prior to 1991 and are often referred to as “driller’s logs”. The report requirements are described in Water Code Section 13751.

Sec. 6-7.03. WELL PERMITS

(a) No person shall, within the City, construct, repair, modify, or destroy any cathodic protection well which is over fifty feet deep, any engineering test hole which is over fifty feet deep, any monitoring well, or any water well unless such work is done pursuant to and in compliance with an unexpired written permit for such work issued by the Department/Agency as provided in this Ordinance. Additionally, for any cathodic protection well or engineering test hole, if groundwater is encountered (or expected to be encountered) shallower than fifty feet deep, a permit is required. A copy of the approved permit shall be made available for inspection on the job site during any work authorized by the permit.

(b) Types of Permits for Water Wells:

(1) Permits for construction, modification, replacement, and repair of all water wells.

(2) Permits for destruction of all wells, except engineering test holes, which shall be destroyed immediately after completion of testing in compliance with Sec. 6-7.07(e).

(3) Annual permits for one or more engineering test holes that are over fifty feet deep and that are inspected by registered inspectors.

(c) Application for a permit shall be made to the City/Agency and shall include the following:

(1) A vicinity map showing the location of the property on which the well is located.

(2) A plot plan suitable for inclusion as part of the well record and indicating the exact location of the well with respect to the following items within a radius of five hundred feet of the well:

- (i) Property lines.
  - (ii) Sewage disposal systems or works carrying or containing sewage.
  - (iii) All intermittent or perennial, natural, or artificial water bodies or water courses;
  - (iv) Drainage pattern of the property.
  - (v) Existing wells of all types, regardless of whether they are subject to regulation under this Ordinance.
  - (vi) Access roads.
- (3) Name of the person who will perform the work on the well.
  - (4) Name and affiliation of registered inspector, when a registered inspector will be utilized.
  - (5) Proposed depth of well.
  - (6) Proposed use of well.
  - (7) Proof that the person who will construct the well is in possession of a valid license in accordance with the Contractor's State License Law.
  - (8) Such other information as the Department/Agency may deem necessary in order to determine whether underground waters will be protected.
  - (9) A letter from the City of Simi Valley or Ventura County Waterworks District No. 8 regarding verification of those agencies' water rights (for water supply wells only).
- (d) Permit applications for monitoring and extraction wells used for environmental cleanup as directed by local or regional regulatory agencies do not need to be signed by the property owner provided an agreement has been completed between the property owner and responsible party as defined by Title 23 of the California Code of Regulations. The agreement shall allow entry by the appropriate parties for the purpose of environmental investigation and cleanup activities. A copy of the agreement shall be submitted to the Department/Agency with the permit application.
- (e) Permits shall be issued or denied within fifteen (15) days from the day on which the completed application and fee are received by the Department/Agency.

(f) Other permit requirements and permit expiration:

(1) Permits shall require compliance with all applicable standards set forth in Sec. 6-7.07.

(2) A permit shall expire six months from the date of issuance unless it is extended by the Department/Agency. The Department/Agency may grant one or more extensions of a permit, each for a period not to exceed three months, provided the permittee proves to the satisfaction of the Department/Agency that circumstances beyond the control of the permittee make it infeasible to complete the permitted work prior to the expiration date. Annual permits for engineering test holes shall expire one year from the date of issuance and shall not be extended.

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

(g) Prior to the issuance of a well permit or any extension thereof, the applicant may be required to post with the Department/Agency a cash deposit or bond to guarantee compliance with the provisions of this Ordinance and the applicable permit, such cash or bond to be in an amount deemed necessary by the Department/Agency to remedy improper work, but not in excess of the total estimated cost of the permitted work.

(h) No person shall perform any work, either on such person's own property or on the property of another, for which a permit is required by this Ordinance unless such person is in possession of a valid license appropriate to such work which has been issued in accordance with the Contractors' State License Law (chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) and is registered with the Department/Agency to perform work permitted by this Ordinance. Licensed water well contractors (Class C-57) registered with the Department/Agency may perform all types of permitted work, while licensed engineering contractors (Class A) and limited specialty contractors (Class C-61) registered with the Department/Agency may only perform the work permitted by their license. An application for registration with the Department/Agency shall include a copy of the applicable license and a copy of a certificate of workers' compensation insurance. The registration shall expire automatically on the expiration date indicated on the copy of the license or the expiration date indicated on the copy of the certificate of workers' compensation insurance submitted with the application, whichever expiration date is earlier.

(i) Suspension or termination of a well permit:

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

i Grounds. Any of the following occurrences constitute grounds for termination of a permit:

(I) Suspension, revocation, or termination of the license, required by Sec. 6-7.03(h), of the person who is to perform the work.

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

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

ii Notice. To initiate proceedings to terminate a permit, the Director shall send written notice to the person to whom the permit was issued. The notice shall briefly describe the proposed grounds for termination, shall specify a time and place and a place for a hearing at which such person shall be afforded an opportunity to present evidence showing the proposed grounds for termination do not exist, and shall state that failure to appear and present such evidence may result in termination of the permit.

iii Hearing. The Director shall conduct the hearing specified in the notice. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The person to whom the permit was issued and/or the owner of the well shall have the right to present relevant evidence at the hearing. The Director may, but need not, permit other persons to present relevant evidence. At the conclusion of the hearing, or within thirty calendar days thereafter, the Director shall determine, based upon the preponderance of the evidence presented at the hearing, whether there are grounds for suspension and shall note the findings of fact upon which the determination is based. If it is determined there are grounds for termination, the Director shall terminate the permit, provided, however, that the Director shall have the discretion not to terminate the permit if the Director determines that the occurrence was not willful, is not ongoing, and is unlikely to recur.

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

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

## Sec. 6-7.04. STANDARDS

(a) Standards for the construction, relocation, replacement, repair, backup or standby, modification, or destruction of wells shall be those set forth in the California Department of Water Resources, California Well Standards Bulletins Nos. 74-81 and 74-90, and Ventura County Water Well Standards Bulletin No. 74-9.

(b) The Department/Agency may adopt additional or more stringent standards to be applicable in any or all zones of the City/County as delineated in aforementioned Bulletins.

(c) All wells shall be constructed with a sounding tube, tap hole with plug, or similar access for water level measuring equipment. For wells fitted with a well cap, the cap shall have a removable plug for this purpose. (State of California Department of Water Resources' Bulletin No. 74-81).

(1) Well discharge piping shall contain a water sampling port or valve for water quality sampling.

(2) Every new water well shall be equipped with a flowmeter. This flowmeter requirement does not apply to de minimis extractors. For those required to have flowmeters, flowmeters will be calibrated and a report submitted to the Department/Agency at a minimum of every three years. The specifications for flowmeter calibration are set forth in Appendix 1- Policies and Procedures for Water Well Flowmeter Calibration of the County's Ordinance No. 4468. Substitution of comparable flowmeter calibration specifications may be approved upon review by the Director.

(d) All pump discharge pipes not discharging or open to the atmosphere shall be equipped with an automatic device to prevent backflow and/or siphonage into a well. Specific backflow prevention measures are required for drinking water supply wells as described in Title 17, Public Health, California Code of Regulations (Sections 7583-7585 and 7601-7605), effective June 25, 1987 (State of California Department of Water Resources' Well Standard Bulletin No. 74-90). Irrigation well systems, including those used for landscape irrigation and other well systems that employ, or which have been modified to employ, chemical feeders or injectors, shall be equipped with a backflow prevention device (State of California Department of Water Resources' Well Standard Bulletin No. 74-90). A check valve may also be utilized to meet this backflow prevention requirement.

(e) All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other disinfecting agents may be introduced directly into the well. If a pipe is provided, it shall be installed at a height at or above the pump slab, shall be kept sealed, and shall be provided with a threaded or other secure cap. Equivalent protection for preventing contaminants from entering the well shall be provided for subsurface pump discharge installations. If an air

relief vent is used, it shall terminate downward and be screened with sixteen mesh screen to prevent contaminants from entering the vent.

(f) Every new, repaired, or modified community water supply well or individual domestic water well, after construction, modification, or repair, and before being placed into service, shall be thoroughly cleaned of all foreign substances and shall be thoroughly disinfected utilizing the procedures set forth in Appendix C of the aforementioned Bulletin No. 74-81.

(g) For irrigation and industrial wells chemicals of any type are not to be injected, pumped, or poured into the well with the exception of disinfectants following any well rehabilitation work. Rehabilitation work may include use of chemicals to clean or remove scale from the well casing and gravel pack (if installed). Chemicals used for disinfection of groundwater extracted from the well shall be injected downstream from a backflow prevention device. Continuous injection or drip of chemicals into the well is prohibited.

(h) Engineering test holes deeper than fifty feet deep shall be destroyed within one (1) working day upon completion of testing by complete filling and/or sealing of the borehole in accordance with criteria established by the Department/Agency. The Department/Agency may waive complete sealing if the permittee demonstrates to the Director's satisfaction that the purpose of this Ordinance as set forth in Section 1 will be satisfied.

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

(j) All wells shall be located an adequate horizontal distance from potential sources of contamination and pollution as specified in the Department of Water Resources, California Well Standards Bulletins No. 74-81. Section 8.A.

#### Sec. 6-7.05. LOG OF WELL

(a) Licensed water well contractors who have performed any work for which a permit is required by this Ordinance and which work involves drilling, digging, excavating, or boring of a well, except for an engineering test hole, shall, within thirty days of completion of such work, submit to the Department/Agency an accurate and complete well completion report.

(b) For the purpose of obtaining sealing requirements from the Department/Agency, geophysical well logs will be required as described in this Ordinance. New water wells in Sealing Zone III of the County's Sealing Zone Map shall have a geophysical log. New water wells in Sealing Zone II of the County's Sealing Zone Map shall either have a geophysical log or soil samples shall be collected and recorded for every ten feet of depth within potential sealing zones. Geophysical logs

must include spontaneous potential, and resistivity (short and normal, or lateral log). All abandoned water wells to be destroyed in Sealing Zones II and III shall have a geophysical log by gamma-ray if no existing electric log or satisfactory drilling report is available for that well, unless it is determined by the Department/Agency that a log is not warranted.

(c) Any permittee whose water well contractor fails to comply with this provision shall be in violation of this Ordinance and shall not be granted any new permits until the violation has been corrected. This shall not preclude the application of other penalties for violation of this Ordinance. A well log shall include, at a minimum, all of the following:

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

(d) Pursuant to Water Code Section 13752, well completion reports are confidential and not available to the public, but may be available to governmental agencies for use in making studies, or to any person who obtains a written authorization from the owner of the well. The Department/Agency is not authorized to release well completion reports without written authorization from the California Department of Water Resources.

#### Sec. 6-7.06. FLOW PREVENTION DEVICE

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

#### Sec. 6-7.07. WELL SEAL INSPECTION REPORTS

(a) Well Construction Seal Inspection Report. A City/County inspector will prepare a well seal inspection report for water wells and cathodic protection wells constructed pursuant to and in compliance with an unexpired permit issued under this Ordinance.

(b) Well Destruction Seal Inspection Report. A City/County Inspector will prepare a well seal inspection report for water wells and cathodic protection wells destroyed pursuant to and in compliance with an unexpired permit issued under this Ordinance.

(c) Monitoring Well/Engineering Test Hole Construction Seal Inspection Report. The well seal inspection report for monitoring wells and engineering test holes constructed pursuant to and in compliance with an unexpired permit issued under this Ordinance shall be submitted by a registered inspector within thirty days of sealing on a form\* satisfactory to the Department/Agency, and shall include:

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

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

\*\* Section 6-7.04(h) requires that all engineering test holes be destroyed within one (1) working day after completion of testing.

(d) Monitoring Well Destruction Seal Inspection Report. The well seal inspection report for monitoring wells and engineering test holes destroyed pursuant to and in compliance with an unexpired permit issued under Section 6-7.03 shall be submitted by a registered inspector within thirty days of sealing on a form\* satisfactory to the Department/Agency and shall include:

- (1) Permit number.

- (2) Date(s) of sealing work.
- (3) Number of wells destroyed under this permit.
- (4) Diameter and depth of bore hole(s) and diameter and depth of casing(s) installed (monitoring wells).
- (5) Depth to water.
- (6) Depth and type of sealing material(s).
- (7) Method of placement of sealing material.
- (8) Method of restoration of site area.
- (9) Signature of registered inspector.

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

(e) Water Well Condition Inspection Report for Certificate of Exemption or Returning Well to Active Status. Any person who owns or who possesses a water well that is abandoned or about to become abandoned due to lack of use, but who does not desire to destroy the well, may submit to the Department/Agency a well condition inspection report signed by a registered inspector pursuant to Sec. 6-7.13. The report shall include:

- (1) State well number.
- (2) Driller's report.
- (3) Assessor parcel number of property on which the well is located.
- (4) An accurate location description with respect to nearby wells, septic systems, animal enclosures, roads, and property boundaries.
- (5) Photographs of the well site, taken not more than six months prior to application for a certificate of exemption.
- (6) Video log of well casing, conducted not more than six months prior to application for a certificate of exemption.
- (7) A description of the well casing condition based upon a review of the most recent video log of the well.

(8) An opinion that the well is, or is not, equipped with an annular seal or seals to prevent the interchange of waters between water-bearing strata penetrated by the well.

(9) A statement that the well is, or is not, protected from artesian flow and from entry by surface waters.

(10) A description of any work necessary to assure the safety of local groundwater supplies due to the continued existence of the well.

(11) A description of any repair work necessary to allow the well to function for its intended purpose.

#### Sec. 6-7.08. CORRECTIVE ACTIONS

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

(b) Any of the following occurrences constitute grounds for ordering corrective action:

(1) Maintenance, operation, or use of the well in a manner that causes or contributes to, or may result in, a substantial risk of causing or contributing to the pollution of the groundwater, or allowing water to be wasted as a result of artesian pressure.

(2) Construction, maintenance, repair, modification, or destruction of the well in a manner that violates any provision of this Ordinance.

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

(d) The Director shall conduct the hearing specified in the notice. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The person who owns the well or the person in possession of the well shall have the right to present relevant evidence at the hearing. The Director may, but need not, permit other persons to present relevant evidence. At the conclusion of the

hearing, or within thirty calendar days thereafter, the Director shall determine, based upon the preponderance of the evidence presented at the hearing, whether there are grounds for ordering corrective action, and, if so, whether the proposed corrective action is appropriate. Such determination shall be in writing and shall contain a brief statement of the findings of fact upon which the determination is based.

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

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

#### Sec. 6-7.09. DESTRUCTION OF ABANDONED WELLS

(a) No person shall own or be in possession of an abandoned cathodic protection well which is over fifty feet deep, an abandoned monitoring well, an abandoned engineering test hole which is over fifty feet deep, or an abandoned water well unless either such well has been destroyed pursuant to this Ordinance, or a current certificate of exemption has been issued for such abandoned water well pursuant to Sec. 6-7.10.

(b) Any down-hole explosive work shall be conducted by a state licensed blaster who has obtained all appropriate City and County permits.

#### Sec. 6-7.10. CERTIFICATE OF EXEMPTION/RETURN TO ACTIVE STATUS

Any person who owns or possesses a water well or monitoring well that is abandoned or about to become abandoned, but who does not desire to destroy the well, or a person who desires to return an abandoned well to active status, may submit to the

Department/Agency a report prepared and signed by a registered inspector as required by Sec. 6-7.07(e). Recommendations for repair must be submitted for review and approval of the Department/Agency. If the Department/Agency determines that the well would not result in pollution of groundwater and would not create a hazard to health and safety, the Department/Agency may issue such a certificate of exemption or may approve the well to be returned to active status. Either alternative requires a satisfactory well condition inspection report. A certificate of exemption shall expire five years after issuance and may be terminated by the Department/Agency at any time prior to expiration upon a determination that destruction of the well is necessary to prevent pollution or contamination of groundwater or to avoid a hazard to health or safety. Successive certificates of exemption may be issued with respect to a well in the same manner as the original certificate was issued. The well condition inspection report shall only be valid when the report has been shown to meet the requirements of Section 6-7.07(e). The well condition inspection report will expire after twelve months, and a new well condition inspection report will be necessary for well status changes.

#### Sec. 6-7.11. FEES

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

#### Sec. 6-7.12. INSPECTION

The Department/Agency and City's/County's inspector may, at any and all reasonable times, enter any and all places, property, enclosures, and structures for the purpose of making examinations and investigations to determine compliance with this Ordinance. The Department/Agency may require that any work for which a permit is required by this Ordinance be completed in stages and that each such completed stage be inspected prior to any further work. Registered inspectors shall inspect drilling and sealing operations for engineering test holes and monitoring wells when required by conditions of any permit. Prior to commencing any inspection pursuant to this Section, the Department/Agency shall obtain either the consent of the owner or occupant of the property or an administrative inspection warrant.

#### Sec. 6-7.13. ENFORCEMENT

The Director is hereby designated as the enforcing agent of this Ordinance. "Hearing Officer" as used herein shall mean the Director or the Director's designee, who shall preside at the administrative hearings authorized by this Ordinance and issue final decisions on matters raised therein.

#### Sec. 6-7.14. MISDEMEANOR/INFRACTION

Any person who violates any provision or fails to comply with any of the requirements of this Ordinance or of any term or condition of, or applicable to, any permit issued pursuant to this Ordinance is guilty of a misdemeanor/infraction as specified in Section 1-2.01 of this Municipal Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Ordinance is committed, continued, or permitted by such person. Violations of this Ordinance shall be punishable in accordance with Chapter 2 of this Municipal Code.

#### Sec.6-7.15 NOTICE OF VIOLATION

(a) Whenever the Director determines that any person who owns a well, or any person who is in possession of a well or any other person is responsible for violating any provision of this Ordinance, or that any requirement of any permit issued pursuant this Ordinance is not being implemented or adhered to by such person, the Director shall send such person a notice of violation. The notice of violation shall be delivered in accordance with Section 6-7.17.

(b) The notice of violation shall: (1) identify the provision of this Ordinance or the applicable permit which has been violated; (2) state how the violation may be corrected; (3) advise that, if the violation is not corrected by a deadline to be specified in the notice of violation, a notice of noncompliance may be recorded against the property in the Office of the County Recorder; (4) advise that continued noncompliance may result in additional enforcement actions against the owner, occupant, and/or other person; (5) advise that administrative fines may be imposed pursuant to Section 6-7.16; and (6) advise that the determination that a violation exists may be appealed, but that the appeal must be filed in accordance with Section 6-7.18.

(c) If the violation is not corrected pursuant to the notice of violation as determined by the Director within the time allotted or if the violation is upheld after an appeal pursuant to Section 6-7.18, a notice of noncompliance may be recorded in the Office of the County Recorder. The notice of noncompliance shall describe the property and specify the Ordinance section or permit terms or conditions violated. The Director shall record a release of notice of noncompliance with the Office of the County Recorder only if and after the violations have been fully corrected to the satisfaction of the Director and all City/County enforcement costs and fees and administrative fines have been paid. The violator must pay a fee for recordation of the release of notice of noncompliance as determined in the adopted schedule of fees.

(d) If a notice of noncompliance is recorded in the Office of the County Recorder, a notice of imposition of administrative fines shall be served upon the violator. The notice of imposition of administrative fines shall describe the property and state the following for each violation: (1) the amount of the fine that will accrue per violation as determined pursuant to Section 6-7.16; (2) the date the fine will begin accruing, which

may be the same date the notice is served; (3) that additional fines may accrue until the violation is corrected as determined by the Director; (4) that the amount of the fine may be increased in the future if the violation is not corrected; (5) that the accrued fines are immediately due and owing and that the notice of imposition of administrative fines may be recorded as a lien against the property for all unpaid fines; and (6) that the amount of the fines may be administratively appealed in accordance with Section 6-7.18 within thirty (30) days of the date of service of the notice of imposition of administrative fines.

#### Sec. 6-7.16 ADMINISTRATIVE FINES

The following administrative fines may be imposed by the Director where a notice of violation is not appealed in accordance with Section 6-7.18 or, if properly appealed, the appeal process is complete and the notice of violation is upheld: one hundred dollars (\$100.00) for a first violation, five hundred dollars (\$500.00) for a second violation, and a fine not exceeding one thousand dollars (\$1,000.00) for each additional violation occurring within one year. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this Ordinance, a notice of violation, a corrective action order, or a permit issued pursuant to this Ordinance, shall constitute a separate violation of this Ordinance.

#### Sec. 6-7.17 DELIVERY OF NOTICE

Any notice of violation or notice of imposition of administrative fines to be delivered pursuant to the requirements of this Ordinance shall be subject to the following: (1) the notice shall state that the recipient has a right to appeal the matter as set forth in Section 6-7.18; (2) delivery shall be deemed complete upon: (a) personal service to the recipient; or (b) deposit in the U.S. mail, postage pre-paid for first class delivery; or (c) facsimile service with confirmation of receipt; (3) if the recipient of notice is the owner, the address for notice shall be the address from the most recently issued equalized assessment roll for the property or as otherwise appears in the current records of the City/County; and (4) if the owner or occupant of any private property cannot be located after the reasonable efforts of the Department/Agency, the notice shall be deemed delivered ten (10) calendar days after posting on the property.

## Sec. 6-7.18 ADMINISTRATIVE APPEALS

Any person receiving a notice of violation or notice of imposition of administrative fines may appeal the matter by requesting an administrative hearing.

(a) Request for Administrative Hearing. Any person appealing a notice of violation or notice of imposition of administrative fines shall, within thirty (30) calendar days of receipt thereof, file a written request for an administrative hearing, accompanied by an administrative hearing fee as established by separate resolution with the Clerk of the Board of the County, with a copy of the request for administrative hearing mailed on the date of filing to the Director. Thereafter, a hearing on the matter shall be held before the Hearing Officer within forty-five calendar days of the date of filing of the written request unless, in the reasonable discretion of the Hearing Officer and pursuant to a written request by the appealing party, a continuance of the hearing is granted.

(b) Hearing Proceedings. The Department/Agency or its authorized representative shall appear in support of the notice of violation or notice of imposition of administrative fines, and the appealing party shall appear in opposition to the notice. The Department/Agency shall have the burden of supporting the notice and any enforcement or other action by a preponderance of the evidence. Each party shall have the right to present testimony and other documentary evidence as necessary for explanation of the case.

(c) Final Decision and Appeal. The final decision of the Hearing Officer shall be issued by mail within ten calendar days of the conclusion of the hearing. The final decision shall be delivered by first-class mail, postage prepaid, to the appealing party at the address set forth in the request for an administrative hearing. Pursuant to Government Code Section 53069.4, subdivision (b)(1), if the final decision is contested, review must be sought in the Superior Court as a limited civil case within twenty (20) days after the date of service of the final decision. A copy of the notice of appeal must be served on the Director either in person or by first-class mail. If no notice of appeal is timely filed with the Superior Court, the final decision issued by the Hearing Officer shall be deemed confirmed and final.

## Sec. 6-7.19. ABATEMENT

If any corrective action required by an order issued pursuant to Sec. 6-7.08 is not taken in full compliance with such order, the Director may cause the corrective action to be taken by the City/County, and all persons required by Sec. 6-7.08 to take such corrective action shall be jointly and severally liable to the City/County for the cost of such action. In cases where the public health and safety require emergency corrective action, the Director may cause the emergency corrective action to be taken by the City/County without a prior order or notice, and all persons who own or are in possession of a well shall be jointly and severally liable to the City/County for the cost of such action.

## Sec. 6-7.20. EXEMPTION

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

(b) Monitoring and Recovery Wells. The Department/Agency may waive permit requirements for installation or destruction of monitoring and recovery wells which are less than 50 feet deep and which are constructed to determine the extent of, or remove, pollution from underground storage tanks, pursuant to requirements of the Environmental Health Division, provided the Director determines that the purpose of this Ordinance as set forth in Sec. 6-7.01 will be satisfied.

(c) Natural Gas Monitoring and Recovery Wells. The Department/Agency may waive permit requirements for installation or destruction of natural gas monitoring and recovery wells which are less than 50 feet deep pursuant to requirements of the Environmental Health Division, provided the Director determines that the purpose of this Ordinance as set forth in Sec. 6-7.01 will be satisfied.

## Sec. 6-7.21. AQUIFER PROTECTION PROGRAM

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

## (a) Water Wells.

(1) Beginning on January 1, 1999, and on each January first thereafter, any person who owns a water well, or any person who is in possession of a water well, except those wells for which a valid certificate of exemption is in effect, shall submit to the Department/Agency a report of the volume of groundwater extracted, as measured by flowmeter if so equipped, or other reasonable means, and the total time the well was operated within the preceding 12 months. In addition, for water wells constructed to allow access for water level measuring, the static water level in each water well shall be measured and reported annually. Any results from a completed aquifer pump test, or groundwater quality data collected shall also be reported. This report shall be submitted to the Department/Agency prior to February 1 of each year on a form approved by the Department/Agency.

(2) If a well is classified as abandoned, as defined in Sec. 6-7.02, a certificate of exemption shall be obtained, or the well may be returned to active status by completing a well condition inspection report in the manner provided in Sec. 6-7.10, or the well shall be destroyed as required by Sec. 6-7.09.

(b) Based upon the above information, all wells within the City of Simi Valley shall be classified as one of the following:

- (1) Active.
- (2) Abandoned with a valid certificate of exemption.
- (3) Abandoned and requiring destruction.
- (4) Non-compliant-abandoned.
- (5) Non-compliant.
- (6) Can't Locate.
- (7) Can't Locate Report.

(c) Applicants in violation of this Ordinance shall not be entitled to further well permits or any land use entitlement until all violations of this Ordinance are corrected.

#### Sec. 6-7.22. LIENS APPLIED

Failure to comply with any section of this Ordinance may result in the City/County placing a notice of non-compliance or a lien on the affected property to cover the costs of managing and performing work deemed necessary, as well as other remedies prescribed by this Ordinance.

#### Sec. 6-7.23. APPEALS

Any person shall have the right to appeal the decisions of the Director to the City Council/County's Board of Supervisors, provided such appeal is made in writing within twenty-one days of date of the decision and the applicable appeal fee is paid. This right of appeal shall not apply to final decisions of the Hearing Officer made pursuant to Section 6-7.18.