

Water Well Ordinance

Butte County Code 23B

Adopted: September 28, 2021

Effective Date: October 28, 2021

23B-1 Purposes.

It is the purpose of this chapter to provide minimum procedures for the proper construction of water wells and for the proper destruction of abandoned wells in order to ensure that water obtained from wells within the County of Butte will be suitable for the purposes for which used and that wells constructed or abandoned pursuant to this chapter will not cause pollution or impairment of the quality of the groundwater within the county. An additional purpose of this chapter is to attempt to reduce potential well interference problems to existing wells and potential adverse impacts to the environment which could be caused by the construction of new wells or the repair or deepening of existing wells where a permit is required under this chapter.

23B-2 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) **Public water system well:** A water well constructed or used to supply water for domestic purposes in systems subject to the requirements of sections 116275 et seq. of the California Health and Safety Code (California State Safe Drinking Water Act), or as amended.
- (b) **Individual well:** A well or water well meeting the definitions of wells or water wells in chapter II, part I, general A-K (bulletin 74-81), Water Well Standards, State of California, except groundwater monitoring wells less than fifteen (15) feet in depth. This definition includes agricultural wells.
- (c) **Abandoned well:** A well which is a public nuisance or which has not been used for a period of one (1) year and is not being properly maintained. For purposes of this definition, proper maintenance shall include but not be limited to (1) the prevention of conditions which could impair the quality of water in the well or in the water-bearing formations penetrated and (2) marking the well and keeping the surrounding area clear of brush and debris so that the well can be clearly seen. Abandoned wells shall include a well drilled to secure water but which is a "dry hole" and not to be used for water. Dry holes not cased, sealed and completed as an individual well or public water supply well shall be destroyed under permit prior to abandonment of the site by the well driller or commencement of a new drill hole. Abandoned wells shall also include drainage wells which are no longer being utilized for drainage.

Water Well Ordinance (BCC 23B)

Page 2

- (d) **Drainage well:** "Drainage well" shall mean any hole or well dug, drilled, bored or otherwise constructed for the purpose of disposing of storm drainage water into subsurface strata.
- (e) **Health officer:** The health officer of the County of Butte or his or her authorized representative.
- (f) **Pitless adapter:** Watertight casing surface seal unit manufactured for the purpose of providing a leak tight casing.
- (g) **District:** Means a district wholly or in part located within the boundaries of the county, which is a purveyor of waters for agricultural, domestic, or municipal use and which has adopted a resolution of intention to adopt a groundwater management plan for purposes of implementing the plan and establishing a groundwater management program pursuant to the provisions of Water Code sections 10753.2 et seq.
- (h) **Groundwater:** Means all water beneath the surface of the ground, whether or not flowing through known and definite channels.
- (i) **Property owner:** Property owner and address as shown on the last equalized assessment roll or current public record of the Butte County Assessor.
- (j) **Consolidated formation:** Hard rock-material strata of sedimentary; igneous or metamorphic rock.
- (k) **Engineered pumping capacity:** The pumping capacity of a pump in gallons per minute considering normal operating conditions and total head loss of an integrated piping/irrigation system.
- (l) **Exploration Hole or Boring:** An uncased, temporary excavation whose purpose is the determination of hydrologic conditions at a site.

23B-3 Permit required.

No person, firm, association, organization, partnership, joint venture, business trust, corporation, company, federal, state or local agency, or special district formed under the laws of this state shall, within the unincorporated area of the County of Butte, construct, repair or deepen any public water supply well, or individual well, or destroy any abandoned well unless a written permit has first been obtained from the health officer as provided in this chapter.

23B-4 Permit application.

Applications for permits shall be made to the health officer together with the required fee established by ordinance by the board of supervisors of the County of Butte. If construction, repair, deepening or destruction of a well is begun prior to obtaining a permit, the fee for such permit may be doubled, but shall not relieve any person from fully complying with the provisions of this chapter nor from any other penalties described in this chapter. Applications shall be made on forms provided by the health officer. Applications for permits to construct, repair or deepen a well shall include the following information:

Water Well Ordinance (BCC 23B)

Page 3

- (a) Location of the well on the property/parcels and the location and size in acreage of the contiguous properties, assessor's parcel number, township, range and section of the parcels to be served.
- (b) Name, address and contractor's license number of the person who will construct the well.
- (c) The proposed depth of the well.
- (d) Proposed use of the well.
- (e) An accurate plot plan which will show the following:
 - (1) Property lines with dimensions and existing and proposed buildings.
 - (2) Sewage disposal systems, sewer lines, and any other works carrying or containing sewage within two hundred (200) feet of the proposed well.
 - (3) All intermittent perennial, natural or artificial bodies of water or watercourses.
 - (4) All other existing wells.
 - (5) The approximate surface drainage pattern of the property and areas subject to flooding.
 - (6) Location of the well to be constructed, repaired, or deepened.
 - (7) Wells subject to section 23B-5c. and the engineered pumping capacity of the pump to be installed or replaced.
- (f) Proposed diameter of the well casing for the well to be constructed, repaired, or deepened.
- (g) Such additional information as reasonably required by the health officer. Applications for permits to destroy an abandoned well shall include such information as the health officer deems necessary.
- (h) The health officer is authorized to reduce the amount of information required to be included in a permit application for any well which comes within section 23B-5 d.

23B-4a Coordination of review of permit application by local agency having adopted a groundwater management plan and notification of contiguous parcel owners.

- (a) If a permit application is for a well located within the boundaries and/or service area of a local agency which has adopted a groundwater management plan pursuant to part 2.75 of division 6 of the California Water Code (commencing at section 10750), then the health officer shall give such local agency at least thirty (30) days to review and comment on the permit application before the health officer acts on the application. Provided further that whenever an application to drill a well within the boundaries or service area of a local agency is received, the health officer shall submit a copy of the application to the local agency if requested by the local agency.

Water Well Ordinance (BCC 23B)

Page 4

- (b) Any person, public or private agency at the time of application for a permit to drill a well with a casing diameter in excess of eight (8) inches shall deliver a copy of the well application or notification form provided by the health officer by mail to the last known address of all parcel owners within the area defined in section 23B-5c. The health officer shall issue a permit not sooner than thirty (30) working days after receiving a declaration or affidavit from the permit applicant stating compliance with this notice requirement or receiving other evidence of compliance with this section.
- (c) Any person, public or private agency, at the time of application for a permit to drill a monitoring and/or mitigation well shall deliver a copy of the well application by mail to the last known address of all contiguous parcel owners.

23B-5 Well standards.

Standards for the construction, repair, reconstruction, deepening, abandonment and destruction of wells in Butte County shall be as specified within bulletin 74-81 and its supplement bulletin 74-90, Water Well Standards, State of California, except where superseded by state or federal law or modified by resolution of the board of supervisors.

23B-5a Implementation and Local Interpretation of Standards.

- (a) The Butte County Well Construction Manual shall contain interpretations of this chapter. Copies will be maintained and made available to the public by the health officer.
- (b) The Butte County Well Construction Manual shall be adopted by resolution of the Butte County Board of Supervisors. The health officer may propose modifications of the Manual. When changes are proposed, they shall be presented to the Board for adoption as an amending resolution.

23B-5b Pumping capacity and parcel size.

The pumping capacity of the pump for a well required to have a new permit under this chapter after July 25, 1996, shall not be greater than fifty (50) gallons per minute per acre to reasonably serve the overlying land, including contiguous parcels of land under the same ownership as the land upon which the well is located. The total of the pumping capacities of the pumps for the new well and all existing wells (excepting wells which are exempt under section 23B-5d (1) and section 23B-5d (4) located within the applicable parcels shall not exceed fifty (50) gallons per minute per acre.

23B-5c Well spacing requirements.

After July 25, 1996, any well required to have a new permit under this chapter with a pump having an engineered pumping capacity stated below shall be located no closer to an existing well than as indicated on the graph entitled, "Well Spacing Requirement" and dated March 1, 1995, which graph is incorporated herein by reference, (Attachment A of Ordinance No. 3272), except that one (1) well may be located within a parcel so long as the well is in compliance with section 23B-5a. Where a new well complies with section 23B-5a but cannot comply with this section (23B-

Water Well Ordinance (BCC 23B)

5c), the health officer shall require that the well's location comply with the well spacing requirement to the extent reasonably possible. All wells with an engineered pumping capacity of greater than five thousand (5,000) gallons per minute must apply for a variance under this chapter. The following table shows examples of the engineered pumping capacity to well spacing requirement:

Engineered Pumping Capacity (gallons per minute)	Well Spacing Requirement (feet)
1,000	450
2,000	1,150
3,000	1,700
4,000	2,200
5,000	2,600
Greater than 5,000	Variance shall be required

23B-5d Exempt Wells.

The following wells shall not be subject to sections 23B-5b and 23B-5c, except as noted herein:

- (a) A well with an eight-inch or smaller diameter well casing.
- (b) The repair or deepening of an existing well which requires a permit under this chapter, if the engineered pumping capacity of the pump is not increased.
- (c) Replacement of a well that is destroyed in accordance with this chapter with a well having a pump that has the same engineered pumping capacity as the pump for the well that is destroyed and is drilled within one hundred (100) feet of the destroyed well.
- (d) Limited purpose wells, including:
 - (1) Frost protection well where the well shall only be operated during the crop frost seasons. These wells shall be subject to section 23B-5c and not section 23B-5a;
 - (2) Well which is only used for fire suppression;
 - (3) Monitoring and mitigation wells; and
 - (4) Existing exploratory wells used only for the limited purpose of determining the presence of sufficient potable water on parcels not verified as having been created on compliance with state and local laws. The purpose of an exploratory well is to facilitate a determination of whether a parcel can be developed. New exploratory wells are not permitted, but an exploration hole or boring may be applied for instead as specified in section 23B-5f of this chapter.
- (e) Public water supply wells located within the public water supply agency's service area, except that the section 23B-5c well spacing requirements shall apply to new public water

supply wells as they relate to existing wells located outside of the public water supply agency's service area.

23B-5e Requirements for exploratory wells.

- (a) No new exploratory well shall be permitted, but an exploration hole or boring may be applied for instead as specified in section 23B-5f of this chapter. The following subsections shall apply to existing exploratory wells.
- (b) No person shall maintain or use an exploratory well for any purpose other than for determining the availability of an adequate supply of water to meet the needs for future parcel development. The restriction on the ability to maintain and use an exploratory well shall remain in force until the Land Development Division of the Public Works Department has performed a parcel clearance review and cleared the parcel for development. If the Land Development Division does not clear the parcel for development and determines it was not created in compliance with all state and local requirements that were in effect at the time of parcel creation, the restriction on the ability to maintain and use an exploratory well shall remain in force until a Certificate of Compliance is recorded for the parcel.
- (c) No person shall install a pump, a pressure tank, electrical service or in any other way develop an exploratory well that would enable it to be used for other than its intended purpose.

23B-5f Requirements for exploration hole or boring.

- (a) No person, firm, association, organization, partnership, joint venture, business trust, corporation, company, federal, state or local agency, or special district formed under the laws of this state shall, within the unincorporated area of the County of Butte, construct any exploration hole or boring unless an application for authority to construct has first been approved by the health officer as provided in this chapter.
- (b) An exploration hole or boring shall be constructed and destroyed as specified in the conditions attached to the authority to construct, as well as specified within bulletin 74-90, Water Well Standards, State of California, except where superseded by state or federal law or modified by resolution of the board of supervisors.
- (c) Destruction of an exploration hole or boring shall occur on the same day as its construction. The applicant shall notify the health officer twenty four (24) hours prior to the destruction of the exploration hole or boring to allow the health officer to inspect the site.

23B-6 Persons to whom permits shall be granted.

Permits shall be granted pursuant to this chapter only to persons licensed to drill water wells, pursuant to the provisions of Business and Professions Code section 7000 et seq., possessing a C-57 water well contractor's license required by section 13750.5 of the California Water Code, or to the owner of the property or authorized representative.

23B-6a Persons permitted to drill a well.

All wells shall be drilled only by a person licensed to drill water wells pursuant to the provisions of Business and Professions Code section 7000 et seq. possessing a C-57 water well contractors license required by section 13750.5 of the California Water Code.

23B-7 Permit valid for one year.

Permits issued pursuant to this chapter shall be valid for one (1) year from date of issuance and shall automatically become void one (1) year from the date of issuance unless renewed prior to the expiration date. One (1) renewal may be granted by the health officer for a fee of half the original application fee.

23B-8 Filing of well driller's report.

Upon completion of a well, the owner or licensed well driller shall file a copy of a well driller's report with the health officer. Said report shall be filled out completely, signed by the well driller and shall be in the same form and content as the California State Department of Water Resources Well Drillers Report, and shall include such other information as will enable the health officer to determine that the well was installed in compliance with the standards required by this chapter and required well standards. This provision shall not be deemed to release any person from the requirement to file said report with the state department of water resources. No work shall be deemed to have been completed until the well driller's report has been received by the health officer.

23B-8a Well registration.

Owners of existing wells within the county may register their wells by completing and filing with the health officer a well registration form prescribed by the county. The well registration information will assist the county in administering this chapter and, in cooperation with water agencies within the county, in developing groundwater management plans.

23B-9 Inspections.

- (a) The health officer or his designated representatives are hereby empowered to enter upon private property in order to make inspections for the purpose of enforcing the provisions of this chapter. A final inspection of the work performed on any well pursuant to this chapter shall be made by the health officer unless such inspection is waived by him. No permittee shall be deemed to have complied with this chapter or his permit until such inspection has been either made and the installation approved, or waived.
- (b) The Butte County Health Department, Division of Environmental Health, shall be notified a minimum of twenty-four (24) hours prior to installing or placing a sanitary seal. Drillers who anticipate completing a well in less than a day may notify the health officer twenty-four (24) hours prior to commencement of drilling and provide the anticipated time to commence the sanitary seal. If the health officer fails to appear at the well site at the time designated for sealing, the well may be sealed without the presence of the health officer.

23B-9a Drainage wells prohibited.

The installation or construction of drainage wells within the unincorporated area of the County of Butte is prohibited. Abandoned existing drainage wells shall be destroyed under a well permit in a manner approved by the health officer. The health officer may approve subsurface drainage trenches meeting the location and depth requirements for individual sewage disposal leaching fields for the temporary disposal of drainage where no other drainage method is feasible. Permits for other types of recharge or injection wells shall not be issued by the health officer without written approval of the California State Regional Water Quality Control Board.

23B-9b Well sealing.

In addition to well sealing requirements specified within state well standards bulletin 74-81 and bulletin 74-90, all wells shall be sealed to minimize the risk of introducing shallow water contamination into a deep aquifer. The annular seal shall be of sufficient depth to exclude water above the fifty-foot depth. Unless otherwise specified by the health officer the seal shall be extended five (5) feet into the first consolidated formation encountered below fifteen (15) feet to a maximum required sealing depth of fifty (50) feet.

23B-9c Flood protection.

Whenever possible, wells shall be located outside of any area subject to flooding. If it is not possible to locate a well outside of a flood area, the well casing shall extend three (3) feet or more above the 100-year flood elevation. Within "areas of special flood hazard," as defined in section 26-29 of this Code, for which flood elevations have been established, the casing shall terminate three (3) feet or more above the established 100-year flood elevation. The health officer may accept an approved watertight "pitless adapter" as a means to provide flood protection for an individual well to serve a single-family residence.

23B-9d Well casing.

In addition to the well casing requirements of state well bulletin 74-81 and bulletin 74-90, unless otherwise approved by the health officer, the minimum thickness of steel casing shall be three sixteenths (3/16) inch.

23B-10 Violations; penalties.

- (a) Any construction, repair or reconstruction of any well or any destruction of any abandoned well in violation of the provisions of this chapter shall constitute a misdemeanor punishable as prescribed in section 1-7 of this Code; provided, however, that nothing herein shall be deemed to abrogate or annul the right to enjoin or abate such violations by civil action.
- (b) Any violation of the provisions of this chapter as specified in subsection 23B-5e or subsection 23B-5f of this chapter shall constitute an infraction and shall be punishable by imposition of the following fines:

Water Well Ordinance (BCC 23B)

Page 9

- (1) Upon a first conviction, a fine of one thousand dollars (\$1000.00);
 - (2) Upon a second conviction of violating the same chapter of this Code within the twelve (12) month period immediately preceding the commission of the current violation, a fine of three thousand dollars (\$3000.00);
 - (3) Upon a third conviction of violating the same chapter of this Code within a twelve (12) month period immediately preceding the commission of the current violation, a fine of five thousand dollars (\$5000.00).
- (c) Any violation which may be otherwise charged and punishable as an infraction pursuant to subsection (b) of this section may be charged and punishable as a misdemeanor if the defendant has been convicted of three (3) or more violations of the same chapter of this Code within the twelve (12) month period.
- (d) Each and every day or portion thereof that a person violates or continues to violate any such provision of this chapter constitutes a separate offense and may be charged and punished separately without awaiting conviction of any prior violation.

23B-11 County action not guarantee.

This chapter shall not be construed as imposing upon the county any liability or responsibility for damage resulting from defective construction, repair or reconstruction of any well or any destruction of any abandoned well or for damage to or interference with wells on adjoining or other properties. Further, neither the issuance of a permit pursuant to this chapter, final inspection of work performed on any well pursuant to this chapter nor the waiver of such final inspection shall be, nor construed to be, a guarantee by the County of Butte that suitable water in sufficient quantity is available from any well.

23B-12 Water quality requirement.

Any well which produces water with a water quality greater than two thousand five hundred (2,500) parts per million of total dissolved solids shall be destroyed in accordance with this chapter unless the well owner can prove to the satisfaction of the health officer that the well can be sealed to prevent the lower quality water from entering the well and that result is actually achieved.

23B-13 Minimum well depth of new individual wells for domestic purposes.

It shall be the responsibility of the well owner to insure that a new individual well for domestic purposes will operate properly assuming a repeat of the groundwater conditions experienced during the period 1987 through 1994 in the area in which the new well is located.

23B-14 Variances.

Upon application therefor and after notice is given as required under this chapter, the health officer may issue a variance permit and shall prescribe thereon such conditions as, in the health officer's judgment, are necessary to carry out the purposes of this chapter. If the health officer

needs the advice of an expert geologist or groundwater hydrologist in order to make a decision on the variance application, the health officer may retain such expert and the costs shall be borne by the applicant. The health officer shall inform the applicant of the not-to-exceed cost of such expert advice before the cost is incurred, and the applicant may withdraw the variance application before any such costs are incurred. Following the issuance of a variance, the health officer shall not issue a well permit for a period of fifteen (15) days.

23B-15 Appeal.

- (a) Any person whose application for a permit or for an approval has been revoked or denied, may, within thirty (30) days after the date of such denial or revocation, appeal therefrom in writing, accompanied with the appropriate appeal fees, to the board of supervisors. Upon the filing of a sufficient and proper appeal and payment of the fees provided for in this Code, the clerk of the board shall fix a time and place for a public hearing. The board shall affirm or overrule the denial or revocation. This section does not authorize appeals to the board from any action of the health officer authorized or required by state law or regulation.
- (b) Any person, may, within fifteen (15) days after the date of the issuance of a variance under this chapter, appeal therefrom in writing, accompanied with the appropriate appeal fees, to the board of supervisors. Upon the filing of a sufficient and proper appeal and payment of the fees provided for in this Code, the clerk of the board shall fix a time and place for a public hearing. The board shall affirm or overrule the issuance of a variance. This section does not authorize appeals to the board from any action of the health officer authorized or required by state law or regulation.
- (c) If the The board needs the advice of an expert geologist or groundwater hydrologist in order to make a decision on the appeal, the board may retain such expert advice, and the costs shall be borne by the appellant. The board shall inform the appellant of the not-to-exceed cost of such expert advice before the cost is incurred and the appellant may withdraw the appeal before any such costs are incurred. If the board needs to retain an expert, then the hearing on the appeal may be continued for up to sixty (60) days so as to allow the expert time to investigate and to write a report on the results of that investigation. The report shall be a public document and a copy of the report shall be given to the appellant.
- (d) At the hearing of an appeal to the board of supervisors, any interested party may present oral or written evidence. Following the hearing, the board shall render a decision upon the appeal and may sustain, modify, or reverse any action of the health officer. The decision of the board shall be final.

23B-16 Fees and notices.

- (a) Program administration fees. Any applicant for permits or services pursuant to this Chapter shall pay fees to the health officer as established by Chapter 43 at the time of submission of application and in advance of the requested or required service.

Water Well Ordinance (BCC 23B)

- (b) Variance and appeal fees. Any person filing an application for a variance permit shall pay a fee equal to the actual cost for county employees' time in reviewing and otherwise processing, the application and for the county's costs of publishing hearing notices. Appeal fees are payable pursuant to section 23B-4 and Chapter 43 of this Code. The variance fees will be payable as follows:
- (1) The application shall be accompanied by an initial fee deposit paid to the health officer;
 - (2) When the initial deposited funds are depleted to an amount equal to twenty-five (25) percent of the original deposit, no additional processing of the application will occur until the applicant or appellant deposits with the health officer sufficient funds to restore a balance equal to the amount required by chapter 43 of this Code, unless a lesser amount is approved by the health officer. In the event the applicant or appellant does not provide sufficient funds to continue processing the application, the application will be deemed denied;
 - (3) All deposited funds shall be maintained in a separate budget control account; and
 - (4) After final action on the application, any funds remaining in the account shall be returned to the applicant or appellant. If the actual cost for county employee's time and publishing are less than the money deposited, the remaining amount shall be returned. If the costs are greater than the money deposited, the applicant or appellant shall pay the additional amount. In the event that payment is not received for the additional amount within thirty (30) days' notice by the health officer or the clerk of the board of supervisors, as applicable, effective upon mailing by first class mail, the matter will be immediately referred to central collections.
- (c) Notices.
- (1) Variances. A notice of application for a variance shall be mailed to the property owners located within the area specified under section 23B-5c, including the owners of all wells registered with the county pursuant to section 23B-8a or identified by the applicant in the application. Such notice shall be mailed at least fifteen (15) days before the health officer shall take action on the variance.
 - (2) Appeals. A notice of hearing on an appeal shall be both published in a newspaper of general circulation in accordance with Government Code sections 6060 and 6061 and be mailed to the owners of all property located within the area specified under section 23B-5c, including the owners of all wells registered with the county pursuant to section 23B-8a or identified by the applicant in the application.
 - (3) The notice shall be mailed to the property owners or to the owners shown on the section 23B-8a well registration roll. The notice shall indicate the time, date and place of the hearing and the location of the subject well property. Notice is not required to be given to property owners who are served by a public water supply well and notice shall instead be given to their public water supplier. Failure of any property owner to

Water Well Ordinance (BCC 23B)

Page 12

receive such a notice shall not affect in any manner the action taken by the board of supervisors.