

ORDINANCE NO. 08-19-93-22

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MAMMOTH COUNTY WATER DISTRICT ADDING DIVISION XI  
TO CHAPTER 12 OF THE DISTRICT CODE CONCERNING  
DEVELOPMENT OF GROUNDWATER WELLS WITHIN THE DISTRICT

BE IT ORDAINED by the Board of Directors of the Mammoth  
County Water District as follows:

SECTION 1. The Board of Directors hereby finds and  
determines as follows:

a. The District furnishes water and other public  
services to the residents, landowners and visitors of the Mammoth  
Lakes area. The District has designed and constructed, and  
operates and manages a planned, coordinated water supply system  
utilizing both surface and groundwater supplies in order to supply  
the water needs of the community. The District's surface water  
supply comes from Lake Mary, tributary to Mammoth Creek.

b. The Mammoth Lakes area has just experienced six  
years of a serious and record drought. In 1987, the Board of  
Directors first declared a water shortage emergency condition and  
imposed water conservation restrictions on District customers,  
including a limitation on the use of the District water supply to  
irrigate landscaping. Such water shortage emergency condition  
continued until early this year.

c. In response to the substantial adverse effects of  
the drought on the District's surface water supply, the District  
has expanded its groundwater system. This system, and the location  
and depth of the several wells have been designed and planned with  
the assistance of a District-retained hydrogeologist so as to  
maximize the utilization of the groundwater resources underlying  
the District, as well as minimize drawdown in the wells.

d. The groundwater resources underlying the District and the Mammoth Lakes area are limited because of the nature and extent of the aquifers. New wells can diminish the ability of the District to manage its groundwater supply. Improper well construction or abandonment can adversely affect the aquifers within the area.

e. The District has recently learned that landowners in the District are pursuing plans to install groundwater wells on their property in order to irrigate landscaping and for other non-potable uses. These same landowners also receive potable water from the District and benefit substantially from the District's coordinated community water supply.

f. Depending on their location and the zones from which they extract water, these proposed private wells may pump water from the same groundwater source utilized by the District wells. Any single private well may adversely affect the District's groundwater supply and intercept groundwater that would otherwise be available to the District. Proliferation of private wells may have a potentially devastating cumulative impact on the community water supply. Each new well can reduce the amount of water available to the District and more importantly, to the community, and can increase the drawdown and pumping lift of District wells.

g. Because of the local geologic conditions, wells within the District penetrate various geological units and have the potential to cause the exchange of water between strata if not properly constructed. The quality of water can differ dramatically from one zone to another. Water from some of the District wells requires significant treatment because of high concentrations of iron and manganese; whereas, water extracted from other wells does not require treatment. Hot water is known to be present in some areas and high arsenic levels are associated with such water. Improperly constructed private wells within the District may cause water of extremely poor quality to migrate to strata where high-quality water exists and is relied upon by the District, thereby

jeopardizing the quality of the community's water supply.

h. Excess pumping from any particular water producing zone also can have adverse effects on water quality. Over pumping can reduce the hydraulic head in a zone and allow the transfer of water from one zone to another. If various private wells extract water from the same zones as does the District, where high-quality water is present, the cumulative effects of such pumping would reduce the hydraulic head within the zone and could allow the migration of poor-quality water into the zone.

i. A "thief zone" was encountered at District Well No. 4, where water exited the well at depth, and essentially could not be pumped. Work was performed on this well so as to preclude loss of groundwater from the aquifer. If numerous private wells are drilled in the future in the Mammoth Lakes area, more "thief zones" could be encountered. If such zones are encountered and not properly sealed off, there could be a permanent loss of water from the aquifer even when the wells are not in operation, thereby causing a waste and unreasonable use of water. Existing County and State water well standards do not contain provisions protecting against "thief zones."

j. If landowners proceed to install and use groundwater wells for irrigation in conjunction with the potable District water supply, the remaining landowners, residents and visitors of the Mammoth Lakes community may be adversely and unfairly impacted.

k. The District water system is a public, community water system. While benefitting from the community system, the District customers must also accept reasonable obligations and restrictions so as to protect and maximize the output of the community water supply for the benefit of the greater community.

l. The protection, conservation and replenishment of the underground water supply is one of the main functions of a

county water district. (Atchison, Topeka and Santa Fe Railway Co. vs. Kings County Water District (1956) 47 Cal.2d 140, 146.) The people of the State have a primary interest in the correction and prevention of irreparable damage to, or impaired use of, the groundwater basins of the State caused by critical conditions of overdraft or depletion. (Water Code section 12922.)

m. The purposes of this ordinance are to protect and conserve the limited community groundwater supply, to limit the adverse impacts from private groundwater wells, for the common benefit of all the landowners, residents and visitors of the Mammoth Lakes community, and to provide for the testing, construction, repair, reconstruction, abandonment and destruction of water wells, monitor wells, test wells and test/exploratory holes in such a manner that the groundwater resources underlying the District will not be contaminated or polluted and shall not jeopardize the health, safety, or welfare of the people of the District. This ordinance will substantially and directly benefit all customers of the District water supply.

SECTION 2. This ordinance is adopted pursuant to the authority of Water Code sections 31001, 31020, 31024, 31047 and 31082, Government Code sections 54343, 54350 and 54358, Civil Code section 549 and other applicable law.

SECTION 3. Division XI is hereby added to Chapter 12 of the Mammoth County Water District Code to read as follows:

DIVISION XI. PRIVATE GROUNDWATER WELLS

Section 11.01. Definitions. For purposes of this Division, the following words and phrases shall be defined as set forth below:

A. Abandoned Well - A well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced. Such wells must be destroyed in accordance with

the "Well Destruction" section of this Division. Monitor wells will not be considered abandoned as long as they are maintained for that purpose.

B. Abatement - The construction, reconstruction, repair, or destruction of a well so as to eliminate a nuisance or potential hazard of a well polluting or contaminating the groundwater.

C. Abatement Order - Both mandatory and prohibitory orders requiring or prohibiting the construction, reconstruction, repair, or destruction of a well so as to eliminate a nuisance or potential hazard of a well polluting or contaminating the groundwater resource.

D. Board of Directors or Board - Board of Directors of the Mammoth County Water District.

E. Bulletin 74-81 - The Department of Water Resources Bulletin No 74-81. "Water Well Standards: State of California" including all revisions and additions thereto.

F. Contamination - An impairment in the quality of the waters of the District to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of waste, whether or not waters of the District are affected.

G. Destroyed Well - A well that has been destroyed in accordance with the "Well Destruction" section of this Division.

H. Destruction - The proper filling and sealing of a well that is no longer useful so as to assure that the groundwater is protected and to eliminate a potential physical hazard.

I. District - Mammoth County Water District.

J. General Manager - General Manager of the Mammoth County Water District.

K. Monitor Well - An artificial excavation by any method for the purpose of monitoring the fluctuations in groundwater levels, the quality of underground waters, the presence or concentration of contaminants in subsurface soil or water.

L. Nuisance - Any use or condition of property or portion thereof, including structures and wells located thereon, that threatens to impair the quality of the groundwater or otherwise jeopardizes the health or safety of the public.

M. Out-of-Service Well - A well that has not been used for a period of less than one (1) year and the owner has declared his intention to use the well. As evidence of his intentions, the owner shall submit within thirty (30) days of taking the well out of service to the General Manager a signed "Notice of Intent" to place the well in service within one (1) year. Furthermore, the owner shall maintain the well in such a way that:

1. The well has no defects that will allow the contamination of the quality of the water in the well or the aquifers penetrated.

2. If the pump has been removed, the well casing shall be covered with a durable, weatherproof, and watertight seal and shall be secured to prevent injury to people and to prevent entrance of surface contaminants into the well.

3. The well is marked and can be seen clearly.

4. The area surrounding the well is kept clear of brush and debris.

N. Permit - A written permit issued by the General Manager permitting the construction, reconstruction, destruction, or abandonment of any well.

O. Person - An individual, firm, corporation, or governmental agency subject to the jurisdiction of the District.

P. Pollution - An alteration of the quality of water to a degree that unreasonably affects: (1) such waters for beneficial uses, or (2) facilities that serve such beneficial uses. Pollution may include contamination.

Q. Quality of Water - The chemical, physical, biological, radiological and other characteristics which affect its use.

R. Sanitary Hazard - Inadequacies, actual or potential, that may permit the entrance of pollutants, contaminants, or pathogenic organisms into the water, thereby impairing the water quality or rendering it injurious to public health.

S. Test/Exploratory Holes - An uncased artificial excavation by any method for the purpose of immediate determination of existing geologic and hydrologic conditions.

T. Test Well - A well constructed for the purpose of obtaining the information needed to design a production well prior to its construction. Such wells are not to be confused with "test holes" or "exploration holes," which are temporary in nature. Test wells are cased and can be converted to observation or monitoring wells and, under certain circumstances, to production wells.

U. Water Well - Any artificial excavation in the District constructed by any method for the purpose of extracting water from the underground for any use. "Groundwater well" shall not include (1) geothermal wells, except those wells converted to use as water wells, or (2) test or exploratory holes or excavations solely for soil testing or mineral exploration, except those wells converted

to use as water wells.

V. Well Reconstruction - The deepening of a well or the reperforation or replacement of the well casing, or other significant well modifications.

Section 11.02. Permit Requirements.

A. The well contractor shall apply for, and obtain, a permit from the General Manager prior to construction, reconstruction, deepening, or destruction of any well within the District.

B. The application for the permit shall be in the form prescribed by the General Manager. Every application shall be signed by the owner or the authorized representative of the owner. The application shall include, but is not limited to, the following:

1. Owner's name and address.
2. Whether the intended use of the well is for domestic, irrigation or industrial purposes, observation, monitoring, or for any other purpose.
3. Location of the well by reference to street address, parcel or lot number, nearest streets or crossroads or other significant features and by reference to Section, Township, and Range. The quarter of the quarter section to contain the well shall also be identified. An example would be the SW/4 of the NE/4 of Section 24, T27S, R24E.
4. Dimensioned plot plan indicating north direction, distances, and locations of existing and proposed structures, sewers or sewage disposal systems, other wells, and any other potential source of contamination or degradation on the property or adjacent properties within one hundred fifty (150) feet of the well or proposed well.



5. Hydrogeological data showing that the proposed extraction of groundwater will not result in or exacerbate any overdraft of groundwater resources or cause significant adverse effects to the quantity or quality of the groundwater resources when such proposed extraction is considered alone or together with other existing and potential wells in the vicinity of the District wells. Calculations shall be submitted that estimate drawdown in the closest District well due to the expected pumping from the proposed well.

6. Well drilling contractor's name, address, and contractor's license number.

7. Nature of the work to be done, whether construction, reconstruction, destruction, or other work, and, in the case of construction or reconstruction, the method to be used, whether cable tool, rotary, reverse flow, or other method.

8. Estimated depth of well when completed.

9. Diameter, thickness, and type of casing.

10. Significant features of the well (e.g., conductor casing, gravel pack, sealing, or perforation locations), if known or proposed.

11. The pump capacity to be installed and the proposed annual extraction of water in acre-feet.

A permit may be denied for failure to supply any information required by or requested pursuant to this section which is known to, or by the exercise of reasonable diligence can be acquired by, the applicant.

Every permit issued shall be contingent upon compliance with the requirements specified in this Division.

C. Before a permit can be issued, the proposed well shall be subject to environmental review pursuant to the District's environmental review guidelines and the California Environmental Quality Act.

D. The General Manager shall issue the permit upon compliance with CEQA and when he/she finds that the location of the well or proposed well and other circumstances relating thereto, or other work to be completed, is such that the work or final product will not constitute a health hazard, will not result in an unreasonable drawdown in District wells, and will not result in or exacerbate any overdraft of groundwater resources or cause significant adverse effects to the quantity or quality of the resources when such proposed well is considered alone or together with other existing and potential wells in the vicinity of the District wells. In the event that the General Manager cannot make each of the above findings, then the General Manager shall deny the permit.

Approval of the application may be subject to conditions depending on the particular circumstances, which conditions may include, but not be limited to: (1) exploratory well drilling to determine the geologic formation and the zones from which the groundwater will be extracted and the amounts to be extracted; (2) production well maximum pumping rates and quantities (time of day, daily, monthly and annual); (3) special well construction requirements; (4) monitoring measures to determine the effects of pumping, if any, on District groundwater supplies and/or Mammoth Creek flows, and appropriate remedial measures depending on the monitoring results; and (5) a television survey of the well to determine the existence of any thief zone(s) in the well. Such television survey shall be conducted by an entity approved by the District. The District shall be given forty-eight (48) hours advance notice of the place, date and time of the survey and shall be allowed to be present to witness the survey. The written results of the survey and one videotape of it shall be provided to

the District. If the survey reveals the existence of a thief zone(s), the applicant shall take such measures as will eliminate the thief zone(s), as are approved by the District.

E. When the well contractor makes an application for a permit, he shall have on file or file a copy of a valid C-57 license.

F. It shall be the responsibility of the well contractor to post the permit at the work site prior to commencement of construction. Any well contractor who fails to comply with this requirement and constructs a well for which a permit has not been secured, shall be in violation of this Division.

G. A permit shall be required for the construction of a test well or test/exploratory holes. If subsequent test wells or holes are constructed at the same location within a period of thirty (30) days, separate fees will not be charged for each permit unless more than one completed water well is constructed. All abandoned test wells or holes shall be destroyed in accordance with the methods prescribed in this Division.

H. Construction of the proposed well shall not be commenced until the permit application has been approved by the General Manager and the contractor is in receipt of the approved permit.

I. An application for a permit shall be accompanied by a nonrefundable permit fee.

J. The work authorized by the permit shall be completed within two (2) years from the date of issuance of the permit. If the work is not completed within such time, then the permit shall be void and of no force or effect.

Section 11.03. Permit Fees. A fee schedule shall be established by the Board of Directors of the District. The fee shall cover the administrative costs of issuing the permit and performing

installation inspections. Fees shall be charged for the following:

A. New Well Permit

1. All water wells furnishing water for beneficial uses.

2. Monitoring wells, test wells, and test/exploratory holes.

B. Reconstruction or deepening of any existing well.

C. Abandonment and destruction of any existing well.

Section 11.04. Appeals.

A. Any person whose application for a permit has been revoked, denied, modified, or had additional standards imposed may, within thirty (30) days after the date of such action, appeal therefrom in writing to the Board of Directors. The Board shall set a date for hearing said appeal, and the General Manager and the appellant shall be notified.

B. At the hearing of an appeal to the Board of Directors, the applicant and General Manager may present oral or written evidence and cross-examine witnesses. Following the hearing, the Board shall render a decision upon the appeal and may sustain, modify, or reverse any action of the General Manager. The decision of the Board shall be final.

Section 11.05. Well Contractors. The person responsible for the construction, alteration, destruction, abandonment of a water well, test well, test/exploratory hole, or monitoring well shall possess a C-57 Water Well Contractor's License issued in accordance with the provisions of the Contractors License Law of the State of California. A copy of the current and valid C-57 license shall be submitted to the General Manager prior to undertaking any well

construction, reconstruction, alteration, destruction, or abandonment.

Section 11.06. Well Standards.

A. Except as may be otherwise specified in this Division, the standards for the construction, repair, reconstruction, abandonment, or destruction of wells published in the Department of Water Resources Bulletin 74-81, "Water Well Standards," State of California, the Department of Water Resources Bulletin 74-90, "California Well Standards," and Bulletin 74-1, "Cathodic Protection Well Standards", as such may be subsequently revised or supplemented, are hereby incorporated in and made an applicable section of this Division.

B. Prohibited Construction

1. No water well shall be constructed within the District except as specified in this Division.

2. The construction of dry/drainage wells and recharge/injection wells for wastewater is prohibited. The General Manager may make exceptions to this prohibition if it can be shown that: a) the quality of the water being introduced into the well will not have a negative impact on the groundwater, b) the well's construction will not permit the intermixing of aquifers or provide a conduit for the vertical movement of known or potential contaminants.

C. Well Construction

1. Well Location

All wells shall be so constructed as to prevent the entrance of surface water and contaminated groundwater into the well or into the producing aquifer and shall be separated a safe distance from potential sources of contamination and pollution.

The following minimum horizontal distances shall be maintained for all wells:

	<u>Well</u>
Septic tank or sewer line	50 feet
Leach line or disposal field	100 feet
Seepage pit or cesspool	150 feet
Unlined canals, surface water course or storm drainage ponds	100 feet
Storm drains	50 feet
Storm drainage wells	100 feet
Areas irrigated with treated domestic wastewater	100 feet

If possible, the well shall be located upgradient of potential sources of contamination. The General Manager may authorize an exception to these requirements in specific instances.

## 2. Well Casing and Casing Perforations

The requirements for casing materials and installation shall be as outlined in Chapter II, Part II, Section 12 of Bulletin 74-81, as modified in Bulletin 74-90.

## 3. Gravel Packing

In gravel-packed wells that furnish potable water for human consumption, the gravel packing shall not extend above fifty (50) feet below ground surface.

Gravel-packed wells with a conductor casing shall be exempted from this requirement provided that the annular space between the conductor pipe and the wall of the drilled hole is filled with sealing material fulfilling the specifications and depth requirements of section 4.

## 4. Well Seals

All wells shall have a sanitary seal, surface seal, and an annular seal. An access opening in the well cap, well casing, or pump base for the purpose of disinfecting the well or measuring the water level shall be protected with a threaded, watertight plug or cap. Wells requiring air vents shall be installed in an approved manner.

(a) Annular Seal

On all wells, the annular space between the casing and the wall of the hole shall be effectively sealed with cement grout or other approved sealant material to protect against contamination or pollution by surface or shallow subsurface waters. The seal must be placed opposite the entire thickness of the uppermost unconsolidated deposits. The minimum annular seal depth shall be at least fifty (50) feet.

(b) Sealing Conditions

The requirements for sealing a well shall be as specified in Section 9B, Part II, Chapter II of Bulletin 74-81.

In gravel-packed wells, the width of the annular space between the well of the drilled hole and the well casing or conductor casing, where applicable, shall be at least two (2) inches. If gravel fill pipes are installed through the seal, the annular seal shall be of sufficient thickness to assure that there is a minimum of 2 inches between the gravel fill pipe and the wall of the drilled hole. If a temporary conductor casing is used, it shall be removed as the sealing material is placed.

(c) Sealing Material

The sealing material shall consist of neat cement grout, sand-cement grout, concrete, or bentonite clay and shall conform to the specification given in Section 9D, Part II, Chapter

II of Bulletin 74-81. Sealing material shall be used and applied in accordance with manufacturer's recommendations.

(d) Thickness of Seal

The thickness of the seal shall not be less than two (2) inches, except as indicated in section 4.b above, and not less than three (3) times the size of the largest coarse aggregate used in the sealing material, except where equivalent protection is provided in a manner approved by the General Manager.

(e) Placement of Seal

The requirements for placement of the annular seal shall be as specified in Section 9F, Part II, Chapter II of Bulletin 74-81.

(f) Sealing Off Strata

In areas where a well penetrates more than one aquifer, and one or more of the aquifers contains water that, if allowed to mix in sufficient quantity will result in a significant deterioration of the quality of water in the other aquifer(s) or the quality of water produced, the strata producing such poor-quality water shall be sealed off to prevent entrance of the water into the well or its migration to other aquifer(s). The sealing off of strata should be accomplished as specified in Section 13, Part II, Chapter II of Bulletin 74-81.

(g) Surface Seal

(1) A concrete surface seal or slab shall be constructed on the ground surface around the top of the well casing and shall be free from cracks or other defects likely to detract from its watertightness. The slab shall be monolithically poured on thoroughly compacted native earth and shall be a minimum



thickness of six (6) inches, extending four (4) inches above and two (2) inches below surrounding ground level and shall be extended at least two (2) feet in all directions from the well casing. The surface of the concrete slab shall be smooth troweled and shall be graded away from the well casing in all directions for a distance of at least one (1) foot from the casing, with sufficient fall to drain water away from the casing.

(2) The concrete slab shall be poured in contact with the sealant material in the annular space.

(3) The top of the well casing shall extend a minimum of six (6) inches above the concrete surface slab.

(h) Sanitary Seal

A sanitary seal shall form a durable, weatherproof and watertight seal on top of the well, between the pump base and the concrete slab, or between the pump base and the top of the well casing. Sanitary seals that are manufactured and sold specifically for this purpose are required. "Home made" sanitary seals are not permitted unless plans for its construction, signed by an engineer, are submitted and approved by the General Manager. When a pump is offset or submerged, any pipes or electrical cables which enter the well shall do so above ground and from the top of the casing and shall be completely surrounded by the sanitary seal so as to be water tight. Ropes for holding pipes or the submersible pump must be installed completely inside of the casing. Objects and materials that are not necessary for the operation of the well shall not enter the casing. Holes shall not be made in the casing. This requirement shall not restrict the proper installation of perforated casing below the annular seal or the proper installation of tubes for chlorination or sounding of the well. All proposed construction that varies from the requirements of this section must be approved by the General Manager.

5. Surface Construction Features

Openings into the top of the well that are designed to provide access to the well, i.e., for measuring, chlorinating, adding gravel, etc., shall be protected against entrance of surface waters or foreign matter by installation of watertight caps or plugs. Access openings designed to permit the entrance or egress of air or gas (air or casing vents) shall terminate above the ground and above known flood levels and shall be protected against the entrance of foreign material by installation of downturned and screened "U" bends. All other openings (holes, crevices, cracks, etc.) shall be sealed.

A "sounding tube" or similar access for the introduction of water level measuring devices shall be affixed to the casing of all wells. For wells fitted with a "well cap," the cap shall have a removable plug for this purpose.

(a) Where the pump is installed directly over the casing, a watertight seal (gasket) shall be placed between the pump head and the pump base (slab), or a watertight seal (gasket) shall be placed between the pump base and the rim of the casing, or a "well cap" shall be installed to close the annular opening between the casing and the pump column pipe.

(b) Where the pump is offset from the well or where a submersible pump is used, the opening between the well casing and any pipes or cables that enter the well shall be closed by a watertight seal or "well cap."

(c) If the pump is not installed immediately or if there is a prolonged interruption in construction of the well, a watertight cover shall be installed at the top of the casing.

(d) A watertight seal or gasket shall be placed between the pump discharge head and the discharge line.

(e) Wells shall be equipped with facilities to

permit the collection of water samples.

(f) Except monitor wells, water wells shall be equipped with a totalizing flow meter on the discharge pipe.

All other surface features, such as pump blow-offs and air vents, shall be constructed as specified in Section 10D and E of Chapter II, Part II of Bulletin 74-81.

#### 6. Well Development

Well development shall be completed as specified in Section 14 of Chapter II, Part II of Bulletin 74-81. Well development with the use of chemicals or explosives shall be completed only by personnel specially trained to handle them and shall be used only after obtaining approval of the General Manager.

#### 7. Backflow Prevention

All pumping equipment shall be installed with protective devices to effectively prevent the entrance of foreign matter from back siphonage into the well casing. No person shall install any equipment or mechanism, chemical, or substance if it is found that such equipment, mechanism, chemical, or substance may cause pollution or contamination of the District water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device.

### D. Disinfection and Other Sanitary Requirements

#### 1. Disinfection

All wells and associated equipment in contact with potable water for domestic purposes shall be disinfected after the construction, installation, or repair of the well, pump, or storage equipment and prior to its use or return to operation. The minimum concentration of the disinfectant solution shall be equivalent to

at least one hundred (100) parts per million (ppm) of available chlorine with a minimum contact time of 12 hours. After 12 hours, the well shall be waste pumped until no chlorine residual is detectable, and the well shall then be sampled for bacteriological quality. If the water produced from the well contains coliform bacteria or a significant amount of bacterial growth, further disinfection and an investigation into and correction of the problem shall be undertaken.

## 2. Gravel

Gravel used in gravel-packed wells shall come from clean sources and shall be thoroughly washed before being placed in the well. Gravel purchased from a supplier shall be washed at the pit or plant prior to delivery to the well site. During placement of the gravel in the annular space, disinfectants (usually calcium hypochlorite in tablet or granular form) shall be added to the gravel at a uniform rate (two tablets per cubic-foot or one pound of the granular form per cubic yard).

## 3. Lubricants

Mud and water used as a drilling lubricant shall be free from sewage and other types of contamination. Oil and water used for lubrication of the pump and pump bearings shall also be free from contamination.

## E. Building Code Compliance

All electrical, plumbing, and appurtenant structural work relating to the water well installation or repair shall be performed in conformity with all applicable building code requirements of the Town of Mammoth Lakes.

## F. Temporary Cover

1. Whenever there is an interruption in work on the

well (i.e., overnight shutdown during inclement weather or waiting periods required for the setting up of sealing materials, testing, or the installation of the pump), the well opening shall be closed with a cover to prevent the introduction of undesirable material into the well and to protect the public safety.

2. During interruptions of one week or more, a semipermanent cover shall be installed. For wells cased with steel, a steel cover tack welded to the top of the casing is permitted.

Section 11.07. Inspections.

A. The General Manager may conduct an inspection of any well at any time to ensure compliance with the requirements of this Division. The General Manager may inspect a well site any time prior to or during construction, reconstruction, or destruction of a well. The General Manager may prescribe mandatory inspections of certain well construction projects as he deems necessary. The stage at which each mandatory inspection is required shall be set forth in the permit.

It shall be unlawful for any person to continue to work on a project past the stage at which an inspection has been prescribed pursuant to this section until such inspection by the General Manger has been completed or waived. The permittee or one acting on his behalf shall make an inspection appointment with the General Manager at least 24 hours prior to the estimated inspection time. If the General Manager fails to conduct the inspection within three (3) days of the prescribed time, then the inspection shall be deemed waived. However, the failure of the General Manager to make an inspection shall not be deemed an approval of any work completed, nor shall it be deemed a waiver of any future inspections, or of any of the enforcement provisions of this Division.

B. After the work has been completed, the General Manager

shall be notified by the well contractor so that final inspection of the completed work can be performed.

C. The General Manager may request receipts and/or affidavits to be submitted when certain inspections are waived.

D. No water from a new, deepened, or reconstructed water well shall be used until the final inspection is performed and the well and water quality are tested.

E. Whenever the construction, deepening, reconstruction, or destruction of any well is being carried out contrary to the requirements of this Division, the General Manager shall order work to stop by posting a notice to desist at the well site. It shall be unlawful to do further work until the General Manager determines that the necessary corrections have been made. It shall be unlawful to perform any work for which a permit has been granted pursuant to this Division without complying with the conditions of such permit.

Any person affected by a decision of the General Manager pursuant to this subsection may, within five (5) days after the date of such decision, appeal therefrom in writing to the Board of Directors. The Board shall set a date for hearing said appeal, and the General Manager and the appellant shall be notified. Any order of the General Manager to cease work shall remain in effect during the appeal period. At the hearing of the appeal to the Board of Directors, the appellant and General Manager may present oral or written evidence and cross-examine witnesses. Following the hearing, the Board shall render a decision upon the appeal and may sustain, modify, or reverse the decision of the General Manager. The decision of the Board shall be final.

Section 11.08. Well Destruction.

A. Determination of an Abandoned Well

The owner shall continuously maintain, in accordance with the provisions of this Division, any well that is in or out of service so as to be safe and to prevent pollution of any penetrated aquifer. A well shall be declared "abandoned" when such well does not meet the requirements for an "out-of-service well."

If the pump has been removed for repair or replacement, the well shall not be declared abandoned, provided that evidence of repair can be shown. During the repair period, the well shall be adequately covered to prevent injury to people and to prevent entrance of surface contaminants into such well.

Monitor or test wells used in the investigation or management of groundwater are not considered abandoned as long as they are maintained for this purpose. However, such wells shall be covered with an appropriate cap bearing the label "Monitor Well" and the name of the owner. When these wells are no longer used for this purpose, they shall be considered abandoned. Upon such abandonment, the District may acquire the monitor or test wells for its own purposes pursuant to an agreement with the well owner or as otherwise provided by law.

#### B. Requirements for Destroying Wells

Every abandoned well shall be considered the property owner's responsibility and shall be destroyed in accordance with this section. The objective of destruction is to restore as nearly as possible those subsurface conditions that existed before the well was constructed. The requirements for destroying all wells shall be as required in Section 23, Part III, Chapter II of Bulletin 74-81, as modified in Bulletin 74-90, and as follows:

1. The soil around the casing must be excavated to a minimum depth of six (6) feet and the casing removed from that point upward.

2. When a completed water well driller's report is available and, if the subsurface conditions make it practical, the well may be destroyed by alternating clean native fill or sand with the sealing material inside the casing so as to seal each water producing zone 10 feet above and 10 feet below its reported depth. (The General Manager may change the destruction requirements when adverse or special conditions warrant.)

3. When no water well driller's report is available, the well casing shall be filled entirely with the sealing material.

4. In all cases, the uppermost 20 feet of casing shall be filled with the sealing material. The sealing material shall be allowed to flow over the top of the well casing to form a cap.

5. The sealing material and its installation shall conform with the requirements for annular seals listed in this Division.

6. Prior to destroying any well, a television survey shall be conducted by the well owner. The entity conducting the survey shall be subject to District approval. The District shall be given forty-eight (48) hours advance notice of the place, date and time of the survey and shall be allowed to be present to witness the survey. The written results of the survey and one videotape of it shall be provided to the District for review prior to destroying the well. If the survey reveals the existence of any thief zone(s) in the well, then the District shall prescribe, and the well owner shall perform, the specific means and methods of destroying such well.

Section 11.9. Replacement of New Wells. If a new well, for which a valid permit was obtained, should require abandonment and replacement within a period of one hundred eighty (180) days after installation, an additional permit and fee shall not be required. In the event of such an occurrence, the property owner shall comply



with the following provisions:

A. The General Manager shall be notified before work on the replacement well is started, and an inspection shall be made during the course of construction.

B. The abandoned well shall be properly destroyed in accordance with the methods and requirements prescribed in this Division.

Section 11.10. Replacement of Existing Well. If a new well must be constructed as a result of the failure of an existing well, mandatory destruction of the existing well will be a condition for issuance of a permit for the new construction. Well failure may be determined by, but is not limited to, the following criteria:

A. When the groundwater drops to a level below the useful depth of the well.

B. When contamination is present.

C. When the well is inside of any established minimum setback requirements from potential sources of contamination.

The existing well shall be properly destroyed in accordance with the methods and requirements of this Division.

Section 11.11. Reports. A contractor who has constructed, deepened, or reconstructed a well shall, within thirty (30) days after completion of the work, furnish the General Manager with an official copy of the "Water Well Driller's Report" (State of California, Department of Water Resources, Form No. DWR-188). The report shall include the following:

A. Soil/lithologic log, and E log, if one was obtained.

B. Information concerning the type, depth and thickness of

casing.

C. Depth of excavation.

D. Number and location of perforations.

E. Location, depth, and type of materials used in sealing off strata.

F. Any other information required by the Department of Water Resources and/or the General Manager.

Confidentiality of reports will be strictly enforced according to the California Water Code, section 13752.

Section 11.12. Enforcement. The General Manager is authorized to enforce this Division and may perform all acts necessary or proper to accomplish the purposes of this Division.

A. Declaration of Nuisance

All water wells, monitor wells, test wells, and test/exploratory holes constructed, reconstructed, deepened, destroyed, or placed out of service after the effective date of this Division, not in accordance with the terms of this Division, are hereby declared public nuisances that may be abated in accordance with the provisions of this Division. Any existing water wells, monitor wells, test wells, and test/exploratory holes which the General Manager declares a public health or contamination hazard may be declared a nuisance.

B. Abatement Order

Whenever the General Manager determines that a nuisance exists, he may issue to the landowner a written order to abate such a nuisance. The order shall state the conditions creating the nuisance and the time determined by the General Manager to be

reasonable to accomplish such abatement, but not less than two (2) weeks. It shall also state that unless the nuisance is abated or a notice of appeal filed with the District, the General Manager will abate the nuisance and the cost of such abatement shall be at the expense of the landowner.

The order of abatement shall be mailed to the owner or owners of the premises as their names and addresses appear upon the last equalized Mono County assessment roll, or shall be personally served upon an adult person occupying the premises, or if such person cannot be served, shall be posted in a conspicuous place on the premises. In the event that a nuisance is not abated in accordance with the order of abatement, the General Manager may proceed to abate the nuisance.

If an appeal is filed, a hearing shall be held within sixty (60) days of the date of the notice of appeal. The appellant shall be given at least forty-five (45) days advance written notice of the hearing date. The appellant may present oral or written evidence and cross-examine witnesses at the hearing. At the conclusion of the hearing, if the Board of Directors determines that a public nuisance exists, it shall thereupon order the nuisance abated no later than thirty (30) days following the mailing by the District of a notice of the Board's decision. The Board shall determine whether the nuisance is to be abated by correction or destruction. Such notice shall be sent by regular mail to the person requesting the hearing at the address set forth in such request and to any other person who files a request therefor with the District.

If a nuisance is not corrected or a hearing is not sought within the time specified in this section, or, if after a hearing, a nuisance is not abated as ordered, the General Manager may proceed to abate the nuisance.

#### C. Accounting

The General Manager shall file with the District Secretary a report specifying the abatement work performed, the itemized and total cost of the work, a description of the real property upon which the well is or was located, and the names and addresses of the owners as their names appear in the latest equalized Mono County assessment roll.

A hearing before the Board of Directors shall be held on the report described previously, at which time any protests or objections thereto will be heard. The District shall mail notice of the hearing to the owner or owners of record at least ten (10) days prior to the hearing. The Board shall determine at the hearing the correct charge to be made for the work. The owner or owners of record shall be given notice by mail of the determination of the Board of Directors which notice shall inform the owner or owners that the charges so determined may become a lien against the property if such costs are not paid within thirty (30) days of mailing of the notice of determination by the Board.

Section 11.13. Investigation. If the District has reason to believe that there may be a violation of this Division, the District may, pursuant to an inspection warrant obtained under California Code of Civil Procedure section 1822.50 et seq., inspect any suspected site of a well.

Section 11.14. Remedies. In the event of a violation of this Division, the District may pursue any remedy provided by law and any one or more of the following remedies:

A. Violation of this Division by a customer shall be cause for termination of District water service to the premises of such customer, including physical disconnection of the District water supply. Any such disconnection shall be pursuant to the provisions of Division VIII B of this Chapter 12.

B. The District may commence appropriate judicial actions or proceedings, including seeking injunctive relief, in order to

prevent interference with or diminution or degradation of the groundwater supplies of the District.

Section 11.15. Exemptions. This Division shall have no application to wells drilled within the District pursuant to rights conferred by the District in written agreements existing as of the effective date of this Division.

SECTION 4. The Board of Directors finds that the adoption of this Division is exempt from the California Environmental Quality Act. (See CEQA Guidelines sections 15307 & 15308 (ordinance exempt as an action to maintain, restore, enhance and protect the groundwater resources underlying the District, an important natural resource); 15378(b)(3) (ordinance not a "project" as defined by CEQA because it constitutes general policy and procedure making).) The General Manager is authorized and directed to file an appropriate CEQA notice of exemption confirming this finding.

SECTION 5. If there is any inconsistency between a provision of this Ordinance and any provision of any prior District ordinance, resolution, rule, regulation or policy, then the provision of this Division shall prevail.

SECTION 6. The provisions of this Division are severable, and the invalidity, unenforceability or unconstitutionality of any section, portion or part of this ordinance shall not affect the validity of the remainder of the ordinance.

SECTION 7. This ordinance shall take effect thirty (30) days from the date of its adoption.

SECTION 8. The District Secretary is directed to publish a copy of this ordinance in a newspaper of general circulation printed, published and circulated in the District within 10 days after its adoption.

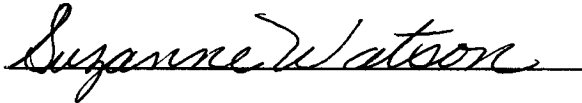
PASSED AND ADOPTED by the Board of Directors of the  
Mammoth County Water District on this 19th day of August, 1993,  
by the following vote:  
AYES: Directors Smith, Lyster, and Mitchel  
NOES: Director Whitesides  
ABSTAIN: Director Rudder  
ABSENT: None

MAMMOTH COUNTY WATER DISTRICT



Paul Rudder, President  
Board of Directors

Attest:



Suzanne Watson, Secretary  
Board of Directors