

ORDINANCE NO. O-2015-20

AN ORDINANCE AMENDING CHAPTER 6.88 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA TO REGULATE THE CONSTRUCTION, REPAIR, RECONSTRUCTION, DESTRUCTION OR ABANDONMENT OF WELLS WITHIN THE BOUNDARIES OF THE COUNTY OF ALAMEDA

The Board of Supervisors of the County of Alameda does ordain as follows:

SECTION I

Chapter 6.88 of the Alameda County General Ordinance Code is hereby repealed and amended to read as follow:

6.88.010 - Purpose.

It is the purpose of this chapter to provide for the construction, repair, reconstruction, and destruction of wells, including cathodic protection wells and exploratory holes, to the end that the groundwater found wholly or partially within the county will not be polluted or contaminated and that water obtained from water wells will be suitable for the beneficial uses intended and shall not jeopardize the health, safety, or welfare of the people of the county, and for the destruction of abandoned wells or wells found to be public nuisances, including cathodic protection wells and exploratory holes, to the end that such wells will not cause pollution or contamination of groundwater, or otherwise jeopardize the health, safety, or welfare of the people of the county.

6.88.020 - Definitions.

Definitions of terms for the construction, repair, reconstruction, destruction, or abandonment of wells shall be as set forth in Chapter II and in Appendix I, of the Department of Water Resources Bulletin No. 74-81, 74-90, Bulletin 118, and including any subsequent supplements or revisions to "Water Well Standards: State of California," as modified and with additions herein.

"Abandoned" shall mean any well that is not "active" or been used at least once in preceding twelve (12) months for its intended use, a cathodic protection well that is no longer functional for cathodic protection purposes(s), or an exploratory hole 24 hours after construction and testing work has been completed.

"Active Well" shall mean any well that has been utilized at least once in the preceding twelve (12) months for the extraction, injection, sampling or monitoring of groundwater or soil vapor.

"Administering Agency" shall mean the Alameda County Public Works Agency. The Director may delegate administrative function, powers and duties assigned by this chapter to other public entities as may be appropriate, by contract, memorandum of understanding, or other form of agreement.

"Advisory Board" shall mean a Well Standards Advisory Board, consisting of three (3) qualified persons, which may be appointed by the Board of Supervisors for two (2) year terms, ending 12:00 noon on the first Monday after January 1 of each odd numbered year. The matter of qualification lies solely within the discretion of the Board of Supervisors. In the event a Well Standards Advisory Board is not created, the Board of Supervisors shall assume the duties of said Advisory Board. In the event the Director delegates administering authority to an administering agency other than the County, said administering agency may appoint its own Advisory Board that will serve in place of the County Advisory Board within the area of delegated authority.

"Applicant" or "Permittee" shall mean the legal owner(s) of the property or person authorized by the owner on which a well, exploratory hole, or other drilling activity is to be constructed, repaired, and inactivated or destroyed.

"Board of Supervisors" shall mean the Board of Supervisors of the County of Alameda, except where the Director has delegated administering authority to an administering agency other than the County, and the contract, memorandum of understanding, or other form of agreement providing for said delegation designates another public body to perform the duties otherwise reserved to the Board of Supervisors under this chapter.

"Cathodic Protection Well" shall mean any artificial excavation 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.

"Construction, Reconstruction" shall mean to dig, drive, bore, drill, or deepen a well, or to re-perforate, remove, replace, or extend a well casing.

"Contamination" shall mean an impairment of the quality of the waters, soil or soil vapor to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

"County" shall mean the County of Alameda.

"Destruction" shall mean the proper filling, sealing, or otherwise rendering unusable a well that is no longer useful or has become hazardous to public health or safety, so as to assure that the groundwater is protected and to eliminate a potential physical hazard.

"Director" shall mean the Director of the Alameda County Public Works Agency, or his/her designee.

"Enforcement Officer" shall mean the Director, who shall enforce the provisions of this chapter. In accordance with the prescribed procedures, the Director may appoint such number of technical officers, inspectors, and other employees as required to perform the tasks described in this chapter, or delegate this authority to the administering agency in accordance with the provisions of this Section. The Director shall have the authority to designate such officers, inspectors, or employees as may be necessary to enforce the regulations, requirements, and other provisions of this chapter; officers, inspectors, or employees so designated shall have the authority to impose administrative fines and/or fees in accordance with the provisions of Section 6.88.070F of this chapter.

"Exploratory Hole" shall mean any uncased geological, geophysical or hydrological conditions. This does not include pits, trenches, excavations for foundations and basements, root-zone piezometers, or similar excavations in this definition.

"Monitoring Well" shall mean any well used primarily for observing groundwater obtaining samples, or for evaluating hydraulic properties of strata.

"Owner" means the record owner of land.

"Person" shall mean any person, firm, corporation, municipality, district, or public agency.

"Public Nuisance" shall mean any well which threatens to impair, or impairs, the quality of groundwater or otherwise jeopardize the health or safety of the public.

"Repair" shall mean the deepening or enlargement of a well or the perforation or replacement of a casing or sealing-off of aquifers, or other work to improve or maintain the integrity of the well and its water-producing capacity.

"Well" shall mean any artificial case boring for the purpose of extracting water from, or injecting water into, the underground, or for sampling or monitoring groundwater, soil vapor or earth movement. This definition shall not include: (a) oil and gas wells or geothermal wells constructed under the jurisdiction of the 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 if they are to be removed as part of the planned excavation, or (2) stabilizing hillsides or earth embankments.

6.88.030 - Jurisdiction.

This Ordinance shall have effect in the unincorporated area of the County of Alameda, except those unincorporated areas subject to a similar well ordinance adopted by a water agency with well permitting authority in force on or before January 1, 2015, and in those incorporated areas which have by ordinance or resolution adopted the provisions of this Ordinance by reference thereto and have designated the Alameda County Public Works Agency as the administering agency.

A. Special Requirement Areas: The administering agency may designate areas where special well construction techniques and/or well seal(s) are required to prevent spreading of contaminants or mixing of water between water-bearing zones. These areas are typically areas where one or more underlying aquifers of differing water quality are separated from each other by a zone of low permeability. The administering agency, in consultation with applicable agencies, shall identify the boundaries of these areas of special concern. Where an applicant proposes well construction, reconstruction, or destruction work in such an area, the administering agency may require the applicant to provide a report prepared by a registered Professional Geologist or registered Professional Civil Engineer (California Business and Professions Code Sections 7850 and 6762, respectively) that identifies the affected water bearing and non-water bearing strata, as well as the zone(s) of contamination or poor quality water, and recommends construction techniques and seal location(s) designed to prevent the spread of the contamination or poor quality water by the well or during well construction.

6.88.035 - Administration.

This chapter shall be administered for this county by the Director. To this end, the Director is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this chapter, and to implement the provisions of this ordinance.

6.88.040 - Prohibitions.

A. Unpermitted Wells: No person shall, within the area subject to the provisions of this Ordinance, construct, repair, reconstruct, destroy, alter, or abandon any well unless a valid permit has been obtained therefor from the administering agency as provided in this ordinance.

B. Unsecured Well Openings: No person shall permit the existence on premises in his or her ownership or possession and control of any well opening or entrance which is not sealed or secured in such a way as to prevent the introduction of contaminants to underground water supplies through open wells.

C. Abandoned Wells: No person shall permit the existence of any abandoned well on premises in his or her ownership or possession and control.

D. Wasting Groundwater: No person shall engage in the indiscriminate pumping and discharge of groundwater in a wasteful manner.

E. Public Nuisances: No person shall permit the existence of any public nuisances, as defined in this chapter, to exist on property in his or her ownership or possession and control.

6.88.045 - Permit Requirement.

A. General Requirement: Every person within the ordinance jurisdiction proposing to dig, drill, bore, drive, advance by direct push, construct, reconstruct, deepen or destroy any well, or any exploratory hole that may intersect groundwater, shall, before commencing the work, apply for and receive a permit as provided in this ordinance to do the work, unless exempted herein, or by law.

B. Emergency Work: Emergency work required on short notice to ensure uninterrupted operation of drinking water or agricultural supply systems, or work to avoid imminent threats to public health and safety, may proceed without a permit. However, in such cases, the person responsible for the emergency work shall: (a) apply for a permit within three (3) working days after commencement of emergency work, and pay the normal applicable permit fee(s); (b) satisfy the administering agency that such work was urgently necessary; and (c) demonstrate that all work performed was done in conformance with the technical standards established pursuant to Section 6.88.060, Standards, of this ordinance.

6.88.050 - Permit Procedure.

A. Application: Written permits required by this Ordinance shall be issued by the administering agency, subject to conditions set forth in this Ordinance, required by law or established by the administering agency. The administering agency shall prescribe and provide a regular form of application for the use of any applicant for a permit required by this Ordinance. The application form shall contain space for the name and address, together with such detail as in the judgment of the administering agency is necessary to establish the identity of the applicant and the location, description of work to be done, and purpose of the proposed work, or other pertinent information. In addition, drawings and/or specifications of the proposed work shall be submitted in a form approved by the administering agency. The administering agency may also require compliance, at the applicant's expense, with the California Environmental Quality Act for any proposed work to be performed under this Ordinance if, in the administering agency's opinion, there may be significant effect(s) on the environment.

B. Permit Denial: The administering agency shall deny a drilling permit application on the following:

1. The applicant is not a person authorized to perform the work as provided by this Ordinance.
2. The permit application is incomplete.
3. The proposed work does not meet the standard set forth in this Ordinance.
4. The proposed work does not meet the purpose of this Ordinance.
5. The applicant has an outstanding permit compliance issue. No additional permits will be issued until all the compliance issues have been resolved.
6. The drillers CS? license has expired or has been revoked by the Contractors State License Board.

C. Fees and Costs: The schedule of fees and costs will be those recommended by the Director and established and adopted from time to time by resolution by the Board of Supervisors. Before a permit is issued, the applicant shall deposit with the administering agency cash or a certified or cashier's check or any other means of payment acceptable to the administering agency, in a sufficient sum to cover the fees for issuance of the permit, charges for field investigation, and the fee for necessary inspection or other work, all in accordance with schedules established and adopted by the Board of Supervisors. Public utilities or other governmental agencies may, at the option of the administering agency, make payment for the above charges as billed by the administering agency instead of by advance deposit as required above.

If, upon completion of any work under a permit, there remains any excess of deposit or of fees or charges, the administering agency shall so inform the Director, who shall certify the same to the auditor for refund to the permittee or refund the same from any trust fund established under his jurisdiction for such purposes.

D. Waiver of Fees and Costs: Neither the County of Alameda, nor the Alameda County Flood Control and Water Conservation District, together with their departments and contractors shall be required to pay fees for drilling permits, but shall be required to make applications for permits as provided for hereunder, providing an agreed procedure for the mutual clearance of plans and prosecution of the proposed work has been reached between the County or District department heads responsible for such work and the Director. All Federal and State agencies must apply for permits but no permit fee shall be charged to them as long as they are the applicant. All other public agencies, cities, public utilities, and non-governmental agencies must make applications for permits and also pay the required permit and inspection fees. Investigation and inspection costs for such permits may be waived by the Director unless, in his opinion, they would constitute an undue burden upon the County.

E. Term and Completion of Work: The permittee shall begin the work authorized by a permit issued pursuant to this Ordinance within ninety (90) days from the date of issuance unless a different period is stated in the permit. If the work has not begun within ninety (90) days or within the time stated in the permit, then the permit shall become void. The permittee shall notify the administering agency Five (5) working days in advance of beginning his permitted work of the date of said beginning of work. A permit shall be valid for a term of one (1) year from the date of issuance unless a different term is specified in the permit, or the permit is terminated by the earlier of the discontinuance or completion of the work for which the permit was issued, or the permit is revoked. The permittee shall complete the work authorized by a permit issued pursuant to this Ordinance within the time specified in the permit. A time extension to complete the work under the permit may be granted if, in the judgment of the administering agency, a time extension is warranted.

F. Expired Permits: Upon expiration of any well permit issued pursuant to this ordinance, no further work may be done in connection with the construction, repair, reconstruction, or abandonment of a well until such permit has been renewed or a new well permit for such purpose is secured in accordance with the provisions of this ordinance.

G. Suspended or revoked permits: The administering agency may suspend or revoke any permit issued pursuant to this ordinance whenever it finds that the permittee or his/her agent has violated any of the provisions of this ordinance, or has misrepresented any material fact in his/her application or other supporting documents for such permit. Upon suspension or revocation of any well permit issued pursuant to this ordinance, no further work may be done in connection with the construction, repair, reconstruction, or abandonment of a well unless and until such permit has been reinstated or a new well permit is secured. An appeal may be made as set forth below in sub-section P. within ten (10) days of issuance of notice of revocation.

H. Ordered Additional Work: Upon suspending or revoking any permit, the administering agency may order the permittee to conduct any work reasonably necessary to protect the underground waters from pollution or contamination, if any work already done by the permittee has left a well in such a condition as to constitute a hazard to the quality of the underground waters or to the public. No permittee or person who has held any permit issued pursuant to this ordinance shall fail to comply with any such order.

I. Inspection:

1. Whenever necessary to make an inspection in conjunction with the enforcement of the provisions of this chapter, or when an authorized enforcement officer has reasonable cause to believe that there

exists on the premises any condition that could constitute a violation of this chapter, the officer may enter the premises at all reasonable times to perform the said inspection or any other duty imposed by this chapter, provided that the following conditions are met:

a. If such premises be occupied, the authorized enforcement officer shall first present proper credentials and request entry; and

b. If such premises be unoccupied, the authorized enforcement officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and request entry.

2. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may only be made upon issuance of an inspection warrant by a duly authorized magistrate pursuant to Code of Civil Procedure section 1822.50.

J. Waived Inspections: If the administering agency, or his or her representatives wishes to allow a seal to be placed or a well destroyed without a representative of the administering agency being present, the permittee shall seal the well in accordance with the standards of this ordinance and any permit conditions. A request for a waiver of inspection may be granted if the permittee has arranged for a Professional Geologist or Professional Civil Engineer to provide the inspection and submit a signed and stamped letter attesting to the quality of the work. No seal shall be placed or well destroyed until the administering agency gives permission to proceed.

K. Guarantee of Performance: Prior to the issuance of a permit, the applicant shall post with the administering agency a cash deposit or bond guaranteeing compliance with the terms of this Ordinance and the applicable permit; such bond to be in an amount deemed necessary by the administering agency to remedy improper or uncompleted work, but not in excess of the total estimated cost of the work. Such deposit or bond may be waived by the administering agency where other assurances of compliance are deemed adequate by him or her.

L. Compliance with Other Regulations: The issuance of any permit pursuant to this Ordinance shall not in any manner relieve the permittee from compliance with applicable Federal, State, County, Municipal, and local regulations regarding well work and public health requirements, and from the necessity of obtaining any permits or consents required thereof, nor impose upon the County any obligation with respect to said permits or consents.

M. Liability: Permittee shall agree to a permit term that permittee shall be responsible for all liability imposed by law for personal injury or property damage proximately caused by work permitted and done by permittee under the permit, or proximately caused by failure on permittee's part to perform his obligation under said permit. If any claim of such liability is made against the County, administering agency, or Alameda County Flood Control and Water Conservation District, and their agents, officers, or employees, permittee shall defend, indemnify, and hold them and each of them harmless from such claim.

N. Location of Permit: It shall be the responsibility of the permittee to maintain a copy of the permit on the drilling site during all stages of construction or destruction.

O. Completion Report: A copy of the "Report of Completion" (Water Well Driller's Report, Department of Water Resources) required by California Water code Section 13751, shall be submitted by the permittee to the administering agency within thirty (30) calendar days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the Well Standards and all additional permit conditions. Any additional information or data required as a permit condition shall be submitted at the same time. This information will become public information to the extent permitted by law.

P. Review and Appeal: Any person aggrieved in any manner under the procedures established under this Ordinance may request in writing that the matter be reviewed by the Advisory Board. If request for review is made, the Director shall schedule the matter for review by said Advisory Board and give reasonable notice of the time and place thereof to the applicant. Recommendations by said Advisory Board shall not be binding and may be appealed to the Board of Supervisors, but shall be binding in the event no such appeal is filed. Such appeals must be submitted in writing and filed with the Board of Supervisors within ten (10) days after said Advisory Board recommendations have been sent to or served upon the applicant. The Board of Supervisors shall hold a hearing of said appeal and shall give reasonable notice of the time and place thereof to the applicant. The decision of the Board of Supervisors shall be binding upon all parties. In the event the Advisory Board is not created under this Ordinance, requests for review of grievances shall be submitted in writing and filed directly with the Board of Supervisors. The Board of Supervisors shall hold a hearing of review of such grievances and shall give reasonable notice of the time and place thereof to the applicant. The decision of the Board of Supervisors shall be binding upon all parties.

6.88.060 - Standards.

Standards for the construction, repair, reconstruction, destruction, or abandonment of water wells, monitoring wells and cathodic protection wells shall be as set forth in Chapter II of the Department of Water Resources Bulletin No. 74-81, "Water Well Standards: State of California," Department of Water Resources Bulletin No. 74-90 (supplement to Bulletin 74-81), and any subsequent supplements or revisions thereof, with the following additions and modifications:

A. Aquifer Exclusions:

1. No wells intended to produce fresh groundwater shall be perforated opposite aquifers producing saline, contaminated or polluted water. It is recognized that in some instances production may be desired from areas and/or depths which contain poor or marginal quality water in all aquifers penetrated. It is not the intent of these standards to preclude such situations so long as the integrity of the fresh water supplies is maintained. Final judgment on well construction that would cause intermingling of waters of different qualities shall be at the discretion of the Director.

2. In wells open to fresh water aquifers, penetrated aquifers producing saline, contaminated or polluted water shall be sealed off as specified in Section 13, Chapter II, and Appendix B, Bulletin No. 74-81.

3. As a guideline, saline water is considered as water which contains more than 250 ppm chloride ion and contaminated or polluted water is considered when the contaminant or pollutant is greater than 80% of its maximum contamination limit (MCL) as established by the State of California. During well construction, the permittee shall provide some provision for the determination of groundwater quality characteristics of the major aquifers penetrated so that a judgment can be made as to whether or not intermingling will take place. Such determination can consist of evaluation of data regarding adjacent wells and evaluation of samples of formation materials encountered. Final judgment as to the probability of intermingling and the need for evaluation of conditions shall be at the discretion of the Director.

B. Abandoned Wells: As a condition of a construction or reconstruction permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this ordinance.

C. Sealing Exploratory Holes: Backfilling work on exploratory holes, as defined herein, shall be subject to requirements equivalent to those in the destruction of abandoned wells.

D. Sampling Access: All water wells shall be maintained in such a manner that water quality samples can be readily collected. The Director shall be empowered to collect water quality samples and to perform tests on any well at any reasonable time following a reasonable notification attempt.

E. License Requirement: All construction, reconstruction, or destruction work on wells shall be performed by a person who possesses an active C-57 Water Well Drilling Contractor's License in accordance with the provisions of the California Business and Professions Code, Section 7000, et. seq., and Water Code Section 13750.5.

F. Annular Seal: All wells shall be constructed with an annular seal. In no case will an outer casing or conductor casing be an acceptable substitute for a seal.

G. Waste Disposal: Drilling fluids and other drilling materials used in or generated by the permitted work shall be handled safely and their disposal shall be in accordance with the law.

H. Other Requirements: The administering agency shall maintain well standards technical programs or drilling permit policies specific to the jurisdiction, including any "special requirement areas" that may have more stringent requirements to prevent pollution or contamination of the groundwater or otherwise jeopardize the health, safety, or welfare of the people of the County of Alameda.

6.88.070 - Enforcement.

A. Right to Enter and Inspection: The administering agency's authorized representatives shall have the right to enter upon any property at reasonable times to investigate any condition which appears to indicate the existence of a public nuisance as defined in this Ordinance. The administering agency's representative(s) shall, upon first presenting his/her credentials and identifying himself/herself as an employee of the administering agency, be permitted to examine the property, take such samples, make such tests, and take such other steps reasonably necessary for the proper investigation of the suspected nuisance. If the property is unoccupied, a reasonable effort will be made to locate the owner or other person having charge or control of same. If entry is refused, recourse will be had to such remedies as are provided by law to secure entry.

B. Order of Nuisance Abatement: In the event a well subject to this Ordinance is found to be a public nuisance or constructed, repaired, reconstructed, or destroyed contrary to the terms of this Ordinance or a permit issued for such well pursuant to this Ordinance, the administering agency may order the abatement of said well as a nuisance in accordance with the provisions of this Ordinance or pursuant to the provisions of the Water Code of the State of California. Similarly, if a well has been constructed without a Well Permit, the administering agency may order the abatement of said well as a nuisance in accordance with the provisions of this Well Ordinance, or pursuant to the provisions of the Water Code of the State of California. In either case, the administering agency will send written notice to the owner of the land as shown on the most recent equalized assessment roll or to the permittee, at his/her address listed on the permit, which notice shall state the manner in which the well is in violation, what corrective measures must be taken, and the time within which such correction must be made.

C. Abatement by the Administering Agency: If the corrections listed in the notice given pursuant to Section 6.88.070B are not made as required in said notice, the administering agency with the approval of the Board of Supervisors, and after a reasonable opportunity for the person notified to be heard by said Board of Supervisors, may abate the condition and the cost thereof shall be a charge against the owner of the land as shown on the last equalized assessment roll, pursuant to California Government Code Section 25845. Said cost shall be a special assessment on the property tax bill where failure to pay may result in a tax sale of the property.

D. Emergency Abatement: If the administering agency finds that the condition or operation of a well subject to this Ordinance is, by its condition, operation or maintenance, an immediate threat to public health or safety, he may abate the condition without giving notice as required in A. above, and the cost thereof shall be a charge against the owner of the land as shown on the last equalized assessment roll,

pursuant to California Government Code Section 25845. Said cost shall be a special assessment on the property tax bill where failure to pay will result in a tax sale of the property.

E. Failure to Obtain Permit: Any person who does any work for which a permit is required by this Ordinance and who fails to obtain a permit shall be guilty of a misdemeanor punishable by fine not exceeding FIVE HUNDRED DOLLARS (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment, and such person shall be deemed guilty of a separate offense for each and every day or a portion thereof during which any such violation is committed, continued, or permitted, and shall be subject to the same punishment as for the original offense.

F. Administrative Enforcement

In addition to the other enforcement powers and remedies established by this chapter, an authorized enforcement officer shall have the authority to undertake the following administrative actions:

1. Notice to Appear. When the authorized enforcement officer finds that a violation of this chapter has taken place or is likely to take place, he/she may post a warning notice on the property requiring that owner or any person appear at the offices of the administering agency to review and resolve that violation.
2. Stop Work Notices. Whenever any person has engaged in any violation described in Section 6.88.040, or an owner has allowed such a violation to occur on its property, an authorized enforcement officer shall have the authority to order the work stopped by serving written notice to that effect on any persons engaged in, doing, or causing such work to be done. If there are no such persons on the premises, the enforcement officer shall post the stop work notice in a conspicuous place thereupon. Any person responsible for such a violation having received a stop work notice from an authorized enforcement officer shall forthwith stop that work and immediately proceed to secure the work site, pending further direction from the enforcement officer. Under no circumstance shall the work be resumed except under the express direction of the enforcement officer.
3. Enforcement Fees. The cost of enforcement, including the current pay rate of the authorized enforcement officer (including benefits and overhead) to achieve final resolution of any non-compliance of this Section 6.88.070 shall be borne by the owner of the property or person involved and the cost thereof shall be invoiced to the person or owner of that property. The payment of these fees shall be in addition to any fines levied in accordance with the provisions of Section 6.88.070G of this chapter, and upon collection shall be deposited into a special fund to be used to offset the costs of possible future abatement of violations of this chapter in accordance with the provisions of Section 6.88.070B of this chapter.

All notices or orders issued by the authorized enforcement officer must state the specific nature of the violation, including a reference to the particular provision of this chapter that is being violated.

G. Penalty for Violations:

1. Misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 25132.
2. A person in administrative violation of this chapter may be subject to the payment of fines and/or fees in accordance with the following schedule, at the discretion of the authorized enforcement officer, except that the authorized enforcement officer shall also have the authority to declare a violation as a hazard, subject to summary abatement in accordance with the provisions of Section 6.88.070C of this chapter.

Fines and Fees for Administrative Violations	
Unpermitted well activity	
• Investigation/Inspection fee, per Section 6.88.050:	• \$250.00. The Director shall have the authority to waive this fee.
• Fine for failure to comply with the directions of the Director following his/her investigation/Inspection.	• \$1,000.00 • Additional \$1,000.00 for each failure to comply with subsequent direction of the Director, except that following the third overall failure to comply, the Director shall have the authority to levy a \$1,000.00 per day fine in accordance with the provisions of Section 6.88.070H of this chapter.
• Fee for review of construction plans:	• Actual cost.
• Permit fee	• See Section 6.88.050 of this chapter.
Permitted well activity	
• Fine for violating the conditions of a permit:	• \$250.00 for initial violation. • Additional \$1,000.00 for each subsequent failed reinspection, except that following the third failed reinspection, the Director shall have the authority to levy a \$1,000.00 per day fine in accordance with the provisions of Section 6.88.070H of this chapter.
All well activity (permitted and unpermitted)	
• Fee for Review and Appeal per Section 6.88.050 of this chapter:	• \$50.00 The Director shall have the authority to waive this fee.
• Fee for processing appeals to the Board of Supervisors:	• \$25.00
• Fee for processing abatement per Sections 6.88.070B, 6.88.070C, and 6.88.070D of this chapter:	See Section 6.88.070B, 6.88.070C, and 6.88.070D.
• Fee for other enforcement actions, per Section 6.88.070F of this chapter:	See Section 6.88.070F
• Fee for civil proceedings, per Section 6.88.070I of this chapter:	See Section 6.88.070I.

The Director shall notify, in writing, any person subject to the imposition of a fine in accordance with the Section 6.88.070, and, if appropriate, shall provide that person with a reasonable opportunity to correct the violation prior to the levy; any person receiving such a notice may appeal the fine in accordance with the provisions of Section 6.88.050 of this chapter.

Unless otherwise specified by law, the invoice for any fine levied in accordance with this Section 6.88.070 not paid to the County within sixty (60) days of such levy may be sent to County Collections for action. In the event that such an invoice is not paid promptly to County Collections, the Director shall have the authority to place a lien upon and against the property involved in the violation.

All references in this Section F to the Director shall include a similar official of the administering agency.

H. Continuing Violation: Any 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 chapter is committed, continued, or allowed by such person and verified by the authorized enforcement officer, and may, at the discretion of the officer, be subject to the specified penalties accordingly, except that the officer shall provide any person

responsible for a continuing violation with a reasonable period of time to correct, eliminate, or otherwise remedy that violation prior to the imposition of an administrative penalty or penalties, provided that the said violation does not constitute an immediate danger to health or safety.

I. Civil Enforcement: In addition to being subject to prosecution, any person who violates the provisions of this ordinance may be made the subject of a civil action to be filed by the County Counsel or other counsel for the administering agency. Appropriate civil action includes, but is not limited to, injunctive relief and cost recovery.

J. Well Status Determination: The determination as to the status of a well will be made by the administering agency.

K. Remedies Cumulative: The remedies available to the administering agency to enforce this ordinance are in addition to any other remedies available under ordinance or statute, and do not replace or supplant any other remedy but are cumulative thereto.

6.88.080 - Conflicts.

Whenever the regulations of this ordinance impose more restrictive standards than are required in or under any other statute or ordinance, the requirements of this ordinance shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this ordinance, the provisions of such more restrictive statute or ordinance shall govern.

6.88.090 - Severability.

If any section, sub-section, paragraph, sub-paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; and the Board of Supervisors declares that this Ordinance and each section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that one or more of such section, sub-section, paragraph, sub-paragraph, sentence, clause, or phrase be declared invalid or unconstitutional.

SECTION II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on April 21, 2015, by the following called vote:

AYES: Supervisors: Carson, Chan, Miley, Valle & President Haggerty - 5

NOES: None

EXCUSED: None

Scott Haggerty
President of the Board of Supervisors
County of Alameda, State of California

ATTEST: ANIKA CAMPBELL-BELTON
Clerk of the Board of Supervisors, County of Alameda

Approved as to Form
DONNA R. ZIEGLER, County Counsel
By: Andrew Massey
State of California