ORDINANCE AMENDING
COUNTY CODE CHAPTER 34B – DOMESTIC WATER SYSTEMS
ORDINANCE NO. 12-4843

An ordinance of the County of Santa Barbara amending the existing Chapter 34B, Water Systems, to revise standards for domestic water systems.

WHEREAS, pursuant to Health and Safety Code Section 116340, and supporting regulations found at Title 22, California Code of Regulations Sections 64211 through 64217, a Board of Supervisors may adopt local standards for State Small Water Systems constructed and operated on or after November 12, 1991; and

WHEREAS, State law requires that public water systems be designed in such a manner that they are free of structural and sanitary hazards, protect the quality of the water delivered to the user, and are adequately sized to meet demand; and

WHEREAS, Chapter 34B of the County Code first established construction standards for private and semi-private domestic water systems in 1979 and has been revised most recently in February 1995; and

WHEREAS, Environmental Health Services, as the Administrative Authority, is proposing changes to update Chapter 34B to reflect current standards and administrative practice including a requirement for ongoing chemical monitoring of water provided by the owners/operators of State Small Water Systems; and

WHEREAS, the Board of Supervisors finds that the amendments set forth in this Ordinance are exempt from the California Environmental Quality Act (CEQA) review pursuant to 14 CCR 15273 and Public Resources Code §21080, subd. (b)(8)(A) and (B); and

WHEREAS, the County of Santa Barbara has, in connection with amending Chapter 34B of the County Code, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code § 6062a;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS that the amended Chapter 34B, Water Systems is hereby adopted and is to become effective thirty (30) days following adoption by County.

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PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 11th day of September 2012 by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray Supervisor Lavagnino

NOES: None

ABSTAIN: None

ABSENT: None

COUNTY OF SANTA BARBARA

By: _____
Chair, Board of Supervisors

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS MARSHALL
COUNTY COUNSEL

By: _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

Final Ordinance
CHAPTER 34B – DOMESTIC WATER SYSTEMS

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Sec. 34B-1. – Declaration of purpose, findings, and intent.

(a) It is the purpose of this chapter to establish standards for domestic water systems, as defined in this chapter, and to ensure that they are developed, constructed, modified and operated in a manner that protects the health, safety and welfare of the people of Santa Barbara County. It is the intent of the Board of Supervisors in adopting the standards described in this chapter to ensure domestic water systems subject to this chapter are capable of providing pure, wholesome and potable water on a continuous basis and under adequate pressure.

(b) Requirements for hydrogeologic evaluations and engineered plans and specifications for Multiple-Parcel Water Systems are established because experience has shown that, compared to individual water systems, this type of system is characterized by greater water demand and a lack of a designated individual or party to serve as a water purveyor who will be solely responsible for controlling, maintaining and operating these types of water systems after they are constructed and put into service.

(c) It is the intent of the Board of Supervisors to adopt local standards for State Small Water Systems constructed and operated on or after November 12, 1991, in accordance with California Health and Safety Code Section 116340, and supporting regulations found in Title 22, California Code of Regulations (CCR), Sections 64211 through 64217.

Sec. 34B-2. – Definitions.

(a) Unless the context requires otherwise, the definitions set forth in this section shall govern the construction of this chapter.

(1) "Administrative Authority" means the Director of Environmental Health Services of Santa Barbara County or his/her designee.

(2) "Amendment" of a water system permit authorized by this chapter means the addition of a new water connection to an existing permitted domestic water system, the addition of which does not require modification of the water source, treatment works or storage tank(s).

(3) "Applicant" means the legal owner of the property on which the water system is intended to be constructed and operated or the owner's agent authorized in writing to make application.

(4) "Board of Supervisors" means the Santa Barbara County Board of Supervisors, the governing body of the unincorporated area of Santa Barbara County which has the local jurisdiction and authority over domestic water system standards.

(5) "Construction" of a domestic water system means installation of new water storage, treatment, distribution, monitoring and/or system automation facilities and equipment. It includes the addition of new water connections to an existing system.

(6) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

(7) "County" means the County of Santa Barbara.

(8) "Cross-connection" means any potential or existing unprotected connection between any part of a water system used or intended to supply water for domestic purposes and any source or system containing water or other substance that is not or cannot be approved as safe, pure, wholesome and potable for human consumption.

(9) "Domestic purposes" means use of water for human consumption, sanitation, hygiene and cooking purposes.

(10) "Domestic water system" means a water system serving the domestic purposes of not more than fourteen (14) water connections, including all source, treatment, storage, distribution, monitoring and automation facilities and equipment. Domestic water system includes a Single-Parcel Water System, Multiple-Parcel Water System, and a State Small Water System. An "existing domestic water system" is a domestic water system existing and operating prior to July 11, 1979, the effective date of Santa Barbara County Ordinance No. 3096.

(11) "Drought" means a period of below average rainfall as defined and declared by the County Water Agency and Board of Supervisors.

(12) "Emergency" means a circumstance that imminently and immediately threatens to or actually (A) contaminates or pollutes the groundwaters of this county, which may jeopardize the health or safety of the people of the county, or (B) causes a substantial or immediate loss of property, crops, or livestock.

(13) "Guest house" is defined as detached living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used primarily for temporary guests of the occupants of the main building on the lot on which such guest house is located, and not rented or otherwise used as a separate dwelling.

(14) "Modification" means the alteration of an existing permitted domestic water system that changes the water source, treatment, storage or distribution components of said system. Modification does not include the repair or replacement of the existing approved domestic water system facilities or components or the alteration of existing domestic water systems operating prior to July 11, 1979.

(15) "Multiple-Parcel Water System" means a domestic water system serving at least two but not more than four residential or commercial water connections, located on two or more parcels of land, and serving fewer than an average of twenty-five persons for sixty or more days during any part of the year.

(16) "Nuisance" means a domestic water system or component thereof which contaminates or pollutes or threatens to contaminate or pollute the groundwaters of this county, or otherwise cause the delivery of insufficient or nonpotable water in such a way that the health and safety of the water consumer or general public is jeopardized or threatened.

(17) "Permit" means a written document issued by the Administrative Authority permitting the construction or modification of a domestic water system.

(18) "Person" means any individual, trust, firm, joint stock company, corporation (including a state or federal government corporation), partnership, or association. "Person" also includes any city, county, city and county, district, the state, the federal government or any agency thereof to the extent that such public entities may lawfully be regulated under this chapter and are not exempt from the application of this chapter pursuant to state or federal law.

(19) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects beneficial uses of such waters or facilities which serve such beneficial uses.

(20) "Potable water" means water which can be used for domestic purposes and meets all state domestic water quality standards established in 22 CCR Sections 64421 through 64426.5(primary standards – bacteriological quality); Sections 64431 through 64432.8(primary standards – inorganic chemicals); and Sections 64449 through 64449.4 (secondary drinking water standards), as hereinafter amended, except as provided in Section 34B-23 of this chapter.

(21) Single-Parcel Water System" means a domestic water system serving one through four residential or commercial water connections, located on a single parcel of land and serving fewer than an average of twenty-five persons for sixty or more days during any part of the year.

(22) "State Small Water System" means a domestic water system for the provision of piped water to the public for domestic purposes that serve at least five, but not more than fourteen, service connections on one or more parcels and does not regularly serve more than an average of twenty-five individuals daily for more than sixty days out of the year.

(23) "Water connection" means a piped water service to a habitable dwelling unit, or a structure utilized for commercial or manufacturing purposes that requires potable water for domestic purposes except that a water connection shall not mean a piped water service to an attached second residential unit or an auxiliary structure such as a guest house, barn, garage, private art studio, workshop, or private office.

(24) "Water supply well" means any well developed for the purpose of a domestic water supply, capable of delivering potable water, with or without treatment, and constructed by any method of artificial excavation. This includes wells serving, or intended to serve, Single-Parcel Water Systems, Multiple-Parcel Water Systems and State Small Water Systems.

(b) Tense or Gender. Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and the plural the singular.

Sec. 34B-3. – Acts prohibited—Permit required.

(a) It shall be unlawful to construct, modify or operate a domestic water system unless such construction, modification or operation is in accordance with the standards and provisions set forth in this chapter.

(b) No person shall construct, modify or operate a domestic water system as defined by this chapter without first applying for and receiving a permit as provided in this chapter, unless exempted by subsection (f) of this section.

(c) Prior to the issuance of a building permit for construction of a new habitable dwelling unit and/or place of business intended to be served by a domestic water system subject to this chapter, a permit for a domestic water system shall be issued by the Administrative Authority.

(d) It shall be unlawful to occupy a new dwelling unit or new place of business served by a domestic water system, as defined in this chapter, unless a written occupancy clearance for the domestic water system is first obtained from the Administrative Authority.

(e) It shall be unlawful to willfully submit any false statement, record, test or water quality data in connection with an application for a permit to construct, modify or operate a domestic water system.

(f) In the event of an emergency, a person may construct, modify or operate a domestic water system without the permit required by this chapter. In such cases, the person responsible for the emergency work shall comply with the following:

(1) Notification. The responsible party shall notify the Administrative Authority in writing or orally of the emergency within three working days after commencement of emergency work to obtain verbal approval to proceed;

(2) Proof of Emergency. The responsible party shall submit a written statement within ten working days after commencement of the emergency work to the Administrative Authority detailing the facts in support of the emergency work;

(3) Time Limit. The responsible party shall apply for a permit and pay the applicable fee within ten working days after commencement of emergency work;

(4) Conformance with Standards. The responsible party shall demonstrate to the satisfaction of the Administrative Authority that all work performed was in conformance with the standards designated in this chapter.

Sec. 34B-4. – Permit procedure for Single-Parcel Water Systems.

(a) Applications for Single-Parcel Water System permits shall be made to the Administrative Authority and shall contain all information that the Administrative Authority requires to achieve the purpose of this chapter. This application shall be made in writing and signed by the applicant or designated agent on such forms as may be prescribed by the Administrative Authority. A fee in an amount specified in the current Board of Supervisors fee resolution adopted pursuant to this chapter shall accompany the application.

(b) Application for the construction or modification of a Single-Parcel Water System shall include, but not be limited to, the following information:

(1) A detailed plot plan drawn to scale, prepared and signed by a California-licensed Water Well Contractor (C-57), or Pump Contactor (C-61-D21) or a California Registered Civil Engineer. Such person's licenses/registrations shall be active and in good standing with the appropriate state licensing or registration board. The plot plan shall show the following items:

(A) Location and elevation of all existing and proposed domestic water system components; water source; treatment and treatment wastewater discharge facilities; storage tank, pumping and pressurization equipment; distribution piping; water connection; irrigation connection; and cross-connection devices;

(B) Location of all potential sources of contamination within two hundred feet of the water source, existing or proposed water system; treatment works; tanks or pipelines located above or below ground, containing, carrying or disposing of storm drain water, sewage (graywater or blackwater), industrial or hazardous waste, hazardous materials, or petroleum products; and solid waste or any animal/fowl enclosures such as pens or paddocks;

(C) Property lines;

(D) Existing and proposed easements for property access, utilities and for water and sewer facilities;

(E) Existing and proposed structures;

(F) A north arrow for orientation;

(2) A schematic diagram prepared and signed by the designing contractor or engineer, showing detailed information for the proposed Single-Parcel Water System components including source, treatment, treatment wastewater discharge, pumping and pressurization, storage, distribution, water connection and cross-connection prevention facilities and associated piping and fittings;

(3) Source yield test report for each proposed water source, prepared and signed by an approved source tester as specified in section 34B-18 of this chapter. This test shall have been conducted and reported in accordance with the requirements set forth in section 34B-18 of this chapter and performed within five years from the date of application;

(4) Chemical analysis of each domestic water source performed by a state-approved laboratory within three years from the date of application, indicating the level of all constituents included in the current California Drinking Water Standards, 22 CCR Sections 64431 through 64432.8 and Sections 64449 through 64449.5. Accompanying these analyses shall be written verification that the water sample was collected, preserved and transported by an approved sampler as set forth in section 34B-19 of this chapter, and in accordance with approved sampling and analytical methods;

(5) Legible signed copy of the well driller's log for each proposed domestic water source;

(6) Copies of equipment specifications, including but not limited to: well pump and booster pump curves; storage tank; re-pressurization equipment; and cross-connection protection specifications;

(7) Treatment equipment specifications and a completed treatment form signed by an authorized representative of the treatment equipment manufacturer, California certified water treatment operator, or a registered civil or chemical engineer;

(8) If a Single-Parcel Water System is to be located exclusively on the parcel which it is proposed to serve, the applicant shall complete, sign and date an exclusive ownership declaration verifying that the proposed Single-Parcel Water System is owned exclusively by the record owner of the property to be served and is available for use solely to that property. Proof of ownership in the form of a copy of the recorded grant deed shall accompany this declaration statement;

(9) If the water source for a Single-Parcel Water System is located on a parcel other than the parcel to be served, the applicant shall provide the following information:

(A) Identification of any other persons or properties having, or proposed to have, an interest in the domestic water system;

(B) Copies of recorded grant deeds or equivalent ownership documentation of properties with ownership interest or rights to the domestic water system. Such documentation shall include name, property address and property assessor's parcel number;

(C) Documentation in the form of recorded deeds or recorded legal agreements establishing the legal right of the property to be served by the proposed water system to obtain water in quantities sufficient to meet the minimum source yield requirements established by this chapter;

(D) Documentation indicating that the property to be served by the proposed domestic water system possesses legal easements, rights and obligations for purposes of access to and operation and maintenance of the water source, pumping and pressurization, treatment and treatment discharge, storage and distribution components. Legal easements shall be recorded and described either by metes and bounds prepared by a licensed surveyor or depicted on a recorded parcel or tract map or final map ready for recordation;

(10) All legal documentation that addresses rights easements and obligations related to the domestic water system shall specify that such rights, easements and obligations run with the land and shall be conveyed with the property upon transference of ownership.

Sec. 34B-5. – Permit procedure for Multiple-Parcel Water Systems.

(a) Applications for Multiple-Parcel Water Systems permits shall be made to the Administrative Authority and shall contain all the information that the Administrative Authority requires to achieve the purpose of this chapter. This application shall be made in writing and signed by the applicant or designated agent on such forms as may be prescribed by the Administrative Authority. A fee in an amount specified in the current Board of Supervisors fee resolution adopted pursuant to this chapter shall accompany the application.

(b) Multiple-Parcel Water Systems shall be designed by, and the construction or modification supervised and certified by a California Registered Civil Engineer with registration that is active and in good standing from the appropriate state licensing or certification board. An application for the construction or modification of a Multiple-Parcel Water System shall include, but not be limited to, the following information:

(1) Complete engineered plans and specifications prepared and signed by a California Registered Civil Engineer. These plans and specifications shall include the following information, but not be limited to:

(A) A domestic water system plan drawn to scale showing the location of all source, treatment, treatment wastewater discharge, pumping and pressurization, storage and distribution facilities to serve each water connection of the proposed system. The plan shall be superimposed on a topographical map of the properties to be served by the system;

(B) Location of any potential sources of cross connection or contamination within one hundred fifty feet of the water source, including but not limited to: existing or proposed water systems; treatment works; pipelines or tanks located above or below ground that are designed, intended or used to contain, carry or dispose of any industrial or hazardous waste, any hazardous material, or petroleum product, storm drain water or sewage (graywater or blackwater); buried or accumulated solid waste; or any animal/fowl enclosures such as pens or paddocks;

(C) Protection zones of fifty, one hundred, and one hundred and fifty feet radii around the water source shall be shown on the plans to assure that proper setbacks are maintained between the water source and potential sources of contamination;

(D) All water system-related easements for access, maintenance, operation and distribution to each property to be served by the proposed domestic water system;

(E) Existing and proposed structures on all parcels served by or containing water system components;

(F) A north arrow for orientation and a vicinity map for reference;

(G) Detailed drawings of separate components of the proposed domestic water system, including all water source, treatment facilities, treatment wastewater discharge, pumping and pressurization, storage, distribution, water connection and cross-connection prevention equipment/facilities and associated piping and fittings. Details for pipe trenching, storage tank(s) and repressurization equipment shall be included in the detailed drawings;

(2) A report by a California Registered Civil Engineer shall include, but not be limited to, complete engineering calculations and specifications adequate to meet the requirements of this chapter. These calculations and specifications shall justify and certify that the proposed domestic water system's source, treatment and treatment wastewater discharge facilities, pumping and pressurization works, storage tank(s), distribution facilities, water connections and cross-connection prevention works, are based on currently accepted engineering design standards. If water treatment is required, the report shall include a completed treatment form signed by an authorized representative of the treatment equipment manufacturer, California certified water treatment operator, or a registered civil engineer;

(3) The source yield test report for each proposed water source shall be prepared and signed by an approved source tester as specified in Section 34B-18. This test shall have been conducted and reported in accordance with the requirements set forth in Section 34B-18 and performed within five years of the date of application.

An analysis of the source yield test results by a California professional geologist or a Certified Engineering Geologist shall accompany the source yield report. This analysis shall incorporate a geohydrologic evaluation of the underground water formation or basin and a certification that water resources are available in sufficient quantity and on a long-term basis to adequately supply the proposed system and meet the minimum requirements of this chapter;

(4) Chemical analysis of each domestic water source performed by a state-approved laboratory within three years of the date of application, indicating the level of all constituents included in the current California Drinking Water Standards 22 CCR Sections 64431 through 64432.8 and Sections 64449 through 64449.5. Accompanying these analyses shall be written verification that the water sample was collected, preserved and transported by an approved sampler as set forth in section 34B-19 of this chapter, and in accordance with approved sampling and analytical methods;

(5) A legible signed copy of the well driller's log for each proposed domestic water source;

(6) Identification of all persons or properties having, or proposed to have, an interest in the domestic water system. Such identification shall include the name of the property owner, property address, and assessor's parcel number for all properties intended to be served by the domestic water system;

(7) Copies of the recorded grant deed or other equivalent ownership documentation for each parcel to be served;

(8) Documentation establishing the legal right of each property owner participating in the proposed water system to obtain water in quantities sufficient to meet the minimum source yield requirements established by this chapter. This documentation shall be submitted in the form of recorded deed(s) or recorded legal agreement(s);

(9) Documentation indicating that all the properties to be served by the proposed Multiple-Parcel Water System possess legal easements, rights and obligations for purposes of access to and operation and maintenance of the water source, pumping and pressurization, treatment and treatment discharge facilities, and storage and distribution components. Legal easements shall be recorded and described either by metes and bounds prepared by a licensed surveyor or depicted on a recorded parcel or tract map or final map ready for recordation;

(10) All legal documentation that addresses rights, easements and obligations related to the domestic water system shall specify that such rights, easements and obligations run with the land and shall be conveyed with the property upon transference of ownership.

Sec. 34B-6. – Permit procedure for State Small Water Systems.

(a) Applications for State Small Water Systems shall meet the requirements of 22 CCR Sections 64211 through 64217.

(b) Applications for State Small Water System permits shall be made to the Administrative Authority and shall contain all information that the Administrative Authority requires to achieve the purpose of this chapter. This application shall be made in writing and signed by the applicant or designated agent on such forms as may be prescribed by the Administrative Authority. A fee in an amount specified in the current Board of Supervisors fee resolution adopted pursuant to this chapter shall accompany the application. An application for the construction or modification of State Small Water Systems shall include the following information:

(1) All items required for a Multiple-Parcel Water System application as specified in section 34B-5;

(2) For new State Small Water Systems not in existence on November 12, 1991, legal documentation indicating that the record owners of the properties to be served by the proposed water system have incorporated into an association organized under the Corporations Code Sections 18000 through 18420.

(c) The design, supervision and certification of the construction or modification of a State Small Water System shall be performed by a California Registered Civil Engineer with registration that is active and in good standing from the appropriate state licensing or certification board.

Sec. 34B-7. – Special conditions.

Permits issued pursuant to this chapter may be conditioned by the Administrative Authority in any manner necessary to carry out the purpose of this chapter.

Sec. 34B-8. – Permit approval.

(a) The Administrative Authority may issue a domestic water system permit upon finding that an application for a domestic water system permit contains all the required information and the proposed work is in compliance with all applicable standards as specified in this chapter.

(b) If an application is found to be incomplete, the Administrative Authority shall notify the applicant in writing, advising the applicant of the specific information or documentation that is required to complete the application.

(c) Should the applicant wish to change any conditions of the permit, the change shall be approved by the Administrative Authority in writing prior to commencing work.

(d) The permit approval received from the Administrative Authority is separate from any other permit or clearance that may be required by another governmental agency or entity.

(e) The time frames for permitting are set forth below, but may be extended by written mutual agreement between the Administrative authority and the applicant:

(1) Within fifteen working days of receipt of a complete Single-Parcel Water System permit application;

(2) Within twenty working days of receipt of a complete Multiple-Parcel Water System permit application;

(3) Within sixty working days of receipt of a complete State Small Water System permit application.

Sec. 34B-9. – Permit denial.

The Administrative Authority shall deny any permit application requested pursuant to this chapter if:

(a) The applicant is not the legal owner of the property or an authorized agent as described in Section 34B-2 of this chapter;

(b) The permit application remains incomplete for a period of six months after the applicant has been notified by the Administrative Authority that the application did not contain all of the information required by this chapter;

(c) The proposed work or supporting documentation does not meet the standards of this chapter.

Sec. 34B-10. – Final inspection and occupancy clearance.

Upon completion of construction of a domestic water system, the applicant shall request a final inspection and occupancy clearance from the Administrative Authority a minimum of one week prior to anticipated occupancy of the structure. Written occupancy clearance shall be granted by the Administrative Authority upon its determination that: (1) bacteriological and chemical test samples meet applicable drinking water standards and (2) all work authorized by the permit was completed in a manner consistent with the standards of this chapter.

Sec. 34B-11. – Permit application fees.

The Board of Supervisors may by resolution adopt such fees as are allowed under California Health and Safety Code Sections 116340 (c) and 101325 and may prescribe such terms and conditions as may be necessary to enable the County of Santa Barbara to recover the reasonable and necessary costs incurred by the County in administering this chapter.

Sec. 34B-12. – Transferal and expiration.

(a) A permit for construction or modification of a domestic water system issued pursuant to the provisions of this chapter is not transferable, unless the new property owner completes and signs a new permit application and the conditions under which the existing approved permit was issued have not changed. If changes are proposed in the

design or construction of the water system by a new owner, the new owner shall file a separate application for a new water system permit, including payment of a separate application fee.

(b) A permit issued under the provisions of this chapter shall expire and become null and void if the work authorized has not been completed within three years from the date of permit issuance. An extension of this timeframe may be granted by the Administrative Authority upon written request of the permitee. Upon the expiration of the permit authorized by this chapter, no further work shall be conducted until the Administrative Authority issues a new permit.

Sec. 34B-13. – Suspension and revocation.

(a) The Administrative Authority may suspend or revoke any permit issued pursuant to this chapter whenever it finds that the permittee has violated any provisions of this chapter, has misrepresented any material fact in the application or supporting documents for such a permit, and/or performed any work authorized by the permit that has resulted in a nuisance as defined in this chapter.

(b) No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted unless such permit has been reinstated by the Administrative Authority. The permit shall not be reinstated until the violation has been abated.

(c) Upon suspending or revoking any permit, if any work already completed by the permittee has left a domestic water system in such condition as to constitute an emergency, as defined in this chapter, the Administrative Authority may order the permittee to perform any work reasonably necessary to protect the groundwater and/or public and abate the emergency condition. No permittee or person who has held any permit issued pursuant to the chapter shall fail to comply with any such order.

Sec. 34B-14. – Appeals.

(a) Any person whose application for a permit has been denied, suspended, or revoked may appeal to the Director of Environmental Health Services in writing within ten business days after receiving written notification of such action. Such appeal shall specify the reasons therefore. The Director of Environmental Health Services shall set the appeal for the hearing at the earliest practicable time, and shall notify the appellant in writing, of the established time and place at least ten days prior to the date of the hearing.

(b) After such appeal hearings, the Director of Environmental Health Services may affirm, modify or reverse, wholly or in part, the order or determination being appealed.

Sec. 34B-15. – Emergency water supply.

(a) In the event of an officially declared state or local emergency or an emergency as defined in this chapter, an existing domestic water system may utilize hauled potable water from a state-approved domestic water hauler or install a temporary connection with another nearby domestic water system as a temporary source of supply, upon approval by the Administrative Authority.

(b) Except in the case of an emergency as specified above in subsection (a) of this section, water furnished by a potable water hauler shall not be used as a source of water by any domestic water system.

Sec. 34B-16. – Minimum domestic water system source yield.

(a) Water Well. A water well source or combination of well sources supplying a domestic water system shall be capable of providing a minimum of three (3) gallons of water per minute on a continuous basis to each domestic water connection served. Source capacity is to be determined by the testing procedures set forth in section 34B-18, subsection (e).

(b) Horizontal Wells and Springs. A horizontal well or spring supplying a domestic water system shall be capable of providing a minimum of one and one-half (1.5) gallons per minute on a continuous basis to each domestic water connection served, providing all conditions of the yield determination test described in Section 34B-18 subsection (d) (1) and (2), are satisfactorily met. If these conditions are not met, then a minimum of three (3) gallons per minute per domestic connection is required. Source capacity is to be determined by the source testing procedure defined in section 34B-18, subsection (d).

(c) Creeks and Streams. A creek or stream source supplying a domestic water system shall be capable of yielding water continuously throughout the year and providing a minimum of three (3) gallons of water per minute to each domestic water connection served. Source capacity is to be determined by the source testing procedures defined in section 34B-18, subsection (c).

(d) For modifications or new construction of State Small Water Systems operating under a valid permit on or prior to November 12, 1991, the required minimum domestic water source yield shall be based on one of the following: a minimum of three (3) gallons per minute per water connection based on a valid pump test; documented historical water use figures; or the State Waterworks Standards, 22 CCR Sections 64554, 64558, and 64560.

Sec. 34B-17. – Source construction for domestic water systems.

(a) All domestic water system supply wells shall have a minimum fifty (50) foot annular seal depth:

(b) Collection facilities for creek, spring and stream sources shall be designed to exclude airborne, animal and surface drainage contamination to the maximum extent feasible. Collection facilities shall be constructed of durable material, shall have a tight-fitting lid or cover, and shall be accessible for cleaning and maintenance. Outlet pipes shall be located above the bottom of the collection facility and have a securely screened opening.

(c) Domestic water system wellhead construction shall include, but not be limited to:

(1) A minimum of eighteen-inch extension of the well casing above finish grade;

(2) A disinfection port or tube installed with a water-tight cap or plug;

(3) A tight-fitting water and vermin-proof well seal;

(4) A minimum of a single check valve approved by the Administrative Authority installed on the above-ground pump discharge line. Should the well be used for any non-domestic purposes such as irrigation, including landscape irrigation, the wellhead shall be equipped with a backflow prevention device approved by the Administrative Authority;

(5) A hose bibb installed on the pump discharge line on the distribution side of the check valve;

(6) A protective enclosure, fence or other protective barrier approved by the Administrative Authority to prevent physical damage or contamination of the wellhead. Subsurface vaulting of a wellhead is prohibited unless an administrative variance has been granted in accordance with Santa Barbara County Code Chapter 34A-11(b), Wells.

Sec. 34B-18. – Source testing for domestic water systems.

(a) Single-Parcel Water System. The source yield testing for a Single-Parcel Water System shall be performed only by a California-licensed water well contractor (C-57), or a pump contractor (C-61-D21), a California-Professional Geologist, a Certified Hydrogeologist or an Engineering Geologist, or a Registered Civil Engineer. Such person's license/certification/registration shall be active and in good standing with the appropriate state licensing or certification board.

(b) Multiple-Parcel and State Small Water System. The source yield testing for a Multiple-Parcel or State Small Water System shall be performed by a California Professional Geologist, Certified Hydrogeologist, Engineering Geologist or a Registered Civil Engineer. Such person's license/certification/registration shall be active and in good standing with the appropriate state licensing or certification board.

(c) Creeks and Streams. An applicant proposing to use a creek or stream as a source for a domestic water system shall establish his legal right to utilize such source in the quantities required and satisfactorily fulfill one of the two following conditions:

(1) Provide documentation of historical use or yield during two consecutive drought years; or

(2) Submit a hydrology report prepared by a California-Registered Civil Engineer certifying that minimum required yields are available on a continuous, long-term basis.

(d) Horizontal Well and Spring. Source yield tests for horizontal wells and springs shall be performed by an approved domestic water system source tester as defined in this section, subsections (a) and (b), and shall additionally meet the following two criteria:

(1) The yield determination was made during the months of August through October;

(2) Documentation is submitted of historical use or yield during two drought years or a geo-hydrological report, prepared by a California-Professional Geologist or Certified Engineering Geologist, certifying that minimum required yields are available on a continuous, long-term basis.

(e) Water Well. Source testing of water wells shall be performed by an approved domestic water system source tester as defined in this section, subsections (a) and (b), and shall meet the following criteria:

(1) A yield test was performed following the proper development of the water well source and any step-drawdown testing;

(2) Minimum yield test pumping rates (based on gallons per minute (gpm)) and periods were as follows:

Minimum Flow Rate	Test Duration Hours
3.0 – 10.0 gpm	72 hours
>10.0 – 50.0 gpm	24 hours
>50.0 gpm	12 hours

In lieu of the 12-hour yield test, a shorter yield test may be performed for sources that produce in excess of 50 gpm if an analysis of the source yield report is provided by a California-Professional Geologist, Certified Hydro-geologist or Certified Engineering Geologist. This analysis shall include a geo-hydrologic evaluation of the underground water formation or basin and a finding that the production rate is characteristic of that formation or basin and can be reasonably expected to continue for the foreseeable future with the projected water system demand and use. All other pump test requirements shall apply and the duration of a yield test for a high production source shall not be less than four hours.

(3) A yield test was conducted on a continuous, uninterrupted basis for the durations specified in subsection (e)(2) of this section;

(4) The flow rate was held constant and the water level in the well remained stable or varied less than one foot during the last:

8 hours of a 72 hour test pump
6 hours of a 24 hour pump test
4 hours of a 12 hour pump test

If the water level varied more than one foot during the last portion of the pump test as specified above, or if the water level dropped to the level of the pump, then a California-Professional Geologist or a Certified Engineering Geologist shall determine long-term drawdown and reliability of the well using accepted engineering well yield formulas and/or the time recovery data;

(5) If two or more domestic water wells are necessary to meet the minimum yield requirements, all wells must be test pumped simultaneously for the test durations specified in subsection (e)(2) of this section;

(6) A test report is prepared and signed by an approved source tester. This report shall include, but not be limited to, the following information: date of test, constant flow rate of drawdown test in gallons per minute, duration of test, hourly drawdown readings, and recovery data readings;

(7) Multiple-Parcel or State Small Water System source test reports shall also include: drawdown and recovery curves on logarithm vs. time graph; transmissibility calculation; geo-hydrological evaluation of the underground water formation or basin; and certification that water resources are available in sufficient quantity and on a long-term basis to supply the proposed domestic water system and meet the minimum yield requirements of this chapter.

Sec. 34B-19. – Qualified individuals for water quality sampling for water systems.

(a) Water quality sampling of domestic water system source shall be performed only by a California-licensed water well contractor (C-57) or pump contractor (C61-D21), a California-Professional Geologist, Registered Civil Engineer or a Certified Engineering Geologist, or a Water Treatment Operator certified by the California Department of Public Health, or a technician trained by a laboratory certified by the California Department of Public Health Environmental Laboratory Accreditation program.

(b). Organic chemical water quality sampling shall be performed by a California-certified Hydro-geologist or water treatment operator or an approved laboratory technician, specifically trained in this type of sampling.

(c) All professional licenses and/or certifications must be active and in good standing with the appropriate state licensing or certification board.

Sec. 34B-20. – Domestic water system storage requirements.

(a) All Single-Parcel, Multiple-Parcel and State Small Water Systems serving residential water connections shall install domestic water storage facilities with minimum capacity of one thousand gallons per water connection.

(b) All Single-Parcel, Multiple-Parcel and State Small Water Systems serving commercial or industrial connections shall install water storage facilities with a capacity equal to five times the daily average domestic demand as determined by the Administrative Authority and/or the project engineer.

(c) The storage capacity requirements specified in this section are in addition to any water storage capacity requirements imposed by the appropriate fire department or district.

Sec. 34B-21. – Water quality for domestic water systems.

Water provided for domestic purposes by systems subject to this chapter shall not exceed the maximum containment levels established by the California Department of Public Health for Inorganic Chemicals and for all Secondary Standards as listed in 22 CCR Sections 64431 through 64432.8; and Sections 64449 through 64449.4, as hereinafter amended, except as provided in Section 34B-23 of this chapter.

Sec. 34B-22. – Water quality monitoring for State Small Water Systems.

Each State Small Water System shall perform periodic monitoring for the following contaminants:

(a) Bacteriological

(1) A minimum of one routine sample from each distribution system at least once every three months.

(2) The sample analysis shall meet the requirements of 22 CCR Section 64212.

(b) Chemical

(1) All State Small Water Systems shall monitor for nitrates once every three years.

(2) All State Small Water Systems shall monitor for nitrites once every three years.

(A) If any sample result exceeds the maximum containment level, for either nitrates or nitrites, the water system shall meet all requirements of the 22 CCR Section 64432.1 (a) and (b).

Sec. 34B-23. – Domestic water system treatment requirements.

(a) Best Available Technology. Unless otherwise approved by the Administrative Authority, all processes or techniques proposed to treat the source water of domestic water systems shall represent the best technology or treatment available as determined by the California Department of Public Health, Division of Drinking Water and Environmental Management, or its successor, for achieving compliance with current State primary drinking water standards.

(b) Centralized Treatment for Primary Standards. In the event the quality of the water source does not meet primary drinking water standards as specified in 22 CCR Chapter 15, Articles 3 through 5.5; Chapter 15.5; Chapter 17; and Chapter 17.5, appropriate treatment equipment shall be installed in such a manner so that all stored domestic water meets all primary standards.

(c) Treatment for Secondary Standards.

(1) In the event the quality of the water from the approved source for a Single-Parcel or Multiple-Parcel Water System does not meet secondary standards specified in 22 CCR Section 64449, the property owner(s) shall:

(A) Install appropriate treatment equipment in such a manner so that all stored domestic water meets all secondary standards; or

(B) Record a "buyer beware" disclosure for each affected property stating that the private domestic water supply does not meet the secondary drinking water standards for physical qualities and /or mineral content as established by the California Department of Health Services. Such notice shall remain in effect unless a subsequent water analysis, performed by a state-certified laboratory, indicates that the water quality meets all secondary drinking water standards.

(2) In the event the quality of the water from the approved source for a State Small Water System does not meet the secondary standards specified in 22 CCR Section 64449, the water supplier shall provide annual written notification to all affected property owners that the domestic water supply does not meet the secondary standards for physical qualities and /or mineral content as established by the California Department of Health Services. Such notice shall remain in effect unless a subsequent water analysis, performed by a state-certified laboratory, indicates that the water quality meets all secondary drinking water standards.

(d) Treatment Wastewater Discharge Facilities. Treatment equipment backwash and wastewater discharge from all domestic water systems shall be disposed via an approved fixed air gap device into an authorized public sewer connection. Where a public sewer connection is not available, wastewater effluent from the treatment unit shall be disposed in a manner approved by the Administrative Authority. Wastewater from reverse osmosis treatment units and water softeners shall not be discharged to a domestic on-site wastewater treatment system.

Sec. 34B-24. – Powers and duties of the administrative authority.

(a) The Administrative Authority may adopt policies and procedures to implement and administer this chapter.

(b) The Administrative Authority is authorized and directed to enforce the provisions of this chapter. It is authorized to consult with qualified experts in any matter concerning construction and operation of domestic waste water systems to the extent that it deems it reasonably necessary to assist in carrying out its duties under this chapter. The Administrative Authority may request and shall receive the assistance and cooperation of other officials of the County of Santa Barbara, so far as may be necessary in the discharge of its duties.

(c) The Administrative Authority may approve requests for variances from the provisions of this chapter if it is determined that complete compliance with the prescribed standards is not possible or practical and that the variance is not counter to the purposes and intent of this chapter.

Sec. 34B-25. – Right to inspect.

The Administrative Authority shall have the right to enter any property at any reasonable time to make inspections and examinations for the purposes of administration and enforcement of this chapter, subject to the provisions of the Code of Civil Procedure Sections 1822.50 through 1822.60.

Sec. 34B-26. – Severability.

If any section, subsection, clause or provision of this chapter is held invalid, the remainder of this chapter shall not be affected by such invalidity.

Sec. 34B-27. – Remedies.

Any violation of the provisions of this chapter by any person who is subject to its provisions is a misdemeanor as defined in, and punishable as provided in, Sections 1-7 of this Code.