AN ORDINANCE ADDING CHAPTER 13.6 TO THE SOLANO COUNTY CODE
ESTABLISHING A PROCEDURE FOR THE ISSUANCE OF PERMITS AND THE
OPERATION OF EXISTING WASTE WATER INJECTION WELLS AND AMENDING
SECTIONS 28-1 AND 28-24 OF CHAPTER 28 OF THE SOLANO COUNTY
CODE (ZONING REGULATIONS) ESTABLISHING THE REQUIREMENT OF A
USE PERMIT FOR FUTURE WASTE WATER INJECTION WELLS

The Board of Supervisors of the County of Solano, State of California does ordain as follows:

SECTION I.

Chapter 13.6 of the Solano County Code entitled Injection Wells is hereby enacted as follows:

Section 13.6.010. Purpose.

It is the purpose of this ordinance to create regulations to permit, inspect and monitor Class II injection wells in the unincorporated areas of the County in order to protect the quality of the groundwaters from contamination of Class II injection fluids. It is the intent of this ordinance to compliment and not conflict with the requirements of the California Division of Oil and Gas. Testing for injection well potential is not regulated by this ordinance.

Section 13.6.020. Definitions.

Injection Well means a Class II well which injects fluids which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste water from gas plants which are an integral part of production operations, unless these waters are classified as a hazardous waste at the time of injection.

Person means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, or association. Person also includes any city, county, district, state, or any department or agency thereof.

Waste Water means produced waters which are brought to the surface in connection with conventional oil or natural gas production and fluids from natural gas plants which are an integral part of natural gas production. The predominant component is expected to be salt water.
Section 13.6.030. Conditions.

(a) Persons operation existing waste water injection wells on the date of this ordinance is adopted may continue to operate under the following conditions:

(1) The operator shall file an application within 90 days of the enactment of this chapter with the Solano County Environmental Health Services Division for an annual permit to operate.

(2) The operator shall provide an approved secured outlet for sampling at the injection well which is accessible to the Solano County Environmental Health Services Division. A sample of the waste water may be required by the Division. Samples are to be analyzed for heavy metals listed in Section 66699(b) of Title 22 of the California Administrative Code or other constituents which may have been injected into the storage tanks or well. The laboratory shall be state certified by the State Department of Health Services. The cost of the collection and analysis shall be borne by the well operator/permittee.

(3) An accurate list of waste haulers shall be provided by the operator on an annual basis. Amendments shall be made quarterly if changes to the list of waste haulers are made. The list shall provide the following information: company name and address, vehicle license plate number, type of vehicle, and state registration number, of available. No hauler shall be permitted at the well site if not on the list.

(4) The operator/permittee shall make available to the Environmental Health Services Division all monitoring data supplied by the operator/permittee to the California Division of Oil and Gas (DOG). All reports of analysis of samples taken by or on behalf of DOG including data as to water quality, nature, and amount of material disposed, pressure testing and other tests such as radioactive traces, spinner and static temperature performed to determine the integrity of the injection well casing, shall be provided to the Environmental Health Services Division by the operator or permittee.

(5) If deemed necessary by the Environmental Health Services Division, adjacent water wells located within 2000 feet may be required to be sampled and analyzed for chemical constituents which have been found in the injected fluids. The cost of said sampling and analysis shall be borne by the operator/permittee.

(6) Safeguards subject to the approval of the Solano County Environmental Health Services Division shall be taken at
the well site to prevent runoff or seepage from the unloading and/or storage operation. Such safeguards shall include, but not be limited to, a berm around the tank storage with a capacity of at least 110% of the largest single tank in the storage battery.

(7) No other material other than produced water and additives used to promote the producing of oil and natural gas wells, which is brought to the surface as a result of the production of oil or natural gas, shall be injected into the well. A list shall be provided at the time of application, specifying the additives to be used to maintain the integrity of the injection well. Should other than this waste product or approved additives be injected into the well, the operator shall notify the Solano County Environmental Health Services Division prior to injection.

(8) The operator/permittee shall have a permit from the California Division of Oil and Gas before starting injection into the well.

(b) In order to establish a new injection well through a newly drilled well or conversion of an existing gas or oil well, a use permit is required pursuant to Section 28-24(a)(14) of the Solano County Code.

Section 13.6.040. Permit Required.

(a) No person shall operate an existing injection well unless by authority of a valid unexpired and unrevoked annual permit to inspect and monitor issued to the operator/permittee by the Solano County Environmental Health Services Division.

(b) A person shall be deemed to operate an injection well in violation of this section if the person without a required current permit to inspect and monitor owns and/or operates an injection well for which the permit is required. "Operates" shall require a direct benefit from the injection of water.

(c) This section does not obviate the requirements to obtain valid permits or compliance with other applicable ordinances or laws, including but not limited to, the Solano County zoning Code or the California Division of Oil and Gas.

(d) An annual fee to inspect and monitor shall be paid at the beginning of each fiscal year. The amount of such fees will be provided by resolution of the Board of Supervisors.

Section 13.6.050. Inspection.

In order to carry out the purpose of this chapter, Solano County Environmental Health Services Division has the authority to
inspect any place where injection wells are located or to inspect real property under the ownership or control of the operator/permittee which is within 2000 feet of any place where injection wells are located.

Section 13.6.060. Penalties.

Any person, as defined herein, whether as principal, agent, employee, or otherwise failing to comply with the provisions of this Chapter shall be guilty of an infraction, and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500) for each day of violation. Each day of violation shall be deemed to be a separate offense.

Section 13.6.070. Validity.

If any section, subsection, sentence or clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, said decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases were declared invalid.

SECTION II.

Section 28-1 of Chapter 28 of the Solano County Code is hereby amended to add the following definition to read as follows:

Section 28-1. Definitions.

Injection Well means a Class II well which injects fluids which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste water from gas plants which are an integral part of production operations, unless these waters are classified as a hazardous waste at the time of injection.

SECTION III.

Section 28-24 of Chapter 28 of the Solano County Code, is amended by adding Section 28-24(a)(14) concerning injection wells, as follows:


(14) Injection wells may be allowed in the Exclusive Agricultural District for a limited period and subject to the permit standards set forth in Chapter 13.6 of the Solano County Code, provided a use permit is first secured in such case.
SECTION IV.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Daily Republic, a newspaper of general circulation, printed and published in Solano County, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

OSBY DAVIS, Chairman
Board of Supervisors

ATTEST:

LINDA TERRA, Clerk of the
Board of Supervisors

I, LINDA TERRA, Clerk of the Board of Supervisors, County of Solano, State of California, do hereby certify that the foregoing Ordinance was regularly introduced, passed and adopted by said Board at a regular meeting held May 5, 1987, on Motion of Supervisor Brann, Seconded by Supervisor Sturn, by the following vote:

AYES: SUPERVISORS Brann, Caddle, Sturn and Chairman Davis

NOES: SUPERVISORS Pippo

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS None

WITNESS my hand and Seal of said Board this 5th day of May, 1987.

LINDA TERRA, Clerk of the
Board of Supervisors