

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

December 3, 2024

FROM

JOSHUA DUGAS, Director, Department of Public Health

SUBJECT

Introduction of Ordinance to Limit New Groundwater Wells in the Unincorporated County Area Near the Cajon Disposal Site

RECOMMENDATION(S)

1. Find that the proposed ordinance relating to the limitation of new groundwater wells in the San Bernardino County unincorporated area near the Cajon Disposal Site is exempt under the California Environmental Quality Act Guidelines Sections 15307 and 15308 – actions taken by regulatory agencies, and Section 15061 – Common Sense Exemption.
2. Consider proposed ordinance relating to the limitation of new groundwater wells in the San Bernardino County unincorporated area near the Cajon Disposal Site.
3. Make alterations, if necessary, to proposed ordinance.
4. Approve introduction of the proposed ordinance.
 - An ordinance of San Bernardino County, State of California, to add Article 6 to Chapter 6 of Division 3 of Title 3 of the San Bernardino County Code, relating to the limitation of new groundwater wells in the San Bernardino County unincorporated area near the Cajon Disposal Site.
5. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, DECEMBER 17, 2024 on the Consent Calendar.
6. Direct the Department of Public Health to file the Notice of Exemption in accordance with the California Environmental Quality Act.

(Presenter: Joshua Dugas, Director, 387-9146)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost) as the introduction of the proposed ordinance is non-financial in nature.

BACKGROUND INFORMATION

The United States Environmental Protection Agency (EPA) is the lead agency responsible for the investigation and remediation of the Newmark Groundwater Contamination Superfund Site (Newmark Site). The Newmark Site is an eight-square mile area of groundwater contamination in San Bernardino, that runs under and near the Cajon Disposal Site.

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The Cajon Disposal Site is comprised of three operable units, one of which is the Source Operable Unit. The Northwest Area of the Source Operable Unit is being addressed under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9602, et seq. The Northwest Area is the only remaining portion of the Source Operable Unit that requires remedial action.

The EPA has determined that there are potential human health risks associated with exposure to the chlorinated volatile organic compound tetrachloroethene (PCE), which is present in the Northwest Area groundwater at concentrations exceeding the maximum contaminant level established under the Safe Drinking Water Act.

The EPA selected a remedy for the Northwest Area of the Source Operable Unit in a Record of Decision dated May 9, 2024. The selected remedy includes natural attenuation of the contaminants remaining in the groundwater and a requirement to implement institutional controls in the form of government controls to prohibit the construction of groundwater wells for the extraction and use of groundwater within the Northwest Area.

The proposed ordinance addresses the remedial action requirement to implement an institutional control to prohibit the construction of groundwater wells for the extraction and use of groundwater within a specific area in San Bernardino County (County) unincorporated area near the Cajon Disposal Site. The purpose of the institutional control is to prevent human exposure to PCE-contaminated groundwater. The area impacted by the proposed ordinance includes nine parcels, two of which are the Cajon Disposal Site owned by the County.

There are currently no groundwater extraction well permits issued for any of these properties, with the exception of wells used for the monitoring and testing of groundwater. All properties are able to obtain water from the local water purveyor. The proposed ordinance exempts from the prohibition any groundwater wells currently installed within the specific area as of the date the ordinance is enacted, and future groundwater wells, where the purpose is to collect groundwater for monitoring or testing groundwater quality.

Notices were sent to the owners of the impacted properties on October 29, 2024 seeking comments on the proposed ordinance. No responses were received.

The enactment of the proposed ordinance is being taken on behalf of the County to assure the maintenance and restoration of a natural resource, it involves the protection of the environment, including procedures for the protection of the environment, and there is no possibility that adoption of the ordinance will have a significant effect on the environment. Therefore, the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15307 and 15308 for actions taken by a regulatory agency to maintain, restore or enhance a natural resource and for procedures to protect the environment; and Section 15061(b)(3) because it can be determined with certainty that the proposed ordinance will not have a significant effect on the environment.

PROCUREMENT

Not applicable.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Kristina Robb, Deputy County Counsel, 387-5455) on October 25, 2024; Finance (Iliana Rodriguez, Administrative Analyst, 387-4205) on November 14, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on November 14, 2024.

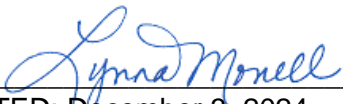
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: December 3, 2024



cc: File - Final BAI
JLL 12/3/2024