

AMENDED IN SENATE JUNE 24, 1996  
AMENDED IN ASSEMBLY APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2334**

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**Introduced by Assembly Member Cortese**

February 15, 1996

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An act to amend Sections 13700, 13701, 13750.5, 13751, and 13752 of, to add Sections 13713 and 13800.5 to, and to repeal Section 13750 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2334, as amended, Cortese. Geothermal heat exchange wells.

Existing law requires every person who intends to dig, bore, drill, deepen, reperform, abandon, or destroy a water well, cathodic protection well, or groundwater monitoring well to file a prescribed notice of intent to engage in that activity with the Department of Water Resources. Existing law also requires every person who digs, bores, or drills a water well, cathodic protection well, or groundwater monitoring well, abandons or destroys such a well, or deepens or reperformates such a well, to file with the department a report of completion, as prescribed, within 30 days from the date that the well's construction or alteration is completed.

This bill would repeal that provision requiring the filing of notices of intent with the department.

The bill would require a report of completion for a geothermal heat exchange well, as defined, as specified. *Since, under existing law, the failure to comply with that requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.* The bill would extend the filing deadline for reports of completion from 30 days from the date of completion to 60 days from the date of completion of a well's construction, alteration, abandonment, or destruction. The bill would make conforming changes in existing law.

The bill would require the department to develop, and to submit to the ~~state board~~ *State Water Resources Control Board*, not later than July 1, 1997, a report regarding recommended standards for the construction, maintenance, abandonment, or destruction of geothermal heat exchange wells and, until the department develops recommended standards, would authorize a local enforcement agency with ~~jurisdiction~~ *authority* over geothermal heat exchange wells to adopt temporary regulations applicable to geothermal heat exchange wells, as prescribed. The bill would require the ~~State Water Resources Control Board~~ *board*, not later than January 1, 1998, to adopt a model geothermal heat exchange well ordinance that implements the recommended standards developed by the department, and *to* circulate that model ordinance to all cities and counties. The bill would require cities, counties, and water agencies, where appropriate, not later than April 1, 1998, to adopt ordinances applicable to geothermal heat exchange wells, as specified, and, if a city, county, or water agency, where appropriate, fails to adopt an ordinance by May 1, 1998, would require the model ordinance adopted by the ~~state~~ board to take effect, as specified, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, *including the creation of a State Mandates Claims Fund to pair the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*



This bill would provide that ~~no reimbursement is required by this act for a specified reason~~ *with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13700 of the Water Code is  
2 amended to read:

3 13700. The Legislature finds that the greater portion  
4 of the water used in this state is obtained from  
5 underground sources and that those waters are subject to  
6 impairment in quality and purity, causing detriment to  
7 the health, safety and welfare of the people of the state.  
8 The Legislature therefore declares that the people of the  
9 state have a primary interest in the location, construction,  
10 maintenance, abandonment, and destruction of water  
11 wells, cathodic protection wells, groundwater monitoring  
12 wells, and geothermal heat exchange wells, which  
13 activities directly affect the quality and purity of  
14 underground waters.

15 SEC. 2. Section 13701 of the Water Code is amended  
16 to read:

17 13701. The Legislature finds and declares all of the  
18 following:

19 (a) Improperly constructed and abandoned water  
20 wells, cathodic protection wells, groundwater monitoring  
21 wells, and geothermal heat exchange wells can allow  
22 contaminated water on the surface to flow down the well  
23 casing, thereby contaminating the usable groundwater.

24 (b) Improperly constructed and abandoned water  
25 wells, cathodic protection wells, groundwater monitoring  
26 wells, and geothermal heat exchange wells can allow



1 unusable or low quality groundwater from one  
2 groundwater level to flow along the well casing to usable  
3 groundwater levels, thereby contaminating the usable  
4 groundwater.

5 (c) Contamination of groundwater poses serious  
6 public health and economic problems for many areas of  
7 the state.

8 SEC. 3. Section 13713 is added to the Water Code, to  
9 read:

10 13713. “Geothermal heat exchange well,” as used in  
11 this chapter, means any uncased artificial excavation, by  
12 any method, that uses the heat exchange capacity of the  
13 earth for heating and cooling, in which excavation the  
14 ambient ground temperature is 30 degrees Celsius (86  
15 degrees Fahrenheit) or less, and which excavation uses a  
16 closed loop fluid system to prevent the discharge or  
17 escape of its fluid into surrounding aquifers or other  
18 geologic formations. Geothermal heat exchange wells  
19 include ground source heat pump wells.

20 SEC. 4. Section 13750 of the Water Code is repealed.

21 SEC. 5. Section 13750.5 of the Water Code is amended  
22 to read:

23 13750.5. No person shall undertake to dig, bore, or  
24 drill a water well, cathodic protection well, groundwater  
25 monitoring well, or geothermal heat exchange well, to  
26 deepen or reperform such a well, or to abandon or  
27 destroy such a well, unless the person responsible for that  
28 construction, alteration, destruction, or abandonment  
29 possesses a C-57 Water Well Contractor’s License.

30 SEC. 6. Section 13751 of the Water Code is amended  
31 to read:

32 13751. (a) Every person who digs, bores, or drills a  
33 water well, cathodic protection well, groundwater  
34 monitoring well, or geothermal heat exchange well,  
35 abandons or destroys such a well, or deepens or  
36 reperformates such a well, shall file with the department a  
37 report of completion of that well within 60 days from the  
38 date its construction, alteration, abandonment, or  
39 destruction is completed.



1 (b) The report shall be made on forms furnished by  
2 the department and shall contain information as follows:

3 (1) In the case of a water well, cathodic protection  
4 well, or groundwater monitoring well, the report shall  
5 contain information as required by the department,  
6 including, but not limited to *all of the following*  
7 *information*:

8 (A) A description of the well site sufficiently exact to  
9 permit location and identification of the well.

10 (B) A detailed log of the well.

11 (C) A description of type of construction.

12 (D) The details of perforation.

13 (E) The methods used for sealing off surface or  
14 contaminated waters.

15 (F) The methods used for preventing contaminated  
16 waters of one aquifer from mixing with the waters of  
17 another aquifer.

18 (G) The signature of the well driller.

19 (2) In the case of a geothermal heat exchange well, the  
20 report shall contain all of the following information:

21 (A) A description of the site that is sufficiently exact to  
22 permit the location and identification of the site and the  
23 number of geothermal heat exchange wells drilled on the  
24 same lot.

25 (B) A description of borehole diameter and depth and  
26 the type of geothermal heat exchange system installed.

27 (C) The methods and materials used to seal off surface  
28 or contaminated waters.

29 (D) *The methods used for preventing contaminated*  
30 *water in one aquifer from mixing with the water in*  
31 *another aquifer.*

32 (E) The signature of the well driller.

33 SEC. 7. Section 13752 of the Water Code is amended  
34 to read:

35 13752. Reports made in accordance with paragraph  
36 (1) of subdivision (b) of Section 13751 shall not be made  
37 available for inspection by the public, but shall be made  
38 available to governmental agencies for use in making  
39 studies. However, any report shall be made available to



1 any person who obtains a written authorization from the  
2 owner of the well.

3 SEC. 8. Section 13800.5 is added to the Water Code, to  
4 read:

5 13800.5. (a) (1) The department shall develop  
6 recommended standards for the construction,  
7 maintenance, abandonment, or destruction of  
8 geothermal heat exchange wells.

9 (2) Until the department develops recommended  
10 standards pursuant to paragraph (1), a local enforcement  
11 agency with ~~jurisdiction~~ *authority* over geothermal heat  
12 exchange wells may adopt temporary regulations  
13 applicable to geothermal heat exchange wells that the  
14 local enforcement agency determines to be consistent  
15 with the intent of existing department standards to  
16 prevent wells from becoming conduits of contamination.

17 (3) The department, not later than July 1, 1997, shall  
18 submit to the state board a report containing the  
19 recommended geothermal heat exchange well standards.

20 (b) The state board, not later than January 1, 1998,  
21 shall adopt a model geothermal heat exchange well  
22 ordinance that implements the recommended standards  
23 developed by the department pursuant to subdivision  
24 (a). The state board shall circulate the model ordinance  
25 to all cities and counties.

26 (c) Notwithstanding any other provision of law, each  
27 county, city, or water agency, where appropriate, not  
28 later than April 1, 1998, shall adopt a geothermal heat  
29 exchange well ordinance that meets or exceeds the  
30 recommended standards developed by the department  
31 pursuant to subdivision (a). If a water agency that has  
32 permit authority over well drilling adopts a geothermal  
33 heat exchange well ordinance that meets or exceeds the  
34 recommended standards developed by the department  
35 pursuant to subdivision (a), a county or city shall not be  
36 required to adopt an ordinance for the same area.

37 (d) If a county, city, or water agency, where  
38 appropriate, fails to adopt an ordinance that establishes  
39 geothermal heat exchange well standards, the model  
40 ordinance adopted by the state board pursuant to



1 subdivision (b) shall take effect on May 1, 1998, and shall  
2 be enforced by the county or city and have the same force  
3 and effect as if adopted as a county or city ordinance.

4 ~~SEC. 9. No reimbursement is required by this act~~  
5 ~~pursuant to Section 6 of Article XIII B of the California~~  
6 ~~Constitution because a local agency or school district has~~  
7 ~~the authority to levy service charges, fees, or assessments~~  
8 ~~sufficient to pay for the program or level of service~~  
9 ~~mandated by this act, within the meaning of Section 17556~~  
10 ~~of the Government Code.~~

11 ~~Notwithstanding Section 17580 of the Government~~  
12 ~~Code, unless otherwise specified, the provisions of this act~~  
13 ~~shall become operative on the same date that the act~~  
14 ~~takes effect pursuant to the California Constitution.~~

15 *SEC. 9. No reimbursement is required by this act*  
16 *pursuant to Section 6 of Article XIII B of the California*  
17 *Constitution for certain costs that may be incurred by a*  
18 *local agency or school district because in that regard this*  
19 *act creates a new crime or infraction, eliminates a crime*  
20 *or infraction, or changes the penalty for a crime or*  
21 *infraction, within the meaning of Section 17556 of the*  
22 *Government Code, or changes the definition of a crime*  
23 *within the meaning of Section 6 of Article XIII B of the*  
24 *California Constitution.*

25 *However, notwithstanding Section 17610 of the*  
26 *Government Code, if the Commission on State Mandates*  
27 *determines that this act contains other costs mandated by*  
28 *the state, reimbursement to local agencies and school*  
29 *districts for those costs shall be made pursuant to Part 7*  
30 *(commencing with Section 17500) of Division 4 of Title*  
31 *2 of the Government Code. If the statewide cost of the*  
32 *claim for reimbursement does not exceed one million*  
33 *dollars (\$1,000,000), reimbursement shall be made from*  
34 *the State Mandates Claims Fund.*

35 *Notwithstanding Section 17580 of the Government*  
36 *Code, unless otherwise specified, the provisions of this act*  
37 *shall become operative on the same date that the act*  
38 *takes effect pursuant to the California Constitution.*

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