



**Association of Rural Town Councils**  
**PO Box 358**  
**Little Rock, CA 93543-0358**

June 17, 2009

Supervisor Michael D. Antonovich  
500 West Temple Street  
Room 869  
Los Angeles, CA 90012

**RE: REEVALUATION OF ENVIRONMENTAL HEALTH POLICIES REGARDING  
PRIVATE INDIVIDUAL WELLS AND ORDINANCE 2005-0053**

Dear Supervisor Antonovich:

There is real concern from members of the rural communities in unincorporated north Los Angeles County that private well policies developed by the Department of Environmental Health are unnecessary, overly burdensome, inflexible, and costly. Moreover, they were developed and implemented without any consideration or regard for the concerns expressed by rural communities in general and affected property owners in particular.

A recent community town hall attended by over 350 stakeholders demonstrated the need to reconsider the private well water policies and ordinances and allow additional dialogue with affected property owners.

Specific concerns regarding private residential wells include:

- The current well yield policies were developed based on large public water systems production and storage requirements imposed by the State of California rather than what is reasonably required for private residential use.
- Ordinance 2005-0053 requires that private residential wells comply with State Drinking Water Chemical Standards even though the Drinking Water Chemical Standards were specifically developed for large public water systems—not private individual wells.
- Department of Environmental Health Officials did not prepare a needs assessment or cost/benefit analysis to support their recommendation that private residential wells be subject to the State Drinking Water Chemical Standards. This requirement is economically unfeasible and to our knowledge, no other public agency in the Country has ever imposed the chemical compliance requirement on private residential wells.
- Department of Environmental Health Officials have repeatedly stated that well yield and chemical standard compliance requirements apply only to new or reconstructed wells and not existing wells. However, Los Angeles County Code Section 11.38.220 requires that *existing* water wells conform to the same requirements as new water wells.
- Hauled water is prohibited for new construction projects, yet the State of California issues licenses “to haul water in bulk for the purposes of drinking, culinary or other purposes involving the likelihood of the water being ingested by humans.” The State of California did not ban the use of hauled water and other counties allow hauled water for single-family residences. The County Department of Environmental Health has produced no evidence of contamination or other problems with hauled water. While we concur with the State of California that hauled water

should not be the sole source for public water systems, hauled water should be allowed for single-family residences not connected to a public water system.

- The Department of Environmental Health has based the current well yield policies and the requirement that private residential wells comply with the Drinking Water Chemical Standard based on state and federal regulations which pertain to public water systems and were never intended to apply to private residential wells. Imposing these requirements on private residential wells places undue and unnecessary technical and financial burdens on property owners.
- Department of Environmental Health regulations and policies were apparently developed without any supporting documentation or analysis.
- Department of Environmental Health Officials misled the Board of Supervisors in stating that the Drinking Water Chemical Standard compliance requirement imposed by Ordinance 2005-0053 was a “technical and non-substantive change”. The fact is that this requirement is prohibitively expensive, technically unsupportable, and thoroughly unjustified.
- Department of Environmental Health Officials misled the Board of Supervisors by stating that prior to 2003, only a few permits “slipped through the cracks” without demonstration of a sustainable water supply. Our research indicates that not one of the homes built prior to 2003 were required to drill a well in order to obtain a building permit.

The problems, which underlie the above-mentioned concerns, are all unnecessary and avoidable. Certainly the Department of Environmental Health has a key role in educating private residential well owners regarding potential health risks and assisting them with viable treatment options. However, the quality of drinking water supplied by private residential wells is and should be the responsibility of the homeowner.

## **RESOLUTION**

Implement a stakeholder process, which re-evaluates Ordinance 2005-0053, existing well yield guidelines, and current hauled water policies. This stakeholder process will be most effective if it includes representatives of the ARTC, Town Councils, the Greater Antelope Valley Association of Realtors, the Board of Supervisors, and Officials from the Environmental Health Department. The first item that should be addressed in the stakeholder or any other process is to make public the supporting documentation (such as risk reduction studies, fiscal impact evaluations, needs assessment, and cost/benefit analysis) that was relied upon by the Department of Environmental Health to develop Ordinance 2005-0053 the existing well yield guidelines, and current hauled water policies. As part of this stakeholder process, we also recommend the establishment of an “Environmental Health Division Oversight Board” comprised of rural residents to ensure policies are reasonable, appropriate, properly considered and allow for acceptable variation.

The ARTC is convinced that we can resolve these matters in a way which supports the rights of private well owners and provides Environmental Health the latitude to perform their mission of promoting health and quality of life. A course of action which reevaluates Ordinance 2005-0053, well yield policies, and the County’s existing hauled water policy is supported by the Association of Rural Town Councils and the following participating Town Councils: Acton Town Council, Agua Dulce Town Council, Antelope Acres Town Council, Green Valley Town Council, Juniper Hills Town Council, Lake Los Angeles Town Council, Lakes Town Council, Leona Valley Town Council, Littlerock Town Council, Quartz Hill Town Council, Roosevelt Rural Town Council, Sun Village Town Council, and Three Points/Liebre Mountain Town Council. Additionally, the Greater Antelope Valley Association of Realtors, which serves the entire Antelope Valley, voted to support this letter and proposal

Our Councils and Association serve the area bounded by the San Bernardino County line to the east, Kern County to the north, the Santa Clarita Valley border to the south, and the area east of the Golden State Freeway on the west. We represent the great majority of the combined unincorporated north county population that totals approximately 88,000.

We rural communities look forward to working with your office and the Department of Environmental Health to resolve these important matters.

Sincerely,

Wayne Argo, Director,  
Association of Rural Town Councils

Enclosure: ARTC Report on Environmental Health Policy Regarding Private Individual Well Water Systems and Review of Ordinance 2005-0053.

Cc: Damien Schiff, Pacific Legal Foundation, Sacramento, CA  
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