#### **ORDINANCE NO. 4481**

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.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

## SECTION 1. The Board of Supervisors finds that:

- (a) The Northwest Area of the Source Operable Unit (OU) of the Newmark Groundwater Contamination Superfund Site (Newmark Site) is being addressed under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. section 9601 et seq. (CERCLA).
- (b) The Newmark Site was added to the United States Environmental Protection Agency's (EPA) National Priorities List in 1989 following the detection of tetrachloroethylene (PCE) and trichloroethene (TCE) in groundwater.
  - (c) The EPA is the lead agency for the Newmark Site.
- (d) The EPA selected a remedy for the Northwest Area of the Source OU in a Record of Decision (ROD) on May 9, 2024. The selected remedy includes monitored natural attenuation of the PCE remaining in the groundwater and a requirement to implement an institutional control (IC) in the form of a governmental control to prohibit the construction of groundwater wells for the extraction and use of groundwater within the Northwest Area.
- (e) This ordinance addresses the remedial action requirement to implement an IC to prohibit the construction of groundwater wells for the extraction and use of the groundwater in the Northwest Area of the Source OU. The purpose of the IC is to prevent human exposure to PCE-contaminated groundwater. The County Institutional Control Boundary Area (CICBA) is located within the Northwest Area of the Source OU of the

Newmark Site.

(f) The IC will remain in effect until the EPA determines that the concentration of PCE has reached the remediation goal identified in the ROD and this ordinance is repealed by San Bernardino County.

(g) This ordinance was reviewed under the California Environmental Quality Act (CEQA) and determined to be exempt from CEQA pursuant to CEQA Guidelines, 14 California Code of Regulations, sections 15307 (the action is taken on behalf of a regulatory agency to assure the maintenance and restoration of a natural resource and involves the protection of the environment), 15308 (the action is taken on behalf of a regulatory agency to assure the maintenance, restoration, enhancement and protection of the environment and involves procedures for the protection of the environment) and Section 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment). There are no unusual circumstances under the CEQA Guidelines Section 15300.2, subdivision (c) that would render these exemptions inappropriate. Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

SECTION 2. Article 6 is added to Chapter 6 of Division 3 of Title 3 of the San Bernardino County Code, to read:

#### **ARTICLE 6**

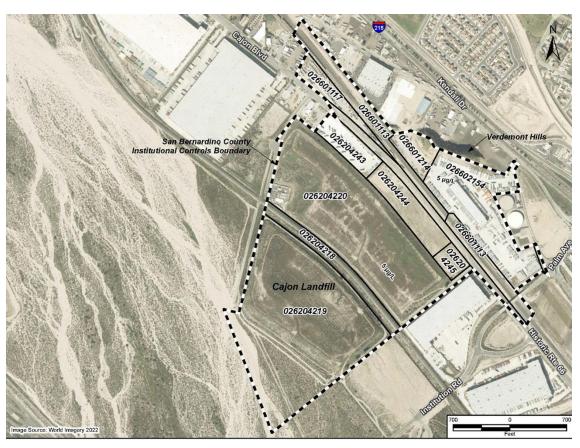
# 33.06558 Purpose.

The purpose of this Article is to protect the health, safety, and general welfare of the residents of San Bernardino County (County) by identifying a County Institutional Control Boundary Area (CICBA) and prohibiting the construction and installation of new groundwater wells on land located within the CICBA to prevent public exposure to groundwater contaminated with tetrachloroethylene (PCE).

### **33.06559** Definitions.

As used in this Article, the following terms shall have the following meanings:

County Institutional Control Boundary Area (CICBA). The geographic area depicted and defined as the Cajon Disposal Site and adjacent unincorporated County areas north and east of the Cajon Disposal Site as further detailed on Map A and identified as Assessor Parcel Numbers: 0262042190000; 0262042200000; 0262042180000; 0262042430000; 0262042440000; 0262042450000; 0266011130000; 0266021540000; 0266012140000; and 0266011170000.



Map A

**Groundwater**. All water beneath the surface of the earth within the zone below the water table in which the soil is saturated with water.

Remediation goal. The concentration of PCE in groundwater that will be achieved when the remedy selected in the Record of Decision (ROD) for the Source Operable Unit dated May 9, 2024, is complete. The remediation goal selected in the ROD is the maximum contaminant level for PCE of 5 micrograms per liter (µg/L) promulgated pursuant to the federal Safe Drinking Water Act.

Record of Decision (ROD). The document that selects and describes the cleanup action the Environmental Protection Agency (EPA) will take to address contamination in the Northwest Area of the Source Operable Unit (OU) at the Newmark Groundwater Contamination Superfund Site (Newmark Site).

#### 33.06560 **Prohibition**.

The drilling, construction, development, and operation of any new groundwater well in the CICBA is prohibited.

## 33.06561 Exceptions.

- (a) This Article shall not apply to the following:
- (1) Groundwater wells currently installed within the CICBA as of the date of enactment of this Article.
- (2) Future groundwater wells to be installed within the CICBA, the purpose of which is to collect groundwater for monitoring or testing groundwater quality. The construction and installation of all such wells must comply with the applicable requirements of Article 3 of this Chapter.

#### 33.06562 Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article.

All enforcement procedures, remedies and penalties of Chapter 1 of Division 3 of Title

3 of this Code shall apply to this Article and are in addition to all others provided by law.

SECTION 3. This ordinance shall take effect thirty (30) days from the date of adoption.

DAWN ROWE, Chair Board of Supervisors

1 2	SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIR OF THE BOARD	
3	LYNNA MONELL, Clerk of the	
4	Board of Supervisors	
5		
6		
7	STATE OF CALIFORNIA ) ) ss.	
8	SAN BERNARDINO COUNTY )	
9	I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,	
10	State of California, hereby certify that at a regular meeting of the Board of Supervisors of	
11	said County and State, held on the 17 <sup>th</sup> day of December, 2024, at which meeting were present Supervisors: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt	
12	Hagman, Joe Baca, Jr., and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:	
13		
14	AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.	
15	NOES: SUPERVISORS: None	
16		
17	ABSENT: SUPERVISORS: None	
18	IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official sea of the Board of Supervisors this 17 <sup>th</sup> day of December, 2024.	
19		
20	LYNNA MONELL, Clerk of the  Board of Supervisors of	
21	San Bernardino County,	
22	State of California	
23		
24	Deputy	
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26		
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1	Approved as to Form:
2	TOM BUNTON
2	County Counsel
4	
5	Bv:
6	JOLENA E. GRIDER
7	Deputy County Counsel
8	Date:
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