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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

1 Newmark Site.

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4 repealed by San Bernardino County.

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

17
18 SECTION 2. Article 6 is added to Chapter 6 of Division 3 of Title 3 of the San
19 Bernardino County Code, to read:

20 **ARTICLE 6**

21 **33.06558 Purpose.**

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

27 **33.06559 Definitions.**

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

1 **County Institutional Control Boundary Area (CICBA)**. The geographic area
2 depicted and defined as the Cajon Disposal Site and adjacent unincorporated County
3 areas north and east of the Cajon Disposal Site as further detailed on Map A and identified
4 as Assessor Parcel Numbers: 0262042190000; 0262042200000; 0262042180000;
5 0262042430000; 0262042440000; 0262042450000; 0266011130000; 0266021540000;
6 0266012140000; and 0266011170000.



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21 **Map A**

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

24 **Remediation goal.** The concentration of PCE in groundwater that will be achieved
25 when the remedy selected in the Record of Decision (ROD) for the Source Operable Unit
26 dated May 9, 2024, is complete. The remediation goal selected in the ROD is the
27 maximum contaminant level for PCE of 5 micrograms per liter ($\mu\text{g/L}$) promulgated
28 pursuant to the federal Safe Drinking Water Act.

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

5 **33.06560 Prohibition.**

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

8 **33.06561 Exceptions.**

9 (a) This Article shall not apply to the following:

10 (1) Groundwater wells currently installed within the CICBA as of the date
11 of enactment of this Article.

12 (2) Future groundwater wells to be installed within the CICBA, the
13 purpose of which is to collect groundwater for monitoring or testing groundwater quality.
14 The construction and installation of all such wells must comply with the applicable
15 requirements of Article 3 of this Chapter.

16 **33.06562 Penalties.**


17 It shall be unlawful for any person or entity to violate any provision of this Article.
18 All enforcement procedures, remedies and penalties of Chapter 1 of Division 3 of Title
19 3 of this Code shall apply to this Article and are in addition to all others provided by law.

20
21 SECTION 3. This ordinance shall take effect thirty (30) days from the date of
22 adoption.

23 
24 _____
25 DAWN ROWE, Chair
26 Board of Supervisors
27
28

1 SIGNED AND CERTIFIED THAT A COPY
2 OF THIS DOCUMENT HAS BEEN DELIVERED
3 TO THE CHAIR OF THE BOARD

4 LYNNA MONELL, Clerk of the
5 Board of Supervisors

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1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the 17th day of December, 2024, at which meeting were
7 present Supervisors: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt
8 Hagman, Joe Baca, Jr., and the Clerk, the foregoing ordinance was passed and adopted
9 by the following vote, to wit:

10 AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez,
11 Dawn Rowe, Curt Hagman, Joe Baca, Jr.

12 NOES: SUPERVISORS: None

13 ABSENT: SUPERVISORS: None

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Supervisors this 17th day of December, 2024.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of
18 San Bernardino County,
19 State of California



21 Approved as to Form:

22 TOM BUNTON
23 County Counsel

24 By: Jolena E. Grider
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: 12/18/24

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