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ORDINANCE NO.

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4 repealed by San Bernardino County.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.



21
22 **Map A**

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

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

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

6 _____

7 STATE OF CALIFORNIA)
8 SAN BERNARDINO COUNTY) ss.

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 _____ day of _____, 2024, at which meeting
12 were present Supervisors: _____

13 _____,
14 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
15 wit:

16 AYES: SUPERVISORS:
17 NOES: SUPERVISORS:
18 ABSENT: SUPERVISORS:

19 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
20 of the Board of Supervisors this ____ day of _____, 2024.

21 LYNNA MONELL, Clerk of the
22 Board of Supervisors of
23 San Bernardino County,
24 State of California

25 _____
26 Deputy

1 Approved as to Form:

2 TOM BUNTON
3 County Counsel

4

5 By: _____
6 JOLENA E. GRIDER
7 Deputy County Counsel

8 Date: _____

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