

Permit valid for 90
days from date of
permit issuance

Permit Application Date:

WATER WELL PERMIT APPLICATION FOR THE TOWN OF LAKESIDE, TEXAS

Property Owner Name & Address:

Location of proposed Well (street & address or survey block & lot:

Occupant name if different from property owner:

Purpose of Permit for Proposed Well, Repair, Rework, and Alteration, Abandonment or Plugging:

Lot dimensions of proposed well site:

Attach scale drawing (with scale) showing

- ☐ Property boundaries
 - ☐ Location and dimensions of all buildings and structures located on the property
 - ☐ Exact location of the well including distances to property lines and septic or wastewater treatment system components
 - ☐ Location of septic or wastewater treatment system components including effluent leach fields or spray field areas, lateral lines and spray heads
 - ☐ Location of all storage tanks, irrigation system connection point(s) and any other line(s) or structure(s) to which the well will be connected
 - ☐ Location of any drainage or utility easements located on the property
- any portion of the property located in the 100 or 500-year flood plains
- all clearances from the well location as required in Ordinance 272

Method of proposed drilling, repair or plugging:

Approximate depth of well and aquifer to be reached:

Estimated well yield in gallons per minute and amount of water to be pumped daily, monthly or annually:

Purpose(s) for which well water will be used:

Size, depth and type of casing to be used:

Size, depth interval(s) and type of screen to be used:

Size and type of pump to be used:

Depth and method of cementing casing (Town of Lakeside Code of Ordinances 150.01 requires wells to be cemented with positive displacement technique or tremic method):

Manner, size and location of well water storage tank and description of distribution:

Are any utility easements within 100 feet of property line on which proposed well is to be located?

YES ☐

NO ☐

If yes, give location of all utility easements and exact distance between proposed well site and easements.

Give location, direction and distance from proposed well site to:

Septic Tanks(s)

Sewer Line (main, lateral(s), service)

Water lines (main service)

Gas Line(s)

Underground Telephone Line(s)

Streets, Alleys, Thoroughfares

Nearest Town of Lakeside water well

Nearest private water well

Sewage Treatment Plant

Animal/Livestock Pens

Barns/Shelters

Dump Grounds

Creeks, Streams, Lakes or Ponds

Flood Zone Area

Name and address of contractor(s) and well driller's or pump installer's license number issued by TDLR (attach copy of license)

☐ Attach copy of any well application or report previously filed with state

☐ Attach copy of permit, drawings, application, report and any other information filed with Tarrant County authorities concerning any septic or wastewater treatment system located on the property where the well is or will be located.

Applicant will ensure that water well dug, driven, drilled or bored or water well repairs, alterations or plugging will conform to all applicable laws, rules, regulations, requirements and specifications set forth by the State of Texas and the Plumbing, Electrical and Well Ordinances of the Town of Lakeside.

Applicant will not at any time connect, or cause to be connected, any private water well supply system to the Town of Lakeside Public Water System, or to any household, irrigation, business or other water system served by the Town of Lakeside Public Water System.

Upon completion of the drilling, rework, repair, plugging or other work, or upon termination of work for whatever reason whatsoever, the owner shall submit to the Town a copy of all State of Texas Well Reports required to be filed with at state agency, including drilling and plugging information and reports. Before the well or water from the well can be used in any way, the Director shall conduct a final inspection of the well. If the well is found to conform to all requirements, the Director shall issue a Certificate of Completion. If found non-conforming, the Director shall issue an inspection report detailing the items that are in need of correction before a completion certificate is issued. The Director shall make a final inspection within 3 business days after the completion documentation is filed.

Applicant Signature

Date

Attachments Checklist:

- ☐ Scale drawing showing all required features and clearances
- ☐ Copy of State of Texas Well Drillers or Pump Installer's License
- ☐ State of Texas Well Report (if previously filed for existing well)
- ☐ Copy of Tarrant County septic or wastewater treatment system permit
- ☐ Pre-permit inspection performed by designated Town of Lakeside personnel, agent or representative where well is to be drilled, repaired or plugged. Does proposed work meet all requirements of Ordinances 272, 273 and any other applicable ordinance, regulations and codes (including all clearances from property lines, potential sources of contamination and disconnection from Town of Lakeside Public Water System of irrigation system(s) and any other components connected to well)? ☐ YES ☐ NO

If "NO", provide explanation:

Date of Inspection _____

Name of Person conducting inspection _____

Title of Person conducting inspection _____

☐ Approved Permit Application

☐ Deny Permit Application

Comments:

Town Administrator

Date: _____

Post-Completion Permit Inspection and Certificate of Completion Checklist

☐ Copy of State of Texas Well Report or Plugging Report submitted to Town of Lakeside following completion of well drilling, repair or plugging? YES ☐ NO ☐

☐ Post-completion inspection performed by designated Town of Lakeside personnel, agent or representative where well was drilled, repaired or plugged. Does completed work meet all requirements of Ordinances 272, 273 and any other applicable ordinances, regulations and codes (including all clearances from property lines, potential sources of contamination and disconnection from Town of Lakeside Public Water System of irrigation system(s) and any other components connected to well)?

YES ☐ NO ☐

If NO, provide or attach explanation

Date of Inspection

Name of Person conducting inspection

Title of Person conducting inspection

Certificate of Completion issued to well owner? YES NO

If NO, explain

Date Certification of Completion issued

Town Administrator

Date: _____

ORDINANCE NO. 377

AN ORDINANCE OF THE TOWN OF LAKESIDE, TEXAS, AMENDING SECTION 150.01 "WATER WELLS" OF THE CODE OF LAKESIDE; PROVIDING FOR A PENALTY (A FINE NOT TO EXCEED \$2,000.00 PER VIOLATION PER DAY); PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Lakeside, Texas has the authority to regulate and provide standards to protect and preserve the Town's drinking water sources, the Town has determined that the following Ordinance is necessary to protect the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKESIDE, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. AMENDMENT TO SECTION 150.01 OF THE CODE OF LAKESIDE

The Code of Ordinances of the Town of Lakeside is hereby amended as provided in the attached Exhibit "A."

Section 3. Penalty

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense. Such penalty provision is cumulative of any and all rights the Town has to enforce the Ordinance through any lawful means including legal action seeking injunctive or other appropriate relief.

Section 4. Severability

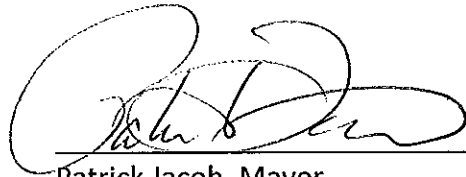
In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be

invalid or unconstitutional; and the City Council of the Town of Lakeside, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Publication and Effective Date

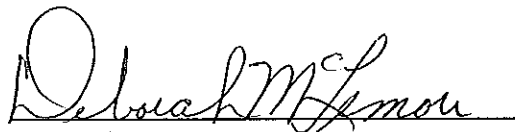
The Town Secretary is instructed to publish in the official newspaper this ordinance or the caption, which summarizes the purpose of this ordinance and the penalty for violating this ordinance, as provided by Tex. Loc. Gov't Code § 52.011 and other applicable law, and this ordinance shall become effective upon publication.

PASSED AND APPROVED on this the 9 day of October, 2014.


Patrick Jacob, Mayor

ATTEST:

APPROVED:


Deborah McLemore, Town Secretary


Kenneth E. East, City Attorney

GENERAL PROVISIONS

§ 150.01 WATER WELLS.

(A) (1) *Statement of purpose.* It is the purpose of this section to promote the public health, safety, and general welfare, to minimize public and private endangerment and risk due to contamination of the public water supply, to maximize groundwater protection and pollution abatement control procedures, to provide for land use restriction, and to ensure that the public is provided with a safe potable water supply now and for future generations.

(2) *Scope.* The provisions of this section shall apply to all property and wells located within the Town of Lakeside town limits, in the extraterritorial jurisdiction (ETJ) of the town, to any property which is tied on to and uses the water supply system of the Town of Lakeside, any property that is located within the boundary or area description of a certificate of convenience and necessity issued by any state authority (whether solely in the town's name or shared with any other municipality or water supply system), and to any other property or wells outside of the town limits to which state law allows the imposition of controls or the abatement of nuisance or threat to the health and welfare of the citizens of Lakeside and the public utility systems of Lakeside.

(3) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED WELL. Any well that has been continuously out of use for a period of six consecutive months. A well is considered to be in use if it is a nondeteriorated well which contains the casing, pump, and pump column in good condition or a nondeteriorated well which has been capped.

ANTHROPOGENIC. Produced as a result of human activities.

CLOSURE LETTER. A letter issued by the State Environmental Regulatory Authority which states that, based on the information available, the State Environmental Regulatory Authority agrees that corrective action has been completed for the referenced release in accordance with the Authority's requirements.

CONTAMINATION. The admission or release to the environment, including, but not limited to, the water supply or water system, of any hazardous, toxic or injurious substance, material or waste (be it organic, inorganic, radiological, or biological) that threatens or has potential to threaten public health, safety, or welfare.

DIRECTOR. The Town Administrator of the Town of Lakeside or his or her designee who is hereby vested with the authority, power, and responsibility for the implementation of an effective wellhead protection program, seeing that inspections are made, overseeing the permit application process and referrals to professionals or consultants as is deemed necessary, and for the enforcement of the provisions of this section.

DOMESTIC WELL. Any well used for domestic uses, including, but not limited to, drinking water, cooking, household washing, or other similar use. The description of uses listed herein is for example only and is not intended to limit the definition.

ATTACHMENT A

HAZARDOUS MATERIALS. Any matter which is or may be reasonably expected to be dangerous to human health, the environment, or property, and shall include, but not be limited to, those substances defined as hazardous waste or material by federal or state agencies.

INDUSTRIAL WELL. Any well used for commercial or industrial purposes, including, but not limited to, make-up water or production water.

MONITORING WELL. Any well used for the purposes of monitoring groundwater and for investigative purposes, including, but not limited to, determining whether pollution is present.

OBSERVATION WELL. A monitoring well or other vertical tubular structure which is constructed, installed, or placed within any portion of an underground storage tank excavation zone, and which is designed or used for the observation or monitoring of groundwater, or for the observation, monitoring, recovery, or withdrawal of either released regulated substances or groundwater contaminated by the released regulated substances.

PERSON. Any individual, firm, association, partnership, corporation, or any other entity, public or private.

POTABLE WATER SUPPLY. Any water supply intended or used for human consumption or other domestic use.

PREMISES. Any piece of property, including improvements, mobile structures, and structures located on it.

REGULATED MATERIALS. Any material regulated by the state and/or federal regulatory agencies, including, but not limited to, oils, petroleum products, and vehicle fluids.

REGULATORY AUTHORITY. The City Council of the Town of Lakeside.

STATE ENVIRONMENTAL REGULATORY AUTHORITY. Any and all state agencies that have the authority to adopt and enforce any environmental rules necessary to carry out its powers and duties under the laws of Texas.

WELL. Any opening in the ground utilized for the purpose of extracting or producing water, monitoring ground water, and/or for temporary purposes.

WELLHEAD PROTECTION AREA (WHPA). The surface and subsurface area surrounding any water well or well field through which contaminants could likely pass and eventually reach the ground water supply as determined by the State Environmental Regulatory Authority as issued and published in state regulations and administrative codes. At a minimum, the **WHPA** is defined as the area within the boundaries of the property on which a well is located. The properties surrounding the property on which the well is located may be a part of the **WHPA** regardless of whether it is owned by the same property owner.

(B) (1) *Methods of reducing potential contamination.* In order to accomplish the purposes of this section, the town may employ the following methods:

- (a) Establish a wellhead protection area (WHPA) based on a five-year time of travel;
- (b) Restrict uses within the WHPA that pose risks of contamination to the water supply;

ATTACHMENT A

(c) Control anthropogenic activities within the WHPA that may increase the threat of potential contamination of the public water supply;

(d) Monitor existing and future anthropogenic activities within the WHPA that have been identified as potential sources of contamination;

(e) Enforce all applicable laws governing pollution abatement and control, storage and transportation of hazardous, regulated, or toxic materials, and collection, storage, transportation, and treatment of municipal or industrial sewage;

(f) Inventory potential sources of contamination within designated WHPA as necessary;

(g) Regulate the construction, operation, correction, and abandonment of water wells; and

(h) Public education.

(2) *Powers and duties of Regulatory Authority.* The Regulatory Authority and its Director, agents, and employees shall have the following powers:

(a) To make or have made examinations of all wells within the town and all wells outside the town limits which by law are under the jurisdiction of the town, privately-owned or otherwise;

(b) To enter property of the owner of a well and/or to make or have made at any time the necessary analyses for tests of water;

(c) To require the owner to furnish all information requested concerning a well, including, in the case of new wells, complete logs of the well showing depth to the aquifer through all geologic formations encountered;

(d) To observe the construction, operation, repair, abandonment, and plugging of wells;

(e) Keep a register of all known wells within the incorporated area of the town, its ETJ and all other areas over which the town may have control or authority to take action with respect to wells; and

(f) To inspect underground storage tanks and storage of any regulated or unregulated materials.

(C) (1) *Permit; required for work on wells.*

(a) It shall be unlawful for any person to drill or otherwise construct, repair, re-work, correct, extend the depth, abandon or plug a well, or to engage upon the work, within the limits of the area defined in this section, or to employ anyone else to engage in the work, without first applying for and securing a permit Director. The permit may be granted to any person who files the application hereinafter provided for, pays the fees hereinafter required, and complies with all other provisions of this section. It is provided, however, that no permit shall be necessary if a repair consists only of routine electrical maintenance or other minor work that does not pose a risk or possibility of exposing the well to contamination from the surface during repair.

ATTACHMENT A

(b) The construction or repair or use of wells is prohibited in areas where groundwater contamination is known to be present. Monitoring wells may be constructed with prior consent from the Director.

(c) Under limited circumstances as provided hereinafter, certain existing water wells may be repaired or replaced and may be used to obtain water for domestic, household, and human use. However, it is the general policy of the Town of Lakeside that no well may be used for domestic, household, or domestic water use and same is prohibited.

(d) No well may be connected either directly to or otherwise connected so water from the well will mingle with or be introduced into the public water supply.

(e) A water well that is presently in existence that is being used to provide water for domestic, household, and human use may be repaired, re-worked, or replaced if the Town of Lakeside is unable or unwilling to extend the public water supply to the location where the well connects to a line that provides the water to the habitation or structure within two working days from the time a request for the connection is made. The requirements contained in this section pertaining to clearances shall not apply to the well or its replacement so long as the replacement well is no more than 20 feet from the bore of the original well. The new well must meet all requirements as to drilling, completion, and casing contained in this section. In no event, however, may any replacement well be drilled where ground water contamination is known to exist.

(2) *Permit and application requirements.* Every application for a permit for the drilling, construction, repair, correction, re-work, abandonment, or plugging of a well shall:

(a) State the name and address of the owner of the property and occupant if different from the owner, the purpose for which the permit is desired, which shall be one or more of the acts above-mentioned;

(b) Contain a scale drawing showing:

1. The property boundaries;
2. The location and dimension of buildings and structures located on the property;
3. The exact location of the well;
4. The location of any drainage or utility easements located on the property;
5. The portion of the property that may be located in the 100- and 500-year flood plain;

and

6. All clearances from the well location as required in this section.

(c) Its approximate depth and aquifer to be reached;

(d) The estimated amount of water to be pumped daily, monthly, or annually;

(e) The use or uses for which the water will be used;

ATTACHMENT A

(f) If for a permit for the drilling or construction or for the repair, re-work, or correction of a well, the proposed method of drilling or construction, or the proposed method of repair and correction, the kind of equipment to be used, and the diameter of the well;

(g) The name of the contractor(s) and the license number issued by the Texas Department of Licensing and Regulation (or its successor department or agency) to water well drillers, which license shall be required as a condition to the issuance of a permit;

(h) The location and description of all storage tanks, irrigation system connection point or other line(s) or structure(s) to which the well will be connected after completion thereof;

(i) A copy of any application and report filed with any agency of the state pertaining to the well and any reports, drawings, and other information previously filed with the Tarrant County authorities concerning any septic system located on the property; and

(j) Provide any other data and/or reports as may be requested.

(3) *Clearances to potential contaminants and town wells.*

(a) In addition to rules established for drilling of an individual well as provided by the State of Texas in any rule, regulation, or statute, the proposed well shall maintain minimum distances as follows:

1. To any property line of the property on which the well is to be located, 50 feet;
2. To any septic system components or wastewater treatment system components including septic tanks regardless of where located, 50 feet minimum;
3. To any lateral fields regardless of where located, 100 feet minimum;
4. To any septic system spray area regardless of where located, 100 feet minimum;
5. No well site shall be located within 500 feet of a sewage treatment plant or within 300 feet of a sewage wet well, sewage pumping station, or a drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems;
6. No water well shall be located within 500 feet of animal feed lots, solid waste disposal sites, lands on which sewage plant or septic tank sludge is applied, or lands irrigated by sewage plant effluent; and
7. To any proposed or existing Town of Lakeside public water supply well site, 1,000 feet minimum.

(b) Livestock shall not be allowed within 50 feet of a water well site during drilling or at any time after completion of a well. The Regulatory Authority may require a fence to keep livestock away either as part of the permit, itself, or at any time after completion of the well.

(c) It is provided, however, that the clearances required above may be modified and a permit granted if the owner provides proof from professional engineers that are satisfactory to the Regulatory Authority that a required clearance is not necessary in a particular instance. The determination by the Regulatory Authority of whether to allow a modification or variance from

ATTACHMENT A

the clearance requirements is and shall be wholly within the discretion of the Regulatory Authority.

(4) *Fees.* The fees to be paid the town shall be as follows:

(a) Fifty dollars for the filing of an application for a permit. The application fee shall cover the entire process of review until a permit is issued or rejected by the Director. If a permit has been refused or if a permit has been issued and then has expired as provided hereinbelow, then a new application fee shall be paid for any subsequent application or request for a permit on the same property;

(b) One hundred dollars for the issuance of a permit;

(c) A fee of \$10 for a permit to plug a well. No application fee shall be necessary for a request to plug a well; and

(d) Notwithstanding the foregoing, whenever application is made for the drilling, repair, or plugging of more than one monitoring well, only one application fee and only one permit fee needs to be paid.

(5) *Inspection and issuance of permit.*

(a) It shall be the duty of the Director or his or her designated agent or representative to inspect the property where any well is to be drilled, sunk, dug, bored, repaired, corrected, or re-worked or plugged to determine if the location or work to be performed meets all requirements of this section or other law or if same does not meet state or town requirement as to drainage and other sanitary conditions. The Director may employ agents, professionals, and consultants to provide inspection and review of application services. (b) It is provided that the Director, or his or her designee in the event of his or her absence, may authorize the issuance of a permit to perform repairs on a well without the immediate payment of fees in the event an existing well that is being used for domestic, household, and human consumption fails for any reason. The well owner or user shall provide the information as may be requested by the Director to satisfy him or her that an emergency situation exists and immediate work must be started. Permit fees are payable and the information required for the issuance of a permit as provided herein shall be provided within two weeks from the time a permit is issued.

(6) *Duration of permit.* A permit issued pursuant to this section shall be in effect for a period of three months. If no significant work has been started on the permitted well, the permit shall lapse and be of no force or effect. The Director shall determine, in good faith, whether significant work has been started and declare that a permit has lapsed if he or she so finds. The Director's determination may be appealed to the Regulatory Authority by filing a written appeal within seven days after the Director has declared the permit to have lapsed and informed the permit holder of the lapse. If a permit lapses as provided herein, an applicant must file a new application for permit as provided in this section. Notwithstanding the foregoing, the Director may extend the duration of a permit for up to, but no more than three months upon presentation to him or her of information satisfactory to him or her showing that no work has been started, or work has ceased, through no fault of the owner of the well, including casualty or unavailability of a qualified driller (but not because of a dispute between the driller and owner).

(7) *Construction standards.*

ATTACHMENT A

(a) Every well constructed must meet all applicable federal, state, and local regulations. Every contractor shall provide the Director with proof of proper licensing before any drilling or site work is done. The permit issued pursuant to this section must be displayed on site at all times.

(b) Regardless of depth, every well must be cemented with positive displacement technique or tremie pressured filled as described by state regulatory and administrative rules. Another form of treatment of casing may be used if same is the equivalent of the type of treatment specified herein, the alternative treatment of the casing is described in the application for permit, and the permit specifically states that the alternative means of casing treatment has been approved.

(c) No well may have casing that exceeds eight inches in diameter.

(d) The premises, materials, tools, and drilling equipment shall be maintained so as to minimize contamination of the groundwater during drilling operation.

(e) Water used in any drilling operation shall be of safe sanitary quality. Water used in the mixing of drilling fluids or mud shall contain a chlorine residual of at least one-half milligrams per liter (mg/l).

(f) The slush pit shall be constructed and maintained so as to minimize contamination of the drilling mud.

(g) Casing and construction of wells shall be as required by Tex. Administrative Code, Title 16, Ch. 76, and any successor regulations, except where this section requires stricter standards.

(h) All observation wells that are regulated as monitoring wells by the state environmental regulatory agency shall be constructed and installed in compliance with all applicable state requirements.

(8) *Completion report and certificate.* Upon completion of the drilling, rework, repair, plugging, or other work, or upon termination of work for whatever reason whatsoever, on a well for which a permit is issued, the owner shall submit to the town a copy of each and every report required to be filed with a state agency, including plugging information and reports. Before the well can be connected or water from the well used in any way, the Director shall conduct a final inspection of the well. If the well is found to conform to all requirements, the Director shall issue a certificate of completion. If nonconforming, the Director shall issue an inspection report detailing the items that are in need of correction before a completion certificate is issued. The Director shall make a final inspection within three business days after the completion documentation is filed.

(9) *Sign required.* The owner of a property served by a well shall post and maintain a sign on the property, visible from a public street, that provides notice that the property is served by a private water well.

(D) (1) *Wells contaminating other water sources; nuisance abatement.*

(a) A well shall be considered a nuisance under the following conditions:

ATTACHMENT A

1. A well that is polluting or reaches the potential to contaminate any other wells or the town's municipal wells;

2. A well which, in the opinion of the Director or any consultant or advisor to the Director, presents a threat to the health, safety, or general welfare of the public, the water supply of the public or a private well and/or environment;

3. A well which is abandoned;

4. A well area where restricted activities (as provided herein) around the WHPA are taking place; and

5. A well that either is or presents the threat of commingling its water with the public water supply or that is being used for household and domestic purposes;

(b) Upon notice to the owner of the well, or to the operator thereof or to the agent in charge of the well or of the property on which it is situated, issued by the Director or the Regulatory Authority, the nuisance shall be abated by the owner within the time provided in the notice which shall not be less than ten days from the date of the notice, including, if necessary, the filling and plugging the well in the manner provided for in this section and by state law for abandoned wells. If a person shall fail to abate the nuisance within the permitted time, the town shall have the right to enter the property upon which the well is situated and abate the nuisance.

(c) If, in the opinion of the Director, the nuisance is of such a severity that it poses an immediate and substantial danger to the health and welfare of the public, including the polluting or contamination of the public water supply or another private well, and the owner or operator cannot act in a timely and immediate manner to abate the danger after being informed of the problem by the town, the town or its agents shall have the right to enter any property upon which the well is situated and abate the nuisance in the manner as to at least temporarily terminate the immediate danger. Thereafter, the owner shall be contacted as provided herein to provide a permanent abatement of the problem.

(d) The town or its agents shall have the right to enter any property and take immediate action to abate any threats to human health or the environment.

(e) Any time the town, or its agent, abates a nuisance and/or fills and plugs an abandoned well, the owner of the premise shall be responsible for any costs associated with the activities. The person shall also be responsible for reimbursing the town for any costs/damages incurred by the town. These costs/damages may include, but are not limited to, manpower, administrative fees, equipment, supplies, analytical costs, consultants, private contractors, and street/utility repairs. Whenever it becomes necessary for the town to fill and plug any abandoned well the owner thereof shall be liable to the town for the cost of doing the work and a 25% administrative fee, and shall pay the cost upon demand.

(f) Every abandoned well shall be filled and plugged with the materials and in a manner approved by the regulatory agencies of the State of Texas that will, in the judgment of the Director and the Regulatory Authority, prevent the pollution and contamination of the town's water supply or the contamination of any other well. The filling and plugging shall be done under the supervision of the Director and at the expense of the owner of the well. The owner of

ATTACHMENT A

the property and the person or entity plugging a well shall deliver to the town a copy of all well plugging reports required to be filed with any state regulatory agency.

(2) *Activities to be restricted within the wellhead protection area (WHPA).* The following is prohibited in the WHPA:

(a) The unauthorized disposal, placement, abandonment, or otherwise discharge (hereafter referred to as dumping) of any material in a manner inconsistent with established federal, state, or local ordinance, statute, or regulation. Examples of dumping include, but are not limited to, chemical waste, paint, mineral spirits, garbage, trash, tires, sludge, automobile waste, radioactive materials, and/or sewage/effluent;

(b) The storage of regulated materials in an underground storage tank, unless it has met all federal, state, and local requirements; and

(c) The storage of regulated materials outside of a building/containment structure that is not protected by secondary containment that can contain at least 500 gallons.

(3) *Right of entry; inspection and monitoring.*

(a) The Director and his or her representative(s) shall have the right to enter the premises of any person to determine whether that person is in compliance with all requirements of this section. Persons shall allow inspecting or monitoring personnel ready access to all parts of the premises for the purposes of inspection, monitoring, records examination and copying, and the performance of any additional duties. Any information concerning a requirement under this section, including, but not limited to, water testing data, construction records, state registrations, environmental and closure records, shall be made readily available upon request.

(b) Where security measures are in force which require proper identification and clearance or the penning of animals before entry into the premises, that person shall make necessary arrangements so the town's representative will be permitted to enter without delay for the purposes of performing specific responsibilities.

(c) The town's representatives shall have the right to set up on any person's property the devices as are necessary to conduct monitoring of any person's operations.

(d) Unreasonable delays in allowing inspection or monitoring personnel access to any person's premises shall be a violation of this section.

(E) The Town Secretary is hereby directed to publish in the official newspaper of the Town of Lakeside, the caption, penalty provisions, and effective date clause of this section.

(F) This section shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

(Ord. 272, passed 12-15-2005; Ord. 273, passed 2-9-2006) Penalty, see § 150.99