

ORDINANCE NO. 9713 (N.S.)

**AN ORDINANCE REPEALING CHAPTER 3 OF DIVISION 6 OF TITLE 8 OF THE
SAN DIEGO COUNTY CODE RELATED TO METHANE GAS TESTING IN THE
UNINCORPORATED AREAS OF SAN DIEGO COUNTY**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose and Intent. The Board of Supervisors finds and determines that since the methane-testing ordinance at Chapter 3 of Division 6 of Title 8 of the County Code became effective in August 2001, and was amended in March 2002, subsurface methane gas has been tested at projects in several areas of the County including Fallbrook, Vista, Escondido, Santa Fe Valley, San Dieguito and Valle de Oro. In each of these occurrences, the subsurface methane gas exhibited very similar characteristics, including the following: 1) the gas was not under pressure, 2) the gas was found almost exclusively in engineered fill soils; 3) the gas was found only in small volume; and, 4) the source of the subsurface methane gas is associated with the natural degradation of organic materials.

Because the subsurface methane gas is not under pressure and is associated with small amounts of organic materials in engineered fills, the potential risks are much lower than with other types of occurrences, such as landfills or oil wells. This determination was supported with the completion of a computer modeling, which found that despite the numerous layers of conservatism built into the simulations (e.g. a constant methane gas generation rate, high number of crack slabs and non-gastight moisture barriers, absence of sub-slab venting, high gas concentration, and low interior pressure) the model showed that potentially hazardous concentrations of methane would not accumulate on the interior of a structure, even under worst-case scenarios in the absence of methane mitigation measures.

Based upon the science available, methane mitigation measures for structures located on mass graded sites do not appear to be warranted.

Section 2. Chapter 3 of Division 6 of Title 8 of the San Diego County Code is hereby repealed.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 20th day of April 2005.