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ORDINANCE NO. 8.3

An Ordinance to Amend the Fox Canyon Groundwater Management Agency Code

The Board of Directors of the Fox Canyon Groundwater Management Agency ordains as follows:

SECTION ONE: Section 1.27 of Chapter 1.0, Definitions, is hereby repealed and reenacted as follows:

1.27. "Flowmeter" means a manufactured instrument for accurately measuring and recording the flow of water in a pipeline.

SECTION TWO: Section 1.45 of Chapter 1.0, Definitions, is hereby repealed and reenacted as follows:

1.45. "Well Flushing" means the act of temporarily discharging extracted groundwater through a connection located upstream of the water distribution system at the beginning of an extraction cycle. Well flushing is typically performed until the quality of the extracted water is suitable for beneficial use and/or will not damage the distribution system. In some cases, the flushing flows may be discharged upstream of the distribution system, including the flowmeter. Flushing flows discharged upstream of the flowmeter shall be estimated and reported to the Agency in accordance with the requirements accordance with the requirements in Chapter 2 of the Ordinance Code.

SECTION THREE: Section 1.46 of Chapter 1.0, Definitions, is hereby added to the Ordinance Code as follows:

1.46. "Well Rehabilitation" means the act of restoring a well to its most efficient condition by various treatments, development, or reconstruction methods. In most cases, groundwater extracted during well rehabilitation is not discharged through the extraction facility piping and, consequently, is not flowmetered. In these cases, the volume of water extracted shall be estimated and reported to the Agency in accordance with the requirements accordance in Chapter 2 of the Ordinance Code.

SECTION FOUR: Section 1.47 of Chapter 1.0, Definitions, is hereby added to the Ordinance Code as follows:

1.47. "West Las Posas Basin" is that part of the former North Las Posas Basin that is west of the subsurface anomaly described by significant changes in groundwater levels as described in the Groundwater Management Plan and located for record purposes on maps as provided in Section 1.20.

SECTION FIVE: Section 2.3 of Chapter 2.0, Registration of Wells and Levying of Charges, is hereby repealed and reenacted as follows:

2.3. **Reporting Extractions** All extractions shall be reported to the Agency. All extractions shall be flowmetered in accordance with the requirements and methods for flowmetering

DRAFT

extractions as specified by Chapter 3. In cases where flowmetering is not required, the volume of water extracted shall be estimated and reported to Agency. The Agency shall send a "Semi-Annual Groundwater Extraction Statement" form to each well owner on or about the first week of January and the first week of July each year. Each operator of a registered extraction facility shall enter the necessary information and return the "Semi-Annual Groundwater Extraction Statement" covering all wells they operate on or before the due date. Statements are due on or before February 1st or August 1st annually or thirty days after the date of the letter requesting submittal of the Semi-Annual Statement for the given period. Statements shall contain the following information on forms provided by the Agency:

- 2.3.1. The information required under Section 2.1.2 above.
- 2.3.2. The method of measuring or computing groundwater extractions.
- 2.3.3. The crop types or other uses and the acreage served by the extraction facility.
- 2.3.4. Total extractions from each extraction facility in acre-feet for the proceeding six (6) month period.

SECTION SIX: Chapter 3.0, Installation of Metering Equipment for Groundwater Extraction Facilities, is hereby repealed and reenacted as follows:

CHAPTER 3.0 Installation and Use of Flowmeters for Groundwater Extraction Facilities

3.1. Installation and Use of Flowmeters

- 3.1.1. Installation Requirement - Prior to extracting groundwater, the operator of a [well] shall install a flowmeter. Flowmeters shall be installed in accordance with manufacturer installation specifications. With the exception of connections used for well flushing, flowmeters shall be installed upstream of all connections to the main discharge line. Flowmetering is not required during well flushing and well rehabilitation; however, the volume of water extracted shall be estimated and reported to the Agency. Flowmeters are not required on inactive wells as defined in this Ordinance Code, nor are flowmeters required for extraction facilities supplying a single family dwelling on one acre or less, with no income producing operations. If more than one operator uses the same extraction facility, flowmeters shall be installed to record the water use of each operator. Well operators were required to install flowmeters on wells by July 1, 1994.
- 3.1.2. Back-up Flowmetering Requirement - Flowmeters occasionally fail, losing periods of record before the disabled or inaccurate meter is either replaced or repaired. When a flowmeter fails, the operator shall notify the Agency in writing within 10 calendar days of discovering the failure. Well operators shall be prepared to provide another acceptable method of computing extractions during these periods

DRAFT

of flowmeter failure to avoid the loss of record on wells that require flowmetering under this Ordinance Code.

3.1.3. **Back-up Methods** - It is the operator's responsibility to maintain the flowmeter. Any allowable or acceptable method for backup flowmetering will be specified in a separate Resolution and may be changed as technology improves or changes.

3.1.4. **Special Cases** - If special circumstances exist where specified back-up procedures cannot be used or are impracticable to use, the operator shall make a written request to the Executive Officer for approval of an alternative back-up procedure within 10 calendar days of discovering the flowmeter failure.

3.1.5. **Flowmeter Readings** - Functional flowmeters shall be read and the readings reported semi-annually on the extraction statements required under Section 2.3 above.

3.1.6. **Inspection of Flowmeters** - The Agency may inspect flowmeter installations for compliance with this Ordinance Code at any reasonable time.

3.2. **Flowmeter Testing and Calibration** - All flowmeters shall be tested for accuracy at a frequency interval determined by the Board to meet specific measurement standards. Calibration methods and procedures approved by the Board shall be detailed in an adopted Resolution.

3.3. **Altering Flowmeters** - Any person who alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with any flowmeter affixed to any groundwater extraction facility required by this Ordinance Code, resulting in said flowmeter to improperly or inaccurately measure and record groundwater extractions, is guilty of an intentional violation of this Ordinance Code and will be subject to any and all penalties as described in Chapter 8.

3.4. **Costs of Testing and Calibration** - All costs incurred with flowmeter testing or calibration shall be the personal obligation of the well owner. Non-compliance with any provision of the flowmeter calibration requirements will subject the owner to financial penalties and/or liens as described below or in Chapter 8 of the Ordinance Code.

3.5. **Fees and Enforcement** - If any water production facility within the Agency's boundaries is used to produce water without a flowmeter or with a non-operating flowmeter, the Agency shall assess a Non-Metered Water Use Fee against the water production facility owner. The amount of the fee shall be calculated as follows:

3.5.1 **Groundwater extraction facilities** - The fee shall be equal to double the current groundwater extraction charge for all estimated water used. Estimates of water used shall be calculated by the operator and approved by the Executive Officer. Any delinquent extraction charge obligations shall also be charged interest at the rate of 1.5 percent per month on any unpaid balances.

DRAFT

3.6. Upon violation of any flowmeter provision, the Agency may, as allowed by law, petition the Superior Court of the County for a temporary restraining order or preliminary or permanent injunction prohibiting the well owner from operating the facility or for such other injunctive relief as may be appropriate.

SECTION SEVEN: The Ordinance Code is amended so that the terms "Metering Equipment" and "Meter" shall be replaced with "Flowmeter."

This Ordinance shall become effective on the thirty-first day after adoption.

ADOPTED this _____ day of _____ 2010 by the following vote:

AYES:

NOES:

ABSENT:

Lynn Maulhardt, Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Ordinance No. 8.3

Tammy Butterworth, Deputy Clerk of the Board