

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY ESTABLISHING WELL REGISTRATION, METERING, AND REPORTING REQUIREMENTS**

**BE IT ORDAINED** by the Board of Directors of the Upper Ventura River Groundwater Agency as follows:

**WHEREAS**, the Upper Ventura River Groundwater Agency ("Agency") was formed for the express purpose of cooperatively carrying out the requirements of the Sustainable Groundwater Management Act ("SGMA"), including, but not limited to, the funding, development, adoption and implementation of a Groundwater Sustainability Plan ("GSP") that achieves groundwater sustainability in the Upper Ventura River Groundwater Basin.

**WHEREAS**, the Agency is the exclusive Groundwater Sustainability Agency for the Upper Ventura River Groundwater Basin (Department of Water Resources (DWR) Basin 4-3.01).

**WHEREAS**, the Agency adopted the Groundwater Sustainability Plan for the Upper Ventura River Groundwater Basin on January 6, 2022.

**WHEREAS**, a fundamental component of the Groundwater Sustainability Plan for the Upper Ventura River Groundwater Basin is the accurate measurement, reporting and monitoring of groundwater extractions and, with the exception of certain extraction facilities, SGMA provides the Agency with the express power to require the metering of all extraction facilities in the Basin.

**WHEREAS**, the Agency, as the lead agency under the California Environmental Quality Act ("CEQA"), in consultation with the Agency's Legal Counsel, determined that the charges adopted by resolution are exempt from further CEQA review pursuant to CEQA Guidelines, sections 15307 and 15308 which exempt actions taken for the protection of natural resources and the environment.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Board of Directors of the Upper Ventura River Groundwater Sustainability Agency that an Ordinance establishing well registration, metering, and reporting requirements should be established pursuant to Water Code Section 10730 as follows:

**CHAPTER 1.0**  
**Definitions**

As used in this Ordinance, the following terms shall have the meanings stated below:

- 1.1. **“Agency”** means the Upper Ventura River Groundwater Agency.
- 1.2. **“Agency Boundary”** shall be the Upper Ventura River Valley Groundwater Basin (Department of Water Resources (DWR) Basin 4-3.01) as may be modified in accordance with Water Code Section 10722.2.
- 1.3. **“Agricultural Extraction Facility”** means a facility from which the groundwater produced is used on lands in the production of plant crops or livestock for market, and uses incidental thereto.
- 1.4. **“Annual”** means the water year October 1 through September 30.
- 1.5. **“Aquifer”** means a geologic formation or structure that yields water in sufficient quantities to supply pumping wells or springs. A confined aquifer is an aquifer with an overlying less permeable or impermeable layer.
- 1.6. **“Board”** means the Board of Directors of the Upper Ventura River Groundwater Agency.
- 1.7. **“County”** means the County of Ventura.
- 1.8. **“Due Date”** means, unless otherwise specifically provided, within 45 days of the date of the Agency’s mailing the Quarterly Extraction Statement, the recipient (Well Operator and/or Well Owner) is to return (have postmarked) the completed forms along with any required payment of extraction charges, and surcharges.
- 1.9. **“Executive Director”** means the individual appointed by the Board to administer Agency functions, or his/her designee.
- 1.10. **“Exempt Wells”** means all wells operated by *de minimis extractors* as defined in Water Code Section 10721(e) and those operators granted an exemption by the Board.
- 1.11. **“Extraction”** means the act of obtaining groundwater by pumping or other controlled means.
- 1.12. **“Extraction Facility”** means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer.

- 1.13. **“Flowmeter”** means a manufactured instrument for accurately measuring and recording the flow of water in a pipeline.
- 1.14. **“Groundwater”** means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.
- 1.15. **“Groundwater Extraction Fee”** shall mean fees adopted by the Board of the Agency pursuant to the Sustainable Groundwater Management Act.
- 1.16. **“Inactive Well”** An inactive well is a well that conforms to the County Water Well Ordinance requirements for an active well, but is being held in an idle status in case of future need. Idle status means the well is pumped no more than 8 hours during any 12- month period. Inactive wells are not required to have a flowmeter. Pumping to maintain status as an active well under the County Water Well Ordinance shall not exceed 8 hours in a 12 month period, shall be for beneficial use, and shall be estimated and reported to the Agency. Prior to removing a well from idle status, the operator shall install a flowmeter in accordance with the requirements in Chapter 3 of the Ordinance.
- 1.17. **“Municipal and Industrial (M & I) Provider”** means person who provides water for domestic, industrial, commercial, or fire protection purposes within the Agency Boundary.
- 1.18. **“Municipal and Industrial (M & I) Operator”** An owner or operator that supplied groundwater for M & I use during the historical allocation period and did not supply a significant amount of agricultural irrigation during the historical period.”
- 1.19. **“Municipal and Industrial (M & I) User”** means a person or other entity that used or uses water for any purpose other than agricultural irrigation.
- 1.20. **“Municipal and Industrial (M & I) Use”** means any use other than agricultural irrigation.
- 1.21. **“Non-Operating Flowmeter”** – A non-operating flowmeter includes a flowmeter that is out of calibration by plus or minus 5%, and/or a flowmeter that has not been calibrated within the flowmeter calibration schedule adopted by the Board.
- 1.22. **“Operator”** means a person who operates a groundwater extraction facility. In the event the Agency is unable to determine who operates a particular extraction facility, then “operator” shall mean the person to whom the extraction facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which the extraction facility is located.

- 1.23. **“Ordinance”** means the present Ordinance, the Well Registration, Metering, and Reporting Ordinance, as adopted by the Upper Ventura River Groundwater Agency.
- 1.24. **“Owner”** means a person who owns a groundwater extraction facility. Ownership shall be determined by reference to whom the extraction facility is assessed by the County Assessor, or if not separately assessed, the person who owns the land upon which the extraction facility is located.
- 1.25. **“Person”** includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.
- 1.26. **“Resolution”** means a formal statement of a decision adopted by the Board.
- 1.27. **“Section”** as used in this Ordinance, is a numbered paragraph of a chapter.
- 1.28. **“Quarterly Groundwater Extraction Statement”** is a form filed by each operator containing the information required by Section 2.2 and 2.3.1 and shall cover the periods from January 1 to March 31, April 1 to June 30, July 1 to September 30, and from October 1 to December 31 annually.
- 1.29. **“Shall”** as used in this Ordinance, is an imperative requirement.
- 1.30. **“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 this Ordinance.
- 1.31. **“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 flow metered. 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 this Ordinance.

**CHAPTER 2.0**  
**Registration of Wells and Levying of Charges**

**2.1. Registration of Wells**

2.1.1. Agency Water Well Permit Requirement (No-Fee Permit) – All new extraction facilities constructed within the Agency Boundary shall obtain a no-fee permit from the Agency prior to the issuance of a well permit by the County.

2.1.2. Registration Requirement – All groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency within 30 days of the completion of drilling activities or within 30 days after notice is given to the owner of such facility. No extraction facility may be operated or otherwise utilized so as to extract groundwater within the Agency Boundary unless that facility is registered with the Agency, flow metered and permitted, if required, and all extractions reported to the Agency as required. The owner of an extraction facility shall register his extraction facility and provide in full, the information required to complete the form provided by the Agency that includes the following:

2.1.2.1. Name, address, telephone number, and e-mail address of the owner(s) of the land upon which the extraction facility is located

2.1.2.2. Name, address, telephone number, and e-mail address of the well operator(s), if different than owner(s).

2.1.2.3. A description of the equipment associated with the extraction facility.

2.1.2.4. Location, parcel number and state well number of the water extraction facility.

2.1.2.5. Digital photographs showing (1) the well and discharge piping with meter location visible, (2) flowmeter face with all totalizer digits and flowmeter units visible and legible; and (3) flow meter serial number. The digital photographs shall be date stamped and the file name shall include the state well number and meter serial number. The digital photographs shall be submitted to the Agency via e-mail or by other electronic method approved by the Executive Director.

**2.2. Change in Owner or Operator** - The name of the owner of each extraction facility, the parcel number on which the well is located along with the names of all operators for each extraction facility shall be reported to the Agency within 30

days upon any change of ownership or operators, together with such other information required by the Executive Director.

**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 extractions as specified by Chapter 3. In cases where flowmetering is not required, the volume of water extracted shall be estimated and reported to the Agency. The Agency shall send a “Quarterly Groundwater Extraction Statement” (QGESQGES) form to each well operator in January, April, July, and October each year. Each operator shall return the completed QGES form on or before the due date for all wells they operate. QGESQGES forms are due forty-five (45) days after being sent by the Agency. The QGES shall contain the following information:

2.3.1. The information required under Section 2.1.2.1 through 2.1.2.5, above.

2.3.2. The method of measuring or computing groundwater extractions.

2.3.3. Total extractions from each extraction facility in acre-feet for the preceding period.

2.3.4. A digital photograph of each flowmeter associated with each well listed on the QGES shall be submitted with the QGES. Each digital photograph shall be date stamped and shall show the entire meter face with all totalizer digits and flowmeter units visible and legible. The digital photograph file name shall include the state well number and meter serial number. The digital photograph(s) shall be submitted to the Agency via e-mail or by other electronic method approved by the Executive Director.

## **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 shall install a flowmeter. With the exception of connections used for well flushing and extraction facilities used by multiple operators, 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 and Exempt Wells as defined in this Ordinance. Well operators are required to install flowmeters on wells and provide proof of calibration by June 30, 2023.

- 3.1.2. **Flowmeter Failure and Back-up Measurement Requirements** - 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 repair or replace the flowmeter within the timeframe specified in this Ordinance. Flowmeter failures and associated repairs or replacements shall be reported to the Agency together with any other information required by the Executive Director on or before the due date of the next Quarterly Groundwater Extraction Statement. Well operators shall be prepared to provide another acceptable method of computing extractions during these periods of flowmeter failure to avoid the loss of record on wells that require flowmetering under this Ordinance.
- 3.1.3. **Back-up Methods** - It is the operator's responsibility to maintain the flowmeter. Any allowable or acceptable backup measurement methods may be changed as technology improves or changes.
- 3.1.4. **Flowmeter Readings** - Functional flowmeters shall be read and the readings reported semi-annually on the extraction statements required under Section 2.3 above.
- 3.1.5. **Inspection of Flowmeters** - The Agency may inspect flowmeter installations for compliance with this Ordinance 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 as detailed in this Ordinance. Initial proof of calibration shall be provided prior to prior to June 30, 2023.
- 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, resulting in said flowmeter to improperly or inaccurately measure and record groundwater extractions, is guilty of an intentional violation of this Ordinance and will be subject to any and all penalties as described in Chapter 7.
- 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 7 of this Ordinance.
- 3.5.** 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 relief as may be appropriate.

**CHAPTER 4**  
**Flowmeter Testing and Calibration Requirements**

**4.1 General Procedures**

- 4.1.1. All groundwater extraction flowmeters shall be tested for accuracy every three years to demonstrate accuracy within a range of plus or minus 5%.
- 4.1.2. Written certification of water meter accuracy by a qualified flowmeter testing company or person approved pursuant to section 4.7 shall be submitted within 30-days following any accuracy test or
- 4.1.3. If there is an indication that a flowmeter has been tampered with, the operator shall promptly report this to the Agency and the meter shall be retested and proof of flowmeter accuracy submitted to the Agency within 30 days of the discovery of the tampered meter.
- 4.1.4. If a flowmeter on an active well has been removed or destroyed for any reason by any person, whether by the operator, owner, or another person or entity - including, but not limited to, replacement, upgrade, or theft - the operator must notify the Agency of this event within 14 days. In such event, the removed or destroyed flowmeter must be replaced within 30 days, and the new flowmeter tested and proof of flowmeter accuracy submitted to the Agency within 30 days after replacement.
- 4.1.5. The Agency Executive Director, or designee, may, on a showing of good cause, grant additional time to comply with these provisions.

**4.2. Approved Methods of Testing and Testing Requirements**

- 4.2.1. Method(s) of accuracy testing and calibration shall be determined by the Agency Executive Director, or designee, and may be changed at any time to accommodate technological improvements or better methods.
- 4.2.2. Some flowmeter tests may require a pipe tap or access fitting on either the upstream or downstream side of the well flowmeter, or both. If such portals are not available, the well operator or owner shall provide them at his or her own expense.
- 4.2.3. In cases where more than one flowmeter is utilized to measure groundwater extractions, every flowmeter in that well and/or plumbing configuration must be tested and calibrated to required tolerances during the same visit.



#### 4.3 Testing Option Via Southern California Edison (SCE)

- 4.3.1. If the well pump motor is tested for electrical demand efficiency by Southern California Edison (SCE), a copy of the SCE Efficiency Report may be submitted to the Agency in lieu of the required flowmeter calibration report; however, an adequate comparison of the SCE-determined flow measurement against the customer's existing well flowmeter must be provided within the submitted report.
- 4.3.2. If the SCE test results indicate that the flowmeter exceeds the plus or minus 5% accuracy range, the flowmeter must be repaired or replaced and retested per section "4.1.1" above at the owner's expense.
- 4.3.3. **Special Note:** Failure to obtain passing test results within the Agency-specified time frame due to SCE's workload or backlog schedule is not justification for a time extension request. However, if a letter from SCE confirming a scheduled test date after the Agency specified time frame is submitted to the Agency prior to the required testing timeframe, the Agency Executive Director, or designee, may authorize a test date time extension.

#### 4.4 New Flowmeter Installations

- 4.4.1. When any operator or owner installs a new water flowmeter, including a replacement water flowmeter, on the discharge piping of a well, proof of flowmeter accuracy shall be submitted to the Agency within 30 days of the installation date. In addition, digital photographs shall be submitted showing (1) the well and discharge piping with meter location visible, (2) flowmeter face with all totalizer digits and flowmeter units visible and legible; and (3) flow meter serial number. The digital photographs shall be date stamped and the file name shall include the state well number and meter serial number. The digital photographs shall be submitted to the Agency via e-mail or by other electronic method approved by the Executive Director.

#### 4.5 Required Documentation to Certify Calibration Accuracy Standards

- 4.5.1. Documentation to indicate that existing flowmeters meet accuracy or calibration standards (without flowmeter replacement, repair, or refurbishment) shall be provided to the Agency by submitting a copy of the successful test/calibration results that are provided to the flowmeter owner/operator by either an agency-approved flowmeter tester or SCE, as noted in Section 4.3, above.
- 4.5.2. Documentation that indicates a flowmeter is new and/or has been repaired/refurbished to meet accuracy or calibration standards will be

acceptable to the Agency provided the flowmeter was installed per the flowmeter manufacturer's specifications. Acceptable proof shall include name of meter manufacturer; meter serial and model numbers; unit of measure and unit multiplier for the meter; serial number, and that installation meets the manufacturer's specifications; an invoice and/or work order indicating that the flowmeter was installed or repaired/refurbished on a certain date.

4.5.3. If the new or refurbished flowmeter was not installed per the flowmeter manufacturer's specifications, the well owner or operator shall obtain a flowmeter test for accuracy, and if necessary, re-calibrate the new or refurbished flowmeter to reflect actual in-place conditions. The passing test results shall be submitted to the Agency within 30 days of new or refurbished flowmeter installation.

4.5.4 Required documentation to certify calibration accuracy standards shall include digital photographs showing (1) the well and discharge piping with meter location visible, (2) flowmeter face with all totalizer digits and flowmeter units visible and legible; and (3) flow meter serial number. The digital photographs shall be date stamped and the file name shall include the state well number and meter serial number. The digital photographs shall be submitted to the Agency via e-mail or by other electronic method approved by the Executive Director.

#### **4.6. Flowmeter Maintenance Between Required Calibration Testing Intervals**

4.6.1. Written notification shall be provided to the Agency at least two (2) weeks prior to any planned maintenance requiring removal and reinstallation of the flowmeter.

4.6.2. If the maintenance does alter the piping diameters or configuration, the flowmeter shall be retested, and if necessary, recalibrated, as per any and all applicable Ordinance requirements.

4.7. **Approved Flowmeter Testers** - Approved testers are those approved by the Fox Canyon Groundwater Management Agency, as designated at their website: <https://fcgma.org/public-documents/forms>, and as amended from time to time.

4.8. **Meter Repair or Replacement** - Broken or inaccurate flowmeters must be promptly reported to the Agency and repaired or replaced within 30 days of failure, or from the date when non-accurate readings are first noted. Special circumstances may be afforded additional leeway or time to comply with provisions at the discretion of the Executive Director. Proof of flowmeter accuracy of the repaired or replacement meter along with supporting documentation shall be submitted to the Agency within 30 days of the installation date.

**4.9 Backup Measurement Methods-** When necessary, temporary in-place flowmeters shall be installed to provide back-up water flow measurement. The use of temporary flowmeters shall not exceed 60 days.

**4.10 Inspection of Flowmetering Equipment -** Agency staff or their designated agents may, at their discretion, inspect flowmetering equipment installations for compliance with this Ordinance at any reasonable time. A minimum of 24-hours notice will be provided to the well owner or operator prior to any well visit or inspection.

**4.11 Non-Compliance with Flowmeter Calibration Requirements**

4.11.1. Pursuant to the statutory authority granted by this Ordinance and state law, a Notice of Violation shall be sent to any operator and/or owner who fails to provide the Agency with proof of accurate flowmeter calibration within specified timeframes. Also, any flowmeter for which the required proof of accuracy is not submitted within specified timeframes shall be deemed a non-operating flowmeter for purposes of Section 3.5 of this Ordinance. In addition, any operator and/or owner who fails to provide the Agency with proof of accurate flowmeter calibration within:

a) 120 days after a Notice of Violation is sent shall be liable to the Agency for a civil penalty in the amount of \$1,100.00;

b) 150 days after the Notice of Violation is sent shall be liable to the Agency for an additional civil penalty in the amount of an \$600.00, for a total penalty of \$1,700.00;

c) 210 days after the Notice of Violation is sent shall be liable to the Agency for an additional civil penalty in the amount of \$600.00, for a total penalty of \$2,300.00.

4.12.2. Non-compliance at the end of 210 days shall subject the owner to enforcement action and additional fines, penalties, fees or liens as authorized by this Ordinance or state law.

**CHAPTER 5.0  
Appeals**

**5.1.** Any person aggrieved by a decision or determination made by the Executive Director may appeal to the Board within forty-five (45) calendar days thereof by filing with the Executive Director a written request that the Board review the decision of the Executive Director. The Board shall equitably act on the appeal within 120 days after all relevant information has been provided by the appellant.

**CHAPTER 6.0**  
**Severability**

- 6.1. If any section, part, clause or phrase in this Ordinance is for any reason held invalid or unconstitutional, the remaining portion of this Ordinance shall not be affected but shall remain in full force and effect.

**CHAPTER 7.0**  
**Penalties**

- 7.1. Any operator or other person who violates the provisions of this Ordinance is subject to the criminal and civil sanctions set forth in state law and this Ordinances.
- 7.2. Any person who intentionally violates any provision of this Ordinance shall be guilty of an infraction and may be required to pay a fine to the Agency in an amount not to exceed five hundred dollars (\$500).
- 7.3. Any person who negligently or intentionally violates any provision of this Ordinance may also be liable civilly to the Agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.
- 7.4. Upon the failure of any person to comply with any provision of this Ordinance , the Agency may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those, which may be provided elsewhere in this Ordinance or otherwise allowed by law. The Agency may petition the Superior Court of the County to recover any sums due the Agency.
- 7.5. Civil penalties for specified violations of this Ordinance shall be established by Resolution which may provide discretion for the Executive Director to adjust and/or waive the civil penalty.

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

[Signature page follows]

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce Kuebler, Board Vice Chair  
Upper Ventura River  
Groundwater Agency

**ATTEST:**

\_\_\_\_\_  
Bryan Bondy  
Executive Director

**ATTEST:**

\_\_\_\_\_  
Upper Ventura River Groundwater Agency  
General Counsel