

BOARD OF DIRECTORS

UPPER VENTURA RIVER GROUNDWATER AGENCY

ORDINANCE NO. 4

AN ORDINANCE OF
THE BOARD OF DIRECTORS OF UPPER VENTURA RIVER GROUNDWATER AGENCY
REPLACING ORDINANCE NO. 1 ESTABLISHING WELL REGISTRATION, METERING,
AND REPORTING REQUIREMENTS

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, on July 14, 2022, the Agency adopted Ordinance No. 1 establishing, among other things, a requirement that, prior to extracting groundwater, a well operator install a flow meter unless such well was exempt pursuant to Water Code Section 10721(e).

WHEREAS, on March 9, 2023, the Agency adopted Ordinance No. 2 to amend Ordinance No. 1 to repeal and replace Chapter 2.0 (Registration of Wells and Levying of Charges) to be consistent with the Governor's Executive Order N-7-22.

WHEREAS, on July 13, 2023, the Agency adopted Ordinance No. 3 to amend Section 1.10 of Chapter 1 of Ordinance No. 1 to add definitions to exempt small non-domestic wells from the flowmeter requirements.

WHEREAS, in order to make further revisions to Ordinance No. 1 to add and clarify remedies for the Agency related to violations of the Ordinance, including the collection of unpaid civil penalties, the Board of Directors of the Agency desires to replace Ordinance No. 1 in its entirety with a new comprehensive ordinance.

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, is 15 days after the end of each quarter ending March 31, June 30, September 30, and December 31 (i.e., April 15, July 15, October 15, and January 15).
- 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), all Small Non-Domestic Wells, 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. **“Shall”** as used in this Ordinance, is an imperative requirement.

1.29. **“Small Non-Domestic Well”** means any well serving any use other than domestic that extracts less than 2 acre-feet per year of groundwater.

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 Notice Requirement – All applicants seeking County permit approval for any new extraction facilities constructed within the Agency Boundary shall execute a New Well Acknowledgement form with the Agency prior to submitting a well permit application the County. The applicant shall be required to provide supplemental information to the Executive Director that is reasonably necessary for compliance with any

Governor Executive Orders or statutory requirements that are in effect at the time of application.

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 - Except for extractions from Exempt Wells, all extractions shall be flowmetered in accordance with the requirements specified in Chapter 3 and reported to the Agency. Extractions shall be reported to the Agency by submitting date stamped digital photographs of the well flowmeter on a quarterly basis. The digital photographs shall be taken on March 31, June 30, September 30, and December 31 plus or minus five business days and submitted to the Agency by the Due Date, as defined in Section 1.8 of Chapter 1. Each digital photograph 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. Additional information necessary to determine extractions shall be submitted upon request of the Executive Director. Alternative extraction reporting methods may be 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 within a range of plus or minus 5% by June 30, 2023. Proof of calibration shall be less than three years old for extraction facilities extracting 100 or more acre-feet per year and less than five years old for extraction facilities extracting less than 100 acre-feet per year.

3.1.2. Flowmeter Failure and Back-up Measurement Requirements - 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. 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 digitally photographed and reported quarterly in accordance with Section 2.3.

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.

CHAPTER 4

Flowmeter Testing and Calibration Requirements

4.1 General Procedures

- 4.1.1. All groundwater extraction flowmeters shall be tested for accuracy within a range of plus or minus 5% as follows:
- Groundwater Extraction Facilities Extracting 100 or More Acre-Feet Per Year: No less than once every three years.
 - Groundwater Extraction Facilities Extracting Less Than 100 Acre-Feet Per Year: No less than once every five years.
- 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 time frame, 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.

CHAPTER 5 Penalties

- 5.1** Any operator or other person who violates any provision of this Ordinance is subject to the civil penalties set forth in state law and this Ordinance.
- 5.2.** Any person who violates any provision of this Ordinance may be liable for a civil penalty of one thousand dollars (\$1,000) plus an amount not to exceed one hundred dollars (\$100) for each additional day on which the violation continues if the person fails to correct the violation within 30 days of the date that a Notice of Violation was sent by Certified Mail to the violator's last known address. This is in addition to any other penalties that may be prescribed by law. The amount of the civil penalties for violations of this Ordinance shall be established by action of the Board of Directors.
- 5.3** The amount of any unpaid civil penalty, plus any other costs as provided in this chapter, may be declared a lien on real property where the Groundwater Extraction Facility is located. Notice shall be given to the responsible party prior to the recordation of the lien, and shall be mailed by Certified Mail to the last known address. The lien shall specify the amount of the lien, the date of the code violations, the date of the any staff or administrative decision, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name of the owner of the parcel according to the last equalized assessment roll.

CHAPTER 6 Process for Enforcement and Appeal

- 6.1** Pursuant to the authority granted by this Ordinance and state law, a Notice of Violation shall be sent by Certified Mail to the last known address of any operator and/or owner who

violates any provision of this Ordinance. Such violations include, but are not limited to, (1) failure to register a well, (2) failure to install a flowmeter, (3) failure to provide documentation of flowmeter accuracy, and (4) failure to report groundwater extractions on a quarterly basis.

- 6.2** A person to whom a Notice of Violation has been sent pursuant to Section 5.3 of Chapter 5.0 shall be liable for a civil penalty of one thousand dollars (\$1,000) plus an amount not to exceed one hundred dollars (\$100) for each additional day on which the violation continues if the person fails to correct the violation within 30 days of the date that the Notice of Violation was sent by Certified Mail to the last known address.
- 6.3** Any person to whom a Notice of Violation was sent may appeal to the Board within 30 days of the date that the Notice of Violation was sent by filing with the Executive Director a written request that the Board review the decision of the Executive Director. The Board shall hold a hearing on the appeal within 120 days after all relevant information has been provided by the appellant to the satisfaction of the Executive Director.
- 6.4** Upon the failure of any person to comply with any provision of this Ordinance within 30 days after having been sent a Notice of Violation by Certified Mail to the last known address and no appeal is filed with the Executive Director as set forth in Section 6.3 of this Chapter, or after the conclusion of such an appeal, the Agency may petition the Superior Court for a temporary restraining order, preliminary injunction, and/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 rights which may be provided elsewhere in this Ordinance or otherwise allowed by law.
- 6.5** The Agency may file an action in the Superior Court of the County to recover any sums due the Agency, including, but not limited to, unpaid civil penalties. Any judgment obtained in the Superior Court of the County by the Agency may be recorded as a judgment lien on the real estate where a Groundwater Extraction Facility is located.

CHAPTER 7

Severability

- 7.1. 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.

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Effective Date of Ordinance. This Ordinance will take effect on the thirty-first day after adoption.

WE, THE UNDERSIGNED, do hereby certify that the above and foregoing Ordinance No. 4 was duly adopted and passed by the Board of Directors of the Upper Ventura River Groundwater Agency as a public hearing held on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

Pete Kaiser, Board Chair

ATTEST:

Arne Anselm, Board Secretary

APPROVED AS TO FORM:

Keith Lemieux, General Counsel
Upper Ventura River Groundwater Agency