

*Before the Board of Supervisors in and for the  
County of Monterey, State of California*

Ordinance No. 3660 Adopted-- )  
Ordinance Requiring Water Suppliers )  
Within Zones 2, 2A and 2B to )  
Register Groundwater Extraction )  
Facilities With the Monterey County )  
Water Resources Agency. . . . . )

A public hearing is held to consider an ordinance which would enact new registration provisions for groundwater extraction facilities in Zones 2, 2A and 2B. The ordinance will require registration of such facilities with a discharge pipe having an inside diameter of at least 3 inches, and establishes penalties for violation of the ordinance. The public hearing having been set for this time, due notice of said hearing having been given, and the ordinance having been introduced and the reading waived on January 5, 1993 the matter comes on regularly.

Certain protests having been heard and overruled, Ordinance No. 3660 is hereby adopted and ordered published, with the modification in language that no fee shall be charged for the registration of wells under this ordinance, upon motion of Supervisor Perkins, seconded by Supervisor Shipnuck, and carried by the following vote, to wit:

AYES: Supervisors Pennycook, Shipnuck, Perkins, Karas and Strasser Kauffman

NOES: None

ABSENT: None

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page \_\_\_ of Minute Book 67, on January 26, 1993  
Dated: January 26, 1993

ERNEST K. MORISHITA, Clerk of the Board  
of Supervisors, County of Monterey,  
State of California.

By *Janet A. Oliver*

Deputy

Monterey County  
Water Resources Agency

Ordinance No. 3660

**AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY  
AMENDING ORDINANCES NO. 3406 AND NO. 3428 AND  
ADOPTING NEW REQUIREMENTS FOR  
WATER SUPPLIERS WITHIN ZONES 2, 2A AND 2B TO REGISTER  
GROUNDWATER EXTRACTION FACILITIES**

*County Counsel Summary*

*This ordinance amends Ordinance No. 3406 and Ordinance No. 3428, which require registration of certain water distribution systems within the County of Monterey and the reporting of certain information from said systems, by making them inapplicable to water distribution systems subject to this ordinance. This ordinance enacts new registration provisions applicable in Zone 2, 2A, and 2B. The new provisions require registration of all groundwater extraction facilities located within Zones 2, 2A and 2B with a discharge pipe having an inside diameter of at least 3 inches. The ordinance establishes penalties for violations of the ordinance.*

The Board of Supervisors of the Monterey County Water Resources Agency ordains as follows:

SECTION 1. Ordinance No. 3406 and Ordinance No. 3428, which amended No. 3406, are hereby amended as follows: On and after the effective date of this ordinance, Ordinance No. 3406 and Ordinance No. 3428 shall not apply to groundwater extraction facilities that are subject to this ordinance or to water distribution systems that derive water from groundwater extraction facilities that are subject to this ordinance.

SECTION 2. The following provisions are hereby enacted:

PART I -- INTRODUCTION

**1.01.00 AUTHORITY**

Under the Monterey County Water Resources Agency Act (Stats. 1990, Chap. 1159), the Agency has jurisdiction over matters pertaining to water within the entire area of the County of Monterey, including both incorporated and unincorporated areas. Under the Act, the Agency is authorized to conserve water in any manner, to prevent the waste or diminution of the water supply within the territory of the Agency, to conserve water for the present and future use within the territory of the Agency, and to prevent groundwater extractions which are determined to be harmful to the groundwater basin. The Agency may further adopt, by

Ordinance No. 3660

ordinance, reasonable procedures, rules, and regulations to implement the Act, and may specify in any ordinance that a violation of the ordinance is an infraction. The Board further has power to perform all other acts necessary or proper to accomplish the purposes of the Act.

#### **1.01.01 FINDINGS**

A. Many groundwater areas of Monterey County are experiencing overdraft. This inability to maintain a constant water supply is based in part on demand for water resources which, for many years, has annually exceeded the natural and augmented recharge capabilities in Monterey County, and in part on a lack of new water supplies necessary to keep up with the increase in demand. Increases in demand have come from all sectors of Monterey County -- agricultural, residential, industrial, commercial, and others. The current drought significantly accelerates overdraft and exacerbates water quality impacts. However, even without the drought, overdraft of the groundwater basin remains a constant problem. Overdrafting of the groundwater basin contributes to the intrusion of seawater into the basin along the coast and aggravates the nitrate pollution problem in many areas of the county.

B. Even though at times water may seem to be abundant, water that is usable to satisfy human needs for residential, agricultural, commercial, industrial, and other purposes is diminishing in both quantity and quality. The natural replenishment and the artificial recharge taking place in Monterey County groundwater basins do not adequately restore this groundwater supply. The evaluation of actual water use figures will facilitate the determination of the management practices needed to curtail the threat to the public health, safety, and welfare created by an inadequate water supply.

#### **1.01.02 PURPOSE**

It is the purpose of this ordinance to obtain and maintain information on the groundwater extraction facilities located within the territory.

#### **1.01.03 DEFINITIONS**

A. AGENCY shall mean the Monterey County Water Resources Agency.

B. GROUNDWATER EXTRACTION FACILITY ("Facility") shall mean a groundwater well or facility for the extraction of groundwater which employs a motor-driven pump for the extraction of groundwater and which has a discharge pipe with an inside diameter equal to or greater than 3 inches.

C. PERSON shall mean an individual; a sole proprietorship, corporation, partnership, association, trust, or any other form of business or non-profit entity; or a city, county, state, the United States, or any other federal, state, local or foreign government entity.

D. SERVICE CONNECTION shall mean a connection between a water distribution system and a water user's pipes or facilities. When a water distribution system provides water to a multi-unit condominium or apartment complex (including two units or more) or to a multi-unit commercial or residential building or property (including two units or more), where the building or property is under common ownership, management, or supervision, "service connection" shall mean the connection between the distribution system and the complex, building or property and not the individual units, unless the customers or manager of the distribution system elect to have the connections to the individual units treated as service connections.

E. USE CATEGORY shall refer to the designations residential, commercial, industrial, governmental, and agricultural.

F. WATER DISTRIBUTION SYSTEM shall mean a groundwater extraction facility and the pipelines or other distribution facilities that deliver the water to the water user, where the system meets either of the following conditions:

1. The water system supplies water to 15 or more service connections; or

2. The water system supplies water to one or more industrial, commercial, or governmental water users.

G. WATER SUPPLIER shall mean a person who owns or operates a groundwater extraction facility.

H. WATER USER shall mean a person who receives water from a groundwater extraction facility for consumptive use.

I. WATER REPORTING YEAR shall be from November 1 to October 31 of the following year.

J. TERRITORY shall mean Zones 2, 2A, and 2B of the Water Resources Agency, outside the jurisdiction of the Monterey Peninsula Water Management District.

K. WATER MEASURING DEVICE shall mean a water flowmeter or any other device used in calculating or estimating the amount of water produced from a groundwater extraction facility or transmitted through a service connection.

#### **1.01.04 TERRITORIAL APPLICATION OF ORDINANCE**

This ordinance applies to all groundwater extraction facilities that are located in the territory defined in section 1.01.03.J. This ordinance applies to water distribution systems, service connections, water suppliers, or water users, only when a groundwater extraction facility subject to this ordinance is a source of water for such system, connection, supplier, or user; and then the ordinance applies thereto even though the system, connection, supplier, or user may be located in whole or in part outside Zones 2, 2A and 2B or within the territorial jurisdiction of the MPWMD.

PART II -- GROUNDWATER EXTRACTION FACILITY REGISTRATION

**1.01.05 OPERATION OF GROUNDWATER EXTRACTION FACILITY WITHOUT REGISTRATION PROHIBITED**

No person may operate or maintain a groundwater extraction facility that is subject to this ordinance, unless the facility is first properly registered with the Agency.

**1.01.06 TIME FOR REGISTRATION**

A. Not later than 90 days after the effective date of this ordinance, the owner or operator shall register each groundwater extraction facility that is in existence on the effective date of this ordinance or for which a well construction permit has been issued by Monterey County before the effective date of this ordinance.

B. Each groundwater extraction facility that is not subject to paragraph A, above, shall be registered not later than 60 days after Monterey County issues a well construction permit for such facility.

**1.01.07 REGISTRATION REQUIREMENTS**

A. ALL GROUNDWATER EXTRACTION FACILITIES. The owner or operator of each groundwater extraction facility shall register the facility with the Agency on a form provided by the Agency. In connection with this registration, the owner or operator shall to the best of their ability provide the following information for each facility:

1. The facility owner's name, address, and type of organization (individual, corporation, partnership, etc.);
2. The facility operator's name, address, and type of organization (individual, corporation, partnership, etc.);
3. A scaled map showing the facility location and the area served by water from the facility, in such form as may be required by the Agency;
4. The person who may be contacted by the Agency concerning the facility and who can provide information concerning the facility and its operation;
5. The location of each facility, described with sufficient accuracy to enable the Agency to find the facility without further assistance;
6. The depth of the groundwater extraction facility, date of construction, perforation intervals, casing diameters, depth of pump setting, pump motor horsepower, and discharge pipe diameter;
7. The use categories and purposes for which water from the facility will be used;

8. The number of existing and anticipated service connections served or to be served with water from the facility;

9. A description of all water measuring devices on the facility and a description of the manner in which the quantities of water produced by the facility can be measured, including a description of any water flowmeters, electric meters, hour meters, or other measuring devices;

10. A description of each water measuring device on all service connections receiving water from the facility; if the number of service connections exceeds 10, the description of the service connection water measuring devices need not be individualized, but may consist of a summary or statistical description of the water measuring devices, grouped in one or more classifications.

11. Electrical meter service numbers and plant numbers for each facility having such a number.

B. NEW GROUNDWATER EXTRACTION FACILITIES. In addition to the information required in paragraph A, above, the owner or operator of each groundwater extraction facility for which a well construction permit is issued on or after the effective date of this ordinance shall provide the following information for each extraction facility, at the time of registration or as soon thereafter as the information becomes available:

1. A copy of the Well Completion Report required for the groundwater extraction facility by the Department of Water Resources pursuant to California Water Code Section 13751.

2. A copy of the Monterey County Well Permit for the groundwater extraction facility, including any other information required as conditions of the permit.

3. A copy of any facility borehole geophysical logs; if the facility is drilled by the rotary method, multiple point resistivity and spontaneous potential electric logs are required. The electric log shall include a water quality interpretation.

#### **1.01.08 CERTIFICATE OF REGISTRATION**

Upon completion of registration, the Agency will issue a certificate of registration to the registrant and assign a groundwater extraction facility identification number.

#### **1.01.09 REPORT OF ABANDONMENT**

If at any time after the effective date of this ordinance a groundwater extraction facility subject to this ordinance is abandoned, the owner of the facility shall report such abandonment to the Agency not later than February 15 following the close of the water reporting year in which such abandonment takes place. The report shall indicate the steps that have been taken to comply with all requirements of law with regard to such abandonment.

**1.01.10 NO FEES TO BE CHARGED**

No fees shall be charged for the registration of any well, for the issuance of any certification of any registration, or for the filing of any report of abandonment in compliance with this ordinance.

**PART III -- ENFORCEMENT**

**1.01.21 PENALTIES**

A. Any person who violates any provision of this ordinance is guilty of an infraction.

B. Any violation of this ordinance is hereby declared to be a public nuisance.

C. Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

D. Any person who violates this ordinance shall be assessed a fine of \$100 for each violation.

E. Any person who violates this ordinance shall be liable for the cost of enforcement, which shall include but need not be limited to:

1. Cost of Investigation
2. Court Costs
3. Attorney Fees
4. Cost of Monitoring Compliance

**PART IV -- CONCLUDING PROVISIONS**

**1.01.22 SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the validity of the remaining portions of this ordinance, including any other section, subsection, sentence, clause, or phrase therein.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect 30 days after its final adoption by the Board of Supervisors.

PASSED AND ADOPTED this 26th day of January, 1993, by the following vote:

AYES: Supervisors Pennycook, Shipnuck,  
Perkins, Karas, and Strasser-Kauffman

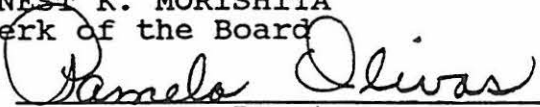
NOES: None

ABSENT: None

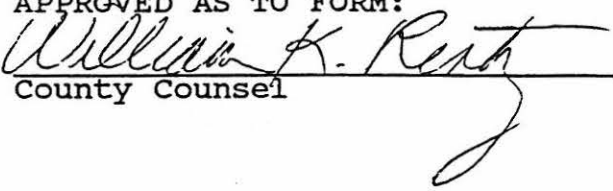
  
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JUDY L. E. PENNYCOOK, Chair  
Board of Supervisors

ATTEST:

ERNEST K. MORISHITA  
Clerk of the Board

By   
\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

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