

AN ORDINANCE TO REQUIRE THAT FLOWMETERS BE EQUIPPED WITH ADVANCED METERING INFRASTRUCTURE (AMI) TELEMETRY

The Board of Directors of the Fox Canyon Groundwater Management Agency, State of California, hereby ordain as follows:

ARTICLE 1. Findings

The Board of Directors hereby finds that:

- A. The Agency has the authority to adopt ordinances to regulate, conserve, manage, and control the use and extraction of groundwater within its territory.
- B. Excessive groundwater extraction can cause overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes an aquifer's capacity for groundwater storage.
- C. The Agency is developing a Groundwater Sustainability Plan in accordance with the Sustainable Groundwater Management Act of 2014 that will identify the means by which the Agency will achieve the sustainability goal for each of the groundwater basins within the Agency.
- D. Accurate and timely measurement and reporting of groundwater extraction data are essential elements to achieving effective and sustainable groundwater management of the basins underlying the Agency boundaries.
- E. The Agency may require that extraction facilities be equipped with waterflow measuring devices and that operators report total extractions to the Agency.
- F. Advanced Metering Infrastructure (AMI) is a robust method to measure well activity and may be used as part of a groundwater management program to effectively monitor and manage groundwater extractions.
- G. Installation of AMI devices on extraction facilities will result in: (i) more comprehensive groundwater extraction data; (ii) timely reporting of groundwater extractions, (iii) improved groundwater management; (iv) reduced need for and reliance on manual reporting; and (v) more efficient groundwater use.
- H. The adoption of this ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15061(b)(3), 15301, 15307, and 15308. These provisions exempt a project if there is no possibility the activity will have a significant effect on the environment, the activity consists of minor alteration of existing facilities, or the activity is taken to ensure the maintenance, restoration, or enhancement of natural resources or the environment. This ordinance will conserve and improve the availability of Agency water resources and will help ensure the maintenance and sustainability of certain local and imported water resources.

ARTICLE 2. Purpose

The purpose and intent of this ordinance is to: a) provide for broader and simultaneous measurement and reporting of groundwater extractions; b) improve the Agency's ability to monitor and manage groundwater use; c) facilitate implementation of a Groundwater Sustainability Plan; and d) promote sustainable groundwater management within the Agency.

ARTICLE 3. Definitions

- 3.1 "Advanced Metering Infrastructure (AMI)" means a fully automated infrastructure consisting of various technologies integrated into new and existing flowmeters that enables communication between a groundwater extraction facility and a centralized computer database via cellular, radio, or satellite communication systems to acquire real-time or near real-time groundwater extraction data.
- 3.2 "Agency" means the Fox Canyon Groundwater Management Agency.
- 3.3 "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.
- 3.4 "Board" means the Board of Directors of the Fox Canyon Groundwater Management Agency.
- 3.5 "Device" means an instrument designed to be attached to a flowmeter that measures flowmeter activity through various sensors and uses telemetry to transmit a record of that activity to a centralized computer data base.
- 3.6 "Executive Officer" means the individual appointed by the Board to administer Agency functions or his/her designee.
- 3.7 "Extraction facility" means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer.
- 3.8 "Flowmeter" means a manufactured instrument for measuring and recording the volume of water moving through a pipeline.
- 3.9 "Operator" means a person who operates an extraction facility. In the event the Agency is unable to determine who operates a particular extraction facility, the "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.
- 3.10 "Municipal and Industrial extraction facility" means a facility from which the groundwater produced is used for domestic, industrial, commercial or fire protection purposes.
- 3.11 "Resolution" means a formal statement of a decision adopted by the Board.

ARTICLE 4. AMI Requirement Compliance Schedule

4.1 In order to carry out the purpose of this ordinance, and except as otherwise provided herein, the flowmeter specified in chapter 3.0 of the Agency Ordinance Code shall be equipped with an AMI device that automatically records and reports extractions to the Agency. Compliance with this article shall occur according to the following schedule:

4.1.1. An AMI device shall be installed on all agricultural extraction facilities required to be equipped with flowmeters no later than December 31, 2018.

4.1.2. An AMI device shall be installed on all municipal and industrial extraction facilities required to be equipped with flowmeters no later than October 1, 2019.

4.1.3. An AMI device shall be installed on all other extraction facilities required to be equipped with flowmeters no later than October 1, 2020.

4.2 The requirements of this article may be met by replacing or retrofitting the flowmeter with the required AMI equipment. Technical specifications and standards for the installation, operation, and maintenance of the device required under this article shall be set forth in a Resolution.

ARTICLE 5. Request for Additional Time

An operator may submit a request for an extension of the compliance date in article 4, not to exceed six (6) months, to comply with the provisions of this ordinance. The Executive Officer may grant such extensions upon a showing of good cause. For purposes of this article 5, good cause includes, but is not limited to, proof that compliance with this ordinance will cause undue financial hardship or that the required equipment could not be installed by the compliance date in article 4 due to a factor beyond the operator's control.

ARTICLE 6. Alternative Reporting

In areas where it is demonstrated that compliance with the requirements of article 4 is impossible or highly impractical, the operator shall report extractions on a monthly basis. Extraction reports required under this article shall contain the information specified under section 2.3 of the Agency Ordinance Code, along with a photograph of the flowmeter totalizer reading. The report shall be filed no later than the 15th day of each month following the month in which the extraction facility is operated. The monthly report required by this article shall be in addition to other reporting requirements set forth in the Agency Ordinance Code. Failure to file the monthly report when due is a violation of this ordinance. An operator who violates this article more than three (3) times within any 12-month period shall be subject to monthly site visits from Agency staff to manually read the flowmeter. An operator who becomes subject to monthly flow meter readings under this article shall be responsible for all costs incurred by the Agency, including legal fees, in enforcing the provisions of this ordinance.

ARTICLE 7. Compliance with Existing Reporting Requirements

Except as provided in article 6, nothing in this ordinance is intended to rescind, repeal, modify, or adjust any reporting requirements set forth in the Agency Ordinance Code.

ARTICLE 8. Compliance and Inspection

The device required by article 4 shall be installed in a manner that makes it reasonably accessible for inspection and testing. The Agency may enter a property to inspect the flowmeter and AMI unit for compliance with this ordinance and/or Resolution 2018-01 at any reasonable time, or at least within 72 hours after notice or request by the Agency to the landowner or extraction facility operator. Should an operator decline two (2) consecutive inspection requests by the Agency, the Agency may obtain a warrant to enter the property for the purpose of carrying out the inspection. An operator or landowner who declines two (2) consecutive inspection requests by the Agency shall be responsible for all costs incurred by the Agency, including legal fees, in obtaining and executing a warrant to enforce the provisions of this ordinance and may be subject to a civil penalty of up to one thousand dollars (\$1,000) per day (see Article 9).

ARTICLE 9. Enforcement

Failure to comply with any provision of this ordinance is a violation subject to a civil penalty of up to one thousand dollars (\$1,000) per day. In addition, the Agency may petition the superior court for a temporary restraining order, preliminary or permanent injunction prohibiting operation of the extraction facility, or such other equitable relief as may be appropriate.

ARTICLE 10. Effective Date

This ordinance shall take effect and be operative 30 days after its adoption.

PASSED AND ADOPTED this 28 day of February, 2018, by the following vote:

AYES: 4 (Chair West, Director Zaragoza, Director Eranio, Director Craven)

NOES: 0

ABSENT: 1 (Director Borchard)



Chair, Board of Directors
Fox Canyon Groundwater
Management Agency

ATTEST:

By: 
Clerk of the Board