

RULE 20 - PERMITS REQUIRED

A. PERMIT TO CREATE/ESTABLISH A WATER DISTRIBUTION SYSTEM

Before any Person Creates or Establishes a Water Distribution System or a Mobile Water Distribution System, such Person shall either obtain a written Confirmation of Exemption from the Water Distribution System Permit requirements or a Water Distribution System Permit from the District.

Desalination, reclamation or importation facilities located within the District are not exempt because the Source of Supply is considered to be the water emanating from a facility within the District.

Persons who hold a valid permit for construction and operation of a Water Distribution System from the Monterey County Environmental Health Bureau, prior to March 12, 1980, or a Water Distribution System in existence prior to that date, shall be deemed to have been issued a Permit in compliance with these Rules and Regulations. Persons who filed a completed application to the Monterey County Environmental Health Bureau, date-stamped by the Bureau on or before March 19, 2001, for construction of a Well serving a Single-Parcel Connection System shall be deemed to have been issued a permit in compliance with these Rules and Regulations provided all of the following actions were taken: (1) the Applicant received a valid well construction Permit from the Monterey County Environmental Health Bureau, made the Well active, metered the Well, had the Well inspected by MPWMD and received an approved MPWMD Water Meter Installation Inspection form issued on or before October 15, 2001; and (2) each Water-Gathering Facility of that system was registered with the District on or before October 15, 2001.

No Mobile Water Distribution System shall be issued a permit under the provisions of the previous paragraph. Each such system shall be required to apply for and obtain a written Confirmation of Exemption or permit in accord with Rules 21 and 22.

The Expansion Capacity Limit and System Capacity of Water Distribution Systems shall be determined pursuant to Rule 40-A, which considers the system location in relation to the Monterey Peninsula Water Resource System, and whether criteria are met for a Confirmation of Exemption or Level 1 WDS Permit, or whether water rights are specified in the Seaside Basin Adjudication Final Decision (as amended), or in a permit issued by the State Water Resources Control Board, or other water rights are determined to apply.

An Owner or Operator of a Water Distribution System shall not modify, add to or change his/her Source of Supply, location of uses, change the System Capacity (if applicable) or Expansion Capacity Limit (if applicable), or expand the Service Area unless that Person first files an application to do so with the District and receives an amended creation/establishment permit or written Confirmation of Exemption.

B. PERMITS TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

Before any Person connects to or modifies a water use Connection to a Water Distribution System regulated by the District or to any Mobile Water Distribution System regulated by the District or to any Mobile Water Distribution System, such Person shall obtain a written permit from the District or the District's delegated agent, as described in District Rules 21, 23 and 24. The addition of any Connection and/or modification of an existing water Connection to any Water Distribution System permitted and regulated by the District shall require a Water Permit.

The following actions require a Water Permit:

1. Any change in use, size, location, or relocation of a Connection or Water Measuring Device which may allow an Intensification of Use or increased water consumption.
2. Each use of an on-site credit or Water Use Credit.
3. Any modification to the number or type of Residential water fixtures shown in Rule 24, Table 1, Residential Fixture Unit Count Values, with three exceptions: (1) replacement of a Standard Bathtub with a Shower Stall and vice versa; (2) removal of a lawful water fixture, and (3) replacement of a Large Bathtub previously documented by the District with a Standard Bathtub or a Shower Stall.
4. Any landscaping changes (added Landscape Area or changes in Hydrozones to higher water use plants than submitted on landscape plans reviewed and approved by the District) that will result in an Intensification of Use when a landscape plan has been reviewed and approved as a component of a Water Permit.
5. Rehabilitation of existing Landscape Area over 2,500 square-feet that is associated with a Jurisdiction's building or landscape permit, plan check, or design review.
6. Any Change of Use or any expansion of a Non-Residential use to a more intensive use as determined by Rule 24, with the exception of Temporary Structures and Temporary Exterior Restaurant Seats that are not occupied or in use for longer than thirty (30) consecutive days.
7. Installation of new water fixtures (Rule 24, Table 1) in a Residential use, other than replacement of existing water fixtures.
8. Use of water from a Mobile Water Distribution System.

C. EXEMPTIONS FOR WATER DISTRIBUTION SYSTEM PERMIT

Exemptions for a Water Distribution System Permit for a Well shall only be considered following receipt of a complete Request for Confirmation of Exemption package as

described in Rule 21 and in the Implementation Guidelines for Processing Applications for Water Distribution Systems and Mobile Water Distribution Systems. The application package shall be processed as described in Rule 21 (Applications) and Rule 22 (Action on Application for Permit to Create/Establish a Water Distribution System).

A MPWMD Water Distribution System Permit is not required for the situations enumerated below. Unless noted otherwise, a written and recorded Confirmation of Exemption prepared by MPWMD staff is required.

1. For properties that lie outside the District boundary, where both: (a) the property to be served is wholly outside of the boundaries of the Monterey Peninsula Water Management District; and (b) the water source is also located outside of the District boundary. A written Confirmation of Exemption is not required.
2. For properties that straddle the District boundary, where both: (a) the portion of the property served by the Water Distribution System is outside of the District boundary; and (b) the Source of Supply is outside of the District boundary. A written Confirmation of Exemption is not required.
3. For a Well (or Wells) which serves fewer than four Parcels and is located more than 1,000 feet from the boundary of any component of the Monterey Peninsula Water Resource System as defined in Rule 11.
4. For a Well (or Wells) that serves fewer than four Parcels located less than or equal to 1,000 feet from components of the Monterey Peninsula Water Resource System for which the well log shows no connectivity to these components as determined by qualified MPWMD staff.
5. For a Single-Parcel Connection System located within the Seaside Groundwater Basin with overlying water rights to percolating Groundwater for which annual production shall total less than 5.0 Acre-Feet per year.
6. To Reactivate, Refurbish or Replace existing Wells that are registered with the District, as defined in Rule 11. To qualify for this exemption, the Reactivated, Refurbished or Replacement Well must have substantially the same or lower Capacity of the existing Well. The replacement structure must be consistent with other MPWMD Rules and Regulations. This exemption from the MPWMD permitting process does not remove the Applicant's obligation to comply with permit requirements by other regional, state or federal agencies. This exemption shall not apply to an Abandoned Well, or replacement or refurbishment of an Abandoned Well, or Wells that have been Inactive for more than three consecutive years from the date of receipt of the application form described in Rule 21-A.

7. For on-site rainwater capture facilities (e.g. cisterns) that serve Single-Parcel Connection Systems for on-site landscape irrigation. A Confirmation of Exemption is not required.
8. For Mobile Water Distribution Systems that meet either of the following criteria: (a) For deliveries of drinking water by commercial companies with licenses from the California Department of Public Health in volumes less than or equal to 55 gallons per container. A written Confirmation of Exemption is not required; (b) For non-emergency situations, bulk hauled delivery of volumes of water greater than 55 gallons from sources outside the MPWMD boundary may only be used for Non-Potable landscape irrigation (including pools) and must be accompanied by written approval from the water agency, jurisdiction or other entity with regulatory authority over the Source of Supply. Sources of Supply within the MPWMD boundary are subject to a Water Distribution System Permit from MPWMD pursuant to Rules 20, 21 and 22, and the Implementation Guidelines.
9. For Non-Potable on-site use of water on one Parcel from a naturally occurring spring or seep in Fractured Rock as confirmed in writing by MPWMD staff following an on-site inspection.
10. For an existing or future new Irrigation System, owned and operated by MPWMD, which exists solely to irrigate riparian vegetation in the Carmel River Riparian Corridor as part of the MPWMD Water Allocation Program EIR Mitigation Program. A written Confirmation of Exemption is not required.
11. For a non-MPWMD Irrigation System that is served by a Well completed prior to January 15, 2003, with the purpose to irrigate riparian vegetation in the Carmel River Riparian Corridor pursuant to conditions of approval of an MPWMD River Work Permit, a contract with MPWMD, or any other irrigation use approved by the District. This exemption does not apply to Irrigation Systems that are served by Wells completed on or after January 15, 2003.
12. For a Water Distribution System in existence prior to April 18, 2001, that is comprised of multiple, contiguous Parcels owned by the same owner. Such a system may be referred to as “pre-existing Multiple-Parcel Connection System.” However, any amendments to such a Water Distribution System on or after April 18, 2001, must be permitted by the District pursuant to Rule 20 and Rule 22.
13. For a Water Distribution System that serves water to Parcels within the Former Fort Ord Lands within MPWMD, but that does not derive water from the Seaside Groundwater Basin or the Carmel River Basin,

including the Carmel Valley Alluvial Aquifer. A written Confirmation of Exemption is not required.

14. Any exemption pursuant to this Rule 20-C, however, shall not be construed to exempt the facility or its Owner or Operator from any other requirement set forth in these MPWMD Rules and Regulations, or any other regulatory or legal requirement.

D. PERMIT TO UNDERTAKE WORK ON PROJECTS WITHIN THE RIPARIAN CORRIDOR

Before any individual may undertake any Work or Project within the Riparian Corridor, including but not limited to channel modification, riverbank Works, or vegetation removal, such Person shall obtain a prior written River Work Permit from the District in accord with Rule 126 or meet the emergency River Work Permit criteria of Rule 126 C, or be expressly exempt from the River Work Permit requirement pursuant to Rule 126 B.

Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 3 (7/11/80); Ordinance No. 5 (4/13/81); Ordinance No. 8 (1/14/82); Ordinance No. 10 (7/26/83); formerly Rule 200, Ordinance No. 6 (5/11/81); Ordinance No. 26 (9/8/86); Ordinance No. 69; (6/21/93); Ordinance No. 96 (3/19/2001); Ordinance No. 105 (12/16/2002); Ordinance No. 122 (8/15/2005); Ordinance No. 124 (7/17/2006); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007); Ordinance No. 145 (9/20/2010); Ordinance No. 156 (11/18/2013); Ordinance No. 160 (4/21/2014); Ordinance No. 164 (4/20/2015); Ordinance No. 170 (5/16/2016); Ordinance No. 172 (8/15/2016); Ordinance No. 175 (11/14/2016); Ordinance No. 177 (9/18/2017).