

Adopted 07/17/06 – Effective 08/16/06

ORDINANCE NO. 124

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING ITS REGULATION OF WATER DISTRIBUTION SYSTEMS (RULE 20-C)

FINDINGS

1. The Water Peninsula Water Management District (MPWMD or District) is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. The Water Management District has enacted, by ordinance, a set of Rules and Regulations to implement its statutory authority. District Rule 11 defines the terms used in the regulation of water distribution systems District Rules 20, 22, 40, 54-56 and 173 further define procedural and substantive rules that regulate these systems. Although these rules have been amended from time to time, the fundamental scope of these regulations was first enacted in the early 1980s. Significant refinements, changes and additions to the rules and regulations governing water distribution systems were adopted as part of Ordinance No. 96 in March 2001, and as part of Ordinance No. 105 in December, 2005.
3. The Water Management District has entered the 1992 Amended Memorandum of Agreement (MOA) with the Monterey County Water Resources Agency (MCWRA) and Pajaro Valley Water Management Agency (adopted in 1993) regarding regulation of the former Fort Ord area, which states in Paragraph 3(a), “The MCWRA shall have exclusive authority to regulate water delivery systems that deliver water to the area that is both within the present Fort Ord boundaries and within the MPWMD boundaries in existence at the time of the regulation, and the MPWMD will comply with any such ordinance enacted by MCWRA.” The MOA further states in Paragraph 3(b), “The MPWMD shall have exclusive authority to regulate the management of the Seaside groundwater basin within the present Fort Ord boundaries, and the MCWRA will comply with any such ordinance enacted by the MPWMD.” This Ordinance is intended to implement the intent of the MOA. The need for this modification was noted in Ordinance No. 105, by Finding #7, which stated the institutional setting had changed and that “action may be considered by the District Board to address this situation.”
4. This ordinance creates an exemption for permitting requirements that apply to water distribution systems solely serving lands in the former Fort Ord.

5. Ordinance No. 124 would delete the current exemption (Rule 20-C-11) that does not require a WDS permit "to only construct (but not use) the system components." District staff has identified tracking and enforcement problems associated with this exemption. A newly constructed well is likely to be used given the expense involved, unless a physical problem precludes use of the well. District Rules already include provisions for monitor wells, inactive wells, abandoned wells and other situations where a newly drilled well may not be used for production over the long-term.
6. District staff has identified the need for two new definitions and two refined definitions of terms in Rule 11 to foster clarity and accuracy.
7. The Water Management District Board of Directors determines that this ordinance will not result in an adverse impact to the environment, based on an Initial Study and Proposed Negative Declaration filed on April 17, 2006 and adopted by the Board at its meeting of June 22, 2006.
8. This ordinance shall amend Rules 11 and 20 of the Rules and Regulations of the Water Management District.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the Water Distribution System Regulation Amendment Ordinance (Rule 20-C).

Section Two: Purpose

This ordinance shall revise the permanent Rules and Regulations of the Water Management District to clarify procedures and exemptions that affect creation or amendment of water distribution systems.

Section Three: Amendment of Rule 20 (Permits Required)

District Rule 20 shall be amended by deleting the following provisions shown in ~~strikeout~~ text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

RULE 20. PERMITS REQUIRED

[There are no changes proposed for Rule 20-A, 20-B, or 20-D.]

C. EXEMPTIONS FOR WATER DISTRIBUTION SYSTEM PERMIT

An MPWMD ~~w~~Water ~~d~~Distribution ~~s~~System ~~p~~Permit is not required for the following situations:

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.
2. For properties that straddle the District boundary, where both : (a) the portion of the property served by the ~~w~~Water ~~d~~Distribution ~~s~~System is outside of the District boundary, and (b) the ~~s~~Source of ~~s~~Supply is outside of the District boundary.
3. A system that meets all of the following criteria: (a) well site is located outside of the Carmel River Basin and the Seaside Groundwater Basin as shown in maps provided in the Implementation Guidelines; (b) property is comprised of one or two ~~r~~Residential ~~p~~Parcels totaling less than 2.5 acres in size; (c) property is located outside of the California American Water (Cal-Am) ~~s~~Service ~~a~~Area as shown in maps provided in the Implementation Guidelines or is not served by Cal-Am as a remote meter; (d) well site is located more than 1,000 feet from any Sensitive Environmental Receptor as defined in Rule 11; and (e) well site is located more than 1,000 feet from an existing ~~w~~Well that is registered with the District and/or included in the District well database at the time of the application. The Carmel River Basin and Seaside Groundwater Basin are defined in Rule 11, Definitions.
4. For a ~~s~~Single-~~p~~Parcel ~~e~~Connection ~~s~~System located within the Carmel River Basin that meets all of the following three criteria: (a) the well location lies outside of the mapped area 1,000 feet from the Carmel Valley ~~a~~Alluvial ~~a~~Aquifer or 1,000 feet from Tularcitos, Hitchcock Canyon, Garzas, Robinson Canyon or Potrero Creeks; (b) a valid well construction permit by the Monterey County Health Department was issued prior to January 15, 2003; and (3) the ~~a~~Applicant makes the well active, registers the ~~w~~Well with MPWMD, meters the ~~w~~Well, has the well inspected by MPWMD, and receives an approved MPWMD Water Meter Installation Inspection form issued on or before June 30, 2003.
5. To ~~r~~Reactivate, ~~r~~Refurbish or ~~r~~Replace existing ~~w~~Wells that are registered with the District, as defined in Rule 11. To qualify for this exemption, the reactivated, refurbished or replacement ~~w~~Well must have substantially the same purpose and ~~e~~Capacity of the structure replaced. The replacement structure must be consistent with other MPWMD Rules and Regulations. This exemption from the MPWMD permitting process does not affect in any way the ~~a~~Applicant's obligation to comply with permit requirements by other regional, state or federal agencies. This exemption shall not apply to an

aAbandoned wWell, or replacement of an aAbandoned wWell, or wWells that have been iInactive for more than 10 years.

6. For eOn-sSite eCisterns that serve existing single-parcel connections, (i.e., rResidential situations where rainwater is captured for eOn-sSite landscape irrigation use).
7. For deliveries of water by commercial companies in volumes less than or equal to 55 gallons per container.
8. For an existing or future new iIrrigation sSystem, owned and operated by MPWMD, which exists solely to irrigate riparian vegetation in the Carmel River rRiparian eCorridor as part of the MPWMD Water Allocation Program EIR Mitigation Program.
9. For an existing, expanded or new non-MPWMD iIrrigation sSystem that is served by a wWell completed prior to January 15, 2003 with the purpose to irrigate riparian vegetation in the Carmel River rRiparian eCorridor 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 projects that are served by wWells completed on or after January 15, 2003.
10. For a wWater dDistribution sSystem in existence prior to April 18, 2001 that is comprised of multiple, contiguous pParcels owned by the same owner. Such a system may be referred to as "pre-existing mMultiple-pParcel eConnection sSystem." However, any amendments to such a wWater dDistribution sSystem on or after April 18, 2001 must be permitted by the District pursuant to Rule 22.
- ~~11. To only construct (but not use) the system components. The District permit enables use of a water well or any other water distribution system component.~~
- 11. 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.**
12. Any exemption pursuant to this Rule 20-C, however, shall not be construed to exempt the facility or its owner/operator from any other requirement set forth in these MPWMD Rules and Regulations, or any other regulatory or legal requirement.

Section Four: Amendment of Rule 11 (Definitions)

District Rule 11 shall be amended by deleting the following provisions shown in strikeout text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face text (**bold face**).

~~COMPLETION OF A WELL – “Completion of a Well” shall mean the completion of all physical tasks necessary, so that the well is producing or is capable of producing ground water, including an operable pumping facility. This shall include acquisition of a Monterey County Health Department Water Well Construction Permit, installation of any water meter(s) required by MPWMD, and MPWMD inspection and approval of the meter(s).~~ ***a water Well pursuant to a Monterey County Health Department Division of Environmental Health Water Well Construction Permit, and the date of completion shall correspond to the “Date Work Finished” as shown on the State of California Division of Water Resources Well Completion Report.***

~~FORMER FORT ORD LANDS WITHIN MPWMD – “Former Fort Ord Lands within MPWMD” shall mean that area within both the boundary of MPWMD (legal description found in West’s California Water Code Appendix, Section 118-1 et seq., as amended) and the boundary of the Former Fort Ord (legal description found in Fort Ord Reuse Plan or other document authorized by the Fort Ord Reuse Authority.) Detailed Geographic Information System maps of this area showing affected Parcels are available at the District office.~~

MONITOR WELL – “Monitor Well” shall mean a water Well to monitor groundwater level and/or groundwater quality. The Owners or Operators of any formerly Active Well that is to be converted to a Monitor Well shall properly register the Well by filing forms provided by the District, including an amended Water Well Registration form. Water shall not be produced from a Monitor Well without written permission from the District. Exceptions to this restriction shall be allowed for production to collect water quality samples in accordance with standard sample collection protocol. Short-term emergency use from a Monitor Well may be allowed, but only with written consent from the District.

~~REPLACE A WELL – An ~~a~~Active or ~~i~~Inactive ~~w~~Well is considered to be replaced when a new ~~w~~Well is completed in a separate borehole, or when the same borehole is modified, such as by deepening. A replacement ~~w~~Well must be located on the same legal ~~p~~Parcel as the original ~~w~~Well, and may not be located in the riparian zone, as defined by District Rule 11, unless a ~~r~~River ~~w~~Work ~~p~~Permit has been applied for and issued by the District. The ~~w~~Well that is being replaced must be abandoned and destroyed in conformance with local and state well regulations unless it serves as a properly constructed, maintained and registered Monitor Well. *Proper registration means the Owner of the Well that is being replaced must file an amended Water Well Registration form if the old Well is to be converted to a Monitor Well, and must file a completed form provided by the District indicating that no water will be produced from the Monitor Well without written permission from the District.*~~

