

## **ORDINANCE No. 5**

### **AN ORDINANCE OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY REQUIRING A PERMIT FOR THE CONSTRUCTION AND OPERATION OF GROUNDWATER RECHARGE, REPLENISHMENT, STORAGE AND RECAPTURE PROJECTS IN THE BASIN**

**WHEREAS**, Article 7, Section 703 of the Ojai Basin Groundwater Management Agency Act authorizes the agency to regulate groundwater replenishment programs and the recapture of supplemental groundwater resulting from those programs; and

**WHEREAS**, Article 7, Section 708(d) of the Agency Act mandates that the right to store and recapture imported or developed water shall be subject to prior permit by the agency and further states that the Agency shall issue storage and recapture permits under terms and conditions it deems appropriate and may impose charges therefore; and

**WHEREAS**, Article 1, Section 101 of the Agency Act declares that the preservation of the Ojai basin groundwater for the protection of agricultural, municipal, and industrial uses is in the public interest and for the common benefit of water users within the agency; and

**WHEREAS**, It is the expressed mission of the OBGMA to preserve the quantity and quality of groundwater in the Ojai Basin in order to protect and maintain the long-term water supply for the common benefit of the water users in the basin; and

**WHEREAS**, The groundwater in the Ojai Basin is a resource of common benefit to all groundwater extractors in the basin. Under existing circumstances and to the limited present knowledge of the Agency, the water supply and demand is largely in balance; however due to the increasing demands on the very limited water supply in the Ventura River Watershed, and the likelihood of extended drought periods in the future the natural recharge of the Ojai Basin may not be sufficient to meet the needs of well operators who extract water from the basin without the implementation of stringent conservation measures; and

**WHEREAS**, Projects to augment water storage in the Ojai basin through recharge from diverted surface water or imported water provide a potential method of augmenting the natural replenishment of the basin can potentially increase the water in storage in the basin available to well operators during drought periods; and water stored in the Ojai basin by such projects can potentially be recaptured to the common benefit of the well operators in the basin; now therefore

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE OJAI  
BASIN GROUNDWATER MANAGEMENT AGENCY AS FOLLOWS:**

**Section 1.                    Short Title.**

This Ordinance No. 5 shall be known and cited as “the Groundwater Recharge Permit Ordinance.”

**Section 2.                    Policy and Purpose.**

The Agency is charged with the legal responsibility for managing groundwater within the boundaries of the Agency, with the protection of that groundwater in the public interest and for the common benefit of water users within the agency, and with the regulation of replenishment programs in the basin. The Agency enacts this Groundwater Recharge Ordinance as legal authority to require that every recharge, replenishment, storage and recapture project proposed to be undertaken in the basin obtain a permit from the Agency prior to construction or operation; and to set forth, in accordance with the Agency Act, terms and conditions for the development, construction and operation of such projects required for the approval of such a permit by the Board of Directors of the Agency.

**Section 3.                    Definitions.**

- Agency**
- Aquifer**
- Available supply**
- Basin**
- Board**
- County**
- Extraction**
- Extraction facility**
- Groundwater**
- Groundwater management activities**
- Operator**
- Overdraft**
- Permittee**
- Person**
- Program**
- Recharge**
- Replenishment**
- Supplemental water**
- Temporary Surplus**
- Water Year**

**Section 4.**

**Groundwater Replenishment and Recharge Permit**

No person shall construct and/or operate a groundwater replenishment and recharge project in the Ojai Basin without first obtaining a Groundwater Replenishment and Recharge Permit (Recharge Permit) from the Agency.

An application for a Groundwater Permit shall be filed with the Agency at least 180 days prior to the requested date of approval.

Approval of a permit shall require compliance with the following terms and conditions:

The design and proposed operation of the project must be certified by a licensed hydrogeologist and a licensed engineer with experience in groundwater recharge project design. The OBGMA may require a review of the project design by an independent hydrogeologist and engineer.

All recharged water must accrue to the basin to the common benefit of all groundwater users in the basin.

Rights to the source of water for recharge must be obtained and held by a public agency authorized by law to obtain such rights.

An economic analysis shall be prepared by the project proponent demonstrating a positive cost benefit for well operators in the basin.

All appropriate permits must be obtained by the project proponent, as well as compliance with CEQA.

The designated operator for the Project shall be responsible for the construction and operation of the Project including all necessary safety precautions including the financial responsibility for accidents or property damage. That responsibility shall also include timely repair, rehabilitation, and restoration to functioning condition if the project is damaged by storm waters or other natural forces, or if damaged beyond restorable usability stabilization of the site into pre project condition.

**Section 5.**

**Termination Date**

This Ordinance will remain in full force and effect until repealed by action of the Board of the Agency.

**Section 6.**

**Violation**

a. Any person who intentionally violates this Ordinance is guilty of an infraction and may be required to pay a fine not to exceed \$500.

b. Any person who intentionally or negligently violates this Ordinance may be liable to the Agency civilly for a sum not to exceed \$1000 per day.

**Section 7. Enforcement.**


The Agency may take any actions authorized by law to enforce the terms and provisions of this Ordinance.

**Section 8. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance and its implementing rules and regulation is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares and determines that it would have passed this Ordinance and its implementing rules and regulation irrespective of the fact that any one or more sections, subsection, sentences, clauses or phrases may be determined to be unconstitutional or invalid.

**PASSED AND ADOPTED** by the Board of Directors of the Agency, State of California October 17, 2007.

ATTEST:

  
Jerry Coprow, President

  
Cece VanDerMeer, Secretary