

Title 20: Water

20.003: GROUNDWATER COORDINATED RESOURCE MANAGEMENT PLAN

20.003.010: Purpose

A. The Board of Supervisors (Board) finds that the protection of groundwater, as a resource, for its use within the County is necessary for the protection of the health, welfare, and safety of the residents of the County. The Board further declares that the maintenance of safe yield of groundwater is of critical importance to the economy of the County.

B. The continued availability of groundwater should be protected and the extraction of groundwater should not exceed safe yield, degrade groundwater quality, or cause land subsidence.

C. The County does not hereby intend to regulate, in any manner, the use of groundwater; unless safe yield is exceeded or there is a threat to public health, welfare, or safety, but intends to adopt monitoring programs that will allow for the effective management of groundwater availability (groundwater level), groundwater quality, and indications of land subsidence.

D. It is essential for information gathering and management purposes that the County continues to refine monitoring programs addressing groundwater availability, groundwater quality, and land subsidence.

E. In adopting this groundwater and coordinated resource management plan ordinance, the County does not intend to limit other authorized means of managing the groundwater resources within the County, and intends to work cooperatively with interested local agencies to further develop and implement joint groundwater and coordinated groundwater management practices and programs.

F. The lack of groundwater management and monitoring may have the following negative impacts on the groundwater resource, including but not limited to:

1. Lowering of groundwater levels leading to increased energy consumption, the increased cost of deepening existing wells, and the prospect that new wells will need to be deeper and more costly than would otherwise be required.
2. Damage to public roads, bridges, canals and other structures caused by land subsidence at substantial cost to the public treasury.
3. Drying up of surface and subsurface flows leading to the potential loss of critical riparian and wetland habitat.
4. Degradation of groundwater quality.
5. Degradation of the vibrant agriculture economy and rural lifestyle of Glenn County residents.

G. It is the purpose and intent of this chapter to establish an effective policy concerning groundwater and coordinated resource management that will assure the overall health, welfare, safety, economy and environment of County is not adversely affected by excessive groundwater use. The County seeks to foster prudent groundwater practices, and to coordinate them with other water management practices to avoid significant adverse environmental, social, and economic impacts.

H. The Preliminary Plan for Groundwater and Coordinated Water Management (Preliminary Plan) was adopted by the Board in May 2006 which incorporated goals and tasks for water management. With the implementation of the Plan, the County would complete tasks that create a better understanding of managing water as a resource and provide an organization for management of the resource.
(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

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20.003.020: Definitions

“Aquifer” means a geologic formation that stores, transmits and yields significant quantities of water to wells and springs.

“Available supply” means the quantity of groundwater, which can be withdrawn annually from a groundwater basin without exceeding safe yield of the basin.

“Basin Management Objective (BMO)” means quantitative or narrative objectives that define the acceptable ranges of groundwater level, groundwater quality, and land subsidence (safe yield) that should be allowed to occur within a defined area. Key elements in the development of a BMO are management areas, public input, monitoring, adaptive management, and enforcement.

“Board” means the Board of Supervisors of Glenn County

“Comprehensive Monitoring Program” means the monitoring program detailed in the adopted Preliminary Plan for Groundwater and Coordinated Water Management.

“County” means County of Glenn.

“District” means a district or municipality wholly or in part located within the boundaries of the County, which is a purveyor of waters for agricultural, domestic or municipal use. The Orland Unit Water Users Association and Willow Creek Mutual Water Company are included in this definition.

“Enforcement Agency” means the Board of Supervisors as the Enforcement Agency for general well standards and shall also be the Enforcement Agency under this chapter.

“Exhibit A” means any adopted iteration of the background document describing the BMO process by the Board of Supervisors.

“Exhibit B” means the Preliminary Plan for Groundwater and Coordinated Water Management.

“Exhibit C” means any iteration of Export Water Transfer Guidelines adopted by the Board of Supervisors.

“Export” means the use of County groundwater outside of the boundaries of the County and outside of the boundaries of any district that is partially within the County. Surface water that is sold or exchanged outside of the boundaries of the County and outside of the boundaries of any district that is partially within the County that is replaced by groundwater extraction shall be considered export.

“Extensometer” means an instrument for measuring land subsidence.

“Groundwater” means all water beneath the surface of the earth below the zone of saturation, but does not include water which flows in known and definite subsurface channels.

“Groundwater Management Plan” means a plan prepared pursuant to the California Groundwater Management Act (commencing with Water Code Section 10750 et. seq.).

“Groundwater Mining” means the process, deliberate or inadvertent, of extracting groundwater from a source at a rate so in excess of the replenishment that the groundwater level declines persistently, threatening exhaustion of the supply or at least a decline of

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pumping levels to uneconomic depths

“Groundwater Modeling” means a tool that can be used to simulate groundwater flow, stream flow, reservoir operations, rainfall runoff processes, land use processes, unsaturated zone flow, and land subsidence.

“Groundwater Substitution Program” means the voluntary substitution of an available surface water supply by a groundwater supply for the purposes of enhancing in-stream flow or export.

“Land Subsidence” means the lowering of the ground surface caused by the inelastic consolidation of clay beds in the aquifer system.

“Preliminary Plan” means the document Preliminary Plan for Groundwater and Coordinated Water Management prepared by Wood Rodgers, Inc. (2003) that defines a role of facilitation and coordination on the part of the County for water resource management adopted by the Board in May, 2006.

“Recharge” means flow to groundwater storage from precipitation, infiltration from streams, irrigation, spreading basins and other sources of water.

“Technical Advisory Committee” (TAC) shall include a ten (10) person committee appointed by the Board. A Board member shall be appointed as an ex-officio member and may act as TAC chairman. The committee shall include representatives of the Glenn County Departments of Planning and Public Works, the UC Cooperative Extension, the Glenn County Environmental Health Office, the Glenn County Department of Agriculture, and the Department of Water Resources (DWR). The committee shall also include four (4) at-large stakeholders selected to represent the North, South, Central and East areas of the County and all to be knowledgeable in groundwater management and hydrology. The TAC will have the responsibility of providing relevant water resource information on BMOs and impacts to groundwater resources in general to the Water Advisory Committee in a timely manner.

“Water Advisory Committee” (WAC) means a 13 (thirteen) person advisory/planning body which shall be appointed, with membership serving at the pleasure of the Board. The role of the WAC shall include the development and implementation of organized planning for the coordination of groundwater resources in the County as presented in the Preliminary Plan, as well as BMO refinement and compliance. At a minimum, members of the WAC shall publicly present findings from planning program goals on a semi-annual basis (spring and fall) to the Board. The WAC membership shall be as follows:

1. At-Large Private Pumpers (Agricultural/Municipal/Industrial) - 4
2. Resource Conservation District - 1
3. Glenn County Farm Bureau - 1
4. Tehama Colusa Canal Authority Districts – 2
5. Orland Unit Water Users Association – 1
6. East County Reclamation and Irrigation Districts – 2
7. Glenn Colusa Irrigation District – 1
8. Central River Irrigation Districts – 1

(Ord. 1237 § 1, 2012; 1183 § 2, 2006; 1115 § 1, 2000.)

20.003.030: Safe Yield

A. Safe yield for Glenn County will be determined by the Basin Management Objective (BMO) method (see Appendix A of Exhibit A). The BMO predefines acceptable levels of the following:

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1. Groundwater levels
2. Groundwater quality
3. Land subsidence.

B. Compliance with the BMO will be determined by evaluation of data collected from the groundwater level, groundwater quality, and land subsidence monitoring networks and other sources as appropriate. It is the intent that the BMO be chosen so as to assure that the overall economy and environment of the County is protected.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.040: Basin Management Objective

A. Determination of the BMO (Exhibit A): The BMO will be established initially, and reestablished periodically by the Board, with the recommendation of the WAC based on the best available scientific information, monitoring data, and existing known hydrogeologic conditions of the aquifer system. It is the intent of the ordinance to utilize the best scientific information available in an effort to assess risk to individuals in hydrologically similar areas.

B. Groundwater management practices based on the established BMO criteria for one hydrologic area of the County shall not result in exceeding the established BMO criteria in adjacent hydrologically similar areas.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.050: Monitoring BMO Compliance

Monitoring programs designed to detect changes to groundwater levels, groundwater quality and land subsidence will be key to proper assignment of, and compliance with, the BMO. The monitoring programs will measure select wells to determine changes in groundwater levels and changes in groundwater quality, and periodically survey select benchmarks to identify land subsidence. Continuous land subsidence monitoring with extensometers shall also be incorporated into the land subsidence monitoring network.

(Ord. 1115 § 1, 2000.)

20.003.060: Monitoring Network

A. Establishing the Groundwater Level Monitoring Network: The monitoring network will be established by the WAC and periodically reviewed by the TAC and approved by the Board. The intent of the groundwater level monitoring network is not to measure all wells within the County, but to measure a select group of wells that can adequately identify representative conditions in the aquifer system for determination of compliance with the BMO.

B. The network will include dedicated monitoring wells installed and monitored throughout the County. Where necessary, data gaps will be filled by wells representative of the use in the area and have the necessary supporting documentation.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.070: Monitoring Frequency

Establishing Monitoring Frequency for Groundwater Levels:

A. The frequency of groundwater level monitoring will be determined by the WAC and approved by the Board. At a minimum, groundwater levels should be monitored two times during the year: one measurement prior to the irrigation season, and one measurement following the irrigation season (March and October). If necessary one measurement may be taken during peak groundwater use (July). It will be the responsibility of the TAC to report to the WAC on the status of the network annually.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

B. In order to effectively monitor groundwater levels, a fee shall be charged to recover the costs associated with the replacement of continuous groundwater monitoring equipment in the County's dedicated monitoring network. This fee will be collected through the Well Permit Application process. These fees are set by Resolution adopted by the Board of

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Supervisors and are reflected in Appendix “A” of Chapter 5.23 of the Glenn County Administrative Manual.

(Ord. 1237 § 1, 2012; 1210 § 3, 2009.)

20.003.080: Water Quality

A. Establishing the Water Quality Monitoring Network:

The groundwater quality monitoring network will be established by the WAC and approved by the Board. The intent of the groundwater quality monitoring network is to monitor a group of wells that can adequately determine representative groundwater quality conditions in the aquifer system for identification of compliance with the BMO and other water quality concerns. The network will include select domestic and irrigation wells from water districts, private owners, and municipal and industrial water suppliers willing to cooperate. It will be the responsibility of the TAC to report to the WAC on the status of the network annually.

B. Establishing Monitoring Frequency for Groundwater Quality:

The frequency of water quality monitoring will be determined by the WAC and approved by the Board. At a minimum, groundwater quality should be monitored once a year, during peak groundwater uses (July). At a minimum, groundwater quality measurements will monitor temperature, pH, and electrical conductivity. If conditions warrant, additional laboratory water quality analysis may be performed. With the adoption of the Preliminary Plan, a more Comprehensive Monitoring Program shall be implemented over time as funding permits, and pursuant to any subsequently enacted ordinance by the County.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.090: Land Subsidence

A. Establishing the Subsidence Monitoring Network: The land subsidence monitoring network will be established by the WAC and approved by the Board. The intent of the land subsidence monitoring is to detect land subsidence for determination of compliance with the BMO. The network will include benchmarks throughout the County. In heavy groundwater use areas, some existing wells may be converted to extensometers for continuous land subsidence monitoring.

(Ord. 1115 § 1, 2000.)

B. Establishing Monitoring Frequency for Land Subsidence: The frequency of land subsidence monitoring will be determined by the WAC and approved by the Board. Subsidence surveys should be conducted following aquifer recovery and prior to groundwater extraction for irrigation in the spring (March). It is anticipated that the benchmarks will be surveyed using precision vertical GPS methods. Extensometer monitoring will be conducted on a continuous basis. It will be the responsibility of the TAC to report to the WAC on the status of the network annually.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.100: Changes in Monitoring

A. Changes in Monitoring Frequency: If evaluation of the groundwater level, groundwater quality, or subsidence data indicates a need for fewer or greater monitoring frequency, the TAC may propose a change in the monitoring schedule to the WAC. The Board will consider changes when supported by credible evidence.

B. Changes in monitoring network: If evaluation of the groundwater level, groundwater quality, or subsidence data indicates a need for a fewer or a greater number of monitoring wells or benchmarks, the TAC can propose a change in the monitoring networks to the WAC. The Board will consider changes when supported by credible evidence.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.110: Review of Technical Data

A. The TAC will establish standard methods for review and analysis of the collected data. The TAC may meet bimonthly during the irrigation season (April through September) and

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quarterly during the off season (October through March) or as necessary.

B. During the irrigation season, the TAC meetings will focus on data review and analysis with respect to compliance with the current BMO. During the non-irrigation season, the TAC meetings will focus on a review of BMO compliance for the previous irrigation season and development of new BMO criteria for the following year.

C. The TAC will establish methods for data collection, storage and dissemination. Methods for collecting groundwater level, groundwater quality, and land subsidence data will follow quality assurance and quality control guidelines established by the TAC and approved by the WAC and Board.

D. The WAC will disseminate the monitoring data through public presentations and through a County (Department of Agriculture) maintained groundwater and coordinated water management webpage.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.120: This Section Reserved

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.130: Action by Water Advisory Committee: Revised

A. In the event that the TAC identifies an area of noncompliance with a BMO, unrelated to export, the TAC shall report to the WAC and the Board on the regional extent and magnitude of the noncompliance. This information shall also be released to the public. This report shall be made in a timely manner established by the board based upon the severity of the situation. The TAC shall then collect all available pertinent data and investigate possible causes for the BMO noncompliance, and recommend actions to resolve the BMO noncompliance to the WAC and the Board. These recommendations shall also be made in a timely manner established by the board based upon the severity of the situation. It shall be the intent of the TAC to first make recommendations that focus on resolving the BMO noncompliance through negotiations with all parties in the affected area.

B. If TAC recommendations do not result in timely and positive actions to reestablish BMO compliance; the WAC shall then recommend an adaptive management plan to the Board to constrain the identified causes in the affected area. This action will only be taken on the recommendation of the TAC after a thorough technical review of the issue. The Board shall also have the authority to intervene into isolated areas impacted by overdraft that occur anywhere in the County if the affected landowners in that area are unable to resolve their own issues.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.003.140: Action by Board of Supervisors

The Board shall act as the Enforcement Agency for this ordinance. Any recommendation of the TAC or the WAC may be appealed to the Board. (Glenn County Code sections 01.001-015.) "Enforcing officer" means the County public officer or County board, commission or department designated by state law or the board of supervisors to enforce any provisions of state law, this code or other County enactment. "Enforcing officer" includes any officer, employee or agent of the County to whom enforcement powers have been lawfully delegated by a designated enforcement officer or by the board of supervisors.

(Ord. 1237 § 1, 2012; 1126 § 2, 2000; Ord. 1115 § 1, 2000.)

20.003.150: Programs by Water or Irrigation Districts

Districts that operate their own groundwater management programs pursuant to AB 3030 or Central Valley Project Improvement Act (CVPIA) (Section 3405(a) and Public Law 102-575 or similar) contractual obligations shall make annual reports to the WAC if such programs are based upon safe yield. If a District proposes a groundwater substitution transfer outside of the County and District boundaries, the District shall comply with any

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Glenn County Export Water Transfer Guidelines (Exhibit C) and all state and federal regulation and laws.

(Ord. 1237 § 1, 2012; 1115 § 1, 2000.)

20.005: STORAGE OF HAZARDOUS SUBSTANCES IN TANKS¹

20.005.010: Purpose and Intent

A. The purpose of this chapter is to provide for implementation of the provisions of Chapter 6.7 (commencing with Section 25280) and Chapter 6.67 (commencing with Section 25270) of Division 20 of the Health and Safety Code, regarding the regulation of storage of hazardous substances in tanks and to establish a procedure for the issuance of permits related to this subject.

B. All provisions of this chapter shall be interpreted in accordance with those provisions of the Health and Safety Code cited in subsection A and the regulations adopted by the State Water Resources Control Board pursuant thereto.

C. It is further the intent of the Board of Supervisors in enacting this chapter to recognize the State's interest, as expressed in Health and Safety Code Section 25280.5, in implementing a program for the regulation of storage tanks in lieu of establishment of a federal program for that purpose.

(Ord.1117 § 2, 2000)

20.005.020: Administration

The Director shall enforce the provisions of this chapter and of Chapters 6.7 (commencing with Section 25280) and 6.67 (commencing with Section 25270) of Division 20 of the Health and Safety Code. (Ord.1117 § 2, 2000)

20.005.030: Permit Required

A. No person shall operate a facility for the storage of any hazardous substance within Glenn County except by authority of a valid permit to operate and/or certificate of compliance issued to the tank owner and the operation of the facility is in conformance with the regulations adopted by the State Water Resources Control Board.

B. A person shall be deemed to operate a facility and be in violation of this section if such person, without a required permit, supervises, inspects, directs, organizes, manages, or controls or is in any way responsible for or in charge of the facility for which the permit is required.

C. This section does not obviate the requirements to obtain valid permits pursuant to other provisions of law, or to comply with other applicable ordinances, including, but not limited, the Glenn County Code.

(Ord.1117 § 2, 2000)

20.005.040: Application Filing

All applications for a permit shall be filed in the office of the Administering Agency.

(Ord.1117 § 2, 2000)

20.005.050: Application Contents

The application for a permit shall be filed on a State Water Resources Control Board form and contain all such information as is prescribed by the Director. Each applicant shall submit the form along with a package to comply with the requirements of the State Water Resources Control Board. This package shall contain any alternative method to be used in monitoring and the emergency plan to be employed by the applicant at the facility.

(Ord.1117 § 2, 2000)

20.005.060: Issuance

The Director shall act upon the application not later than ninety days after the date it is accepted as complete unless the applicant has filed with the Director written notice of a request and received written approval for extension of the time within which action is taken on the grounds that additional time is required to prepare or present plans or other information, obtaining zoning variances or other permits, or make other corrections

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remedying inconsistencies with the provisions of this chapter; or on the grounds that the Director has on file a written notice from another public agency showing just cause for an extension of time, and the Director has approved an extension of time pursuant thereto.

(Ord.1117 § 2, 2000)

20.005.070: Term of Permit

The term of the permit to operate shall be five years, at which time the permittee may apply in the manner prescribed herein for renewal of the permit for another five-year term. Temporary permits may be issued pursuant to regulations established by the State Water Resources Control Board. Such temporary permits shall have a term of not greater than six months. (Ord.1117 § 2, 2000)

20.005.080: Contents of Permit

A. The permit shall contain a complete description of the enterprise for which it is issued, the date of permit issuance, date of permit expiration, and a description of any and all conditions upon which the permit has been issued. A copy of the permit shall be kept on the storage premises and shall be made available to the Director or Director's agents upon request.

B. As a condition of any permit to operate a storage tank, the permittee shall notify the Director within thirty days of any changes in the usage of any storage tanks, including the storage of new hazardous substances, changes in monitoring procedure and changes in ownership or operation. The Director shall be notified within twenty four hours of any unauthorized release occurrences.

(Ord.1117 § 2, 2000)

20.005.085: Certificate of Compliance

Facilities required to prepare a Spill Prevention Control and Countermeasure Plan pursuant to Health and Safety Code Section 25270.5(c) shall file a certificate of compliance annually with the Director. (Ord.1117 § 2, 2000)

20.005.090: Monitoring

The operator of the storage facility shall monitor the facility using the method specified on the permit for the facility. Methods of testing will be with the approval of the Director and stated on the permit. Records shall be kept in sufficient detail to enable the Director to determine that the operator has undertaken all monitoring activities required in the permit and pursuant to the regulations of the State Water Resources Control Board. (Ord.1117 § 2, 2000)

20.005.100: Fees

A. The Board of Supervisors shall establish by resolution a schedule of fees for applications, inspections, transfers of ownerships, closure, certification and other related fees to reimburse the County of Glenn for the costs of implementing this chapter.

B. The Administering Agency shall collect all such fees and may collect the state surcharge established by state law.

(Ord.1117 § 2, 2000)

20.005.110: Inspections

The Administering Agency shall inspect every storage facility along with inventory records and conformance to monitoring requirements pursuant to applicable sections of the Health and Safety Code or more frequently as deemed necessary by the Director.

(Ord.1117 § 2, 2000)

20.005.120: Appeals

A. Any decision of the Director may be appealed to the Board of Supervisors by a party with financial interest in the enterprise or a resident of the county.

B. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the Director not later than fifteen days after the date of the decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review the action against which complaint is made shall be deemed to

have been waived.

(Ord.1117 § 2, 2000)

20.005.130: Appeal hearing

Not later than thirty days, or as soon thereafter as the matter can be heard, following the date of filing an appeal within the time and in the manner prescribed by Section 20.05.120, the Board of Supervisors shall conduct a hearing on the appeal. Written notice of the time, date and place of the hearing shall be mailed to the appellant not later than ten days preceding the date of the hearing. (Ord.1117 § 2, 2000)

20.005.140: Grounds for Revocation

Any permit issued pursuant to this chapter may be revoked during its term upon one or more of the following grounds:

A. That an unauthorized release has occurred pursuant to Section 25294 or 25295 of the Health and Safety Code;

B. That modifications have been made to the storage tank system or facility in violation of the permit or the compliance certificate;

C. That the holder of the permit or certificate has violated one or more conditions upon which the document has been issued.

(Ord.1117 § 2, 2000)

20.005.150: Method of Revocation

The Administering Agency may revoke a permit or certificate by issuing a written notice of revocation, stating the reasons therefor, and serving same, together with a copy of the applicable provisions of this chapter and Chapter 6.7 or Chapter 6.67 of Title 20 of the Health and Safety Code, upon the permittee. The revocation shall become effective fifteen days after the date of service, unless the permittee files an appeal in accordance with the provisions of Section 20.05.120. If an appeal is filed, the revocation shall not become effective until the appeal is decided by the Board of Supervisors. (Ord.1117 § 2, 2000)

20.005.160: Variances

The Director shall honor any variances granted by the State Water Resources Control Board or the Regional Water Control Board, providing such variances were issued in accordance with the regulations established by the State Water Resources Control Board and the term of the variance is not longer than one year without review.

(Ord.1117 § 2, 2000)

20.005.165: Violation

Any person who fails to notify the Agency or Director when required to do so by this Chapter, the California Health and Safety Code, applicable state regulations, or the Agency, or who submits false information in a permit application, certificate of compliance, report, or to a request for information is liable for penalty as specified in Section 20.05.170. (Ord.1117 § 2, 2000)

20.005.170: Penalties

A. Every person who violates any provision of this chapter is guilty of a misdemeanor; however, if conduct prohibited by this chapter is also punishable under Chapter 6.7 (commencing with Section 25280) or Chapter 6.67 (commencing with Section 25270) of the Health and Safety Code, the penalties provided in that chapter shall apply to that conduct in lieu of the penalties provided in this code.

B. Civil Penalty. Any person who violates any provision of this Chapter is liable for a civil penalty of not more than two thousand dollars (\$2,000) for each day, or part thereof, that such violation occurs. Any person who knowingly violates any provision of this Chapter, after reasonable notice of the violation is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each day, or part thereof, that such violation occurs.

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C. Additional Penalties. In addition to any civil and criminal penalties prescribed under this ordinance the Director may impose administrative civil penalties for violation of this ordinance or regulation of the Agency adopted pursuant to Division 20, Chapter 6.95 of the Health and Safety Code. No administrative civil penalty levied pursuant to this section may exceed five hundred dollars (\$500) for each violation. However, nothing in this section is intended to restrict the authority of the agency to negotiate mutual settlement under any other penalty provision of law.

(Ord.1117 § 2, 2000)

20.005.180: Enforcement

A. This chapter shall be enforced by the Director under direction of the Board of Supervisors, and by all officers named by the Director. Persons authorized to enforce this chapter are authorized to arrest without warrant as provided in Section 836.5 of the Penal Code.

B. For the purpose of enforcing or administering this chapter, the Director or an authorized representative of such officer, upon presentation of his credentials, or if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which a storage tank is located for the purpose of inspecting such tank, including securing samples associated therewith, or any records required to be maintained in connection therewith by the Director.

(Ord.1117 § 2, 2000)

20.006: HAZARDOUS MATERIALS DISCLOSURE²

20.006.010: Purpose and Intent

A. The purpose of this chapter is to provide for implementation of the provisions of Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code, regarding the regulation of hazardous materials, and to establish a procedure for the filing of a Certificate of Compliance for Hazardous Materials.

B. All provisions of this chapter shall be interpreted in accordance with those provisions of the Health and Safety Code cited in subsection A and the regulations adopted by the State pursuant thereto.

(Ord.1117 § 3, 2000)

20.006.020: Administration

A. Administering Agency. The Administering Agency for Chapter 20.05, 20.06 and 20.07 shall be that Agency designated by a Board of Supervisors Minute Order.

B. The Director shall enforce the provisions of this Chapter and of Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code. The Director shall be designated by a Board of Supervisors Minute Order.

(Ord.1117 § 3, 2000)

20.006.021: Agency Determinations

Pursuant to notice and public hearing given in connection with the enactment of this Chapter the Administering Agency, under Subparagraph (2) or Paragraph (c) of Section 25503.5 of the Act, has found that the following substances would not pose a present or potential danger to the environment or to human health and safety if released into the environment, and that exceptional circumstances warrant exemption from inventory provisions of the Act of the elemental metals of Aluminum, Beryllium, Cadmium, Copper, Lead, Magnanese, Molybdenum, Nickel, Rhodium, Silver, Tellurium, Tin and Zinc, unless any of these materials is stored in a friable powdered or finely divided state. Accordingly, unless stored in the states specified, the above elemental metals shall not be deemed to be Hazardous Material with the County.

In accordance with Section 25503.5 (c)(2) of the California Health and Safety Code, the Administering Agency for Chapter 6.95, Hazardous Release Response Plans and Inventory

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(Business Plans) may, following notice and a public hearing, exempt from the inventory provisions of the Business Plan any hazardous substance if the Administering Agency finds that the hazardous substance would not pose a present or potential danger to the environment, or to human health and safety if the hazardous substance was released into the environment. (Ord.1117 § 3, 2000)

20.006.022: Small Gas Cylinder Exemption

A business using compressed gas cylinders containing either of the following hazardous materials used for the purpose specified and stored at each place of business in quantities not exceeding the thresholds specified below shall be exempted from the requirements of this Chapter, based on the fact that these materials would not pose a present or potential danger to the environment or to human health and safety if released into the environment:

A. Helium has used for inflation of balloons and stored in quantities of not more than 1,000 cubic feet at standard temperature and pressure;

B. Carbon dioxide gas for carbonation of beverages and stored in quantities of not more than 6,000 cubic feet at standard temperature and pressure.

Ord.1117 § 3, 2000)

20.006.023: Consumer Packaged Products

A business that handles hazardous materials solely in the form of consumer packaged products for direct distribution to and use by the general public may be exempted from filing the Certificate of Compliance required by Section 20.06.030 by the Director.

(Ord.1117 § 3, 2000)

20.006.024: Farming Businesses

A business operating a farm for purposes of cultivation the soil or raising or harvesting any agricultural or horticultural commodity shall be exempt from Section 20.06.050 and Section 20.05.080 when they provide a Certificate of Compliance, inventory and other information as deemed required by the Director to the County Agriculture Commissioner on a schedule and in a form as prescribed by the Commissioner and post buildings as required by the Commissioner. The Commissioner shall forward a copy of the Certificate of Compliance to the Administering Agency. (Ord.1117 § 3, 2000)

20.006.025: Other Businesses

In accordance with Section 25503.5 (c)(3) and 25503.5 (c)(4) of the California Health and Safety Code, the Administering Agency for Chapter 6.95, Hazardous Release Response Plans and Inventory (Business Plans) may, upon application by a handler, exempt the handler, under conditions that the Administering Agency finds to be proper, from any portion of the business plan, upon a written finding that the exemption would not pose a significant present or potential hazard to human health or safety or to the environment or affect the ability of the Administering Agency and the emergency rescue personnel to effectively respond to the release of a hazardous material, and that there are unusual circumstances that justify the exemption. The Administering Agency shall specify in writing the basis for any exemption under this paragraph. The Administering Agency, upon application by a handler, may exempt a hazardous material from the inventory provisions of this chapter upon proof that the material does not pose a significant present or potential hazard to human workplace or environment. The Administering Agency shall specify in writing the basis for any exemption under this paragraph. (Ord.1117 § 3, 2000)

20.006.030: Certificate of Compliance

A. No person shall operate a facility for the storage of any hazardous substance (materials described by paragraphs (o), (p), (q) of Section 25501 and Section 25501.1 of the Health and Safety Code) within Glenn County except after the filing a Certificate of Compliance with the Administering Agency and the operation of the facility is in conformance with the regulations adopted by the State.

B. A person shall be deemed to operate a facility and be in violation of this section if such person, without a required Certificate of Compliance, supervises, inspects directs,

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organizes, manages, or controls or is in any way responsibility for or in charge of the facility for which the Certificate of Compliance is required.

C. This section does not obviate the requirements to obtain valid permits pursuant to other provisions of law, or to comply with other applicable ordinances, including, but not limited, to the Glenn County Code.

(Ord.1117 § 3, 2000)

20.006.040: Filing of Certificate of Compliance

All Certificates of Compliance shall be filed in the office of the Agency. (Ord.1117 § 3, 2000)

20.006.050: Contents

The Certificate of Compliance shall be filed on a form and contain all such information as is prescribed by the Director. Each applicant shall submit the form along with a package containing information outlined in Section 20.06.080. (Ord.1117 § 3, 2000)

20.006.060: Acceptance

The Director shall act upon the Certificate of Compliance not later than ninety days after the date it is accepted as complete unless the applicant has filed with the Director written notice of a request and received written approval for extension of the time within which action is taken on the grounds that additional time is required to prepare or present plans or other information, obtaining zoning variances or other permits, or make other corrections remedying inconsistencies with the provisions of this chapter; or on the grounds that the Director has on file a written notice from another public agency showing just cause for an extension of time, and the Director has approved an extension of time pursuant thereto.

(Ord.1117 § 3, 2000)

20.006.070: Term of Certificate of Compliance

A Certificate of Compliance shall be filed annually with the Agency. (Ord.1117 § 3, 2000)

20.006.080: Contents of Packet

The packet submitted with the Certificate of Compliance shall contain the following:

A. The inventory described by Section 25509 of the Act;

B. A site plan showing the location by building and by place within a building or upon a site of all Hazardous Substances handled by the business;

C. A Business Plan for emergency response to a release or threatened release of a Hazardous Substance, which complies and is in accordance with the standards in the regulations adopted pursuant to Section 25503 of the Act.

D. As required by law or as requested by the Administering Agency, all required California Accidental Release Prevention Program Plan and Risk Management Plan information shall be submitted.

(Ord.1117 § 3, 2000)

20.006.090: Quantities

Section 20.05.080 and 20.06.050 shall be applicable to those Businesses described therein which store or handle a Hazardous Material or a mixture containing a Hazardous Material which has a quantity at any one time during the year equal to or greater than, a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas. (Ord.1117 § 3, 2000)

20.006.100: Fees

A. The Board of Supervisors shall establish by resolution a schedule of fees to reimburse the county of Glenn for the costs of implementing this chapter.

B. The Director shall collect all such fees and may collect the state surcharge established by state law.

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(Ord.1117 § 3, 2000)

20.006.110: Inspections

The Director shall inspect every facility once every three (3) years or more frequently as deemed necessary by the Administering Agency. (Ord.1117 § 3, 2000)

20.006.120: Appeals

A. Any decision of the Administering Agency may be appealed to the Board of Supervisors by a party with financial interest in the enterprise, or a resident of the county.

B. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the Administering Agency not later than fifteen days after the date of the decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review the action against which complaint is made shall be deemed to have been waived.

(Ord.1117 § 3, 2000)

20.006.130: Appeal Hearing

Not later than thirty days, or as soon thereafter as the matter can be heard, following the date of filing an appeal within the time and in the manner prescribed by Section 20.06.120, the Board of Supervisors shall conduct a hearing on the appeal. Written notice of the time, date and place of the hearing shall be mailed to the appellant not later than ten days preceding the date of the hearing. (Ord.1117 § 3, 2000)

20.006.140: Grounds for Revocation

Any Certificate of Compliance accepted pursuant to this chapter may be revoked during its term upon one or more of the following grounds:

A. That an unauthorized release has occurred pursuant to Section 25294 or 25295 of the Health and Safety Code;

B. That modifications have been made to the storage area or facility in violation of the Certificate;

C. That the holder of the Certificate has violated one or more conditions upon which the Certificate has been issued.

(Ord.1117 § 2, 2000)

20.006.150: Method of Revocation

The Director may revoke acceptance of the Certificate of Compliance by issuing a written notice of revocation, stating the reasons therefor, and serving same, together with a copy of the provisions of this chapter and applicable portions of the Health and Safety Code, upon the submittee. The revocation shall become effective fifteen days after the date of service, unless the submittee files an appeal in accordance with the provisions of Sections 20.06.120. If an appeal is filed, the revocation shall become effective until the appeal is decided by the Board of Supervisors. (Ord.1117 § 3, 2000)

20.006.160: Violation

Any person who fails to notify the Agency or Director when requested to do so by this chapter, and who submits false information in a permit application, Certificate of Compliance, report or to a request for information is liable for penalty as specified in Section 20.06.170. (Ord.1117 § 3, 2000)

20.006.170: Penalties

Every person who violates any provision of this chapter is guilty of a misdemeanor; however, if conduct prohibited by this chapter is also punishable under Chapter 6.7 (commencing with Section 25280) of the Health and Safety Code, the penalties provided in that chapter shall apply to that conduct in lieu of the penalties provided in this code:

A. Civil Penalty. Any person who violates any provision of this Chapter is liable for a civil penalty of not more than two thousand dollars (\$2,000) for each day, or part thereof, that such violation occurs. Any person who knowingly violates any provision of this Chapter,

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after reasonable notice of the violation is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each day, or part thereof, that such violation occurs;

B. Additional Penalties. In addition to any civil and criminal penalties prescribed under this ordinance the Director may impose administrative civil penalties for violation of this ordinance or regulation of the Agency adopted pursuant to Division 20, Chapter 6.95 of the Health and Safety Code. No administrative civil penalty levied pursuant to this section may exceed five hundred dollars (\$500) for each violation. However, nothing in this section is intended to restrict the authority of the agency to negotiate mutual settlement under any other penalty provision of law;

C. Continuing Violation. Each and every day a violation of this chapter or Division 20, Section 6.95 of the Health and Safety Code continues shall constitute a separate offense. The person committing or permitting such offenses may be charged with a separate offense for each such violation and punished accordingly.
(Ord.1117 § 3, 2000)

20.006.180: Other Government Agencies

All other Government Agencies are subject to the provisions of this chapter. (Ord.1117 § 3, 2000)

20.006.190: Enforcement

A. This chapter shall be enforced by the Director under direction of the Board of Supervisors, and by all officers named by the Director. Persons authorized to enforce this chapter are authorized to arrest without warrant as provided in Section 836.5 of the Penal Code.

B. For the purpose of enforcing or administering this chapter, the Director or an authorized representative of such officer, upon presentation of his credentials, or if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which hazardous materials may be stored for the purpose of inspecting such premises including securing any records required to be maintained in connection therewith by the Director.

(Ord.1117 § 3, 2000)

20.007: HAZARDOUS WASTE GENERATOR TREATMENT PERMITS³

20.007.001: Purpose

It is the purpose of this Chapter to incorporate and implement Chapters 6.5 and 6.11 of Division 20 of the California Health and Safety Code. The provisions of these codes establish the authority for the regulation and permitting of facilities that generate, store or treat hazardous wastes. (Ord.1117 § 4, 2000)

20.007.010: Definitions

The terms "Hazardous Materials" shall, except as hereinafter provided, mean those materials described by Paragraphs (o), (p), (q) of Section 25501 and Section 25501.1 of the Health and Safety Code. (Ord.1117 § 4, 2000)

20.007.023: Tiered Permit

No person shall operate a hazardous waste treatment system under a grant of Permit by Rule, Conditional Authorization or Conditionally Exempt as defined in Chapter 6.5 of the California Health and Safety Code (Sections 25117.14, 25110.91 or 25110.9 respectively) without a Permit issued by the County. (Ord.1117 § 4, 2000)

20.007.026: Permit Required

No person shall maintain hazardous waste on-site within the county without a valid Permit issued by the County unless specifically exempt after public notice by the Director as to type or quantity when such exemption will not pose a public health risk. (Ord.1117 § 4, 2000)

20.007.027: Exemptions

Generators that accumulate hazardous waste for less than 90 days are exempt from the

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permit requirements of Section 20.07.026 providing they file a Certificate of Compliance on a schedule and in a form prescribed by the Director. The Director may exempt other generators from permit requirements after a public hearing providing such exemptions do not affect public health and welfare. (Ord.1117 § 4, 2000)

20.007.030: Application

The Hazardous Waste Generator Permit shall be issued pursuant to the filing of an application by the person who maintains or treats the hazardous waste. The application may be filed jointly with the application for Condition Use Permit in the Public Works & Development Services Agency/Planning Division, on a form prescribed by and shall contain such information as is required by the Director. The application shall be accompanied by the payment of such fees as are prescribed by Resolution adopted by the Board of Supervisors. (Ord.1117 § 4, 2000)

20.007.035: Issuance/Conditions

The Hazardous Waste Generator or Treatment Permit shall be issued in conjunction with the Use Permit issued by the Public Works & Development Services Agency/Planning Division after a completed application therefor has been filed. An Application shall not be deemed complete unless it contains all information required by the County and all Fees prescribed by Resolution have been paid. The Permit may be issued subject to such conditions as the Administering Agency determines are necessary to promote the purposes and objects of the Act, including, but not limited to operational or other practices and actions necessary to facilitate or promote reduction of hazards and the effectiveness of emergency response plans. Conditions may be added following completion of an on-site inspection or review of the permit. (Ord.1117 § 4, 2000)

20.007.040: Denial

The County may deny an application for a Hazardous Waste Generator or Treatment Permit on any of the following grounds:

A. That an application partially completed has been filed and pending thirty (30) calendar days or more, and information required by the County Director to make the application complete has not been provided;

B. That the fee prescribed for the Permit has not been paid; or

C. That during the term of a previously issued Hazardous Waste Generator Permit held by the applicant, fees prescribed by Resolution and associated with administration of the previously issued Permit have been billed, unpaid, and have become delinquent. (Ord.1117 § 4, 2000)

20.007.045: Enforcement Penalties

The provisions of this Chapter shall be enforced by the Director of the Administering Agency, as appointed by the County Board of Supervisors. (Ord.1117 § 4, 2000)

20.007.050: Penalties

Every person who violates any provision of this chapter is guilty of a misdemeanor; however, if conduct prohibited by this chapter is also punishable under Chapter 6.7 (commencing with Section 25280 of the Health and Safety Code, the penalties provided in that chapter shall apply to that conduct in lieu of the penalties provided in this code.

A. Civil Penalty. Any person who violates any provision of this Chapter is liable for a civil penalty of not more than two thousand dollars (\$2,000) for each day, or part thereof, that such violation occurs. Any person who knowingly violates any provision of this Chapter, after reasonable notice of the violation is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each day, or part thereof, that such violation occurs.

B. Additional Penalties. In addition to any civil and criminal penalties prescribed under this ordinance the Director may impose administrative civil penalties for violation of this ordinance or regulation of the Agency adopted pursuant to Division 20, Chapter 6.95 of

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the Health and Safety Code. No administrative civil penalty levied pursuant to this section may exceed five hundred dollars (\$500) for each violation. However, nothing in this section is intended to restrict the authority of the agency to negotiate mutual settlement under any other penalty provision of the law.

C. Continuing Violation. Each and every day a violation of this Chapter or Division 20, Section 6.95 of the Health and Safety Code continues shall constitute a separate offense. The person committing or permitting such offenses may be charged with a separate offense for each such violation and punished accordingly.

(Ord.1117 § 4, 2000)

20.007.055: Violation

Any person who fails to notify the Agency or Director when requested to do so by this chapter, and who submits false information in a permit application, Certificate of Compliance, report or to a request for information is liable for penalty as specified in Section 20.07.050. (Ord.1117 § 4, 2000)

20.007.060: Appeals

Any decision of the Director may be appealed to the Board of Supervisors. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief and shall be filed with the Clerk of the Board of Supervisors not later than fifteen (15) days after the date of service of any such decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which complaint is made shall be deemed to have been waived. (Ord.1117 § 4, 2000)

20.007.065: Appeal

A. Not later than sixty (60) days, or longer if a notice of continuance is mailed to the appellant, following the date of filing an appeal within the time and in the manner prescribed by Section 20.06.060, the Board of Supervisors shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date, and place of the hearing shall be mailed to the appellant not later than ten (10) days preceding the date of the hearing.

B. During the hearing, the burden of proof shall rest with the appellant. The provisions of the California Administrative Procedure Act (commencing at Section 11500 of the Government Code) shall not be applicable to such hearings; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable. Testimony shall be given under oath, and the parties to the hearing shall have the right to cross-examine witnesses. At the conclusion of the hearing, the Hearing Authority shall prepare a written decision which either grants or conditionally grants or denies the appeal, and contains finding of fact and conclusions. Notice of the written decision, including a copy thereof, shall be filed with the Director and served not later than thirty (30) days following the date on which the hearing is closed on the appellant and on other persons who appeared at the hearing and requested a copy. Service shall be by personal delivery or certified mail.

(Ord.1117 § 4, 2000)

20.007.070: Finality of Determination

The decision by the Board of Supervisors shall become final upon the date of filing and service. (Ord.1117 § 4, 2000)

20.007.080: Fees

A. The Board of Supervisors shall establish by resolution a schedule of fees to reimburse the county of Glenn for the costs of implementing this chapter.

B. The Director shall collect all such fees and may collect the state surcharge established by state law.

(Ord.1117 § 4, 2000)

20.008: WATER WELL DRILLING PERMITS AND STANDARDS

20.008.010: Purpose

The board of supervisors finds that the protection of groundwater within the county is of

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major concern to the residents of the county for the protection of their health, welfare and safety. The board further finds that the adoption of the following standards are necessary for the protection of the groundwater within the county. (Ord. 818 § 1 (part), 1984.)

20.008.020: Permit requirements

It is unlawful to drill any type of well for the extraction of groundwater of any nature or description, or for a property owner to allow such drilling on his land, or to abandon any such well, without first obtaining a permit therefor. (Ord. 818 § 1 (part), 1984.)

20.008.030: Permit application, issuance and term

A. The health officer shall review all completed applications for permits. If the application, site evaluation or plans do not conform to the requirements of all pertinent laws, the application shall be denied in writing, including the reasons for denial. If the health officer is satisfied that the proposed work conforms to the requirements of this chapter and all pertinent laws and ordinances, a water well permit shall be issued.

B. The health officer shall stamp or endorse in writing all permits and all sets of approved plans. One set of such approved plans and the permit shall be retained by the health officer and another set shall be kept at the well construction site, open to inspection of the health officer at all reasonable times. All work shall conform to the approved plans for which the permit has been issued and any approved amendments.

C. Every permit expires one year after issuance. If the permittee cannot complete the work within one year, and applies for an extension before the permit expires, the health officer may extend the permit for one additional year.

(Ord. 1060 § 77, 1995.)

20.008.040: Inspections

In addition to the inspections required by Section 15.110.080 of this code, an inspection shall be made before grouting occurs. (Ord. 1183 § 2, 2006; Ord. 818 § 1 (part), 1984.)

20.008.050: Drilling log

Upon completion of the drilling, the permittee shall submit a drilling log to the county building inspector. (Ord. 818 § 1 (part), 1984.)

20.008.060: Standards

A. In order to provide minimum standards for the proper regulation of well drilling and abandonment, the water well standards: State of California (Department of Water Resources Bulletin 74-81 and 74-90), as may be amended from time to time, is adopted, incorporated and made a part of this chapter by reference without further publication, as though set forth at length in this chapter and is declared to be the well drilling and abandonment code of the county, and shall apply to and govern all wells drilled or abandoned in the unincorporated areas of the county.

B. All annular well seals shall extend at least five feet into the first low permeability stratum encountered, or to fifty feet, whichever is the lesser depth.

1. No well seal shall be less than twenty feet deep except as provided in Bulletin 74-90.

2. Where the low permeability stratum is less than five feet thick, the annular seal shall extend through its entire thickness.

3. Steel well casing shall be no less than ten gauge in thickness.

(Ord. 982 § 6, 1991; Ord. 818 § 1 (part), 1984.)

20.008.070: Permit revocation and rescission

A. A permit issued pursuant to this chapter may be revoked by the health officer if the health officer determines that a violation of this chapter exists, that written notice has been directed to the permittee specifying the violation, and that the permittee has failed or neglected to take corrective action within 30 days of the date of the notice.

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B. A permit may also be rescinded by the health officer upon determination that the permit was obtained by false statement or misrepresentation. The permittee shall be notified in writing of the action. The rescission shall be effective upon the date of issuance of the permit.

(Ord. 1060 § 79, 1995.)

20.008.080: Appeals

A. An owner whose application for a water well permit has been denied, or whose permit has been revoked, may file an appeal with the board of supervisors within 30 days of the action of the health officer under section 20.08.070. The appeal shall be accompanied by any required filing fee.

B. The appeal shall be made in writing and shall demonstrate that all of the following circumstances apply:

1. The water well site clearly meets all required setbacks and all other standards of this chapter;
2. The use of a water well on the property does not pose any danger to the public health or safety.

(Ord. 1060 § 80, 1995.)

Title 20 Footnotes

1. For statutory provisions regarding the regulations of storage of hazardous substances in tanks, see Chapters 6.7 & 6.67 of Division 20 of the California Health & Safety Code (specific sections set forth within this chapter)
2. For statutory provisions for establishment of authority for the regulation and permitting of facilities relating to hazardous wastes, see Chapters 6.5 & 6.95 of Division 20 of the California Health & Safety Code (specific sections set forth within this chapter)
3. For statutory provisions requiring regulations of hazardous materials and procedures for filing Certificate of Compliance for Hazardous Materials, see Chapters 6.5 & 6.95 of Division 20 of the California Health & Safety Code (specific sections set forth within this chapter)

Title 20 Attachments

C Export Water Transfer Guidelines

Part 1 Background.

Part 2 Water Transfer Notice Process.

Part 3 Monitoring and Reporting.

Part 4 Water and Technical Advisory Committee's Roles and Responsibilities.

Part 5 Fees.

Part 1 Background.

The Preliminary Plan for Groundwater and Coordinated Water Management (Preliminary Plan) was approved by the Glenn County Water Advisory Committee (WAC) in 2004 and adopted by the Glenn County Board of Supervisors (Board) in May 2006. The Preliminary Plan identified "next steps" that should be undertaken as components of a program to facilitate the management of water resources by local entities within Glenn County, which included the development of Water Transfer Guidelines ("Guidelines"). Accordingly, these Guidelines have been developed by the County in consultation with the local water agencies in Glenn County, in order to facilitate the management of water resources within the County. The County recognizes that local water agencies are in the best position to manage their water resources within the County, and that these agencies' delivery of surface water to their landowners for irrigation contributes substantially to maintaining and enhancing groundwater levels in the County

Definitions:

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Export and Groundwater Substitution Program

“Export” means the use of County groundwater outside of the boundaries of the County and outside of the boundaries of any district that is partially within the County. Surface water that is sold or exchanged outside of the boundaries of the County and outside of the boundaries of any district that is partially within the County that is replaced by groundwater extraction shall be considered export.

The transfer of Surface Water by fallowing/crop substitution within a Water Agency is not considered an export and is not subject to the Ordinance or these Guideline

"Groundwater Substitution" means the voluntary substitution of an available surface water supply by a groundwater supply for the purposes of enhancing in-stream flow or export.

“Water Agency" means a district or municipality wholly or in part located within the boundaries of the County, which is a purveyor of waters for agricultural, domestic or municipal use. The Orland Unit Water Users Association and Willow Creek Mutual Water Company are included in this definition.

Enforcement

Enforcement will be undertaken as described in Section 20.03.140 of the Ordinance.

Other definitions are described in County Code Section 20.03.020.
(Ord. 1237 § 1, 2012)

Part 2 Water Transfer Notice Process.

A Water Agency shall notify the Glenn County Department of Agriculture or the Board of its intent to transfer water out of the County as soon as reasonably feasible, and once the terms and conditions of a proposed water transfer project have been finalized. As an example, a Water Agency preparing and publishing a Notice of Preparation (NOP) pursuant to CEQA, and providing a copy to the Clerk of the Board, would satisfy this notification requirement. Water Agencies should include the County in the distribution of any and all environmental documentation that is prepared and completed for the transfer.

In preparing any environmental documentation required under CEQA, a Water Agency should identify if local public health and safety and other resources may be adversely affected by water being exported out of the County.

Water transfer programs should incorporate effective mechanisms to ensure that injury to other legal users of the water involved is identified and avoided or mitigated. In addition, the County will evaluate the possible economic and environmental effects of the transfer at the county wide level. Real-time monitoring programs may need to be developed to trigger corrective actions that help avoid possible significant environmental impacts as they may develop. Groundwater substitution transfers should be developed with a well-defined mitigation program specifying the actions the seller will take to prevent injury from occurring.

Environmental Documentation

Water Agencies shall comply with the California Environmental Quality Act and/or the National Environmental Policy Act (CEQA/NEPA) and provide the County with review and input on the document preparation.

Groundwater Substitution

After the County is noticed by the Water Agency of a transfer, the agency shall develop a groundwater substitution transfer proposal and provide it to the County. Such proposal may, but need not, be included with any required CEQA documentation. The proposal will include a

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detailed description of any transfer-related changes to water management operations and a description of the facilities used in the operation. The CEQA documentation prepared for the water transfer proposal shall include a description of the following program components:

- Surface water source that will be replaced by groundwater pumping
- Location and construction details of wells that will be pumped
- Schedule and volume of water to be pumped
- Baseline from which the additional pumping will be measured
- Method of measuring and reporting the volume of water pumped
- Monitoring program

Fallowing/Crop Shifting

Prior to initiation of a fallowing/crop shifting water transfer program, the Water Agency will provide notification thereof to the County. Providing any required CEQA documentation to the County will satisfy this notification requirement. The proposal will include a detailed description of any transfer-related changes to water management operations that will be undertaken by the seller. At a minimum, the proposal shall include the number of acres, acre feet, property location if known at the time of submittal, and recent crop history. Crop shifting that makes a contribution to a transfer/export program will be assessed in a cumulative acre foot manner consistent with a substitution program description.

For land fallowing, Water Code Section 1745.05(b) states that no more than 20 percent of the water that would have been applied by the water supplier can be transferred unless the agency approves, following reasonable notice and a public hearing, a larger percentage .
(Ord. 1237 § 1, 2012)

Part 3 Monitoring and Reporting.

Monitoring - General

Incorporated into Guidelines will be program specific components of the Draft Sacramento Valley Water Resource Monitoring, Data Collection, and Evaluation Framework (developed by the Department of Water Resources, DWR) and the Preliminary Plan Comprehensive Groundwater Monitoring Plan (Glenn County), as either document may be amended. The Framework document was developed in 2007 by the DWR staff with valuable assistance from a panel of local and regional water resource scientists and engineers that have a vast knowledge of the region. The Comprehensive Groundwater Monitoring Plan was completed in 2007 as part of an AB 303 Local Groundwater Assistance grant with the work performed by Wood Rodgers Inc. Specific monitoring requirements will be identified, discussed, and agreed upon by the County and Water Agency. Every effort will be made to design program monitoring to gather information beneficial to overall water resource planning, and in a manner that promotes sound coordinated water management activities.

Mitigation

All water transfers that result in significant environmental impacts will be accompanied by a mitigation plan that addresses environmental impacts that may arise as a result of the transfer. The monitoring program required of each transferor is an important component of the mitigation plan. The level of detail in the mitigation plan will be a factor in determining the success of the transfer. Specific mitigation factors will be identified and incorporated into the water transfer program requirements. Every effort will be made to design a mitigation plan that is intended to adequately address responsibility, response, and methods of avoiding third party impact or injury.

Verification and Reporting

Verification of the actions taken to make water available in a crop shifting or fallowing program will be conducted by the participating local agencies, and possibly in conjunction with DWR and the USBR if they participate, and the resulting information shall be made

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available to the County. Water transfers are based on estimates of water made available through fallowing/crop shifting. Accurate reporting of the activities undertaken as part of a crop shifting and fallowing program is an essential provision of any water transfer program. Reporting requirements will be outlined in the contracting process and communicated to Glenn County staff.

Project Agency Approvals

If a Water Agency proposes an export that is subject to approval by USBR or DWR as identified in the Technical Information for Water Transfers in 2012 (and as may be amended in future years), the Water Agency shall provide to the County any information that it provides to the USBR or DWR in accordance with said Technical Information.

(Ord. 1237 § 1, 2012)

Part 4 Water and Technical Advisory Committee's Roles and Responsibilities.

After the Water Agency notifies the County with a notice pursuant to Part II, the County shall provide transfer documentation to the WAC and to the TAC from any local agency (and) or person engaged in an export/transfer program. During the export/transfer program, the County will inform the WAC and TAC, the weekly amounts of groundwater extracted from each well, the precise location of the wells, all pumping and non-pumping groundwater level and water quality measurements made before, during, and after the groundwater substitution period. It shall be the responsibility of the local agency to provide information to the County which will then provide this information to the WAC and TAC. Water Agencies are also encouraged to discuss and/or present their water transfer projects at a WAC and/or TAC meeting.

In the event that the TAC identifies an area of noncompliance with the BMO, perceived to be caused by an export/transfer program based on substantial scientific evidence, the committee shall report to the WAC on the regional extent and magnitude of the noncompliance. The TAC shall then collect and evaluate all available pertinent hydrologic data and investigate possible causes for the BMO noncompliance, and recommend actions to resolve the BMO noncompliance to the WAC. In performing this evaluation and developing any recommendation, the TAC shall consider the involved water agencies' delivery of surface water for irrigation, and the extent to which the groundwater recharge from those surface water deliveries contributes to maintaining or enhancing groundwater levels in the affected area. This report shall be made in a timely manner not to exceed fourteen (14) days from the time at which BMO noncompliance was identified. The WAC shall evaluate the water agency's monitoring and mitigation plan to determine if that plan includes provisions which would address the noncompliance issue. The WAC will then provide notification to the Board. This information shall also be released to the public. .

The County shall focus on resolving the BMO non-compliance through negotiations with the parties in the affected area, including any mitigation actions within the water agency's transfer proposal and environmental documentation. If negotiations with parties in the affected area do not result in a timely and positive action to reestablish BMO compliance, the TAC may recommend an adaptive management plan to the WAC, with the WAC advising the Board to modify, reduce or terminate groundwater extraction in the affected area for the remainder of export/transfer period. This action will only be taken on the recommendation of the TAC after a thorough technical review of the issue. The general sequence of modification, reduction, or termination of groundwater extraction in the affected area, shall be as follows:

- Wells involved in exports
- Other agricultural wells
- All other wells

Conflict Resolution

In the event of a conflict, the procedure for dispute resolution is the procedure incorporated by reference into County Code 20.03 (Appendix A of Exhibit A), which shall be used under these Guidelines. The process begins when a report is received and reviewed by the TAC who then prepares an initial investigation report and notifies the local sub-watershed WAC member(s). Local groundwater information is assembled and committee representatives make site visits,

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collect and assemble additional data, and prepare and present their findings and recommendations to the Board for action. County Code 20.03 and the adopted Basin Management Objective (BMO) concept have provisions for the County's authority to intervene in a tiered fashion that include the implementation of an adaptive management program. (Ord. 1237 § 1, 2012)

Part 5 Fees.

The County is considering the development and adoption of water transfer fees in the future in accordance with the applicable provisions of the County Code, and any applicable laws.

Use of Fees

In the event water transfer fees are adopted, fees received by the County will be placed in trust and utilized only for groundwater and coordinated water management (Preliminary Plan) activities in the County. (Ord. 1237 § 1, 2012)