

California Code of Regulations

Title 23. Division #. Chapter #. State Intervention Fees

Article #. Fees.

Section XXXX. Definitions.

- (a) "Accuracy" means the measured volume relative to the actual volume, expressed as a percent. The percent shall be calculated as $100 \times (\text{measured value} - \text{actual value}) / \text{actual value}$.
 - (1) "Measured value" is the value indicated by the device or measurement method or determined through calculations, such as flow rate combined with duration of flow.
 - (2) "Actual value" is the value as determined through laboratory, design, or field testing protocols.
- (b) "Agency" means a groundwater sustainability agency as defined in Water Code section 10721(j).
- (c) "Board" means the State Water Resources Control Board
- (d) "Calibration" means the process used to check or adjust the accuracy of a meter following relevant industry established protocols.
- (e) "De minimis extractor" has the same meaning as defined in Water Code section 10721.
- (f) "Meter" means a device that measures groundwater extractions and that meets the requirements of section XXX.3.
- (g) "Qualified individual" means one of the following:
 - (1) A California-registered Professional Engineer or Professional Geologist.
 - (2) A California-licensed contractor authorized by the State License Board for C- 57 well drilling or C-61 Limited Specialty/D-21 Machinery and Pumps.
 - (3) A person under the supervision of a California-registered Professional Engineer or Professional Geologist and employed to install, operate, and maintain water measurement and reporting devices or methods.
 - (4) The manufacturer of the device or a representative of the manufacturer.
- (h) "Report" means a report of groundwater extraction as required by Water Code section 5202, prepared on a form provided by the board and including the information required by Water Code section 5203.
- (i) "Water year" has the same meaning as defined in Water Code section 10721.

Section XXXX.1 Annual Fee Schedule.

Except as provided in section XXX.1, any person required to file a report shall submit to the board an annual fee in accordance with the following schedule:

- (a) For persons required to file a report pursuant to Water Code section 5202(a)(2) who are not required to file a report pursuant to Water Code section 5202(a)(1):
 - (1) The annual fee is \$300 per well plus one of the following volumetric charges:

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- (A) \$10 per acre-foot of groundwater extracted during the preceding water year if the person uses a meter to measure groundwater extractions and certifies on a form provided by the Board that the measurements were made using a meter.
 - (B) \$25 per acre-foot of groundwater extracted during the preceding water year if the person does not use a meter to measure groundwater extractions or fails to certify on a form provided by the Board that the measurements were made using a meter.
- (2) For persons extracting groundwater in an area that becomes part of an agency's management area during the water year and is within an agency's management area as of September 30, volumetric charges required by section XXXX.1(a)(1) will be based on the volume of groundwater the person extracted during the portion of the preceding water year when the area was not within the management area of an agency.
 - (3) For persons extracting groundwater in an area that is not within the management area of an agency as of September 30, the volumetric charges required by section XXXX.1(a) will be based on the volume of groundwater the person extracted during the entire water year.
- (b) For persons required to file a report pursuant to Water Code section 5202(a)(1):
 - (1) The annual fee is \$300 per well plus a volumetric charge of \$40 per acre-foot of groundwater extracted during the preceding reporting period, except that for de minimis extractors required to file a report, the annual fee is \$100 per well.
 - (2) For persons extracting groundwater in a basin where the board has determined pursuant to Water Code Section 10735.4(c) or 10735.6(b) that the deficiencies resulting in the probationary designation have not been remedied, an additional volumetric charge of \$15 per acre-foot of groundwater extracted during the preceding reporting period shall apply to the fee required by subdivision (b)(1).
 - (c) For persons required to file a report pursuant to Water Code section 5202 who fail to file the report by December 15, the annual fee shall include an additional charge of 25% of the annual fee described in subsections (a) and (b), plus 25% of the annual fee described in subsections (a) and (b) for each 30-day period after December 15 in which the report has not been filed. In no case shall the additional charge exceed three times the annual fee described in subsections (a) and (b).

Section XXXX.2 Exceptions.

The following exceptions to section XXX.1 applies for annual fees for the water year ending September 30, 2017, for which the annual fee will be one of the following:

- (a) For persons extracting groundwater in an area that is within the management area of an agency by September 30, 2017, the annual fee is waived.
- (b) For persons not subject to subdivision (a)(1), the annual fee is \$300 per well with no additional volumetric charge.
- (c) For persons who fail to file a report by December 15, 2017, the annual fee shall include an additional charge of \$100, plus \$100 for each 30-day period after December 15, 2017 in which the report has not been filed. In no case shall the additional charge exceed \$1,200.

Section XXXX.3 Meters

- (a) A measurement device must be all of the following to be a "meter" used to measure groundwater extractions from the well for purposes of Section XXX.1:

- (1) Equipped with a totalizer that records the total volume of groundwater extracted from the well.
 - (2) Permanently attached to the well discharge pipe between the point of extraction and the point of delivery for beneficial use.
 - (3) Calibrated to be accurate to within \pm five (5) percent by volume. The calibration must be conducted by a qualified individual upon installation and at least once every five years thereafter, or more frequently if necessary to ensure accuracy is maintained.
 - (4) Installed, maintained, operated, inspected, and monitored to ensure the accuracy requirement of subdivision (3).
 - (5) Installed in a manner such that it is readily accessible for reading, inspection, testing, repair and replacement.
 - (6) Reasonably accessible and available for inspection by an authorized representative of the board upon request.
- (b) The board may conduct a field inspection or request additional information from the extractor to determine if a meter is properly installed and meets the requirements of this section. Failure to provide reasonable access for an inspection or to provide records of calibration by a qualified individual upon request by the board is a sufficient basis for the board to determine that a meter has not been used to measure groundwater extractions for purposes of section xxx.1.

Section XXXX.4 Enforcement.

- (a) Failure to pay the annual fee is a violation of this regulation.
- (b) Submitting any information related to measurement methods or extraction volumes that is found to be materially false by the board is punishable by a fine of up to one thousand dollars (\$1,000) or by imprisonment in the county jail for up to six months, or both, and a civil liability for up to twenty-five thousand dollars (\$25,000), plus one thousand dollars (\$1,000) for each day on which the violation occurs. Fine and civil liability for the violation are in addition to, and do not supersede or limit, any other remedies, civil or criminal.

Authority: Water Code sections 1529.5, 1530, 5107, 5208, and 10736(d)(3).

References: Water Code sections 5202, 5202(a)(1), 5202(a)(2), 5203, 5203(e), 10735.4, and 10735.6