

ORDINANCE NO. 3470

**AN ORDINANCE AMENDING CHAPTER 8.95 TO ADD AN EXEMPTION FOR THE
MOVEMENT OF GROUNDWATER THROUGH THE EMERGENCY INTERTIE
BETWEEN THE ATASCADERO MUTUAL WATER COMPANY AND COUNTY SERVICE
AREA NO. 23 WATER SYSTEMS**

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: That Chapter 8.95 of the County Code be amended as follows:

8.95.40 Exemptions.

This chapter shall not apply to the export of groundwater in the following circumstances:

1. To prevent the flood of lands;
2. To prevent the saturation of the root zone for agricultural land;
3. Movement of groundwater within the boundaries or service area of a single local water agency;
4. Movement of groundwater consistent with historical practice within a parcel or between contiguous parcels having the same owner, the same lessee or the same controlling entity in existence on the effective date of this chapter;
5. Movement of contaminated groundwater required by compliance orders issued by local, state or federal agencies that is pumped and treated to remove contaminants that are in violation of the standards for beneficial use. The extracted and treated water may be exported without a permit if the release complies with discharge permits issued by the local, state or federal resource agencies.
6. Exportation of not more than one-half (1/2) acre foot of water per water year from a site.
7. Movement of groundwater through the emergency intertie between the Atascadero Mutual Water Company and County Service Area No. 23 water systems, in the event of a County Service Area No. 23 water supply emergency.

SECTION II: Except as set forth in this ordinance, all of the provisions of Chapter 8.95 shall remain unchanged.

SECTION III: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION IV: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, the Clerk shall publish the previously prepared summary of the ordinance along with the names of the

Board of Supervisors members voting for and against the ordinance and post the full text of the ordinance along with the names of the Board of Supervisors members voting for or against the ordinance in the Administrative Office.

Introduced at a regular meeting of the Board of Supervisors held on the **17th** day of **May, 2022**, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the **7th** day of **June, 2022**, by the following roll call vote, to-wit:

AYES: Supervisors Debbie Arnold, John Peschong, Dawn Ortiz-Legg, Lynn Compton and Chairperson Bruce S. Gibson

NOES: None

ABSENT: None

Bruce S. Gibson
Chairperson of the Board of Supervisors
County of San Luis Obispo, State of California

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:
RITA L. NEAL
County Counsel

BY: /s/ Erica Stuckey
Deputy County Counsel

Dated: May, 13, 2022