

Board of Directors
Bruce E. Dandy, President
Robert Eranio, Vice President
Daniel C. Naumann, Secretary/Treasurer
Sheldon G. Berger
Lynn E. Maulhardt
Edwin T. McFadden III
Michael W. Mobley



General Manager
Mauricio E. Guardado, Jr.

Legal Counsel
David B. Boyer

UNITED WATER CONSERVATION DISTRICT
“Conserving Water since 1927”

FOR IMMEDIATE RELEASE

PASSAGE OF AB 552 PROVIDES STRONGER WATER RESOURCE MANAGEMENT TOOLS TO UNITED WATER CONSERVATION DISTRICT

New California Laws Expands Water Code and Broadens UWCD’s Water Producing Facility Registration, Collection and Administration Authorities

Santa Paula, CA September 29, 2017 -- United Water Conservation District (UWCD) General Manager Mauricio E. Guardado, Jr., announced the passage of California Assembly Bill 552, first introduced by Assembly member Jacqui Irwin in February of this year, which passed the Assembly floor in a 60 ayes to 16 noes vote (three votes not recorded) on September 5, 2017. The bill was signed by Governor Edmund G. Brown, Jr. on September 26, 2017.

“This law gives United Water Conservation District the tools it needs to ensure that everyone pays their fair share for water,” stated Assembly member Jacqui Irwin in announcing the bill’s passage.

The bill, which expands the remedies granted to the UWCD for the enforcement and collection of delinquent groundwater charges under Chapter 3 of Part 9 of Division 21 of the Water Code, enables UWCD to inspect any water-producing facility within its boundaries and affix seals to an abandoned water-producing facility. The new law also gives UWCD the authority to assess an administrative charge to recover the cost of collecting unpaid delinquent charges. Similarly, AB 552 also empowers UWCD to reduce or waive those administrative charges under excusable or justifiable circumstances.

UWCD’s Chief Financial Officer Alvertina Rivera explained, “AB 552 now gives United the opportunity to effectively address non-complaint customers, leading to universal compliance which will result in equitability in the cost distribution for management of the region’s water resources.”

The new law also authorizes UWCD to seek a writ of attachment against the property of any named defendant in a legal suit, as specified, and allows the district to recover administrative charges in these suits brought against an operator. As an alternative to bringing a lawsuit, the district is authorized to collect any delinquent groundwater charge and any interest, penalties, costs, and administrative charges in the same manner as delinquent assessments, water charges, or tolls. As an additional remedy, after specified notice and a public hearing, the district can order an operator to cease extraction of groundwater from a water-producing facility until all delinquent fees and charges are paid. And, following the issuance of the injunction, as a condition of allowing future operation of the water-producing facility, the new law authorizes the United Water Conservation District to require the operator to post a cash deposit or bond with the district.

###

Media Contact: Kris Sofley, tel: (805) 525-4431, email: kriss@unitedwater.org

Continues...



UNITED WATER CONSERVATION DISTRICT

About United Water Conservation District (UWCD)

Since 1927, United Water Conservation District, situated in central Ventura County, has distinguished itself as a leader among water agencies by conserving and enhancing the water resources of the Santa Clara River and Oxnard Coastal Plain, while working to protect the environment's natural attributes. The District conserves runoff from all major tributaries of the Santa Clara River within its boundaries, including Piru, Hopper, Sespe, and Santa Paula Creeks. Without these efforts, much of this valuable water would simply flow out to sea. Committed to managing the area's water supplies through groundwater replenishment and through the construction and operation of efficient water supply and delivery systems, today the District serves as the conservator of groundwater resources that are utilized by the cities of Oxnard, Port Hueneme, Ventura, Santa Paula, and Fillmore, as well as several mutual water districts and numerous farms and individual pumpers. It also provides surface water for agricultural irrigation and provides treated drinking water to the cities of Oxnard and Port Hueneme. For more information, visit <http://www.unitedwater.org>

AB 552 THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: SECTION 1.

Article 6 (commencing with Section 75634) is added to Chapter 3 of Part 9 of Division 21 of the Water Code, to read:

Article 6. United Water Conservation District

75634. For the purposes of this article, "district" means the United Water Conservation District.

75634.5. For the purpose of investigating compliance with any provisions of this division or any district ordinance, the district may inspect any water-producing facility within the boundaries of the district. The district shall give notice to the operator by certified mail not less than 15 days in advance of the scheduled inspection. The inspection shall be made with the consent of the operator of the water-producing facility or, if consent is refused, with a warrant duly issued pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure.

75635. In addition to those remedies set forth in Sections 75615 and 75616, if the operator of a water-producing facility fails to file a water production statement or pay delinquent groundwater charges when due, the district may assess an administrative charge to recover the cost of collection of delinquent unpaid charges. The board may provide by ordinance that in excusable or justifiable circumstances, the administrative charge may be reduced or waived.

75635.5. (a) In addition to the district's right to bring a suit against any operator of a water-producing facility within the district for the collection of any delinquent groundwater charges, interest, and penalties as provided in Section 75633, as a provisional remedy in the action the district may seek a writ of attachment against the property of any named defendant in the suit and the district shall not be required to furnish a bond or other undertaking as provided in The Attachment Law (Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure). (b) The district may recover costs and administrative charges in a suit against any operator of a water-producing facility within the district for the collection of any delinquent groundwater charges, interest, and penalties in accordance with Section 75633 or as otherwise provided in this article.

75636. In accordance with Section 75614, when an operator provides notice to the district of the abandonment of a water-producing facility or a water-producing facility is in fact abandoned, the district may affix seals to the facility.

75637. (a) As an alternative to bringing suit pursuant to Section 75633, the district may collect any delinquent groundwater charges and any interest, penalties, costs, and administrative charges. The collection shall be in the same manner as would be applicable to the collection of delinquent assessments, water charges, or tolls. (b) As an additional remedy, the district may order, after a public hearing, an operator to cease extraction of groundwater from a water-producing facility until all delinquent fees and charges are paid. The district shall give notice to the operator by certified mail not less than 15 days in advance of the public hearing. (c) The remedies specified in this section for the collection and enforcement of fees are cumulative, and the district may pursue them alternatively or use them consecutively as determined by the board.

75637.5. Following the issuance of an injunction restraining the operation of a water-producing facility in accordance with Section 75631 and the termination of any stay, as a condition of allowing future operation of the facility, the district may require the operator to post a cash deposit or bond with the district providing future assurance of payment of delinquent groundwater charges. The district may require the cash deposit or bond to be in an amount equal to the amount of delinquent groundwater charges due for the preceding six-month period.

75638. The remedies specified in this article are cumulative and the district may pursue them alternatively or use them concurrently as determined by the board of directors of the district.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances associated with the United Water Conservation District.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.