

**AGENDA
IRVINE RANCH WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING**

May 14, 2018

PLEDGE OF ALLEGIANCE

CALL TO ORDER

5:00 p.m., Board Room, District Office
15600 Sand Canyon Avenue, Irvine, California

ROLL CALL

Directors LaMar, Matheis, Swan, Withers and President Reinhart

NOTICE

If you wish to address the Board on any item, including Consent Calendar items, please file your name with the Secretary. Forms are provided on the lobby table. Remarks are limited to three minutes per speaker on each subject. Consent Calendar items will be acted upon by one motion, without discussion, unless a request is made for specific items to be removed from the Calendar for separate action.

COMMUNICATIONS TO THE BOARD

1. A. Written:

B. Oral:

2. ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Recommendation: Determine the need to discuss and/or take immediate action on item(s).

PRESENTATION

Resolution No. 2018-12

3. RESOLUTION RECOGNIZING MARY AILEEN MATHEIS FOR HER 30 YEARS OF SERVICE AS A DIRECTOR OF THE BOARD OF IRWD

Reso. 2018-12

Recommendation: That the Board adopt a resolution recognizing Mary Aileen Matheis for her 30 years of dedicated service as a Director of the Irvine Ranch Water District Board.

PUBLIC HEARING

4. CHANGES TO EXISTING RULES AND REGULATIONS

Recommendation:

- a. Open the hearing.
- b. Inquire of the Secretary how the hearing was noticed.
- c. Receive and file the affidavit of posting and proof of publication.
- d. Inquire of the Secretary if there have been any written notifications.
- e. Request legal counsel to describe the nature of the proceedings.
- f. Request the Executive Director of Finance and Administration to provide a report.
- g. Hear any person who wishes to speak regarding the adoption of revised Rules and Regulations for Water, Sewer, Recycled Water and Natural Treatment System Service.
- h. Inquire of the Board if it has any comments or questions.
- i. Close the hearing, introduce the resolution for First Reading, read by title only, waive further reading of the resolution, and direct the Secretary to place the resolution on the agenda for the May 29, 2018 meeting of the Board of Directors for a second reading, hearing and adoption.

WORKSHOP

5. POPULATION CHARACTERISTICS OF IRWD'S SERVICE AREA

The Center for Demographic Research will present on population and characteristics of IRWD's service area so that the Board and public can consider the information prior to Public Hearings on June 4, 2018 and June 18, 2018 to accept comments on the Composition of Divisions and the Sequence of Elections.

CONSENT CALENDAR

Items 6-9

6. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Mary Aileen Matheis, Doug Reinhart, Steve LaMar, Peer Swan and John Withers, as described.

7. MINUTES OF REGULAR BOARD MEETING

Recommendation: That the minutes of the April 23, 2018 Regular Board Meeting be approved as presented.

CONSENT CALENDAR - Continued

Items 6-9

8. CANDIDATE STATEMENTS FOR 2018 GENERAL ELECTION

Recommendation: That the Board approve the District Secretary to authorize 200 words on the Candidate's Statement of Qualifications for the 2018 General Election and elect not to pay for these statements.

9. IRVINE RANCH WATER DISTRICT STRATEGIC MEASURES

Recommendation: Receive and file.

ACTION CALENDAR

10. AB 1668 (FRIEDMAN)/SB 606 (HERTZBERG): MAKING WATER CONSERVATION A CALIFORNIA WAY OF LIFE

Recommendation: That the Board adopt a "SUPPORT" position on AB 1668 (Friedman, D-Glendale) and SB 606 (Hertzberg, D- Van Nuys).

11. MICHELSON FORCE MAIN IMPROVEMENTS CONSTRUCTION AWARD

Recommendation: That the Board authorize a budget increase in the amount of \$850,000, from \$1,367,300 to \$2,217,300, for project 07097 and authorize the General Manager to execute a construction contract with Insituform Technologies, LLC in the amount of \$1,787,045 for the Michelson Force Main Improvements, project 07097.


OTHER BUSINESS

Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, and make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda. Such matters may be brought up under the General Manager's Report or Directors' Comments.

OTHER BUSINESS - Continued

- 12. A. General Manager's Report
 - B. Directors' Comments
 - C. Closed Session
 - a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) (One potential case.).
 - D. Open Session
 - a. Report of any action in Closed Session.
 - E. Adjourn

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Irvine Ranch Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance to the Board of Directors Room of the District Office. The Irvine Ranch Water District Board Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

May 14, 2018
Prepared and
Submitted by: L. Bonkowski
Approved by: Paul A. Cook 

PRESENTATION

**RESOLUTION RECOGNIZING MARY AILEEN MATHEIS
FOR HER 30 YEARS OF SERVICE AS A DIRECTOR OF THE BOARD**

SUMMARY:

Director Mary Aileen Matheis was appointed to the Board on March 28, 1988 and has been reelected continuously every four years. The District recognizes and appreciates her many years of dedicated service, and would like to express its gratitude for her leadership, vision, and significant contributions made to her community and the water industry. A resolution has been prepared to honor her at the Board meeting.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE BOARD ADOPT THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2018 -12

**RESOLUTION OF THE BOARD OF DIRECTORS OF
IRVINE RANCH WATER DISTRICT,
ORANGE COUNTY, CALIFORNIA, RECOGNIZING
MARY AILEEN MATHEIS FOR HIS 30 YEARS OF SERVICE
AS A DIRECTOR OF THE BOARD**

LIST OF EXHIBITS:

Exhibit "A" – Resolution

EXHIBIT "A"

RESOLUTION 2018-12

**RESOLUTION OF THE BOARD OF DIRECTORS OF
IRVINE RANCH WATER DISTRICT,
ORANGE COUNTY, CALIFORNIA, RECOGNIZING
MARY AILEEN MATHEIS FOR HER 30 YEARS OF SERVICE
AS A DIRECTOR OF THE BOARD**

WHEREAS, Mary Aileen Matheis was appointed to the Irvine Ranch Water District Board of Directors on March 28, 1988; and

WHEREAS, on November 8, 1988 she was reelected, and has continuously been reelected every four years by the public; and

WHEREAS, during her tenure, she served as Vice President for a total of 10 years in 1995, 1996, 1998, 1990, 2000, 2003, 2004, 2007, 2011, 2014 and served as President in 2016; and

WHEREAS, Ms. Matheis currently serves as chair of the Water Resources Policy and Communications Committee, a member of the Engineering and Operations Committee, and on several ad hoc committees; and

WHEREAS, Ms. Matheis represents the District on various organizations including the California Special Districts Association Education Committee, the Independent Special Districts of Orange County, the Irvine Chamber of Commerce, the Orange County Council of Governments, the El Toro Restoration Advisory Board, the South County Chamber of Commerce, the Urban Water Institute, and the Water Education Foundation; and

WHEREAS, Ms. Matheis is actively involved in two 501(c)(3) non-profit organizations being Director and a founding member of the San Joaquin Wildlife Sanctuary since March 21, 1992. Ms. Matheis has served as Director and President of Shadetree Partnership since June 28, 2000 and actively participates its monthly nursery events; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Irvine Ranch Water District commends Mary Aileen Matheis for her many years of dedicated service and expresses its gratitude for her leadership, vision and significant contributions she has rendered to the community and the water industry as a member of the Irvine Ranch Water District Board of Directors.

ADOPTED, SIGNED AND APPROVED this 14th day of May, 2018.

President, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

Secretary, IRVINE RANCH WATER DISTRICT

May 14, 2018

Prepared by: C. Clary/C. Smithson

Submitted by: Cheryl Clary

Approved by: Paul A. Cook

PUBLIC HEARING

CHANGES TO EXISTING RULES AND REGULATIONS

SUMMARY:

Staff has compiled proposed changes to the District's Rules and Regulations for Water, Sewer, Recycled Water, and Natural Treatment System Service. The proposed changes include both substantive and non-substantive changes. The primary substantive changes proposed in this update are as follows:

- Addressing illegal tampering or diversion of water or sewage. These issues are addressed in the subsections entitled Illegal Connections, Diversions or Tampering (section 4.7), Fire Hydrants (section 4.9), and Enforcement and Penalties (section 14) and the related sections that provide enforcement for this activity; and
- Updating the District's conservation and water supply shortage program that includes a significant reformation of the IRWD Water Supply Shortage Levels (section 15.5) and the related sections that provide enforcement for overuse.

The non-substantive changes are as follows:

- Inserted headings and simplified language throughout in order to aid the reader in navigating and understanding the document;
- Eliminated unused definitions;
- Updated definitions; and
- Inserted clarifying language on the application procedure (section 4.2).

Numbering changes were implemented to adhere consistency throughout the document.

Staff recommends that the resolution be introduced for First Reading and read by title only, that further reading of the resolution be waived, and that the Secretary be directed to place the resolution on the agenda for the May 29, 2018 meeting of the Board of Directors for a second reading, hearing and adoption.

OUTLINE OF PROCEEDINGS

President: Declare this to be the time and place for the hearing on the Resolution.

President: Request the Secretary to report the manner by which the Notice of Hearing was given.

Secretary: The Notice of this hearing was published in the Orange County Register on April 29, 2018. The notice was also posted in the District office on April 27, 2018. The Secretary presents an Affidavit of Posting and Proof of Publication for the Board to receive and file.

- Board: RECOMMENDED MOTION: RECEIVE AND FILE THE AFFIDAVIT OF POSTING AND THE PROOF OF PUBLICATION PRESENTED BY THE SECRETARY.
- President: Inquire of the Secretary whether there have been any written communications.
- Secretary: Respond.
- President: Request a report from the Executive Director of Finance and Administration.
- Exec. Dir. of Finance and Adm. Report and describe the proposed revisions and indicate that the clarifications and revisions to the Rules and Regulations are summarized in Exhibit "B".
- President: Inquire whether anyone is present who wishes to address the Board concerning the amended Resolution.
- President: Inquire whether there are any comments or questions from members of the Board of Directors.
- President: Ask for a motion to Close the hearing, that the resolution be read by title only by the Secretary, that further reading of the resolution be waived, and that the Secretary be directed to place the resolution on the agenda for the May 29, 2018 meeting of the Board of Directors for a second reading, hearing and adoption.

RECOMMENDATION:

THAT THE HEARING BE CLOSED, THAT THE RESOLUTION BE READ BY TITLE ONLY, THAT FURTHER READING OF THE RESOLUTION BE WAIVED, AND THAT THE SECRETARY BE DIRECTED TO PLACE THE RESOLUTION ON THE AGENDA FOR THE MAY 29, 2018 MEETING OF THE BOARD OF DIRECTORS FOR A SECOND READING, HEARING AND ADOPTION.

- Secretary: Read the title of the proposed Resolution:

RESOLUTION RESCINDING RESOLUTION NO. 2015-23
AND ESTABLISHING REVISED RULES AND REGULATIONS
OF THE IRVINE RANCH WATER DISTRICT FOR WATER,
SEWER, RECYCLED WATER, AND NATURAL
TREATMENT SYSTEM SERVICE AND EXHIBIT "A" THERETO.

BACKGROUND:

From time to time, staff proposes changes to IRWD's Rules and Regulations. In this process, formatting and presentation changes are included and some wording and definitions have been

updated to promote consistent and conforming nomenclature throughout the document. The primary focus on this update targeted the prohibition of tampering or diversion of District sources and assets and updating the District's water supply shortage levels and the many sections influenced by these topics. Recommended changes are included in the attached redlined document provided in Exhibit "A" and will be adopted by resolution as provided in Exhibit "B".

Illegal Connections, Diversions and Tampering with District Assets and Resources:

This activity influences many sections within the Rules and Regulations document. The two most significant updates are in sections 4.7 (Illegal Connections, Diversions, or Tampering) and 4.9 (Fire Hydrants) with the addition of section 4.9.2, addressing unpermitted use of fire hydrants as a waste of water and is subject to interim or permanent revocation of the underlying connection permit. These violations are recognized as crimes in the California Penal Code and violations in the Water Code and Civil Code and will be subject to all applicable penalties and fees.

Updating the District's Water Supply Shortage Levels:

The District updated its Water Shortage Contingency Plan and the IRWD Water Supply Shortage Levels (section 15.5) provides representative measures that may be applied during various levels of shortage. Each shortage level reduction target and actionable measures have been updated.

The District's legal counsel has reviewed the proposed changes.

FISCAL IMPACTS:

The program is currently being administered, and the proposed revisions are not expected to result in a significant fiscal impact to IRWD.

ENVIRONMENTAL COMPLIANCE:

This item is not a project as defined in the California Environmental Quality Act (CEQA), Code of Regulations, Title 14, Chapter 3, Section 15378.

LIST OF EXHIBITS:

Exhibit "A" – Redlined Proposed Rules and Regulations

Exhibit "B" – Resolution Establishing Revised Rules and Regulations

Exhibit "A"

RULES AND REGULATIONS
FOR WATER, SEWER,
RECYCLED WATER,
AND NATURAL TREATMENT SYSTEM SERVICE

Irvine Ranch Water District
Orange County, California

Effective June __, 2018

~~IRVINE RANCH WATER DISTRICT~~

~~RULES AND REGULATIONS FOR WATER, SEWER, RECYCLED WATER AND
NATURAL TREATMENT SYSTEM SERVICE~~

TABLE OF CONTENTS

INSERT NEW TABLE

Exhibits:

A. Maps

A-1 Water Improvement Districts

A-2 Sewer Improvement Districts

A-3 Cities within IRWD Boundaries

B. Rates and Charges for Water, Sewer, and Recycled Water Service (~~Separate Document~~)

C. Maximum Allowable Local Limits

IRVINE RANCH WATER DISTRICT

SECTION 1: GENERAL

Availability of Service Subject to these Rules and Regulations. Water, sewer, recycled water, and natural treatment system service by the Irvine Ranch Water District, subject to the availability of facilities, adequate capacity in facilities, or funds or financing for the construction thereof, or all of the foregoing, is available on the following terms and conditions including all fees and charges hereinafter established and provided for under Exhibit B. Service ~~on the basis herein set forth is intended to~~ will be made available to each member of the public or each segment of the public on the same basis to the extent applicants, owners, or customers are similarly situated and desire to be served and may be served in an equal and comparable manner.

~~The general areas presently included within the~~ **Boundaries.** ~~The~~ boundaries of the District and ~~the existing~~ its Improvement Districts are ~~as established by the Board from time to time and depicted on Exhibits A-1 (Potable Water System Improvement Districts) and A-2 to these Rules and Regulations. (Sewer System Improvement Districts).~~ The cities and villages within the District's boundaries are depicted on Exhibit A-3. Upon a change in the boundaries of the District or any of its Improvement Districts, Exhibits A-1 and A-2 hereto are by this reference incorporated herein and may be changed, and A-3 will be revised and replaced as necessary. The area served by the District is discussed further in Section 1: Section 1: Section 3 from time to time. In such instances, revised Exhibits A-1 and A-2 or portions thereof will be substituted to these Rules and Regulations. Such,

Improvement Districts. ~~The~~ Improvement Districts have been formed for the purpose of funding the construction and acquisition of facilities and capacities to provide water, sewer, and recycled water service. ~~It is contemplated that The Board may consolidate or form additional Improvement Districts will be formed, as deemed proper by the Board, at a later date or that annex additional areas may be annexed, as determined by the Board, to the existing Improvement Districts or any Improvement Districts subsequently established within the District.~~

Contracts. Contracts with the District may also provide for the funding of construction and acquisition of facilities for water, sewer, recycled water or natural treatment system service. Such contracts require the construction of necessary facilities or the payment of the capital cost and annual cost of operating and maintaining such facilities.

Facilities Plan. The plans for facilities to be constructed within the District and ~~each of the existing and future~~ any Improvement Districts are intended to be an integrated part of the District's Water Resources Master Plan, Sewer Master Plan, Natural Treatment System Master Plan, Sub-Area Master Plans, and addenda thereto, ~~which and~~ are approved from time to time, hereinafter in some instances referred collectively to as "the Plan."

~~As it is the mandate of~~ **Recycled Water.** ~~The State of California to effect~~ mandates conservation of water resources whenever possible, and accordingly the Plan ~~is also directed toward~~ includes collecting, treating, and reclaiming sewage and wastewater and beneficially reusing the resulting

IRVINE RANCH WATER DISTRICT

recycled water. ~~The District intends that recycled water use comply with any and all applicable Federal, State, and local laws, regulations, and other governmental requirements. If the District determines that recycled water service is feasible under Section 4.12, the applicant, owner, or customer will be required to utilize recycled water service.~~

~~It is the intent of Urban Runoff – Natural Treatment System. The District that such recycled water be used in a manner that is in compliance with any and all applicable Federal, State, and local statutes, ordinances, regulations, and other requirements~~

~~If recycled water service is determined by the District to be feasible in accordance with Section 4.12, the applicant, owner or customer will be required to utilize recycled water service.~~

~~It is also the intent of the District intends,~~ in cooperation with the County and Cities, to ~~provide service in the treatment of~~ great certain urban runoff through the operation, maintenance and monitoring of constructed water quality wetlands and bio-retention cells, known as Natural Treatment Systems. Natural Treatment Systems ~~shall~~will be sited in various locations in the District, as outlined in the Natural Treatment System Master Plan or as otherwise determined by the District. Use of the Natural Treatment System for urban runoff treatment ~~shall~~is be subject to the requirements of these Rules and Regulations. ~~The District will determine~~ the level of treatment ~~provided shall be at the discretion of the District.~~ Property owners and developers will be responsible for any urban runoff minimization or other best management practices that may be required by the County or Cities, notwithstanding the operation of the District's natural treatment systems.

Land Use. The District constructs ~~the facilities needed~~ in concert with environmental and land use decisions. The District neither determines nor intends to determine or precipitate land use decisions or the accomplishment of any plans of development of various owners of undeveloped property within the District.

Sewer Service Requires Water Service. In most instances, ~~the sewer service is available as herein provided only where the District is assured to its satisfaction has determined that in perpetuity~~ it will also be providing permanent water service to the applicant, customer, or property owner ~~or the successor thereto for which sewer service is desired.~~

~~Requirements set forth in~~ **Variances.** ~~The District may modify by special contract the requirements of~~ these Rules and Regulations, including but not limited to applicable rates and charges, ~~may be modified by special contract where, in the opinion of the district, only upon the determination that~~ unique circumstances exist.

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SECTION 2: DEFINITIONS

For the purpose of these Rules and Regulations, the following terms, phrases, words, and their derivations ~~shall~~will have the meaning given below. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular include the plural number. The word "shall" is always mandatory and not merely directory.

AIR-GAP SEPARATION ~~shall mean~~means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPLICANT ~~shall mean~~means any person, firm, corporation, association, or agency who desires to obtain water, sewer, recycled water and/ or natural treatment system service from the District.

APPLICATION RATE ~~shall mean~~means the rate at which irrigation water, expressed in inches per hour, is applied to a DESIGN AREA.

APPROVED CHECK VALVE ~~shall mean~~means a check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze, composition, or other non-corrodible material that will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable. *¹

APPROVED DOUBLE CHECK VALVE ASSEMBLY ~~shall mean~~means an assembly of at least two independently acting approved check valves including tightly closing shut-off valves on each side of the check valve assembly and suitable leak-detector drains plus connections available for testing the water tightness of each check valve. *¹

~~1.~~ APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE ~~shall mean~~means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shut-off valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between two check valves, less than the pressure on the District's water supply side of the device. At cessation of normal flow, the pressure between the check valves shall

¹ Devices used within the District shall be included on the list of devices approved by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

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be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by

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* Devices used within the District shall be included on the list of devices approved by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall be open to the atmosphere thereby providing an air gap in the device. To be approved, these devices must be readily accessible for maintenance and testing, and installed in a location where no part of the valve will be submerged. *

AUTOMATIC SYSTEM ~~shall mean~~means with reference to landscape irrigation systems; automatic controllers, valves, and associated equipment required for the programming of effective water application rates when using recycled water.

AUXILIARY WATER SUPPLY ~~shall mean~~means any water supply on or available to the premises other than the District's potable water and recycled water supplies.

BACKWATER DEVICE ~~shall mean~~means a unit that permits flow in lines normally under open channel flow conditions, such as sewers, to occur in one direction only by mechanically blocking the flow or by providing a pressure relief opening such that flow may not occur in the uphill direction, as approved by the District and local governing agencies.

BASE INDEX means a water budget applicable for commercial, industrial or public authority usage.

BUILDING SEWER - see "UPPER LATERAL.","."

BOARD ~~shall mean~~means the Board of Directors of the District.

COMMODITY CHARGE ~~shall mean~~means a charge imposed by the District for all water used by general metered, temporary, and agricultural customers; whether such water used is actually metered or only estimated.

CONNECTION FEE ~~shall mean~~means a charge imposed by the District for obtaining water, sewer, recycled water or natural treatment system service from the District, including charges for capacity. ~~The charge in no event shall be less than or on conditions other than as specified by the District or as required by any and all applicable Federal, State, or local statutes, regulations, ordinances, contracts, or other requirements.~~ Connection fees are set forth in Exhibit B to these Rules and Regulations.

CONSTRUCTION MANUAL ~~shall mean~~means the District's "Construction Manual for the Construction of Water, Sewer, and Recycled Water Facilities," as amended from time to time.

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CONTINGENCY PLAN is the Water Shortage Contingency Plan adopted by the District, as amended from time to time.

CROSS CONNECTION ~~shall mean~~means any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.

IRVINE RANCH WATER DISTRICT

~~not or cannot be approved as safe, wholesome, and potable for human consumption.~~

* Devices used within the District shall be included on the list of devices approved by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.
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CUSTOMER ~~shall mean~~ means any person, firm, corporation, association, or agency ~~who uses or desires that has a permit~~ to obtain water, sewer, recycled water and/or natural treatment system service from the District.

DESIGN AREA ~~shall mean~~ means the specific land area or facilities designated to be served through on-site facilities when used in reference to recycled water systems.

DISTRICT ~~shall mean~~ means the Irvine Ranch Water District.

IMPROVEMENT DISTRICT ~~shall mean~~ means any of the Improvement Districts of the District existing or hereafter established.

INFILTRATION RATE ~~shall mean~~ means the rate at which the soil will accept water, expressed in inches per hour, during the irrigation period.

IRRIGATION SYSTEM ~~shall mean~~ means all equipment and materials required for applying irrigation water to the design area from the service connection including all piping, valves, sprinkler heads, and appurtenances.

LATERAL CONNECTION ~~shall mean~~ means the point of connection of the customer's upper lateral with the lower lateral of the District.

LOWER LATERAL ~~shall mean~~ means the District's facility between its collection system and the lateral connection, which ~~shall is~~ normally ~~be~~ the exterior boundary of the easement or the street or access road right-of-way.

LOWER LATERAL CHARGE ~~shall mean~~ means a charge imposed by the District for installation by the District of a lower lateral.

MANAGER or GENERAL MANAGER ~~shall mean~~ means the General Manager of the District or the person authorized by the Board or the General Manager to act for him.

NATURAL TREATMENT SYSTEM ~~shall mean~~ means the network of constructed water quality wetlands and bio-retention cells providing treatment of urban runoff. Natural treatment systems are not flood control facilities.

NON-POTABLE WATER ~~shall mean~~ means that water that has not been treated for human consumption in conformance with the standards referred to in the definition of

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POTABLE WATER, below, such as untreated imported water received from the Metropolitan Water District of Southern California, non-potable well water, and water collected in the District's reservoirs from natural runoff.

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~~California, non-potable well water, and water collected in the District's reservoirs from natural runoff.~~

NON-RECYCLABLE SEWAGE ~~shall mean~~means any and all liquid or solid waste substance other than recyclable sewage emanating from within the District, including but not limited to liquid or solid waste substance from any production, manufacturing, or processing operation. Non-recyclable sewage ~~shall include~~includes any liquid or solid substance that cannot be treated or disposed of by the then-existing facilities of the District's Reclamation Plant for the treatment or disposal of sewage by reason of the design thereof, applicable waste discharge or other requirements, actual or possible increased operation and maintenance costs, or possible damage to the District's facilities.

NON-RECYCLABLE WASTEWATER SEWERAGE FACILITIES ~~shall mean~~means facilities used in the collection of wastewater that is not to be treated for direct beneficial use or a controlled use that otherwise would not occur. Such non-recyclable wastewater sewerage facilities shall generally be limited to industrial and commercial wastes that would have a detrimental effect on the treatment processes of the reclamation plant and the resultant recycled water.

NTS DESIGN GUIDELINES ~~shall mean~~means the District's "Natural Treatment System Design Guidelines," as amended from time to time

OFFSITE FACILITIES ~~shall mean~~means facilities under the control of the District including but not limited to water, sewer, and recycled water pipelines, reservoirs, pumping stations, fire hydrants, manholes, valves, connections, supply interties, treatment facilities, natural treatment systems and other appurtenances and property up to the point of connection with the customer's facilities.

ONSITE FACILITIES ~~shall mean~~means facilities under the control of the applicant, owner, or customer including but not limited to residential, commercial, and industrial building water and sewerage systems, landscape irrigation systems, and agricultural irrigation systems. For water and recycled water service, the onsite facilities shall be those downstream of the service connection, which shall normally be the downstream end of the meter tailpiece.

ONSITE RECYCLED WATER SUPERVISOR ~~shall mean~~means a qualified person designated by a recycled water user and approved by the District. This person shall be knowledgeable in the construction and operation of onsite recycled water and irrigation systems and in the application of the guidelines, criteria, standards, and rules and regulations for recycled water.

PERMIT ~~shall mean~~means a processed and approved application ~~to~~ and agreement with the District for service.

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PERSON is means any individual, firm, partnership, association, company, or organization of any kind.

PLAN shall refer to means the plans for facilities to be constructed within the District and each of the existing and future Improvement Districts are intended to be an integrated part of the District's Water Resources Master Plan, Sewer Master Plan, Natural Treatment System Master Plan, Sub-Area Master Plans; and addenda thereto, which are approved from time to time.

POTABLE WATER shall mean means that water furnished to the customer which meets applicable local, state and federal standards for drinking water.

PRETREATMENT shall mean means treatment that the ~~district~~ District may require prior to permitting discharge of sewage into any District sewerage facility if necessary to insure compliance by the District with these Rules and Regulations and any and all applicable Federal, State, or local statutes, ordinances, regulations, contracts, or all of the foregoing, individually or collectively, or if determined by the District to be necessary to protect the facilities of the District from any possible present or future damage.

PROCEDURES GUIDE shall mean means the District's "Procedural Guidelines and General Design Requirements," as amended from time to time.

PROPERTY OWNER or OWNER shall mean means the holder of legal title, contract purchaser, or lessee under a lease with an unexpired term of more than one (1) year jointly with the holder of title.

RECLAMATION PLANT shall mean means District treatment facilities that receive and treat wastewater for beneficial uses.

RECYCLABLE SEWAGE shall mean means wastewater that can be treated and recycled by the District's facilities so as to be usable for beneficial purposes.

RECYCLED WATER shall mean means disinfected tertiary recycled water which is produced by the treatment of wastewater by a District reclamation plant and is suitable for direct beneficial uses in accordance with California Administrative Regulations Title 22, Division 4, Chapter 3.

RECYCLED WATER DISTRIBUTION SYSTEM shall mean means individually or collectively any recycled water facility or facilities which are installed by the District or financed, constructed, and dedicated to the District by an applicant, owner, or customer or which are the result of local initiative and financing in tracts and subdivisions, as well as commercial or industrial developments, and which are typically less than 6" in diameter. The District shall determine what facilities are part of a distribution system from time to time as necessary. The District's determination in this regard shall be final and conclusive.

RECYCLED WATER FACILITIES shall mean means facilities used in the storage, pumping, and conveyance of recycled water. The term recycled water facilities may be used

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synonymously with the term irrigation water facilities in the context of references to the District's irrigation water system master plan.

RECYCLED WATER SERVICE CONNECTION ~~shall mean~~ means the point of connection of the customer's recycled water line with the recycled water service line of the District, which ~~shall~~ will normally be the downstream end of the recycled water meter tailpiece.

RECYCLED WATER SERVICE LINE ~~shall mean~~ means the District's facility between its recycled water distribution system and the recycled water service connection.

RECYCLED WATER SERVICE LINE CHARGE ~~shall mean~~ means a charge imposed by the District for installation by the District of recycled water meters and service lines.

~~2. RECYCLED WATER TRANSMISSION MAINS shall mean recycled water lines and appurtenances typically 6" and larger purchased or constructed by the District with bond proceeds and/or capacity charges or those constructed by an applicant, owner, or customer subject in whole or in part to reimbursement. The District shall determine what facilities are recycled water transmission mains from time to time as necessary based on the currently adopted master plan and the terms and provisions of any reimbursement agreements. The District's determination in regard to these matters shall be final and conclusive.~~

RECORD DRAWINGS ~~shall mean~~ means drawings that correctly show the completed facilities as constructed or modified (as-built).

RULES AND REGULATIONS ~~shall mean~~ means these "Rules and Regulations for Water, Sewer, Recycled Water and Natural Treatment System Service," as amended from time to time.

SECURITY DEPOSIT ~~shall mean~~ means monies required to be deposited with the District for the purpose of guaranteeing payment of monthly or bimonthly utility bills rendered for water, sewer, recycled water or natural treatment system service.

SELF-REGENERATIVE WATER SOFTENER ~~shall mean~~ means a unit that in removing minerals from water produces a waste containing minerals in greater amounts than those in the influent water.

SEWAGE – see WASTEWATER

SEWER COLLECTION SYSTEM ~~shall mean~~ means individually or collectively any sewer facilities which are financed, constructed, and dedicated to the District by an applicant, owner, or customer or which are the result of local initiative and financing in tracts and subdivisions, as well as commercial or industrial developments, and which are typically less than 12" in diameter. Sewer collection systems shall include dry sewers installed by developers prior to construction of trunk sewers. The District shall determine what facilities are part of a collection system from time to time as necessary. The District's determination in this regard shall be final and conclusive.

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SEWER [SEWERAGE] FACILITIES ~~shall mean~~ means any facilities used in the conveyance, pumping, and treatment of wastewater.

SERVICE CHARGE ~~shall mean~~ means a monthly or bimonthly charge established by the District from time to time for water, sewer, recycled water or natural treatment system service. This charge does not include the commodity charge for the consumption of water or recycled water.

SURCHARGE ~~shall mean~~ means a charge imposed by the District for the provision of a special service not normally provided by the District, such as situations involving unusual quantity or quality requirements. This surcharge may include, but is not necessarily limited to, pumping surcharges.

TRUNK SEWERS ~~shall mean~~ means sewer lines and appurtenances purchased or constructed by the District with bond proceeds and/or capacity charges or those constructed by an applicant, owner, or customer subject in whole or in part to reimbursement typically larger than 12" in diameter. The District shall determine what facilities are trunk sewers from time to time as necessary based on the currently adopted master plan and the terms and provisions of any reimbursement agreements. The District's determination in regard to these matters shall be final and conclusive.

UNAUTHORIZED DISCHARGE ~~shall mean~~ means any release of recycled water that violates the Rules and Regulations or any applicable federal, state, or local statute, regulation, ordinance, contract, or other requirement.

UPPER LATERAL ~~shall mean~~ means the line from the lateral connection to the building or improvements of the applicant, owner, or customer

URBAN RUNOFF ~~shall mean~~ means dry and wet weather low flow runoff from urban spaces and small storm flow.

WASTEWATER ~~shall mean~~ means liquid and water carried waste and water, whether treated or untreated, discharged into or permitted to enter a District sewer. Also sometimes called SEWAGE.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS ~~shall mean~~ means the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.

WATER ~~shall mean~~ means, in the general usage of these Rules and Regulations, potable water.

WATER BUDGET means an a reasonable amount of water for youra given customer's needs and property characteristics, including: the number of occupants, lot size, size of irrigated area, any business requirements, and climate. See also BASE INDEX.

WATER DISTRIBUTION SYSTEM ~~shall mean~~ means (individually or collectively) any water facilities ~~which~~ that are financed, constructed, and dedicated to the District by an

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applicant, owner or customer or which are the result of local initiative and financing in tracts and subdivisions, as well as commercial or industrial developments, and which are typically less than 12" in diameter. Water distribution systems shall include all fire hydrants. The District shall determine what facilities are part of a distribution system from time to time as necessary. The District's determination in this regard shall will be final and conclusive.

WATER FACILITIES shall mean means any facilities used in the treatment, storage, pumping, and conveyance of water.

WATER SERVICE CONNECTION shall mean means the point of connection of the customer's building water line with the water service line of the District, which shall will normally be the downstream end of the water meter tailpiece.

WATER SERVICE LINE shall mean means the District's facility between its distribution system and the water service connection.

WATER SERVICE LINE CHARGE shall mean means a charge imposed by the District for installation by the District of water meters, service lines, and connections for private fire protection facilities.

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3. ~~WATER TRANSMISSION MAINS shall mean water lines and appurtenances purchased or constructed by the District with bond proceeds and/or capacity charges or those constructed by an applicant, owner, or customer subject in whole or in part to reimbursement typically larger than 12" in diameter. The District shall determine what facilities are water transmission mains from time to time as necessary based on the currently adopted master plan and the terms and provisions of any reimbursement agreements. The District's determination in regard to these matters shall be final and conclusive.~~

SECTION 3: AREA SERVED

The Rules and Regulations pertain to water, sewer, recycled water, and natural treatment system service to land or improvements, or both, ~~lying~~ within the boundaries of the District, ~~unless specific provision is made by agreement with the District for and to~~ service outside of ~~such~~its boundaries. ~~pursuant to contract~~. If water, sewer, recycled water, or natural treatment system facilities and/or capacity do not exist in the immediate area, ~~then~~ the applicant, owner, or customer ~~shall~~must provide or finance ~~such~~those facilities and/or ~~that~~ capacity. The owner of property outside of a then-existing Improvement District, which property has adequate water, sewer, recycled water and/or natural treatment system facilities and/or capacity or funds therefore, must cause all such facilities and/or capacity or funds to be transferred to the District.

Annexation. Property not within the District and/or not within an Improvement District, and which is to be provided with service by the District, is subject to annexation to the District and/or Improvement District(s). Annexation to the District and/or Improvement Districts may, in turn, be subject to annexation to other agencies, such as Metropolitan Water District of Southern California, Municipal Water District of Orange County, Orange County Water District and/or Orange County Sanitation District, except as otherwise provided by agreement.

Improvement Districts. The District, ~~at its discretion~~, may from time to time contract with an applicant, owner, or customer to initiate and pursue to completion the establishment of an Improvement District and the sale of bonds to provide the funds to construct the District facilities or capacity necessary for service to distribution or collection facilities that are required to be provided by the applicant, owner or customer as a condition of obtaining service from the District.

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SECTION 4: GENERAL REQUIREMENTS

4.1 SERVICE CONDITIONS

~~Water, sewer and natural treatment system service shall be provided~~ Service by Permit Only. The District ~~only if a permit for such will provide~~ water, sewer and natural treatment system service ~~only if a permit for that service~~ is obtained in the manner ~~hereinafter provided described below~~, unless otherwise determined by the Board. Furthermore, if the District has determined that recycled water ~~shall will~~ be provided in accordance with the provisions of Section 4.12, ~~such the~~ service ~~shall will~~ be provided only if a permit for ~~such~~ recycled water service is obtained in the manner ~~hereinafter provided described below~~, unless otherwise provided by the Board.

Service Subject to These Rules & Regulations. Water, sewer, recycled water and natural treatment system service ~~shall be~~ is available only in accordance with ~~these~~ Rules and Regulations, as well as applicable federal, state, and local statutes, ordinances, regulations, and contracts, and other requirements including, but not by way of limitation, the California Water Code, and other state statutes and regulations imposed by the California Regional Water Quality Control Boards—~~Santa Ana Region~~, and state and local health departments, as well as the terms of any service agreement and permit issued by the District. ~~Any such permit may be revoked by~~ The District ~~and thereupon all such may revoke any permit at which time all~~ water, sewer, recycled water and natural treatment system service ~~shall under that permit will~~ cease in the manner provided for in these Rules and Regulations (see Sections 7 and 14).

~~4.1.1 WATER SUPPLY SUFFICIENCY~~

4.1.1 Water Supply Sufficiency

(1) In 2001, the California State Legislature enacted legislation to improve coordination between the water supplier and the city or county during the land use entitlement process for certain large-scale developments, to ensure that projected water supplies will meet the proposed project's water demands in addition to the water supplier's planned demands.

(2) The California statutes enacted by this ~~at~~ legislation include:

(a) Water Code Section 10910 et seq. (the "Water Supply Assessment Law"), which requires a water supply assessment in conjunction with the California Environmental Quality Act (CEQA) process, ~~and Government Code Section 66473.7 (the "Verification Law")~~, which requires a water supply verification in conjunction with the tentative map approval process. ~~The ("CEQA") process. The Water Supply Assessment Law applies to subdivisions of more than 500~~

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units and certain other categories of projects defined by the Assessment Law. ~~The~~

~~(a)(b)~~ Government Code Section 66473.7 (the “Water Supply Verification Law”), which requires a water supply verification in conjunction with the tentative map approval process. The Water Supply Verification Law applies to subdivisions of more than 500 units, subject to specified exemptions.

~~(3)~~ The assessment Water Supply Assessment Law and verification the Water Supply Verification Law require ~~a determination to be made by the~~ District to determine, based on the record, whether the District’s currently available and under-development water supplies are sufficient to meet the demands of ~~the applicant’s~~ project and the District’s existing and planned uses over a 20-year projection during normal, single-dry and multiple-dry years.

~~(2)(4)~~ Applicant’s Duties in Connection with Water Supply Assessments. The applicant is responsible for completing the process established by the city or county, including required application submittals, to secure a water supply assessment and/ or water supply verification from the District if required for the applicant’s project. ~~A water supply assessment or verification does not entitle the project to water service or to any right, priority or allocation in any supply, capacity or facility, or affect the District’s obligation to provide service to its customers or potential~~

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~~(3)(5) future customers.~~ **No Entitlement to Service.** Any water supply assessment or verifications prepared by the District will not entitle the applicant's project to water service or to any right, priority, or allocation in any supply, capacity, or facility, or affect the District's obligation to provide service to its customers or potential future customers. In order to receive service, the applicant must meet all of the applicable requirements of these Rules and Regulations.

4.2 APPLICATION PROCEDURE

4.2.1 **Application.** An application for water, sewer, recycled water and natural treatment system service must be made in writing, via the telephone, the District website, or in person. The District may require an application be signed by the applicant, and the owner or customer, if they are not one and the same. The Manager ~~in his discretion~~ may provide an abbreviated form of application for permits ~~whenif he determines that~~ no unusual facts ~~are determined in his discretion to exist.~~ ~~Other than specified above, the form of application shall be furnished by the District.~~

4.2.2 **Information Required.** The applicant may be required to provide the following information per account:

- (1) Name of applicant(s)
- (2) Date service is required
- (3) Location of service
- (4) Mailing address
- (5) Purpose for which service is to be used (e.g. residential, commercial or irrigation)
- (6) Contact phone number
- (7) Social Security Number or Tax Identification Number
- (8) Driver License Number, Passport, or State Identification
- (9) Such other information as the District may reasonably require.

4.2.3 **Application Fees and Deposits.** The applicant shall pay a non-refundable, one-time service establishment fee. A security deposit may be assessed in lieu of providing a Social Security Number or Tax Identification Number or based on prior credit history with the District. See Exhibit B for fee and deposit amounts.

4.2.4 **Additional Discharge Permit.** An applicant for sewer service may be required to obtain a discharge permit for use of the District's sewerage facilities in addition to the permit required for all applicants for sewer service. The conditions under which the ~~above mentioned~~ additional permit is required are based on quantities and constituents of wastewater discharged into the District's sewerage facilities. Section 7 ~~herein~~ sets forth these requirements. The applicant shall comply with all Federal and State requirements including, but not by way of limitation, any and all

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requirements of the Environmental Protection Agency and any commitments for reimbursements required by the Environmental Protection Agency in excess of the charges of the District. These requirements are set forth in the Federal Water Pollution Control Act and the Code of Federal Regulations, which by this reference are herein incorporated as though set forth in full.

4.2.5 Compliance with Law; Additional Approvals. ~~By applying for service, the applicant for a water, sewer, recycled water, or natural treatment system service permit under these Rules and Regulations must state thereon that he~~ agrees to comply with the requirements of any and all applicable Federal, State, and local statutes, ordinances, regulations and other requirements. The District may, at its discretion, require specific prior approval of any permit by any Federal, State, or local agency having jurisdiction over or an interest in the operation of the District's facilities.

4.2.6 Additional Requirements. Upon receipt of an application, the Manager shall review the application and make ~~such~~^{any} investigation ~~relating thereto~~ ~~as~~ he deems necessary. The Manager may prescribe requirements in writing to the applicant as to the facilities necessary to be constructed, the manner of connection, the financial requirements, and the use of service including the availability of adequate water, sewerage, recycled water, and natural treatment system facilities, and in cases of sewer service pretreatment facilities, if necessary, to insure initial and future continued compliance with the District's Rules and Regulations and any other applicable requirements.

~~Permits for water, sewer, recycled water and natural treatment system service and any connection for service made as provided in the permit issued under these Rules and Regulations pursuant to receipt of an application for such service shall be subject to the following conditions:~~

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4.3 PERMITS

4.3.1 **Compliance.** The applicant shall adhere to requirements prescribed by these Rules and Regulations and to any additional requirements prescribed by the Manager or by the Board, or both, to insure compliance with the District's Rules and Regulations as to obtaining water, sewer, recycled water and natural treatment system service and as to characteristics, quality, and quantity of recyclable and non-recyclable sewage that the District is willing to receive into its facilities.

~~1. **Payment Prior to Permit Issuance.** The applicant shall pay the District's specified fees and charges prior to the issuance of a permit. These charges are as set forth in Exhibit B and the respective portions thereof, which set forth applicable rates and charges of the District. Exhibit B hereto and the rates and charges provided for therein are by this reference incorporated herein, and may be changed by the District from time to time. In such instances, a revised Exhibit B or a portion thereof will be substituted to these Rules and Regulations.~~

4.3.2 ~~In instances where~~ If assessment bond ~~proceedings provide~~ proceeds finance facilities normally funded by connection fees or by a developer subject to reimbursement, ~~such then those~~ assessments ~~shall~~ must be paid concurrently with the payment of ~~such the associated~~ connection fees. The Board may defer in its discretion ~~such the~~ payment of any such assessment bonds in instances when an interim nonresidential use is to occur.

4.3.3 **Termination of Service.** By reason of circumstances beyond the control of the District, or in order to protect the facilities of the District, or for the protection of the public health, safety, and welfare of the residents or property owners of the District, ~~the District may terminate~~ service ~~may be terminated~~ under the conditions set forth below:

(1) Water, sewer, recycled water, and/or natural treatment system service may be terminated on a temporary or permanent basis in the manner provided for in Section 7 or Section 14 ~~herein~~ at any time the ~~applicant's, owner's, applicant's, owner's,~~ or customer's operations do not conform to the applicable requirements, as provided for herein.

(2) The District may terminate recycled water service on a temporary basis at any time recycled water at the terminal point of the District's reclamation plant does not meet the requirements of regulatory agencies, including those prescribed by the State of California, Administrative Code, Title 22, Chapter 4. Recycled water service will, in ~~such that~~ case, be restored ~~at such time that~~ when the recycled water at the terminal point of the

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reclamation plant again meets the requirements of regulatory agencies or ~~at such time that~~when the District supplements the recycled water system from sources other than the reclamation plant.

- 4.3.4 **Limit of Liability.** The District shall not be liable for any damage by water or recycled water or otherwise resulting from defective plumbing, broken or faulty services, or water or recycled water mains; or resulting from any condition of the water or recycled water itself, or any substance that may be mixed with or be in the water or recycled water as delivered to any customer. All applicants for service connections or water or recycled water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection and to hold the District harmless from all damage arising from low pressure or high pressure conditions or from interruptions of service. The District shall not be liable for any damage by sewage or inadequate capacity, from defective plumbing, broken or faulty upper or lower laterals, sewers, or collection systems resulting from any conditions beyond the control of the District or otherwise.

4.4 SIZE, LOCATION, AND INSTALLATION OF SERVICE LINE OR LOWER LATERAL

- 4.4.1 **Water and Recycled Water Service Lines.** The District ~~reserves the right to~~may determine the size of the water and recycled water service lines, the service connections, and the meters and ~~shall~~will also ~~have the right to~~ determine the kind and size of backflow protection devices for potable water service, in accordance with Section 4.10, and any and all other appurtenances to the service. The water or recycled water service lines shall be installed to a curb line or property line of the customer's property, abutting upon a public street, highway, alley, easement, lane, or road (other than a freeway) in which are installed water and/or recycled water mains of the District.

~~1.~~ **Lower Lateral and Lateral Connections**

- 4.4.2 ~~1.~~ The District ~~shall~~may determine and specify in the permit the size, location, and manner of installing the lower lateral. Such design shall be in accordance with the District's Procedures Guide and Construction Manual. If a lower lateral is installed by the applicant, owner, or customer, the lower lateral joints shall remain exposed until they have been inspected and approved by the District. The size, slope, alignment, and materials of construction of the lower lateral and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall conform to the District's Procedures Guide and Construction Manual. The size, slope, alignment, and materials of construction of the upper lateral and the methods to be used in excavating, placing of the pipe, jointing, testing,

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and backfilling of the trench shall conform to the applicable plumbing code(s) enacted and enforced by the cities of Irvine, Laguna Beach, Lake Forest, Newport Beach, Orange, Santa Ana, and Tustin, as well as by the County of Orange or its successor.

- 4.4.3 **Natural Treatment System Design.** The District reserves the right to give final approval of the design of natural treatment systems by developers. ~~Such~~ The design shall be in accordance with the District's Procedures Guide, Construction Manual, and NTS Design Guidelines.

4.5 LIMITATIONS ON SERVICE CONNECTIONS:

~~No permit shall~~ Permits will be issued ~~except on~~ according to the following conditions:

4.5.1 Water Service Connections

- (1) Each residence and/or building under separate ownership must be provided with a single and separate water service connection and water meter except under special conditions as determined by the District. Except as provided below, two or more buildings under one ownership and on the same lot or parcel of land ~~shall~~ must be supplied by a single water meter. A separate landscape irrigation meter ~~shall be~~ is required for a property under ~~certain~~ the conditions described in Section 4.16.
- (2) The District reserves the right to limit the number of buildings, such as apartments, or the area of land under one ownership to be supplied by one water service connection and water meter.
- (3) Except for a condominium building, not more than one water meter for domestic or commercial supply shall be installed for one building, except under special conditions as determined by the District.
- (4) A water service connection and water meter ~~shall~~ must not be used to supply adjoining property of a different owner, or to supply property of the same owner across a street or alley.
- (5) When property provided with a water service connection and water meter is subdivided, ~~such that~~ connection and meter ~~shall~~ will be considered as serving the lot or parcel of land that it directly or first enters. Additional water mains and/or service lines will be required for all subdivided areas in accordance with these Rules and Regulations.
- (6) All water used on any premises where a meter is installed must pass through the meter. Customers ~~shall~~ will be held responsible and charged for all water passing through their meters.

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(7) Every water service ~~shall~~will be equipped with an angle curb stop or wheel valve on the inlet side of the meter; ~~such that~~ valve or angle curb stop ~~being~~is intended exclusively for the use of the District in controlling the water supply through the water service line. If the curb stop or wheel valve is damaged by the customer's use to an extent requiring replacement, ~~such that~~ replacement ~~shall~~will be at the customer's expense.

(8) If the customer's rate of consumption results in excessive wear of the meter, or is such that the meter is unable to measure the flow of water accurately, the District may increase the size of the meter and require payment of the actual cost of installing the new meter.

(9) Fire protection systems must not be supplied through District meters that serve more than one residential unit.

(10) As of July 1, 2018, water meter service lines must not be combined, connected or looped on the customer side. Private or customer side service lines must be kept independent from other service lines and supply independently plumbed zones within the same building. Any water meter service lines that were combined, connected, or looped on the customer side and permitted by the District prior to July 1, 2018 will be considered legal non-conforming uses and may remain (subject to permit) unless and until the property is redeveloped.

4.5.2 Lower Laterals

(1) For single family detached unit residential development a separate and independent lower lateral ~~shall~~must be provided for every individual parcel or building under individual ownership.

(2) For condominium developments the following minimum number of lower laterals ~~shall~~must be provided:

(a) *Non Stacked*: 1 lower lateral per every two units — Minimum 4" size.

(b) *2-Two-Story Stacked*: 1 lower lateral per every four units - Minimum 6" size.

(c) *Multi-Story*: 2 lower laterals per building — Minimum 6" size.

(3) For apartment developments the following minimum number of lower laterals ~~shall~~must be provided: 1 lower lateral per building — Minimum 6" size

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(4) The District reserves the right to limit the number of buildings or the area of land under one ownership to be connected to one lower lateral.

(5) When property provided with a lower lateral is subdivided, such that lower lateral shall be considered as serving the lot or parcel of land that it directly or first enters. Additional sewers and/or lower laterals may/will be required for all subdivided areas in accordance with these Rules and Regulations.

4.5.3 Recycled Water Service Connections

(1) The District reserves the right to limit the area of land under one ownership to be supplied by one recycled water service connection and recycled water meter.

(2) A recycled water service connection and recycled water meter shall not be used to supply adjoining property of a different owner.

(3) When property provided with a recycled water service connection and recycled water meter is subdivided, such connection and meter shall be considered as serving the lot or parcel of land that it directly or first enters. Additional recycled water mains and/or recycled water service lines will be required for all subdivided areas in accordance with these Rules and Regulations.

(4) All recycled water used on any premises where a meter is installed must pass through the meter. Customers shall be held responsible and charged for all recycled water passing through their meters.

(5) Every recycled water service line shall be equipped with an angle curb stop or wheel valve on the inlet side of the meter; such valve or angle curb stop being intended exclusively for the use of the District in controlling the recycled water supply through the recycled water service line. If the curb stop or wheel valve is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.

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~~District in controlling the recycled water supply through the recycled water service line. If the curb stop or wheel valve is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.~~

4.6 RELOCATION OF WATER SERVICE LINE, LOWER LATERAL, OR RECYCLED WATER SERVICE LINE OR FIRE HYDRANT

~~Should~~If a water service line, lower lateral, or recycled water service line or fire hydrant installed pursuant to the request of the applicant, owner, or customer ~~be~~is of the wrong size or installed at a wrong location~~;~~, ~~then~~ the cost of all changes required ~~shall~~must be paid by the applicant, owner, or customer. All water services, lower laterals, and recycled water services and fire hydrants provided prior to final street improvements ~~shall~~will be considered temporary and the costs for all repairs or changes required to be performed by the District ~~shall~~must be paid by the applicant, owner, or customer.

4.7 ILLEGAL CONNECTIONS, DIVERSIONS, OR TAMPERING

~~4.7.1 No person shall make connection to the District's water, sewer, recycled water or natural treatment system facilities without a permit or except as provided in the permit issued by the District. Specifically, but not by way of limitation as to any connection to the District's sewerage facilities;~~
~~no~~Definitions.

~~(1) "Divert" means to change the intended course or path of water or wastewater into or out of the District's system without the authorization or consent of the District. Any unpermitted discharge into the District's facilities, and any unpermitted withdrawal of potable or recycled water from the Districts' facilities is a "diversion."~~

~~(2) "Tampering" means the unauthorized entering, breaking, damaging, destroying, uncovering, defacing, rearranging, injuring, altering, or interference with any temporary or permanent structure (including any pipeline), equipment (including any pumps or back-flow devices), or appurtenance owned by the District or that is part of the District's water, wastewater, recycled water, or natural treatment systems. Any unpermitted connection to the District's facilities is "tampering."~~

~~4.7.2 Prohibition. Diversion and tampering are prohibited.~~

~~4.7.14.7.3 Specific Prohibited Diversions to Sewers: The following must not be connected to a District sewer facility (or to a building sewer or building~~

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~~drain that in turn is connected directly or indirectly to a District sewer facility): roof downspouts, exterior foundation drains, areaway drains, car wash pads not covered by a roof, or other sources of surface runoff or ground water shall be connected to a District sewer facility or to a building sewer or building drain that in turn is connected directly or indirectly to a District sewer facility.~~

4.7.4 Penalties for Diversion or Tampering. Diversion and tampering are crimes under the California Penal Code and are violations of the Water Code and the Civil Code. Diversion and tampering may be subject to charges and penalties, as well as referral to the District Attorney for criminal prosecution. All charges and penalties shall be applicable and collected in accordance with section 14 and Exhibit B of these Rules and Regulations and pursuant to all other applicable laws and regulations.

4.8 METER TESTING

4.8.1 ~~If a water or recycled water meter fails to register during any period or is known to register inaccurately, the customer shall be charged with an using a reasonable average daily consumption during the same month shown by the reading of the meter when in use and registering accurately based on prior consumption or based other reasonable calculation in the absence of historical consumption data. Any customer may Upon the customer's written demand that and payment of a testing deposit, the District will examine and test the meter through which water or recycled water is being furnished be examined and tested by the District for the purpose of ascertaining whether or not to determine whether it is correctly registering the amount of water or recycled water being delivered through it. Such demand shall be in writing and shall be accompanied by a deposit equal to the charge for testing as determined by the District.~~

4.8.2 ~~Upon receipt of such demand and deposit, If the District will have determines the meter examined and tested and, if upon such test the meter shall be found to register over two percent (2%) more water than actually passes through it, then the District shall properly adjust the meter or replace the meter shall be properly adjusted or another meter substituted therefore, return the deposit shall be returned, and adjust the water or recycled water customer's bill for the current month will be adjusted proportionately accordingly. If the meter should be found to register registers not more than two percent (2%) more water than actually passes through it, the deposit shall be retained by then the District will retain the deposit as the expense of making the test testing cost.~~

4.9 FIRE HYDRANTS

Fire hydrants connected to the District's mains District's mains and fire hydrants that are served by an applicant, owner, or customer fire line are provided for the

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sole purpose of furnishing water to fight fires and shall be opened and used only by persons authorized by the District. ~~In the event that~~ If the District ~~authorizes~~permits the use of ~~such~~

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4.9.1 hydrants for purposes other than extinguishing fire, ~~such authorization shall that~~ permit will be granted only through the procedures and provisions contained in Section 4.1 of these Rules and Regulations. Rates to be charged for water extracted from ~~such a~~ hydrant for temporary construction use or other purposes ~~shall will~~ be in accordance with the applicable schedule contained in Exhibit B to these Rules and Regulations.

4.9.2 Unpermitted hydrant use is hereby deemed a waste of water, and is be-subject to interim or permanent revocation of the underlying connection permit and a-fees or fines pursuant to Section 14 and Exhibit B of these District Rules and Regulations. Interim and or permanent revocation of water service provided for the sole purpose of fighting fires may require, pursuant to Orange County Fire Authorities regulations, the applicant, owner, or customer to provide sufficient fire protection and or fire watch at at-no cost to the District.

4.10 WATER BACKFLOW PREVENTION

4.10.1 General

(1) The purpose of these provisions is to protect the District's potable water supply against actual or potential cross-connections by isolating, within the premises, contamination or pollution that may occur because of undiscovered or unauthorized cross-connection on the premises. These provisions are in accordance with the California Administrative Code, Title 17 (Public Health), entitled "Regulations Relating to Cross-Connections."

(2) These provisions shall be in addition to and not in lieu of the controls and requirements of other regulatory agencies, such as local governmental agencies and local and State Health Departments. These regulations are intended to protect the District's potable water supply and are not intended to provide regulatory measures for protection of users from the hazards of cross-connections within their own premises. Notwithstanding these provisions, the District accepts no responsibility for cross-connections or resulting hazards or contamination.

(3) The District has developed an active cross-connection control program with a Cross-Connection Control Inspector to administer the program. Any questions or notifications regarding these provisions or the program should be directed to the Inspector.

(4) Backflow prevention devices, as required in these provisions, shall be provided installed, tested, and maintained by the applicant, owner, or customer at his expense. For specific materials and installation requirements, see the District's Procedures Guide and Construction Manual. The devices shall be located on the premises served and shall not be on the District's portion of the system. All devices shall be readily accessible for testing and maintenance and no device shall be submerged at any time.

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(5) When water service is initiated, the applicant must provide sufficient information, including plumbing and building plans, to enable the District to determine the level of backflow protection required. The proper backflow protection, as determined by the District, shall then be installed and inspected before water service is provided.

(6) Each time there is a change of customer (either owner or tenant) on any commercial or industrial premise, the new or previous owner or customer shall notify the District immediately. The District will then reassess the level of protection required. Also, any alterations to existing onsite facilities that may affect the level of protection required must be reported immediately to the District.

(7) From time to time, representatives of any health agency having jurisdiction and/or the District may conduct evaluations of any premises where water service is provided by the District. The purpose of such evaluations is to determine if any actual or potential cross-connections exist, if there are any unapproved uses, and to assess compliance with applicable laws and regulations. The applicant owner or customer shall provide reasonable cooperation in facilitating such evaluations.

(8) Additional information concerning backflow prevention may be obtained from the "Manual of Cross-Connection Control," Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, School of Engineering.

4.10.2 Where Protection is Required. Backflow protection for the District's potable water supply shall be provided on each water service connection to:

(1) ~~premises~~Premises having an auxiliary water supply such as recycled or non-potable water. If the auxiliary water supply is approved for potable use by the public health agency having jurisdiction, backflow protection will not be required.

(2) ~~premises~~Premises on which any substance is handled in such fashion that could permit entry into the water system. This shall include the handling of process waters and waters originating from the District's system that have been subject to deterioration in sanitary quality.

(3) ~~premises~~Premises that have internal cross-connections, unless such cross-connections are abated to the satisfaction of the District and approved by the state or local health agency.

(4) ~~premises~~Premises having intricate plumbing and piping arrangements or where not all portions of the premises are readily accessible for inspection purposes.

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(5) ~~premises~~ Premises having a repeated history of cross-connections being established or re-established.

(6) ~~premises being served water through a temporary above ground water service connection.~~

4.10.3 **Type of Protection.** The type of protection required is related to the degree of hazard that exists on the premises served. The type of protective device that may be required (listed in increasing level of protection) includes: Double Check Valve (DC), Reduced Pressure Principle Backflow Prevention Device (RPPD), and an Air Gap Separation (AG). The water user may choose a higher level of protection than required by the District. The minimum types required, relative to various situations shall be as required by California Administrative Regulations, Title 17, or to the extent not covered thereby, as determined by the District and/or health agency.

4.10.4 **Inspection and Maintenance of Protective Devices.**

(1) It shall be the duty of the water user on any premises on which backflow prevention devices are installed to have competent inspections made at least once a year, or more often in those instances where successive inspections indicate repeated failure. All inspections and testing shall be performed by a tester certified by the local health department. The devices shall also be tested immediately after they are installed, relocated or repaired and shall not be placed in service unless they are functioning as required.

(2) The District will notify the applicant, owner or customers when routine testing is needed and also supply them with the necessary forms that must be filled out each time a device is tested or repaired. The notice will include the date when the test must be completed, generally 30 days after the date of the notice. The completed, original forms shall be returned to the District. Copies of the completed forms shall also be sent to the local health department. The applicant, owner or customer shall notify the District any time the device is repaired, replaced or relocated. A device shall be repaired or replaced by, and at the expense of the water user, whenever it is found to be defective. Records of all such tests and repairs shall be maintained by the water user. The District may request records regarding any backflow prevention device on the premises.

(3) A device may be removed for repair or replacement, provided that (a) water use is discontinued until repair or replacement is completed and the device is returned to service, or (b) the service connection is equipped with other backflow protection approved by the District. A retest will be required following the repair or replacement of the device.

(4) A device may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device.

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4.10.5 Marking Safe and Unsafe Water Lines

(1) Where the premises other than single-family residences contain dual or multiple water systems and piping, the exposed portions of pipelines shall be painted, banded, or marked at sufficient intervals to distinguish clearly which water is safe for drinking purposes and which is not safe. All outlets intended for drinking purposes shall be plainly marked to indicate that fact.

(2) For single-family residences which have recycled water services provided, only those water outlets which serve non-potable water shall be marked with the words "Recycled Water - Do Not Drink."

(3) For single-family residences which contain water systems, all potable water service piping shall all be designed and constructed in compliance with IRWD's Procedures Guide.

4.10.6 **Reporting of Pollution or Contamination.** In the event of contamination or pollution of the potable water system due to a cross-connection on the premises, the local health officer and District shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to mitigate the contamination or pollution.

4.10.7 Water Service Termination.

(1) ~~When~~**If** the District determines that water uses or conditions encountered by the District represent a clear and immediate hazard to the District's water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing water use. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:

- (a) Refusal to install a required backflow prevention device.
- (b) Refusal to test a backflow prevention device.
- (c) Refusal to repair a faulty backflow prevention device.
- (d) Refusal to replace a faulty backflow prevention device.
- (e) Direct or indirect connection between the District's water system and a sewer.
- (f) Unprotected direct or indirect connection between the District's water system and a system or equipment containing contaminants.
- (g) Unprotected direct or indirect connection between the District's water system and an auxiliary water system.

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- (h) A situation which presents an immediate health hazard to the District's water system, as determined by the health agency or the District.
 - (i) At single-family residences which contain water systems, the installation of any piping shall be in conformance with IRWD's Procedures Guide.
- (2) For conditions 4.10.7(1, 2, 3, 4), a, b, c, d or 9i above, the District will terminate service to a customer's premises as follows:
- (a) *First Notice.* The District will notify the applicant, owner or customers when routine testing or corrective action is needed and also supply them with the necessary forms that must be filled out each time a device is tested or repaired. The notice will include the date when the test or corrective action must be completed, generally 30 days after the date of the notice. ~~The completed, original forms shall be returned to the District. Copies of the completed forms shall also be sent to the local health department.~~
 - (1) The completed, original forms shall be returned to the District. Copies of the completed forms shall also be sent to the local health department.
 - (2) The applicant, owner or customer shall notify the District any time the device is repaired, replaced or relocated.
 - (b) *Second Notice.* A second notice shall be sent to each water user ~~who~~that does not have their backflow prevention device tested or take other corrective action as prescribed in the first notice within the time allowed. The second notice will give the water user a 15-day period to have their backflow prevention device tested or take other corrective action.
 - (c) *Third Notice.* If no action is taken within the 15-day period, then a third notice will be sent to the water user giving the water user a final 10-day period to have the device tested or take other corrective action.
 - (d) *Notice of Service Termination.* If no action is taken within the 10-day period, then the District will notify the user that water service will be terminated and proceed to turn off the water until the device is tested and passes the test or other corrective action is taken and approved. If no action is taken within the time period stated in the District's Notice of Service Termination, then water service may be terminated in accordance with Section 14, ENFORCEMENT AND PENALTIES.

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~~If no action is taken within the allowed time period, water service may be terminated in accordance with Section 14, ENFORCEMENT AND PENALTIES.~~

(3) For conditions ~~5, 6, 4.10.7(1)e, f, g, or 8h~~ above, the District will make reasonable effort to advise the water user of intent to terminate water service. Then, the District will terminate the water service and lock the service valve in the closed position. Water service will not be reinstated until correction of all violations has been approved by the District. Failure to correct the violations may result in permanent termination of water service in accordance with Section 14, ENFORCEMENT AND PENALTIES.

4.11 SEWER BACKFLOW PREVENTION

4.11.1 Residences and other buildings served by the District's sewerage facilities shall be protected from the backflow of wastewater in the lower laterals as herein provided. Drainage piping serving fixtures, the flood level rims of which are located below the rim elevation of the uphill manhole of the District sewer and above the crown level of the District main sewer, shall drain by gravity into the District main sewer and shall be protected from backflow of sewage by installing an approved type backwater device, and each such backwater device shall be installed only in that branch or section of the drainage system that receives the discharge from fixtures located below the elevation of the curb or property line.

4.11.2 Backwater devices required by this section ~~shall~~must be located where they will be readily and easily accessible for inspection and repair at all times and, unless continuously exposed, ~~shall~~must be enclosed in a watertight masonry pit fitted with an adequately sized removable cover.

4.11.3 The applicant, owner, or customer ~~shall~~must provide and maintain, at his expense, backwater devices and appurtenances as required in this section. Each such device ~~shall~~must be located on the property it protects and ~~shall~~must not be allowed in the public right of way.

4.12 USE OF RECYCLED WATER

4.12.1 **Determination of Feasible and Authorized Uses.** In accordance with the provisions of Section 1, the uses of recycled water may include, but not by way of limitation, landscape irrigation, agricultural irrigation, natural treatment system irrigation, construction water, industrial process water, cooling tower makeup water, water for flushing toilets and urinals, trap primers in dual-plumbed buildings, and public and private recreational impoundment. Each such use must be considered for approval by the District on a case-by-case basis, and the District may determine in its discretion whether it is feasible to furnish recycled water for the specific use involved. Prior to approving such uses, the District may, in its discretion, set forth specific requirements as conditions to providing such services

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and/or require specific prior approval from the appropriate regulatory agencies. The District's determination of feasibility will be based on the following factors:

- (1) Whether recycled water may be furnished for the intended use at a reasonable cost to the customer and the District;
- (2) Whether recycled water use is in accordance with the standards of treatment and water quality requirements set forth in Title 22, Chapter 4, of the Code of California Regulations and all other applicable federal, state and local laws and regulations;
- (3) Whether the use of recycled water can be made in a manner not detrimental to public health.

4.12.2 Requirement to Use Recycled Water

The District will identify customers who are located within the District's service area and within an area identified in the Plan as an area capable of receiving service from the District's recycled water system and will determine the feasibility of providing recycled water service to these customers. The District will also review applications for new permits to determine the feasibility of providing recycled water service to these applicants. If recycled water service is determined by the District to be feasible, applicants for new water service ~~shall be required~~ **to must** install onsite facilities to accommodate both potable water and recycled water service in accordance with these Rules and Regulations. The District may also require existing customers to retrofit existing onsite water service facilities to accommodate recycled water service. Potential recycled water customers identified by the District that elect not to use recycled water that is available but can use recycled water in compliance with State and County regulatory requirements, these Rules and Regulations and can meet the criteria identified in Section 13550 of the California Code of Regulations, may be subject to the provisions in Section 4.12.5 of this document. Potential recycled water customers that believe recycled water cannot be used at their site shall provide written justification to support their position. The District assumes identified customers meeting the above referenced criteria can use recycled water until or unless the potential recycled water customer can provide documentation otherwise. If the District's recycled water distribution system has not yet been extended to the vicinity of the customer's property, the District may require a written commitment from the customer to use recycled water when the extension has been made. A customer that does not provide a written commitment may be subject to the provisions in Section 4.12.6. If the District does not require the use of recycled water service, the customer may obtain recycled water service upon request but only if the District has determined that recycled water service to the customer is feasible and authorizes such use.

4.12.3 Installation Costs

Except as otherwise provided herein, when an existing customer is required by the District to convert to recycled water service, the customer will pay the reasonable capital costs of retrofitting the onsite water service facilities (as defined in Section 4.12.4.1) and the District will provide the offsite facilities necessary to deliver recycled water to the meter. Applicants for new

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or expanded water service shall be responsible for the full capital cost of onsite recycled water facilities and applicant-furnished offsite distribution facilities required as a condition of service pursuant to Section 5.

4.12.4 Process of Determination

The following describes the process by which the District will determine which potential recycled water customers may be served, contact by District, response by potential recycled water customers and appeal provision to the District's Board of Directors:

- (1) District staff will identify potential sites at which it believes recycled water may be used. Identified potential recycled water use sites must meet the following criteria:
 - (a) Recycled water is served to an available location. "Available location" ~~shall mean~~ means (1) the District's recycled water distribution system is in a street adjacent to the subject property, or (2) the District has notified a customer that if a written commitment to use recycled water has been received from the customer, the District will complete an extension of the distribution system to a street adjacent to the customer's property, and the customer has failed or refused to provide the written commitment, and any determination sought by the customer pursuant to 4.12.4:(3) through 4.12.4:(6) has become a final and non-appealable determination that recycled water use is feasible;
 - (b) The District can provide recycled water in the needed volume, quality, pressure and flow rate;
 - (c) The anticipated use(s) at the subject site are allowed for in Title 22 of the California Code of Regulations;
 - (d) The construction/retrofit can be accomplished in compliance with Federal, State, County and District requirements;
 - (e) The anticipated use(s) will not negatively impact public health;
 - (f) The use of recycled water will not diminish water rights; and
 - (g) Recycled water is available at a reasonable cost, meaning:
 - (1) The commodity cost for recycled water is less than the commodity cost for a like quantity of ~~non-interruptible~~ potable water; and
 - (2) The net customer cost of facilities and appurtenances required to be installed can be amortized by the difference in potable

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and recycled water rates over a period of not more than one-hundred and twenty (120) months.

- (2) District will contact potential recycled water use site representative to discuss the use of recycled water.
- (3) Potential recycled water customers shall respond to District inquiries as to its ability to use recycled water. Customer and IRWD shall engage in dialogue to determine if recycled water can be used. At the completion of dialogue, the potential recycled water customer shall have ninety (90) calendar days to indicate its intent regarding the use of recycled water. If recycled water can be used, the customer shall work with the District toward the successful introduction and use of recycled water including obtaining regulatory approvals. If, according to the customer, recycled water cannot be used, customer shall provide written documentation to the General Manager to support their position.
- (4) District staff will review documentation provided by customer supporting why recycled water cannot be used.
 - (a) In the case of potential customers that provide sufficient evidence as to why recycled water cannot be used, District shall consider the matter closed; or
 - (b) In the case of potential customers that elect not to respond to District inquiries or do not provide documentation as to why recycled water cannot be used, the General Manager or designee shall report those occurrences to the Water Resources Policy and Communications Committee. With Water Resources Policy and Communications Committee approval, the General Manager or designee shall send a certified letter to the potential recycled water customer urging contact with the District to continue meaningful dialogue regarding the potential use of recycled water. The potential recycled water customer shall have thirty (30) calendar days in which to contact the District. If the potential recycled water customer does not respond within thirty (30) calendar days, a second certified letter will be sent notifying the potential recycled water customer that the billed per Section 4.12.5 of this document beginning sixty (60) calendar days after notification.
- (5) The potential recycled water customer who contends recycled water is not feasible based on criteria described in Sections 4.12.4.(1) may appeal to the General Manager by filing a written appeal within thirty (30) calendar days of the date of the notice described in Section 4.12.4.(4.). The General Manager shall consider the information provided and respond within thirty (30) calendar days to the potential recycled water customer.

~~(30) calendar days to the potential recycled water customer.~~

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(6) The decision of the General Manager may be appealed to the Board of Directors in writing filed with the District Secretary within thirty (30) calendar days of the General Managers decision. The Board of Directors will conduct a hearing to consider the appeal at the next regularly scheduled Board meeting. The decision of the Board of Directors shall be transmitted in writing to the potential recycled water customer within thirty (30) calendar days of the hearing. The decision of the Board of Directors is final.

4.12. Recycled Water Non-Conforming Use Billing Rate

4.12.5 For potential recycled water customers that elect not to comply with section 4.12.2 of this document (“Requirement to Use Recycled Water”) and fail to provide reason(s) why recycled water cannot be used, all metered potable water use at the site that could otherwise be served with recycled water shall be billed at the applicable potable water rate plus the “non-conforming use” rate until the site is converted or acceptable justification as to why the recycled water cannot be used is provided. No refunds will be provided unless a justification is accepted by the District.

4.12.6 **Potential Recycled Water Customer Non-Participation/Non-Cooperation.** Potential recycled water customers identified and contacted by the District that elect not to use recycled water or are not cooperating with the District as defined in Section 4.12.4 of this document, will be billed as defined in Section 4.12.5 of this document. In cases where the potential recycled water customer elects not to pay their bill, that customer will be subject to the provisions in Section 1.20 (“Delinquency and Service Restoration Charges”) of the District’s prevailing “Schedule of Rates and Charges.”

4.12.7 **Termination of Prior Recycled Water Service.** If an end user that was previously accepting recycled water elects to suspend or terminate delivery of recycled water and use potable water for reasons other than those identified in Section 4.12.4 of this document, that end user may be subject to the provisions in Section 4.12.6.

4.13 SCHEDULING RECYCLED WATER; SUPPLY OF OTHER WATER TO RECYCLED WATER DISTRIBUTION SYSTEM

Recycled water shall be used in compliance with District’s “Procedural Guidelines and General Design Requirements.” The District reserves the right to control and schedule the use of recycled water if, in the opinion of the Manager or his designated representative, scheduling is necessary for purposes including, but not limited to, the maintenance of an acceptable working pressure in the recycled water system and providing for reasonable safeguards in relation to public health. Guidelines for such scheduling shall be as deemed appropriate by the Manager or his designated representative. The District reserves the right to supply potable or non-potable water to the District’s recycled water distribution system from time to time, as the Manager or

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his designated representative determines to be necessary or useful to augment the recycled water supply to such system. The supply of such other water to the system shall be at the District's discretion and shall not change the rates or charges billed for recycled water service nor relieve any recycled water customer of the applicable requirements of the Rules and Regulations, including but not limited to Section 6.2.2.

4.14 EMERGENCY CONNECTIONS TO RECYCLED WATER SYSTEM

If in the opinion of the District, an emergency exists whereby in all or a portion of the recycled water system recycled water is not available, the Manager may approve a temporary connection to the potable water system. Before ~~such~~ temporary connection is made, the portion without recycled water ~~shall~~must be isolated by an air gap separation from the remainder of the recycled water system either at individual services or on the offsite system, as determined by the District and an approved backflow prevention device or devices of the type determined in accordance with Section 4.10 herein, shall be installed on the potable water line or lines in accordance with these Rules and Regulations and any and all applicable rules and regulations of the State and local health departments. Before the emergency connection or connections shall be removed, whether onsite or offsite, the customer shall notify the District's cross-connection department. This emergency connection or connections shall be removed before connection is re-established to the remainder of the recycled water system.

4.15 RESPONSIBILITY FOR MAINTENANCE

4.15.1 **Water and Recycled Water.** The applicant, owner, or customer is responsible for maintaining all onsite facilities that are under the ownership of parties other than the District.

4.15.2 **Sewer - Single Family Units.** The applicant, owner, or customer is responsible for maintenance of the upper lateral and lower lateral. Any upper lateral or lower lateral shall be cleared and cleaned by the applicant, owner, or customer at his own expense. The upper lateral is the responsibility of the owner to repair or reconstruct. The lower lateral is the responsibility of the District to repair or reconstruct.

~~4.13.1~~ **Sewer - Multi-Dwelling Units (Condominium Complexes and Townhomes)**

4.15.3) Maintenance of onsite sewer main lines shall be the responsibility of the District up to the main line cleanout or last manhole. In order to qualify for such maintenance, these facilities must be fully dedicated to the District, including proper easements, and approved by the Manager or his designee. All laterals upstream of the main line are the responsibility of the applicant, owner or customer to maintain, repair, or reconstruct

4.15.4 **Sewer – Commercial and Industrial Properties.**

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(1) If the property has a single sewer lateral connection, the applicant, owner, or customer is responsible for maintenance of the upper lateral and lower lateral. Any upper lateral and lower lateral shall be cleared and cleaned by the applicant, owner, or customer at his own expense. The upper lateral is the responsibility of the owner to repair or reconstruct. The lower lateral is the responsibility of the District to repair or reconstruct.

(2) If the property has an onsite sewer collection system, the maintenance of onsite sewer main lines shall be the responsibility of the District up to the main line cleanout or last manhole. In order to qualify for such maintenance, these facilities must be fully dedicated to the District, including proper easements, and approved by the Manager or his designee. All laterals upstream of the main line are the responsibility of the applicant, owner, or customer to maintain, repair, or reconstruct.

4.15.5 Obstruction of or Deposit of Material in Meter Boxes or Hydrants

(1) No person shall place, dispose, or deposit or permit the placement, disposal or deposit of oil, toxic, hazardous or contaminated liquid or waste, trash, dirt, building materials or other substances, objects or obstructions in, on or around meter boxes, and it shall be the responsibility of each applicant, owner, or customer to prevent meter boxes, District hydrants or other District facilities from becoming obstructed or obscured by such applicant, owner, or customer's trees, shrubs, plants or in any other manner so as to impede their use or access to them or make their location difficult to determine.

(2) If such substances, objects or obstructions are not cleaned and removed or are permitted to obscure or impede such facilities, the District may, after providing reasonable notice to the applicant, owner or customer, accomplish the cleaning and removal and charge the applicant, owner or customer for the cost of doing so.

4.15.6 Natural Treatment Systems. The developer shall be responsible for maintenance during the construction and establishment period as specified in the Procedures Guide and the NTS Design Guidelines.

~~The developer shall be responsible for the establishment and maintenance of the natural treatment system as specified in the Procedures Guide and the NTS Design Guidelines.~~

4.16 WATER EFFICIENCY, CONSERVATION AND MANAGEMENT PRACTICES

4.16.1 As stated in Section 1 ~~herein~~, it is the desire of the District to effect conservation and efficient use of water resources whenever possible, such measures being consistent with legal responsibilities to utilize the water resources of the State of California and the District. Without limiting standards that may otherwise apply

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pursuant to Section 4.1, facilities and fixtures shall meet the applicable water efficiency standards referenced in this section.

- 4.16.2 Facilities for irrigation of new or existing parks, median strips, landscaped public areas or landscaped areas, lawns, or gardens surrounding single-family homes, condominiums, townhouses, apartments, and industrial parks shall be designed and installed in such a way as to ~~conserve water, and~~ meet or exceed the water efficiency requirements of any applicable local or State standards.
- 4.16.3 After January 1, 2008 a separate landscape meter shall be required to provide new water service to a property with more than 5,000 square feet of landscape irrigated with potable water. This provision does not apply to single family residential connections, agricultural crops or landscape, or where water service has previously been provided.
- 4.16.4 Recycled water is considered a water resource by the District, therefore, the same restrictions shall apply for all uses of recycled water as for potable water.
- 4.16.5 Rate and extent of application of water shall be controlled by the user so as to minimize run-off from the irrigated areas.
- 4.16.6 All plumbing fixtures installed shall meet or exceed the applicable standards in effect at the time of service application.

4.17 INTERIM WATER SERVICES

4.17.1 **General.** The District's potable water system has been master planned to serve the ultimate needs of residential, commercial, and industrial developments in the District's service area. Design and construction of facilities are phased in unison with the above mentioned developments. However, the District will provide service for interim uses whenever possible, although such uses shall be subject to the conditions set forth herein.

4.17.2 Temporary Service Connections

- (1) Temporary service connections are primarily installed for the convenience and use of individuals, contractors, and companies during construction work. However, they are not limited to construction purposes but may be installed for any use.
- (2) The Contractor or other person applying for a meter or meters shall be held responsible for loss or damage to the meter from the time it is installed until it is removed, or until 48 hours after notice in writing has been given the District that the contractor or other person is finished using the meter.
- (3) Flows through a 2 1/2 inch or larger temporary service fire hydrant meter shall be limited to a maximum of 250 gallons per minute, unless otherwise authorized in writing at the time of application. Any deliberate attempt on the

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part of the applicant or user to increase the flow is just cause for the District to discontinue service.

(4) The District reserves the right to interrupt service without notice if such usage is causing pressure in the system to drop below an acceptable range.

(5) Each temporary service customer shall make every attempt to maintain a constant flow through the meter. To achieve this requirement, the customer may be required to provide and install a storage facility (construction tank, small interim reservoir, etc.), approved by the District, in conjunction with the meter.

(6) When using fire hydrants for temporary service connections, no more than one outlet per hydrant shall be used for this purpose; however, the use of siamese fittings approved by the District is acceptable provided that the additional flow does not significantly impair pressures in the distribution system.

(7) The maximum duration of time a temporary service may be applied for is six months. At the conclusion of six months, the customer may reapply for service, subject to approval from the District.

4.17.3 Agricultural Service Connections

(1) The District reserves the right to regulate agricultural users without notice if pressures in the distribution system drop below the minimum acceptable range. The District reserves the right to interrupt agricultural service at any time without notice if such usage is causing pressures in the system to drop below a minimum acceptable range. When pressure is resumed to an acceptable range for a reasonable period of time, all regulated agricultural services will be returned to their requested flows. Repeated occurrences of pressures dropping below a minimum acceptable range may result in permanent discontinuation by the District of the agricultural user's service upon 30 days, notice.

(2) All requests for water and recycled water for agricultural purposes must be made 24 hours in advance of the intended use. Only authorized District personnel will set and adjust flows from all agricultural service connections.

(3) Water and recycled water for agricultural use shall be delivered at a constant rate.

(4) All changes in flows will be made between the hours of 7:00 a.m. and 3:00 p.m. All changes in flow shall be requested prior to 10:00 a.m. the day prior to the intended change.

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SECTION 5: FACILITIES DESIGN AND CONSTRUCTION

5.1 GENERAL

All offsite water, sewer, recycled water and natural treatment system facilities and all onsite recycled water facilities shall be designed and constructed according to the requirements, conditions, and standards set forth in the Procedures Guide and Construction Manual which document is on file at the office of the District, and by this reference is incorporated herein.

The recycled water system, including both offsite and onsite facilities, shall be separate and independent of any potable water system.

Any required backflow prevention devices on potable water services and flow or pressure control devices shall be downstream of the meter and provided by the applicant, owner, or customer at his expense.

5.2 OFFSITE WATER, SEWER, RECYCLED WATER FACILITIES

Any water distribution, sewage collection, recycled water distribution system facilities determined by the District to be required to provide service within developments of the property within the District shall be provided by the applicant, owner, or customer at his expense.

Plans and specifications for all water distribution, sewer collection, recycled water distribution facilities shall be submitted to and approved by the District in advance of construction.

The District will assume responsibility for providing water, sewer, and recycled water service to the point of connection (individual lots for residential water and sewer service and residential yard recycled water irrigation service) of such development upon transfer to the District of title to all facilities in the required systems and any necessary easements therefore. All easements shall be in a form acceptable to the District and not subject to outstanding obligations to relocate such facilities or any deeds of trust, except in instances where such is determined by the Board or the Manager to be in the best interests of the District.

Modification or relocation of the meter or other facility which results in nonconformance with applicable provisions of these Rules and Regulations, the Procedures Guide or the Construction Manual is prohibited and shall be corrected at the expense of the applicant, owner, or customer. Upon failure or refusal of the applicant, owner or customer to make such correction, the District may, after providing reasonable notice to the applicant, owner or customer, make the correction and charge the applicant, owner or customer for the cost of doing so.

5.3 ONSITE RECYCLED WATER FACILITIES

Any onsite recycled water facility shall be provided by the applicant, owner, or customer at his expense. The applicant, owner, or customer shall retain title to all such onsite facilities.

Onsite recycled water facilities, in addition to conforming to the Procedures Guide and Construction Manual shall conform to local governing codes, rules, and regulations. The Cities of Costa Mesa, Irvine, Lake Forest, Newport Beach, Orange, Santa Ana, and Tustin, and the

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County of Orange shall have authority over materials, equipment, design, and construction methods used for onsite recycled water facilities within their jurisdiction, provided that when the District's Procedures Guide and Construction Manual require a higher quality material, equipment, design or construction method than that required by the above local governing codes, rules, and regulations, the District's Procedures Guide and Construction Manual shall be controlling.

Plans and specifications and record drawings shall be prepared and submitted to the District in accordance with the Procedures Guide and Construction Manual. Plans and specifications must be approved by the District prior to commencing construction. Prior to commencement of service to any onsite system using recycled water, record drawings shall be provided and approved and the installed system shall be tested under active conditions to ensure that the operation is in accordance with the intent of these Rules and Regulations.

In accordance with Section 1 herein, in those areas where recycled water is not immediately available for use when the design area is ready for construction, and if the District has determined that recycled water will be supplied in the future, the onsite facilities shall nevertheless be designed to use recycled water. Provisions shall be made and these Rules and Regulations followed to allow for connection to the recycled water facilities when they become available. In the interim, potable domestic water will be supplied to the recycled water facilities through a temporary potable meter connection. A backflow preventer of the type determined in accordance with Section 4.10 herein will be required as long as the onsite facilities are using potable water. The backflow preventer shall be downstream of the meter and shall be a part of the onsite facilities. The District will remove the backflow preventer and will make the connection to the onsite facilities when recycled water becomes available.

5.4 NATURAL TREATMENT SYSTEM FACILITIES

Natural treatment systems that are designated as capital facilities shall be designed and constructed by the District. All other natural treatment systems shall be designed, constructed and established by the developer in accordance with the District's Procedures Guide and the NTS Design Guidelines.

Plans and specifications for developer-constructed natural treatment systems shall be submitted to and approved by the District in advance of construction.

5.5 CONVERSIONS OF EXISTING FACILITIES FOR RECYCLED WATER

Where it is required pursuant to Section 4.12.2 that any existing water system be converted to a recycled water facility, a comprehensive investigation shall be performed by or for the District. The facilities to be converted to recycled water use shall be investigated in detail, including review of any record drawings, preparation of required reports, and determinations by the District of measures necessary to bring the system into full compliance with these Rules and Regulations for recycled water service including, but not limited to Section 5.3 thereof and the District's Procedures Guide and Construction Manual. No potable water facilities shall be connected to or incorporated in the recycled water system that have not been approved for recycled water service by the District.

5.6 ALTERNATE FINANCING FOR AFFORDABLE AND/OR LOW INCOME HOUSING PROJECTS

- 5.6.1 **Request for Public Financing.** If property within the District for which water, sewer and/or recycled water service is requested will include not less than ten percent of the units as affordable and/or low income housing units as herein defined or has been designated by the City of Irvine, County of Orange, or other such entity for land use which requires that a portion of the units being developed shall be affordable and/or low income housing units as herein defined, any such applicant, owner or customer when requesting water, sewer and/or recycled water service for such property may request the District to initiate proceedings pursuant to applicable laws to form a special assessment district for the purpose of publicly financing the offsite and onsite water, sewer and/or recycled water facilities necessary to serve said development as well as any assessable portion of the future capital costs which will be incurred by or benefit the initial property owners at the time of connection to said facilities. The proposed assessment district shall include all of the area eligible for alternate financing as provided for in this Section 5.5.1 and such other area logically served by the facilities as determined by the District in its discretion. This proviso is intended to include the affordable and/or low-income housing units as well as the market rate units for which service is requested pursuant to this Section 5.5.1.
- 5.6.2 **Initiation of Public Financing.** Upon receiving a request pursuant to Section 5.5.1, the District shall, unless it makes the findings set forth in Section 5.5.3, initiate proceedings pursuant to applicable laws to form a special assessment District for the purpose of publicly financing the offsite and onsite water, sewer and/or recycled water facilities necessary to serve said development as well as any assessable portion of the future capital costs which will be incurred by or benefit the initial property owners at the time of connection to said facilities.
- 5.6.3 **Refusal to Initiate Public Financing.** The District may deny a request made pursuant to Section 5.5.1 only after notice and a public hearing and only if it finds that such assessment district financing is no longer consistent with sound municipal financing practices or is not economically feasible for the particular project. If other means of such alternate financing are available and are consistent with sound municipal financing practices, such other means of financing shall be implemented by the District. In making a finding under this Section 5.5.3, the District shall render a written decision which identifies the evidence it relied upon and the reasons supporting its decision.
- 5.6.4 **Time for Acting on Request.** The District shall act upon a request made pursuant to Section 5.5.1 within 60 days of the receipt of the request.

~~5.1.1~~ Affordable and/or Low Income Housing

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5.6.5 “Affordable and/or Low Income Housing” ~~as used herein shall have~~has the same meaning as used in the housing element adopted pursuant to Government Code Section 65580 of the governmental agency having jurisdiction over the zoning of any given development.

~~5.1.2~~ **Off-Site Facilities.**

5.6.6 “Off-Site Facilities” ~~as used herein shall mean~~means other than in-tract facilities which are not paid for by the District pursuant to its Rules and Regulations from general obligation bonds or otherwise.

5.6.7 **Coordination with Other Agencies.** When possible, in the event that District agrees to initiate proceedings pursuant to Section 5.5.1, the District will attempt to coordinate such proceedings with similar proceedings initiated by another agency or other agencies having jurisdiction over other aspects of the infrastructure required for the development such as, but not by way of limitation, streets, lighting, open space, sidewalks, and curbs.

SECTION 6: FACILITIES OPERATION

6.1 OFFSITE WATER, SEWER, RECYCLED WATER AND NATURAL TREATMENT FACILITIES

Operation and surveillance of all of the District's offsite water, sewer, recycled water and natural treatment system facilities, including, but not limited to, water, sewer, and recycled water pipelines, reservoirs, pumping stations, fire hydrants, manholes, valves, connections, supply interties, treatment facilities, and other appurtenances and property up to and including the District's meter, shall be under the management and control of the District. No other persons except authorized employees and/or representatives of the District shall have any right to enter upon, inspect, operate, adjust, change, alter, move, or relocate any portion of the foregoing or any of the District's property. In the event that such should occur, all charges and penalties shall be applicable and collected. Such action shall also be in violation of any and all applicable federal, state, and local statutes, ordinances, regulations, and other requirements.

6.2 ONSITE FACILITIES

6.2.1 **General.** The operation and surveillance of onsite water distribution, sewer collection, and recycled water distribution facilities are the responsibility of the applicant, owner, or customer.

6.2.2 Onsite Recycled Water Facilities

(1) The operation and surveillance of all onsite recycled water system facilities using the District's recycled water, shall be under the management of an "Onsite Recycled Water Supervisor" designated by the applicant, owner, or customer and approved by the District.

(2) If there is a non-resident owner, a local Onsite Recycled Water Supervisor shall be appointed. For single-family residences which have a recycled water service connection, the owner shall be considered to be the designated "Onsite Recycled Water Supervisor" unless otherwise indicated on the application for the service connection request. In the event that someone other than the owner is designated as the "Onsite Recycled Water Supervisor" and this person is no longer associated with the property, the owner shall again be considered the "Onsite Recycled Water Supervisor" until written notification is made to the District. The District shall furnish the name of the Onsite Recycled Water Supervisor to the Regional Water Quality Control Board and State and County Health Departments at least 30 days prior to commencing service.

(3) However, pursuant to Section 8.2 of these Rules and Regulations, the Manager or authorized representatives of the District shall monitor and inspect the entire recycled water system, including onsite and offsite facilities, and for these purposes shall have the right to enter upon the customer's premises during reasonable hours.

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(4) The Onsite Recycled Water Supervisor shall be responsible for the installation, operation, and maintenance of the onsite recycled water system, enforcing applicable requirements of the District's permits, preventing potential hazards related to such system, maintenance of the system plans in "as-built" form, and distribution of recycled water in accordance with applicable laws and permits held by the District.

(5) In particular, but not by way of limitation, the Onsite Recycled Water Supervisor shall have the following responsibilities in relation to operation of onsite facilities:

- (a) To make sure that all operations personnel are trained and familiarized with the use of recycled water.
- (b) To furnish their operations personnel with maintenance instructions, controller charts, and record drawings to ensure proper operation in accordance with the onsite facilities design and these Rules and Regulations.
- (c) To prepare and submit to the District one (1) set of record drawings.
- (d) To notify the District of any and all updates or proposed changes, modifications, or additions to the onsite facilities, which changes shall require approval by the District and shall be designed and constructed according to the requirements, conditions, and standards set forth in the District's and set forth in these Rules and Regulations, including but not limited to Section 5.3 thereof. In accordance with the above referenced requirements, conditions, and standards changes must be submitted to the District for plan check and approval prior to construction. The construction shall be inspected by the District, and revised record drawings and controller charts shall be approved by the District. The District may, if it deems such to be in the best interest of the District, waive or modify any of the foregoing.
- (e) To ensure that the recycled water facilities remain in accordance with these Rules and Regulations including the District's Procedures Guide and Construction Manual. For example, but not by way of limitation, as stated in the design criteria section of the above referenced specifications:
 - (1) Cross-connections between potable water facilities and onsite recycled water facilities are forbidden.
 - (2) Hose bibs on recycled water facilities are forbidden.

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- (3) Drinking fountains shall be protected from the spray of recycled water.
 - (4) The District shall provide special labels for any backflow preventer and house pressure regulator, and homeowner agrees to inform plumbing or landscaping contractors of the presence of recycled water on the site.
- (f) To operate and control the system in order to prevent direct human consumption of recycled water and to control and limit runoff. The applicant, owner, or customer shall be responsible for any and all subsequent uses of the recycled water. Operation and control measures to be utilized in the regard shall include, where appropriate, but not be limited to the following:
- (1) Onsite recycled water facilities shall be operated to prevent or minimize discharge onto areas not under control of the customer. Full circle sprinklers shall not be used adjacent to sidewalks, roadways, and property lines and sprinkler types shall be selected so as to confine the discharge from sprinklers to the design area.
 - (2) The operation of the onsite recycled water facilities shall be during the periods of minimal use of the service area. Consideration shall be given to allowing a maximum dry-out time before the design area will be used by the public.
 - (3) Recycled water shall be applied at a rate that does not exceed the infiltration rate of the soil. Where varying soil types are present, the design and operation of the recycled water facilities shall be compatible with the lowest infiltration rate of the soil present.
 - (4) When the application rate exceeds the infiltration rate of the soil, automatic systems shall be utilized and programmed to prevent or minimize the ponding and runoff of recycled water. The sprinkler shall not be allowed to operate for a time longer than the landscape's water requirement. If runoff occurs before the landscape's water requirements are met, the automatic controls shall be reprogrammed with additional watering cycles of shorter duration to meet the requirements. This method of operation is intended to control and limit runoff.
- (g) To orally report any failure in the onsite recycled water system that causes an unauthorized discharge of recycled water, or other non-compliance with applicable laws and the District's permits to the

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District and to the Regional Water Quality Control Board and State and County Health Departments, within 24 hours from the time the Onsite Recycled Water Supervisor becomes aware of the circumstances. The Onsite Recycled Water Supervisor shall also make a written submission to the District, with a copy to the Regional Water Quality Control Board and State and County Health Departments, within five days of the time the Onsite Recycled Water supervisor becomes aware of the circumstances, which shall contain (a) a description of the non-compliance and its cause; (b) the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and (c) steps taken or planned to reduce, eliminate and prevent recurrence of the non-compliance.

- (h) To comply with any and all applicable Federal, State, and local statutes, ordinances, regulations, contracts, these Rules and Regulations, the service application and agreement, and all requirements prescribed by the Manager and the Board pursuant to Section 4. In the event of violation, all charges and penalties shall be applied and collected by the district.

6.2.2 **Onsite Recycled Water Supervisor Training Program.** The District may, from time to time, require that an "Onsite Recycled Water Supervisor" obtain instruction in the use of recycled water, such instruction being provided by or approved by the District.

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SECTION 7: USE OF DISTRICT SEWERAGE FACILITIES

7.1 GENERAL

- 7.1.1 The provisions established in Section 7 shall pertain to all discharges into any District sewerage collection facility that either directly or indirectly transports wastewater to the District's Michelson Water Recycling Plant. The last paragraph of this Section 7.1 provides information relating to the applicable requirements for discharges into District sewerage collection facilities that transport wastewater to facilities other than the Michelson Water Recycling Plant.
- 7.1.2 Pursuant to the authority provided by California Government Code Section 54739, 54740, and by other applicable provisions of law, provisions are made in this document for the regulation of wastewater discharges into the District's sewerage facilities in order to comply with Federal and State of California policies and requirements and to permit the District to meet applicable standards of treatment plant effluent quality. These Rules and Regulations establish quantity and quality limitations on all wastewater discharges, which may adversely affect the District's sewerage systems, processes, or effluent quality. It is the intent of these limitations to improve the quality of wastewater being received for treatment; an implication of this intent is the District's policy of discouraging an increase in the quantity (mass emission) of waste constituents being discharged. This document also provides for regulation of the degree of waste pretreatment required, the issuance of permits including those for wastewater discharge connections, and the establishment of penalties for violation of these Rules and Regulations.
- 7.1.3 Since the District is committed to a policy of wastewater renovation and reuse in order to provide an alternate source of water supply, the renovation of wastewater through secondary and tertiary wastewater treatment processes may necessitate more stringent quality requirements on wastewater dischargers than those required by other governmental regulatory agencies.
- 7.1.4 The District has joined the Orange County Sanitation District (OCSD) in order to secure an alternate method of sewage treatment and disposal. To accomplish the administration of this union within the portion of the District that is within Revenue Area 14 of OCSD, the District entered with OCSD into a Memorandum of Understanding effective February 11, 1987, to provide for cooperative implementation of these Rules and Regulations and the ordinance of the Orange County Sanitation District as part of its regulations. In the event of a conflict between the District's Rules and Regulations and OCSD's ordinance, OCSD's ordinance shall have precedence, unless the District's Rules and Regulations are more stringent. The OCSD ordinance is also applicable in areas of the District that are

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within other portions of OCSD that do not transport water to the District's Michelson Water Recycling Plant. Similarly, the area of the District within the service area of the South Orange County Wastewater Authority (SOCWA) is subject to SOCWA's discharge regulations as adopted by the District, and the area discharging to the Chiquita System of Santa Margarita Water District (SMWD), the Portola Hills area, is subject to SMWD's discharge regulations as adopted by the District. In each case where dischargers are subject to the discharge regulations of two agencies, it is the responsibility of the discharger to meet the discharge requirements of both agencies.

7.2 SPECIAL DEFINITIONS

In addition, unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation (herein referred to as "**Standard Methods**"). The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136, (Code of Federal Regulations: Title 40; Protection of Environment; Chapter I United States Environmental Protection Agency (US EPA); Part 136, Test Procedures for the Analyses of Pollutants), or as specified herein. Other terms not herein defined shall have the definitions given such terms in the latest adopted applicable editions of the California codes applicable to building construction adopted pursuant to the California Building Standards Law.

The terms hereinafter set forth shall have the following meanings when used in these Rules and Regulations or any permits or orders issued pursuant hereto, and the following definitions supersede the definitions in Section 2 for purposes of this Section 7:

~~Administrative Complaint shall mean~~ **ADMINISTRATIVE COMPLAINT means** a document used by the District to initiate a proceeding to impose civil penalties pursuant to Section 7.6.2.7.2.

BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean means the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius expressed in terms of milligrams per liter mass per volume (mg/l) as determined by appropriate testing procedure.

~~Board shall mean the Board of Directors of the Irvine Ranch Water District.~~

~~Building Drain - Sanitary shall mean~~ **BUILDING DRAIN - SANITARY means** that part of the lowest horizontal piping of a drainage system which receives sanitary or

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industrial sewage only, inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

~~Building Drain – Storm shall mean~~ **BUILDING DRAIN - STORM means** that part of the lowest horizontal piping of a drainage system which receives stormwater or other clear water discharge, but no wastewater, from soil and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

(3) feet outside the building wall.

~~Building Sewer – Sanitary shall mean~~ **BUILDING SEWER - SANITARY means** a sewer pipe receiving flow from a single building and connecting to a sewer main or lateral, and constructed on private property, except for street crossing.

~~Building Sewer – Storm shall mean~~ **BUILDING SEWER - STORM means** the extension from the building storm drain to the public sewer or other place of disposal which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

~~Bypass shall mean~~ **BYPASS means** the intentional diversion of waste streams from any location within an industrial users facility not approved in a user's permit.

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~~California Water District Law shall mean~~ **CALIFORNIA WATER DISTRICT LAW means** the law of the State of California that governs the formation of California Water Districts and establishes procedures and powers of such Districts.

~~California Toxics Rule shall mean~~ **CALIFORNIA TOXICS RULE means** the most current update of numeric criteria for priority toxic pollutants established for the State of California as codified in 40 CFR Part 131.38.

CHEMICAL OXYGEN DEMAND (COD) ~~shall mean~~ **means** the measure of chemically oxidizable material in domestic or other waste waters as determined by appropriate testing procedures and expressed in terms of milligrams per liter (mg/l).

CLASS I USER ~~shall mean~~ **means** any user who discharges wastewater that is subject to Federal Categorical Pretreatment Standards; or averages 25,000 gallons per day or more of regulated process wastewater; or is determined to have a reasonable potential to adversely affect the District's facilities or operation or for violating any pretreatment standard, local limit, or discharge requirement; or may cause pass through or interference with the District's or OCSD sewerage facilities.

CLASS II USER ~~shall mean~~ **means** any industrial user who discharges wastewater at a volume greater than 10,000 gallons per day and has a BOD and Suspended Solids greater than 375 mg/L, that discharges wastes other than sanitary, and that is not otherwise required to obtain a Class I permit.

CODE OF FEDERAL REGULATIONS (CFR) or FEDERAL REGULATIONS ~~shall mean~~ **means** the codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

~~Coliform shall mean~~ **COLIFORM means** any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

~~Collection Sewer shall mean~~ **COLLECTION SEWER means** a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

~~Combined Sewage shall mean~~ **COMBINED SEWAGE means** a combination of both wastewater and storm or urban runoff.

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~~Combined Sewer shall mean~~ **COMBINED SEWER means** a sewer intended to receive both wastewater and storm or urban runoff.

~~Compatible Pollutant shall mean~~ **COMPATIBLE POLLUTANT means** BOD, suspended solids, pH, coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled by the District's permit, for its wastewater treatment works as said works have been designed and are operated to reduce or remove such pollutants. Some compatible pollutants may be considered non-compatible when discharged in significant quantities.

~~Composite Sample shall mean~~ **COMPOSITE SAMPLE means** a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period. Samples will be collected during the time manufacturing, processing, and/or sewer discharge occurs.

~~Department Head shall mean~~ **DEPARTMENT HEAD means** that person duly designated by the General Manager to direct the Industrial Waste Program and perform those delegated duties as specified in these Rules and Regulations.

~~Discharger shall mean~~ **DISCHARGER means** any public or quasi-public agency, including the State of California and the United States of America but not including the District, individual, partnership, firm, company, association, society, corporation, or group discharging, causing the discharge of, or proposing to discharge or cause the discharge of any wastewater into a public sewer. Used interchangeably with the term "User" and "Industrial User".

~~Dissolved Solids shall mean~~ **DISSOLVED SOLIDS means** that concentration of matter in the sewage consisting of colloidal and particulate matter 0.45 micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

~~DISTRICT shall mean Irvine Ranch Water District.~~

~~District Connection Charge shall mean~~ **DISTRICT CONNECTION CHARGE means** a fee imposed by the District for connecting directly to a public sewer or to a sewer which ultimately discharges into the District sewerage facility.

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~~District's Sewerage Facilities shall mean~~ **DISTRICT'S SEWERAGE FACILITIES means** any property belonging to the District used in the treatment, reclamation, reuse, transportation, or disposal of wastewater or sludge.

~~Domestic Wastewater shall mean~~ **DOMESTIC WASTEWATER MEANS** THE LIQUID AND SOLID WATERBORNE WASTES DERIVED FROM THE ORDINARY LIVING PROCESSES of humans of such character as to permit disposal, without special treatment, into the public sewer or by means of a private disposal system.

~~Dwelling Unit shall mean~~ **DWELLING UNIT means** one or more habitable rooms which are intended or designed to be occupied by one family with facilities for living, sleeping and cooking.

~~Easement shall mean~~ **EASEMENT means** an acquired legal right or interest for the specific limited use of land owned by others.

EFFLUENT shall mean means any liquid outflow that is discharged to the sewer.

ENFORCEMENT COMPLIANCE SCHEDULE AGREEMENT (ECSA) shall mean means a mutual agreement between the District and permittee in accordance with Section 7.6.2.2.

FEDERAL PRETREATMENT REQUIREMENT, NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD or STANDARD shall mean means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 40 CFR 307 (b) and (c) which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5. Categorical pretreatment standards are promulgated in 40 CFR Chapter I, Subchapter N or 40 CFR Parts 401-471.

~~Floor Area shall mean~~ **FLOOR AREA means** the area included within the surrounding exterior walls of a building or portion thereof, exclusive of ramps, docks, vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

~~Garbage shall mean~~ **GARBAGE means** solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

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~~Grab Sample shall mean~~**GRAB SAMPLE means** a sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

~~INDUSTRIAL USER shall mean~~**means** any user that discharges industrial wastewater.

~~Industrial Wastewater shall mean~~**INDUSTRIAL WASTEWATER means** all liquid wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments, as distinguished from domestic wastes.

~~Industry shall mean~~**INDUSTRY means** any establishment listed in the Standard Industrial Classification Manual, 1972 Edition, or revision thereof, which is categorized in Divisions A, B, D, E, or I.

~~Infiltration shall mean~~**INFILTRATION means** the water unintentionally entering the District's sewerage facilities, or sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

~~Infiltration/Inflow shall mean~~**INFILTRATION/INFLOW means** the total quantity of water from both infiltration and inflow without distinguishing the source.

~~Inflow shall mean~~**INFLOW means** the water discharge into the District's sewerage facilities, or building storm drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from infiltration.)

~~Inspector shall mean~~**INSPECTOR means** a person authorized by the General Manager to inspect any existing or proposed wastewater generation, conveyance, processing and disposal facilities.

~~Interceptor Sewer shall mean~~**INTERCEPTOR SEWER means** a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

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~~Interference shall mean~~ **INTERFERENCE means** a discharge which, by itself or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the District's facilities, its treatment processes or operations, or its sludge process, use, or disposal, or causes a violation of any requirement of the District's permits (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

~~Local Sewering Agency shall mean~~ **LOCAL SEWERING AGENCY means** any public or private corporation duly authorized under the laws of the state of California to construct and/or maintain public sewers.

~~MANAGER or GENERAL MANAGER shall mean the General Manager of the District or the person authorized by the Board or the General Manager to act for him.~~

~~Manifest shall mean~~ **MANIFEST means** that receipt which is retained by the generator of wastes for disposing solid wastes, recyclable wastes or liquid wastes as required by the District.

~~Mass Emission Rate shall mean~~ **MASS EMISSION RATE means** the weight of material discharged to the District's sewerage facilities during a given time interval. Unless otherwise specified, the mass emission rate ~~shall mean~~ **means** pounds per day of a particular constituent or combination of constituents.

~~"May" "MAY" is permissive (see "Shall").~~

MEMORANDUM OF UNDERSTANDING (MOU) ~~shall mean~~ **means** any memorandum of understanding or other agreement between the District and OCSD governing the administration of the joint industrial waste pretreatment program.

MICROGRAMS PER LITER (µg/l) ~~shall mean~~ **means** a unit measurement of the concentration of a water or wastewater constituent. It is 0.001 gram of the constituent in one (1) cubic meter of water. It has replaced the unit formerly used, parts per billion, to which it is approximately equivalent in reporting the results of water and wastewater analyses.

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MILLIGRAMS PER LITER (mg/l) ~~shall mean~~ means a unit measurement of a concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliters of water. It has replaced the unit formerly used, parts per million, to which it is approximately equivalent in reporting the results of water and wastewater analyses.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) ~~shall mean~~ means the Federal pollution regulation system as detailed in Public Law 92-500, Section 402, or a permit issued pursuant to such system.

~~New Source shall mean~~ NEW SOURCE means those sources that are new as determined by 40 CFR 403.3 (k) as revised October 17, 1988.

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~~Non-compatible Pollutant shall mean~~**NON-COMPATIBLE POLLUTANT means** any non-treatable waste product, including non-biodegradable dissolved solids, which is not a compatible pollutant as defined herein.

~~Normal Domestic Wastewater shall mean~~**NORMAL DOMESTIC WASTEWATER means** all household-type discharges from places of human habitation including sanitary conveniences, kitchen and laundry wastes. Discharge wastes strength shall be considered to average 250 mg/l BOD and 250 mg/l Suspended Solids at a discharge rate of 100 gallons per capita per day.

~~Normal Working Day shall mean~~**NORMAL WORKING DAY means** the period of time during which the dischargers production or operation is taking place.

NPDES PERMIT ~~shall mean~~**means** the National Pollutant Discharge Elimination System permit that is issued by the EPA setting the limits on constituents that the permittee may legally discharge. The limits are set in both concentration and quantity.

OCSD ~~shall mean~~**means** the Orange County Sanitation District.

OCSD ORDINANCE ~~shall mean~~**means** OCSD's ordinance establishing wastewater discharge regulations, currently in effect from time to time.

~~Pass Through shall mean~~**PASS THROUGH means** discharge through the District's facilities to navigable water or point of reuse which, alone or in conjunction with discharges from other sources, is a cause of a violation of the District's NPDES permit or Regional Water Quality Control Board Order.

~~Permittee shall mean~~**PERMITTEE means** a discharger who has received a permit to discharge wastewater into the District's sewerage facilities subject to the requirements and conditions established by the District and/or OCSD.

pH ~~shall mean~~**means** the logarithm of the reciprocal of the quantity of hydrogen ions in moles per liter of solution used in expressing both acidity and alkalinity on a scale ranging from 0 to 14, where 7 represents neutrality, numbers less than 7 increasing acidity, and more than 7 increasing alkalinity.

~~Population Equivalent shall mean~~**POPULATION EQUIVALENT means** a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One

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population equivalent of normal domestic wastewater is 100 gallons of sewage per day, and/or 0.17 pounds of BOD, and/or 0.21 pounds of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of the three parameters. Impact on a stream is the higher of the suspended solids parameters.

~~Pollutant shall mean~~ **POLLUTANT means** any constituent or characteristic of wastewaters on which discharge limitation may be imposed either by the District or the regulatory bodies empowered to regulate the District.

POTW ~~shall mean~~ **means** Publicly Owned Treatment Works.

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Pretreatment shall mean**PRETREATMENT means** the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharge of the wastewater into the District's sewerage facilities. The reduction or alteration can be obtained by physical, chemical or biological process, or process changes by other means.

Pretreatment Facility shall mean**PRETREATMENT FACILITY means** any works or devices for the treatment or flow limitation of wastewater prior to discharge into a public sewer.

Pretreatment Standards shall mean**PRETREATMENT STANDARDS means** requirements for the quality of wastewaters discharged into the District's sewerage facilities.

Priority Pollutants shall mean**PRIORITY POLLUTANTS means** a listing of the toxic pollutants identified by EPA as having the greatest environmental concern and as non-compatible and requiring pretreatment prior to discharge in order to prevent interference with District's operation, or to prevent sludge contamination or treatment system pass-through into receiving waters or into the atmosphere.

PRIVATE SEWER shall mean**means** a sewer which is not owned by the District.

Probation Order shall mean**PROBATION ORDER means** an order issued with terms and conditions to a permittee upon a violation of these Rules and Regulations or the terms, conditions, and limitations of its discharge permit, or upon a failure to make payment to the District of user charges, non-compliance fees, or any other fees.

Public Agency shall mean**PUBLIC AGENCY means** the United States and its agents, the State of California and any city, county, district, or other local governmental authority or public body of or within the State of California.

Public Sewer shall mean**PUBLIC SEWER means** a sewer owned and operated by the District, or a sewer operated by a local public agency which is tributary to the District's sewerage facilities.

Pumping Station shall mean**PUMPING STATION means** a station positioned at a location in a sewer system at which wastewater is pumped to a higher level.

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~~Regional Administrator shall mean~~REGIONAL ADMINISTRATOR means the Regional Administrator of Region IX of the EPA.

~~Regional Board shall mean~~REGIONAL BOARD means the California Regional Water Quality Control Board, Santa Ana Region or San Diego Region.

REGULATORY AGENCIES are those agencies having regulatory jurisdiction over operations of the District, such as including but not limited to the U.S. Environmental Protection Agency (EPA), the State Department of Health Services (DOHS), the State Water Resources Control Board (SWRCB), the California Regional Water Quality Control Board (RWQCB), the South Coast Air Quality Management District (SCAQMD) and Orange County Health Care Agency.

REGULATORY COMPLIANCE SCHEDULE AGREEMENT (RCSA) ~~shall mean~~means an agreement between the District and permittee requiring the permittee to implement pretreatment practices and/or install equipment to ensure compliance with future revised categorical pretreatment standards or revised discharge limitations.

~~Rules and Regulations shall mean~~RULES AND REGULATIONS means that document entitled "Rules and Regulations for Water, Sewer, and Recycled Water Service" containing District requirements, conditions, and limitations for connecting and discharging to the District's sewerage facilities and other requirements, conditions and limitations, as may be amended and modified.

~~Sample Point shall mean~~SAMPLE POINT means a location approved by the District, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled

SAMPLING AND EVALUATION PROGRAM (S&E) ~~shall mean~~means a program for the determination of mass emission of constituents or compliance or non-compliance with the conditions specified in the user's permit.

~~Sampling Facilities shall mean~~SAMPLING FACILITIES means structure(s) provided at the user's expense for the District or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.

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Sanitary Sewer shall mean**SANITARY SEWER means** a sewer which carries sanitary and industrial wastes, and to which storm, surface and groundwater are not intentionally admitted.

SEWAGE shall meanmeans wastewater.

Sewer shall mean**SEWER means** a pipe or conduit that carries wastewater or drainage water.

Sewer Lateral shall mean**SEWER LATERAL means** a building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer system.

Sewerage Facilities or System shall mean**SEWERAGE FACILITIES OR SYSTEM means** any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.

"Shall"**"SHALL"** is mandatory; (see "May").

Shredded Garbage shall mean**SHREDDED GARBAGE means** garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.25 centimeters) in any dimension.

Significant Industrial User shall mean**SIGNIFICANT INDUSTRIAL USER means** all users subject to Federal Categorical Pretreatment Standards and any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater; contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the District's treatment facilities; or is designated by the District as a significant industrial user.

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~~District's treatment facilities; or is designated by the District as a significant industrial user.~~

~~Significant Non-Compliance shall mean~~**SIGNIFICANT NON-COMPLIANCE means** a compliance status a) in which a major violation remains uncorrected for 45 days after notification of non-compliance; or b) which is a result of chronic violations (66% or more of all samples which exceed the daily maximum limit or average limit of the same constituent during a 6-month period), or acute violations (33% or more of all samples which exceed the product of the daily maximum limit or average maximum limit times the applicable technical review criterion in a 6-month period; or c) which is a result of failure to provide reports in response to Notice of Violation, permit application information, Report of Progress, a Report of Non-Compliance, or other reports required to administer these Rules and Regulations, within 30-days from the due date; d) any violation of any limitation that the District determined to cause alone or in combination with other discharges, interference or pass through; e) any discharge which has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the District's exercise of its emergency authority (Section 7.6.2.6); f) failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a permit or enforcement action, for starting construction, completing construction, or attaining final compliance; or g) failure to accurately report non-compliance.

~~Sludge shall mean~~**SLUDGE means** any solid, semi -solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

~~Slug Load shall mean~~**SLUG LOAD means** any discharge of water or wastewater which in concentration of any pollutant or in quantity of flow will cause interference with the District's reclamation plant or subsequent Publicly Owned Treatment Works (POTW).

~~Spent Solutions shall mean~~**SPENT SOLUTIONS means** any substance defined as a hazardous waste by RCRA, 40 CFR 261.21 through 261.24, and unable to be used for its original purpose.

~~Spill Containment shall mean~~**SPILL CONTAINMENT means** an approved protection system installed by the permittee to prohibit the accidental discharge to the sewer of non-compatible pollutants.

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STANDARD INDUSTRIAL CLASSIFICATION (SIC) ~~shall mean~~means a system of classifying a user as identified in the 1987 or subsequent SIC manual as prepared by the Office of Management and Budget.

~~Standard Methods shall mean~~STANDARD METHODS means the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and 40 CFR Part 136, 3, 4 and 5, and/or other recognized procedures established by EPA and California Regional Water Quality Control Board.

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~~Storm Water shall mean~~ **STORM WATER means** all water directly derived from rainwater which has not been utilized in domestic, agricultural, industrial or other beneficial use.

SUSPENDED SOLIDS (SS) shall mean means the solids that either float to the surface or are suspended in water, wastewater or other liquids and which are removable from said liquid through standard laboratory filtration procedure.

~~Technical Review Criteria shall mean~~ **TECHNICAL REVIEW CRITERIA means** those factors which, when multiplied by the appropriate limitation, set the lower limit of a significant violation. The Technical Review Criteria factor is 1.2 for all limitations except for BOD, total suspended solids, fats, oil, and grease where the factor is 1.4.

TOTAL ORGANIC CARBON (TOC) shall mean means the measure of total organic carbon in domestic or other wastewater as determined by the appropriate testing procedure.

TOTAL SOLIDS shall mean means the sum of suspended and dissolved solids.

~~Toxic Substances shall mean~~ **TOXIC SUBSTANCES means** any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations.

~~Unpolluted Water shall mean~~ **UNPOLLUTED WATER means** water to which no constituent has been added either intentionally or accidentally.

~~User shall mean~~ **USER means** any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. User shall also have the same meaning as ~~“Discharger”~~ or “Industrial User”.

~~User Charge shall mean~~ **USER CHARGE means** a charge imposed by the District for the provision of a special service not normally provided by the District, such as situations involving unusual quantity or quality requirements.

~~Waste shall mean~~ **WASTE means** sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior and for the purpose of disposal.

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~~Waste Minimization Practices shall mean~~ **WASTE MINIMIZATION PRACTICES means** plans or programs intended to reduce or eliminate discharges to the District's sewerage system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize wastewater and/or solid waste produced.

~~Waste hauler shall mean~~ **WASTEHAULER means** any person or entity, duly licensed, carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

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~~Wastewater shall mean liquid and water-carried waste or water, whether treated or untreated, discharged into or permitted to enter a public sewer.~~

~~Wastewater Constituents and Characteristics shall mean the individual chemical, physical, biological, radiological and other parameters, including volume, flow rate, concentration and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.~~

~~Wastewater Discharge Permit shall mean~~ **WASTEWATER DISCHARGE PERMIT** means any of the following permits: Class I Permit, Class II Permit, Special Purpose Permit or FOG Wastewater Discharge Permit. Used interchangeably with the word ~~“permit”~~.

~~Wastewater Treatment shall mean~~ **WASTEWATER TREATMENT** means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastewater and dispose of the effluent and accumulated residual solids.

7.3 WASTEWATER DISCHARGE REGULATIONS

7.3.1 Prohibitions and Limitations on Wastewater Discharges. These prohibitions apply to all Users of District sewerage facilities whether or not they are subject to Federal Categorical Pretreatment Standards or any other National, State or Local pretreatment standards or requirements. No person shall discharge or allow to be discharged wastewaters directly or indirectly into District’s sewerage facilities that cause or are capable of causing, either alone or by interaction with other substances, interference with the operation of the District’s sewerage facilities, including but not limited to the following:

- (1) Oils and Grease. Wax, grease or oil of mineral origin in a concentration of more than 100 mg/l whether emulsified or not, or any other waste containing substances which may precipitate, solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C) at the point of discharge into the District’s sewerage facilities).
- (2) Explosive Mixtures. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the District’s sewerage facilities or to the operation of the Districts sewerage facilities. At no time shall the discharge into the District’s sewerage facilities have a closed cup flash point less than 140°F (60°C). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

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- (3) Noxious Materials. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- (4) Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (5) Radioactive Wastes. No person shall discharge, or cause to be discharged, any radioactive waste into a public sewer except:
 - (a) When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials;
 - (b) When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) for safe disposal;
 - (c) When the person is in compliance with all rules and regulations of all other applicable regulatory agencies; and,
 - (d) When a Class I permit has been obtained from OCSD.
- (6) Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the sewerage facilities. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.
- (7) Slug Loads. Wastewaters at a flow or containing such concentrations of pollutants that will cause interference with the District's treatment plant or subsequent POTW.
- (8) Toxic Substances. Any toxic substances in amounts exceeding established standards, and any chemical elements or compounds, phenols or other taste or odor producing substances, or other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment processes, cause acute worker health and safety problems, or that will pass through the District's sewerage facilities.
- (9) Discolored Material. Wastes with objectionable color not removable by the treatment process.

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(10) **Corrosive Wastes.** Any waste which will cause corrosion or deterioration of the District's sewerage facilities. All wastes discharged to a public sewer must have a pH value in the range of (6) to (12) standard units. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(11) **Organic Phosphorous Compounds.** Any amounts of organic phosphorus compounds released in a discharge at a flow rate or in a concentration which will cause pass through or interference with the sewerage facilities.

(12) **Non-Compliant Waste.** Any waste not in compliance with national categorical pretreatment standards as represented in 40 CFR Chapter I Subchapter N or 40 CFR Parts 401-471.

7.3.2 **Storm Water.** Ground water, street drainage, subsurface drainage, foundation drains, or yard drainage shall not be discharged directly or indirectly to the District's sewerage facilities. The District at its sole discretion may approve the discharge of such water by granting a Special Purpose Permit only when no alternative method of disposal is reasonably available. The applicant shall bear the burden of demonstrating that no alternative method of disposal is reasonably available. If a Special Purpose Permit is granted for the discharge of such water into a sewer, the user shall pay connection fees, applicable charges and fees for use and shall meet such other conditions as required by the District.

7.3.3 **Self-Regenerative Water Softeners.** Any brine waste discharge from an onsite self-regenerative water softener unit is prohibited. Installation of such onsite self-regenerative water softener units within the District is specifically prohibited. However, the District may, on an individual basis, approve such units if the applicant, owner, or customer demonstrates that such brine waste will be discharged into a permanent facility other than a District sewer as approved by the plumbing codes of the cities of Irvine, Laguna Beach, Newport Beach, Orange, Santa Ana, Tustin and the County of Orange or its successors, as may be applicable or as deemed justified by the District.

7.3.4 **Unpolluted Water.** Unpolluted water, such as single-pass cooling water, shall not be discharged through direct or indirect connection to a public sewer. The District may approve the discharge of such water only when no alternative method of disposal is reasonably available by issuing a Special Purpose Permit.

7.3.5 **Septic Tank and Cesspool Wastes.** Discharges of septic tank, or cesspool wastes, into the public sewer or directly into the treatment plant facilities is prohibited.

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- 7.3.6 **Temperature.** No person shall discharge wastewater with a temperature higher than 140°F (60°C). Heat in discharged wastewater shall not cause the temperature of wastewater entering the headworks of any wastewater treatment plant to exceed 104°F (40°C).
- 7.3.7 **Point of Discharge.** No person, excluding except District personnel involved in maintenance functions of sewer facilities, shall discharge any water, wastewater or any substance directly into a manhole or other opening in a sewer other than through an approved building sanitary sewer, unless upon written application by the user and approved by the District and payment of the applicable charges for use and fees.
- 7.3.8 **Wastewater Strength Limitations**
- (1) No person shall discharge wastewater containing substances in excess of the quantities or concentrations listed in Exhibit B, Schedule of Rates and Charges, to these Rules and Regulations entitled “Discharge Limits”, or containing other materials, or having other characteristics, including, but not limited to, ammonia, biochemical oxygen demand (BOD), chemical oxygen demand, total organic carbon, suspended solids, oil or grease of animal or vegetable origin, total dissolved solids, and phenolic compounds in quantities that may cause or are found to cause problems, pass through, or interference with the sewerage facilities.
- (2) No person shall discharge wastewater containing in excess of 0.01 mg/l of pesticides as a daily maximum, to include, but not limited to the following: DDT (dichlorodiphenyltrichloroethane, both isomers), DDE (dichlorodiphenylethylene), DDD (dichlorodiphenyldichloroethane), Aldrin, Benzene Hexachloride (alpha, beta, and gamma isomers), Chlordane, Endrin, Endrin aldehyde, TCDD (2,3,7,8-tetrachlorodibenzo-p-dioxin), Toxaphene (alpha)-Endosulphan, (beta)-Endosulphan, Endosulphan sulfate, Heptachlor, Heptachlor epoxide, and Dieldrin.
- (3) No person shall discharge wastewater containing in excess of 0.01 mg/l of polychlorinated biphenyls as a daily maximum to include, but not limited to the following: Aroclors 1016, 1221, 1228, 1232, 1248, 1254, 1260, and 1262.
- 7.3.9 **Prohibition on Dilution.** No user shall increase the use of water in, or in any other manner attempt to dilute, a discharge as a partial or complete substitute for treatment to achieve compliance with these Rules and Regulations and the user’s permit or to establish an artificially high flow rate for permit mass emission rates.
- 7.3.10 **Prohibition on Infectious Waste.** The District shall have the authority to require that any discharge of an infectious waste to the sewer be rendered non-infectious prior to discharge if the infectious waste is deemed to pose a

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threat to the public health and safety, or will result in any violation of applicable waste discharge requirements.

7.3.11 **Limitations on Disposal of Spent Industrial Solutions and Sludges**

(1) Spent solutions, sludges, and materials of quantity or quality in violation of, or prohibited by these Rules and Regulations, or any permit issued under these Rules and Regulations must be disposed of in a legal manner at a legally acceptable point of disposal as defined by the appropriate Regulatory Agency. All waste manifests shall be retained for a minimum of three years, and made available to the District upon request.

(2) No person shall batch dump to the District's sewerage facilities. Non-compliance fees applicable for such discharge will be as shown in Exhibit B, Schedule of Rates and Charges.

7.3.12 **New or Increased Pollutant Discharge.** No person shall increase the discharge of existing pollutants or discharge new pollutants that do not meet pretreatment standards, local limitations, or other requirements, or cause the District to violate any permit condition or limitation.

7.3.13 **Mass Emission Rate Determination.** Mass emission rates for non-compatible or compatible pollutants that are present or anticipated in the user's wastewater discharge may be set for each user and made a part of each user's permit. These rates shall be based on Local Discharge Limits contained in Exhibit C or Federal Categorical Pretreatment Standards, and the discharger's average daily wastewater discharge for the past three years, the most recent representative data, or other data acceptable to the General Manager or their designee.

7.4 WASTEWATER DISCHARGE PERMITS

7.4.1 **General.** In addition to District connection charges required by these Rules and Regulations, all significant industrial users, proposing to connect to or discharge into the District's sewerage facilities must first obtain a Wastewater Discharge Permit. No vested right shall be deemed given by issuance of permits provided for in this document. The issuance of a Wastewater Discharge Permit does not authorize the commission of any act causing injury to the person or property of another, nor relieve the discharger from compliance with, or protect the discharger from liability under Federal, State or local laws, nor guarantee the discharger a capacity right in the District's sewerage facilities.

7.4.2 Permit Application Procedure

Applicants for Wastewater Discharge Permits shall complete an application form available at the District's office. This application shall be accompanied by the applicable fees.

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As part of the permit application process the District may require the submittal of detailed plans for a review of existing or proposed construction of pretreatment facilities, spill containment facilities, monitoring and metering facilities, and operating procedures. The approval of the District shall be received prior to the start of construction. This review of plans and procedures shall in no way relieve the user of the responsibility of modifying the facilities or procedures in the future, as necessary, to meet the requirements of these Rules and Regulations or any requirements of other Regulatory Agencies.

If required the user shall submit four (4) copies of all drawings for review. All drawings shall include the following:

- (1) North arrow.
- (2) Scale size.
- (3) User name and address.
- (4) Drawing name and drawing number.
- (5) Date drawn or revised.
- (6) Name of drafter and person approving drawing.

These scaled drawings shall include but not be limited to depictions of the manufacturing process (waste generating sources), spill containment, pretreatment facilities, and monitoring/metering facilities. Schematic drawings of pretreatment facilities may be required. The District may also require that drawings be signed and sealed by a California Registered Chemical, Mechanical, or Civil Engineer.

Upon receipt of all required information, the application shall be processed and, upon approval, a permit will be issued, signed by a District representative, and returned to the applicant. When properly signed, the permit together with any documents attached thereto shall constitute a valid Wastewater Discharge Permit for the time period specified therein. Where the discharger becomes aware that relevant facts were omitted or incorrect information was submitted in the application, the facts or corrected information shall be promptly submitted to the District and the permit shall be amended if appropriate.

7.4.3 Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of these Rules and Regulations and all other regulations, user charges and fees established by the District. The conditions of wastewater discharge permits shall be uniformly enforced by the District in accordance with these Rules and Regulations and applicable state and federal regulations. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees fixed in this section for the sewage to be discharged;
- (2) The average and maximum sewage constituents and characteristics which may be discharged into the District's sewerage facilities;

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- (3) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation of inspection and sampling facilities;
- (5) Pretreatment requirements;
- (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining plant records relating to sewage discharge as specified by the General Manager, and affording the General Manager access thereto;
- (9) Mean and maximum mass emission rates, or other appropriate limits when non-compatible pollutants are proposed or present in the user's sewage discharge;
- (10) A time schedule for meeting certain pretreatment requirements;
- (11) Other conditions as deemed appropriate by the General Manager to insure compliance with this section.

7.4.4 **Duration of Permits.** Permits shall be issued for a specified time period, not to exceed four years. If the user is not notified by the District ninety days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit are subject to modifications and change by the District and OCSD during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.

7.4.5 **Transfer of a Permit.** Wastewater Discharge Permits are issued to a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner or lessee, new user, different premises, or a new or changed operation. In the event of any change in the name, ownership or control of the discharger's operation or a change in the operation itself, the discharger shall so notify the District. The District may require the new owner or operator to submit a new permit application.

7.4.6 **Permit Renewal or Modification.** An industrial discharger shall file a new application with the District sixty days prior to the expiration of its existing waste discharge permit, or the implementation of changes in the operation of a discharger which increase flows beyond that specified in the existing

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permit or cause a significant change in the nature of the wastewater or location of the discharge, or which changes may result in non-compliance with these Rules and Regulations. A new application shall also be required to reestablish sewer service following revocation of a permit or upon disclosure of omitted relevant facts or incorrect information submitted in an application.

- 7.4.7 **Pretreatment.** Users shall make sewage acceptable under such limitations as may be established herein before discharging to the District's sewerage facilities. Any facilities required to pretreat sewage to a level acceptable to the District and OCSD shall be provided and maintained at the user's expense. Detailed plans, specifications and other pertinent data showing the pretreatment facilities and operating procedures shall first be submitted to the General Manager for review, and shall be approved by the General Manager before construction of the facility. These plans shall be signed by an engineer or responsible officer certifying that they will meet the pretreatment requirements. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under provisions of this section. Any proposed changes in the pretreatment facilities or method of operation subsequent to issuing a permit shall be reported to and be approved by the General Manager before implementing such changes. Such approval of plans or changes therein shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation or order of any regulatory agency or governmental authority.
- 7.4.8 **Protection from Accidental Discharge.** Each user shall prevent accidental discharge to the public sewer of prohibited wastes or other materials regulated by these Rules and Regulations or Federal categorical pretreatment standard by providing spill containment facilities. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the General Manager for review, and shall be approved by the General Manager before construction of the facility and before making any changes therein. The review and approval of such plans and operating procedures or change therein will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section or any other applicable code, ordinance, rule, regulation or order of any regulatory agency or governmental authority.
- 7.4.9 **Procedure for Accidental Discharge.**
- (1) In the event the discharger is unable to comply with any of the permit conditions due to a breakdown of waste treatment equipment, accidents caused by human error or acts of God, the discharger shall notify the District by telephone as soon as he or his agents have knowledge of the incident, but within 24 hours. Confirmation of this notification shall be made in writing

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within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the non-compliance and shall indicate what steps were taken to correct the problem and the date of the incident, as well as what steps are being taken to prevent the problem from recurring and the results of repeat sampling and analyses.

(2) If it can be shown that the discharge is the cause of the District violating its discharge requirements or incurring extraordinary operational expenses or suffering loss or damage to the sewerage facilities, then that discharger may be responsible for any costs or expenses, including assessments by other agencies or the court, incurred by District.

7.4.10 Types of Permits. The Wastewater Discharge Permit shall be in one of three forms and is dependent upon the volume and characteristics of wastewater to be discharged. The three Wastewater Discharge Permits are: a Class I Permit, a Class II Permit, and a Special Purpose Permit.

~~(1) — Class I Permit;~~

~~(2) — Class II Permit;~~

~~(3) — Special Purpose Permit;~~

~~7.4.10.1 — Class I Permit~~

(1) . All Class I Users discharging or proposing to discharge into the District's sewerage facilities must obtain a Class I Wastewater Discharge Permit jointly issued by the District and OCSD before discharging.

(2) **Class II Permit.** A Class II permit shall be required for all Class II Users who are not required to obtain a Class I permit. The purpose of a Class II permit is to facilitate the collection of compatible pollutant surcharges from the user. All Class II Users discharging or proposing to discharge into the District's sewerage facilities must obtain a Class II Wastewater Discharge Permit by filing an application pursuant to Section 7.4.2.

(3) **Special Purpose Permit**

(a) A special purpose permit shall be required for a user proposing to discharge storm water, groundwater, surface runoff, subsurface drainage, or unpolluted water directly or indirectly to the District's sewerage facilities. This permit may be granted when no alternative method of disposal is reasonably available, or to mitigate an environmental risk or health hazard. The applicant shall bear the burden of demonstrating that no alternative method of disposal is reasonably available.

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- (b) Applicants seeking a special purpose wastewater permit shall complete and file with the District, prior to commencing discharge, an application in the form prescribed by the District. This application shall be accompanied by the applicable fees, plumbing plans, a detailed analysis of the alternatives for disposal, or other data needed by the District for review.
- (c) Discharge conditions and limitations shall be no less stringent than Section 7.3 of these Rules and Regulations and Article 2 of the OCSD Ordinance. For constituents not listed in Section 7.3 of these Rules and Regulations or in Article 2 of the OCSD Ordinance, the District shall exercise its sole discretion to base conditions and limitations on the California Toxics Rule and other water quality criteria.
- (d) Monitoring requirements contained in the Special Purpose Permit for storm water, groundwater, surface runoff, subsurface drainage, or unpolluted water shall be for those non-compatible pollutants known or suspected to exist in the discharge and at least one analysis prior to sewer discharge shall be performed for all constituents contained in the most current Environmental Protection Agency (EPA) "Priority Pollutant" list, excluding Asbestos, and in other water quality criteria deemed appropriate by the District.

7.4.11 **Monitoring.** Management of a pollution control program requires a constant flow of information on the quantity and quality of discharges into the District's sewerage facilities. The monitoring of discharges serves three specific purposes. These purposes include ascertaining compliance with the Rules and Regulations, completion of necessary discharge reports as required, and determination of user charge fees, if applicable. There are several modes of a monitoring program. Self-Monitoring develops a data base, and provides the necessary information for determination of compliance and calculation of user charges, if applicable. This monitoring is performed by the user. Scheduled Monitoring is a systematic sampling and inspection survey of all industrial contributors to the District's sewerage facilities in accordance with a predetermined schedule. Unscheduled Monitoring is a random spot check of users to ascertain permit compliance. Demand Monitoring is conducted when some disruption of the District's sewerage facilities develops. The District will perform scheduled, unscheduled and demand monitoring to ensure compliance with the provisions of the Rules and Regulations and permits, and will review self-monitoring reports.

7.4.12 **Self-Monitoring.**

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(1) Users required to obtain a Wastewater Discharge Permit may be required to develop a self-monitoring and reporting program. The frequency of self-monitoring and reporting will be based on the following criteria as evaluated by the District:

- (a) The effect of the discharger's wastewater on the District's sewerage facilities;
- (b) The degree of toxic materials which may pass through the treatment plant;
- (c) The need to ensure that any pretreatment standards are met;
- (d) The size, nature, and type of the industrial wastewater discharge;
- (e) The extent to which the user could contribute to violation of the District's discharge requirements.

(2) Self-monitoring programs include, at minimum, the following:

- (a) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics.
- (b) For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible.
- (c) Where flow proportional composite sampling is infeasible, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

(3) Samples collected shall be in accordance with proper sampling and handling techniques outlined in the latest edition of "Standard Methods" or that publication entitled "Methods for Chemical Analysis of Water and Wastes" published by the EPA, or other appropriate method approved by the Regional Board.

7.4.13 Monitoring and Metering Facilities

The General Manager may require the user to construct at his own expense monitoring and metering facilities to allow inspection, sampling and flow measurement of the sewage or internal drainage systems. The General Manager may also require sampling and metering equipment to be provided, installed and operated at the user's expense. The monitoring and metering facility should normally be situated on the user's premises. When

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such a location would be impractical or cause undue hardship on the user, the user may construct such facilities in the public right-of-way provided said user has obtained any and all permits required therefore and that such equipment is located so that it will not be obstructed by landscaping or parked vehicles. If the monitoring and metering facility is inside the user's fence, there shall be accommodations to allow access for District personnel, such as a gate secured with a District lock. There shall be ample room in or near such monitoring and metering facility to allow accurate sampling and compositing of samples for analysis. The monitoring and metering facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the monitoring and metering facilities shall be provided in accordance with the District requirements and all applicable construction standards and specifications. Construction shall be completed within ninety days following written notification by the General Manager, unless a time extension is otherwise granted by the General Manager.

7.4.14 Inspection and Sampling

The District shall inspect the wastewater generating and disposal facilities of any user to ascertain whether the intent of these Rules and Regulations is being met and the user is complying with all requirements. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representatives ready access during the normal working day to all parts of the wastewater generating and disposal facilities and monitoring and metering facilities for the purposes of inspection and sampling. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force, the user shall make necessary arrangements so that personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

7.4.15 Discharge Reports

An industrial user discharging or proposing to discharge sewage into the District's sewerage facilities shall be required to file discharge reports periodically or at anytime requested by the District. Industrial users subject to Federal categorical pretreatment standards, shall submit to the District by June 30 and December 31, unless required more frequently by the standard or by the District, a report indicating the nature and concentration of pollutants in the discharge which are limited by such categorical pretreatment standards. Reports generated by OCS&D may serve to meet this requirement. In addition, this report shall include a record of flows as required by the District. The District may agree to alter the months during which the reports are to be submitted based on an industrial user's high or low flow rates, holidays, budgets, etc.

Where the District has imposed mass limitations on an industrial user, the report shall indicate the mass of pollutants regulated by the pretreatment standards in the discharge of the industrial user. Where the District has imposed equivalent mass or concentration limits on an industrial user, the report shall contain a reasonable measure of an industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of pollutant discharge per unit of production, the

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report shall include the industrial user's actual average production rate for the reporting period.

The District may also require an industrial user to include other information in the report including, but not limited to hours of operation, number and classification of employees, and quantities of liquid or gaseous materials stored on site even though they may not be discharged. Industrial users who monitor more frequently than required by permit must report the results of such monitoring.

Industrial users required to submit these reports or to keep other records under the conditions of their permit shall retain for three years all records of monitoring activities including dates, times, exact places, methods, names of persons who sampled and analyzed the discharge, and results of analysis, and shall make such records available for inspection and copying by the Regional Board, and the District. This period of retention may be extended during the course of any unresolved litigation regarding the User or the District, when requested by the Regional Board.

These reports shall be signed per Section 7.4.20 of the Rules and Regulations.

7.4.16 Confidential Information. All information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests confidentiality and is able to demonstrate to the satisfaction of the General Manager that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position. Any such claim must be asserted at the time of submittal of the information by stamping the words "confidential business information" on each page containing such information. If a claim is so asserted, the District will treat the information in accordance with Chapter 40, Code of Federal Regulations, Part 2. When requested by the person furnishing a report or other document, the portions of a report or document which might disclose trade secrets or secret processes shall not be made available to the public, but shall be made available to governmental agencies; and such portions of a report or document shall be subject to use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report or document. Sewage constituents and characteristics will in no instance be recognized as confidential information.

7.4.17 Toxic Solid Wastes. Industrial dischargers identified as generators of toxic solid wastes shall be notified by the District of applicable requirements promulgated under the Solid Waste Disposal Act, and the Resource Conservation and Recovery Act (RCRA) and shall be referred to the State of California Department of Health Services. The foregoing provision shall in no way relieve the discharger of full responsibility for ascertaining and complying with all such requirements.

7.4.18 Hazardous Waste Discharge.

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(1) All industrial dischargers are required to file a one-time notification with the District of the discharge of wastes which, if otherwise disposed of, would be considered RCRA hazardous wastes. Industrial dischargers which discharge more than 220 pounds (100 kilograms) of RCRA classified wastes per month must include in the notification an identification of hazardous constituents, estimates of mass and concentration on a monthly basis for twelve consecutive months. Industrial dischargers who discharge less than 33 pounds (15 kilograms) per month of non-acute hazardous waste as defined by RCRA do not have to report under this Section. In addition, industrial dischargers need not report pollutants already addressed under self-monitoring, baseline monitoring, and other periodic compliance reports.

(2) Industrial dischargers subject to this Section are required to certify that they have developed a program to reduce the volume or toxicity of hazardous wastes generated to the degree it has been determined to be economically practical.

7.4.19 Baseline Monitoring Reports. All dischargers may be required to comply with applicable mandatory toxic waste and pretreatment standards promulgated in accordance with Sections 307 and 308 of the Federal Water Pollution Control Act, or amendments thereto. Within 180 days of the date such pretreatment standards are promulgated, or become applicable to the discharger, dischargers subject to the standards shall submit a baseline monitoring report to the District and to the U.S. Environmental Protection Agency detailing, in accordance with Section 403.12, Chapter 40, Code of Federal Regulations, as amended, the discharger's compliance status with the regulations. If the discharger is in non-compliance, the report shall include a time schedule outlining how the discharger will achieve compliance within the date established for the applicable pretreatment standards. Progress reports, monitoring and reports of compliance shall also, as required by Section 403.12, be submitted by the discharger at the specified times.

7.4.20 Signatory Requirements. All reports and permit applications required by the District for satisfying Federal Regulations shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with Federal Pretreatment Requirements."

This statement shall be signed by a manager and the person responsible for environmental matters of the industrial user as defined in 40 CFR 403.12 (1) (1-4).

7.5 CHARGE FOR USE

7.5.1 General

The purpose of a charge for use is to insure that each recipient of sewerage service from the District pays its reasonably proportionate share of all the costs of providing that

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sewerage service. Charges for use shall be used to recover the total cost of operation and maintenance, including the conveying, treating and disposing of wastewater in the District's sewerage facilities, as well as capital expenditures and reserve requirements for providing wastewater collection treatment and disposal. In addition, they will be used to reimburse District for the cost of monitoring and enforcement of these Rules and Regulations.

Charges for sewerage service use will be the District's non-residential service/quantity/commodity rates as specified in the District's Schedule of Rates and Charges, based on return of metered water to the sewer. Dischargers may, upon request to the District, be permitted to have the amount of water being discharged into the sewer determined by means acceptable to the District. In lieu of the rates specified in the Schedule of Rates and Charges, upon request by the discharger and at the sole discretion of the District, an alternative service charge may be applied pursuant to Section 7.5.2 of these Rules and Regulations. Additional fees will be levied by the District for compatible or non-compatible pollutants in excess of those amounts specified in the user permit.

7.5.2 Alternative Service Charge. Dischargers may request the application of an Alternative Service Charge for use. The acceptance of such requests and the formation and continuing application of an Alternative Service Charge shall be at the sole discretion of the District. The Alternative Service Charge shall be based on the quantity and quality of water being discharged to the sewer from the discharger's facility, measured by a means acceptable to the District. The District may revise an Alternative Service Charge, or discontinue the application of an Alternative Service Charge to a discharger and apply the rates specified in the Schedule of Rates and Charges, if the District determines, in its sole discretion, that the Alternative Service Charge does not adequately recover costs in accordance with the purposes described in Section 7.5.1; such action may, but need not, be taken in conjunction with any enforcement remedies under Section 7.6.

(1) **Determination of Flow.** There are three methods for determining the volume of wastewater discharged into the sewer: direct measurement, metered water supply, or adjusted metered water supply. Those users exceeding 10% of the design capacity of any District sewerage facility may be required to provide a continuous, automatic total flow measurement system incorporating flow indication, totalization, and recording of the wastewater flow (direct measurement system). Those users not required to have a continuous wastewater flow measurement system shall use metered water supply or adjusted metered water supply measurements to determine flow. The District shall approve the method of wastewater flow measurement to be used in each instance.

- (a) **Direct Measurement.** Direct Measurement reports the volume of industrial wastewater determined by a full time flow meter, measuring the wastewater leaving the plant.
- (b) **Metered Water Supply.** Metered water supply reports the amount of industrial wastewater discharged when the flow volume is a measurement of the total water entering the user's

plant. This amount can be taken from water bills or flow measuring device which measures the intake of water from either the District, water wells, or other sources.

- (c) **Adjusted Metered Water Supply.** Adjusted metered water supply reports the amount of industrial wastewater discharged when amounts of water consumed in plant operations are subtracted from the total volume of metered water entering the plant. This results in a calculated rather than a measured flow volume of industrial wastewater leaving the plant. The adjusted metered water supply is determined by deducting measured quantities of water consumed in plant operations from the metered water supply.

(2) **Determination of Biological Oxygen Demand (BOD) and Suspended Solids (SS).**

- (a) The BOD and SS concentrations in the discharged wastewater shall be determined in accordance with the results of analytical tests performed on samples collected by the District and/or discharger and in a manner specified by the District. The frequency of sampling to determine wastewater strength shall be determined by the District.
- (b) The samples collected shall be in accordance with proper sampling and handling techniques outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association), and/or 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants", promulgated by the EPA or other appropriate methods approved for use by the Regional Board. Samples collected shall be delivered to a California State Certified Laboratory for analysis within the holding period of the sample. The District may require samples to be split for concurrent analyses.

- (3) The Alternative Service Charge for District approved dischargers shall be computed by the following formula:

$$\text{Charge for use} = VR_v + BR_b + SR_s$$

Where **V** = total volume of flow, in hundred cubic feet

B = total discharge of biochemical oxygen demand, in pounds

S = total discharge of suspended solids, in pounds

R_v,R_b,R_s = unit charge rates for volume, BOD, and suspended solids, respectively, adopted and adjusted as

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needed by the District Board of Directors as shown in Exhibit B, Schedule of Rates and Charges.

Each unit rate shall be based on the amount attributable to the respective component as a proportionate share of the total cost for operations and maintenance, capital expenditures, debt service, and reserve requirements for providing wastewater collection, treatment, and disposal in dollars per unit. Other measurements of the organic content of the wastewater of a discharger, such as COD or TOC may be used instead of BOD when BOD is not applicable. However, the discharger must establish for the District a relationship between the BOD of his wastewater and the other measured parameter to convert the other parameter to an equivalent BOD. This relationship shall be used by the District in determining the Alternative Service Charge for use. When wastewater from typical domestic use facilities is discharged separately from the other wastewaters of a discharger, the charge for use for discharging the domestic wastewater may be determined by using the following:

- (1) 10,000 gallons per employee per year; and,
- (2) 20 pounds of suspended solids per employee per year; and,
- (3) 20 pounds of BOD per employee per year. (The number of employees will be considered at the average of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and ending of each quarter, or other period that reflects normal employment fluctuations.)

7.5.3 Special Purpose Discharge Permit Charge for Use. A charge for use to cover all costs of the District for providing sewerage service and monitoring shall be established by the General Manager. A deposit determined by the General Manager to be sufficient to pay the estimated charges for use shall accompany the Special Purpose Discharge Permit application, and said deposit shall be applied to the charges for use.

7.5.4 Charges for Non-Compliance.

- (1) Non-compliance with permit requirements, mass emission rate limits, concentrations, and/or these Rules and Regulations may be determined by an analysis of a grab or composite sample of the discharge of a permittee.
- (2) If routine sampling of the discharge of a permittee reveals non-compliance by the permittee with the mass emission rates or other conditions and limitations specified in the permittee's discharge permit, or with any provisions of these Rules and Regulations, then the permittee shall pay fees to the District as specified in Exhibit B, Schedule of Rates and Charges. The purpose of the non-compliance fees is to compensate the District for additional costs of sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the non-compliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections 7.6.2, 7.6.3, and 7.6.4, and charges under Section 7.5.8.

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(3) Upon discovery of non-compliance with any pretreatment standard and requirement, the District shall be authorized to immediately proceed with enforcement action against the industrial user as outlined in Section 7.6. The user's status shall remain in violation until all necessary steps have been taken to restore or achieve compliance.

7.5.5 Damage to Facilities or Interruption of Normal Operations

(1) When a discharge of wastes causes an obstruction, interference, damage, or any other impairment to District's operation or facilities, the District may assess a charge to the discharger for the work required to clean or repair the facility or costs incurred to resume normal operations and such discharge shall be grounds for permit revocation. A service fee of 25 percent of District's costs shall be added to these charges and shall be payable within forty five (45) days of invoicing by the District.

(2) If it can be shown that the discharge is the cause of the District violating its discharge requirements established by any Regulatory Agency or incurring additional expenses or suffering losses or damage to the sewerage facilities, then that discharger shall be responsible for any costs or expenses incurred by the District, including regulatory fines, penalties, and assessments made by other agencies or a court.

7.6 ENFORCEMENT

7.6.1 Duty of Enforcement

(1) The General Manager is hereby charged with the duty of enforcing this Section. The provisions of this Section shall be applicable to any discharge and any building, structure or property temporarily or permanently connected to the District's sewerage facilities, whether the same is owned, operated or controlled by a private party or by a public agency, other than the District, or quasi-public agency, corporation or association.

(2) The District shall have legal authority to obtain remedies for non-compliance by industrial users with any pretreatment standard and requirement, including the authority to seek injunctive relief. The District shall have authority and procedures (after informal notice to the discharger) to immediately and effectively halt or prevent any discharge of pollutants which may constitute an imminent endangerment to the health or welfare of persons or to the environment, or cause interference with the operation of any treatment plant.

(3) In addition to such other penalties as may be prescribed for a violation of these Rules and Regulations, whenever the General Manager finds that a discharge of waste has been taking place in violation of any prohibitions or limitations prescribed herein or pretreatment standards promulgated in accordance herewith, he may require the user to submit for his approval best management practice plans (BMPs) wherever necessary to

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implement the District's pretreatment program (e.g. plans ensuring industrial users conduct necessary routine maintenance, cleaning operations, chemical storage practices, segregation of wastes for reclamation, reduction of contaminated runoff, etc.). Any failure to comply with such BMPs shall likewise be deemed a violation of this article.

7.6.2 Enforcement Remedies. The District may, at its discretion, utilize any one, combination, or all enforcement remedies provided in Section 7.6 in response to any violation of a permit or these Rules and Regulations.

7.6.3 Probation Order

(1) In the event that it is determined that a user has discharged in violation of any provision of these Rules and Regulations, or the terms, conditions and limitations of its discharge permit, or has not made payment of all amounts owed to the District for user charges, non-compliance fees, or any other fees, the General Manager may issue a Probation Order, whereby the user must comply with all directives, conditions, and requirements therein within the time prescribed.

(2) The Probation Order may contain terms and conditions including, but not limited to, installation of pretreatment equipment and facilities, submittal of drawings or technical reports, payment of fees, limits on rate and time of discharge, or other provisions to ensure compliance with these Rules and Regulations.

(3) If at any time while a Probation Order is in effect, a user discharges wastewater to the District's sewerage facilities which is not in compliance with the Probation Order, the terms, conditions, or the limitations specified in the user's discharge permit, or with any provision of these Rules and Regulations, then the user shall pay fees to the District as specified in Exhibit B, Schedule of Rates and Charges, and the user may be assessed all other costs incurred during the sampling, including labor, equipment, materials, and overhead. The user may also be subject to permit suspension pursuant to Section 7.6.2.4 of these Rules and Regulations.

(4) A Probation Order issued by the General Manager shall be in effect for a period not to exceed ninety (90) days. Upon satisfactory compliance with the terms of the Probation Order and expiration thereof, any fees to be assessed due to subsequent non-compliance by user shall be in accordance with these Rules and Regulations, re-established at the rate set forth in Exhibit B, Schedule of Rates and Charges. All enforcement actions thereafter shall be based on applicable provisions of these Rules and Regulations.

7.6.4 Enforcement Compliance Schedule Agreement (ECSA)

(1) Upon determination that a permittee is in non-compliance with the terms, conditions or limitations specified in its permit or any provision of

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these Rules and Regulations, and needs to construct and/or acquire and install equipment related to pretreatment, the General Manager may require the permittee to enter into an ECSA, which will, upon the effective date of the ECSA, amend the permittee's permit. The ECSA shall contain the terms and conditions by which a permittee must operate during its term and shall provide specific dates for achieving compliance with each term and condition for construction, acquisition, and installation of required equipment related to pretreatment.

(2) An ECSA shall have a maximum term of one hundred-eighty (180) days, and upon showing of good cause, including but not limited to reasonable progress under the terms of the ECSA, it may be extended by the General Manager for an additional period not to exceed one hundred-eighty (180) days. No further extensions shall be granted except on approval of the Board of Directors.

(3) The ECSA may contain terms and conditions including but not limited to requirements for self-monitoring, installation of pretreatment equipment and facilities, submittal of drawings or reports, operator certification, audit of waste minimization practices, payment of fees, limits on rate and time of discharge, deposit of performance guarantee, or other provisions to ensure compliance with these Rules and Regulations.

(4) An ECSA shall not be approved by the District until such time as all amounts owed to the District, including fees, charges for use, Section 7.5.8 charges, non-compliance fees, deposits, or civil penalties are paid in full, or an agreement for deferred payment secured by acceptable collateral or a third party, is approved by the District. Failure to pay all amounts owed to the District shall be grounds for permit suspension or permit revocation as set forth in Sections 7.6.2.4 and 7.6.2.5.

(5) If, during the term of an ECSA, sampling reveals non-compliance by the permittee with the terms, conditions or limitations specified in the ECSA, the user's permit, or any provision of these Rules and Regulations, the permittee shall pay the fees as specified in Exhibit B, Schedule of Rates and Charges, and may be assessed all other costs incurred during the sampling, including labor, equipment, materials, and overhead.

(6) If compliance is not achieved in accordance with the terms and conditions of an ECSA during its term, the General Manager may issue an order suspending or revoking the discharge permit pursuant to Sections 7.6.2.4 and 7.6.2.5.

(7) If following the expiration of an ECSA, sampling reveals non-compliance by the permittee with the terms, conditions or limitations specified in the permit, or any provisions of these Rules and Regulations, the permittee shall pay an amount based on the fees set forth in Exhibit B, Schedule of Rates and Charges, for each violation.

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(8) If the permittee remains in consistent compliance for a two-year period following ECSA expiration, then the fees shall be re-established in accordance with Exhibit B, Schedule of Rates and Charges. All enforcement actions thereafter shall be based on applicable provisions of these Rules and Regulations.

7.6.5 Regulatory Compliance Schedule Agreement (RCSA)

(1) If at any time subsequent to the issuance of a wastewater discharge permit to an industrial user, Federal Categorical Pretreatment Standards are adopted or revised by the EPA, or in the event the District enacts revised discharge limitations, the General Manager, upon determination that an industrial user would not be in compliance with the future limitations, may require the industrial user to enter into a RCSA with the District under terms and conditions that would provide for achieving compliance with all new standards by the industrial user on a specific date. The RCSA shall have a maximum term of two hundred-seventy (270) days.

(2) The RCSA may contain terms and conditions including but not limited to requirements for installation of pretreatment equipment and facilities, submittal of drawings or reports, waste minimization practices or other provisions to ensure compliance with these Rules and Regulations.

(3) During the period said RCSA is in effect, any discharge by the permittee in violation of the RCSA will require payment of non-compliance fees as specified in Exhibit B, Schedule of Rates and Charges.

(4) Upon RCSA expiration, and in the event of non-compliance by the permittee, non-compliance fees shall be established in accordance with Exhibit B, Schedule of Rates and Charges. All enforcement actions thereafter shall be based on applicable provisions of these Rules and Regulations.

7.6.6 Permit Suspension.

(1) **Conditions for Suspension.** The District may suspend any permit when a permittee:

- (a) Fails to comply with the terms and conditions of either an ECSA or RCSA.
- (b) Knowingly provides a false statement, representation, record, report, or other document to the District.
- (c) Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions, or limitations, discharge compliance, or compliance with these Rules and Regulations.

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- (d) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- (e) Fails to report significant changes in operations or wastewater constituents and characteristics.
- (f) Violates a Probation Order.
- (g) Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
- (h) Does not make timely payment of all amounts owed to the District for user charges, non-compliance fees, penalties, deposits, or any other fees and charges.
- (i) Violates any condition or limitation of its discharge permit or any provision of the District's Rules and Regulations.
- (j) Discharges effluent that causes pass through or interference with the District's collection, treatment, or disposal facilities.
- (k) Fails to submit oral notice or written report of bypass occurrence.

(2) When the General Manager has reason to believe that grounds exist for permit suspension, he shall give written notice thereof by certified mail to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by a Department Head. The hearing date shall not be less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

- (a) At the suspension hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.
- (b) After the conclusion of the hearing, the Department Head shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- (c) Upon receipt of the written report, the General Manager shall make his determination and should he find that grounds exist for suspension of the permit, he shall issue his decision and order in writing within thirty (30) calendar days after the

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conclusion of the hearing by the Department Head. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel or representative at the permittee's business address.

(3) Upon an order of suspension by the General Manager becoming final, the permittee shall have no right to discharge any industrial wastewater, directly or indirectly to the District's sewerage facilities for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the permittee. Any owner or responsible management employee of the permittee shall be bound by the order of suspension. An order of permit suspension issued by the General Manager shall be deemed final upon delivery to the permittee, unless appealed to the Board of Directors pursuant to Section 7.6.2.9.

7.6.7 **Permit Revocation.**

(1) **Conditions for Revocation.** The District may revoke any permit when it is determined that ~~athe~~ permittee:

~~(a)~~ Knowingly provided a false statement, representation, record, report, or other document to the District.

~~(a)(b)~~ Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions, or other limitations, discharge compliance, or compliance with these Rules and Regulations.

~~(b)(c)~~ Falsifies, tampers with, or knowingly renders ~~sed~~ inaccurate any monitoring device or sample collection method.

~~(e)(d)~~ ~~Failed~~ to report significant changes in operations or wastewater constituents and characteristics.

~~(d)(e)~~ ~~Failed~~ to comply with the terms and conditions of an ECSA, permit suspension, or probation order.

~~(e)(f)~~ Discharges ~~sd~~ effluent to the District's sewerage facilities while its permit is suspended.

~~(f)(g)~~ Refuses ~~sd~~ reasonable access to the permittee's premises for the purpose of inspection and monitoring.

~~(h)~~ Discharges ~~Did not make timely payment of all amounts owed to the District for user charges, non-compliance fees, penalties, deposits, or any other fees and charges.~~

~~(g)(i)~~ Discharged a batch dump to the District's sewerage facilities.

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~~(+)(j)~~ Discharges effluent that causes pass through or interference with the District's collection, treatment, or disposal facilities.

~~(+)(k)~~ Failed to submit oral notice or written report of bypass occurrence.

~~(+)(l)~~ Violates any condition or limitation of its discharge permit or any provision of the District's Rules and Regulations.

(2) **Notice of Hearing.** When the General Manager has reason to believe that grounds exist for revocation of a permit, he shall give written notice by certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by a Department Head. The hearing date shall not be less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

(3) **Hearing Procedure.** At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's general counsel.

(4) **Hearing Report.** After the conclusion of the hearing, the Department Head shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

(5) **Manager's Determination.** Upon receipt of the written report, the General Manager shall make his determination and should he find that grounds exist for permanent revocation of the permit, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by the Department Head. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel or representative at the permittee's business address.

In the event that the General Manager determines to not revoke the permit he may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he deems appropriate.

Upon an order of revocation by the General Manager becoming final, the permittee shall permanently lose all rights to discharge any industrial wastewater directly or indirectly to the District's sewerage facilities. All costs for physical termination shall be paid by the permittee. Any owner or responsible management employee of the permittee shall be bound by the order of revocation. An order of permit revocation issued by the General Manager shall be deemed final upon delivery to the permittee, unless appealed to the Board of Directors pursuant to Section 7.6.2.9.

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Any future application for a permit at a location within the District by any person subject to an order of revocation will be considered by the District after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.

7.6.8 Emergency Suspension. The District may, by order of the General Manager without notice or hearing, suspend sewerage service when such suspension is necessary, in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause interference with the District's sewerage facilities, or may cause the violation of any State or Federal Law or Regulation. An emergency suspension order is final and not appealable.

7.6.9 Civil Penalties

(1) **Imposition By Court.** Any permittee, discharger or other person who violates any provision of Section 7 of these Rules and Regulations, any permit condition, prohibition or effluent limitation, or any order, compliance schedule, suspension or revocation shall be civilly liable in a sum not to exceed twenty-five thousand dollars (\$25,000) a day for each violation. Pursuant to Sections 54739 and 54740 of the California Government Code, the District, upon order of the General Manager, shall petition the Superior Court to impose, assess and recover such penalties or such other penalties as the District may impose, assess and recover under Federal or State law.

(2) **Imposition By Administrative Procedure.** Any permittee, discharger, or other person who violates any provision of Section 7 of these Rules and Regulations, any permit condition, prohibition or effluent limitation, or any order, compliance schedule, suspension or revocation shall be civilly liable in the following amounts, as applicable, imposed by the District pursuant to an administrative complaint: a sum not to exceed two thousand dollars (\$2,000) a day for failing or refusing to furnish technical or monitoring reports, a sum not to exceed three thousand dollars (\$3,000) a day for failing or refusing to comply with any compliance schedule, a sum not to exceed five thousand dollars (\$5,000) a day for each violation for discharges in violation of any waste discharge limitation, permit condition or other requirement issued, reissued or adopted by the District, and a sum not to exceed ten dollars (\$10) per gallon for any discharge in violation of any suspension, cease and desist order or other order, or prohibition issued, reissued or adopted by the District.

- (a) The District may proceed under Section 7.6.9(2.7.2) by issuing an administrative complaint to any person who violates any provision of Section 7 of these Rules and Regulations, any permit condition, prohibition or effluent limitation, or any order, compliance schedule, suspension or revocation, alleging the act or failure to act that constitutes the violation, the provisions of law authorizing civil liability

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to be imposed and the proposed civil penalty. The administrative complaint shall be served by personal delivery or certified mail on such person and shall inform the person that a hearing shall be conducted, within 60 days following service, before the General Manager. The person may waive the right to a hearing, in which case it shall not be conducted.

- (b) At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's general counsel.
- (c) After the conclusion of the hearing, the General Manager shall make his determination and should he find that grounds exist for imposition of a civil penalty, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. If not appealed, the order shall be final on the 31st day after it is served on the person.
- (d) A person dissatisfied with the decision of the General Manager may appeal to the Board of Directors within thirty (30) days of notice of the General Manager's decision, in accordance with Section 7.6.11-7.6.2.9.
- (e) If after the hearing or appeal, if any, it is found that the person has violated reporting or discharge requirements, the General Manager or Board of Directors may assess a civil penalty against that person.
- (f) In the determination of the amount of the civil penalty, all relevant circumstances may be taken into consideration, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs and the corrective action, if any, attempted or taken by the person.
- (g) Payment of civil penalties shall be due within thirty (30) days of the date the order assessing the penalties becomes final. The amount of any civil penalties which have remained delinquent for a period of sixty (60) days from the date they are due shall constitute a lien against the real property of the discharger from which the discharge resulting in the imposition of the penalty originated. The lien shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a

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judgment lien and continue for ten (10) years and be renewable in accordance with law.

- (h) Copies of the order shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy of the order.
- (i) Any party aggrieved by a final order issued by the Board of Directors after granting review of the order of the General Manager may obtain review of the order of the Board of Directors in the superior court, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision and order issued by the Board of Directors.

7.6.10 Appeals To The General Manager

(1) Any user, permit applicant, or permittee affected by any decision, action or determination made a Department Head may file a written request for an appeal hearing. The request must be made within fifteen (15) days of mailing of the decision. The request for a hearing shall set forth in detail all facts supporting the appellant's request.

(2) The General Manager shall, within fifteen (15) days of receiving the request for appeal, provide written notice to the user of the hearing date, time, and place. The hearing date shall not be more than thirty (30) days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the original decision shall be deemed final.

(3) At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the staff's decision, action, or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's general counsel.

(4) After the conclusion of the hearing, the General Manager shall prepare a written report setting forth a brief statement of facts found to be true, a determination of the issues presented, and conclusions. The General Manager shall make his determination whether to uphold, modify, or reverse the decision, action, or determination of the Department Head and shall issue his decision and order within thirty (30) calendar days of the hearing. The written decision and order of the General Manager shall be sent by certified mail to the appellant or its legal counsel or representative at the appellant's business address.

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(5) The order of the General Manager shall be final in all respects fifteen (15) days after it is mailed to the appellant unless a request for hearing is filed with the Board of Directors pursuant to Section 7.6.2.9.

7.6.11 Appeals To The Board Of Directors

(1) If the General Manager's order is adverse to the user, permit applicant, or permittee, it may prior to the date that the General Manager's order becomes final, file a written request for a hearing by the Board of Directors accompanied by an appeal fee in an amount shown in Exhibit B, Schedule of Rates and Charges. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.

(2) No later than sixty (60) days after receipt of the request for hearing, the Board of Directors shall either set the matter for hearing, or deny the request for hearing.

(3) The Board of Directors shall grant all requests for a hearing on appeals concerning administrative civil penalties, ~~(Section 7.6.2.7.2)~~, permit suspension or revocation. Whether to grant or deny the request for a hearing on appeals of other final decisions of the General Manager shall be at the sole discretion of the Board of Directors.

(4) The appeal fee shall be refunded if the Board of Directors denies a hearing or reverses or modifies the order of the General Manager. The fee is not refunded if the Board of Directors denies the appeal.

(5) A hearing shall be held by the Board of Directors within sixty (60) days from the date of determination granting a hearing, unless a later date is agreed to by the permittee and the Board of Directors. If the matter is not heard within the required time, due to actions or inactions of the appellant, the General Manager's order shall be deemed final

(6) The Board Secretary shall within fifteen (15) days of the Board of Directors determination, provide written notice to the appellant by certified mail of the hearing date, time, and place, or the denial. If the hearing is denied, the General Manager's decision shall be final fifteen (15) days after the date such notice is mailed.

(7) At the hearing, the appellant shall have the opportunity to present written or oral evidence supporting its position concerning the original decision, action, or determination, in accordance with adopted Rules of Procedure of the Board of Directors.

(8) After the hearing, the Board of Directors shall make a determination whether to uphold, modify, or reverse the original decision, action, or determination as ordered by the General Manager.

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(9) The decision of the Board of Directors shall be set forth in writing within sixty-five (65) days after the close of the hearing and shall contain a finding of the facts found to be true, the determination of issues presented, and the conclusions. The written decision and order of the Board of Directors shall be sent by certified mail to the appellant or its legal counsel or representative at the appellant's business address.

(10) The order of the Board of Directors shall be final upon its adoption. In the event the Board of Directors fails to reverse or modify the General Manager's order, it shall be deemed affirmed.

- 7.7 COSTS. In addition to the penalties provided herein, the District may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated these rules and regulations, orders of the board or conditions of permits issued hereunder.
- 7.8 OTHER PENALTIES. Any violation of these Rules and Regulations which is also a violation of federal or state laws or regulations is, in addition to any enforcement penalties and proceedings contained in the Rules and Regulations, subject to enforcement penalties and proceedings applicable under such federal or state laws or regulations.
- 7.9 FALSIFYING INFORMATION. Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the district or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this regulation, shall violate these rules and regulations.
- 7.10 PUBLISHED NOTICE OF NON-COMPLIANCE. The names of industries in significant non-compliance with federal pretreatment standards shall be annually published by the district, in accordance with EPA requirements specified in 40 CFR 403.8(f)(2)(vii), in the largest daily newspaper published in the District service area.
- 7.11 WAIVER OF PROVISIONS. Waivers of federal categorical pretreatment standards and thus the provisions of these rules and regulations are prohibited under any circumstances other than those authorized under section 403, general pretreatment regulations, of the clean water act.

~~1.~~ CONFLICT

- 7.12 ~~IN THE EVENT THAT.~~ If any portion of this section pertaining to industrial waste discharge is inconsistent or in conflict with any other provisions of the district's rules and regulations as to such discharge, the provisions of this section ~~SHALL~~will take precedence.

7.13 FATS, OILS AND GREASE CONTROL

7.13.1 Purpose

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- (1) The purpose of this regulation is to facilitate the maximum beneficial public use of the District's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of FOG to the sewer facilities, and to specify appropriate FOG discharge requirements for Food Service Establishments.
- (2) This FOG regulation shall use the general definitions set forth in Section 7.2 and the additional definitions set forth in Section 7.11.2. The provisions of this regulation shall apply to the direct or indirect discharge of all wastewater or waste containing FOG carried to the sewer facilities of the District.
- (3) To comply with Federal, State, and local policies and to allow the District to meet applicable standards, this regulation shall govern discharges of all wastewater or waste containing FOG carried to the sewer facilities of the District.
- (4) This regulation establishes quantity and quality standards on all wastewater and/or waste discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of SSOs.
- (5) For convenience of reference, the District's regulations concerning discharges containing FOG are set forth in this Section 7.11. Notwithstanding compliance with this Section 7.11, discharges of wastewater or waste containing FOG to the sewer facilities shall also be subject to Section 7 generally and all other applicable requirements of these Rules and Regulations.

7.13.2 **Definitions.** The terms hereinafter set forth shall have the following meanings when used herein or in any permits or orders issued pursuant hereto. Terms used in this Section 7.11 and not defined below shall be as defined in Section 7.2.

~~Best Management Practices shall mean~~ **BEST MANAGEMENT PRACTICES means** schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.

~~California Plumbing Code shall mean~~ **CALIFORNIA PLUMBING CODE means** Uniform Plumbing Code.

CHANGE IN OPERATIONS shall mean means any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or collectively causes or creates a potential for SSOs to occur.

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EFFECTIVE DATE of this FOG Regulation ~~shall mean~~means December 30, 2004.

~~Emulsify shall mean~~EMULSIFY means to disperse (as an oil) in an emulsion or to convert two or more immiscible liquids into an emulsion.

FATS, OILS, AND GREASE (“FOG”) ~~shall mean~~means any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

FOG CONTROL PROGRAM ~~shall mean~~means the program required by and developed pursuant to RWQCB Order No. R8-2002-0014, Section (c)(12)(viii).

FOG CONTROL PROGRAM MANAGER ~~shall mean~~means the individual designated by the General Manager to administer the FOG Control Program. The FOG Control Program Manager is responsible for all determinations of compliance with the program, including approval of discretionary variances and waivers.

FOG WASTEWATER DISCHARGE PERMIT ~~shall mean~~means a permit issued by the District subject to the requirements and conditions established by the District authorizing the permittee or discharger to discharge wastewater into the District’s facilities or into sewer facilities which ultimately discharge into a District facility.

~~Food Service Establishment shall mean~~FOOD SERVICE ESTABLISHMENT means a facility defined in California Uniform Retail Food Service Establishments Law (CURFFL), Health and Safety Code Section 113785, and any commercial entity within the boundaries of the District, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL Section 113785. A limited food preparation establishment is not considered a Food Service Establishment when it is engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

~~General Permit Conditions shall mean~~GENERAL PERMIT CONDITIONS means the FOG Control Program General Permit Conditions.

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~~Food Grinder shall mean~~ **FOOD GRINDER means** any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.

~~Grease Control Device shall mean~~ **GREASE CONTROL DEVICE means** any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. "Grease control device" may also include any other proven method to reduce FOG subject to the approval of the District.

GREASE INTERCEPTOR or INTERCEPTOR shall mean means a multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.

~~Grease Trap shall mean~~ **GREASE TRAP means** a grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.

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Hot Spots shall mean**HOT SPOTS means** Areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of sewer system.

New Construction shall mean**NEW CONSTRUCTION means** any structure planned or under construction for which a sewer connection permit has not been issued.

Remodeling shall mean**REMODELING means** a physical change or operational change causing generation of the amount of FOG that exceed the current amount of FOG discharge to the sewer system by the Food Service Establishment in an amount that alone or collectively causes or create a potential for SSOs to occur; or exceeding a cost, set forth in the FOG Control Program, to a Food Service Establishment that requires a building permit, and involves any one or combination of the following: (1) Under slab plumbing in the food processing area, (2) an increase in the net public seating area meeting the criteria specified in the FOG Control Program, (3) an increase in the size of the kitchen area meeting the criteria specified in the FOG Control Program, or (4) any change in the size or type of food preparation equipment.

SSO shall mean**means** sewer system overflow.

7.13.3 FOG Discharge Limitations, Prohibitions and Requirements – General

(1) **FOG Discharge Prohibition.** No Food Service establishment shall discharge or cause to be discharged into the sewer system FOG that exceeds a concentration level adopted by the Board or that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the Food Service Establishment to the sewer system.

(2) **Food Service Establishment Prohibitions.** The following prohibitions shall apply to all Food Service Establishments:

- (a) Installation of food grinders in the plumbing system of new constructions of Food Service Establishments is prohibited. Furthermore, all food grinders shall be removed from all existing Food Service Establishments within 180 days of the effective date of this FOG regulation, except when expressly allowed by the FOG Control Program Manager.
- (b) Introduction of any additives into a Food Service Establishment's wastewater system for the purpose of emulsifying FOG is

prohibited, unless a specific written authorization from the FOG Control Program Manager is obtained.

- (c) Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- (d) Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.
- (e) Discharge of wastewater with temperatures in excess of 140°F to any grease control device, including grease traps and grease interceptors, except as permitted in the FOG Control Program, is prohibited.
- (f) The use of biological additives for grease remediation or as a supplement to interceptor maintenance, without prior authorization from the FOG Control Program Manager, is prohibited.
- (g) Discharge of wastes from toilets, urinals, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
- (h) Discharge of any waste including FOG and solid materials removed from the grease control device to the sewer system is prohibited. Grease removed from grease interceptors shall be wastehailed periodically as part of the operation and maintenance requirements for grease interceptors.
- (i) Increasing the use of water or in any other manner attempting to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Section 7.11 and the FOG Wastewater Discharge Permit is prohibited.
- (j) Any other prohibited practice identified in the FOG Control Program from time to time, is prohibited.

(3) **FOG Wastewater Discharge Permit Required.** No person shall discharge, or cause to be discharged any wastewater from a Food Service Establishment directly or indirectly into the sewer system without first obtaining a FOG Wastewater Discharge Permit if required by the District pursuant to Section 7.11.6.

(4) **Best Management Practices Required.** Food Services Establishments shall implement Best Management Practices in their operation to minimize the discharge of FOG to the sewer system. Detailed requirements for Best

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Management Practices shall be specified in the permit. This may include kitchen practices and employee training that is essential in minimizing FOG discharge.

7.13.4 FOG Pretreatment. Food Service Establishments are required to install, operate and maintain approved type and adequately sized grease interceptors necessary to maintain compliance with the objectives of this Section 7.11. Grease interceptors shall be adequate to separate and remove FOG contained in wastewater discharges from Food Service Establishments prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of Food Service Establishments that are sources of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:

(1) **New Construction of Food Service Establishments.** New construction of Food Service Establishments after the effective date of this FOG regulation shall include and install grease interceptors prior to commencing discharges of wastewater to the sewer system.

(2) **Existing Food Service Establishments.**

(a) For Food Service Establishments existing on the effective date of this FOG regulation, the requirement to install and to properly operate and maintain a grease interceptor may be conditionally stayed, that is, delayed in its implementation by the FOG Control Program Manager for a maximum period of three years from the effective date of this FOG regulation (3-year Amortization Period). Terms and conditions for application of a stay to a Food Service Establishment shall be set forth in the permit. The Board finds that three years is a reasonable amortization period for existing Food Service Establishments that are operating without a grease interceptor.

(b) Existing Food Service Establishments that have reasonable potential to adversely impact the sewer system or have sewer laterals connected to hot spots, as determined by the FOG Control Program Manager, shall install grease interceptors within 180 days of the effective date of this FOG regulation.

(c) Existing Food Service Establishments undergoing remodeling or a change in operations, or Food Service Establishments that change ownership, shall be required to install a grease interceptor.

(3) **Variance from Grease Interceptor Requirements.** A variance from the grease interceptor requirements to allow alternative pretreatment technology, that is at least equally effective in controlling the FOG discharge, in lieu of a grease interceptor may be granted to Food Service Establishments demonstrating that it is impossible or impracticable to install, operate or maintain a grease interceptor.

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The applicant shall bear the burden of demonstrating that the alternative method of disposal is at least equally effective. The FOG Control Program Manager's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:

- (a) There is no adequate space for installation and/or maintenance of a grease interceptor.
- (b) There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
- (c) The Food Service Establishment can justify that the alternative pretreatment technology is equivalent to or better than a grease interceptor in controlling its FOG discharge. In addition, the Food Service Establishment must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the sewer system, for at least three months, at its own expense. A variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

(4) **Conditional Waiver from Installation of Grease Interceptor.** A conditional waiver from installation of a grease interceptor may be granted for Food Service Establishments that have been determined to have negligible FOG discharge and insignificant impact to the sewer system. The FOG Control Program Manager's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

- (a) Quantity of FOG discharge as measured or as indicated by the size of Food Service Establishment based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and other conditions that may reasonably be shown to contribute to FOG discharges.
- (b) Adequacy of implementation of Best Management Practices and compliance history.
- (c) Sewer size, grade, condition based on visual information, FOG deposition in the sewer by the Food Service Establishment, and history of maintenance and sewage spills in the receiving sewer system.
- (d) Changes in operations that significantly affect FOG discharge.

(e) Any other condition deemed reasonably related to the generation of FOG discharges by the FOG Control Program Manager.

(5) Reserved.

(6) **Application for Waiver or Variance of Requirement for Grease Interceptor.** A Food Service Establishment may submit an application for waiver or variance from the grease interceptor requirement to the FOG Control Program Manager. The Food Service Establishment bears the burden of demonstrating, to the FOG Control Program Manager's reasonable satisfaction, that the installation of a grease interceptor is not feasible or applicable. Upon determination by the FOG Control Program Manager that reasons are sufficient to justify a variance or waiver, the permit will be issued or revised to include the variance or waiver and relieve the Food Service Establishment from the requirement. Terms and conditions for issuance of a variance to a Food Service Establishment shall be set forth in the permit. A waiver or variance may be revoked at any time when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists.

(7) **Grease Interceptor Serving Multiple Food Service Establishments on a Single Parcel.** Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple Food Service Establishments that are located on a single parcel.

7.13.5 Sewer System Overflows, Public Nuisance, Abatement Orders and Cleanup Costs

(1) Notwithstanding the three-year amortization period established in Section 7.11.4.2, Food Service Establishments found to have contributed to a sewer blockage, SSOs or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. SSOs may cause or threaten to cause injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by Food Service Establishments alone or collectively, are the responsibility of the private property owner or Food Service Establishment, and individual(s) as a responsible officer or owner of the Food Service Establishment.

(2) Sewer blockage, SSOs, obstruction, interference, damage, or any other impairment to the District's sewer facilities or to the operation of those facilities, and any discharge of a waste which causes or contributes to the District's violating its discharge requirements established by any Regulatory Agency or

incurring additional expenses or suffering losses or damage to the facilities, shall be subject to Section 7.5.8.

7.13.6 FOG Wastewater Discharge Permits for Food Service Establishments

(1) FOG Wastewater Discharge Permit Required

- (a) If required by the District under criteria established in the FOG Control Program, Food Service Establishments proposing to discharge or currently discharging wastewater containing FOG into the District's sewer system shall obtain a FOG Wastewater Discharge Permit from the District. This requirement shall be effective 180 days from the effective date of this FOG regulation.
- (b) FOG Wastewater Discharge Permits shall be expressly subject to all provisions of this Section 7.11 and all other regulations, charges for use, and fees established by the District. The conditions of FOG Wastewater Discharge Permits shall be enforced by the District in accordance with this Section 7.11 and applicable State and Federal Regulations.
- (c) If applicable, Class I and Class II dischargers may have requirements established under Section 7.11.6 incorporated in their permits, in which event the Class I or Class II Permit shall also serve as a FOG Wastewater Discharge Permit.

(2) FOG Wastewater Discharge Permit Application.

- (a) Any person required to obtain a FOG Wastewater Discharge Permit shall complete and file with the District prior to commencing discharges, an application on a form prescribed by the District. Applicants for FOG Wastewater Discharge Permits shall complete an application form available at the District's office. The District's FOG Control Program General Permit Conditions shall be obtained from the District office or on the District's website at , and reviewed by the Applicant prior to the submittal of plans. The applicable FOG Wastewater Discharge Permit fees as set forth in Exhibit B, Schedule of Rates and Charges, shall accompany the application. The General Permit Conditions must also be met.
- (b) The applicant shall submit two (2) copies of all drawings for review. All drawings shall include the following:
 - (1) North arrow.
 - (2) Scale size.
 - (3) User name and address.
 - (4) Drawing name and drawing number.

- (5) Date drawn or revised.
 - (6) Name of drafter and person approving drawing.
 - (c) Applicant will be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewer locations and connections, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation. Applicant may be required to submit a schematic drawing of the grease control device, grease interceptor or other pretreatment equipment, piping and instrumentation diagram, and wastewater characterization report. District review of plan submittals will include, among other requirements, the prohibitions specified in Section 7.11.3.2 and the requirements specified in Section 7.11.6.8 and Section 7.11.6.9. The review of the plans and procedures shall in no way relieve Applicant of the responsibility of modifying the facilities or procedures in the future, as necessary to produce an acceptable discharge, and to meet the requirements of this Section 7.11 or any requirements of other Regulatory Agencies.
- (3) **FOG Wastewater Discharge Permit.** A FOG Wastewater Discharge Permit may contain any of the following conditions or limits:
- (a) Limits on discharge of FOG and other priority pollutants.
 - (b) Requirements for proper operation and maintenance of grease interceptors and other grease control devices.
 - (c) Grease interceptor maintenance frequency and schedule.
 - (d) Requirements for implementation of best management practices and installation of adequate grease interceptor and/or grease control device.
 - (e) Requirements for maintaining and reporting status of best management practices.
 - (f) Requirements for maintaining and submitting logs and records, including wastehauling records and waste manifests.
 - (g) Requirements to self-monitor.
 - (h) Requirements for the permittee to construct, operate and maintain, at its own expense, FOG control device and sampling facilities.
 - (i) Additional requirements as otherwise determined to be reasonably appropriate by the FOG Control Program Manager to protect the District's system or as specified by other Regulatory Agencies.

- (j) Other terms and conditions, which may be reasonably applicable to ensure compliance with this Section 7.11.

(4) **FOG Wastewater Discharge Permit Fee.** The FOG Wastewater Discharge Permit fee shall be paid by the applicant in the amount set forth in Exhibit B, Schedule of Rates and Charges. Payment of permit fees must be received by the District prior to issuance of either a new permit or a renewed permit. A permittee shall also pay any delinquent invoices for sewer, service, fines or penalties in full prior to permit renewal.

(5) **Duration; Modification of Terms and Conditions; Renewal.**

(a) The duration of permits shall be in accordance with Section 7.4.4. The terms and conditions of an issued permit are subject to modification and change during the life of the permit in accordance with Section 7.4.4, as limitations or requirements are modified and changed, or based on determination by the FOG Control Program Manager that such modification is appropriate to further the objectives of this Section 7.11.

(b) Permits are subject to the requirements concerning renewal and modification set forth in Section 7.4.6. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The FOG Control Program Manager shall review the request, make a determination on the request, and respond in writing.

(6) **Exemption for Limited Food Preparation Establishments.** A limited food preparation establishment (as defined in the definition of Food Service Establishment), is not considered a Food Service Establishment and is exempt from obtaining a FOG Wastewater Discharge Permit.

(7) **Non-Transferability of Permits.** FOG Wastewater Discharge Permits are restricted as to transferability, in accordance with Section 7.4.5.

(8) **Pretreatment - Grease Interceptor Requirements**

(a) In accordance with Section 7.4.7 and 7.4.8, all Food Service Establishments shall provide wastewater acceptable to the District, under the requirements and standards established herein, before discharging it to any public sewer. Any Food Service Establishment required to pretreat shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Section 7.11.

- (b) Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed and located in accordance with the requirements and criteria set forth in the FOG Control Program
- (c) Grease Interceptors shall be maintained in efficient operating condition in accordance with the practices, requirements and restrictions set forth in the FOG Control Program and with a maintenance frequency approved by the FOG Control Program Manager pursuant to said Program.
- (d) Food Service Establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency grease interceptors.

(9) **Grease Trap Requirements**

- (a) Food Service Establishments may be required to install grease traps in the waste line leading from drains, sink, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
- (b) Sizing and installation of grease traps shall conform to the current edition of the California Plumbing Code and with applicable requirements and criteria set forth in the FOG Control Program.
- (c) Grease traps shall be maintained in efficient operating condition in accordance with the practices, requirements and restrictions set forth in the FOG Control Program and with a maintenance frequency approved by the FOG Control Program Manager pursuant to said Program.

(10) **Monitoring Facilities Requirements.** To ensure proper operation and maintenance of the grease control device or grease interceptor and compliance with this Section 7.11, in accordance with Section 7.4.13, the District may require the Food Service Establishments to construct and maintain in proper operating condition at the Food Service Establishment's sole expense, flow monitoring, constituent monitoring and/or sampling facilities, and to submit waste analysis plans, contingency plans, and meet other necessary requirements.

(11) **Best Management Practices.** All Food Service Establishments shall implement best management practices in accordance with the requirements and guidelines established by the District and set forth in its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system

7.13.7 Monitoring, Reporting, Inspection and Sampling

- (1) **Monitoring for Compliance with Permit Conditions and Reporting Requirements**
 - (a) The FOG Control Program Manager may require periodic reporting of the status of implementation of Best Management Practices, in accordance with the FOG Control Program.
 - (b) The FOG Control Program Manager may require visual monitoring at the sole expense of the Permittee to observe the actual conditions of the Food Service Establishment's sewer lateral and sewer lines downstream.
 - (c) The FOG Control Program Manager may require reports for self monitoring of wastewater constituents and FOG characteristics of the Permittee needed for determining compliance with any conditions or requirements as specified in the FOG Wastewater Discharge Permit or this Section 7.11. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the FOG Control Program Manager and shall be submitted upon request of the FOG Control Program Manager. Failure by the Permittee to perform any required monitoring, or to submit monitoring reports required by the FOG Control Program Manager shall constitute a violation of this Section 7.11 and be cause for the District to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG Wastewater Discharge Permit or in this Section 7.11. The Permittee shall be responsible for any and all expenses of the District in undertaking such monitoring analyses and preparation of reports.
 - (d) Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the FOG Control Program Manager to ensure compliance with this Section 7.11.
- (2) **Record Keeping Requirements.**
 - (a) The Permittee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for not less than two years. The Permittee shall, upon request, make the manifests, receipts and invoices available to any District representative, or inspector. These records may include:

- (1) A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices. The logbook must be available during any inspection by a District representative or inspector. Failure to locate the logbook during an inspection, whether misplaced or lost, will result in the issuance of a replacement logbook by the District and require the Permittee to pay the logbook replacement fee in the amount set forth in Exhibit B, Schedule of Rates and Charges, for each violation. The replacement fee will be billed to the Permittee at the time of the replacement.
 - (2) A record of Best Management Practices being implemented including employee training.
 - (3) Copies of records and manifests of wastehauling interceptor contents.
 - (4) Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
 - (5) Any other information deemed appropriate by the FOG Control Program Manager to ensure compliance with this Section 7.11.
- (3) **Falsifying Information or Tampering with Process.** It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the District, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Section 7.11.
- (4) **Inspection and Sampling.**
- (a) The wastewater discharges of Food Service Establishments are subject to inspection and sampling in accordance with the requirements of Section 7.4.14 to ascertain whether the intent of this Section 7.11 is being met and the Permittee is complying with all requirements. District access to the Food Service Establishment premises and records for such purposes shall include grease control devices or interceptor, and manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.
 - (b) In order for the FOG Control Program Manager to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge and for compliance with permit requirements, the Permittee shall make available for inspection and copying by the District all notices, monitoring reports, waste manifests, and records including, but not limited to, those related

to wastewater generation and wastewater disposal, without restriction but subject to the confidentiality provision set forth in this Section 7.11. All such records shall be subject to inspection and shall be kept by the Permittee in accordance with Section 7.4.15.

(5) **Notification of Spill**

- (a) In the event a discharger is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the discharger has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge Permit or this Section 7.11, the discharger shall immediately notify the District by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local Health Department, City or County, and the District.
- (b) Confirmation of this notification shall be made in writing to the FOG Control Program Manager at the address specified in the Permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- (c) Such notification shall not relieve the Permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to person or property; nor shall such notification relieve the Permittee of any fees or other liability which may be imposed by this Section 7.11 or other applicable law.

7.13.8 **Enforcement.** Enforcement of the provisions of this Section 7.11 and the provisions of any FOG Wastewater Discharge Permit shall be governed by Section 7.6, and for such purpose the District may utilize any one, combination or all enforcement remedies provided in Section 7.6 to the extent determined by the District to be applicable to a violation under this Section 7.11. For this purpose, “Department Head” as used in Section 7.6 ~~shall mean~~ means the FOG Control Program Manager. In addition to the non-compliance fees specified under Section 7.6, the Permittee shall be subject to fees for FOG Program non-compliance as specified in Exhibit B, Schedule of Rates and Charges.

7.13.9 **California Building Standards Law.** Pursuant to the provisions of the California Building Standards Law, California Health and Safety Code §§ 18941.5, 17958, 17958.5 and 17958.7, the Board hereby finds that variations of this Section 7.11

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from the State Building Standards and Housing Laws, more particularly the California Plumbing Code are necessary because of climatic, geological or topographical conditions of property in the District's jurisdiction, and as more specifically described below:

- (1) Sections 7.11.4 and 7.11.6 modify the authority and discretion of the "Administrative Authority" of Section 1014.1 of the 2001 California Plumbing Code by requiring all Food Service Establishments to install and operate a grease control device, which may be a grease interceptor or grease trap, if no other device, mechanism, or process is found to successfully trap or collect or treat FOG prior to its being discharged into the sewer system.
- (2) Section 7.11.6 modifies the general maintenance requirements for grease interceptors of Section 1014.6 of the 2001 California Plumbing Code and establishes more stringent maintenance requirements.
- (3) With respect to the foregoing differences, ~~(1) and (2)~~, the District finds that the District's topography and geography and the District's proximity to the Pacific Ocean coupled with the general waste discharge requirements imposed by the RWQCB require the strict compliance with grease control device regulations to prevent sewer system overflows that threaten the health and safety of the public within the immediate vicinity of the overflow and downstream to the local beaches.
- (4) Additional amendments and deletions to the California Plumbing Code are found to be administrative or procedural and are found to be reasonable and necessary to safeguard life and property within the District.
- (5) A copy of this Section 7.11 shall be filed with the California Building Standards Commission and the California Department of Housing and Community Development by the Secretary of the Board as required by State law (Health & Safety Code Section 17958.7).

SECTION 8: MONITORING AND INSPECTION

8.1 WATER AND SEWER SYSTEMS

The Manager or his authorized representative shall have the right to enter upon the customer's premises during reasonable hours for the purpose of inspecting the customer's water and sewer systems and to insure compliance with these Rules and Regulations including the provision that self-regenerating water softeners shall not be connected to the sewer facilities of the District and the provision that all cross-connections be properly protected.

8.2 RECYCLED WATER SYSTEMS

The Manager or authorized representatives of the District shall monitor and inspect the entire recycled water system including both onsite and offsite facilities. The District shall conduct monitoring programs, maintain a record as deemed necessary, and provide reports as requested by regulatory agencies including the California Regional Water Quality Control Board. The Manager or authorized representatives of the District, in carrying out these functions, shall have the right to enter upon the customer's premises during reasonable hours for the purpose of inspecting onsite recycled water facilities and areas of recycled water use and to ensure compliance with these Rules and Regulations, including the provision that runoff be controlled and limited and the provision that cross-connections between potable water facilities and recycled water facilities not exist.

For sites receiving recycled water, the permit holder shall be responsible for providing access to and cooperation with the District's Inspector or designee so that the District's Inspector or designee can perform a periodic cross-connection test, site evaluations and backflow prevention device test. This evaluation shall include pressure testing of the system(s) as well as a visual check of the entire system to verify that no cross-connections or unapproved exist. The permit holder will be responsible for correcting any work which violates the District regulations at their sole expense including any costs associated with repair and re-testing the backflow prevention device should the backflow prevention device fail to pass the required test. Additionally, at such times that the permit holder changes, the District's Inspector or designee will perform a and evaluation and test to verify compliance with these Rules and Regulations.

8.3 NATURAL TREATMENT SYSTEMS

Natural treatment systems that are designed and constructed by the developer shall be monitored as specified in the Procedures Guide and the NTS Design Guidelines. If, during the periods specified in the Procedures Guide and the NTS Design Guidelines, monitoring results indicate that the system is not operating as designed, the developer will provide the necessary improvements.

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SECTION 9: CONNECTION FEES

9.1 GENERAL

- 9.1.1 Connection fees applicable to all property to be served ~~shall~~will be established from time to time by the Board and set forth in Exhibit B ~~to these Rules and Regulations. Such. The~~ property to be served ~~shall~~must be legally described in the application for service.
- 9.1.2 If, subsequent to the issuance of the initial permit, there is a change in owner, applicant, tenant, customer, class of use, or consumption, ~~then~~ the District may determine that additional connection fees are required. These additional charges ~~shall~~will be computed on the basis of the resulting increase in service capacity and flow~~s~~, or, on any reclassification of user type.
- 9.1.3 Whenever a change necessitates the payment of further charges to the District, the District may compare the actual use occurring on the property ~~{(based on readings taken from the water meter(s))}~~ with the capacity estimated to be required for existing or probable future consumption to determine whether a different use permit is required. Determination by the District in this regard shall be made in a manner and following the procedures specified for revoking a permit as set forth in Section 14 of these Rules and Regulations. Such additional amount shall be payable on the effective date of such decision specified in Section 14 and shall be delinquent thirty (30) consecutive calendar days thereafter.
- 9.1.4 Any delinquent amount shall be the responsibility of all persons, entities, or concerns who are the applicant, owner, or customer who signed the application for service or any successor thereof. Any such amount may be recovered directly from any of the foregoing by means of proceedings initiated in the proper municipal or superior court of the State of California. In addition to recovering such amount by means of judicial determination or proceeding, the District may, to the extent now or subsequently permitted by law, cause such amounts to be collected by the County Tax Collector, together with any general or special taxes or similar charges on the property to which this service has been provided, and as described in the appropriate application for service. In either event, the applicant, owner, or customer and all persons signing the application shall be liable in addition to such amount individually and collectively for all costs incurred in collecting such additional amounts to the District, as determined in the manner herein provided, including a reasonable amount for attorney's fees. Also, the District may, at its discretion, terminate water, sewer, recycled water and/or natural treatment system service in the manner provided for in these Rules and Regulations if such amounts are not paid on the date in the manner herein provided.
- 9.1.5 Land which has been designated to remain undeveloped by a governmental agency exercising land use authority and which will not receive water, sewer or recycled water service (open space) ~~shall~~will be excluded from acreage in the

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computation of density for residential connection fees and from gross acreage of any parcel in the computation of commercial-industrial connection fees.

9.2 INTERPRETATION OF CONNECTION FEES

9.2.1 **Manager's Determination.** If the factual situations presented in an application by an applicant, owner, or customer do not fall within the classifications set forth in Exhibit "B" ~~to these Rules and Regulations~~, the Manager shall interpret them to establish a reasonable classification and fee. In making ~~such interpretations that interpretation~~, the Manager shall be guided by the policy of the District set forth herein.

9.2.2 **Appeal.** Any applicant, owner, or customer ~~that~~ does not concur in ~~the Manager's~~ determination ~~of the Manager, he~~ under Section 9.2.1 may ~~request~~ appeal that ~~such be considered by~~ determination to the Board. ~~Any such request shall~~ The appeal ~~must~~ be in writing and ~~shall~~ must set forth detail and facts supporting the differences between the request of applicant, owner, or customer and the ~~Manager's~~ determination ~~made by the Manager. No such application shall be considered unless there is.~~ The appeal must include a specific and detailed request for action proposed by an applicant, owner, or customer setting forth the exact amount of fees that the applicant, owner or customer believes should be established and ~~shall~~ must include supporting information. Preferably, such supporting information should be prepared and submitted by a Registered Civil Engineer, experienced in the construction, operation, management, and financing of municipal water and/or sewage facilities.

9.2.3 **Special Agreement.** ~~If approved by the Board, such decision shall grants the applicant, owner, or customer's appeal, then that connection fee charge will~~ be implemented by a special agreement between ~~such~~ the applicant, owner, or customer and the District, including adequate guarantees and assurances of further or additional payment at such time as the proposed use of the property described in the application for such action by the Board is modified, changed, or amended, or the extent of the use of the applicant, owner, or customer exceeds that represented to District. The decision of the District in all instances shall be final, subject to administrative or judicial review, except as otherwise provided by law.

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SECTION 10: WATER AND RECYCLED WATER SERVICE LINE CHARGES,
LOWER LATERAL CHARGES AND
NATURAL TREATMENT SYSTEM CHARGES

10.1 WATER AND RECYCLED WATER SERVICE LINE CHARGES

- 10.1.1 **Installation Charges.** The District shall ~~make~~**impose** charges for the installation of and perpetual maintenance of all service lines, water and recycled water meters, and appurtenances thereto~~;~~, all of which **facilities** are the property of the District. **These service line charges**, including the water connection fees, must be paid before work will be performed. Any required backflow prevention devices on potable water services and flow or pressure control devices ~~shall~~**must** be provided by the applicant, owner, or customer at his expense.
- 10.1.2 **Charge for Meter Only. If** the applicant provides (at no cost to the District) the water or recycled water service line and appurtenances ~~thereto~~**, then** the District shall ~~make~~**impose** a charge for the installation of the water or recycled water meter only~~, which is to~~. **The meter will** remain the property of the District. **Said The meter** charge, in addition to all other usual and regular charges of the District, including any ~~specified~~ connection fee, as set forth in Exhibit B, must be paid before work will be performed.
- 10.1.3 **Fire Suppression Facilities Charges.** The District shall ~~make~~**impose** charges for the installation of and perpetual maintenance of all service lines for on-site fire hydrants or automatic fire sprinkler systems, including a check valve on potable water services of a type approved by the National Board of Fire Underwriters, equipped with a bypass meter, but not including the downstream control valve, if ~~such is~~ required by the customer, all to remain the property of the District. Said charges, in addition to all other usual and regular charges of the District, including any specified connection fee, as set forth in Exhibit B, must be paid before work will be performed.
- 10.1.4 **Extraordinary Work.** Whenever an installation is required by an applicant that is not covered by the schedule of charges established from time to time by the Board and set forth in Exhibit B to these Rules and Regulations, such work will be done with charges based upon an estimate of costs made by the District. If a water or recycled water service line exceeds 50 feet in length, or for any other valid reason it cannot be installed for the amount stated in the appropriate schedule of charges set forth in Exhibit B owing to the peculiarity of the proposed service, the District reserves the right to make said installation. A deposit will be required to cover estimated costs prior to the performance of any work. Upon completion of the service installation, the deposit will be adjusted based on actual costs. If actual costs differ the from the deposit amount, the applicant, owner, or customer shall be invoiced by the District for the excess of the actual cost over the deposited amount, or refunded the difference if less than the deposit.

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- 10.1.5 **Relocation.** Whenever water or recycled water service lines, meters, fire hydrants, or other appurtenances are requested to be moved by the applicant for any reason whatsoever, a deposit will be required to cover estimated costs prior to the performance of any work. Upon completion of the service relocation, the deposit will be adjusted based on actual costs. If actual costs differ from the deposit amount, the applicant, owner, or customer shall be invoiced by the District for the excess of the actual cost over the deposited amount, or refunded the difference if less than the deposit.
- 10.1.6 **Temporary Service Connection.** A temporary service connection may be installed for use over a period of time not exceeding six (6) months. For each such connection, an application shall be filed in accordance with the provisions of Section 4.2 of these Rules and Regulations. Rates to be charged for water used from such connection shall be in accordance with ~~the~~ "Temporary Construction Service" contained in Exhibit B. The user of a temporary recycled water service shall designate an "Onsite Recycled Water Supervisor" in accordance with the requirements of Section 6.2.2 ~~herein~~.

10.2 LOWER LATERAL CHARGE

- 10.2.1 **Installation Charge.** The District will ~~impose a~~ charge for the installation of a lower lateral and connection to the customer's upper lateral. Said charges, in addition to all other usual and regular charges of the District, including the sewer connection fee, must be paid before the work is performed. Such work will be done with charges based upon an estimate of costs made by the District. Any required backwater valves and appurtenances ~~shall~~ **must** be provided by the applicant, owner, or customer at his expense.
- 10.2.2 **Relocation.** Whenever lower laterals, manholes, or other appurtenances are requested to be moved by an applicant for any reason whatsoever, the charges shall be made on the basis of an estimate of costs by the District. The charges herein required are in addition to all other charges required by the District for sewer service and are payable pursuant to arrangements approved by the Board. A deposit will be required to cover estimated costs prior to the performance of any work. Upon completion of the service relocation, the deposit will be adjusted for actual costs. If actual costs differ from the deposited amount, the applicant, owner, or customer shall be invoiced by the District for the excess of the actual cost over the deposited amount, or refunded the difference if less than the deposited amount.

10.3 NATURAL TREATMENT SYSTEM CHARGES

The District ~~shall~~ **will** impose charges for modifications to natural treatment systems requested by the developer after the system has been constructed. ~~Said Those~~ charges, in addition to all other usual and regular charges of the District, including any specified connection fee, ~~shall~~ **will** be as determined by the District and must be paid ~~to the District~~ before work will be performed.

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SECTION 11: SECURITY DEPOSIT

As permitted by law, the District may require of an applicant, owner, or customer such a deposit, if deemed necessary by reason or estimated future water, sewer, and recycled water billings or if there is an instance or instances of monthly delinquency. ~~Such~~The security deposit amount ~~shall~~will not be less than the estimated cost of water, sewer, and recycled water service for a one month-period or such other amount as determined by the Manager or Board. ~~Deposits may be returned after one (1) year at the request of the applicant, owner, or customer, providing that all bills rendered during the succeeding twelve (12) month period have been paid within fifteen (15) days of presentation. A deposit determined by the District will be required for all construction water meters. Upon termination of service, deposit amounts not previously returned shall be applied to the final utility bill and any remaining amount refunded to the applicant, owner or customer.~~

The District may return deposits after one year at the request of the applicant, owner, or customer, but only if all bills rendered during the twelve-month period prior to the request were paid within 21 days after presentation.

A deposit determined by the District will be required for all construction water meters.

Upon termination of service, deposit amounts not previously returned will be applied to the final utility bill and any remaining amount refunded to the applicant, owner, or customer.

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SECTION 12: SERVICE CHARGES

12.1 ESTABLISHMENT OF RATES

Rates to be charged and collected and the terms, provisions, and conditions to be effective respecting such rates for water, sewer, recycled water and natural treatment system service supplied by the District to customers within the District shall be as fixed and established by the Board from time to time and set forth in Exhibit B to these Rules and Regulations, which charges shall have no effect on any existing or subsequent reimbursement agreements. This provision is in addition to and not by way of derogation of any other remedies or procedures available to the District pursuant to any law or regulation or by any of the provisions of these Rules and Regulations.

12.2 CHANGE OF SERVICE CHARGE

The Board reserves the right to change the schedule of water, sewer, recycled water and natural treatment system service charges and other charges at any time.

12.3 SERVICE CHARGE BILLING

Water, sewer, recycled water and natural treatment system service charges will be rendered as part of the District water service bill at intervals of one month or multiples thereof. The District ~~reserves the right to~~ estimate bills, based on prior consumption ~~or other reasonable calculation in the absence of historical consumption data, and will back-bill the customer all service and other charges as set forth in Exhibit B.~~

12.4 METERING

For the purpose of computing charges, each meter on the customer's premises will be considered separately, and readings of two or more meters will not be combined as equivalent to measurement through one meter except in those instances in which, by reason of special operating conditions, the District substitutes two or more meters of a smaller size for a single larger meter on the same service connection. In this special case, the size of service connection shall be substituted for the size of the meter in the application of the rate schedule, and shall be the basis for computing charges.

12.5 TIME AND MANNER OF PAYMENT

12.5.1 All bills and charges for water, sewer, recycled water and natural treatment system service hereunder ~~shall be~~ due and payable upon presentation and ~~shall become delinquent twenty-five (25) days thereafter. Such later.~~ Bills and charges ~~shall be~~ deemed to have been presented upon having been sent electronically or deposited in the United States mail, postage paid, and addressed to the applicant, owner, or customer reflected in the records of the District. Failure to receive the bill will not release the customer from payment obligation nor will it entitle the customer to a billing discount or exempt the customer from late fees or service disconnection for non-payment. Electronic billing and automatic payment

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are available to the customer on request and subject to compliance with all terms and conditions for enrollment in and use of such programs.

12.5.2 If payment is not received within twenty-five (25) days after presentation of the bill, a late charge will be levied on any unpaid balance and, following such notice and proceedings as may be required by law, the water and/or recycled water service may be discontinued. Water and/or recycled water service shall not again be supplied until all delinquent bills, plus a restoration charge, which is established by the Board have been paid; if the turn-on is requested to be made outside regular working hours, an increased restoration charge shall be paid before service is restored. Payment shall be made electronically, in person or by mail at the office of the District or, at the option of the District, to its authorized collectors.

12.5.3 Discontinuance of service by reason of a delinquent bill shall not automatically constitute revocation of permit. However, such delinquency may be considered as sufficient reason for a revocation of permit in accordance with the provisions of these Rules and Regulations.

12.6 VARIANCE FROM RESIDENTIAL RATE STRUCTURE

~~ALLOCATIONS~~BUDGETS; NONRESIDENTIAL ACREAGE AND BASE INDEX REVISIONS

12.6.1 Residential Variance - Procedure

- (1) Variance request forms ~~will~~must be ~~obtained from and~~ submitted to the Customer Service Department.
- (2) Variance requests will be processed by the Customer Service Department.
- (3) At the discretion of the District, the requesting customer may be required to have a water audit, which will be conducted by the District at no charge prior to review of the request.
- (4) Staff will notify a customer in writing if their variance request is denied.
- (5) Documents submitted by any customer as part of the variance procedure are reviewed and returned to the customer if requested. If the customer does not request the documentation back, it will be destroyed to protect the customer's privacy, except for information retained by the District to document variances or as otherwise required by law.

12.6.2 Residential Variance – Determination

- (1) Grounds for a variance are:
 - (a) number of people residing in a dwelling unit

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- (b) medical needs
- (c) licensed care facilities
- (d) fire control zones (or other regulatory requirements)
- (e) landscape area
- (f) livestock/horses
- (g) common area washing machines
- (h) other, as determined on a case by case basis

(2) Proof acceptable to the District will be required of each ground(s) for a requested variance. The variance request form provides examples of acceptable proof.

(3) Limitations

- (a) An approved variance will become effective on the date the request for variance was submitted to the District.
- (b) An approved variance will be valid for a period specified by the District (~~one year or less~~), and must ~~be re-submitted~~ be re-confirmed ~~the basis for the variance~~ on or before the expiration date to remain in effect.

(4) Calculation of the increased ~~allocations~~ budgets for approved variances will be made by the District pursuant to Exhibit B (Rates and Charges)

12.6.3 Nonresidential Acreage ~~and~~ Base Index and Sewer Charge Revisions – Procedure

(1) Acreage (landscape) revision requests will be made by submitting an acre-change request to the Water Efficiency Department.

(2) Base index (water budget) and sewer charge (~~commercial, industrial and public authority usage~~) revision requests for commercial industrial and public authority customers will be made by submitting a request for account evaluation to the ~~Customer Service Department~~ District.

(3) At the discretion of the District, the requesting customer may be required to have a water audit, which will be conducted by the District at no charge prior to review of the request.

(4) Staff will notify a customer or their agent in writing (including email) if their request is denied.

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(5) Documents submitted by any customer as part of the account evaluation procedure are reviewed and returned to the customer if requested. If the customer or agent does not request the documentation back, it will be destroyed to protect the customer's privacy, except for information retained by the District to document the acreage ~~or~~, base index or sewer service charge revision or as otherwise required by law.

12.6.4 Nonresidential Acreage ~~and~~, Base Index and Sewer Charge Revisions – Determination

~~1. Commercial/Industrial/Public Authority – Grounds~~

- (a) ~~Relevant factors will include expansion of productive capacity, existing conservation practices that can be shown to have reduced water usage, severe economic hardship, and other factors determined on a case by case basis.~~

(2) **Landscape Acreage – Grounds.** It is the obligation of the customer to provide to the District acceptable documentation of the actual area served by each metered connection. Acceptable documentation is an irrigation plan or a controller chart (site map with irrigation zone boundaries clearly marked and square footage per zone called out) signed by a California licensed landscape architect or Irrigation Association certified irrigation designer (CID).

(3) Commercial/Industrial/Public Authority – Grounds.

- (a) **Base Index.** Relevant factors will include expansion of productive capacity, existing water efficiency or conservation practices that can be shown to have reduced water usage, severe economic hardship, and other factors determined on a case by case basis.
- (b) **Sewer Charges.** Relevant factors will include evaporation, product water, irrigation, or other uses that do not discharge to the sewer, and dual plumbed connections that discharge to a shared sewer line.

(3)(4) Limitations

- (a) An approved acreage or base index increase will become effective on the date the request was submitted to the District.
- (b) An approved acreage increase need not be resubmitted and will remain valid unless a further acreage-change is made
- (c) An approved base index increase will be valid until the account is closed or a new nonresidential tenant applies for service. When a new account is opened, the nonresidential customer will be billed

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at the ~~conservation~~ ~~“Bbase rate-Rate”~~ for an initial period of six months. The District will then establish a base index for the customer based on the customer’s usage for the initial six month period and may conduct on-site surveys to ensure water efficient business and irrigation practices are in place prior to beginning to bill the customer in accordance with the applicable rate structure. In the event a new tenant accepts responsibility for an existing account and the account is not closed, the existing base index for the account will remain in effect unless and until the District, on its own review or at the tenant’s request, modifies the existing base index or establishes a new base index by implementing a six-month base index reestablishment period as described in the preceding sentence.

~~(4)(5)~~ **Calculation.** Calculation of the increased acreage ~~or~~, base index, ~~or sewer charges~~ will be made by the District pursuant to Exhibit B (Rates and Charges)

12.7 ADJUSTMENT OF CHARGES

12.7.1 Billing Errors. In the event of discovery of an error in the computation of charges, crossed meters, unbilled meter or other error, a retroactive adjustment of the charges will be made by means of a credit or additional charge to the next bill, to the extent the District determines it has information from which the correct amount can be ascertained.

12.7.2 Variance Adjustment – Residential. If a variance is approved as provided in Section 12.6.2, a retroactive adjustment of the charges to the customer may be made for no more than three months prior to the variance effective date if the District determines a retroactive adjustment is warranted in accordance with the variance request and the proof submitted by the customer.

12.7.3 Increase of Nonresidential Landscape or Base Index. If a nonresidential customer’s base index or landscape acreage is increased as provided in Section 12.6.4, a retroactive adjustment of the charges may be made for no more than six months prior to the effective date of the increase if the District determines a retroactive adjustment is warranted in accordance with the increase request and the proof submitted by the customer.

12.7.4 Residential Landscape Adjustments. The District will authorize a retroactive adjustment of no more than three months for the purpose of establishing new landscape if the District determines a retroactive adjustment is warranted in accordance with the proof submitted by the customer. Training shall be completed if required under Section 12.7.8.

12.7.5 Leak Repair Adjustments – Grounds:

(1) The IRWD ~~allocationbudget~~-based ~~conservation~~ tiered rate structure is intended to serve as a warning sign to alert customers to possible water waste,

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such as a leak, by charging over-~~allocation~~budget at the “Inefficient” and “Wasteful” tiers. When an adjustment is made for a repaired leak, the excess units of water attributed to the leak and billed in the “Inefficient”, “ or “Wasteful” tiers are re-billed at the “Base Rate”. When a customer has a leak repaired, and usage after the repair is within the customer’s ~~allocation~~budget, the District will authorize an adjustment, for residential customers, of no more than two bills affected by the leak. The District may, at its discretion, authorize additional bill adjustments on a case by case basis for customers who encounter circumstances that cause delays to a leak repair.

(2) The customer is required to contact the District within two months of completing the repair of the leak in order to receive a leak adjustment. Training shall be completed if required under Section 12.7.8.

12.7.6 Nonresidential Landscape Adjustments. To be eligible for adjustment, an over-~~allocation~~budget charge on a single bill must exceed the minimum amount specified in the Landscape Irrigation Adjustment Form (~~“LIAF”~~) instructions available at www.irwd.com.

(1) Mainline breaks and leaks are eligible for adjustment.

(2) Other non-residential landscape adjustments shall be made on a case-by-case basis at the District’s discretion, based on the request and supporting documentation submitted by the customer.

(3) Adjustment requests shall be submitted on an IRWD LIAF which is available online at in accordance with the LIAF instructions. Training shall be completed if required under Section 12.7.8.

12.7.7 Courtesy Adjustments – Residential and Nonresidential Customers. An adjustment of charges not otherwise provided for in this Section 12.7 may be authorized by the District as a courtesy adjustment for special circumstances determined on a case-by case basis. A courtesy adjustment may include up to, but no more than six months of charges, and no more than one courtesy adjustment will be authorized within a 12-month period.

12.7.8 Training Requirement for Adjustments. For billing adjustments made under 12.7.4, 12.7.5 and 12.7.6, the District, at its discretion, may require the customer to complete a free water use efficiency training session offered or provided by the District, in order to receive the billing adjustment.

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SECTION 13: SEVERABILITY

If any section, subsection, clause, or phrase of these Rules and Regulations is for any reason held to be invalid or unconstitutional, ~~such that~~ decision ~~shall~~will not affect the remaining portions of these Rules and Regulations. The Board declares that it would have passed said Rules and Regulations by section, subsection, sentence, clause, or phrase thereof.

SECTION 14: ENFORCEMENT AND PENALTIES

14.1 GENERAL

~~14.1.1~~ 14.1.1 **Violation.** Any person, firm, corporation, association, or agency found to be violating any **Violation**. It is unlawful to violate any provision of these Rules and Regulations or the terms a permit issued by the District.

~~14.1.1~~ 14.1.2 **Notice of Violation.** The District shall notify any person found to be violating any of these Rules and conditions of Regulations, any permit issued by the applicant's, owner's, or customer's service agreement, permit, or any and ~~and~~ District, or any applicable Federal, State, or local statutes, regulations, ordinances, or other requirement shall be served by the District with. The written notice stating of violation will state the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof to correct that violation. The offender shall must, within the period of time stated in such the notice, permanently cease all violations. This provision is in addition to and not by way of derogation of any other remedies or procedures available to the District by law, regulation, or pursuant to any of the provisions of these Rules and Regulations including, but not limited to, Section 7 and Section 15.

~~14.1.2~~ 14.1.3 **Misdemeanor; Fines.** Pursuant to Water Code Section 35424 of the ~~Water Code of the State of California~~, any violation of these Rules and Regulations is a misdemeanor, the violation of which shall, upon conviction thereof, be subject to a fine of not less than \$25.00 nor more than \$200.00. Pursuant to Water Code Section 377, any violation of Section 15 is a misdemeanor punishable by imprisonment in the County Jail for not more than 30 days or by fine of not more than \$1,000, and a violator may also be held civilly liable in an amount not to exceed \$10,000.

~~14.1.3~~ 14.1.4 **Revocation.** Failure to permanently cease all violations within the time stated shall in the Notice of Violation will result in revocation of the permit by the District and termination of water, sewer, recycled water and/or natural treatment system service as provided in Sections 14.2 and 14.3. Violations regarding any one service may result, at the sole discretion of the Board or Manager, in termination of any combination of or all water, sewer, recycled water and natural treatment system service.

14.2 INTERIM REVOCATION

In cases where the serious nature of the violations described above require immediate action, the Board or Manager may, in the sole discretion of the Board or Manager, immediately revoke the permit on an interim basis and thereupon cease water, sewer, recycled water and/or natural treatment system service, subject to a timely decision on permanent revocation of permit pursuant to a public hearing as provided herein. In cases of sewer service termination, there shall

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be no discharge of any type by an applicant, owner, or customer into the District's sewer facilities.

14.3 PERMANENT REVOCATION

14.3.1 **Notice; Public Hearing.** Permanent revocation of a permit shall occur only subsequent to a public hearing held in the manner hereinafter provided. The applicant, owner, or customer shall be given written notice ten (10) calendar days prior to a hearing on the possible permanent revocation of any permit by the District. The notice shall specify the grounds of the proposed revocation of any such permit in reasonable detail. It may but need not describe suggested corrective action acceptable to the District. Notice may be delivered personally to the applicant, owner, or customer or it may be given by depositing such in the United States mail with postage prepaid, addressed to the applicant, owner, or customer either at the address for the applicant, owner, or customer as reflected on the last equalized assessment roll of the County of Orange as defined in the Revenue and Taxation Code of the State of California. ~~Any such action to permanently revoke the permit shall be effective~~

~~14.3.2 Effectiveness of Revocation. Any action to permanently revoke the permit shall be effective~~ ten (10) calendar days after notice of the Board's decision ~~and. The District shall be either personally delivered to notify~~ the applicant, owner, or customer ~~placed in the by~~ United States mail, postage prepaid, addressed to the applicant, owner, or customer.

~~Surcharge. In the manner herein above specified.~~

~~14.3.2~~ 14.3.3 ~~In the alternative to such action revocation,~~ the District may establish a ~~surcharge fine or penalty amount~~ on the continuation of water, sewer, recycled water and/or natural treatment system service by the District until such time as the applicant, owner, or customer has taken action to comply with all of the herein above described requirements for obtaining service from the District in its reasonable discretion. Any request to reestablish service subsequent to the revocation of a permit and the termination of water, sewer, recycled water and/or natural treatment system service shall be in the manner prescribed for initially obtaining service from the District, which may include the collection of a security deposit. However, in addition, the District may, in its discretion, require that an agreement and financial security conditioned upon compliance with the District's Rules and Regulations be provided in an amount, manner, and for a period of time as determined by the Board.

~~14.3.4 Application. The foregoing provisions of these Rules and Regulations are a requirement of any permit, and any application for service and permit therefore shall be subject apply to such provisions all permits.~~

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~~14.3.3~~14.3.5 **Waiver/Modification**. The Board, if it deems such to be in the best interest of the District, may on an interim basis or otherwise waive or modify any of the foregoing.

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SECTION 15: WATER CONSERVATION AND
WATER SUPPLY SHORTAGE PROGRAM AND REGULATIONS

15.1 GENERAL

15.1.1 **Title.** This section will be known as the Irvine Ranch Water District Water Conservation and Water Supply Shortage Program.

15.1.2 **Findings.**

(1) A reliable minimum supply of water is essential to the public health, safety and welfare of the people and economy of the southern California region.

(2) Southern California is a semi-arid region ~~and is largely dependent upon imported water supplies.~~ A growing population, climate change, environmental concerns and other factors in other parts of the State and western United States make the region ~~highly~~ susceptible to water supply reliability issues.

(3) Careful water management that includes active water ~~efficiency and~~ conservation measures, not only in times of drought but at all times, is essential to ensure a reliable ~~minimum~~ supply of water to meet current and future water supply needs.

(4) Article X, Section 2, of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, that waste or unreasonable use or unreasonable method of use of water be prevented and that conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

(5) California Water Code section 375 authorizes a water supplier to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.

(6) The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the District's water supply ~~in the short and long term and~~ to avoid or minimize the effects of a supply shortage within the District. Such a program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

(7) Recycled water is produced and supplied by the District to conserve potable water. Recycled water, like potable water, must be used efficiently and is therefore included in this Program.

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15.1.3 **Application.** The provisions of this section ~~shall~~ apply to all persons using water in any area of ~~this~~ District in which the District provides retail water service, regardless of whether any person using water ~~shall have~~ has a permit or contract for ~~such~~ service with the District, and ~~shall apply~~ applies to all potable and recycled water supplied by the District.

15.1.4 **Water Shortage Contingency Plan.** The District has adopted a Water Shortage Contingency Plan pursuant to Water Code Section 10632. The Water Shortage Contingency Plan, as amended from time to time, describes the restrictions and other response measures that can be implemented by the Board in declaring a water shortage level and provides policy considerations, criteria and other guidance for the selection and implementation of these measures.

15.2 DECLARATION OF PURPOSE AND INTENT

15.2.1 The purpose of this section is to establish a water conservation and supply shortage program that will reduce water consumption within the District through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the District to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

15.2.2 This section establishes permanent water use efficiency standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes ~~four~~ six levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with measures designed to achieve progressively greater levels of conservation in response to worsening shortage or emergency conditions and decreasing supplies.

15.2.3 This section is intended to complement and be used in tandem with the ~~allocation~~ budget-based tiered pricing structure adopted by the District in 1991 and implemented under Section 12.1 of these Rules and Regulations on an ongoing basis as part of the District's rates and charges. The ~~allocation~~ budget-based ~~tiered~~ pricing structure encourages use within allocation water budget through a significantly tiered commodity pricing system, and discourages wasteful use. The response measures for the levels of water supply shortage include a set of measures, referred to as "demand management" measures, that can be implemented through the ~~allocation~~ budget-based ~~tiered~~ pricing structure. Any modifications to the pricing structure must be consistent with the provisions of Proposition 218.

15.3 EXEMPTIONS

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15.3.1 ~~Persons~~The General Manager may ~~be exempted~~permit an exemption from ~~application of~~ the permanent restrictions set forth in 15.4 or restrictions implemented pursuant to the Water Shortage Contingency Plan during a shortage level under 15.5, ~~if the General Manager of the District or his designee issues a permit allowing such use, and if such permit issuance is based on~~upon a finding that enforcement of the applicable restriction would either (1) cause an unnecessary and undue hardship to the applicant or the public, or (2) would cause or threaten an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or the public.

15.3.2 The General Manager of the District or his designee may require the use of ~~such~~any water conservation devices or practices as he deems appropriate as a condition of the exemption permit. He shall promulgate a list of approved devices.

15.3.3 Section 12.6~~12.6~~ sets forth the procedures to apply for variances from water ~~allocations~~budgets under the ~~allocation~~budget-based tiered pricing structure.

15.4 GENERAL PROHIBITIONS AND ONGOING MEASURES

15.4.1 **Prohibitions.** The following prohibitions are in effect at all times, regardless of whether any declared shortage condition is in effect.

(1) **Gutter Flooding** - No person shall cause or permit any water furnished to any property within the District to run or to escape from any hose, pipe, valve, faucet, sprinkler, or irrigation device into any gutter or otherwise to escape from the property if such running or escaping can reasonably be prevented.

(2) **Leaks** - No person shall permit leaks of water that he has the authority to eliminate.

(3) **Washing Hard Surface Areas** - Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards.

~~(4) Waste~~ - No person shall cause or permit water under his control to be wasted. ~~Wasteful usage includes, but is~~

~~(5) Washing of Motor Vehicle~~ - ~~No person shall wash a motor vehicle with a hose not limited to, the uses listed in Section 1.1 of Exhibit 1 to the Memorandum fitted with a shut-off nozzle.~~

~~(6) Use of Understanding Regarding Urban Potable Water Conservation in a Fountain~~ - ~~No person shall use potable water in California, dated September 16, 2011, as amended from time to time, a fountain or the counterpart other decorative feature, except where the water~~

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is recirculated, or recirculation would cause a public health safety or sanitary hazard.

(7) Application of said list contained in Potable Water to Outdoor Landscapes – No person shall apply potable water to outdoor landscapes during and within 48 hours of measureable rainfall.

(4)(8) Irrigation of Public Street Medians – No person shall use potable water to irrigate ornamental turf on public street medians during a declared shortage or pursuant to any successor document regulation adopted by the State Water Resources Control Board

(9) Single Pass Cooling – No person shall operate a single pass cooling system.

(10) Commercial Car Washes –

(a) All new commercial car washes must be equipped with and operate recirculating systems.

(b) Existing car washes with recirculating systems must maintain and operate the recirculation system.

15.4.2 **Demand Management.** When a declared shortage condition is not in effect, basic allocationswater budgets established by the District under the allocationwater budget-based tiered pricing structure will be limited to the amount that is reasonable for the customer's needs and property characteristics, and will exclude wasteful use. Reductions may be applied to basic allocationsbudgets to establish a reasonable amount during a declared shortage condition, as specified herein.

15.5 IRWD WATER SUPPLY SHORTAGE LEVELS

15.5.1 **General.** The District's Water Shortage Contingency Plan provides representative measures that may be implemented during water shortage resulting from drought conditions or system interruptions. The measures may be applied individually or in combination and may vary according to the severity and duration of the shortage.

15.5.2 **Shortage Levels.** The following are the levels of shortage which may be declared by the Board in the manner prescribed by applicable provisions of the California Water Code, the approximate ranges of conditions the levels represent and the reductions to be achieved:

(1) Level One (Shortage Warning): Up to 10% shortage. Measures selected would be designed to achieve the following voluntary actions:

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- Increase public awareness of the water supply situation and conservation opportunities
- 1. • Reduce over-irrigation
- 2. • ~~Reduce over-allocation~~ budget use
- 3. • Encourage diligent repair of water leaks

(2) Level Two (Significant Shortage Condition): ~~10-25~~ 11-20% shortage. Measures selected would be designed to incorporate the objectives listed under Level One, and achieve the following further reduction in use:

- 1. ~~Reduce irrigation by a percentage to be specified in the shortage declaration~~
- 1. • Discourage filling of fountains, pools and water features and other discretionary uses
- Potential adjustments to outdoor water budgets to target discretionary uses for residential and landscape customers to be specified in the shortage declaration
- Establish water waste reporting hotline
- Expand conservation programs and projects, including workshops

(3) Level Three (Severe Shortage): ~~25-40~~ 21-30% shortage. Measures selected would be designed to incorporate the objectives listed under Level Two, and achieve the following further reduction in use:

- 1. ~~Further reduce irrigation by a percentage to be specified in the shortage declaration~~

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~~1. Further reduce or eliminate discretionary uses~~

~~2. Reduce commercial, industrial and institutional use by a percentage to be specified in the shortage declaration~~

~~3. Eliminate specified municipal uses such as street cleaning, hydrant flushing and water-based recreation~~

- Implement a public outreach campaign to increase public awareness
- Enhance incentives for water saving devices and programs
- Targeted outreach to high use non-residential customers
- Potential further reductions to outdoor water budgets to a level that sustains only drought-tolerant landscaping

(4) Level Four (Crisis Severe Shortage): More than 31%- 40% shortage. Measures selected would be designed to incorporate the objectives listed under Level Three, and achieve the following further reduction in use:

~~1. Further reduce or eliminate discretionary uses~~

~~• Implement direct install programs to retrofit inefficient devices and landscape equipment~~

~~• Reductions to water budgets for commercial, industrial and public authority customers, while minimizing economic impacts~~

~~• Elimination of specific municipal uses such as non-required hydrant flushing, street cleaning and water-based recreation~~

(5) Level Five (Crisis Shortage): 41%- 50% shortage. Measures selected would be designed to incorporate the objectives listed under Level Four, and achieve the following further reduction in use:

~~• Implement pay to save incentive programs for industrial customers~~

~~• Potential adjustments to residential and landscape water budgets to the elimination of all non-recycled water outdoor uses~~

~~1. Cease all non-recycled water outdoor water uses for landscape and agriculture, subject to reserved rights relating to local wells~~

(6) Level Six (Crisis Shortage): More than 50% shortage. Measures selected would be designed to incorporate the objectives listed under Level Five, and achieve the following further reduction in use:

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- Potential adjustments to water budgets to target all uses not required for health and safety
- Use of flow restrictors on severely over-budget accounts that are non-responsive to outreach
- Possible discontinuation of non-health and safety services in order to achieve the necessary demand reductions
- Other mandatory restrictions and enforcement, as necessary

15.5.3 Generally, in all Levels, it is anticipated that the District will use voluntary customer response measures and demand management measures implemented under Section 12 through the adjustments in the ~~allocation~~budget-based pricing structure. Any adjustments to the pricing structure would require conformance to the requirements of Proposition 218. Response measures during Levels ~~Three~~Five and ~~Four~~Six are anticipated to also include restrictions or prohibitions, but this will be determined by the District in its discretion at time of implementation. To achieve the reductions indicated above under the various levels, the conservation measures that may be implemented by the shortage declaration are listed below, shown with the levels in which they are anticipated to be used. Reference is made to the Water Shortage Contingency Plan for a more detailed discussion of response measures and the manner in which they may be used in the various shortage levels. At the time of declaring a level of shortage conditions, the Board in its discretion will determine the particular response measures that will be implemented. The list below is intended to be illustrative and not exclusive, and does not preclude the implementation of measures in a different level from the level(s) shown or the implementation of other measures in lieu of or in addition to those described below or in the Water Shortage Contingency Plan:

- ~~1.~~ 1. Enhanced public awareness campaign (all Levels)
- ~~2.~~ 2. Intensified use of surveys/assistance for customers in highest ~~allocation~~budget tiers (all Levels)
- ~~3.~~ 3. Reduction of basic water ~~allocations~~budgets (all Levels)
- ~~4.~~ 4. Adjustment of pricing tier thresholds, shifting usage into higher tiers (Levels Two, Three, ~~Four~~, ~~Five~~ and ~~Four~~Six)
- ~~1.~~ 1. Increase of rates for pricing tiers, including adjustments to recover Metropolitan's penalty rates for purchases of imported water (Levels ~~Three~~ and ~~Four~~)
 - ~~5.~~ 5. Restriction of uses (Level Four)
 - ~~6.~~ 6. Prohibition of uses (Levels ~~Four~~, ~~Five~~ and ~~Six~~)

The demand management measures included in the list above will be implemented through changes in the District's ~~allocation~~budget-based tiered pricing structure designed to strengthen the pricing signal and achieve desired water savings in the declared shortage level, including changes in the ~~allocation~~budget based water budgets of customers or customer classes (residential, landscape, commercial, etc.), changes in the usage volumes subject to the pricing tiers, and changes in the applicable commodity rates for the tiers. These changes will be

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implemented under Section 12 through the adoption of a revised Exhibit B setting forth the District's rates and charges.

The general prohibitions specified in Section 15.4 ~~shall~~ apply to the use of potable (domestic), untreated and recycled water. The application of shortage level response measures or restrictions may vary as to type of water service. In the implementation of measures or restrictions on potable water service through the declaration of a shortage level, the District will determine and set forth how and to what extent, if any, such measures or restrictions, or different measures or restrictions, will be applied to non-potable water services furnished by the District.

15.6 REPORTING AND ENFORCEMENT

15.6.1 **Measures implemented through ~~allocationbudget~~-based tiered pricing structure.** As described in Section 15.2, the District's ~~allocationbudget~~-based tiered pricing structure complements and is used in an integral manner within the water conservation and water supply shortage program. As part of the program, the pricing structure performs both reporting and enforcement functions: (1) the billing of water usage within the various pricing tiers serves as an effective reporting mechanism to identify customers who are overusing water or may be using water in discouraged or prohibited manners, and tells the District and the District's customer what amounts of conservation are being achieved and where high usage should be the focus of additional effort; and (2) the effectiveness of the ~~allocationbudget~~-based tiered pricing structure means that the rate structure and adjustments to it can achieve the same result as, and be used by the District in lieu or partially in lieu of, restrictions and enforcement measures in times of declared shortage conditions. As a result the response measures in Section 15.5 include demand management measures to be implemented through the ~~allocationbudget~~-based tiered pricing structure, which is enforced through the District's billing procedures.

15.6.2 Enforcement of Restrictions

(1) This Section 15 and Section 4 are part of the District's water conservation program and are adopted pursuant to Water Code Section 376. Subject to appeal to the Board of Directors, the General Manager may take any measures authorized under Water Code Section 377 to hold a person civilly liable for violation of the District's water conservation program.

(+)(2) Prior to enforcement of the restrictions pursuant to Section 15.4 (General Prohibitions) and 15.5, (Shortage Restrictions), any person who is suspected of violating the restrictions hereby imposed shall be given a preliminary notice in writing of such violation, with the description of violation set forth in such preliminary notice. Such person shall have 24 hours to correct such violation, or terminate the use. If the violation is not corrected or the use not terminated, the General Manager of the District or his designee may forthwith either may immediately: (a) disconnect service;

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(a) disconnect service.

(b) install flow-restricting devices restricting non-health and safety related water service, or

(c) order issued a second preliminary notice.

~~(2)~~(3) (Service disconnected or restricted pursuant to 1(a) or 1(b) above ~~shall~~will be restored only upon payment of the turn-on and other charges fixed by the Board of Directors as provided in these Rules and Regulations~~s~~.)

~~(3)~~(4) Any other sanctions or penalties that the District is presently authorized to impose or that the District may at some future time be authorized to impose may be imposed to enforce this prohibition of water wastage.

~~(4)~~(5) From and after the publication or posting of any ordinance or resolution implementing any restrictions or mandatory measures under the Water Shortage Contingency Plan, violations thereof shall be misdemeanors punishable by imprisonment in the County Jail for not more than 30 days or by fine of not more than \$1,000, or both, or as otherwise provided by law or such resolution or ordinance.

SECTION 16: WATER WELLS

16.1 PURPOSE

~~1. GENERAL~~

16.1.1 The District has an important interest, along with other appropriate regulatory agencies, in monitoring the groundwater basin located within its boundaries to obtain information as to its quantity, quality and other characteristics on an historical and ongoing basis. Many wells have been constructed and operated within the District for agricultural purposes by private users. From time to time, due to increasing urbanization, some of these wells are no longer needed as production wells.

16.1.2 The purpose of this section is to regulate the construction and reconstruction of all existing and future water wells, to provide for the destruction or other use of abandoned wells, and to provide for the initiation and completion of corrective measures relative to wells within the District, to accomplish the following:

- (1) To protect the quality of the groundwater within the District;
- (2) To protect the health, safety, and welfare of the residents of the District;
- (3) To protect the capability of the District to produce and distribute water for the use, benefit and protection of the residents of the District;
- (4) To avoid premature destruction of wells that can be converted to monitoring or production use.

16.2 DEFINITIONS

16.2.1 “**Destruction**” of a well means the complete filling and sealing of the well in accordance with the procedures outlined in the standards incorporated into this Section.

16.2.2 “**Well**” means any excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection or electrical grounding of equipment, for making tests or observations of underground conditions, or for any other similar purpose. Wells shall include, but shall not be limited to, community water supply wells, individual domestic wells, industrial wells, agricultural wells, cathodic protection wells, electrical grounding wells, test and exploratory holes, observation wells, saltwater barrier wells, and other wells whose regulation is necessary to fulfill the purpose of this chapter as determined by the Manager. Wells ~~shall~~ not include:

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- (1) Oil and gas wells, geothermal wells, or other wells constructed under the jurisdiction of the State Department of Conservation, except any such wells converted to use as water wells;
- (2) Wells used for the purpose of dewatering excavations during construction, monitoring high groundwater during construction, monitoring or ascertaining the existence of groundwater contamination, or stabilizing hillsides or earth embankments; or
- (3) Wells less than 50 feet in depth or 6 inches in diameter.
- (4) Other wells whose regulation is not necessary to fulfill the purpose of this chapter as determined by the Manager.

16.2.3 A well ~~shall~~will be presumed to be “abandoned” when it has not been used for its intended purpose for a period of one year.

16.3 PROHIBITED ACTS — PERMITS REQUIRED

- 16.3.1 No person, firm, or private or public corporation or agency shall construct or reconstruct any well within the boundaries of the District unless such construction or reconstruction is carried out pursuant to and in conformance with a written permit issued for that purpose by the Manager as provided in this Section.
- 16.3.2 No owner or operator of an existing well shall allow it to remain in an unused condition except in accordance with Section 16.4. An used well determined to be abandoned shall be destroyed pursuant to and in conformity with the requirements of the District as set forth in this Section unless the Manager determines that the District desires to acquire and equip the well for monitoring or production purposes.

16.4 UNUSED WELLS — DETERMINATION OF NONABANDONMENT

- 16.4.1 If a well has not been used for any of the purposes set forth in the definition of “well” for a period of one year, such well shall be presumed to have been abandoned, and the burden of proof shall thereupon be upon the owner or operator of the well to establish to the satisfaction of the Manager that the well has not been abandoned and that the owner and operator intends to continue to use the well for the intended purposes. The Manager shall require a written declaration under penalty of perjury concerning intended future use to be filed by the owner or operator of the well before the Manager determines that the well has not been abandoned. Application for the renewal of a determination of nonabandonment shall be required to be presented to the Manager by the owner or operator at the beginning of each calendar year. Such renewal applications shall be accompanied by a new written declaration filed under penalty of perjury. Test holes and exploratory holes shall be considered abandoned twenty-four hours after construction work has been completed unless otherwise determined by the Manager.

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16.4.2 In the event the Manager determines that a well is indeed abandoned, unless the Manager determines that the District desires to acquire and equip the well for monitoring or production purposes, the well shall be destroyed within thirty days in accordance with the provisions of this chapter. However, the owner shall be given written notice of this determination by the Manager. The notice shall specify the reasons for this decision and shall notify the owner of his right to request a hearing before the Board of Directors within ten days.

16.5 PERMITS

16.5.1 Applications for permits to construct, reconstruct, or destroy any well shall be made to the Manager and shall contain or provide such information as he shall require.

16.5.2 Each application shall be accompanied by a fee which shall be established by the Board of Directors. A permit shall remain in effect for one year from the date of issuance.

16.5.3 Permits may be issued subject to any condition or requirement found by the Manager to be necessary to accomplish the purposes of this chapter.

16.5.4 A permit may be canceled or the conditions amended by the Manager if he determines that to proceed with the work would result in a violation of the terms of the permit or of this Section.

16.5.5 In the event that a permit is denied or canceled, the applicant or permit holder shall be given written notice by the Manager, which notice shall specify the reasons for his action, and shall notify the applicant or permit holder of his right to request a hearing before the Board of Directors within ten days.

16.6 COMPLETION OF WORK — NOTICE TO MANAGER — INSPECTION

The permittee shall notify the Manager in writing upon completion of the work performed under the permit, and no work shall be deemed to have been completed until such written notification has been received. A final inspection of the work shall be made by the Manager, and no permittee shall be deemed to have complied with the provisions of this chapter of his permit until such inspection has been performed and the work approved by the Manager.

16.7 NOTICE UPON DETERMINATION OF THREAT TO WATER QUALITY, HEALTH OR SAFETY

In the event the Manager determines that a well threatens to impair the quality of the groundwater or otherwise jeopardize the health or safety of the public, he shall send written notice to the owner and shall post a copy of the notice on the property. The notice shall state the specific facts relative to the condition, the corrective measures deemed necessary, and the date on or before which such measure shall be completed. The owner shall also be notified of his right to request a hearing before the Board of Directors within thirty days from the date such notice is issued.

IRVINE RANCH WATER DISTRICT

16.8 IMMEDIATE ABATEMENT OF THREAT TO WATER QUALITY, HEALTH OR SAFETY

If the Manager finds that immediate action is necessary to prevent impairment of the groundwater or a threat to the health or safety of the public he may correct the condition without giving notice. The District may charge the cost of the corrective measure to the owner. However, within twenty-four hours after initiating such corrective measure, the Manager shall notify the owner of the time, date and place at which a hearing shall be held by the Board of Directors relating thereto; which date shall be not less than ten nor more than thirty days after the date of such notification.

16.9 BOARD OF DIRECTORS HEARING

16.9.1 At the time fixed for a hearing before the Board of Directors concerning an abandoned well, a permit, or a threat to water quality, health or safety, as provided for in this chapter, the Board of Directors shall hear and consider all relevant testimony and evidence offered by the property owner and by any other interested person.

16.9.2 If the Board of Directors determines that an unused well was incorrectly classified as abandoned or that a permit was improperly denied or canceled, it shall direct the Manager to reclassify the well or to issue or reinstate the permit.

16.9.3 If the Board of Directors finds that a threat to water quality, health or safety, as determined by the Manager, does exist, then it shall direct the Manager to take any necessary action to protect the groundwater or the health and safety of the public unless the situation is corrected by the owner on or before a date to be specified by the Board of Directors. The cost of such corrective measures by the Manager shall be charged to the owner or operator.

16.9.4 In instances where the Manager has corrected a condition under the immediate correction provision of Section 16.8, the Board of Directors shall ascertain and review the pertinent facts concerning the correction. If the Board of Directors determines that the Manager's actions were justified, then it shall direct that the cost be charged to the owner or operator.

16.10 STANDARDS FOR CONSTRUCTION, RECONSTRUCTION OR DESTRUCTION

Standards for the construction, reconstruction, or destruction of wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74, Chapter II, and future amendments thereto. Standards for the construction, reconstruction, or destruction of cathodic protection wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74-1, and future amendments thereto.

16.11 VIOLATION — PENALTY

Any violation or failure to comply with any of the provisions of this Section shall be handled as provided in herein and shall also be subject to Section 14 as applicable.

IRVINE RANCH WATER DISTRICT

16.12 AGREEMENTS

The District may enter into agreements with property owners concerning the drilling or abandonment of wells and/or other matters covered in this Section, and providing for alternate or modified methods of meeting certain of the requirements contained herein. In such cases, the agreement(s) will govern as to the applicability of the affected requirements, in the area(s) subject to such agreements.

16.13 NO LIABILITY ASSUMED

Notwithstanding the provisions of this Section permitting or requiring the District or Manager to issue permits, make determinations and/or take corrective measures relative to construction, reconstruction abandonment and destruction of wells and quality of groundwater, the District assumes no liability to the property owners or operators of wells or any third parties, for the making of or failure to make any such determination, or the taking of or failure to take any such measure, or the issuing of or failure to issue any such permit.

IRVINE RANCH WATER DISTRICT

SECTION 17: DISTRICT NATURAL TREATMENT SYSTEM FACILITIES

17.1 GENERAL

The District, in cooperation with the County of Orange and various local cities, is developing a network of constructed water quality wetlands and bioretention cells designed to treat urban runoff within the drainage watersheds that are completely or partially within the District boundaries. These constructed water quality wetlands and bioretention cells are also known as natural treatment systems (NTS).

Developers shall provide for the design, construction and establishment of one or more natural treatment systems per the Procedures Guide, the District's Natural Treatment System Master Plan, the NTS Design Guidelines and these Rules and Regulations to treat urban runoff from their proposed development and reduce pollutants to the levels set by the regulating agencies. If permissible, and at the District's discretion, these natural treatment systems may be located within first flush stormwater retention basins provided by the developer to comply with other regulatory requirements. If, during the period specified in the Procedures Guide and the NTS Design Guidelines, the natural treatment system's level of treatment provided does not meet other regulatory requirements the District, at its discretion, may act on behalf of the County and various local Cities to direct the developer to make corrective improvements to the natural treatment system to meet the aforementioned regulatory requirements.

The operation, maintenance and water quality monitoring of the natural treatment system will be governed by agreements between the District and the County or City, as applicable. The responsibility for regulation and enforcement of surface water runoff discharges shall remain with the County and Cities.

17.2 URBAN RUNOFF DISCHARGE PERMITS

The County of Orange, Orange County Flood Control District and the Incorporated Cities of Orange County within the Santa Ana and San Diego Regions of the Regional Water Quality Control Board (~~RWQCB~~) are required, under the terms of their National Pollutant Elimination Discharge System (~~NPDES~~) Permit, to control and manage the discharge of pollutants from urban runoff. The definition and enforcement of permitted discharges into the natural treatment system will be the responsibility of the County of Orange and the permittees under the NPDES permit.

17.3 FEES AND CHARGES FOR USE

The applicant for Natural Treatment System service shall pay the fees ~~as and operational charges~~ set forth in the rates and charges. ~~The fees and operational charges are as set forth in attached as Exhibit B and the respective portions thereof, which set forth applicable rates and charges of, as may be amended from time to time by the District. Exhibit B hereto~~

IRVINE RANCH WATER DISTRICT

~~and the rates and charges provided for therein are by this reference incorporated herein and may be changed by the District~~

17.4 MONITORING AND MAINTENANCE

The District shall monitor and maintain the natural treatment system, as specified in the Procedures Guide and the NTS Design Guidelines, to ensure that the system is operating as designed. The District reserves the right to make modifications to the natural treatment system, based on the monitoring results, to increase the water quality treatment effectiveness of the system.

The District's monitoring and maintenance shall be limited to the water quality functions of the natural treatment system operation and, and the District assumes no responsibility or liability for flood control functions of natural treatment systems or sites. The District, at its discretion, may provide water quality monitoring for the combined natural treatment system and first flush stormwater retention facilities.

17.5 CONFLICT

In the event that any portion of this Section pertaining to discharges to the natural treatment system is inconsistent with any other provisions of the Rules and Regulations as to ~~such that~~ discharge, the provisions of this Section ~~shall~~will take precedence.

Water Improvement District Boundaries

Exhibit A-2
Sewer Improvement District Boundaries

Exhibit A-3
Cities and Villages within the Irvine Ranch Water District

Exhibit B
Rates and Charges

EXHIBIT C to the Rules and Regulations
IRVINE RANCH WATER DISTRICT
MAXIMUM ALLOWABLE LOCAL LIMITS*

¶
¶
¶
¶

Constituent	Concentration Limit in Milligrams/Liter (mg/L)
1,4-Dioxane	1.0
Ammonia ⁽¹⁾	Mass
Arsenic	21.004
BOD ⁽¹⁾	Mass
Cadmium	1.000.25
Chromium (Total)	20.0-2.00
Copper	3.0
Lead	2.001.5
Mercury	0.03
Molybdenum	2.3
Nickel	10.003.2
Selenium	0.14
Silver	5.002.2
Zinc	10.009.2
Cyanide (Total)	5.002.4
Cyanide (Amenable)	1.00
pH (S.U.)	6.0-12.0
Polychlorinated Biphenyls	0.01
Pesticides →	0.01
Total Toxic Organics	0.58
Sulfide (Total)	5.00
Sulfide (Dissolved) →	0.50
Oil and grease of mineral or petroleum origin	100.00

¶

*Users subject to Federal Categorical Pretreatment Standards may be required to meet more stringent limits.

¶

⁽¹⁾ BOD and ammonia mass discharged will be tracked by OCSD and Users

¶

Exhibit "B"

RESOLUTION NO. 2018-

RESOLUTION OF THE BOARD OF DIRECTORS OF
IRVINE RANCH WATER DISTRICT, ORANGE COUNTY, CALIFORNIA
RESCINDING RESOLUTION NO. 2015-23 AND ESTABLISHING REVISED
RULES AND REGULATIONS OF THE IRVINE RANCH WATER DISTRICT
FOR WATER, SEWER, RECYCLED WATER, AND
NATURAL TREATMENT SYSTEM SERVICE
AND EXHIBIT A THERETO

WHEREAS, Irvine Ranch Water District (IRWD) is a California Water District organized and existing under the California Water District Law, and all of the lands within the boundaries of said District are located in the County of Orange, State of California; and

WHEREAS, Section 35423 of the California Water Code empowers the District to establish, print and distribute equitable Rules and Regulations for the distribution of water; and

WHEREAS, the District is also empowered to exercise or use any of the powers contained in the California Water District Law in carrying out its powers and purposes to furnish sewer service and natural treatment system service, under Sections 35506 and 35539.14, respectively, of said Water Code; and

WHEREAS, California Water Code Section 375 authorizes a water supplier to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

WHEREAS, by adoption of Resolution No. 2018-__ on May 29, 2018, the Board of Directors adopted revised Rules and Regulations for Water, Sewer, Recycled Water, and Natural Treatment System Service; and

WHEREAS, from time to time, the District reviews and proposes changes to its Rules and Regulations. The proposed changes have been made to update definitions and promote consistent and conforming nomenclature throughout the document. In addition, changes have been made to specific sections as follows:

Section 4: Clarifies the service application process and provides definitions for Diversion and Tampering. Provides penalties for diversion or tampering activities and identifies penalties for unpermitted use of fire hydrants;

Section 14: Provides enforcement and penalties for violation of the rules; and

Section 15: Updates watering prohibitions that are in effect at all times. Updates the IRWD Water Supply Shortage Levels based on the related update to the District's Water Shortage Contingency Plan approved by the Board on April 23, 2018.

WHEREAS, the Board of Directors of IRWD find it to be in the best interest of the District to revise and update said Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of IRWD as follows:

Section 1. That Resolution No. 2015-23 be and hereby is rescinded in its entirety.

Section 2. That the Rules and Regulations of the Irvine Ranch Water District for Water, Sewer, Recycled Water, and Natural Treatment System Service, inclusive of Exhibit A thereto but not inclusive of Exhibit B thereto, as more specifically set forth in EXHIBIT "A" to this Resolution, attached hereto and by this reference made a part hereof, be and hereby are approved and adopted.

Section 3. That the provisions of this Resolution shall become effective upon adoption.

Section 4. That said Rules and Regulations, including Exhibit A attached thereto, shall be certified by the Secretary of this District and the Secretary is hereby ordered and directed to publish a summary of the amendments to said Rules and Regulations, together with the internet address and the physical location where the complete text of the amended Rules and Regulations may be viewed, once a week for two weeks in a newspaper of general circulation published in Orange County, California, pursuant to the provisions of Section 35424 of the California Water Code.

ADOPTED, SIGNED and APPROVED this 29th day of May, 2018.

President, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof


Secretary, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof


APPROVED AS TO FORM:
LEWIS BRISBOIS
Legal Counsel - IRWD

By _____

May 14, 2018

Prepared and

Submitted by: K. Swan 

Approved by: Paul A. Cook 

CONSENT CALENDAR

RATIFY/APPROVE BOARD OF DIRECTORS'
ATTENDANCE AT MEETINGS AND EVENTS

SUMMARY:

Pursuant to Resolution 2006-29 adopted on August 28, 2006, approval of attendance of the following events and meetings are required by the Board of Directors.

Events/Meetings

Steven LaMar

April 21 IRWD Resident Tour

Mary Aileen Matheis

April 27 IRWD Resident Tour
May 23 OC Forum Cybersecurity Event
June 10-12 California Water Law & Policy 33rd Annual Conference, San Francisco
June 20 Greater Irvine Chamber of Commerce Celebrate Irvine

Douglas Reinhart

April 24 Monthly Discussion of District Activities with the General Manager
April 28 IRWD Resident Tour

Peer Swan

May 16 Orange County Water Association May 2018 Monthly Luncheon Meeting

John Withers

June 20 Greater Irvine Chamber of Commerce Celebrate Irvine

RECOMMENDATION:

THAT THE BOARD RATIFY/APPROVE THE MEETINGS AND EVENTS FOR STEVEN LAMAR, MARY AILEEN MATHEIS, DOUGLAS REINHART, PEER SWAN, AND JOHN WITHERS AS DESCRIBED HEREIN.

LIST OF EXHIBITS:

None.

May 14, 2018
Prepared and
Submitted by: L. Bonkowski
Approved by: P. Cook



CONSENT CALENDAR

MINUTES OF BOARD MEETING

SUMMARY:

Provided are the minutes of the April 23, 2018 Regular Board meeting for approval.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE MINUTES OF THE APRIL 23, 2018 REGULAR BOARD MEETING BE APPROVED AS PRESENTED.

LIST OF EXHIBITS:

Exhibit "A" – April 23, 2018 Minutes of Regular Board Meeting

EXHIBIT "A"

MINUTES OF REGULAR MEETING – APRIL 23, 2018

The regular meeting of the Board of Directors of the Irvine Ranch Water District (IRWD) was called to order at 5:00 p.m. by President Reinhart on April 23, 2018 in the District office, 15600 Sand Canyon Avenue, Irvine, California.

Directors Present: Reinhart, Matheis, Swan, and LaMar.

Directors Absent: Withers.

Also Present: General Manager Cook, Executive Director of Water Policy Weghorst, Executive Director of Finance and Administration Clary, Executive Director of Engineering and Water Quality Burton, Director of Water Resources Sanchez, Director of Treasury and Risk Management Jacobson, Director of Water Operations Zepeda, Director of Water Operations Roberts, Director of Human Resources Roney, Director of Maintenance Drake, Government Relations Officer Compton, Principal Engineer Lew, Legal Counsel Collins, Legal Counsel DeMayo, Secretary Bonkowski, Assistant Secretary Swan, Principal Engineer Akiyoshi, Manager of Risk and Contracts Shinbashi, Facilities and Fleet Manager Dayer, Public Affairs Manager Fabris, Customer Service Manager Cotton, Manager of Strategic Planning and Analysis Smithson, Natural Resources Manager Swift, Engineer Bennett, Engineer Robinson, Mr. Craig Irely, Mr. Robert Brown, Mr. Sergio De La Torre, Ms. Jennifer Davis, Mr. Carl Cassidy, Ms. Judith Marquez, Consultant Bruce Newell, Mr. Gary Heinbuch of AndersonPenna Partners, Mr. Matt Thomas of Black & Veatch, Mr. Ryan Matuska, and members of the public.

WRITTEN COMMUNICATIONS: None.

ORAL COMMUNICATIONS:

Ms. Judith Marquez of Innovare Environmental reported on her project to promote efficiencies for grease removal in the food service industries.

Mr. Carl Cassidy asked to speak relative to Item No. 3, the proposed Operating Budget and Rates and Charges for Fiscal Year 2018-19 (see page 2).

ITEMS TOO LATE TO BE AGENDIZED: None.

WORKSHOPS

PROPOSED OPERATING BUDGET AND RATES AND CHARGES FOR FISCAL YEAR 2018-19

Executive Director of Finance and Administration Clary reported that the proposed Fiscal Year (FY) 2018-19 Operating Budget for Irvine Ranch Water District is \$157.1 million. Ms. Clary said that this budget reflects an increase of \$8.5 million or 5.7%, as compared to the FY 2017-18 Operating Budget. She said that one substantial change to the previous draft of the proposed Operating Budget presented on April 9, 2018 is that the Orange County Water District increased

the replenishment assessment to \$462 per acre-foot, not \$472 per AF as originally anticipated. She said that this change reduces IRWD's cost of water by \$0.5 million. She said that as discussed with the Finance and Personnel Committee, this version of the Operating Budget applies the \$0.5 million to the payback to the Replacement Fund that resulted from borrowing associated with funding of the IRWD Pension Benefits Trust.

Using a PowerPoint presentation, Ms. Jennifer Davis reviewed: 1) the key drivers with the prior year's budget; 2) sources of revenues and expenses; 3) the proposed rates for a typical residential customer; 4) a comparison of proposed rates with other Orange County agencies; and 5) non-operating sources of revenue and uses of these funds. Mr. Christopher Smithson then reviewed the Proposition 218 Notices saying they are to be mailed on May 4, 2018 with a Public Hearing on June 25, 2018 for adoption of the rates and charges for Fiscal Year 2018-19.

Following Mr. Carl Cassidy's comments on non-operating income relative to real estate revenues and expenses, President Reinhart asked Executive Director of Finance and Administration Clary to schedule a meeting to discuss this item with him in more detail.

On MOTION by Swan, seconded by Matheis, THE BOARD ADOPTED THE FOLLOWING RESOLUTION BY TITLE APPROVING THE OPERATING BUDGET FOR FISCAL YEAR 2018-19 (WITH RATES AND CHARGES FOR FISCAL YEAR 2018-19 TO BE ADOPTED ON JUNE 25, 2018) AND APPROVED THE PROPOSITION 218 NOTICES SUBJECT TO NON-SUBSTANTIVE MODIFICATIONS.

RESOLUTION NO. 2018 – 10

RESOLUTION OF THE BOARD OF DIRECTORS
OF IRVINE RANCH WATER DISTRICT,
ORANGE COUNTY, CALIFORNIA
APPROVING THE DISTRICT'S OPERATING BUDGET FOR
FISCAL YEAR 2018-19 AND DETERMINING COMPLIANCE WITH
ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION

FISCAL YEAR 2018-19 CAPITAL BUDGET

Using a PowerPoint presentation, Principle Engineer Akiyoshi provided an overview of the Capital Budget. Mr. Akiyoshi said that the estimated capital expenditures for Fiscal Year 2018-19 are \$94.8 million. Three project groups will consist of approximately 50% of projected expenditures including: 1) Replacement and Rehabilitation projects, 2) Michelson Water Recycling Plant Biosolids and Energy Recovery Facilities, and 3) Regional Development. He reviewed budget to actual expenditure for the previous fiscal year, reviewed the "under-expended" projects, development in FY 2017-18 as well as the projected development in FY 2018-19. Using a table, he reviewed the top 10 project groups including: 1) replacement and rehabilitation (\$18.4 million); 2) MWRP Biosolids and Energy Recovery Facilities (\$18.4 million); 3) regional development (Eastwood pump station) (\$11.0 million); 4) OCSD capital expenditures (\$9.7 million); 5) Zone I Reservoir No. 2 (\$6.12 million); 6) development – Great Park area (\$3.9 million); 7) Irvine Lake pipeline Zone C3+ conversion (\$3.7 million); 8) well rehabilitation (\$3.2 million); 9) general plant capital (\$2.7 million); and 10) nonpotable storage

(\$2.1 million). He reviewed the three flagged projects which will require additional Board review prior to capital expenditures. He further reviewed the long-term capital program and the increases in the project groups.

Director Matheis reported that this item was reviewed by the Engineering and Operations Committee on April 17, 2018 and thanked Mr. Akiyoshi for his efforts. On MOTION by Matheis, seconded by LaMar, THE BOARD ADOPTED THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2018 – 11

RESOLUTION OF THE BOARD OF DIRECTORS OF
IRVINE RANCH WATER DISTRICT, ORANGE COUNTY
CALIFORNIA, APPROVING THE DISTRICT'S CAPITAL
BUDGET FOR FISCAL YEAR 2018-19

CONSENT CALENDAR

Director Swan asked that Items 9 and 10 be moved to the Action Calendar for discussion. There being no further comments, these two items were moved accordingly. On MOTION by Matheis, seconded by LaMar, CONSENT CALENDAR ITEMS 5 THROUGH 8 WERE APPROVED UNANIMOUSLY AS FOLLOWS:

5. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Mary Aileen Matheis, Doug Reinhart, Steve LaMar, Peer Swan and John Withers, as described.

6. MINUTES OF REGULAR BOARD MEETING

Recommendation: That the minutes of the April 9, 2018 Board meeting be approved as presented.

7. MARCH 2018 TREASURY REPORTS

Recommendation: That the Board receive and file the Treasurer's Investment Summary Report, the Monthly Interest Rate Swap Summary for March 2018, and Disclosure Report of Reimbursements to Board members and staff; approve the March 2018 Summary of Payroll ACH payments in the total amount of \$2,779,102 and approve the March 2018 Accounts Payable Disbursement Summary of Warrants 385062 through 386582, Workers' Compensation distributions, wire transfers, payroll withholding distributions and voided checks in the total amount of \$40,337,512.

8. REVIEW OF SAN DIEGO CREEK WATER RIGHTS

Recommendation: Receive and file.

ACTION CALENDAR

OPERATIONS CENTER AIR HANDLER DUCT REPLACEMENT CONSTRUCTION AWARD

In response to Director Swan's inquiry to obtain a better understanding of the project and why only one bid was received, Facilities and Fleet Manager Dayer provided an overview of this project noting that staff issued a Request for Proposal to a select list of four qualified contractors in March 2018 with all four contractors attending a job walk. He said that the bid opening was held with two contractors submitting bids; however, Ram Air Engineering submitted a bid that was not opened and deemed non-responsive as it did not submit the required bid bond by the submission deadline. The other two firms declined to bid citing their current workload and project timing. On MOTION by Matheis, seconded by LaMar and carried (3-1 vote) (Matheis, LaMar and Reinhart voting aye and Swan voting no), **THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH LOS ANGELES AIR CONDITIONING, INC. IN THE AMOUNT OF \$255,756 FOR THE OPERATIONS CENTER AIR HANDLER DUCT REPLACEMENT PROJECTS.**

OPERATIONS CENTER COMPUTER ROOM HEATING, VENTILATION, AND AIR CONDITIONING REPLACEMENT CONSTRUCTION AWARD

In response to Director Swan's comment on the bid for this project which he believed was high, Facilities and Fleet Manager Dayer said that last year he had put this project out to bid with four responsive bidders; however, there were not sufficient funds budgeted for this project to move forward so he said he was not surprised with the current bid amount. As with the previous item, staff issued a Request for Proposal to a select list of four qualified contractors, all four contractors attended a job walk held, and two contractors submitted bids. Ram Air Engineering submitted a bid that was not opened and deemed non-responsive as it did not submit the required bid bond by the submission deadline. Emcor and Christian Bros declined to bid citing their current workload and project timing. On MOTION by LaMar, seconded by Matheis, and carried (3-1 vote) (Matheis, LaMar and Reinhart voting aye and Swan voting no), **THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH LOS ANGELES AIR CONDITIONING, INC. IN THE AMOUNT OF \$215,694.00 FOR THE OPERATIONS CENTER COMPUTER ROOM HEATING, VENTILATION AND AIR CONDITIONING REPLACEMENT.**

CONSTRUCTION INSPECTION SERVICES AGREEMENT

General Manager Cook reported that the current construction inspection workload for capital, development and operational improvement projects continues to exceed a level that can be supported by the District's inspection staff. The District's construction inspection group consists of eight staff inspectors and five consultant inspectors who are currently responsible for the inspection, field coordination, documentation and record drawing preparation of over 520 projects spread across the District.

In response to Director Swan's inquiry, Executive Director of Engineering and Water Quality Burton provided a summary of AndersonPenna's fully-burdened rate for its experienced senior inspectors being \$140 per hour starting July 1, 2018 which includes office space and office

equipment, truck and fuel, cell phone and laptop computer. He further said that these fees are paid by the developers.

Director Matheis said that this item was reviewed by the Engineering and Operations Committee on April 17, 2018. On MOTION by Matheis, seconded by LaMar, and unanimously carried, **THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ANDERSONPENNA IN THE AMOUNT OF \$1,873,053 FOR CONSTRUCTION INSPECTION SERVICES FOR THREE INSPECTORS FOR A TWO-YEAR PERIOD.**

MICHELSON WATER RECYCLING PLANT BIOSOLIDS AND ENERGY RECOVERY FACILITIES CONTRACT CHANGE ORDER NO. 78

Construction of the Biosolids Project was awarded to Filanc/Balfour Beatty in March 2013 in the amount of \$163,465,940 and will provide biosolids digestion, dewatering, energy production, and on-site sludge drying. Executive Director of Engineering and Water Quality Burton highlighted two of the larger items in Contract Change Order No. 78: (1) waste activated sludge, digested sludge, and primary sludge piping modifications in the amount of \$28,967.68. He said that these piping changes were added to allow operators to provide feed sludge to the sequencing batch reactors during periods of downtime between dewatering/drying operations. This item is for the cost of materials and the painting subcontractor; and (2) modifications to site hardscape in the amount of \$277,183.74. Mr. Burton said that in preparation for the upcoming hardscape and landscape contract for the biosolids site, staff performed a complete review of the proposed site improvements and how similar improvements from the MWRP Phase II project are working. He said that this review resulted in changes to both the landscape and hardscape due to aesthetic and operational needs. The hardscape modifications include additional concrete sidewalks and driveways throughout the Biosolids site. This item is for the labor, equipment, and materials to make the modifications.

Director Matheis said that this item was reviewed by the Engineering and Operations Committee on April 17, 2018, and on MOTION by Matheis, seconded by LaMar and unanimously carried, **THE BOARD APPROVED CONTRACT CHANGE ORDER NO. 78 IN THE AMOUNT OF \$344,006.55 WITH FILANC/BALFOUR BEATTY FOR SEVERAL SOFTWARE, STRUCTURAL, PIPING, AND HARDSCAPING ITEMS FOR THE MICHELSON WATER RECYCLING PLANT BIOSOLIDS AND ENERGY RECOVERY FACILITIES, PROJECT 04286.**

AB 2241 (RUBIO): THE OPEN AND TRANSPARENT WATER DATA ACT

Government Relations Officer Compton reported that AB 2241, authored by Assemblymember Blanca Rubio (D-West Covina), would amend the Open and Transparent Water Data Act. Ms. Compton said that the bill would require the Department of Water Resources, the State Board and Department of Fish and Wildlife to “work to improve the open and transparent access to data by reducing the fractured or duplicative reporting of the same or similar data to multiple governmental agencies or departments, and by reducing the reporting burden on entities providing data to governmental agencies”. Given IRWD’s past statements on the implementation of AB 1755, the Progress Report and the need to reduce duplicative reporting, staff recommends that the Board adopt a “support” position on this bill. On MOTION by

Matheis, seconded and unanimously carried, THE BOARD ADOPTED A “SUPPORT” POSITION ON AB 2241 (RUBIO, D-WEST COVINA).

AMENDMENTS TO ENERGY MANAGEMENT SERVICES AGREEMENTS

In August 2016, IRWD entered into two agreements related to the installation and operation of a portfolio of battery energy storage systems at IRWD sites. Through these agreements, Advanced Microgrid Systems (AMS) contracted 11 energy storage systems totaling 7 megawatts (MW), with a net cost savings to IRWD of \$381,000 per year. AMS is proposing to revise the agreements, consistent with the general terms and conditions related to project feasibility, allowing AMS to install nine energy storage systems (totaling 7.29 MW) with a net savings to IRWD of \$359,100. On MOTION by Matheis, seconded by Swan, and unanimously carried, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE AN AMENDED AND RESTATED ENERGY MANAGEMENT SERVICES (DRES PORTFOLIO B) AGREEMENT WITH HYBRID-ELECTRIC BUILDING TECHNOLOGIES WEST LOS ANGELES 1, LLC, AND HYBRID-ELECTRIC BUILDING TECHNOLOGIES WEST LOS ANGELES 2, LLC, AND AN AMENDED AND RESTATED ENERGY MANAGEMENT SERVICES AMENDMENT WITH REDWOOD ENERGY STORAGE, LLC SUBJECT TO SUBSTANTIVE REVISIONS APPROVED BY THE ENGINEERING AND OPERATIONS COMMITTEE.

SOUTHERN CALIFORNIA EDISON DIRECT ACCESS ELECTRIC SERVICE PROGRAM

The Southern California Edison (SCE) Direct Access Electric Service Program was established to allow non-residential customers to purchase electricity from a competitive Electric Service Provider (ESP) instead of SCE. Participation in the Direct Access Program would result in significant cost savings to IRWD in its annual purchases of electricity. In June 2017, IRWD provided notice to SCE of IRWD’s desire to secure Direct Access service for select groups of electric service accounts. On April 17, 2018, SCE notified IRWD that it is offering IRWD the opportunity to participate in the Direct Access Program for up to 25 electric service accounts. On MOTION by Swan, seconded by Matheis, and unanimously carried, THE BOARD CONCURRED WITH STAFF TO ACCEPT THE OFFER BY SOUTHERN CALIFORNIA EDISON TO TRANSFER UP TO 25 ELECTRIC SERVICE ACCOUNTS TO DIRECT ACCESS SERVICE, AND TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH AN ELECTRIC SERVICE PROVIDER TO PROVIDE ELECTRICITY FOR THE SELECTED ACCOUNTS.

GENERAL MANAGER’S REPORT

General Manager Cook reported on upcoming activities including a South Orange County Management Association meeting, a rate setting meeting that both Director Swan and Ms. Cheryl Clary will be attending, and that he will be on a panel at the ACWA conference in May discussing energy.

DIRECTORS COMMENTS

Director Matheis reported on her attendance at an ACC-OC panel discussion and a Southern California Water Coalition Quarterly meeting.

Director Swan reported on his attendance at a Water Education Foundation Lower Colorado River Tour, a WACO Planning Committee meeting, a Southern California Water Coalition Quarterly meeting, an OCWA monthly meeting and luncheon, and a MWDOC 2018 Water Policy Forum.

Director LaMar reported on his attendance at a National Water Resources Association conference in Washington, DC, an ACWA meeting in Sacramento to select a search firm to replace its Executive Director, a MWDOC 2018 Water Policy Forum, and a community resident tour.

Director Reinhart reported on his attendance at a MWDOC Administration and Finance Committee meeting, a MWDOC Board meeting, and a MWDOC Executive Committee meeting.

CLOSED SESSION

President Reinhart said the following Closed Session would be held this evening:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
(One potential case.).

OPEN SESSION

Following the Closed Session, the meeting was reconvened with Directors Withers, Swan, Matheis, and Reinhart present. President Reinhart said there was no action to report.

ADJOURNMENT

President Reinhart adjourned the meeting at 7:30 p.m.

APPROVED and SIGNED this 14th day of May, 2018.

President, IRVINE RANCH WATER DISTRICT

Secretary IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

Claire Hervey Collins, Legal Counsel – Lewis Brisbois

May 14, 2018

Prepared and

Submitted by: L. Bonkowski

Approved by: Paul Cook



CONSENT CALENDAR

CANDIDATE STATEMENTS FOR 2018 GENERAL ELECTION

SUMMARY:

The term of Directors Peer Swan, Steve LaMar, and Doug Reinhart will be up for election on November 6, 2018. Attached as Exhibit "A" is a letter from the Registrar of Voters requesting certain information by May 25, 2018. It is necessary for the District Secretary to advise the Registrar of Voters how many words the District authorizes on candidate statements, either 200 or 400 words, and if the District elects to pay for these statements. Historically, the District has authorized 200 words and has elected not to pay for candidate statements.

The candidate filing begins July 16, 2018 through August 10, 2018, 5:00 p.m.

FISCAL IMPACT:

Not applicable.

ENVIRONMENTAL IMPACTS:

Not applicable.

COMMITTEE STATUS:

Due to timing, this item was not reviewed by a Committee.

RECOMMENDATION:

THAT THE BOARD APPROVE THE DISTRICT SECRETARY TO AUTHORIZE 200 WORDS ON THE CANDIDATE'S STATEMENT OF QUALIFICATIONS FOR THE 2018 GENERAL ELECTION AND ELECT NOT TO PAY FOR THESE STATEMENTS.

LIST OF EXHIBITS:

Exhibit "A" – Letter dated May 1, 2018 from the Registrar of Voters.



EXHIBIT "A..."

NEAL KELLEY
Registrar of Voters

REGISTRAR OF VOTERS
1300 South Grand Avenue, Bldg. C
Santa Ana, California 92705
(714) 567-7600
FAX (714) 567-7627
ocvote.com

Mailing Address:
P.O. Box 11298
Santa Ana, California 92711

May 1, 2018

TO: Manager/Director

FM: Marcia Nielsen, Candidate & Voter Services Manager

RE: Election Information for the November 6, 2018 General Election

Enclosed is a Transmittal of Election Information form to be completed and returned to the Registrar of Voters' office by May 25, 2018.

On the Transmittal of Election Information form, please list the name(s) of Director(s) whose term(s) expire and whose seat(s) will be scheduled for election on November 6, 2018. This would include any Director(s) appointed since your last election. Appointed Directors must file for the two-year unexpired term if they were appointed to fill a vacancy which would not have been scheduled for election until 2020.

We also need to know if your District **will** or **will not** pay for a Candidate's Statement of Qualifications and if the District is authorizing 200 or 400 words to be used in that statement.

Please send the completed Transmittal of Election Information form to me at 1300 South Grand Avenue, Building C, Santa Ana, CA 92705 or email to Marcia.Nielsen@rov.ocgov.com.

Pursuant to Elections Code § 10522, the District is required to submit a map showing the current district boundary lines, with divisions (if any), regardless if changes have occurred by May 25, 2018. We would prefer to receive the map in shape file format by email to Matthew Eimers at Matthew.Eimers@rov.ocgov.com.

Candidate Filing for the November 6, 2018 General Election will be July 16, 2018 through August 10, 2018, 5:00 p.m. The Candidate's Handbook will be on our website at the middle of June. We ask that you post this information to advise your members of these important dates.

If you have any questions, please contact me at Marcia.Nielsen@rov.ocgov.com or (714) 567-7568. Thanks for your assistance.

Enclosure

TRANSMITTAL OF ELECTION INFORMATION SPECIAL DISTRICT
(EC §10509, §10522)

_____ DISTRICT

DISTRICT BOUNDARIES:

Choose One:

I will send the Registrar of Voters an electronic shape file of District boundaries and the boundaries of the Divisions of the District, if any, in which a Director is to be elected at the November 6, 2018 General Election.
(Note: This is the Registrar of Voters' preferred method of transmittal.)

Attached is a map showing the boundaries of this District and the boundaries of the Divisions of the District, if any, in which a Director is to be elected at the November 6, 2018 General Election.

Choose One:

Voters in the District will be voting: At-large By Division

THE ELECTIVE OFFICES FOR WHICH AN ELECTION WILL BE HELD WITHIN THE SPECIAL DISTRICT ON NOVEMBER 6, 2018 ARE:

Choose One:

_____ Director(s) to be elected at-large
(# of directors)

OR

Director(s) to be elected in the following Divisions:

_____ in Division _____
(# of directors) (# of division)

_____ in Division _____
(# of directors) (# of division)

_____ in Division _____
(# of directors) (# of division)

_____ in Division _____
(# of directors) (# of division)

Please list below the names of the Incumbents/Appointed Incumbents for the above-mentioned positions:

(Name) _____ Elected Appointed (If appointed, the term ends in 20__.)

(Name) _____ Elected Appointed (If appointed, the term ends in 20__.)

(Name) _____ Elected Appointed (If appointed, the term ends in 20__.)

(Name) _____ Elected Appointed (If appointed, the term ends in 20__.)

The District authorizes the Candidate's Statement of Qualifications to contain no more than:

(Circle one) (200) or (400) words.

The District (will) or (will not) pay for a Candidate's Statement of Qualifications.

Dated _____

(Signature)

(District Seal)

(Print Name)

Phone #: _____ Email: _____

NOTE: Please return the above information no later than **May 25, 2018** to the Registrar of Voters' office, 1300 South Grand Avenue, Building C, Santa Ana, CA 92705, Attn: Marcia Nielsen or email to Marcia.Nielsen@rov.ocgov.com. Send the boundary map to Matthew Eimers at 1300 South Grand Avenue, Building C, Santa Ana, CA 92705 or at Matthew.Eimers@rov.ocgov.com.

May 14, 2018

Prepared by: Christopher Smithson

Submitted by: Cheryl Clary *CC*

Approved by: Paul Cook *PC*

CONSENT CALENDAR

IRVINE RANCH WATER DISTRICT STRATEGIC MEASURES

SUMMARY:

Provided as Exhibit "A" are the IRWD Strategic Measures and informational items for the Board's review. These measures are intended to reflect the critical performance measures that gauge the District's key business objectives.

BACKGROUND:

The proposed strategic measures document summarizes a number of operating performance, financial, customer and other key measures important to the ongoing operation of the District. These measures were selected and designed to provide a "snapshot" view of the measures that would be of interest to the Board.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

THAT THE BOARD RECEIVE AND FILE THE REPORT.

LIST OF EXHIBITS:

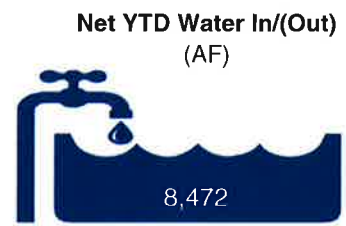
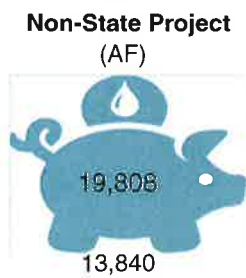
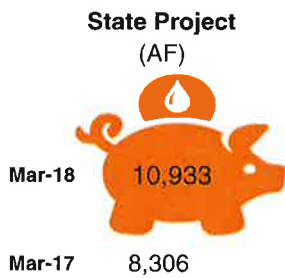
Exhibit "A" – March 2018 Strategic Measures

IRVINE RANCH WATER DISTRICT

Other Statistical Information

Data as of March 31, 2018

Banked Water



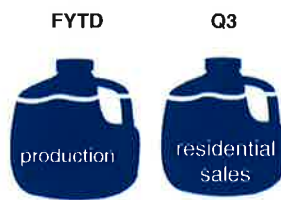
*Calendar Year including extraordinary supply received.

Certificates of Occupancies FYTD



FY 17-18	1124	1271	1185
FY 16-17	928	1069	1124

Total Potable Water



	AF	GPCD
FY 17-18	42,684	62
FY 13-14	46,796	71
Reduction	8.8%	13%

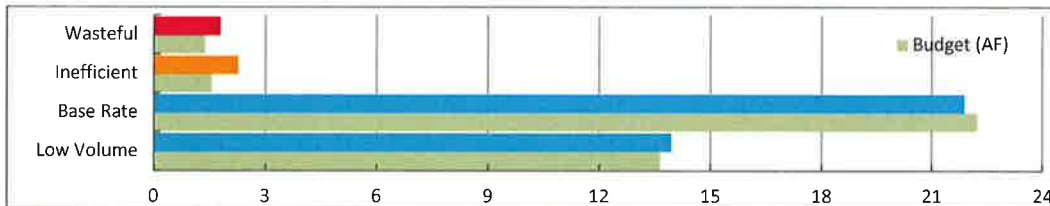
Acre-Feet Per Acre Irrigation



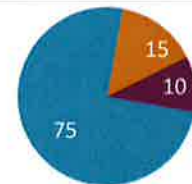
	AF	ET Based Allocation
FY17-18 Q3	0.10	0.19
FY13-14 Q3	0.12	0.22

Potable Sales by Tier FYTD

(in thousands)

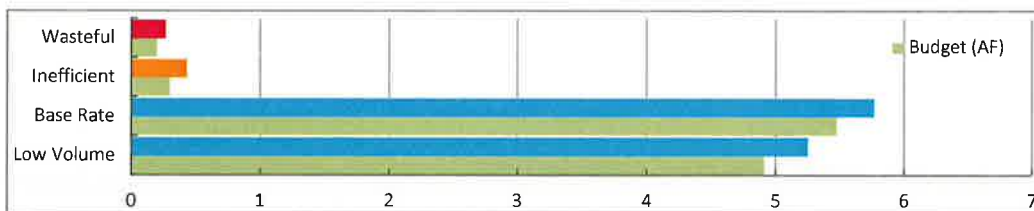


% of Customers by Tier



Non-Potable Sales by Tier FYTD

(in thousands)

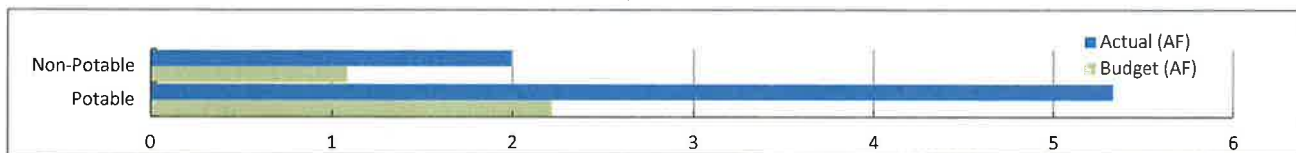


% of Customers by Tier



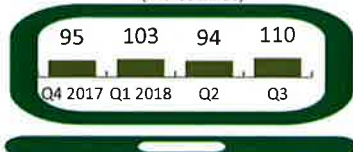
Imported Water Purchases FYTD

(in thousands)



Website Hits

(in thousands)



Customer Satisfaction Index**



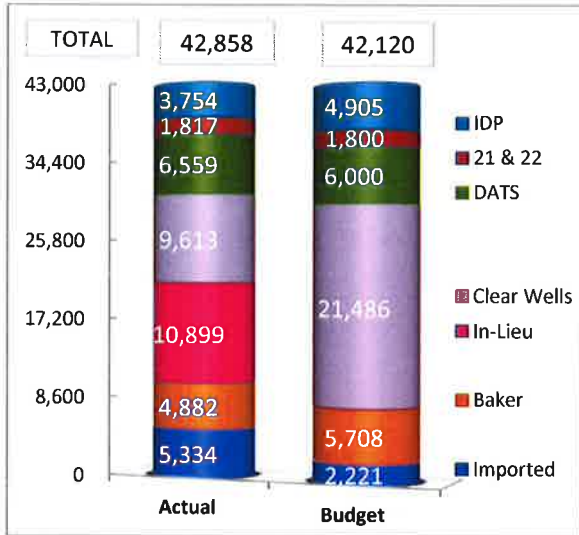
** 12 month rolling average

IRVINE RANCH WATER DISTRICT

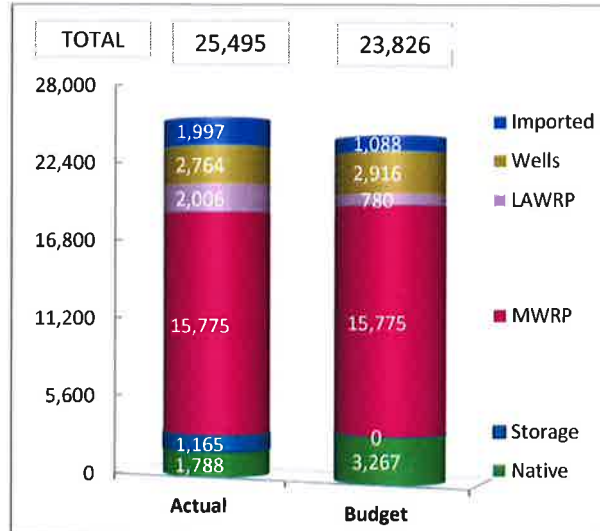
Operational Performance Measures

Data as of March 31, 2018

Potable Water Production FYTD
(AF)



Non-Potable Water Production FYTD
(AF)

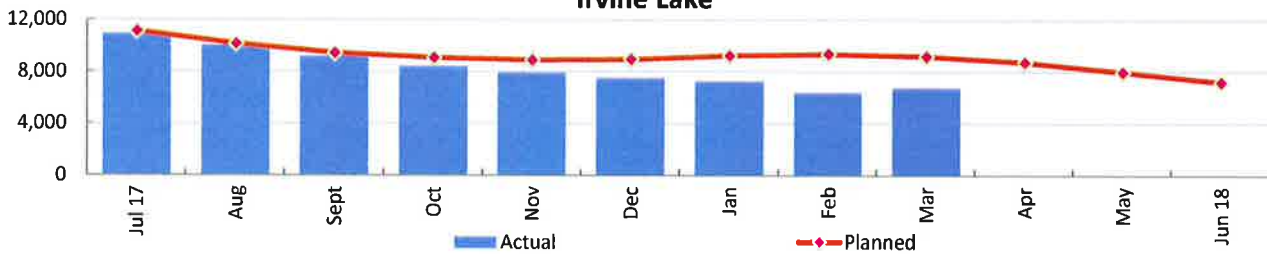


* Excess production moved to recycled reservoirs.

Non-Potable Reservoir Storage

(AF)

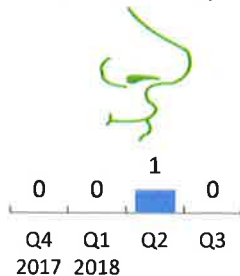
Irvine Lake



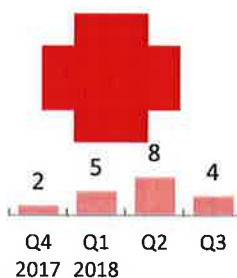
Recycled



Odor Complaints (FY by quarter)



OSHA Recordables Incidents



Regulatory Compliance Incidents

Category	Q4 2017	Q1 2018	Q2 2018	Q3 2018
AQMD	0	0	0	0
Plants	1	0	0	0
Sewer Spills	3	0	0	0

May 14, 2018

Prepared and

submitted by: C. Compton 

Approved by: Paul A. Cook 

ACTION CALENDAR

AB 1668 (FRIEDMAN)/SB 606 (HERTZBERG): MAKING WATER CONSERVATION A CALIFORNIA WAY OF LIFE

SUMMARY:

Staff regularly provides the Board with an update on the 2018 legislative session and IRWD's legislative and regulatory priorities. As legislation and regulations develop, staff provides updates and recommendations to the Water Resources Policy and Communications Committee and the Board, as appropriate.

AB 1668, authored by Assemblymember Laura Friedman (D-Glendale) and SB 606, authored by Senator Bob Hertzberg (D-Van Nuys), would implement "Making Water Conservation a California Way of Life." Over the past month, the authors, the Administration, and select members of the Legislature, which included Assemblymember Blanca Rubio (D-West Covina), continued to discuss the "Making Water Conservation a California Way of Life" legislation in an attempt to reach agreement on outstanding issues in order to move the legislation forward in May. A deal was recently struck between these parties on final legislation that will be moved forward. The amendments reflected in the final legislation are consistent with many of IRWD's requested amendments.

In light of the amendments, Assemblymember Rubio's office has asked that IRWD consider changing its position from "oppose unless amended" to "support." In recognition of the amendments made to the bills, Assemblymember Rubio's request, and the politics surrounding these bills, staff recommends that IRWD change its position on AB 1668 and SB 606 from "oppose unless amended" to "support."

BACKGROUND:

The Beginning of "Making Water Conservation a California Way of Life:"

On November 30, 2016, the Department of Water Resources (DWR) and the State Water Resources Control Board (State Board) released a draft plan/framework for achieving long-term water use efficiency and outlining drought preparedness goals for California. The draft framework, entitled "Making Water Conservation a California Way of Life," was developed in response to the Governor's Executive Order B-37-16, which directed the state agencies to build on the significant conservation achieved during the drought by developing a long-term conservation framework.

Throughout the fall of 2016, staff worked with various stakeholders and the Association of California Water Agencies (ACWA) to provide comments to state agencies on the development of the draft framework. The District also signed onto a comment letter on the draft framework developed by ACWA and signed by 113 water agencies and associations from throughout the state.

Action Calendar: AB 1668 (Friedman) and SB 606 (Hertzberg): “Making Water Conservation a California Way of Life”

May 14, 2018

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Because legislation was going to be needed to implement significant portions of the long-term water use efficiency framework, the ACWA State Legislative Committee developed a working group on the framework, which was assigned the task of drafting legislative language to implemented framework as supported by ACWA and the 113 signatories in the fall of 2016.

From the end of 2016 through the spring of 2017, staff worked with this group and various other stakeholders to develop language to implement the portions of the framework related to drought planning, Urban Water Management Plans and Water Shortage Contingency Plans. That proposal was placed into AB 968 and AB 1654, both authored by Assemblymember Blanca Rubio (D-West Covina), on March 28, 2017. IRWD joined the Sacramento Regional Water Authority (RWA) in co-sponsoring the bills.

In addition to the two bills discussed above, there were also several other bills introduced in early 2017 related to the long-term water use efficiency framework. Those bills were AB 869 (Rubio, D-West Covina), AB 1323 (Weber, D-San Diego), AB 1668 (Friedman, D- Burbank), and AB 1669 (Friedman, D-Burbank). In May 2017, the Administration in its May Revise indicated that it would seek a budget trailer bill implementing “Making Water Conservation a California Way of Life.”

During the spring and early summer of 2017, there was a tremendous amount of activity related to these bills and the topic of long-term water use efficiency in California in the Legislature. Most notably, the Assembly formed a bipartisan Assembly Water Conservation Working Group to discuss how to move forward with implementing long-term water use efficiency and enhanced drought planning in California. The working group was comprised of Assemblymembers Laura Friedman (D-Glendale), Blanca Rubio (D-Baldwin Park), James Gallagher (R-Yuba City), Shirley Weber (D-San Diego), Anna Caballero (D-Salinas), Joaquin Arambula (D-Fresno), Richard Bloom (D-Santa Monica), Frank Bigelow (R-O’Neals), and Brian Dahle (R-Bieber). At the same time, the Governor’s Office held stakeholder meetings with members of the water community to discuss the differences between the Administration’s framework, the budget trailer bill proposals and the other bills proposed on long-term water use efficiency.

AB 1668 (Friedman) and SB 606 (Hertzberg):

By July 2017, the bills related to long-term water use efficiency had moved to the Senate Natural Resources and Water Committee. The Chairman of that committee, Senator Bob Hertzberg (D-Van Nuys), gutted the bills and rewrote the “Making Water Conservation a California Way of Life” legislation. On August 21, 2017, the rewritten proposal was placed into AB 1668, authored by Assemblymember Laura Friedman, and SB 606, authored by Senator Bob Hertzberg and Senator Nancy Skinner (D-Oakland).

AB 1668 and SB 606, as amended in August 2017, proposed to:

- Give the State Board one-time authority to set certain water use efficiency standards and implement water use objectives/targets;

Action Calendar: AB 1668 (Friedman) and SB 606 (Hertzberg): “Making Water Conservation a California Way of Life”

May 14, 2018

Page 3

- Authorize the State Board to establish guidelines and methodologies to identify how urban water use objectives/targets are to be calculated and reported;
- Require urban retail water suppliers to annually calculate an urban water use objective and report on accomplishments;
- Establish indoor water use efficiency standards through statute at 55 gallons per person daily (GPCD) until 2025, when the standard is reduced to 50 GPCD;
- Authorize the State Board to establish outdoor water use efficiency standards for residential landscapes and commercial, industrial and institutional (CII) irrigation based on the relevant principles of the Model Water Efficient Landscape Ordinance;
- Authorize the State Board to establish performance measures for CII water use. Process water has been excluded from the performance measures;
- Grant permissive, not mandatory, authority to the State Board to establish variances to the efficiency standards;
- Provide a ten percent credit for recycled water use, which would decrease by one percent each year until 2031;
- Grant the State Board with new enforcement powers; and
- Modify the Urban Water Management Planning Act to require urban water suppliers to develop enhanced Urban Water Management Plans, enhanced Water Shortage Contingency Plans, Drought Risk Assessments, and an annual Water Supply and Demand Assessment.

Water Community Coalition Requested Amendments to AB 1668 and SB 606:

Amendment Sought in the Summer and Fall of 2017:

In August 2017, the coalition of water agencies, which was led by IRWD, the RWA and the San Diego County Water Authority (SDCWA), remained actively engaged on AB 1668 and SB 606. IRWD, along with the coalition, adopted an “oppose unless amended” position on the two bills. The coalition sought a number of technical, clean-up, and policy related amendments to the bills to ensure that they could be successfully implemented by urban retail water suppliers. The coalition was seeking the following amendments, among others:

- Indoor Water Use Standard: That the legislation require the evaluation of and report on the impacts of reducing the indoor water use standard below 55 GPCD on water;
- Outdoor Water Use Standard: That the language in the legislation be clarified so that there is no confusion as to what the “principles” of Model Water Efficient Landscape

Ordinance (MWELo) mean and what factors the State Board shall consider when setting the standards for both outdoor residential and outdoor Commercial, Industrial and Institutional CII water use. Factors that should be considered in setting the standards include, but are not limited to, the amount of water different plant types need to remain healthy; levels of irrigation system efficiency; the composition of existing urban landscapes, including swimming pools, spas and other water features; evapotranspiration; the unique water needs of special landscapes, including landscapes irrigated with recycled water; and the impacts of soil and water quality on water needs, etc.;

- Water Loss: That the legislation exclude water loss from the urban retail water use objective as existing law already addresses this issue. Under SB 555, the State Board is required to adopt rules requiring urban retail water suppliers to meet performance standards for the volume of water losses. Also, that water use and loss caused by a disaster (e.g. fire or earthquake) be expressly excluded from the compliance calculation;
- Variations: That the legislation include language requiring the State Board to adopt variations/processes for calculating variations for a variety of anomalous situations, including irrigation with recycled water in areas having high levels of total dissolved solids, seasonal populations, environmental uses, etc. Whether a specific variance is applicable to an urban retail water supplier will be a factual determination;
- Data: To make retail-level water budgets effective and implementable, that the legislation require DWR to provide the data urban retail water suppliers need to calculate an urban water use objective at regular intervals, and that the data provided be reasonably accurate;
- Reporting Compliance: To ease the annual reporting burden on urban retail water suppliers, as has been done in other bills (e.g. SB 555), that the legislation allow suppliers to report water use on either a fiscal or calendar year basis. To allow for this and, if water losses remain a factor in the compliance calculation, to allow for data from water loss audits to be used in the compliance calculation, that the annual reporting deadline be moved to November 1 of each year;
- Providing for Unique Situations: That the legislation grant DWR or the State Board the authority to develop alternative methods for calculating an urban water use objective where unique conditions make it technically, economically, or administratively infeasible to calculate the objective using the standard method developed;
- CII Performance Measures: That feasibility and cost-benefit be listed in the legislation as the key factors DWR and the State Board must consider in the development of performance measures that urban water suppliers will be asked to implement for the CII sector;
- Separation of Mixed CII Meters: That recommendations related to separating mixed CII meters only be applicable where feasible and cost-effective;

Action Calendar: AB 1668 (Friedman) and SB 606 (Hertzberg): “Making Water Conservation a California Way of Life”

May 14, 2018

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- Recycled Water Irrigation Sites: That the legislation include a recognition that the outdoor irrigation standard for sites irrigated with recycled water should be set at no less than the standard contained in MWEL0;
- Drought Planning: That the planning horizons for urban water management plans, water shortage contingency plans, drought risk assessments, and water supply and demand assessments be clearly defined and that vague language, such as “or more,” which leaves the planning horizon open, be removed from the legislation;
- Enforcement: That the legislation be modified to ensure a “glide path” approach is taken to enforcement and that the enforcement guide path incorporate remedial action plans, which would be utilized before conservation orders and fines. Conservation orders and fines should result only if a supplier does not take the actions detailed in a State Board-approved remedial action plan;
- Potable Reuse Credit: That the legislation be amended to include a potable reuse credit cap higher than 10%; and
- Drought Resilient Water Supplies: That the legislation, in a manner that does not limit the Governor’s power and authority to respond to emergencies, expressly provide that upon proclamation of a drought emergency:
 - The SWRCB shall defer to locally adopted water shortage contingency plans to the extent practicable and allow suppliers to implement their plans based on the level of shortage being experienced locally; and
 - Recycled water (including potable reuse), emergency, desalination, and other drought resilient supplies identified in an urban water supplier’s water shortage contingency plan not be restricted during a declared drought emergency, but instead used efficiently for beneficial uses.

At the end of the 2017 legislative year, the bills were not considered by the Legislature and became two-year bills.

Amendments Sought in 2018:

Over the interim recess, IRWD continued to work with various stakeholders on AB 1668 and SB 606. The District, along with RWA and SDCWA, continued to seek amendments to AB 1668 and SB 606 between September 2017 and April 2018.

Both AB 1668 and SB 606 were amended in early April 2018 with amendments that had been circulating since late February. The April amendments:

Action Calendar: AB 1668 (Friedman) and SB 606 (Hertzberg): “Making Water Conservation a California Way of Life”

May 14, 2018

Page 6

- Required evaluation of and reporting on the impacts of reducing the indoor water use standard below 55 GPCD on water, wastewater and recycling/reuse systems, infrastructure, operations and supplies;
- Clarified what the “principles” of MWELo meant and what factors the State Board shall consider when setting the standards for both outdoor residential and outdoor CII water use;
- Required the State Board to adopt variances/processes for calculating variances for a variety of anomalous situations, including irrigation with recycled water in areas having high levels of total dissolved solids, seasonal populations, environmental uses, etc.;
- Eased the annual reporting burden on urban retail water suppliers, as has been done in other bills (e.g. SB 555), that the legislation allow suppliers to report water use on either a fiscal or calendar year basis;
- Allowed for data from water loss audits to be used in the compliance calculation by moving the annual reporting deadline to November 1 of each year; and
- Adjusted the planning horizons for urban water management plans, water shortage contingency plans, drought risk assessments, and water supply and demand assessments so that they were clearly defined and removed the vague language, such as “or more,” which leaves the planning horizon opened.

From IRWD’s perspective, these amendments were positive in that they resolve several of the issues raised by the water community, but several important issues remain to be resolved. IRWD, RWA and SDCWA continued to seek amendments related to five issues. Amendments were sought to:

- 1) *Outdoor Standard*: That the language be amended to identify a reference landscape for the outdoor standard that will be adopted by state agencies and expressly provided for recycled water irrigated sites;
- 2) *CII Performance Measures*: That the language be amended to require the State Board to consider feasibility and cost effectiveness when establishing CII performance measures;
- 3) *Enforcement*: That the language reflect the “glide path” approach and not allow state agencies to impose requirements for local enforcement of individual components of the urban water use objective or enforcement of the standards against individual customers;
- 4) *Potable Reuse Bonus Incentive*: That the language provide for a potable reuse bonus incentive higher than 10 percent; and
- 5) *Drought Resilient Supplies Protection*: That the legislation protect, in operative statutory language, water suppliers’ ability to implement local water shortage contingency plans

during drought emergencies, and protect the use of drought resilient supplies during drought emergencies.

Recent Legislative Action on AB 1668 and SB 606:

In April and early May of 2018, the authors of AB 1668 and SB 606, the Administration, select members of the Legislature, which included Assemblymember Rubio, and select stakeholders continued to discuss the “Making Water Conservation a California Way of Life” legislation in order to resolve outstanding issues and in an attempt to move the legislation forward in May. A deal was struck between these parties on final legislation that will be moved forward.

Included in the final legislation is language that accomplishes many of IRWD, RWA and SDCWA’s requested amendments. Language is included in the bills on the outdoor water use standard and the setting of CII performance measures. The final legislation also includes a provision that prohibits the State Board from requiring local agencies to fine customers, in the event that the State Board issues an agency a “conservation order” for failing to meet its obligations under these bills or their implementing regulations. There were also changes to the potable reuse bonus incentive. The final legislation will provide a 15% bonus to existing potable reuse projects and 10% for all other projects.

Ultimately, on the drought resilient and emergency supply protection language requested, the Administration refused to include any additional language in this legislation related to protecting those supplies. Neither the water agencies nor our legislative allies, including Assemblymember Rubio, were able to make any progress on that language. This is one item that IRWD will continue to work to address in the future.

Request for IRWD to Change Position:

Assemblymember Rubio was the key to the coalition obtaining the amendments being made to the bills, and with these amendments she will be supporting the bills. As such, and recognizing the partnership between herself and IRWD, the Assemblymember’s office has asked that IRWD consider changing its position from “oppose unless amended” to “support.”

In recognition of the amendments made to the bills, Assemblymember Rubio’s request, and the politics surrounding these bills, staff recommends that IRWD changes its position on AB 1668 and SB 606 from “oppose unless amended” to “support.”

Links to the text of AB 1668 and SB 606 can be found in Exhibit “A”. Exhibit “B” contains the combined texts of the two bills.

FISCAL IMPACTS:

Not applicable.

Action Calendar: AB 1668 (Friedman) and SB 606 (Hertzberg): “Making Water Conservation a California Way of Life”
May 14, 2018
Page 8

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Due to timing, this item was not reviewed by the Water Resources Policy and Communications Committee.

RECOMMENDATION:

THAT THE BOARD ADOPT A “SUPPORT” POSITION ON AB 1668 (FRIEDMAN, D- GLENDALE) AND SB 606 (HERTZBERG, D- VAN NUYS).

LIST OF EXHIBITS:

Exhibit “A” – Links to Bill Texts

Exhibit “B” – Combined Text of AB 1668 and SB 606

Exhibit "A"

2018 Legislative Update Report:
Links to Bill & Regulatory Texts
(as of May 8, 2018)

Bill Number/Version Date	Link to Bill Text
AB 1668 (Friedman), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1668
SB 606 (Hertzberg), as amended	http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB606

EXHIBIT "B"

*AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED*

SECTION 1. * Section 350 of the Water Code is amended to read:

350. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, ~~may~~ *shall* declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

SEC. 2. * Section 377 of the Water Code is amended to read:

377. (a) From and after the publication or posting of any ordinance or resolution pursuant to Section 376, a violation of a requirement of a water conservation program adopted pursuant to Section 376 is a misdemeanor. A person convicted under this subdivision shall be punished by imprisonment in the county jail for not more than 30 days, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

(b) A court or public entity may hold a person civilly liable in an amount not to exceed ten thousand dollars (\$10,000) for a violation of any of the following:

(1) An ordinance or resolution adopted pursuant to Section 376.

(2) ~~An emergency~~ 4 regulation adopted by the board under Section ~~1058.5, 1058.5 or Chapter 9 (commencing with Section 10609) of Part 2.55 of Division 6,~~ unless the board regulation provides that it cannot be enforced under this ~~section.~~ section or provides for a lesser applicable maximum penalty.

(c) Commencing on the 31st day after the public entity notified a person of a violation described in subdivision (b), the person additionally may be civilly liable in an amount not to exceed ten thousand dollars (\$10,000) plus five hundred dollars (\$500) for each additional day on which the violation continues.

(d) Remedies prescribed in this section are cumulative and not alternative, except that no liability shall be recoverable under this section for any violation of paragraph (2) of subdivision (b) if the board has filed a complaint pursuant to Section 1846 alleging the same violation.

(e) A public entity may administratively impose the civil liability described in subdivisions (b) and (c) after providing notice and an opportunity for a hearing. The public entity shall initiate a proceeding under this subdivision by a complaint issued pursuant to Section 377.5. The public entity shall issue the complaint at least 30 days before the hearing on the complaint and the complaint shall state the basis for the proposed civil liability order.

* SB 606

* SB 606

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[‡]
AS AMENDS CURRENT LAW & MERGED***

(f) (1) In determining the amount of civil liability to assess, a court or public entity shall take into consideration all relevant circumstances, including, but not limited to, the nature and persistence of the violation, the extent of the harm caused by the violation, the length of time over which the violation occurs, and any corrective action taken by the violator.

(2) The civil liability calculated pursuant to paragraph (1) for the first violation of subdivision (b) by a residential water user shall not exceed one thousand dollars (\$1,000) except in extraordinary situations where the court or public entity finds all of the following:

- (A) The residential user had actual notice of the requirement found to be violated.
- (B) The conduct was intentional.
- (C) The amount of water involved was substantial.

(g) Civil liability imposed pursuant to this section shall be paid to the public entity and expended solely for the purposes of this chapter.

(h) An order setting administrative civil liability shall become effective and final upon issuance of the order and payment shall be made. Judicial review of any final order shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

(i) In addition to the remedies prescribed in this section, a public entity may enforce water use limitations established by an ordinance or resolution adopted pursuant to this chapter, or as otherwise authorized by law, by a volumetric penalty in an amount established by the public entity.

SECTION 1.[†] Section 531.10 of the Water Code is amended to read:

531.10. (a) (1) An agricultural water supplier shall submit an annual report to the department that summarizes aggregated farm-gate delivery data, on a monthly or bimonthly basis, using best professional practices. *The annual report for the prior year shall be submitted to the department by April 1 of each year. The annual report shall be organized by basin, as defined in Section 10721, within the service area of the agricultural water supplier, if applicable.*

(2) The report, and any amendments to the report, submitted to the department pursuant to this subdivision shall be submitted electronically and shall include any standardized forms, tables, or displays specified by the department.

(3) The department shall post all reports on its Internet Web site in a manner that allows for comparisons across water suppliers. The department shall make the reports available for public viewing in a timely manner after it receives them.

(b) Nothing in this article shall be construed to require the implementation of water measurement programs or practices that are not locally cost effective.

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED***

(c) It is the intent of the Legislature that the requirements of this section shall complement and not affect the scope of authority granted to the department or the board by provisions of law other than this article.

SEC. 2. † Section 1120 of the Water Code is amended to read:

1120. This chapter applies to any decision or order issued under this part or Section 275, Part 2 (commencing with Section 1200), Part 2 (commencing with Section 10500) of Division 6, Part 2.55 (commencing with Section 10608) of Division 6, or Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6, Article 7 (commencing with Section 13550) of Chapter 7 of Division 7, or the public trust doctrine.

SEC. 3. * Section 1058.5 of the Water Code is amended to read:

1058.5. (a) This section applies to any emergency regulation adopted by the board for which the board makes both of the following findings:

(1) The emergency regulation is adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.

(2) The emergency regulation is adopted in response to conditions which exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions.

(b) Notwithstanding Sections 11346.1 and 11349.6 of the Government Code, any findings of emergency adopted by the board, in connection with the adoption of an emergency regulation under this section, are not subject to review by the Office of Administrative Law.

(c) An emergency regulation adopted by the board under this section may remain in effect for up to ~~270 days~~, one year, as determined by the board, and is deemed repealed immediately upon a finding by the board that due to changed conditions it is no longer necessary for the regulation to remain in effect. An emergency regulation adopted by the board under this section may be renewed if the board determines that the conditions specified in paragraph (2) of subdivision (a) are still in effect.

† AB 1668

* SB 606

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

(d) In addition to any other applicable civil or criminal penalties, any person or entity who violates a regulation adopted by the board pursuant to this section is guilty of an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

(e) (1) Notwithstanding subdivision (b) of Section 1551 or subdivision (e) of Section 1848, a civil liability imposed under Chapter 12 (commencing with Section 1825) of Part 2 of Division 2 by the board or a court for a violation of an emergency conservation regulation adopted pursuant to this section shall be deposited, and separately accounted for, in the Water Rights Fund. Funds deposited in accordance with this subdivision shall be available, upon appropriation, for water conservation activities and programs.

(2) For purposes of this subdivision, an “emergency conservation regulation” means an emergency regulation that requires an end user of water, a water retailer, or a water wholesaler to conserve water or report to the board on water conservation. Water conservation includes restrictions or limitations on particular uses of water or a reduction in the amount of water used or served, but does not include curtailment of diversions when water is not available under the diverter’s priority of right or reporting requirements related to curtailments.

SEC. 4.* Section 1120 of the Water Code is amended to read:

1120. This chapter applies to any decision or order issued under this part or Section 275, Part 2 (commencing with Section 1200), Part 2 (commencing with Section 10500) of Division 6, Part 2.55 (commencing with Section 10608) of Division 6, or Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6, Article 7 (commencing with Section 13550) of Chapter 7 of Division 7, or the public trust doctrine.

SEC. 3.† Section 1846.5 is added to the Water Code, to read:

1846.5. (a) An urban retail water supplier who commits any of the violations identified in subdivision (b) may be liable in an amount not to exceed the following, as applicable:

(1) If the violation occurs in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions, ten thousand dollars (\$10,000) for each day in which the violation occurs.

(2) For all violations other than those described in paragraph (1), one thousand dollars (\$1,000) for each day in which the violation occurs.

* SB 606

† AB 1668

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

*AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[†]
AS AMENDS CURRENT LAW & MERGED*

(b) Liability pursuant to this section may be imposed for any of the following violations:

(1) Violation of an order issued under Chapter 9 (commencing with Section 10609) of Part 2.55 of Division 6.

(2) Violation of a regulation issued under Chapter 9 (commencing with Section 10609) of Part 2.55 of Division 6, if the violation occurs after November 1, 2027.

(c) Civil liability may be imposed by the superior court. The Attorney General, upon the request of the board, shall petition the superior court to impose, assess, and recover those sums.

(d) Civil liability may be imposed administratively by the board pursuant to Section 1055.

SEC. 4.[†] SEC. 5.* Section 10608.12 of the Water Code is amended to read:

10608.12. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) “Agricultural water supplier” means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. “Agricultural water supplier” includes a supplier or contractor for water, regardless of the basis of right, that distributes or sells water for ultimate resale to customers. “Agricultural water supplier” does not include the department.

(b) “Base daily per capita water use” means any of the following:

(1) The urban retail water supplier’s estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier, the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(3) For the purposes of Section 10608.22, the urban retail water supplier’s estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous five-year period ending no earlier than December 31, 2007, and no later than December 31, 2010.

(c) “Baseline commercial, industrial, and institutional water use” means an urban retail water supplier’s base daily per capita water use for commercial, industrial, and institutional users.

[†] AB 1668

* SB 606

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ *Insert*

*AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED*

(d) "CII water use" means water used by commercial water users, industrial water users, institutional water users, and large landscape water users.

~~(e)~~ *(e)* "Commercial water user" means a water user that provides or distributes a product or service.

~~(e)~~ *(f)* "Compliance daily per capita water use" means the gross water use during the final year of the reporting period, reported in gallons per capita per day.

~~(f)~~ *(g)* "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

~~(g)~~ *(h)* "Gross water use" means the total volume of water, whether treated or untreated, entering the distribution system of an urban retail water supplier, excluding all of the following:

(1) Recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier.

(2) The net volume of water that the urban retail water supplier places into long-term storage.

(3) The volume of water the urban retail water supplier conveys for use by another urban water supplier.

(4) The volume of water delivered for agricultural use, except as otherwise provided in subdivision (f) of Section 10608.24.

~~(h)~~ *(i)* "Industrial water user" means a water user that is primarily a manufacturer or processor of materials as defined by the North American Industry Classification System code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development.

~~(i)~~ *(j)* "Institutional water user" means a water user dedicated to public service. This type of user includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

~~(j)~~ *(k)* "Interim urban water use target" means the midpoint between the urban retail water supplier's base daily per capita water use and the urban retail water supplier's urban water use target for 2020.

(l) "Large landscape" means a nonresidential landscape as described in the performance measures for CII water use adopted pursuant to Section 10609.10.

~~(k)~~ *(m)* "Locally cost effective" means that the present value of the local benefits of implementing an agricultural efficiency water management practice is greater than or equal to the present value of the local cost of implementing that measure.

(n) "Performance measures" means actions to be taken by urban retail water suppliers that will result in increased water use efficiency by CII water users. Performance measures may

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

*AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED*

include, but are not limited to, educating CII water users on best management practices, conducting water use audits, and preparing water management plans. Performance measures do not include process water.

(o) "Potable reuse" means direct potable reuse, indirect potable reuse for groundwater recharge, and reservoir water augmentation as those terms are defined in Section 13561.

(h)

(p) "Process water" means water used by industrial water users for producing a product or product content or water used for research and development, including, but development. Process water includes, but is not limited to, continuous manufacturing processes, and water used for testing testing, cleaning, and maintaining equipment used in producing a product or product content, and water used in combined heat and power facilities used in producing a product or product content. equipment. Water used to cool machinery or buildings used in the manufacturing process or necessary to maintain product quality or chemical characteristics for product manufacturing or control rooms, data centers, laboratories, clean rooms, and other industrial facility units that are integral to the manufacturing or research and development process is process water. Water used in the manufacturing process that is necessary for complying with local, state, and federal health and safety laws, and is not incidental water, is process water. Process water does not mean incidental water uses not related to the production of a product or product content, including, but not limited to, water used for restrooms, landscaping, air conditioning, heating, kitchens, and laundry. uses.

(m)

(q) "Recycled water" means recycled water, as defined in subdivision (n) of Section 13050, that is used to offset potable demand, including recycled water supplied for direct use and indirect potable reuse, that meets the following requirements, where applicable: 13050.

(1) For groundwater recharge, including recharge through spreading basins, water supplies that are all of the following:

(A) Metered.

(B) Developed through planned investment by the urban water supplier or a wastewater treatment agency.

(C) Treated to a minimum tertiary level.

(D) Delivered within the service area of an urban retail water supplier or its urban wholesale water supplier that helps an urban retail water supplier meet its urban water use target.

(2) For reservoir augmentation, water supplies that meet the criteria of paragraph (1) and are conveyed through a distribution system constructed specifically for recycled water.

(n)

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

(r) “Regional water resources management” means sources of supply resulting from watershed-based planning for sustainable local water reliability or any of the following alternative sources of water:

(1) The capture and reuse of stormwater or rainwater.

(2) The use of recycled water.

(3) The desalination of brackish groundwater.

(4) The conjunctive use of surface water and groundwater in a manner that is consistent with the safe yield of the groundwater basin.

~~(e)~~

(s) “Reporting period” means the years for which an urban retail water supplier reports compliance with the urban water use targets.

~~(p)~~

(t) “Urban retail water supplier” means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

(u) “Urban water use objective” means an estimate of aggregate efficient water use for the previous year based on adopted water use efficiency standards and local service area characteristics for that year, as described in Section 10609.20.

~~(q)~~

(v) “Urban water use target” means the urban retail water supplier’s targeted future daily per capita water use.

~~(r)~~

(w) “Urban wholesale water supplier,” means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of water annually at wholesale for potable municipal purposes.

SEC. 5.† SEC. 6.* Section 10608.20 of the Water Code is amended to read:

10608.20. (a) (1) Each urban retail water supplier shall develop urban water use targets and an interim urban water use target by July 1, 2011. Urban retail water suppliers may elect to determine and report progress toward achieving these targets on an individual or regional basis, as provided in subdivision (a) of Section 10608.28, and may determine the targets on a fiscal year or calendar year basis.

† AB 1668

* SB 606

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED***

(2) It is the intent of the Legislature that the urban water use targets described in paragraph (1) cumulatively result in a 20-percent reduction from the baseline daily per capita water use by December 31, 2020.

(b) An urban retail water supplier shall adopt one of the following methods for determining its urban water use target pursuant to subdivision (a):

(1) Eighty percent of the urban retail water supplier's baseline per capita daily water use.

(2) The per capita daily water use that is estimated using the sum of the following performance standards:

(A) For indoor residential water use, 55 gallons per capita daily water use as a provisional standard. Upon completion of the department's 2016 report to the Legislature pursuant to Section 10608.42, this standard may be adjusted by the Legislature by statute.

(B) For landscape irrigated through dedicated or residential meters or connections, water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations, as in effect the later of the year of the landscape's installation or 1992. An urban retail water supplier using the approach specified in this subparagraph shall use satellite imagery, site visits, or other best available technology to develop an accurate estimate of landscaped areas.

(C) For commercial, industrial, and institutional uses, a 10-percent reduction in water use from the baseline commercial, industrial, and institutional water use by 2020.

(3) Ninety-five percent of the applicable state hydrologic region target, as set forth in the state's draft 20x2020 Water Conservation Plan (dated April 30, 2009). If the service area of an urban water supplier includes more than one hydrologic region, the supplier shall apportion its service area to each region based on population or area.

(4) A method that shall be identified and developed by the department, through a public process, and reported to the Legislature no later than December 31, 2010. The method developed by the department shall identify per capita targets that cumulatively result in a statewide 20-percent reduction in urban daily per capita water use by December 31, 2020. In developing urban daily per capita water use targets, the department shall do all of the following:

(A) Consider climatic differences within the state.

(B) Consider population density differences within the state.

(C) Provide flexibility to communities and regions in meeting the targets.

(D) Consider different levels of per capita water use according to plant water needs in different regions.

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

(E) Consider different levels of commercial, industrial, and institutional water use in different regions of the state.

(F) Avoid placing an undue hardship on communities that have implemented conservation measures or taken actions to keep per capita water use low.

(c) If the department adopts a regulation pursuant to paragraph (4) of subdivision (b) that results in a requirement that an urban retail water supplier achieve a reduction in daily per capita water use that is greater than 20 percent by December 31, 2020, an urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may limit its urban water use target to a reduction of not more than 20 percent by December 31, 2020, by adopting the method described in paragraph (1) of subdivision (b).

(d) The department shall update the method described in paragraph (4) of subdivision (b) and report to the Legislature by December 31, 2014. An urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may adopt a new urban daily per capita water use target pursuant to this updated method.

(e) An urban retail water supplier shall include in its urban water management plan due in 2010 pursuant to Part 2.6 (commencing with Section 10610) the baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.

(f) When calculating per capita values for the purposes of this chapter, an urban retail water supplier shall determine population using federal, state, and local population reports and projections.

(g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).

(h) (1) The department, through a public process and in consultation with the California Urban Water Conservation Council, shall develop technical methodologies and criteria for the consistent implementation of this part, including, but not limited to, both of the following:

(A) Methodologies for calculating base daily per capita water use, baseline commercial, industrial, and institutional water use, compliance daily per capita water use, gross water use, service area population, indoor residential water use, and landscaped area water use.

(B) Criteria for adjustments pursuant to subdivisions (d) and (e) of Section 10608.24.

(2) The department shall post the methodologies and criteria developed pursuant to this subdivision on its Internet Web site, and make written copies available, by October 1, 2010. An urban retail water supplier shall use the methods developed by the department in compliance with this part.

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

(i) (1) The department shall adopt regulations for implementation of the provisions relating to process water in accordance with ~~subdivision (d)~~ of Section 10608.12, subdivision (e) of Section 10608.24, and subdivision (d) of Section 10608.26.

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code.

(j) (1) An urban retail water supplier is granted an extension to July 1, 2011, for adoption of an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) due in 2010 to allow the use of technical methodologies developed by the department pursuant to paragraph (4) of subdivision (b) and subdivision (h). An urban retail water supplier that adopts an urban water management plan due in 2010 that does not use the methodologies developed by the department pursuant to subdivision (h) shall amend the plan by July 1, 2011, to comply with this part.

(2) An urban wholesale water supplier whose urban water management plan prepared pursuant to Part 2.6 (commencing with Section 10610) was due and not submitted in 2010 is granted an extension to July 1, 2011, to permit coordination between an urban wholesale water supplier and urban retail water suppliers.

SEC. 7.* Section 10608.35 is added to the Water Code, to read:

10608.35. (a) The department, in coordination with the board, shall conduct necessary studies and investigations and make a recommendation to the Legislature, by January 1, 2020, on the feasibility of developing and enacting water loss reporting requirements for urban wholesale water suppliers.

(b) The studies and investigations shall include an evaluation of the suitability of applying the processes and requirements of Section 10608.34 to urban wholesale water suppliers.

(c) In conducting necessary studies and investigations and developing its recommendation, the department shall solicit broad public participation from stakeholders and other interested persons.

* SB 606

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED***

SEC. 6.† Section 10608.48 of the Water Code is amended to read:

10608.48. (a) On or before July 31, 2012, an agricultural water supplier shall implement efficient water management practices pursuant to subdivisions (b) and (c).

(b) Agricultural water suppliers shall implement ~~at~~ both of the following critical efficient management practices:

(1) Measure the volume of water delivered to customers with sufficient accuracy to comply with subdivision (a) of Section 531.10 and to implement paragraph (2).

(2) Adopt a pricing structure for water customers based at least in part on quantity delivered.

(c) Agricultural water suppliers shall implement additional efficient management practices, including, but not limited to, practices to accomplish all of the following, if the measures are locally cost effective and technically feasible:

(1) Facilitate alternative land use for lands with exceptionally high water duties or whose irrigation contributes to significant problems, including drainage.

(2) Facilitate use of available recycled water that otherwise would not be used beneficially, meets all health and safety criteria, and does not harm crops or soils.

(3) Facilitate the financing of capital improvements for on-farm irrigation systems.

(4) Implement an incentive pricing structure that promotes one or more of the following goals:

(A) More efficient water use at the farm level.

(B) Conjunctive use of groundwater.

(C) Appropriate increase of groundwater recharge.

(D) Reduction in problem drainage.

(E) Improved management of environmental resources.

(F) Effective management of all water sources throughout the year by adjusting seasonal pricing structures based on current conditions.

(5) Expand line or pipe distribution systems, and construct regulatory reservoirs to increase distribution system flexibility and capacity, decrease maintenance, and reduce seepage.

(6) Increase flexibility in water ordering by, and delivery to, water customers within operational limits.

(7) Construct and operate supplier spill and tailwater recovery systems.

† AB 1668

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
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(8) Increase planned conjunctive use of surface water and groundwater within the supplier service area.

(9) Automate canal control structures.

(10) Facilitate or promote customer pump testing and evaluation.

(11) Designate a water conservation coordinator who will develop and implement the water management plan and prepare progress reports.

(12) Provide for the availability of water management services to water users. These services may include, but are not limited to, all of the following:

(A) On-farm irrigation and drainage system evaluations.

(B) Normal year and real-time irrigation scheduling and crop evapotranspiration information.

(C) Surface water, groundwater, and drainage water quantity and quality data.

(D) Agricultural water management educational programs and materials for farmers, staff, and the public.

(13) Evaluate the policies of agencies that provide the supplier with water to identify the potential for institutional changes to allow more flexible water deliveries and storage.

(14) Evaluate and improve the efficiencies of the supplier's pumps.

(d) Agricultural water suppliers shall include in the agricultural water management plans required pursuant to Part 2.8 (commencing with Section 10800) a report on which efficient water management practices have been implemented and are planned to be implemented, an estimate of the water use efficiency improvements that have occurred since the last report, and an estimate of the water use efficiency improvements estimated to occur five and 10 years in the future. If an agricultural water supplier determines that an efficient water management practice is not locally cost effective or technically feasible, the supplier shall submit information documenting that determination.

(e) The ~~data shall~~ department shall require information about the implementation of efficient water management practices to be reported using a standardized form developed pursuant to Section 10608.52.

(f) An agricultural water supplier may meet the requirements of subdivisions (d) and (e) by submitting to the department a water conservation plan submitted to the United States Bureau of Reclamation that meets the requirements described in Section 10828.

(g) On or before December 31, 2013, December 31, 2016, and December 31, 2021, the department, in consultation with the board, shall submit to the Legislature a report on the agricultural efficient water management practices that have been implemented and are planned to be implemented and an assessment of the manner in which the implementation of those efficient

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[†]
AS AMENDS CURRENT LAW & MERGED***

water management practices has affected and will affect agricultural operations, including estimated water use efficiency improvements, if any.

(h) The department may update the efficient water management practices required pursuant to subdivision (c), in consultation with the Agricultural Water Management Council, the United States Bureau of Reclamation, and the board. All efficient water management practices for agricultural water use pursuant to this chapter shall be adopted or revised by the department only after the department conducts public hearings to allow participation of the diverse geographical areas and interests of the state.

(i) (1) The department shall adopt regulations that provide for a range of options that agricultural water suppliers may use or implement to comply with the measurement requirement in paragraph (1) of subdivision (b).

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code.

SEC. 7.[†] Chapter 9 (commencing with Section 10609) is added to Part 2.55 of Division 6 of the Water Code, to read:

CHAPTER 9. Urban Water Use Objectives and Water Use Reporting

10609. (a) The Legislature finds and declares that this chapter establishes a method to estimate the aggregate amount of water that would have been delivered the previous year by an urban retail water supplier if all that water had been used efficiently. This estimated aggregate water use is the urban retail water supplier's urban water use objective. The method is based on water use efficiency standards and local service area characteristics for that year. By comparing the amount of water actually used in the previous year with the urban water use objective, local urban water suppliers will be in a better position to help eliminate unnecessary use of water; that is, water used in excess of that needed to accomplish the intended beneficial use.

(b) The Legislature further finds and declares all of the following:

(1) This chapter establishes standards and practices for the following water uses:

(A) Indoor residential use.

(B) Outdoor residential use.

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout** *Insert*

**AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED**

(C) CII water use.

(D) Water losses.

(E) Other unique local uses and situations that can have a material effect on an urban water supplier's total water use.

(2) This chapter further does all of the following:

(A) Establishes a method to calculate each urban water use objective.

(B) Considers recycled water quality in establishing efficient irrigation standards.

(C) Requires the department to provide or otherwise identify data regarding the unique local conditions to support the calculation of an urban water use objective.

(D) Provides for the use of alternative sources of data if alternative sources are shown to be as accurate as, or more accurate than, the data provided by the department.

(E) Requires annual reporting of the previous year's water use with the urban water use objective.

(F) Provides a bonus incentive for the amount of potable recycled water used the previous year when comparing the previous year's water use with the urban water use objective, of up to 10 percent of the urban water use objective.

(3) This chapter requires the department and the board to solicit broad public participation from stakeholders and other interested persons in the development of the standards and the adoption of regulations pursuant to this chapter.

(4) This chapter preserves the Legislature's authority over long-term water use efficiency target setting and ensures appropriate legislative oversight of the implementation of this chapter by doing all of the following:

(A) Requiring the Legislative Analyst to conduct a review of the implementation of this act, including compliance with the adopted standards and regulations, accuracy of the data, use of alternate data, and other issues the Legislative Analyst deems appropriate.

(B) Stating legislative intent that the director of the department and the chairperson of the board appear before the appropriate Senate and Assembly policy committees to report on progress in implementing this chapter.

(C) Providing one-time-only authority to the department and board to adopt water use efficiency standards, except as explicitly provided in this chapter. Authorization to update the standards shall require separate legislation.

(c) It is the intent of the Legislature that the following principles apply to the development and implementation of long-term standards and urban water use objectives:

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

**AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED**

(1) Local urban retail water suppliers should have primary responsibility for meeting standards-based water use targets, and they shall retain the flexibility to develop their water supply portfolios, design and implement water conservation strategies, educate their customers, and enforce their rules.

(2) Long-term standards and urban water use objectives should advance the state's goals to mitigate and adapt to climate change.

(3) Long-term standards and urban water use objectives should acknowledge the shade, air quality, and heat-island reduction benefits provided to communities by trees through the support of water-efficient irrigation practices that keep trees healthy.

(4) The state should identify opportunities for streamlined reporting, eliminate redundant data submissions, and incentivize open access to data collected by urban and agricultural water suppliers.

10609.2. (a) The board, in coordination with the department, shall adopt long-term standards for the efficient use of water pursuant to this chapter on or before June 30, 2022.

(b) Standards shall be adopted for all of the following:

(1) Outdoor residential water use.

(2) Outdoor irrigation of landscape areas with dedicated irrigation meters in connection with CII water use.

(3) A volume for water loss.

(c) When adopting the standards under this section, the board shall consider the policies of this chapter and the proposed efficiency standards' effects on local wastewater management, developed and natural parklands, and urban tree health. The standards and potential effects shall be identified by May 30, 2022. The board shall allow for public comment on potential effects identified by the board under this subdivision.

(d) The long-term standards shall be set at a level designed so ~~that together with the standard for indoor residential water use, the standards together the water use objectives, together with other demands excluded from the long-term standards such as CII indoor water use and CII outdoor water use not connected to a dedicated landscape meter,~~ would exceed the statewide conservation targets required pursuant to Chapter 3 (commencing with Section 10608.16).

(e) The board, in coordination with the department, shall adopt by regulation variances recommended by the department pursuant to Section 10609.14 and guidelines and methodologies pertaining to the calculation of an urban retail water supplier's urban water use objective recommended by the department pursuant to Section 10609.16.

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

**AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED**

10609.4. (a) (1) Until January 1, 2025, the standard for indoor residential water use shall be 55 gallons per capita daily.

(2) Beginning January 1, 2025, and until January 1, 2030, the standard for indoor residential water use shall be the greater of 52.5 gallons per capita daily or the recommendation made pursuant to subdivision (b).

(3) Beginning January 1, 2030, the standard for indoor residential water use shall be the greater of 50 gallons per capita daily or the recommendation made pursuant to subdivision (b).

(b) (1) The department, in coordination with the board, shall conduct necessary studies and investigations and may jointly recommend to the Legislature a standard for indoor residential water use that more appropriately reflects best practices for indoor residential water use than the standard described in subdivision (a). The results of the studies and investigations shall be made to the chairpersons of the relevant policy committees of each house of the Legislature by January 1, 2021, and shall include information necessary to support the recommended standard, if there is one. The studies and investigations shall also include an analysis of the benefits and impacts of how the changing indoor residential water use efficiency standard will impact water and wastewater management, including potable water usage, wastewater, recycling and reuse systems, infrastructure, operations, and supplies.

(2) The studies, investigations and reports described in paragraph (1) shall include collaboration with, and input from a broad group of stakeholders, including, but not limited to, environmental groups, experts in indoor plumbing, and water, wastewater, and recycled water agencies.

10609.6. (a) (1) The department, in coordination with the board, shall conduct necessary studies and investigations and recommend, no later than October 1, 2021, standards for outdoor residential use for adoption by the board in accordance with this chapter.

(2) (A) The standards shall incorporate the principles of the model water efficient landscape ordinance adopted by the department pursuant to the Water Conservation in Landscaping Act (Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code).

(B) The standards shall apply to irrigable lands.

(C) The standards shall include provisions for swimming pools, spas, and other water features. Ornamental water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, shall be analyzed separately from swimming pools and spas.

(b) The department shall, by January 1, 2021, provide each urban retail water supplier with data regarding the area of residential irrigable lands in a manner that can reasonably be applied to the standards adopted pursuant to this section.

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

**AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED**

(c) *The department shall not recommend standards pursuant to this section until it has conducted pilot projects or studies, or some combination of the two, to ensure that the data provided to local agencies are reasonably accurate for the data's intended uses, taking into consideration California's diverse landscapes and community characteristics.*

10609.8. (a) *The department, in coordination with the board, shall conduct necessary studies and investigations and recommend, no later than October 1, 2021, standards for outdoor irrigation of landscape areas with dedicated irrigation meters or other means of calculating outdoor irrigation use in connection with CII water use for adoption by the board in accordance with this chapter.*

(b) *The standards shall incorporate the principles of the model water efficient landscape ordinance adopted by the department pursuant to the Water Conservation in Landscaping Act (Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code).*

(c) The standards shall include an exclusion for water for commercial agricultural use meeting the definition of subdivision (b) of Section 51201 of the Government Code.

10609.9. For purposes of Sections 10609.6 and 10609.8, "principles of the model water efficient landscape ordinance" means those provisions of the model water efficient landscape ordinance applicable to the establishment or determination of the amount of water necessary to efficiently irrigate ~~a landscape, both new and existing landscapes~~. Such provisions include, but are not limited to, all of the following:

(a) Evapotranspiration adjustment factors, as applicable.

(b) Landscape area.

(c) Maximum applied water allowance.

(d) Reference evapotranspiration.

(e) Special landscape areas, including the ~~type provisions governing evapotranspiration adjustment factors for different types~~ water used for irrigating the landscape.

10609.10. (a) The department, in coordination with the board, shall conduct necessary studies and investigations and recommend, no later than October 1, 2021, performance measures for CII water use for adoption by the board in accordance with this chapter.

(b) Prior to recommending performance measures for CII water use, the department shall solicit broad public participation from stakeholders and other interested persons relating to all of the following:

(1) Recommendations for a CII water use classification system for California that address significant uses of water.

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

**AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED**

(2) Recommendations for setting minimum size thresholds for converting mixed CII meters to dedicated irrigation meters, and evaluation of, and recommendations for, technologies that could be used in lieu of requiring dedicated irrigation meters.

(3) Recommendations for CII water use best management practices, which may include, but are not limited to, water audits and water management plans for those CII customers that exceed a recommended size, volume of water use, or other threshold.

(c) Recommendations of appropriate performance measures for CII water use shall **consider be consistent with** the October 21, 2013, report to the Legislature by the Commercial, Industrial, and Institutional Task Force entitled “Water Use Best Management Practices,” **including the technical and financial feasibility recommendations provided in that report,** and shall support the economic productivity of California’s commercial, industrial, and institutional sectors.

(d) (1) The board, in coordination with the department, shall adopt performance measures for CII water use on or before June 30, 2022.

(2) Each urban retail water supplier shall implement the performance measures adopted by the board pursuant to paragraph (1).

10609.12. The standards for water loss for urban retail water suppliers shall be the standards adopted by the board pursuant to subdivision (i) of Section 10608.34.

10609.14. (a) The department, in coordination with the board, shall conduct necessary studies and investigations and, no later than October 1, 2021, recommend for adoption by the board in accordance with this chapter appropriate variances for unique uses that can have a material effect on an urban retail water supplier’s urban water use objective.

(b) Appropriate variances may include, but are not limited to, allowances for the following:

(1) Significant use of evaporative coolers.

(2) Significant populations of horses and other livestock.

(3) Significant fluctuations in seasonal populations.

(4) Significant landscaped areas irrigated with recycled water having high levels of total dissolved solids.

(5) Significant use of water for soil compaction and dust control.

(6) Significant use of water to supplement ponds and lakes to sustain wildlife.

(7) Significant use of water to irrigate vegetation for fire protection.

(8) Significant use of water for commercial or noncommercial agricultural use.

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

(c) The department, in recommending variances for adoption by the board, shall also recommend a threshold of significance for each recommended variance.

(d) Before including any specific variance in calculating an urban retail water agency's water use objective, the urban retail water agency shall request and receive approval by the board for the inclusion of that variance.

(e) The board shall post on its Internet Web site all of the following:

(1) A list of urban retail water suppliers with approved variances.

(2) The specific variance or variances approved for each urban retail water supplier.

(3) The data supporting approval of each variance.

10609.15. To help streamline reporting, the board and department shall do all the following:

(A) Identify urban water reporting requirements shared by both agencies, and post on each agency's internet website how the data is used for planning, regulatory, or other purposes.

(B) Analyze opportunities for more efficient reporting of urban water reporting requirements within each agency and how each agency can integrate various datasets in to a publicly accessible location, identify priority actions, and implement priority actions identified in the analysis.

(C) Make appropriate data pertaining to the urban water reporting requirements that are collected by either or both agencies available to the public using the principles and requirements established by the Open and Transparent Water Data Act (Part 4.9 (commencing with Section 12400)).

10609.16. The department, in coordination with the board, shall conduct necessary studies and investigations and recommend, no later than October 1, 2021, guidelines and methodologies for the board to adopt that identify how an urban retail water supplier calculates its urban water use objective. The guidelines and methodologies shall address, as necessary, all of the following:

(a) Determining the irrigable lands within the urban retail water supplier's service area.

(b) Updating and revising methodologies described pursuant to subparagraph (A) of paragraph (1) of subdivision (h) of Section 10608.20, as appropriate, including methodologies for calculating the population in an urban retail water supplier's service area.

(c) Using landscape area data provided by the department or alternative data.

(d) Incorporating precipitation data and climate data into estimates of a urban retail water supplier's outdoor irrigation budget for its urban water use objective.

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED***

(e) Estimating changes in outdoor landscape area and population, and calculating the urban water use objective, for years when updated landscape imagery is not available from the department.

(f) Determining acceptable levels of accuracy for the supporting data, the urban water use objective, and compliance with the urban water use objective.

10609.18. The department and the board shall solicit broad public participation from stakeholders and other interested persons in the development of the standards and the adoption of regulations pursuant to this chapter. The board shall hold at least one public meeting before taking any action on any standard or variance recommended by the department.

SEC. 8.* Section 10609.20 is added to the Water Code, immediately following Section 10609.18, to read:

10609.20. (a) Each urban retail water supplier shall calculate its urban water use objective no later than November 1, 2023, and by November 1 every year thereafter.

(b) The calculation shall be based on the urban retail water supplier's water use conditions for the previous calendar or fiscal year.

(c) Each urban water supplier's urban water use objective shall be composed of the sum of the following:

(1) Aggregate estimated efficient indoor residential water use.

(2) Aggregate estimated efficient outdoor residential water use.

(3) Aggregate estimated efficient outdoor irrigation of landscape areas with dedicated irrigation meters or equivalent technology in connection with CII water use.

(4) Aggregate estimated efficient water losses.

(5) Aggregate estimated water use in accordance with variances, as appropriate.

(d) ~~(1)~~ An urban retail water supplier that delivers water from a groundwater basin, reservoir, or other source that is augmented by potable reuse water may adjust its urban water use objective by a bonus incentive calculated pursuant to this subdivision.

~~(1) (2)~~ The water use objective bonus incentive shall be the volume of its potable reuse delivered to residential water users and to landscape areas with dedicated irrigation meters in connection with CII water use, on an acre-foot basis.

~~(2) In no case shall the bonus incentive pursuant to paragraph (1) exceed 10 percent of the urban water supplier's water use objective.~~

* SB 606

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

*AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[‡]
AS AMENDS CURRENT LAW & MERGED*

(3) The bonus incentive pursuant to paragraph (1) shall be limited in accordance with one of the following:

(A) The bonus incentive shall not exceed 15 percent of the urban water supplier's water use objective for any potable reuse water produced at an existing facility.

(B) The bonus incentive shall not exceed 10 percent of the urban water supplier's water use objective for any potable reuse water produced at any facility that is not an existing facility.

(4) For purposes of this subdivision, an existing facility means a facility that meets all of the following:

(A) The facility has a certified environmental impact report, mitigated negative declaration, or negative declaration on or before January 1, 2019.

(B) The facility begins producing and delivering potable reuse water on or before January 1, 2022.

(C) The facility uses microfiltration and reverse osmosis technologies to produce the potable reuse water.

(e) (1) The calculation of the urban water use objective shall be made using landscape area and other data provided by the department and pursuant to the standards, guidelines, and methodologies adopted by the board. The department shall provide data to the urban water supplier at a level of detail sufficient to allow the urban water supplier to verify its accuracy at the parcel level.

(2) Notwithstanding paragraph (1), an urban retail water supplier may use alternative data in calculating the urban water use objective if the supplier demonstrates to the department that the alternative data are equivalent, or superior, in quality and accuracy to the data provided by the department. The department may provide technical assistance to an urban retail water supplier in evaluating whether the alternative data are appropriate for use in calculating the supplier's urban water use objective.

SEC. 9.* Section 10609.22 is added to the Water Code, to read:

10609.22. (a) An urban retail water supplier shall calculate its actual urban water use no later than November 1, 2023, and by November 1 every year thereafter.

(b) The calculation shall be based on the urban retail water supplier's water use for the previous calendar or fiscal year.

(c) Each urban water supplier's urban water use shall be composed of the sum of the following:

* SB 606

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

*AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED*

(1) Aggregate residential water use.

(2) Aggregate outdoor irrigation of landscape areas with dedicated irrigation meters in connection with CII water use.

(3) Aggregate water losses.

SEC. 10.* Section 10609.24 is added to the Water Code, to read:

10609.24. (a) An urban retail water supplier shall submit a report to the department no later than November 1, 2023, and by November 1 every year thereafter. The report shall include all of the following:

(1) The urban water use objective calculated pursuant to Section 10609.20 along with relevant supporting data.

(2) The actual urban water use calculated pursuant to Section 10609.22 along with relevant supporting data.

(3) Documentation of the implementation of the performance measures for CII water use.

(4) A description of the progress made towards meeting the urban water use objective.

(b) The department shall post the reports and information on its Internet Web site.

(c) The board may issue an information order or conservation order to, or impose civil liability on, an entity or individual for failure to submit a report required by this section.

SEC. 11.* Section 10609.26 is added to the Water Code, to read:

10609.26. (a) (1) On and after November 1, 2023, the board may issue informational orders pertaining to water production, water use, and water conservation to an urban retail water supplier that does not meet its urban water use objective required by this chapter. Informational orders are intended to obtain information on supplier activities, water production, and conservation efforts in order to identify technical assistance needs and assist urban water suppliers in meeting their urban water use objectives.

(2) In determining whether to issue an informational order, the board shall consider the degree to which the urban retail water supplier is not meeting its urban water use objective, information provided in the report required by Section 10609.24, and actions the urban retail water supplier has implemented or will implement in order to help meet the urban water use objective.

(3) The board shall share information received pursuant to this subdivision with the department.

* SB 606

* SB 606

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

(4) An urban water supplier may request technical assistance from the department. The technical assistance may, to the extent available, include guidance documents, tools, and data.

(b) On and after November 1, 2024, the board may issue a written notice to an urban retail water supplier that does not meet its urban water use objective required by this chapter. The written notice may warn the urban retail water supplier that it is not meeting its urban water use objective described in Section 10609.20 and is not making adequate progress in meeting the urban water use objective, and may request that the urban retail water supplier address areas of concern in its next annual report required by Section 10609.24. In deciding whether to issue a written notice, the board may consider whether the urban retail water supplier has received an informational order, the degree to which the urban retail water supplier is not meeting its urban water use objective, information provided in the report required by Section 10609.24, and actions the urban retail water supplier has implemented or will implement in order to help meet its urban water use objective.

(c) (1) On and after November 1, 2025, the board may issue a conservation order to an urban retail water supplier that does not meet its urban water use objective. A conservation order may consist of, but is not limited to, referral to the department for technical assistance, requirements for education and outreach, requirements for local enforcement, and other efforts to assist urban retail water suppliers in meeting their urban water use objective.

(2) In issuing a conservation order, the board shall identify specific deficiencies in an urban retail water supplier's progress towards meeting its urban water use objective, and identify specific actions to address the deficiencies.

(3) The board may request that the department provide an urban retail water supplier with technical assistance to support the urban retail water supplier's actions to remedy the deficiencies.

(d) A conservation order issued in accordance with this chapter may include requiring actions intended to increase water-use efficiency, but shall not curtail or otherwise limit the exercise of a water right **nor shall it require the imposition of civil liability pursuant to Section 377.**

SEC. 12.* Section 10609.28 is added to the Water Code, to read:

10609.28. The board may issue a regulation or informational order requiring a wholesale water supplier, an urban retail water supplier, or a distributor of a public water supply, as that term is used in Section 350, to provide a monthly report relating to water production, water use, or water conservation.

* SB 606

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

SEC. 13.* Section 10609.30 is added to the Water Code, to read:

10609.30. On or before January 10, 2024, the Legislative Analyst shall provide to the appropriate policy committees of both houses of the Legislature and the public a report evaluating the implementation of the water use efficiency standards and water use reporting pursuant to this chapter. The board and the department shall provide the Legislative Analyst with the available data to complete this report.

(a) The report shall describe all of the following:

(1) The rate at which urban retail water users are complying with the standards, and factors that might facilitate or impede their compliance.

(2) The accuracy of the data and estimates being used to calculate urban water use objectives.

(3) Indications of the economic impacts, if any, of the implementation of this chapter on urban water suppliers and urban water users, including CII water users.

(4) The frequency of use of the bonus incentive, the volume of water associated with the bonus incentives, value to urban water suppliers of the bonus incentive, and any implications of the use of the bonus incentives on water use efficiency.

~~(4)~~ **(5)** The early indications of how implementing this chapter might impact the efficiency of statewide urban water use.

~~(5)~~ **(6)** Recommendations, if any, for improving statewide urban water use efficiency and the standards and practices described in this chapter.

~~(6)~~ **(7)** Any other issues the Legislative Analyst deems appropriate.

SEC. 14.* Section 10609.32 is added to the Water Code, to read:

10609.32. It is the intent of the Legislature that the chairperson of the board and the director of the department appear before the appropriate policy committees of both houses of the Legislature on or around January 1, 2026, and report on the implementation of the water use efficiency standards and water use reporting pursuant to this chapter. It is the intent of the Legislature that the topics to be covered include all of the following:

(a) The rate at which urban retail water suppliers are complying with the standards, and factors that might facilitate or impede their compliance.

(b) What enforcement actions have been taken, if any.

(c) The accuracy of the data and estimates being used to calculate urban water use objectives.

* SB 606

* SB 606

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

*AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[‡]
AS AMENDS CURRENT LAW & MERGED*

(d) Indications of the economic impacts, if any, of the implementation of this chapter on urban water suppliers and urban water users, including CII water users.

(e) The frequency of use of the bonus incentive, the volume of water associated with the bonus incentives, value to urban water suppliers of the bonus incentive, and any implications of the use of the bonus incentives on water use efficiency.

(e) (f) An assessment of how implementing this chapter is affecting the efficiency of statewide urban water use.

SEC. 15.* Section 10609.34 is added to the Water Code, to read:

10609.34. Notwithstanding Section 15300.2 of Title 14 of the California Code of Regulations, an action of the board taken under this chapter shall be deemed to be a Class 8 action, within the meaning of Section 15308 of Title 14 of the California Code of Regulations, provided that the action does not involve relaxation of existing water conservation or water use standards.

SEC. 16.* Section 10609.36 is added to the Water Code, to read:

10609.36. (a) Nothing in this chapter shall be construed to determine or alter water rights. Sections 1010 and 1011 apply to water conserved through implementation of this chapter.

(b) Nothing in this chapter shall be construed to authorize the board to update or revise water use efficiency standards authorized by this chapter except as explicitly provided in this chapter. Authorization to update the standards beyond that explicitly provided in this chapter shall require separate legislation.

(c) Nothing in this chapter shall be construed to limit or otherwise affect the use of recycled water as seawater barriers for groundwater salinity management.

SEC.17* Section 10609.38 is added to the Water Code, to read:

10609.38. The board may waive the requirements of this chapter for a period of up to five years for any urban retail water supplier whose water deliveries are significantly affected by changes in water use as a result damage from a disaster, such as an earthquake or fire. In establishing the period of the waiver, the board shall take into consider the breadth of the damage and the time necessary for the damaged areas to recover from the disaster.

* SB 606

* SB 606

* SB 606

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

*AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[†]
AS AMENDS CURRENT LAW & MERGED*

SEC. 8.[†] Chapter 10 (commencing with Section 10609.40) is added to Part 2.55 of Division 6 of the Water Code, to read:

CHAPTER 10. Countywide Drought and Water Shortage Contingency Plans

10609.40. The Legislature finds and declares both of the following:

(a) Small water suppliers and rural communities are **often** not covered by established water shortage planning requirements. Currently, most counties do not address water shortages or do so minimally in their general plan or the local hazard mitigation plan.

(b) The state should provide guidance to improve drought planning for small water suppliers and rural communities.

10609.42. (a) No later than January 1, 2020, the department, in consultation with the board and other relevant state and local agencies and stakeholders, shall use available data to identify small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability. The department shall notify counties and groundwater sustainability agencies of those suppliers or communities that may be at risk within its jurisdiction, and may make the information publicly accessible on its Internet Web site.

(b) The department shall, in consultation with the board, by January 1, 2020, propose to the Governor and the Legislature recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities. The department shall recommend how these plans can be included in county local hazard mitigation plans or otherwise integrated with complementary existing planning processes. The guidance from the department shall outline goals of the countywide drought and water shortage contingency plans and recommend components including, but not limited to, all of the following:

(1) Assessment of drought vulnerability.

(2) Actions to reduce drought vulnerability.

(3) Response, financing, and local communication and outreach planning efforts that may be implemented in times of drought.

(4) Data needs and reporting.

(5) Roles and responsibilities of interested parties and coordination with other relevant water management planning efforts.

(c) In formulating the proposal, the department shall utilize a public process involving state agencies, cities, counties, small communities, small water suppliers, and other stakeholders.

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

SEC.18.* Section 10610.2 of the Water Code is amended to read:

10610.2. (a) The Legislature finds and declares all of the following:

(1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.

(2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.

(3) A long-term, reliable supply of water is essential to protect the productivity of California's businesses and economic ~~climate.~~ climate, and increasing long-term water conservation among Californians, improving water use efficiency within the state's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change.

(4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water ~~years.~~ years now and into the foreseeable future, and every urban water supplier should collaborate closely with local land-use authorities to ensure water demand forecasts are consistent with current land-use planning.

(5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.

(6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.

(7) Water quality regulations are becoming an increasingly important factor in water agencies' selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.

(8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.

(9) The quality of source supplies can have a significant impact on water management strategies and supply reliability.

(b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

* SB 606

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
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SEC. 19.* Section 10610.4 of the Water Code is amended to read:

10610.4. The Legislature finds and declares that it is the policy of the state as follows:

(a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

(b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(c) Urban water suppliers shall be required to develop water management plans to ~~actively pursue~~ achieve the efficient use of available ~~supplies.~~ supplies and strengthen local drought planning.

SEC. 20.* Section 10612 of the Water Code is amended and renumbered to read:

10611.3. "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

SEC. 21.* Section 10612 is added to the Water Code, to read:

10612. "Drought risk assessment" means a method that examines water shortage risks based on the driest five-year historic sequence for the agency's water supply, as described in subdivision (b) of Section 10635.

SEC. 22.* Section 10617.5 is added to the Water Code, to read:

10617.5. "Water shortage contingency plan" means a document that incorporates the provisions detailed in subdivision (a) of Section 10632 and is subsequently adopted by an urban water supplier pursuant to this article.

SEC. 23* Section 10618 is added to the Water Code, to read:

10618. "Water supply and demand assessment" means a method that looks at current year and one or more dry year supplies and demands for determining water shortage risks, as described in Section 10632.1.

* SB 606

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‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

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SEC. 24.* Section 10620 of the Water Code is amended to read:

10620. (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

(b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

(c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.

(d) (1) An urban water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of ~~conservation and efficient water use.~~ conservation, efficient water use, and improved local drought resilience.

(2) Notwithstanding paragraph (1), each urban water supplier shall develop its own water shortage contingency plan, but an urban water supplier may incorporate, collaborate, and otherwise share information with other urban water suppliers or other governing entities participating in an area-wide, regional, watershed, or basin-wide urban water management plan, an agricultural management plan, or groundwater sustainability plan development.

~~(2)~~ (3) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.

(e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.

(f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

SEC. 25.* Section 10621 of the Water Code is amended to read:

10621. (a) Each urban water supplier shall update its plan at least once every five years on or before ~~December 31,~~ July 1, in years ending in ~~five and zero, except as provided in subdivisions (d) and (e).~~ six and one, incorporating updated and new information from the five years preceding each update.

(b) Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days before the public hearing on the plan required by Section 10642, notify any city or

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county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.

(c) An urban water supplier regulated by the Public Utilities Commission shall include its most recent plan and water shortage contingency plan as part of the supplier's general rate case filings.

~~(c)~~ *(d)* The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

~~(d)~~ *(e)* Each urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.

~~(e)~~ *(f) (1)* Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021.

(2) By January 1, 2024, each urban retail water supplier shall adopt and submit to the department a supplement to the adopted 2020 plan that includes information required pursuant to subparagraph (B) of paragraph (1) of subdivision (e) of Section 10631. This supplement is not an update or an amendment to the plan, and, therefore an urban water supplier is not required to comply with the public notice and hearing and adoption requirements in Section 10642 before submitting the information to the department.

SEC. 26.* Section 10630 of the Water Code is amended to read:

10630. It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water ~~supplied.~~ *supplied, while accounting for impacts from climate change.*

SEC. 27.* Section 10630.5 is added to the Water Code, to read:

10630.5. Each plan shall include a simple lay description of how much water the agency has on a reliable basis, how much it needs for the foreseeable future, what the agency's strategy is for meeting its water needs, the challenges facing the agency, and any other information necessary to provide a general understanding of the agency's plan.

SEC. 28.* Section 10631 of the Water Code is amended to read:

10631. A plan shall be adopted in accordance with this chapter that shall do all of the following:

* SB 606

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* SB 606

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***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
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(a) Describe the service area of the supplier, including current and projected population, climate, and other social, economic, and demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available. The description shall include the current and projected land uses within the existing or anticipated service area affecting the supplier's water management planning. Urban water suppliers shall coordinate with local or regional land use authorities to determine the most appropriate land use information, including, where appropriate, land use information obtained from local or regional land use authorities, as developed pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). ~~If groundwater is identified as an existing or planned source of water available to the supplier, (a) providing supporting and related information, including all of the following information shall be included in the plan: following:~~

(1) A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. For each source of water supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.

(2) When multiple sources of water supply are identified, a description of the management of each supply in correlation with the other identified supplies.

(3) For any planned sources of water supply, a description of the measures that are being undertaken to acquire and develop those water supplies.

(4) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information:

~~(1) (A) A copy~~ The current version of any groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720), any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management. management for basins underlying the urban water supplier's service area.

~~(2) (B)~~ A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For ~~basins~~ a basin that ~~have~~ has not been adjudicated, information as to whether the department has identified the basin or ~~basins as overdrafted or has projected that~~

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~~the basin will become overdrafted if present management conditions continue, as a high- or medium-priority basin~~ in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to ~~eliminate the long-term overdraft condition.~~ coordinate with groundwater sustainability agencies or groundwater management agencies listed in subdivision (c) of Section 10723 to maintain or achieve sustainable groundwater conditions in accordance with a groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720).

(~~3~~) (C) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(~~4~~) (D) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

~~(e) (1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:~~

~~(A) An average water year.~~

~~(B) A single dry water year.~~

~~(C) Multiple dry water years.~~

~~(2) For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.~~

~~(d) (c)~~ Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

~~(e) (d)~~ (1) ~~Quantify, For an urban retail water supplier, quantify,~~ to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, based upon information developed pursuant to subdivision (a), identifying the uses among water use sectors, including, but not necessarily limited to, all of the ~~following uses:~~ following:

(A) Single-family residential.

(B) Multifamily.

(C) Commercial.

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- (D) Industrial.
 - (E) Institutional and governmental.
 - (F) Landscape.
 - (G) Sales to other agencies.
 - (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.
 - (I) Agricultural.
 - (J) Distribution system water loss.
- (2) The water use projections shall be in the same five-year increments described in subdivision (a).
- (3) (A) ~~For the 2015 urban water management plan update, the~~ The distribution system water loss shall be quantified for ~~the most recent 12-month period available. For all subsequent updates, the distribution system water loss shall be quantified for~~ each of the five years preceding the plan ~~update.~~ update, in accordance with rules adopted pursuant to Section 10608.34.
- (B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association.
- (C) In the plan due July 1, 2021, and in each update thereafter, data shall be included to show whether the urban retail water supplier met the distribution loss standards enacted by the board pursuant to Section 10608.34.
- (4) (A) ~~If available and applicable to an urban water supplier, water use projections may~~ Water use projections, where available, shall display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.
- (B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following:
- (i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections.
 - (ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.
- (~~E~~) (e) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

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(1) (A) For an urban retail water supplier, as defined in Section 10608.12, a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years. The narrative shall describe the water demand management measures that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

(B) For the supplement required of urban retail water suppliers by paragraph (2) of subdivision (f) of Section 10621, a narrative that describes the water demand management measures that the supplier plans to implement to achieve its urban water use objective by January 1, 2027, pursuant to Chapter 9 (commencing with Section 10609) of Part 2.55.

~~(B)~~ (C) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

- (i) Water waste prevention ordinances.
- (ii) Metering.
- (iii) Conservation pricing.
- (iv) Public education and outreach.
- (v) Programs to assess and manage distribution system real loss.
- (vi) Water conservation program coordination and staffing support.
- (vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.

(2) For an urban wholesale water supplier, as defined in Section 10608.12, a narrative description of the items in clauses (ii), (iv), (vi), and (vii) of subparagraph ~~(B)~~ (C) of paragraph (1), and a narrative description of its distribution system asset management and wholesale supplier assistance programs.

~~(g)~~ (f) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use, as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, normal and multiple-dry water single-dry water years and for a period of drought lasting five consecutive water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

~~(h)~~ (g) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

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~~(i) For purposes of this part, urban water suppliers that are members of the California Urban Water Conservation Council shall be deemed in compliance with the requirements of subdivision (f) by complying with all the provisions of the “Memorandum of Understanding Regarding Urban Water Conservation in California,” dated December 10, 2008, as it may be amended, and by submitting the annual reports required by Section 6.2 of that memorandum.~~

(j) ~~(h)~~ An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier’s plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision ~~(e)~~. ~~(f)~~. An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and ~~(e)~~. ~~(f)~~.

SEC. 29.* Section 10631.2 of the Water Code is amended to read:

10631.2. (a) In addition to the requirements of Section 10631, an urban water management plan ~~may, but is not required to,~~ *shall* include any of the following information: information that the urban water supplier can readily obtain:

- (1) An estimate of the amount of energy used to extract or divert water supplies.
- (2) An estimate of the amount of energy used to convey water supplies to the water treatment plants or distribution systems.
- (3) An estimate of the amount of energy used to treat water supplies.
- (4) An estimate of the amount of energy used to distribute water supplies through its distribution systems.
- (5) An estimate of the amount of energy used for treated water supplies in comparison to the amount used for nontreated water supplies.
- (6) An estimate of the amount of energy used to place water into or withdraw from storage.
- (7) Any other energy-related information the urban water supplier deems appropriate.

(b) The department shall include in its guidance for the preparation of urban water management plans a methodology for the voluntary calculation or estimation of the energy intensity of urban water systems. The department may consider studies and calculations conducted by the Public Utilities Commission in developing the methodology.

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(c) The Legislature finds and declares that energy use is only one factor in water supply planning and shall not be considered independently of other factors.

SEC. 30.* Section 10631.7 of the Water Code is repealed.

~~10631.7. The department, in consultation with the California Urban Water Conservation Council, shall convene an independent technical panel to provide information and recommendations to the department and the Legislature on new demand management measures, technologies, and approaches. The panel shall consist of no more than seven members, who shall be selected by the department to reflect a balanced representation of experts. The panel shall have at least one, but no more than two, representatives from each of the following: retail water suppliers, environmental organizations, the business community, wholesale water suppliers, and academia. The panel shall be convened by January 1, 2009, and shall report to the Legislature no later than January 1, 2010, and every five years thereafter. The department shall review the panel report and include in the final report to the Legislature the department's recommendations and comments regarding the panel process and the panel's recommendations.~~

SEC. 31* Section 10632 of the Water Code is repealed.

~~10632. (a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:~~

~~(1) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions that are applicable to each stage.~~

~~(2) An estimate of the minimum water supply available during each of the next three water years based on the driest three year historic sequence for the agency's water supply.~~

~~(3) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.~~

~~(4) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.~~

~~(5) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.~~

~~(6) Penalties or charges for excessive use, where applicable.~~

* SB 606

* SB 606

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~~(7) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.~~

~~(8) A draft water shortage contingency resolution or ordinance.~~

~~(9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.~~

~~(b) Commencing with the urban water management plan update due July 1, 2016, for purposes of developing the water shortage contingency analysis pursuant to subdivision (a), the urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.~~

SEC. 32.* Section 10632 is added to the Water Code, to read:

10632. (a) Every urban water supplier shall prepare and adopt a water shortage contingency plan as part of its urban water management plan that consists of each of the following elements:

(1) The analysis of water supply reliability conducted pursuant to Section 10635.

(2) The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:

(A) The written decisionmaking process that an urban water supplier will use each year to determine its water supply reliability.

(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:

(i) Current year unconstrained demand, considering weather, growth, and other influencing factors, such as policies to manage current supplies to meet demand objectives in future years, as applicable.

(ii) Current year available supply, considering hydrological and regulatory conditions in the current year and one dry year. The annual supply and demand assessment may consider more than one dry year solely at the discretion of the urban water supplier.

(iii) Existing infrastructure capabilities and plausible constraints.

(iv) A defined set of locally applicable evaluation criteria that are consistently relied upon for each annual water supply and demand assessment.

(v) A description and quantification of each source of water supply.

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(3) (A) Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage. Urban water suppliers shall define these shortage levels based on the suppliers' water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. Shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, and other potential emergency events.

(B) An urban water supplier with an existing water shortage contingency plan that uses different water shortage levels may comply with the requirement in subparagraph (A) by developing and including a cross-reference relating its existing categories to the six standard water shortage levels.

(4) Shortage response actions that align with the defined shortage levels and include, at a minimum, all of the following:

(A) Locally appropriate supply augmentation actions.

(B) Locally appropriate demand reduction actions to adequately respond to shortages.

(C) Locally appropriate operational changes.

(D) Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.

(E) For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.

(5) Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all of the following:

(A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.

(B) Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.

(C) Any other relevant communications.

(6) For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.

(7) (A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.

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(B) A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1.

(C) A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code.

(8) A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:

(A) A description of potential revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(B) A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(C) A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1.

(9) For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance and to meet state reporting requirements.

(10) Reevaluation and improvement procedures for systematically monitoring and evaluating the functionality of the water shortage contingency plan in order to ensure shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed.

(b) For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

(c) The urban water supplier shall make available the water shortage contingency plan prepared pursuant to this article to its customers and any city or county within which it provides water supplies no later than 30 days after adoption of the water shortage contingency plan.

SEC.33.* Section 10632.1 is added to the Water Code, to read:

10632.1. An urban water supplier shall conduct an annual water supply and demand assessment pursuant to subdivision (a) of Section 10632 and, on or before June 1 of each year, submit an annual water shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan. An

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***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
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urban water supplier that relies on imported water from the State Water Project or the Bureau of Reclamation shall submit its annual water supply and demand assessment within 14 days of receiving its final allocations, or by June 1 of each year, whichever is later.

SEC. 34.* Section 10632.2 is added to the Water Code, to read:

10632.2. An urban water supplier shall follow, where feasible and appropriate, the prescribed procedures and implement determined shortage response actions in its water shortage contingency plan, as identified in subdivision (a) of Section 10632, or reasonable alternative actions, provided that descriptions of the alternative actions are submitted with the annual water shortage assessment report pursuant to Section 10632.1. Nothing in this section prohibits an urban water supplier from taking actions not specified in its water shortage contingency plan, if needed, without having to formally amend its urban water management plan or water shortage contingency plan.

SEC. 35.* Section 10632.3 is added to the Water Code, to read:

10632.3. It is the intent of the Legislature that, upon proclamation by the Governor of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions, the board defer to implementation of locally adopted water shortage contingency plans to the extent practicable.

SEC. 36.* Section 10635 of the Water Code is amended to read:

10635. (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the *long-term* total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and ~~multiple dry~~ a drought lasting five consecutive water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

(b) Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim

* SB 606

* SB 606

* SB 606

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout** *Insert*

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update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following:

(1) A description of the data, methodology, and basis for one or more supply shortage conditions that are necessary to conduct a drought risk assessment for a drought period that lasts five consecutive water years, starting from the year following when the assessment is conducted.

(2) A determination of the reliability of each source of supply under a variety of water shortage conditions. This may include a determination that a particular source of water supply is fully reliable under most, if not all, conditions.

(3) A comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period.

(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

(b) (c) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

(c) (d) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.

(d) (e) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

SEC. 37.* Section 10640 of the Water Code is amended to read:

10640. (a) Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630). The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

(b) Every urban water supplier required to prepare a water shortage contingency plan shall prepare a water shortage contingency plan pursuant to Section 10632. The supplier shall likewise periodically review the water shortage contingency plan as required by Section 10621, paragraph (10) of subdivision (a) of Section 10632 and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

* SB 606

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

SEC. 38* Section 10641 of the Water Code is amended to read:

10641. An urban water supplier required to prepare a plan or a water shortage contingency plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

SEC. 39.* Section 10642 of the Water Code is amended to read:

10642. Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of ~~the~~ both the plan and the water shortage contingency plan. Prior to adopting a ~~plan, either,~~ the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon. Prior to ~~the hearing,~~ any of these hearings, notice of the time and place of the hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of a hearing to any city or county within which the supplier provides water supplies. Notices by a local public agency pursuant to this section shall be provided pursuant to Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code. A privately owned water supplier shall provide an equivalent notice within its service area. After the ~~hearing, the plan~~ hearing or hearings, the plan or water shortage contingency plan shall be adopted as prepared or as modified after the ~~hearing,~~ hearing or hearings.

SEC. 40.* Section 10644 of the Water Code is amended to read:

10644. (a) (1) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

(2) The plan, or amendments to the plan, submitted to the department pursuant to paragraph (1) shall be submitted electronically and shall include any standardized forms, tables, or displays specified by the department.

(b) If an urban water supplier revises its water shortage contingency plan, the supplier shall submit to the department a copy of its water shortage contingency plan prepared pursuant to subdivision (a) of Section 10632 no later than 30 days after adoption, in accordance with protocols for submission and using electronic reporting tools developed by the department.

* SB 606

* SB 606

* SB 606

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout** Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)†
AS AMENDS CURRENT LAW & MERGED***

~~(b)~~ (c) (1) (A) Notwithstanding Section 10231.5 of the Government Code, ~~and except as provided in subparagraph (B),~~ the department shall prepare and submit to the Legislature, on or before ~~December 31,~~ July 1, in the years ending in ~~six~~ seven and ~~one,~~ two, a report summarizing the status of the plans and water shortage contingency plans adopted pursuant to this part. The report prepared by the department shall identify the exemplary elements of the individual plans and water shortage contingency plans. The department shall provide a copy of the report to each urban water supplier that has submitted its plan and water shortage contingency plan to the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans and water shortage contingency plans submitted pursuant to this part.

(B) The department shall prepare and submit to the board, on or before September 30 of each year, a report summarizing the submitted water supply and demand assessment results along with appropriate reported water shortage conditions and the regional and statewide analysis of water supply conditions developed by the department. As part of the report, the department shall provide a summary and, as appropriate, urban water supplier specific information regarding various shortage response actions implemented as a result of annual supplier-specific water supply and demand assessments performed pursuant to Section 10632.1.

~~(B)~~ (C) The department shall submit the report to the Legislature for the 2015 plans by July 1, 2017, and the report to the Legislature for the 2020 plans and water shortage contingency plans by July 1, 2022.

(2) A report to be submitted pursuant to subparagraph (A) of paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

~~(e)~~ (1) ~~For the purpose of identifying the exemplary elements of the individual plans, the department shall identify in the report water demand management measures adopted and implemented by specific urban water suppliers, and identified pursuant to Section 10631, that achieve water savings significantly above the levels established by the department to meet the requirements of Section 10631.5.~~

~~(2) The department shall distribute to the panel convened pursuant to Section 10631.7 the results achieved by the implementation of those water demand management measures described in paragraph (1).~~

~~(3)~~ (d) The department shall make available to the public the standard the department will use to identify exemplary water demand management measures.

† Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[‡]
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SEC. 41.* Section 10645 of the Water Code is amended to read:

10645. (a) Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

(b) Not later than 30 days after filing a copy of its water shortage contingency plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

SEC. 42.* Section 10650 of the Water Code is amended to read:

10650. Any actions or ~~proceedings~~proceedings, other than actions by the board, to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

(a) An action or proceeding alleging failure to adopt a plan or a water shortage contingency plan shall be commenced within 18 months after that adoption is required by this part.

(b) Any action or proceeding alleging that a plan or water shortage contingency plan, or action taken pursuant to ~~the plan, either,~~ does not comply with this part shall be commenced within 90 days after filing of the plan or ~~amendment thereto~~water shortage contingency plan or an amendment to either pursuant to Section 10644 or the taking of that action.

SEC. 43.* Section 10651 of the Water Code is amended to read:

10651. In any action or proceeding to attack, review, set aside, void, or annul a plan or a water shortage contingency plan, or an action taken pursuant to ~~the plan either~~ by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

SEC. 44.* Section 10653 of the Water Code is amended to read:

10653. The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the ~~State Water Resources Control Board~~board and the Public Utilities Commission, for the preparation of water management ~~plans~~plans, water shortage contingency plans, or conservation plans; provided, that if the ~~State Water Resources Control Board~~board or

* SB 606

* SB 606

* SB 606

* SB 606

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[‡]
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the Public Utilities Commission requires additional information concerning water ~~conservation~~ conservation, drought response measures, or financial conditions to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan ~~prepared to meet that complies with analogous~~ federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

SEC. 45.* Section 10654 of the Water Code is amended to read:

10654. An urban water supplier may recover in its rates the costs incurred in preparing its ~~plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the “Memorandum of Understanding Regarding Urban Water Conservation in California” is deemed to be reasonable for the purposes of this section.~~ urban water management plan, its drought risk assessment, its water supply and demand assessment, and its water shortage contingency plan and implementing the reasonable water conservation measures included in either of the plans.

SEC. 46.* Section 10656 of the Water Code is amended to read:

10656. An urban water supplier ~~that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance from the state until~~ is not eligible for a water grant or loan awarded or administered by the state unless the urban water management plan is ~~submitted pursuant to this article.~~ supplier complies with this part.

SEC. 47.* Section 10657 is added to the Water Code, to read:

10657. The department may adopt regulations regarding the definitions of water, water use, and reporting periods, and may adopt any other regulations deemed necessary or desirable to implement this part. In developing regulations pursuant to this section, the department shall solicit broad public participation from stakeholders and other interested persons.

SEC. 9.[†] Section 10801 of the Water Code is amended to read:

10801. The Legislature finds and declares all of the following:

* SB 606

* SB 606

* SB 606

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout** Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[†]
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- (a) The waters of the state are a limited and renewable resource.
- (b) The California Constitution requires that water in the state be used in a reasonable and beneficial manner.
- ~~(c) Urban water districts are required to adopt water management plans.~~
- ~~(d) (c)~~ The ~~conservation~~ efficient use of agricultural water supplies is of great statewide concern.
- ~~(e) (d)~~ There is a great amount of reuse of delivered water, both inside and outside the water service ~~areas~~; areas of agricultural water suppliers.
- ~~(f) (e)~~ Significant noncrop beneficial uses are associated with agricultural water use, including ~~streamflows and wildlife habitat~~; the preservation and enhancement of fish and wildlife resources.
- ~~(g) (f)~~ Significant opportunities exist in some areas, through improved irrigation water management, to conserve water or to reduce the quantity of highly saline or toxic drainage water.
- ~~(h) (g)~~ Changes in water management practices should be carefully planned and implemented to minimize adverse effects on other beneficial uses currently being served.
- ~~(i) (h)~~ Agricultural water suppliers that receive water from the federal Central Valley Project are required by federal law to prepare and implement water conservation plans.
- ~~(j) (i)~~ Agricultural water users applying for a permit to appropriate water from the board are required to prepare and implement water conservation plans.

SEC. 10.[†] Section 10802 of the Water Code is amended to read:

10802. The Legislature finds and declares that all of the following are the policies of the state:

- (a) The ~~conservation~~ efficient use of water shall be pursued actively to protect both the people of the state and the state's water resources.
- (b) The ~~conservation~~ efficient use of agricultural water supplies shall be an important criterion in public decisions with regard to water.
- (c) Agricultural water suppliers shall be required to prepare water management plans to achieve ~~conservation~~ greater efficiency in the use of water.

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[†]
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SEC. 11.[†] Section 10814 of the Water Code is amended to read:

10814. "Person" ~~means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of that entity.~~ has the same meaning as defined in Section 10614.

SEC. 12.[†] Section 10817 of the Water Code is amended to read:

10817. "Water ~~conservation~~" ~~use efficiency~~" means the efficient management of water resources for beneficial uses, preventing waste, or accomplishing additional benefits with the same amount of water.

SEC. 13.[†] Section 10820 of the Water Code is amended to read:

10820. (a) ~~An~~ (1) Except as provided in paragraph (2), an agricultural water supplier shall prepare and adopt an agricultural water management plan in the manner set forth in this chapter on or before December 31, 2012, and shall update that plan on December 31, ~~2015, and on or before December 31 every five years thereafter.~~ 2015.

(2) (A) The agricultural water management plan shall be updated on or before April 1, 2021, and thereafter on or before April 1 in the years ending in six and one. The plan shall satisfy the requirements of Section 10826.

(B) An agricultural water supplier shall submit its plan to the department no later than 30 days after the adoption of the plan. The plan shall be submitted electronically and shall include any standardized forms, tables, or displays specified by the department.

(b) (1) The department shall review each plan that is due pursuant to paragraph (2) of subdivision (a). The department may coordinate its review with the Department of Food and Agriculture and the board.

(2) The department shall notify an agricultural water supplier that it is not in compliance with this part if the department determines that actions are required to comply with the requirements of this part or if a supplier fails to update a plan as provided in paragraph (2) of subdivision (a). The department shall identify the specific deficiencies and the supplier shall have 120 days to remedy an identified deficiency. The department may provide additional time to remedy a deficiency if it finds that a supplier is making substantial progress toward remedying the deficiency. An agricultural water supplier that fails to submit corrective actions or a completed plan shall not be in compliance with this part.

[†] AB 1668

[†] AB 1668

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in **Strikeout Insert**

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[†]
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(3) If the department has not received a plan or the department has determined that the plan submitted does not comply with the requirements of this part, and a revised plan has not been submitted, the department may undertake the following actions:

(A) Contract with a state academic institution or qualified entity to prepare or complete an agricultural water management plan on behalf of the supplier. The costs and expenses related to preparation or completion of a plan, including the costs of the contract and contract administration, shall be recoverable by the department from the supplier.

(B) If a supplier does not provide data necessary for the preparation or completion of a plan to the department or the contracting entity as determined by the department in accordance with subparagraph (A), the department may assess a fine of one thousand dollars (\$1,000) per day, not to exceed twenty-five thousand dollars (\$25,000), until data is made available.

(4) (A) A plan prepared or completed pursuant to paragraph (3) shall be deemed the adopted plan for the supplier.

(B) Any action to challenge or invalidate the adequacy of the plan prepared or completed pursuant to paragraph (3) shall be brought against the supplier for whom the plan was prepared.

(b) (c) Every supplier that becomes an agricultural water supplier after December 31, 2012, shall prepare and adopt an agricultural water management plan within one year after the date it has become an agricultural water supplier.

(e) (d) A water supplier that indirectly provides water to customers for agricultural purposes shall not prepare a plan pursuant to this part without the consent of each agricultural water supplier that directly provides that water to its customers.

SEC. 14.[†] Section 10825 of the Water Code is amended to read:

10825. (a) It is the intent of the Legislature in enacting this part to allow levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

(b) This part does not require the implementation of water ~~conservation~~ use efficiency programs or practices that are not locally cost effective.

SEC. 15.[†] Section 10826 of the Water Code is amended to read:

10826. An agricultural water management plan shall be adopted in accordance with this chapter. The plan shall do all of the following:

[†] AB 1668

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)[‡]
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(a) Describe the agricultural water supplier and the service area, including all of the following:

- (1) Size of the service area.
- (2) Location of the service area and its water management facilities.
- (3) Terrain and soils.
- (4) Climate.
- (5) Operating rules and regulations.
- (6) Water delivery measurements or calculations.
- (7) Water rate schedules and billing.
- (8) Water shortage allocation policies.

(b) Describe the quantity and quality of water resources of the agricultural water supplier, including all of the following:

- (1) Surface water supply.
- (2) Groundwater supply.
- (3) Other water ~~supplies~~: supplies, including recycled water.
- (4) Source water quality monitoring practices.

(5) Water uses within the agricultural water supplier's service area, including all of the following:

- (A) Agricultural.
- (B) Environmental.
- (C) Recreational.
- (D) Municipal and industrial.

(E) Groundwater ~~recharge~~: recharge, including estimated flows from deep percolation from irrigation and seepage.

~~(F) Transfers and exchanges.~~

~~(G) Other water uses.~~

~~(6) Drainage from the water supplier's service area.~~

~~(7) Water accounting, including all of the following:~~

~~(A) (c) Quantifying the water supplier's water supplies. Include an annual water budget based on the quantification of all inflow and outflow components for the service area of the agricultural water supplier. Components of inflow shall include surface inflow, groundwater~~

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

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pumping in the service area, and effective precipitation. Components of outflow shall include surface outflow, deep percolation, and evapotranspiration. An agricultural water supplier shall report the annual water budget on a water-year basis. The department shall provide tools and resources to assist agricultural water suppliers in developing and quantifying components necessary to develop a water budget.

~~(B) Tabulating water uses.~~

~~(C) Overall water budget.~~

~~(8) Water supply reliability.~~

~~(e) (d)~~ Include an analysis, based on available information, of the effect of climate change on future water supplies.

~~(d) (e)~~ Describe previous water management activities.

(f) Identify water management objectives based on the water budget to improve water system efficiency or to meet other water management objectives. The agricultural water supplier shall identify, prioritize, and implement actions to reduce water loss, improve water system management, and meet other water management objectives identified in the plan.

~~(e) (g)~~ Include in the plan the water use efficiency information information regarding efficient water management practices required pursuant to Section 10608.48.

(h) Quantify the efficiency of agricultural water use within the service area of the agricultural water supplier using the appropriate method or methods from among the four water use efficiency quantification methods developed by the department in the May 8, 2012, report to the Legislature entitled "A Proposed Methodology for Quantifying the Efficiency of Agricultural Water Use." The agricultural water supplier shall account for all water uses, including crop water use, agronomic water use, environmental water use, and recoverable surface flows.

SEC. 16.[†] Section 10826.2 is added to the Water Code, to read:

10826.2. As part of its agricultural water management plan, each agricultural water supplier shall develop a drought plan for periods of limited water supply describing the actions of the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions. The drought plan shall contain both of the following:

(a) Resilience planning, including all of the following:

(1) Data, indicators, and information needed to determine the water supply availability and levels of drought severity.

(2) Analyses and identification of potential vulnerability to drought.

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

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(3) A description of the opportunities and constraints for improving drought resilience planning, including all of the following:

(A) The availability of new technology or information.

(B) The ability of the agricultural water supplier to obtain or use additional water supplies during drought conditions.

(C) A description of other actions planned for implementation to improve drought resilience.

(b) Drought response planning, including all of the following:

(1) Policies and a process for declaring a water shortage and for implementing water shortage allocations and related response actions.

(2) Methods and procedures for the enforcement or appeal of, or exemption from, triggered shortage response actions.

(3) Methods and procedures for monitoring and evaluation of the effectiveness of the drought plan.

(4) Communication protocols and procedures to inform and coordinate customers, the public, interested parties, and local, regional, and state government.

(5) A description of the potential impacts on the revenues, financial condition, and planned expenditures of the agricultural water supplier during drought conditions that reduce water allocations, and proposed measures to overcome those impacts, including reserve-level policies.

SEC. 17.[†] Section 10843 of the Water Code is amended to read:

10843. (a) An agricultural water supplier shall submit to the entities identified in subdivision (b) a copy of its plan no later than 30 days after ~~the adoption of the plan. Copies of amendments or changes to the plans shall be submitted to the entities identified in subdivision (b) within 30 days after the adoption of the amendments or changes.~~ review of the plan pursuant to subdivision (b) of Section 10820.

(b) An agricultural water supplier shall submit a copy of its plan ~~and amendments or changes to the plan~~ to each of the following entities:

(1) The department.

(2) Any city, county, or city and county within which the agricultural water supplier provides water supplies.

(3) Any groundwater management entity within which jurisdiction the agricultural water supplier extracts or provides water supplies.

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ **Insert**

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~~(4) Any urban water supplier within which jurisdiction the agricultural water supplier provides water supplies.~~

~~(5) Any city or county library within which jurisdiction the agricultural water supplier provides water supplies.~~

(6) ~~(4)~~ The California State Library.

~~(7) Any local agency formation commission serving a county within which the agricultural water supplier provides water supplies.~~

SEC. 18.[†] Section 10845 of the Water Code is amended to read:

10845. (a) The department shall prepare and submit to the Legislature, on or before ~~December 31, 2013,~~ April 30, 2022, and thereafter in the years ending in ~~six~~ seven and years ending in ~~one,~~ two, a report summarizing the status of the plans adopted pursuant to this part.

(b) The report prepared by the department shall identify the outstanding elements of any plan adopted pursuant to this part. The report shall include an evaluation of the effectiveness of this part in promoting efficient agricultural water management practices and recommendations relating to proposed changes to this part, as appropriate.

(c) The department shall provide a copy of the report to each agricultural water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearing designed to consider the effectiveness of plans submitted pursuant to this part.

(d) This section does not authorize the department, in preparing the report, to approve, disapprove, or critique individual plans submitted pursuant to this part.

SEC. 19.[†] Section 10910 of the Water Code is amended to read:

10910. (a) Any city or county that determines that a project, as defined in Section 10912, is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) under Section 21080 of the Public Resources Code shall comply with this part.

(b) The city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system whose service area includes the project site and any water system adjacent to the project site that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined in

[†] AB 1668

[†] AB 1668

[‡] Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ Insert

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Section 10912, that may supply water for the project. If the city or county is not able to identify any public water system that may supply water for the project, the city or county shall prepare the water assessment required by this part after consulting with any entity serving domestic water supplies whose service area includes the project site, the local agency formation commission, and any public water system adjacent to the project site.

(c) (1) The city or county, at the time it makes the determination required under Section 21080.1 of the Public Resources Code, shall request each public water system identified pursuant to subdivision (b) to determine whether the projected water demand associated with a proposed project was included as part of the most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610).

(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g).

(3) If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.

(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

(d) (1) The assessment required by this section shall include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts.

(2) An identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall be demonstrated by providing information related to all of the following:

(A) Written contracts or other proof of entitlement to an identified water supply.

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ *Insert*

***AB 1668 (FRIEDMAN)(5/3/18) & SB 606 (HERTZBERG)(AS TO BE AMENDED 5/7/18)‡
AS AMENDS CURRENT LAW & MERGED***

(B) Copies of a capital outlay program for financing the delivery of a water supply that has been adopted by the public water system.

(C) Federal, state, and local permits for construction of necessary infrastructure associated with delivering the water supply.

(D) Any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply.

(e) If no water has been received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts, the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall also include in its water supply assessment pursuant to subdivision (c), an identification of the other public water systems or water service contractholders that receive a water supply or have existing water supply entitlements, water rights, or water service contracts, to the same source of water as the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has identified as a source of water supply within its water supply assessments.

(f) If a water supply for a proposed project includes groundwater, the following additional information shall be included in the water supply assessment:

(1) A review of any information contained in the urban water management plan relevant to the identified water supply for the proposed project.

(2) (A) A description of any groundwater basin or basins from which the proposed project will be supplied.

(B) For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has the legal right to pump under the order or decree.

(C) For a basin that has not been adjudicated that is a basin designated as high- or medium-priority pursuant to Section 10722.4, information regarding the following:

(i) Whether the department has identified the basin as being subject to critical conditions of overdraft pursuant to Section 12924.

(ii) If a groundwater sustainability agency has adopted a groundwater sustainability plan or has an approved alternative, a copy of that alternative or plan.

(D) For a basin that has not been adjudicated that is a basin designated as low- or very low priority pursuant to Section 10722.4, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present

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AS AMENDS CURRENT LAW & MERGED***

management conditions continue, in the most current bulletin of the department that characterizes the condition of the groundwater basin, and a detailed description by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the amount and location of groundwater pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), for the past five years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), from any basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(5) An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project. A water supply assessment shall not be required to include the information required by this paragraph if the public water system determines, as part of the review required by paragraph (1), that the sufficiency of groundwater necessary to meet the initial and projected water demand associated with the project was addressed in the description and analysis required by subparagraph (D) of paragraph (4) of subdivision (b) of Section 10631.

(g) (1) Subject to paragraph (2), the governing body of each public water system shall submit the assessment to the city or county not later than 90 days from the date on which the request was received. The governing body of each public water system, or the city or county if either is required to comply with this act pursuant to subdivision (b), shall approve the assessment prepared pursuant to this section at a regular or special meeting.

(2) Prior to the expiration of the 90-day period, if the public water system intends to request an extension of time to prepare and adopt the assessment, the public water system shall meet with the city or county to request an extension of time, which shall not exceed 30 days, to prepare and adopt the assessment.

(3) If the public water system fails to request an extension of time, or fails to submit the assessment notwithstanding the extension of time granted pursuant to paragraph (2), the city or county may seek a writ of mandamus to compel the governing body of the public water system to comply with the requirements of this part relating to the submission of the water supply assessment.

(h) Notwithstanding any other provision of this part, if a project has been the subject of a water supply assessment that complies with the requirements of this part, no additional water

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AS AMENDS CURRENT LAW & MERGED***

supply assessment shall be required for subsequent projects that were part of a larger project for which a water supply assessment was completed and that has complied with the requirements of this part and for which the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has concluded that its water supplies are sufficient to meet the projected water demand associated with the proposed project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses, unless one or more of the following changes occurs:

- (1) Changes in the project that result in a substantial increase in water demand for the project.
- (2) Changes in the circumstances or conditions substantially affecting the ability of the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), to provide a sufficient supply of water for the project.
- (3) Significant new information becomes available that was not known and could not have been known at the time when the assessment was prepared.
 - (i) For the purposes of this section, hauled water is not considered as a source of water.

‡ Amends per AB 1668 (5/3/18) & SB 606 RN 18 12438 shown in ~~Strikeout~~ *Insert*

May 14, 2018

Prepared by: T. Bonkowski / M. Cortez

Submitted by: K. Burton *K.B.*

Approved by: Paul A. Cook *P.A. Cook*

ACTION CALENDAR

MICHELSON FORCE MAIN IMPROVEMENTS CONSTRUCTION AWARD

SUMMARY:

A corrosion induced leak was repaired on the Michelson sewer force main between the Michelson Lift Station and Riparian View in summer 2015. To minimize future corrosion related leaks, this project will rehabilitate the force main with approximately 3,450 feet of cured-in-place pipe (CIPP). Staff recommends that the Board:

- Authorize a budget increase in the amount of \$850,000, from \$1,367,300 to \$2,217,300, and
- Authorize the General Manager to execute a construction contract with Insituform Technologies, LLC in the amount of \$1,787,045 for the Michelson Force Main Improvements.

BACKGROUND:

The Michelson sewer force main, located in Michelson Drive between Jamboree Road and Riparian View, is a 12-inch ductile iron force main that conveys sewage from the Michelson Lift Station to either the Orange County Sanitation District or to the Michelson Water Recycling Plant; a location map is attached as Exhibit "A". In summer 2015, staff repaired a corrosion induced leak on the sewer force main in Michelson Drive, between the Michelson Lift Station and Riparian View. Video inspection of both force main segments revealed delamination of the interior coating and corrosion on most of the pipe joints as well as on other areas of the pipeline. Based on these findings, IRWD retained Kleinfelder to complete the engineering design to rehabilitate both sewer force main segments with CIPP. The design incorporates seven vaults containing stainless steel tee fittings to allow staff to access and more easily perform video inspection and maintenance of the force main in the future.

Construction Award:

Kleinfelder completed its design in February 2018 and the project was advertised for construction bidding to a select list of six pipeline and CIPP specialty contractors on March 1, 2018. Only one contractor submitted a bid at the bid opening on April 12, 2018. Insituform Technologies' bid was in the amount of \$1,787,045; the engineer's estimate was \$1,696,250. The bid summary is attached as Exhibit "B".

After the bid opening, staff contacted three of the contractors that had purchased plans during the bid period, but did not submit bids. Reasons for not bidding included that their CIPP product is more specialized towards water pipe where the working pressures are higher and the resins are certified for potable use which makes it harder to compete with low pressure sewage applications, that the project included construction of several vaults that were outside their core

expertise, and restricted working hour constraints imposed by the City of Irvine for this very congested traffic area.

The bid unit cost of \$208 per foot compares favorably to two other recent IRWD CIPP pressure pipe projects: Newport Coast Lift Station Rehabilitation (unit cost of \$230 per foot) and Seawatch Recycled Water Main Rehabilitation (unit cost of \$214 per foot). Staff recommends accepting Insituform Technologies as the apparent low bidder with a bid amount of \$1,787,045.

FISCAL IMPACTS:

Project 07097 is included in the FY 2018-19 Capital Budget. Staff requests a budget increase in the amount of \$850,000 to fund construction of the project as shown in the following table:

Project No.	Current Budget	Addition <Reduction>	Total Budget
07097	\$1,367,300	\$850,000	\$2,217,300

ENVIRONMENTAL COMPLIANCE:

This project is exempt from the California Environmental Quality Act (CEQA) and in conformance with California Code of Regulations Title 14, Chapter 3, 15301. Section 15301 provides exemption for minor alterations of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Additionally, State Guideline 15282 provides exemptions for projects that involve the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile (or 5,280 feet) in length. A Notice of Exemption for the project was filed with the County of Orange on May 18, 2017.

COMMITTEE STATUS:

Construction awards are not routinely taken to Committee prior to submittal to the Board.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE A BUDGET INCREASE IN THE AMOUNT OF \$850,000, FROM \$1,367,300 TO \$2,217,300, FOR PROJECT 07097 AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH INSITUFORM TECHNOLOGIES, LLC IN THE AMOUNT OF \$1,787,045 FOR THE MICHELSON FORCE MAIN IMPROVEMENTS, PROJECT 07097.

LIST OF EXHIBITS:

- Exhibit "A" – Location Map
- Exhibit "B" – Bid Summary

EXHIBIT "A"



Bid Opening: Thursday, April 12, 2018
@ 2:00 p.m.

Irvine Ranch Water District Bid Summary For
Michelson Force Main Improvements
PR 07097, Code 6969

EXHIBIT "B"

Entered By: L. Gates

				Engineer's Estimate		1 Insituform Technologies, LLC Chesterfield, MO	
Item No.	Description	Qty	Unit	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization/Demobilization (Max 5% of Base Bid)	1	LS	\$54,900.00	\$54,900.00	\$19,000.00	\$19,000.00
2	4-foot by 7-foot Access Vaults	7	EA	\$45,000.00	\$315,000.00	\$54,600.00	\$382,200.00
3	Restrained Coupling Adapters	15	EA	\$4,500.00	\$67,500.00	\$4,400.00	\$66,000.00
4	Stainless Steel Custom Access Fittings	7	EA	\$5,500.00	\$38,500.00	\$13,100.00	\$91,700.00
5	Paving Top and Base Course	140	TON	\$285.00	\$39,900.00	\$530.00	\$74,200.00
6	One Sack Slurry Backfill	280	CY	\$250.00	\$70,000.00	\$164.00	\$45,920.00
7	12-inch PVC Installation	185	LF	\$400.00	\$74,000.00	\$765.00	\$141,525.00
8	12-inch CIPP Liner Installation	3,450	LF	*\$215.00	\$741,750.00	\$208.00	\$717,600.00
9	Debris Removal and Disposal	1	LS	\$40,000.00	\$40,000.00	\$43,700.00	\$43,700.00
10	Traffic Control	1	LS	\$143,200.00	\$143,200.00	\$84,100.00	\$84,100.00
11	Asphalt Slurry Type II	15,000	SF	\$2.50	\$37,500.00	\$3.30	\$49,500.00
12	Road Paint Striping	1	LS	\$24,000.00	\$24,000.00	\$10,900.00	\$10,900.00
13	NPDES Discharge Permit and Compliance	1	EA	\$10,000.00	\$10,000.00	\$6,000.00	\$6,000.00
14	Final Record Drawings	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
15	Vault Interior Waterproofing	7	EA	\$5,000.00	\$35,000.00	\$7,100.00	\$49,700.00
	Subtotal				\$1,696,250.00		\$1,787,045.00
	Adjustment (+ or -)						\$0.00
	TOTAL AMOUNT OF BID				\$1,696,250.00		\$1,787,045.00
				Item		Manufacturers:	
				Cured in Place Pipe		Insitutube - Insituform Technologies	
				Custom Access Fittings		Southland Pipe Corporation	
				Precast Concrete Vaults		Jensen Precast (South CA Division)	
						Subcontractors:	
				* Unit cost based on Seawatch		Dig Work - Mike Prlich & Sons	
				RW Replacement Project (CIPP for pressure pipe)		Clean/CCTV - Performance Pipeline Technologies	