

**ORDINANCE NO. 63**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF CHINO  
BASIN MUNICIPAL WATER DISTRICT REGULATING THE  
AVAILABILITY AND USE OF RECYCLED WATER FROM  
THE CHINO BASIN MUNICIPAL WATER DISTRICT'S  
REGIONAL RECYCLED WATER DISTRIBUTION SYSTEM**

BE IT ORDAINED BY THE Board of Directors of Chino Basin Municipal Water District as follows:

**INDEX**

**DIVISION I      GENERAL**

**PART I - ADMINISTRATION .....1**

    SECTION 101 - AUTHORIZATION.....1

    SECTION 102 - PURPOSE AND OBJECTIVES .....1

    SECTION 103 - SEVERABILITY .....1

    SECTION 104 - SERVICE AREA .....1

    SECTION 105 - ADMINISTRATOR.....2

    SECTION 106 - RIGHT OF REVISION.....2

    SECTION 107 - DEFINITION OF TERMS .....2

**PART II - ENFORCEMENT .....6**

    SECTION 201 - GENERAL .....6

    SECTION 202 - PROTECTION FROM DAMAGE .....6

    SECTION 203 - NOTIFICATION OF VIOLATION.....6

    SECTION 204 - EMERGENCY ACTION.....6

    SECTION 205 - RECYCLED WATER USE PERMIT SUSPENSION.....7

    SECTION 206 - RECYCLED WATER USE PERMIT REVOCATION.....9

    SECTION 207 - APPEALS.....11

    SECTION 208 - REESTABLISHMENT OF SERVICE .....13

    SECTION 209 - NON-COMPLIANCE COSTS .....14

    SECTION 210 - RECOVERY OF COSTS FOR DAMAGE .....14

    SECTION 211 - CONFLICTS .....14

**PART III - RATES.....15**

    SECTION 301 - WATER USE CHARGE .....15

    SECTION 302 - BILLING AND PAYMENT .....15

**DIVISION II      WHOLESALE DISTRIBUTION OF RECYCLED WATER**

PART I – CONDITIONS OF SERVICE.....16

- SECTION 101 - GENERAL .....16
- SECTION 102 - RECYCLED WATER USE PERMIT REVIEW AND REPORTING PROCESS .....16
- SECTION 103 - SERVICE CONNECTION.....16
- SECTION 104 - RESPONSIBILITIES FOR MAKING CONNECTIONS TO THE REGIONAL RECYCLED WATER DISTRIBUTION SYSTEM AND PERMITTED OR PROHIBITED USE OF VALVE BY INDIRECT RECYCLED WATER USER.....17
- SECTION 105 - RELOCATION OF RECYCLED WATER SERVICE LINE .....17
- SECTION 106 - METER TESTING.....17
- SECTION 107 - OTHER LIMITATIONS OF SERVICE .....18
- SECTION 108 - FEDERAL, STATE AND LOCAL REQUIREMENTS .....18
- SECTION 109 - DUTY TO COMPLY.....19
- SECTION 110 - RECYCLED WATER USE PERMIT ACTIONS.....19
- SECTION 111 - INSPECTION AND ENTRY .....19

PART II – OPERATION .....20

- SECTION 201 - ON-SITE FACILITIES.....20
- SECTION 202 - OFF-SITE FACILITIES .....20

**DIVISION III      RETAIL DISTRIBUTION OF RECYCLED WATER**

PART I - RECYCLED WATER USE PERMIT PROCESSING .....21

- SECTION 101 - GENERAL .....21
- SECTION 102 - RECYCLED WATER USE PERMIT APPLICATION PROCESS.....21
- SECTION 103 - APPLICANT’S RESPONSIBILITY.....22
- SECTION 104 - RECYCLED WATER USE PERMIT .....22

PART II - CONDITIONS OF SERVICE.....23

- SECTION 201 - GENERAL.....23
- SECTION 202 - SERVICE CONNECTION.....23
- SECTION 203 - RESPONSIBILITIES FOR MAKING CONNECTIONS TO THE REGIONAL RECYCLED WATER DISTRIBUTION SYSTEM AND PERMITTED OR PROHIBITED USE OF VALVE BY DIRECT RECYCLED WATER USER .....23
- SECTION 204 - RELOCATION OF RECYCLED WATER SERVICE LINE.....24
- SECTION 205 - METER TESTING .....24

SECTION 206 - SCHEDULING RECYCLED WATER .....	25
SECTION 207 - OTHER LIMITATIONS OF SERVICE .....	25
SECTION 208 - FEDERAL, STATE AND LOCAL REQUIREMENTS .....	25
SECTION 209 - DUTY TO COMPLY .....	26
SECTION 210 - NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.....	26
SECTION 211 - RECYCLED WATER USE PERMIT ACTIONS .....	26
SECTION 212 - DUTY TO PROVIDE INFORMATION.....	26
SECTION 213 - INSPECTION AND ENTRY .....	26
 PART III - OPERATION .....	 28
SECTION 301 - ON-SITE FACILITIES .....	28
SECTION 302 - OFF-SITE FACILITIES .....	29
 PART IV - ON-SITE CONTROLS .....	 30
SECTION 401 - IMPLEMENTATION.....	30
SECTION 402 - STATE/LOCAL REGULATION.....	30
SECTION 403 - OPERATIONAL CONTROLS .....	30
SECTION 404 - IDENTIFICATION .....	31
SECTION 405 - POSTING OF ON-SITE WARNINGS .....	31
SECTION 406 - CROSS CONNECTION PREVENTION.....	31

## **DIVISION I - GENERAL**

### **PART I - ADMINISTRATION**

#### **SECTION 101 - AUTHORIZATION**

This Ordinance is enacted pursuant to the authority contained in the Municipal Water District Law of 1911, California Water Code, section 71000 et. seq., as amended.

#### **SECTION 102 - PURPOSE AND OBJECTIVES**

The purpose of this Ordinance is to promote the conservation and reuse of water resources and provide for the maximum public benefit from the use of recycled water supplies from Chino Basin Municipal Water District's (District) wastewater reclamation facilities. Recycled water may be provided for the following uses: agricultural, landscape irrigation, commercial and/or industrial process, construction, groundwater recharge, wildlife habitat, recreational impoundment's and any additional use provided for under Title 22, Division 4, Chapter 3, Water Recycling Criteria, Section 60301 et. seq., of the California Code of Regulations.

The objectives of this Ordinance are:

- (A) To develop Rules and Regulations for the sale of recycled water in the Carbon Canyon Recycled Water Distribution System service area to Resale Agencies and to Direct Recycled Water Users within the District's service area.
- (B) To enforce all Federal, State and local regulations and requirements governing the distribution and use of recycled water.
- (C) To provide a supplemental water resource that is safe, reliable, and drought proof to the local Resale Agencies and Direct Recycled Water Users.

#### **SECTION 103 - SEVERABILITY**

If any section, subsection, sentence, clause or phrase of these Rules and Regulations is for any reason found to be invalid or unconstitutional, such decision shall not affect the remaining portions of these Rules and Regulations. The Chino Basin Municipal Water District Board of Directors declares that it would have approved these Rules and Regulations by section, subsection, sentence, clause, or phrase irrespective of the fact that any or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

#### **SECTION 104 - SERVICE AREA**

These Rules and Regulations pertain to recycled water service to lands and/or improvements lying within the legal boundaries of the District's service area unless otherwise stated.

## SECTION 105 - ADMINISTRATOR

Except as otherwise provided herein, the Chief Executive Officer/General Manager shall administer, implement, and enforce the provisions of this Ordinance. The Chief Executive Officer/General Manager may, at his discretion, delegate any or all of these powers and duties.

## SECTION 106 - RIGHT OF REVISION

The District reserves the right to amend this Ordinance, as it deems appropriate.

## SECTION 107 - DEFINITION OF TERMS

- (A) AGRICULTURAL USE: water used for the production of crops and/or livestock and the preparation of these products for market. Allowable uses will depend on the treatment level of the recycled water.
- (B) APPLICANT: any person, firm, corporation, association, or agency that applies for recycled water service.
- (C) APPLICATION RATE: the rate at which irrigation water is applied to a design or use area, expressed in inches per hour.
- (D) APPROVED USE: an application of recycled water in a manner, and for a purpose, designated in the Direct or Indirect Recycled Water User's Recycled Water Use Permit and in compliance with all applicable regulatory agency requirements.
- (E) APPROVED USE AREA: a site, with well-defined boundaries, designated in a Recycled Water Use Permit for recycled water service issued by the District or Resale Agency to receive recycled water for an approved use and acknowledged by all applicable regulatory agencies.
- (F) AUTOMATIC SYSTEM: controllers, valves, and associated equipment used to program and operate irrigation systems for the efficient application of recycled water.
- (G) AWWA: the American Water Works Association.
- (H) BOARD OF DIRECTORS: the Board of Directors of the Chino Basin Municipal Water District.
- (I) CHIEF EXECUTIVE OFFICER/GENERAL MANAGER: shall mean the Chief Executive Officer/General Manager or a duly Authorized Representative of Chino Basin Municipal Water District.
- (J) COMMERCIAL WATER USE: water that may be used for toilets, urinals, decorative fountains, decorative landscape indoor and outdoor, emergency fire suppression, construction grading, dust control and/or other uses approved by the District or the Resale Agency.

- (K) DIRECT BENEFICIAL USE: the use of recycled water, which has been transported from the point of production, to the point of use without an intervening discharge to waters of the State.
- (L) DIRECT RECYCLED WATER USER: any person, group, firm, partnership, corporation, association which directly purchases recycled water from the District's Recycled Water Facilities for use in accordance with this Ordinance.
- (M) DISCHARGE: any release or distribution of recycled water to a use area or disposal site/mechanism (e.g.; outfall, Live Stream Discharge, municipal sewage system). All discharges of recycled water must be approved by the regulatory agencies.
- (N) DISTRICT: shall mean the Chino Basin Municipal Water District (CBMWD) and its duly authorized officers, employees, agents and representatives.
- (O) DOHS: State of California Department of Health Services.
- (P) INDIRECT RECYCLED WATER USER: any person, group, firm, partnership, corporation, association or agency accepting recycled water from a Resale Agency's recycled water facilities for use in accordance with this Ordinance.
- (Q) INDUSTRIAL PROCESS WATER USE: water used in industrial facilities for rinsing, washing, cooling, flushing, circulation, or construction and other related uses.
- (R) LANDSCAPE IRRIGATION USE: recycled water used for the propagation and maintenance of trees, shrubs, ground cover and turf.
- (S) LOCAL RECYCLED WATER DISTRIBUTION SYSTEM: a recycled water distribution system which is owned and/or operated by a Resale Agency; the local reclamation distribution system is generally an extension of the Regional Recycled Water Distribution System.
- (T) OFF-SITE FACILITIES: existing or proposed facilities under the control of the District or the Resale Agency, from the source of supply to the point of connection with the Direct or Indirect Recycled Water User's on-site facilities, normally up to and including either the District's or the Resale Agency's meter and the meter box.
- (U) ON-SITE FACILITIES: existing or proposed facilities within property under the control of the Direct or Indirect Recycled Water User, normally downstream of the District's or a Resale Agency's meter.
- (V) ON-SITE RECYCLED WATER SUPERVISOR: a qualified person designated by a Direct or Indirect Recycled Water User, and approved by the District or by a Resale Agency, to be responsible for the safe and efficient operation of the Direct or Indirect Recycled Water User's recycled water system. This person shall be knowledgeable in the construction and operation of recycled water and irrigation systems and in the application of Federal, State and local guidelines, criteria, standards, rules and regulations governing the use of recycled water.

- (W) OWNER: the owner of the property to which recycled water will or is being served.
- (X) PERSON: shall mean any individual or entity including but not limited to any person, firm, company, or corporation, partnership or association, any public corporation, political subdivision, city, county, District, the State of California, the United States of America or any department or agency thereof. The singular in each case shall include the plural.
- (Y) PONDING: retention of recycled water on the ground surface or man-made surface for a period of time following the cessation of an approved recycled water use activity such that potential hazard to the public health may result.
- (Z) POTABLE WATER: water that conforms to the latest Federal, State and local drinking water standards.
- (AA) POTABLE WATER PURVEYOR: the permitted supplier of potable water to a use area.
- (BB) PURCHASE RATE: the rate for a unit of recycled water that will be set annually by resolution of the Board of Directors.
- (CC) RECYCLED WATER: as defined in Title 22, Division 4, Chapter 3, Water Recycling Criteria, Section 60301 et. seq., of the California Code of Regulations, water which as a result of treatment of wastewater, is suitable for direct beneficial use or a controlled use that otherwise would not occur. The treatment of wastewater is accomplished in accordance with the criteria set forth in said code.
- (DD) RECYCLED WATER FACILITIES: systems, structures, etc., used in the treatment, storage, pumping, transmission and distribution of recycled water.
- (EE) RECYCLED WATER USE PERMIT: a processed and approved application package to, and agreement with, either the Resale Agency or the District for recycled water service.
- (FF) RECREATIONAL IMPOUNDMENT: a body of recycled water used for recreational activities including, but not limited to, fishing, boating, and/or swimming. Allowable uses will depend on treatment level of the recycled water.
- (GG) REGIONAL RECYCLED WATER DISTRIBUTION SYSTEM: the Carbon Canyon recycled water distribution system owned by the District.
- (HH) REGULATORY AGENCY: those public entities legally constituted by federal, state and local statutes to protect health and water quality.
- (II) RESALE AGENCY: the agency or city who purchases recycled water from the District generally for the purpose of resale to an Indirect Recycled Water User.

- (JJ) RETAIL OF RECYCLED WATER: the delivery of recycled water directly by the District to a Direct Recycled Water User.
- (KK) RUNOFF: flow of water along the either natural or manmade surfaces of the ground off of the designated use area.
- (LL) RWQCB: California Regional Water Quality Control Board, Santa Ana Region.
- (MM) SECONDARY EFFLUENT: wastewater that has received preliminary treatment to remove large solids and grit, primary treatment to remove settleable and floatable solids by gravity sedimentation and secondary treatment to remove organics by a biological treatment process.
- (NN) SERVICE: the delivery of recycled water to a Resale Agency or a Direct Recycled Water User.
- (OO) SERVICE CONNECTION: the District's facilities between the District's recycled water distribution system and the Resale Agency or the Direct Recycled Water User's recycled water service valve, including, but not limited to, the meter, meter box, valves, and piping equipment.
- (PP) TERTIARY EFFLUENT: Secondary effluent that has been disinfected and filtered. Allowable uses include body contact and irrigation of human food crops.
- (QQ) TITLE 22 ENGINEERING REPORT: A report required by the DOHS which addresses Title 22 compliance with the production, distribution and use of recycled water by a Direct or Indirect Recycled Water User.
- (RR) UNAUTHORIZED DISCHARGE: any release of recycled water that violates the rules and regulations contained in this Ordinance or any applicable Federal, State, or local statutes, regulations, ordinances, contracts or other requirements.
- (SS) USE AREA: the specific area designated to be served with recycled water through on-site recycled water facilities.
- (TT) WHOLESALE OF RECYCLED WATER: the delivery of recycled water by the District to a Resale Agency.
- (UU) WIND BLOWN SPRAY: dispersed, airborne particles of water capable of being transmitted through the air to a location other than that for which the direct application of recycled water is approved.



## PART II - ENFORCEMENT

### SECTION 201 - GENERAL

The enforcement provisions provided in Part II shall be applicable to both the Direct or Indirect Recycled Water User. In the case of an Indirect Recycled Water User, the District shall exercise the enforcement provisions of this Ordinance when the District determines that the Resale Agency is not providing effective permitting, regulation or enforcement of the provisions of this Ordinance, or any applicable Federal, State, District or local statutes for the distribution, delivery and use of recycled water by an Indirect Recycled Water User.

### SECTION 202 - PROTECTION FROM DAMAGE

No Person shall maliciously, willfully, or negligently break, damage, destroy, impair the usefulness, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Regional Recycled Water Distribution System.

### SECTION 203 - NOTIFICATION OF VIOLATION

The District will serve any Direct or Indirect Recycled Water User found to be violating any provision of this Ordinance, or any applicable Federal, State, District or local statutes, regulations, guidelines, ordinances, or other requirements with a written notice of non-compliance. The notice of non-compliance will state the nature of the violation and provide a reasonable time limit, as determined by the District, for the satisfactory correction thereof. The District may require the submittal of a plan to satisfactorily correct the violation or require any other action which, the District determines is appropriate to correct the violation. The Direct or Indirect Recycled Water User served with the notice of violation shall, within the period of time stated in such notice, 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 this Ordinance. This notice of violation procedure shall be in addition to any other remedies available to the District under Section 71000 et. seq. of the Water Code of the State of California.

### SECTION 204 - EMERGENCY ACTION

- (A) If the Chief Executive Officer/General Manager determines that a violation constitutes a serious threat, of an immediate or emergency nature, to the health and welfare of the community or to the environment, or may cause the District to violate any State or Federal law, regulation or Recycled Water Use Permit requirement, the Chief Executive Officer/General Manager may order an immediate cessation of the use of recycled water and suspend the Direct or Indirect Recycled Water User's permission to use recycled water. If the Direct or Indirect Recycled Water User does not cease using recycled water at once, the Chief Executive Officer/General Manager may disconnect the Direct or Indirect Recycled Water User from the Local Recycled Water Distribution System or Regional Recycled Water Distribution System. In the case where the District is wholesaling the recycled water to a Resale Agency, the District shall contact the Resale Agency before physical disconnection.

- (B) As soon as reasonably practicable following the issuance of a cessation order and/or suspension order, but in no event more than seven (7) days following the issuance of such order, the Chief Executive Officer/General Manager shall hold a hearing to provide the Direct or Indirect Recycled Water User an opportunity to present information in opposition to the issuance of the cessation or suspension order. The hearing shall be conducted in accordance with procedures established by the Chief Executive Officer/General Manager. The Chief Executive Officer/General Manager shall issue a written decision and order within seven (7) days following the hearing, which decision shall be sent by certified mail to the Direct or Indirect Recycled Water User's business address. Any cessation or suspension order included within the Chief Executive Officer/General Manager's written statement shall be deemed final upon delivery to the Direct or Indirect Recycled Water User.

#### SECTION 205 - RECYCLED WATER USE PERMIT SUSPENSION

##### (A) GROUNDS

The Chief Executive Officer/General Manager may suspend any Recycled Water Use Permit when it is determined that a Direct or Indirect Recycled Water User meets any of the following conditions:

- (1) Fails to comply with the terms and conditions of an enforcement order contained in a notice of violation
- (2) Knowingly provides a false statement, representation, record, report, or other document to the District and/or Resale Agency
- (3) Refuses to provide records, reports, plans, or other documents required by the District and/or Resale Agency to determine Recycled Water Use Permit terms and conditions, or compliance with this and/or the Resale Agency's Ordinance or Rules and Regulations.
- (4) A direct or indirect connection between a potable and recycled water system is discovered.
- (5) A direct or indirect connection between the recycled water system and a system or equipment containing contaminants are discovered.
- (6) A situation which presents an immediate health hazard to the existing potable and/or recycled water system, as determined by the District or the DOHS.
- (7) Falsifies, tampers with, or knowingly renders inaccurate any metering device.
- (8) Fails to report unauthorized recycled water runoff from the Direct or Indirect Recycled Water User's premises.
- (9) Refuses reasonable access to the Direct or Indirect Recycled Water User's Premises for the purpose of inspection.

- (10) Does not make timely payment of all amounts owed to the District and/or Resale Agency for recycled water purchases.
- (11) Makes a material or substantial alteration or addition to the connection point, which is not covered in the effective Recycled Water Use Permit.
- (12) Violates any condition or limitation of it's Recycled Water Use Permit or any provision of the District's, the Resale Agency's, or the Potable Water Purveyor's Ordinance, which regulate the use of either potable or recycled water supplies.

(B) NOTICE/HEARING

When the Chief Executive Officer/General Manager has reason to believe that grounds exist for Recycled Water Use Permit suspension, written notice thereof by certified mail shall be delivered to the Direct or Indirect Recycled Water User setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard. The hearing date shall be not less than fifteen (15) calendar days and not more than forty-five (45) calendar days after the mailing of such notice.

- (1) At the suspension hearing, the Direct or Indirect Recycled Water User 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 Chief Executive Officer/General Manager and approved by the District's General Counsel.
- (2) After the conclusion of the hearing, a written report shall be submitted to the Chief Executive Officer/General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

Upon receipt of the written report, the Chief Executive Officer/General Manager shall make a determination and should it be found that grounds exist for suspension of the Recycled Water Use Permit, the Chief Executive Officer/General Manager shall issue a decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the Chief Executive Officer/General Manager shall be sent by certified mail to the Direct or Indirect Recycled Water User or its legal counsel/representative at the Direct or Indirect Recycled Water User's business address.

(C) EFFECT

- (1) Upon order of suspension by the Chief Executive Officer/General Manager becoming final, the Direct or Indirect Recycled Water User shall have no right to receive recycled water directly or indirectly from the Regional Recycled Water System for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the Direct or Indirect Recycled Water User.

- (2) Any owner or responsible management employee of the Direct or Indirect Recycled Water User shall be bound by the order of suspension.
- (3) An order of Recycled Water Use Permit suspension issued by the Chief Executive Officer/General Manager shall be deemed final upon delivery to the Direct or Indirect Recycled Water User, unless appealed to the Board of Directors pursuant to Section 207(B).

## SECTION 206 - RECYCLED WATER USE PERMIT REVOCATION

### (A) GROUNDS

The Chief Executive Office/General Manager may revoke any Recycled Water Use Permit when it is determined that a Direct or Indirect Recycled Water User meets any of the following conditions:

- (1) Knowingly provides a false statement, representation, record, report, or other document to the District and/or Resale Agency.
- (2) Refuses to provide records, reports, plans, or other documents required by the District and/or Resale Agency to determine Recycled Water Use Permit terms and conditions, or compliance with this and/or the Resale Agency's Ordinance or Rules and Regulations.
- (3) A direct or indirect connection between a potable and recycled water system is discovered.
- (4) A direct or indirect connection between the recycled water system and a system or equipment containing contaminants are discovered.
- (5) A situation which presents an immediate health hazard to the existing potable and/or recycled water system, as determined by the District or the DOHS.
- (6) Falsifies, tampers with, or knowingly renders inaccurate any metering device.
- (7) Fails to report unauthorized recycled water runoff from the Direct or Indirect Recycled Water User's premises.
- (8) Refuses reasonable access to the Direct or Indirect Recycled Water User's premises for the purpose of inspection.
- (9) Takes delivery of recycled water while its Recycled Water Use Permit is suspended.
- (10) Does not make timely payment of all amounts owed to the District and/or Resale Agency for recycled water purchases.

- (11) Makes a material or substantial alteration or addition to the connection point, which is not covered in the effective Recycled Water Use Permit.
- (12) Violates any condition or limitation of it's Recycled Water Use Permit or any provision of the District's, the Resale Agency's, or the Potable Water Purveyor's Ordinance, which regulate the use of either potable or recycled water supplies.
- (13) Ceases use of recycled water as a result of a closure of business.

(B) NOTICE/HEARING

When the Chief Executive Officer/General Manager has reason to believe that grounds exist for the revocation of a Recycled Water Use Permit, written notice thereof by certified mail shall be delivered to the Direct or Indirect Recycled Water User setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard. The hearing date shall be not less than fifteen (15) calendar days or more than forty-five (45) calendar days after the mailing of such notice.

- (1) At the revocation hearing, the Direct or Indirect Recycled Water User 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 Chief Executive Officer/General Manager and approved by the District's General Counsel.
- (2) After the conclusion of the hearing, a written report shall be submitted to the Chief Executive Officer/General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

Upon receipt of the written report, the Chief Executive Officer/General Manager shall make a determination and should it be found that grounds exist for suspension of the Recycled Water Use Permit, the Chief Executive Officer/General Manager shall issue a decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the Chief Executive Officer/General Manager shall be sent by certified mail to the Direct or Indirect Recycled Water User or its legal counsel/representative at the Direct or Indirect Recycled Water User's business address.

In the event the Chief Executive Officer/General Manager determines to not revoke the Recycled Water Use Permit, enforcement actions may be ordered, including, but not limited to, a temporary suspension of the Recycled Water Use Permit, under terms and conditions deemed appropriate.

(C) EFFECT

- (1) Upon an order of revocation by the Chief Executive Officer/General Manager becoming final, the Direct or Indirect Recycled Water User shall permanently lose all rights to receive recycled water directly or indirectly from the Regional Recycled Water

Distribution System. All costs for physical termination shall be paid by the Direct or Indirect Recycled Water User.

- (2) Any owner or responsible management employee of the Direct or Indirect Recycled Water User shall be bound by the order of revocation.
- (3) Any future application for a Recycled Water Use Permit at any location within the District's Service Area by any Person subject to an order of revocation will be considered by the District after fully reviewing the records of the revoked Recycled Water Use Permit, which records may be the basis for denial of a new Recycled Water Use Permit.
- (4) An order of Recycled Water Use Permit revocation issued by the Chief Executive Officer/General Manager shall be deemed final upon delivery to the Direct or Indirect Recycled Water User, unless appealed to the Board of Directors pursuant to Section 207(B).

#### SECTION 207 - APPEALS

##### (A) APPEALS TO THE CHIEF EXECUTIVE OFFICER/GENERAL MANAGER

###### (1) General

Any Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User affected by any decision, action or determination made by the District may file with the Chief Executive Officer/General Manager a written request for an appeal hearing. The request must be made within fifteen (15) days of mailing of the District's original decision. The request for hearing shall set forth in detail all facts supporting the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User's request.

###### (2) Notice

The Chief Executive Officer/General Manager shall, within fifteen (15) days of receiving the request for appeal, designate a District representative to hear the appeal and provide written notice to the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water 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 Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User unless a later date is agreed to by the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User. If the hearing is not held within said time due to actions or inactions of the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User, then the District's decision shall be deemed final.

###### (3) Hearing

At the hearing, the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User

shall have the opportunity to present information supporting its position concerning the District's original decision, action or determination. The hearing shall be conducted in accordance with the procedures established by the Chief Executive Officer/General Manager and approved by the District's General Counsel.

(4) Written Determination

After the conclusion of the hearing, a written report shall be submitted to the Chief Executive Officer/General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the District's original decision, action or determination. Upon receipt of the written report, the Chief Executive Officer/General Manager shall make a determination and shall issue a decision and order within thirty (30) calendar days of the hearing. The written decision and order of the Chief Executive Officer/General Manager shall be sent by certified mail to the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User or its legal counsel/representative at the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User's business address.

The order of the Chief Executive Officer/General Manager shall be final in all respects fifteen (15) days after it is mailed to the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User unless a request for hearing is filed with the Board of Directors pursuant to Section 207(B).

(B) APPEALS TO THE BOARD OF DIRECTORS

(1) General

If the Chief Executive Officer/General Manager's order is adverse to the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User, it may prior to the date that the Chief Executive Officer/General Manager's order becomes final, file a written request for hearing to the Board of Directors. The request for hearing shall set forth in detail all the issues in dispute for which the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User seeks determination and all facts supporting Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User's request.

No later than thirty (30) days after receipt of the request for hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for a hearing.

The Board of Directors shall grant all requests for a hearing on appeals concerning Recycled Water Use Permit suspension or revocation. Whether to grant or deny the request for a hearing on appeals of other decisions of the Chief Executive Officer/General Manager shall be the sole discretion of the Board of Directors.

A hearing shall be held by the Board of Directors within thirty (30) days from the date of determination granting a hearing, unless a later date is agreed to by the Recycled Water Use

Permit applicant, Direct or Indirect Recycled Water User and the Board of Directors. If the matter is not heard within the required time, due to actions or inactions of the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User, the Chief Executive Officer/General Manager's order shall be deemed final.

(2) Notice

The Board Secretary shall, within fifteen (15) days of the Board of Director's determination, provide written notice to the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User by certified mail of the hearing date, time, and place, or the denial. If a hearing is denied, the Chief Executive Officer/General Manager's decision shall be final fifteen (15) days after the date such notice is mailed.

(3) Hearing

At the hearing, the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User shall have the opportunity to present written or oral evidence supporting its position concerning the original decision, action or determination, in accordance with procedures established by the Board of Directors.

(4) Written Determination

After the hearing, the Board of Directors shall make a determination whether to uphold, modify, or reverse the District's original decision, action, or determination as ordered by the Chief Executive Officer/General Manager.

The decision of the Board of Directors shall be set forth in writing within thirty (30) 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 Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User or its legal counsel/representative at the Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User's business address.

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 Chief Executive Officer/General Manager's order, it shall be deemed affirmed.

The District's determination may also include issuance of an order to a Recycled Water Use Permit applicant, Direct or Indirect Recycled Water User responsible for violations, directing that following a specified period of time, recycled water service be discontinued unless corrective actions are taken. Such an order shall not relieve the violator of other penalties assessed for the period of violation. Further orders and directives as necessary and appropriate may be used. The District may seek injunctive relief in order to require compliance with all provisions of the



Ordinance.

#### SECTION 208 - REESTABLISHMENT OF SERVICE

Any request to reestablish service subsequent to the revocation of a Recycled Water Use Permit and the termination of recycled water service, shall be in the manner prescribed for initially obtaining recycled water service from either the Resale Agency or the District, which may include the collection of a security deposit. However, in addition, if service is provided by the District, the District may, at its discretion require that a service agreement and financial security conditioned upon compliance with the District's Ordinance be provided in an amount, manner and for a period of time as determined by the Board.

The District shall have the right to refuse to reestablish service following revocation of a Recycled Water Use Permit for violation of these provisions.

#### SECTION 209 - NON-COMPLIANCE COSTS

The District may recover its costs incurred in processing notices of violation and in performing inspections and testing to determine non-compliance related to any violations of this Ordinance or Recycled Water Use Permit by any Direct or Indirect Recycled Water User.

#### SECTION 210 - RECOVERY OF COSTS FOR DAMAGE

In the event that a Direct or Indirect Recycled Water User causes any damage pursuant to Section 202, the Direct or Indirect Recycled Water User shall be liable for all costs, including administrative and legal costs, incurred by the District.

#### SECTION 211 - CONFLICTS

If there is any conflict between the provisions of this Ordinance and the provisions of any of the documents incorporated by reference, the most restrictive requirement shall control and prevail, as determined by the District.

### PART III - RATES

#### SECTION 301 - WATER USE CHARGE

The rate for a unit of recycled water will be set by resolution of the Board of Directors.

#### SECTION 302 - BILLING AND PAYMENT

- (A) The District shall invoice the Resale Agency and/or Direct Recycled Water User for actual monthly usage. Resale Agency and/or Direct Recycled Water User shall pay to the District, within thirty (30) calendar days of the date of the respective calendar month invoice, an amount determined by multiplying the actual quantity of recycled water delivered, by the Purchase Rate.
- (B) There shall be a penalty of one percent (1%) per month, for any outstanding balance, which becomes overdue greater than thirty (30) calendar days.

## **DIVISION II - WHOLESALE OF RECYCLED WATER**

*Division II establishes the rules, regulations and permitting process for the wholesale delivery of recycled water by the District to Resale Agencies. When the District provides for the wholesale delivery of recycled water supplies, the Resale Agency assumes the primary responsibility to ensure that recycled water supplies are distributed to and utilized by the Indirect Recycled Water Users in accordance with the provisions of this Ordinance, or any applicable Federal, State, District or local statutes.*

### **PART I – CONDITIONS OF SERVICE**

#### **SECTION 101 - GENERAL**

Recycled water service will be provided to Resale Agencies within the District's service area for resale. The District will provide service to the Resale Agency provided that:

- (A) The Resale Agency shall be responsible for issuing Recycled Water Use Permits to Indirect Recycled Water Users;
- (B) The Resale Agency shall be responsible for enforcement of all rules and regulations regarding the use of recycled water. The District shall have the power to initiate enforcement actions, as provided in Division I, Part II, if the District determines the Resale Agency is not providing effective enforcement.
- (C) The Resale Agency shall create an Ordinance or Rules and Regulations regarding the use of Recycled Water which complies with Title 22, Division 4, Chapter 3, Water Recycling Criteria, Section 60301 et. seq. and Title 17, Division 1, Chapter 5, Sections 7583 through 7605 both of the California Code of Regulations.

#### **SECTION 102 - RECYCLED WATER USE PERMIT REVIEW AND REPORTING PROCESS**

The Indirect Recycled Water Users and the Resale Agencies shall provide all information requested by the District in order to allow the District to comply with reporting requirements established by the Regional Water Quality Control Board. This will include the submission of all new Recycled Water Use Permits and Recycled Water Use Permit applications by the Resale Agencies to the District.

#### **SECTION 103 - SERVICE CONNECTION**

- (A) The District reserves the right to refuse connection to the Recycled Water Distribution System.
- (B) The District shall own and operate the initial valve, meter and vault at every connection to the Regional Recycled Water Distribution System.
- (C) The District reserves the right to determine the size of the service connection(s), the meter(s) and any and all other appurtenances of the service with regards to the District's Regional Recycled Water Distribution System.

- (D) All recycled water use shall be metered, and all recycled water used must pass through said meter. Resale Agencies shall be held responsible and charged for all recycled water passing through the meters, unless otherwise specified.

SECTION 104 – RESPONSIBILITIES FOR MAKING CONNECTIONS TO THE REGIONAL RECYCLED WATER DISTRIBUTION SYSTEM AND PERMITTED OR PROHIBITED USE OF VALVE BY INDIRECT RECYCLED WATER USER

- (A) Every recycled water service line installed by either the District and/or Resale Agency shall be equipped with a valve on the inlet side of the meter; such valve being intended exclusively for the use of the District in controlling the recycled water supply through the service line. If the valve or meter is damaged by the Resale Agency to an extent requiring replacement or repair, such replacement or repair shall be at the Resale Agency's expense. Unauthorized operation or use of District valves or meters will result in a notice of violation as specified in Division I, Part II, Section 203.
- (B) Each District owned recycled water service connection, and maintenance responsibility, terminates at the valve on the Resale Agency's side of the meter. The Resale Agency may operate said Resale Agency's valve at the terminus of the District's service connection for their convenience. The Resale Agency shall be responsible for furnishing, installing, operating and maintaining all facilities necessary to convey water from the Resale Agency's valve to the use area.

SECTION 105 - RELOCATION OF RECYCLED WATER SERVICE LINE

Should a service line installed according to the directions of the Resale Agency be of the wrong size, or installed at a wrong location or depth, the cost of relocation or removal shall be paid for by the Resale Agency where the error was that of the Resale Agency or the Resale Agency's representative.

SECTION 106 - METER TESTING

- (A) The District shall at a minimum test and calibrate the recycled water meters used for billing the resale agency annually. The District shall be responsible for all costs associated with testing and repairing these meters.
- (B) If the recycled water meter fails to register during any period or is known to register inaccurately, the Resale Agency shall be charged with an average daily usage based on similar seasonal times when the meter was registering correctly, or by a means determined by the District. The Resale Agency may demand that the meter, through which recycled water is being furnished, be examined and tested by the District for the purpose of ascertaining whether or not it is correctly registering the amount of 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 such meter as established from time to time by the District.

- (C) Upon receipt of such demand and deposit, the District will have the meter examined and tested. If upon such test the meter shall be found to register over three (3%) more water than actually passes through it, the meter shall be properly adjusted or an accurate meter substituted. The deposit shall be returned and the recycled water bill for the current month and for such previous billing periods, not exceeding three (3) months, or for a period it appears the meter was in error, as determined by the District, will be adjusted proportionately. If the meter should be found to register not more than three percent (3%) more than actually passes through it, the deposit shall be retained by the District as the expense of making the test.

#### SECTION 107 - OTHER LIMITATIONS OF SERVICE

- (A) The District shall not be liable for any damage by recycled water, or otherwise resulting from inadequate capacity, defective plumbing, broken or faulty services, or recycled water mains; or any conditions beyond the control of the District. All Resale Agencies shall accept such conditions of pressure, as provided at the location of the service connection to the Regional Recycled Water Distribution System and to hold the District harmless from all damage arising from low pressure or high pressure conditions, or from interruptions of service.
- (B) The District is not responsible for any condition of the recycled water itself, or any substance that may be mixed with or be in recycled water after the point of delivery from the Regional Recycled Water Distribution System to any Resale Agency, except as required by Title 22, Division 4, Chapter 3, Water Recycling Criteria, Section 60301 et. seq. of the California Code of Regulations.
- (C) All recycled water service will be on an interruptible basis, depending on the quantity and quality of the recycled water available, in accordance with the terms of the individual service agreement between the District and the Resale Agency.

#### SECTION 108 - FEDERAL, STATE AND LOCAL REQUIREMENTS

The Resale Agency shall comply with all applicable Federal regulations contained in 1972 Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, and all amendments thereto or any applicable more stringent State regulations or standards contained in the Porter-Cologne Water Quality Control Act, contained in Division 7 of the California Water Code and all amendments thereto, and all local regulations and standards, including but not limited to those contained in the Recycled Water Use Permit and in this Ordinance.

The Resale Agency shall be considered in violation of this ordinance if the RWQCB requirements, the DOHS requirements which include the Guidelines for the Preparation of an Engineering Report for the Production, Distribution and the use of recycled water are not met.

## SECTION 109 - DUTY TO COMPLY

All Indirect Recycled Water Users permitted by the Resale Agency shall comply with all conditions of the Recycled Water Use Permit. Any Recycled Water Use Permit non-compliance constitutes a violation of the Ordinance and is grounds for enforcement action as provided for in Division I, Part II of this Ordinance.

## SECTION 110 - RECYCLED WATER USE PERMIT ACTIONS

A Recycled Water Use Permit may be suspended, for cause as set forth in Division I, Part II, Section 205 of this Ordinance. A Recycled Water Use Permit may be revoked for cause as set forth in Division I, Part II, Section 206.

## SECTION 111 - INSPECTION AND ENTRY

- (A) The District, the RWQCB and/or DOHS shall be authorized at any reasonable time and/or hours of operations to enter the Premises of all Indirect Recycled Water Users or Resale Agency to determine compliance with all applicable requirements, to inspect the Districts facilities and monitoring equipment, and/or take photographs. Reasonable hours shall include hours when irrigation is occurring. Such inspection shall also include the right to inspect and copy records required to be maintained by the Indirect Recycled Water User under Federal, State, local or Recycled Water Use Permit requirements. The District shall provide a 24-hour notice to the Resale Agency and the Indirect Recycled Water User prior to inspection.
- (B) Inspection may include every facility that is directly or indirectly involved with the use of recycled water as determined by the District, and the respective Indirect Recycled Water User and/or Resale Agency. Authorized personnel of the District shall be provided immediate access to all of the above facilities at reasonable times and/or hours of operation. No Person shall interfere with, delay, resist or refuse entrance to authorized District's personnel attempting to inspect any facility involved directly or indirectly with the use of recycled water.
- (C) Adequate identification shall be provided to all inspectors, monitoring personnel and other authorized personnel, and these persons shall make themselves known when entering any Indirect Recycled Water User's and/or property for inspection.
- (D) Any permanent or temporary obstruction to the safe and easy access to any recycled water transmission facility to be inspected shall promptly be removed by the Indirect Recycled Water User, Resale Agency or property owner at the written or verbal request of the District and shall not be replaced.

## PART II - OPERATION

### SECTION 201 - ON-SITE FACILITIES

The District shall monitor and inspect all recycled water systems, including on-site and off-site facilities, and for these purposes shall have the right to enter upon the Resale Agencies premises. Where necessary, keys and/or combinations shall be issued to the District to provide such access when the District during normal business hours of operation requests access. The District shall provide a 24-hour notice to the Resale Agency and the Indirect Recycled Water User prior to inspection.

### SECTION 202 - OFF-SITE FACILITIES

- (A) Operation, surveillance and maintenance of all of the District's off-site recycled water system facilities, including, but not limited to, 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. Except to shut off water to prevent damage or health risks, no persons, except authorized employees 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. Such tampering constitutes an infraction punishable by law and may result in the offender(s) being charged and prosecuted accordingly.
- (B) The operation, surveillance, repair and maintenance of off-site recycled water facilities downstream of the Districts meter are the responsibility of the Resale Agency.
- (C) The Resale Agency shall have the right to inspect the District's off-site facilities upon request during normal business hours of operation. The inspections shall include, but not be limited to operations, maintenance and District documents and records. The Resale Agency shall provide a 24-hour notice to the District prior to inspection.

## **DIVISION III - RETAIL OF RECYCLED WATER**

*Division III establishes the rules, regulations and permitting process for the direct sale and delivery of recycled water by the District to Direct Recycled Water Users. When the District provides for the direct delivery of recycled water supplies, the District assumes the primary responsibility to ensure that recycled water supplies are distributed to and utilized by the Direct Recycled Water Users in accordance with the provisions of this Ordinance, or any applicable Federal, State, District or local statutes.*

### **PART I - RECYCLED WATER USE PERMIT PROCESSING**

#### **SECTION 101 - GENERAL**

The District only provides Recycled Water Use Permits for applicants whose property falls outside of a Resale Agency's service area unless the Resale Agency enters into an agreement with the District to retail recycled water to an applicant. If the applicant's property falls within a Resale Agency's service area the applicant must contact the Resale Agency directly to apply for a Recycled Water Use Permit.

#### **SECTION 102 - RECYCLED WATER USE PERMIT APPLICATION PROCESS**

The owner must submit a complete application for recycled water service to the District, or authorized representative of the property that is intended to be served with recycled water. The District shall indicate approval for service by issuing a Recycled Water Use Permit for Recycled Water Service. This Recycled Water Use Permit shall be in addition to Recycled Water Use Permits and conditions required by the District and all other regulatory agencies.

The District shall furnish the application form upon request by prospective users. The application form is included as Appendix A. The applicant shall supply information concerning:

- (A) Name, address and contact phone for:
  - (1) Applicant
  - (2) Owner of property to be served
  - (3) On-site recycled water supervisor
- (B) Description of recycled water use on the property
- (C) Legal description of property
- (D) Technical information (listed on the application form)
- (E) Total irrigated acres.
- (F) Special conditions (other items that could be of concern when using recycled water).
- (G) A drawing of the property on one, 8½ x 11 paper sheet. Include/show:
  - (1) Location of service connection, recycled and potable lines on the property
  - (2) Size of service connection
  - (3) Use area location
  - (4) Areas to be served with recycled water and areas excluded from recycled water service
  - (5) A brief description of all special construction requirements
  - (6) Location of all valves, pipes, outlets and appurtenances.



### SECTION 103 - APPLICANT'S RESPONSIBILITY

An application for recycled water service must be made in writing, signed by the applicant and the owner, if they are not one and the same. By signing the application, the owner/applicant will agree to comply with the requirements of any and all applicable Federal, State, and local statutes, ordinances, regulations, and other requirements including this Ordinance. Current requirements are available at the District office on request. The District may, at its discretion, require specific prior approval by any Federal, State, or local agency having jurisdiction over, or an interest in, the District's recycled water or facilities operations.

The applicant shall state by signature on the application form that he/she agrees to comply with this Ordinance and any and all other applicable governing documents.

### SECTION 104 - RECYCLED WATER USE PERMIT

- (A) The District may issue a Recycled Water Use Permit upon approval by the District's Chief Executive Officer/General Manager of an application for recycled water service and issuance of applicable Recycled Water Use Permits by regulatory agencies. The Recycled Water Use Permit shall entitle the applicant to receive recycled water service upon the terms and conditions of this Ordinance.
- (B) The use Recycled Water Use Permit shall include the following:
  - (1) Name and address of applicant, owner, or Direct Recycled Water User.
  - (2) A drawing of the proposed on-site system showing the location and size of all valves, pipes, outlets, and appurtenances.
  - (3) A statement that no changes in the proposed system will be undertaken without application for and approval of an amended District Recycled Water Use Permit.
  - (4) A statement that the applicant recognizes potential penalties for violation of the rules and regulations of the District and any regulatory agencies.
- (C) The District may apply for and process all applicable regulatory agency permits. The cost and preparation of any study or report necessary to comply with California Environmental Quality Act (CEQA) or other regulatory requirements shall be the responsibility of the applicant.
- (D) A copy of the current Recycled Water Use Permit must be available and clearly visible at the use site and be on file at the Direct Recycled Water User's office.

## PART II - CONDITIONS OF SERVICE

### SECTION 201 - GENERAL

Service will be provided to property within the District's service area for the uses specified herein.

Recycled water may be used for any purpose permitted by Federal, State and local regulation provided that all such use is in accordance with this Ordinance and provided further that:

- (A) The design and construction of the recycled water system shall be approved by the District and the approval of an Engineers Report shall be obtained from the DOHS;
- (B) The applicant will be required to obtain a Recycled Water Use Permit from the District
- (C) Violation of Recycled Water Use Permit conditions will result in enforcement action such as a notice of violation, fines and/or suspension or revocation of service as specified in Division I, Part II.

### SECTION 202 - SERVICE CONNECTION

- (A) The District reserves the right to determine the size of the service line(s), the service connection(s), the meter(s) and any and all other appurtenances to the service.
- (B) The District reserves the right to limit the area of land to be supplied by one service connection to one owner. A service connection shall not be used to supply adjoining property of a different owner unless approved by the District.

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

- (C) All recycled water use shall be metered, and all recycled water used on any premises where a recycled water meter is installed must pass through said meter. Direct Recycled Water Users shall be held responsible and charged for all recycled water passing through the meters, unless otherwise specified.

### SECTION 203 - RESPONSIBILITIES FOR MAKING CONNECTIONS TO THE REGIONAL RECYCLED WATER DISTRIBUTION SYSTEM AND PERMITTED OR PROHIBITED USE OF VALVE BY DIRECT RECYCLED WATER USER

- (A) Every recycled water service line installed by either the District and/or potential Direct Recycled Water User shall be equipped with a valve on the inlet side of the meter; such valve being intended exclusively for the use of the District in controlling the recycled water supply through the service line. If the valve or meter is damaged by the Direct Recycled Water User to

an extent requiring replacement or repair, such replacement or repair shall be at the Direct Recycled Water User's expense. Unauthorized operation or use of District valves or meters will result in a notice of violation as specified in Division I, Part II, Section 203.

- (B) Each District owned recycled water service connection, and maintenance responsibility, terminates at the valve on the Direct Recycled Water User's side of the meter. The Direct Recycled Water User may operate said Direct Recycled Water User valve at the terminus of the District's service connection for his/her convenience. Each Direct Recycled Water User shall be responsible for furnishing, installing, operating and maintaining all facilities necessary to convey water from the Direct Recycled Water User valve to the use area.

#### SECTION 204 - RELOCATION OF RECYCLED WATER SERVICE LINE

Should a service line installed according to the directions of the applicant, or Direct Recycled Water User be of the wrong size, or installed at a wrong location or depth, the cost of relocation or removal shall be paid for by the Direct Recycled Water User where the error was that of the Direct Recycled Water User or the Direct Recycled Water User's representative. All services provided prior to final street improvements shall be considered temporary and the costs for any repairs or changes to on-site facilities required to be performed by the District shall be paid by the Direct Recycled Water User.

#### SECTION 205 - METER TESTING

- (A) The District shall at a minimum test and calibrate the recycled water meters used for billing the resale agencies annually. The District shall be responsible for all costs associated with testing and repairing these meters.
- (B) If the recycled water meter fails to register during any period or is known to register inaccurately, the Direct Recycled Water User shall be charged with an average daily usage based on similar seasonal times when the meter was registering correctly, or by a means determined by the District. Any Direct Recycled Water User may demand that the meter through which recycled water is being furnished, be examined and tested by the District for the purpose of ascertaining whether or not it is correctly registering the amount of 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 such meter as established from time to time by the District.
- (C) Upon receipt of such demand and deposit, the District will have the meter examined and tested. If upon such test the meter shall be found to register over three (3%) more water than actually passes through it, the meter shall be properly adjusted or an accurate meter substituted. The deposit shall be returned and the recycled water bill for the current month and for such previous billing periods, not exceeding three (3) months, or for a period it appears the meter was in error, as determined by the District, will be adjusted proportionately. If the meter should be found to register not more than three percent (3%) more than actually passes through it, the deposit shall be retained by the District as the expense of making the test.

## SECTION 206 - SCHEDULING RECYCLED WATER

- (A) The District reserves the right to control and schedule the use of recycled water if, in the opinion of the District, scheduling is necessary for purposes including, but not limited to:
- (1) The maintenance of an acceptable working pressure in the recycled water system;
  - (2) Providing for reasonable safeguards of public health;
  - (3) Availability of recycled water; and
  - (4) Maintenance, operation or construction of recycled water facilities

## SECTION 207 - OTHER LIMITATIONS OF SERVICE

- (A) The District shall not be liable for any damage by recycled water, or otherwise resulting from inadequate capacity, defective plumbing, broken or faulty services, or recycled water mains; or any conditions beyond the control of the District. All applicants for recycled water service shall accept such conditions of pressure, as provided by the distribution system at the location of the service connection and to hold the District harmless from all damage arising from low pressure or high pressure conditions, or from interruptions of service.
- (B) The District is not responsible for any condition of the recycled water itself, or any substance that may be mixed with or be in recycled water as after the point of delivery to any Direct Recycled Water User, except as required by Title 22, Division 4, Chapter 3, Water Recycling Criteria, Section 60301 et. seq. of the California Code of Regulations.
- (C) All recycled water service will be on an interruptible basis, depending on the quantity and quality of the recycled water available, in accordance with the terms of the individual service agreement between the District and the Direct Recycled Water User.

## SECTION 208 - FEDERAL, STATE AND LOCAL REQUIREMENTS

A Direct Recycled Water User shall comply with all applicable Federal regulations contained in 1972 Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, and all amendments thereto or any applicable more stringent State regulations or standards contained in the Porter-Cologne Water Quality Control Act, contained in Division 7 of the California Water Code and all amendments thereto, and all local regulations and standards, including but not limited to those contained in the Direct Recycled Water User Recycled Water Use Permit and in this Ordinance.

A Direct Recycled Water User shall be considered in violation of this ordinance if the RWQCB requirements, the "Wastewater Reclamation Criteria" (Title 22, Division 4, Chapter 3, Water Recycling Criteria, Section 60301 et. seq., of the California Code of Regulations) requirements and/or the DOHS requirements which include the Guidelines for the Preparation of an Engineering Report for the Production, Distribution and the use of recycled water are not met.

## SECTION 209 - DUTY TO COMPLY

The Direct Recycled Water User shall comply with all conditions of the User Recycled Water Use Permit. Any Recycled Water Use Permit non-compliance constitutes a violation of the Ordinance and is grounds for enforcement action as provided for in Division I, Part II of this Ordinance.

## SECTION 210 - NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a Direct Recycled Water User in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the Direct Recycled Water Use Permit.

## SECTION 211 - RECYCLED WATER USE PERMIT ACTIONS

The Recycled Water Use Permit may be modified for cause. The Recycled Water Use Permit may be suspended, for cause as set forth in Division I, Part II, Section 205 of this Ordinance. The Recycled Water Use Permit may be revoked for cause as set forth in Division I, Part II, Section 206. The filing of a request by the Direct Recycled Water User for a Recycled Water User Permit modification, reissuance or a notification of planned changes or anticipated non-compliance does not stay any Recycled Water User Permit condition.

## SECTION 212 - DUTY TO PROVIDE INFORMATION

The Direct Recycled Water User shall furnish to the District, within a reasonable time, any documents or records maintained by the Direct Recycled Water User which may be requested to determine whether cause exists for modifying, revoking, reissuing, or to determine compliance with the Recycled Water User Permit. The Direct Recycled Water User shall also furnish to the Chief Executive Officer/General Manager upon request, copies of records required to be kept by the Direct Recycled Water User.

## SECTION 213 - INSPECTION AND ENTRY

- (A) The District, the RWQCB and/or DOHS shall be authorized at any reasonable time and/or hours of operation to enter the Premises of all Direct Recycled Water Users to determine compliance with all applicable requirements, to inspect the Districts facilities and monitoring equipment, and/or take photographs. Reasonable hours shall include hours when irrigation is occurring. Such inspection shall also include the right to inspect and copy records required to be maintained by the Direct Recycled Water User under Federal, State, local or Recycled Water Use Permit requirements.
- (B) Inspection may include every facility that is directly or indirectly involved with the use of recycled water as determined by the District, and the respective Direct Recycled Water User. Authorized personnel of the District shall be provided immediate access to all of the above facilities at reasonable times and/or hours of operation. No Person shall interfere with, delay, resist or refuse entrance to authorized District's personnel attempting to inspect any facility involved directly or indirectly with the use of recycled water.

- (C) Adequate identification shall be provided to all inspectors, monitoring personnel and other authorized personnel, and these persons shall make themselves known when entering any Direct Recycled Water User's property for inspection.
- (D) Any permanent or temporary obstruction to the safe and easy access to any recycled water transmission facility to be inspected shall promptly be removed by the Direct Recycled Water User or property owner at the written or verbal request of the District and shall not be replaced.

## PART III - OPERATION

### SECTION 301 - ON-SITE FACILITIES

- (A) The operation, surveillance, repair and maintenance of on-site recycled water facilities are the responsibility of the Direct Recycled Water User.
- (B) The operation, surveillance and maintenance of all on-site facilities using the District's recycled water shall be under the management of an "On-Site Recycled Water Supervisor" designated by the Direct Recycled Water User and approved by the District. The District may, from time to time, require that an "On-Site Recycled Water Supervisor" obtain instruction in the use of recycled water, such instruction being provided by, or approved by the District.
- (C) The District shall monitor and inspect annually at a minimum all recycled water systems, including on-site and off-site facilities, and for these purposes shall have the right to enter upon the Direct Recycled Water User's premises. Where necessary, keys and/or combinations shall be issued to the District to provide such access when access is requested by the District during normal business hours of operation. The RWQCB and/or the DOHS may join the District on inspections. The District shall provide a 24-hour notice to the Direct Recycled Water User prior to inspection.
- (D) The Direct Recycled Water User shall have the following responsibilities in relation to operation of on-site facilities.
  - (1) Ensure that all on-site operations personnel are trained and familiarized with the use of recycled water to the District's satisfaction.
  - (2) Furnish their operations personnel with maintenance instructions, irrigation schedules, controller charts, and record drawings to ensure proper operation in accordance with the on-site facilities design, the Recycled Water Use Permit, and this Ordinance.
  - (3) Prepare and submit to the District one (1) reproducible set of record drawings, as approved by the District, of all facilities constructed by the Direct Recycled Water User.
  - (4) Notify the District of any and all updates or proposed changes, modifications, and additions to the on-site facilities. Said changes shall be approved by the District and shall be designed and constructed according to the requirements, conditions, and standards set forth in the District's Standard Specifications. In accordance with the above noted 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 the RWQCB and/or the DOHS may accompany the District on such an inspection. The District shall approve revised record drawings and controller charts. The District may, if it deems such to be in the best interest of the District, waive or modify any of the foregoing.

- (5) Ensure that the operation of the Direct Recycled Water User's recycled water facilities remain in compliance with this Ordinance.
- (6) Operate and control the Direct Recycled Water User's recycled water system to prevent human consumption of recycled water and to control and limit runoff. The Direct Recycled Water User shall be responsible for any and all uses of the recycled water. Operation and control measures shall include, where appropriate, but not be limited to:
  - (a) On-site recycled water facilities shall be operated to prevent discharge onto areas not under control of the Direct Recycled Water User.
  - (b) The operation of the on-site facilities shall be during the periods of minimal use of the service area. Consideration shall be given to allow a maximum dry-out time before the public will use the irrigated area.
  - (c) 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 on-site recycled water facilities shall be compatible with the lowest infiltration rate present.
  - (d) To prevent runoff and ponding of recycled water, automatic systems should be utilized and programmed. The sprinkler system shall not be allowed to operate for a time longer than the use area's water requirement as determined by the infiltration rate. If runoff occurs before the use area's water requirements are met, the automatic controls shall be reprogrammed to lessen watering cycles to meet the requirements.
  - (e) Immediately report to the District any and all failures in their system that causes an unauthorized discharge of recycled water.
- (7) Comply with any and all applicable Federal, State and local statutes, ordinances, regulations, Recycled Water Use Permits, and this Ordinance.

#### SECTION 302 - OFF-SITE FACILITIES

Operation, surveillance and maintenance of all of the District's off-site recycled water system facilities, including, but not limited to, 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. Except to shut off water to prevent damage or health risks, no persons, except authorized employees 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. Such tampering constitutes an infraction punishable by law and may result in the offender(s) being charged and prosecuted accordingly.



## PART IV - ON-SITE CONTROLS

### SECTION 401 - IMPLEMENTATION

To protect the health of the public and the employees of Direct Recycled Water Users the DOHS has promulgated guidelines and regulations. The minimum necessary on-site controls are contained in Title 22, Division 4, Chapter 3, Water Recycling Criteria, Sections 60301 et. seq., Title 17 both of the California Code of Regulations, and in the County Public Health Code.

### SECTION 402 - STATE /LOCAL REGULATIONS

Recycled water system on-site controls shall meet all of the requirements established by the District and the applicable State and local regulatory agencies to protect the public health.

Plans and specifications for all proposed recycled water operations, distribution, and on-site systems shall be submitted to the applicable State and local health agencies, as well as the District, for review and approvals before the systems are constructed.

### SECTION 403 - OPERATIONAL CONTROLS

The minimum necessary operational controls include, but are not limited to:

(A) General:

- (1) The use of recycled water shall not create odors and/or a public nuisance.
- (2) The use area shall be developed and maintained so as to prevent the breeding of flies, mosquitoes, and other vectors.
- (3) Recycled water shall be confined to the authorized use area, unless a NPDES permit has been issued for the discharge of recycled water.
- (4) Direct or wind blown spray should be confined to the area designated and approved for reclamation.
- (5) Precautions shall be taken to assure that recycled water will not be sprayed on any facility or area not designated for reclamation such as passing vehicles, buildings, domestic water facilities or food handling facilities.

(B) Landscape Irrigation:

- (1) Irrigation using recycled water shall be controlled to prevent ponding of recycled water and runoff should be contained and properly disposed of.
- (2) Drinking water fountains shall be designed for protection from direct or windblown recycled water spray by providing protective covers.

(C) Additional Protection:

- (1) Direct Recycled Water User's employees, residents, and the public should be made aware that the recycled water is non-potable.

- (2) All recycled water valves, outlets, and/or sprinkler heads should be appropriately tagged to inform that the water is non-potable.
- (D) First Aid and Hygiene:
- (1) Adequate first aid kits should be available on the premises and all cuts and abrasions should be treated promptly to prevent infection. A physician should be consulted where infection is likely.
  - (2) At crop irrigation sites, the crops and soil should be allowed to dry before harvesting.
  - (3) Provisions by the Direct Recycled Water User should be made for a safe potable drinking water supply for employees and others. Where bottled water is provided, the water should be in contamination-proof containers and protected from recycled water and dust.
  - (4) Employees and others should be instructed to wash with potable water prior to eating.

#### SECTION 404 - IDENTIFICATION

- (A) All recycled water valves, outlets, quick couplers, and sprinkler heads should be of a type, or secured in a manner that only permits operation by personnel authorized by the Direct Recycled Water User.
- (B) All recycled water valves and outlets should be appropriately tagged to warn the public and employees that the water is not safe for drinking.
- (C) All piping, valves and outlets should be color-coded or otherwise marked to differentiate recycled water from non-recycled water facilities.
- (D) Hose bibs shall not be used in the recycled water system; quick couplers or comparable connection devices shall be used instead.

#### SECTION 405 - POSTING OF ON-SITE WARNINGS

Adequate means of notification shall be provided to inform the public, employees and others that recycled water is being used. Such notification shall include the posting of conspicuous warning signs with proper wording of sufficient size to be clearly read, which shall be posted at adequate intervals around the use area. In some locations, especially at crop irrigation use areas, the warning signs shall be in the primary language of the workers (ie. Spanish), as well as English. Signs and means of notification shall be in compliance with DOHS regulations.

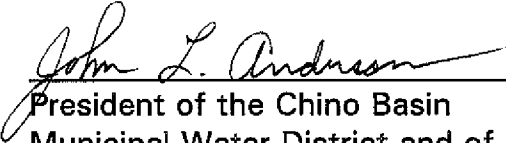
Signs shall be placed around the perimeter of the site and at such other locations on-site as deemed appropriate by the District.

#### SECTION 406 - CROSS CONNECTION PREVENTION


The Direct Recycled Water User is responsible for following their Potable Water Purveyor's rules, regulations and/or Ordinance regarding cross connection prevention.

Ordinance No. 63

ADOPTED this 18<sup>th</sup> day of February, 1998.

  
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President of the Chino Basin  
Municipal Water District and of  
The Board of Directors thereof

ATTEST:

  
\_\_\_\_\_  
Secretary of the Chino Basin  
Municipal Water District and of  
The Board of Directors thereof

(SEAL)

