

## **EXHIBIT 9-A**

*October 31, 2012*

### **ORDINANCE NO. 151**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
AMENDING DEFINITIONS, THE RESIDENTIAL FIXTURE UNIT COUNT, HIGH  
EFFICIENCY APPLIANCE CREDITS, THE VARIANCE PROCESS, WATER EFFICIENCY  
STANDARDS, AND THE LANDSCAPE WATER AUDITS RULE**

#### **FINDINGS**

1. The Monterey Peninsula Water Management District was created to address ground and surface water resources in the Monterey Peninsula area, which the Legislature found required integrated management, and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West's Water Code, Appendix, Section 118-1, et seq.).
2. The Monterey Peninsula Water Management District has adopted and regularly implements water conservation and efficiency measures which, inter alia, sets standards for the installation of plumbing fixtures in New Construction, and requires retrofit or replacement of existing plumbing fixtures upon Change of Ownership, Change of Use, and Expansion of Use, and for existing Non-Residential uses. The Monterey Peninsula Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. The Monterey Peninsula Water Management District has found and determined that it is in the best interests of the Monterey Peninsula Water Management District and its inhabitants to define, implement and enforce water efficient plumbing standards and requirements for the conservation of Potable water supplies. Retrofit or replacement of existing plumbing fixtures shall lessen consumption of the limited water resources available on the Monterey Peninsula. Installation of water efficient plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources.
4. The Monterey Peninsula Water Management District has determined that the water conservation and efficiency standards and requirements benefit the public good by increasing the supply of Potable water available for use and by reducing existing demand for Potable water. The reduction in demand will reduce production impacts upon the environment.

5. The Monterey Peninsula Water Management District approved a Rebate Program when it adopted the Action Plan for Water Supply Alternatives in February 1996. The Action Plan addressed the need for water supply projects to meet the water supply needs of the Monterey Peninsula following voter rejection of District financing for the New Los Padres Water Supply Project in November 1995.
6. California State Water Resource Control Board (SWRCB) Order No. WR 95-10, issued in July 1995, ruled that California American Water did not have a legal right to take approximately 69 percent of the water supplied to California American Water users at that time. The SWRCB has set specific goals to reduce water diversions from the Carmel River Basin.
7. Under SWRCB Order No. WR 95-10, California American Water was ordered to reduce its historical diversion from the Carmel River Basin by 20 percent beginning with Water Year 1997 and in each subsequent year. Further cutbacks were ordered beginning in 2010.
8. *California American Water v. City of Seaside, et al*, Case No. M66343, resulted in a decision which determined the initial Operating Safe Yield for the Seaside Basin is 5,600 Acre-Feet (Coastal Subarea is 4,611 Acre-Feet and 989 Acre-Feet for the Laguna Seca Subarea). “Operating Safe Yield” is the maximum amount of Groundwater resulting from Natural Replenishment which can be produced from each Subarea for a finite period of years as these terms are defined in the decision. Water conservation is a component to achieving Operating Safe Yield and will require reductions in use in the future.
9. A Cease and Desist Order (CDO) against California American Water was issued in October 2009 by the SWRCB as Order No. WR 2009-0060. The CDO prescribes a series of significant cutbacks to California American Water’s pumping from the Carmel River from 2010 through December 2016. Cal-Am customers may be subject to water Rationing, a moratorium on Water Permits for new construction and remodels, and fines if pumping limits are exceeded.
10. Retrofitting of properties located in the Monterey Peninsula Water Resource System benefits the Monterey Peninsula by reducing over-pumping of Groundwater that leads to environmental degradation.
11. Retrofitting of properties receiving water from the Seaside Groundwater Basin benefits the Monterey Peninsula by reducing over-pumping of Groundwater that leads to environmental degradation.

12. This ordinance adds definitions for Alternative Water Sources and Open Space to Rule 11.
13. This ordinance amends Rule 24, Table 1, Residential Fixture Unit Count, to delete the fixture unit values for Ultra-Low Flush Toilets and one gallon Urinals. This action is consistent with existing language and amendments to Rule 142, Residential Water Efficiency Standards.
14. This ordinance amends Rule 24, Table 1, Residential Fixture Unit Value, to add a fixture unit value for Ultra High Efficiency Toilets.
15. This ordinance amends Rule 24-B-1-c to correct an omission during the adoption of Ordinance No. 144. The edit makes the calculation of outdoor water use for Non-Residential New Construction consistent with the Residential calculation.
16. This ordinance exempts specific retrofits on Table 4, High Efficiency Appliance Credits, from Rule 25.5-B. Rule 25.5-B limits Water Use Credits when mandated by the District. This amendment allows stricter appliance requirements for Residential New Construction of New Structures (i.e., High Efficiency Dishwashers and Clothes Washers) while allowing reconstruction of demolished Residential structures to take advantage of the pre-demolition fixture unit count.
17. This ordinance amends Rule 25.5, Table 4, High Efficiency Appliance Credits, sunsets a credit for High Efficiency Toilets on December 31, 2013, and adds a credit for Ultra High Efficiency Toilets.
18. This ordinance amends Rule 25.5, Table 4, High Efficiency Appliance Credits, to clarify that Instant-Access Hot Water System credit is available for each Dwelling Unit on a Multi-Family Residential Site. In keeping with past practice, the ordinance clarifies that Water Use Credit is unavailable for Instant-Access Hot Water Systems in New Structures.
19. This ordinance clarifies that when an Instant-Access Hot Water System is required on Single Family Residential Site, Instant-Access Hot Water Systems shall be provided in every auxiliary structure that has hot water plumbing.
20. This ordinance replaces the term “washing machine” in Rule 25.5, Table 4, High Efficiency Appliance Credits with “Clothes Washer,” consistent with terminology used throughout the rules.

21. This ordinance amends Rule 90 to clarify that a variance to Regulation II, Permits, must be requested no later than 90 days after an appealable decision. This responds to Board direction from August 15, 2011, regarding a request for variance from District Rule 23, 17 years after a Water Permit was issued.
22. This ordinance deletes obsolete language in the last sentence of the first paragraph of Rule 90.
23. This ordinance modifies the Monterey Peninsula Water Management District's toilet standard for Residential and Non-Residential New Construction, Changes of Ownership, Changes of Use, and Expansions of Use is changed from Ultra Low Flush (ULF) to High Efficiency Toilets (HET) or Ultra High Efficiency Toilets (UHET). The average water savings for HET is estimated by the California Urban Water Conservation Council to be 38 gallons per day (gpd) when replacing a non-ULF Toilet (i.e. 3.5 gallons per flush or higher) and 7 gpd when replacing an ULF.
24. This ordinance provides an exemption to the toilet retrofit requirement for Change of Ownership or Use when a ULF Toilet was installed prior to the effective date of this ordinance.
25. This ordinance amends Rule 142 to clarify Showerheads must be designed and manufactured to meet the District's flow requirement of 2.0 gallons per minute. This is to avoid situations where the Showerhead is modified only to meet the requirement.
26. This ordinance deletes a requirement for three minute timers when there are multiple Showerheads.
27. This ordinance adds a requirement for High Efficiency Clothes Washers and High Efficiency Dishwashers in Residential New Construction of New Structures.
28. This ordinance specifies 2.2 gallons per minute as the flow rate for Residential Utility Sinks and Bar Sinks.
29. This ordinance encourages the use of Alternative Water Sources for Non-Residential toilet flushing and other uses allowed by a Jurisdiction.
30. This ordinance amends the flow rate for private Non-Residential Washbasins (e.g., hotel or motel guest rooms and hospital patient rooms) consistent with best management practices adopted by the U.S. EPA's WaterSense program, of which MPWMD is a promotional partner.

31. This ordinance amends the Monterey Peninsula Water Management District's Urinal requirement for Residential and Non-Residential New Construction, Changes of Ownership, Changes of Use, Expansions of Use and Existing Non-Residential Uses to require High Efficiency Urinals (or ones that use less water).
32. This ordinance amends Rule 143-A, Water Efficiency Standards for Existing Non-Residential Uses, to make Showerhead and faucet flow rates consistent with New Construction, Change of Ownership, Change of Use, and Expansion of Use requirements.
33. This ordinance specifies that replacement of existing toilets and Urinals installed in the MPWMD must be with HET or more efficient models. The State requires that HET toilets and Urinals exclusively be offered for sale or installed in California as of January 1, 2014. However, by 2013 (the effective date of this ordinance), at least 85 percent of toilets and Urinals for sale in California must be HET. MPWMD has circumstances that warrant implementation of these requirements ahead of the State's schedule.
34. This ordinance extends the implementation date for retrofitting Existing Non-Residential Uses from December 31, 2012, to December 31, 2013. This extension of time is due to a delay in approval of the Rebate Program funding by the California Public Utilities Commission (CPUC).
35. This ordinance provides an exemption to the toilet retrofit requirement when a ULF Toilet was installed prior to the effective date of this ordinance.
36. This ordinance extends the date for which an exemption to the High Efficiency Clothes Washer requirement is available for previously purchased and installed water efficient Clothes Washers.
37. This ordinance deletes an obsolete date from Rule 161.
38. This ordinance adds irrigated public open space to the list of California American Water customers that are required to have a Landscape Water Audit and Landscape Water Budget and to comply with those budgets during Stages 2-4 of the Expanded Water Conservation and Standby Rationing Plan.
39. This ordinance makes two minor edits (i.e., California American Water's billing increment and unnecessary language) to Rule 172-B.
40. This ordinance amends Rule 172 to clarify that Landscape Water Budgets required for new Dedicated Irrigation Meters are based on the Estimated Total Water Use as determined by the project's Landscape and Irrigation System plans.

41. This ordinance amends Rule 172-E, Landscape Irrigation Restrictions, to clarify the location of a property in the City of Carmel-by-the-Sea.
42. This ordinance was reviewed by the Water Demand Committee (March 31, 2012, July 23, 2012, and September 25, 2012), the Policy Advisory Committee (April 3, 2012) and Technical Advisory Committee (April 3, 2012), the Public Utilities Commission Division of Ratepayer Advocates, California American Water, as well as the Monterey County Hospitality Association and the Coalition of Peninsula Businesses.
43. This ordinance is processed under a California Environmental Quality Act (CEQA) Negative Declaration. An Initial Study and Notice of Intent to Adopt a Negative Declaration was prepared, circulated and filed with the Monterey County Clerk on April 12, 2012. A Negative Declaration was adopted by the Board upon second reading prior to adoption.

**NOW THEREFORE** be it ordained as follows:

Draft

# ORDINANCE

## Section One:            Short Title

This ordinance shall be known as the **2012 Water Conservation Program Amendment Ordinance** of the Monterey Peninsula Water Management District.

## Section Two:            Statement of Purpose

The Monterey Peninsula Water Management District enacts this ordinance to implement High Efficiency Toilets as the District’s standard; establish a fixture unit value for Ultra High Efficiency Toilets; clarify credit for toilets and Instant-Access Hot Water Systems, address variance application timing related to permits; amend the District’s water efficiency standards, extend implementation of mandatory Non-Residential retrofits; and clarify and amend Landscape Water Audit requirements and outdoor water days.

## Section Three:            Definitions

A. Unless the context specifically indicates otherwise, the following terms shall be given the definitions set forth below and shall be permanently added to Rule 11, Definitions, of the Rules and Regulations of the District.

***ALTERNATIVE WATER SOURCES*** – “*Alternative Water Sources*” shall mean sources of *Sub-potable Water* (e.g., *Recycled Water, rainwater, stormwater, Graywater, process water, condensate water, blow-down water, groundwater, etc.*).

***OPEN SPACE*** – “*Open Space*” shall mean public land area left in an un-built state as defined in the California Government Code, Section 65560. Open Space includes plazas, parks, and cemeteries.

## Section Four:            Amendment of Rule 24, Table 1: Residential Fixture Unit Count

Rule 24, Table 1, Residential Fixture Unit Count, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

	Water Fixture Description	Fixture Unit Value
1	Washbasin (lavatory sink), each	1
2	Two Washbasins in the Master Bathroom	1
<del>3</del>	<del>Toilet, Ultra Low Flush (1.6 gallons per flush)</del>	<del>1.7</del>
<b>43</b>	<b>Toilet, High Efficiency (HET) (1.3 gallons maximum)</b>	<b>1.3</b>

4	<b><i>Toilet, Ultra High Efficiency (UHET) (0.8 gallon maximum)</i></b>	<b><i>0.8</i></b>
5	<del>Urinal (1.0 gallon per flush)</del>	<del>4</del>
6	Urinal, High Efficiency (0.5 gallon-per-flush)	0.5
7	Urinal, Zero Water Consumption	0
8	Bathtub, (may be Large with Showerhead above) & Separate Shower in the Master Bathroom	3
9	Bathtub, Large (may have Showerhead above)	3
10	Bathtub, Standard (may have Showerhead above)	2
11	Shower, Separate Stall (one Showerhead)	2
12	Shower, each additional fixture (including additional Showerheads, Body Spray Nozzles, etc.)	2
13	Shower System, Rain Bars, or Custom Shower (varies according to specifications)	2
14	Kitchen Sink (including optional adjacent Dishwasher)	2
15	Kitchen Sink with adjacent High Efficiency Dishwasher (5.8 gallons maximum per cycle)	1.5
16	Dishwasher, each additional (including optional adjacent sink)	2
17	Dishwasher, High Efficiency, each additional (including optional adjacent sink) [5.8 gallons maximum per cycle]	1.5
18	Laundry Sink/Utility Sink (debit/Connection Charge applies to only one Laundry/Utility Sink per Residential Site)	2
19	Clothes Washer	2
20	Clothes Washer, High Efficiency (HEW) (Water Factor of 5.0 or less)	1
21	Bidet	2
22	Bar Sink	1
23	Entertainment Sink	1
24	Vegetable Sink	1
25	Swimming Pool (each 100 square-foot of pool surface area)	1
26	For all new Connections -- Refer to Rule 24-A-5, Exterior Residential Water Demand Calculations.	

**Section Five:**                    **Amendment of Rule 24-B-1-c**

Rule 24-B-1-c, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

For New Construction on Vacant Lots, the General Manager shall add the quantity of water determined to be the exterior water demand based on the ~~MAWA~~ ***ETWU*** to the total Estimated Annual Water Use Capacity determined in 24-B-1-a2.

**Section Six:**                    **Amendment of Rule 25.5**

A. Rule 25.5-B, Water Use Credits and On-Site Water Use Credits, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

Water savings resulting from mandatory District programs, including water savings resulting from the installation of Low Water Use Plumbing Fixtures ~~M~~***mandated*** by the District, shall



not result in a Water Use Credit, *with the exception of Table 4 retrofits*. Such savings shall be set aside as permanent water conservation savings essential to the District’s 15 percent conservation goal approved by the Board in March 1984.

B. Rule 25.5, Table 4, High Efficiency Appliance Credits, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

**TABLE 4: HIGH EFFICIENCY APPLIANCE CREDITS**

Appliance	Description	Water Use Credit in Acre-Feet
High Efficiency Toilets <i>(available until 12/31/2013)</i>	A toilet designed to have an average maximum flush of 1.3 gallons.	0.004 AFA
<i>Ultra High Efficiency Toilet</i>	<i>A toilet designed and manufactured to flush with a maximum of 0.8 gallon of water and that is labeled by the U.S. Environmental Protection Agency’s WaterSense program.</i>	<i>0.005 AFA</i>
Instant-Access Hot Water System	A recirculating hot water system or other device(s) that results in hot water contact at every point of access throughout the <del>structure</del> <i>Dwelling Unit</i> within ten (10) seconds. <i>Instant-Access Hot Water Systems shall be installed in each auxiliary building plumbed with hot water on a Single Family Residential Site. There shall be no Water Use Credit for installation of Instant-Access Hot Water Systems for New Structures.</i>	0.005 AFA
High Efficiency Dishwasher	A dishwasher designed to use a maximum of 5.8 gallons per cycle. A High Efficiency Dishwasher shall have Energy Star certification.	0.005 AFA
High Efficiency Clothes Washer	A <del>washing machine</del> <i>Clothes Washer</i> with a Water Factor of 5.0 or less.	0.010 AFA

**Section Seven: Amendment of Rule 90, Variance**

Rule 90, Variance, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

***A. Variance requests from Regulation II, Permits, shall be submitted no later than 90 days after an appealable decision.***

**B.** The Board may, after holding a public hearing, in specific cases, grant a variance from any provision of the standards incorporated into these Rules and Regulations whenever it finds: (a) that Special Circumstances exist in a particular case, and (b) that practical difficulties or Undue Hardship would result from the strict interpretation and enforcement of any such standard, and (c) that the granting of such a variance would not tend to defeat the purposes of these Rules and Regulations. The Board may place conditions upon such variances. ~~Each application for variance concerning Regulation X, Rules 100-104, and concerning Rule 171 shall be processed pursuant to the provisions of Rule 92.~~

**C.** Upon hearing the variance, the Board shall also have the discretion in unusual matters to reduce and rebate in full or in part the fee for appeal otherwise set by Rule 60.

**Section Eight: Amendment of Rule 142-B, Water Efficiency Standards**

**C.** Rule 141-B, Effective Date, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

*Former Rule Effective Date. Water Permits issued after January 1, 2010, shall be subject to the requirements of Rule 142, as revised. Water Permits issued prior to January 1, 2010, and applications for a Water Permit that can demonstrate proof of submittal of the project application to the Planning Department or Building Department of the Jurisdiction by December 31, 2009, shall be subject to requirements of former Rule 142 summarized below:*

1. Former Rule 142 required all New Construction, Remodels and Additions to install maximum 2.5 gallons-per-minute Showerheads and 2.2 gallons-per-minute faucet aerators.
2. New Construction of New Structures also required installation of Instant-Access Hot Water Systems and installation of Drip Irrigation where appropriate.

*Water Permits issued between January 1, 2010 and December 31, 2012, shall be subject to the rules in effect on the date of issuance as stated on the Water Permit and on any associated deed restriction(s).*

**D.** Rule 142-C-1, Residential Water Efficiency Standards for New Structures, Rule 142-D-1, Non-Residential Water Efficiency Standards for New Structures, and Rule 142-E-1, Residential and Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

~~Ultra Low Flush~~ *High Efficiency or Ultra High Efficiency* Toilets shall be installed;

- E. Rule 142-C-3, Residential Water Efficiency Standards for New Structures, and Rule 142-D-3, Non-Residential Water Efficiency Standards for New Structures, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

Showerheads, Rain Bars, or Body Spray Nozzles shall be installed that were designed ***and manufactured*** to emit a maximum of 2.0 gallons per minute of water;

- F. Rule 142-C-5, Residential Water Efficiency Standards for New Structures, and Rule 142-D-5, Non-Residential Water Efficiency Standards for New Structures, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

~~Installation of multiple Showerheads in one stall shall require timers for each Showerhead, Rain Bar, or Body Spray Nozzle. No timer shall operate with greater than a three (3) minute operating increment;~~ ***High Efficiency Clothes Washer(s) and High Efficiency Dishwasher(s) shall be required when installed in a Residential use;***

- G. Rule 142-C-7, Residential Water Efficiency Standards for New Structures shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

Kitchen Sink, ***Utility Sink, and Bar Sink*** faucets shall emit a maximum of 2.2 gallons of water per minute at 60 psi;

- H. Rule 142-D, Non-Residential Water Efficiency Standards for New Structures, shall be amended to add Rule 142-D-21 as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

***21. The use of Alternative Water Sources for indoor toilet flushing and other uses allowed by the Jurisdiction shall be encouraged.***

- I. Rule 142-D-6, Non-Residential Water Efficiency Standards for New Structures shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

~~Public lavatory faucets~~ ***Washbasins*** shall emit a maximum of 0.5 gallon of water per minute at 60 psi. ***Private Washbasins (e.g., hotel or motel guest rooms and hospital patient rooms) shall emit a maximum of 1.5 gallons of water per***

*minute at 60 psi. All other sinks shall emit a maximum of 2.2 gallons of water per minute at 60 psi unless higher flow is required by Health and Safety Code;*

- J. Rule 142-E-2, Residential and Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

Urinals shall be ***High Efficiency Urinals, Pint Urinals, or Zero Water Consumption Urinals*** ~~designed to use a maximum of one (1) gallon per flush.~~ Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;

**Section Nine: Amendment of Rule 143, Water Efficiency Standards for Existing Non-Residential Uses**

- A. Rule 143-A, Water Efficiency Standards for Existing Non-Residential Uses, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

All Non-Residential Water Users within the District shall ***meet or exceed the following water efficiency standards before December 31, 2013:*** ~~maintain Showerheads with a maximum flow capacity of 2.5 gallons per minute and Washbasin faucets with aerators which limit the flow rate to a maximum of 2.5 gallons per minute, unless subject to more restrictive requirements by another agency or Jurisdiction.~~

- 1. Showerheads, Rain Bars, or Body Spray Nozzles shall be designed and manufactured to emit a maximum of 2.0 gallons per minute of water;***
- 2. Public Washbasins shall emit a maximum of 0.5 gallon of water per minute;***
- 3. Public Washbasins equipped with automatic shut off devices or sensor faucets shall operate with a maximum flow of 0.25 gallons per cycle;***
- 4. Private Washbasins (e.g., Washbasins in hotel or motel guest rooms and hospital patient rooms) shall emit a maximum of 1.5 gallons of water per minute;***

5. *All other sinks shall be restricted to flow at a maximum of 2.2 gallons per minute;*

- B. Rule 143-C, Water Efficiency Standards for Existing Non-Residential Uses, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

~~Replacement of toilets after January 1, 2014~~ shall be with High Efficiency ***or Ultra High Efficiency*** Toilets.

- C. Rule 143-D, Water Efficiency Standards for Existing Non-Residential Uses, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

All Visitor-Serving Facilities shall, by December 31, ~~2013~~***2012***, be retrofitted exclusively with High Efficiency Urinals, High Efficiency Clothes Washers, and Water Efficient Ice Machines. There shall be an exception to this Rule when the Clothes Washer meets Energy Star specifications and was purchased and installed between ~~January 1, 2007~~ ***December 31, 2006*** and ~~January 1, 2010~~ ***December 31, 2012***: These appliances must comply with this provision by ***December 31, 2019***~~January 1, 2020~~.

- D. Rule 143-E, Water Efficiency Standards for Existing Non-Residential Uses, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

All Non-Residential structures shall be retrofitted exclusively with High Efficiency Toilets ***and High Efficiency Urinals*** by ***December 31, 2013***~~2012~~, except as provided by Rule 146 (Discretionary Exemptions).

1. All Visitor-Serving Facilities that retrofit to 1.6 gallons-per-flush toilets pursuant to Rule 143-B shall be exempt from this ***toilet retrofit*** requirement ~~until January 1, 2020~~.
2. All Non-Residential uses with Ultra Low Flush Toilets installed prior to ***December 31, 2012***~~January 1, 2010~~, shall be exempt from this ***toilet retrofit*** requirement ~~until January 1, 2020~~.

- E. Rule 143-F, Water Efficiency Standards for Existing Non-Residential Uses, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~).

All ***Clothes Washers installed in Non-Residential Clothes Washers uses within the District*** shall meet the definition of High Efficiency Clothes Washer rated with a Water Factor of 5.0 or below by December 31, ~~2013~~***2012***. There shall be

an exception to this Rule when the existing appliance was purchased between *December 31, 2005*~~January 1, 2006~~, and ~~January 1, 2010~~ *December 31, 2012*, and rates a Water Factor of 5.1-6.0:~~These appliances must comply with this provision by~~ *December 31, 2019*~~January 1, 2020~~.

F. Rule 143-G, Water Efficiency Standards for Existing Non-Residential Uses, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

Non-Residential Car Washes. By December 31, ~~2013~~*2012*, all Non-Residential car wash facilities shall recycle and reuse a minimum of 50 percent of the water used in the wash and rinse cycles.

**Section Ten:**            **Amendment of Rule 144-C, Retrofit Exemptions**

Rule 144-C, Retrofit Exemptions, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

C. *When a Site has ULF toilets that were installed prior to December 31, 2012, those toilets shall be exempt from this rule until December 31, 2016. This exemption shall not apply to toilets required to be replaced with lower flush volume fixtures as a condition of a Water Permit or other District action.*

**Section Eleven:**        **Amendment of Rule 161, Stage 1 Water Conservation**

Rule 161-D shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

California American Water, in coordination with the District, shall conduct Landscape Water Audits and establish Landscape Water Budgets for all Water Users subject to Rule 172. By November 1st of each year, California American Water shall review its consumption records for the previous Water Year to identify Water Users required by Rule 172 to have a Landscape Water Budget. Water Users that are required to obtain a Landscape Water Audit and Landscape Water Budget shall be notified by California American Water of this requirement by ~~December 1~~.

**Section Twelve:**        **Amendment of Rule 172, Landscape Water Audits**

A. Rule 172-B shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

Landscape Water Audits and Landscape Water Budgets shall be offered by the District and/or California American Water or their agent free of charge to all Water Users of California American Water with Dedicated Irrigation Meters, large irrigated areas over three acres, *irrigated Open Space*, and Large Residential Water Users. Landscape ~~Water Audits and Landscape~~ Water Budgets shall be required for new Dedicated Irrigation Meters *and shall be based on a Water Budget determined by the Estimated Total Water Use as determined by a Landscape and Irrigation System plan* at the time the meter is installed.

California American Water shall review its Residential customer consumption records at the completion of every Water Year to identify all Residential Users that consumed an average of 320 units per month (*24,000 gallons*) during the prior Water Year. ~~Using this information,~~ California American Water shall identify the Users that require a Landscape Water Audit and Landscape Water Budget and that do not have a Water Budget on file at MPWMD and California American Water. Newly identified Users shall be notified by California American Water that they are required to obtain a Landscape Water Audit and Landscape Water Budget. Once notified of the requirement to obtain a Landscape Water Audit and Landscape Water Budget, a User must arrange to complete the audit process within sixty (60) days. Existing customers subject to this Rule shall be given annual notice by California American Water to report any changes to the Landscaping or Irrigation Systems. Significant changes shall necessitate a follow-up audit.

1. California American Water Users shall be required to obtain Landscape Water Audits and establish Landscape Water Budgets if the property:
  - a. Has a Dedicated Irrigation Meter; or
  - b. Is an irrigated area of greater than three acres; or
  - c. Is a Large Residential Water User; *or*
  - d. Is irrigated public Open Space.*

B. Rule 172-E shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

## LANDSCAPE IRRIGATION RESTRICTIONS

Unless watering is by drip irrigation or through a hand-held hose with a Positive Action Shut-Off Nozzle, the following watering schedule shall apply:

1. Odd Numbered Properties shall water after 5 p.m. or before 9 a.m. on Saturdays and Wednesdays only. This schedule shall also apply to properties located *primarily facing* on the ~~South~~ *North* or ~~West~~ *East* side of the street in cities where no street address is available.
2. Even Numbered Properties shall water after 5 p.m. or before 9 a.m. on Sundays and Thursdays only. This schedule shall also apply to properties located *primarily facing* on the ~~North~~ *South* or ~~East~~ *West* side of the street in cities where no street address is available.
3. Sprinkler irrigation overseen by a professional gardener or landscaper who is available on Site may occur between 9 a.m. and 5 p.m., but shall not exceed two watering days per week.

**Section Thirteen:**      **Publication and Application**

The provisions of this ordinance shall cause the amendment and republication of Rules 11, 24, 25.5, 90, 142, 143, 161 and 172 of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

**Section Fourteen:**      **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. on December 31, 2012.

This Ordinance shall not have a sunset date.

**Section Fourteen:**      **Severability**

If any subdivision, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is adopted upon this \_\_\_\_ day of \_\_\_\_\_, 2012,



by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true, and correct copy of an ordinance duly adopted on the \_\_\_\_ day of \_\_\_\_\_, 2012.

Witness my hand and seal of the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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David J. Stoldt, Secretary to the Board

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