



**EXHIBIT 18-A**

**URGENCY ORDINANCE NO. 167**

**AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING RULE  
141, WATER CONSERVATION REBATES, RULE 142, WATER EFFICIENCY  
STANDARDS, AND RULE 143, WATER EFFICIENCY STANDARDS FOR EXISTING  
NON-RESIDENTIAL USES**

**FINDINGS**

1. The Monterey Peninsula Water Management District (District or Water Management District) is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. The 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 Water Management District has enacted certain rules to bring about efficient water use, both indoors and out. These rules are codified in District Regulations XIV and XV.
4. Changes in appliance standards adopted by the California Energy Commission in April 2015 that will be implemented on January 1, 2016, and that contradict MPWMD Rules 142 and 143 necessitate revision to the District's water efficiency standards.
5. Updates to the California Model Water Efficient Landscape Ordinance adopted by the California Water Commission in July 2015 necessitate amendment to the District's irrigation efficiency rules.
6. District staff is developing a comprehensive revision to the District Rules and Regulations to replace the urgency ordinance in early 2016. The delay in bringing forth a permanent ordinance during 2015 to enact these amendments necessitates adoption of urgency measures at this time.

7. This ordinance is enacted with urgency and shall take effect on December 15, 2015, following a single reading provided it is approved by at least five (5) members of the Board.
8. This ordinance shall expire after one year.
9. The following District Rules shall be amended by this ordinance: Rule 141 (Water Conservation Rebates), Rule 142 (Water Efficiency Standards), and Rule 143 (Water Efficiency Standards for Existing Non-Residential Uses)
10. This urgency ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities, for modifications to Rule 141, as these amendments relate to replacement of existing facilities with less water intensive uses.

NOW THEREFORE be it ordained as follows:

## **ORDINANCE**

**Section One:**            **Short Title**

This ordinance shall be known as the 2015 California Code Update Urgency Ordinance of the Monterey Peninsula Water Management District.

**Section Two:**            **Purpose**

This ordinance amends the District's water efficiency standards for faucets and Urinals as adopted on April 8, 2015, by the California Energy Commission and updates irrigation efficiency requirements to meet the California Model Water Efficient Landscape Ordinance approved by the California Water Commission on July 15, 2015.

**Section Three:**        **Amendments to Rule 141**

Rule 141 shall be amended to delete any reference to "High Efficiency Urinal" as of January 1, 2016. Rebate applications for High Efficiency Urinals purchased before January 1, 2016, shall be processed.

**Section Four:**        **Amendment to Rule 142**

Rule 142 shall be amended as shown below, with added language as shown in *bold italic* type

face, and deleted language shown in ~~strikeout~~ type face.

## RULE 142 - WATER EFFICIENCY STANDARDS

### A. Water Efficiency Standards.

1. All New Construction of New Structures shall install and maintain plumbing fixtures and conservation standards as set forth in this Rule.
2. No plumbing fixture ~~or standard~~ shall be replaced with fixtures which allow greater water use.
3. ***All new and replacement water fixtures shall comply with current California plumbing and energy standards/codes when more restrictive than the District's.***

### B. Former Rules. Water Permits issued prior to January 1, ~~2010~~2013, ~~shall be were~~ subject to requirements of former Rule 142 summarized below:

1. ~~Former~~ Rule 142 ***prior to January 1, 2010***, 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 ***prior to January 1, 2010***, also required installation of Instant-Access Hot Water Systems and installation of Drip Irrigation where appropriate.
3. Water Permits issued between January 1, 2010 and December 31, 2012, ~~shall be were~~ subject to the rules in effect on the date of issuance as stated on the Water Permit and on any associated deed restriction(s).

### C. Residential Water Efficiency Standards for New Structures.

All Residential New Structures receiving a Water Permit on or after January 1, 2010, shall meet or exceed the following standards:

1. High Efficiency or Ultra-High Efficiency Toilets shall be installed;

2. Urinals, when installed in a Residential use, shall be designed to flush with one (1) gallon of water. ***On and after January 1, 2016, newly installed Urinals shall flush with no more than 0.125 gallon per flush;***
3. 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;
4. All shower fixtures should be equipped with scald protection valves rated for 2.0 gallons per minute Showerheads;
5. High Efficiency Clothes Washer(s) and High Efficiency Dishwasher(s) shall be required when installed in a Residential use;
6. Lavatory Sink faucets shall emit a maximum of ~~2.2~~ ***1.2*** gallons of water per minute at 60 psi;
7. Kitchen Sink, Utility Sink, and Bar Sink faucets shall emit a maximum of ~~2.2~~ ***1.8*** gallons of water per minute at 60 psi. ***Faucets may have the capability to temporarily increase flow to 2.2 gallons per minute for filling pots and pans, but must default back to a maximum flow rate of 1.8 gallons per minute measured at 60 psi.;***
8. Instant-Access Hot Water Systems shall be installed;
9. All hot water pipes shall be insulated;
10. Sodium chloride (salt) water softeners shall be discouraged in New Construction. Alternate technologies such as potassium chloride shall be recommended. When a sodium chloride water softener is to be installed within the MPWMD, the unit shall use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage. This requirement shall be specified on the Construction Drawings.
11. Landscaping.
  - a. All New Construction shall install and maintain Landscaping that complies with the California Model Water Efficient Landscape

Ordinance as revised (California Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, Model Water Efficient Landscape Ordinance) or with local or District Landscape requirements if more restrictive.

- b. Plants shall be grouped in hydrozones.

12. Irrigation System Efficiency.

- a. Weather-Based Irrigation System Controllers (e.g. Smart Controllers) shall be installed, used and maintained on Sites where there is an Irrigation System.
- b. Weather-Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.
- c. Drip Irrigation shall be utilized for watering all non-turf irrigated plantings.
- d. Rotating Sprinkler Nozzles shall be utilized for turf irrigation.
- e. Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.
- f. Irrigation Systems shall operate with at least ~~70~~ **75** percent efficiency *for overhead spray devices and at least 81 percent for drip systems.*
- g. Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.
- h. Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be

compliant with local catchment system standards, including Monterey County Department of Environmental Health.

- i. All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by any Water Distribution System Operator that supplies water to the Site.

D. Non-Residential Water Efficiency Standards for New Structures.

All Non-Residential New Structures receiving a Water Permit on or after January 1, 2010, shall meet or exceed the following standards:

1. High Efficiency or Ultra High Efficiency Toilets shall be installed;
2. Urinals shall be Pint Urinals or Zero Water Consumption Urinals and shall be clearly specified on the final Construction Drawings. Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;
3. Showerheads, Rain Bars, or Body Spray Nozzles shall be installed that were designed to emit a maximum of 2.0 gallons per minute of water;
4. All shower fixtures should be equipped with scald protection valves rated for 2.0 gallons per minute Showerheads;
5. 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;
6. Public 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~~ 1.2 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;

7. Public Lavatory Sinks equipped with automatic shut off devices or sensor faucets shall operate with a maximum flow of 0.25 gallons per cycle;
8. High Efficiency Clothes Washers shall be installed when a Clothes Washer is installed in a New Structure permitted under this Regulation;
9. High Efficiency Dishwashers or High Efficiency Commercial Dishwashers shall be installed and maintained on the Site when a Dishwasher is installed in a New Structure permitted by a Water Permit;
10. Instant-Access Hot Water System(s) shall be installed for hot water access points to ensure that hot water is available within ten (10) seconds;
11. All hot water pipes shall be insulated;
12. Sodium chloride (salt) water softeners shall be discouraged in New Construction. Alternate technologies, such as potassium chloride shall be recommended. When a sodium chloride water softener is to be installed within the MPWMD, the unit shall use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage. This requirement shall be specified on the Construction Drawings;
13. Water Efficient Pre-Rinse Spray Valves shall be utilized when a pre-rinse spray valve is installed;
14. There shall be no single-pass water use systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc. Air-cooled or better technology shall be installed when available;
15. Water cooled refrigeration equipment shall be prohibited when there is alternative cooling technology available at the time the Water Permit is issued;

16. Cooling Towers shall be equipped with conductivity controllers that are used to increase the number of cycles that can be achieved;
17. Boilerless steamers or connectionless steamers shall be installed in place of boiler-based steamers when a steamer is installed in New Construction;
18. Landscaping.
  - a. All New Construction shall install and maintain Landscaping that complies with the California Model Water Efficient Landscape Ordinance as revised (California Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, Model Water Efficient Landscape Ordinance) or with local or District Landscape requirements if more restrictive.
  - b. Plants shall be grouped in hydrozones.

19. Irrigation System Efficiency.

- a. Weather-Based Irrigation System Controllers shall be installed, used and maintained on Sites where there is an Irrigation System.
- b. Weather-Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.
- c. Drip Irrigation shall be utilized for watering all non-turf irrigated plantings.
- d. Rotating Sprinkler Nozzles shall be utilized for turf irrigation.
- e. Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.



- f. Irrigation Systems shall operate with at least ~~70~~ **75** percent efficiency *for overhead spray devices and at least 81 percent for drip systems.*
- g. Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.
- h. Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.
- i. All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by any Water Distribution System Operator that supplies water to the Site.

20. The implementation of water conservation Best Management Practices shall be integrated into construction and operation of the project to the extent possible.

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

E. Residential and Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards

Sites that have a Change of Ownership, Change of Use or Expansion of Use on or after January 1, 2010, shall meet or exceed the following standards:

- 1. High Efficiency or Ultra High Efficiency Toilets shall be installed;

2. Urinals shall be ~~High Efficiency Urinals~~, Pint Urinals, or Zero Water Consumption Urinals. Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;
3. Showerhead flow rates shall meet or exceed New Construction standards;
4. Bathroom faucet flow rates shall meet or exceed New Construction standards;
5. Kitchen faucet flow rates shall meet or exceed New Construction standards;
6. Remodels or relocations of water fixtures or appliances that involve hot water shall be encouraged to install an Instant-Access Hot Water System and insulate all new hot water pipes;
7. Pre-rinse spray valves shall meet or exceed the District's definition for Water Efficient Pre-Rinse Spray Valves;
8. Changes of Use and Expansions of Use that require a Water Permit shall not install any single-pass water use systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc. Air-cooled or better technology shall be installed when available;
9. Changes of Use and Expansions of Use that require a Water Permit shall not install any water cooled refrigeration equipment when there is alternative water efficient cooling technology available at the time the Water Permit is issued;
10. Automatic Irrigation Systems, with the exception of Weather-Based Irrigation Systems, shall be retrofit to include a Rain Sensor;
11. The implementation of Non-Residential Best Management Practices shall be integrated into construction and operation of Non-Residential uses to the extent possible.

**Section Five:**            **Amendment to Rule 143**

Rule 143 shall be amended as shown below, with added language as shown in *bold italic* type face, and deleted language shown in ~~strikeout~~ type face.

**RULE 143 - WATER EFFICIENCY STANDARDS FOR EXISTING NON-RESIDENTIAL USES**

- A. All Non-Residential Water Users within the District shall meet or exceed the following water efficiency standards before December 31, 2013:
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. ***Replacement faucets or aerators shall not exceed a maximum flow rate of 1.2 gallons per minute at 60 psi;***
  5. All other sinks shall be restricted to flow at a maximum of 2.2 gallons per minute;
- B. All existing Visitor-Serving Facilities shall be retrofitted exclusively with Ultra-Low Flush Toilets, except as provided by Rule 146 (Discretionary Exemptions).
- C. Replacement of toilets shall be with High Efficiency or Ultra High Efficiency Toilets. ***On and after January 1, 2016, newly installed and replacement Urinals shall flush with no more than 0.125 gallon per flush.***
- D. All Visitor-Serving Facilities shall, by December 31, 2013, 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 December 31, 2006 and December 31, 2012: These appliances must comply with this provision by December 31, 2019.

- E. All Non-Residential structures shall be retrofitted exclusively with High Efficiency Toilets and High Efficiency Urinals by December 31, 2013, 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.
  - 2. All Non-Residential uses with Ultra Low Flush Toilets installed prior to December 31, 2012, shall be exempt from this toilet retrofit requirement.
- F. All Clothes Washers installed in Non-Residential uses within the District shall meet the definition of High Efficiency Clothes Washers rated with a Water Factor of 5.0 or below by December 31, 2013. There shall be an exception to this Rule when the existing appliance was purchased between December 31, 2005, and December 31, 2012, and rates a Water Factor of 5.1-6.0.
- G. Non-Residential Car Washes. By December 31, 2013, 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.
- H. Mobile Water Distribution Systems shall use water meters at the Source of Supply. Records of the location and quantity of water delivered shall be provided by the Owner or Operator to MPWMD upon request of the General Manager.
- I. Any or all portable Water-Measuring Device usage information, including the name of the User, the amount of water used, and the location of use shall be provided by the Water Distribution System Owner or Operator to MPWMD upon request.
- J. All pre-rinse spray valves shall meet or exceed the Rule 11 definition of Water Efficient Pre-Rinse Spray Valve by July 1, 2010.
- K. Newly installed medical or laboratory photographic and/or X-ray processing systems shall include a recirculation system for the rinse process. The use of digital systems is highly encouraged.

- L. The installation of a Rain Sensor and Soil Moisture Sensors on automatic Irrigation Systems that are not operated by a Weather-Based Irrigation System shall be encouraged.

**Section Six:**            **Publication and Application**

The provisions of this ordinance shall not cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District. Water Permit applicants shall receive a copy of the urgency language attached to the Water Permit.

**Section Seven:**        **Effective Date and Sunset**

This ordinance shall be adopted with urgency effect and take effect at 12:01 a.m. on December 15, 2015. Insofar as this Ordinance has been enacted as an urgency measure, it shall have no force or effect after December 14, 2016.

**Section Eight:**        **Severability**

If any subdivision, paragraph, 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 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 by Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing urgency ordinance is adopted upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 that the foregoing ordinance was duly adopted on the 14th day of December 2015.

Witness my hand and seal of the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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David J. Stoldt, Secretary to the Board

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