

## **EXHIBIT 3-A**

### **MPWMD WATER EFFICIENCY REQUIREMENTS FOR NEW STRUCTURES NON-RESIDENTIAL**

1. Ultra Low Flush Toilets. Amended by Ordinance No. 151 (pending): HET or Ultra HET
2. Pint Urinals or Zero Water Consumption Urinals
3. 2.0 gpm Showerheads, Rain Bars, or Body Spray Nozzles
  - a. Scald protection valves rated for 2 gpm
4. Multiple Showerheads in one stall shall require 3-minute timers for each Showerhead, Rain Bar, or Body Spray Nozzle (deleted by Ord. 151 (pending))
5. Washbasin faucets with maximum flow of 2.2 gpm. Amended by Ordinance No. 151 (pending):
  - a. Public Washbasins: 0.5 gpm
  - b. Public Washbasins equipped with automatic shut off devices or sensor faucets: 0.25 gallon per cycle
  - c. Private Washbasins (e.g., Washbasins in hotel or motel guest rooms and hospital patient rooms): 1.5 gpm
  - d. All other sinks: 2.2 gpm
6. High Efficiency Clothes Washers
7. High Efficiency Dishwashers (Residential and Commercial types)
8. Instant-Access Hot Water System(s)
  - a. Insulated hot water pipes
9. Sodium chloride (salt) water softeners discouraged in New Construction. Alternate technologies, such as potassium chloride shall be recommended
  - a. When a sodium chloride water softener is installed within the MPWMD, the unit must use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage
10. Water Efficient Pre-Rinse Spray Valves (as applicable)
11. No single-pass water systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc.
  - a. Air-cooled or better technology must be installed when available
12. Water cooled refrigeration equipment prohibited
13. Conductivity controllers in Cooling Towers
14. Boilerless steamers or connectionless steamers (water efficient)
15. Landscaping must comply with the California Model Water Efficient Landscape Ordinance or with more restrictive local or District Landscape requirements
  - a. Plants shall be grouped in hydrozones
16. Irrigation System Efficiency
  - a. Smart Controllers.
  - b. Controllers include functioning Soil Moisture Sensors and a Rain Sensor
  - c. Drip Irrigation utilized for non-turf irrigated plantings
  - d. Rotating Sprinkler Nozzles utilized for turf irrigation
  - e. No overhead spray irrigation

- f. Irrigation Systems shall operate with at least 70 percent efficiency
  - g. Rainwater collection/irrigation encouraged
  - h. Graywater collection/irrigation systems encouraged
  - i. Sites utilizing a Graywater reuse system must install and maintain a backflow prevention device
17. Best Management Practices (BMPs) shall be integrated into construction and operation of the project to the extent possible

MPWMD WATER EFFICIENCY REQUIREMENTS FOR  
CHANGE OF OWNERSHIP, CHANGE OF USE, AND EXPANSION OF USE  
**NON-RESIDENTIAL**

1. Ultra Low Flush Toilets shall be installed. Amended by Ordinance No. 151 (pending): HET or Ultra HET
2. One gpf Urinals. Zero Water Consumption Urinals encouraged with regular maintenance staff. Amended by Ordinance No. 151 (pending): High Efficiency Urinals, Pint Urinals, or Zero Water Consumption Urinals
3. 2.0 gpm Showerhead(s)
4. Washbasin faucets with maximum flow of 2.2 gpm. Amended by Ordinance No. 151 (pending):
  - a. Public Washbasins: 0.5 gpm
  - b. Public Washbasins equipped with automatic shut off devices or sensor faucets: 0.25 gallon per cycle
  - c. Private Washbasins (e.g., Washbasins in hotel or motel guest rooms and hospital patient rooms): 1.5 gpm
  - d. All other sinks: 2.2 gpm
5. Remodels or relocations of water fixtures or appliances that involve hot water are encouraged to install an Instant-Access Hot Water System and insulate all new hot water pipes
6. Water Efficient Pre-Rinse Spray Valves (as applicable)
7. Changes of Use and Expansions of Use that require a Water Permit:
  - a. 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
  - b. 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
8. Automatic Irrigation Systems, with the exception of Weather-Based Irrigation Systems, must have an operational Rain Sensor
9. Best Management Practices (BMPs) shall be integrated into construction and operation to the extent possible

MPWMD WATER EFFICIENCY REQUIREMENTS FOR  
EXISTING USES  
**NON-RESIDENTIAL**  
Updated 8/8/12

*(Items with a star are Qualifying Devices under the Rebate Program—MPWMD Rule 141)*

**Bold and highlighted** text identifies Ordinance No. 151 amendments to MPWMD Rule 143

Summary of MPWMD Rule 143 and 154

1. Showerheads: Maximum flow capacity of 2.5 gallons per minute (gpm). **Amended by Ordinance No. 151 (pending adoption. Retrofits must be complete by 7/1/13): 2.0 gpm**
2. Washbasin faucets with maximum flow of 2.5 gpm. **Amended by Ordinance No. 151 (pending adoption. Retrofits must be complete by 7/1/13):**
  - a. **Public Washbasins: 0.5 gpm**
  - b. **Public Washbasins equipped with automatic shut off devices or sensor faucets: 0.25 gallon per cycle**
  - c. **Private Washbasins (e.g., Washbasins in hotel or motel guest rooms and hospital patient rooms): 1.5 gpm**
  - d. **All other sinks: 2.2 gpm**
3. Visitor-Serving Facilities: Ultra-Low Flush Toilets (ULFT)
4. Replacement of toilets after January 1, 2013: High Efficiency Toilets (HET) **Amended by Ordinance No. 151 (pending adoption):** HET or ★ **Ultra HET**
5. All Visitor-Serving Facilities (currently must be completed by 12/31/12). **Amended by Ordinance No. 151 (pending adoption. Retrofits must be completed by 7/1/13):**
  - ★ a. High Efficiency Urinals (HEU)
  - ★ b. High Efficiency Clothes Washers (HECW)<sup>1</sup>
  - ★ c. Water Efficient Ice Machines
6. All Non-Residential structures (currently must be completed by 12/31/12). **Amended by Ordinance No. 151 (pending adoption. Retrofits must be completed by 7/1/13):**
  - ★ a. HET
  - ★ b. **HEU, Pint Urinals or Zero Water Consumption Urinals**
  - ★ c. HECW
  - d. Visitor-Serving Facilities that retrofit to ULFT in 2000 are exempt until January 1, 2020
  - e. Non-Residential uses with ULFT installed prior to January 1, 2010, are exempt from this requirement until January 1, 2020

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<sup>1</sup> Exception when Clothes Washer meets Energy Star specifications and was purchased and installed between January 1, 2007 and January 1, 2010 (**Ord 151 amends date to October 31, 2012**): These appliances must comply with this provision by January 1, 2020.

7. Non-Residential Car Washes must recycle and reuse 50% of water used
8. Mobile Water Distribution Systems and hydrant users must obtain MPWMD permit and meter use
9. Water Efficient (i.e., 1.6 gpm) Pre-Rinse Spray Valves required. (Ultra High Efficiency Pre-Rinse Spray Valves are available from MPWMD)
- ★ 10. Newly installed medical or laboratory photographic and/or X-ray processing systems must recirculate water used in the rinse process unless digital (recommended). Rebate is available for voluntary retrofit of existing equipment
11. Installation of Rain Sensors and Soil Moisture Sensors on automatic Irrigation Systems are encouraged
12. Visitor-Serving, Public and Quasi-Public Facilities must display in visible locations in all restrooms, kitchens, and dining areas, placards or decals promoting public awareness of the need for water conservation and/or advising the public that waste of water is prohibited
13. The owner and/or manager of each rental property must provide a pamphlet, brochure, or other literature to current and future tenants that list the water conservation requirements, including the Water Waste and Non-Essential Water Use regulations of the District
14. Visitor-Serving Facilities must promote towel and linen reuse programs by providing written notice in the rooms, whereby towels and linens are changed every three days or as requested by action of the guest
15. Visitor-Serving Facilities must provide written notice that drinking water is available only upon request. Notification of this requirement must be provided on the table(s) or menu(s) of each facility. Visitor-Serving Facilities must not provide drinking water from the Monterey Peninsula Water Resource System at the table unless specifically requested
- ★ 16. Facilities utilizing alternative sources of irrigation water (i.e. purified recycled water, Subpotable/non-potable Water, rainwater and Graywater, etc.) are encouraged to provide notice of the alternative supply, either by erecting a sign in compliance with local codes or by identifying the alternative supply in other venues such as in newsletters, websites, menus, etc.

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**MPWMD NON-RESIDENTIAL**  
**BEST MANAGEMENT PRACTICES**

1. Comply with all Non-Residential New Structure requirements as amended by Ordinance No. 151
2. Compliance with Water Waste and Non-Essential Water Use restrictions
3. Compliance with MPWMD Rule 154
4. Employee water awareness/leak detection & repair program in place. Employee training covers water waste, efficient use of water, non-essential water use, leak reporting and repair, etc.
5. Uses Alternative Water Sources for irrigation
6. All low water use/Xeriscape Landscaping
7. Fulfilled industry-specific BMPs

**Industry-Specific BMPs (as Applicable)**

**Industry**-specific recommendations –EBMUD Watersmart Guidebook and other recommended BMPs can be found at the following websites:

- Alliance for Water Efficiency website  
(<http://www.allianceforwaterefficiency.org/resource-library/default.aspx>)
- Consortium for Energy Efficiency (<http://www.cee1.org/com/com-main.php3>)
- California Urban Water Conservation Council website (<http://cuwcc.org/resource-center/resource-center.aspx>)

**WaterSmart Guidebook provides BMP by business types**

Auto Service & Repair Shops  
Bakery & Pastry Shops  
Beverage Manufacturers  
Coin & Card Operated Laundries  
Commercial & Retail Centers  
Commercial Printers  
Fuel Service Stations & Convenience Stores  
Grocers  
Hospitals  
Hotels & Motels  
Industrial Bakeries  
Industrial Laundries & Dry Cleaners  
Laboratories  
Metal Finishers  
Office Buildings  
Paper Manufacturers  
Restaurants & Fast Food Outlets

Schools  
Vehicle Washes  
Water Features, Pools & Landscapes

**Water-Using Technologies**

Alternate On-Site Water Sources  
Food Service Operations  
Landscape Water-Use Efficiency  
Laundries & Dry-Cleaning Operations  
Medical Facilities & Laboratories  
Metering of Individual Units  
Photo & Film Processing  
Pool, Spas, & Fountains  
Process Water  
Restroom & Plumbing  
Thermodynamic Processes  
Water Treatment  
Vehicle Washes

**MPWMD WATER EFFICIENCY REQUIREMENTS FOR  
NEW STRUCTURES  
RESIDENTIAL**

1. Ultra Low Flush Toilets. Amended by Ordinance No. 151 (pending): HET or Ultra HET
2. Pint Urinals or Zero Water Consumption Urinals
3. 2.0 gpm Showerheads, Rain Bars, or Body Spray Nozzles
  - a. Scald protection valves rated for 2 gpm
4. Multiple Showerheads in one stall shall require 3-minute timers for each Showerhead, Rain Bar, or Body Spray Nozzle (deleted by Ord. 151 (pending))
5. 2.2 gpm Washbasin and Kitchen faucets
6. High Efficiency Clothes Washers (added by Ordinance No. 151 (pending))
7. High Efficiency Dishwashers (added by Ordinance No. 151 (pending))
8. Instant-Access Hot Water System(s)
  - b. Insulated hot water pipes
9. Sodium chloride (salt) water softeners discouraged in New Construction. Alternate technologies, such as potassium chloride shall be recommended
  - c. When a sodium chloride water softener is installed within the MPWMD, the unit must use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage
10. Landscaping must comply with the California Model Water Efficient Landscape Ordinance or with more restrictive local or District Landscape requirements
  - d. Plants shall be grouped in hydrozones
11. Irrigation System Efficiency
  - e. Smart Controllers.
  - f. Controllers include functioning Soil Moisture Sensors and a Rain Sensor
  - g. Drip Irrigation utilized for non-turf irrigated plantings
  - h. Rotating Sprinkler Nozzles utilized for turf irrigation
  - i. No overhead spray irrigation
  - j. Irrigation Systems shall operate with at least 70 percent efficiency
  - k. Rainwater collection/irrigation encouraged
  - l. Graywater collection/irrigation systems encouraged
    - i. Sites utilizing a Graywater reuse system must install and maintain a backflow prevention device



MPWMD WATER EFFICIENCY REQUIREMENTS FOR  
CHANGE OF OWNERSHIP, CHANGE OF USE, AND EXPANSION OF USE  
**RESIDENTIAL**

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3. 2.0 gpm Showerheads
4. 2.2 gpm Washbasin and Kitchen faucets
5. Remodels or relocations of water fixtures or appliances that involve hot water are encouraged to install an Instant-Access Hot Water System and insulate all new hot water pipes
6. Automatic Irrigation Systems, with the exception of Weather-Based Irrigation Systems, must have an operational Rain Sensor

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MPWMD BEST MANAGEMENT PRACTICES  
**RESIDENTIAL**

1. Meets Water Efficiency Requirements for New Structures, as amended by Ordinance No. 151
2. Compliance with Water Waste and Non-Essential Water Use restrictions
3. All low water use plants in Landscaping
4. Rainwater harvested for irrigation (max available based on roof size)
5. Graywater irrigation system (laundry to landscape at a minimum)

MPWMD WATER WASTE AND  
NON-ESSENTIAL WATER USE DEFINITIONS

**Water Waste** is the indiscriminate, unreasonable, or excessive running or dissipation of water. Water Waste shall include, but not be limited, to the following:

1. Waste caused by correctable leaks, breaks or malfunctions. This loss of Potable water may be cited as Water Waste after a reasonable period of time has passed in which the leak or malfunction could have been corrected. Exceptions may be granted by the General Manager for corrections, which are not feasible or practical.
2. Use of Potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard surfaced areas, except in cases where health or safety are at risk.
3. Indiscriminate or excessive water use which allows excess to run to waste.
4. Use of Potable water to irrigate turf, lawns, gardens or ornamental Landscaping between 9:00 a.m. and 5:00 p.m. by means other than drip irrigation, or hand watering without quick acting Positive Action Shut-Off Nozzles. (Exceptions shall be made by the General Manager for professional gardeners where there is no ability to avoid watering between 9:00 a.m. to 5:00 p.m.).
5. Individual private washing of cars with a hose except with the use of a Positive Action Shut-Off Nozzle. Use of water for washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles at any time, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment-using water is properly maintained to avoid wasteful use.
6. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD shall be deemed Water Waste. Emergency or health related situations are exempt from this provision in accordance with Rule 169 (Water Rationing Variance).
7. Operation of a commercial car wash without recycling at least 50 percent of the Potable water used per cycle.
8. Use of water for more than minimal Landscaping, as defined in the Landscaping regulations the Jurisdiction or as described in Article 10.8 of the California Government Code.
9. Use of Potable water for street cleaning.
10. Outdoor watering in excess of a Water Budget during Stages 2-4 Water.
11. Conservation when a Water Budget is required pursuant to Rule 172.
12. Failure to maintain water use within a mandatory Landscape Water Budget.
13. Misrepresentation of the number of Persons permanently residing on a property where water is supplied by a Water Distribution System or by a private Well.
14. Water use in excess of a Water Ration.
15. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle.

*(Water Waste Rules, Continued)*

The following activities shall not be cited as Water Waste:

1. Flow resulting from fire fighting or essential inspection of fire hydrants;
2. Water applied to abate spills of flammable or otherwise hazardous materials, where water application is the appropriate methodology;
3. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;
4. Storm run-off;
5. Flow from fire training activities during Stage 1 Water Conservation through Stage 3 Water Conservation;
6. Reasonable quantities of water applied as dust control as required by the Monterey Bay Unified Air Pollution Control District, except when prohibited by Regulation XV.

**Non-Essential Water Use** is the indiscriminate or excessive dissipation of water which is unproductive, or does not reasonably sustain life or economic benefits. Non-Essential Water Use includes but is not limited to the following:

1. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.
2. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling.
3. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where non-potable water or other alternatives are available or satisfactory.
4. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.
5. Failure to meet MPWMD Regulation XIV retrofit requirements for an existing business after having been given a reasonable amount of time to comply.
6. Draining and refilling of swimming pools or spas except (a) to prevent or correct structural damage or to comply with public health regulations, or (b) upon prior approval of the General Manager.
7. Charity car washes.

## **MONTEREY PENINSULA REBATE PROGRAM**

July 2012

*All Rebates are available for purchase of the following Qualifying Devices within the boundaries of the Monterey Peninsula Water Management District when funding is available. At no time shall the Rebate amount exceed the cost of the Qualifying Device. Copies of receipts are required and must be submitted with an application within 120 days of purchase. Rebates are issued by the District on a first-come, first-served basis as long as funds remain available.*

### **Residential Rebates**

- High Efficiency Toilet -- \$200 per toilet
- Ultra High Efficiency Toilet -- \$250
- High Efficiency Residential Dishwasher -- \$125
- High Efficiency Residential Clothes Washer -- \$500
- Instant-Access Hot Water System -- \$200 per Qualifying Property
- On-demand pump or point-of source water heater as part of an Instant-Access Hot Water System -- \$100 per component, to a maximum of two components per Qualifying Property
- Smart Controller -- \$100 for up to four stations. An additional \$10 is available per station up to twenty (20) stations
- One or more Soil Moisture Sensor(s) on a conventional automatic Irrigation System -- \$25 per sensor
- Rainwater Harvesting -- \$50 per 100 gallons of water storage capacity (up to 500 gallons) in a Cistern, then \$25 per 100 gallons of water storage capacity up to a maximum storage capacity of 25,000 gallons per Qualifying Property. *Sites must have sufficient roof area to fill Cistern and may require an inspection*
- Lawn removal and replacement with low water use plants or permeable surfaces -- \$1.00 per square-foot to a maximum of 2,500 square-feet per Qualifying Property. *Inspections and deed restrictions are required*
- Rotating Sprinkler Nozzles (minimum purchase and installation of ten) -- \$4.00 per nozzle
- Graywater Irrigation System supplied by one Clothes Washer for irrigation -- \$100. *A site inspection is required by Building Inspector and/or MPWMD*
- Graywater Irrigation System supplied by one or more Bathrooms that have a Bathtub/Shower connected to a Graywater Irrigation System -- \$100 per Bathroom. (Residential limit: 4) *A site inspection is required by Building Inspector and/or MPWMD.*

## **Non-Residential Rebates**

*All Rebates are available for purchase of the following Qualifying Devices within the boundaries of the Monterey Peninsula Water Management District when funding is available. At no time shall the Rebate amount exceed the cost of the Qualifying Device. Copies of receipts are required and must be submitted with an application within 120 days of purchase. Rebates are issued by the District on a first-come, first-served basis as long as funds remain available.*

- High Efficiency Toilet -- \$200 per toilet
- Ultra High Efficiency Toilet -- \$250
- High Efficiency Urinal -- \$200
- Pint Urinal -- \$300
- Zero Water Consumption Urinal -- \$300
- High Efficiency Residential Clothes Washer -- \$500
- Smart Controller -- \$100 for up to four stations. An additional \$10 is available per station up to twenty (20) stations
- One or more Soil Moisture Sensor(s) on a conventional automatic Irrigation System -- \$25 per sensor
- Rainwater Harvesting -- \$50 per 100 gallons of water storage capacity (up to 500 gallons) in a Cistern, then \$25 per 100 gallons of water storage capacity to a maximum storage capacity of 25,000 gallons per Qualifying Property. *Sites must have sufficient roof area to fill Cistern and may require an inspection*
- Lawn removal and replacement with low water use plants or permeable surfaces -- \$1.00 per square-foot to a maximum of 5,000 square-feet per Qualifying Property. *Inspections and deed restrictions are required*
- Rotating Sprinkler Nozzle (minimum purchase and installation of ten) -- \$4.00 per nozzle
- Commercial High Efficiency Clothes Washer -- \$1,000.
- Water Broom --\$150
- Cooling Tower Conductivity Controller -- \$1,000
- CEE Tier II Water Efficient Ice Machine -- \$500
- X-ray film processor recirculation system --\$2,500
- Cooling Tower pH/Conductivity Controller -- \$2,500
- Dry Vacuum Pumps -- \$200 per 0.05 HP to a limit of 4 HP
- High Efficiency Connectionless Steamer -- \$1,500 per compartment
- Water Efficient Commercial Dishwasher:
  - \$500 -- under counter model
  - \$1,000 -- single tank door type model
  - \$1,500 -- single tank conveyor
  - \$2,000 -- multi-tank conveyor
- Medical equipment steam sterilizer retrofit with a water tempering device -- \$1,500
- *Non-Residential Graywater Irrigation System shall be considered on a case-by-case basis by the General Manager*