

EXHIBIT 16-A

**DRAFT
ORDINANCE NO. 170**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RULES 11, 20, 21, 22, 23, 24, 25.5, 142, AND 143**

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, set 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 lessens 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. Executive Order B-29-15 (April 1, 2015) called for the California Energy Commission to adopt emergency regulations establishing standards to improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.
5. Rule 20-B, Permits to Connect to or Modify a Connection to a Water Distribution System is amended to exempt replacement of a documented Large Bathtub with a Standard Bathtub or Shower Stall from the Water Permit requirements. This Rule is also amended

to require a Water Permit for rehabilitated Landscapes over 2,500 square-feet that are associated with a Jurisdiction's building or landscape permit, plan check, or design review. These Landscapes must conform to the Model Water Efficient Landscape Ordinance.

6. Rule 20-C, Exemptions for Water Distribution System Permit, is amended to exempt rainwater catchment facilities (e.g. Cisterns) that are used for irrigation.
7. Rule 21-B-3, Application for Permit to Connect to or Modify a Connection to a Water Distribution System, is amended to update the existing Rule and add language from the Model Water Efficient Landscape Ordinance.
8. Rule 22-D-1-h, Action on Application for Permit to Create/Establish a Water Distribution System, is amended to clarify the process for instances (e.g. the Malpas Water Company Water Entitlement) where new Connections to the California American Water system may occur when the water use is not dependent on a California American Water water right.
9. Rule 23 is amended to correct the title of the Rule to match Rule 20-B.
10. Rule 23-A-1-(i)-(4) is amended to address potential transfers of sub-metered Single-Family Dwelling Sites to non-identical ownership. Sub-metered Sites under separate ownership from the metered Site are problematic to enforce metering requirements (e.g. conditions of approval for sub-metering) and Water Rationing.
11. Rule 24-E, Calculation of Water Capacity and Capacity Fees, is amended to add language from Title 23 of the California Code of Regulations regarding submitting a Landscape Documentation Package during the Landscape review process. This Rule is also amended to delete reference to an administrative processing fee, as this fee is found in Rule 60.
12. Rule 25.5, Water Use Credits and On-Site Water Credits, is amended to remove language referring to the definition of "Low Water Use Plumbing Fixtures." The Rule is also amended to delete reference to an outdated conservation goal and to correct the title of Table 4: High Efficiency Appliance Credits.
13. Rule 142, Water Efficiency Standards, is amended to reflect amendments to the California plumbing and energy standards/codes when they are more restrictive than the District's, and to reflect efficiency changes in the Model Water Efficient Landscape Ordinance.
14. Rule 143-E, Water Efficiency Standards for Existing Non-Residential Uses, is amended to reflect 2015 changes to the California Code of Regulations (Title 20, Sections 1601-

1608).

15. This Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs., § 15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment.

NOW THEREFORE be it ordained as follows:

DRAFT

ORDINANCE

Section One: Short Title

This ordinance shall be known as the **2016 Rule Amendment Ordinance** of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this ordinance to address certain actions necessary to process and issue Water Permits and Water Distribution System Permits, to add to the Rules and Regulations recent amendments to the California Code of Regulations (Title 20, Sections 1601-1608), and to clarify permitting and conservation requirements.

Section Three: Definitions

The following terms shown in *bold italics* (new text) and ~~strikeout~~ (deleted text) 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. Numbering is provided for reference only.

1. ~~DUAL FLUSH ULTRA-LOW FLUSH TOILET~~ – “Dual Flush Ultra Low Flush Toilet” shall mean a toilet designed to allow the user to choose between a light flush (usually 0.8 gallon) and a longer 1.6 gallon flush.
2. HIGH EFFICIENCY TOILET (HET) – “High Efficiency Toilet” or “HET” shall mean a toilet that *has an effective flush volume of* is designed to flush at 20 percent below a 1.6-gallons-per-flush *U.S. maximum or less, equating to a maximum of 1.28 gallons per flush. (Note: The HET category includes dual-flush fixtures, which have been determined to meet the volume requirement by defining the effective flush volume as the average volume achieved with one full flush and two reduced flushes.)* ~~Ultra Low Flush Toilet. A High Efficiency Toilet shall have a maximum average flush of 1.3 gallons.~~
3. INTENSIFIED WATER USE – “Intensified Water Use” shall mean any change in water use occurring on a Parcel which, in a Residential use, is evidenced by an increase in the number of fixture units serving that Parcel; or, in any ~~Commercial, industrial, Public Authority, or Other Use~~ *Non-Residential use*, is evidenced by the incremental change in the Project’s Capacity for annual water use based upon one or more of the factors set forth in Rule 24 of the existing Rules and Regulations. The term “Intensification of Use” shall also refer to an Intensified Water Use. ~~Use of any quantity of water reserved by an unexpired Water Use Credit shall not cause an Intensified Water Use. The term~~

~~“Capacity” refers to the maximum long term water use which theoretically may occur on that Site, based on average water use data for similar projects in the Monterey Peninsula region, as shown by the projected water use tables set forth in Rule 24.~~

~~A Change of Use from a commercial category in one group to another category in a higher water use group, or from any commercial category in Group III to another category in Group III, as shown on Table No. 2 of Rule 24, shall be deemed an Intensification of Use requiring an Expansion/Extension Permit, or an amended Permit pursuant to these Rules and Regulations. Where there is no increase in the size of a commercial structure, a Change of Use from one commercial category in Group I to another category within Group I, or a Change of Use from one commercial category in Group II to another in Group II, however, shall not cause an Intensification of water Use.~~

4. LANDSCAPE AREA -- “Landscape Area” *shall* mean all the planting areas, turf areas, and water features in a Landscape plan subject to the Maximum Applied Water Allowance *and the Estimated Applied Water Use* calculations. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g. open spaces and existing Native Vegetation).
5. ~~MANDATED~~ -- “Mandated” shall mean a requirement of the District (e.g. Ultra Low Flush Toilets are mandated for New Construction) adopted by ordinance.
6. *PRODUCTION LIMIT* -- “*Production Limit*” shall mean the maximum production permitted for a Water Distribution System.
7. RECLAIMED WATER – “Reclaimed Water” shall mean wastewater effluent that has been treated to the tertiary level, including disinfection. Reclaimed Water is a form of Recycled Water.
8. ~~REQUIRED CONSERVATION MEASURES~~

~~“Required Conservation Measures”~~

~~a. Flush sewers with Sub-potable or Reclaimed Water except in cases of emergency.~~

~~b. New Construction: Plumbing fixtures must be at least as efficient as the following water conservation requirements: toilets shall not use more than 1.6 gallons per flush maximum; Urinals shall use no more than 1.0 gallons per flush; Showerheads shall use no more than 2.5 gallons per minute without a separate restriction device and faucets shall have aerators that use no more than 2.2 gallons per minute maximum~~

~~irrespective of the pressure in the water supply line; hot water systems must be Instant Access Hot Water Systems; Drip Irrigation must be installed for all shrub or tree areas rather than spray heads, unless plant material or site conditions preclude drip as the most appropriate choice. Handheld watering may also be used.~~

~~e. Projects that result in added water fixtures or expansion of more than 25 percent of the existing square footage, and all Non-Residential Changes of Use, shall meet the Required Conservation Measures for New Construction with the exception of retrofitting to Drip Irrigation and Instant Access Hot Water Systems.~~

Section Four: **Amendment of Rule 20, Permits Required**

Rule 20-B shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to add a Water Permit exemption for replacement of a Large Bathtub with a Standard Bathtub or Shower Stall and to add the Model Water Efficient Landscape Ordinance requirement for certain rehabilitated Landscape Areas.

B. PERMITS TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

Before any Person connects to or modifies a water use Connection to a Water Distribution System regulated by the District or to any Mobile Water Distribution System regulated by the District or to any Mobile Water Distribution System, such Person shall obtain a written Permit from the District or the District's delegated agent, as described in District Rules 21, 23 and 24. The addition of any Connection and/or modification of an existing water Connection to any Water Distribution System permitted and regulated by the District shall require a Water Permit.

The following actions require a Water Permit:

1. Any change in use, size, location, or relocation of a Connection or Water Measuring Device which may allow an Intensification of Use or increased water consumption.
2. Each use of an On-Site credit or Water Use Credit.
3. Any modification to the number or type of Residential water fixtures shown in Rule 24, Table 1, Residential Fixture Unit Count Values, with ~~two~~ *three* exceptions: (1) replacement of a Standard Bathtub with a Shower Stall and vice versa; ~~and~~ (2) removal of a lawful water fixture, *and (3) replacement of*

a Large Bathtub previously documented by the District with a Standard Bathtub or a Shower Stall.

4. Any Landscaping changes resulting in an Intensification of Use when a Landscape plan has been reviewed and approved as a component of a Water Permit.
5. *Rehabilitation of existing Landscape Area over 2,500 square-feet that is associated with a Jurisdiction's building or landscape permit, plan check, or design review.*
56. Any Change of Use or any expansion of a Non-Residential use to a more intensive use as determined by Rule 24, with the exception of Temporary Structures and Temporary Exterior Restaurant Seats that are not occupied or in use for longer than thirty (30) consecutive days.
67. Installation of new water fixtures (Rule 24, Table 1) in a Residential use, other than replacement of existing water fixtures.
78. Use of water from a Mobile Water Distribution System.

Section Five: Amendment of Rule 20-C-7, Exemptions for Water Distribution System Permit

Rule 20-C-7 shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to exempt On-Site rainwater capture facilities from the Water Distribution System Permit requirement.

7. For On-Site rainwater capture facilities (e.g. Cisterns) that serve Single-Parcel Connection Systems for ~~Residential or Commercial Use situations for On-Site Landscape irrigation use.~~ *A Confirmation of Exemption is not required.*

Section Six: Amendment of Rule 21-B-3, Application for Permit to Connect to or Modify a Connection to a Water Distribution System

Rule 21-B-3 shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to incorporate requirements of the California Model Water Efficient Landscape Ordinance.

3. *New development projects that include Landscape Areas of 500 sq. ft. or more and existing rehabilitated Landscape Areas over 2,500 square-feet*

that are associated with a Jurisdiction's building or landscape permit, plan check, or design review shall comply with the Model Water Efficient Landscape Ordinance. The Applicant shall submit a complete Landscape Documentation Package which shall include: A Landscape Water Budget which includes the Maximum Applied Water Allowance (MAWA) calculations and three copies of the Landscaping plan for new exterior use when the Site exceeds 10,000 square feet in size, when the Project is a Non-Residential use, or when the Project involves Multi-Family Dwellings or mixed uses.

- a. Project information including the date, project Applicant, total Landscape Area, water supply, water purveyor;*
- b. A Landscape Water Budget which includes the Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (ETWU) calculations with three copies of the Landscape plan;*
- c. Soil analysis and recommendations (from a soil laboratory);*
- d. Landscape design/project notes; plant legend; plant count;*
- e. Landscape design hydrozone water use;*
- f. Irrigation design/irrigation project notes;*
- g. Grading design plan from an Engineer;*

Section Seven: Amendment of Rule 22-D-1-h, Action on Application for Permit to Create/Establish a Water Distribution System

Rule 22-D-1-h shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to address instances (e.g. the Malpas Water Company Water Entitlement) where new Connections to the California-American Water Company Water Distribution System may occur.

- h. Permit shall identify whether interties to other systems are allowed and shall identify restrictions or prohibitions on such interties, including devices to prevent cross-contamination of systems. MPWMD shall not approve any ~~Water Permit for new Connections to~~ *amendment to* the California American Water system; due to the inability of a permitted *Non-California-American Water Company* Water Distribution System to deliver adequate water quality or quantity to Parcels within its Service Area until there is full compliance by California American Water with State Water Resources Control Board Order No. WR 95-10 (as amended);

California American Water compliance with the March 2006 Final Decision of the Seaside Groundwater Basin Adjudication (as amended); and water is available in the respective Jurisdiction's Allocation for release to the Parcels(s);

Section Eight: **Amendment of Rule 23, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System**

- A. The title of Rule 23 shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to correct the title to match Rule 20-B:

Rule 23 - Amendment of Rule 23, Action on Application for a Water Permit to Connect to or Modify *a Connection to* an Existing Water Distribution System

- B. Rule 23-A-1-(i)-(4) shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to address potential transfers of sub-metered Single-Family Dwellings to non-identical ownership.

- (4) The General Manager shall allow sub-metering for each *Multi-Family Dwelling, Mixed Use, or Non-Residential* User when the installation of separate Water Meters is not feasible and the ~~Site~~ *User* is utilizing Water Credits on a Site that has a Connection. *Applications for sub-metering of Single Family Dwellings will be considered by the General Manager when the Jurisdiction confirms there is no potential that the sub-metered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site.* Approval of a Water Permit allowing sub-metering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site owners to comply with the following conditions:

- a. Site's owner shall have Water Meters installed for each sub-metered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. Once Water Meters maintained by the Water Distribution System Operator have been installed, the deed restriction shall be removed;
- b. Annually at the conclusion of the Water Year, and within 30 days of change in tenancy, the Site's owner shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the sub-meter (e.g. apartment number or lease space number) and the number of

residents in each Residential Dwelling Unit or the type of use according to Rule 24, Table 2, for each Non-Residential User;

~~e. During Stages 4-7 of the Expanded Water Conservation and Standby Rationing Plan, the General Manager shall be provided with information about the number of occupants and types of uses within the sub-metered Dwelling Units and Uses;~~

dc. During Stages 4-7 of ~~the~~ ***2016 Monterey Peninsula*** Expanded Water Conservation and Standby Rationing Plan (Regulation XV), sub-metered consumption and occupant contact information shall be provided to the District monthly or more frequently if requested by the General Manager;

(5) The Board shall consider variances to this Rule when the installation of separate Water Measuring Devices is not feasible due to Special Circumstances. In considering a variance, the Board shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval.

Section Nine: Amendments to Rule 24, Calculation of Water Capacity and Capacity Fees

A. Rule 24-E-6-(g) shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to add the Landscape Documentation Package required by Title 23 of the California Code of Regulations. This provides information needed to calculate the exterior water demand for a Water Permit and to verify compliance with MPWMD Rule 142.

g. A ***Landscape Documentation Package*** ~~detailed landscape plan and Landscape Water Budget, including the MAWA calculation,~~ shall be included with the Water Permit application.

B. Rule 24-F-7 shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to omit the administrative processing fee. Fees and Charges are found in Rule 60.

7. Refunds requested for Capacity Fees paid for a Conditional Water Permit shall be processed under the following time lines ~~and shall be subject to an administrative processing fee of one hundred dollars (\$100):~~

a. Refunds of less than fifty thousand dollars (\$50,000) shall be processed within thirty (30) days;

b. Refunds between fifty thousand dollars (\$50,000) and one hundred

thousand dollars (\$100,000) shall be processed within forty-five (45) days;

- c. Refunds over one hundred thousand dollars (\$100,000) shall be processed within sixty (60) days.

Section Ten: Amendments to Rule 25.5, Water Use Credits and On-Site Water Credits

A. Rule 25.5-B shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to remove the reference to the defined term “Low Water Use Plumbing Fixtures” and to replace that with reference to Regulation XIV, Water Conservation, to remove reference to an outdated conservation goal, and to correct the title of Table 4.

B. Water savings resulting from mandatory ~~District programs, including water savings resulting from the installation of Low Water Use Plumbing Fixtures mandated by the District~~*compliance with Regulation XIV, Water Conservation*, 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-F-4-b shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to correct the table’s name.

b. Residential Water Use Credits shall only be granted for installation of *the* ultra-low consumption appliances: *listed in* Table 4: ~~Ultra Low Consumption~~ *High Efficiency* Appliance Credits. ~~shall list the ultra-low consumption appliances and the quantity of Water Use Credit available for the permanent installation of the appliance. This table shall~~ *may* be amended by Resolution of the Board of Directors.

Section Eleven: Amendment to Rule 142, Water Efficiency Standards

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. Amendments codify language adopted in Urgency Ordinance No. 167 pertaining to recent changes to the State Water Code and to the Model Water Efficient Landscape Ordinance. Water Permits issued prior to adoption of this ordinance list the water efficiency requirements in effect at the time the Permit was issued.

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 then-current California plumbing and energy standards/codes when more restrictive than the District's.*

B. Former Rules. *Water Permit requirements change periodically to reflect current efficiencies. Sites with uncompleted Water Permits that have not received a final inspection shall at a minimum comply with the requirements in place at the time the Water Permit was issued unless required to install more efficient fixtures as a result of a subsequent triggering event (e.g, new/amended Water Permit or Change of Ownership/Use).* Water Permits issued prior to January 1, 2010, 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.~~
- ~~3. 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).~~

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. *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~~ *must be* 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 efficiency 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~~ **must be** 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;~~
65. 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 ~~4.5~~ **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;
76. Public Washbasins equipped with automatic shut off devices or sensor faucets shall operate with a maximum flow of 0.25 gallons per cycle;
87. High Efficiency Clothes Washers shall be installed when a Clothes Washer is installed in a New Structure permitted under this Regulation;
98. 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;

~~409~~. 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;

~~410~~. All hot water pipes shall be insulated;

~~4211~~. 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;

~~4312~~. Water Efficient Pre-Rinse Spray Valves shall be utilized when a pre-rinse spray valve is installed;

~~4413~~. 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;

~~4514~~. Water cooled refrigeration equipment shall be prohibited when there is alternative cooling technology available at the time the Water Permit is issued;

~~4615~~. Cooling Towers shall be equipped with conductivity controllers that are used to increase the number of cycles that can be achieved;

~~4716~~. Boilerless steamers or connectionless steamers shall be installed in place of boiler-based steamers when a steamer is installed in New Construction;

~~4817~~. 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.

1918. 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.

~~2019.~~ The implementation of water conservation Best Management Practices shall be integrated into construction and operation of the project to the extent possible.

~~2420.~~ 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, *or receive a Water Permit for a 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 *at a minimum* High Efficiency Urinals (*when installed prior to January 1, 2016*); *Newly installed Urinals shall be* 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 *water efficiency standards for New Structures* ~~New Construction standards~~;
4. Bathroom faucet flow rates shall meet or exceed *water efficiency standards for New Structures* ~~New Construction standards~~;
5. Kitchen faucet flow rates shall meet or exceed *water efficiency standards for New Structures* ~~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 Twelve: Amendment to Rule 143-E, Water Efficiency Standards for Existing Non-Residential Uses

Rule 143-E shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to address 2015 changes in the California Code of Regulations (Title 20, Sections 1601-1608).

- 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.
 3. *On and after January 1, 2016, newly installed Urinals shall be Pint Urinals or Zero Water Consumption Urinals.*

Section Thirteen: Publication and Application

The provisions of this ordinance shall cause the amendment and republication of Rules 11, 20, 21, 22, 23, 24, 25.5, 142, and 143 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. thirty (30) days after adoption.

This Ordinance shall not have a sunset date.

Section Fifteen: 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 _____, 2016, 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 _____, 2016.

Witness my hand and seal of the Board of Directors this _____ day of _____, 2016.

DRAFT