

CEQA GUIDELINES APPENDIX G
 MPWMD ENVIRONMENTAL CHECKLIST FOR ORDINANCE NO. 134

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PROJECT INFORMATION		APR 17 2008
1.	Project Title:	Adoption of Ordinance No. 134 (Attachment 3) defining the Monterey Peninsula Water Resource System and Modifying Regulation XV, the Expanded Water Conservation and Standby Rationing Plan”
2.	Lead Agency Name and Address:	Monterey Peninsula Water Management District, PO Box 85, Monterey, CA 93942-0085 [Street address: 5 Harris Court, Bldg. G, Monterey, CA 93940]
3.	Contact Person and Phone:	Stephanie Pintar, 831/658-5630
4.	Project Location:	District-wide, see Attachment 1, map
5.	Project Sponsor's Name/Address:	MPWMD, see #2 above
6.	General Plan Designation:	Varies throughout District
7.	Zoning:	Varies throughout District
8.	Description of Project: Proposed Ordinance No. 134 (Attachment 3) would amend the Monterey Peninsula Water Management District (“MPWMD” or “District”) rules and regulations to define the Monterey Peninsula Water Resource System (MPWRS) to include the Northern Inland Subarea and the Laguna Seca Subarea of the Seaside Groundwater Basin. Redefining the MPWRS is necessary to respond to present or threatened water emergencies caused when increased consumption would force production above the legal limits set by the Seaside Basin adjudication decision. The amended definition also facilitates conservation, emergency and rationing rate authority for California American Water (“CAW”) with the California Public Utilities Commission. The ordinance will facilitate maintaining CAW water production below the limits set by the Seaside Watermaster, maintain existing CAW water production from the Carmel River System below the limits set by the State Water Resources Control Board (SWRCB), facilitate CAW’s ability to operate its system in accordance with the 2001 Conservation Agreement between CAW and NOAA Fisheries and the San Clemente Reservoir Drawdown Project, and respond to emergency situations that require immediate water use reductions. District Rule 11 (Definitions) and Regulation XV, Expanded Water Conservation and Standby Rationing Plan (Rules 160 through 175) are modified to implement these changes.	
9.	Surrounding Land Uses and Setting: Land uses within the District range from urban and suburban residential and commercial areas to open space/wilderness. The District encompasses the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Carmel	

Highlands, Pebble Beach and the Highway 68 corridor), and the Monterey Peninsula Airport District (Attachment 1). Each of these jurisdictions regulates land uses within its boundaries. The District does not regulate land uses.

The Monterey Peninsula is dependent on local sources of water supply, which (directly or indirectly) are dependent on local rainfall and runoff. The primary sources of supply include surface and groundwater in the Carmel River basin, and groundwater in the Seaside Basin. (Attachment 2)

Vegetation communities on the Monterey Peninsula include marine, estuarine, and riverine habitats; fresh emergent and saline emergent (coastal salt marsh) wetland communities; riparian communities, particularly along the Carmel River; a wetland community at the Carmel River lagoon; and upland vegetation communities such as coastal scrub, mixed chaparral, mixed hardwood forest, valley oak woodland, and annual grassland. These communities provide habitat for a diverse group of wildlife. The Carmel River supports various fish resources, including federally threatened steelhead fish and California red-legged frog.

10: Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency)

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation

measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or is "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because all potentially significant effects:

- 1) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards; and
- 2) have been avoided or mitigated pursuant to an earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project.

The earlier EIR adequately analyzes the proposed project, so **NO ADDITIONAL ENVIRONMENTAL IMPACT REPORT** or **NEGATIVE DECLARATION** will be prepared.

Signature:



Printed Name: Darby Fuerst

Date:

4/16/2008

Title: MPWMD Interim General Manager

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVIII, EARLIER ANALYSES, may be cross-referenced).
5. The explanation of each issue should identify:
 - a. The significance threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:
 - a. **Earlier Analysis used.** Identify and state where they are available for review.
 - b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analyses.
 - c. **Mitigation Measures.** For effects that are "less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used, or individuals contacted, should be cited in the discussion.
8. This checklist has been adapted from the form in Appendix G of the State CEQA Guidelines, as amended effective October 26, 1998 (from website).
9. Information sources cited in the checklist and the references used in support of this evaluation are listed in attachments to this document.

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS Would the project:					
a)	Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Create adverse light or glare effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURAL RESOURCES Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other charges in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Note: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural and farmland.</p>					
III. AIR QUALITY Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Note: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations.</p>					
IV. BIOLOGICAL RESOURCES: Would the project:					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish & Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish & Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES: Would the proposal:					
a)	Cause substantial adverse change in the significance of a historical resource as defined in Sec. 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Cause substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGIC AND SOILS. Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HYDROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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discharge requirements?					
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a property to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. MINERAL RESOURCES. Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE. Would the project result in:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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would the project expose people residing or working in the project area to excessive noise levels?					
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. POPULATION AND HOUSING. Would the project:					
a)	Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. PUBLIC SERVICES. Would the project result in:					
a)	Substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the following public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. RECREATION. Would the project:					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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substantial physical deterioration of the facility would occur or be accelerated?					■
b)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
XV. TRANSPORTATION/TRAFFIC Would the project:					
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
c)	Result in a change to air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
f)	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
g)	Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
XVI. UTILITIES AND SERVICE SYSTEMS Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
b)	Require or result in construction of new water or wastewater treatment facilities or expansion of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■

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existing facilities, the construction of which could cause significant environmental effects?					
c)	Require or result in construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has an adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration [State CEQA guidelines Section 15063(c)(3)(D)]. In this case a discussion should identify the following on attached sheets.

a) **Earlier analyses used.** *Identify earlier analyses and state where they are available for review.*

The District certified a Water Allocation Program EIR on November 5, 1990 which authorized an annual CAW production maximum of 16,744 acre-feet (AF). This document recognized the adverse effects on the environmental quality of the Carmel River because insufficient water supply is available for migratory fish and riparian vegetation. The District has supported an extensive Mitigation Program, but potentially significant adverse impacts remain. Subsequent decisions by the State Water Resources Control Board (SWRCB) since 1995 have reduced the maximum production to 11,285 AF. Until a replacement water supply is developed, aggressive mitigation measures, including a comprehensive conservation and rationing plan, are required. Copies of the Water Allocation Program EIR, Mitigation Program, and SWRCB Orders are on file at the District office or archives.

An adjudication decision of the Seaside Groundwater Basin in Monterey Superior Court, Case No. M66343 filed March 27, 2006, determined that the basin is overdrafted and measures must be taken to reduce current extraction levels by appropriators including CAW. The lawsuit included evidence supporting the overdraft conclusion. Documents from the litigation are available at the District office or archives.

b) **Impacts adequately addressed.** *Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.*

All of the impact issues were assessed in the Water Allocation Program EIR certified on November 5, 1990. Mitigation efforts on the Carmel River have continued since the certification date. Ordinance No. 134 further modifies District efforts to reduce water demand through its comprehensive Expanded Water Conservation and Standby

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Rationing Plan. The proposed changes do not substantively change the prior CEQA determinations.				
c) Mitigation measures. <i>For effects that are checked as "Potentially Significant Unless Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.</i>				
Not applicable.				

DISCUSSION OF CHECKLIST ITEMS:

For all categories, "No Impact" was checked. Adoption of Ordinance No 134 itself has no impact on the environment as the ordinance strengthens current regulatory triggers to maintain water demand at or below a prescribed levels.

Based on this Initial Study, the MPWMD believes that adoption of Ordinance No. 134 would have no actual or potential environmental impacts; in fact, the ordinance could result in beneficial effects due to more consistent implementation of District Rules and Regulations. Furthermore, the MPWMD determines that there is an absence of substantial evidence from which a fair argument can be made that adoption of Ordinance No. 134 has measurable and meaningful actual or potential adverse environmental consequences.

Proposed Ordinance No. 134 would amend the Monterey Peninsula Water Management District ("MPWMD" or "District") rules and regulations to modify standards and procedures pertaining to water use restrictions for the Monterey Peninsula during present and future water supply emergencies. The ordinance will facilitate maintaining California American Water's ("CAW") water production below the limits set by the Seaside Watermaster, maintain existing CAW water production from the Carmel River System below the limits set by the State Water Resources Control Board (SWRCB), facilitate CAW's ability to operate its system in accordance with the 2001 Conservation Agreement between CAW and NOAA Fisheries and the San Clemente Reservoir Drawdown Project, and respond to emergency situations that require immediate water use reductions. The changes include amendment of the definition of the MPWRS to include the surface water in the Carmel River and its tributaries, Groundwater in the Carmel Valley Alluvial Aquifer which underlies the Carmel River, and Groundwater in the Seaside Groundwater Basin; add and clarify definitions of terms that relate to water conservation (Rule 11); and modifications to Regulation XV (Rules 160 through 175) to implement these changes.

“No Impact” Discussion

For all checklist items, the Initial Study conclusion is that Ordinance No. 134 would have “No Impact.” Adoption of Ordinance 134 itself has no impact on the environment as the ordinance tightens the existing regulation. For example, Ordinance 134 places greater restraints on Laguna Seca Subarea water production and does not expand production in the Coastal Subareas of the Seaside Groundwater Basin. The ordinance does not change the State Water Resources Control Board (SWRCB) limit on CAW annual production from the Carmel River Basin. The District’s limit on total CAW production through the Water Allocation Program is not expanded nor are the individual allocations of water to jurisdictions from the Paralta Well (Ordinance No. 70). The District’s Expanded Conservation and Standby Rationing Plan is in place to ensure CAW production does not exceed these limits. *[Evidence: SWRCB Order WR 95-10, July 1995; MPWMD Water Allocation Program and certified EIR, November 1990; MPWMD Ordinance No 70 and supporting CEQA Findings, 1993. Ordinance No. 92, Expanded Conservation and standby Rationing Program, 1999; MPWMD Ordinance No. 119 and supporting CEQA Findings, 2005; Seaside Basin Adjudication Decision filed March 27, 2006 (California American Water v. City of Seaside, et al., Case No. M66343 filed August 14, 2003)]*

MPWMD’s Regulation XV (Expanded Water Conservation and Standby Rationing Program), in combination with an extensive public awareness campaign and comprehensive water rate structure for conservation, emergency and rationing rates, has successfully resulted in compliance with State Water Resources Control Board (SWRCB) Order WR 95-10 since water year 1998. Expansion of this regulation is required to include CAW customers receiving water from the Laguna Seca Subarea.

Ordinance 134 amendments to Regulation XV will make applicable water waste prohibitions along with a census or survey for each CAW customer to facilitate compliance with the Seaside Basin adjudication decision. The water rate structure approved by the California Public Utilities Commission for the program is based on specific water use quantities related to the number of persons in a home or type of non-residential business, and provides strong disincentives for water waste. *[Evidence: CAW production data for water years 1998-2007 reported to SWRCB; MPWMD Ordinance No. 92; CPUC approval of increasing block rate structure for CAW conservation program to comply with SWRCB Order WR 95-10.]*

The driving force for creation of this ordinance is the Seaside Basin adjudication decision and the need to reduce CAW water production in the Seaside Basin.

Conclusions

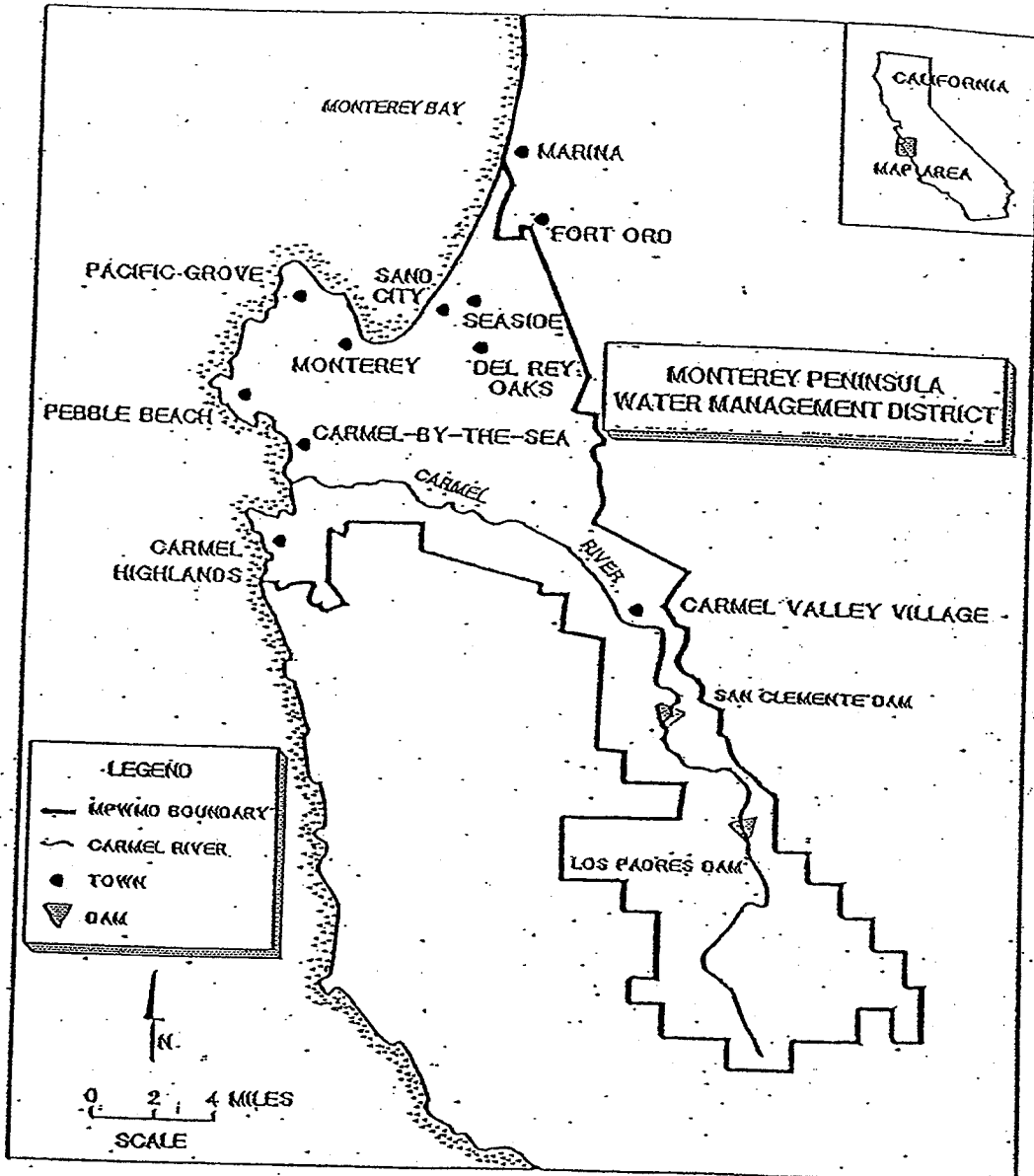
Based on this Initial Study, the Board believes that adoption of Ordinance 134 would have no actual or potential environmental impacts. The Board is aware that CEQA requires preparation of a negative declaration if there is no substantial evidence to support a fair argument that the project may cause a significant effect on the environment. (CEQA Guidelines §15063(b)(2).) For these reasons, the Board intends to adopt a negative declaration regarding adoption of Ordinance 134.

Ordinance 134, as well as supporting materials and documents may be reviewed at the MPWMD offices, at the address and phone number listed above. These materials include (a) MPWMD Rules and Regulations, (b) MPWMD Ordinances, particularly Ordinance Nos. 92 and 119, (c) Board agenda information supporting first and second reading of ordinances (“Board packets”), newspaper clipping file, CAW water production data, CPUC rate information, SWRCB Orders on the Carmel River, and the Seaside Basin adjudication decision. Initial Study conclusions are also based on

District staff professional assessments, knowledge and experiences. Public testimony and informal contact with members of the public and various state and local agency representatives also contribute to and support the Initial Study conclusions.

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Attachment I

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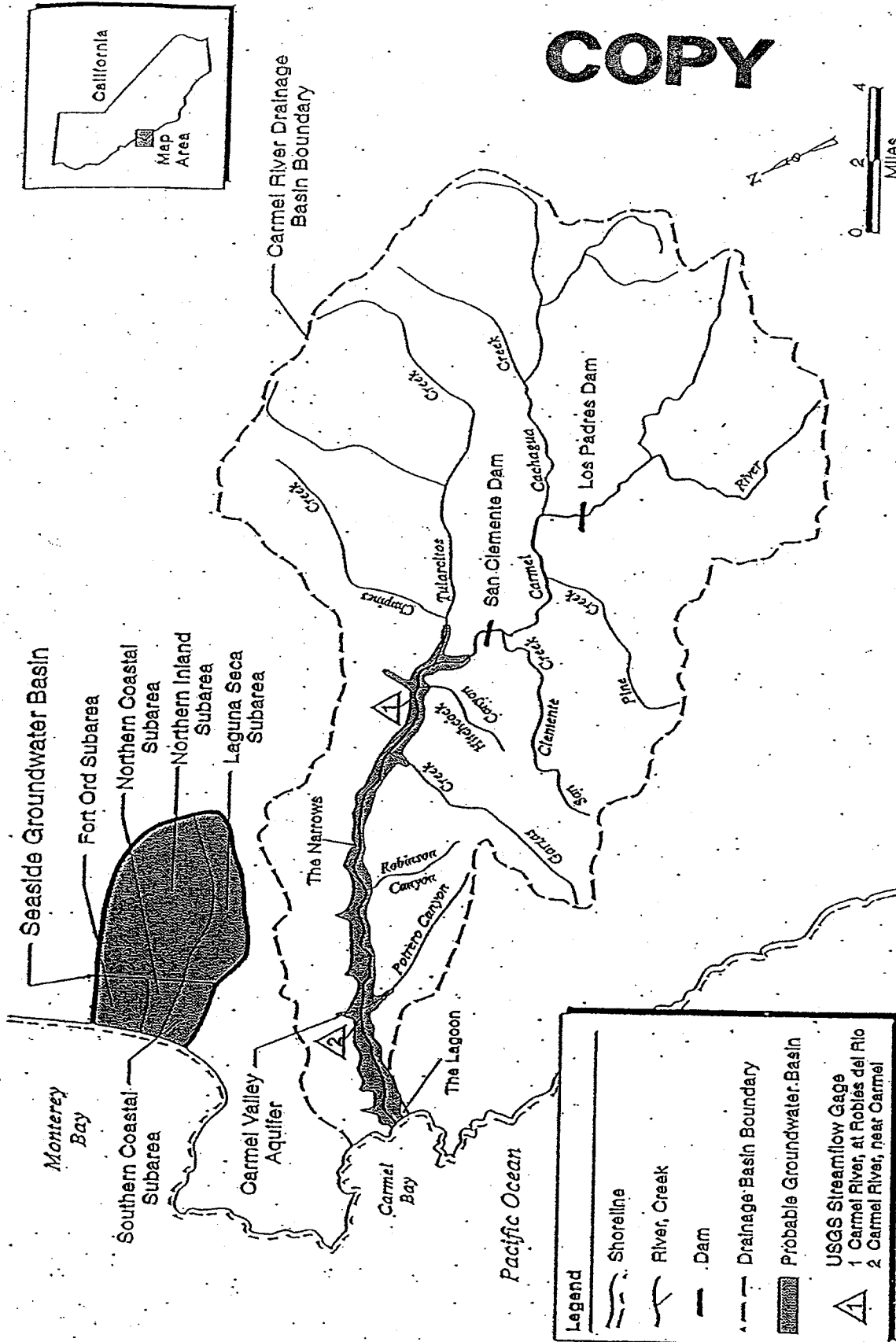


Figure C.1
Carmel River and Tributaries

Source: MPWMD 1994a.



Jones & Stokes Associates, Inc.

First Reading Draft**COPY****ORDINANCE NO. 134**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING THE
DEFINITION OF THE MONTEREY PENINSULA WATER RESOURCE SYSTEM AND
MODIFYING REGULATION XV, THE EXPANDED WATER CONSERVATION AND
STANDBY RATIONING PLAN**

FINDINGS

1. The 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. This ordinance is enacted to respond to present and threatened water emergencies, as provided by Section 332 of the District Law. Water emergencies addressed by this ordinance are created by legal circumstances which constrain the amount of water that is available to serve water users in the Monterey Peninsula area.
4. The Water Management District adopted Resolution No. 84-4 on March 4, 1984, declaring its intent to support a county-wide water conservation plan and participate in a county-wide effort with other agencies in Monterey County to reduce water consumption and implement water conservation measures determined to be cost effective and beneficial.
5. The Water Conservation Plan for Monterey County was finalized in March 1989 and included an analysis of urban water conservation measures in Monterey County, including the Monterey Peninsula area.
6. Based on the Water Conservation Plan for Monterey County, the Water Management District established a conservation goal of 15% of demand within the District by 2020.

7. On July 6, 1995, the State Water Resources Control Board (SWRCB), in response to four complaints, issued Order WR No. 95-10 that found that the groundwater in the aquifer underlying and closely paralleling the Carmel River is water flowing in a subterranean stream and subject to the jurisdiction of the SWRCB.
8. SWRCB Order WR No. 95-10 also found that California American Water wells were drawing water from the subterranean stream associated with the Carmel River and had diverted an average of 10,730 acre-feet per year without a valid basis of right.
9. SWRCB Order WR No. 95-10 directed California American Water to reduce its average historical diversions from the Carmel River by 15% in Water Year 1996 and 20% in each subsequent water year until its unlawful diversions were terminated.
10. In Water Year 1997, California American Water's diversions from the Carmel River exceeded the limit specified in SWRCB Order WR No. 95-10 and the SWRCB issued an Administrative Civil Liability Complaint against California American Water.
11. On January 28, 1999, to enable compliance with SWRCB Order WR No. 95-10, the Water Management District adopted Ordinance No. 92 that established an Expanded Water Conservation and Standby Rationing Plan.
12. Since establishment of the Expanded Water Conservation and Standby Rationing Plan in 1999, California American Water has complied with the diversion limits specified in SWRCB Order WR No. 95-10 every year.
13. On August 14, 2003, California American Water filed a lawsuit in Monterey Superior Court, Case No. M66343 to adjudicate water rights in the Seaside Groundwater Basin. A decision was entered March 27, 2006 finding the basin in overdraft and reducing California American Water's appropriative take from both the Coastal Subareas and Laguna Seca Subarea. Reductions are scheduled triennially with the first potential 10% reduction occurring on January 1, 2009.
14. Under the adjudication decision, California American Water's production from the Laguna Seca Subarea will be reduced from 345 Acre-Feet Annually (AFA) to 0 AFA. Existing District definitions and rules did not include regulation of the Laguna Seca Subarea within Regulation XV.
15. Amendments to District Rules are necessary to address a water emergency caused when increased consumption would force production over the legal limits set by the Seaside

Basin adjudication decision and to facilitate conservation, emergency and rationing rate authority for California American Water with the California Public Utilities Commission.

16. The following District Rules shall be amended by this ordinance: Rule 11 (Definitions), Rule 160 (General Provisions), Rule 161 (Stage 1 Water Conservation), Rule 162 (Stage 2 Water Conservation), Rule 163 (Stage 3 Water Conservation), Rule 164 (Stage 4 Water Rationing), Rule 165 (Stage 5 Water Rationing), Rule 166 (Stage 6 Water Rationing), Rule 167 (Stage 7 Water Rationing), Rule 168 (Water Banks), Rule 169 (Water Rationing Variance), Rule 170 (Water Use Survey), Rule 171 (Water Waste Fines), Rule 172 (Landscape Water Audits), Rule 173 (Regulation of Mobile Water Distribution Systems), Rule 174 (Regulation of Well Owners or Operators and Extractors), and Rule 175 (Water Rationing Enforcement).
17. This ordinance shall be reviewed and approved under the California Environmental Quality Act (CEQA) based upon a Negative Declaration.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the 2008 Monterey Peninsula Water Resource System Redefinition Ordinance of the Monterey Peninsula Water Management District.

Section Two: Purpose

This ordinance amends the definition of the Monterey Peninsula Water Resource System to include the Northern Inland Subarea and the Laguna Seca Subarea of the Seaside Groundwater Basin and modifies Regulation XV, the Expanded Water Conservation and Standby Rationing Plan.

Section Three:**Amendments to Rule 11**

A. Rule 11, Definitions, shall be amended as shown below, with added language as shown in *bold italic* type face, and deleted language shown in ~~strikeout~~ type face.

CARMEL RIVER SYSTEM – “Carmel River System” shall mean water from the Carmel River and underlying alluvial aquifer.

CERTIFIED LANDSCAPE IRRIGATION AUDITOR – “Certified Landscape Irrigation Auditor” or “CLIA” shall mean an individual who has landscape irrigation system audit training and experience; who has passed a certification examination administered by the Irrigation Association (IA); and who operates by the IA Code of Ethics.

DWELLING UNIT - “Dwelling Unit” shall mean single or multiple residences suitable for single household occupancy but shall not refer to non-permanent student or transient housing, the occupancy of which is projected to average 24 months or less.

EMERGENCY USE RATES – “Emergency Use Rates” shall mean a higher block water rate used by California American Water during Stage 3 Water Conservation as a mechanism to discourage excessive water use.

~~EXCESSIVE USE RATES – “Excessive Use Rates” shall mean a higher block water rate used by California American Water during Stage 3 Water Conservation as a mechanism to discourage excessive water use.~~

SATELLITE SYSTEMS – “Satellite Systems” shall mean California American Water's smaller distribution systems along State Route 68 between Monterey and Salinas that derive their Source of Supply from the Laguna Seca Subarea of the Seaside Basin. These Satellite Systems include the Ryan Ranch, Hidden Hills, and Bishop Units.

SEASIDE BASIN ADJUDICATION DECISION – “Seaside Basin Adjudication Decision” or “Seaside Decision” shall mean the March 27, 2006 court adjudication, as amended, determining water rights in the Seaside Groundwater Basin that restrict California American Water production from the Coastal Subareas and Laguna Seca Subarea of the basin.

WATER WASTE -"Water Waste" shall mean 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 not water 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 of 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 violation of Landscape irrigation restrictions required by Stage 1 Water Conservation.
11. Failure to maintain water use within a mandatory Landscape Water Budget.
12. 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.
13. *Water use in excess of a water ration.*

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.
- B. The current definition for the Monterey Peninsula Water Resource System shall be deleted in its entirety and replaced with the following definition:

MONTEREY PENINSULA WATER RESOURCE SYSTEM -- "Monterey Peninsula Water Resource System" ("MPWRS") shall mean the surface water in the Carmel River and its tributaries, Groundwater in the Carmel Valley Alluvial Aquifer which underlies the Carmel River, and Groundwater in the Seaside Groundwater Basin.

The District shall maintain a current list of Water Distribution Systems within the Monterey Peninsula Water Resource System.

Section Four: Amendment to Rule 160

Rule 160 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 160 - GENERAL PROVISIONS

- A. All Water Users within the Monterey Peninsula Water Management District shall be subject to the District's Water Waste and Non-Essential Water Use prohibitions.
- B. Prohibitions against Water Waste and Non-Essential Water Use shall be enforced by the District and its designated agents in accordance with ~~Rule 171 (Water Waste Fees)~~ ***Regulation XI***.
- C. Stage 1 Water Conservation shall ***apply to all Water Users within the Monterey Peninsula Water Management District*** ~~be implemented upon the effective date of this regulation.~~
- D. ~~Stage 1 Water Conservation parallels California American Water's Phase IV Mandatory Water Conservation program that was designed to meet the Carmel Valley water production limits set by the SWRCB and approved by the Public Utilities Commission. Stages 1 2 and through 3 Water Conservation is~~ ***are intended to maintain California American Water achieve the Carmel Valley water production within the limits set by the State Water Resources Control Board (SWRCB) and by the Seaside Basin Adjudication Decision (Seaside Decision).***

- E. Stage 4 Water Rationing through Stage 7 Water Rationing ~~are intended to respond~~ to limitations in supply caused by inadequate system inflow and storage *and emergency situations that require water reductions.*
- EF. Stage 1 Water Conservation through Stage 3 Water Conservation shall apply to Water Users of the *any* California American Water Distribution System where that system derives its Source of Supply from the Monterey Peninsula Water Resource System (MPWRS) for as long as California American Water is subject to *legal or regulatory* water production goals and limitations enforced by the SWRCB.
- FG. Stage 4 Water Rationing through Stage 7 Water Rationing may apply to all Water Distribution System *Water* Users and ~~Water Users within the Monterey Peninsula Water Resource System~~ as a response to limited water supply. These stages shall also serve as responses to emergency situations where immediate reductions in water use are necessary to ensure public health, safety or welfare. This regulation authorizes the Board of Directors to, ~~from time to time~~, determine by Resolution that any Water Distribution System or set of Water Users within the Monterey Peninsula Water Management District shall be subject to Stages 4 Water Rationing through Stage 7 Water Rationing as provided in this Regulation.
- G. ~~As to water derived from the MPWRS, California American Water shall maintain Unaccounted for Water Use in its MPWRS distribution system at or below seven (7) percent. Average losses of more than seven (7) percent during the most recent twelve month period shall be considered Water Waste. This limitation shall not affect any California American Water system east of, and including, the Ryan Ranch subunit.~~
- H. *California* American Water shall amend its Urban Water Management Plan *and its Rule 14.1, Water Conservation Plan – Monterey District*, to conform to the policies and procedures described in this Regulation. A copy of the plan and amendment ~~Rule 14.1~~ shall be filed with the *California Public Utilities Commission (CPUC) and the District* within ~~180~~ *30* days of the effective date of *any amendment* to this Regulation. ~~The plan shall comply with the California Water Code, Division 6, Part 2.6.~~

- I. *At least 10 days prior to a first reading by the Board of amendments to Regulation XV, a copy of the proposed changes shall be provided to the CPUC Division of Ratepayer Advocates (DRA).*

Section Five: Amendment to Rule 161

Rule 161 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 161 - STAGE 1 WATER CONSERVATION

Stage 1 Water Conservation is defined as the first stage in the District's Expanded Water Conservation and Standby Rationing Plan.

- A. *Stage 1* that takes action to maintain California American Water *production from derived from the MPWRS below regulatory constraints within the limits set by the SWRCB and the Seaside Decision* by increasing conservation activities and preparing for further stages of conservation and rationing.
- B. During Stage 1 Water Conservation, California American Water shall have the goal of maintaining its annual (October 1 through September 30) water production from the Carmel Valley below 11,285 Acre-Feet (*15 percent below historical production as determined in 1995*). This quantity may be modified by the SWRCB. ~~Assuming a maximum annual production of 4,000 Acre Feet from the Seaside Coastal Basin, this equates to a California American Water system production limit of 15,285 Acre Feet. Each Water User deriving water from the California American Water system that derives its Source of Supply from the MPWRS shall comply with District Water Waste and Non-Essential Water Use prohibitions and shall participate to the extent possible in voluntarily reducing water use.~~
- B.C. All Water Users with the Monterey Peninsula Water Management District shall comply with Water Waste and Non-Essential Water Use prohibitions *and the water conservation requirements of Regulation XIV.*
- D. *During Stage 1 Water Conservation, California American Water shall maintain its annual (October 1 through September 30) water production from the Seaside*

Groundwater Basin in compliance with the production limits imposed by the Seaside Watermaster.

- E. *California American Water shall obtain and maintain Water User survey information for its Water Users in compliance with Rule 170.*
- F. *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. Annually, at the beginning of the Water Year, California American Water shall review its records to verify that all Water Users required by Rule 172 to have a Landscape Water Budget have met the requirement. Property owners/account holders that have not met this requirement shall be notified of this requirement within 30 days.*
- G. *All Mobile Water Distribution Systems that obtain water from within the District or that deliver water within the District shall comply with Rule 173, Regulation of Mobile Water Distribution Systems.*
- H. *All Non-Residential New Structures receiving a Water Permit after August 1, 2008 shall be required to install separate water meters to measure exterior water uses.*
- I. *All New Structures receiving a Water Permit after August 1, 2008 shall have separate water meters for fire suppression systems.*

Section Six: **Amendment to Rule 162**

Rule 162 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 162 - STAGE 2 WATER CONSERVATION

- A. Stage 2 Water Conservation is defined as the second stage in the District's Expanded Water Conservation and Standby Rationing Plan that takes action to maintain California American Water use *production* from the MPWRS below *legal and* regulatory constraints. *This is accomplished* by requiring implementation of Landscape Water Budgets for ~~large~~ irrigators of three acres or

more, Large Residential Water Users, and Water Users with ~~D~~edicated landscape ~~Irrigation~~ water ~~M~~meters.

B. Stage 2 Water Conservation shall be enforced when California American Water production from the MPWRS has exceeded the year-to-date at month-end targets as displayed in Table XV-1.

I. The monthly distribution of water production shown in Table XV-1 between sources in the Carmel River Basin and in the coastal subareas of the Seaside Groundwater Basin shall be approved by the Board of Directors as part of the Quarterly Water Supply Strategy and Budget process. The Board shall hold public hearings to consider the water supply budgets for the Main California American Water System during the Board's regular meetings in September, December, March, and June, at which time the Board may modify Table XV-1 by Resolution.

**Table XV-1
Production Targets**

Month	2008 Monthly Production (Includes Carmel, Seaside & Satellite)	2008 Year-to-Date Production at Month End	2009 Monthly Production (Includes Carmel, Seaside & Satellite)	2009 Year-to-Date Production at Month End
	AF	AF	AF	AF
October	1,376	1,376	1,340	1,340
November	1,082	2,458	1,055	2,395
December	993	3,451	968	3,364
January	960	4,412	937	4,301
February	879	5,290	857	5,158
March	1,011	6,302	986	6,144
April	1,125	7,426	1,096	7,240
May	1,424	8,851	1,388	8,628
June	1,521	10,372	1,482	10,110
July	1,640	12,012	1,597	11,707
August	1,633	13,645	1,591	13,298
September	1,489	15,134	1,449	14,747
TOTAL	15,134		14,747	

Table 1
Regulatory Water Production Targets
for California American Water Main System from Sources
Within the Monterey Peninsula Water Resources System

(All Values in Acre-Feet)

Month	Monthly Target	Year-to-Date at Month-End Target
November	1,071	2,394
December	961	3,355
January	941	4,296
February	867	5,163
March	999	6,162
April	1,144	7,306
May	1,388	8,694
June	1,491	10,185
July	1,586	11,771
August	1,586	13,357
September	1,432	14,789
TOTAL	14,789	—

Note:

Monthly and year-to-date at month-end production targets are based on the annual production limit specified for the California American Water (CAW) main system from Carmel River sources in State Water Resources Control Board Order No. WR 95-10 (11,285 acre-feet) and the initial annual production limit specified for the CAW main system from sources in the coastal subareas of the Seaside Groundwater Basin the the Seaside Basin adjudication decision (3,504 acre-feet). This combined total (14,789 acre-feet) was distributed monthly based on CAW's reported monthly average production during the 1986 through 2006 period.

- C. Requirements imposed by implementation of the Expanded Water Conservation and Standby Rationing Plan through Stage 1 Water Conservation shall remain in force. Requirements may be modified or superseded by actions taken in future stages of the Expanded Water Conservation and Standby Rationing Plan.
- D. ***IMPLEMENTATION OF LANDSCAPE WATER BUDGETS*** ~~Implementation of Landscape Water Budgets:~~ All Water Users required to obtain a Landscape Water Budget under District Rule 172 are required to manage outdoor irrigation within the Landscape Water Budget assigned to the property.
- E. Water use in excess of the established Landscape Water Budget shall be considered Water Waste ~~and shall be subject to District Rule 171.~~
- F. ***SUNSET OF STAGE 2 WATER CONSERVATION*** ~~Sunset of Stage 2 Water Conservation:~~ Without further action of the Board of Directors, the provisions of Stage 2 Water Conservation shall be rescinded and revert to Stage 1 Water Conservation upon compliance with the year-to-date at month-end production goal for two consecutive months in the subsequent Water Year.
- G. ***NOTICE*** ~~Notice:~~ California American Water shall provide an annual reminder notice to MPWRS Users with Landscape Water Budgets to report modifications in Landscaping which could alter an existing budget.
3. ***MONTHLY CONSUMPTION REPORTS*** ~~Monthly Consumption Reports:~~ During any Stage 2, 3, 4, 5, 6, or 7, California American Water shall provide the District with monthly consumption reports in a format approved by the District. Reports shall be provided within fifteen (15) days of the close of the preceding month.

Section Seven:

Amendment to Rule 163

Rule 163 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 163 – STAGE 3 WATER CONSERVATION

- A. Stage 3 Water Conservation is defined as the third stage in the District's Expanded Water Conservation and Standby Rationing Plan that takes action to maintain California American Water use in the MPWRS below *legal and* regulatory constraints. ~~It is triggered when the year-to-date at month-end production target for California American Water from the MPWRS is exceeded twice by the average of California American Water's year-to-date production from the MPWRS for each month during the October through March period or exceeded once by the average of California American Water's year-to-date production from the MPWRS for each month during the April through September period.~~ It provides a procedure to enable emergency temporary increases in the upper block volume rates and requires increased action by California American Water to reduce Unaccounted For Water Use and monthly reporting of actions taken. Stage 3 Water Conservation may also be triggered upon Resolution of the Board of Directors when there is a need for an immediate water use reduction in response to an unexpected water production increase.

Upon implementation of Stage 3 Water Conservation, California American Water shall immediately submit a plan to the General Manager to reduce Unaccounted For Water Uses *in its MPWRS Water Distribution Systems* to seven (7) percent or less measured by the most recent twelve-month rolling average and shall immediately act on such plan. California American Water shall provide a progress report to the Board of Directors monthly until Stage 3 is sunset.

- B. ***REGULATORY TRIGGER*** ~~Regulatory Trigger:~~ Stage 3 Water Conservation shall be enforced when any of the following criteria has been met: 1) ~~the average of California American Water's year-to-date production from the MPWRS for each month has exceeded the year-to-date at month-end production target for California American Water from the MPWRS as displayed in Table 1 for a second time during the period from October 1 through March 31 in any~~ ***by 5 percent or more at the end of the first quarter of the Water Year***, or 2) ~~the average of California American Water's year-to-date production from the MPWRS for each month has exceeded the year-to-date at month-end production target for California American Water from the MPWRS~~ ***by 4 percent or more at the end of January, or the year-to-date target by 2.5 percent or more at the end of February, or the year-to-date target by 1 percent or more at the end of March as displayed in Table 1 once during the period from April 1 through September 30***

in any Water Year, or 3) *California American Water's year-to-date production from the MPWRS on a year-to-date basis exceed the year-to-date targets for a consecutive seven-day period during the months of April, May or June; or 4) the California American Water's production from the MPWRS on a year-to-date basis exceeds the year-to-date target on any single day during July, August, or September; or 5) a Resolution has been adopted by the Board in accord with Section C below.*

C. ~~**EMERGENCY TRIGGER**~~ ~~Emergency Trigger:~~ Stage 3 Water Conservation shall be implemented upon Resolution of the Board of Directors when there is need for an immediate water use reduction requirement in response to an unexpected water production increase.

D. *California American Water shall notify its Water Users that Emergency Rates will be imposed upon the effective date of Stage 3 or Stage 4 Water Conservation.*

~~DE. **SUNSET OF STAGE 3 WATER CONSERVATION**~~ ~~Sunset of Stage 3 Water Conservation:~~ Without further action by the Board of Directors, the provisions of Stage 3 Water Conservation shall be rescinded upon compliance with the year-to-date at month-end production goal for two consecutive months in the subsequent Water Year. ~~Water Users of California American Water when that water system derives water from the MPWRS shall revert to Stage 1 Water Conservation.~~

Regulatory compliance during a period of Stage 4 Water Rationing shall not cause a sunset of this provision.

~~EF. **NOTICE**~~ ~~Notice:~~ California American Water shall provide notice of mandatory water conservation with each bill prepared for Water Users of the California American Water system.

~~FG. **CALIFORNIA AMERICAN WATER EMERGENCY RATES**~~ ~~California American Water Emergency Use Rates:~~ California American Water shall implement the ~~California Public Utilities Commission (CPUC)~~ approved ~~E~~emergency ~~R~~rate schedule to respond to Stage 3 water reduction requirements. California American Water shall file an Advice Letter with the CPUC to implement Emergency Use Rates, however, only after it has first met and

conferred with the District at least five days in advance of that filing. The General Manager may waive this time period for good cause.

Section Eight: **Amendment to Rule 164**

Rule 164 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 164 – STAGE 4 WATER RATIONING

A. Stage 4 Water Rationing is defined as the fourth stage in the District’s Expanded Water Conservation and Standby Rationing Plan that responds to a drought situation or *other threatened or existing* emergency water supply shortage with a 15 percent reduction goal from system production limits for non-California American Water Users. Fifteen percent reductions in the California American Water system are achieved through Stage 3 Water Conservation.

B. ~~TRIGGER~~ Trigger

1. Water Supply Limitation Trigger

Stage 4 Water Rationing shall apply to all *Water Distribution Systems, private Wells, or Water Users* whose Source of Supply is derived from the MPWRS *unless proof is provided to demonstrate a superior, unimpaired water right to exempt the Water Distribution System, private Well, or Water User from the Stage 4 rationing restrictions.* Stage 4 Water Rationing shall become effective on June 1 or such earlier date as may be set by the Board following the District’s May Board meeting if total usable storage in the MPWRS on May 1 is less than 27,807 Acre-Feet and greater than 21,802 Acre-Feet. If total usable storage is equal to or greater than 27,807 Acre-Feet on May 1, no water rationing shall be imposed.

2. Emergency Trigger

Stage 4 Water Rationing shall be implemented upon Resolution of the Board of Directors when there is need for an immediate water use reduction requirement in response to an unexpected water supply shortage.

C. Requirements previously imposed by implementation of the Expanded Water Conservation and Standby Rationing Plan shall remain in force. Requirements may be modified or superseded by actions taken in this or future stages of the Expanded Water Conservation and Standby Rationing Plan.

~~D. The provisions of Stage 3 Water Conservation shall be implemented for all Water Users of the California American Water Distribution System, unless specifically exempt from Stage 4 Water Rationing by action of the Board of Directors.~~

ED. *SUNSET OF STAGE 4 WATER RATIONING* ~~Sunset of Stage 4 Water Rationing~~

1. Water Supply Availability

Stage 4 Water Rationing shall continue to have force and effect until rescinded by Resolution of the Board of Directors upon a determination that the total usable storage in the MPWRS is greater than 27,807 Acre-Feet. This determination will normally be made at the Board's May meeting. However, a determination to rescind Stage 4 Water Rationing as early as the following January Board meeting can be made if the total usable storage in the MPWRS is equal to or greater than 27,807 Acre-Feet on January 1.

2. In the event total usable storage is greater than 27,807 Acre-Feet, the General Manager shall review California American Water's year-to-date production. Upon compliance with the monthly year-to-date goals specified in Table XV-1 of Rule 162 and, unless otherwise specified in the Resolution rescinding Stage 4 Water Rationing, Water Users shall revert to Stage 1 Water Conservation. If California American Water's year-to-date production exceeds the year-to-date goal specified in Table XV-1 of Rule 162, California American Water Users shall revert to Stage 2 Water Conservation.

3. Emergency

Upon correction of a water supply limitation caused by an emergency, Stage 4 Water Rationing shall sunset without action by the Board.

~~FE.~~ **NOTICE** ~~Notice~~

1. Upon direction of the General Manager, *MPWMD shall notify* all Water Distribution System Operators affected by Stage 4 Water Rationing shall ~~notify Water Users of the system~~ that reductions in water use are necessary and that stricter water rationing ~~may be~~ *is* imminent. Water Distribution System Operators shall ensure that notices provided or required by the District shall be distributed to ~~their system~~ Water Users. *A copy of each notice shall be filed with the District as well as a current mailing list for all Water Users in that system. The District shall preserve the confidentiality of any mailing list provided pursuant to this Regulation.*
- ~~2. As appropriate, California American Water shall notify its Water Users that Excessive Use Rates will be imposed upon the effective date of Stage 4 Water Rationing.~~
2. The District shall *notify* ~~contact~~ all Water Users of private Wells (*Single-Parcel Connection Systems*) ~~not supplying water to a distribution system within the MPWRS. Notice~~ ~~contact~~ shall be via first class mail and shall explain the ~~restrictions placed on the use of private Wells during requirements for~~ Stage 4 Water Rationing and shall provide and/or request additional information from the private Well Owner as deemed necessary for the efficient operation of the *rationing* program.

Section Nine: **Amendment to Rule 165**

Rule 165 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 165 - STAGE 5 WATER RATIONING

- A. Stage 5 Water Rationing is defined as the fifth stage in the District's Expanded Water Conservation and Standby Rationing Plan that responds to a drought situation or *other threatened or existing* emergency water supply shortage with a 20 percent reduction goal from ~~the system~~ production limits. Reductions are

achieved by water use cutbacks by User Category and by per-capita water rations and a moratorium on Water Permits that Intensify Water Use.

B. **TRIGGER Implementation**

1. Water Supply Limitation Trigger

Stage 5 Water Rationing shall apply to all *Water Distribution Systems, private Wells, or Water Users* whose Source of Supply is derived from the MPWRS *unless proof is provided to demonstrate a superior, unimpaired water right to exempt the Water Distribution System, private Well, or Water User from the Stage 5 rationing restrictions.* Stage 5 Water Rationing shall become effective on June 1 or such earlier date as may be set by the Board following the District's May Board meeting if total usable storage in the MPWRS on May 1 is less than 21,802 Acre-Feet and greater than 15,615 Acre-Feet. If total usable storage is equal to or greater than 27,807 Acre-Feet on May 1, no water rationing shall be imposed.

The General Manager may delay implementation of Stage 5 Water Rationing to ensure adequate operation of the program. Delays authorized by the General Manager shall not exceed 90 days.

2. Emergency

Implementation shall also occur following urgency action by Resolution of the Board of Directors declaring that an emergency situation exists and immediate 20 percent reductions in water use from a distribution system's production limit are necessary to ensure public health, safety or welfare.

The General Manager may delay implementation of Stage 5 Water Rationing to ensure adequate operation of the program. Delays authorized by the General Manager shall not exceed 90 days.

C. **SUNSET OF STAGE 5 WATER RATIONING** ~~Sunset of Stage 5 Water Rationing~~

1. Water Supply Availability

Stage 5 Water Rationing shall continue to have force and effect until rescinded by Resolution of the Board of Directors upon a determination that the total usable storage in the MPWRS is greater than 21,802 Acre-Feet. This determination will normally be made at the Board's May meeting. However, a determination to rescind Stage 5 Water Rationing as early as the following January Board meeting can be made if the total usable storage in the MPWRS is equal to or greater than 27,807 Acre-Feet on January 1.

2. In the event total usable storage is greater than 27,807 Acre-Feet, the General Manager shall review California American Water's year-to-date production. Upon compliance with the monthly year-to-date goals specified in Table XV#1 of Rule 162 and, unless otherwise specified in the Resolution rescinding Stage 5 Water Rationing, Water Users shall revert to Stage 1 Water Conservation. If California American Water's year-to-date production exceeds the year-to-date goal specified in Table XV#1 of Rule 162, California American Water Users shall revert to Stage 2 Water Conservation.

3. Emergency

Upon correction of a water supply limitation caused by an emergency, Stage 5 Water Rationing shall be rescinded by Resolution of the Board of Directors.

D. **AFFECTED WATER USERS** ~~Affected Water Users~~

Stage 5 Water Rationing shall apply to all Water Users within the MPWRS *unless specifically exempt by action of the Board of Directors*. As necessary to ensure adequate water supplies, the Board of Directors may act within its discretion to authorize activation of Stage 5 Water Rationing within one or more Water Distribution Systems in the District.

- E. Requirements imposed by implementation of the Expanded Water Conservation and Standby Rationing Plan through Stage 4 Water Conservation shall remain in

force. Requirements may be modified or superseded by actions taken in this or future stages of the Expanded Water Conservation and Standby Rationing Plan.

F. **MORATORIUM** ~~Moratorium~~

On October 1 following implementation of Stage 5 Water Rationing, the District shall suspend the issuance of Water Permits associated with Intensification of Use. This provision shall not suspend the issuance of Water Permits that utilize public or private Water Use Credits or where issuance of a Permit is required by prior agreement of the District.

G. **REDUCTION GOAL** ~~Reduction Goal~~

Stage 5 Water Rationing achieves water use reductions of 20 percent of the California American Water and non-California American Water system production limits in each User Category as follows: Residential single-family and multi-family, Commercial/Industrial, Public Authority, Golf Course, "Other," Non-Revenue Metered Uses, and Reclaimed Water Users.

H. **NOTICE** ~~Notice~~

1. California American Water shall provide written notice of mandatory water rationing to every residence and to every Non-Residential business or Water User within the California American Water system via first-class mail at least thirty (30) days before the first day of rationing.

Further, California American Water shall send monthly reminders of water rationing in the water bill along with information showing the *User's* water ration, and the quantity of the water ration consumed by the ~~Responsible Party~~, *and the quantity of water available in the User's Water Bank*. Finally, California American Water shall provide each ~~Responsible Party~~ with a survey form *update survey information* upon request.

2. All Water Distribution System Operators affected by Stage 5 Water Rationing shall provide written notice of mandatory water rationing to every residence and to every Non-Residential business or Water User

within the Water Distribution System via first-class mail at least thirty (30) days before the first day of rationing.

Further, the *Water Distribution System Operator* shall send monthly reminders of water rationing ~~in the water bill~~ along with information showing the water ration and the quantity of the water ration consumed by the *Water User* responsible party. Finally, the Water Distribution System Operator shall provide each Responsible Party with a survey form at least once each calendar year. Water Distribution System Operators shall ensure that notices provided or required by the District shall be distributed to the system Water Users.

3. The District shall ~~notify~~ *contact* all Water Users of private Wells (*Single-Parcel Connection Systems*) ~~not supplying water to a distribution system~~ within the MPWRS at least thirty (30) days before the first day of Stage 5 Water Rationing. ~~Notice~~ *Contact* shall be via first class mail and shall explain the *requirements for* ~~restrictions placed on the use of private Wells during Stage 5 Water Rationing~~ and shall provide and/or request additional information from the private Well Owner as deemed necessary for the efficient operation of the rationing program.
4. ***CALIFORNIA AMERICAN WATER RATIONING RATES: California American Water shall implement the CPUC-approved rationing rate schedule. California American Water shall file an Advice Letter with the CPUC to implement rationing rates after it has first met and conferred with the District at least five days in advance of that filing. The General Manager may waive this time period for good cause.***

I. ***RATIONS BY CATEGORY*** ~~Rations by Category~~

Water rations shall be determined by User Category. Each Water User within the Monterey Peninsula Water Resource System shall be classified in one of the following groups: Residential single-family and multi-family, Commercial/Industrial, Public Authority, Golf Course, "Other," Non-Revenue Metered Use, and Reclaimed Water Users.

J. ***REDUCED CALIFORNIA AMERICAN WATER ANNUAL PRODUCTION DURING STAGE 5 WATER RATIONING*** ~~Reduced Annual California American Water Annual Production During Stage 5 Water Rationing~~

The California American Water annual production limit shall be reduced by 20 percent during Stage 5 Water Rationing. The resulting production limit shall be further reduced by a water rationing contingency determined by the Board. Seven (7) percent of the remainder shall be the maximum California American Water Unaccounted For Water Use ration. The remaining water shall be the California American Water annual production limit for all User Categories.

K. ***NON-CALIFORNIA AMERICAN WATER ANNUAL PRODUCTION LIMITS DURING STAGE 5 WATER RATIONING*** ~~Non-California American Water Annual production limits during Stage 5 Water Rationing~~

Available production for other Water Distribution Systems subject to Stage 5 Water Rationing shall be determined using the same methodology as for California American Water without including a deduction for Unaccounted For Water Uses. The non-California American Water annual production limit for the Monterey Peninsula Water Resource System shall be used as the maximum production limit.

L. ***ESTABLISHING RATIONS*** ~~Establishing the Rations~~

Rations for each User Category shall be determined by the General Manager by dividing the reduced available production by the percentage of use. The percentage of use for each user group shall be determined by the most recent unrationed reporting year (July 1 through June 30) data provided by California American Water for Water Users of ~~that portion of~~ California American Water that derives water from the MPWRS, and by data provided by the District from its annual Well reporting program for non-California American Water Distribution Systems.

1. Residential Water Users

Each Residential Water User either served by a water meter reported as "single-family residential" by the Water Distribution System or served by a private Well shall have an equal portion of the water available to the

single-family Residential category based upon the number of residents reported on the survey form.

2. Multi-Family Residential Water Users

Each multi-family Residential Water User either served by a water meter reported as "multi-family residential" by the Water Distribution System or served by a private Well shall have an equal portion of the water available to the multi-family Residential category based upon the number of residents reported on the survey form with the following exception:

- a. Multi-Family Residential Sites with common laundry facilities on a separate water meter shall receive a one-unit water ration for each Dwelling Unit that has access to the facility. Each Dwelling Unit located on the Multi-Family Residential Site that has access to the common laundry facility shall have the Dwelling Unit ration reduced by one unit of water.

3. Commercial/Industrial Water Users

Each commercial/industrial Water User either served by a water meter reported as "commercial" or "industrial" by the Water Distribution System shall have a base ration determined by applying the current commercial Water Use Factors.

- a. Mixed Use Water Users. Mixed Use Water Users shall be classified as Commercial Uses for the purposes of this program.

4. Public Authority

Public Authority Uses shall be rationed by Jurisdiction. Each Public Authority Water User may combine multiple accounts or Connections when the accounts are located within one Jurisdiction.

5. Golf Courses

Golf Courses supplied water exclusively by the California American Water or non-California American Water Distribution Systems or Wells

may be rationed individually or, upon request to the General Manager, as a group.

6. Other

Water Users utilizing portable water meters or hydrant meters shall be required to employ Best Management Practices. California American Water shall be required to report monthly to the District the location and Responsible Party for all portable water meters and the amount of use from those meters. As deemed necessary to achieve the imposed reduction in use, the District may condition use of temporary Connections.

7. Non-Revenue Metered Users

Non-Revenue Metered Uses shall be rationed as a group with the following exception:

- a. Irrigation required by the Mitigation Program adopted when the Water Allocation Program Environmental Impact Report was adopted in 1990, and as required by SWRCB Order No. WR 95-10, shall not be subject to reductions in use. Required irrigation of the Riparian Corridor shall be identified and reported separately from other Non-Revenue Metered Uses.

8. Non-California American Water Wells

Regulations for rationing non-California American Water Wells located within the MPWRS that are not supplying water to a distribution system shall be considered by the Board prior to implementation of Stage 5 Water Rationing.

9. Recycled Water Users

Recycled Water Irrigation Areas receiving water from the CAWD/PBCSD Wastewater Reclamation Project shall be subject to Stages 5 Water Rationing and higher for Potable water used during an Interruption or emergency, in accordance with contractual agreements between the

District and the respective Owners of the Recycled Water Irrigation Areas.

- a. Before Project Expansion Is Completed. Under the agreements operative before the Project Expansion is Completed (as the capitalized terms are defined in Rule 23.5), the Owners of the Recycled Water Irrigation Areas shall have the respective irrigation requirements thereof satisfied to the same degree as any non-Project Golf Course or open space which derive their Source of Supply from the California American Water system. The irrigation requirements of the Recycled Water Irrigation Areas will be determined based on the most-recent non-rationed four-year average irrigation water demand, including both Recycled Water and Potable water, for each Recycled Water Irrigation Area. The use of Recycled Water, when available in sufficient quantities to satisfy the irrigation requirements of the Recycled Water Irrigation Areas, shall not be restricted by this requirement.

Each Recycled Water Irrigation Area shall be entitled to receive the average irrigation requirement determined above, reduced by the percentage reduction required by the current stage of rationing. If the quantity of Recycled Water that is available is less than the quantity of water that the Recycled Water Irrigation Area is entitled to, Potable water shall be provided to make up the difference and satisfy the irrigation requirements of the Recycled Water Irrigation Area to the same degree that the irrigation requirements of non-Project Golf Course and open space Users are being satisfied.

The District shall ensure that the water provided during water rationing is of adequate quality. If the quality does not satisfy the contractual agreement operative before the Project Expansion is deemed Completed (as the capitalized terms are defined in Rule 23.5), Potable water shall be provided in sufficient quantities to improve the quality of the *Recycled* reclaimed *W*water.

This Subsection L-9-a shall cease to be operative once the Project Expansion is deemed to be Completed (as the capitalized terms are defined in Rule 23.5), and shall thereafter be of no force or effect.

- b. When Project Expansion Is Completed. Under the agreements operative once the Project Expansion is deemed Completed (as the capitalized terms are defined in Rule 23.5), the Owners of the Recycled Water Irrigation Areas shall have the respective irrigation requirements thereof satisfied to the same degree as any non-Project Golf Course or open space which derives its Source of Supply from the California American Water system. The irrigation requirements of the Recycled Water Irrigation Areas will be determined based on the most-recent non-rationed four-year average irrigation water demand, including both Recycled Water and Potable water, for each respective Recycled Water Irrigation Area.

Each Recycled Water Irrigation Area shall be entitled to receive the average irrigation requirement determined above, reduced by the percentage reduction required by the current stage of rationing. If the quantity of Recycled Water that is available is less than the quantity of water that the Recycled Water Irrigation Area is entitled to, Potable water shall be provided to make up the difference and satisfy the irrigation requirements of the Recycled Water Irrigation Areas to the same degree that the irrigation requirements of non-Project Golf Course and open space Users are being satisfied.

The preceding sentence shall not apply to the extent that the irrigation requirements of any Recycled Water Irrigation Area are met with water legally available to Buyer from any source other than the Carmel River System or the Seaside Groundwater Basin, including percolating Groundwater underlying Buyer's Property, to make up any such difference.

When Recycled Water (as defined in Rule 23.5) is available in sufficient quantities to satisfy the irrigation requirements of the Recycled Water Irrigation Areas, such irrigation shall not be subject to Stages 5 Water Rationing and higher, and neither Potable water nor any water described in the preceding sentence (whether or not it is Potable) shall be used for irrigation of the Recycled Water Irrigation Areas except to the extent allowed in the circumstances described in the next two sentences.

If there is an Interruption in Recycled Water deliveries to any Recycled Water Irrigation Area (as the capitalized terms are defined in Rule 23.5), the temporary use of Potable water for irrigating each such Recycled Water Irrigation Area is authorized in the manner described in Rule 23.5, Subsection F.

If MPWMD has adopted an ordinance in response to any emergency caused by drought, or other threatened or existing water shortage pursuant to section 332 of the Monterey Peninsula Water Management Law, said ordinance shall prevail over contrary provisions of this Rule. Notwithstanding the preceding sentence, Potable water shall be made available for irrigating tees and greens of the Recycled Water Irrigation Areas in sufficient quantities to maintain them in good health and condition during an Interruption, without any limitation on the duration.

The District shall have no obligation to furnish Potable water for irrigation of the Recycled Water Irrigation Areas except in the circumstances set forth above in this Subsection L-9-b.

If (1) an emergency or major disaster is declared by the President of the United States, or (2) a "state of war emergency," "state of emergency," or "local emergency," as those terms are respectively defined in Government Code section 8558, has been duly proclaimed pursuant to the California Emergency Services Act, with respect to all or any portion of the territory of MPWMD, the provisions of this Subsection L-9-b shall yield as necessary to respond to the conditions giving rise to the declaration or proclamation.

This Subsection L-9-b shall be of no force or effect until the Project Expansion is deemed Completed (as the capitalized terms are defined in Rule 23.5), and shall thereafter be operative and of full force and effect.

Section Ten: **Amendment to Rule 166**

Rule 166 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 166 - STAGE 6 WATER RATIONING

A. Stage 6 Water Rationing is defined as the sixth stage in the District's Expanded Water Conservation and Standby Rationing Plan that responds to a drought situation or *other threatened or existing* emergency water supply shortage with a 35 percent reduction goal from system production limits. Reductions are achieved by water use cutbacks by User Category and by per-capita water rations and a moratorium on Water Permits that utilize Water Credits.

B. ***TRIGGER*** Implementation

1. Water Supply Limitation Trigger

Stage 6 Water Rationing shall apply to all *Water Distribution Systems, private Wells, or Water Users* whose Source of Supply is derived from the MPWRS *unless proof is provided to demonstrate a superior, unimpaired water right to exempt the Water Distribution System, private Well, or Water User from Stage 6 rationing restrictions*. Stage 6 Water Rationing shall become effective on June 1 or such earlier date as may be set by the Board following the District's May Board meeting if total usable storage in the MPWRS on May 1 is less than 15,615 Acre-Feet and greater than 9,610 Acre-Feet. If total usable storage is equal to or greater than 27,807 Acre-Feet on May 1, no water rationing shall be imposed.

2. Implementation shall also occur following urgency action by Resolution of the Board of Directors declaring that an emergency situation exists and immediate 35 percent reductions in water use from a distribution systems production limit are necessary to ensure public health, safety or welfare.

3. Emergency

Upon correction of a water supply limitation caused by an emergency, Stage 6 Water Rationing shall be rescinded by Resolution of the Board of Directors.

C. SUNSET OF STAGE 6 WATER RATIONING ~~Sunset of Stage 6 Water Rationing~~

1. Water Supply Availability

Stage 6 Water Rationing shall continue to have force and effect until rescinded by Resolution of the Board of Directors upon a determination that the total usable storage in the MPWRS is greater than 15,615 Acre-Feet. This determination will normally be made at the Board's May meeting. However, a determination to rescind Stage 6 Water Rationing as early as the following January Board meeting can be made if the total usable storage in the MPWRS is equal to or greater than 27,807 Acre-Feet on January 1.

2. In the event total usable storage is greater than 27,807 Acre-Feet, the General Manager shall review California American Water's year-to-date production. Upon compliance with the monthly year-to-date goals specified in Table XV¹ of Rule 162 and, unless otherwise specified in the Resolution rescinding Stage 6 Water Rationing, Water Users shall revert to Stage 1 Water Conservation. If California American Water's year-to-date production exceeds the year-to-date goal specified in Table XV¹ of Rule 162, California American Water Users shall revert to Stage 2 Water Conservation.

D. AFFECTED WATER USERS ~~Affected Water Users~~

Stage 6 Water Rationing shall apply to all Water Users within the Monterey Peninsula Water Resource System *unless specifically exempt by action of the Board of Directors*. As necessary to ensure adequate water supplies, the Board of Directors may act within its discretion to authorize activation of Stage 6 Water Rationing within one or more Water Distribution Systems in the District.

E. Requirements imposed by implementation of the Expanded Water Conservation and Standby Rationing Plan through Stage 5 Water Rationing shall remain in force. Requirements may be modified or superseded by actions taken in this or future stages of the Expanded Water Conservation and Standby Rationing Plan.

F. **MORATORIUM**~~Moratorium~~

On October 1 following implementation of Stage 6 Water Rationing, the District shall suspend the issuance of Water Permits that utilize a public or private Water Use Credit.

G. **REDUCTION GOAL**~~Reduction Goal~~

Stage 6 Water Rationing achieves water use reductions of 35 percent of the California American Water and non-California American Water system production limits in each User Category as follows: Residential single-family and multi-family, Commercial/Industrial, Public Authority, Golf Course, "Other," Non-Revenue Metered Uses, and Reclaimed Water Users.

H. **NOTICE**~~Notice~~

1. California American Water shall provide written notice of mandatory water rationing to every residence and to every Non-Residential business or Water User within the California American Water system via first-class mail at least thirty (30) days before the first day of rationing.

Further, California American Water shall send monthly reminders of water rationing in the water bill along with information showing the *User's* water ration, and the quantity of the water ration consumed by the ~~Responsible Party~~, *and the quantity of water available in the User's Water Bank*. Finally, California American Water shall ~~provide each Responsible Party with a survey form~~ *update survey information* upon request.

2. All Water Distribution System Operators affected by Stage 6 Water Rationing shall provide written notice of mandatory water rationing to every residence and to every Non-Residential business or Water User within the Water Distribution System via first-class mail at least thirty (30) days before the first day of rationing.

Further, the *Water Distribution System Operator* shall send monthly reminders of water rationing ~~in the water bill~~ along with information showing the water ration and the quantity of the water ration consumed by *Water User* ~~the Responsible Party~~. Finally, the Water Distribution System Operator shall provide each Responsible Party with a survey form at least once each calendar year. Water Distribution System Operators shall ensure that notices provided or required by the District shall be distributed to the system Water Users.

3. The District shall ~~notify~~ *contact* all Water Users of private Wells (*Single-Parcel Connection Systems*) ~~not supplying water to a distribution system within the MPWRS at least thirty (30) days before the first day of Stage 6 Water Rationing. Notice Contact shall be via first class mail and shall explain the requirements for restrictions placed on the use of private Wells during Stage 6 Water Rationing and shall provide and/or request additional information from the private Well Owner as deemed necessary for the efficient operation of the rationing program.~~
4. ***CALIFORNIA AMERICAN WATER RATIONING RATES: California American Water shall implement the CPUC-approved rationing rate schedule to respond to Stage 6 water reduction requirements. California American Water shall file an Advice Letter with the CPUC to implement rationing rates after it has first met and conferred with the District at least five days in advance of that filing. The General Manager may waive this time period for good cause.***

I. ***RATIONS BY CATEGORY*** ~~Rations by Category~~

Water rations shall be determined by User Category. Each Water User within the Monterey Peninsula Water Resource System shall be classified in one of the following groups: Residential single-family and multi-family, Commercial/Industrial, Public Authority, Golf Course, "Other," Non-Revenue Metered Use, and Reclaimed Water Users.

J. ***REDUCED CALIFORNIA AMERICAN WATER ANNUAL PRODUCTION DURING STAGE 6 WATER RATIONING*** ~~Reduced Annual California American Water Annual Production During Stage 6 Water Rationing~~

The California American Water annual production limit shall be reduced by 35 percent during Stage 6 Water Rationing. The resulting production limit shall be further reduced by a water rationing contingency determined by the Board. Seven (7) percent of the remainder shall be the maximum California American Water Unaccounted For Water Use ration. The remaining water shall be the California American Water annual production limit for all User Categories.

K. ***NON-CALIFORNIA AMERICAN WATER ANNUAL PRODUCTION LIMITS DURING STAGE 6 WATER RATIONING*** ~~Non-California American Water Annual Production Limits During Stage 6 Water Rationing~~

Available production for other Water Distribution Systems subject to Stage 6 Water Rationing shall be determined using the same methodology as for California American Water without including a deduction for Unaccounted For Water Uses. The non-California American Water annual production limit for the Monterey Peninsula Water Resource System shall be used as the maximum production limit.

L. ***ESTABLISHING RATIONS*** ~~Establishing the Rations~~

Rations for each User Category shall be determined by the General Manager by dividing the reduced available production by the percentage of use and by taking into consideration Residential water needs to ensure health, safety and welfare. The percentage of use for each User Group shall be determined by the most recent unrationed reporting year (July 1 through June 30) data provided by California American Water for Water Users of that portion of California American Water that derives water from the MPWRS, and by data provided by the District from its annual Well reporting program for non-California American Water Distribution Systems.

All Water Users shall be rationed by User Category as outlined in Rule 165 (Stage 5 Water Rationing).

- M. The Board shall consider adopting restrictions on Non-Residential outdoor water use that may include any or all of the following: Limit outdoor watering to one day per week, one day every other week, or prohibit outdoor irrigation with water from the affected water resource system(s); prohibit irrigation of non-turf areas

with water from the affected water resource system(s); reduce Golf Course irrigation from the affected Water Distribution System(s) to a percentage of the amount required to water tees, greens and landing areas only. The use of Reclaimed *Recycled* Water, when available, shall not be restricted by this requirement.

- N. Elimination or modification of commercial/industrial variances for Best Management Practices

The General Manager shall be authorized to require a percentage reduction of all commercial/industrial Water Users granted a variance for complying with BMPs for the type of use. The amount of the percentage reduction shall be determined by the General Manager following review of the success of commercial/industrial rationing during Stage 5 Water Rationing prior to Stage 6 Water Rationing.

- O. All Water Users shall cease operation and maintenance of all ornamental water uses (fountains, ponds, etc.) that use water from the affected water supply system(s). Ornamental water uses supplied with water from other sources shall clearly display information about the source of water on or immediately adjacent to the use;

- P. ***PROHIBITION ON USE OF WATER FOR DUST CONTROL*** ~~Prohibition on Use of Water for Dust Control~~

The use of water from the Monterey Peninsula Water Resource System shall be prohibited for dust control purposes, except by prior approval of the General Manager. Decisions of the General Manager shall be final.

Section Eleven: **Amendment to Rule 167**

Rule 167 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 167 - STAGE 7 WATER RATIONING

- A. Stage 7 Water Rationing is defined as the seventh stage in the District's Expanded Water Conservation and Standby Rationing Plan that responds to a drought

situation or *other threatened or existing* emergency water supply shortage with a 50 percent reduction goal from system production limits. Reductions are achieved by water use cutbacks by User Category and by per-capita water rations and a moratorium on Water Permits that utilize Water Credits.

B. **TRIGGER Implementation**

1. Water Supply Limitation Trigger

Stage 7 Water Rationing shall apply to all *Water Distribution Systems, private Wells, or Water Users* whose Source of Supply is derived from the MPWRS *unless proof is provided to demonstrate a superior, unimpaired water right to exempt the Water Distribution System, private Well, or Water User from the Stage 7 rationing restrictions.* Stage 7 Water Rationing shall become effective on June 1 or such earlier date as may be set by the Board following the District's May Board meeting if total usable storage in the MPWRS on May 1 is less than 9,610 Acre-Feet. If total usable storage is equal to or greater than 27,807 Acre-Feet on May 1, no water rationing shall be imposed.

2. Implementation shall also occur following urgency action by Resolution of the Board of Directors declaring that an emergency situation exists and immediate 50 percent reductions in water use from a distribution system's production limit are necessary to ensure public health, safety or welfare.

C. **SUNSET OF STAGE 7 WATER RATIONING** ~~Sunset of Stage 7 Water Rationing~~

1. Water Supply Availability

Stage 7 Water Rationing shall continue to have force and effect until rescinded by Resolution of the Board of Directors upon a determination that the total usable storage in the MPWRS is greater than 9,610 Acre-Feet. This determination will normally be made at the Board's May meeting. However, a determination to rescind Stage 7 Water Rationing as early as the following January Board meeting can be made if the total usable storage in the MPWRS is equal to or greater than 27,807 Acre-Feet on January 1.

2. In the event total usable storage is greater than 27,807 Acre-Feet, the General Manager shall review California American Water's year-to-date production. Upon compliance with the monthly year-to-date goals specified in Table XV¹ of Rule 162 and, unless otherwise specified in the Resolution rescinding Stage 7 Water Rationing, Water Users shall revert to Stage 1 Water Conservation. If California American Water's year-to-date production exceeds the year-to-date goal specified in Table XV¹ of Rule 162, California American Water Users shall revert to Stage 2 Water Conservation.

3. **Emergency**

Upon correction of a water supply limitation caused by an emergency, Stage 7 Water Rationing shall be rescinded by Resolution of the Board of Directors.

D. ***AFFECTED WATER USERS*** ~~Affected Water Users~~

Stage 7 Water Rationing shall apply to all Water Users within the Monterey Peninsula Water Resource System *unless specifically exempt by action of the Board of Directors*. As necessary to ensure adequate water supplies, the Board of Directors may act within its discretion to authorize activation of Stage 7 Water Rationing within one or more Water Distribution Systems in the District.

E. Requirements imposed by implementation of the Expanded Water Conservation and Standby Rationing Plan through Stage 6 Water Rationing shall remain in force. Requirements may be modified or superseded by actions taken in this or future stages of the Expanded Water Conservation and Standby Rationing Plan.

F. ***REDUCTION GOAL*** ~~Reduction Goal~~

Stage 7 Water Rationing achieves water use reductions of 50 percent of the California American Water and non-California American Water system production limits in each User Category as follows: Residential single-family and multi-family, Commercial/Industrial, Public Authority, Golf Course, "Other," Non-Revenue Metered Uses, and Reclaimed Water Users.

G. **NOTICE** Notice

1. California American Water shall provide written notice of mandatory water rationing to every residence and to every Non-Residential business or Water User within the California American Water system via first-class mail at least thirty (30) days before the first day of rationing.

Further, California American Water shall send monthly reminders of water rationing in the water bill along with information showing the *User's* water ration, and the quantity of the water ration consumed by the ~~Responsible Party~~, *and the quantity of water available in the User's Water Bank*. Finally, California American Water shall ~~provide each Responsible Party with a survey form~~ *update survey information* upon request.

2. All Water Distribution System Operators affected by Stage 7 Water Rationing shall provide written notice of mandatory water rationing to every residence and to every Non-Residential business or Water User within the Water Distribution System via first-class mail at least thirty (30) days before the first day of rationing.

Further, the ~~Water Distribution System Operator~~ shall send monthly reminders of water rationing ~~in the water bill~~ along with information showing the water ration and the quantity of the water ration consumed by the ~~Water User Responsible Party~~. Finally, the Water Distribution System Operator shall provide each Responsible Party with a survey form at least once each calendar year. Water Distribution System Operators shall ensure that notices provided or required by the District shall be distributed to the system Water Users.

3. The District shall *notify* ~~contact~~ all Water Users of private Wells (*Single-Parcel Connection Systems*) ~~not supplying water to a distribution system~~ within the MPWRS at least thirty (30) days before the first day of Stage 7 Water Rationing. ~~Contact Notice~~ shall be via first class mail and shall explain the *requirements for* ~~restrictions placed on the use of private Wells during Stage 7 Water Rationing~~ and shall provide and/or request additional information from the private Well Owner as deemed necessary for the efficient operation of the ~~rationing~~ program.

4. **CALIFORNIA AMERICAN WATER RATIONING RATES:** *California American Water shall implement the CPUC-approved rationing rate schedule to respond to Stage 7 water reduction requirements. California American Water shall file an Advice Letter with the CPUC to implement rationing rates after it has first met and conferred with the District at least five days in advance of that filing. The General Manager may waive this time period for good cause.*

H. **RATIONS BY CATEGORY** *Rations by Category*

Water rations shall be determined by User Category. Each Water User within the Monterey Peninsula Water Resource System shall be classified in one of the following groups: Residential single-family and multi-family, Commercial/Industrial, Public Authority, Golf Course, "Other," Non-Revenue Metered Use, and Reclaimed Water Users.

I. **REDUCED CALIFORNIA AMERICAN WATER ANNUAL PRODUCTION DURING STAGE 7 WATER RATIONING** ~~Reduced Annual California American Water Annual Production During Stage 7 Water Rationing~~

The California American Water annual production limit shall be reduced by 50 percent during Stage 7 Water Rationing. The resulting production limit shall be further reduced by a water rationing contingency determined by the Board. Seven (7) percent of the remainder shall be the maximum California American Water Unaccounted For Water Use ration. The remaining water shall be the California American Water annual production limit for all User Categories.

J. **NON-CALIFORNIA AMERICAN WATER ANNUAL PRODUCTION LIMITS DURING STAGE 7 WATER RATIONING** ~~Non-California American Water Annual Production Limits During Stage 7 Water Rationing~~

Available production for other Water Distribution Systems subject to Stage 7 Water Rationing shall be determined using the same methodology as for California American Water without including a deduction for Unaccounted For Water Uses. The non-California American Water annual production limit for the Monterey Peninsula Water Resource System shall be used as the maximum production limit.

K. **ESTABLISHING RATIONS** ~~Establishing the Rations~~

Rations for each User Category shall be determined by the General Manager by dividing the reduced available production by the percentage of use and by taking into consideration Residential water needs to ensure health, safety and welfare. The percentage of use for each User Group shall be determined by the most recent unrationed reporting year (July 1 through June 30) data provided by California American Water for Water Users of the California American Water Distribution System that derives water from the MPWRS, and by data provided by the District from its annual Well reporting program for non-California American Water Distribution Systems.

All Water Users shall be rationed by User Category as outlined in Rule 165 (Stage 5 Water Rationing).

- L. The Board shall reconsider adopting restrictions on Non-Residential outdoor water use that may include any or all of the following not adopted during Stage 6 Water Rationing: Limit outdoor watering to one day per week, one day every other week, or prohibit outdoor irrigation with water from the affected water resource system(s); prohibit irrigation of non-turf areas with water from the affected water resource system(s); reduce Golf Course irrigation from the affected Water Distribution System(s) to a percentage of the amount required to water tees, greens and landing areas only. The use of Reclaimed *Recycled* Water, when available, shall not be restricted by this requirement.

M. **ELIMINATION OR MODIFICATION OF COMMERCIAL/INDUSTRIAL VARIANCES FOR BEST MANAGEMENT PRACTICES** ~~Elimination or Modification of Commercial/Industrial Variances for Best Management Practices~~

The General Manager shall be authorized to require a percentage reduction of all commercial/industrial Water Users granted a variance for complying with BMPs for the type of use. The amount of the percentage reduction shall be determined by the General Manager following review of the success of commercial/industrial rationing during Stage 6 Water Rationing prior to Stage 7 Water Rationing.

N. ***PROHIBITION ON THE USE OF PORTABLE WATER METERS AND HYDRANT METERS*** ~~Prohibition on the Use of Portable Water Meters and Hydrant Meters~~

Water Users utilizing portable water meters or hydrant meters shall be required to cease use of water from the affected water supply system(s). Each Water User reporting as "Other" by the distribution system shall be notified by the *Water Distribution System* Operator of this requirement. Portable water meters shall be returned to the water company at least 30 days before the implementation of Stage 7 Water Rationing.

Section Twelve: **Amendment to Rule 168**

Rule 168 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 168 - WATER BANKS

- A. Water Banks shall be available to each Water User during Stages 5 through 7 Water Rationing. A Water Bank shall allow each Water User to accrue the unused portion of a monthly ration for use in the current calendar year.
- B. Water Banks shall be reset to zero on January 1 of each year. Ten (10) percent of the remaining Water Bank on December 31 shall be credited to the following year's Water Bank for three months to allow the establishment of a new bank.
- C. On April 1, each *the* Water Bank shall be reduced by the amount of banked water carried over on January 1. Water Banks may not carry less than a zero balance.

Section Thirteen: **Amendment to Rule 169**

Rule 169 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 169 - WATER RATIONING VARIANCE

- A. The General Manager shall assign additional water beyond the ration established in Stage 4 Water Rationing through Stage 7 Water Rationing in the following circumstances upon submittal of the appropriate variance request form and fees.
- B. The following variances shall be considered for additional water during Stages 4 through 7 Water Rationing.
1. Medical and/or sanitation needs certified by a doctor;
 2. Hospital and/or health care facilities that have achieved all Best Management Practices for those uses;
 3. Drinking water for large livestock;
 4. Commercial/Industrial Users that can demonstrate compliance with all BMPs appropriate for the type of use and where there is minimal exterior water use on the water meter or water supply serving the use;
 5. Leaks, when an invoice is provided by a licensed plumber or contractor;
 6. Commercial laundromats with signs advising full loads only;
 7. Business in a home on a case-by-case basis;
 8. Riparian irrigation when required as a condition of a riverbank restoration Permit issued by the District or as a condition of a riverbank erosion protection Permit issued by the District.
 9. Emergency, extreme, or unusual situations on a case-by-case basis;
- C. ***NO VARIANCE*** ~~No Variance~~

The following categories of water use shall not qualify for special consideration under the provisions of this Regulation:

1. Visitors other than those occupying Short-Term Residential Housing as defined in Rule 11 (Definitions) when the property owner has submitted a

completed survey form with the applicable information about the occupancy of the Site;

2. Irrigation, other than variances allowed by Rule 169-B-8 of this Regulation.
3. Filling spas, ponds, fountains, etc.;
4. Long-term leaks that are not repaired after reasonable notice.

D. **WAIVER OF WATER WASTE FINES BY VARIANCE APPLICATION**
~~Waiver of Excess Fees by Variance Application~~

Any qualifying Water User may seek to have all or part of the Water Waste fee *fine* for excess water use waived or forgiven through the Rationing Variance process set forth in this Rule. Any Water User may seek relief from the Water Waste fee *fine* upon substantial evidence that the excess water use was beyond the User's control, and was not reasonably correctable in a timely fashion due to special and unique circumstances. Due diligence must be shown to forgive any Water Waste caused by a leak; under no circumstance shall a leak justify the forgiveness of an excess-use fee *Water Waste fine* for more than three billing periods. The Applicant shall further demonstrate that all reasonable means have been taken to conserve water and minimize future water use.

1. The General Manager or his agent may grant any application to waive Water Waste fees *finer* upon submittal of the appropriate evidence to warrant a variance. All Applicants for variance shall submit the appropriate Variance Request Form and processing fee. Any action to waive a Water Waste fees *finer* shall be recorded in writing and include a written explanation to substantiate and justify the waiver;
2. Although inspections shall not be required in all cases, District staff shall use spot or random inspections as necessary to verify an Applicant's eligibility for a water rationing variance.
3. Each Person making written application for a variance shall be notified in writing of the disposition of their application. Decisions of the General Manager are final.

4. *Rule 169-D shall be deleted in its entirety upon the effective date of Ordinance No. 133, amending the District's Regulation XI, Enforcement.*

Section Fourteen: **Amendment to Rule 170**

Rule 170 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 170 - WATER USE SURVEY

A. ***STAGE 1 WATER CONSERVATION SURVEY*** ~~Stage 1 Water Conservation Survey~~

1. California American Water shall ~~conduct~~ ***maintain*** a confidential survey of all Water Users of the California American Water system that derive their Source of Supply from the MPWRS. ~~This survey shall be required upon the effective date of this regulation.~~ The survey shall request information to determine the number of Permanent Residents in each Dwelling Unit and the lot size of each Residential Site with permitted water service; the types of uses and amount of water use on Non-Residential Sites; and the number of Users and types of use(s) served by each water meter. Only information deemed appropriate for the effective operation of this program will be requested.

2. ~~California American Water shall conduct the survey within 45 days of the effective date of Stage 1 Water Conservation.~~ Survey forms shall be completed by the Responsible Party and returned to California American Water within 30 days of mailing. The District shall have visual access to this data during Stages 1 through 3 Water Conservation and shall be provided with a summary of the results of the survey by census tract ***annually*** ~~within 105 days of the effective date of Stage 1 Water Conservation.~~ California American Water shall maintain survey information by census tract and shall provide unrestricted access to individual water use records when the District is actively investigating a variance, appeal or other rationing ***conservation*** program action.

B. **STAGE 4 WATER RATIONING SURVEY**~~Stage 4 Water Rationing Survey~~

1. The General Manager shall conduct a survey of MPWRS Water Users not deriving their Source of Supply from California American Water prior to effective date of Stage 5 Water Rationing. The survey shall request information to determine the number of Permanent Residents in each Dwelling Unit and the lot size of each Residential Site with permitted water use; the types of uses and amount of water use on Non-Residential Sites; and the number of Users and types of use(s) served by each water meter or Connection. Only information deemed appropriate for the effective operation of this program will be requested.
2. The District shall mail the survey form to **MPWRS** Water Users not supplied water by California American Water. Survey forms shall be completed by the Responsible Party and returned to the District within 30 days of mailing. The District shall preserve the confidentiality of this survey data.

C. **ADMINISTRATION OF SURVEY DATA**~~Administration of Survey Data~~

1. California American Water Users

California American Water shall maintain survey data for all MPWRS Water Users supplied water by California American Water and shall provide the District with access to all data. California American Water shall provide the District with an annual summary of survey information, or more frequently as required by the General Manager. California American Water *and MPWMD* shall preserve the confidentiality of survey data.

2. Non-California American Water Users

During Stage 5 Water Rationing through Stage 7 Water Rationing, the District shall maintain survey data for all **MPWRS** Water Users supplied water from non-California American Water sources subject to those stages.

3. A full or partial survey may be conducted as deemed necessary by the District to maintain accurate data.
4. District staff shall maintain the confidentiality of ~~California American Water and non-California American Water Residential~~ *all* customer survey data. ~~Violations of this provision shall be enforced as a misdemeanor under District law.~~

D. **REPORTING** Reporting

1. Responsibility of Water User

- a. Each Responsible Party shall be responsible for accurately reporting the number of Permanent Residents in the Dwelling Unit(s) ~~or Units~~ or other information deemed appropriate for the effective operation of the program as requested on the survey form.
- b. Upon activation of a water meter, each Responsible Party shall complete a survey form.
 - i. California American Water Users. The completed survey form shall be submitted to California American Water by customers of that distribution system.
 - ii. Non-California American Water Users. The completed survey form shall be submitted to the District or its agent by all other distribution systems Users required to complete a survey form during Stage 5 Water Rationing through Stage 7 Water Rationing.
- c. All Responsible Parties shall submit revised survey forms whenever there is a change in the number of Permanent Residents in a Residential Dwelling Unit or whenever there is a change in a water User Category in Non-Residential uses. Revised survey forms should be submitted to the appropriate party as indicated in Rule 170-D-1-b.

- d. Property owners of Short-Term Residential Housing rentals shall provide information about the average number of annual occupants and the average rate of occupancy to the appropriate party as indicated in Rule 170-D-1-b.

5. **Intentional Misrepresentation Violation**

Any Water User intentionally over-reporting the number of Permanent Residents in a Dwelling Unit or other information pertinent to establishing a water ration during Stages ~~4~~ 5, 6 and 7 Water Rationing may be charged with a misdemeanor punishable as an infraction as provided by Section 256 of the Monterey Peninsula Water Management District Law, Statutes of 1981, Chapter 986. Violations carry a maximum penalty of up to \$250 for each offense. Each separate day or portion thereof during which any violation occurs or continues without a good-faith effort by the responsible Water User to correct the violation, may be deemed to constitute a separate offense, and upon conviction thereof, may be separately punishable.

Alternatively, the District may pursue any remedy set forth in Regulation XI, Enforcement, to address the intentional over-reporting of the number of Permanent Residents in a Dwelling Unit or other information pertinent to establishing a water ration during Stages 5, 6 and 7 Water Rationing.

3. **Additional Enforcement Penalties for Misreporting**

In addition to any charge for misrepresenting information as provided in Rule 170-D-2, any or all of the following may be further imposed by the General Manager or his agent during Stages ~~4~~ 5, 6 and 7 Water Rationing where the violation occurs and continues without a good-faith effort by the responsible Water User to correct the violation. Decisions pursuant to this rule are appealable ~~under Rule 70 (Appeals)~~ pursuant to Regulation XI.

- a. Intentional misrepresentation may be considered a violation of the Water Waste provisions and shall subject the Water User to a fee ~~for Water Waste~~ *fine*; and/or

- b. Intentional misrepresentation may cause the loss of any Water Bank accrued and shall cause the Responsible Party to be ineligible to accrue a Water Bank for a period of sixty (60) months; and/or
- c. Intentional misrepresentation may cause the assignment of a reduced water ration that may be as low as a ration for one person for a period of twelve (12) months following implementation of Stages ~~4~~ 5, 6 or 7 Water Rationing.

Alternatively, the District may pursue any remedy set forth in Regulation XI, Enforcement, to address the intentional over-reporting of the number of Permanent Residents in a Dwelling Unit or other information pertinent to establishing a water ration during Stages 5, 6 and 7 Water Rationing

6. Audit

The District may periodically audit the survey data for accuracy. Upon question, the District may request additional evidence of residency to demonstrate the number of Permanent Residents at that Site as defined in Rule 11 (Definitions).

Section Fifteen: Amendment to Rule 171

Rule 171 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 171 - WATER WASTE FEES ENFORCEMENT

- A. Each occurrence of Water Waste or Non-Essential Water Use, as those terms are defined by Rule No. 11 (Definitions), which continues after the Water User has had reasonable notice to cease and desist that type of water use shall constitute a Flagrant Violation.
- ~~B. A \$50 fee per day or portion thereof shall be assessed for each Flagrant Violation of Water Waste or Non-Essential Water Use. The fee shall accumulate daily until the occurrence is corrected.~~

- ~~C. A \$150 fee per day or portion thereof shall be imposed for each subsequent occurrence (including multiple occurrences) of Water Waste or Non Essential Water Use which occurs within 18 months of the first occurrence. The fee shall accumulate daily until the occurrence is corrected.~~
- ~~D. All fees shall be paid within 30 days.~~
- ~~E. Within the 30 day period, a Water User may seek waiver or forgiveness of all or part of the Water Waste fees on the basis of hardship. The Water User must provide the District with a written explanation as to why the fees should not be collected. Staff shall be authorized to determine whether or not fees should be waived in full or in part, with the final decision resting with the General Manager.~~
- ~~F. After 30 days, fees which have not been paid or waived may result in a lien being placed on the property served by the water account.~~
- GB.** Repeated occurrences or Water Waste or Non-Essential Water Use, which continue or occur after the Water User has had a reasonable notice to cease and desist that type of water use, or which continues or occurs after the Water User has had a reasonable opportunity to cure any defect causing that type of water use, shall provide cause for the placement of a Flow Restrictor within the water line or water meter.
- 7. *Water Waste, Non-Essential Water Use, and Flagrant Violation fine enforcement shall be governed by Regulation XI unless otherwise indicated.***
- ~~H. Decisions pursuant to this rule are appealable under Rule 70 (Appeals).~~

Section Sixteen:

Amendment to Rule 172

Rule 172 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 172 – LANDSCAPE WATER AUDITS

- A. Landscape Water Audits shall be conducted under the supervision of an individual who has been certified by the Irrigation Association to conduct audits and

establish Landscape Water Budgets. Each audit shall be signed by that Person, who shall attest that the audit was performed under his/her direction.

- B. 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, and Large Residential Water Users. Water use records shall be reviewed annually *by California American Water* to identify new Water Users required to establish a Landscape Water Budget by this *Rule*. California American Water shall provide the District with copies of all completed Landscape Water Audits and Landscape Water Budgets.
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 Irrigationed Meter; or
 - b. Is an irrigated area of greater than three acres; or
 - c. Is a Large Residential Water User.
 2. All Landscape Water Budgets must be prepared by an individual certified by the Irrigation Association.
 3. All Water Users required to complete a Landscape Water Audit and establish a Landscape Water Budget shall have the option of obtaining a Landscape Water Audit and Landscape Water Budget from a Landscape Irrigation Auditor of their choice at their own expense if the auditor is certified by the Irrigation Association.
 4. Landscape Water Audits not conducted by the District and/or California American Water shall be reported on a Landscape Water Budget Application. Landscape Water Budget Applications shall be submitted to California American Water. California American Water shall forward a copy to the District within ten (10) days. Landscape Water Audits not performed by the District or California American Water are subject to review and acceptance by the District. Landscape Water Audits and Landscape Water Budgets rejected by the District may be appealed to the Board of Directors pursuant to Rule 70 (Appeals).

5. ~~Landscape Irrigation Auditors shall arrange On-Site visits to compile water records to review historic use, measure irrigated Sites, identify plant materials by general groups, determine irrigation water requirements, and estimate potential dollar and water savings. Landscape Irrigation Auditors shall also develop system testing strategies, check pressure and flow rates, and conduct water application distribution tests. Data shall be collected to determine irrigation uniformity and efficiency. Soil samples shall be examined to determine soil types and root zone depths. Landscape Irrigation Auditors shall observe system operations, locate irrigation zones, prepare Site audit maps and visually identify broken or misaligned equipment. All data from field tests shall be summarized and this information used to generate monthly irrigation base schedules. A copy of the Landscape Water Budget Application shall be provided to the Water User. One copy of the Landscape Water Budget Application shall be submitted to California American Water. California American Water shall forward a copy to the District within ten (10) days.~~

5. **Audit**

a. An On-Site Landscape Irrigation Audit shall be completed or overseen by a Certified Landscape Irrigation Auditor (CLIA) and shall include evaluation and documentation of the following:

- (1) *Visual and physical evaluation of Irrigation System.*
- (2) *Description of the type(s) of Irrigation System contained on the property.*
- (3) *Location of problems with Irrigation System which may be contributing to excessive water use.*
- (4) *Condition and performance of the following:*

Points of connection

Backflow devices(s)

Valves

Piping (to include mains and laterals)

Control system

Sprinklers/emitters

System coverage

- (5) *Landscaped areas irrigated by each valve/zone/running station.*
- (6) *Plant materials, plant hydrozone compatibility, soil type, Irrigation System operating pressure, irrigation water requirements, and efficiency for each zone*
- (7) *Site map, photographs and or a detailed zone description summary including: Zone location, zone efficiency, sprinkler type and zone comments.*

b. Upon completion of an On-Site audit, the Irrigation System data shall be analyzed and compiled into a usable, written report that shall include at least the following:

- (1) *Calculation and determination of Site Landscape Water Budget using the Irrigation Association Water Requirement (WR) calculation, as follows:*

$$WR = \frac{ET_o \times KL \times A}{DU \times E_{wm} \times C_u}$$

Where:

<i>WR</i>	<i>=</i>	<i>Water Requirement¹</i>
<i>ET_o</i>	<i>=</i>	<i>Reference Evapotranspiration (inches per year)²</i>
<i>KL</i>	<i>=</i>	<i>Landscape Coefficient</i>
<i>A</i>	<i>=</i>	<i>Area (square feet)</i>

¹ Water Requirement calculations, for the purpose of establishing the Landscape Water Budget, shall not include a variable for Effective Rainfall. Property owners/irrigators will need to adjust their actual watering schedules based on actual rainfall, as this will help them stay within their Landscape Water Budgets. One of the top recommendations given to all audited properties must be the installation of a Rain Shut-Off Switch.

Cu = *Conversion Factor (convert to CCF = 1,200)*
Ewm = *Management Efficiency³*
DU = *Distribution Uniformity*

- (2) *The budget shall include calculations for each of the following hydrozones assuming they are present in the landscape.*
- *Cool season turf (.8)*
 - *Warm season turf (.6)*
 - *All other vegetation (.5)*
- (3) *Monthly irrigation schedule.*
- (4) *Condition and functionality of existing Irrigation System.*
- (5) *Recommendations for improvements to Landscape material and Irrigation System (to include "Smart" irrigation technology and information about Rebates available).*
- (6) *Estimate of water and money savings potential, including cost estimates for recommended improvements.*
- (7) *Site map and or a detailed zone description summary which identifies relevant Irrigation System details, including valves/zones, and sprinkler/emitter types for each zone.*

² Historic ETo data for specific properties shall be provided to consultant(s), by MPWMD, as requested.

³ Due to the unique and critical water supply situation in the Monterey Peninsula Water Resource System, a higher standard of Management Efficiency (Ewm) will be required, especially for properties identified as needing Landscape Water Audits and Budgets. Therefore, Ewm shall not be less than 0.90 for the purpose of establishing a Landscape Water Budget.

The following minimum criteria will be used to establish the hydrozone distribution uniformity:

<i>Type of Zone</i>	<i>Minimum Distribution Uniformity (DU)</i>
<i>Fixed Spray</i>	<i>50%</i>
<i>Rotor</i>	<i>60%</i>
<i>Stream Rotor</i>	<i>60%</i>
<i>Impact</i>	<i>60%</i>
<i>Micro Spray</i>	<i>80%</i>
<i>Drip - Standard</i>	<i>80%</i>
<i>Drip - Pressure Compensating</i>	<i>80%</i>
<i>Bubbler - Standard</i>	<i>80%</i>
<i>Bubbler - Pressure Compensating</i>	<i>80%</i>

The following Landscape Coefficients (species factors) shall be used:

<i>Type of Vegetation</i>	<i>Coefficient</i>
<i>Cool Season Turf</i>	<i>0.80</i>
<i>Warm Season Turf</i>	<i>0.60</i>
<i>All Other Landscape Vegetation</i>	<i>0.50</i>

6. California American Water shall provide ~~quarterly~~ compliance *monthly* status notices to each Water User required to follow a mandatory Landscape Water Budget.

C. ***MODIFICATIONS TO AUDITED LANDSCAPES*** ~~Modifications To Audited Landscapes~~

Following significant modification to an existing audited landscape, a new Landscape Water Audit shall be conducted to establish an appropriate Landscape Water Budget. It shall be the responsibility of the property owner to ensure that a Landscape Water Audit is conducted within 60 days of any such change and to submit a new Landscape Water Budget Application to California American Water.

D. ***REPORTING AND ANALYSIS*** ~~Reporting and Analysis.~~

California American Water shall preserve water use records and budgets for Water Users subject to this *Rule* provision of law for such time as the Expanded Water Conservation and Standby Rationing Plan remains effective. Updated Landscape Water Budgets shall supersede previous data. *Monthly during Stages 2 and above, California American Water shall notify the District of Users who have exceeded their Landscape Water Budget.* Quarterly, a report shall be compiled by California American Water and provided to the District showing the account information and comparing the Landscape Water Budget with actual consumption. ~~During Stages 2 and 3, California American Water shall provide the District with monthly consumption reports for all customers with Landscape Water Budgets.~~

E. ***LANDSCAPE IRRIGATION RESTRICTIONS IN THE CALIFORNIA AMERICAN WATER SYSTEM THAT DERIVES ITS SOURCE OF SUPPLY FROM THE MPWRS.*** ~~Landscape Irrigation Restrictions in the California American Water system that derives its Source of Supply from the MPWRS.~~

Unless watering is by drip irrigation, through a hand-held hose with a Positive Action Shut-Off Nozzle, or performed by a professional gardener or landscaper, the following 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 on the South or West 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 on the North or East side of the street in cities where no street address is available.

Section Seventeen: **Amendment to Rule 173**

Rule 173 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 173 - REGULATION OF MOBILE WATER DISTRIBUTION SYSTEMS

- A. No Person, Extractor, Owner or Operator shall operate a Mobile Water Distribution System without first securing a written Permit from the District. In accordance with Monterey County Code (e.g., Title 15.20), no applications will be accepted or permitted for bulk hauled water for permanent Potable use. Applications for establishment of a Mobile Water Distribution System shall be made pursuant to Rule 22 (Action On Application For Permit To Create/Establish A Water Distribution System) and shall be investigated, considered, determined, and acted upon on the same terms and conditions as provided for the approval, conditional approval or denial of a creation establishment Permit as stated in that rule. The application shall identify each Source of Supply and the location of each use. For any Sub-potable Mobile Water Distribution System within the California American Water Company Service Area, a condition of approval shall require that California American Water be notified so that a back-flow protection device can be installed pursuant to Monterey County Code.
- B. In the event prior authorization is not obtained by reason of an emergency or health related situation, authorization for the Mobile Water Distribution System Permit shall be sought from the District by submittal of a complete application compliant with Rule 21, within five working days following commencement of the emergency or health related event.
- C. Delivery and/or receipt of water from an unpermitted Mobile Water Distribution System shall be deemed Water Waste, and shall be subject to fine, restriction, and cease and desist order as set forth in Rule 171 *and Regulation XI*.

Section Eighteen: **Amendment to Rule 174**

Rule 174 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 174 - REGULATION OF WELL OWNERS OR OPERATORS AND EXTRACTORS

A. —During a Water Supply Emergency, each Owner or Operator or Extractor of a private water Well, *Water Distribution System*, or other Water-Gathering Facility shall comply with the provisions of this ~~R~~regulation, as they relate to such Well, *Water Distribution System or other Water-Gathering Facility unless specifically exempt by action of the Board of Directors.*

Section Nineteen: **Amendment to Rule 175**

Rule 175 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 175 - WATER RATIONING ENFORCEMENT

A. ***ENFORCEMENT DURING STAGES 5 THROUGH 7 WATER RATIONING***
~~Enforcement During Stages 4 through 7 Water Rationing~~

For this Rule, the administrative fines for Stages 5 through 7 water rationing set forth in the tables below and referenced in this Rule shall control and be amended from time to time by Resolution duly adopted by the MPWMD Board of Directors.

Violation levels shall be based upon violation history for the preceding 12 months and the rationing condition stage.

STAGE 5

Meter Size	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
1" and Less	Courtesy Notice	\$20	\$40	\$40
>1" to 2"	Courtesy Notice	\$40	\$80	\$80
> 2"	Courtesy Notice	\$80	\$160	\$160

STAGE 6

Meter Size	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
1" and Less	Courtesy Notice	\$25	\$50	\$50
>1" to 2"	Courtesy Notice	\$50	\$100	\$100
> 2"	Courtesy Notice	\$100	\$200	\$200

STAGE 7

Meter Size	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
1" and Less	Courtesy Notice	\$50	\$100	\$100
>1" to 2"	Courtesy Notice	\$100	\$200	\$200
> 2"	Courtesy Notice	\$200	\$400	\$400

1. Courtesy Notice

For the first instance of excess water use beyond the ration in Stages 4 5 through 7 Water Rationing, a Water User shall be given written notice by the water system Operator of the excess use and shall be notified that such violation constitutes Water Waste and a Water Waste fee *fine* of \$50 per day shall be collected in the event the Water User again exceeds that User's water ration during any future billing cycle under Stages 4 5 through 7 Water Rationing. If the Water User complies with all water rationing and Water Waste and Non-Essential Water Use requirements during the next month following the first instance of excess use, the excess use fee *fine* shall be deferred.

If the Water User again exceeds that User's water ration during any following month, the Water Waste fee *fine* of \$50 per day shall be imposed immediately and shall accumulate daily until the occurrence is corrected.

2. Second Offense

Upon the second occurrence of excess water use (including any prior excess water use during any prior stage) *within a 12-month period*, a Water User shall be charged with Water Waste and assessed a fee *fine* of \$150 per day for the second offense, plus the previously deferred *fine* \$50 first offense fee, by the District or its agent. The \$150 fee shall accumulate daily until the occurrence is corrected. *For example, if a 1" or less meter had a second offense within a 12-month period during Stage 5, a fine of \$20 plus the previously deferred fine of the same amount would be assessed. If the second offense occurred in Stage 6 and the first offense in Stage 5, the 2nd offense fine would be \$25 and the previously deferred fine would be \$20.*

3. Third Offense

A third occurrence of excess water use (including any prior excess water use during any prior stage) *within a 12-month period* shall result in *finest listed for a third offense* an excess water use charge equivalent to the California American Water per unit water charge at the Water User's level

of use multiplied by the number of units over a water ration, plus \$150 per day as provided in Rule 171 (Water Waste Fees). A third occurrence of excess water use shall provide cause for the installation of a Flow Restrictor in the water meter or water supply providing water to the property where the over-use occurred. Restrictors shall remain in place until conditions are reduced to Stage 2 Water Conservation or a less restrictive stage. All costs for the installation and removal of a Flow Restrictor shall be charged to the property owner of the Site subjected to this action.

4. Fourth Offense

A fourth occurrence of water use in excess of the water ration shall result in fees *finer* and charges listed for a third offense and shall result in the installation of a Flow Restrictor by the system Operator in the water meter or water supply providing water to the property where the over-use occurred. Restrictors shall remain in place until conditions are reduced to Stage 3 Water conservation or to a less restrictive stage. All costs for the installation and removal of a Flow Restrictor shall be charged to the property owner of the Site subjected to this action.

B. ***FLOW RESTRICTOR EXEMPTION*** ~~Flow Restrictor Exemption~~

Exemptions to the installation of a Flow Restrictor as a means to enforce the water ration shall occur when there are provable risks to the health, safety and/or welfare of the Water User. An exemption shall be made for water meters serving three or more Multi-Family Dwelling units by substituting an excess water use charge *equivalent to the appropriate meter size, rationing stage, and 4th offense amount* of \$150 times the number of Dwelling Units located on the meter during each month in which a violation of the water ration occurs. The Responsible Party shall be liable for payment of all excess water use charges.

C. All notices and assessments of Water Waste and/or excess water use charges made by a Water Distribution System Operator shall be reported to the District.

Section Twenty: **Publication and Application**

The provisions of this ordinance shall cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

Section Twenty-One: **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. on the 30th day after it has been enacted on second reading.

This Ordinance shall not have a sunset date.

Section Twenty-Two: **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 ordinance is adopted upon this _____ day of _____, 2008, by the following vote:

AYES:

NAYS:

ABSENT:

I, _____, 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 _____ 2008.

Witness my hand and seal of the Board of Directors this _____ day of _____ 2008.

Darby Fuerst, Secretary to the Board

6.