

Submitted by staff  
at committee meeting.

**WATER DEMAND COMMITTEE**

**ITEM: ACTION ITEM**

**1. RECEIVE MINUTES OF JULY 23 AND AUGUST 13, 2012 COMMITTEE MEETINGS**

**Meeting Date:** September 25, 2012

**From:** David J. Stoldt,  
General Manager

**Prepared By:** Arlene Tavani

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**SUMMARY:** Attached as Exhibits 1-A and 1-B, respectively, are draft minutes of the July 23 and August 13, 2012 Water Demand Committee meetings.

**RECOMMENDATION:** The Committee should receive the minutes by motion.

**EXHIBITS**

**1-A** Draft Minutes of the July 23, 2012 Water Demand Committee Meeting

**1-B** Draft Minutes of the August 13, 2012 Water Demand Committee Meeting



**EXHIBIT 1-A**

**DRAFT MINUTES  
Water Demand Committee of the  
Monterey Peninsula Water Management District  
July 23, 2012**

**Call to Order**

The meeting was called to order at 9:00 am in the conference room of the Monterey Peninsula Water Management District office.

Committee members present: Kristi Markey, Chair  
Jeanne Byrne  
Brenda Lewis

Committee members absent: None

Staff members present: David Stoldt, General Manager  
Stephanie Pintar, Water Demand Division Manager  
Rachel Martinez, Community Relations Liaison

**Comments from Public**

No comments.

**Action Items**

1. **Develop Recommendation to the Board Regarding First Reading of Ordinance No. 151 Amending Definitions, the Residential Fixture Unit Count, High Efficiency Appliance Credits, and the Variance Process, Water Efficiency Standards, and the Landscape Water Audits Rule**  
The committee reviewed the draft ordinance, discussed it with staff and requested that the ordinance be modified for first reading. The committee recommended adoption of the amended first reading version of the ordinance.
2. **Consider Development of Recommendation to the Board Regarding First Reading of Draft Ordinance No. XXX – Suspending the Expiration of Water Use Credits During a Moratorium**  
The committee reviewed the draft ordinance, discussed it with staff and recommended that the Board adopt the first reading version of the ordinance. In addition, the committee requested that at the next meeting, information be brought forward regarding processes related to water credits.

**Discussion Items**

- 3 Review List of Efficiency Requirements and Best Management Practices for Residential and Non-Residential Users**  
Item deferred to next committee meeting.
- 4. Discuss Suggestion to Discontinue or Modify Collection of Inspection Fees**  
Item deferred to next committee meeting.
- 5. Discuss Concepts re School Permitting**  
Item deferred to next committee meeting.

**Set Next Meeting Date**

The committee agreed to meet on Monday, August 10, 2012 at 1 pm.

**Other Items**

No discussion.

**Adjournment**

The meeting was adjourned at approximately 9:30 am.

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**EXHIBIT 1-B**

**DRAFT MINUTES  
Water Demand Committee of the  
Monterey Peninsula Water Management District  
August 13, 2012**

**Call to Order**

The meeting was called to order at 1:10 pm in the conference room of the Monterey Peninsula Water Management District office.

Committee members present: Kristi Markey, Chair (arrived at 1:25 pm)  
Jeanne Byrne  
Brenda Lewis

Committee members absent: None

Staff members present: Stephanie Pintar, Water Demand Division Manager  
Arlene Tavani, Executive Assistant

**Comments from Public**

No comments.

**Action Items**

1. **Adopt Minutes of June 20, 2012 Committee Meeting**  
On a motion by Director Lewis and second of Director Byrne, the minutes were adopted unanimously on a vote of 2 – 0. Director Markey was absent for the vote.
2. **Extension of Water Use Credits for Redevelopment Agency Projects**  
Director Lewis offered a motion that was seconded by Director Byrne, that an ordinance be developed that would establish a 60-month extension of water credits for projects that had previously been identified as redevelopment agency projects. The motion was adopted unanimously on a vote of 2 – 0. Director Markey was absent. Staff will determine the amount of water credits that have accumulated for redevelopment agency projects, and decide if a negative declaration could be filed.

During the public comment period on this item, Kevin Stone, Monterey County Association of Realtors (MCAR), expressed agreement with the proposed 60-month extension period.

**Director Markey joined the meeting at 1:25 pm during discussion of item 3.**

**3. Review List of Efficiency Requirements and Best Management Practices for Residential and Non- Residential Users**

The committee received the report. No action was taken. Staff will present a resolution for Board consideration that would establish the Best Management Practices in District law. It was understood that in January 2013, the Board is scheduled to review the District's Standby Water Conservation and Rationing Plan, which would utilize the BMP's in Stage 5, and determine if the Plan should be revised.

**Discussion Items**

**4. Discuss Suggestion to Discontinue or Modify Collection of Inspection Fees**

There was a suggestion that when a re-inspection is required for a property, there should be no charge. However, a fee would be charged if the customer does not appear for any pre-scheduled inspection, or if a third or subsequent inspections are needed. District staff will analyze the budgetary impacts of the suggested change, and present the findings to the Board of Directors for consideration in September, when the Board will consider revisions to the District's fee schedule.

The following comments were received during the public comment period on this item.

(1) **Maureen Mason**, MCAR, expressed support for the fee modification proposal. She noted that oftentimes a re-inspection is required because a plumber installs the wrong equipment, which is not the fault of the property owner or the realtor. In many instances the realtor will pay the re-inspection fee. (2) **Kevin Stone**, MCAR, stated that education is critical. He asked if compliance increased when MCAR broadcast to its members information on MPWMD rule changes. Pinter responded that MCAR's efforts to educate members about new rules related to installation of showerheads were effective.

**5. Discuss Concepts re School Permitting**

Pinter explained that some local public schools have upgraded facilities without benefit of a water permit, which is allowable under state law. She has discussed with school officials strategies to offset the water use associated with facilities improvements. The committee discussed the possibility of: (a) allowing schools within the same school district to transfer water credits within their district; and (b) offer water credit to schools that have or will take advantage of the rebate for turf removal. School sites should also implement Best Management Practices. The committee requested that staff develop options that would assist school districts to resolve this issue, and then bring the information back for further discussion.

**6. Discuss Water Credit Process**

Pinter explained that when the status of a water-saving device changes from a voluntary to a required measure, water credit is no longer available for retrofit with the required device. It was suggested during the discussion, that a rule change be made so that when installation of a device becomes a requirement, documented water credits already on file for that device could be maintained for five-years. There was no consensus among the committee members that further action should be taken on this suggested rule change. The issue could be brought to the Board at the request of a director.

During the public comment period on this item, Maureen Mason, MCAR, noted the importance of educating the public in advance of any change to rules regarding water

credits, because projects are under development with the expectation that water credit will be available for installation of specific fixtures.

**Set Next Meeting Date**

The committee agreed to meet on Thursday, October 11, 2012 at 1 pm.

**Other Items**

No discussion.

**Adjournment**

The meeting was adjourned at 2:55 pm.

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Submitted by staff  
at committee meeting  
Item 2

## Stephanie Pintar

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**From:** Rachel Martinez  
**Sent:** Friday, September 21, 2012 1:07 PM  
**To:** Stephanie Pintar; Dave Stoldt  
**Subject:** Cal Am Bill Complaints

Dave and Steph,

Please see the email below from the PUC Public Advisors Office regarding water bill complaints. It appears that MPWMD has limited ways to get involved in the issue. Bottom line is that customers need to follow the complaint/dispute process already in place. I did send the weblink for the Herald's page of coverage on the issue to Judy from the PAO as she wanted to know a little bit more about what was happening.

Hope this helps with the meeting next week. Good luck.

-Rachel

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**From:** Cooper, Judy [<mailto:judy.cooper@cpuc.ca.gov>]  
**Sent:** Thursday, August 30, 2012 12:58 PM  
**To:** Rachel Martinez  
**Subject:** RE: Inquiry on local agency options for filing a complaint

Dear Ms. Martinez: Thank you for your email. If customers have not had any success with their disputed bills after contacting CAW, they should contact the CPUC immediately. We have an online complaint form for all customers to use for informal complaints. Once the form is filed, it is automatically docketed and your complaint is reviewed. I would first advise customers to identify what their problems are. If CAW has not responded or addressed the matter, the customers need to contact CPUC. DRA also reviews service quality issues and this will be addressed in the current rate case proceedings.

When the Consumer Affairs Branch (CAB) has completed their review of the customer complaint, the customer receives a letter from CAB. If the customer is not satisfied with the overall response from the CPUC, the customer can file a formal complaint with the CPUC. This complaint form is available on line at the same site that an informal complaint is filed. Make sure all compelling reasons for the complaint are filed, and the customer should identify all issues and if there are any violations to the tariffs in the rates, rules and conditions of service, those should also be identified. Also identify the experience with the utility. After this is filed with the CPUC's Docket Office, the formal complaint is reviewed by an assigned Administrative Law Judge who will determine if the complaint deems necessary for acceptance and will also later determine if a hearing is necessary. This can be addressed separately from the current general rate case proceeding.

I really do think that each customer should file an informal complaint first. I intend to advise DRA of your email. Let me know if you should have any additional questions.

Judy Cooper  
Assistant Public Advisor

**From:** Rachel Martinez [<mailto:rachel@mpwmd.net>]  
**Sent:** Thursday, August 30, 2012 12:35 PM  
**To:** Public.advisor  
**Subject:** Inquiry on local agency options for filing a complaint

Good afternoon,

This email is a follow-up to a phone conversation with LaToya.

I work for the Monterey Peninsula Water Management District (MPWMD). The water purveyor in this area is California American Water (CAW). Over the last year, and more so recently, there have been a number of CAW customers who have come forward with complaints about unexplained high water bills that would return to normal the following month. A number of these customers have tried to file appeals with CAW, but are unsuccessful or are still left paying a high adjusted rate. I've been asked by a few members of our Board of Directors to see what options, if any, MPWMD has in filing a complaint with the PUC on behalf of the consumers. I've reviewed the informal and formal complaint procedures – they appear to be for specific customer appeals. What options does the MPWMD have for filing a complaint – would we have to file a consolidated complaint on behalf of specific customers, or could we file a general complaint requesting some type of investigation into these kinds of cases. Would this even be the best avenue to approach the issue? Would the current rate-setting case be the more appropriate avenue?

I believe the Division of Ratepayer Advocates has already been contacted by a CAW customer and may be looking into the issue. I'm just looking for information on what our options are in getting involved so that I can report back to my board members. Any information or guidance is appreciated.

Thank you.

Respectfully,  
Rachel M. Martinez  
Community Relations Liaison  
Monterey Peninsula Water Management District  
Office: 831-658-5653  
Cell: 831-917-0282  
[Rachel@mpwmd.net](mailto:Rachel@mpwmd.net)





DRAFT FIRST READING

Submitted by staff  
at committee meeting.  
Item 3  
SEP 25 2012  
MPWMD

**ORDINANCE NO. 151**

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

**FINDINGS**

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

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

12. This ordinance adds definitions for Alternative Water Sources and Open Space to Rule 11.
13. This ordinance amends Rule 24, Table 1, Residential Fixture Unit Count, to delete the fixture unit value for Ultra-Low Flush Toilets.
14. This ordinance amends Rule 24, Table 1, Residential Fixture Unit Value, to add a fixture unit value for Ultra High Efficiency Toilets.
15. This ordinance deletes reference to one gallon per flush Urinals in Rule 24, Table 1, Residential Fixture Unit Value. This action is consistent with existing language and amendments to Rule 142, Non-Residential Water Efficiency Standards.
16. This ordinance amends Rule 24-B-1-c to correct an oversight during the adoption of Ordinance No. 144. The edit makes the calculation of outdoor water use for Non-Residential New Construction consistent with the Residential calculation.
17. This ordinance amends Rule 25.5, Table 4, High Efficiency Appliance Credits, sunsets a credit for High Efficiency Toilets after of January 1, 2014, and adds a credit for Ultra High Efficiency Toilets.
18. This ordinance amends Rule 25.5, Table 4, High Efficiency Appliance Credits, to clarify that Instant-Access Hot Water System credit is available for each Dwelling Unit on a Multi-Family Residential Site.
19. This ordinance clarifies that when an Instant-Access Hot Water System is required on Single Family Residential Site, Instant-Access Hot Water Systems shall be provided in every auxiliary structure that has hot water plumbing.
20. This ordinance replaces the term "washing machine" in Rule 25.5, Table 4, High Efficiency Appliance Credits with "Clothes Washer," consistent with terminology used throughout the rules.
21. This ordinance amends Rule 90 to clarify that a variance to Regulation II, Permits, must be requested no later than 90 days after an appealable decision. This responds to Board direction from August 15, 2011, regarding a request for variance from District Rule 23, 17 years after a Water Permit was issued.
22. This ordinance deletes obsolete language in the last sentence of the first paragraph of Rule 90.

23. This ordinance modifies the Monterey Peninsula Water Management District's toilet standard for Residential and Non-Residential New Construction, Changes of Ownership, Changes of Use, and Expansions of Use is changed from Ultra Low Flush (ULF) to High Efficiency Toilets (HET) or Ultra High Efficiency Toilets (UHET). The average water savings for HET is estimated by the California Urban Water Conservation Council to be 38 gallons per day (gpd) when replacing a non-ULF Toilet (i.e. 3.5 gallons per flush or higher) and 7 gpd when replacing an ULF.
24. This ordinance amends Rule 142 to clarify Showerheads must be designed and manufactured to meet the District's flow requirement of 2.0 gallons per minute. This is to avoid situations where the Showerhead is modified to meet the requirement but can then be increased to a higher flow rate.
25. This ordinance deletes a requirement for three minute timers when there are multiple Showerheads.
26. This ordinance adds a requirement for High Efficiency Clothes Washers and High Efficiency Dishwashers in Residential New Construction of New Structures.
27. This ordinance specifies 2.2 gallons per minute as the flow rate for Residential Utility Sinks and Bar Sinks.
28. This ordinance encourages the use of Alternative Water Sources for Non-Residential toilet flushing and other uses allowed by a Jurisdiction.
29. This ordinance amends the flow rate for private Non-Residential Lavatory Sinks (e.g., hotel or motel guest rooms and hospital patient rooms) consistent with best management practices adopted by the U.S. EPA's WaterSense program, of which MPWMD is a promotional partner.
30. This ordinance amends the Monterey Peninsula Water Management District's Urinal requirement for Residential and Non-Residential New Construction, Changes of Ownership, Changes of Use, Expansions of Use and Existing Non-Residential Uses to require High Efficiency Urinals (or ones that use less water).
31. This ordinance amends Rule 143-A, Water Efficiency Standards for Existing Non-Residential Uses, to make Showerhead and faucet flow rates consistent with New Construction, Change of Ownership, Change of Use, and Expansion of Use requirements.
32. This ordinance specifies that replacement of existing toilets and Urinals installed in the MPWMD must be with HET or more efficient models. The State requires that HET

toilets and Urinals exclusively be offered for sale or installed in California as of January 1, 2014. However, by 2013, 85 percent of toilets and Urinals for sale in California must be HET. MPWMD has circumstances that warrant implementation of these requirements ahead of the State's schedule.

33. This ordinance extends the implementation date for retrofit requirements for Existing Non-Residential Uses scheduled from December 31, 2012, to December 31, 2013. This extension of time is due to a delay in approval of the Rebate Program funding by the California Public Utilities Commission (CPUC).
34. This ordinance deletes an obsolete date from Rule 161.
35. This ordinance adds irrigated public open space to the list of California American Water customers that are required to have a Landscape Water Audit and Landscape Water Budget and to comply with those budgets during Stages 2-4 of the Expanded Water Conservation and Standby Rationing Plan.
36. This ordinance makes two minor edits (i.e., California American Water's billing increment and unnecessary language) to Rule 172-B.
37. This ordinance amends Rule 172 to clarify that Landscape Water Budgets required for new Dedicated Irrigation Meters are based on the Estimated Applied Water Use as determined by the project's Landscape and Irrigation System plans.
38. This ordinance amends Rule 172-E, Landscape Irrigation Restrictions, to clarify the location of a property in the City of Carmel-by-the-Sea.
39. This ordinance was reviewed by the Water Demand Committee (March 31, 2012, July 23, 2012, and September 25, 2012), the Policy Advisory Committee (April 3, 2012) and Technical Advisory Committee (April 3, 2012), the Public Utilities Commission Division of Ratepayer Advocates, and California American Water.
40. This ordinance is processed under a California Environmental Quality Act (CEQA) Negative Declaration. An Initial Study and Notice of Intent to Adopt a Negative Declaration was prepared, circulated and filed with the Monterey County Clerk on April 12, 2012. A Negative Declaration was adopted by the Board upon second reading prior to adoption.

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

# ORDINANCE

## Section One:      Short Title

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

## Section Two:      Statement of Purpose

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

## Section Three:      Definitions

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

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

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

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

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

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



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

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

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

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

**Section Six:**      **Amendment of Rule 25.5, Table 4: High Efficiency Appliance Credits**

Rule 25.5, Table 4, High Efficiency Appliance Credits, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~). Amendments to the description of Instant-Access Hot Water System and High Efficiency Clothes Washer shall be made upon the effective date of this ordinance. Amendments to High Efficiency Toilets and Ultra High Efficiency Toilets shall take effect January 1, 2013.

**TABLE 4: HIGH EFFICIENCY APPLIANCE CREDITS**

Appliance	Description	Water Use Credit in Acre-Feet
High Efficiency Toilets <i>(available until 1/1/2014)</i>	A toilet designed to have an average maximum flush of 1.3 gallons.	0.004 AFA
<b><i>Ultra High Efficiency Toilet</i></b>	<b><i>A toilet designed and manufactured to flush with a maximum of 0.8 gallon of water and that is labeled by the U.S. Environmental Protection Agency's WaterSense program.</i></b>	<b><i>0.005 AFA</i></b>
Instant-Access Hot Water System	A recirculating hot water system or other device(s) that results in hot water contact at every point of access throughout the structure <b><i>Dwelling Unit</i></b> within ten (10) seconds. <b><i>Instant-Access Hot Water Systems shall be installed in each auxiliary building plumbed with hot water on a Single Family Residential Site.</i></b>	0.005 AFA
High Efficiency Dishwasher	A dishwasher designed to use a maximum of 5.8 gallons per cycle. A High Efficiency Dishwasher shall have Energy Star certification.	0.005 AFA
High Efficiency Clothes Washer	A <del>washing machine</del> <b><i>Clothes Washer</i></b> with a Water Factor of 5.0 or less.	0.010 AFA

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

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

- A. Variance requests from Regulation II, Permits, shall be submitted no later than 90 days after an appealable decision.***
- B. The Board may, after holding a public hearing, in specific cases, grant a variance from any provision of the standards incorporated into these Rules and Regulations whenever it finds: (a) that Special Circumstances exist in a particular case, and (b) that practical difficulties or Undue Hardship would result from the strict interpretation and enforcement of any such standard, and (c) that the granting of such a variance would not tend to defeat the purposes of these Rules and Regulations. The Board may place conditions upon such variances. ~~Each application for variance concerning~~***



~~Regulation X, Rules 100-104, and concerning Rule 171 shall be processed pursuant to the provisions of Rule 92.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Public lavatory faucets shall emit a maximum of 0.5 gallon of water per minute at 60 psi. *Private Lavatory Sinks (e.g., hotel or motel guest rooms and hospital patient rooms) shall emit a maximum of 1.5 gallons of water per minute at 60 psi. All other sinks shall emit a maximum of 2.2 gallons of water per minute at 60 psi unless higher flow is required by Health and Safety Code;*~~

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

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

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

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

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

1. ***Showerheads, Rain Bars, or Body Spray Nozzles shall be designed and manufactured to emit a maximum of 2.0 gallons per minute of water;***
2. ***Public Washbasins shall emit a maximum of 0.5 gallon of water per minute;***
3. ***Public Washbasins equipped with automatic shut off devices or sensor faucets shall operate with a maximum flow of 0.25 gallons per cycle;***
4. ***Private Washbasins (e.g., Washbasins in hotel or motel guest rooms and hospital patient rooms) shall emit a maximum of 1.5 gallons of water per minute;***
5. ***All other sinks shall be restricted to flow at a maximum of 2.2 gallons per minute;***

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

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

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

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

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

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

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

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

All ***Clothes Washers installed in*** Non-Residential ~~Clothes Washers~~ ***uses within the District*** shall meet the definition of High Efficiency Clothes Washer rated with a Water Factor of 5.0 or below by December 31, ~~2013~~2012. There shall be an exception to this Rule when the existing appliance was purchased between January 1, 2006, and January 1, ~~2010~~ ***December 31, 2012***, and rates a Water Factor of 5.1-6.0: These appliances must comply with this provision by January 1, 2020.

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

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

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

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

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

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

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

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

California American Water shall review its Residential customer consumption records at the completion of every Water Year to identify all Residential Users that consumed an average of 320 units per month (***24,000 gallons***) during the prior Water Year. ~~Using this information,~~ California American Water shall identify the Users that require a Landscape Water Audit and Landscape Water Budget and that do not have a Water Budget on file at MPWMD and California American Water. Newly identified Users shall be notified by California American Water that they are required to obtain a Landscape Water Audit and Landscape Water Budget. Once notified of the requirement to obtain a Landscape

Water Audit and Landscape Water Budget, a User must arrange to complete the audit process within sixty (60) days. Existing customers subject to this Rule shall be given annual notice by California American Water to report any changes to the Landscaping or Irrigation Systems. Significant changes shall necessitate a follow-up audit.

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

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

#### LANDSCAPE IRRIGATION RESTRICTIONS

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

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

#### Section Twelve:      Publication and Application

The provisions of this ordinance shall cause the amendment and republication of Rules 11, 24,



25.5, 90, 142, 143, 161 and 172 of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

**Section Thirteen:**      **Effective Date and Sunset**

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

This Ordinance shall not have a sunset date.

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

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

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

AYES:

NAYS:

ABSENT:

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

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

\_\_\_\_\_  
David J. Stoldt, Secretary to the Board

*Submitted by staff at  
committee meeting  
item 4*

**RULE 25.5 - WATER USE CREDITS AND ON-SITE WATER CREDITS**

- A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may receive a Water Use Credit for the permanent abandonment of some or all of the prior water use on that Site by one of the methods set forth in this Rule. Water Use Credits shall be documented by written correspondence between the District and the property owner, and shall remain valid unless prohibited by this Rule. Water Use Credits shall not be documented by notice on a property title, except as specified in Rule 25.5-G. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site.
- B. Water savings resulting from mandatory District programs, including water savings resulting from the installation of Low Water Use Plumbing Fixtures Mandated by the District, shall not result in a Water Use Credit. Such savings shall be set aside as permanent water conservation savings essential to the District's 15 percent conservation goal approved by the Board in March 1984.
- C. A Water Use Credit may be applied to and shall allow future water use on that Site at any time within a period of 60 months. After the 60th month, the General Manager shall allow renewal of this Water Use Credit only upon verification that some or all water savings represented by that credit are current (i.e. no Water Permit or other use or transfer of the Water Use Credit has occurred). If all savings are not current, a pro-rata reduction shall occur. A single renewal period of 60 months shall be allowed; thereafter any remaining unused Water Use Credit shall expire.
- D. A Water Use Credit on a Redevelopment Project site may, in addition to the time limits and in the manner set forth above, have its expiration date extended for two (2) additional periods of sixty (60) months each, to afford any such Redevelopment Project a maximum period of two hundred forty (240) months to use that credit.
- E. The following types of Permanent Abandonment of Capacity shall qualify for a Water Use Credit under this Rule:
  - 1. Demolition of a building or use that has been recognized by the District as being a lawful water use;
  - 2. Permanent disconnection of a lawful water use from a Water Distribution System;
  - 3. Residential removal of water fixtures;
  - 4. Permanent installation of non-Mandated water fixtures or appliances.
- F. To determine a Water Use Credit, the General Manager shall:



*Submitted by staff  
at committee meeting.  
Item 4*

**PRELIMINARY DRAFT**

**September 25, 2012**

**ORDINANCE NO. 155**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
MODIFYING THE DEFINITION OF REDEVELOPMENT PROJECT**

**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. District Regulations, set forth at Rule 25.5, allow Water Use Credits to be created, but limit their use on the originating site to a term not to exceed ten (10) years. Rule 25.5 was originally added to the District Rules and Regulations by Ordinance No. 60 (6/15/92) and was thereafter amended by Ordinance No. 64 (10/05/92) and by Ordinance No. 71 (12/20/93).
4. Ordinance No. 121, adopted on August 15, 2005, modified District Rule 25.5 to extend the expiration limit when a Water Use Credit was associated with a Redevelopment Project Site pursuant to California's Community Redevelopment Law.
5. Ordinance No. 121 was enacted to facilitate Redevelopment Project planning and implementation. Redevelopment Project approval, land acquisition and financing processes were often complex, and the time required to implement a Redevelopment Project often exceeded the ten (10) year limit set forth in Rule 25.5. A Jurisdiction undertaking a Redevelopment Project facing such limits had to transfer the Water Use Credit (pursuant to Rule 28) to its Allocation in order to enable re-use on the affected site. This mechanism was cumbersome and afforded no practical advantage.
6. Assembly Bill (AB) 1X 26 abolished redevelopment agencies as of February 1, 2012, and set up a mechanism to shift the redevelopment taxes back to the cities, counties, schools and others.

*34172. (a) (1) All redevelopment agencies and redevelopment agency components of community development agencies created under Part 1 (commencing with Section 33000), Part 1.5 (commencing with Section 34000), Part 1.6 (commencing with Section 34050), and Part 1.7 (commencing with Section 34100) that were in existence on the effective date of this part are hereby dissolved and shall no longer exist as a public body, corporate or politic."*

7. On December 29, 2011, the California Supreme Court upheld AB 1X 26. The court gave local redevelopment agencies an extra four months (until February 1, 2012) to meet their obligations before being abolished.
8. As of February 1, 2012, "Redevelopment Project" under District Rule 11 no longer has meaning, because the agency undertaking such project, per H&S Code 33010, no longer exists as a public body pursuant to a California Supreme Court ruling.
9. Although the agency has been abolished, redevelopment of previously identified Sites continues to be a high priority by the Jurisdictions. There exist areas that constitute physical and economic liabilities, requiring redevelopment in the interest of the health, safety, and general welfare of the people of these communities.
10. The Cities of Monterey, Seaside and Sand City have Redevelopment Project Sites identified prior to AB 1X 26.
11. The Cities of Monterey and Seaside have Water Use Credits that will expire after ten years without adoption of the change proposed in this ordinance.
12. The amendment of the definition of Redevelopment Project to accommodate an extension of Water Use Credits at Redevelopment Project Sites identified prior to AB 1X 26 is consistent with the original intent of Ordinance No. 121, which was to facilitate Redevelopment Projects without going through the process of transferring Water Use Credits to a Jurisdiction.
13. This ordinance was processed under a Negative Declaration under the California Environmental Quality Act (CEQA).
14. This ordinance shall amend and republish the Rules and Regulations of the Water Management District.

NOW THEREFORE be it ordained as follows:

## ORDINANCE

### Section One:            Short Title

This ordinance shall be known as the **2012 Redevelopment Project Water Credit Ordinance** of the Monterey Peninsula Water Management District.

### Section Two:            Purpose

This ordinance amends the definition of Redevelopment Project to recognize the effect of Assembly Bill (AB) 1X 26 to abolish redevelopment agencies. The ordinance does not modify the original purpose, which was to allow the extension of on-site Water Use Credits for Redevelopment Project Sites designated pursuant to the former Community Redevelopment Law (California Health and Safety Code, section 33000, et seq.). The ten (10) year limit for such projects may be extended twice, in five (5) year increments, to afford a maximum period of twenty (20) years to use on-site Water Use Credits in connection with a Redevelopment Project, as that term is defined by MPWMD.

### Section Three:   Amendments to Rule 11

The definition of the term "Redevelopment Project" shall be amended as shown in ***bold italic*** type face, and deleted language shown in ~~strikeout~~ type face.

REDEVELOPMENT PROJECT ***SITE*** – "Redevelopment Project ***Site***" shall mean ~~a any undertaking~~ ***redevelopment Site identified as such on a map or survey prepared by the Jurisdiction prior to February 1, 2012*** ~~in accord with the Community Redevelopment Law, found at California Health and Safety Code, section 33000, et seq. This term shall be given the same meaning as the term "Redevelopment Project" set forth in section 33010 of that Code.~~

### Section Five:            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 Six:            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 Seven:**        **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 Pendergrass, and second by Director Edwards, the foregoing ordinance is adopted upon this \_\_\_\_ day of \_\_\_\_, 2012 by the following vote:

AYES:

NAYS:

ABSENT:

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

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

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David J. Stoldt, Secretary to the Board

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