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Brown Act noticing requirements.
The agenda is subject to change.

**Water Demand
Committee Members:**

*Kristi Markey, Chair
Brenda Lewis
Jeanne Byrne*

Alternate:

Andrew Clarke

Staff Contact

*David J. Stoldt
Stephanie Locke
Arlene Tavani*

*After staff reports have
been distributed, if
additional documents are
produced by the District
and provided to the
Committee regarding any
item on the agenda, they
will be made available at
5 Harris Court, Building
G, Monterey, CA during
normal business hours.
In addition, such
documents may be posted
on the District website at
www.mpwmd.net.
Documents distributed at
the meeting will be made
available in the same
manner.*

AGENDA

**Water Demand Committee
Of the Monterey Peninsula Water Management District**

Thursday, April 30, 2015, 1:30 pm
District Conference Room, 5 Harris Court, Building G, Monterey, CA

Call to Order

Comments from Public

*The public may comment on any item within the District's jurisdiction. Please limit
your comments to three minutes in length.*

Action Items -- Public comment will be received on all Action Items

- 1 1. Consider Adoption of March 17, 2015 Committee Meeting Minutes

Discussion Items -- Public comment will be received on all Discussion Items

- 5 2. Discuss Draft Monterey Peninsula Water Conservation and Rationing Plan

Other Items

Set Next Meeting Date

Adjournment

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WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

1. ADOPT MINUTES OF MARCH 17, 2015 COMMITTEE MEETING

Meeting Date: April 30, 2015

From: David J. Stoldt,
General Manager

Prepared By: Arlene Tavani

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the March 17, 2015 Water Demand Committee meetings.

RECOMMENDATION: The Committee should adopt the minutes by motion.

EXHIBIT

1-A Draft Minutes of the March 17, 2015 Water Demand Committee Meeting

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EXHIBIT 1-A

DRAFT MINUTES

Water Demand Committee of the Monterey Peninsula Water Management District March 17, 2015

Call to Order

The meeting was called to order at 4:05 pm in the MPWMD conference room.

Committee members present: Kristi Markey, Chair
Jeanne Byrne

Committee members absent: Brenda Lewis

Staff members present: David J. Stoldt, General Manager
Stephanie Locke, Water Demand Division Manager
Arlene Tavani, Executive Assistant

Comments from the Public: No comments.

Action Items

1. **Consider Adoption of February 12, 2015 Committee Meeting Minutes**
On a motion by Byrne and second of Markey, the minutes of the February 12, 2015 committee meeting were approved on a vote of 2 – 0 by Byrne and Markey. Lewis was absent.

Discussion Items

2. **Review the 2015-2017 General Rate Case Rebate Program**
Markey offered a motion that was seconded by Byrne to recommend that the Board of Directors adopt the proposed updates to the list of allowable rebate fixtures and amounts, with the exception that the rebate for “High Efficiency Clothes Washer” (residential) should not be reduced but remain at \$500. The motion was approved on a vote of 2 – 0 by Markey and Byrne. Lewis was absent.

Public comment: **(a) John Narigi**, representing the Coalition of Peninsula Businesses, asked for clarification that the proposed rebates would apply to commercial and residential fixtures. *Pintar agreed and noted that page 6 of the committee packet listed changes proposed to the list of fixtures that qualify for a rebate.* **(b) Maeve du Toit**, CEO of Water City, expressed concern because greywater recycling was not on the rebate list. *Pintar responded that rebates are applicable to greywater recycling systems, and they are handled by staff on a case-by-case basis to determine the full rebate to be granted.*

3. Discuss Amendments to Expanded Water Conservation and Standby Rationing Plan

Stoldt described some preliminary plans for amending the Expanded Conservation and Standby Rationing Plan. (a) Establish a trigger that would establish a specific percentage of voluntary water use reductions. (b) The census information collected by California American Water (Cal-Am) for its water customers is not accurate. One option would be to copy the City of Santa Cruz which assumes that 3 persons live in each residence. The customer must provide proof that additional persons live at the residence. (c) Water use for commercial customers could be limited to an amount based on a prior year's usage. (d) Best management practices must be established. (e) The Water Management District must be provided access to Cal-Am customer water use records. (f) Develop a formula to determine the amount of water needed, and if the community is short by X amount, rationing by X amount would be required. Triggers must be developed. (g) Water banking would not be a component of the amended plan. (h) Cal-Am may be submitting an application to the State Water Resources Control Board in March requesting a modification to the CDO. The Water Management District suggested that the application be submitted with the understanding that the conservation/rationing component would be provided by the end of the year after public hearings have been conducted on the plan.

Public Comment: (a) **John Narigi**, representing the Coalition of Peninsula Businesses, requested that the Coalition be included in the formulation of subsequent amendments to the rationing plan. He recommended that the Water Management District focus on compliance with retrofit requirements at older motels and restaurants that have likely not retrofitted. In addition, the installation of low-water use dishwashers at commercial establishments should be encouraged. Narigi stated that enforcement is the key to success with water conservation programs.

Other Items: No additional items were discussed.

Set Next Meeting Date

The next meeting was scheduled for April 16, 2015 at 1:30 pm.

Adjournment

The meeting was adjourned at 5:30 pm.

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WATER DEMAND COMMITTEE

DISCUSSION ITEMS

2. DISCUSS DRAFT MONTEREY PENINSULA WATER CONSERVATION AND RATIONING PLAN

Meeting Date: April 30, 2014 **Budgeted:** N/A

From: David J. Stoldt, **Program/** N/A
General Manager **Line Item No.:**

Prepared By: Stephanie Locke **Cost Estimate:** N/A

General Counsel Review: In process

Committee Recommendation: N/A

CEQA Compliance: N/A

SUMMARY: District and Cal-Am staff are collaborating on a revised conservation and rationing plan. A preliminary draft ordinance (Exhibit 2-A) is attached. The District will be presenting the plan to various community groups and holding workshops to receive feedback prior to consideration by the Board.

RECOMMENDATION: The Water Demand Committee should review the proposed plan, discuss, and provide feedback to staff.

EXHIBIT

2-A Preliminary Draft Conservation and Rationing Plan

EXHIBIT 2-A

PRELIMINARY WORKING DRAFT ORDINANCE NO. XXX

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING REGULATION XV AFFECTING MANDATORY WATER CONSERVATION AND WATER RATIONING

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, 328, and 332 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 both legal and physical circumstances which constrain the amount of water that is available to serve water users in the Monterey Peninsula area.
4. California Public Utilities Commission (CPUC) Decision 09-02-006 (February 20, 2009) states: “MPWMD is a regional water authority and has independent regulatory authority for conservation and rationing in the Monterey Peninsula Water Resource System.”
5. The California Public Utilities Commission during the 1976-1977 drought delegated responsibility for rationing to the Monterey Peninsula Water Management Agency, a joint powers authority that was disbanded in favor of the creation of the Water Management District. (See CPUC Order C.9530ei and Decision 86807)
6. The Superior Court in its intended decision in case number M123512 (March 2015) concluded, “the Legislature plainly intended the District to protect the continued viability of the area’s water supply.”

7. The Sixth Appellate District Court in its decision in case number H039566 (December 2014) found: “It is our conclusion that, unless otherwise statutorily limited, the District may adopt rules to regulate residential water use capacity to ensure the availability of sufficient water for all present and future beneficial uses.” And: “We understand section 118-332 to be an explicit grant of power in times of water emergency.”
8. A utility’s water supply may be interrupted or reduced due to a variety of circumstances, for instance, a drought or a catastrophic event, such as an earthquake or fire that damages water delivery and storage facilities, or a power outage that affects water treatment or the pumping of water to customers, or in response to legal or court imposed restrictions. This Monterey Peninsula Water Conservation and Rationing Plan (“Plan”) enables the utility to respond effectively to a wide variety of water supply conditions or catastrophic events that cause water shortages from time to time.
9. The Water Management District adopted Resolution No. 84-4 on March 4, 1984, declaring its intent to support a county-wide Water Conservation and Rationing 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.
10. The Water Conservation and Rationing 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.
11. The District Board declared a water supply emergency in accord with Section 332 of the District Law upon implementation of Supply Option V of the Water Allocation Program Environmental Impact Report in 1990. This water supply emergency remains in effect.
12. State Water Resources Control Board (SWRCB) Order No. WR 95-10, issued in July 1995, ruled that California-American Water Company did not have a legal right to take approximately 69 percent of the water historically supplied to California American Water users. The SWRCB has set specific goals to reduce California American Water’s water diversions from the Carmel River Basin.
13. Amendments to District Rules are necessary to address a water emergency caused when increased consumption would force diversions over the legal limits set by SWRCB Order WR 95-10, to reflect current diversion protocols based on subsequent SWRCB Orders, and to facilitate emergency conservation rate authority for California American Water with the California Public Utilities Commission.

14. On July 6, 1995, the State Water Resources Control Board (SWRCB), in response to four complaints, issued Order No. WR 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.
15. SWRCB Order No. WR 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.
16. SWRCB Order No. WR 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.
17. In Water Year 1997, California American Water's diversions from the Carmel River exceeded the limit specified in SWRCB Order No. WR 95-10 and the SWRCB issued an Administrative Civil Liability Complaint against California American Water.
18. On January 28, 1999, to enable compliance with SWRCB Order No. WR 95-10, the Water Management District adopted Ordinance No. 92 that established an Expanded Water Conservation and Standby Rationing Plan.
19. 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 No. WR 95-10 every year.
20. Ordinance No. 134 amends the Expanded Water Conservation and Standby Rationing Plan to recognize the court decision on March 27, 2006 regarding the Seaside Basin adjudication.
21. This ordinance is exempt from the California Environmental Quality Act (CEQA) under Water Code §10652. This ordinance is also exempt from the requirements of CEQA under the provisions of CEQA Guideline 15269 (c) and 15282 (v).

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the *Monterey Peninsula Water Conservation and Rationing Plan* of the Monterey Peninsula Water Management District.

Section Two: Purpose

This ordinance amends and restates Regulation XV to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection, and domestic use; to conserve water by reducing and restricting nonessential water use; and to reduce water use fairly and equitably. This ordinance establishes a four stage response to comply with regulatory water supply reductions, drought, and other water supply emergencies.

Section XXX: Amendment of Rule 11, Definitions

The following Rule 11, Definitions, shall be amended as follows, with added language shown in ***bold italic*** type face and deleted language shown in ~~strikeout~~ type face. Numbering is provided for review only and shall be removed upon publication.

1. ~~***BASE USE***~~ ~~“Base Use” shall mean a reasonable amount of water anticipated to be used by a California American Water User during Stages 1 through 3 Water Conservation. Base Use correlates to the base block rate established by California American Water for the individual customer.~~
2. 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. ***The term “Dwelling Unit” shall have the same meaning as “Residence.”***
3. ~~EMERGENCY~~ ***CONSERVATION RATES*** – ~~“Emergency Conservation Rates” shall mean higher block~~ ***refer to two levels of surcharges added to the water bills of all Main California American Water System customers*** ~~water rates used by California American Water during Stage 3 Water Conservation as a mechanism to discourage excessive water use.~~
4. ~~EVEN NUMBERED PROPERTY~~ ~~“Even Numbered Property” shall mean all property with an official address ending in an even number. This definition shall also apply to~~

~~properties located on the North or East side of the street in cities or other areas where no numbered street address is available. Landscaped areas associated with a building will use the number of that building as the address. Only one address shall be used for a Landscaped area associated with one building or activity, even if the Landscaped area is broken into many separate subareas.~~

- ~~5. EQUIVALENT CONSUMPTION UNIT — “Equivalent Consumption Unit” or “ECU” shall mean a base water use multiplication factor assigned to every California American Water customer to provide a fair weighting of all customers as compared to the lowest level of water use by any customer. Each customer’s ECU factor shall be assigned by California American Water.~~
- 6. *FULL TIME RESIDENT* – “Full Time Resident” shall mean a person who maintains their Permanent Residence in the Monterey Peninsula Water Management District.**
- ~~7. NON-ESSENTIAL WATER USE — “Non-Essential Water Use” shall mean the indiscriminate or excessive dissipation of water which is unproductive, or does not reasonably sustain life or economic benefits. Non-Essential Water Use includes but is not limited to the following:~~
 - ~~1. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.~~
 - ~~2. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling.~~
 - ~~3. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where nonpotable water or other alternatives are available or satisfactory.~~
 - ~~4. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.~~
 - ~~5. Failure to meet MPWMD Regulation XIV retrofit requirements for an existing business after having been given a reasonable amount of time to comply.~~

- ~~6. Draining and refilling of swimming pools or spas except (a) to prevent or correct structural damage or to comply with public health regulations, or (b) upon prior approval of the General Manager.~~
7. ~~Charity car washes.~~
8. MAIN CALIFORNIA AMERICAN WATER SYSTEM – “Main California American Water System” shall mean the California American Water’s Water Distribution System that derives its Source of Supply from the **Monterey Peninsula Water Resource System** ~~Carmel River System and the Seaside Coastal Subareas of the Seaside Groundwater Basin.~~
9. **NON-ESSENTIAL WATER USE** – *“Non-Essential Water Use” shall mean uses of water that are acceptable during times of normal water availability, as long as proper procedures to maximize efficiency are followed. However, when water is in short supply, Non-Essential Water Uses must be curtailed to preserve limited water resources for essential uses. Non-Essential Water Uses do not have health or safety impacts, are not required by regulation, and are not required to meet the core functions of a Non-Residential use.*
10. ~~ODD-NUMBERED PROPERTY~~ – ~~“Odd Numbered Property” shall mean a property with an official address ending in an odd number. This definition shall also apply to properties located on the South or West side of the street in cities or other areas where no numbered street address is available. Landscaped areas associated with a building will use the number of that building as the address. Only one address shall be used for a Landscaped area associated with one building or activity, even if the Landscaped area is broken into many separate subareas.~~
11. PERMANENT RESIDENT – “Permanent Resident” shall mean a ~~P~~person who resides continuously in a Residence for more than 30 days or a resident that can submit such other evidence to clearly and convincingly demonstrate Permanent Residency. ~~Part time residents (those individuals who periodically reside in a Dwelling Unit on a regular basis) shall be counted as a fractional Permanent Resident.~~
12. **RATION** – *“Ration” shall mean the amount of water authorized to flow through each water meter pursuant to these Rules and Regulations.*
13. **RESIDENCE** - *“Residence” 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. The term “Residence” shall have the same meaning as “Dwelling Unit.”

14. **RESIDENCY AFFIDAVIT** – *“Residency Affidavit” shall refer to the form used during Stage 4 Water Rationing to validate four or more full time residents occupying a single residence.*
15. ~~REQUIRED CONSERVATION MEASURES~~ – *“Required Conservation Measures”*
 - a. ~~Flush sewers with Sub-potable or Reclaimed Water except in cases of emergency.~~
 - b. ~~New Construction: Plumbing fixtures must be at least as efficient as the following water conservation requirements: toilets shall not use more than 1.6 gallons per flush maximum; Urinals shall use no more than 1.0 gallons per flush; Showerheads shall use no more than 2.5 gallons per minute without a separate restriction device and faucets shall have aerators that use no more than 2.2 gallons per minute maximum irrespective of the pressure in the water supply line; hot water systems must be Instant Access Hot Water Systems; Drip Irrigation must be installed for all shrub or tree areas rather than spray heads, unless plant material or site conditions preclude drip as the most appropriate choice. Handheld watering may also be used. 1-40 Monterey Peninsula Water Management District~~
 - c. ~~Projects that result in added water fixtures or expansion of more than 25 percent of the existing square footage, and all Non-Residential Changes of Use, shall meet the Required Conservation Measures for New Construction with the exception of retrofitting to Drip Irrigation and Instant Access Hot Water Systems.~~
16. **STAGE 1 WATER CONSERVATION** – *“Stage 1 Water Conservation” shall mean the first stage in the District’s Expanded **Monterey Peninsula** Water Conservation and Standby Rationing Plan **that prohibits Water Waste**.*~~that takes action to maintain California American Water water use in the MPWRS below regulatory constraints by increasing conservation activities and preparing for further stages of conservation and rationing.~~
17. **STAGE 2 WATER CONSERVATION** – *“Stage 2 Water Conservation” shall mean the second stage in the District’s Expanded **Monterey Peninsula** Water Conservation and Standby Rationing Plan that **implements voluntary conservation and increases Water Waste enforcement**.*~~takes action to maintain California American Water water use in the MPWRS below regulatory constraints by requiring Landscape Water Budgets for large irrigators of over three acres, Large Residential Water Users and Users with Dedicated Irrigation Meters.~~

18. STAGE 3 WATER CONSERVATION – “Stage 3 Water Conservation” shall mean the third stage in the District’s ~~Expanded~~**Monterey Peninsula** Water Conservation and Standby Rationing Plan that ~~takes action~~ **implements the Conservation Surcharge** to maintain California American Water water use in the MPWRS below regulatory ~~constraints~~ **limits** and to respond to potential drought or emergencies by imposing higher water charges for excessive water use.
19. STAGE 4 WATER RATIONING – “Stage 4 Water Rationing” is defined as the fourth stage in the District’s ~~Expanded~~**Monterey Peninsula** Water Conservation and Standby Rationing Plan that responds to a drought situation or emergency water supply shortage with a 15 percent reduction goal from system production limits for ~~non-California American Water water Users. Reductions are achieved by voluntary water use cutbacks~~ **with mandatory restrictions on water use** in addition to ~~Excessive Use~~ **the Conservation Surcharge** Rates imposed during Stage 3 Water Conservation.
20. ~~STAGE 5 WATER RATIONING – “Stage 5 Water Rationing” shall mean the fifth stage in the District’s Expanded Water Conservation and Standby Rationing Plan that responds to a drought situation with a 20 percent mandatory reduction achieved by requiring water use cutbacks by User Category and by per capita water rations and by enacting a moratorium on Water Permits that Intensify Water Use.~~
21. ~~STAGE 6 WATER RATIONING – “Stage 6 Water Rationing” shall mean the sixth stage in the District’s Expanded Water Conservation and Standby Rationing Plan that responds to a severe drought situation with a 35 percent mandatory reduction achieved by requiring water use cutbacks by User Category and by per capita water rations and by enacting a moratorium on Water Permits that utilize public or private Water Use Credits and by restricting outdoor water use.~~
22. ~~STAGE 7 WATER RATIONING – “Stage 7 Water Rationing” shall mean the seventh stage in the District’s Expanded Water Conservation and Standby Rationing Plan that responds to a critical drought situation with a 50 percent mandatory reduction achieved by requiring water use cutbacks by User Category and by per capita water rations and by prohibiting all nonessential outdoor water use.~~
23. ~~WATER BANK – “Water Bank” shall mean an account managed by the District or its agent that tracks the difference in the amount of water used and the amount of each User’s Water Ration during a Rationing Year.~~

24. WATER RATION - "Water Ration" shall mean a specific amount of water available to each Water User during Stages ~~5-7~~ **4** Water Rationing.
25. WATER SUPPLY EMERGENCY – "Water Supply Emergency" shall mean a declaration pursuant to Regulation XV, Expanded Water Conservation and Standby Rationing Plan, that a water shortage emergency condition prevails within the area.
26. WATER WASTE - "Water Waste" shall *have the meaning as described in Rule 162*. ~~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. Indiscriminate or excessive water use which allows excess to run to waste.~~
 - ~~3. Use of Potable water for washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner.~~
 - ~~4. Use of Potable water for pressure/power washing buildings and structures, except when preparing surfaces for paint or other necessary treatments.~~
 - ~~5. Hand watering without quick acting Positive Action Shut Off Nozzles.~~
 - ~~6. Irrigation between 9 a.m. and 5 p.m. on any day, and irrigation on any day other than Saturdays and Wednesdays, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week, or that is water efficient non-sprinkler irrigation managed by an operational Smart Controller.~~
 - ~~7. Failure to complete a Landscape Water Audit within 60 days of a significant modification to an audited Landscape.~~

- ~~8. Failure to maintain water use within a mandatory Landscape Water Budget.~~
- ~~9. 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.~~
- ~~8. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling.~~
- ~~9. Draining and refilling of swimming pools or spas except (a) to prevent or correct structural damage or to comply with public health regulations, or (b) upon prior approval of the General Manager.~~
- ~~10. Individual private washing of cars with a hose except with the use of a Positive Action Shut Off Nozzle.~~
- ~~11. Use of water for 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.~~
- ~~12. Operation of a commercial full service car wash without recycling at least 50 percent of the Potable water used per cycle.~~
- ~~13. Charity car washes.~~
- ~~14. Use of Potable water for street cleaning.~~
- ~~15. Failure to meet MPWMD Regulation XIV retrofit requirements for an existing business after having been given a reasonable amount of time to comply.~~
- ~~16. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.~~
- ~~17. Washing of livestock with a hose except with the use of a Positive Action Shut Off Nozzle.~~

- ~~18. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD.~~
- ~~19. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where non-Potable water or other alternatives are available or satisfactory.~~
- ~~20. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.~~
- ~~21. 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.~~
- ~~22. Water use in excess of a Water Ration.~~

~~The following activities shall not be cited as Water Waste:~~

- ~~1. Flow resulting from firefighting 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.~~

Section XXX: **Amendment of Rule 60**

The heading between lines 76 and 77 of the Fees and Charges Table (Effective July 22, 2014) in Rule 60 is modified as follows:

*Water Waste Fees (**Rule 162** ~~Rules 160 and 171~~)*

Section XXX: **Replacement of Regulation XV**

This ordinance shall delete and replace Regulation XV, the Expanded Water Conservation and Standby Rationing Plan. Upon publication of the provisions of this ordinance in the Rules and Regulations of the District, the former text of the regulation shall be deleted.

Upon the effective date of this ordinance, all water Users within MPWMD shall be subject to Stage 1 Water Conservation: Prohibition on Water Waste.

Section XXX: **Rule 160 – Regulatory Production Targets And Physical Storage Target**

The monthly distribution of water production from sources within the MPWRS, as shown in Tables XV-1, XV-2, and XV-3 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 during the Board's regular meetings in September, December, March, and June, at which time the Board may modify Tables XV-1, XV-2, and XV-3 by Resolution.

The Physical Storage Target, as shown in Table XV-4 shall be approved as of May 1 each year by the Board of Directors. The Board shall hold a public hearing during the Board's regular meeting in May, at which time the Board may modify Table XV-4 by Resolution.

Table XV-1
Regulatory Water Production Targets
for All California American Water Systems from Sources
Within the Monterey Peninsula Water Resource System

(All Values in Acre-Feet)

Month	Monthly Target	Year-to-Date at Month-End Target
October	1,097	1,097
November	922	2,019
December	812	2,831
January	813	3,644
February	763	4,407
March	867	5,274
April	933	6,207
May	1,135	7,342
June	1,180	8,522
July	1,284	9,806
August	1,264	11,070
September	<u>1,174</u>	12,244
TOTAL	12,244	--

Notes:

Monthly and year-to date at month-end production targets are based on the annual production limit specified for the California American Water (Cal-Am) systems for Water Year (WY) 2015 from Carmel River sources per State Water Resources Control Board Order WR 2009-0060 (9,945 acre-feet) and adjusted annual production limits specified for the Cal-Am satellite systems from its Coastal Subarea sources (2,251 acre-feet) and Laguna Seca Subarea sources (48 acre-feet) of the Seaside Groundwater Basin per the Seaside Basin adjudication decision. These values do not include consideration of any carryover credit in the Seaside Basin for WY 2015. This combined total (12,244 acre-feet) was distributed monthly based on Cal-Am's reported monthly average production for its main and satellite systems during the WY 2006 through 2013 period.

Table XV-2
Regulatory Water Production Targets
for California American Water Satellite Systems from Sources
Within the Monterey Peninsula Water Resource System

(All Values in Acre-Feet)

Month	Monthly Target	Year-to-Date at Month-End Target
October	5	5
November	3	8
December	3	11
January	3	14
February	2	16
March	3	19
April	3	22
May	5	27
June	5	32
July	6	38
August	5	43
September	5	48
TOTAL	48	--
<p><u>Notes:</u> Monthly and year-to-date at month-end production targets are based on the adjusted annual production limit specified for the California American Water (Cal-Am) satellite systems for Water Year 2015 from its sources in the Laguna Seca Subarea of the Seaside Groundwater Basin per the Seaside Basin adjudication decision. This Laguna Seca Subarea total (48 acre-feet) was distributed monthly based on Cal-Am's reported monthly average production for its satellite systems during the 2006 through 2013 period.</p>		

Table XV-3
Regulatory Water Production Targets
for California American Water Systems from Carmel River Sources
Within the Monterey Peninsula Water Resource System

(All Values in Acre-Feet)

Month	Monthly Target	Year-to-Date at Month-End Target
October	891	891
November	749	1,639
December	660	2,300
January	661	2,961
February	620	3,581
March	704	4,285
April	758	5,043
May	922	5,965
June	958	6,923
July	1,043	7,965
August	1,027	8,992
September	<u>953</u>	9,945
TOTAL	9,945	---
<p>Notes: Monthly and year-to-date at month-end production targets are based on the annual production limit specified for California American Water (Cal-Am) for Water Year (WY) 2015 from its Carmel River system sources per State Water Resources Control Board Order WR 2009-0060 (19,945 acre-feet). This amount was distributed monthly based on Cal-Am's reported monthly average production for its Main system sources during the WY 2006 through 2013 period. These values incorporate consideration of the triennial reductions specified for the Cal-Am systems in the Seaside Basin adjudication decision, in setting the monthly maximum production targets from each source as part of the MPWMD Quarterly Water Supply Budget Strategy.</p>		

Table XV-4
Physical Storage Target
for the Monterey Peninsula Water Resource System
for the Remainder of WY 2014 and all WY 2015

PRODUCER	MAY-SEPTEMBER DEMAND	CARRYOVER STORAGE NEEDS FOR NEXT YEAR DEMAND	TOTAL STORAGE REQUIRED ON MAY 1
Cal-Am	6,874	12,244	19,118
<u>Non Cal-Am</u>	<u>1,946</u>	<u>3,046</u>	<u>4,992</u>
Total	8,820	15,290	24,110
			TOTAL STORAGE AVAILABLE ON MAY 1
			29,070⁵

Notes:

1. The May-September period refers to the remainder of the current water year.
2. Carryover storage refers to the volume of usable surface and groundwater that is in storage at the end of the current water year and is projected to be available for use at the beginning of the following water year.
3. Total storage refers to the combination of demand remaining from May 1 to the end of the current water year and carryover storage for the next water year that is required to avoid imposing various levels of water rationing. The values in bold type represent the storage triggers that would be used for the system in Water Year 2014. The values are based on the production limits for California American Water (Cal-Am) from Carmel River sources (10,066 acre-feet in WY 2014 and 9,945 acre-feet in WY 2015) set by State Water Resources Control Board Order WR 2009-0060, the production limit for Cal-Am from the Seaside Groundwater Basin (2,816 acre-feet in WY 2014 and 2,299 in WY 2015) set by the Court in its March 27, 2006 adjudication decision, and the production limit specified for non Cal-Am users from the Monterey Peninsula Water Resource System set in the District's Water Allocation Program (Ordinance No. 87).
4. The rationing triggers are based on physical water availability and do not account for legal or environmental constraints on diversions from the Carmel River system.
5. May 1, 2014 System Storage = 29,070 AF (24,690 AF Carmel Valley Alluvial Aquifer; 2,710 AF Seaside Groundwater Basin; 1,670 AF Los Padres Reservoir); this is 90% of average and 77% of system capacity (37,640 AF).

Section XXX: **Rule 161 – General Provisions**

- A. All Water Users within the Monterey Peninsula Water Management District shall comply with the District's Water Waste Prohibitions of Rule 162 and with the water conservation requirements of Regulation XIV.
- B. California American Water shall amend its Urban Water Management Plan and its Rule 14.1.1, Water Conservation and Rationing Plan--Monterey District, to conform to this Regulation. A copy of Rule 14.1.1 shall be filed with the California Public Utilities Commission (CPUC) and the District within thirty (30) days of the effective date of any amendment to this Regulation.
- C. At least ten (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 Office of Ratepayer Advocates (ORA).
- D. California American Water shall provide the District with monthly consumption reports by customer classification and jurisdiction in a format approved by the District. A Water Year summary report shall be provided in October. Reports shall be provided within fifteen (15) days of the close of the preceding month.
- E. Each Water Distribution System shall provide individual consumption data pertaining to any Water User of that Water Distribution System upon written request of the General Manager. Data shall be in the form and manner specified by the General Manager. Each failure to respond in full to such written request by the date specified therein shall result in a penalty to the Water Distribution System of five-hundred dollars (\$500) per day for each day or portion thereof that the response is delayed.
- F. The General Manager shall retain and use any data received under this provision for the sole purposes of testing, administering, evaluating or enforcing water rationing, Water Waste, or other provisions of the Rules and Regulations.
- G. Each Water Distribution System shall provide written notice of any adjustment to a Water Conservation or Rationing Stage to every customer via first class mail at least thirty (30) days before any change in Stage is imposed.
- H. At all times during Stages 2 through 4 each Water Distribution System shall send monthly conservation reminders.

Section XXX: **Rule 162 -- Stage 1 Water Conservation: Prohibition on Water Waste**

- A. Trigger. Stage 1 shall remain in effect at all times or until the District Board of Directors has determined all conditions of State Water Resources Control Board Orders and the Seaside Groundwater Basin adjudication have been met and a determination has been made by the Board that available supplies are sufficient.
- B. Water Waste Prohibitions. 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. All leaks, breaks, or other malfunctions in a Water User's plumbing or distribution system must be repaired within 72 hours of notification that a leak exists. Exceptions may be granted by the General Manager for corrections, which are not feasible or practical.
 2. Indiscriminate or excessive water use which allows excess to run to waste.
 3. Washing driveways, patios, parking lots, tennis courts, or other hard surfaced areas with Potable water, except in cases where health or safety are at risk and the surface is cleaned with a Water Broom or other water efficient device or method. Water should be used only when traditional brooms are not able to clean the surface in a satisfactory manner.
 4. Power or pressure washing buildings and structures with Potable water, except when preparing surfaces for paint or other necessary treatments or when abating a health or safety hazard.
 5. Hand watering without a quick acting Positive Action Shut-Off Nozzle.
 6. Irrigation between 9 a.m. and 5 p.m. on any day, and irrigation on any day other than Saturdays and Wednesdays, except for irrigation overseen by a professional gardener or landscaper who is available on Site and that is not exceeding a maximum two watering days per week, or that is water efficient non-sprinkler irrigation managed by an operational and periodically adjusted Smart Controller.
 7. Irrigating during rainfall and for 48 hours after measurable precipitation. Measurable precipitation.

8. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling, and except to the extent needed to sustain aquatic life, provided such animals are of significant value and have been actively managed.
9. Draining and refilling of swimming pools or spas except (a) to prevent or correct structural damage or to comply with public health regulations, or (b) upon prior approval of the General Manager.
10. Individual private washing of cars with a hose except with the use of a Positive Action Shut-Off Nozzle.
11. Washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles with Potable water, except at water efficient commercial or fleet vehicle or boat washing facilities where equipment is properly maintained to avoid wasteful use.
12. Operation of a commercial full service car wash without recycling at least 50 percent of the Potable water used per cycle.
13. Charity car washes.
14. Use of Potable water for street cleaning.
15. Failure to meet MPWMD Regulation XIV water efficiency standards for an existing business after having been given a reasonable amount of time to comply.
16. Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale.
17. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle.
18. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD.
19. Delivery and/or receipt of water from an unpermitted Mobile Water Distribution System.

20. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where non-Potable water or other alternatives are available or satisfactory.
21. Use of unmetered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of the General Manager.
22. Water use in excess of a Water Ration.
23. Non-Compliance with Regulations XIV and XV.

The following activities shall not be cited as Water Waste:

1. Flow resulting from firefighting 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.
7. When a Mobile Water Distribution System Permit 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. Non-Essential Water Use shall mean uses of water that are acceptable during times of normal water availability, as long as proper procedures to maximize efficiency are followed. However, when water is in short supply, Non-Essential Water Uses must be curtailed to preserve limited water resources for essential uses. Non-Essential Water Uses do not have health or safety impacts, are not required by regulation, and are not required to meet the core functions of a Non-Residential use.
- D. Prohibitions against Water Waste and Non-Essential Water Use shall be enforced by the District and its designated agents, unless indicated otherwise.
- E. Each occurrence of Water Waste or Non-Essential Water Use that continues after the Water User has had reasonable notice to cease and desist that type of water use shall constitute a Flagrant Violation.
- F. Repeated occurrences of 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 with a maximum flow rate of six (6) ccf/month within the water line or water meter.
- G. Water Waste Fees shall be assessed as shown in Table XV-5. Table XV-5 may be amended by Resolution of the Board. Amendments to this table shall be concurrently made to the Fees and Charges Table found in Rule 60.

<p align="center">TABLE XV-5 Water Waste Fees Fee amounts are tripled for customers using over 1 million gallons/year</p>	
First offense	No fee: Written notice and opportunity to correct the situation
Fee for first Flagrant Violation during Stages 1-4	\$100
Fee for second Flagrant Violation within 2 months during Stages 1-4	\$250
Fee for third and subsequent Flagrant Violations within 12 months during Stages 1-4	\$500
Fee for the first Flagrant Violation during Stages 5-7	\$150
Fee for subsequent Flagrant Violations within 12 months during Stages 5-7	\$500
Fee for Administrative Compliance Order or Cease & Desist Order	Up to \$2,500 per day for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations
Late payment charges	Half of one percent of the amount owed per month

Section XXX: **Rule 163 -- Stage 2 Water Conservation: Voluntary Reduction in Use**

A. Trigger.

1. Physical Shortage Trigger: Stage 2 shall take effect for any Water Distribution System that relies, in whole or in part, on production or production offsets from the Carmel River System or the Seaside Coastal Subareas, on June 1 or such earlier date as may be set by the Board following the District's May board meeting if Total Storage Available in Table XV-4 is less than Total Storage Required, but at least 90% of Total Storage Required. The amount of voluntary reduction shall equal the percentage shortfall in Total Storage Required.

2. Regulatory Trigger – Production Targets: Stage 2 shall take effect when the most recent 12 month California American Water production from the MPWRS is greater than the then-current annual production target as determined in Table XV-1 but no greater than 110% of the annual production target. The amount of voluntary reduction shall equal the percentage overage of the annual production.
 3. Regulatory Trigger – Regulatory Order: Stage 2 shall take effect in any Water Distribution System when that system is requested by a governmental or regulatory agency for voluntary reductions. The amount of voluntary reduction shall equal the percentage requested by that governmental or regulatory agency relative to a base year determined by the governmental or regulatory agency.
 4. Emergency Trigger: Stage 2 shall take effect for any Water Distribution System, private Well, or Water User when the Board finds that a Water Supply Emergency exists and upon adoption of a Resolution of the Board of Directors. In that Resolution, the Board shall find there is an immediate need to reduce production. The amount of voluntary reduction shall be determined by the Board.
- B. The District and the Water Distribution System shall provide notice of the amount of voluntary reduction to Water Users pursuant to Rule 161. Additional noticing and public outreach may be provided by the District at the Direction of its Board of Directors.
- C. The District and its agents shall increase enforcement activities related to Water Waste Prohibitions.
- D. Stage 1 shall remain in effect.
- E. Sunset.
1. Without further action of the Board of Directors, Stage 2, when implemented pursuant to Rule 163-A-1, shall sunset and water use restrictions shall revert to Stage 1 when Total Storage Available computed consistent with Table XV-4 is greater than Total Storage Required for two (2) consecutive months.
 2. Without further action of the Board of Directors, Stage 2, when implemented pursuant to Rule 163-A-2, shall sunset for that Water Distribution System(s) and water use restrictions shall revert to Stage 1 when that Water Distribution System's 12 month total production has been less than or equal to its then-current annual production target for two (2) consecutive months.

3. Without further action of the Board of Directors, Stage 2, when implemented pursuant to Rule 163-A-3, shall sunset for that Water Distribution System(s) and water use restrictions shall revert to Stage 1 when the governmental or regulatory agency rescinds the request or the District determines that the voluntary reduction has been met, and conditions 163-E-1 and 163-E-2 have been met.
4. Stage 2, when implemented pursuant to Rule 163-A-4, shall sunset and water use restrictions shall revert to Stage 1 when the Board finds that a water supply emergency no longer exists.

Section XXX: **Rule 164 -- Stage 3 Water Conservation: Conservation Rates**

A. Trigger.

1. Stage 2 Deemed Unsuccessful: Stage 3 shall take effect if Stage 2 has been implemented and has failed to sunset after a period of six (6) months.
2. Physical Shortage Trigger: Stage 3 shall take effect for any Water Distribution System that relies, in whole or in part, on production or production offsets from the Carmel River System or the Seaside Coastal Subareas, on June 1 or such earlier date as may be set by the Board following the District's May Board meeting if Total Storage Available in Table XV-4 is less than 90% of Total Storage Required and Stage 2 has not been implemented.
3. Regulatory Trigger – Production Targets: Stage 3 shall take effect when the most recent 12 month California American Water production from the MPWRS is greater than 110% of the then-current annual production target as determined in Table XV-1 and Stage 2 has not been implemented.
4. Regulatory Trigger – Regulatory Order: Stage 3 shall take effect when requested by a governmental or regulatory agency to implement Stage 3.
5. Emergency Trigger: Stage 3 shall take effect when the Board finds that a Water Supply Emergency exists and upon adoption of a Resolution of the Board of Directors. In that Resolution, the Board shall find there is an immediate need to reduce production through the imposition of Stage 3 Conservation Rates.

B. Stages 1 and 2 shall remain in effect.

C. Thirty days prior to implementation of Stage 3, California American Water shall file to implement Conservation Rates within Main System and Laguna Seca Subarea and shall provide notification to its customers that such rates shall be implemented after thirty (30) days.

1. Level 1 Conservation Rates. Level 1 Conservation Rates comprised of a 25 percent surcharge shall be implemented for a minimum of 90 days. The surcharge shall not apply to Tier 1 Residential customers.
2. Level 2 Conservation Rates. Level 2 Conservation Rates comprised of a 40 percent surcharge shall be implemented if after the imposition of Level 1 Conservation Rates for 90 days the monthly production in the California American Water System exceeds the monthly production target for two (2) consecutive months. The surcharge shall not apply to Tier 1 residential customers.

D. Sunset.

1. Without further action of the Board of Directors, Stage 3, when implemented pursuant to Rule 164-A-1 or 164-A-2, shall sunset and water use restrictions shall revert to Stage 1 when Total Storage Available computed consistent with Table XV-4 is greater than Total Storage Required for two (2) consecutive months.
2. Without further action of the Board of Directors, Stage 3, when implemented pursuant to Rule 164-A-1 or 164-A-3, shall sunset for that Water Distribution System(s) and water use restrictions shall revert to Stage 1 when that Water Distribution System's 12 month total production has been less than or equal to its then-current annual production target for two (2) consecutive months.
3. Without further action of the Board of Directors, Stage 3, when implemented pursuant to Rule 164-A-4 shall sunset for that Water Distribution System(s) and water use restrictions shall revert to Stage 1 when the governmental or regulatory agency rescinds the request and conditions 164-C-1 and 164-C-2 have been met.
4. Stage 3, when implemented pursuant to Rule 164-A-5, shall sunset and water use restrictions shall revert to Stage 1 when the Board finds that a water supply emergency no longer exists.

Section XXX: **Rule 165 -- Stage 4: Water Rationing**

A. Trigger.

1. Stage 3 Deemed Unsuccessful: Stage 4 shall take effect if Stage 3 has been implemented and has failed to sunset after a period of 6 months.
2. Regulatory Trigger – Regulatory Order: Stage 4 shall take effect in any Water Distribution System when that system is requested by a governmental or regulatory agency to implement Stage 4.
3. Emergency Trigger: Stage 4 shall take effect for any Water Distribution System, private Well, or Water User when the Board finds that a Water Supply Emergency exists and upon adoption of a Resolution of the Board of Directors. In that Resolution, the Board shall find there is an immediate need to reduce production through the imposition of Stage 4 Water Rationing.
4. Stage 4 shall not be triggered if the General Manager determines upon credible evidence that the production targets associated with a final Cease and Desist Order are likely to be met by adhering to the requirements of a lesser Stage. The General Manager shall record this determination and any amendment thereto, by memorandum which may be appealed to the Board in accord with Regulation VII, Appeals.
5. Delay of Stage Implementation. The General Manager may delay implementation of Stage 4 Water Rationing for any Water Distribution System to ensure adequate operation of the program. Delays authorized by the General Manager shall not exceed ninety (90) days.

B. Amount of Reduction.

- a. The amount of mandatory reduction shall equal the shortfall in Actual Storage Available as compared to the Total Storage Required; or
- b. The amount of mandatory reduction shall equal the overage of the last 12 months actual production as compared to the then-current annual production target; or
- c. The amount of mandatory reduction shall equal some other amount as reflected in a governmental or regulatory order.

C. Stages 1, 2, and 3 (if applicable) shall remain in effect.

D. Additional Prohibitions.

- a. The Board shall consider prohibiting all or specific Non-Essential Water Uses.
- b. Moratorium. Upon implementation of Stage 4, the Board shall declare a moratorium on all Water Permit applications with the affected Water Distribution System other than those applications that rely upon an on-Site Water Credit. The Board may amend the moratorium to include all Water Permit applications if warranted.
- c. No New Potable Water Service: Upon declaration of Stage 4 Water Rationing, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (e.g. will-serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:
 - i. The project is necessary to protect the public health, safety, and welfare;
 - ii. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of California American Water Company; or
 - iii. This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.
- d. No New Annexations: Upon the declaration of a Stage 4, California American Water Company will suspend consideration of annexations to its Monterey service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.
- e. Customers utilizing portable Water Meters or hydrant meters or using hydrants to fill water tanks without the use of a Water Meter, shall be required to cease use of the water. Portable Water Meters shall be returned to the Water Distribution System at least thirty (30) days before the implementation of Stage 4.

f. No Watering or Irrigating: Watering or irrigating of Lawn, landscape or other vegetated area with Potable water is prohibited. This restriction does not apply to the following categories of use, or where the District has determined that recycled water is available and may be applied to the use:

- i. Businesses dependent on watering or irrigating in the course of business such as agriculture, nursery, and similar uses;
- ii. Maintenance of existing landscape necessary for fire protection;
- iii. Maintenance of existing landscape for soil erosion control;
- iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
- v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed one (1) day per week;
- vi. Actively irrigated environmental mitigation projects.

E. Residential Rations.

1. Upon adoption of a resolution by the Board for a specific reduction in Residential water use, Household water Rations shall be set at a level to achieve the necessary reduction. In no case shall Residential water Rations fall below XX gallons per Household.

2. Additional Rations for Large Households:

- i. Where four or more Permanent Residents occupy a single residence served by one water meter, the maximum daily Ration may be increased to the amounts listed below:

Four Permanent Residents – XXX gallons per day

Five Permanent Residents – XXX gallons per day

Six Permanent Residents – XXX gallons per day

Seven or more Permanent Residents – XXX gallons per day

3. Procedure for Obtaining Additional Rations for large Households:

- a. The Applicant shall complete a Residency Affidavit that requests the name, age and verification of full time Permanent Residents for each resident in the Household for which the additional Ration is requested. The information on the application shall be presented under penalty of perjury. The additional Ration request shall be submitted to the General Manager of the District, who will approve or disapprove the request within 10 business days of submission of a completed application.
- b. If the application is disapproved, the General Manager will explain in writing the reason for the disapproval, and if the Applicant is not satisfied with the decision of the General Manager, the Applicant may appeal the General Manager's decision to the District's Board of Directors.

4. Rations for Multi-Residential Customers Where Two or More Households are Served by One Meter:

- a. Where the water use of two or more Households is measured by only one meter, the maximum amount of daily allowed water use will be the lesser of: (1) the amounts obtained by multiplying the number of households or apartments by XXX gallons per day; or (2) by XX% of the average monthly amount of water measured by the meter in a previous year selected by the District for which Stages 2, 3, or 4 conservation or rationing was not in place for the month of usage.
- b. Residents of Multi-Family Residences served by one meter shall be responsible for dividing the Rationed water among themselves.

5. Procedure for Obtaining Additional Rations for Multi-Residential Users Where Two or More Households are Served by One Meter:

- a. The Applicant must fill out the required form that lists the number of Residences served by the single meter and submit a use permit issued by the Jurisdiction for the Multi-Residential Residences served by the meter. MPWMD shall retain the right to require Residency Affidavits to determine the appropriate Rations. The additional Ration request

shall be submitted to the General Manager, who will approve or disapprove the request within 10 business days of submission of a completed application. The Application shall be submitted under penalty of perjury.

- b. If the application is disapproved, the General Manager will explain in writing the reason for the disapproval, and if the Applicant is not satisfied with the decision of the General Manager, the Applicant may appeal the General Manager's decision to the District's Board of Directors.
- 6. Additional Ration for Special Needs. Where more water than allowed in Sections 3 or 5 above is necessary to preserve the health or safety of a Full Time Resident or his or her Household, the General Manager may increase the Ration to the Residence during the period of need according to the needs of the Applicant.
 - a. The Applicant or his or her representative may file a request for an additional Ration according to the application procedures set forth above in Sections 4 or 6, whichever most closely applies, except that the Applicant shall state in a letter to the General Manager: (1) the amount of the requested additional Ration, and (2) a general statement in support of the need. Where appropriate, Applicant shall provide a letter from a medical doctor stating the need for additional water usage and projected duration of that need, if possible, or other appropriate justification for the special need.
 - b. Additional Rations shall require the replacement of inefficient water fixtures with water efficient toilets, showerheads, faucets, High Efficiency Clothes Washers, and Rain Sensors.
 - c. If the General Manager does not approve an additional Ration, the Applicant may appeal to the Board. An appeal from the General Manager's decision must contain all of the following: (a) a copy of the original application; (b) a copy of the written explanation of the General Manager's decision; and (c) a written explanation of why the Applicant believes the decision should be changed. .
- 7. Misrepresentation. Any Water User intentionally over-reporting the number of Permanent Residents in a Household 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, as well as fees and penalties set forth in this regulation.

F. Non-Residential Rations.

1. If Residential Rationing does not achieve measurable results as expected after a period of six (6) months, upon adoption of a resolution by the Board for a specific reduction in Non-Residential water use, Non-Residential Rations shall be implemented at a level to achieve the necessary reduction in use.
 - a. Rations shall be determined by selection by the District of a previous year for which Stages 2, 3, or 4 conservation or rationing was not in place and then reducing each month's water use by a percentage determined by the District to achieve the Non-Residential reduction in use.
 - b. In the resolution to implement a level of Non-Residential Rationing, the Board shall include either (1) a variance for compliance with Rule 143; (2) a variance for compliance with Best Management Practices or (3) a variance for a commercial establishment whose business requires water in the course of its business practice (e.g. laundromats, nurseries, among others.)
 - c. The Applicant or his or her representative may file a request for an additional Ration. The Applicant shall state in a letter to the General Manager: (1) the amount of the requested Ration, and (2) a general statement in support of the need.
 - d. If the request is disapproved, the General Manager will explain in writing the reason for the disapproval, and if the Applicant is not satisfied with the decision of the General Manager, the Applicant may appeal the General Manager's decision to the District's Board of Directors.

G. 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.

H. CAWD/PBCSD Wastewater Reclamation Project Recycled Water Users. Recycled

Water Irrigation Areas receiving water from the CAWD/PBCSD Wastewater Reclamation Project shall be subject to Stage 4 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. 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.
- b. 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.
- c. 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 Stage 4, 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.
- d. 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.
- e. 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.

- f. 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 K-8-b.
- g. 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 K-8-b shall yield as necessary to respond to the conditions giving rise to the declaration or proclamation.

I. Sunset.

- a. Without further action of the Board of Directors, Stage 4 shall sunset and water use restrictions shall revert to Stage 1 when Total Storage Available computed consistent with Table XV-4 is greater than Total Storage Required for two (2) consecutive months.
- b. Without further action of the Board of Directors, Stage 4 shall sunset for that Water Distribution System(s) and water use restrictions shall revert to Stage 1 when that Water Distribution System’s 12 month total production has been less than or equal to its then-current annual production target for two (2) consecutive months.
- c. Without further action of the Board of Directors, Stage 4, when implemented shall sunset for that Water Distribution System(s) and water use restrictions shall revert to Stage 1 when the governmental or regulatory agency rescinds the request and conditions a. and b., above, have been met.
- d. Stage 4, when implemented pursuant to Rule 165-A-3, shall sunset and water use

restrictions shall revert to Stage 1 when the Board finds that a water supply emergency no longer exists.

- e. Restoration of Lower Stage. A Resolution causing the sunset of one or more provisions of Stage 4 may also activate any lower Stage as may be warranted for good cause by circumstances affecting a particular Water Distribution System, private Well, or Water User.

Section XXX: **Water Rationing Variances**

A. Special Needs Variances. The following needs shall be given additional Rations:

- 1. Medical and/or sanitation needs certified by a doctor;
- 2. Hospital and/or health care facilities that have achieved all BMPs for those uses;
- 3. 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.

B. Hardship Variances. The following shall be given consideration of additional Rations to meet basic needs:

- 1. Drinking water for large livestock;
- 2. Non-Residential 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;
- 3. Commercial laundromats with signs advising full loads only;
- 4. Business in a home on a case-by-case basis;
- 5. Emergency, extreme, or unusual situations on a case-by-case basis.

C. No Variance. The following categories of water use shall not qualify for an additional Ration:

- 1. Short-Term Residential Housing as defined in Rule 11 (Definitions).

2. Guests and short-term visitors.
3. Irrigation, other than variances allowed for required riparian irrigation or safety.
4. Filling spas, ponds, fountains, etc.
5. Leaks that are not repaired within 72 hours of notice.

D. Mandatory Conditions of Approval. Prior to approving any variance, the Site must be in compliance with all applicable District Rules and Regulations and the water conservation standards. Verification by District inspection may be conducted prior to granting a variance.

Section XXX: **Definitions Used in Regulation XV**

The following definitions are used throughout this regulation:

Carmel River Basin

Monterey Peninsula Water Management District Law

Monterey Peninsula Water Resource System

Section XXX: **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 XXX: **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 XXX: **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 _____, 2015 by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the ____ day of _____ 2015.

Witness my hand and seal of the Board of Directors this ____ day of _____ 2015.

David J. Stoldt, Secretary to the Board

TOPICS TO BE ADDRESSED

- ~~Should Stage 4 occur only if there is a “declared water supply emergency”?~~
- Implementation timing from Cal-Am’s end and a plan to implement the program ~~and ability to delay for adequate implementation time.~~
- ~~Recycled water use (Pebble beach and other locations)~~
- ~~Tree replanting~~
- Home-based businesses
 - Orchid Farm
 - Kitchen products
 - Home rentals
- Bilingual advertising/latino communication plan re residency issues/concerns – Other languages?
- Problem with delay in use vs. billing (may be 30 days later)
 - Billing adjustments -- Who, How and When
- Riparian/Tree irrigation
- Jurisdictions suspend tree replacement planting and establishment of new Landscaping unless required due to safety issues.
- Physical Triggers
- Identify non-essential water use for curtailment in Stage 4
 - Dedicated irrigation meters
 - Ice bucket at turndown
 - Water at banquets
 - Publicly accessible showers (sports centers, gyms, schools, etc.)
- Golf course rationing and other water-based businesses
 - Tile cutting
 - Paint prep
 - Brick laying
 - Nurseries
- Entitlements
- Part-Time Residents (i.e., kids home for summer break, short term rental, etc.)
- Alternative water sources (ID and advertise (MPAD, Fairgrounds, well/springs, groundwater resources (Carmel, PG)
 - Mobile WDS
 - Bulk hauler license required for potable
- BMP compliant laundry facilities – Do you ration?
- MFD retrofits/rationing – Common laundry mandatory retrofit
- Part time residents

- Tenant/landlord issues – required irrigation. No retrofits, etc. outreach?
- Businesses – Do you ration only those that have ways to cut back?
- Historic use could be a problem – Overuse now to establish higher base. Do you designate the year now?
- How long will it take CAW to implement rations? What programming is needed and who will do it?
- Funding implantation timing – reimbursement agreements
- Master meters – All CII, mixed use, residential, irrigation only, etc.
- Multiple meters serving a single user – Do you group them?
- Street sweeping -- ASBS
- Staffing questions: PERS, medical, work comp, who would they work for?
- Resources, space, policy, data management systems, Style guide
- Administration of variances, appeals, adjustments (procedures)
- Moratorium
- Small system rationing
- BMP exemption
 - Tier 1 BMP – Required MPWMD retrofits (Reg XIV)
 - Tier 2 BMP – have done ALL feasible retrofits
- New landscaping establishment
- Laguna Seca area should be included in Cal-Am rationing
- Dedicated irrigation meters

IMPORTANT CHANGES TO THIS PLAN

1. Adds Hidden Hills, Bishop and Ryan Ranch to the plan without separate triggers.

DRAFT

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