

**AN ORDINANCE OF  
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
MODIFYING THE TOILET RETROFIT REBATE PROGRAM TO  
INCLUDE REBATES FOR ULTRA-LOW CONSUMPTION  
DISHWASHERS AND WASHING MACHINES**

**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. The Water Management District approved a toilet replacement rebate program as one alternative 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.
4. California State Water Resource Control Board (SWRCB) Order No. WR 95-10, issued in July 1995, ruled that California-American Water Company (Cal-Am) did not have a legal right to take approximately 69 percent of the water supplied to Cal-Am users at that time. The SWRCB has set specific goals to reduce water diversions from the Carmel River Basin.
5. Under SWRCB Order No. WR 95-10, Cal-Am 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.
6. Cal-Am has applied for California Public Utilities Commission approval to participate as a co-sponsor in the District's rebate program. Cal-Am is expected to contribute \$150,000 to fund rebates during Fiscal Year 2000.
7. The replacement of existing facilities is a categorical exemption under Class I, Section 15301 of the California Environmental Quality Act (CEQA). A Notice of Exemption has been filed in compliance with CEQA.
8. Toilet retrofitting has proven to be an effective method to reduce water demand. The rebate program provides an incentive to retrofit to people who might not otherwise replace older toilets with more water efficient models.

9. Replacing existing dishwashers and washing machines with ultra-low water consumption appliances is a proven method to reduce potable water use.
10. This ordinance shall supersede the existing Rebate Program Ordinance.

NOW THEREFORE be it ordained as follows:

## **ORDINANCE**

### **Section One: Short Title**

This ordinance shall be known as the Expanded Rebate Program Ordinance of the Monterey Peninsula Water Management District.

### **Section Two: Statement of Purpose**

The Monterey Peninsula Water Management District enacts this ordinance to expand the standards for the toilet replacement rebate program as set forth in Ordinance Nos. 85 and 88. The purpose of this ordinance is to continue and expand the rebate program approved in the Action Plan for Water Supply Alternatives adopted by the Board of Directors in February 1996. This expansion of the rebate program provides rebates for ultra-low water consumption dishwashers and washing machines. The previously adopted rebate program for replacement of older toilets with ultra-low flush (ULF) models shall continue and is reenacted by this ordinance.

The Rebate Program is designed to facilitate toilet replacements that might not otherwise occur and to encourage installation of low water consumption dishwashers and washing machines. The program offers rebates of \$50 for each ultra-low consumption dishwasher installed, up to \$100 for each ULF toilet installed that replaces a non-ULF model, and \$100 for each ultra-low water consumption washing machine installed. Participation in the rebate program is voluntary. The rebates offered by this program will be available as long as funds are available in the rebate account or until rescinded by further action of the Board.

### **Section Three: Definitions**

A. Unless the context specifically indicates otherwise, the following words or phrases shall be given the definitions set forth below for the purpose of this ordinance and shall be permanently included in Rule 11, Definitions, of the Rules and Regulations of the District. Additional words used in this ordinance are defined in Rule 11.

1. "Rebate" or "Refund" shall mean a payment of up to \$100 to a qualified applicant for the replacement of each non-ultra-low flush toilet with an ultra-low flush toilet, \$100 for each low-consumption washer installed, and \$50 for the installation of each ultra-low consumption dishwasher on a qualifying property.
2. "Rebate Account" shall be an account specifically set up to supply funds for rebates. The account will be debited for each rebate issued until no funds remain. At such time as funds are exhausted, no further rebates shall be issued. This account may be augmented from time to time by action of the Board.
3. "Ultra-Low Flush Toilet" or "ULF Toilet" shall mean a toilet that is designed to flush with no more than 1.6 gallons-per-flush.
4. "Ultra-Low Consumption Washing Machine" shall mean a clothes washing machine designed to use no more than 28 gallons during any complete wash cycle.
5. "Ultra-Low Consumption Dishwasher" shall mean a dishwasher designed to use no more than 7.66 gallons during any complete wash cycle.

**Section Four: Eligible Properties**

A. Qualifying Criteria. This ordinance shall apply to all properties supplied by a water distribution system or private well that derives water from the Monterey Peninsula Water Resources System or is supplied as a sub-unit of the California-American Water Company within the boundaries of the Monterey Peninsula Water Management District (i.e., Bishop, Hidden Hills, and Ryan Ranch water systems). A list of all water systems within the MPWRS is maintained by the District.

B. Exceptions. The following properties shall not qualify for a rebate:

1. Properties subject to Rule 144 (transfer of ownership or expansion in use requiring retrofit to ultra-low water using fixtures).
2. Properties for which a water permit was issued between 1985 and 1987 whereby a connection charge reduction was allowed due to voluntary installation of ultra-low flush toilets.
3. Properties which were required to retrofit as a condition of a water rationing variance (Rule 92).
4. Properties which have received a water permit with water conservation incentives requiring the installation of ultra-low consumption dishwashers and/or washing machines prior to the implementation date of this ordinance.

C. Replacement of Existing Fixtures. Rebates shall not be issued for the replacement of existing ultra-low flush toilets, ultra-low consumption dishwashers or washing machines.

D. Limitation on Rebates. Rebates shall not be issued for the replacement of more than twenty (20) toilets on a non-residential site.

**Section Five: Retrofit**

A. Rebates are available for completion of any of the following retrofit actions:

- 1. Replacement of a non-ultra-low flush toilet with an ultra-low flush toilet.
  - a. Compliance with applicable local permitting requirements shall be the responsibility of the applicant.
- 2. Permanent installation of an ultra-low consumption dishwasher;
- 3. Installation of an ultra-low consumption washing machine.

**Section Six: Amendment to Rule 25.5 - Water Use Credits**

The following text shall be added as Rule 25.5 (A)(4):

"Water Use Credit shall not be granted for any eligible retrofit that was accomplished pursuant to the rebate program ordinance, with the exception of ultra-low consumption dishwashers and washing machines."

**Section Seven: Administration**

A. Application.

- 1. Applications for rebates shall be submitted following installation of an ultra-low flush toilet or ultra-low consumption dishwasher or washing machine.
- 2. A completed application for rebate shall include the name and address of the applicant, property owner's name, telephone numbers, Assessor's Parcel Number (required in the City of Carmel), water company account number, date of retrofit, brand and model of toilet or other appliance installed, name of installer and the receipt for the purchase. Application forms shall be provided by the District.
- 3. Renters, or occupants of property owned by another party, require the written authorization of the property owner or property owner's agent to qualify for a rebate.

B. Qualification.

1. Residential rebates for toilet replacements shall apply to qualifying toilet installations completed on or after December 12, 1996. Qualification shall be determined at the time the application is processed.
2. Non-residential rebates for toilet replacement shall apply to qualifying toilet installation completed on or after July 1, 1997.
3. Rebates for installation of qualifying ultra-low consumption dishwashers and washing machines shall apply to appliance installations completed on or after the implementation date of this ordinance.

C. Tracking

1. Upon receipt of an application, the District shall verify completion and accuracy of information and shall verify the receipt is valid.
2. The District shall search its existing databases for previous retrofit requirements. If no match is found, a rebate shall be processed if funds are available in the rebate account. In the event that funds are not available, the application will be kept on file pending augmentation of the rebate account.
3. Properties subject to a past retrofit requirement for ULF toilets are not eligible.
4. Information contained on the application will be added to the District's records for future use in assessing water savings achieved through the rebate program.
5. When funded, a rebate check will be processed and mailed within 30 days following receipt by the District of a complete and valid application which includes a receipt for all reimbursable services and supplies.
6. The rebate for toilet replacements shall cover the cost of the toilet, seat, wax seal, supply line, angle stop, plumbing permit, sales tax and installation by a licensed plumber, not to exceed \$100 per toilet or the actual cost per toilet, whichever is less.
7. The rebate for ultra-low consumption dishwashers shall be \$50 per appliance or the actual cost, whichever is less.
8. The rebate for ultra-low consumption washing machines shall be \$100 per appliance or the actual cost, whichever is less.

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**Section Eight: Review of Ordinance**

The District shall periodically review the rebate program and determine whether to continue, modify or terminate the program. If at any time funds designated for rebates are expended prior to review, the program shall be suspended pending review and direction by the Board of Directors.

**Section Nine: 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. This ordinance shall be read in conjunction with and complement those provisions of the District's Rules and Regulations, provided; however, the provisions enacted by this measure shall take precedence over and supersede any contradictory provision of those rules. Section titles and captions are provided for convenience and shall not be construed to limit the application of the text.

**Section Ten: Effective Date**

This ordinance shall be given effect at 12:01 a.m. on January 14, 2000.

**Section Eleven: Sunset**

This ordinance shall not have a sunset date.

**Section Twelve: 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.

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On motion of Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is adopted upon this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by the following vote:

AYES:

NAYS:

ABSENT:

I, Darby Fuerst, 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 \_\_\_\_\_, 1999.

Witness my hand and seal of the Board of Directors this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Darby W. Fuerst, Secretary to the Board