

RULE 146 - DISCRETIONARY EXEMPTIONS

The General Manager may, in his discretion, exempt facilities from the provisions of this Regulation, or impose reasonable conditions in lieu of compliance therewith, if he determines that any of the following sections apply:

A. HARDSHIP

The General Manager may grant an exemption for hardship where the requirements of this regulation would cause an unnecessary and undue substantial hardship upon the owner, or purchaser of the facility, or the public. Substantial hardship shall be determined on a case by case basis and may include, but is not limited to:

1. Plumbing in an existing facility which does not match connections with Low Water Use Plumbing Fixtures and would require partial or complete replumbing of the structures. For example, different rough-in dimensions for which no compatible complying fixture is available.
2. Unavailability of Low Water Use Plumbing Fixtures to match a well-defined historic architectural style (i.e., Victorian, Mission Revival) in a locally, state or federally recognized building of historic significance, fitted exclusively throughout with authentic plumbing fixtures from that period.

B. EMERGENCY

The General Manager may grant an exemption from this Regulation for emergency purposes when the requirements of this Regulation would create a condition affecting the health, sanitation, fire protection or safety of the facility owner or the public. Emergency conditions include, but are not limited to, sewer line grades that are insufficient to accommodate reduced flows caused by conversion of high flow toilets with Ultra-Low Flush Toilets or High Efficiency Toilets attested to by the city, county, or sanitary district engineer. All requests for exemptions from this Regulation shall be in writing.

C. IN LIEU COMPLIANCE

The General Manager may grant an exemption by imposing reasonable conditions in lieu of compliance with the requirements of this Regulation, where the condition would achieve water savings similar to the efficiency standards set by this Regulation, and where an exemption or condition would not otherwise adversely affect service to any existing water consumer.

D. RETROFIT EXEMPTIONS

When the General Manager has deferred the retrofit requirement of this Regulation for any plumbing fixture for which technology is or was not available to cause the required flow reduction, such as in flushometer-style or blow out toilet fixtures, or where retrofitting is not otherwise feasible, retrofit shall be required at the time technology becomes available when action is triggered by another qualifying event under Regulation XIV or Regulation XV.

Rule added by Ordinance No. 30 (7/13/87); amended by Ordinance No. 89 (7/21/97); Ordinance No. 141 (11/16/2009)