

ORDINANCE

Section One: Short Title

This ordinance shall be known as the 2016 Rule Amendment Ordinance II of the Monterey Peninsula Water Management District.

Section Two: Purpose

The Monterey Peninsula Water Management District enacts this ordinance to address certain actions necessary to process and issue Water Permits and Water Distribution System Permits and to clarify permitting and conservation requirements.

Section Three: Amendment of Rule 11, Definitions

The following definitions in Rule 11 shall be amended as shown in bold italics (*bold italics*) and strikeout (~~strikethrough~~).

1. *ACCREDITED INSTITUTION OF HIGHER EDUCATION* - “*Accredited Institution of Higher Education*” shall a regional, national faith-related, national career-related or programmatic accreditor that is or has been recognized by the Council for Higher Education Accreditation (CHEA) or the U.S. Department of Education (USDE) or both.
2. *ACCREDITED INSTITUTION OF HIGHER EDUCATION SITE* - “*Accredited Institution of Higher Education Site*” shall mean all facilities and properties owned by a single Accredited Institution of Higher Education that are located within the MPWMD and that are supplied water by California American Water.
3. *JURISDICTION SITE* - “*Jurisdiction Site*” shall mean all facilities and properties owned by a single Jurisdiction that are located within the MPWMD and that are supplied water by California American Water.
4. *SITE* -- “*Site*” shall mean any unit of land which qualifies as a Parcel or lot under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, and or that are (3) which have an identical present use a Public School District Site, a Jurisdiction Site, or an Accredited Institution of

Higher Education Site. The term “Site” shall be given the same meaning as the term “Parcel.”

Section XXX: Amendments to Rule 25.5, Water Use Credits and On-Site Water Credits

Rule 25.5-A shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to clarify credit assignment upon subdivision/sale.

- 25.5-A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may receive a Water Use Credit for the permanent abandonment of some or all of the prior water use on that Site by one of the methods set forth in this Rule. Water Use Credits shall be documented by written correspondence between the District and the property owner, and shall remain valid unless prohibited by this Rule. Water Use Credits shall not be documented by notice on a property title, except as specified in Rule 25.5-G. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site. *In certain cases, Water Use Credits may be assigned to a specific Parcel and documented by deed restriction at the time the Site is subdivided or when existing lots on the Site are initially assigned an Assessor’s Parcel Number. Assignment of a Water Use Credit to a specific sub-Parcel of the original Site must include recorded notice on all Parcels where the Water Use Credit originated.*

Section XXX: Amendments to Rule 60-M, Refunds of Fees and Charges

Rule 60-M shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) for consistency with Rule 24-F, Capacity Fee Refunds.

M. REFUNDS OF FEES AND CHARGES

Fees and charges pursuant to Regulation VI are paid to or due the District in consideration of, and as reimbursement for, District incurred costs and expenses relating to the administration and processing of applications, Permits, variances, appeals, notices, investigations, and District enforcement activities. These include, but are not limited to, costs and expenses incurred by the District in planning for, acquiring, reserving, protecting, and maintaining Capacity in present or future water distribution facilities, water resources, and conservation activities. At the conclusion of any activity (e.g. issuance or cancellation of a Permit, conclusion of an enforcement action, or any other final action on a matter) the General Manager may refund remaining fees or charges paid by the Applicant to

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the extent the remainder exceeds costs or expenses incurred by the District for that matter. Requests for refunds shall be in writing, include a clear reference to the Water Permit number or otherwise identify the matter, and state clearly the reason a refund has been requested. This provision authorizes the General Manager to calculate and issue a refund to the extent that the remainder exceeds costs or expenses incurred by the District for that matter, but shall not confer a right upon any Applicant to receive a refund. Any refund shall be determined as a delegated exercise of the General Manager's discretion. Any refund shall be made solely to the party who initially paid the fee or charge, *to the extent the party's current address is known, or to the current title holder of the property.*

Section XXX: Amendments to Rule 21-B, Application for Permit to Connect to or Modify a Connection to a Water Distribution System

Rule 21-B-1 and 21-B-2 shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to clarify credit assignment upon subdivision/sale.

A. APPLICATION FOR PERMIT TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

Each application for a Water Permit shall follow the process set forth in Rule 23. A proper Applicant for a Water Permit may be the prospective User of the proposed or existing Connection as the real party in interest, the property owner, or any agent thereof. The application for a Water Permit to Connect to or modify a water use Connection shall be deemed complete when the Applicant submits all of the following:

1. A Water Release Form pertaining to the Site on which the water use shall occur shall be signed by the authorized official of the applicable Jurisdiction. When the completed ~~P~~project has fewer fixture units than the number permitted (Residential Water Permits), or has a smaller Water Use Capacity than permitted (Non-Residential Water Permits), the Applicant shall not be required to secure the signature of the authorized official of the applicable Jurisdiction on the Water Release Form *to amend the Water Permit*. It shall be the responsibility of the Jurisdiction to complete any applicable Environmental Review on a Project prior to authorizing a Water Permit release via the Water Release Form.
2. Complete Construction Plans that reflect water use pursuant to Tables 1 or

2 of Rule 24. *The Applicant shall amend the Water Permit to reflect together with any amendment, addition, or modification of to the water fixtures and/or Water Use Capacity these plans which may be made prior to use or occupancy of the Pproject, and any plans which may be submitted to the Jurisdiction for land use or building approvals.*

Section XXX: Amendments to Rule 60-M, Refunds of Fees and Charges

Rule 60-M shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to provide an alternative recipient of refunds consistent with Rule 24-F.

M. REFUNDS OF FEES AND CHARGES

Fees and charges pursuant to Regulation VI are paid to or due the District in consideration of, and as reimbursement for, District incurred costs and expenses relating to the administration and processing of applications, Permits, variances, appeals, notices, investigations, and District enforcement activities. These include, but are not limited to, costs and expenses incurred by the District in planning for, acquiring, reserving, protecting, and maintaining Capacity in present or future water distribution facilities, water resources, and conservation activities. At the conclusion of any activity (e.g. issuance or cancellation of a Permit, conclusion of an enforcement action, or any other final action on a matter) the General Manager may refund remaining fees or charges paid by the Applicant to the extent the remainder exceeds costs or expenses incurred by the District for that matter. Requests for refunds shall be in writing, include a clear reference to the Water Permit number or otherwise identify the matter, and state clearly the reason a refund has been requested. This provision authorizes the General Manager to calculate and issue a refund to the extent that the remainder exceeds costs or expenses incurred by the District for that matter, but shall not confer a right upon any Applicant to receive a refund. Any refund shall be determined as a delegated exercise of the General Manager's discretion. Any refund shall be made solely to the party who initially paid the fee or charge, *or to the current title holder of the Site when the name and current address of the initial party is unknown.*

Section XXX: Deletion of Rule 64

Rule 64 (Ordinance No. 22) shall be deleted. Ordinance No. 22 was superseded by Ordinance Nos. 29, 32, 36, 37, 41, 51, 55, 58, 61, 67, 78, 82, 123, and 138.

Section XXX: Amendments to Rule 141, Rebates

Rule 141, Rebates, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

A. Rule 141-A, Qualifying Devices, shall be amended to add:

26. Non-Residential Rebates for technology not listed in Rule 141 shall be considered on a case-by-case basis by the Water Demand Committee. The Water Demand Committee shall make a recommendation to the Board.

B. Rule 141-B, Table XIV-1, Rebate Amounts, shall be amended to add:

Non-Residential Rebates for technology not shown on Table XIV-1 shall be considered on a case-by-case basis by the Board.

C. Add rebate for removal of Whirlpool tubs in Visitor-Serving Facilities to encourage replacement. Whirlpool tubs are cleaned by filling the tub with sanitizer, running the jets, and then filling and rinsing the tub a second time. Without adequate cleaning, these fixtures harbor bacteria, soap debris, and scum in the piping systems back behind the jets. Then whenever the tubs are turned on and the jets are activated all of that is sloughed off. Clearly, cleaning whirlpool tubs is wasteful. There is only one spa tub that does not require wasteful cleaning practices: Sanijet, based in Coppell, Texas, is the sole manufacturer of a pipeless whirlpool bath. The patented system uses individual jets that can be removed by hand. These jets easily can be removed and cleaned within a few minutes. The system has received independent verification from the National Sanitation Foundation that it can be completely cleaned and disinfected. Capacity of hotel tubs ranges from about 60 gallons to over one hundred gallons. Potential water savings are great if a jetted tub must be cleaned after every customer (*example: 75 gallon tub filled twice = 150 gallons x 3 cleanings (or more) per week = 23,400 gpy (0.07 AFY). Larger tubs could double that number, as would more frequent cleaning*).

D. Change lawn removal rebate history to three years. Policy issue regarding drought and the statewide call to action.

Section XXX: Amendments to Rule 142-D

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

21. Whirlpool type tubs that have intake piping to circulate water shall be

prohibited in new/refurbished hotel rooms.

Section XXX: Amendments to Rule 143-F, Water Efficiency Standards for Existing Non-Residential Uses

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

- F. All Non-Residential Clothes Washers shall meet the definition of High Efficiency Clothes Washer rated with a Water Factor of 5.0 or below by December 31, 2013. *Washer-Extractors that do not comply with the 5.0 Water Factor shall be programed by a manufacturer/vendor technician to only function on the low water setting (non-user selected setting). A written statement provided by the technician stating that the machine(s) have been programed to only use the low water setting and there is no way to manipulate the water usage via a user setting, shall be kept on file for review by MPWMD.*

Section XXX: Amendments to Rule 144-C, Retrofit Exemptions

Rule 144-C, Retrofit Exemptions, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

- C. ~~RETROFIT EXEMPTIONS~~ When a Site has ULF toilets that were installed prior to December 31, 2012, those toilets ~~hall~~ be exempt from this rule until December 31, 2016. This exemption shall not apply to toilets required to be replaced with lower flush volume fixtures as a condition of a Water Permit or other District action.

CORRECT TABLE 4 CREDIT TO CONTINUE HIGH EFFICIENCY TOILET CREDIT UNTIL CDO IS REMOVED.