



Submitted by staff
at 3/17/16 meeting

Item:
Questions From
Committee
Members

Adopted by the Board on February 17, 2016 – Effective on March 18, 2016

ORDINANCE NO. 169

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT REPEALING REGULATION XV, THE EXPANDED WATER CONSERVATION AND STANDBY RATIONING PLAN, AND REPLACING IT WITH REGULATION XV, THE 2016 MONTEREY PENINSULA WATER CONSERVATION AND RATIONING PLAN

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. 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 physical, regulatory, and legal circumstances which constrain the amount of water that is available to serve water users in the Monterey Peninsula area.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. This ordinance repeals Regulation XV and replaces it with the contents of this Ordinance. Regulation XV was adopted with Ordinance No. 92 (1/29/99) and amended by Ordinance No. 119 (3/21/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 134 (8/18/2008); Ordinance No. 135 (9/22/2008); Ordinance No. 137 (12/8/2008); Ordinance No. 142 (1/28/2010); Ordinance No. 147 (2/24/2011); Ordinance No. 151 (11/19/2012); Ordinance No. 159 (4/21/2014); and Ordinance No. 163 (3/16/2015). Also repealed are Table XV-1 adopted and amended by Resolution 2007-05 (5/21/2007); Ordinance No. 134 (8/18/2008); Ordinance No. 135 (9/22/2008); Ordinance No. 137 (12/8/2008); Resolution 2009-08 (6/15/2009); Resolution 2009-17 (12/14/2009); Resolution 2010-06 (5/17/2010); Resolution 2011-01 (1/27/2011); Resolution 2011-12 (9/19/2011); Resolution 2012-13 (9/17/2012); Resolution 2013-15 (9/16/2013); Resolution 2014-15 (9/15/2014); Resolution 2015-18 (9/21/2015); Table XV-2 added by Ordinance No. 135 (9/22/2008); amended by Ordinance No. 137 (12/8/2008); Resolution 2009-08 (6/15/2009); Resolution No. 2009-17 (12/14/2009); Resolution 2010-06 (5/17/2010); Resolution 2011-01 (1/27/2011); Resolution 2011-12 (9/19/2011); Resolution 2012-13 (9/17/2012); Resolution 2013-15 (9/16/2013); Resolution 2014-15 (9/15/2014); Resolution 2015-18 (9/21/2015); Table XV-3 added by Resolution 2014-15 (9/15/2014); amended by Resolution 2015-18 (9/21/2015); Table XV-4 added by Resolution 2014-07 (5/19/2014); amended by Resolution 2014-15 (9/15/2014); Resolution 2015-08 (5/18/2015).
11. 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 2016 Monterey Peninsula Water Conservation and Rationing Plan.”

Section Two: **Purpose**

This ordinance repeals the existing Regulation XV and replaces it with a streamlined conservation and rationing plan.

Section Three: **Repeal of Regulation XV, The Expanded Water Conservation and Standby Rationing Plan**

Regulation XV, The Expanded Water Conservation and Standby Rationing Plan of the Monterey Peninsula Water Management District, shall be repealed upon adoption of this ordinance and shall be replaced with the Rules adopted in this ordinance.

Section Four: **Amendment of Rule 11, Definitions**

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.

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. ***CARRYOVER STORAGE*** – “***Carryover Storage***” shall mean 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. ***CAWD/PBCSD WASTEWATER RECLAMATION PROJECT RECYCLED WATER USERS*** – “***CAWD/PBCSD Wastewater Reclamation Project Water Users***” shall mean those Users of the wastewater reclamation project undertaken by the Carmel Area Wastewater District and the Pebble Beach Community Services District that supplies Recycled Water to the Golf Courses and certain open space areas within Pebble Beach.

4. **CCF** – “CCF” (or one-hundred cubic feet) shall mean 748 gallons.
5. **CONSERVATION RATES** – “Conservation Rates” shall mean the increase in the water rates for all customers at levels of either 25 percent (Level 1 Conservation Rates) or 40 percent (Level 2 Conservation Rates). Conservation Rates do not apply to Residential Tier 1 water use.
6. **CONVEYOR CAR WASH** – “Conveyor Car Wash” shall mean a commercial car wash where the vehicle moves on a conveyor belt during the wash and the driver of the vehicle can remain in, or wait outside of, the vehicle.
7. ~~EMERGENCY RATES~~ – “Emergency Rates” shall mean a higher block water rate used by California American Water during Stage 3 Water Conservation as a mechanism to discourage excessive water use.
8. ~~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
9. ~~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.
10. **HOUSEHOLD** – “Household” shall mean all of the people who occupy a housing unit. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room occupied (or if vacant, intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live separately from any other people in the building and that have direct access from the outside of the building or through a common hall.
11. **IN-BAY CAR WASH** – “In-Bay Car Wash” shall mean a commercial car wash where the driver pulls into a bay, parks the car, and the vehicle remains stationary while either a machine moves over the vehicle to clean it or one or more employees of the car wash clean the vehicle, instead of the vehicle moving through a tunnel.

12. **INTERRUPTION** – *“Interruption” shall mean an interruption for longer than 12 hours in the supply of Recycled Water to a Recycled Water Irrigation Area.*
13. ~~LARGE RESIDENTIAL WATER USER~~ – ~~“Large Residential Water User” shall mean any Residential Water User consuming at least 384 units (287,232 gallons) in the previous Water Year (or an average of 32 units per month).~~
14. **MEASURABLE PRECIPITATION** – *“Measureable Precipitation” shall mean rainfall of 0.1 inch or more.*
15. **MINIMUM DAILY WATER RATION** – *“Minimum Daily Water Ration” shall mean a Water Ration of 90 gallons per Household.*
16. **MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (DISTRICT)** – *“Monterey Peninsula Water Management District” (“District”) is a public agency created by the California State Legislature in 1977 and approved by the voters on June 6, 1978. The enabling legislation is found at West's California Water Code, Appendix Chapters 118-1 to 118-901.*
17. **MULTI-FAMILY HOUSEHOLD** – *“Multi-Family Household” shall mean the Ration for two or more Dwelling Units receiving water from a Master Meter.*
18. **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. 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.~~

19. ~~NON-REVENUE WATER METERED AND UNMETERED USE~~ – “Non-Revenue *Water Metered and Unmetered Use*” shall *mean those components of system input volume that are not billed and produce no revenue; equal to unbilled authorized consumption, plus apparent losses, plus real losses.* ~~include water used for Water Distribution System owned and leased facilities, flushing when necessary for health or safety purposes, use for production including filter back washing at two filter plants, rights of way, riverbank irrigation, and California American Water Well property irrigation. This definition shall also apply to estimated beneficial water use by fire departments and other municipal uses not prohibited under the definition of Water Waste or Non-Essential Water Use.~~

20. ~~PERMANENT RESIDENT~~ – “Permanent Resident” shall mean a Person who resides continuously in a Dwelling Unit 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.~~

21. ~~PRIMARY RESIDENCE~~ – “Primary Residence” shall ~~mean the main or principal Dwelling Unit inhabited by one or more Persons.~~

22. *PRESSURE REGULATING DEVICE* – “*Pressure Regulating Device*” shall *mean a water pressure reducing device installed in the water line after the Water Meter that automatically reduces the pressure from the water supply main to a lower pressure.*

23. **RECYCLED WATER IRRIGATION AREAS** – *“Recycled Water Irrigation Areas” shall mean the golf courses and other vegetated areas located within the Del Monte Forest that are being irrigated with Recycled Water.*
24. **RESIDENCY AFFIDAVIT** – *“Residency Affidavit” shall mean a document attesting to the number of Permanent Residents in a Household.*
25. **RESPONSIBLE PARTY** – *“Responsible Party” shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit. “Responsible Party,” when used in the context of the Expanded 2016 Monterey Peninsula Water Conservation and Standby Rationing Plan, shall mean the Person who is responsible for paying the water bill. When a property is served by a private Well or a small Water Distribution System, the “Responsible Party” shall be the Water Users of the Well and the small distribution system Operator.*
26. **SINGLE RESIDENTIAL HOUSEHOLD** – *“Single Residential Household” shall mean a Household that receives its water supply through a Water Meter that is not shared with other Households.*
27. ~~STAGE 1 WATER CONSERVATION~~ – ~~“Stage 1 Water Conservation” shall mean the first stage in the District’s Expanded Water Conservation and Standby Rationing Plan 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.~~
28. ~~STAGE 2 WATER CONSERVATION~~ – ~~“Stage 2 Water Conservation” shall mean the second stage in the District’s Expanded Water Conservation and Standby Rationing Plan that 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.~~
29. ~~STAGE 3 WATER CONSERVATION~~ – ~~“Stage 3 Water Conservation” shall mean the third stage in the District’s Expanded Water Conservation and Standby Rationing Plan that takes action to maintain California American Water water use in the MPWRS below regulatory constraints and to respond to potential drought or emergencies by imposing higher water charges for excessive water use.~~

30. ~~STAGE 4 WATER RATIONING~~ — “~~Stage 4 Water Rationing~~” is defined as the fourth stage in the District’s Expanded 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 in addition to Excessive Use Rates imposed during Stage 3 Water Conservation.
31. ~~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.
32. ~~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.
33. ~~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.
34. ***TOTAL STORAGE AVAILABLE*** – “***Total Storage Available***” shall mean the usable water as measured by the District on May 1 in any year that is contained in the Carmel Valley Alluvial Aquifer plus usable water in the Seaside Groundwater Basin and the usable water in the Los Padres Reservoir.
35. ***TOTAL STORAGE REQUIRED*** – “***Total Storage Required***” shall mean the combination of demand remaining from May 1 to September 30 and carryover storage for the next Water Year that is required to meet the following Water Year production limit for California American Water from Carmel River sources set by State Water Resources Control Board Order WR 2009-0060, plus the production limit for California American Water from the Seaside Groundwater Basin set by the Court in its March 27, 2006 Seaside Basin Adjudication Decision and the production limit specified for non-California American Water Users from the Monterey Peninsula Water Resource System set in the District’s Water Allocation Program.

36. ~~VISITOR~~ – “~~Visitor~~” shall mean an occasional occupant who resides in a Dwelling Unit for less than 30 days, but who is not a part time resident according to the “Permanent Resident” definition.
37. ~~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.
38. ~~WATER RATIONING CONTINGENCY~~ – “~~Water Rationing Contingency~~” shall mean a percentage of water production not allocated for rations.
39. WATER RATION - “Water Ration” shall mean a specific amount of water available to each Water User during Stage 5-7 4 Water Rationing.
40. WATER SUPPLY EMERGENCY – “Water Supply Emergency” shall mean a declaration pursuant to Regulation XV, ~~Expanded~~ *The 2016 Monterey Peninsula* Water Conservation and ~~Standby~~ Rationing Plan, that a water shortage emergency condition prevails within ~~the area~~ *one or more Water Distribution Systems*.
41. WATER WASTE - “Water Waste” shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water *as defined in Rule 162*. ~~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 arrange for a Landscape Water Audit within 60 days of notification of a requirement to obtain an audit.~~
- ~~8. Failure to complete a Landscape Water Audit within 60 days of a significant modification to an audited Landscape.~~
- ~~9. Failure to maintain water use within a mandatory Landscape Water Budget.~~
- ~~10. 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.~~
- ~~11. Operation of fountains, ponds, lakes or other ornamental use of Potable water without recycling.~~
- ~~12. 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.~~
- ~~13. Individual private washing of cars with a hose except with the use of a Positive Action Shut Off Nozzle.~~
- ~~14. Use of water for washing 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.~~
- ~~15. Operation of a commercial full service car wash without recycling at least 50 percent of the Potable water used per cycle.~~
- ~~16. Charity car washes.~~
- ~~17. Use of Potable water for street cleaning.~~

- ~~18. Failure to meet MPWMD Regulation XIV retrofit requirements for an existing business after having been given a reasonable amount of time to comply.~~
- ~~19. 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.~~
- ~~20. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle.~~
- ~~21. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD.~~
- ~~22. 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.~~
- ~~23. 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.~~
- ~~24. 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.~~
- ~~25. 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 Five: **Rule 160 – Regulatory Production Targets And Physical Storage Target**

The monthly distribution of water production from sources within the Monterey Peninsula Water Resource System (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.

EXAMPLE OF 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.		

EXAMPLE OF 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	--
Notes: 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.		

EXAMPLE OF 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	---
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 (9,945 Acre-Feet). This amount was distributed monthly based on Cal-Am's reported monthly average production for its Main California American Water 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.		

EXAMPLE OF Table XV – 4
Physical Storage Target
for the Monterey Peninsula Water Resource System
for the Remainder of WY 2015 and all WY 2016

PRODUCER	MAY-SEPTEMBER DEMAND	CARRYOVER STORAGE NEEDS FOR NEXT YEAR DEMAND	TOTAL STORAGE REQUIRED ON MAY 1
California American Water (Cal-Am)	7,071	12,123	19,194
<u>Non Cal-Am</u>	<u>1,946</u>	<u>3,046</u>	<u>4,992</u>
Total	9,017	15,169	24,186
			TOTAL STORAGE AVAILABLE ON MAY 1
			30,990⁵

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 Required refers to the combination of demand remaining from May 1 to September 30 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 2015. The values are based on the production limits for California American Water (Cal-Am) from Carmel River sources (9,945 Acre-Feet in WY 2015 and 9,824 Acre-Feet in WY 2016) set by State Water Resources Control Board Order WR 2009-0060, the production limit for Cal-Am from the Seaside Groundwater Basin (2,299 Acre-Feet in WY 2015 and in WY 2016) set by the Court in its March 27, 2006 Seaside Basin 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, 2015 System Storage = 30,990 Acre-Feet (26,220 Acre-Feet Carmel Valley Alluvial Aquifer; 3,100 Acre-Feet Seaside Groundwater Basin; 1,670 Acre-Feet Los Padres Reservoir); this is 97 percent of average and 82 percent of System Capacity (37,505 AF).

Section Six: **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 requirements of MPWMD Regulation XIV, Water Conservation.
- B. California American Water shall amend its Urban Water Management Plan and its Rule 14.1.1 (Standard Practice U-40-W), Water Shortage Contingency Plan - Monterey County 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 this Regulation and any amendment thereto.
- C. Water Distribution Systems regulated by the CPUC shall amend their Rule 14.1 to conform to this Regulation. A copy of Rule 14.1 shall be filed with the California Public Utilities Commission (CPUC) and the District within thirty (30) days of the effective date of this Regulation and any amendment thereto.
- D. At least ten (10) days prior to a first reading of amendments to Regulation XV, a copy of the proposed changes shall be provided to the CPUC Office of Ratepayer Advocates (ORA).
- E. 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 by December 1 of the next Water Year. Monthly reports shall be provided within fifteen (15) days of the close of the preceding month.
- F. Each Water Distribution System Operator 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 and may be subject to a non-disclosure agreement with the Water Distribution System Owner/Operator. 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.
- G. 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.

- H. California American Water shall maintain Non-Revenue Water in its Water District Systems at or below seven (7) percent. Average losses of more than seven (7) percent during the most recent twelve-month period shall be considered Water Waste.
- I. Each Water Distribution System Operator 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.
- J. At all times during Stages 2 through 4 each affected Water Distribution System shall send monthly conservation reminders.
- K. During a Water Supply Emergency, or at the direction of the Board of Directors, each Owner or Operator or Extractor of a private water Well, Water Distribution System, or other Water-Gathering Facility shall comply with the provisions of this Regulation, as they relate to such Well, Water Distribution System, or other Water-Gathering Facility.

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

- A. Trigger. Stage 1 shall remain in effect at all times and shall apply to all Water Users subject to modification by the Board.
- 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. 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. This prohibition applies to hand watering with a hose, and irrigation systems whether spray, drip, or managed by a Smart Controller. Limited hand watering of plants or bushes with a small container or a bucket is permitted on any day at any time. Subsurface Graywater Irrigation Systems may also be operated at any time. An exemption may be given to a Non-Residential establishment whose business requires water in the course of its business practice (e.g. golf courses, nurseries, recreational space, among others) with notification by the business owner to the District, and subject to the approval of the General Manager.
6. Hand watering by a hose, during permitted hours, without a quick acting Positive Action Shut-Off Nozzle.
7. Irrigating during rainfall and for 48 hours after Measurable Precipitation.
8. Use of water for irrigation or outdoor purposes in a manner inconsistent with California's Model Water Efficient Landscape Ordinance (Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, and any successor regulations) where applicable, or in a manner inconsistent with local regulations.
9. 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.
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. In-Bay or Conveyor Car Washes permitted and constructed prior to January 1, 2014, that do not recycle and reuse at least 50 percent of the wash and rinse water. In-Bay or Conveyor Car Washes that were permitted and constructed after January 1, 2014, that do not either: (1) use and maintain a water recycling system that recycles and reuses at least 60 percent of the wash and rinse water; or (2) use recycled water provided by a water supplier for at least 60 percent of its wash and rinse water.
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 Non-Residential User 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. Visitor-Serving Facilities that fail to adopt and promote towel and linen reuse programs and provide written notice in the rooms, whereby towels and linens are changed every three days or as requested by action of the guest.
18. Washing of livestock with a hose except with the use of a Positive Action Shut-Off Nozzle.
19. Transportation of water from the Monterey Peninsula Water Resource System without prior written authorization from the MPWMD.
20. Delivery, receipt, and/or use of water from an unpermitted Mobile Water Distribution System.
21. Unreasonable or excessive use of Potable water for dust control or earth compaction without prior written approval of the General Manager where Sub-potable water or other alternatives are available or satisfactory.

22. 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.
23. Water use in excess of a Water Ration.
24. Non-compliance with Regulations XIV and XV.

C. 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 a State licensed Potable water handler 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.

D. Prohibitions against Water Waste and Non-Essential Water Use shall be enforced by the District and its designated agents, unless indicated otherwise. All notices and assessments of Water Waste and/or excess water use charges made by a Water Distribution System Operator shall be reported to the District within thirty (30) days.

- 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. Exemptions to the installation of a Flow Restrictor as a means to enforce the Water Ration shall occur when there are provable risks to the health, safety and/or welfare of the Water User. An exemption shall be made for Master Meters serving three or more Multi-Family Households or Master Meters serving both Residential and Non-Residential Users by substituting an excess water use charge equivalent to the appropriate Water Meter size, Rationing stage, and 4th offense amount times the number of Dwelling Units located on the Water Meter during each month in which a violation of the Water Ration occurs. The Responsible Party shall be liable for payment of all excess water use charges.
- G. Water Waste Fines 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.

TABLE XV-5 Water Waste Fines	
First offense	No fee: Written notice and opportunity to correct the situation
Fine for first Flagrant Violation	\$100*
Fine for second Flagrant Violation within two (2) months	\$250*
Fine for third and subsequent Flagrant Violations within twelve (12) months	\$500*
Fine 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
*Fines triple for customers using over 500,000 gallons/year	

- H. In addition to Water Waste fines and fees described in this Rule 162, enforcement of all District Rules and Regulations is subject to District Regulation XI and may include an Administrative Compliance Order, a Cease & Desist Order, or other remedy available to the District under its Regulation XI.

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

- A. Trigger.
- Physical Shortage Trigger (California American Water Company Distribution Systems): Stage 2 shall take effect for all California American Water Company Water Distribution Systems that rely, 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 below the Total

Storage Required, but at least 95 percent of Total Storage Required. The amount of voluntary reduction shall equal the percentage shortfall in Total Storage Required.

2. Physical Shortage Trigger (Non-California American Water Company Distribution Systems): Stage 2 shall take effect for any Water Distribution System, other than California American Water Company's Water Distribution Systems, 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 below the Total Storage Required. The amount of voluntary reduction shall equal the percentage shortfall in Total Storage Required.
3. Regulatory Trigger – Production Targets: Stage 2 shall take effect on the California American Water Company Water Distribution System 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 105 percent of the annual production target. The amount of voluntary reduction shall equal the percentage overage of the annual production.
4. Regulatory Trigger – Regulatory Order: Stage 2 shall take effect in any Water Distribution System when that system is directed to reduce use by a governmental or regulatory agency. The amount of voluntary reduction shall equal the percentage directed by that governmental or regulatory agency relative to a base year determined by the governmental or regulatory agency.
5. 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 for a Water Distribution System. Stage 2 shall take effect upon adoption of a Resolution of the District Board of Directors, or a declaration of a Water Supply Emergency by the Water Distribution System Operator or a State or County entity, due to a catastrophic event. In that Resolution or declaration, there shall be a finding of an immediate need to reduce production and shall name the Water Distribution System(s) affected. The amount of voluntary reduction shall be determined by the Board, the Water Distribution System Operator, or the State or County entity.

- B. The Water Distribution System Owner or Operator shall provide notice of the amount of voluntary reduction requested to affected 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 and Rule 163-A-2, shall sunset and water use restrictions shall revert to Stage 1 when remaining Total Storage Available computed consistent with Table XV-4 is greater than remaining 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-3, shall sunset for the California American Water Company 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-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.
 - 4. Stage 2, when implemented pursuant to Rule 163-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 Nine: **Rule 164 -- Stage 3 Water Conservation: Conservation Rates**

- A. Trigger.
 - 1. Stage 2 Deemed Unsuccessful: Stage 3 shall take effect for all California American Water Company Water Distribution Systems if Stage 2 has been

implemented pursuant to Rule 162-A-1 or Rule 162-A-3 and has failed to sunset after a period of six (6) months.

2. Physical Shortage Trigger: Stage 3 shall take effect for all California American Water Company Water Distribution Systems 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 below 95% of Total Storage Required.
 3. Regulatory Trigger – Production Targets: Stage 3 shall take effect for all California American Water Company Water Distribution Systems when the most recent 12 month California American Water production from the MPWRS is greater than 105 percent 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 for all California American Water Company Water Distribution Systems when directed by a governmental or regulatory agency to implement Stage 3.
 5. Emergency Trigger: Stage 3 shall take affect for all California American Water Company Water Distribution Systems when the Board finds that a Water Supply Emergency exists and upon adoption of a Resolution of the Board of Directors, or a declaration of a Water Supply Emergency by California American Water, or by a State or County entity due to a catastrophic event. In that Resolution or declaration, there shall be a finding of an immediate need to reduce production through the imposition of Stage 3 Conservation Rates.
- B. Stages 1 and 2 shall remain in effect.
- C. If Stage 2 has not already been implemented, Stage 2 shall be triggered simultaneously with Stage 3.
- D. Thirty days prior to implementation of Stage 3, California American Water shall file to implement Level 1 Conservation Rates within its Main California American Water Company Water Distribution System, the Bishop Water Distribution System, Hidden Hills System, and Ryan Ranch Water Distribution System and shall provide notification to its customers that such rates shall be implemented after thirty (30) days. Prior to an increase to Level 2 Conservation Rates, California American Water shall provide notification to its customers that such rates shall be implemented after thirty (30) days.

1. Level 1 Conservation Rates comprised of a 25 percent surcharge shall be implemented on the then existing rates for a minimum of three (3) months. The surcharge shall not apply to Tier 1 Residential customers.
2. Level 2 Conservation Rates comprised of a 40 percent surcharge shall be implemented on the then existing rates (without the 25 percent Level 1 surcharge) if after the imposition of Level 1 Conservation Rates for three (3) months, the monthly production in the California American Water System exceeds the monthly production target for the previous two (2) consecutive months. The surcharge shall not apply to Tier 1 Residential customers.

E. Sunset.

1. Without further action of the Board of Directors, Stage 3, when implemented pursuant to Rule 164-A-2, shall sunset and water use restrictions shall revert to Stage 1 when remaining Total Storage Available computed consistent with Table XV-4 is greater than remaining 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-3, shall sunset and water use restrictions shall revert to Stage 1 when the 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 and water use restrictions shall revert to Stage 1 when the governmental or regulatory agency rescinds the request and Rules 164-A-2 and 164-A-3 do not apply.
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 and Rules 164-A-2 and 164-A-3 do not apply.

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

A. Trigger.

1. Stage 3 Deemed Unsuccessful (California American Water Company Distribution Systems): Stage 4 shall take effect for all California American Water Company

Water Distribution Systems if Stage 3 has been implemented and has failed to sunset after a period of 8 months.

2. **Physical Shortage Trigger.** Stage 3 Deemed Unsuccessful for California American Water Company Distribution Systems and Stage 2 Deemed Unsuccessful for Non-California American Water Systems: Stage 4 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 if Stage 2 (Non-California American Water Company Water Distribution Systems, private Wells, or Water Users) and Stage 3 (California American Water Company Distribution Systems) have been implemented and have failed to sunset after a period of eight (8) months.
3. **Regulatory Trigger:** Stage 4 shall take effect in any Water Distribution System when that system is directed by a governmental or regulatory agency to enact Stage 4.
4. **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, or a declaration of a Water Supply Emergency by the Company, or a State or County entity, due to a catastrophic event. In that Resolution or declaration, there shall be a finding of an immediate need to reduce production through the imposition of Stage 4 Water Rationing.
5. 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.
6. **Delay of Stage Implementation.** The Board may delay implementation of Stage 4 Water Rationing for any Water Distribution System to ensure adequate operation of the program. Delays authorized by the Board shall not exceed sixty (60) days.

B. Amount of Reduction.

1. The amount of mandatory reduction shall equal the shortfall in Total Storage Available as compared to the Total Storage Required; or
2. 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
3. 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.

1. The Board shall consider prohibiting all or specific Non-Essential Water Uses. The Board may enact such prohibitions by Resolution.
2. California American Water shall maintain Non-Revenue Water at or below seven (7) percent.
3. Moratorium. Upon implementation of Stage 4, the Board shall declare a moratorium on accepting Water Permit applications within the affected Water Distribution System other than those applications that rely upon a Water Credit, Water Use Credit, or Water Use Permit. The Board may amend the moratorium to include the use of Water Credits and/or Water Use Credits if warranted. All pending Water Permits not issued within 120 days of declaration shall be suspended. Water Use Permits shall be exempt from any moratorium on Water Permits.
4. No New Potable Water Service: Upon declaration of Stage 4 Water Rationing, no new Potable water service will be provided, no new temporary Water Meters or permanent Water 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 by the Water Distribution System Operator, except under the following circumstances:
 - a. The project is necessary to protect the public health, safety, or welfare;

- b. The setting of meters in the California American Water Company Water Distribution System shall not be terminated or diminished by reason of any water emergency, water moratorium or other curtailment on the setting of meters for holders of Water Use Permits;
 - c. This provision does not preclude the resetting or turn-on of Water Meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.
- 5. No New Annexations: Upon the declaration of a Stage 4, California American Water Company will suspend annexations to its Service Area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water, or annexations required by a regulatory agency.
- 6. Customers utilizing portable Water Meters or hydrant Water Meters or using hydrants to fill water tanks without the use of a Water Meter, shall be required to cease use of the water, except upon prior approval of the General Manager. Portable Water Meters shall be returned to the Water Distribution System at least thirty (30) days before the implementation of Stage 4.
- 7. 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.
- 8. Restriction on Watering or Irrigating: Watering or irrigating of Lawn, landscape or other vegetated area with Potable water will be subject to restriction at the direction of the District. This restriction does not apply to the following categories of use, or where the District has determined that recycled Sub-potable Water is available and may be applied to the use:
 - a. Businesses dependent on watering or irrigating in the course of business such as agriculture, nursery, and similar uses;
 - b. Maintenance of existing Landscaping necessary for fire protection;
 - c. Maintenance of existing Landscaping for soil erosion control;
 - d. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;

- e. Maintenance of Landscaping within active Public parks and playing fields, Day Care Centers and school grounds, provided that such irrigation does not exceed one (1) day per week;
- f. 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, daily Household Water Rations shall be set at a level to achieve the necessary reduction. In no case shall daily Household Water Rations be less than 90 gallons per Household. This shall be known as the Minimum Daily Water Ration.

Where two or more Households are served by a Master Meter, it shall be the responsibility of the Water Users to divide the Water Rations among the Water Users.

2. Additional Water Rations for Large Households:

Where four or more Permanent Residents occupy a single Household served by one Water Meter, the Minimum Daily Water Ration may be increased by the amounts listed below:

	Residential Household Gallons per Day
Fourth Permanent Resident	30
Fifth Permanent Resident	25
Sixth Permanent Resident	20
Seven or More Permanent Residents (Per Additional Resident)	15

3. Procedure for Obtaining Additional Water Rations for Large Households:
 - a. The Applicant shall complete a Residency Affidavit (obtained from the District) that requests the name, age and verification of full-time Permanent Residents for each resident in the Household for which the additional Water Ration is requested. The information on the application

shall be presented under penalty of perjury. The additional Water 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.

- 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 Board of Directors.

4. Procedure for Obtaining Additional Water Rations Where Two or More Households are Served by a Master Meter:

- a. The Applicant must fill out the required form that lists the number of Residences served by the Master Meter and submit a use permit issued by the Jurisdiction for the Multi-Residential Dwelling Units served by the Master Meter. The District shall retain the right to require Residency Affidavits to determine the appropriate Water Rations. The additional Water 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 Board of Directors.

5. Additional Water Ration for Special Needs. Where more water than allowed in Sections 3 or 4 above is necessary to preserve the health or safety of a Household, the General Manager may increase the Water Ration 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 Water Ration and shall state to the General Manager: (1) the amount of the requested additional Water 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 amount and duration of that need, if possible, or other appropriate justification for the special need.

- b. Additional Water Rations shall require the replacement of inefficient water fixtures to comply with Rule 142-E, Residential and Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards.
 - c. Additional Water Rations shall require the Connection have a working Pressure Regulating Valve that maintains water pressure at a maximum of 60 psi.
 - d. If the General Manager does not approve an additional Water 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.
6. 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 fines and penalties set forth in this Regulation. During this Stage 4, whenever there is a change in the number of Permanent Residents, the Water User shall notify the District.

F. Non-Residential Water Rations.

- 1. If Residential Water 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 Water Rations shall be implemented at a level to achieve the necessary reduction in use.
- 2. Non-Residential Water 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. Where a previous year history is deemed to be unavailable or inappropriate by the District, a Non-

Residential Water Ration shall be established by the District based on type of Non-Residential water use, building design, and water fixtures.

3. Exemptions: In the Resolution to implement a level of Non-Residential Rationing, the Board shall include an exemption for compliance with District Rule 143 and an exemption for a Non-Residential establishment whose business requires water in the course of its business practice (e.g. laundromats, nurseries, among others.)
 4. An Applicant or his or her representative may file a request for an additional Water Ration. The Applicant shall state in a letter to the General Manager: (1) the amount of the requested additional Water Ration, and (2) a general statement in support of the need.
 5. Additional Water Rations shall require the Connection have a working Pressure Regulating Valve that maintains water pressure at a maximum of 60 psi.
 6. If the request for an additional Water Ration 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 Board, the Applicant may appeal to the Board of Directors for a hearing.
- 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 by California American Water separately from other non-revenue water.
- 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.
1. 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.

2. 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 Water 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.
3. 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.
4. 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.
5. If the District 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.

6. 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.
7. 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 section shall yield as necessary to respond to the conditions giving rise to the declaration or proclamation.

I. Sunset.

1. Without further action of the Board of Directors, Stage 4, when implemented due to non-compliance with regulatory targets, shall sunset for all California American Water Company Water Distribution Systems and water use restrictions shall revert to Stage 1 when the 12 month total production has been less than or equal to its then-current annual production target for two (2) consecutive months.
2. Physical Shortage Trigger: Without further action of the Board of Directors, Stage 4 shall sunset and water use restrictions shall revert to Stage 1 when remaining Total Storage Available computed consistent with Table XV-4 is greater than remaining Total Storage Required for two (2) consecutive months.
3. Regulatory Trigger: 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 the governmental or regulatory agency rescinds the request.
4. Emergency Trigger: Stage 4 shall sunset and water use restrictions shall revert to Stage 1 when the Board finds that a Water Supply Emergency no longer exists.
5. 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 Eleven: **Rule 166 – Water Rationing Exemptions and Variances**

A. Special Needs Exemptions. 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 using water efficient irrigation technology when required as a condition of a River Works Permit issued by the District;
4. Non-Residential Users that can demonstrate compliance with all District regulations appropriate for the type of use and where there is minimal exterior water use on the Water Meter or water supply serving the use.

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

1. Health and safety situations on a case-by-case basis;
2. Drinking water for large livestock;
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 Exemption or 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 pools, 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 Twelve: Rule 167 – Definitions Used in Regulation XV

Acre-Foot – “Acre-Foot” shall mean an amount of water equal to 325,851 gallons.

Administrative Compliance Order – “Administrative Compliance Order” shall mean a written order issued by the General Manager directing any Person responsible for serious, continuing or recurring violations to take affirmative action to remedy consequences of those violations. Administrative Compliance Orders are in addition to all other legal remedies, criminal or civil, which may be pursued by the Water Management District. An Administrative Compliance Order may be issued in conjunction with a Cease & Desist Order.

Applicant – “Applicant” shall mean the Person or Persons responsible for completing the requirements of an application.

Best Management Practices (BMPs) – “Best Management Practices” shall mean a conservation measure or series of measures that is useful, proven, cost-effective, and generally accepted among conservation experts to reduce water consumption and protect water quality.

Bishop Water Distribution System – “Bishop Water Distribution System” or “Bishop” shall mean the California American Water subsystem as described in the purchase agreement between Bishop Water Company and California American Water dated September 1, 1996.

California American Water Company Water Distribution System – “California American Water Company Water Distribution System” shall mean all California American Water Company Water Distribution Systems that rely, in whole or in part, on production or production offsets from the Carmel River System or the Seaside Coastal Subareas.

Carmel River System – “Carmel River System” shall mean water from the Carmel River and underlying alluvial aquifer.

CAWD/PBCSD Wastewater Reclamation Project Recycled Water Users – “CAWD/PBCSD Wastewater Reclamation Project Water Users” shall mean those Users of the wastewater reclamation project undertaken by the Carmel Area Wastewater District and the Pebble Beach Community Services District that supplies Reclaimed Water to the Golf Courses and certain open space areas within Pebble Beach.

Cease & Desist Order – “Cease & Desist Order” shall mean an order issued by the General Manager prohibiting a Person from continuing a particular course of conduct. Cease & Desist Orders are in addition to all other legal remedies, criminal or civil, which may be pursued by the Water Management District. A Cease & Desist Order may be issued in conjunction with an Administrative Compliance Order.

CCF– “CCF” (or one-hundred cubic feet) is equivalent to 748 gallons.

Conservation Rates – “Conservation Rates” shall mean the increase in the water rates for California American Water customers at levels of either 25 percent (Level 1 Conservation Rates) or 40 percent (Level 2 Conservation Rates). Conservation Rates do not apply to Residential Tier 1 water use.

Conveyor Car Wash – “Conveyor Car Wash” shall mean a commercial car wash where the vehicle moves on a conveyor belt during the wash and the driver of the vehicle can remain in, or wait outside of, the vehicle.

District – See Monterey Peninsula Water Management District.

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.

Extractor – “Extractor” shall mean a user, or consumer of water delivered by a water Well or Water-Gathering Facility, which is not a part of any Water Distribution System.

Flagrant Violation – “Flagrant Violation” shall mean any willful or wanton disregard of the Rules and Regulations of the District which results in unreasonable waste, contamination, or pollution of District waters by any Extractor, User, or by the Owner or Operator of a Well, Water-Gathering Facility or Water Distribution System.

Flow Restrictor – “Flow Restrictor” shall mean a device placed into the Water Distribution System by the distribution system Operator, or put into the output of a private Well, that restricts the volume of flow to the User.

Graywater Irrigation System – “Graywater Irrigation System” shall mean an onsite wastewater treatment system designed to collect Graywater and transport it out of the structure for distribution in an Irrigation System.

Hidden Hills System – “Hidden Hills System” shall mean the California American Water subsystem as described in the purchase agreement between Carmel Valley Mutual Water Company and California American Water recorded July 8, 1994, Document #49389, Reel 3125, Page 696.

Household – “Household” shall mean all the people who occupy a housing unit. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room occupied (or if vacant, intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live separately from any other people in the building and that have direct access from the outside of the building or through a common hall.

In-Bay Car Wash – “In-Bay Car Wash” shall mean a commercial car wash where the driver pulls into bay, parks the car, and the vehicle remains stationary while either a machine moves over the vehicle to clean it or one or more employees of the car wash clean the vehicle, instead of the vehicle moving through a tunnel.

Interruption – “Interruption” shall mean an interruption for longer than 12 hours in the supply of Recycled Water to a Recycled Water Irrigation Area.

Laguna Seca Subarea – “Laguna Seca Subarea” shall mean one of the subdivisions of the Southern Seaside Subbasin. Its boundary is shown on a map maintained at the offices of the Water Management District, as that map may be amended from time to time.

Landscaping – “Landscaping” shall mean the arrangement of plants and other materials that may result in outdoor water use.

Lawn – “Lawn” shall mean an area of land planted with live, healthy grass which is regularly maintained, irrigated and groomed at a low, even height.

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 Carmel River System and the Seaside Coastal Subareas of the Seaside Groundwater Basin.

Master Meter – “Master Meter” shall mean a single Water Meter that supplies water to more than one Water User.

Measurable Precipitation – “Measureable Precipitation” shall mean rainfall of 0.1 inch or more.

Minimum Daily Water Ration – “Minimum Daily Water Ration” shall mean a minimum Water Ration of 90 gallons per day per Household.

Mobile Water Distribution System – “Mobile Water Distribution System” shall mean any Potable or Sub-potable Water delivery that originates at a location apart from the Site of use and that is delivered via a truck or other movable container. This definition includes, but is not limited to, trucked water. This definition shall not apply to deliveries of water by commercial companies in volumes less than or equal to 55 gallons per container.

Model Water Efficient Landscape Ordinance – “Model Water Efficient Landscape Ordinance” shall mean the ordinance found at California Code of Regulations, Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7.

Monterey Peninsula Water Management District (District) – “Monterey Peninsula Water Management District” (“District”) is a public agency created by the California State Legislature in 1977 and approved by the voters on June 6, 1978. The enabling legislation is found at West's California Water Code, Appendix Chapters 118-1 to 118-901.

Monterey Peninsula Water Resource System (MPWRS) – “Monterey Peninsula Water Resource System” (“MPWRS”) shall mean the surface water in the Carmel River and its tributaries, Groundwater in the Carmel Valley Alluvial Aquifer which underlies the Carmel River, and Groundwater in the Seaside Groundwater Basin.

MPWMD– See Monterey Peninsula Water Management District.

Multi-Family Household – “Multi-Family Household” shall mean a Household where two or more Dwelling Units receive water from a Master Meter.

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.

Non-Residential – “Non-Residential” shall mean water uses not associated with Residential use. These uses include Commercial, Industrial, Public Authority, Golf Course, Other Use, Non-Revenue Metered Use, and Reclaimed Water.

Non-Revenue Water – “Non-Revenue Water” shall mean those components of system input volume that are not billed and produce no revenue; equal to unbilled authorized consumption, plus apparent losses, plus real losses.

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

Owner or Operator – “Owner or Operator” shall mean the Person to whom a Water Gathering Facility is assessed by the County Assessor, or, if not separately assessed, the Person who owns the land upon which a Water-Gathering Facility is located.

Permanent Resident – “Permanent Resident” shall mean a Person who resides continuously in a Dwelling Unit for more than 30 days or a resident that can submit such other evidence to clearly and convincingly demonstrate permanent residency.

Positive Action Shut-Off Nozzle – “Positive Action Shut-Off Nozzle” shall mean a device that completely shuts off the flow of water from a hose when released.

Potable – “Potable” shall mean water that is suitable for drinking.

Pressure Regulating Device – “Pressure Regulating Device” shall mean a water pressure reducing device installed in the water line after the water meter that automatically reduces the pressure from the water supply main to a lower pressure.

Production Limit – “Production Limit” shall mean the maximum production permitted for a Water Distribution System.

Reclaimed Water – “Reclaimed Water” shall mean wastewater that has been treated to the tertiary level, including disinfection. Reclaimed Water is a form of Recycled Water.

Recycled Water – “Recycled Water” shall mean water that originates from a Sub-potable Source of Supply such as wastewater treated to the tertiary level.

Recycled Water Irrigation Areas – “Recycled Water Irrigation Areas” shall mean the golf courses and other vegetated areas located within the Del Monte Forest that are being irrigated with Recycled Water.

Residency Affidavit – “Residency Affidavit” shall mean a document attesting to the number of Permanent Residents in a Household.

Residential – “Residential” shall mean water used for household purposes, including water used on the premises for irrigating lawns, gardens and shrubbery, washing vehicles, and other similar and customary purposes pertaining to Single-Family and Multi-Family Dwellings.

Responsible Party – “Responsible Party” shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit. “Responsible Party,” when used in the context of the 2016 Monterey Peninsula Water Conservation and Rationing Plan, shall mean the Person who is responsible for paying the water bill. When a property is served by a private Well or a small Water Distribution System, the “Responsible Party” shall be the Water Users of the Well and the small distribution system Operator.

Riparian Corridor – “Riparian Corridor” shall mean all that area which comprises the Riverbed and riverbanks of the Carmel River which lies within the boundaries of the Carmel River Management Zone (Zone No. 3), and all those areas which lie within 25 lineal feet of the Riverbank Assessment Line, excepting however, all lands which lie outside of the Zone No. 3 boundary, and exempting lawns, Landscaping and cultivated areas as shown on the spring 1983 aerial photographs taken by California-American Water pursuant to the agreement with the District in accord with MPWMD Rule 123 A.

Ryan Ranch Water Distribution System – “Ryan Ranch Water Distribution System” or “Ryan Ranch” shall mean the California American Water subsystem as described in the purchase agreement between Neuville Co. N.V. (a Delaware Corporation) and California American Water dated April 30, 1990.

Seaside Basin Adjudication Decision – “Seaside Basin Adjudication Decision” or “Seaside Decision” shall mean the March 27, 2006 court adjudication, as amended, determining

water rights in the Seaside Groundwater Basin that restrict California American Water production from the Coastal Subareas and Laguna Seca Subarea of the basin.

Seaside Groundwater Basin – “Seaside Groundwater Basin” shall mean the set of geologic formations that stores, transmits, and yields water in the Seaside area, comprising of the Northern Seaside Subbasin and the Southern Seaside Subbasin. The Seaside Groundwater Basin also includes those areas known as the Northern Coastal Subarea, the Northern Inland Subarea, the Southern Coastal Subarea and the Laguna Seca Subarea.

Short-Term Residential Housing – “Short Term Residential Housing” shall mean one or more Residential Dwelling Units on a property that are occupied by visitors, are operated as a business and for which a fee is charged to occupy the premises.

Single Residential Household – “Single Residential Household” shall mean a Household that receives its water supply through a Water Meter that is not shared with other Households.

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 (3) which have an identical present use. The term “Site” shall be given the same meaning as the term “Parcel”.

Smart Controller – “Smart Controller” shall mean a weather-based device (typically a “timer”) that automatically controls an outdoor Irrigation System. Smart Controllers use weather, site or soil moisture data as a basis for determining an appropriate watering schedule. Smart Controllers (commonly referred to as ET controllers, weather-based irrigation controllers, smart sprinkler controllers, and water smart controllers) are a new generation of irrigation controllers that utilize prevailing weather conditions, current and historic Evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the actual needs of the plants.

Source of Supply – “Source of Supply” shall mean the Groundwater, surface water, Reclaimed Water sources, or any other water resource where a Person, Owner or Operator gains access by a Water-Gathering Facility.

Sub-potable Water – “Sub-potable Water” shall mean water which is not fit for human consumption without treatment and shall include Reclaimed Water as that term is used in the Water Reclamation Law, and particularly in Section 13550 of the Water Code.

Total Storage Available – “Total Storage Available” shall mean the usable water as measured by the District on May 1 in any year that is contained in the Carmel Valley Alluvial Aquifer plus usable water in the Seaside Groundwater Basin and the usable water in the Los Padres Reservoir.

Total Storage Required – “Total Storage Required” shall mean the combination of demand remaining from May 1 to September 30 and carryover storage for the next Water Year that is required to meet the following Water Year production limit for California American Water from Carmel River sources set by State Water Resources Control Board Order WR 2009-0060, plus the production limit for California American Water from the Seaside Groundwater Basin set by the Court in its March 27, 2006 Seaside Basin Adjudication Decision and the production limit specified for non-California American Water Users from the Monterey Peninsula Water Resource System set in the District’s Water Allocation Program.

User – “User” shall mean a customer or consumer of water delivered by a Water Distribution System. User does not include any Owner or Operator of a Water Distribution System. Each residence, commercial enterprise, or industrial enterprise shall be deemed a separate and distinct User.

Visitor-Serving Facility – “Visitor-Serving Facility” shall include all hotels, motels, restaurants, convention/meeting facilities, and service stations within the Monterey Peninsula Water Management District. Other facilities may be designated as a Visitor- Serving Facility by the General Manager upon finding that such facility exists primarily for the use of tourists and the traveling public. Short term rentals of private property are not included under this definition.

Water Broom – “Water Broom” shall mean a water efficient broom-like cleaning device that uses a combination of water and air to clean hard surfaces with no runoff.

Water Credit – “Water Credit” shall mean a record allowing reuse of a specific quantity of water upon a specific Site. A Water Credit differs from a Water Use Credit in that it is not characterized by a Permanent Abandonment of Use, but may be the result of a temporary cessation of use.

Water Distribution System – “Water Distribution System” shall mean all works within the District used for the collection, storage, transmission or distribution of water from the Source of Supply to the Connection of a system providing water service to any Connection including all Water-Gathering Facilities and Water-Measuring Devices. In

systems where there is a Water Meter at the point of Connection, the term “Water Distribution System” shall not refer to the User’s piping; in systems where there is no Water Meter at the point of Connection, the term “Water Distribution System” shall refer to the User’s piping.

Water Distribution System Operator – “Water Distribution System Operator” shall mean the Person or Persons who assume through the District Permit process legal responsibility for the proper performance of the requirements of a Water Distribution System Permit holder as defined in the Rules and Regulations and/or in conditions attached to a Permit.

Water-Gathering Facility – “Water-Gathering Facility” shall mean any device or method, mechanical or otherwise, for the production of water from dams, Groundwater, surface water, water courses, Reclaimed Water sources, or any other Source of Supply within the Monterey Peninsula Water Management District or a zone thereof. Water-Gathering Facilities shall include any water-production facility as defined in the Monterey Peninsula Water Management District Law. This definition shall not apply to On-Site Cisterns that serve existing single-Connection, Residential situations where rainwater is captured for On-Site Landscape irrigation use.

Water Ration – “Water Ration” shall mean a specific amount of water available to each Water User during Stage 4 Water Rationing.

Water Supply Emergency – “Water Supply Emergency” shall mean a declaration pursuant to Regulation XV, The 2016 Monterey Peninsula Water Conservation and Rationing Plan, that a water shortage emergency condition prevails within one or more Water Distribution Systems.

Water Use Credit – “Water Use Credit” shall mean a limited entitlement by a Person to use a specific quantity of water upon a specific Site. Water Use Credits shall be limited by time, and by other conditions as set forth in the District’s Rules and Regulations.

Water User – “Water User” shall mean Users of water for domestic or other uses from any Water Distribution System or private Well.

Water Waste – “Water Waste” shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water as defined in Rule 162.

Water Year – “Water Year” shall mean the period from October 1 of one year to September 30 of the succeeding year.

Well – “Well” shall mean any device or method, mechanical or otherwise, for the production of water from Groundwater supplies within the District excluding seepage pits and natural springs.

Water Meter – “Water Meter” shall mean any measuring device intended to measure water usage. The term “Water Meter” shall have the same meaning as the term “Water Measuring Device.”

Section Thirteen: 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 Fourteen: 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 Fifteen: Severability

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

On motion by Director Pendergrass, and second by Director Clarke, the foregoing ordinance is adopted upon this 17th day of February, 2016, by the following vote:

AYES: Directors Pendergrass, Clarke, Brower, Byrne, Evans and Potter

NAYS: None

ABSENT: Director Lewis

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 17th day of February 2016.

Witness my hand and seal of the Board of Directors this 10th day of March 2016.


David J. Stoldt, Secretary to the Board

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COPY CERTIFICATION

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 Ordinance No. 169 duly adopted on the 17th day of February 2016.



David J. Stoldt,
Secretary to the Board of Directors

3.10.16
Date

**DRAFT
ORDINANCE NO. 170**

*Submitted by staff
at 3/17/16 meeting
Item 2*

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RULES 11, 20, 21, 22, 24, 25.5, AND 142**

FINDINGS

1. The Monterey Peninsula Water Management District was created to address ground and surface water resources in the Monterey Peninsula area, which the Legislature found required integrated management, and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West's Water Code, Appendix, Section 118-1, et seq.).
2. The Monterey Peninsula Water Management District has adopted and regularly implements water conservation and efficiency measures which, inter alia, set standards for the installation of plumbing fixtures in New Construction, and requires retrofit or replacement of existing plumbing fixtures upon Change of Ownership, Change of Use, and Expansion of Use, and for existing Non-Residential uses. The Monterey Peninsula Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. The Monterey Peninsula Water Management District has found and determined that it is in the best interests of the Monterey Peninsula Water Management District and its inhabitants to define, implement and enforce water efficient plumbing standards and requirements for the conservation of Potable water supplies. Retrofit or replacement of existing plumbing fixtures lessens consumption of the limited water resources available on the Monterey Peninsula. Installation of water efficient plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources.
4. Executive Order B-29-15 (April 1, 2015) directed the Department of Water Resources to revise the Model Water Efficient Landscape Ordinance to increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf.
5. Executive Order B-29-15 (April 1, 2015) called for the California Energy Commission to adopt emergency regulations establishing standards to improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new

and existing buildings.

6. Rule 20-B, Permits to Connect to or Modify a Connection to a Water Distribution System is amended to exempt replacement of a documented Large Bathtub with a Standard Bathtub or Shower Stall from the Water Permit requirements. This rule was also amended to require a Water Permit for rehabilitated landscapes over 2,500 square-feet that are associated with a Jurisdiction's building or landscape permit, plan check, or design review. These Landscapes must conform to the Model Water Efficient Landscape Ordinance.
7. Rule 20-C, Exemptions for Water Distribution System Permit, is amended to exempt rainwater catchment facilities (e.g. Cisterns) that are used for irrigation.
8. Rule 21-B-3, Application for Permit to Connect to or Modify a Connection to a Water Distribution System, is amended to update the existing rule and add language from the Model Water Efficient Landscape Ordinance.
9. Rule 22-D-1-h, Action on Application for Permit to Create/Establish a Water Distribution System, was amended to clarify the process for instances (e.g. the Malpas Water Company Water Entitlement) where new Connections to the California American Water system may occur when the water use is not dependent on a California American Water water right.
10. Rule 24-E, Calculation of Water Capacity and Capacity Fees, is amended to add language from the Model Water Efficient Landscape Ordinance regarding submitting a Landscape Documentation Package with the Water Permit application. This Rule is also amended to delete reference to an administrative processing fee, as this fee is found in Rule 60.
11. Rule 25.5, Water Use Credits and On-Site Water Credits is amended to remove language referring to the definition of "Low Water Use Plumbing Fixtures." The Rule is also amended to delete reference to an outdated conservation goal and to correct the title of Table 4: High Efficiency Appliance Credits.
12. Rule 142, Water Efficiency Standards, is amended to reflect amendments to the California plumbing and energy standards/codes when they are more restrictive than the District's, and to reflect efficiency changes in the Model Water Efficient Landscape Ordinance.
13. This Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs., § 15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration,

enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

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

Section Two: Statement of 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 add to the Rules and Regulations recent amendments to the California Code of Regulations (Title 20, Sections 1601-1608) and the State Model Water Efficient Landscape Ordinance.

Section Three: Definitions

The following terms shown in ***bold italics*** (new text) and ~~strikeout~~ (deleted text) shall be given the definitions set forth below and shall be permanently added to Rule 11, Definitions, of the Rules and Regulations of the District. Numbering is provided for reference only.

1. ~~DUAL FLUSH ULTRA-LOW FLUSH TOILET~~ – “Dual Flush Ultra-Low Flush Toilet” shall mean a toilet designed to allow the user to choose between a light flush (usually 0.8 gallon) and a longer 1.6-gallon flush.
2. HIGH EFFICIENCY TOILET (HET) – “High Efficiency Toilet” or “HET” shall mean a toilet that ***has an effective flush volume of*** ~~is designed to flush at 20 percent below a 1.6-gallons-per-flush~~ ***U.S. maximum or less, equating to a maximum of 1.28 gallons per flush. (Note: The HET category includes dual-flush fixtures, which have been determined to meet the volume requirement by defining the effective flush volume as the average volume achieved with one full flush and two reduced flushes.)*** ~~Ultra-Low Flush Toilet. A High Efficiency Toilet shall have a maximum average flush of 1.3 gallons.~~
3. INTENSIFIED WATER USE – “Intensified Water Use” shall mean any change in water use occurring on a Parcel which, in a Residential use, is evidenced by an increase in the number of fixture units serving that Parcel; or, in any ~~Commercial, industrial, Public Authority, or Other Use~~ ***Non-Residential use***, is evidenced by the incremental change in the Project’s Capacity for annual water use based upon one or more of the factors set forth in Rule 24 of the existing Rules and Regulations. The term “Intensification of Use”

shall also refer to an Intensified Water Use. ~~Use of any quantity of water reserved by an unexpired Water Use Credit shall not cause an Intensified Water Use. The term "Capacity" refers to the maximum long term water use which theoretically may occur on that Site, based on average water use data for similar projects in the Monterey Peninsula region, as shown by the projected water use tables set forth in Rule 24.~~

~~A Change of Use from a commercial category in one group to another category in a higher water use group, or from any commercial category in Group III to another category in Group III, as shown on Table No. 2 of Rule 24, shall be deemed an Intensification of Use requiring an Expansion/Extension Permit, or an amended Permit pursuant to these Rules and Regulations. Where there is no increase in the size of a commercial structure, a Change of Use from one commercial category in Group I to another category within Group I, or a Change of Use from one commercial category in Group II to another in Group II, however, shall not cause an Intensification of water Use.~~

5. LANDSCAPE AREA -- "Landscape Area" means all the planting areas, turf areas, and water features in a Landscape plan subject to the Maximum Applied Water Allowance *and the Estimated Applied Water Use* calculations. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g. open spaces and existing Native Vegetation).
6. ~~MANDATED~~ -- "Mandated" shall mean ~~a requirement of the District (e.g. Ultra Low Flush Toilets are mandated for New Construction) adopted by ordinance.~~
7. **PRODUCTION LIMIT** -- *"Production Limit" shall refer to the maximum production permitted for a Water Distribution System.*
8. RECLAIMED WATER -- "Reclaimed Water" shall mean wastewater ~~effluent~~ that has been treated to the tertiary level, including disinfection. Reclaimed Water is a form of Recycled Water.
9. ~~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.~~

~~e. 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.~~

Section Four: **Amendment of Rule 20, Permits Required**

Rule 20-B shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to add a Water Permit exemption for replacement of a Large Bathtub with a Standard Bathtub or Shower Stall and to add the Model Water Efficient Landscape Ordinance requirement for large rehabilitated Landscape Areas.

B. PERMITS TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

Before any Person connects to or modifies a water use Connection to a Water Distribution System regulated by the District or to any Mobile Water Distribution System regulated by the District or to any Mobile Water Distribution System, such Person shall obtain a written Permit from the District or the District's delegated agent, as described in District Rules 21, 23 and 24. The addition of any Connection and/or modification of an existing water Connection to any Water Distribution System permitted and regulated by the District shall require a Water Permit.

The following actions require a Water Permit:

1. Any change in use, size, location, or relocation of a Connection or Water Measuring Device which may allow an Intensification of Use or increased water consumption.
2. Each use of an On-Site credit or Water Use Credit.

3. Any modification to the number or type of Residential water fixtures shown in Rule 24, Table 1, Residential Fixture Unit Count Values, with ~~two~~ ***three*** exceptions: (1) replacement of a Standard Bathtub with a Shower Stall and vice versa; ~~and~~ (2) removal of a lawful water fixture, ***and (3) replacement of a Large Bathtub previously documented by the District with a Standard Bathtub or a Shower Stall.***
4. Any Landscaping changes resulting in an Intensification of Use when a Landscape plan has been reviewed and approved as a component of a Water Permit.
5. ***Rehabilitation of existing Landscape Area over 2,500 square-feet that is associated with a Jurisdiction's building or landscape permit, plan check, or design review.***
56. Any Change of Use or any expansion of a Non-Residential use to a more intensive use as determined by Rule 24, with the exception of Temporary Structures and Temporary Exterior Restaurant Seats that are not occupied or in use for longer than thirty (30) consecutive days.
67. Installation of new water fixtures (Rule 24, Table 1) in a Residential use, other than replacement of existing water fixtures.
78. Use of water from a Mobile Water Distribution System.

Section Five: Amendment of Rule 20-C-7, Exemptions for Water Distribution System Permit

Rule 20-C-7, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to exempt On-Site rainwater capture facilities from the Water Distribution System Permit requirement.

7. For On-Site rainwater capture facilities (e.g.; Cisterns) that serve Single-Parcel Connection Systems for ~~Residential or Commercial Use situations for~~ On-Site Landscape irrigation ~~use~~. ***A Confirmation of Exemption is not required.***

Section Six: Amendment of Rule 21-B-3, Application for Permit to Connect to or Modify a Connection to a Water Distribution System

Rule 21-B-3, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to incorporate requirements of the California Model Water Efficient Landscape Ordinance.

3. ***New development projects that include Landscape Areas of 500 sq. ft. or more and existing rehabilitated Landscape Areas over 2,500 square-feet that are associated with a Jurisdiction's building or landscape permit, plan check, or design review shall comply with the Model Water Efficient Landscape Ordinance. The Applicant shall submit a complete Landscape Documentation Package which shall include: A Landscape Water Budget which includes the Maximum Applied Water Allowance (MAWA) calculations and three copies of the Landscape***~~ing~~ ***plan for new exterior use when the Site exceeds 10,000 square feet in size, when the Project is a Non-Residential use, or when the Project involves Multi-Family Dwellings or mixed uses.***
 - a. ***Project information including the date, project Applicant, total Landscape Area, water supply, water purveyor;***
 - b. ***A Landscape Water Budget which includes the Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (ETWU) calculations with three copies of the Landscape plan;***
 - c. ***Soil analysis and recommendations (from a soil laboratory);***
 - d. ***Landscape design/project notes; plant legend; plant count;***
 - e. ***Landscape design hydrozone water use;***
 - f. ***Irrigation design/irrigation project notes;***
 - g. ***Grading design plan from an Engineer;***

Section Seven: Amendment of Rule 22-D-1-h, Action on Application for Permit to Create/Establish a Water Distribution System

Rule 22-D-1-h shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to address instances (e.g. the Malpas Water Company Water Entitlement) where new Connections to the California American Water Company Water Distribution System may occur.

- h. Permit shall identify whether interties to other systems are allowed and shall identify restrictions or prohibitions on such interties, including devices to prevent cross-contamination of systems. MPWMD shall not

approve any Water Permit for new Connections to the California American Water system, ***based on California American Water's authorized water rights***, due to the inability of a permitted Water Distribution System to deliver adequate water quality or quantity to Parcels within its Service Area until there is full compliance by California American Water with State Water Resources Control Board Order No. WR 95-10 (as amended); California American Water compliance with the March 2006 Final Decision of the Seaside Groundwater Basin Adjudication (as amended); and water is available in the respective Jurisdiction's Allocation for release to the Parcels(s);

Section Eight: **Amendments to Rule 24, Calculation of Water Capacity and Capacity Fees**

A. Rule 24-E-6-(g) shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to add the Landscape Documentation Package pursuant to the Model Water Efficient Landscape Ordinance.

g. A ***Landscape Documentation Package*** ~~detailed landscape plan and Landscape Water Budget, including the MAWA calculation,~~ shall be included with the Water Permit application.

B. Rule 24-E-7 shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to omit the administrative processing fee. Fees and Charges are found in Rule 60.

7. Refunds requested for Capacity Fees paid for a Conditional Water Permit shall be processed under the following time lines ~~and shall be subject to an administrative processing fee of one hundred dollars (\$100):~~

- a. Refunds of less than fifty thousand dollars (\$50,000) shall be processed within thirty (30) days;
- b. Refunds between fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000) shall be processed within forty-five (45) days;
- c. Refunds over one hundred thousand dollars (\$100,000) shall be processed within sixty (60) days.

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

A. Rule 25.5-B shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to remove the reference to the defined term “Low Water Use Plumbing Fixtures” and to replace that with reference to Regulation XIV, Water Conservation, to remove reference to an outdated conservation goal, and to correct the title of Table 4.

B. Water savings resulting from mandatory ~~District programs, including water savings resulting from the installation of Low Water Use Plumbing Fixtures mandated by the District~~***compliance with Regulation XIV, Water Conservation***, shall not result in a Water Use Credit, with the exception of Table 4 retrofits. Such savings shall be set aside as permanent water conservation savings ~~essential to the District’s 15 percent conservation goal approved by the Board in March 1984.~~

B. Rule 25.5-F-4.b shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to correct the table’s name.

b. Residential Water Use Credits shall only be granted for installation of ~~the~~ ultra-low consumption appliances: ***listed in*** Table 4: ~~Ultra-Low Consumption~~ ***High Efficiency*** Appliance Credits. ~~shall list the ultra-low consumption appliances and the quantity of Water Use Credit available for the permanent installation of the appliance. This table shall~~ ***may*** be amended by Resolution of the Board of Directors.

Section Ten: Amendment to Rule 142, Water Efficiency Standards

Rule 142 shall be amended as shown below, with added language as shown in ***bold italic*** type face, and deleted language shown in ~~strikeout~~ type face. Amendments codify language adopted in Urgency Ordinance No. 167 pertaining to recent changes to the State Water Code and to the Model Water Efficient Landscape Ordinance. Water Permits issued prior to adoption of this ordinance list the water efficiency requirements in effect at the time the permit was issued.

RULE 142 - WATER EFFICIENCY STANDARDS

A. Water Efficiency Standards.

1. All New Construction of New Structures shall install and maintain plumbing fixtures and conservation standards as set forth in this Rule.

2. No plumbing fixture ~~or standard~~ shall be replaced with fixtures which allow greater water use.
3. ***All new and replacement water fixtures shall comply with then-current California plumbing and energy standards/codes when more restrictive than the District's.***

B. Former Rules. Water Permits issued prior to January 1, 2010~~2013~~, ~~shall be~~ **were** subject to requirements of former Rule 142 summarized below:

1. ~~Former~~ Rule 142 ***prior to January 1, 2010***, required all New Construction, Remodels and Additions to install maximum 2.5 gallons-per-minute Showerheads and 2.2 gallons-per-minute faucet aerators.
2. New Construction of New Structures ***prior to January 1, 2010***, also required installation of Instant-Access Hot Water Systems and installation of Drip Irrigation where appropriate.
3. Water Permits issued between January 1, 2010 and December 31, 2012, ~~shall be~~ **were** subject to the rules in effect on the date of issuance as stated on the Water Permit and on any associated deed restriction(s).

C. Residential Water Efficiency Standards for New Structures.

All Residential New Structures receiving a Water Permit ~~on or after January 1, 2010~~, shall meet or exceed the following standards:

1. High Efficiency or Ultra-High Efficiency Toilets shall be installed;
2. Urinals, when installed in a Residential use, shall be designed to flush with one (1) gallon of water. ***On and after January 1, 2016, newly installed Urinals shall flush with no more than 0.125 gallon per flush;***
3. Showerheads, Rain Bars, or Body Spray Nozzles shall be installed that were designed and manufactured to emit a maximum of 2.0 gallons per minute of water;
4. All shower fixtures should be equipped with scald protection valves rated for 2.0 gallons per minute Showerheads;

5. High Efficiency Clothes Washer(s) and High Efficiency Dishwasher(s) shall be required when installed in a Residential use;
6. Lavatory Sink faucets shall emit a maximum of ~~2.2~~ 1.2 gallons of water per minute at 60 psi;
7. Kitchen Sink, Utility Sink, and Bar Sink faucets shall emit a maximum of ~~2.2~~ 1.8 gallons of water per minute at 60 psi. *Faucets may have the capability to temporarily increase flow to 2.2 gallons per minute for filling pots and pans, but must default back to a maximum flow rate of 1.8 gallons per minute measured at 60 psi.;*
8. Instant-Access Hot Water Systems shall be installed;
9. All hot water pipes shall be insulated;
10. Sodium chloride (salt) water softeners shall be discouraged in New Construction. Alternate technologies such as potassium chloride shall be recommended. When a sodium chloride water softener is to be installed within the MPWMD, the unit shall use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage. This requirement shall be specified on the Construction Drawings.
11. Landscaping.
 - a. All New Construction shall install and maintain Landscaping that complies with the California Model Water Efficient Landscape Ordinance as revised (California Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, Model Water Efficient Landscape Ordinance) or with local or District Landscape requirements if more restrictive.
 - b. Plants shall be grouped in hydrozones.
12. Irrigation System Efficiency.
 - a. Weather-Based Irrigation System Controllers (e.g. Smart Controllers) shall be installed, used and maintained on Sites where there is an Irrigation System.

- b. Weather-Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.
- c. Drip Irrigation shall be utilized for watering all non-turf irrigated plantings.
- d. Rotating Sprinkler Nozzles shall be utilized for turf irrigation.
- e. Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.
- f. Irrigation Systems shall operate with at least ~~70~~ 75 percent efficiency *for overhead spray devices and at least 81 percent efficiency for drip systems.*
- g. Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.
- h. Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.
- i. All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by any Water Distribution System Operator that supplies water to the Site.

D. Non-Residential Water Efficiency Standards for New Structures.

All Non-Residential New Structures receiving a Water Permit ~~on or after January 1, 2010,~~ shall meet or exceed the following standards:

- 1. High Efficiency or Ultra High Efficiency Toilets shall be installed;
- 2. Urinals shall be Pint Urinals or Zero Water Consumption Urinals and shall be clearly specified on the final Construction Drawings.

Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;

3. Showerheads, Rain Bars, or Body Spray Nozzles shall be installed that were designed to emit a maximum of 2.0 gallons per minute of water;
4. All shower fixtures should be equipped with scald protection valves rated for 2.0 gallons per minute Showerheads;
5. High Efficiency Clothes Washer(s) and High Efficiency Dishwasher(s) shall be required when installed in a Residential use;
6. Public Washbasins shall emit a maximum of 0.5 gallon of water per minute at 60 psi. Private Washbasins (e.g., hotel or motel guest rooms and hospital patient rooms) shall emit a maximum of ~~1.5~~ 1.2 gallons of water per minute at 60 psi. All other sinks shall emit a maximum of 2.2 gallons of water per minute at 60 psi unless higher flow is required by Health and Safety Code;
7. Public Washbasins equipped with automatic shut off devices or sensor faucets shall operate with a maximum flow of 0.25 gallons per cycle;
8. High Efficiency Clothes Washers shall be installed when a Clothes Washer is installed in a New Structure permitted under this Regulation;
9. High Efficiency Dishwashers or High Efficiency Commercial Dishwashers shall be installed and maintained on the Site when a Dishwasher is installed in a New Structure permitted by a Water Permit;
10. Instant-Access Hot Water System(s) shall be installed for hot water access points to ensure that hot water is available within ten (10) seconds;
11. All hot water pipes shall be insulated;

12. Sodium chloride (salt) water softeners shall be discouraged in New Construction. Alternate technologies, such as potassium chloride shall be recommended. When a sodium chloride water softener is to be installed within the MPWMD, the unit shall use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage. This requirement shall be specified on the Construction Drawings;
13. Water Efficient Pre-Rinse Spray Valves shall be utilized when a pre-rinse spray valve is installed;
14. There shall be no single-pass water use systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc. Air-cooled or better technology shall be installed when available;
15. Water cooled refrigeration equipment shall be prohibited when there is alternative cooling technology available at the time the Water Permit is issued;
16. Cooling Towers shall be equipped with conductivity controllers that are used to increase the number of cycles that can be achieved;
17. Boilerless steamers or connectionless steamers shall be installed in place of boiler-based steamers when a steamer is installed in New Construction;
18. Landscaping.
 - a. All New Construction shall install and maintain Landscaping that complies with the California Model Water Efficient Landscape Ordinance as revised (California Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, Model Water Efficient Landscape Ordinance) or with local or District Landscape requirements if more restrictive.
 - b. Plants shall be grouped in hydrozones.
19. Irrigation System Efficiency.

- a. Weather-Based Irrigation System Controllers shall be installed, used and maintained on Sites where there is an Irrigation System.
- b. Weather-Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.
- c. Drip Irrigation shall be utilized for watering all non-turf irrigated plantings.
- d. Rotating Sprinkler Nozzles shall be utilized for turf irrigation.
- e. Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.
- f. Irrigation Systems shall operate with at least ~~70~~ 75 percent efficiency *for overhead spray devices and at least 81 percent for drip systems.*
- g. Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.
- h. Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.
- i. All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by any Water Distribution System Operator that supplies water to the Site.

20. The implementation of water conservation Best Management Practices shall be integrated into construction and operation of the project to the extent possible.
21. The use of Alternative Water Sources for indoor toilet flushing and other uses allowed by the Jurisdiction shall be encouraged.

E. Residential and Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards

Sites that have a Change of Ownership, *or receive a Water Permit for a Change of Use or Expansion of Use on or after January 1, 2010*, shall meet or exceed the following standards:

1. High Efficiency or Ultra High Efficiency Toilets shall be installed;
2. Urinals shall be High Efficiency Urinals (*if installed prior to January 1, 2016*), Pint Urinals, or Zero Water Consumption Urinals. Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;
3. Showerhead flow rates shall meet or exceed New Construction standards;
4. Bathroom faucet flow rates shall meet or exceed New Construction standards;
5. Kitchen faucet flow rates shall meet or exceed New Construction standards;
6. Remodels or relocations of water fixtures or appliances that involve hot water shall be encouraged to install an Instant-Access Hot Water System and insulate all new hot water pipes;
7. Pre-rinse spray valves shall meet or exceed the District's definition for Water Efficient Pre-Rinse Spray Valves;
8. Changes of Use and Expansions of Use that require a Water Permit shall not install any single-pass water use systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing

equipment, air compressors, vacuum pumps, etc. Air-cooled or better technology shall be installed when available;

9. Changes of Use and Expansions of Use that require a Water Permit shall not install any water cooled refrigeration equipment when there is alternative water efficient cooling technology available at the time the Water Permit is issued;
10. Automatic Irrigation Systems, with the exception of Weather-Based Irrigation Systems, shall be retrofit to include a Rain Sensor;
11. The implementation of Non-Residential Best Management Practices shall be integrated into construction and operation of Non-Residential uses to the extent possible.

Section Eleven: Publication and Application

The provisions of this ordinance shall cause the amendment and republication of Rules 11, 20, 21, 22, 24, 25.5, and 142 of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

Section Twelve: Effective Date and Sunset

This ordinance shall take effect at 12:01 a.m. thirty (30) days after adoption.

This Ordinance shall not have a sunset date.

Section Thirteen: Severability

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

On motion of Director _____, and second by Director _____, the foregoing ordinance is adopted upon this ____ day of _____, 2016, 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 _____, 2016.

Witness my hand and seal of the Board of Directors this _____ day of _____, 2016.

David J. Stoldt, Secretary to the Board