

ORDINANCE NO. 61

***AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA***

DECLARATION OF MANDATORY RECYCLED WATER USE

WHEREAS, the people of the State of California have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state (California Water Code, Section 13510).

WHEREAS, conservation of all available water resources requires the maximum reuse of recycled water for beneficial uses of water (California Water Code, Section 461).

WHEREAS, continued use of potable water for agricultural irrigation, construction use, landscape irrigation, landscape and/or recreation impoundments and certain other non-domestic water uses may be an unreasonable use of such water where recycled water is available (California Water Code, Section 13550).

WHEREAS, the state policies described above are in the best interest of the Idyllwild Water District (the "District" or "IWD"). The District is dependent on surface water and groundwater for domestic and non-domestic uses. The supply and the reliability of these supplies can vary. By developing and utilizing recycled water, the impact on surface water and groundwater can be reduced. In light of these circumstances, certain uses of potable water in the District's service area may be considered unreasonable or to constitute a nuisance where recycled water is available. Reference is made to uses as set forth in paragraph 3 above.

**THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT DOES HEREBY
ORDAIN AS FOLLOWS:**

1. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.
2. Section 35423 of the California Water Code empowers the District to establish, print and distribute equitable rules and regulations for the sale and distribution of water, inclusive of recycled water.
3. The Board of Directors of IWD, pursuant to the authority set forth in the Recitals, desires to establish a specific policy and procedures for the mandatory use of recycled water within its service area as well as certain other related uses.

**THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT DOES HEREBY ORDAIN
AS FOLLOWS:**

Section 1. Findings

Findings set forth above are incorporated herein as findings of the Board of Directors of IWD.

Section 2. Policy

It is the policy of the District to provide reliable and energy-efficient water services in a customer-oriented and environmentally responsible manner. In light of this policy, it is the intent of the District that recycled water shall be used within its service area wherever such use is economically justified, financially and technically feasible and is not detrimental to public health, safety, and welfare, and the environment. The District will offer recycled water that is surplus, to the needs of the recycled water customers within the District's service area for such uses outside the service area of the District by agreement with the retail water purveyor.

Section 3. Recycled Water Use

- a. **Mandatory Use:** The following types of uses shall generally require recycled water: agricultural irrigation, construction use, landscape irrigation, landscape and/or recreation impoundments, and wildlife habitat, these being called "mandatory" types of use. Use of potable water for mandatory recycled water uses shall be prohibited where recycled water is available and offered by the District to the property and the use of recycled water for the mandatory use is economically feasible.

In order for the District to provide District-wide recycled water service in an efficient and economical manner, the District must identify and convert to recycled water service as much of the suitable uses within the District as possible. Where recycled water service is available and economically feasible, the District may require existing customers to convert to recycled water for mandatory types of uses being served potable water by the District. The District will require applicants for new water service to provide for separate recycled systems for mandatory types of uses associated with future development that would otherwise be served potable water, where recycled water service is currently available to the property or planned for the near future. The only exceptions to the use of recycled water shall be based upon a finding by the District that conversion to, and use of, recycled water would not be economically feasible or that use of recycled water presents a special public health or safety concern.

- b. **Exceptions:** The only exceptions to use recycled water under these conditions shall be based on the judgment of the District in light of special public health concerns or established through the adopted appeals process set forth in Section 6 below whereby a waiver for recycled water service is obtained by the prospective user.
- c. **Authorized Use:** The user may apply for recycled water service for the following types of uses, where such use does not create an unacceptable risk to public health and safety: commercial use for toilet and urinal flushing, fire suppression and irrigation (including nurseries), and for appropriate industrial process, these being called "authorized" types of use. The District encourages but does not mandate use of recycled water for authorized uses.

- d. **Permitting:** Regardless of the type of condition or use, all prospective users shall successfully complete the use permit application process detailed within the regulations of the District governing the use of recycled water, prior to receiving recycled water.

Section 4. Funding Requirements

Funding requirements for the various offsite and onsite recycled water facilities require capital and operating expenditures. The District shall seek the most advantageous financing for offsite facilities construction and, at its discretion, develop fiscally responsible programs to assist users with their financing efforts for requisite onsite facilities construction or conversion. The District shall seek the most economical operation and maintenance of the offsite facilities and encourage users in conservative operating practices.

Section 5. Recycled Water System Implementation

- a. **General:** The Recycled Water system will be implemented through several actions, including those listed below.
- b. **Rules and Regulations:** The District shall maintain regulations governing the distribution and use of recycled water, including specifications for the construction of on-site recycled water facilities.
- c. **Standard Specifications:** The District shall maintain the Standard Specifications for the construction of off-site facilities. These shall include narrative and drawings that may be referenced for incorporation by project-specific construction documents.
- d. **Public Awareness Program:** The District shall maintain a comprehensive water reclamation public awareness program.
- e. **Coordination Among Agencies:** The District shall continue to examine the potential for a coordinated effort between the District and other neighboring agencies and to share in utilization of recycled water.

Section 6. Procedures for Determining Mandatory and Authorized Recycled Water Service

- a. **Customers with Existing Potable Water Service:** The District shall make a preliminary determination, based on existing and planned extensions of the recycled water distribution system, as to which existing IWD potable water customers it is economically feasible to convert to the use of recycled water. The District shall provide notice to the existing customers regarding that determination, and provide information on the cost of conversion and expected savings to the customer from replacing potable water uses with recycled water. The District shall review any customer objections to the proposed conversion to recycled water service; entertain appeals, and provide a waiver if circumstances warrant. The District shall assist customers to complete the application process where waivers have not been granted in accordance with this Ordinance.
- b. **New Water Service Application:** All applicants for new water service from the Idyllwild Water District shall provide the District, at the time of requesting a new water service installation, all necessary information requested by the District concerning the uses of water through the proposed connection, to enable the District to make a determination whether the proposed development will qualify for mandatory recycled water service. The District shall provide notice to the applicant regarding that determination and provide information on the cost.

The District shall review any customer objections to the proposed recycled water service, entertain appeals, and provide a waiver if circumstances warrant. The District shall assist customers to complete the application process where waivers have not been granted in accordance with this Ordinance.

- c. **Customers with Alternative Water Supply:** The District may approach or be approached by prospective user(s) within the District's regular service area who currently utilize an alternative to the District's recycled or potable water supply and who desire recycled water service. The District shall then make a preliminary determination whether the existing service(s) can be converted to the use of recycled water and shall provide notice regarding that determination along with a request for a letter of intent from the prospective user(s). The District shall assist customers to complete the application process.
- d. **Customers Outside Regular Service Area:** Although IWD customers will always be considered first, the District may approach or be approached by prospective user(s) outside the District's regular service area who currently utilize an alternative to the District's water supply and who desire recycled water service. The District shall then make a preliminary determination whether the existing service(s) can be converted to the use of recycled water and whether any legally conflicting service arrangements, express or implied, exist, and shall provide notice regarding that determination along with a request for a letter of intent from the prospective user(s). The District shall assist customers in completing the application process.
- e. **Notice:** Whenever the District has made a preliminary determination that use of recycled water is mandatory or authorized; the District shall provide written notice to the prospective user(s), of the District's preliminary determination. Such notice shall include, as a minimum: descriptive information about the planned recycled water system, user responsibilities under the rules and regulations governing the use of recycled water, current recycled water pricing, and an explanation of the customer's right to request reconsideration or a waiver.
- f. **Reconsideration and Waiver Process:** Within thirty (30) days from the date of a notice of determination by the District that a customer will be required to convert to recycled water service, the customer may request reconsideration of the determination or waiver of the requirement. The request for reconsideration or waiver must be in writing and specify the reasons for the objection. A request for reconsideration or waiver must be based upon facts indicating that the conversion to recycled water would not be economically feasible, or would present an undue risk to health and safety, or that under the particular circumstances; the requirement of use of recycled water would impose an unreasonable hardship or burden upon the customer.

Unless a request for reconsideration or waiver is submitted in a timely manner, the preliminary determination shall be final. District staff shall review the request for reconsideration and shall confirm, modify or abandon the preliminary determination. Upon issuance of a final determination by District staff, the prospective user(s) may appeal the determination to the General Manager of the District. The District shall issue a waiver to the prospective user(s) where its objection or appeal is successful.

- g. **Recycled Water Use Permit Process:** Upon a final determination by the District that a property shall be served with recycled water, the prospective user(s), owner or applicant shall obtain a recycled water use permit in accordance with the application process detailed in these regulations.

- h. **Temporary Use of Potable Water:** At the discretion of the District, potable water may be made available on a temporary basis until recycled water is available.

Before the applicant receives temporary potable water, a recycled water use permit as required in Section 6, must be obtained for the onsite recycled water distribution facilities. Prior to commencement of recycled water service, an inspection of the onsite facilities will be conducted to verify that the facilities have been maintained and are in compliance with the recycled water use permit and current requirements for service. Upon verification of compliance, recycled water shall be served to the parcel for the intended use. If the facilities are not in compliance, the applicant shall be notified of the corrective actions necessary and shall have thirty (30) days to take such actions prior to initiation of enforcement proceedings.

Section 7. Costs of Conversion to Recycled Water

- a. **Customers with Existing Potable Water Service:** A potable water customer, with an existing connection to the District's potable water system, who is required by the District to use recycled water for mandatory uses, shall bear the cost for those modified or additional facilities on the customer's property which are necessary to convert such uses from potable to recycled water.
- b. **New Water Service Application:** Applicants for new water connections, regardless of whether the property was previously developed or is newly developed, will be required to bear the entire cost of those facilities required to accommodate recycled water for all mandatory uses, and, if desired, any authorized uses.
- c. **Customers with Alternative Water Supply:** For an existing water use site, the cost for those modified or additional facilities not necessitated by conversion from potable to recycled water shall be borne entirely by the potential user(s).

Section 8. Enforcement

- a. **Enforcement Methods:** The District may implement all enforcement methods and penalties otherwise provided in these regulations to any violator of the terms of this Ordinance.
- b. **Water Service:** Water service will not be provided to new applicants for water service from the District unless and until they have complied with the requirements for installation of a recycled water system for mandatory uses and complied with all requirements of the Districts Rules and Regulations.
- c. **Recycled Water Conversion:** Where recycled water is available in offsite facilities, if after one hundred and eighty (180) calendar days from the date of the District's final determination under Section 6, the prospective user has not completed required onsite conversion work, then, in addition to those penalties set forth in subsection (a) above, the District shall impose a surcharge of its potable water rate in effect at the time of violation, such surcharge to be included in the customer's monthly billing.

Section 9. Validity

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

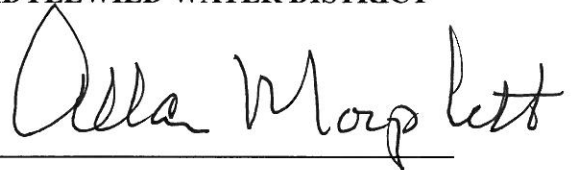
Section 10. Severability

If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 11. Publication

This Ordinance shall be certified by the Secretary of IWD and the Secretary is hereby ordered and directed to publish said Ordinance as set forth within one week for publication two weeks in the Idyllwild Town Crier, a newspaper of general circulation published in Riverside County, California, pursuant to the provisions of Section 35424 of the California Water Code.

IDYLLWILD WATER DISTRICT



ALLAN MORPHETT - PRESIDENT

I, Kelly Clark, Board Secretary of the Idyllwild Water District, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted by the Board of Directors of said Idyllwild Water District at its meeting held on the 14TH day of August, 2012, by the following vote, to wit:

AYES:	NAYS:	ABSTAIN:	ABSENT:
Allan Morphett			
Warren Monroe			
Jim Billman			
John Cook			
Mike Freitas			

In witness thereof I have hereunto set my hand and affixed the official seal of the Idyllwild Water District this 14^H day of August, 2012.



KELLY CLARK - BOARD SECRETARY
IDYLLWILD WATER DISTRICT