

ORDINANCE 31

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTE VISTA WATER DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, TO PROVIDE FOR THE REGULATION AND USE OF RECYCLED WATER WITHIN THE DISTRICT'S SERVICE AREA

The Board of Directors of the Monte Vista Water District (District) of San Bernardino County, California, does hereby ordain the following:

Section 1: Purpose and Statutory Authority

1. The purpose of this Ordinance is to establish procedures, specifications, and limitations for the safe and orderly development and operation of recycled water facilities and systems within the District's service area, and to adopt rules and regulations controlling such use.
2. Recycled water use is regulated by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB). In accordance with waste discharge requirements for water reclamation projects, the RWQCB requires control mechanisms to regulate facilities distributing recycled water. Article 2 of Chapter 7 of Division 7 of the California Water Code establishes a State policy to encourage the use of recycled water. Permission to use recycled water is based on Inland Empire Utilities Agency's (IEUA) ability to adequately treat domestic wastewater to the point that the recycled water (effluent) meets the requirements of Title 22, Chapter 3 of the California Code of Regulations. These regulations were adopted to ensure proper health protection and specify the treatment degree to meet the needs of the intended applications.

Section 2: Policy, Priority and Goals

1. It is the policy of the District that recycled water be used for any purposes approved by State regulations for recycled water use, when it is economically, financially, technically, and institutionally feasible. Use of potable water for nondomestic uses when recycled water is available is contrary to the District policy, is not considered the most beneficial use of a natural resource, and shall be avoided to the maximum extent possible.
2. Connection to the District's Recycled Water System shall be provided on a first-come, first-served basis, as long as infrastructure and recycled water supplies are available.
3. The goals of this Ordinance are to do the following:
 - a. Achieve conservation of potable water supplies by using recycled water for appropriate current and future demands. Recycled water uses as approved by the District's Board of Directors and which are in compliance with all applicable laws and regulations shall include:
 - i. Agricultural irrigation;
 - ii. Commercial uses;

- iii. Construction use;
 - iv. Industrial processes;
 - v. Landscape irrigation;
 - vi. Landscape and/or recreational impoundments; and/or,
 - vii. Wildlife habitat.
- b. Prevent direct human consumption of recycled water through:
- i. Strict compliance with all applicable rules, laws, and regulations;
 - ii. Requiring the user to post adequate signs warning others that the water is recycled and non-potable; and,
 - iii. Requiring cross-connection/backflow prevention programs.
- c. Control runoff of recycled water through monitoring of the installation and operation of all recycled water facilities and use areas.

Section 3: Administration

Except as otherwise provided herein, the District's General Manager shall administer, implement, and enforce the provisions of this Ordinance. The General Manager may, in his discretion, delegate any or all of these powers and duties.

Section 4: Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, in addition to the definitions set forth in Title 22, Division 4, Chapter 3, Regulations of the California Code of Regulations, shall have the meanings hereinafter designated.

1. "Administrator" shall mean the General Manager of the Monte Vista Water District or his/her authorized representative.
2. "Agricultural Use" shall mean water used for the production of crops and/or livestock.
3. "Air-Gap Separation" shall mean a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically from the flood rim of the receiving vessel to the supply pipe; however, in no case shall this separation be less than one (1) inch.
4. "Applicant" shall mean any person, group, firm, partnership, corporation, association, or agency that applies for recycled water service.
5. "Approved Use" shall mean an application of recycled water in a manner, and for a purpose, designated in a Recycled Water Use Agreement in compliance with applicable State and local rules and regulations.
6. "Approved Use Area" shall mean a site with well-defined boundaries designated in a Recycled Water Use Agreement in compliance with applicable rules and regulations.

7. "As-built Drawings" shall mean the record drawings that show the completed facilities as constructed or modified.
8. "Auxiliary Water Supply" shall mean any water supply on or available to the premises other than the District's potable water.
9. "Board of Directors" shall mean the Board of Directors for the Monte Vista Water District.
10. "City" shall mean either the City of Montclair or the City of Chino, depending on the city in which a customer's property is located.
11. "Commercial and Industrial Use" shall mean the water used for decorative fountains; decorative indoor and outdoor landscape; industrial processes such as rinsing, washing, cooling, flushing, circulation, or construction; and other uses approved by the District.
12. "County" shall mean the County of San Bernardino, California.
13. "Cross-Connection" shall mean any unapproved and/or unprotected, actual or potential, connection between any part of a potable water system and any equipment, source, or system containing water or other substances not approved as safe and potable for human consumption.
14. "Discharge" shall mean any release or distribution of recycled water to a use area or disposal site/mechanism. Such discharges are subject to approval by the District.
15. "Infiltration Rate" shall mean the rate at which water penetrates the soil surface and enters the soil profile.
16. "Non-potable Water" shall mean water that has not been treated for, or is not acceptable for human consumption, in conformance with Federal, State and local water standards. Non-potable water includes recycled water.
17. "Off-site Facilities" shall mean all existing or proposed facilities under the control of the IEUA or the District, from the source of supply to the point of connection with the customer's on-site facilities, up to and including the District's recycled water meter and meter box.
18. "On-site Facilities" shall mean all existing or proposed facilities within property under the control of the customer, normally downstream of the District's recycled water meter and meter box.
19. "On-site Recycled Water Supervisor" shall mean a qualified person designated by a recycled water user and approved by the District to be responsible for the safe and efficient operation of the user's recycled water system. This person shall be knowledgeable in the operation of the recycled water system and in the application of Federal, State and local guidelines, criteria, standards, and rules and regulations governing the use of recycled water.
20. "Ponding" shall mean the retention of recycled water on the ground surface or manmade surface for a period of time following the cessation of an approved recycled water use activity, such that potential hazard to the public health may result, as determined by regulatory agencies.

21. "Potable Water" shall mean water which conforms to the latest Federal, State and local drinking water standards.
22. "Recycled Water" shall mean water which, as a result of treatment of wastewater, is suitable for direct beneficial use or a controlled use that otherwise would not occur. The treatment of wastewater is accomplished in accordance with the criteria set forth in Title 22, Division 4, of the California Code of Regulations.
23. "Recycled Water Facilities" shall mean the systems, structures, etc., used in the treatment, storage, pumping, transmission and distribution of recycled water.
24. "Recycled Water Use Agreement" shall mean an agreement between the user and the District to use recycled water in compliance with all applicable rules and regulations.
25. "Regulatory Agency" shall mean any public entity legally constituted by Federal, State and local statutes to protect health and water quality.
26. "Runoff" shall mean the flow of water along natural or manmade surfaces away from the designated use area.
27. "Service" shall mean the delivery of recycled water to a user.
28. "Service Connection" shall mean District facilities between the District recycled water distribution system and the customer's meter, including, but not limited to, the meter, meter box, valves, and piping equipment.
29. "*Standard Specifications*" shall mean the specifications approved by the District for construction of recycled water facilities.
30. "Unauthorized Discharge" shall mean any release of recycled water that violates any applicable Federal, State, or local statutes, regulations, ordinances, codes, contracts or other requirements.
31. "Use Area" shall mean the specific area designated to be served with recycled water through on-site recycled water facilities.
32. "User" shall mean any person, group, firm, partnership, corporation, association or agency accepting recycled water from the District's recycled water facilities for use in accordance with this Ordinance. "Applicant," "Owner," or "Customer" are terms that are to be considered as users.
33. "Windblown Spray" shall mean any dispersed, airborne particles of recycled water capable of being transmitted through the air to a location other than that for which the direct application of recycled water is approved.

Section 5: Service Area

The rules and regulations contained in this Ordinance apply to recycled water service to lands and/or improvements lying within the legal boundaries of the District, and to properties contiguous to the District under the same ownership as abutting lands within the District or its designated service boundary. Recycled water service shall be provided to a specific service area when related distribution facilities are completed and service becomes available.

Section 6: Determination of Recycled Water Use Area

1. General

- a. The Board of Directors may adopt a Recycled Water Master Plan or utilize the IEUA Recycled Water Master Plan designating current and potential areas for recycled water use. The Master Plan shall be in accordance with California Department of Public Health (DPH) and RWQCB requirements, and shall encourage recycled water use. The Master Plan shall be reviewed and updated as needed.
- b. The Board of Directors may review the Recycled Water Master Plan and recommend where water service should be made with recycled water in place of potable water. Where it is determined recycled water is, or will be, available within five (5) years, the District may request modifications to existing on-site water facilities and require construction of recycled water systems in new developments.
- c. The Board of Directors may enter into agreements with surrounding cities and/or other agencies to determine recycled water use service areas within the District and jurisdiction of those entities.

2. Existing potable water service

- a. The Board of Directors may make determinations of areas in which existing potable water use should be replaced with recycled water use.
- b. A notice of the determination to use recycled water shall be mailed to the current owner, explaining the reasons for use and resultant procedures needed to implement recycled water use.

3. New recycled water service

- a. On submittal by applicant of a tentative tract map, land use permit, other proposed land development/land use, or request for recycled water service, the Administrator shall make preliminary determinations if recycled water service can be provided to the area in question.
- b. The Administrator may require the use of recycled water for approved uses, and refuse or otherwise restrict potable water service when recycled water is available and approved for use.

Section 7: Authorized Uses

Uses of recycled water include only those uses approved by DPH and for which Title 22 of the California Code of Regulations provides treatment requirements. Each such use will be considered for approval on a case-by-case basis. Prior to approval, the user must comply with the requirements established by this Ordinance and any other requirements imposed by the IEUA, DPH, or any other regulatory agencies that have jurisdiction over such use.

Section 8: Conditions of Service

1. Prior to obtaining recycled water service, the user must enter into a Recycled Water Use Agreement with the District. Recycled water use shall be subject to the terms and conditions established in the Agreement, and in accordance with this Ordinance, and other applicable codes, rules, and regulations. If any of the conditions of service are not satisfied at all times by the owner or user, the Recycled Water Use Agreement may be revoked by the Administrator after which all recycled water service shall be terminated.
2. The District shall not be liable for any damage caused by recycled water or resulting from:
 - a. Defective plumbing;
 - b. Broken or faulty service connections or recycled water mains;
 - c. On-site facilities failures;
 - d. High or low pressure conditions;
 - e. Interruptions of service;
 - f. Any inappropriate or illegal use or management practices by user; and/or
 - g. Recycled water quality.
3. All recycled water will be provided to the user in the conditions and quantity specified in the Recycled Water Use Agreement.
4. Recycled water use will not be subject to the same restrictions applicable to potable water during drought conditions and will be supplied as available.
5. Recycled water service shall be terminated whenever the quality of the recycled water does not meet the requirements of the regulatory agencies, or at any time the provisions of this Ordinance, or the provisions and conditions specified in the Recycled Water Use Agreement, are not satisfied.
6. Other guidelines, rules and regulations, ordinances, and specifications that may be applied by the General Manager to govern the use of recycled water within the District include, but are not limited to:
 - a. Regulations pertaining to backflow prevention, billing, deposits, penalties, delinquencies, and metering for potable water as established in District Ordinances 27 and 28, as well as all other applicable District Ordinances and Resolutions;
 - b. Regional Recycled Water Distribution System Ordinance (IEUA, Ordinance No. 63);

- c. Water Reclamation Regulations (Title 22, Division 4 of the California Code of Regulations);
- d. Regulations Pertaining to Cross-Connections (Title 17 of the California Code of Regulations); and
- e. Guidelines for Distribution of Non-Potable Water (California-Nevada Section, American Water Works Association [AWWA]).

Section 9: Recycled Water Service Application

The steps to apply for recycled water service are as follows:

1. The Applicant shall complete and submit a recycled water service application on a District-provided form, including existing facility “as-built” drawings or proposed facility plans, as appropriate, description of where and how recycled water use is proposed, and any other information requested by the Administrator which is pertinent to the use of recycled water.
2. The Applicant shall prepare an Engineering Report describing proposed/requested recycled water use(s). The District may prepare the report on behalf of the Applicant, provided that the user pays all costs associated with the preparation of the report. The Engineering Report shall comply with DPH guidelines.
3. The completed Engineering Report shall be forwarded to DPH for its review and approval.
4. The Applicant and the District shall address any concerns that the DPH may have regarding the Engineering Report and revise the report accordingly.
5. After DPH approval of the Engineering Report, the Applicant shall enter into a Recycled Water Use Agreement with the District, and pay all applicable fees.
6. The Administrator or his/her designee shall conduct a start-up test of the on-site recycled water system to ensure that cross-connections do not exist.
7. Upon the successful completion of the start-up test and the determination that the on-site recycled water system is in full compliance with this Ordinance, the Administrator shall authorize recycled water service to begin.

Section 10: Recycled Water Use Agreement

Each Applicant agreeing to receive recycled water shall sign a Recycled Water Use Agreement furnished by the District and shall be subject to the following terms and conditions:

1. The Applicant shall pay all specified District connection fees, service line charges and other charges, and comply with all of the requirements prescribed by this Ordinance and any additional requirements specified by other agencies governing recycled water use.

2. In order to maintain acceptable operating conditions throughout the District's recycled water system, the Administrator may schedule recycled water use for specific applications. Such scheduling may involve programming deliveries to different users and/or to various portions of a single user's on-site system. Any such scheduling shall take into consideration the operating constraints of the affected users.
3. The Administrator will temporarily terminate recycled water service at any time recycled water produced by the IEUA reclamation plant does not meet the requirements of the regulatory agencies. In such a case, recycled water service will be restored at such a time as the recycled water meets the regulatory agency requirements.
4. At a minimum, the Recycled Water Use Agreement shall include the following:
 - a. Names, addresses and telephone numbers of the owner the property, the user of the recycled water, and the On-site Recycled Water Supervisor.
 - b. A statement that no changes in the proposed system will be undertaken without the prior amendment of the Agreement and written consent of the Administrator.
 - c. A statement that the applicant recognizes and understands the potential penalties for violation of this Ordinance and any applicable regulatory agency's requirements.
 - d. A copy of the DPH-approved Engineering Report.
 - e. The specific quantity of recycled water to be used, including estimated average annual use in acre-feet, and the maximum gallons per minute needed at the point of connection as shown on the plans.
 - f. Approved uses.
 - g. A statement that the Agreement shall be cancelled or amended if:
 - i. A significant change of either volume or use of recycled water occurs;
 - ii. A change in the piping system has been implemented without prior District approval;
or
 - iii. A material violation of these rules and regulations occurs which results in a system turn-off.

Section 11: Rates, Fees, Charges and Deposits

1. All rates and fees regarding recycled water service including administrative costs shall be established by the Board of Directors pursuant to the provisions of the California Water Code Section 30000 et. seq. The water rates and associated fees shall be in accordance with the applicable Rate Resolution then in effect, as it may be established from time to time.
2. Applicants for recycled water service shall pay their fair share for the construction of facilities and infrastructure needed to deliver recycled water to the Applicant's property. All fees and estimated construction costs shall be paid prior to commencement of construction; however, the District may reimburse the applicant for a portion of the cost of such facilities as described in Subsection 3 of this Section.

3. Under certain circumstances, the District, in its sole discretion, may contribute to the cost of designing and/or constructing the facilities needed to deliver recycled water to the Applicant's property. Subject to the availability of funds, the District may:
 - a. Reimburse an applicant for costs incurred to install oversized facilities in the public right-of-way; and/or
 - b. Elect to financially participate in or construct pipelines, reservoirs, pumping stations or other facilities, as it determines are necessary, and/or as funds are available for such purpose(s).

Section 12: Size, Location, and Installation of Service Line

Recycled water service lines shall be installed and provided by the property owner/developer to a curb line or property line of the customer's property, abutting on a public street, highway, road or District easement in which recycled water mains are installed. The size and location and/or type of recycled water service lines, service connections, meters, backflow protection devices, and any/all other appurtenances shall be determined and approved by the District.

Section 13: Service Connection Limitations

Recycled water service shall be provided subject to the following terms and conditions:

1. A recycled water service connection and its corresponding meter shall not be used to supply adjoining property of a different owner, or to supply property of the same owner across a road, street or other public right-of-way. When a property with a recycled water connection and corresponding meter is subdivided, such connection and meter shall be deemed to be serving the lot or parcel of land upon which the meter is located. Additional recycled water mains and/or recycled water service lines will be required for all other subdivided areas in accordance with this Ordinance.
2. Private irrigation systems for homeowner's associations and other developments where landscaping around homes and in common areas is served with one meter shall not cross public roads, easements, or other public rights-of-way without prior District, City, and/or County approval, as may be appropriate.
3. All recycled water used on any property on which a meter is installed must pass through the meter. Customers shall be responsible and charged for all recycled water passing through their respective meters.

Section 14: Service Pressure

The District shall at all times strive to maintain a potable water line pressure that is at least ten (10) pounds per square inch greater than its non-potable water lines to help prevent intrusion of non-potable water into its potable water lines. In any circumstance in which that is impractical, the District shall require other design and operational measures that will provide the proper degree of protection, including, but not limited to, proper pipe identification practices, ensuring adequate horizontal and vertical separation distances between potable and non-potable systems and maintaining accurate "as built" maps, implementing comprehensive recycled water program elements into the existing cross-connection control program, and development of employee training and awareness programs.

Section 15: Relocation of Recycled Water Service Lines

If an owner or user of a recycled water service line installs the wrong size service line, or installs it at a wrong location or depth, the cost of relocation or removal of such water service line shall be paid for by the user.

Section 16: Protective Measures

The following provisions are enacted to protect the District's potable water supplies against actual, undiscovered, unauthorized, or potential cross-connections to the user's recycled water system. These provisions are in addition to, not in lieu of, the controls and requirements of other regulatory agencies. These provisions are in accordance with Title 17 (Public Health) of the California Code of Regulations.

1. Approved backflow prevention devices on the District's potable water services to the property, as required in these provisions, shall be installed, tested, and maintained according to Section 18 of this Ordinance. These devices shall be located on the property served, immediately downstream of the meter. All backflow devices shall be readily accessible for testing and maintenance, and no such device shall be submerged at any time.
2. When a request for recycled water service is initiated, the Applicant must provide sufficient information, including plumbing and building plans, to enable the Administrator and other regulatory agencies to determine the level of backflow protection required. The proper backflow device, as determined by the Administrator and other regulatory agencies, shall then be installed and tested according to Section 18 of this Ordinance before recycled water service is provided.
3. Each time there is a change of tenants on any commercial or industrial premises, the owner or user shall immediately notify the Administrator of such facts. The Administrator shall then reassess the level of backflow safety protection required. In addition, any alterations to existing on-site facilities that may affect the required backflow protection level must be reported immediately by the owner or user to the Administrator.
4. Representatives of each health agency having jurisdiction of recycled water distribution, and the Administrator, may inspect any property which is provided recycled water service by the District. The inspection shall serve to determine if any actual or potential cross-connections exist. The owner or user shall fully cooperate in facilitating the inspections.
5. Where backflow protection is required, an approved backflow protection device for potable water supplies shall be provided by the owner or user at their sole expense as follows:
 - a. Each District water service connection that supplies potable water to premises having an auxiliary water supply (including recycled water) that is not accepted as a potable source by the Administrator, and/or is not approved for potable use by the DPH, shall be protected against backflow from such premises into the District's potable water system.

- b. Each District water service connection supplying potable or recycled water to premises on which any substance is handled in such a fashion as to permit entry of contaminants into the District water systems (potable or recycled) from the premises shall be protected against backflow by a District-approved backflow device. This shall include, but is not limited to, the handling of fertilizers, process waters, waters originating from any of the District water systems that have been subject to deterioration in quality, and agricultural uses.
- c. District-approved backflow devices shall be installed by the owner or user where premises have complex plumbing and piping systems or where not all portions of the premises are readily accessible for inspection.
- d. The District may require the installation of appropriate backflow protection devices at premises where there has been a history of recurrent cross-connections.

6. On-site Recycled Water Supervisor

- a. At all times following commencement of recycled water service by the District, the owner or user shall notify in writing the Administrator, State and County health departments and IEUA of the identity of the individual who is responsible for the user's recycled water system and compliance with all applicable laws, rules, and regulations. This person shall be designated the On-site Recycled Water Supervisor for the given authorized use area. In the event of a change of such individual in charge, the owner or user shall notify each such agency of such change within seventy-two (72) hours of the change.
- b. The On-site Recycled Water Supervisor shall be responsible for:
 - i. The installation and use of all components of the on-site recycled water system(s);
 - ii. Monitoring and controlling runoff of recycled water through operation of facility;
 - iii. Prevention of cross-connections; and
 - iv. Change in use of recycled water.

7. Other measures

- a. Water meters used for recycled water service shall be tagged or color-coded purple, color pantone 512 or 522, or otherwise distinguished as such per AWWA standards. At no time shall these meters be interchanged with or used for potable water service after repairs and/or meter testing have been performed.
- b. Periodic inspections by the District of the recycled water facilities will be made to determine if all identifying items are still clearly discernable. If not, they shall be replaced, repaired, or refurbished, as needed, by the owner or user. These items include, but are not limited to:
 - i. Warning tags;
 - ii. Color code painted surfaces;
 - iii. Warning tape;
 - iv. Identification tape;
 - v. Covers, caps, signs; and
 - vi. Other items that clearly indicate recycled water is being used.

- c. To determine the existence of any cross-connections or backflow conditions into the potable water system, periodic testing by DPH approved methods will be performed by the Administrator and/or other regulatory agencies.
 - d. In the event of contamination or pollution of a District potable water system due to a cross-connection or other failure, the DPH, the Administrator, and IEUA each shall be promptly notified by telephone so that appropriate and immediate measures may be taken to correct the problem.
8. When the recycled water uses or conditions, as determined by the Administrator or other regulatory agencies, represent a clear and immediate hazard to the District potable and/or recycled water supply that cannot be immediately removed or corrected, the Administrator shall promptly terminate the recycled water use. Conditions or uses that create a basis for termination include, but are not limited to, refusal to install, test, or repair a required backflow prevention device.

Section 17: Types of System Protection

The level of protection required for the District's potable water system shall be commensurate with the degree of potential hazard that exists on the premises served, and will be determined by the Administrator.

Section 18: Testing and Maintenance of Backflow Prevention Devices

The owner or user is responsible for inspecting and regularly testing all backflow prevention devices and maintaining these devices in a safe and satisfactory operating condition. Testing shall be done at least once a year by a County-certified backflow prevention tester. More frequent testing may be required on a case-by-case basis as determined by the Administrator. The backflow prevention devices shall be repaired, overhauled and/or replaced whenever they are found to be defective. These devices shall also be tested immediately after they are installed, relocated, or repaired. All inspections, tests, and repairs shall be performed at the owner or user's sole expense. The owner or user shall maintain records of all such tests, repairs, and overhauls. These records shall be submitted to the Administrator annually, and made available to the DPH for inspection upon reasonable notice of such request.

Section 19: Facilities Design

1. Before the Administrator grants final acceptance of any system using recycled water, as-built drawings of the system shall be provided by the owner or user. The installed system shall be tested in accordance with the District's *Standard Specifications* to ensure that the system is in full compliance with all relevant laws, rules, and regulations.
2. All off-site and on-site recycled water facilities shall be designed and constructed according to the requirements, conditions, and standards as adopted in the District's *Standard Specifications* to ensure that this system is in full compliance with this Ordinance. Recycled water systems, both on-site and off-site, shall be separate and independent of any potable water systems.

3. Adequate means of notification shall be provided to inform the public, employees, and others that recycled water is being used. Conspicuous signs with appropriate wording that can be clearly read shall be placed at regular intervals, per regulation, around the perimeter of the authorized use area.
 - a. Golf courses shall print messages on score cards in a different color indicating recycled water is being used. Water hazards containing recycled water must be posted with appropriate signs indicating such use.
 - b. Languages in addition to English shall be used on signs where appropriate due to demographics.
4. Off-site facilities
 - a. Any off-site recycled water distribution facilities required to serve existing or new developments of the property within the District, as determined by the Administrator, shall be provided by the applicant, owner, or customer at their sole expense, unless the Administrator determines such facilities are a benefit to the District and that the District will construct such facilities at its sole expense or a shared cost basis with the applicant, owner, or customer.
 - b. The design of off-site facilities, including the preparation of plans and construction specifications, shall be furnished and signed off by an engineer registered in the State of California.
 - c. Plans and specifications for all recycled water distribution facilities shall be submitted to and approved by the Administrator, and other appropriate regulatory agencies, in advance of construction.
 - d. The District will provide recycled water service to the point of connection of such development upon transfer to the District of title to all off-site recycled water systems and any necessary easements or deeds of trust. All easements shall be in a recordable form acceptable to the Administrator and not subject to outstanding obligations to relocate such facilities, except in instances where such is determined by the Administrator to be in the best interest of the District.
 - e. The District and the property owner or developer may enter into a reimbursement agreement for the portions of a recycled water system that are required to be oversized with capacity to supply more recycled water than the property owner or developer requires. The District shall solely make the determination of whether it will enter into a reimbursement agreement and as to what facilities will be included.
5. On-site facilities
 - a. The design of on-site facilities that will use recycled water, and preparations of plans and construction specifications, shall be stamped and signed by a State of California Registered Landscape Architect or Civil Engineer, unless otherwise approved by the Administrator.
 - b. The user or the owner of the property shall pay for all costs associated with on-site recycled water facilities.

- c. When the District's *Standard Specifications* require a higher quality material, equipment, design, or construction method than that required by other governing codes, rules, and regulations, the District's *Standard Specifications* shall take precedence.
- d. Where the premises utilize dual or multiple water systems, the exposed portions of recycled water pipelines shall be painted purple and labeled.
- e. Areas irrigated with recycled water must be kept completely separated from domestic water wells and reservoirs. Recycled water shall not be applied or allowed to migrate to within fifty (50) feet of any well used for domestic water supply, and no impoundment of recycled water shall be located within one hundred (100) feet of any domestic water well, unless it can be demonstrated and the Administrator determines that special circumstances justify lesser distances to be acceptable and safe.

6. Interim service

- a. If recycled water is not immediately available when the use area is ready for construction and the District has determined that recycled water will be supplied within five (5) years, on-site facilities shall be designed to use recycled water. Provisions shall be made to allow for connection to the District off-site recycled water facilities when available. In the interim, potable or other suitable water may be supplied to the on-site facilities through an "interim service connection."
- b. Conditions of interim service:
 - i. The District anticipates recycled water will be available to the site within five (5) years of the time interim service is initiated.
 - ii. The user or the owner of the property must sign a Recycled Water Use Agreement.
 - iii. The user or the owner of the property must agree to perform or pay for all work necessary to remove the interim connection and make connections to the permanent recycled water system at the time the recycled water system is installed. All work must be performed according to the District's *Standard Specifications*.
 - iv. A District-approved backflow prevention device is required on any interim service. The backflow prevention device shall be at the point of connection with the interim supply system and a part of the on-site recycled water facilities.
 - v. Future recycled water users shall pay for the following:
 - A. Cost of constructing and abandoning the interim service connection and cost of constructing the recycled water service connection.
 - B. Applicable recycled water fees at the time such service becomes available.
 - C. Applicable interim water rates for the type of water delivered through the interim service connection.
 - vi. When recycled water is available to the site, an inspection of the on-site facilities will be conducted by the Administrator to verify that the facilities are still in compliance with the Recycled Water Use Agreement. Recycled water service shall be provided on verification of compliance with such Agreement. If the facilities are not in compliance, the Administrator shall notify the user to make any necessary corrections.

Section 20: Construction

1. Construction of all new recycled water facilities shall follow the District's *Standard Specifications* and the *AWWA Construction Guidelines for Recycled Water Facilities* as amended from time to time.
2. Where it is planned that an existing non-recycled water system will be converted to a recycled water facility, such facility modifications shall be inspected in detail, at the owner's or user's sole expense, to determine the measures required to bring the system into full compliance with this Ordinance. No existing potable water facilities shall be connected to or incorporated into the recycled water system without District and DPH prior approvals.
3. If, due to on-site failure of the recycled water system, the Administrator determines that it is necessary to convert on-site facilities from a recycled water supply to a potable water supply, the user shall pay all costs for such conversion. All modifications and work performed on the recycled water supply facilities shall be in compliance with the provisions of this Ordinance and subject to appropriate inspections by the Administrator and DPH prior to activation as a potable water system. Conversion costs may include, but not be limited to, the following:
 - a. Isolation of the recycled water supply. Service shall be removed and plugged at the District main or abandoned in a manner approved by the Administrator.
 - b. Installation of approved backflow prevention devices, as determined by the Administrator, on all potable and/or other water meter connections.
 - c. Removal of any/all special recycled water quick couplers. The owner or user shall be responsible for replacement with quick couplers approved for potable water systems.
 - d. Notification to all on-site personnel involved.
 - e. Removal of all warning labels/signs.
 - f. Installation of any/all potable water facilities and payment of any associated capacity fees, as established in District Ordinance 28.
 - g. System flushing, disinfecting, decontamination, and water quality analyses, as required by the District and/or other regulatory agencies.

Section 21: Operation and Maintenance of Off-site Facilities

The District and/or the IEUA shall be responsible for the operation, maintenance, and surveillance of all off-site recycled water systems. This includes but is not limited to recycled water pipelines, valves, connections, storage facilities, and other related equipment and property up to and including the meter. Only District and/or the IEUA authorized personnel and their representatives shall operate, adjust, change, alter, move, or relocate any portion of their respective off-site recycled water facilities.

Section 22: Operation and Maintenance of On-site Facilities

1. The operation, surveillance, repair, and maintenance of all customer recycled water facilities are the responsibilities of the owner or user and his designated On-site Recycled Water Supervisor. The user or owner is responsible for maintaining all on-site facilities that are owned by parties other than the District.
2. The Administrator shall have the right to enter the owner or user's premises at all reasonable times to monitor and inspect all on-site recycled water facilities. When necessary, keys and/or lock combinations shall be issued by the owner or user to the Administrator to provide such access during hours of recycled water system operation or in the event of an emergency.
3. The owner or user shall fulfill the following responsibilities pertaining to operation of on-site facilities:
 - a. Ensure that all operations personnel are trained and familiarized with the use of recycled water and pertinent laws and regulations pertaining to the use of recycled water.
 - b. Furnish their operations personnel with maintenance instructions, irrigation schedules, controller charts, and as-built drawings to ensure proper operation in accordance with the on-site facilities design and these rules and regulations.
 - c. Prepare and submit to the Administrator one reproducible set of as-built drawings.
 - d. Notify the Administrator of all updates or proposed changes, modifications, or additions to the on-site facilities and operations for review and approval prior to construction or implementation. All updates and proposed changes shall comply with this Ordinance, the Recycled Water Use Agreement, and all other applicable laws and regulations.
 - e. Ensure that the operation and maintenance of all recycled water facilities remain in accordance with this Ordinance, the Recycled Water Use Agreement, and all other applicable laws and regulations.
 - f. Operate and control the system in order to prevent direct human consumption of recycled water and to control and limit runoff. The user or the owner of the property shall be responsible for any and all uses of the recycled water. Operation and control measures to be utilized in this regard shall include where appropriate, but not be limited to:
 - i. Minimizing discharge onto areas not under control of the user so as to minimize public contact. For example, full circle sprinklers shall not be used adjacent to sidewalks, roadways, and property lines in order to confine the discharge to the use area.
 - ii. Operating the on-site recycled water facilities during periods of minimal human use of the service area, and allowing a maximum dry-out time before the irrigated area will be used by the public.
 - iii. Providing adequate first aid kits on the premises, and promptly treating all cuts and abrasions.
 - iv. Taking any other precautionary measures to minimize direct contact with recycled water. The owner's or user's employees, residents, and the public shall not be subjected to recycled water sprays.

- v. Applying recycled water at a rate that does not exceed the infiltration rate of the soil. Where varying soil types are present, the design and operation of the recycled water facilities shall be compatible with the lowest infiltration rate of the soils present.
 - vi. Promptly reporting to the Administrator within no more than twenty-four (24) hours any/all failures in the recycled water system that cause an unauthorized discharge of recycled water.
 - vii. Protecting all drinking fountains located within the approved use area, by location and/or a structure from contact with recycled water to the maximum extent possible. Windblown spray, direct application through irrigation or other approved uses are considered sources of recycled water. Protection shall be provided by design, construction practice, or system operation.
 - viii. Protecting facilities that may be used by the public, including, but not limited to, eating surfaces and playground equipment located within the approved use areas, by seating and/or structure from contact with recycled water to the maximum extent possible. Windblown spray, direct contact by irrigation application, or other approved uses are considered sources of possible recycled water contamination. Protection shall be provided by design, construction practice, or system operation.
4. The owner or user shall enforce the following prohibitions:
- a. Cross-connections, as defined by the California Code of Regulations, Title 17, resulting from the use of recycled water or from the physical presence of a recycled water service, whether by design, construction practice, or system operation, are prohibited.
 - b. Discharge of recycled water for any purposes, in areas other than those specifically approved in the Recycled Water Use Agreement, and without the prior written approval of the Administrator, is prohibited.
 - c. Use or installation of permanent hose bibs on any customer water system that presently operates or is designed to operate with recycled water is prohibited.
 - d. Conditions that directly or indirectly cause recycled water to pond either within or outside of the approved use area, whether by design, construction practice, or system operation are prohibited, unless designed specifically for ponding and approved by Administrator.
 - e. Conditions that directly or indirectly cause runoff of recycled water onto areas outside of approved use areas, whether by design, construction practice, or system operation, are prohibited.
 - f. Use of recycled water for any purposes other than those specifically approved in the Recycled Water Use Agreement, and without the prior approval of the Administrator, is prohibited.
 - g. Conditions that directly or indirectly permit windblown spray to pass outside of the approved use area, whether by design, construction practice, system operation, or other cause are prohibited.

5. No person shall place, dispose, deposit, or permit the placement, disposal, or deposit of oil, toxic, hazardous, or contaminated liquid or waste, trash, soil, building materials, or any other substances, objects, or obstructions in, on, or around meter boxes or other District facilities. No person shall allow or permit meter boxes or other District facilities to become obstructed or obscured by trees, shrubs, plants, or in any other manner to impede their use or access or make their location difficult to determine. If such substances, objects, or obstructions are not cleaned and removed or are permitted to obscure or impede use or access to such facilities, the District may accomplish the cleaning and removal at the user's expense. The Administrator shall provide reasonable advanced notice and opportunity to make corrections to the user before performing such work and assessing such charges.

Section 23: Monitoring and Inspection

The Administrator will periodically monitor and inspect the entire recycled distribution facility as necessary, including both off-site and on-site facilities. The Administrator will conduct monitoring programs, maintain records as deemed necessary, inspect on-site facilities for compliance with these rules and regulations, and provide reports as required or requested by DPH. For these purposes, the Administrator shall have the right to enter the owner or user's premises during hours of recycled water system operation with or without prior notice to inspect on-site recycled water facilities and approved use areas to verify that the user's irrigation practices and other uses comply with this Ordinance and the Recycled Water Use Agreement.

Section 24: Emergency Connection to Recycled Water System from Potable Water System

If the Administrator determines an emergency exists so that all or parts of the recycled water system are unable to provide recycled water, the Administrator may approve an emergency temporary connection to the potable water system. Before such emergency temporary connection is made, the portion without recycled water shall be isolated by an air gap separation from the remainder of the recycled water system. This isolation shall occur at either individual services or on the off-site system, as determined by the Administrator. An approved backflow prevention device shall be installed on the potable water lines in accordance with this Ordinance. The emergency temporary connection shall be removed before connection to the recycled water system is re-established. Re-establishment of recycled water service must be approved by the Administrator, after conducting appropriate inspections, prior to resuming delivery of recycled water.

Section 25: Validity

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of remaining portions of this Ordinance.

Section 26: Effective Date

This Ordinance shall be effective sixty (60) days after its final passage or on October 7, 2007, upon publication in any newspaper of general circulation and distributed within the District as required by law.

Ordinance 31

The President of the Board of Directors shall sign this Ordinance and the Secretary shall attest to the same. The Secretary shall cause this Ordinance to be published within ten (10) days after its adoption, at least once in a newspaper of general circulation which is distributed within the boundaries of the Monte Vista Water District.

ADOPTED THIS 8th day of August 2007.



Sandra S. Rose
President of the Board of Directors
MONTE VISTA WATER DISTRICT

ATTEST:



Mark N. Kinsey
Secretary to the Board of Directors
MONTE VISTA WATER DISTRICT