

**NORTH MARIN WATER DISTRICT**  
**REGULATION 17**  
**WATER CONSERVATION - WEST MARIN SERVICE AREA**

A. Purpose

The purpose of this regulation is to assure that water resources available to the District are put to reasonable beneficial use, that the in-stream values of Lagunitas Creek are preserved to the maximum possible extent and that the benefits of the District's water service extend to the largest number of persons.

B. Waste of Water Prohibited

- (1) Customers shall not permit any water furnished by the District for the following nonessential uses:
  - (a) The washing of sidewalks, walkways, driveways, parking lots and other hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
  - (b) The escape of water through breaks or leaks within the customers plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the District, is a reasonable time within which to correct such break or leak, or, as a minimum, to stop the flow of water from such break or leak;
  - (c) Irrigation in a manner or to an extent which allows excessive run off of water or unreasonable over spray of the areas being watered. Every customer is deemed to have his water system under control at all times, to know the manner and extent of his water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
  - (d) Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle; and
  - (e) Water for non-recycling decorative water fountains.
  - (f) Water for new non-recirculating conveyor car wash systems; and
  - (g) Water for new non-recirculating industrial clothes wash systems.
  - (h) Water for single pass coolant systems.
  - (i) Potable water for outdoor landscaping during or within 48 hours of measurable rainfall;
  - (j) Potable water on ornamental turf in public street medians;
  - (k) Drinking water other than on request in eating or dining establishments;

- (l) Water for the daily laundering of towels and linens in hotels and motels without offering guests the option of choosing not to have daily laundering;
- (2) Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the District for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from a recycled water, gray water or rainwater utilization system is also exempt.
- (3) Variances. Any customer of the District may make written application for a variance. Said application shall describe in detail why applicant believes a variance is justified.
  - (a) The General Manager of the District may grant variances for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
  - (b) The decision of the General Manager of the District may be appealed to the Board of Directors by submitting a written appeal to the District within fifteen (15) calendar days of the day of the General Manager's decision. Upon granting any appeal, the Board of Directors may impose any conditions it determines to be just and proper. Variances granted by the Board of Directors shall be prepared in writing and the Board of Directors may require the variance be recorded at applicant's expense.
- (4) Enforcement. Depending on the extent of the water waste the District may take some or all of the following actions:
  - (a) Telephone the customer to inform of the water waste violation including a specified period of time to correct the violation;
  - (b) Personally contact the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected will be sent by certified mail to the customer;
  - (c) Install a flow-restricting device on the service line;
  - (d) Cause termination of water service and the charge for same shall be billed to the customer. Except in cases of extreme emergency as solely determined by the General Manager of the District, service shall not be reinstated until verified by the District that the violation has been corrected and all outstanding charges have been paid.
  - (e) Any customer who fails to repair a significant leak or otherwise eliminate waste of water within twenty days after becoming aware of it or receiving written notice from the District shall pay a penalty charge equal to ten times the commodity charge for the amount of water estimated by the District to have been wasted or \$50 whichever is greater.
  - (f) The District may impose penalty, in an amount approved by the Board from time to time, to be assessed on the customer water bill.

C Use of Water Saving Devices

Each customer of the District is urged to install water efficient devices that meet or exceed EPA WaterSense standards, including but not limited to showerheads, sink aerators, and toilets.

D. Water-Saving Kits

The District will periodically make available from time to time to customers the following devices and incentives:

- (1) A device or devices for reducing shower and sink flow rate;
- (2) Dye tablets for determining toilet leaks;
- (3) Other devices from time to time approved by the District;
- (4) Rebates from time to time for District qualified hot water recirculation systems, greywater systems, and rainwater catchment systems.

E. Water-Saving Devices and Restrictions for New Development

- (1) Water service will not be furnished to any Applicant for new or expanded service unless the water-saving devices hereinafter described are installed. Applicants for single service installations serving one dwelling unit (d.u.) or one d.u. and an accessory d.u. or applicants for projects for which the District does not have a building permit final sign off, shall pay a \$1,000 deposit per d.u. to be refunded upon post inspection of the installation of the water-saving devices and restrictions and compliant water efficient landscape (section F) herein. All other projects may be subject to a water conservation deposit with amount and applicability determined by the General Manager on a case-by-case basis. Applicant shall have two years to complete the project, obtain District inspection approval and request a refund of the deposit. If after two years the project is not completed, the deposit will be forfeited to the District to be used for other Water Conservation programs. If requested by the Applicant, the District may extend the time period for project completion up to one additional year.
- (2) All interior plumbing in new development shall meet the following requirements:
  - (a) Toilets and associated flush valves shall be High Efficiency Toilets (HETs), rated at not more than 1.28 gallons per flush on average and shall be listed on the approved District HET list;
  - (b) Urinals and associated flush valves shall be rated at not more than 0.125 gallons per flush or be a District approved non-water using urinal;
  - (c) Showerheads shall have a rated flow of 2.0 gallons per minute or less, and only one showerhead will be allowed per bathroom;
  - (d) Lavatory faucets and hand-washing sinks shall have aerators or laminar flow devices with flow control inserts, orifices or other devices that restrict flow to a maximum of 1.5 gallons per minute in residential construction and 0.5 gallons per minute in commercial construction. Kitchen faucets shall have a maximum flow of 2.0 gallons per minutes in all construction;
  - (e) Laundry facility washing machines shall be District approved high-efficiency models with an integrated water factor of 4.5 or less;
  - (f) Dishwashers shall be high efficiency models with an Energy Star rating that use no more than 5 gallons per cycle.

F. Water Efficient Landscape Requirement

- (1) Purpose. Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use. This Regulation protects water supplies through the implementation of a whole systems approach to design, construction, installation and maintenance of the landscape resulting in water conserving climate-appropriate landscapes, improved water quality and the minimization of natural resource inputs.
- (2) Applicability
  - a. Requirements stated herein shall apply to all of the following new and rehabilitated landscape projects associated with construction that require a Building or Grading Permit, Plan Check, Design Review or water service upgrade for:

Commercial, industrial and institutional landscaping, park and greenbelt landscaping, multiple-family residential and single-family residential landscaping.

    - i. At District Discretion, landscape requirements for applicable projects may be deferred to the State Model Water Efficient Landscape Ordinance (California Code of Regulations Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance)
    - ii. For projects with irrigated landscape area less than 2,500 square feet, the District may choose to select any or all of the requirements to the State Model Water Efficient Landscape Ordinance (referenced above), Appendix D – Prescriptive Compliance Option.
  - b. Requirements stated herein shall not apply to:
    - i. Registered local, state or federal historical landscape area;
    - ii. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system.
- (3) Landscape Design Plan. For each landscape project subject to this Regulation, applicants shall submit a landscape design plan and install a landscape in accordance with the following:
  - a. Amendments, Mulching and Soil Conditioning
    - i. A minimum of 8” of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.
    - ii. Prior to incorporating compost or fertilizer and planting of any materials, compacted soils shall be transformed into friable condition.
    - iii. Incorporate compost or natural fertilizer into the soil to a minimum depth of 8” at a minimum rate of 8 cubic yards per 1000 square feet and per specific amendment recommendations from a soils management report.
    - iv. A minimum 3” layer of District approved mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications. Mulch shall be made from recycled or post-consumer products when possible.

b. Plants

- i. Selected plants, other than allowable turf in residential projects, shall be Water Use Classifications of Landscape Species (WUCOLS) categorized "Very Low" or "Low" water use from the North-Central Coastal Region and shall not cause the Estimated Water Use (ETWU) to exceed the Maximum Applied Water Allowance (MAWA) using an evapotranspiration factor of 0.55 for residential and 0.45 for non-residential sites and a WUCOLS corresponding plant factor of 0.3 or less for Very Low or Low water plants. (Special Landscape Area including areas dedicated to edible plants, recreational uses, or areas irrigated solely with recycled water shall not be subjected to the plant selection requirements and shall use an evapotranspiration factor of 1.0 for the purposes of calculating ETWU and MAWA).
- ii. Plants with similar water use needs shall be grouped together in distinct hydrozones and where irrigation is required each distinct hydrozone shall be irrigated with a separate valve(s) and noted on the plans.
- iii. Moderate and High water use plants as categorized by WUCOLS, shall not be mixed with low or moderate water use plants.
- iv. All non-turf plants shall be selected, spaced and planted appropriately based upon their adaptability to the climatic, soils, and topographical conditions of the project site.
- v. Turf shall not be planted in the following conditions:
  1. Slopes exceeding 10%.
  2. Planting areas 10 feet wide (in any direction) or less unless irrigated with District approved subsurface irrigation or with recycled water.
  3. Street medians, traffic islands, planter strips or bulbouts of any size
  4. Front yard landscaping of single family houses where the backyard landscape is not developer installed.
- vi. Total turf areas shall not exceed the following
  1. Single Family: 25% of the total landscape area not to exceed 400 square feet.
  2. Townhouse/Condominium (THC): 100 square feet.
  3. Apartment (APT): 50 square feet.
  4. Commercial and/or non-residential: 0 square feet.

Special Landscape Areas: The preceding turf limitations shall not apply to sites irrigated with recycled water or areas dedicated to District approved recreational uses.
- vii. Invasive plants as listed by the California Invasive Plant Council are prohibited.

c. Water Features

- i. Recirculating water systems shall be used for water features

- ii. Recycled water shall be used in water features when available onsite.
- (4) Irrigation Design Plan. For each landscape project subject to this Regulation, applicants shall submit an irrigation design plan that is designed and installed to meet the MAWA irrigation efficiency criteria and in accordance with the following:
- a. Dedicated irrigation meter or for private landscape water submeter for residential must be specified for all non-residential irrigated landscapes and residential irrigated landscapes of 5,000 square feet or greater.
  - b. Irrigation systems with meters 1 ½" or greater or non-residential landscapes with irrigated landscapes over 5,000 square feet, require a high-flow sensor that can detect high-flow conditions and have the capabilities to shut off the system.
  - c. Isolation valves shall be installed at the point of connection and before each valve or valve manifold.
  - d. Weather-based or other sensor based self-adjusting irrigation controllers, with non-volatile memory, shall be required.
  - e. Rain sensors shall be installed for each irrigation controller.
  - f. Pressure regulation and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer's recommended optimal pressure.
  - g. Irrigation system shall be designed to prevent runoff or overspray onto non-targeted areas.
  - h. Point source irrigation is required where plant height at maturity will affect the uniformity of an overhead system.
  - i. Minimum 24" setback of overhead irrigation is required where turf is directly adjacent to a continuous hardscape that flows or could runoff into the curb and gutter.
  - j. Slopes greater than 10% shall be irrigated with point source or other low-volume irrigation technology.
  - k. A single valve shall not irrigate hydrozones that mix high water use plants with moderate or low water use plants.
  - l. Trees shall be placed on separate valves.
  - m. All non-turf landscape areas shall be irrigated with District approved drip irrigation systems or other alternative District approved point source irrigation equipment.
  - n. Sprinkler heads, rotors and other emission devices on a valve shall have matched precipitation rates. All spray irrigation systems shall be a brake rotary type or be multi-stream, multi-trajectory, adjustable arc, rotating stream sprinkler with matched precipitation rates. All rotating stream sprinkler units shall be installed in a 40 psi pressure regulated spray head body and provide the highest potential distribution uniformity. All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher.
  - o. Head-to-head coverage is required unless otherwise directed by the manufacturer's specifications
  - p. Swing joints or other riser protection components are required on all risers.

- q. Check valves shall be installed to prevent low-head drainage.
  - r. Master shut-off valves are required on all projects with irrigated landscapes over 5,000 square feet.
  - s. Irrigation efficiency factors of 0.75 for overhead spray devices and 0.81 for drip system devices shall be used for ETWU and MAWA calculations.
  - t. A diagram of the irrigation plan, including hydrozones and equipment locations, shall be provided and kept with the irrigation controller for subsequent management purposes.
- (5) Irrigation Audit: Project applicants shall submit an irrigation audit report for all applicable projects.
- a. The project applicant shall submit an irrigation audit report that includes inspection, system tune-up, system test with distribution uniformity, reporting overspray and runoff that causes overland flow, and precipitation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and other factors necessary for accurate programming.
  - b. All landscape irrigation audits shall be conducted by a local agency landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed or installed the landscape.
  - c. In production home developments, audits of 15% of the landscapes shall be sufficient.

G. Rebate for High-Efficiency Washing Machines in Residences

District customers in the West Marin Service area are eligible for rebate as available from time to time for District approved high-efficiency washing machines in existing residences. New construction in the District's West Marin service area are required to be equipped with high-efficiency washing machines in accordance with Section E. (2) (e) of this regulation. District rebates are not available for high-efficiency washing machines required in new residential construction.

H. Rebate for Removing Irrigated Turf from Residential Properties

- (1) The owner of property containing a formal lawn area or areas shall be eligible for a cash rebate from the District if said owner removes all or part of the formal lawn area(s) and replaces same with eligible plant materials and meets the qualification requirements. "Formal lawn area" means an existing lawn in good condition which is irrigated regularly, by an automatic inground irrigation system, with water furnished by the District and mowed regularly.
- (2) Qualification requirements:
  - (a) Application for rebate must be made on District's form prior to removing the formal lawn area(s). All applicable information requested must be supplied.
  - (b) Application for rebate must include a landscape plan or sketch showing the size, in square feet, and location of all formal lawn area(s) on the Applicant's parcel and the location of formal lawn area(s) that will be removed and replaced.
  - (c) The Applicant must utilize only eligible replacement materials for the formal

lawn area(s) removed which are to be considered in calculating the rebate. Eligible replacement materials are District-approved water-conserving and low water use California native plants or District-approved synthetic turf.

- (d) If the automatic inground irrigation system will continue to serve some remaining formal lawn area(s), Applicant must modify the system so that water is not served to the proposed replacement area.
  - (e) Formal lawn area(s) removed and replanted with eligible replacement materials shall be mulched with material suitably thick to prevent weed growth (minimum three inches) and reduce water loss. Areas shall not be irrigated except for limited hand-watering or temporary drip irrigation to establish the plant material.
  - (f) The owner of the property must sign a statement promising not to reinstall lawn in formal lawn area(s) where lawn has been removed as long as the owner holds property. The owner may be relieved of this promise at any time by returning the full amount of the District's rebate.
  - (g) The General Manager may at any time halt or suspend acceptance of applications for rebate if the District's funds appropriated for this purpose become exhausted.
- (3) After reviewing the information supplied by the Applicant and making at least one site inspection to assure that qualification conditions have been met, District shall mail a rebate check.
  - (4) The amount of the rebate shall be determined by the Board from time to time.
  - (5) Rebates may be available for non-residential property or for hotels, motels, hospitals, government housing or a senior citizen complex on a parcel which is separately owned and assessed. Maximum rebate amount for a non-residential property shall be determined by General Manager on a case-by-case basis.

I. Landscape Rebate Alternatives

- (1) The District will consider, and may approve, requests to substitute for any of the requirements in section F., well-designed alternatives or innovations that will effect similar significant and continuing reductions of water requirements. Determination of eligibility shall be at the sole discretion of the General Manager or designated staff.

J. Requirement for Installation of Water Conserving Plumbing Fixtures Upon Change of Property Ownership or Upon Bathroom Alteration

- (1) Definitions.
  - (a) "Water-Conserving Plumbing Fixtures" means any toilet rated at 1.6 gallons of water per flush or less, urinals rated at 1.0 gallons of water per flush, showerheads with a flow rated at 2.0 gallons of water per minute or lavatory faucets that can emit no more than 1.5 gallons of water per minute.
  - (b) "Change in Property Ownership" means a transfer of present interest of real property, or a transfer of the right to beneficial use thereof, the value of which is substantially equal to the proportion of ownership interest transferred.



- (c) "Bathroom Alteration" means any alteration or addition of a bathroom that includes replacement or addition of any toilet(s).
  - (d) "Retrofit" means replacing "Existing Plumbing Fixtures" with "Water-Conserving Plumbing Fixtures."
  - (e) "Existing Plumbing Fixtures" means any toilet using more than 1.6 gallons of water per flush, urinals using more than 1.0 gallons of water per flush, showerheads with a flow rated more than 2.0 gallons of water per minute or lavatory faucets that emit more than 1.5 gallons of water per minute.
  - (f) "Existing Structure" means any structure built and available for use or occupancy on or before March 1, 1992, which is equipped with a toilet using more than 1.6 gallons of water per flush or a urinal using more than 1.0 gallons of water per flush.
- (2) Retrofit Upon Change of Property Ownership.

All Existing Plumbing Fixtures in Existing Structures receiving water from the District's water system, including residential, commercial, industrial and government structures, shall, at the time of Change of Ownership, be Retrofitted, if not already done, exclusively with Water-Conserving Plumbing Fixtures. This requirement shall affect all escrow accounts involving transfer of property opened after February 29, 1992. Escrow accounts opened before March 1, 1992 which close after March 1, 1992 shall not be affected by this requirement.

- (3) Retrofit Upon Bathroom Alteration.

Effective March 1, 1992, all structures receiving water from the District's water system, including residential, commercial, industrial and government, shall, upon Bathroom Alteration, be Retrofitted exclusively with Water-Conserving Plumbing Fixtures.

- (4) Retrofit Exemptions.

The District's General Manager may grant an exemption in the following instances:

- (a) Unavailability of Water-Conserving Plumbing Fixtures to either match a well-defined historic architectural style fitted with authentic plumbing fixtures or accommodates existing house plumbing without Bathroom Alteration.
- (b) Special health circumstances upon submittal of reasonable evidence that demonstrates that specific plumbing fixtures are required by the user that may not meet the Water Conserving Plumbing Fixture criteria defined by this regulation.
- (c) Faucets at kitchen sinks or antique faucets which do not have standard threaded openings for aerators.

- (5) Compliance and Penalties.

Compliance shall be by the honor system. It shall be the Seller's responsibility (in the case of Change of Property Ownership) and the title holder's responsibility (in the case of Bathroom Alteration) to obtain, in addition to any normal permits required by agencies other than the District, to apply for and obtain from the District a Certificate of Compliance acknowledging that the Seller or title holder has stated that the Retrofit installation required by this regulation has been completed. If the District

later determines or finds that the work was not done or was not completed or that Water Conserving Plumbing Fixtures are no longer present, the District may assess an annual fee of 20% of the estimated annual water bill as determined by the District until the owner of the property demonstrates that the required Retrofit work has in fact been done. A site inspection shall be required in such cases and the owner shall be charged \$35 for each such site inspection as an added fee on the owner's water bill.

(6) **Alternative Compliance Procedure for Transfers of Residential Property**

At Seller's option, Seller shall pay the District \$315 per bathroom that does not fully comply with Regulation 17 H. Half bathrooms shall count as one bathroom. The District shall thereupon immediately provide a Certificate of Compliance to Seller. Buyer shall then be responsible for installation of the Water Conserving Plumbing Fixtures and Seller shall provide Buyer with a copy of District Regulation 17 H. and shall notify Buyer of this requirement in writing before close of escrow. Buyer shall have one year from the date of close of escrow to install such fixtures. Upon being notified that said fixtures have been installed and making a brief inspection confirming installation, the District shall pay the Buyer an amount equal to the payment made to District by Seller. If after one year, the Water Conserving Plumbing Fixtures have not been installed, the District shall use this money for any other Board approved water conservation program and shall be under no obligation to pay said money to Buyer.

(7) **Responsibility for Compliance Negotiable**

The Seller is responsible for compliance with Regulation 17 J, however responsibility for payment of the deposit specified in Section J (6) may be assumed by the Buyer so long as the agreement is not otherwise inconsistent with the terms of Regulation 17 J. Any such agreement shall be evidenced in a writing signed by both the Buyer and Seller.

K. **High Efficiency Toilet Replacement Program(s)**

- (1) A High Efficiency Toilet (HET) is defined as any toilet with an average flush volume of 1.28 gallons per flush or less. An Ultra High-Efficiency Toilet (UHET) also known as a MaP Premium toilet is defined as any toilet with an average flush volume less than 1.1 gallons per flush.
- (2) Any qualifying customer of the District who removes and recycles all toilets rated to use more than 1.6 gallons per flush and replaces same with a District approved HET or UHET may request a cash rebate or bill credit in an amount established by the Board of Directors from time to time for each such toilet replaced.
- (3) To qualify for a rebate(s) hereunder, application shall be made on a form available from the District and person signing application shall:
  - (a) Request District make a brief inspection of customer's structure at a time and date approved in advance by customer to identify water conservation measures appropriate and effective for the customer to implement or be pre-qualified by District staff via other communications means. Should customer refuse access for an inspection or not receive pre-qualification, District shall not be under any obligation to make a rebate. Inspection requirements are subject to available staff time.

- (b) Be a customer of the District and the customer's structure in which the replaced toilet(s) is located shall be served water in the District's West Marin Service Area and replacing a toilet installed prior to January 1, 1992, and manufactured to flush more than 1.6 gallons per flush; and
  - (c) Provide District with bill of sale or original receipt of sale within the current fiscal year and made out to said customer by person or vendor selling customer the HET or UHET or, in lieu thereof, provide District with letter addressed to said customer signed by a licensed plumber or contractor stating that a HET(s) or UHET(s) has been installed by said plumber or contractor at the customer's address; and
- (4) If the customer is renting the structure, a rebate will be made provided customer includes with the application a letter from the owner of the property consenting to District making rebate payment to customer for the replacement of a non-water conserving toilet(s).
  - (5) Rebates are not available for toilets installed in buildings constructed after January 1, 1992 or for replacement of toilets rated to use 1.6 gallons per flush or less.
  - (6) Free or subsidized UHET giveaways may be available to customers from time to time. Eligibility requirements listed in K (3) (a) to (d) apply to this program should it become available.

L. Rebates for District Approved Swimming Pool Covers

District customers are eligible for rebates as available from time to time for purchasing District approved swimming pool covers. Eligible pool covers must be a solar or safety cover with non-netted type material, at least 12 mil in thickness, and at least 450 square feet.

M. Weather Based Irrigation Controller Installation Program

- (1) A Weather Based Irrigation Controller is defined as any irrigation controller using weather data to create the actual irrigation schedule and which schedule is automatically adjusted by the controller to meet the applied water demand based on actual weather data. Weather Based Irrigation Controllers may either receive "real time" weather data or generate the weather data using an integrated solar radiation sensor.
- (2) District customers using more than an average of 400 gallons per day are eligible for rebates or vouchers as available from time to time for purchasing District approved Weather Based Irrigation Controllers. Directly installed Weather Based Irrigation Controllers may be available from time to time. Customers receiving Weather Based Irrigation Controller rebates or vouchers may be subject to a pre and post installation inspection.

N. Landscape Water Efficiency Rebate

- (1) Landscape water efficient rebates are available to customers who install District qualified water efficient landscape equipment including:
  - (a) Drip irrigation systems
  - (b) Water pressure-regulating devices

- (c) Check valves
  - (d) Multi-stream rotating sprinkler nozzles (lawn areas only)
  - (e) Rain shut-off devices
  - (f) Mulch
  - (g) Soil conditioner/amendment
- (2) Rebate amounts will be established by the Board of Directors from time to time depending on customer classification and water savings potential. Customers are allowed only up to the maximum rebate level for the life of the program.
  - (3) Applicant shall request and agree to a brief District pre-inspection of customer's property to identify water efficient landscape actions to be taken. District will pre-approve and post-inspect to confirm the retrofit installations. Inspections are subject to available staff time.
  - (4) Applicant shall provide District with a complete bill of sale or original receipt of sale within the current fiscal year, clearly showing the purchase of the landscape water efficiency installed items noted in the pre-inspection.
  - (5) Free or subsidized water efficient landscape items such as rain sensors, and mulch may be available to customers. Eligibility requirements listed in N(1) through (3) apply should items become available.

O. Exemptions from Provisions Set Forth in Regulation 17 (A. through M.)

(1) Retrofit Exemptions

The District's General Manager may grant an exemption from Section M. in the following instances:

- (a) Unavailability of Water-Conserving Plumbing Fixtures to either match a well-defined historic architectural style fitted with authentic plumbing fixtures or accommodate existing house plumbing without Bathroom Alteration;
- (b) Special health circumstances upon submittal of reasonable evidence that demonstrates that specific plumbing fixtures are required by the user that may not meet the Water Conserving Plumbing Fixture criteria defined by this regulation.
- (c) Faucets at kitchen sinks or antique faucets which do not have standard threaded openings for aerators.

(2) Other Exemptions

The District's General Manager may grant exemptions from Section A. through N. only for purposes of health, safety and sanitation or if applicant demonstrates an "at least as effective as" water efficiency alternative. The District's General Manager shall have the sole decision of determining whether applicant has demonstrated an "at least as effective as" water efficiency alternative.