

**NORTH MARIN WATER DISTRICT
REGULATION 18
RECYCLED WATER SERVICE**

a. Intent and Purpose

The purpose of this Regulation is to set forth uniform requirements for the use of water furnished from the District's recycled water system. This regulation shall govern all use of recycled water furnished by the District and shall apply to all consumers thereof. The objectives of this regulation are to:

- (1) Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety, or detrimental to the environment, from developing from or in connection with the distribution of recycled water.
- (2) Maintain conformance to State regulatory requirements regarding recycled water use.
- (3) Provide for the setting of rates, charges, and fees that equitably distribute the cost of operation, maintenance, and improvement of the District's water system to those who benefit.
- (4) Provide for monitoring, compliance, and enforcement activities resulting from or in connection with the use of recycled water furnished by the District.

b. Recycled Water Use

Recycled water is a valuable resource that extends the District's water supply. Recycled water available to and purveyed by the District shall be used only for uses as are permitted under set in Title 22 of the California Code of Regulations and with the general water reuse order (State General Order) from the State Water Resources Control Board (SWRCB, State Water Board) and approved by the District Board of Directors. Recycled water shall be used in accordance with the District's Recycled Water Users Manual (Recycled Water Manual) as may be amended from time to time.

c. Definitions

As used in this Regulation 18, the following terms have the meaning stated below.

(1) Applicant

Shall mean a person who applies for recycled water service (under Regulation 1) or seeks an extension agreement (under Regulation 25).

(2) Consumer

Shall mean any person, persons, or firm including any public body or institution with an account with the District for service. The consumer may be the owner, tenant, or property manager, as appropriate. The consumer may be a different person than the applicant.

(3) District

Shall mean the North Marin Water District.

(4) Chief Engineer

Shall mean the Chief Engineer of the North Marin Water District, appointed by the Board of Directors, or his or her authorized representative acting within the scope of assigned duties. The Chief Engineer as so appointed shall be a professional

engineer registered by the State of California. Notwithstanding the two preceding sentences, the General Manager, if so registered, may act directly as Chief Engineer.

(5) Distribution Infrastructure

Shall mean the recycled water facilities owned, operated, and maintained by the District to provide recycled water services to the public in general. With respect to the facilities that provide recycled water service, District facilities comprise the primary water meter and all facilities upstream thereof, including pipelines, pumps and other appurtenances used to transport and distribute recycled water, water meters, and reservoirs and other storage and treatment facilities.

(6) General Manager

Shall mean the General Manager of the North Marin Water District, appointed by the Board of Directors, or his or her authorized representative acting within the scope of assigned duties.

(7) Offsite Facilities

Shall mean all recycled water pipelines, water meters, and connecting service lines on the upstream (street) side of the water meter. Offsite facilities are owned by the District and are part of the public recycled water distribution system.

(8) Onsite Facilities

Shall mean all recycled water distribution facilities on private property, downstream of the water meter. Onsite facilities are privately owned by the owner of the property which they serve.

(9) Recycled Water

Shall mean reclaimed water from wastewater, treated and disinfected for beneficial non-potable reuse within the District's service area. Recycled water shall be produced by further treatment of secondary effluent as defined in Title 22, California Code of Regulations, Division 4, Environmental Health, Chapter 3, Reclamation Criteria, as it may be amended from time to time.

(10) Recycled Water Service Area

Shall mean the area within the District water service area, as defined by the Chief Engineer, where recycled water pipelines allow for connections for recycled water service, and the area which will receive recycled water service within a reasonable time.

d. District Responsibilities

The primary responsibility of the District related to recycled water service is to protect public health and safety and the environment by maintaining compliance with the State General Order and State laws and regulations associated with recycled water use. The authority for enforcement of this Regulation is vested in the District's General Manager, or designee. A field inspector or other designated employee of the District is authorized to act as an agent of the District on behalf of the General Manager, with the power to inspect and issue notices of violations of this chapter.

The Chief Engineer or designee shall prepare, maintain, and update from time to time the District Standard Specifications for Potable Water, Recycled Water and Sewer Facilities (Standard Specifications) and the District Recycled Water Manual to implement this Regulation.

The District shall be responsible for the review and approval of plans, the inspection of recycled water facilities for off-site and on-site construction, and the issuance of a Recycled Water Use Permit in accordance with Regulation 18.f. The District shall also be responsible for submitting site-specific engineering reports, as may be required for on-site recycled water improvements, to the SWRCB Division of Drinking Water (DDW).

e. Requirements, Conditions and Procedure for Establishment of Recycled Water Service

(1) Recycled Water Service Area

The Recycled Water Service Area shall be determined by the Chief Engineer.

(2) Conditions for Recycled Water Service Eligibility

Recycled water service connections shall be considered subject to:

- (a) The property location within the District's Recycled Water Service Area;
- (b) Close proximity to the recycled water distribution system such that an extension of the distribution system is deemed reasonable by the Chief Engineer;
- (c) The availability of recycled water supply and system capacity;
- (d) The proposed use consistent with approved uses within the District Recycled Water Manual;
- (e) The connection to recycled water service at the existing consumer and/or existing development's property is determined to not pose a potential threat to public health, safety and welfare, and/or the protection of the environment; and
- (f) Approval by the Chief Engineer.

(3) Mandatory Use

The District reserves the right to require new development and existing consumers within the Recycled Water Service Area to apply for a permit and use recycled water in-lieu of potable water for all approved non-potable uses, upon determination by the District that the site is eligible under the criteria in Regulation 18.e(2). If the District determines that recycled water service is required, written notification shall be provided to the development project representative or existing consumer (Applicant) that recycled water use is required. The notification shall include information regarding:

- (a) District water service connection application procedures,
- (b) a description of any recycled water facilities that must be constructed to extend service to the Applicant's property, including on-site improvements,
- (c) a date by which the Applicant site must connect to recycled water service,
- (d) the Facilities Reserve Charge and other fees associated with connection to the District recycled water distribution system, and
- (e) the rate for recycled water in effect at the time of connection.

The Applicant shall apply for recycled water use permit in accordance with Regulation 18.f. The planning, design, installation, and cost of connection to the District's recycled water system, including District fees and charges, extension of recycled water facilities to the Applicant's property and any on-site improvements for recycled water use shall be the responsibility of the Applicant.

The Applicant may request exemption from required use in accordance with Regulation 18.e(5).

(4) Voluntary Use

Applicants for new, expanded, or retrofit water service within the Recycled Water Service Area may voluntarily connect to recycled water service at their cost, upon determination by the District that the site is eligible under the criteria in Regulation 18.e(2). The Applicant shall apply for recycled water use permit in accordance with Regulation 18.f.

The planning, design, installation, and cost of connection to the District's recycled water system, including extension of recycled water facilities to the Applicant's property and any on-site improvements for recycled water use shall be the responsibility of the Applicant. The Applicant shall be responsible for any District fees and charges associated with the recycled water connection.

(5) Exemption

- (a) Exemption Requests. Existing consumers or Applicants may request exemption from mandatory use of recycled water. A written request for an exemption shall be submitted to the District and shall include specific reasons that constitute the necessity of an exemption. The request for exemption shall include sufficient supporting information for at least one of the following criteria:
- (i) Connection to the recycled water system and use of recycled water is determined not economical for the consumer, applicant, or the District. Recycled water service that is not economical, as used herein, shall be as reasonably determined by the Chief Engineer.
 - (ii) Anticipated or existing recycled water demands are minor compared to overall water demands.
 - (iii) Inadequate recycled water supply is available to service the demand.
 - (iv) Conversion to recycled water service at the existing consumer and/or existing development's property is determined to pose a potential threat to public health, safety and welfare, and/or the protection of the environment.
 - (v) The current or planned use(s) of recycled water is/are not among the list of allowable uses as specified under State law, and/or are not included in the permitted uses as issued within the District's recycled water distribution permit from the SWRCB.

After receipt of such request for exemption, the District may ask for additional written information from the consumer/applicant. The General Manager shall make a determination on all requests for exemptions within thirty (30) calendar days. Denial of a request for an exemption can be appealed to the District Board of Directors. Appeals shall be in writing, and filed with the District within ten (10) business days after the General Manager's decision and shall state the specific grounds for appeal. The Board of Directors will hear the appeal within sixty (60) calendar days after the appeal has been filed and will issue its decision within thirty (30) days after the appeal is heard. The Board's decision shall be final.

- (b) Mandatory Use Exemptions. New development and existing consumers shall be exempt from mandatory use of recycled water should the District determine at least one of the following criteria:

- (i) Existing or proposed residential use will contain no landscape areas owned in common requiring irrigation.
- (ii) Existing or proposed development of single-family, detached residences for which no common-area association or entity will have responsibility for irrigation system maintenance and operations.
- (iii) Existing or proposed development for which recycled water service is determined by the Chief Engineer not to be economical because of its distance from available or planned recycled water sources; and/or because anticipated or existing recycled water demands are minor compared to overall water demands.
- (iv) Existing distribution infrastructure capacity is insufficient to meet the anticipated recycled water demands.
- (v) Recycled water supply is insufficient to meet the anticipated recycled water demands.
- (vi) Recycled water service at the existing consumer and/or existing development's property is determined to pose a potential threat to public health, safety and welfare, and/or the protection of the environment.

f. Recycled Water Use Permits

- (1) Applicants for recycled water service shall submit to the District an application for service as prescribed in Regulation 1 or Regulation 3, and in the District Recycled Water Manual.
- (2) After review and acceptance of the application, the District will issue a Recycled Water Use Permit that will specify the requirements for the Applicant's onsite water distribution facilities, the portions of the premises where recycled water will be applied, and other matters as determined by the District. Recycled water service will not commence until the District verifies compliance with the permit requirements.
- (3) Recycled water consumers shall maintain a Recycled Water Use Permit. Consumers shall comply with all permitting, tracking, record keeping, monitoring, and inspection procedures that may be established by the District from time to time for such permit holders. The Recycled Water Use Permit grants the consumer permission to use recycled water in conformance with District recycled water standards, manuals, guidelines, codes, ordinances, and policies, including any special site-specific requirements that may be identified.
- (4) Any proposed changes to the consumer-owned recycled water facilities, including areas and types of recycled water use, shall be submitted for approval by the District in advance of making such modifications.

g. Recycled Water Service and Facilities Reserve Charges

Fees and charges for recycled water shall be in accordance with the amount specified in a resolution establishing fees and charges and approved by the Board of Directors, and in accordance with Regulations 1 and 54.

h. Design and Construction

The Applicant shall be responsible for the planning, design, and construction of offsite and onsite facilities in accordance with District Regulations, Standard Specifications, and the District Recycled Water Manual, and all associated costs and District fees and charges.

The Applicant shall apply for recycled water service with the District in accordance with Regulation 1 and the District Recycled Water Manual. Planning for recycled water service shall be in accordance with Regulation 24. Extension of recycled water to the Applicant's site shall be conducted in accordance with Regulation 28.

Design and construction of recycled water facilities shall conform with the District Standard Specifications. Retrofit of onsite facilities and installation of onsite facilities shall conform to the District Recycled Water Manual.

Design plans shall be approved by the District and fees collected prior to construction. Construction of offsite and onsite recycled water facilities shall be inspected by a District inspector or designee, and in accordance with Regulation 28. Upon satisfactory inspection and testing of offsite and onsite facilities, the District shall issue a Recycled Water Permit and commence recycled water delivery to the Applicant's site.

i. Installation and Maintenance Responsibilities

Applicants for new or expanded water service, or those consumers requesting conversion to recycled service, shall be responsible to pay the full cost of facilities necessary to deliver recycled water to the premises, including but not limited to the planning, design, and construction costs of any required onsite and offsite facilities, and in accordance with Regulation 25. Applicants shall be responsible for all District fees and charges associated with connection to the District's recycled water facilities.

All offsite recycled water facilities constructed up to the meter shall become the property of the District for operation and maintenance upon satisfactory inspection, testing and closeout in accordance with the water service agreement executed in accordance with Regulation 1. All privately owned facilities, onsite facilities, shall be installed, owned, and operated by the consumer in accordance with Regulation 10.

j. Consumer Responsibilities

Consumers shall comply with all of the provisions of this Regulation relative to the use of recycled water during the entire time that recycled water is delivered to the consumer. In addition, consumers shall comply with all applicable provisions contained in the District Recycled Water Manual, permit conditions, and other laws, regulations, agreements, orders, guidelines, and/or standards, and any amending or superseding requirements thereof.

The consumer shall bear all costs incurred to remedy the noncompliance with any such provisions, and shall pay any monetary penalties or fines imposed for the violation of or noncompliance with such provisions. The omissions or acts by the District shall not relieve the consumer of responsibility to comply with the provisions of this Regulation. Without limiting the generality of the foregoing, consumers shall comply with the following requirements:

(1) Consumer-Owned Facilities.

Consumer-owned facilities include all onsite recycled water distribution facilities within the property, downstream of the water meter. Consumers shall design and construct consumer-owned recycled water facilities in accordance with District Standard Specifications and Recycled Water Manual. Consumers shall maintain such facilities in good working order as to achieve compliance with all District requirements applicable to the use of recycled water, including Regulation 10. The consumer shall be responsible for all costs of operating and maintaining the water service facilities on the consumers' side of the water service meter(s).

(2) Use of Recycled Water.

Consumers shall be responsible for application of recycled water on their use areas and the associated operations and maintenance of the consumer-owned facilities as approved in their Recycled Water Use Permit. Use of recycled water beyond the areas and uses in the approved permit requires a permit modification application to be submitted to the District, payment of applicable fees and charges, and written District approval.

(3) Designation of Recycled Water User Supervisor.

Each Consumer shall designate a Recycled Water User Supervisor (User Supervisor), a natural person who operates or maintains customer-owned recycled water facilities, for each site covered by a Recycled Water Use Permit. The User Supervisor shall serve as a liaison with the District, and shall have the authority to carry out the requirements of the Recycled Water Manual and Recycled Water Use Permit, including the operations and maintenance of the onsite recycled water system and prevention of potential hazards.

The User Supervisor shall attend periodic recycled water use training courses offered by the District. At the end of each such course, the District shall issue a certificate to each such person who satisfactorily completes the course. Such certificate shall provide that, in the absence of violations of the provisions of this Regulation, it shall be effective until the commencement of the next training course or until the rules, regulations, permits or orders applicable to recycled water use within the District are changed, whichever is later. Such certificates are not transferable in any manner.

(4) Monitoring.

Consumers shall regularly monitor consumer-owned facilities and submit accurate monitoring reports to the District on a timely basis in accordance with the reporting requirements outlined in the Recycled Water Use Permit issued by the District to the Consumer. The Consumer shall notify the District immediately if any unauthorized use or discharge of recycled water occurs, or if other conditions occur, which impact or threaten to impact the public health.

(5) Access to Site.

All recycled water consumers shall permit the officers, employees, and agents of the District, the State or Regional Water Quality Control Board, Marin County, and other entities with jurisdiction over recycled water or public health, access to the site where recycled water supplied by the District is used, or where records relative to recycled water use are kept, for the purposes of:

- (a) inspection, testing, and repair of facilities, equipment, practices, or operations regulated pursuant to the Recycled Water Manual, and State General Order; and
- (b) sampling or monitoring to assure compliance with the Recycled Water Manual and State General Order.

Access may be scheduled outside typical business hours to effectively conduct testing and inspection, and minimize impact to the public.

In addition, consumers shall supply access to, or copies of, records relative to recycled water use to representatives of the above-named entities upon request.

k. Penalties for Noncompliance

Any consumer who fails to timely submit accurate monitoring reports to the District in accordance with its recycled water use permit, who fails to comply with this regulation and/or the Recycled Water Manual, or who uses water or discharges wastewater in any manner which is contrary to the laws, regulations, agreements, permits, orders, guidelines, and/or standards relative to the use of water is subject to citation pursuant to Regulation 19, as well as other remedies in law or equity. Continued noncompliance with this regulation may result in the discontinuation of recycled water service supplied for irrigation purposes.

l. Protection of Public Health

(1) Connection between recycled water and potable water lines is prohibited. If both recycled water and potable water lines are present at the consumer's facilities, the consumer shall install a backflow prevention device downstream of the water meter, on the potable water system in accordance with Regulation 6, at the expense of the customer.

Recycled water service may be terminated if the District determines that the consumer has failed to install and appropriately maintain the required backflow prevention devices to protect the District's facilities, and that a substantial risk of damage exists, whether or not the consumer's failure was willful or negligent.

(2) Notwithstanding compliance by a consumer with these rules and regulations, the District reserves the right and has the authority to terminate recycled water service immediately, without notice, in the interest of protecting a threat to the public health if at any time during construction or operation of the recycled water system, real or potential hazards are evidenced, such as cross-connections with the potable system, failure to conform to monitoring and reporting requirements, improper tagging, signing, or marking, improper construction, or unapproved/prohibited uses.