

ORDINANCE NO. O.03-2002

**AN ORDINANCE OF THE GOVERNING BOARD OF THE BIG BEAR
AREA REGIONAL WASTEWATER AGENCY REGULATING THE USE
OF RECYCLED WATER WITHIN THE TERRITORY OF THE BIG
BEAR AREA REGIONAL WASTEWATER AGENCY, SAN
BERNARDINO COUNTY, STATE OF CALIFORNIA**

WHEREAS: Fresh water in the Big Bear area is a precious resource; and

WHEREAS: Recycled water from the Big Bear Area Regional Wastewater Agency ("Agency") is available for use in place of fresh water for certain purposes; and

WHEREAS: The Agency drafted a report titled "Recycled Water Use Training Program" and submitted it to the California Department of Health Services ("DOHS") on May 10, 2002; and

WHEREAS: DOHS has reviewed the Training Program and submitted comments to the Agency thereon.

NOW, THEREFORE, be it resolved by the Governing Board of the Big Bear Area Regional Wastewater Agency as follows:

SECTION 1. A new Chapter 7.40 is added Title 7 of the Agency Code of Resolutions and Ordinances to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. This ordinance shall not be effective until each Member Agency of the Agency has ratified and adopted this ordinance in accordance with the procedures applicable to such action for the Member Agency.

SECTION 3. The Chairman of the Agency shall sign this ordinance, and the secretary shall attest thereto, and a signed copy of this ordinance shall be transmitted to each Member Agency.

ADOPTED, THIS 8th DAY OF JULY, 2002.

Robert Colven, Chairman, of the Governing Board
Big Bear Area Regional Wastewater Agency

EXHIBIT A

Chapter 7.40

RECYCLED WATER REGULATIONS

- 7.40.010 Authority.**
- 7.40.020 Purpose.**
- 7.40.030 Goals.**
- 7.40.040 Policy.**
- 7.40.050 Priority.**
- 7.40.060 Definitions.**
- 7.40.070 Administrator.**
- 7.40.080 Validity.**
- 7.40.090 Right of Revision.**
- 7.40.100 Service Area.**
- 7.40.110 Determination of Recycled Use Area.**
- 7.40.120 Authorized Uses.**
- 7.40.130 Conditions of Service.**
- 7.40.140 Other Applicable Rules and Codes.**
- 7.40.150 Permit Application Process.**
- 7.40.160 Permits.**
- 7.40.170 Rates, Fees, Charges and Deposits.**
- 7.40.180 Size, Location and Installation of Service Line.**
- 7.40.190 Service Connection Limitations.**
- 7.40.200 Service Pressure.**
- 7.40.210 Relocation of Recycled Water Service Lines.**
- 7.40.220 Protective Measures.**
- 7.40.230 Type of Protection.**
- 7.40.240 Inspection and Maintenance of Protective Devices.**
- 7.40.250 Facilities Design.**
- 7.40.260 Construction.**
- 7.40.270 Emergency Connection of the Recycled Water System to the Potable Water System.**
- 7.40.280 Off-Site Facilities.**
- 7.40.290 On-Site Facilities.**
- 7.40.300 Monitoring and Inspection.**
- 7.40.310 Maintenance Responsibility.**

7.40.010 Authority.

A. The use of water recycled from domestic sewage is regulated by the California Regional Water Quality Control Board (RWQCB). The Big Bear Area Regional Wastewater Agency ("Agency") is within the jurisdiction of the Santa Ana Region of the RWQCB. Sections 13510 through 13512 of the California Water Code establish a state policy to encourage the use of recycled water. Permission to use recycled water is based on the Agency's ability to adequately treat domestic wastewater to the point that the recycled water (effluent) meets the requirements of existing Title 22, Division 4 Chapter 3 of the California Code of regulations (22 Cal. Code Regs. §§ 60301-60357). Chapter 3 was promulgated by the State Department of Health Services to ensure proper health protection and specify the treatment degree to match the intended applications.

B. In accordance with waste discharge requirements for water reclamation projects, the RWQCB requires regulation measures for facilities distributing recycled water.

7.40.020 Purpose.

The purpose of this chapter is to establish rules and regulations including procedures, specifications and limitations for the safe and orderly development and operation of recycled water facilities and systems within the Agency's service area.

7.40.030 Goals.

The goals of this chapter are as follows:

A. Achieve conservation of potable water supplies by using recycled water for current and future demands. Recycled water uses shall be for the maximum public benefit and may include:

- Agricultural irrigation,
- Commercial uses (including flushing toilets and urinals),
- Construction use,
- Construction dust control,
- Groundwater recharge,
- Industrial processes,
- Landscape irrigation,
- Landscape and/or recreational impoundments,
- Wildlife habitat.

B. Maintain recycled water quality through a stringent pretreatment program for commercial and industrial wastes and by restricting brine discharges from water softeners, evaporative coolers and other sources.

C. Prevent direct human consumption of recycled water through:

1. Adherence to all applicable rules and regulations,

2. Posting of warning signs by the user, and
 3. Cross-connection/backflow prevention program.
- D. Control runoff of recycled water through monitoring of the installation and operation of all recycled water facilities and use areas.
- E. Monitor recycled water quality.

7.40.040 Policy.

It is the policy of the Agency that recycled water be used for any purposes approved for recycled water use, when it is economically, technically and institutionally feasible. Recycled water shall be the primary source of supply for commercial and industrial uses, whenever available and/or feasible. Use of potable water for commercial and industrial uses shall be contrary to the Agency's policy; shall not be considered the most beneficial use of a natural resource; and shall be avoided to the maximum extent possible. The Agency encourages its Member Agencies to adhere to this same policy.

7.40.050 Priority.

Recycled water shall be provided on a first-come, first-served basis, as long as recycled water is available.

7.40.060 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, of the California Code of Regulations, shall have the meanings hereinafter designated.

- A. "AFY" means acre-fee per year.
- B. "Agency" means the Big Bear Area Regional Wastewater Agency and its designated employees.
- C. "Agricultural use" means water used for the production of crops and/or livestock.
- D. "Air-gap separation" means 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 above the top rim of the vessel, and in no case less than one inch.
- E. "Applicant" means any person, group, firm, partnership, corporation, association or agency that applies for recycled water service.

F. "Application rate" means the rate at which irrigation water is applied to a design or use area, expressed in gallons per minute.

G. "Approved double check valve assembly" means an assembly of at least two independently acting check valves including tightly closing resilient seated (typ.) shut-off valves on each side of the check valve assembly and suitable leak-detector drains plus connections available for testing the water tightness of each check valve. This assembly shall only be used to protect a non-health hazard.

H. "Approved reduced pressure principle backflow prevention device" means a device incorporating two check valves and an automatically operating differential relief valve located between the two checks, two (typ.) shut-off valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between two check valves two psi less than the pressure on the Agency water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing, and installed in a location where no part of the valve will be submerged.

I. "Approved use" means an application of recycled water in a manner, and for a purpose, designated in a user permit issued by the Agency and in compliance with all applicable regulatory agency requirements.

J. "Approved use area" means a site, with well-defined boundaries, designated in a permit for recycled water service by the Agency to receive recycled water for an approved use as acknowledged by all applicable regulatory agencies.

K. "As-built drawings" means the record drawings that show the completed facilities as constructed or modified.

L. "Automatic system" means the electrically actuated controllers, valves and associated equipment used to program and operate irrigation systems for the efficient application of recycled water.

M. "Auxiliary water supply" means any water supply on or available to the premises other than the Agency's potable water.

N. "AWWA" means the American Water Works Association.

O. "Check valve" means a check valve that seats readily and completely. It must be carefully machined to have free moving parts and assure water tightness. The face of the closure element and valve seat must be bronze or other noncorrodible material that will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other noncorrodible, nonsticking material. The closure element (e.g., clapper) shall be internally

weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

P. "Commercial/industrial use" means the water used for toilets, urinals, decorative fountains, decorative indoor and outdoor landscape, industrial process such as rinsing, washing, cooling, flushing, circulation or construction; and other uses approved by the Agency.

Q. "Commodity charge" means a charge imposed by the Agency for all metered recycled water used.

R. "Connection fee" means a fee imposed by the Agency for obtaining recycled water service from the Agency by means of its recycled water facilities, including, but not necessarily limited to, a service activation fee.

S. "Cross-connection" means an 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.

T. "Customer" means any person, group, firm, partnership, corporation, association or agency that legally receives recycled water service from the Agency.

U. "Design area" means a site, with well-defined boundaries, proposed to receive recycled water for an approved use, as delineated in the application for recycled water service.

V. "Direct beneficial use" means the use of recycled water, which has been transported from the point of production to the point of use, without an intervening discharge to waters of the state.

W. "Discharge" means any release or distribution of recycled water to a use area or disposal site/mechanism (outfall, live stream discharge, municipal sewage system). All discharges of recycled water must be approved by the Agency.

X. "DOHS" means the Department of Health Services (state and/or county).

Y. "Governing Board" means the Governing Board of the Agency.

Z. "Greenbelt areas" means those areas including, but not limited to, parkways, parks, rights-of-way and landscaping within and/or surrounding a community.

AA. "HFC" means hundred cubic feet. This is a common unit of water volume measurement used for billing purposes.

BB. "Industrial process water" means the water used in industrial facilities for blending, rinsing, washing or cooling.

CC. "Infiltration rate" means the rate at which water penetrates the soil surface and enters the soil profile.

DD. "Landscape irrigation/use" means recycled water used for the propagation and maintenance of trees, shrubs, ground cover and turf used for erosion control and aesthetic value, not for resale/profit purposes.

EE. "Member Agency" means each Member Agency of the Big Bear Area Regional Wastewater Agency.

FF. "Nonpotable water" means water that has not been treated for, or is not acceptable for, human consumption, in conformance with federal, state and local water standards. Nonpotable water includes recycled water.

GG. "Off-site facilities" means all existing or proposed facilities under the control or the purveyor, from the source of supply to the point of connection with the customer's on-site facilities, normally up to and including the Agency's meter and meter box.

HH. "On-site facilities" means all existing or proposed facilities under the control of the customer, normally downstream of the Agency's meter.

II. "On-site recycled water supervisor" means a qualified person designated by a recycled water user and approved by the Agency 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.

JJ. "Open space" means land that has been designated to remain undeveloped. These areas may receive recycled water service for agricultural or landscape irrigation, or other approved uses.

KK. "Permit" means a processed and approved application package to, and agreement with, the Agency for recycled water service.

LL. "POC" means the point of connection at the recycled water service meter.

MM. "Ponding" means 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.

NN. "Potable water" means water which conforms to the latest federal, state and local drinking water standards.

OO. "PSI" means pounds per square inch. This is a common unit expression of pressure measurement.

PP. "Recreational impoundment" means a body of recycled water used for recreational activities including, but not limited to, fishing, boating and/or swimming. Allowable uses will depend on treatment level of the recycled water.

QQ. "Recycled water" means as defined in Title 22, Division 4, of the California Administrative Code, 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 the code.

RR. "Recycled water facilities" means the systems, structures, etc., used in the treatment, storage, pumping, transmission and distribution of recycled water.

SS. "Regulatory agency" means the public entities legally constituted by federal, state and local statutes to protect health and water quality.

TT. "Runoff" means the flow of water along natural or manmade surfaces away from the designated use area.

UU. "RWQCB" means the Regional Water Quality Control Board, Santa Ana Region.

VV. "Secondary effluent" means any wastewater that has been treated by gravity sedimentation to remove settled solids remaining after the primary biological treatment process.

WW. "Service" means the delivery of recycled water to a user.

XX. "Service connection" means Agency facilities between the Agency recycled water distribution system and the customer's meter, including, but not limited to, the meter, meter box, valves and piping equipment.

YY. "Standard specifications" means the specifications approved by the Agency for construction of recycled water facilities.

ZZ. "Tertiary effluent" means any secondary effluent which has been disinfected and filtered. Allowable uses for tertiary effluent shall include body contact and irrigation of human food crops.

AAA. "Unauthorized discharge" means any release of recycled water that violates these rules and regulations or any applicable federal, state or local statutes, regulations, ordinances, contracts or other requirements.

BBB. "Use area" means the specific area designated to be served with recycled water through on-site recycled water facilities.

CCC. "User" means any person, group, firm, partnership, corporation, association or agency accepting recycled water from the Agency's recycled water facilities for use in accordance with this chapter. "Applicant," "owner" or "customer" are terms that are to be considered as users.

DDD. "Windblown spray" means 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.

7.40.070 Administrator.

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

7.40.080 Validity.

If any section, subsection, sentence, clause or phrase of this chapter establishing rules and regulations for the use of recycled water is for any reason found to be invalid or unconstitutional, such decision shall not affect the remaining portions of this chapter. The Governing Board declares that it would have approved this chapter by section, subsection, sentence, clause or phrase irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

7.40.090 Right of Revision.

The Governing Board reserves the right to amend this chapter, as it deems appropriate.

7.40.100 Service Area.

The rules and regulations contained in this chapter apply to recycled water service to lands and/or improvements lying within the legal boundaries of the Agency, to properties contiguous to the Agency under the same ownership as abutting lands within the Agency 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.

7.40.110 Determination of Recycled Use Area.

A. General

1. The Governing Board, in consultation with its Member Agencies, may adopt a Water Reclamation Master Plan designating current and potential areas for recycled water use. The Master Plan shall be in accordance with the requirements of all regulatory agencies and encourage recycled water use. The Master Plan may be reviewed and updated as needed.

2. The Governing Board, in consultation with its Member Agencies, may review its 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 years, the Agency may request modifications to existing on-site water facilities and require construction or recycled water systems in new developments.

3. The Governing Board may enter into agreements with surrounding cities and/or other agencies to determine recycled water use areas within the service area/jurisdiction of those entities.

B. Existing Potable Water Service.

1. On adoption of this chapter, and each update of its Master Plan, the Governing Board may, in consultation with its Member Agencies, make determinations of areas where existing potable water use should be with recycled water.

2. A notice of the determination to use recycled water shall be sent to the current owner of the area, explaining the reasons for use and resultant procedures needed to facilitate recycled water use.

3. **New Recycled Water Service.** On submittal by an applicant for sewer service, or request for recycled water service, the Agency, in consultation with its Member Agencies, shall make preliminary determinations if recycled water service should be provided to the area in question. The Agency may require the use of recycled water for approved uses, and encourage its Member Agencies to refuse or otherwise restrict potable water service when recycled water is available and approved for use.

7.40.120 Authorized uses.

In accordance with the goals as stated in this chapter, the uses of recycled water include only those uses approved by the California State Department of Health Services (DOHS) and for which Title 22 of the California Administrative Code provides treatment requirements. Each such use will be considered for approval on case-by-case basis. Prior to approval, the Agency may set forth specific requirements as conditions to providing service, and/or require specific prior approval from other appropriate regulatory agencies.

7.40.130 Conditions of Service.

A. Recycled water service shall be provided by the Agency only if a permit for such service is obtained in the manner provided in this chapter. Recycled water service shall be available, provided, and used in accordance with other codes, rules and regulations as listed in Section 7.40.140.

B. If any of the following conditions of service are not satisfied at all times, the permit for recycled water service may be revoked by the Agency or any Member Agency after which all recycled water service shall cease in the manner described herein.

1. Financial. Conditions relating to service fees and billing shall be similar, but not the same, as established for the potable water system. Rates for recycled water service shall be adopted by Resolution of the Governing Board.
2. Operational.
 - a. Liability. The Agency shall not be liable for any damage by recycled water resulting from:
 - i. Defective plumbing;
 - ii. Broken or faulty services or recycled water mains;
 - iii. On-site facilities failures;
 - iv. High – or low pressure conditions; or
 - v. Interruptions of service.
 - b. Service Basis. All recycled water will be provided to the user in the conditions and quantity specified in the permit for recycled water service. Recycled water use will not be subject to the same restrictions as potable water during drought conditions and will be supplied as available.
3. Regulatory. Recycled water service may be terminated whenever the quality of the recycled water does not comply with the requirements of the regulatory agencies, or at any time the provisions of the chapter regarding the use of recycled water are violated, or at any time that the permit conditions, whether contained in an agreement, are violated.

7.40.140 Other Applicable Rules and Codes.

Other guidelines, rules and regulations, ordinances and specifications that may be applied by the Agency to govern the use of recycled water within the Agency include: Water Reclamation by the DOHS, Title 22, Division 4; Regulations Relating to Cross-Connections, DOHS, Title 17; and Guidelines for Distribution of Non-Potable Water, California-Nevada Section AWWA.

7.40.150 Permit Application Process.

The steps for obtaining recycled water permits are as follows:

- A. Obtain application for recycled water service from the Agency. By signature on the application form, the applicant states that he/she agrees to comply with this chapter and any and all applicable governing rules, regulations or policy statements.
- B. Complete application package and submit to the Agency. The application package shall consist of:
 1. Completed recycled water service application form;

2. Existing facility "as-built" drawings or proposed facility plans as appropriate;
 3. Description of where and how recycled water use is proposed;
 4. Any other information pertinent to the use of recycled water as requested by the Agency.
- C. Schedule appointment with the Agency to review application packet. Subsequent to meeting, submit any additional information required.
- D. Prepare engineering report describing proposed/requested recycled water use(s). Submit engineering report to the Agency. As a minimum, the engineering report shall consist of the following information:
1. Applicant's relationship to the subject property as legal owner, tenant or lessee;
 2. Description of recycled water use on the property;
 3. Legal description of property;
 4. Technical information requested on recycled water service application form;
 5. Total irrigated acres (if applicable);
 6. Special conditions (other items that could be of concern when using recycled water);
 7. A sketch of the property, including:
 - a. Locations of all service connection and waterlines (recycled, potable, any other auxiliary source),
 - b. Proposed size of recycled water service connection,
 - c. Areas to be served with recycled water and areas excluded from recycled water service; and
 8. A brief description of any/all special construction requirements.
- E. The Agency will review the engineering report in consultation with the appropriate Member Agency. The Agency will inform applicant of any needed revisions.
- F. The engineering report approved by the Agency and appropriate Member Agency will be forwarded to DOHS for review and approval.

G. The Agency, appropriate Member Agency and applicant will address any concerns that the DOHS has regarding the engineering report and revise the report accordingly.

H. Once the DOHS has approved the engineering report, the Agency will prepare a permit for recycled water service (see Section 7.40.160). Any auxiliary agreement between the Agency and the applicant, related to the permit for recycled water service, will be with the approval of the Agency counsel.

I. Applicant will pay any applicable fees.

J. The Agency will schedule a start-up test of on-site recycled water system to ensure that cross-connections do not exist.

K. Upon successful completion of the test, the Agency will direct recycled water service valves to be turned on and service will begin.

7.40.160 Permits.

An Agency permit for recycled water service must be obtained by the user to receive recycled water on any property. Permits to receive recycled water service, or any connection for service made as provided in the permit, shall be subject to the following conditions:

A. The applicant shall adhere to requirements prescribed by this chapter and to all additional requirements required by all appropriate governing agencies.

B. The applicant shall pay any specified connection fees, service line charges and other charges prior to issuance of the permit.

C. In order to maintain acceptable operating conditions throughout the recycled water system, the Agency 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 scheduling shall consider the operating constraints of the affected users.

D. The Agency may temporarily terminate recycled water service at any time recycled water produced by the Agency does not meet the requirements of the regulatory agencies. Recycled water service would, in such case, be restored when the recycled water meets the governing requirements. The Agency may provide water service from other approved sources. In addition, when a Member Agency so agrees, approved air gap separations may be modified (as approved) to provide potable water from the Member Agency to the recycled water system to ensure water service.

E. The Agency, in consultation with appropriate Member Agencies, will apply for and process all applicable regulatory agency permits. The cost and preparation of any study or report necessary to comply with the California Environmental Quality Act (CEQA) or other regulatory

requirements shall be the responsibility of the applicant, unless otherwise determined by the Governing Board.

F. The use permit shall come into force after the project has been completely constructed, tested and been approved by the involved agencies.

G. A copy of the current permit must be available for review at all times, and on file at the user's office.

H. As a minimum, the use permit shall include the following:

1. Name and address of owner and user;
2. A statement that no changes in the proposed system will be undertaken without application for and issuance of an amended permit;
3. A statement that the applicant recognizes potential penalties for violation of this chapter and any regulatory agencies;
4. A copy of the DOHS-approved engineering report; and
5. The specific quantity of recycled water to be used. The following must be identified:
 - a. Estimated average annual AFY used,
 - b. Maximum GPM needed at the POC as shown on the plans; and
6. Permitted/approved uses.

I. The use permit shall stay in effect as provided in the permit or related agreement, but may be cancelled or amended at the discretion of the Agency or appropriate Member Agency, after consultation with each other, if:

1. A change of ownership occurs;
2. A change of recycled water use occurs;
3. A change in the piping system has been implemented without prior approval; or
4. A violation of these rules and regulations occurs and results in a system turn-off.

7.40.170 Rates, Fees, Charges and Deposits.

A. General.

1. All rates and fees regarding recycled water service and their administrative costs shall be fixed and established by the Governing Board. The most current fee and rate schedules shall be established by resolution of the Governing Board and incorporated into this chapter. Any changes in fee and rate schedules shall be automatically adopted into this chapter.

2. Applicants for recycled water service shall pay their fair share for the construction of facilities needed to deliver recycled water to the applicant's property. All fees and estimated construction costs shall be paid prior to construction; however, the Agency may reimburse the applicant for a portion of the cost of such facilities as described in subsection D, Financial Participation by Agency.

B. Change of Rates or Charges. The Agency reserves the right to change the schedule of recycled water rates, service charges and any other charges, deposits or fees at any time. These changes are subject to the terms of any existing recycled water service permits (and/or agreements) and will be made by appropriate action of the Governing Board.

C. Temporary Service. The recycled water rate for all water sold through temporary meters shall be established by action of the Governing Board. The charges for recycled water sold through temporary meters shall be billed and paid on a monthly basis.

D. Financial Participation by Agency. The Agency may, at its sole discretion, contribute to the cost of designing and/or constructing the facilities needed to deliver recycled water to an applicant's property. The Agency may:

1. Reimburse an applicant for costs incurred to install oversized facilities in the public right-of-way; and/or

2. Elect to participate in or construct pipelines, reservoirs, pumping stations or other facilities, as it determines necessary, and/or as funds are available.

E. Payment on Accounts. Payment on all accounts shall be due and payable in on the date specified on the bill for Agency-related services received during the preceding billing period. All accounts shall become delinquent twenty-six days (26) following the billing date and become subject to shut-off thereafter.

7.40.180 Size, Location and Installation of Service Line.

The Agency reserves the right to determine the size and location and/or type of:

A. Recycled water service lines;

B. Service connections;

C. Meters; and

D. Backflow protection devices any/all other appurtenances included to the service area.

Recycled water service lines shall be extended 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 Agency easement in which recycled water mains are installed.

7.40.190 Service Connection Limitations.

Permits for recycled water service shall be subject to the following conditions:

A. A recycled water service connection and its corresponding meter shall not be used to supply adjoining property of a different owner.

B. A service connection 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 provided with a recycled water connection and corresponding meter is subdivided, such connection and meter shall be considered as serving the lot or parcel of land on which the meter is located. Additional recycled water mains and/or recycled water service lines will be required for all subdivided areas in accordance with this chapter.

C. Private irrigation systems for homeowner's associations and other developments where landscaping around homes and in common areas are served with one meter, shall not be allowed to cross public roads, easements, or other public rights-of-way.

D. All recycled water used on any property where a meter is installed must pass through the meter. Customers shall be held responsible and charged for all recycled water passing through their meters.

E. Every recycled water service line installed by the Agency (or its agent) shall be equipped with a right angle valve (per Agency standard) on the inlet side of the meter. The right angle valve is to be used only by Agency personnel to control the recycled water supply through the water service line. If the right angle valve is damaged by the customer to an extent requiring replacement, then the customer shall bear full financial responsibility.

F. Service is commenced after issuance of a permit for recycled water service by the Agency.

7.40.200 Service Pressure.

The Agency will make every reasonable effort to supply recycled water at a service pressure that is nearly equal to the potable water system pressure at the location of interest. If recycled water service pressure does not meet the needs of the user, then it shall be the user's responsibility to increase or decrease the recycled water pressure on the user's side of the recycled water meter.

7.40.210 Relocation of Recycled Water Service Lines.

Should a recycled water service line installed according to the directions of the applicant, owner, or customer (user) be of the wrong size, or installed at a wrong location or depth, the cost of relocation or removal shall be paid by the user where the error was that of the user or the user's representative.

7.40.220 Protective Measures.

The following provisions are intended to protect the Member Agencies' 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.

A. Approved backflow prevention devices, on the appropriate Member Agencies' potable water services to the property, as required in these provisions, shall be provided, installed, tested and maintained by the user at user expense, unless otherwise determined by the appropriate Member Agency. These devices shall be located on the property served immediately downstream of the meter. All devices shall be readily accessible for testing and maintenance and no device shall be submerged at any time.

B. When a request for recycled water service is initiated, the applicant must provide sufficient information, including plumbing and building plans, to enable the Agency and appropriate Member Agency and other regulatory agencies to determine the level of backflow protection required. The proper backflow protection, as determined by the Agency, the appropriate Member Agency, and other regulatory agencies, shall then be installed, inspected and tested before recycled water service is provided.

C. Each time there is a change of customer (either owner or tenant) on any commercial or industrial premise, the owner or customer shall notify the Agency and appropriate Member Agency immediately. The Agency and appropriate Member Agency will then reassess the level of protection required. In addition, any alterations to existing on-site facilities that may affect required protection level must be reported immediately to the Agency and appropriate Member Agency.

D. At their discretion, representatives of any health agency having jurisdiction, the Agency and appropriate Member Agency, may conduct surveys of any property where recycled water service is provided by the Agency. These surveys shall serve to determine if any actual or potential cross-connections exist. The applicant, owner, or customer shall provide full cooperation in facilitating these surveys.

E. Where Protection is Required. Approved backflow protection for potable water supplies shall be provided as follows:

1. Each Member Agency water service connection that supplies potable water to a premises having an auxiliary water supply (including recycled water) that is not accepted as a potable source by the Member Agency, and/or is not approved for potable use by the

DOHS, shall be protected against backflow from the premises into any potable water system.

2. Each Member Agency water service connection supplying water to a premises on which any substance is handled in such a fashion as to permit entry into the Agency water systems from the premises shall be protected against backflow. This shall include, but not be limited to, the handling of fertilizers, process waters, waters originating from any of the Agency water systems that have been subject to deterioration in quality, and agricultural use.

3. Approved backflow devices shall be installed where premises have intricate plumbing and piping arrangements or where not all portions of the premises are readily accessible for inspection.

4. Approved backflow protection may be required at premises where there has been a history of cross-connections being re-established.

F. Other Measures.

1. Whenever possible and where applicable, the Agency will operate the recycled water system at a slightly lower pressure than the potable water system. This will cause potable water to flow in the recycled water system in the event of a cross-connection.

2. 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. These meters shall not be interchanged or used for potable water service after repairs and/or meter testing have been performed.

3. Periodic inspection, by the Agency, of the recycled water facilities will determine if all identifying items are still clearly discernable. If not, they shall be replaced, repaired or refurbished as needed, by the user. These items include:

- a. Warning tags;
- b. Painted surfaces;
- c. Warning tape;
- d. Identification tape;
- e. Covers, caps, signs; and
- f. Other items that indicate recycled water is being used.

4. To determine the existence of any cross-connections or backflow conditions into the potable water system, periodic testing by DOHS approved methods will be performed by the Agency, appropriate Member Agency and/or other regulatory agencies.

5. In the event of contamination or pollution of a Member Agency's potable water system due to a cross-connection or other failure, the DOHS, the Member Agency and the Agency shall be promptly notified, so that appropriate and immediate measures may be taken to correct the problem.

6. The state and county health departments, the Agency and the appropriate Member Agency shall be kept informed by written document of the identity of the person responsible for the user's recycled water system on all premises concerned with these rules and regulations. At each authorized use area, an on-site recycled water supervisor shall be designated. This supervisor shall be responsible for:

- a. The installation and use of all components of the on-site recycled water system(s);
- b. Prevention of cross-connections; and
- c. Change in use of recycled water.

G. Recycled Water Service Termination Due to Health and Safety Concerns. When the Agency determines that recycled water uses or conditions encountered by the Agency or a Member Agency represent a clear and immediate hazard to the Member Agency's potable water supply or the Agency's recycled water supply that cannot be immediately removed or corrected, the Agency shall begin the procedure for terminating recycled water use. Conditions or uses that create a basis for termination include, but are not limited to:

1. Refusal to install a required backflow prevention device;
2. Refusal to test a backflow prevention device;
3. Refusal to repair or replace a faulty backflow prevention device;
4. Direct or indirect connection between the potable and recycled water systems;
5. Direct or indirect connection between the recycled water system and a system or equipment containing contaminants; or
6. A situation which presents an immediate health hazard to the Member Agency's potable water system and/or the Agency's recycled water system, as determined by the Agency, Member Agency or other regulatory agency.

7.40.230 Type of Protection.

The level of protection required shall be related to the degree of potential hazard that exists on the premises served, and will be determined by the Agency or Member Agency.

7.40.240 Inspection and Maintenance of Protective Devices.

The user is responsible for inspection and testing of all backflow devices at least once a year, or more often in those instances where successive inspections indicate repeated failure. All inspections and tests shall be performed at the user's expense by an Agency-approved testing firm. These devices shall be repaired, overhauled and/or replaced at the expense of the user whenever they are found to be defective. These devices shall also be tested immediately after they are installed, relocated or repaired. The user shall maintain records of all such tests, repairs and overhauls. These records shall be made available to the DOHS, on request, and submitted to the Agency, annually.

7.40.250 Facilities Design.

The design of off-site facilities, including the preparation of plans and construction specifications shall be under the responsibility of an engineer registered in the State of California. The design of customer (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 Agency. Before the Agency grants final acceptance of any system using recycled water, as-built drawings of the system shall be provided. The installed system shall be tested in accordance with the Agency standard specifications to ensure that the system is in full compliance with these rules and regulations.

A. General.

1. 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 Agency standard specifications to ensure that this system is in full compliance with this chapter. Recycled water systems, both on-site and off-site, shall be separate and independent of any potable water systems.
2. Where the premises contain dual or multiple water systems, the exposed portions of pipelines shall be identified at sufficient intervals to distinguish clearly which water is not safe for drinking purposes.
3. 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 feet of any well used for domestic supply, and no impoundment of recycled water shall be located within one hundred feet of any domestic water well, unless it can be demonstrated that special circumstances justify lesser distances to be acceptable.

4. Adequate means of notification should 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, should be placed at adequate intervals around the authorized use area.

a. Golf courses should print messages on score cards in a different color indicating recycled water is being used. Water hazards containing recycled water should be posted with appropriate signs.

b. Languages in addition to English should be used on signs where appropriate.

B. Off-Site Facilities.

1. Any off-site recycled water distribution facilities required to serve existing or new developments of the property within the Agency, as determined by the Agency, shall be provided by the applicant, owner or customer at their expense, unless the Agency determines it is an Agency benefit to construct these capital facilities.

2. Plans and specifications for all recycled water distribution facilities shall be submitted to and approved by the Agency and other regulatory agencies, in advance of construction.

3. The Agency will assume responsibility for providing recycled water service to the point of connection of such development on transfer, to the Agency, of title to all off-site recycled water systems and any necessary easements. All easements shall be in a form acceptable to the Agency, and not subject to outstanding obligations to relocate such facilities or any deeds of trust, except in instances where such is determined by the Agency to be in the best interest of the Agency.

4. The property owner, proponent or developer may request that the Agency enter into a reimbursement agreement for the portions of a recycled water system that are required to be oversized (considering standard sizes of materials and Agency standards) with capacity to supply more recycled water than the property owner, proponent or developer requires. The determination to enter into a reimbursement agreement, and the specific items that are the subject of reimbursement, will be made by the Agency.

C. On-Site Facilities.

1. Any on-site recycled water facility shall be provided by the applicant, owner or customer at his expense. The applicant, owner or customer shall retain title to all on-site facilities.

2. When this chapter and/or standard specifications require a higher quality material, equipment, design or construction method than that required by other governing codes, rules and regulations, the Agency specifications shall take precedence.

D. Interim Service. In areas where recycled water is not immediately available when the use area is ready for construction, and if the Agency has determined that recycled water will be supplied in the future, on-site facilities shall be designed to use recycled water. Provisions shall be made, and this chapter followed, to allow for connection to the Agency 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."

1. Conditions of interim service are:

a. The Agency anticipates recycled water will be available to the site within five years of the time interim service is initiated;

b. The applicant must obtain a permit for recycled water service; and

c. The applicant 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.

2. An approved backflow prevention device is required on the 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.

3. Future recycled water customers will pay for the following:

a. Cost of constructing and abandoning the interim service, and cost of constructing the recycled water service;

b. Applicable recycled water fees at the time service becomes available; and

c. Applicable interim water rates for the type of water delivered through the interim service.

4. When recycled water is available to the site, an inspection of the on-site facilities will be conducted by the Agency to verify that the facilities have been adequately maintained and are still in compliance with the recycled water use permit. Recycled water service shall be provided on verification of compliance. If the facilities are not in compliance, the Agency shall notify the user to correct the situation.

7.40.260 Construction.

A. New. Construction of all recycled water facilities will follow the Agency standard specifications (i.e., American Water Works Association Construction Guidelines for Recycled Water Facilities), unless otherwise specified by the Agency.

B. Conversion to Recycled Water Use. Where it is planned that an existing nonrecycled water system be converted to a recycled water facility, the facilities to be converted to recycled water shall be investigated in detail at the user's expense, unless otherwise determined by the Agency. On a case-by-case basis, the Agency and other regulatory agencies will review the materials, specified in Section 7.40.150, deemed necessary to determine the measures required to bring the system into full compliance with this chapter. No existing potable water facilities shall be connected to or incorporated into the recycled water system without Agency and other regulatory agency approvals.

C. Conversion from Recycled Water Use. If, due to on-site failure of the recycled water system or use violations, the Agency, in consultation with the appropriate Member Agency, and/or other regulatory agencies determine it is possible and necessary to convert on-site facilities from a recycled water supply to a potable, or other, water supply, it shall be the responsibility of the user to pay all costs for such conversion, unless determined otherwise by the Agency. Conversion costs may include, but not be limited to, the following:

1. Isolation of the recycled water supply. Service shall be removed and plugged at the Agency main or abandoned in a manner approved by the Agency;
2. Installation of approved backflow prevention devices, as determined by the Agency, its appropriate Member Agency, and other regulatory agencies. The user shall install approved backflow devices on all potable, and/or other water meter connections;
3. Removal of any/all special recycled water quick couplers. The user shall be responsible for replacement with quick couplers approved for potable water systems;
4. Notification to all on-site personnel involved;
5. Removal of all warning label/signs;
6. Installation of any/all potable water facilities and payment of any associated capacity fees, as provided for in the appropriate Member Agency's water service code;
7. System flushing, disinfecting, decontamination and water quality analyses, as required by the Agency, appropriate Member Agency, and/or other regulatory agencies.

7.40.270 Emergency Connection of the Recycled Water System to the Potable Water System.

If the Agency determines an emergency exists where all or parts of the recycled water system are unable to provide recycled water, the Agency, after consultation with the appropriate Member Agency, 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 Agency, after consultation with the appropriate Member Agency, or other regulatory agencies. An approved backflow prevention device shall be installed on the potable water lines in accordance with this chapter and all other applicable regulations of the governing agencies. The emergency temporary connection shall be removed before connection to the recycled water system is reestablished. Re-establishment of recycled water service must be inspected and approved by the Agency prior to resuming delivery of recycled water.

7.40.280 Off-Site Facilities.

Operation, maintenance and surveillance of all Agency off-site recycled water systems, including but not limited to, recycled water pipelines, valves, connections, storage facilities, and other related equipment and property up to and including the meter, shall be under the management and control of the Agency. No other persons except authorized representatives of the Agency shall have the right to enter any of the Agency off-site facilities. Only Agency personnel and their representatives shall operate, adjust, change, alter, move or relocate any portion of the off-site recycled water system.

7.40.290 On-Site Facilities.

A. General.

1. The operation, surveillance, repair and maintenance of all customer recycled water facilities are the responsibility of the user. The user's designated on-site recycled water supervisor shall bear this responsibility.
2. The Agency or appropriate Member Agency will monitor and inspect all on-site recycled water facilities and associated records, and for these purposes will have the right to enter the user's premises. Where necessary, keys and/or lock combinations shall be issued to the Agency or appropriate Member Agency to provide such access during hours of recycled water system operation. Monitor and inspection includes documenting inspection observations by photograph and copying of records.

B. The user shall have the following responsibilities pertaining to operation of on-site facilities:

1. To ensure that all operations personnel are trained and familiarized with the use of recycled water;
2. To 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;
3. To prepare and submit to the Agency one reproducible set of as-built drawings;
4. To notify the Agency of all updates or proposed changes, modifications or additions to the on-site facilities and operations. All updates and proposed changes must be approved by the Agency prior to construction or implementation. All updates and proposed changes shall comply with this chapter and governing documents of all other regulatory agencies;
5. To ensure that the operation and maintenance of all recycled water facilities remain in accordance with this chapter and other documents governing recycled water systems within the Agency;
6. To operate and control the system in order to prevent direct human consumption of recycled water and to control and limit runoff. The applicant, owner or customer shall be responsible for any and all subsequent uses of the recycled water. Operation and control measures to be utilized in this regard shall include where appropriate, but not limited to:
 - a. On-site recycled water facilities shall be operated to prevent or minimize discharge onto areas not under control of the customer so as to minimize public contact. Full-circle sprinklers shall not be used adjacent to sidewalks, roadways and property lines in order to confine the discharge to the use area;
 - b. The operation of the on-site recycled water facilities shall be during periods of minimal human use of the service area. Consideration shall be given to allow a maximum dry-out time before the irrigated area will be used by the public. For agricultural operations, the soil moisture reservoir shall be depleted (dried) by at least thirty percent before harvest;
 - c. Adequate first aid kits should be available on the premises. All cuts and abrasions should be promptly treated to prevent infection. If infection is likely, a physician should be consulted;
 - d. Other precautionary measures should be taken to minimize direct contact with recycled water. User's employees, residents and the public should not be subjected to recycled water sprays;

e. Recycled water shall be applied 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;

f. When the application rate exceeds the soil infiltration rate, automatic controller systems shall be utilized to minimize ponding and runoff of recycled water. Total sprinkler run times shall not be greater than the time needed to supply the landscape's water requirement. If runoff occurs before the landscape's water requirements are met, the automatic controllers shall be reprogrammed with additional watering cycles of shorter duration to meet the requirements. This method of operation is intended to control and limit runoff;

g. The user shall report to the Agency and appropriate Member Agency and/all failures in the recycled water system that cause an unauthorized discharge of recycled water;

h. All drinking fountains located with the approved use area, designated by the user permit, shall be protected 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 areas are considered sources of recycled water. Protection shall be by design, construction practice, or system operation;

i. Facilities that may not be used by the public, including but not limited to eating surfaces and playground equipment and located within the approved use areas designated by the user permit, shall be protected 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 recycled water. Protection shall be by design, construction practice or system operation.

C. The user shall enforce the following prohibitions:

1. Cross-connections. 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.

2. Discharge in Unapproved Areas. Discharge of recycled water for any purposes, in areas other than those specifically approved in the currently effective user permit issued by the Agency, and without the prior knowledge and approval of the governing regulatory agencies, is prohibited.

3. Hose Bibs. Use or installation of permanent hose bibs on any customer water system that presently operates or is designed to operate with recycled water, regardless of the hose bib construction or identification is prohibited.
4. Ponding. Conditions that directly or indirectly cause the 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 regulatory agencies.
5. Runoff. 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.
6. Unapproved Uses. Use of recycled water for any purposes other than those specifically approved, in the currently effective user permit issued by the Agency, and without the prior knowledge and approval of the governing regulatory agencies, is prohibited.
7. Windblown Spray. Conditions that directly or indirectly permit windblown spray to pass outside of the approved use area, whether by design, construction practice or system operation, are prohibited.

7.40.300 Monitoring and Inspection.

The Agency, in consultation with its Member Agencies, will monitor and inspect the entire recycled distribution facility, including both off-site and on-site facilities. The Agency and/or Member Agencies will conduct monitoring programs, maintain records as deemed necessary, inspect on-site facilities for compliance with these rules and regulations, and provide reports as requested by the regulating agencies. For these purposes, the Agency or appropriate Member Agency will have the right to enter the customer's premises during hours of recycled water system operation to inspect on-site recycled water facilities and approved use areas, to verify that the customer's irrigation practices conform with this chapter.

7.40.310 Maintenance Responsibility.

- A. Recycled Water System. The applicant, owner or customer is responsible for maintaining all on-site facilities that are under the ownership of parties other than the Agency.
- B. Obstruction in Meter Boxes. No person shall place, dispose, deposit or permit the placement, disposal, deposit of oil, toxic, hazardous or contaminated liquid or waste, trash, soil, building materials or other substances, objects or obstructions in, on or around meter boxes or other Agency facilities. No person shall allow or permit meter boxes or other Agency facilities from becoming obstructed or obscured by trees, shrubs, plants or in any other manner so as to impede their use or access to them to make their use or

access to them 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 Agency may accomplish the cleaning and removal at the user's expense. The Agency will provide reasonable notice to the user before assessing the charge.