

STAFF REPORT



CITY OF OCEANSIDE

DATE: August 6, 2014
TO: Honorable Mayor and City Councilmembers
FROM: Water Utilities Department
SUBJECT: **ORDINANCE AMENDING CHAPTER 37 OF THE OCEANSIDE CITY CODE BY ADDING ARTICLE VIII, RECYCLED WATER**

SYNOPSIS

Staff and the Utilities Commission recommend that the City Council introduce an ordinance amending Chapter 37 of the Oceanside City Code by adding Article VIII, Recycled Water to promote the conservation and establish regulations for the installation and connection of service, cross connection control program, meters, mains and main extensions for the recycled water system with the City.

BACKGROUND

On March 27, 1991, the City Council approved Ordinance 91-15, relating to its water conservation program and thus establishing requirements for all developments to design dual water line systems in order to facilitate future use of recycled water. The related section within the ordinance does not include design standards or guidelines for new recycled water systems.

On November 17, 2004, the City Council adopted resolution 04-R940-1, which included provisions for the design and installation of recycled water systems within the City. These guidelines are in accordance with the County of San Diego Department of Environmental Health.

ANALYSIS

The purpose of this ordinance is to promote the conservation and diversification of water supplies as well as establish regulations for the installation and connection of services, the cross connection control program, meters, mains and main extensions for the recycled water system within the City. In enacting the ordinance, the City intends to provide for the protection and maximum beneficial public use of the City's recycled water system, to enable the proper installations of the recycled water system, to ensure the correct uses of the recycled water within the City, to promote public health and safety, and to meet Council's goal of 50 percent local supplies by 2030. The proposed ordinance will establish the following:

- Requirements for new developments to install a recycled water system for landscape areas.

- Metering and establishing cross-connection control of all recycled water used for landscape areas.
- Conversion of existing facilities to utilize recycled water.
- Formalize the waiver of fees for recycled water users related to the San Diego County Water Authority Capacity and Treatment Capacity charges.
- When converting to recycled water services, the ordinance will allow for the exchange of potable irrigation meters at no cost to the customer, provided the recycled meter required is of the same size as the existing meter. The ordinance also clarifies that there will be no refunds of buy-in fees as a result of the exchange.

The City shall provide recycled water wherever the City determines its use is economically and technically feasible and consistent with the City's Recycled Water Master Plan, developed to meet the projected economic, regulatory and facility needs of the City's recycled program. The Recycled Water Master Plan is currently being updated and will be brought back to the City Council for adoption in early 2015.

An ordinance, specifying requirements for the use of recycled water, will be developed later in 2014.

FISCAL IMPACT

Each new development within the City shall be required to install a dual main recycled water system, just as previously required with Ordinance 91-15. This Ordinance does not have a direct fiscal impact to the utility.

COMMISSION OR COMMITTEE REPORT

The Utilities Commission reviewed the ordinance and provided comments at its regularly scheduled meeting on May 20, 2014.

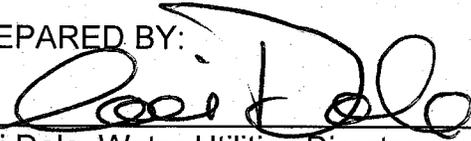
CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney's office and approved as to form.

RECOMMENDATIONS

Staff and the Utilities Commission recommend that the City Council introduce an ordinance amending Chapter 37 of the Oceanside City Code by adding Article VIII, Recycled Water to promote the conservation and establish regulations for the installation and connection of service, cross connection control program, meters, mains and main extensions for the recycled water system with the City.

PREPARED BY:


Cari Dale, Water Utilities Director

SUBMITTED BY:


Steven Jepsen, City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



James R. Riley, Financial Services Director



Attachment:

Ordinance

1 the recycled water system, to ensure the correct uses of the recycled water within the City, and
2 to promote public health and safety.

3 The City shall provide recycled water wherever the City determines its use is
4 economically and technically feasible and consistent with the City's Recycled Water Master
5 Plan, developed to meet the projected economic, regulatory and facility needs of the City's
6 recycled program.

7 **Section 37.141 Definitions.**

8 As used in this Article, the following terms are defined in this section.

9 "*Administrative Authority*" means the director of the Water Utilities Department or his
10 or her designated representative.

11 "*Applicant*" means any person or entity that may request recycled water service.

12 "*Authorized Enforcement Officials*" means the Water Utilities Director of the Water
13 Utilities Department or his or her designated representative.

14 "*Authorized Enforcement Staff*" means any city employee supervised by an authorized
15 enforcement official, assigned to duties involving permits and other city approvals, inspections,
16 and enforcement related to this chapter.

17 "*Authorized Inspector*" means the director of the Water Utilities Department or his or
18 her designated representative.

19 "*Customer*" means any person to whom the City supplies recycled water service under
20 contract, either expressed or implied, to make payment therefor.

21 "*Delivery Charge*" means the minimum monthly charge to a customer for the
22 availability of service, the revenue from which enables the City to maintain and operate the
23 recycled water system ready to deliver to a customer. The delivery charge shall be based on the
24 size of the water meter that is appropriate to provide service for the customer.

25 "*Design Manual*" means the latest edition of the City of Oceanside's Water, Sewer and
26 Recycled Water Design and Construction Manual adopted by Resolution 04-R940-1.

27 "*Dwelling Unit*" is one (1) or more habitable rooms which are occupied or which are
28 intended or designed to be occupied by one (1) or more individuals with facilities for living,

1 sleeping, cooking, and eating and includes a mobile home and manufactured home.

2 “*Extension*” means recycled water pipeline extension.

3 “*Grey Water*” means untreated waste water which has not come into contact with toilet
4 waste. Grey water includes waste water from bathtubs, showers, bathroom wash basins, clothes
5 washing machines, and laundry tubs.

6 “*Industrial or Commercial*” means any customer using recycled water for landscape
7 irrigation on the site that is not a residential unit, but used for the purpose of producing either
8 goods or services.

9 “*Landscape Impoundment*” means a body of water used for aesthetic or irrigation
10 purposes and not intended for public contact or ingestion, which may contain recycled water.

11 “*Meter*” means a device to measure the amount of recycled water the customer uses in
12 units, where one unit is 748 gallons.

13 “*Pipeline*” means an existing or proposed recycled water pipeline in the recycled water
14 distribution system.

15 “*Off-Site Recycled Water Facilities*” means facilities under the control of the City
16 generally located between the supply main and the recycled water meter.

17 “*On-Site Recycled Water Facilities*” means the customer-operated portion of the
18 recycled water system located within private property, between the recycled water meter and
19 the point of use.

20 “*Recycled Water,*” sometimes referred to as reclaimed water, means water which, as a
21 result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would
22 not otherwise occur and also meets the highest level of conformance with California Code of
23 Regulations, Title 22, Division 4, Chapter 3 (use of recycled water for irrigation and for
24 impoundments), currently section 60304 and section 60305. The meaning of recycled water in
25 this definition does not include grey water.

26 “*Recycled Water Connection Fee*” means the fee paid for the planning, design and
27 construction of capacity improvements and/or new facilities required for the delivery,
28 distribution and storage of recycled water.

1 “*Water Utilities Director*” shall mean the person designated by the City Manager to
2 have charge of the administration and supervision of the Water Utilities Department and such
3 other duties as the City Manager may prescribe.

4 **Section 37.142 Recycled Water Mains**

5 All new commercial, industrial, multi-family and residential developments of four (4)
6 units or more are required to install a dual recycled water system for the purposes of irrigation
7 of landscape and all common areas.

8 A. All new and extensions to recycled water mains shall be a minimum of six inches
9 in diameter.

10 B. All sub-dividers shall be required to install recycled water pipelines within the
11 property subdivision and extend this system to the external limits of the subdivision, or to the
12 nearest recycled water main if one exists within a maximum of seventy-five (75) feet.

13 C. All off-site recycled water facilities and services shall be planned, designed and
14 installed in accordance with the City’s design manual and all applicable federal, state and local
15 laws.

16 D. All services shall be metered with meters purchased from the City and installed
17 by a City-approved contractor at developers’ expense.

18 E. The City’s ownership and maintenance responsibilities shall terminate at the
19 valve on the customer’s side of the meter assembly.

20 All plans and necessary specifications associated with the installation or extension of
21 new recycled water mains within the City must be submitted to the Administrative Authority
22 for review and approval prior to such installation or extension.

23 **Section 37.143 Determination of Feasible and Authorized Uses**

24 The uses of recycled water may include but are not limited to, landscape irrigation,
25 agricultural irrigation, natural treatment system irrigation, construction water, industrial process
26 water, cooling tower makeup water, water for flushing toilets and urinals, trap primers in dual-
27 plumbed buildings, and public and private recreational impoundment. The Administrative
28 Authority is authorized to consider on a case-by-case basis each use for approval by the City,

1 and the Administrative Authority may determine in its discretion whether it is feasible to
2 furnish recycled water for the specific use involved. Prior to approving such uses, the
3 Administrative Authority may, in its discretion, set forth specific requirements as conditions to
4 providing such services and/or require specific prior approval from the appropriate regulatory
5 agencies. The City's determination of feasibility will be based on the following factors:

- 6 1) Whether recycled water may be furnished for the intended use at a reasonable cost to
7 the customer and the City;
- 8 2) Whether recycled water use is in accordance with the standards of treatment and
9 water quality requirements set forth in Title 22, Division 4, of the Code of California
10 Regulations and all other applicable federal, state and local laws and regulations
11 including Health and Safety Code Chapter 5, Article 2, Title 17, Division 1 and
12 California Water Code Division 7;
- 13 3) Whether the use of recycled water can be made in a manner not detrimental to public
14 health.

15 **Section 37.144 Requirement to Use Recycled Water**

16 The Administrative Authority will identify customers who are located within the City's
17 service area and within an area identified in the Recycled Water Master Plan as an area capable
18 of receiving service from the City's recycled water system and will determine the feasibility of
19 providing recycled water service to these customers. The Administrative Authority will also
20 review applications for new Recycled Water permits to determine the feasibility of providing
21 recycled water service to these applicants. If recycled water service is determined by the
22 Administrative Authority to be feasible, applicants for new water service shall be required to
23 install onsite facilities to accommodate both potable water and recycled water service in
24 accordance with the latest Water, Sewer, and Reclaimed Water Design and Construction
25 Manual. The Administrative Authority may also require existing customers to retrofit existing
26 onsite water service facilities to accommodate recycled water service. When an existing
27 customer is required by the City to convert to recycled water service, the customer will pay the
28 reasonable capital costs of retrofitting the onsite water service facilities and the City will

1 provide the offsite facilities necessary to deliver recycled water to the customer. The City will
2 provide a minimum of 6 months notification prior to commencement of recycled water
3 deliveries.

4 Existing customers of potable water service who are directed to retrofit onsite water
5 service facilities to permit the extension of recycled water infrastructure may appeal the final
6 decision of the Administrative Authority to require retrofit to the City Council where such
7 extension of recycled water service was not sought by the customer. The City Council may
8 grant an appeal where the existing customer makes a showing based on substantial evidence
9 that the Administrative Authority's decision would:

- 10 1) impose disproportionate cost on the customer compared to the potential benefits to be
11 received by the customer as a result of the retrofit; or
- 12 2) constitute a threat to public health or safety at the location to be retrofitted; or
- 13 3) would be technically infeasible to implement.

14 Where the Council makes one or more of the above findings, the Council may disapprove the
15 final decision of the Administrative Authority, in whole or in part, and may place such
16 conditions on the requirement to retrofit as it deems appropriate and fair. The requirement to
17 administratively appeal shall be a prerequisite to the initiation of any legal challenge to the
18 Administrative Authority's final decision.

19 **Section 37.145 Determination of Potential Recycled Water Customer Conversion**

20 The Administrative Authority will identify potential sites where recycled water may be
21 used based on historical water demands or projected demands from similar uses. The identified
22 potential recycled water use sites must meet the following criteria:

- 23 1) The City's recycled water distribution system is in a street adjacent to the subject
24 property;
- 25 2) The City can provide recycled water in the needed volume, quality, pressure and
26 flow rate;
- 27 3) The anticipated use(s) at the subject site are allowed per Title 22 of the California
28 Code of Regulations;

- 1 4) The construction/retrofit can be accomplished in compliance with Federal, State,
2 County, and City requirements.
- 3 5) The anticipated use(s) will not negatively impact public health;
- 4 6) The use of recycled water will not diminish water rights; and
- 5 7) Recycled water is available at a reasonable cost, meaning:
 - 6 a. The commodity cost for recycled water is less than the commodity cost for a
7 like quantity of non-interruptible potable water; and
 - 8 b. The net customer cost of facilities and appurtenances required to be installed
9 can be amortized by the difference in potable and recycled water rates of a
10 period of not more than one-hundred and twenty (120) months.

11 The Administrative Authority will contact the potential recycled water customer site
12 representative to discuss the use of recycled water. If the potential recycled water customer
13 contends recycled water is not feasible, the customer shall provide written documentation
14 supporting their position to the Administrative Authority for review.

15 **Section 37.146 Determination of Adequate Size and Reimbursement**

16 For new developments where recycled water is anticipated and incorporated into the
17 plans and conditions of approval, the Administrative Authority is authorized to determine if the
18 size of any proposed recycled water pipeline is adequate to serve the intended use of the
19 applicant. Further, the Administrative Authority is authorized to determine if there is other
20 property within the City not being served with recycled water which could be served by the
21 proposed recycled water pipeline. If the Administrative Authority determines that the proposed
22 recycled water pipeline and appurtenant facilities should be constructed to a greater capacity
23 than the immediate needs of the applicant, then the Administrative Authority may require the
24 applicant to enter into a reimbursement agreement with the City providing for the construction
25 of such recycled water pipeline with excess capacity.

26 The reimbursement agreement shall set forth a description of the project the applicant
27 wishes to construct or have constructed, including complete specifications as to the type of pipe
28 and other appurtenances, a map showing accurately the proposed route and size of such facility,

1 the estimated cost of construction of such facility, and the allocation of such cost between the
2 applicant and the City. The reimbursement agreement shall be finalized and executed prior to
3 commencement of construction on the project.

4 **Section 37.147 Conversion of Facilities**

5 Prior to the conversion of existing potable water systems or irrigation systems to a
6 recycled water system, the applicant shall submit the record drawings to the City to review and
7 determine the necessary measures to bring the recycled water system into full compliance with
8 all applicable federal, state and local laws. If record drawings for a site do not exist, the
9 applicant is responsible to locate the existing irrigation system and provide adequate as-built
10 plans for the system prior to requesting a conversion of facilities. No existing potable water
11 facilities shall be converted or incorporated into the recycled water system without proper
12 testing and approval by the City and other regulatory agencies.

13 **Section 37.148 Cross-Connection Control**

14 All sites being served by both potable and recycled water services shall have an
15 approved backflow assembly installed in compliance with all applicable laws.

16 A. Backflow Assemblies are required at every potable water service connection. The
17 customer, at his or her sole expense, shall install, test and maintain an approved backflow
18 assembly in accordance with California Code of Regulations Title 17, Section 7605.

19 B. Recycled water use site inspections will be performed per the requirements of the
20 State of California Department of Public Health, County of San Diego Department of
21 Environmental Health, California Regional Water Quality Control Board, San Diego Region, or
22 other regulatory agency as determined by the City.

23 C. As required by the State Department of Health Services and the County of San
24 Diego Department of Environmental Health Services, the City will periodically conduct a
25 cross-connection control test of the integrity of the on-site recycled water system at those
26 facilities having both potable and recycled water service.

27 D. The recycled water user shall provide the City with an accurate set of controller
28 charts. The chart is to be a reduced drawing of the as-built system. The chart shall use a

1 different color to show the area of coverage for each station.

2 **Section 37.149 Unlawful Use of Recycled Water Facilities and Appurtenances**

3 It is unlawful for any person to turn on/off a recycled water pipeline of the City or to tap,
4 break, or injure any recycled water pipelines within the City, or to tamper with or tap any
5 recycled water service pipe.

6 **Section 37.150 Interference with Inspection; Stoppage of Service**

7 If any authorized employee or agent of the City is refused access to any premises
8 supplied with recycled water by the City, or on being admitted is hindered or prevented from
9 examining or inspecting the premises by any person, or for any reason, including but not
10 limited to the maintenance on such premises of a vicious dog or animal, the Administrative
11 Authority may provide written notice to the owner or occupant of the premises that the City
12 intends to discontinue the service of recycled water to such premises. The notice shall provide
13 the owner or occupant a reasonable opportunity to allow access so as to avoid discontinuance of
14 service. The Administrative Authority may cause recycled water service to the premises to be
15 discontinued if access is not allowed or restored within the time set forth in said written notice.

16 **Section 37.151 Irrigation Recycled Water Meters**

17 A meter and service connection used for landscape irrigation shall be installed in
18 accordance with the Design Manual Standard Specifications and Drawings in effect at the time
19 the connection is made. The size of the irrigation meter(s) and service connection(s) shall be
20 determined by the landscape architect based on the flow demand in gallons per minute (gpm)
21 for the area to be irrigated.

22 Only the City's Recycled Water Buy-in fees and meter fees shall be applied for any new
23 recycled water meter.

24 **Section 37.152 Interfering with Meter**

25 It is unlawful for any person to interfere with or cut off or remove a recycled water
26 meter from any service connection where it has been installed, without first receiving written
27 permission from the City's Water Utilities Department. Such permission shall be granted only
28 for the purpose of tests, repairs or replacement to customer service, readjustment of service or

1 similar emergencies.

2 **Section 37.153 Rate Structure**

3 The City rate structure for recycled water service shall be approved by the City Council.
4 Rates shall be set at a level sufficient to pay for water treatment, maintenance and operations,
5 debt service, replacement funding and to meet the objectives established by the Administrative
6 Authority.

7 Recycled Water Rate - Recycled water is a flat rate per unit of recycled water used
8 where one unit equals 748 gallons and applies only to the delivery of recycled water to the
9 customer.

10 **Section 37.154 Recycled Water System Buy-In Fees**

11 Each new connection to the city's recycled water system shall be assessed a fee based on
12 the meter size to pay the costs for a new meter and installation equipment provided by the city.
13 Such fee shall be established hereafter by resolution of the Oceanside City Council. Customers
14 shall pay only for the new meter and installation costs. Costs associated with the San Diego
15 County Water Authority Capacity and Treatment charges and the City's buy-in costs, shall not
16 apply to new recycled water system connections.

17 **Section 37.155 Recycled Water System Meter Exchanges.**

18 When converting to recycled water services, current potable water customers may
19 exchange potable irrigation meters at no cost to the customer, provided the recycled meter
20 required is of the same size as the existing meter. There shall be no refunds of buy-in fees as a
21 result of this exchange.

22 **SECTION 3. Severability.**

23 If any section, sentence, clause or phrase of the Ordinance is for any reason held to be
24 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
25 shall not affect the validity of the remaining portions of this Ordinance. The City Council
26 hereby declares that it would have adopted this Ordinance and each section, sentence, clause or
27 phrase thereof, irrespective of the fact that any one or more section, subsections, sentences,
28 clauses or phrases be declared invalid or unconstitutional.

1 SECTION 4. The City Clerk of the City of Oceanside is hereby directed to publish this
2 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
3 days after its passage in the San Diego Union Tribune, North County edition, a newspaper of
4 general circulation published in the City of Oceanside.

5 SECTION 5. This ordinance shall take effect and be in force on the thirtieth (30th) day
6 from and after its final passage.

7 INTRODUCED at a regular meeting of the City Council of the City of Oceanside held
8 on the _____ day of _____, 2014, and, thereafter,

9 PASSED, AND ADOPTED by the City Council of the City of Oceanside, California
10 this _____ day of _____, 2014, by the following vote:

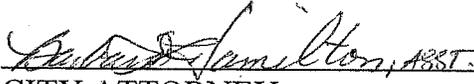
11 AYES:
12 NAYS:
13 ABSENT:
14 ABSTAIN:

15 _____
MAYOR, CITY OF OCEANSIDE

16 ATTEST:

APPROVED AS TO FORM:

17 _____
18 CITY CLERK

19 
20 _____
CITY ATTORNEY

21
22 AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING CHAPTER 37 OF THE OCEANSIDE CITY
23 CODE BY ADDING ARTICLE VIII, RECYCLED WATER
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