

ORDINANCE NO. 68.2

AMENDED RULES AND REGULATIONS
GOVERNING THE PROVISION OF RECYCLED
WATER SYSTEM FACILITIES AND SERVICE

Effective April 6, 2005

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ARTICLE 1

GENERAL PROVISIONS

1.1.0 INTRODUCTION

The District owns and operates recycled water distribution systems providing secondary or tertiary treated recycled water for approved purposes to customers within District's service area. Uses of recycled water may include, but are not limited to, greenbelt irrigation, agricultural irrigation, industrial processes and commercial uses, landscape or recreational impoundment purposes, wildlife habitat, and groundwater recharge.

1.2.0 PURPOSE

The purpose of this Ordinance is to promote the conservation and reuse of water resources and to ensure maximum public benefit from the use of District's recycled water supply by regulating its use in accordance with applicable federal, state and local regulations.

1.3.0 POLICY

Recycled or other non-potable water supplies shall be used to the maximum extent possible for any approved use. This shall be accomplished through the collection and treatment of sewage, wastewater, and other non-potable water supplies and the beneficial reuse of the resultant recycled water in compliance with applicable federal, state and local regulations.

1.4.0 INTENT

Recycled water shall be used whenever it is available, consistent with state law, in the best interests of public health, safety and welfare, and provides a beneficial use to the customer. The District reserves the right to require customers to use recycled water in-lieu of potable water for all approved uses. This provision is understood to apply to existing customers as well as new customers applying to the District for water service.

1.5.0 SCOPE

This Ordinance establishes the requirements for recycled water use and the provision of recycled water service by the District to its customers. If there is any conflict between the provisions of this Ordinance and the provisions of any of the documents incorporated by reference, the most stringent requirement will govern.

The following documents, as amended, are incorporated herein and by this reference made a part hereof as though fully set forth:

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- A. EMWD "Amended Rules and Regulations Governing the Provision of Water System Facilities and Service" (Resolution No. 229)
- B. EMWD "Backflow and Cross-Connection Prevention Program" (Ordinance No. 69)
- C. California Administrative Code Department of Health Services (Title 22, Division 4)
- D. Department of Health Services "Manual of Cross-Connection Control/Procedures and Practices"
- E. California Administrative Code "Regulations Relating to Cross-Connections" (Title 17, Chapter 5, Subchapter 1)
- F. EMWD "Procedural Guide and General Design Requirements for Construction of Recycled Water Facilities"
- G. EMWD "Recycled Water Rate Schedule" (Resolution No. 3351)
- H. California-Nevada Section American Water Works Association "Guidelines for Distribution of Nonpotable Water"
- I. EMWD "Recycled Water Guidelines and Best Management Practices"
- J. Department of Health Services "Guidelines for Use of Reclaimed Water for Construction Purposes"
- K. EMWD "Fee for Service Charges" (Resolution No. 2963)
- L. All applicable federal, state or local statutes, regulations, ordinances
- M. Mandatory Use Requirements Policy

ARTICLE 2

DEFINITIONS

2.01 APPLICANT

Party requesting a Recycled Water Service Connection and/or recycled water service from District.

2.02 AS-BUILT DRAWINGS

Engineered drawings that depict the completed facilities as constructed or modified.

2.03 BACKFLOW

A condition which results in the flow of water into District pipelines from a source other than an approved water supply.

2.04 BOARD

The Board of Directors of Eastern Municipal Water District.

2.05 COMMERCIAL USE

Any building for office or commercial uses with water requirements which include, but are not limited to, landscape irrigation, toilets, urinals and decorative fountains.

2.06 CROSS-CONNECTION

Any unapproved and/or unprotected connection between a potable water system and non-potable system.

2.07 CUSTOMER/USER

Recipient of recycled water service from the District.

2.08 DISTRICT

Eastern Municipal Water District and/or the Staff thereof.

2.09 INTERIM SERVICE/FACILITIES

Alternate service and facilities until such time as recycled water becomes available to project site for use.

2.10 LANDSCAPE IMPOUNDMENT

A body of water used for aesthetic or irrigation purposes and not intended for public contact or ingestion, which may contain recycled water.

2.11 NON POTABLE WATER

Water that is not acceptable for human consumption in conformance with federal, state and local drinking water standards.

2.12 OFF-SITE RECYCLED WATER FACILITIES

Facilities under the control of the District from the source of supply to the point of connection to the customer's on-site facilities, normally up to and including District's Service Connection.

2.13 ON-SITE RECYCLED WATER SYSTEM

The customer operated portion of the recycled water system facilities extending from a District Service Connection to the parcel to be provided with recycled water service.

2.14 POTABLE WATER

Water which conforms to the latest federal, state and local drinking water standards.

2.15 RECREATIONAL IMPOUNDMENT

A body of water used for recreational activities including, but not limited to, fishing, boating, and/or swimming.

2.16 RECYCLED WATER

Water available from the District's recycled water facilities, which may include a combination of treated wastewater, intercepted surface and subsurface stream flows, groundwater and other waters including potable water.

2.17 RECYCLED WATER AGREEMENT

An executed contract between the District and the customer, as a condition for obtaining recycled water service.

2.18 REGULATORY AGENCY

Individually, or in concert, the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers; the State Water Resources Control Board, State Department of Health, California Regional Water Quality Control Boards, California Department of Fish and

Game; the Riverside County Department of Environmental Health Services, Riverside County Flood Control and Water Conservation District; and the District.

2.19 SECURITY DEPOSIT

Moneys required to be deposited with the District for the purpose of guaranteeing payment of monthly bills rendered for recycled water service.

2.20 SERVICE CONNECTION

All piping and appurtenances required to extend recycled water service from a District recycled water distribution pipeline to the meter assembly.

2.21 TEMPORARY RECYCLED WATER SERVICE

Recycled water service for construction and/or other temporary purposes, as determined by the District.

2.22 UNAUTHORIZED DISCHARGE

Any release of recycled water that violates the provisions of this Ordinance or any applicable federal, state, District, or local statutes, regulations, ordinances, contracts or other requirements.

2.23 USE AREA

The specific area designated to be served recycled water through on-site recycled water facilities.

ARTICLE 3

FACILITY REQUIREMENTS

3.1.0 OFF-SITE RECYCLED WATER FACILITIES AND SERVICE CONNECTIONS

- 3.1.1 Off-site recycled water facilities and service connections shall be planned, furnished and installed in accordance with the District's standard plans and specifications and applicable federal, state and local statutes, ordinances and regulations.
- 3.1.2 District has the right to determine the location, size and capacity of the Service Connection.
- 3.1.3 Requests for modification or relocation of an existing Service Connection shall be made to District in writing and paid for in advance before the District will begin the involved work.
- 3.1.4 The District reserves the right to limit the use area to be supplied by one Service Connection to one customer. A Service Connection shall not be used to supply adjoining property of a different customer unless approved by the District.
- 3.1.5 Every off-site Service Connection shall be equipped with a valve on the inlet side of the meter to control the water supply through the meter assembly.
- 3.1.6 District ownership and maintenance responsibilities terminate at the valve on the user's side of the meter assembly.
- 3.1.7 Under certain circumstances and subject to the availability of funds, the District may contribute to the cost of constructing the facilities needed to deliver recycled water to the applicant's property or reimburse applicant for costs incurred to oversize facilities.
- 3.1.8 The District may elect to participate in or construct trunk lines, main lines, reservoirs, pumping stations or other facilities, as it deems necessary, and/or as funds are available.

3.2.0 ON-SITE RECYCLED WATER FACILITIES:

- 3.2.1 Each customer shall be responsible for furnishing, installing, operating and maintaining all facilities necessary to convey water from the meter assembly to the use area.
- 3.2.2 On-site recycled water facilities shall be constructed in accordance with the District's standard plans and specifications and applicable federal, state and local statutes, ordinances and regulations.

3.2.3 Plans, specifications and drawings of facilities shall be submitted and approved by the District, Riverside County Department of Environmental Health Services, and State Department of Health Services prior to commencing construction.

3.2.4 District shall inspect the construction of all recycled water facilities to ensure compliance with applicable regulations and conformance with approved plans.

3.2.5 Irrigation schedules for landscape irrigation systems must be approved by the District.

3.2.6 The installed system shall be tested under active conditions in the presence of the District inspector to ensure compliance.

3.3.0 INTERIM SERVICE FACILITIES:

3.3.1 An approved backflow assembly is required on the interim service while the on-site facilities are using an alternate source of water. If and when recycled water becomes available, the interim connection and backflow assembly will be removed and connection made to the on-site facilities, at the customer's expense.

3.3.2 When recycled water becomes available, an inspection of the on-site facilities will be conducted by the District, at the customer's expense, to verify that the facilities have been maintained and are still in compliance with the Permit. Upon verification of compliance, recycled water shall be supplied to the site.

3.4.0 CONVERSION OF FACILITIES:

3.4.1 Conversion from Potable to Recycled Water Use. Prior to the conversion of existing potable water system to recycled water use, the District shall, at a minimum, review the record drawings, prepare required reports, and determine the measures necessary to bring the system into full compliance. No existing potable water facilities shall be converted to, or incorporated into, the recycled water system without proper testing and approval by District and/or other regulatory agencies.

3.4.2 Conversion from Recycled to Non-Potable Water Use. If the District deems it necessary to convert recycled water facilities to non-potable water use, it shall be the responsibility of the customer, at customer's expense, to implement the following, as determined by District:

A. Isolation and testing of the recycled water supply. Service shall be removed and plugged by the District at the District main or abandoned in a manner approved by the District.

B. Installation of approved backflow assemblies on any and all non-potable water meter connections.

- C. The removal of the special recycled water quick-couplers including the replacement of these with approved valves for potable water systems.
- D. Notification to all on-site personnel involved.
- E. The removal of all warning labels/signs.
- F. The installation of waterlines and facilities and any capacity fees due, as provided for in the District's rules and regulations.

3.5.0 MARKING WATER FACILITIES:

- 3.5.1** The exposed portions of the customer's recycled water facilities shall be clearly identified in accordance with local and health department requirements.
- 3.5.2** Water meters used for recycled water service shall not be used for potable water service.

3.6.0 CROSS-CONNECTION PREVENTION

- 3.6.1 Backflow Assembly.** Wherever backflow protection is found to be necessary, customer, at his expense, shall install, test, and maintain an approved backflow assembly in accord with District Ordinance No. 69, as a prerequisite to receiving recycled water service.
- 3.6.2 Water Pressure.** As a further safety measure, the District shall, whenever possible, operate the recycled water system at a lower pressure than the District potable water systems, to prevent contamination of the potable system in the event of a cross-connection.
- 3.6.3 System Testing.** At sites having potable water service and recycled water service, the District shall periodically test the integrity of the on-site systems by:
1) isolating each system in turn and recording the internal pressure of the isolated system in accordance with regulatory agency approved shutdown test procedure; or 2) introducing tracer dyes into the system to determine existence of backflow into the potable water system.

ARTICLE 4

RECYCLED WATER SERVICE

4.1.0 GENERAL STATEMENT

Where water is used for irrigation, commercial uses, industrial process purposes, landscape impoundment, wildlife habitat, or recreational impoundment, the District may provide recycled water where technically and economically feasible. However, each use must be approved on a case by case basis. Determination of the specific uses shall be in accordance with the treatment standards and water quality requirements set forth in Title 22, Division 4, Chapter 3 of the California Administrative Code and with the intent of this Ordinance to preserve the public health. Each use shall, in addition, be subject to the availability of distribution facilities or the technical and economic feasibility of making such facilities available, as determined by District.

4.2.0 DISTRICT'S LIABILITY

The District is not responsible for any condition of the recycled water itself, or any substance that may be mixed with or be in recycled water as delivered to any customer, except as required by Title 22 and applicable regulations. The District shall not be liable for any damage from recycled water, including that resulting from inadequate capacity, defective plumbing, broken or faulty services, or recycled water mains; or any conditions beyond the control of the District. All users shall accept such conditions of pressure, as provided by the distribution system at the location of the service connection and hold the District harmless from all damage arising from low pressure or high pressure conditions, or from interruptions of service.

4.3.0 CONDITIONS OF SERVICE

Recycled water service will be made available to the customer in accordance with this Ordinance under the following terms and conditions:

4.3.1 Compliance with Regulations The District's recycled water shall be used in a manner that complies with all applicable federal, state, and local statutes, ordinances, regulations and other applicable requirements for the treatment level supplied, as determined by District.

4.3.2 Studies and Reports The cost and preparation of any study or report necessary to comply with California Environmental Quality Act (CEQA), Department of Health Services, or other regulatory requirements shall be the responsibility of the applicant.

4.3.3 Service Constraints All service is contingent on the quantity and quality of recycled water available from District's facilities and shall be provided in accordance with this Ordinance and the terms of the Agreement between District and the customer.

- 4.3.4 Distribution** The District reserves the right to control and schedule distribution as necessary to: 1) maintain an acceptable working pressure; 2) safeguard the public health; 3) manage the availability of recycled water supply; and 4) construct, maintain, and operate facilities.
- 4.3.5 Deliveries** Deliveries (or runs) of recycled water shall, in no event, be less than 15% or more than 100% of the rated capacity (as determined by the District) of the involved meters.
- 4.3.6 Metering** All use shall be metered, and all recycled water used on any premises where a meter is installed must pass through said meter. Customers shall be held responsible and charged for all recycled water passing through the meter(s), unless otherwise specified by the District.
- 4.3.7 Interim Service** Interim service may be made available, as determined by the District, if recycled water is anticipated to be available to the site within a reasonable time. The customer, at the customer's expense, must perform all work necessary to make connections to the permanent recycled water system when installed.
- 4.3.8 Temporary Connections** If recycled water is not available, the District may approve a temporary connection to another water source. Before such temporary connection is made, disconnection from the recycled water system shall be inspected and approved by the District and an approved backflow assembly shall be installed on the alternate water source. Temporary connections to the alternate source shall be removed before connection is re-established to the recycled water system. Re-establishment of service must be inspected and approved by the District prior to resuming delivery. Supplemental temporary supplies will be delivered at the rate then in effect for the type of water supplied.
- 4.3.9 Recycled Water for Construction Use** When available, recycled water shall be used by contractors for dust control, soil compaction during grading operations, and compaction of backfill in pipeline (except potable water pipeline) trenches. Special rates, hookup charges, and conditions apply to recycled water used for construction purposes as set forth in Resolution No. 3351, as amended.

4.4.0 REQUEST FOR SERVICE

- 4.4.1 Application** All requests for recycled water service must be made by the applicant completing and signing the appropriate District application form.

Upon receipt of an application, the District shall review the application and may prescribe requirements in writing to the applicant as to the off-site and on-site facilities necessary to be constructed, the manner of connection, the financial responsibility, and the use of the recycled water. Prior to receiving recycled

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water service, the proposed use shall be approved by the Department of Health Services. The District will inspect on-site recycled water facilities to assure initial and future continued compliance with the District's regulations and other applicable requirements.

4.4.2 Recycled Water Use Agreement Upon approval of the application and issuance of all required regulatory agency permits, a non-transferable Recycled Water Agreement shall be executed between District and customer authorizing the applicant to receive recycled water service subject to the terms and conditions of this Ordinance and federal, state, and local regulatory agencies rules and regulations. The Agreement shall include, but not be limited to, the property location, quantity of recycled water to be used, permitted uses, and rate to be charged for the recycled water.

4.5.0 CHARGES FOR SERVICE

Recycled water rates, fees and charges are set forth in Resolution Nos. 3351 and 2963, as amended. The Board reserves the right to change the schedule of recycled water rates, service charges and other charges from time to time. The District may require that an applicant post a security deposit in an amount not less than the estimated cost of recycled water service for a two-month period, or an amount as determined by the District. No interest will be paid by the District on the security deposit, which will be refunded, less any outstanding account balance, when the account is closed.

The District will render monthly billings for recycled water deliveries made during the preceding month, based on meter readings. All bills shall be due and payable upon presentation and become delinquent if not paid within 15 days after the date of the bill. Security deposits may be required on any account which becomes delinquent two (2) or more times during any twelve (12) month period, or by having a single delinquency for a period of more than forty-five (45) days.

Delinquent accounts will be subject to being discontinued by the District. If a customer account becomes delinquent, water service (potable or recycled) to any account belonging to that same customer will be subject to discontinuance. A Past Due Notice and Final Notice will be sent prior to discontinuance of service. In order to continue or restore service once an "Order to Discontinue Service" has been processed, customer must pay District the sum of: 1) the entire outstanding account balance; 2) a delinquency processing charge; and 3) a security deposit.

Penalty charges of 1-1/2 percent per month may be charged on all delinquent accounts with an outstanding balance of \$200 or more, beginning thirty (30) days after the account became delinquent and continuing until the balance has been paid in full;

Once water service has been discontinued, service may not be restored until the next working day. If restoration of service is requested after 5:00 p.m. or on weekends, Customer must pay, in addition to the charges above, an after hour service restoration

fee, as set by Resolution No. 2963. After hours service restoration will only be offered under emergency circumstances.

In the event a customer has previously presented a "Not Payable" check to the District, payment for continuation or restoration of service shall be made by cash, cashiers check or money order only. Cash payments will only be accepted at District's authorized payment collection centers and District offices where payments may be made.

A service charge, as set by Resolution No. 2963, will be assessed on all non-payable checks returned by the bank. For non-payable checks involving less than \$500, customer will receive a 10-day notice for payment of returned check plus service charge, to be paid by cash, cashiers check or money order only. If payment is not made within the 10-day period, water service will be discontinued. For non-payable checks involving \$500 or more, District will contact the customer personally and payment of the returned check plus service charge shall be made, by cash, cashiers check or money order, within five (5) days. In the event that payment is not made within the 5-day period, water service will be discontinued.

4.6.0 DISPUTED WATER BILLS

Any dispute over the correctness of a water bill will be investigated by the District. Bills reflecting clerical or meter errors shall be adjusted, taking into consideration the volume of business, seasonal demand, and any other factors that may assist in determining an equitable charge.

4.7.0 NON-REGISTERING WATER METER

When a meter is found to be out of order, the charge for water will be based on, at the option of the District, either the average monthly consumption for the preceding months during which the meter is known to have registered correctly, or the consumption as registered by a "substitute meter". Consideration will also be given to volume of business, seasonal demand and any other factors that may assist in determining an equitable charge.

4.8.0 METER TESTING

Prior to installation, each meter will be tested by the manufacturer or by the District. A customer may, by giving one week's notice, request the District to test the meter serving his premises. The customer will be notified at least two days in advance of the time and place of the test and shall have the right to be present during the test. A cash deposit, as set by Resolution No. 2963, will be required as a prerequisite to making the requested test. This deposit will be refunded only if the meter is found to register more than three (3) percent fast. The results of the test will be given to the customer within fourteen (14) days after completion of the test. If the results of the test show the meter is registering more than three (3) percent fast, in addition to the deposit, District will refund the full amount of the overcharge based on an adjusted meter reading for the preceding six (6) month period the meter was in use.

4.9.0 WHOLESALE RECYCLED WATER SERVICE

Wholesale recycled water service to another water agency shall be specifically dealt with in a special agreement, by and between the involved water purveying agency and the District covering the terms and conditions for service.

4.10.0 DISCONTINUANCE OF SERVICE

4.10.1 Turn-off At Customer's Request A customer may request that service be discontinued, either temporarily or permanently, by giving a least 24 hours advance notice to the District. Customer assumes total responsibility for all charges incurred from the effective date of service until customer notifies the District to discontinue service.

4.10.2 Turn-off by the District The District may discontinue a customer's service for the following reasons:

A. Non-Payment of Bills. A service may be discontinued for nonpayment of any water charges of a customer, whether or not the payment delinquency is associated with recycled water service at the service connection or at any other District recycled or domestic water service connection of the same customer.

B. Water Quality. Service may be discontinued if, at any point in the District's distribution system, the recycled water does not meet the requirements of regulatory agencies. Service would, in such case, be restored at such time as recycled water again meets the requirements of regulatory agencies, or at such time as the District supplements the recycled water system with water from other sources.

C. For Non-Compliance With Terms & Conditions Contained in District's Recycled Water Agreement

Customer's failure to comply with any of the terms and conditions contained in the District's standard recycled water agreement shall result in enforcement action.

D. For Non-Compliance With Regulations. Service may be suspended or terminated in the manner provided herein at any time the customer's operations do not conform to this Ordinance.

Where safety of water supply or public health is endangered, or regulations have been violated, service may be suspended immediately without notice.

E. For Waste of Water. In order to protect against serious and negligent waste or misuse of recycled water, the District may suspend service if such wasteful practices are not remedied after notice to such effect has been given to the customer.

- F. For Unauthorized Use of Recycled Water. When the District has discovered an unauthorized use, the service may be suspended without notice. Any person obtaining recycled water without District approval will be liable for a penalty charge, as set by Resolution No. 2963, and for the cost of the water usage, the amount to be based either on the meter reading (if available) or the estimated consumption during the time water service was received without proper arrangements. The District shall, as appropriate, notify the Department of Health Services of such unauthorized use. Repeated unauthorized usage shall be considered as tampering with District property and may result in the offender being charged and prosecuted.

4.11.0 RE-ESTABLISHMENT OF SERVICE

The District shall have the right to refuse to re-establish service following termination of service for violation of these provisions. Any request to re-establish service subsequent to the termination of recycled water service shall be in the manner prescribed for initially obtaining recycled water service from the District, which may include the collection of a security deposit.

In order to resume or continue service that has been suspended, the customer may be required, at the District's discretion, to pay a restoration fee, as set by Resolution No. 2963. Re-establishment of service shall only be made during regular working hours established by the District.

ARTICLE 5

OPERATIONAL REQUIREMENTS

5.1.0 ON-SITE FACILITIES:

Customer shall operate, maintain and control all on-site recycled water facilities in accordance with the requirements established by District, federal, state, and local regulatory agencies. It shall be the responsibility of customer to:

- A. Designate a District approved, Recycled Water Supervisor, trained in the use of recycled water to manage the operations of customer's recycled water facilities.
- B. Ensure that all on-site operations personnel are trained and familiarized with the use of recycled water.
- C. Furnish its operations personnel with maintenance instructions, irrigation schedules, controller charts, and record drawings to ensure proper operation in accordance with the on-site facilities design, the Agreement, and this Ordinance.
- D. Prepare and submit to the District one reproducible set of District approved as-built drawings of all facilities.
- E. Notify the District of any proposed facility modifications and/or proposed recycled water use changes for District's review and approval. All facility modifications must be inspected by the District upon completion of construction and customer shall submit revised as-built drawings to the District.
- F. Ensure that the design and operation of customer's recycled water facilities remain in compliance with the Agreement and this Ordinance.
- G. Implement on-site controls which meet the requirements established by District, federal, state, and local regulatory agencies to protect the health of customer's employees and the public. The minimum necessary on-site controls are described in the following documents: EMWD "Reclaimed Water Guidelines and Best Management Practices"; EMWD "Procedural Guide and General Design Requirements for Construction of Reclaimed Water Facilities"; EMWD Ordinance No. 69 "Backflow and Cross-Connection Prevention Program"; California Administrative Code (Title 17, Chapter 5, Subchapter 1); and California Administrative Code Department of Health Services (Title 22, Division 4).
- H. Notify District immediately of any and all failures in the system that result in an unauthorized discharge or contamination of a potable water system due to a cross-connection on the premises.

5.2.0 DISTRICT RECYCLED WATER SYSTEM FACILITIES:

Ownership, operation and maintenance of all recycled water system facilities up to, and including, the District's meter assembly, shall be the responsibility of District.

5.2.1 Tampering with District Property. No person shall at any time tamper with District property except to shut off water to prevent damage. Such tampering constitutes a misdemeanor or felony criminal violation punishable by law. Only authorized District personnel may operate District facilities.

5.2.3 Unauthorized Use of Recycled Water. Customers who turn on the water without District approval may be liable for a penalty charge, as set by Resolution No. 2963, and for the cost of the water usage, the amount to be based either on the meter reading (if available) or the estimated consumption during the time water service was received without proper arrangements. Repeatedly turning on service without making proper arrangements shall be considered as tampering with District property and may result in the offender being charged and prosecuted.

5.2.4 Property Damage. Any repair costs incurred by District as a result of damage inflicted by the customer or others will be billed to the responsible party. Failure by the responsible party to pay for such costs shall constitute grounds for discontinuance of water service and/or legal action by the District.

5.3.0 ACCESS TO CUSTOMER'S PREMISES

District or other authorized regulatory personnel showing proper evidence of identification, shall have the right to enter upon customer's premises for the purpose of:

- A. Monitoring and inspecting all recycled water systems to ascertain compliance with this Ordinance and other regulatory requirements; and
- B. Installing, maintaining, repairing and reading District owned facilities serving the customer's premises.

Where necessary, keys and/or lock combinations shall be provided to the District for site access during normal business hours.

ARTICLE 6

ENFORCEMENT

6.1.0 INVESTIGATION AND INITIAL DETERMINATION

District shall investigate all reports of non-compliance to any provision of this Ordinance and/or the Agreement to determine the seriousness of the violation based upon: 1) the magnitude and duration of the violation; 2) its effect on the operation of District's recycled water system; 3) its effect on District's compliance with regulatory agency rules and regulations; and 4) the history and good faith of the customer. The customer may be assessed a non-compliance inspection fee, as set by Resolution No. 2963.

6.2.0 INFORMAL AND FORMAL ENFORCEMENT PROCEDURES

6.2.1 Informal Enforcement Procedures The customer will be notified of the violation. A reasonable time limit for the satisfactory correction thereof will be agreed to, along with a date for a follow-up inspection to verify the violation has been mitigated.

In the event the customer does not take appropriate corrective action within the agreed to time limit, District may commence formal enforcement procedures, including, but not limited to, suspending recycled water service.

6.2.2 Formal Enforcement Procedures

- A. Notice of Violation. The customer will receive a written notice of violation describing: 1) the nature of the violation; 2) requirements for submittal of a corrective action plan; 3) setting a reasonable time limit for the satisfactory mitigation of the violation; and 4) date for a follow-up inspection. The customer may file a notice of objection within 10 working days after notice of violation is received specifying the reasons for the objection. District's initial determination will be final in the event: 1) customer fails to file an objection within the time period allotted; or 2) the objection cannot be resolved to the mutual satisfaction of the customer and the District, wherein the customer can then file an appeal as provided herein below. This notice of violation procedure shall be in addition to any other remedies available to the District.
- B. Suspension of Recycled Water Service. In cases where the serious nature of the violation require immediate action, the District may, at its discretion, immediately suspend recycled water service, subject to a timely decision on terminating the Agreement, pursuant to a public appeals hearing as provided herein below.

6.3.0 NONCOMPLIANCE FOLLOWING NOTICE OF VIOLATION

6.3.1 Termination of the Agreement Failure to cease all violations within the stated time period may result in terminating the Agreement for recycled water service. Termination of the Agreement shall occur only as a result of an appeals hearing before a Hearing Officer appointed by the District's Board of Directors.

6.3.2 Appeals Hearing The customer will be given written notice of the hearing no less than ten (10) calendar days prior to the hearing date. The notice shall specify, in detail, the District's grounds for terminating the Agreement plus acceptable corrective actions, if any. The customer will be given the opportunity to present information, verbally or in writing, pertaining to the violation. The decision of the Hearing Officer shall be final. Written notice of the District's decision will be mailed or delivered to the customer and shall become effective immediately.

Appeals on any condition established by a regulatory agency shall be appealed to the appropriate agency via the Eastern Municipal Water District.