

RULES AND REGULATIONS
GOVERNING THE USE OF RECYCLED WATER



Effective February 2015

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ARTICLE 1

GENERAL PROVISIONS

SECTION 1.1 INTRODUCTION

The Olivenhain Municipal Water District (District) owns and operates recycled water distribution systems providing recycled water for approved purposes to water users within the District's service area. Uses of recycled water may include greenbelt irrigation, and/or agricultural irrigation. For any other recycled water uses including, but not limited to, industrial and commercial processes, landscape or recreational impoundment, wildlife habitat, and groundwater recharge, the District shall submit additional plans and documents to the State of California, Department of Public Health and the County of San Diego Department of Environmental Health for review and approval. These types of recycled water applications will be evaluated on a case-by-case basis.

SECTION 1.2 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.

SECTION 1.3 POLICY

As a result of the adoption of Ordinance No. 175 by the Olivenhain Municipal Water District Board of Directors, 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.

SECTION 1.4 INTENT

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

Pursuant to California Water Code (CWC) section 13523.1(b)(3), and State Water Resources Control Board Discharge Order Number R9-2003-0007, the establishment and enforcement of these rules and regulations shall govern the design, construction and use of recycled water distribution and disposal systems within the District.

It is further, the intent of these rules and regulations to be consistent with the following criteria:

- Title 22, Division 4, Chapter 3, Wastewater Reclamation Criteria;
- Title 17, Division 1, Chapter 5, Group 4, Article 1 & 2, of the California Code of Regulations;
- The State Department of Public Health (State DPH) Preparation of an Engineering Report for the Production, Distribution and Use of Recycled Water;
- Any measures that are deemed necessary for protection of public health, such as the American Water Works Association (AWWA) California/Nevada section, Guidelines for the Distribution of Non-Potable Water and Guidelines for Retrofitting To Recycled Water or alternate measures that are acceptable to the State DPH.

SECTION 1.5 SCOPE

This Ordinance establishes the requirements for recycled water use and the provision of recycled water service by the District to its water users. 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.

SECTION 1.6 INCORPORATION OF SUPPORTING DOCUMENTATION

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

- A. OMWD Rules and Regulations Governing Cross-Connection (Ordinance 397)
- B. County of San Diego Department of Environmental Health Services' "Recycled Water Plan Check and Inspection Manual"
- C. California Administrative Code Department of Health Services (Title 22, Division 4)
- D. Department of Public Health "Manual of Cross- Connection Control/Procedures and Practices"
- E. California Administrative Code "Regulations Relating to Cross-Connections" (Title 17, Chapter 5, Subchapter 1)
- F. OMWD "Procedural Guide and General Design Requirements for Construction of Recycled Water Facilities"
- G. OMWD "Recycled Water Rate Schedule" as approved by the Board of

Directors.

- H. California-Nevada Section American Water Works Association
"Guidelines for Distribution of Non-potable Water"
- I. California-Nevada Section American Water Works Association
"Guidelines for the On-Site Retrofit of Facilities Using Disinfected
Tertiary Recycled Water."
- J. OMWD "Recycled Water Use Guidelines, Best Management Practices,
and Inspection Program"
- K. Department of Health Services "Guidelines for Use of Reclaimed Water
for Construction Purposes"
- L. All applicable Federal, State or local statutes, regulations, ordinances

ARTICLE 2

DEFINITIONS

SECTION 2.1 DEFINITIONS

- A. **“Applicant”**. Party requesting a Recycled Water Service Connection and/or recycled water service from District.
- B. **“As-Built Drawings”**. Engineered drawings that depict the completed facilities as constructed or modified.
- C. **“Backflow”**. A condition that results in the flow of water into District pipelines from a source other than an approved water supply.
- D. **“Board”**. The Board of Directors of Olivenhain Municipal Water District.
- E. **“Commercial Use”**. Any building for office or commercial uses with water requirements that include, but are not limited to, landscape irrigation, toilets, urinals and decorative fountains.
- F. **“Cross Connection”**. Any unapproved and/or unprotected connection between a potable water system and non-potable system.
- G. **“District”**. Olivenhain Municipal Water District and/or the Staff thereof.
- H. **“Interim Service/Facilities”**. Alternate service and facilities until such time as recycled water becomes available to project site for use.
- I. **“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.
- J. **“Non-Potable Water”**. Water that is not acceptable for human consumption in conformance with federal, state and local drinking water standards.
- K. **“Off-Site Recycled Water Facilities”**. Facilities under the control of the District from the source of supply to the point of connection to the water user’s on-site facilities normally up to and including District’s Service Connection.
- L. **“On-Site Recycled Water System”**. The water user operated portion of the recycled water system facilities extending from a District Service Connection to the parcel to be provided with recycled water service.

- M. **“Potable Water”**. Water which conforms to the latest federal, state and local drinking water standards.
- N. **“Recreational Impoundment”**. A body of water used for recreational activities including, but not limited to, fishing, boating, and/or swimming.
- O. **“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.
- P. **“Recycled Water Agreement”**. An executed contract between the District and the water user, as a condition for obtaining recycled water service.
- Q. **“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 San Diego County Department of Environmental Health, and the District.
- R. **“Security Deposit”**. Moneys required to be deposited with the District for the purpose of guaranteeing payment of monthly bills rendered for recycled water service.
- S. **“Security Deposit”**. All piping and appurtenances required to extend recycled water service from a District recycled water distribution pipeline to the meter assembly.
- T. **“Temporary Recycled Water Service”**. Recycled water service for construction and/or other temporary purposes, as determined by the District.
- U. **“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.
- V. **“Use Area”**. The specific area designated to be served recycled water through on-site recycled water facilities.
- W. **“Water User”**. Recipient of recycled water service from the District.

ARTICLE 3

FACILITY REQUIREMENTS

SECTION 3.1 OFF-SITE RECYCLED WATER FACILITIES AND SERVICE CONNECTIONS

- A. 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.
- B. The District reserves the right to determine the location, size and capacity of the Service Connection.
- C. Requests for modification or relocation of an existing Service Connection shall be made to the District in writing and paid for in advance before the District will begin the involved work.
- D. The District reserves the right to limit the use area to be supplied by one Service Connection to one water user. A Service Connection shall not be used to supply adjoining property of a different water user unless approved by the District, in writing in advance of any new use.
- E. 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.
- F. District ownership and maintenance responsibilities terminate at the valve on the user's side of the meter assembly.
- G. The public water supply (potable) shall not be used as a backup or supplemental source of water for a recycled water system unless the connection between the two systems is protected by an air gap separation which complies with the requirements of sections 7602(a) and 7603(a) of Title 17 and the approval of the public water system has been obtained. Approved backflow prevention devices on the potable system shall be provided, installed, tested, and maintained by the recycled water user in accordance with the applicable provisions of Title 17, Division 1, Chapter 5, Group 4, Article 2 and District Ordinance 397 or successor ordinances.

SECTION 3.2 ON-SITE RECYCLED WATER FACILITIES

- A. Each water user shall be responsible for furnishing, installing, operating and maintaining all facilities necessary to convey water from the meter assembly to the use area in a manner that does not harm or damage any person or property, including any employees or property of the District.
- B. 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.

- C. Plans, specifications and drawings of facilities shall be submitted and approved by the District, San Diego County Department of Environmental Health Services, and/or State Department of Health Services prior to commencing construction.
- D. The District shall inspect the construction of all recycled water facilities to ensure compliance with applicable regulations and conformance with approved plans.
- E. The District shall approve landscape irrigation system schedules.
- F. The installed system shall be tested under active conditions in the presence of the District inspector and most likely a representative from the San Diego Department of Environmental Health or other regulatory agency to ensure compliance with local, state and federal conditions.

SECTION 3.3 INTERIM SERVICE FACILITIES

- A. An approved backflow prevention assembly (BPA) 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 prevention assembly may be removed and connection made to the on-site facilities upon approval by the District and at the water user's sole cost and expense.
- B. When recycled water becomes available, an inspection of the on-site facilities will be conducted by the District, at the water user's expense, to verify that the facilities have been maintained and are still in compliance with any temporary use Permit. Upon verification of compliance, recycled water may be supplied to the site if determined appropriate by the District.

SECTION 3.4 CONVERSION OF FACILITIES

- A. 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.
- B. Conversion from Recycled to Potable Water Use. Conversion from recycled to potable is prohibited. Any consideration of conversion shall be approved in writing, and in advance by DPH and the District. If the District deems it necessary to convert recycled water facilities to potable water use, it shall

be the responsibility of the water user, at water user's sole cost and expense, to implement the following, as determined by the District:

1. 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.
2. Installation of approved backflow assemblies on any and all water meter connections as determined by the District's Cross-Connection Program.
3. The removal of the special recycled water quick-couplers including the replacement of these with approved valves for potable water systems.
4. Notification to all on-site personnel involved.
5. The removal of all warning labels/signs.
6. The installation of waterlines and facilities and any capacity fees due, as provided for in the District's rules and regulations.
7. State DPH and County DEH shall be notified in writing prior to conversion back to potable water and upon completion of the conversion to potable water.

SECTION 3.5 MARKING WATER FACILITIES

- A. The exposed portions of the water user's recycled water piping and appurtenances shall be clearly identified in accordance with local and health department requirements. The method of identification shall be clearly detailed on all plans, specifications, and engineering reports.
- B. Water meters used for recycled water service shall not be used for potable water service.

SECTION 3.6 CROSS-CONNECTION PREVENTION

- A. Backflow Assembly. Backflow prevention assemblies (BPAs) are not required at every recycled water service connection unless directed otherwise by the District.

Any backflow prevention device installed to protect the public water system shall be tested, inspected, and maintained in accordance with section 7605 of Title 17, California Code of Regulations. If a BPA is not installed at the recycled water service connection, a test point located directly downstream of the water meter shall be installed by the water user at their sole expense.

The test point shall be constructed in accordance with the District Standard Specifications and Drawings.

- B. 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.
- C. System Testing. As required by the State Department of Health Services and the County of San Diego Department of Environmental Health Services, the District will periodically conduct a cross-connection control test of the integrity of the on-site recycled water system at those facilities having both potable water service and recycled water service. Methods of system testing include, but may not be limited to: isolating each system in turn and recording the internal pressure of the isolated system in accordance with regulatory agency approved shutdown test procedure. The recycled water system shall be tested as described above for possible cross connections at least once every four (4) years. At the sites that are not required to submit plans to building departments prior to modifications to the plumbing system such as schools, post offices, or other public facilities, the District shall conduct a site inspection annually and a cross-connection control test as required by the DPH.
- D. The District shall provide notice a minimum of two weeks prior to conducting a cross-connection control test to the water user, State Department of Health Services, and the County of San Diego Department of Environmental Health Services.
- E. Any repairs or corrections required for successful testing shall be paid for solely by the water user.

ARTICLE 4

RECYCLED WATER SERVICE

SECTION 4.1 GENERAL STATEMENT

Where potable or raw water is used for irrigation, commercial uses, industrial process purposes, landscape impoundment, wildlife habitat, or recreational impoundment, the District shall provide recycled water where the District determines recycled water is 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 Code of Regulations 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.

No person other than the Olivenhain Municipal Water District shall deliver recycled water to a facility. Connection to the irrigation system by an individual residence is prohibited.

SECTION 4.2 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 water user, 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 any and all liability, damage, losses, costs, fees or expenses of whatever type or nature, arising from low pressure or high pressure conditions, or from interruptions of service.

SECTION 4.3 CONDITIONS OF SERVICE

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

- A. 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.

The use of recycled water shall not, at any time, cause pollution, contamination, or a private or public nuisance, as defined by section 13050 of the California

Water Code. Recycled water shall be used by water users at all times in a manner that does not cause illness or injury to any person and in a manner that does not harm or damage any real or personal property of any person or entity, including the District.

- B. 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, San Diego County Department of Environmental Health, or other regulatory requirements shall be the sole responsibility of the applicant.
- C. 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 water user.
- D. 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.
- E. 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.
- F. Metering All use shall be metered, and all recycled water used on any premises where a meter is installed must pass through said meter. Water users shall be held responsible and charged for all recycled water passing through the meter(s), unless otherwise specified by the District.
- G. 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 water user, at the water user's sole expense, must perform all work necessary to make connections to the permanent recycled water system when installed.
- H. Temporary Connections If recycled water is not available, the District may approve a temporary connection to another water source in the District's sole discretion. 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. The only approved temporary connection to a site using recycled water is the swivel ell as called out in State DOHS policy memo 2003-003.

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.

- I. 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.

SECTION 4.4 REQUEST FOR SERVICE

- A. 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 will review the application and may prescribe requirements and conditions in the District's sole discretion, 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 water service, the proposed use shall be approved by the San Diego County Department of Environmental Health and/or the State 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.

- B. Recycled Water Use Agreement Upon approval of the application by the District in its sole discretion, and issuance of all required regulatory agency permits, a non-transferable Recycled Water Agreement shall be executed between District and water user 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. The District shall have the right to require other provisions determined necessary or appropriate by the District before the District approves any recycled service agreement.

SECTION 4.5 CHARGES FOR SERVICE

The Board reserves the right to change the schedule of recycled water rates, service charges and other charges at any time.

The District will render monthly billings for recycled water deliveries made during the preceding month, based on meter readings. The District shall send out bills on the first day of the month, and payment will become delinquent after the 26th of the month. Delinquent fees and rates shall be imposed in accordance with the District's "Rates and Rules", as amended.

Delinquent accounts will be subject to being discontinued by the District. If a water user account becomes delinquent, water service (potable or recycled) to any account belonging to that same water user will be subject to discontinuance.

SECTION 4.6 DISPUTED RECYCLED WATER BILLS

The District will investigate any dispute over the correctness of a recycled water bill. 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.

SECTION 4.7 NON-REGISTERING RECYCLED 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.

SECTION 4.8 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.

SECTION 4.9 DISCONTINUANCE OF SERVICE

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

B. Turn-off by the District The District may discontinue a water user's service for any of the following reasons:

1. Non-Payment of Bills. A service may be discontinued for nonpayment of any water charges of a water user within 10 days of billing, 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 water user.
2. 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 the District or any 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.

The water user's failure to comply with any of the terms and conditions contained in the District's standard recycled water agreement shall result in an enforcement action. The District shall have the right to enforce the agreement by any method provided in the agreement or by any applicable federal, state or local law, rule or regulation.

3. For Non-Compliance With Regulations. Service may be suspended or terminated in the manner provided herein at any time the water user's operations do not conform to this Ordinance as determined by the District in its sole discretion.
4. Failure to Make Timely Repairs. Where safety of water supply or public health is endangered, or regulations have been violated, service may be suspended immediately without notice. Otherwise, all defects noted shall be corrected within the period of time specified by the District.
5. 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 water user.
6. 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 determined by the District, and for the cost of the water usage, 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 State Department of Health Services and the County of San Diego Department of Environmental 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.

SECTION 4.10 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 or any recycled water agreement. 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 service that has been suspended, the water user will be required to pay a restoration fee. Re-establishment of service shall only be made during regular working hours established by the District.

ARTICLE 5

OPERATIONAL REQUIREMENTS

SECTION 5.1. ON-SITE FACILITIES

Water user 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 sole responsibility of the recycled water user to:

- A. Designate a recycled water supervisor who is responsible for the recycled water system at each use area under the user's control. Specific responsibilities of the recycled water supervisor include the proper installation, operation, and maintenance of the irrigation system; compliance of the project with the Recycled Water Agency's rules and regulations, prevention of potential hazards and preservation of the recycled water distribution system plans in "as built" form. Designated recycled water supervisors shall obtain instruction in the use of recycled water from an institution approved by the State DPH and County DEH. Additional guidance regarding recycled water supervisor responsibilities and instruction requirements is provided in Attachments 17 and 18 of the Recycled Water Plan Check and Inspection Manual developed by the County DEH, and which are incorporated herein by reference.
- B. Maintain a copy of the recycled water rules and regulations, irrigation system layout map, and a recycled water system operations manual at the use area. These documents shall be available to operating personnel at all times.
- C. Ensure that all on-site operations personnel are trained and familiarized with the use of recycled water.
- D. 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.
- E. Prior to the initiation of recycled water service, the recycled water user shall submit plans and specifications for recycled water distribution facilities to the District for review and approval.
- F. The recycled water user shall provide written notification, in a timely manner, to the District of any material change or proposed change in the character of the use of recycled water.
- G. Ensure that the design and operation of water user's recycled water facilities remain in compliance with all the terms of the recycled water Agreement and

all the terms of this Ordinance.

- H. Implement on-site controls, which meet the requirements established by District, federal, state, and local regulatory agencies to protect the health of water user's employees and the public.
- I. Notify the District immediately of any and all failures in the system resulting in an unauthorized discharge or contamination of a potable water system due to a cross-connection on the premises. Water user complaints concerning recycled water use that may involve public illness shall be reported to the State DPH, the San Diego County DEH, and to the District who shall maintain a log of all water user complaints regarding recycled water.
- J. Protect all recycled water storage facilities against erosion, overland runoff, and other impacts resulting from a 100-year, 24-hour frequency storm unless the Regional Board Executive Officer approves relaxed storm protection measures for the facility.
- K. Protect all recycled water storage facilities against 100-year frequency peak stream flows as defined by the San Diego County flood control agency unless the Regional Board Executive Officer approves relaxed storm protection measures for the facility.
- L. Protect all potable drinking water fountains and eating facilities from spray of recycled water.
- M. Ensure that the recycled facilities are operated at all times in full compliance with all federal, state, local, District, the agreement, and this Ordinance recycled water requirements.
- N. Ensure that all recycled facilities are operated at all times in a manner that does not cause illness or injury to any person and in a manner that does not injure or damage any real or personal property of any person, including the District.

SECTION 5.2 DISTRICT RECYCLED WATER SYSTEM FACILITIES

- A. 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.
 - 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.
 - 2. Unauthorized Use of Recycled Water. Water users who turn on the water

without District approval may be liable for a penalty charge, as Determined by the District, and for the cost of the water usage, 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.

Use of recycled water on a site that has not been approved for the use of recycled water requires the immediate notification of State DOHS and San Diego County DEH.

3. Property Damage. Any repair costs incurred by the District as a result of damage inflicted by the water user 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. Amounts paid by the District shall incur interest at 1½% per month until paid in full.

SECTION 5.3 ACCESS TO WATER USER'S PREMISES

- A. The Olivenhain Municipal Water District, the Regional Board, the State DHS, and the County DEH or an authorized representative of these parties, upon presentation of proper credentials, shall have the right to enter upon the recycled water use site during reasonable hours, for the following reasons:
 1. Monitoring and inspecting all recycled water systems to ascertain compliance with this Ordinance and other regulatory requirements.
 2. Installing, maintaining, repairing and reading District owned facilities serving the water user'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

SECTION 6.1 TERMINATION OF SERVICE

The Olivenhain Municipal Water District may terminate service to a recycled water user who uses, transports, or stores such water in violation of these rules and regulations or in violation of any recycled water agreement with the District.

The Regional Board may initiate enforcement action against any recycled water user, including but not limited to the termination of the reclaimed water supply, who:

- A. Discharges recycled water in violation of any applicable discharge requirement prescribed by the Regional Board or in a manner which creates or threatens to create conditions of pollution, contamination, or nuisance, as defined in Water Code section 13050.
- B. Uses, transports, or stores such water in violation of the rules and regulations governing the design, construction and use of recycled water distribution and disposal systems issued by the recycled water agency in accordance with this attachment; or in a manner which creates or threatens to create conditions of pollution, contamination, or nuisance, as defined in Water Code section 13050.

SECTION 6.2 INVESTIGATION AND INITIAL DETERMINATION

The 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. Determination regarding the seriousness will be 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 water user.

SECTION 6.3 POSSIBLE ENFORCEMENT PROCEDURES

The District may, in its sole discretion, employ any of the following enforcement procedures in order to return the water user to compliance with a recycled water agreement, this Ordinance or any federal, state or local regulation.

- A. Informal Enforcement Procedures The water user will be notified of the violation. The District will specify the period to correct the violation, along with a date for a follow-up inspection to verify the violation has been fully corrected.

In the event the water user does not take appropriate corrective action within the time specified by the District, the District may commence formal enforcement procedures, including, but not limited to, suspending recycled

water service or pursue all other remedies provided by law or by the recycled water agreement.

B. Formal Enforcement Procedures

1. Notice of Violation. As long as there is not an emergency, as determined by the District, the water user 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 water user 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) water user fails to file an objection within the time period allotted; or 2) the objection cannot be resolved to the mutual satisfaction of the water user and the District, wherein the water user 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.
2. Suspension of Recycled Water Service. In cases where the serious nature of the violation requires 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.

SECTION 6.4 NONCOMPLIANCE FOLLOWING FORMAL ENFORCEMENT ACTIVITY

- A. Termination of the Agreement Failure to cease all violations within the stated time period may result in terminating the Agreement for recycled water service as well as pursuing any other remedies provided by law or by the recycled water agreement. 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.

1. Appeals Hearing The water user 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 water user 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 water user and shall become effective immediately.

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