

**TRIUNFO SANITATION DISTRICT**

**ORDINANCE NO. TSD-400 (Adopted 11/26/18)  
ESTABLISHING POLICIES AND PROCEDURES FOR  
RECYCLED WATER SERVICE  
OWNED AND OPERATED BY TRIUNFO SANITATION DISTRICT**

**WHEREAS**, the Triunfo Sanitation District ("District") is duly organized and established under California Health and Safety Code Section 4700 et seq., known and cited as the "County Sanitation District Act" ("Act"); and

**WHEREAS**, Section 4744 of the Act authorizes the District to sell recycled water to its Customers from the operation of a wastewater treatment plant (Tapia Water Reclamation Facility); and

**WHEREAS**, the District provides recycled water services to certain Customers and, in accordance with applicable law, charges those Customers certain fees designed to cover the District's wholesale purchase of recycled water from the Joint Powers Authority, as well as operating and maintenance expenses associated with the District's provision of recycled water service; and

**WHEREAS**, Health and Safety Code Section 4766 authorizes the District to adopt ordinances for the purpose of exercise and effect of any to its powers, or for the purposes for which it is formed, including, without limitation, an ordinance establishing policies and procedures for the District's sale of recycled water; and

**WHEREAS**, the District Board of Directors desires to establish policies and procedures for the District's sale of recycled water and to repeal all prior ordinances or portions of ordinances that may be in conflict with those newly established policies and procedures; and

**WHEREAS**, this ordinance was available for public inspection and review ten (10) days prior to a public hearing and notice of the public hearing was given in compliance with applicable law; and

**WHEREAS**, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes that the policies and procedures should be adopted in the best interest of the District, and those Customers served by the District; and

**WHEREAS**, this action to adopt this Ordinance is a project subject to review under the California Environmental Quality Act ("CEQA") (Public Resource Code Section 21000 et seq.); and

**WHEREAS**, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15321 (Enforcement Actions by Regulatory Agencies) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provide Categorical Exemptions from CEQA. Section 15308 exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Section 15321 categorically exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other

entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency.

**NOW, THEREFORE,** the Board hereby ordains as follows:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the TSD Recycled Water Policy Ordinance.

**SECTION 2. DEFINITIONS**

The following words as used in this Ordinance shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

- a. "Applicant" means the person, association, corporation, or governmental agency applying for recycled water service.
- b. "Automatic System" in reference to landscape irrigation systems, includes automatic controllers, valves, and associated equipment required for the programming of effective water application rates when using recycled water.
- c. "Board of Directors" or "Board" means the TSD Board of Directors.
- d. "Cross Connection" means any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing recycled water or any other auxiliary water supply that is not or cannot be approved as safe, wholesome and potable for human consumption.
- e. "Customer" means any person, association, corporation, governmental agency, firm, or company of record receiving recycled water service from the District.
- f. "Design Area" means the specific land area designated to be irrigated through on-site facilities when used in reference to landscape sprinkler irrigation systems.
- g. "District" or "TSD" means the Triunfo Sanitation District.
- h. "Joint Venture" means the Triunfo Sanitation District and the Las Virgenes Municipal Water District acting as partners.
- i. "Off-site Facilities" means facilities under control of the District, including recycled water pipelines, reservoirs, pumping stations, manholes, valve connections, treatment facilities and other appurtenances and property up to the point of connection with the Customer's facilities. For recycled water service, the offsite facilities shall be those upstream of the District's meter and the meter box.
- j. "On-site Facilities" means facilities under the control of the applicant, owner or Customer including but not limited to residential or commercial landscape irrigation systems, and agricultural irrigation system. For recycled water service, the on-site facilities shall be those downstream of the District's meter.
- k. "On-Site Recycled Water Supervisor" means a qualified person designated by a recycled water applicant and approved by the District. This person shall be knowledgeable in the

construction and operation of irrigation systems and in the application of the guidelines, criteria, standards and rules and regulations governing the proper use of recycled water.

- I. "Recycled Water" means as defined in Title 22, Chapter 4 of the California Administrative Code, water which, as a result of tertiary treatment of domestic and industrial wastewater, is suitable for a district beneficial use or a controlled use that otherwise would not occur.
  
- m. "Service Connection" means the piping necessary to conduct recycled water from the District's recycled water main to the particular property designated in the application for recycled water service including the meter, meter box, valves and piping equipment within the meter box.

### **SECTION 3. GENERAL PROVISIONS**

#### **A. Application of Ordinance**

This Ordinance is intended to provide for the use, maintenance, installation and construction of all recycled water facilities hereinafter installed, altered, or repaired within the District. This Ordinance shall have no retroactive effect.

#### **B. Relief on Application**

When any person, due to special circumstances, considers any provision of this Ordinance to be unjust or inequitable as applied to his premises, he may make a written application to the Board requesting a variance of the provision in this ordinance. Such application shall state the special circumstances and the pertinent provision shall be cited. The Board may make a motion to grant a variance or modification to the provision complained of, said suspension or modification to be effective as to the date of the application, and to be continued during the period of such special circumstances.

#### **C. Relief on Own Motion**

The District, on its own motion, may find, due to special circumstances, that a provision of this Ordinance should be suspended or modified as applied to particular premises. It may make a motion to order suspension or modification to all or part of such premises during the period of such special circumstances.

#### **D. District Inspector**

The District may employ a qualified person or persons to inspect the installation, connection, maintenance and use of all recycled water facilities in connection with said District.

### **SECTION 4. RECYCLED WATER SERVICE CHARGE**

A recycled water service charge shall be paid to the District in accordance with the District's fee ordinance or resolution.

It is the policy of the Board to set the rate for retail recycled water at no greater than 90% of the Oak Park Water Service Tier 1 potable water rate.

## **SECTION 5. DESCRIPTION OF SERVICE**

### **A. Quantities**

The District will endeavor to supply recycled water dependably and safely and in adequate quantities to meet Customers' reasonable needs and requirements. The District will not be liable for interruptions of service, shortage, or inadequacy of supply.

### **B. Pressures**

The District will endeavor to maintain adequate service pressures as further defined in the County of Ventura Public Works Water Design and Construction Standards to those properties located within the water system. In the event that any Customer or the District deems that the pressure is inadequate, then the Customer shall furnish and maintain at his expense whatever devices are necessary to boost the pressure for his premises. In the event water pressure are deemed to be excessive by either the Customer or the District, then the Customer shall furnish and maintain at his own expense such devices as may be required to protect his plumbing and/or to reduce the pressures.

The District shall not be responsible for maintenance of water pressure at all times nor maintenance of water pressure for Customers located at high elevations beyond normal District water pressure.

### **C. Quality**

Recycled water provided by the District is a tertiary treated, Title 22 compliant, recycled water that meets or exceeds the water quality requirements set forth by the California Department of Public Health. Though not intended for direct human consumption, it is safe for human contact and is suitable to irrigate parks, golf courses, roadway landscapes, commercial properties and multi-family landscapes.

## **SECTION 6. CONDITIONS OF SERVICE**

### **A. General**

#### **1. General**

The District currently provides recycled water to a number of Customers. All new Service Connection requests will be evaluated on a case by case basis. If service conditions for the recycled water service is agreeable to both the District and the Applicant, a service contract will be drafted and entered into by the two parties. The agreement, will include conditions and a term limit for the recycled water service. All costs for the recycled water service including but not limited to the following: meter charge, cost of construction, etc., will be the responsibility of the requester.

#### **2. General Requirements – Permitted Uses**

- a. The uses of recycled water may include, but are not limited to landscape irrigation, agricultural irrigation, industrial process water and recreational impoundment. Each such use must be considered for approval by the District on a case-by-case basis, and the District may determine in its discretion whether it is necessary or desirable to furnish recycled water for the specific use involved. Determination as to specific uses to be allowed shall be in

accordance with the standards of treatment and water quality requirements set forth in the California Administrative Code. Prior to approving such uses, the District may, in its discretion, set forth specific requirements as conditions to providing such services and/or require specific proper approval from the appropriate regulatory agencies.

- b. Recycled water may be used for common area landscape irrigation provided such use is controlled by the District, or another party other than the Customer, through a monitoring program of areas under irrigation, and provided further:
  - 1) The design and construction of the irrigation system shall be approved by the District; and
  - 2) The owner and operator of the system obtains an approval to receive such water and use it only for approved purposes.

### **3. Size, Location and Installation of Service Line**

The District reserves the right to approve the size of the service lines, the Service Connections and the meters and shall also have the right to approve the of backflow protection devices for recycled water service, in accordance herewith, and any and all other appurtenances to the service. The service lines shall be installed to a curb or property line of the Customer's property, abutting upon a public street, highway, alley, easement, lane or road (other than a freeway) in which is installed recycled water mains in the District.

- a. The District reserves the right to limit the area of land to be supplied by one Service Connection to one ownership. A Service Connection shall not be used to supply adjoining property of a different owner.
- b. When property provided with a Service Connection is subdivided, such connection shall be considered as serving the lot or parcel of land that it directly or first enters. Additional mains and/or recycled water service lines will be required for all subdivided areas in accordance with this Ordinance.
- c. All recycled water used on any premises where a meter is installed must pass through the meter. Customers shall be held responsible and charged for all recycled water passing through their meters.
- d. Every recycled water service line installed by the District shall be equipped with a curb stop or wheel valve on the inlet side of the meter; such valve or curb stop being intended exclusively for the use of the District in controlling the recycled water supply through the service line. If the curb stop or wheel valve is damaged by the Customer's use to an extent requiring replacement, such replacement shall be at the Customer's expense.

### **4. Relocation of Recycled Water Service Line**

Should a service line installed pursuant to the request of the Applicant, owner or Customer be of the wrong size or installed at a wrong location, the cost of relocation shall be paid by the Applicant, owner or Customer. All services provided prior to final street improvements shall be considered temporary and the costs for all repairs or changes required to be performed by the District shall be paid by the Applicant, owner or Customer.

## **5. Scheduling Recycled Water**

The District reserves the right to control and schedule the use of recycled water if, in the opinion of the District, scheduling is necessary for purposes including, but not limited to, the maintenance of an acceptable working pressure in the recycled water system and providing for reasonable safeguards in relation to public health.

## **6. Emergency Connections to Recycled Water System**

If, in the opinion of the District, an emergency exists whereby recycled water is not available, the District may approve a temporary connection to the potable water system. Before such temporary connection is made, the portion of the recycled water system without recycled water shall be isolated from the rest of the recycled water system by an approved backflow prevention device, or devices, of the type determined in accordance herewith, and shall be installed on the potable water line or lines in accordance with this Ordinance, and any and all applicable rules and regulations of the State and local health departments. This emergency connection, or connections, shall be removed before connection so re-established to the remainder of the recycled water system.

## **B. Extension of Facilities**

### **1. General**

All off-site recycled water facilities and all on-site recycled water facilities shall be designed and constructed according to the requirements, conditions, and standards as adopted and revised by the Board from time to time, which documents are on file at the office of the District, and by this reference are incorporated herein. The recycled water system, including both off-site and on-site facilities, shall be separate and independent of any potable water system.

### **2. On-Site Recycled Water Facilities**

- a) Any on-site recycled water facility shall be provided by the Applicant, owner or Customer at the Applicant's expense. The Applicant, owner or Customer shall retain title to all such on-site facilities.
- b) On-site facilities, in addition to conforming to applicable District guidelines, shall conform to all governing codes, rules and regulations.
- c) Plans and specifications and record drawings, in accordance with District requirements, shall be prepared and submitted to the District for on-site facilities. Plans and specifications must be approved by the District prior to commencing construction. When the facilities are being converted from potable to recycled water and record drawings are not available, testing and a schematic plan may substitute for construction drawings.
- d) If required, irrigation schedules must be prepared and approved in accordance with the above referenced specifications. Prior to commencement of service to any on-site system using recycled water, record drawings shall be provided and approved and the installed system shall be tested under active conditions to ensure that the operation is in accordance with this Ordinance.

**SECTION 7. CONTINUATION OF SERVICE**

**A. Usage**

**1. Facilities Operations: Onsite Facilities**

- a. The operation and maintenance of on-site recycled water distribution facilities are the responsibility of the Applicant, owner or Customer.
- b. The operations and maintenance of all on-site recycled water system facilities, including but not limited to landscape irrigation systems, agricultural irrigation systems, systems utilized in relation to use of recycled water for industrial process or construction purposes, or recreational impoundment systems using the District's recycled water shall be under the management of an "on-site Recycled Water Supervisor" designated by the Applicant, owner or Customer and approved by the District. The District may, from time to time, require that an "on-site Recycled Water Supervisor" obtain instruction in the use of recycled water, such instruction being provided by or approved by the District.
- c. The District shall monitor and inspect the entire recycled water system, including on-site and off-site facilities, and for these purposes shall have the right to enter upon the Customer's premises during reasonable hours or any time in the event of an emergency, such as break in the system causing a hazard to life or property. Where necessary, keys and/or combinations shall be issued to the District to provide such access.
- d. The Applicant, owner or Customer shall have the following responsibilities in relation to operation of on-site facilities:
  - 1) To make sure that all operations personnel are trained and familiarized with the use of recycled water.
  - 2) To furnish their operations personnel with maintenance instruction, irrigation schedules and record drawings for schematic drawings, in the case of a conversion from potable to recycled water use, to ensure proper operation in accordance with the on-site facilities design and this Ordinance.
  - 3) To prepare and submit to the District one (1) set of record drawings.
  - 4) To notify the District of any and all updates or proposed changes, modifications or additions to the on-site facilities, which changes shall be approved by the District and shall be designed and constructed according to the requirements, conditions and standards set forth in the District's "Guidelines of Recycled Water Facilities" and set forth in this Ordinance. In accordance with the above referenced requirements, conditions and standards, changes must be submitted to the District for plan check and approval prior to construction. The construction shall be inspected by the District, and revised record drawings and controller charts shall be approved by the District. The District may, if it deems such to be in the best interest of the District, waive or modify any of the foregoing.

- 5) To ensure that the recycled water facilities remain in accordance with this Ordinance.
- 6) To operate and control the system in order to prevent direct human consumption of recycled water and to control and limit runoff. The Applicant, owner or Customer shall be responsible for any and all subsequent uses of the recycled water. Operation and control measures to be utilized in this regard shall include, where appropriate, but not be limited to the following:
  - a) On-site facilities shall be operated to prevent or minimize discharge into areas not under control of the Customer. Part circle sprinklers shall be used adjacent to sidewalks, roadways and property lines to confine the discharge from sprinklers to the design area;
  - b) The operation of the on-site facilities shall be during the periods of minimal public use of the service area. Allow a maximum dry-out time before the service area will be used by the public.
  - c) Recycled water shall be applied at a rate that does not exceed the infiltration rate of the soil. Where varying soil types are present, the design and operation of the on-site facilities shall be compatible with the lowest infiltration rate present.
  - d) To prevent runoff and ponding, automatic systems shall be utilized and programmed to prevent or minimize the ponding and runoff of recycled water. The sprinkler system shall not be allowed to operate for a time longer than the landscape's water requirement. If runoff occurs before the landscape's water requirements are met, the automatic controls shall be reprogrammed to lessen watering cycles to meet the requirements. This method of operation is intended to control and limit runoff; and
  - e) To report to the District any and all failures in their system that cause an unauthorized discharge of recycled water.
- 7) To comply with any and all applicable Federal, State and local statutes, ordinances, regulations, contracts, these rules and regulations and all requirements prescribed by the District. In the event of violation, all charges and penalties shall be applied and collected.

## **2. Water Leaks**

The District is not responsible for water losses due to leaks (i.e., a break in the service line on the property owner's side of the meter). The Customer shall maintain the water system on their side of the meter to avoid leaks and shall repair leaks promptly.

Adjustments may be made by the General Manager once every five years per account where there is an unusually high water usage due to either unexplained causes or a leak within the Customer's property. In order to be considered for an adjustment, documentation must be provided to the District proving that the leak repairs have been completed. Documentation may be a copy of the repair invoice. If approved by the District, adjustments will be made within 2 billing cycles (60 days).



### **3. Meter Testing**

If a water meter fails to register during any period, or is known to register inaccurately, the Customer's usage will be based on historical data including seasonal variation.

Any Customer may request that the meter through which recycled water is being furnished be examined and tested by the District for the purpose of ascertaining whether it is correctly registering the amount of water being delivered through it. Such request shall be made in writing (per District Meter Replacement Request form) and shall be accompanied by a deposit equal to the charge for removal of the old meter, testing of the old meter, installation of the new meter, and any other associated costs, as determined by the District. Upon receipt of such request and deposit, the District will have the meter examined and tested (by a third party) and, if the test results indicate the meter registers outside tolerances established by AWWA Guidelines (i.e., meter registers more recycled water than the amount that actually passes through it), the meter shall be replaced, the deposit shall be returned, and the recycled water bill for the current month will be adjusted accordingly. If the test results indicate the meter registers within tolerances established by AWWA Guidelines, the deposit shall be retained by the District to offset the expense for meter testing, replacement, and associated costs. The test results shall be sent to the Customer.

## **B. Protective Measures**

### **1. Cross Connection Prevention: General**

The purpose of these provisions is to protect the potable water supply against actual or potential cross-connection by isolating within the premises, contamination or pollution that may occur because of some undiscovered or unauthorized cross-connection in the premises, and to prevent cross-connections from occurring in the future, in accordance with Title 17, Chapter 5, Section 7583-7622, of the California Administrative Code. These provisions shall be in addition to and not in lieu of the controls and requirements of other regulatory agencies, such as local governmental agencies and local and State health departments. These regulations are intended to protect the potable water supply and are not intended to provide regulatory measures for protection of users from the hazards of cross-connections within their own premises.

Backflow prevention devices, on the potable water service to the premises, as required in these provisions, shall be provided by the Applicant, owner or Customer at his expense. Such devices shall be owned and maintained by the Applicant.

### **2. Inspection of Protective Devices**

The Customer shall have the backflow prevention devices inspected at least once a year, or more often in those instances where successive inspections indicate repeated failure. All inspections and testing shall be performed by a tester certified by the local health department. These devices shall be repaired, overhauled, or replaced at the expense of the water user whenever they are found to be defective. Records of all such tests, repairs, and overhauls shall be maintained on a list and made available to the local health department. Nothing contained herein shall relieve a potable water Customer from the duty to install, test and maintain backflow prevention devices.

### **3. Marking of Exposed Potable and Non-Potable Water Lines**

Where the premises contain dual or multiple water systems and piping, the exposed portions for recycled water pipelines shall be painted, banded or marked at sufficient intervals. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes.

### **4. On-site Recycled Water Supervisor**

The District, who in turn will notify the local and State Health Departments and the Regional Water Quality Control Board, shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premise where it is necessary in the opinion of the regulatory agency and/or the District, a Recycled Water Supervisory shall be designated who shall be responsible for the installation and the use of pipelines and equipment and for the prevention of cross-connections.

In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the local health officer and the District shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination or pollution.

## **SECTION 8. ENFORCEMENT**

### **A. Violation**

Any person found to be in violation of any provision of this or other Ordinance of the District, shall be served with written notice by the District or other authorized representative. Such written notice shall state the nature of the violation and provide reasonable time limit for correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. Within the time period stated in the notice, all violations shall permanently cease. All persons shall be strictly liable for the acts of their agents and employees performed under the provisions of this or any other Ordinance or Rules & Regulations of the District. Upon notification by the District of any defect arising in any recycled water system, or notification of any violation of this Ordinance, corrections shall immediately be effected by the person or persons in charge of said work.

### **B. Disconnection**

The alternate method of enforcing the provisions of this or any other Ordinance or Rules & Regulations of the District, shall be as follows: The District shall have the power to disconnect the user or subdivision recycled water system from the recycled water mains of the District. Upon disconnection, the District shall estimate the cost of disconnection and reconnection. Such user shall deposit said estimated cost prior to reconnection to the system. The District shall refund any part of the deposit remaining after payment of the aforementioned costs.

## **SECTION 9. MISCELLANEOUS PROVISIONS**

### **A. Protection from Damage**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which constitutes a

part of the District recycled water system. Any person in violation of this provision shall be subject to the penalties provided by law.

**B. Authority of Inspectors**

The officers, inspectors, General Manager, or any other duly authorized employee of the District, shall wear or carry an official badge of office, or other evidence, which establishes his position as such. Upon the exhibition of proper credentials and identification, he shall be permitted to enter into residential, commercial, institutional and industrial facilities for the purposes of inspection, observation, measurement, sampling, testing, or otherwise performing the necessary duties pursuant to the enforcement of the provisions of this or any other Ordinance or Rules & Regulations of the District.

**C. Owner's Responsibility**

The owner shall be responsible for installing, maintaining, and replacement of the recycled water system downstream of the District's meter.

**SECTION 10. SEVERABILITY**

If any section, subsection, sentence, clause or phrase in this ordinance or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the ordinance or the application of such provision to other persons or circumstances shall be adopted thereby. The Board of Directors hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

**SECTION 11. REPEAL OF PRIOR INCONSISTENT ORDINANCES**

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TSD-30, TSD-31, TSD-36, TSD-50 and TSD-76 (Rev 1/22/18).

**SECTION 12. EFFECTIVE DATE**

This Ordinance shall become effective January 1, 2019.

PASSED, APPROVED AND ADOPTED this 26<sup>th</sup> day of November 2018 by the following vote:

AYES: J. Orkney, S. Pan, L. Shapiro, R. Tjulander, J. Wall

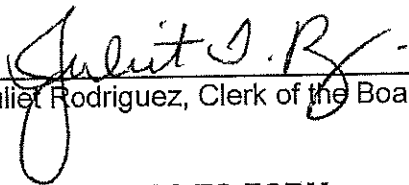
NOES: 0

ABSENT: 0

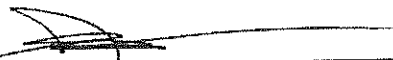
TRIUNFO SANITATION DISTRICT

  
\_\_\_\_\_  
Janna Orkney, Chair

ATTESTED:

  
\_\_\_\_\_  
Juliet Rodriguez, Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John Mathews, General Counsel