

February 13, 2019

MEETING NOTICE

WATER CONSERVATION AND DEMAND MANAGEMENT COMMITTEE

Members of the Water Conservation and Demand Management Committee:

Director Nai Hsueh
Director Linda J. LeZotte, Vice Chair
Director Richard P. Santos, Chair

Staff Support of the Water Conservation and Demand Management Committee:

Norma J. Camacho, Chief Executive Officer
Nina Hawk, Chief Operating Officer, Water Utility
Rick Callender, Chief of External Affairs
Stanly Yamamoto, District Counsel
Kurt Arends, Deputy Operating Officer, Raw Water Operations & Maintenance
Division
Garth Hall, Deputy Operating Officer, Water Supply Division
Bhavani Yerrapotu, Deputy Operating Officer, Treated Water Operations & Maintenance
Division
Rachael Gibson, Deputy Administrative Officer, Office of Government Relations
Bart Broome, Assistant Officer, Office of Government Relations
Antonio Alfaro, Government Relations Advocate, Office of Government Relations
Jerry De La Piedra, Assistant Officer, Water Supply Division
Vanessa De La Piedra, Groundwater Management Manager, Groundwater Monitoring and
Analysis Unit
Tracy Hemmeter, Senior Project Manager
Metra Richert, Senior Water Resources Specialist
Karen Koppett, Senior Water Conservation Specialist

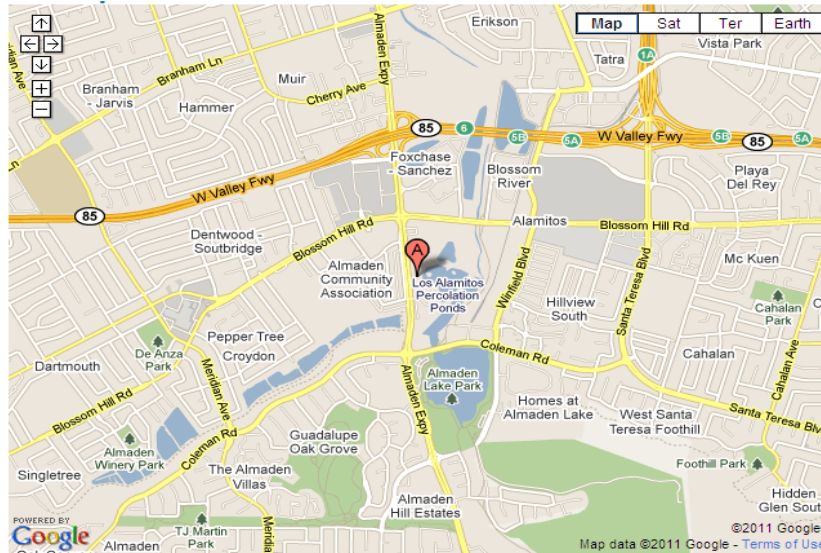
The regular meeting of the Water Conservation and Demand Management Committee is scheduled to be held on **Friday, February 15, 2019, at 10:00 a.m.** in the Headquarters Building Conference Room A143, located at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

Enclosed are the meeting agenda and corresponding materials. Please bring this packet with you to the meeting.

Enclosures



**Santa Clara Valley Water District - Headquarters Building,
5700 Almaden Expressway, San Jose, CA 95118**



From Oakland:

- Take 880 South to 85 South
- Take 85 South to Almaden Expressway exit
- Turn left on Almaden Plaza Way
- Turn right (south) on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Morgan Hill/Gilroy:

- Take 101 North to 85 North
- Take 85 North to Almaden Expressway exit
- Turn left on Almaden Expressway
- Cross Blossom Hill Road
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Sunnyvale:

- Take Highway 87 South to 85 North
- Take Highway 85 North to Almaden Expressway exit
- Turn left on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From San Francisco:

- Take 280 South to Highway 85 South
- Take Highway 85 South to Almaden Expressway exit
- Turn left on Almaden Plaza Way
- Turn right (south) on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Downtown San Jose:

- Take Highway 87 - Guadalupe Expressway South
- Exit on Santa Teresa Blvd.
- Turn right on Blossom Hill Road
- Turn left at Almaden Expressway
- At Via Monte (first traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Walnut Creek, Concord and East Bay areas:

- Take 680 South to 280 North
- Exit Highway 87-Guadalupe Expressway South
- Exit on Santa Teresa Blvd.
- Turn right on Blossom Hill Road
- Turn left at Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance



Santa Clara Valley Water District Water Conservation and Demand Management Meeting

**Headquarters Building Conference Room A143
5700 Almaden Expressway
San Jose CA 95118**

REGULAR MEETING AGENDA

**Friday, February 15, 2019
10:00 AM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

All public records relating to an item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
Water Conservation and Demand Management Committee

REGULAR MEETING
AGENDA

Friday, February 15, 2019

10:00 AM

Headquarters Building Conference Room A143
5700 Almaden Expressway, San Jose CA 95118

1. CALL TO ORDER:

1.1. Roll Call.

2. Time Open for Public Comment on any Item not on the Agenda.

Notice to the public: This item is reserved for persons desiring to address the Committee on any matter not on this agenda. Members of the public who wish to address the Committee on any item not listed on the agenda should complete a Speaker Form and present it to the Committee Clerk. The Committee Chair will call individuals in turn. Speakers comments should be limited to two minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.

3. APPROVAL OF MINUTES:

3.1. Approval of Minutes.

[19-0136](#)

Recommendation: Approve the October 31, 2018, Meeting Minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 103118 WCon Dem Mgmt Comm DRAFT Mins](#)

Est. Staff Time: 5 Minutes

4. ELECTION OF CHAIR AND VICE CHAIR

4.1. Election of Chair and Vice Chair.

[19-0158](#)

Recommendation: Elect 2019 Chair and Vice Chair.

Manager: Michele King, 408-630-2711

5. ACTION ITEMS:

- 5.1. Review and Approve 2018 Annual Accomplishments Report for Presentation to the Board (Committee Liaison). [19-0137](#)
- Recommendation: 1. Approve the 2018 Accomplishments Report for presentation to the Board; and
 2. Provide comments to the Committee Chair to share with the Board as part of the Accomplishments Report presentation pertaining to the purpose, structure, and function of the Committee.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: WCDM 2018 Accomplishments Report](#)
- Est. Staff Time: 5 Minutes
- 5.2. Water Supply Master Plan Conservation and Stormwater Capture Project Update. [19-0138](#)
- Recommendation: This is a discussion item and the Committee may provide comments. However, no action is required.
- Manager: Jerry De La Piedra, 408-630-2257
- Attachments: [Attachment 1: Draft Water Efficient Model Ordinance](#)
 [Attachment 2: Example Council Agenda Report](#)
- Est. Staff Time: 20 Minutes
- 5.3. Sustainable Groundwater Management Act Basin Prioritization Update. [19-0139](#)
- Recommendation: This is an information only item and no action is required. However, the Committee may provide comments for Board consideration.
- Manager: Garth Hall, 408-630-2750
- Est. Staff Time: 15 Minutes
- 5.4. Review Water Conservation and Demand Management Committee Work Plan, the Outcomes of Board Action of Committee Requests; and the Committee's Next Meeting Agenda. [19-0140](#)
- Recommendation: Review the Committee work plan to guide the committee's discussions regarding policy alternatives and implications for Board deliberation.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: WCaDM Ciomm 2019 Work Plan](#)
 [Attachment 2: WCaDM Comm June 2019 Draft Agenda](#)

6. Clerk Review and Clarification of Committee Requests.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

7. ADJOURN:

7.1. Adjourn

File No.: 19-0136

Agenda Date: 2/15/2019
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM

Water Conservation and Demand Management

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve the October 31, 2018, Meeting Minutes.

SUMMARY:

A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Committee's meetings.

ATTACHMENTS:

Attachment 1: 103118 WCaDM Comm Draft Mins.

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711



WATER CONSERVATION AND DEMAND MANAGEMENT COMMITTEE MEETING

DRAFT MINUTES

**WEDNESDAY, OCTOBER 31, 2018
9:00 AM**

(Paragraph numbers coincide with agenda item numbers)

A regularly scheduled meeting of the Water Conservation and Demand Management Committee was held on October 31, 2018, in the Headquarters Building Boardroom at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

1. CALL TO ORDER/ROLL CALL

Committee Chair, Director Richard P. Santos called the meeting to order at 9:04 a.m.

Board Members in attendance were: Director Nai Hsueh (District 5), Director Linda J. LeZotte (District 4), and Director Richard P. Santos (District 3).

Staff members in attendance were: Hossein Ashktorab, Randy Behrens, Glenna Brambill, Jerry De La Piedra, Vanessa De La Piedra, Mike Duffy, Garth Hall, Nina Hawk, Tracy Hemmeter, Bassam Kassab, Karen Koppett, Anthony Mendiola, Medi Sinaki, Darin Taylor, David Tucker and Stan Yamamoto.

Guests in attendance were: Brian Boyer, Anthony Eulo, Charles Ice, Doug Muirhead, Esther Nigenda, William Sherman and Rita Vrhel.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON AGENDA

There was no one present who wished to speak.

3. APPROVAL OF MINUTES

3.1 APPROVAL OF MINUTES

It was moved by Director Nai Hsueh, seconded by Director Linda J. LeZotte and unanimously carried, to approve the amended minutes of the June 25, 2018, Water Conservation and Demand Management Committee meeting as presented.

3.2 APPROVAL OF MINUTES

It was moved by Director Nai Hsueh, seconded by Director Linda J. LeZotte and unanimously carried, to approve the minutes of the August 29, 2018, Water Conservation and Demand Management Committee meeting as presented.

4. ACTION ITEMS

4.1 WATER DEMAND PROJECTION DISCUSSION

Mr. Darin Taylor reviewed the materials as outlined in the agenda items.

Mr. Anthony Eulo asked about M&I and impacted cities and the conservative numbers vs. actual projected numbers.

Mr. Jerry De La Piedra was available to answer questions.

No action was taken.

4.2 WATER SUPPLY MASTER PLAN “NO REGRETS” PROGRAMS

Ms. Karen Koppett and Mr. Garth Hall reviewed the materials as outlined in the agenda items.

Mr. Anthony Eulo, Mr. Doug Muirhead, Director Linda J. LeZotte, Mr. William Sherman and Director Nai Hsueh had questions and spoke regarding the following issues: supporting retailers-AMI, State Leak Programs, water rights, working with Water Boards, stormwater capture, grants and pilot studies.

Mr. Jerry De La Piedra, Ms. Nina Hawk, Ms. Tracy Hemmeter and Director Richard P. Santos were available to answer questions.

No action was taken.

4.3 UPDATE ON DIRECT POTABLE REUSE-TREATMENT PLANT/RESERVOIR (PER 4-30-18, PUBLIC COMMENT REQUEST-D. MUIRHEAD)

Mr. Hossein Ashktorab introduced Mr. David Tucker who reviewed the materials as outlined in the agenda items. Ms. Nina Hawk and Mr. Garth Hall gave further information regarding this topic.

Mr. Doug Muirhead, Director Richard P. Santos, Mr. Anthony Eulo, Ms. Rita Vrhel, Mr. Charles Ice and Mr. William Sherman had questions and spoke regarding the following issues: milestones, South County Master Plan, recycled water and processes in place, water quality testing, manufacturing plants, and water efficiency tech rebate programs.

No action taken.

4.4 REVIEW OF WATER CONSERVATION AND DEMAND MANAGEMENT COMMITTEE WORK PLAN, THE OUTCOMES OF BOARD ACTION OF COMMITTEE REQUESTS AND THE COMMITTEE’S NEXT MEETING AGENDA

Ms. Glenna Brambill reviewed the materials as outlined in the agenda items.

Have the fixed rates discussion return at a later meeting in 2019.

No action taken.

5. INFORMATION ONLY ITEMS

5.1 SHALLOW GROUNDWATER

Ms. Vanessa De La Piedra reviewed the materials as outlined in the agenda items.

Director Richard P. Santos, Director Nai Hsueh, Mr. William Sherman, Ms. Rita Vrhel, Ms. Esther Nigenda, Director Linda J. LeZotte spoke regarding the following issues: monitoring of wells, staff presentations, super funds, shallow wells, dewatering, conservation, supporting sea level rise, salt water intrusion, evaluating extent of dewatering damage, excavating-mining-ACI-exemption-quarry-legal perspective and funding sources.

Received two handouts on Electro-Osmotic Pulse Technology and Millennium redux? San Mateo Rite Aid says dewatering sank floor; person to contact for further information is Mr. Charles Hartzog,

Mr. Mike Duffy and Mr. Garth Hall were available to answer questions.

6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE'S REQUESTS

Ms. Glenna Brambill stated there were no action items for Board consideration.

7. ADJOURNMENT

Chair Santos adjourned at 11:05 a.m. to the next regularly scheduled meeting to be scheduled in 2019.

Glenna Brambill
Board Committee Liaison
Office of the Clerk of the Board

Approved:

File No.: 19-0158

Agenda Date: 2/15/2019

Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM

Water Conservation and Demand Management

SUBJECT:

Election of Chair and Vice Chair.

RECOMMENDATION:

Elect 2019 Chair and Vice Chair

SUMMARY:

Per the Board Resolution, the duties of the Chair and Vice-Chair are as follows:

The officers of each Committee shall be a Chairperson and Vice-Chairperson, both of whom shall be members of that Committee. The Chairperson and Vice-Chairperson shall be elected by the Committee, each for a term of one year commencing on January 1 and ending on December 31 and for no more than two consecutive terms. The Committee shall elect its officers at the first meeting of the calendar year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.

The Chairperson shall preside at all meetings of the Committee, and he or she shall perform other such duties as the Committee may prescribe consistent with the purpose of the Committee.

The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the unexpected vacancy of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed upon the Chairperson until such time as a new Chairperson is elected by the Committee.

Should the office of Chairperson or Vice-Chairperson become vacant during the term of such office, the Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable, and such election shall be for the unexpired term of such office.

Should the Chairperson and Vice-Chairperson know in advance that they will both be absent from a meeting, the Chair may appoint a Chairperson Pro-tempore to preside over that meeting. In the event of an unanticipated absence of both the Chairperson and Vice-Chairperson, the Committee may elect a Chairperson Pro-tempore to preside over the meeting in their absence.

BACKGROUND:

The District Act provides for the creation of advisory boards, committees, or commissions by resolution to serve at the pleasure of the Board.

Accordingly, the Board has established Advisory Committees, which bring respective expertise and community interest, to advise the Board, when requested, in a capacity as defined: prepare Board

policy alternatives and provide comment on activities in the implementation of the District's mission for Board consideration. In keeping with the Board's broader focus, Advisory Committees will not direct the implementation of District programs and projects, other than to receive information and provide comment.

Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.

The Board may also establish Ad-hoc Committees to serve in a capacity as defined by the Board and will be used sparingly.

ATTACHMENTS:

None

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

File No.: 19-0137

Agenda Date: 2/15/2019

Item No.: 5.1.

COMMITTEE AGENDA MEMORANDUM

Water Conservation and Demand Management

SUBJECT:

Review and Approve 2018 Annual Accomplishments Report for Presentation to the Board (Committee Liaison).

RECOMMENDATION:

1. Approve the 2018 Accomplishments Report for presentation to the Board; and
2. Provide comments to the Committee Chair to share with the Board as part of the Accomplishments Report presentation pertaining to the purpose, structure, and function of the Committee.

SUMMARY:

The Accomplishments Report summarizes the committee's discussions and actions to prepare Board policy alternatives and implications for Board deliberation throughout 2018. The Committee Chair, or designee, presents the Accomplishments Report to the Board at a future Board meeting.

The Committee may provide feedback to the Committee Chair, at this time, to share with Board as part of the Accomplishments Report presentation pertaining to the purpose, structure, and function of the Committee.

BACKGROUND:

Governance Process Policy-8:

The District Act provides for the creation of advisory boards, committees, or commissions by resolution to serve at the pleasure of the Board.

Accordingly, the Board has established Advisory Committees, which bring respective expertise and community interest, to advise the Board, when requested, in a capacity as defined: prepare Board policy alternatives and provide comment on activities in the implementation of the District's mission for Board consideration. In keeping with the Board's broader focus, Advisory Committees will not direct the implementation of District programs and projects, other than to receive information and provide comment.

Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.

ATTACHMENTS:

Attachment 1: 2018 WCaDM Comm 2018 Accomplishments Report

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

2018 Accomplishments Report: Water Conservation and Demand Management Committee

Update: February 2019

The annual work plan establishes a framework for committee discussion and action during the annual meeting schedule. The committee work plan is a dynamic document, subject to change as external and internal issues impacting the District occur and are recommended for committee discussion. Subsequently, an annual committee accomplishments report is developed based on the work plan and presented to the District Board of Directors.

ITEM	WORK PLAN ITEM	MEETING	ACTION/DISCUSSION OR INFORMATION ONLY	ACCOMPLISHMENT DATE AND OUTCOME
1	Election of Chair and Vice Chair for 2018	2-28-18	Discussion/Action Item	<u>Accomplished 02/28/18:</u> The Committee voted to retain Director Richard P. Santos as Chair and Director Linda J. LeZotte as Vice Chair' for 2018.
2	Water Conservation and Demand Management Committee 2017 Accomplishments Report	2-28-18	Discussion	<u>Accomplished 02/28/18:</u> The Committee reviewed the 2017 work plan accomplishments and took no action.
3	<p>Develop Water Conservation and Demand Management Committee's 2018 Work Plan, in consideration of the following potential topics:</p> <ul style="list-style-type: none"> • Current water conservation programs and resources • Water Supply Master Plan "No Regrets" programs • Shallow groundwater • Fixed/variable charges • Open Space credit • State's effort to Make Water Conservation a California Way of Life • Water Supply Reliability Level of Service Goal <p><i>See workplan items #5-#11 for suggested meeting dates</i></p>	2-28-18	Discussion/Action Item	<u>Accomplished 02/28/18:</u> The Committee received an overview of the 2018 work plan and added one additional item to the Climate Plan and invited the City of San Jose's Environmental Services Division (ESD) to make a presentation.

Blue = Action taken by the Board of Directors

Attachment 1
Page 1 of 5

**2018 Accomplishments Report:
Water Conservation and Demand Management Committee**

Update: February 2019

ITEM	WORK PLAN ITEM	MEETING	ACTION/DISCUSSION OR INFORMATION ONLY	ACCOMPLISHMENT DATE AND OUTCOME
4	Review of Water Conservation and Demand Management Committee Work Plan, the Outcomes of Board Action of Committee Requests and the Committee's Next Meeting Agenda	2-28-18 4-30-18 6-25-18 8-29-18 10-31-18	Discussion/Action Item	<p><u>Accomplished 02/28/18:</u> The Committee received an overview of the 2018 work plan and took no action.</p> <p><u>Accomplished 04/30/18:</u> The Committee received an overview of the 2018 work plan and took no action.</p> <p><u>Accomplished 06/25/18:</u> The Committee received an overview of the 2018 work plan and took no action.</p> <p><u>Accomplished 08/29/18:</u> The Committee received an overview of the 2018 work plan and took no action.</p> <p><u>Accomplished 10/31/18:</u> The Committee received an overview of the 2018 work plan and took no action.</p>
5	Water Conservation Options for Agriculture	4-30-18	Discussion/Action Item	<p><u>Accomplished 04/30/18:</u> The Committee received an overview of the Water Conservation Options for Agriculture and took no action.</p>
6	Water Supply Reliability Level of Service Goal	4-30-18 6-25-18	Discussion/Action Item	<p><u>Accomplished 04/30/18:</u> The Committee received an overview of the Water Supply</p>

Blue = Action taken by the Board of Directors

Attachment 1
Page 2 of 5

**2018 Accomplishments Report:
Water Conservation and Demand Management Committee**

Update: February 2019

ITEM	WORK PLAN ITEM	MEETING	ACTION/DISCUSSION OR INFORMATION ONLY	ACCOMPLISHMENT DATE AND OUTCOME
				<p>Reliability Level of Service Goal and took no action, however, provided staff with comments.</p> <p><u>Accomplished 06/25/18:</u> The Committee received an overview of the Water Supply Reliability Level of Service Goal and took no action.</p>
7	<p>Current Water Conservation Programs and Resources</p>	4-30-18	Discussion/Action Item	<p><u>Accomplished 04/30/18:</u> The Committee received an overview of the Current Water Conservation Programs and Resources and took no action, however, provided staff with comments.</p>
8	<p>Water Supply Master Plan “No Regrets” Programs</p>	4-30-18 10-31-18	Discussion/Action Item	<p><u>Accomplished 04/30/18:</u> The Committee received an overview of the Water Supply Master Plan “No Regrets” Programs and took no action, however, provided staff with comments. If staff comes up with any cost sharing/subsidy program, bring it back to the Committee for discussion.</p> <p><u>Accomplished 10/31/18:</u> The Committee received an overview of the Water Supply Master Plan “No Regrets” Programs and took no action.</p>

Blue = Action taken by the Board of Directors

Attachment 1
Page 3 of 5

**2018 Accomplishments Report:
Water Conservation and Demand Management Committee**

Update: February 2019

ITEM	WORK PLAN ITEM	MEETING	ACTION/DISCUSSION OR INFORMATION ONLY	ACCOMPLISHMENT DATE AND OUTCOME
9	Shallow groundwater	6-25-18 10-31-18	Discussion/Action Item	<p><u>Accomplished 06/25/18:</u> The Committee received information on shallow groundwater and took no action.</p> <p><u>Accomplished 06/25/18:</u> The Committee received updated information on shallow groundwater and took no action.</p>
10	Climate Smart San Jose Plan-City of San Jose ESD-presentation	6-25-18	Discussion/Action Item	<p><u>Accomplished 06/25/18:</u> The Committee received a presentation by City of San José staff on the City's Climate Plan and took no action.</p>
11	Water Conservation Programs for the Landscape Sector	6-25-18	Discussion/Action Item	<p><u>Accomplished 06/25/18:</u> The Committee received information on Water Conservation Programs for the Landscape Sector and took no action.</p>
12	State's effort to Make Water Conservation a California Way of Life	8-29-18	Discussion/Action Item	<p><u>Accomplished 08/29/18:</u> The Committee received an overview of the State's effort to Make Water Conservation a California Way of Life and took no action.</p>
13	Fixed/variable charges	8-29-18	Discussion/Action Item	<p><u>Accomplished 08/29/18:</u> The Committee received a presentation of the Fixed/variable charges and took no action.</p>

Blue = Action taken by the Board of Directors

Attachment 1
Page 4 of 5

**2018 Accomplishments Report:
Water Conservation and Demand Management Committee**

Update: February 2019

ITEM	WORK PLAN ITEM	MEETING	ACTION/DISCUSSION OR INFORMATION ONLY	ACCOMPLISHMENT DATE AND OUTCOME
14	Update on Direct Potable Reuse-Treatment Plant/Reservoir (per 4-30-18, public comment request-D. Muirhead)	10-31-18	Discussion/Action Item	<u>Accomplished 10/31/18:</u> The Committee received an update on Direct Potable Reuse-Treatment Plant/Reservoir (per 4-30-18, public comment request-D. Muirhead) and took no action.
15	Water Demand Projection Discussion	10-31-18	Discussion/Action Item	<u>Accomplished 10/31/18:</u> The Committee received a presentation on water demand projection and took no action.

Blue = Action taken by the Board of Directors

Attachment 1
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File No.: 19-0138

Agenda Date: 2/15/2019

Item No.: 5.2.

COMMITTEE AGENDA MEMORANDUM

Water Conservation and Demand Management

SUBJECT:

Water Supply Master Plan Conservation and Stormwater Capture Project Update.

RECOMMENDATION:

This is a discussion item and the Committee may provide comments. However, no action is required.

SUMMARY:

This is a status update for conservation and stormwater capture projects and programs, also known as the “No Regrets” package, specified in the update to the District’s Water Supply Master Plan. The “No Regrets” package of conservation and stormwater capture projects and programs is broadly supported by stakeholders, relatively low cost, and can be implemented independently of other projects and programs that might be included in the Water Supply Master Plan. These projects and programs include:

- 1) Advanced Metering Infrastructure
- 2) Leak Repair Incentives
- 3) Graywater Rebate Program Expansion
- 4) Model Water Efficiency New Development Ordinance
- 5) Stormwater Capture

The Board approved beginning planning for implementing the No Regrets package at their September 19, 2017 meeting, and an update on implementation was presented to the Committee on April 30, 2018 and on October 31, 2018.

- 1) Advanced Metering Infrastructure (AMI)

Staff is developing an Advanced Metering Infrastructure (AMI) Program to encourage the installation of AMI meters, and to maximize their savings potential by pairing the meters with software that will give real-time water data on an accessible online database, leak alerts, and home water use reports.

In order to establish a clearer picture of how many and what kinds of meters and systems are installed in agencies within Santa Clara County, the District is partnering with the Bay Area Water Supply and Conservation Agency (BAWSCA) on a study that will identify each water retailer’s metering and related system, data gaps, and potential for collaborative procurement for AMI as an option for the region. This study, being performed by ManageWater Consulting,

Inc. and Don Schlenger and Associates, will begin in early February, with a projected completion date of late March 2019. On March 27, 2019, BAWSCA and the District will hold a joint meeting to review the findings of the study with water retailers from the BAWSCA and District service areas.

In addition to reviewing the results of the study, the meeting will feature presenters from agencies that have direct experience with AMI, including agencies that have performed AMI pilot studies. Several of these pilot studies were funded by the District's Water Conservation Research Grant Program (funding through Safe, Clean Water), including San Jose Water Company, City of Mountain View and Purissima Hills Water District, and representatives from these agencies will discuss results of these pilot studies and lessons learned.

This important research will help inform the direction of a future AMI Program, so that it can be as cost effective and impactful as possible.

2) Leak Repair Incentives

No updates at this time, as staff anticipate implementing a leak repair incentive program after studying AMI results, in coordination with the water retailers.

3) Graywater Rebate Program Expansion

The Board approved the Graywater Installation Program on July 10, 2018. In partnership with the non-profit Ecology Action, a contractor workforce will receive training to install code-compliant graywater systems. Trainings will be held every Wednesday and Friday in March 2019. The trainings will include a Saturday session where the contractors will get hands-on experience installing a laundry-to-landscape graywater system.

Using the trained contractors, up to 100 low-income/underserved Santa Clara County residents will have graywater laundry-to-landscape systems installed by June 30, 2020 or until funding is expended, whichever comes first. Among their efforts to identify qualifying low-income/underserved properties, Ecology Action is reaching out to Our City Forest, the nonprofit that implemented our Lawn Busters Program. Information for the contractor training and the direct installation service are now highlighted on ValleyWater.org.

Through the community-based social marketing campaign developed by Water Conservation and Communications staff, key barriers preventing people from installing these systems were identified. Top barriers included: finding contractors that know how to install a graywater system, and the expense of hiring a contractor; both of these barriers will be addressed with the Graywater Installation Program. Next steps include refining strategies to also address these barriers in our rebate program.

4) Model Water Efficiency New Development Ordinance

The Model Water Efficiency New Development Ordinance has been finalized. The District hired a consultant to finalize the Model Ordinance, develop supporting information benefits and

costs, and prepare an example city council agenda report explaining why the ordinance is needed. The final consultant products include the sample model ordinance (Attachment 1) and an example City Council Agenda Report (Attachment 2), which gives background information on why the ordinance is needed and provides context for the requirements of the ordinance, how it was created and an analysis of the costs and benefits of the ordinance.

The ordinance has the following main requirements on new development:

- Require hot water recirculation for single-family development,
- Pre-plumb all new single-family development for graywater collection, treatment, and redistribution,
- Pre-plumb all new multi-family and non-residential development for alternative water sources,
- Mandate recycled water connections for common areas in HOA developments, and
- Outlaw the sale of non-compliant fixtures.

As a next step, staff will work with all the Santa Clara County jurisdictions on adoption. The District's role will be to encourage ordinance adoption and implementation and provide technical assistance. Water Conservation staff has been working with the Office of Government Relations to develop a strategic plan for rolling out the model ordinance, which will be brought back to this Committee for review. Preliminary feedback from local water retailer staff has been very positive, especially as it dovetails well with the climate action plans of those cities that are developing them.

5) Stormwater Capture

Stormwater capture can have water quality, water supply, flood management, environmental, and community (e.g., aesthetics, recreation, and education) benefits. Included in the "No Regrets" package are two different scales of stormwater capture projects - "centralized" and "decentralized":

"Centralized" projects are those that capture water from multiple parcels and/or are municipal projects, including "green streets" projects. There are three centralized stormwater "No Regrets" projects - two municipal stormwater capture basins and stormwater recharge on agricultural land.

"Decentralized" projects focus primarily on keeping stormwater onsite and/or private citizen projects. The "No Regrets" package includes two decentralized programs -rain barrel/cistern rebates and rain garden rebates.

Staff in the Water Utility Enterprise and Watersheds participated in the development of the Storm Water Resources Plan (SWRP) to develop, prioritize, and plan for "centralized" stormwater projects in the Santa Clara groundwater sub-basin of Santa Clara County. The proposed stormwater projects are typically located on public lands and capture water from multiple parcels. Through this plan, Upper Penitencia Creek was identified as an area for potential stormwater detention and recharge, and a conceptual project design was developed.

Conceptual project designs were also developed for multiple municipal projections throughout northern Santa Clara County. The SWRP was completed in December 2018 and is available at http://scvurppp.org/scvurppp_2018/wp-content/uploads/2019/01/SCB_SWRP_FINAL_12-21-. The District's next steps are to continue to track city and County efforts to implement their projects in the SWRP; develop partnerships where such projects overlap with District interests in water supply, flood protection, and stream stewardship; and seek grant funding for partnership projects. With regard to Upper Penitencia Creek, staff are continuing to develop the project and seek funding for implementation.

In addition to the SWRP, staff are also investigating the potential to use agricultural lands for stormwater recharge. An agricultural land recharge program may help maximize the benefits of existing open space by using the agricultural lands as temporary recharge sites during the wet winter months. An example of this process is in the Central Valley where some almond growers allow their fields to flood during the winter to recharge the aquifer. The planned flooding for groundwater recharge is referred to as flood-managed aquifer recharge (Flood-MAR) and different methods are currently being piloted in the Central Valley and in the lower Pajaro River watershed. Staff are monitoring the pilot projects to determine impacts and benefits to crops, water quality, and water supply. As noted by the California Department of Water Resources (DWR), "complex technical, legal, and institutional barriers and challenges affect the planning and implementation of Flood-MAR projects" including water rights, permitting, and environmental considerations. However, recognizing the broad potential benefits of Flood-MAR, DWR is leading the statewide efforts to evaluate these issues with stakeholders with the goal of expanding Flood-MAR on agricultural lands and working with landscapes throughout California. Staff are engaging in these statewide efforts. Locally, staff are working with the Open Space Authority and Santa Clara County Planning to develop a planning and piloting approach to explore the potential implementation of agricultural land recharge in Santa Clara County. Staff are developing a draft Flood-MAR workplan, with the intent of sharing with local agency stakeholders by May 2019.

Regarding "decentralized" projects, the District launched the new Rainwater Capture Rebate Program on January 1, 2019. This program, which encourages customers to participate in decentralized stormwater capture, includes rebates for rain barrels, cisterns and rain gardens.

The program rebate amounts are as follows: \$35 per qualifying rain barrel installed to collect rainwater from existing downspouts; \$0.50 per gallon for diverting existing downspouts to qualifying cisterns; and \$1 per square foot of roof area diverted (up to \$300 per site) into an installed rain garden to collect roof water runoff.

The program is included in our larger Landscape Rebate Program, and there have been a number of applications submitted for these rebates already. In fact, one customer has completed their project, which included installing a 4,800-gallon cistern system and reaching the total rebate cap of \$2,000.

Water Conservation and Communications staff are working together to promote this program to the community. There has been some positive attention with the local media (newspaper

articles, a local television station) and in the community. Staff will continue to explore partnerships with other water retailers or cities that either have their own program currently or may be interested in cost sharing.

ATTACHMENTS:

Attachment 1: Draft Model Water Efficiency Ordinance

Attachment 2: Example City Council Agenda Report

UNCLASSIFIED MANAGER:

Jerry De La Piedra, 408-630-2257

DRAFT - ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF [] ADDING A NEW CHAPTER [] (WATER EFFICIENT NEW DEVELOPMENT) TO TITLE [] OF THE CITY OF [] MUNICIPAL CODE RELATED TO REQUIREMENTS FOR NEW DEVELOPMENT THAT PROMOTE WATER USE EFFICIENCY AND THE DEVELOPMENT OF ALTERNATE SOURCES OF WATER SUPPLY

WHEREAS, all California water users are responsible for making effective use of the available water resources; and

WHEREAS, water is a public resource that the California Constitution protects against waste and unreasonable use; and

WHEREAS, growing population, climate change, and the need to protect and grow the City's economy make it essential that the City manage its water resources as efficiently as possible; and

WHEREAS, reduced water use through conservation provides significant energy reduction and associated environmental benefits, and can help protect water quality, preserve and improve stream flows, and reduce greenhouse gas emissions; and

WHEREAS, improvements in technology and management practices offer the potential for increasing water efficiency in California over time, providing an essential water management tool to meet the need for water for urban, agricultural, and environmental uses; and

WHEREAS, the City has determined that the energy standards in this ordinance are cost-effective and require buildings to be designed to consume no more energy than permitted by Part 6 of Title 24 of the California Code of Regulations; and

WHEREAS, the development of Alternate Water Source Systems will assist in meeting future water requirements of the City and lessen the impacts of new development on the City's sanitary sewer system; and

WHEREAS, the application of risk-based water quality standards to Onsite Treated Nonpotable Water systems can protect public health, safety, and welfare; and

WHEREAS, adoption of this ordinance and adoption of rules and regulations by the City will help achieve the City's goals for water supply use and preservation by:

- (1) Promoting the values and benefits of Nonpotable Water use while recognizing the need to invest water and other resources as efficiently as possible;
- (2) Encouraging the use of Nonpotable Water for nonpotable applications; and

(3) Replacing potable water use for toilet and urinal flushing and irrigation to the maximum extent possible with Alternate Water Sources; and

WHEREAS, it is the intent of the City Council of the City of [] to require New Development constructed in the City of [] to meet and exceed the water efficiency and alternate water supply requirements of the State of California.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF [] DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA REVIEW.

The City Council finds, pursuant to [Title 14 of the California Code of Regulations, Section 15061(b)(3),] that this Ordinance is [exempt] from the California Environmental Quality Act (CEQA) in that it [is not a “project” which has the potential for causing a significant effect on the environment].

SECTION 2. DEFINITIONS.

The terms used in this Chapter have the meaning set forth below:

Alternate Water Source: A source of Nonpotable Water that includes Recycled Water, Graywater, Stormwater, condensate, onsite treated Nonpotable Water, Rainwater, Blackwater, and any other source approved by the Director.

Alternate Water Source System: The system of facilities necessary for providing Nonpotable Water for use in a development project, including but not limited to all collection, treatment, storage, and distribution facilities. Nonpotable Water System shall have the same meaning.

Blackwater: Wastewater containing bodily or other biological wastes. This is discharge from toilets, dishwashers, kitchen sinks, and utility sinks.

Compact Hot Water Distribution System: A hot water distribution system in which the water heater to fixture proximity is more compact than threshold criteria that is defined based on the dwelling unit conditioned floor area and number of stories, as described in Part 6 of Title 24 of the California Code of Regulations.

Director: The Director of [] or any individual designated by the Director to act on his or her behalf.

District: A group of two or more parcels that share Alternate Water Sources.

District System: An Alternate Water Source System serving a District development project.

Drain Water Heat Recovery (DWHR): A double wall heat exchanger that recovers heat from the effluent waste piping and uses it to preheat water in a domestic or service water-heating system in order to reduce water heating energy usage.

Equal Flow Configuration: Installation of a drain water heat recovery device with preheated water being routed to both the water heater and the shower, as opposed to an unequal flow configuration with preheated water being routed to either the water heater or the shower.

First Certificate of Occupancy: Either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy.

Foundation Drainage: Nuisance groundwater that is extracted to maintain a building's or facility's structural integrity and would otherwise be discharged to the City's sewer system. Foundation Drainage does not include Nonpotable groundwater extracted for a beneficial use that is subject to City groundwater well regulations.

Graywater: Untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Graywater includes, but is not limited to, wastewater from bathtubs, showers, bathroom sinks, lavatories, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Graywater does not include Blackwater.

Graywater Ready: A design criteria for a structure's plumbing system that provides a noninvasive pathway to install a graywater treatment and reuse system at a later date. In a Graywater Ready home, for example, it will be possible to install an NSF 350 System without altering the in-wall or in-ground plumbing and electrical infrastructure.

Hot Water Recirculation System: A Hot Water System that uses the hot water return line and/or supply line connected to a water heater to enable continuous delivery of hot water to fixtures.

Hot Water System: A system that distributes hot water, consisting of a water heater, piping, and related equipment and devices.

Multi-family Residential: A residential building that contains three or more dwelling units.

New Development: Buildings and structures that have not received initial design approval from the Planning Department or a building permit from the Building Department prior to May 1, 2019.

Nonpotable Water: Water collected from Alternate Water Sources, treated, and intended to be used onsite for direct beneficial use.

Nonpotable Water Engineering Report: Report submitted by project applicant to the Director describing the Alternate Water Source System in accordance with the rules and regulations adopted by the City.

Nonpotable Water System: The same meaning as Alternate Water Source System.

Nonresidential: A building that contains occupancies other than dwelling units. For the purposes of this ordinance, hotels, motels, institutional housing (such as hostels and dormitories), hospitals, and night shelters are considered nonresidential.

NSF 350 System: Any treatment system certified to meet NSF/ANSI Standard 350 for Onsite

Residential and Commercial Reuse Treatment Systems, as amended from time to time.

Open Cooling Tower: An open, or direct contact, cooling tower which exposes water directly to the cooling atmosphere, thereby transferring the source heat load from the water directly to the air by a combination of heat and mass transfer.

Onsite Treated Nonpotable Water: Nonpotable Water that has been collected, treated, and intended to be used onsite and is suitable for direct beneficial use.

Onsite Treated Nonpotable Water Program: Program established by the Director for Onsite Treated Nonpotable Water systems including rules and regulations regarding the operation of Alternate Water Source Systems necessary to effectuate the purposes of this ordinance and to protect public health and safety.

Permittee: Owner or operator of an Onsite Treated Nonpotable Water system.

Rainwater: Precipitation collected from roof surfaces or other manmade, aboveground collection surfaces.

Recycled Water: Water that has been reclaimed from wastewater for beneficial use as defined by Title 22 of the California Code of Regulations.

Residential: A building that contains residential dwelling units including single-family or multi-family housing units and mobile homes.

Single-family Residential: A residential building that contains one or two dwelling units.

Stormwater: Precipitation collected from at-grade or below grade surfaces.

Water Budget: The calculation of the potential volume of onsite Alternate Water Sources and demands of a development project and any other building subject to this ordinance.

Water Budget Calculator: The water use calculation application approved by the Director that provides for the assessment of a proposed onsite water system, Alternate Water Sources, and the end uses of the Alternate Water Sources.

Water Budget Documentation: An in-depth assessment of the project applicant's Nonpotable Water use, including survey information, water meter readings, water service billing information, Alternate Water Source schematic drawings, or any other information deemed necessary by the Director.

SECTION 3. The City Council hereby adds a new Chapter [] (Water Efficient New Development) to Title [] of the City of [] Municipal Code to read as follows:

{CODE SECTION} 1. APPLICABILITY.

A. This chapter shall apply to all New Development in the City of [].

B. **Exception.** The Director may exempt a covered New Development project from some or all provisions of this chapter upon determination that sufficient practical challenges exist making compliance with the provisions infeasible. The project applicant is responsible for demonstrating infeasibility of compliance with the provisions when applying for exemption.

{CODE SECTION} 2. REQUIREMENTS.

{CODE SECTION} 2.1. REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL BUILDINGS.

A. **Single-Family Residential Water Waste Reduction when Heating Water.** Section 110.3(c) of Part 6 of Title 24 of the California Code of Regulations is hereby amended to add the following Section 110.3(c)8:

8. **Single-family Residential New Development must meet either A or B:**

- A. Meet the criteria of the 2019 Building Energy Efficiency Standards for Part 6 of Title 24 of the California Code of Regulations related to the Compact Hot Water Distribution System Expanded Credit with HERS verification as defined in Section RA4.4.16 of the Reference Appendices.
- B. The hot water system shall not allow more than 0.125 gallons of water to be delivered to any fixture before hot water arrives. Where a hot water recirculation system or electric trace heating system is installed, the branch from the recirculating loop or electric trace heating element to the fixture shall contain a maximum of 0.125 gallons. For reference, this volume limitation equates to branch runs no longer than approximately 22' of 3/8" nominal pipe size, 12' of 1/2" nominal pipe size, or 5.5' of 3/4" nominal pipe size.

Hot water recirculation system configurations must be in compliance with Title 24 of the California Code of Regulations, shall not be controlled by timers only, and must be:

- i. Demand systems with manual control, in compliance with the 2019 Building Energy Efficiency Standards for Part 6 of Title 24 of the California Code of Regulations, with HERS verification as defined by Section RA4.4.17 of the Reference Appendices; or
- ii. Demand systems with sensor control, in compliance with the 2019 Building Energy Efficiency Standards for Part 6 of Title 24 of the California Code of Regulations performance path as specified by Section 150.1(b) and with HERS verification as defined by Section RA4.4.18 of the Reference Appendices; or
- iii. Other systems acceptable to the Director.

Hot water systems pursuing compliance under Section 110.3(c)8B shall also meet the criteria of the 2019 Building Energy Efficiency Standards for Part 6 of Title 24 of the California Code of Regulations related to the Drain Water Heat Recovery System Credit with HERS verification as defined by Section RA4.4.21 of the Reference Appendices.

EXCEPTION to Section 110.3(c)8: Stand-alone tubs.

B. Single-Family Residential Graywater Ready Collection and Distribution System. All new Single-family Residential units shall be built Graywater Ready in compliance with Chapter 15 of the California Plumbing Code. The components of a Graywater system shall be labeled in compliance with Chapter 6, Section 601.3, of the California Plumbing Code.

1. **Applicability.** This Section 2.1.B shall apply to the installation of Graywater Collection and Distribution Systems at new Single-family Residential units.
2. **Development Project Requirements.** Graywater Ready Single-family Residential units must include the following:
 - (a) Dedicated Graywater collection plumbing, which must:
 - i. Capture water from sufficient number of fixtures to meet landscape water demand of the Single-family Residential unit, specifically, water from showers, baths, lavatory sinks and laundry washing machines. The landscape water demand shall be calculated in accordance with Model Water Efficient Landscape Ordinance as adopted in [municipal code section];
 - ii. Convene each source in the location on the property designated to accommodate future non-invasive installation of a treatment system; and
 - iii. Reconverge with the home's Blackwater collection system prior to flowing to the municipal sewer system.
 - (b) Dedicated locations on the property to accommodate future non-invasive installation of:
 - i. A complete Graywater treatment system;
 - ii. A storage tank for treated Graywater with a capacity of at least 175 gallons; and
 - iii. A surge tank with overflow protection to hold Graywater for no longer than 24 hours while Graywater is draining by gravity or by pump into the landscape.
 - (c) Dedicated distribution plumbing for treated Graywater, so that potable water can be disconnected in the future when appropriately treated Graywater is available, which must include:
 - i. Dedicated supply feeds capable of providing treated Graywater to each landscape irrigation system on the property (for example, front yard and back yard).
 - (d) Other requirements for the Single-family Residential unit to be Graywater Ready, including:

- i. A hose bib with potable water within 15 feet of each point where the Graywater system exits the envelope of the home; and
- ii. A dedicated 20-amp, 120-volt electrical circuit with GFCI breaker within 5 feet of each point where the Graywater system exits the envelope of the home.

3. Exceptions.

- (a) Additions and alterations of existing buildings that use the existing building drain(s) are exempted from this Section 2.1.B.
- (b) Sites with irrigated landscape area not exceeding 500 square feet are exempted from this Section 2.1.B.

C. Single-Family Residential Onsite Treated Nonpotable Water Systems.

1. **Applicability.** This Section 2.1.C shall apply to the voluntary installation and operation of Alternate Water Source Systems at Single-family Residential units. This section shall not apply to Graywater systems where Graywater is collected solely for subsurface irrigation and does not require treatment and that are regulated by Chapter 15 (commencing with Section 1501.0) of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), as determined by the Director, or Rainwater systems where Rainwater is collected solely for subsurface irrigation, drip irrigation, or non-sprinkled surface applications and does not require treatment and that are regulated by Chapter 16 (commencing with Section 1601.0) of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), as determined by the Director.
2. **Regulation of Alternate Water Sources.**
 - (a) Any person or entity who installs and operates an Alternate Water Source System shall comply with this ordinance, the rules and regulations adopted by the California Department of Public Health, and all applicable local, state, and federal laws. Alternate Water Source Systems shall be designed and built in compliance with Title 17 and Title 22 of the California Code of Regulations, Chapter 15 of the California Plumbing Code and labeled in compliance with Chapter 6, Section 601.3, of the California Plumbing Code.
 - (b) **Onsite Treated Nonpotable Water Program.** Within ninety (90) days after passage of this ordinance, the Director shall establish a program for Onsite Treated Nonpotable Water systems including rules and regulations regarding the operation of Alternate Water Source Systems necessary to effectuate the purposes of this ordinance and to protect public health and safety. This Onsite Treated Nonpotable Water Program shall include the risk-based water quality standards established by the California State Water Resources Control Board and shall address, at a minimum:
 - i. Water quality criteria, including risk-based log reduction targets for the removal of pathogens such as enteric viruses, parasitic protozoa, and enteric bacteria for Nonpotable Water sources, Graywater, Rainwater, Stormwater, and Blackwater,

and nonpotable end uses, toilet and urinal flushing, clothes washing, irrigation, and dust suppression;

- ii. Water quality monitoring requirements, including content and frequencies;
 - iii. Reporting requirements for the water quality monitoring results, including content and frequencies;
 - iv. Notification and public information requirements;
 - v. Cross-connection controls; and
 - vi. Operation and maintenance requirements.
- (c) The Director shall review applications for Alternate Water Source Systems and may issue or deny such applications, in accordance with applicable laws and regulations.
- (d) The relevant City departments shall review plans and issue or deny permits for the construction, installation, or modification of Alternate Water Source Systems, in accordance with applicable laws and regulations.

3. **Project Applicant and/or Permittee Design and Construction Requirements.**

- (a) Prior to initiating installation of any Alternate Water Source project, project applicants shall submit to the Director an application for permits to operate Alternate Water Source Systems. Such applications shall comply with the requirements of this ordinance and any regulations the Director has issued. Project applicants shall pay a non-refundable permit application fee to cover the costs of investigation and processing the application and issuing the permit. Each project application submitted to the Director shall include a Nonpotable Water Engineering Report that provides project information determined by the Director to be necessary for complete review of the proposed project. City departments may not approve or issue permits for any site installing an Alternate Water Source System unless and until the Director has approved the Nonpotable Water Engineering Report.
- (b) **System Design.** All buildings using Nonpotable Water from Alternate Water Source Systems shall include:
- i. A flow meter on the nonpotable distribution system to account for Nonpotable Water use;
 - ii. A reduced pressure backflow assembly (RP) within twenty-five (25) feet of the downstream side of the point of connection or meter to protect the City's public water and/or Recycled Water system;
 - iii. Signage that state law and the Department of Public Health's rules and regulations require;

- iv. Cross connection control in accordance with Titles 17 and 22 of the California Code of Regulations;
 - v. Any other requirements the Director determines are necessary to protect public health.
- (c) **Plumbing Permit.** A project applicant shall obtain from the Department of Building Inspection an appropriate plumbing permit and any other building or installation permit required to construct, install, and/or alter an Alternate Water Source System.
- (d) **Encroachment Permit.** A project applicant shall obtain from the Department of Public Works appropriate authorization for placement of any pipelines or other portions of an Alternate Water Source System within the public right-of-way.
- (e) **Construction Certification Letter.** Project applicants shall certify to the Director that Alternate Water Source System construction is complete and consistent with the approved Nonpotable Water Engineering Report in accordance with the provisions of this ordinance and any implementing rules and regulations. City departments may not approve or issue a First Certificate of Occupancy or approval for any Alternate Water Source System until the Director has reviewed and verified the Construction Certificate Letter.

4. Fees.

- (a) The non-refundable application fees for Alternate Water Source System permits are:
- i. Rainwater: \$
 - ii. NSF 350 systems: \$
 - iii. Foundation Drainage: \$
 - iv. Graywater: \$
 - v. Blackwater: \$
 - vi. Transfer of any permit: \$
- (b) The fees set forth in this Section 2.1.C.4 may be adjusted each year, without further action by the City Council.

Not later than April 1, the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in the Section.

Not later than May 15, the Controller shall determine whether the current fees produce, or are projected to produce, revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue that

significantly exceed more than the costs of providing the services for which the fees are assessed.

The Controller shall if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

5. **Operating Requirements.** When the Director determines the applicant has satisfied all the requirements of this Section 2.1.C, the Director may issue an operations permit for an Alternate Water Source System. Permittees shall timely submit all water quality monitoring information required by the provisions of this ordinance and the rules and regulations of the California Department of Public Health and California State Water Resources Control Board. Permittees shall conduct ongoing backflow prevention and cross connection testing in accordance with this ordinance, the rules and regulations of the California Department of Public Health and California State Water Resources Control Board, and all applicable local, state, and federal laws.
6. **Nonpotable Water Use Audits.** When required by the Director, the Permittee or property owner shall conduct a Nonpotable Water use audit describing the extent of Nonpotable Water use in accordance with the requirements provided by the Director.
7. **Sale or Transfer.** Permittees shall notify the Director of any intent to sell or transfer the building or facility containing an Alternate Water Source System within thirty (30) days following the sale or transfer of property, in accordance with regulations adopted by the Director.
8. **Inspection and Notices of Violation.** The Director may inspect any Alternate Water Source System subject to the requirements of this Section 2.1.C to determine compliance with the provisions of this ordinance and applicable regulations.
9. **Violation and Penalties.** Any Permittee or person otherwise subject to the requirements of this Section 2.1.C who violates any provision of this Section 2.1.C or any applicable rule or regulation shall be subject to enforcement of relevant administrative penalties. The Director may impose administrative penalties and may pursue any other legal remedies for such violations.
10. **Revocation and Suspension of Permit.** The Director may order a Permittee to cease operation of an Alternate Water Source System or may revoke or suspend the permit to operate if the Director determines that:
 - (a) The manager, operator, or any employee has violated any provision of this Section 2.1.C or any regulation issued pursuant to this Section 2.1.C;
 - (b) The Alternate Water Source System is being operated or maintained in a manner threatening the public health or health of patrons and/or residents;
 - (c) The owner or operator has refused to allow any duly authorized City official to inspect the premises or the operations of the Alternate Water Source System; or

(d) The California State Water Resources Control Board has directed such action.

D. Use of Recycled Water for Single-Family Residential Common Landscaping. All new Single-family Residential units with landscaping provided by a water meter serving three or more homes that is managed by a homeowners' association or other association or entity shall be irrigated with Recycled Water if Recycled Water is available within 200 feet of the property line. If Recycled Water is planned to be made available to the development within ten years from the date of building permit issuance or is within the adopted Recycled Water project area, a system shall be constructed that will enable Recycled Water to be easily connected to the irrigation system once the Recycled Water supply is available within 200 feet of the property line, locating irrigation system plumbing such that the system can be supplied near the anticipated point of connection to the future Recycled Water system, ensuring there are no cross-connections between Recycled Water and potable water supplies, and using irrigation system components suitable for use with Recycled Water.

Alternate Water Source Systems shall be labeled in compliance with Chapter 6, Section 601.3, of the California Plumbing Code.

{CODE SECTION} 2.2. REQUIREMENTS FOR MULTI-FAMILY RESIDENTIAL BUILDINGS AND NONRESIDENTIAL BUILDINGS.

A. Multi-family and Nonresidential Exterior Faucet Locks. Locks shall be installed on all publicly accessible exterior faucets and hose bibs.

B. Water Meters to Measure Indoor Water Use. For new buildings or additions with a total gross floor area of 50,000 square feet or more, separate water meters or submeters shall be installed to measure indoor water use as follows:

1. For each individual leased, rented, or other tenant space within the building projected to consume more than 100 gallons per day (380 L/day).
2. For each building that uses more than 100 gallons per day (380 L/day) on a parcel containing multiple buildings.
3. Where potable water is used for industrial/process uses, for water supplied to the following subsystems:
 - (a) Makeup water for cooling towers where flow through is greater than 500 gpm (30 L/s);
 - (b) Makeup water for evaporative coolers greater than 6 gpm (0.04 L/s); and
 - (c) Steam and hot-water boilers with energy input more than 500,000 Btu/h (147 kW).

C. Cooling Towers. All newly constructed cooling towers shall include devices to capture and reuse the blowdown water discharged from the cooling tower, operated in accordance with Section 2.2.D of this ordinance. Plumbing to facilitate the use of Alternate Water Sources shall be labeled in compliance with Chapter 6, Section 601.3, of the California Plumbing Code.

D. Use of Alternate Water Sources for Multi-family and Nonresidential Buildings. All new Multi-family Residential and Nonresidential structures shall include dual plumbing systems that facilitate and maximize the use of Alternate Water Sources for use in irrigation, toilet flushing, cooling towers, and other uses suitable for Nonpotable Water as allowed by the appropriate agencies in compliance with the following:

1. If Recycled Water is available within 200 feet of the property line or if the Director has determined that it is reasonably available, 100 percent of water for toilets, urinals, floor drains, and process cooling and heating in that building shall come from Recycled Water. Plumbing to facilitate the use of Alternate Water Sources shall be labeled in compliance with Chapter 6, Section 601.3, of the California Plumbing Code.
2. If Recycled Water is planned to be made available to the development within ten years from the date of building permit issuance or the development is within the adopted Recycled Water project area, the development may meet the requirements of this Section 2.2.D solely by building out the dual plumbing distribution system to the anticipated point of connection to the future Recycled Water system. Plumbing to facilitate the use of Alternate Water Sources shall be labeled in compliance with Chapter 6, Section 601.3, of the California Plumbing Code.
3. **Onsite Treated Nonpotable Water Systems.** If Recycled Water is not available to the development and is not anticipated to be made available to the development within ten years, the development shall install onsite water collection and treatment systems to capture, collect, treat, and distribute Graywater, Rainwater, and Stormwater runoff. The use of treated Blackwater may be allowed by the Director.

(a) **Applicability.** This Section 2.2.D.3 shall apply to the installation and operation of Alternate Water Source Systems at new development projects with a total gross floor area of [] square feet or more and to the voluntary installation and operation of Alternate Water Source Systems at sites containing Multi-family Residential and Nonresidential buildings. This Section 2.2.D.3 shall not apply to systems at Single-family Residential occupancies, Graywater systems where Graywater is collected solely for subsurface irrigation and does not require treatment and that are regulated by Chapter 15 (commencing with Section 1501.0) of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), as determined by the Director, or Rainwater systems where Rainwater is collected solely for subsurface irrigation, drip irrigation, or non-sprinkled surface applications and does not require treatment and that are regulated by Chapter 16 (commencing with Section 1601.0) of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), as determined by the Director.

(b) **Development Project Requirements.**

- i. All toilet and urinal flushing and irrigation demands shall be met through the collection and reuse of available onsite Rainwater, Graywater, and Foundation Drainage, to the extent required by application of the Water Budget Documentation developed for each project.

- ii. Project applicants shall use the Water Budget Calculator, as provided by the Onsite Treated Nonpotable Water Program established by the Director, to prepare a Water Budget assessing the amount of Rainwater, Graywater, and Foundation Drainage produced onsite, and the planned toilet and urinal flushing and irrigation demands.
- iii. If, based on the Water Budget Documentation, the available supply from onsite sources exceeds the demands for toilet and urinal flushing and irrigation, 100% of those demands shall be met by using the available onsite sources. If, based on the Water Budget Documentation, the available supply from onsite sources is less than the demands for toilet and urinal flushing and irrigation, 100% of the available onsite supply shall be used to meet the demands for toilet and urinal flushing and irrigation. Available Blackwater or Stormwater supplies may be used instead of, or in addition to Rainwater, Graywater, and Foundation Drainage to meet the available onsite supply requirements calculated in accordance with the Water Budget Documentation requirements.
- iv. **Additional Requirements for District Systems.** All District Systems shall conform to the following requirements, subject to the Director's determination, is his or her sole discretion, that an exception to any of such requirements will fulfill the purposes and objectives of this ordinance. Where a District System complies with the requirements in Section 2.2.D.3(b)iv.1 through 2.2.D.3(b)iv.4, including any exceptions approved by the Director, individual development projects within the District shall not be required to demonstrate compliance as long as the individual development projects are provided service by the approved District System.
 - 1. In addition to preparation of the Water Budget, project applicants for District Systems shall submit implementation plans for review and approval, in accordance with the rules and regulations of the Onsite Treated Nonpotable Water Program established by the Director.
 - 2. District Systems shall be operated by a single Permittee having sole control of operations of all of its facilities, including but not limited to treatment and distribution facilities. District Systems shall be constructed in accordance with all applicable standards and specifications set by the water service provider, sewer service provider, and/or any authority having jurisdiction.
 - 3. District Systems and development projects shall not provide Nonpotable Water to water users or for purposes located outside the boundaries of the District or approved development project, except when the water users or other purposes are located on property contiguous to, or across a public right of way from, the boundaries of the District or approved development project, and the total amount of Nonpotable Water produced by the Alternate Water Source System will not exceed 125% of the District System's or approved development project's Nonpotable

Water demands for toilet and urinal flushing and irrigation, as determined by the approved Water Budget Documentation.

4. For District Systems, the ongoing operation and maintenance responsibilities of the responsible party shall be held by the owner of the common areas within the District development project and may be transferred to a homeowners' association or similar entity that maintains the common areas within the District development project.
- v. The Director may approve alternate District Systems that will achieve compliance with the purposes and objectives of this ordinance, in accordance with the rules and regulations of the Onsite Treated Nonpotable Water Program established by the Director. Alternative District Systems may include, but are not limited to, water purchase agreements.
- vi. City departments shall not issue an encroachment permit, a site permit, or a plumbing permit for a project, or approve a Nonpotable Water Engineering Report, prior to the Director's determination that the Water Budget Documentation has been prepared in accordance with the rules for Water Budget calculations in the Onsite Treated Nonpotable Water Program established by the Director.
- vii. **Subdivision Approvals.**
 1. **Parcel Map or Tentative Subdivision Map Conditions.** The Director of Public Works shall not approve a parcel map or tentative subdivision map for any property unless a condition is imposed requiring compliance with this ordinance to serve the potential uses of the property covered by the parcel map or tentative subdivision map, as specified in the provisions of this ordinance.
 2. **Subdivision Regulations.** The Director of Public Works shall adopt regulations consistent with, and in furtherance of this ordinance.
 3. **Final Maps.** The Director of Public Works shall not endorse and file a final map for property within the boundaries of the City without first determining that the subdivider has complied with the conditions imposed on the parcel map or tentative subdivision map pursuant to this ordinance and for any such conditions not fully satisfied prior to the recordation of the final map, the subdivider has signed a certificate of agreement and/or improvement agreement, to ensure compliance with such conditions.
 4. This Section 2.2.D.3(b)vii shall not apply to parcel maps or tentative subdivision maps submitted solely for the purposes of condominium conversion.

- viii. In the event that a privately owned Alternate Water Supply System approved by the Director is subsequently determined by the California Public Utilities Commission to be subject to that agency's jurisdiction and regulation, the City may, with the consent of the affected owner, acquire and operate the facilities.

(c) Regulation of Alternate Water Sources.

- i. Any person or entity who installs and operates an Alternate Water Source System shall comply with this ordinance, the rules and regulations adopted by the California Department of Public Health, and all applicable local, state, and federal laws. Alternate Water Source Systems shall be designed and built in compliance with Title 17 and Title 22 of California Code of Regulations, Chapter 15 of the California Plumbing Code and labeled in compliance with Chapter 6, Section 601.3, of the California Plumbing Code.
- ii. **Onsite Treated Nonpotable Water Program.** Within ninety (90) days after passage of this ordinance, the Director shall establish a program for Onsite Treated Nonpotable Water systems including rules and regulations regarding the operation of Alternate Water Source Systems necessary to effectuate the purposes of this ordinance and to protect public health and safety. This Onsite Treated Nonpotable Water Program shall include the risk-based water quality standards established by the California State Water Resources Control Board and shall address, at a minimum:
 - 1. Water quality criteria, including risk-based log reduction targets for the removal of pathogens such as enteric viruses, parasitic protozoa, and enteric bacteria for Nonpotable Water sources, Graywater, Rainwater, Stormwater, and Blackwater, and nonpotable end uses, toilet and urinal flushing, clothes washing, irrigation, and dust suppression;
 - 2. Water quality monitoring requirements, including content and frequencies;
 - 3. Reporting requirements for the water quality monitoring results, including content and frequencies;
 - 4. Notification and public information requirements;
 - 5. Cross-connection controls; and
 - 6. Operation and maintenance requirements.
- iii. The Director shall review applications for Alternate Water Source Systems and may issue or deny such applications, in accordance with applicable laws and regulations.
- iv. The relevant City departments shall review plans and issue or deny permits for the construction, installation, or modification of Alternate Water Source Systems, in accordance with applicable laws and regulations.

(d) **Project Applicant and/or Permittee Design and Construction Requirements.**

- i. Prior to initiating installation of any Alternate Water Source project, project applicants shall submit to the Director an application for permits to operate Alternate Water Source Systems. Such applications shall comply with the requirements of this ordinance and any rules and regulations of the Onsite Treated Nonpotable Water Program established by the Director. Project applicants shall pay a non-refundable permit application fee to cover the costs of investigation and processing the application and issuing the permit. Each project application submitted to the Director shall include a Nonpotable Water Engineering Report that provides project information determined by the Director to be necessary for complete review of the proposed project. City departments may not approve or issue permits for any site installing an Alternate Water Source System unless and until the Director has approved the Nonpotable Water Engineering Report.

The Nonpotable Water Engineering Report for District Systems must include information on the permanent legal agreements between property owners and provide documentation that each party is a willing and responsible participant in the District Nonpotable Water use.

- ii. **System Design.** All buildings using Nonpotable Water from Alternate Water Source Systems shall include:
 1. A flow meter on the nonpotable distribution system to account for Nonpotable Water use;
 2. A reduced pressure backflow assembly (RP) within twenty-five (25) feet of the downstream side of the point of connection or meter to protect the City's public water and/or Recycled Water system;
 3. Signage that state law and the California Department of Public Health's rules and regulations require;
 4. Cross connection control in accordance with Titles 17 and 22 of the California Code of Regulations;
 5. Any other requirements the Director determines are necessary to protect public health.
- iii. **Plumbing Permit.** A project applicant shall obtain from the Department of Building Inspection an appropriate plumbing permit and any other building or installation permit required to construct, install, and/or alter an Alternate Water Source System. Each parcel within a District shall obtain appropriate plumbing and any other building or installation permits required.

- iv. **Encroachment Permit.** A project applicant shall obtain from the Department of Public Works appropriate authorization for placement of any pipelines or other portions of an Alternate Water Source System within the public right-of-way.
- v. **Construction Certification Letter.** Project applicants shall certify to the Director that Alternate Water Source System construction is complete and consistent with the approved Nonpotable Water Engineering Report in accordance with the provisions of this ordinance and any implementing rules and regulations. City departments may not approve or issue a First Certificate of Occupancy or approval for any Alternate Water Source System until the Director has reviewed and verified the Construction Certificate Letter.

(e) **Fees.**

- i. The non-refundable application fees for Alternate Water Source System permits are:
 - 1. Rainwater: \$
 - 2. NSF 350 systems: \$
 - 3. Foundation Drainage: \$
 - 4. Graywater: \$
 - 5. Blackwater: \$
 - 6. Transfer of any permit: \$
 - 7. District Scale, the applicable amount above, plus: \$ per hour for plan review and/or onsite inspection
- ii. The fees set forth in this Section 4.2.D.3(e) may be adjusted each year, without further action by the City Council.

Not later than April 1, the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section 2.2.D.

Not later than May 15, the Controller shall determine whether the current fees produce, or are projected to produce, revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue that significantly exceed more than the costs of providing the services for which the fees are assessed.

The Controller shall if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs

of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

4. **Operating Requirements.** When the Director determines the applicant has satisfied all the requirements of this Section 2.2.D, the Director may issue an operations permit for an Alternate Water Source System. Permittees shall timely submit all water quality monitoring information required by the provisions of this ordinance and the rules and regulations of California Department of Public Health and the California State Water Resources Control Board. Permittees shall conduct ongoing backflow prevention and cross connection testing in accordance with this ordinance, the rules and regulations of the California Department of Public Health and California State Water Resources Control Board, and all applicable local, state, and federal laws.
5. **Nonpotable Water Use Audits.** When required by the Director, the Permittee or property owner shall conduct a Nonpotable Water use audit describing the extent of Nonpotable Water use in accordance with the requirements provided by the Director.
6. **Sale or Transfer.** Permittees shall notify the Director of any intent to sell or transfer the building or facility containing an Alternate Water Source System within thirty (30) days following the sale or transfer of property, in accordance with regulations adopted by the Director.
7. **Inspection and Notices of Violation.** The Director may inspect any Alternate Water Source System subject to the requirements of this Section 2.2.D to determine compliance with the provisions of this ordinance and applicable regulations.
8. **Violation and Penalties.** Any Permittee or person otherwise subject to the requirements of this Section 2.2.D who violates any provision of this Section 2.2.D or any applicable rule or regulation shall be subject to enforcement of relevant administrative penalties. The Director may impose administrative penalties and may pursue any other legal remedies for such violations.
9. **Revocation and Suspension of Permit.** The Director may order a Permittee to cease operation of an Alternate Water Source System, may revoke or suspend the permit to operate, and/or may terminate the operation of, and modify to render inoperable an Alternate Water Source System, if the Director determines that:
 - (a) The manager, operator, or any employee has violated any provision of this Section 2.2.D or any regulation issued pursuant to this Section 2.2.D;
 - (b) The Alternate Water Source System is being operated or maintained in a manner threatening the public health or health of patrons and/or residents;
 - (c) The owner or operator has refused to allow any duly authorized City official to inspect the premises or the operations of the Alternate Water Source System; or
 - (d) The California State Water Resources Control Board has directed such action.

10. Exceptions.

- (a) Additions that use any part of the existing plumbing piping system are exempted from this Section 2.2.D.
- (b) Alterations that do not include replacing all of the potable water piping are exempted from this Section 2.2.D.
- (c) Mental hospitals or other facilities operated by a public agency for the treatment of persons with mental disorders are exempted from this Section 2.2.D.
- (d) Where Recycled Water quality has been deemed unsuitable by the Director for a particular fixture or equipment, the fixture and/or equipment shall be dual-plumbed for future connection.

{CODE SECTION} 2.3. REQUIREMENTS FOR COMMERCIAL FACILITIES.

- A. **Use of Manually Operated Toilets in Commercial Facilities.** Toilets and urinals in commercial facilities shall not have sensor or automatic flush valves and instead shall have manually operated flush mechanisms.
- B. **Use of Manually Operated Faucets in Commercial Facilities.** Faucets in commercial facilities shall not have automatic sensors installed and instead shall have manually operated handles, which may include metering faucets.
 - 1. **Exceptions.** Hospitals and airports are exempted from this Section 2.3.B.
- C. **Water Efficiency in Commercial Kitchens.** All new and replacement commercial dishwashers, food steamers, combination ovens, and food waste pulping systems must comply with water efficiency standards as defined in the 2016 California Green Building Standards Code, Part 11, Section A5.303.3 – Appliances and fixtures for commercial application. These standards are mandatory for the purposes of this provision.

{CODE SECTION} 2.4. REQUIREMENTS RELATED TO SALE AND INSTALLATION OF COMPLIANT FIXTURES AND FITTINGS.

- A. **Retail Establishments Selling Compliant Fixtures and Fittings.** All stores, outlets and other retail establishments shall only offer for sale plumbing fixtures and fittings that are in compliance with California appliance water efficiency standards. Model numbers of plumbing fixtures and fittings offered for sale must be listed in the California Energy Commission Appliance Efficiency Database.
- B. **Plumbers, Contractors, and Service Providers Installing Compliant Fixtures and Fittings.** All plumbers, contractors, and other service providers shall not install any plumbing fixtures or other devices that are not in compliance with California appliance water efficiency standards. Model numbers of plumbing fixtures and fittings installed by plumbers, contractors, and service providers must be listed in the California Energy Commission Appliance Efficiency Database.

{CODE SECTION} 2.5. REQUIREMENTS RELATED TO LANDSCAPE IRRIGATION AND POOL AND SPA COVERS FOR RESIDENTIAL AND NONRESIDENTIAL PROPERTIES.

Requirements in this provision may be addressed in [Water Efficient Landscape Ordinance adopted by jurisdiction]. In any instances of conflicting requirements, the more stringent requirement shall prevail. (Jurisdictions may wish to edit this provision prior to adoption to more closely align with the specific Water Efficient Landscape Ordinance adopted by jurisdiction.)

A. **Water Meters for Landscape Irrigation.** A landscape water meter shall be installed for landscape irrigation for the following:

1. When required by the California Department of Water Resources Model Water Efficient Landscape Ordinance or local water efficient landscape ordinance;
2. Additions and alterations, with a valuation of \$200,000 or more, where the entire potable water system is replaced, including all underground piping to the existing meter; and
3. Landscaped areas shall have flow sensors or hydrometers, regardless of being metered separately.

B. **Irrigation Controllers.** In new construction or building additions or alterations with over 500 square feet of cumulative landscaped area, install irrigation controllers and sensors which include the following criteria:

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
2. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor that connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.
3. **Exception.** For new residential construction, manual irrigation is also permitted.

C. **Irrigation System.** In landscaped areas, irrigation nozzles shall have a maximum precipitation rate of one inch per hour.

D. **Irrigation Audits.** For newly constructed landscaped areas, the local agency shall administer an irrigation audit to verify that the irrigation system complies with regulations, as well as to identify potential deficiencies and assure that corrections have been made. If corrections are needed, these must be addressed prior to approval of the new construction.

E. **Swimming Pool and Spa Covers.** Swimming pools and spas must be in compliance with the 2019 Building Energy Efficiency Standards for Part 6 of Title 24 of the California Code of Regulations Section 110.4. For Single-family Residential dwellings, any permanently installed outdoor in-ground swimming pool or spa not covered by the scope of the 2019 Building Energy Efficiency Standards for Part 6 of Title 24 of the California Code of Regulations Section 110.4, including any swimming pool or spa that is non-heated or has electric resistance heating deriving

at least 60 percent of the annual heating energy from site solar energy or recovered energy, shall be equipped with a cover having a manual or power-operated reel system.

1. Exceptions.

- (a). For irregular-shaped swimming pools and spas not covered by the scope of the 2019 Building Energy Efficiency Standards for Part 6 of Title 24 of the California Code of Regulations Section 110.4, including any swimming pool or spa that is non-heated or has electric resistance heating deriving at least 60 percent of the annual heating energy from site solar energy or recovered energy, for which it is infeasible to cover 100 percent of the swimming pool or spa with a reel system due to its irregular shape, other types of covers may be allowed as determined by the Director.
- (b). Additions or alterations to existing swimming pools and spas not covered by the scope of the 2019 Building Energy Efficiency Standards for Part 6 of Title 24 of the California Code of Regulations Section 110.4, including any swimming pool or spa that is non-heated or has electric resistance heating deriving at least 60 percent of the annual heating energy from site solar energy or recovered energy, with a valuation not exceeding \$25,000 are exempted from this Section 2.5.E.

SECTION 4. SEVERABILITY. If any portion of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5. EFFECTIVE DATE. This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the expiration of ninety (90) days after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE [] DAY OF [MONTH YEAR] AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE [] DAY OF [MONTH YEAR], AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

DATE:

NAME, Title

ATTEST:

DATE:

NAME, Title

EXHIBIT A

EXPRESS FINDINGS FOR LOCAL AMENDMENTS OF BUILDING STANDARDS

Section 1.1.8 of Part 2 of Title 24 of the California Code of Regulations (California Building Standards Code) and Sections 17958 and 18941.5 of the California Health and Safety Code provide that any city, county, or city and county may make more restrictive amendments to the provisions of Title 24 of the California Code of Regulations. Sections 17958.5 and 17958.7 of the California Health and Safety Code require that for each proposed local amendment to the provisions of Title 24 of the California Code of Regulations, the local governing body must make an express finding supporting its determination that each such local amendment is reasonably necessary because of local climatic, geological, or topographical conditions. Section 101.7.1 of Part 11 of Title 24 of the California Code of Regulations, known as the California Green Building Standards Code, provides that local climatic, geological, or topographical conditions include environmental conditions established by the city, county, or city and county.

Pursuant to Sections 17958.5 and 17958.7 of the California Health and Safety Code, the following tables summarize the provisions of the 2016 California Building Standards Code in Title 24 of the California Code of Regulations being amended by the Ordinance and the findings providing justification for each amendment.

Section of Ordinance Making Amendment	Section of CA Code Being Amended	Title	Add, Delete, or Amend?	Justification (see below for key)
{CODE SECTION} 2.1A	110.3(c) of Part 6 of Title 24	Mandatory Requirements for Service Water-Heating Systems and Equipment	Add	C

Key to Justification for Amendments to Title 24 of the California Code of Regulations

C	This amendment is justified on the basis of a local climatic condition. Risks such as climate change and drought could negatively affect water supply reliability in Santa Clara County. Santa Clara County is characterized by a dry climate and experiences the effects of drought and the benefits of saving water more intensely than some other communities in California. Santa Clara County’s vulnerabilities to climate change include increases in seasonal irrigation demands, a decrease in imported water supplies as a result of reduced snow pack and a shift in the timing of runoff, more frequent and severe droughts, changes in surface water quality associated with changes in flows and temperature, and
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	<p>changes in imported water quality due to salinity intrusion in the delta. Temperature projections for the Bay Area show an expected increase in the frequency and intensity of heat waves that could result in a decrease in water supply and/or changes in water demands. Precipitation for the beginning of 2018 was 60% of average levels at the San Jose Index Station and significantly lower than that of the Santa Cruz Mountains, the Diablo Range and South County, with snow water equivalent for the Northern Sierra falling well below normal. It is necessary to maximize water efficiency and reduce the waste and unnecessary use of potable water in order to help ensure that water supply is capable of reliably satisfying demand while withstanding the potential and expected future drought conditions in Santa Clara County.</p>
G	This amendment is justified on the basis of a local <u>geological</u> condition.
T	This amendment is justified on the basis of a local <u>topographical</u> condition.

DRAFT

EXAMPLE - COUNCIL AGENDA REPORT

RECOMMENDATION:

Conduct the first reading and authorize the adoption of Ordinance No. XXXX (“Ordinance”), An Ordinance of the City Council of the City of [] Adding a New Chapter [] (Water Efficient New Development) to Title [] of the City of [] Municipal Code Related to Requirements for New Development that Promote Water Use Efficiency and the Development of Alternate Sources of Water Supply, establishing rules and regulations to help ensure that new development is poised to be water efficient in order to extend the City’s water supplies.

BACKGROUND:

In 2015, the Santa Clara County Water Efficient New Development Task Force (“Task Force”) was formed, including representatives from Santa Clara County, several cities (Cupertino, Morgan Hill, Mountain View, Palo Alto, and Sunnyvale), Santa Clara Valley Water District, Sustainable Silicon Valley, and Joint Venture Silicon Valley. The goal of the Task Force was to develop a Model Water Efficient New Development Ordinance to be adopted by jurisdictions in Santa Clara County to ensure that new development is poised to be water efficient in order to extend the region’s water supplies. The Task Force met for about eighteen (18) months and developed the initial draft of a Model Water Efficient New Development Ordinance, conducting research on existing ordinances of other jurisdictions containing similar requirements and coming to agreement on key content. The Task Force solicited input from a variety of other stakeholders, including the Santa Clara Valley Water District Agricultural Water Advisory Committee, Santa Clara Valley Water District Environmental and Water Resources Committee, Santa Clara Valley Water District Landscape Committee, Santa Clara County/City Managers’ Association, water retailers, California Water Commission, Cities Association of Santa Clara County, and building officials in Santa Clara County.

In September 2018, Santa Clara Valley Water District, on behalf of the Task Force, procured the technical assistance of a qualified sustainability consulting firm to finalize the Model Water Efficient New Development Ordinance, with input from Task Force representatives, the California Building Standards Commission, and the California Energy Commission. The Model Water Efficient New Development Ordinance was finalized and used as a model for this Ordinance.

ANALYSIS:

Climate change and the threat of recurring droughts, population growth, and imported water variability will continue to present challenges for water supply reliability in Santa Clara County, intensifying the need for locally-sourced and sustainable water supplies. Recycled and purified water sources possess these qualities while offering sufficiency of supply and reliability. In 2017, recycled water accounted for 5% of Santa Clara County’s total water use, the majority of which was used for agriculture, landscaping, and industrial purposes. In partnering with jurisdictions and water retailers in Santa Clara County, Santa Clara Valley Water District intends to purpose recycled and purified water for the provision of at least 10% of Santa Clara County’s total water

demand by 2025. The requirements in the Ordinance would supplement existing strategies and support ongoing efforts to achieve an environmentally adaptive water supply.

A monthly assessment of water supply and use trends conducted by Santa Clara Valley Water District reported that the beginning of 2018 presented “groundwater storage well within Stage 1 (Normal) of the District’s Water Shortage Contingency Plan.” However, precipitation for the beginning of 2018 was 60% of average levels at the San Jose Index Station and significantly lower than that of the Santa Cruz Mountains, the Diablo Range and South County, with snow water equivalent for the Northern Sierra falling well below normal. Such data suggests a need for water supply capable of satisfying demand while withstanding potential future drought conditions.

A variety of other jurisdictions have adopted ordinances with similar requirements to this Ordinance, including Los Angeles, Menlo Park, and San Francisco. Located in a similarly dry climate, the City of Menlo Park proposed that the green and sustainable building requirements incorporate water efficiency and recycled water measures in preparation for anticipated water supply shortfalls. City of Menlo Park adopted guidelines in March 2018 for water use budgets for new developments in the office, life sciences, and residential mixed-use zoning districts. City and County of San Francisco adopted an ordinance and implemented a program regulating onsite treated alternate water source systems. These initiatives are derived from the urgency of expected shortfalls during drought years, and they strive to ensure that buildings are both water efficient and resilient to protect the public from the impacts of such shortfalls.

In consideration of the dry climate that characterizes Santa Clara County paired with the expected impacts of climate change and population growth, efficient water resource management will become a matter of increasing importance. Specifically, waste and unnecessary use of potable water threatens the limited supply available for consumption and creates the need for water recycling and conservation measures. Buildings account for a significant portion of potable water use, and new development adds to existing potable water demands. Improving water efficiency and encouraging nonpotable water use for nonpotable applications, implemented at the design and construction phase of new developments, can help minimize the strain such developments place on potable water supplies for the life of the buildings. Reduced water use achieved through efficiency measures concurrently delivers a variety of associated environmental benefits including reduced energy use, reduced greenhouse gas emissions, water quality protection, and improved stream flows. Creating the framework within which onsite treated alternate water source systems can be installed will additionally assist in extending potable water supplies. The risk-based water quality standards that will be applied to onsite treated alternate water source systems will protect public health, safety and welfare.

POLICY ISSUES:

The Ordinance is subject to the requirements of California Senate Bill No. 966 (“SB 966”) and the associated updates to Article 8 (commencing with Section 13558) of Chapter 7 of Division 7 of the Water Code related to local jurisdictions that elect to establish a program for onsite treated nonpotable water systems that includes the risk-based water quality standards established by the

California State Water Resources Control board. The text of the Ordinance is in full compliance with SB 966.

Beyond the text of the Ordinance, SB 966 requires that “a local jurisdiction that does not provide water service or sewer service shall consult with a water service provider or sewer service provider, respectively, that provides water service or sewer service within the boundaries of the jurisdiction before adopting, amending, or repealing an ordinance that institutes a program for onsite treated nonpotable water system installation and regulation. In consulting with a water service provider or sewer service provider, a local jurisdiction shall give the water service provider or sewer service provider the opportunity to demonstrate that the proposed ordinance could result in a significant adverse impact” to receiving waters or to the existing sewer collection or treatment system or existing or planned centralized recycled water or potable reuse facilities or projects due to reduced flows. The City has consulted with [Agency Name(s) or internal department name(s)] in compliance with this requirement, and [no such significant adverse impacts were identified OR any such significant impacts identified were addressed in order to avoid or mitigate the impacts to the point where they are no longer significant].

Ongoing compliance with SB 966 will require the City to provide an annual report to the California State Water Resources Control Board that includes the number, location, and description of permits issued for new and replacement onsite treated nonpotable water systems, the types and quantity of nonpotable water for nonpotable end uses, water quality monitoring data, and a summary of any violations and corrective actions taken in the local jurisdiction’s program.

Requirements in the Single-Family Residential Water Waste Reduction when Heating Water section of the Ordinance make more restrictive amendments to certain provisions of Title 24 of the California Code of Regulations (“California Building Standards Code”). More specifically, these amendments are to certain provisions of Part 6 of Title 24 of the California Code of Regulations (“California Building Energy Efficiency Standards”). Section 1.1.8 of Part 2 of Title 24 of the California Code of Regulations and Sections 17958 and 18941.5 of the California Health and Safety Code provide that any city, county, or city and county may make more restrictive amendments to the provisions of the California Building Standards Code. Section 25402.1(h)2 of the California Public Resources Code and Section 10-106 of Part 6 of Title 24 of the California Code of Regulations provide that local government agencies may adopt and enforce energy standards for newly constructed buildings, additions, alterations, and repairs to existing buildings, provided the standards are cost-effective and will require the buildings to be designed to consume no more energy than permitted by the Building Energy Efficiency Standards. Local amendments to the California Building Standards Code are subject to certain requirements governed by the California Building Standards Commission (“CBSC”), and local amendments to the California Building Energy Efficiency Standards are subject to certain requirements governed by the California Energy Commission (“CEC”).^{1,2} Key elements of these requirements are discussed below.

¹ <http://www.bsc.ca.gov/Rulemaking/LocalCodeOrdinances.aspx>

² <https://www.energy.ca.gov/title24/2016standards/ordinances/>

Sections 17958.5 and 17958.7 of the California Health and Safety Code require that for each proposed local amendment to the provisions of the California Building Standards Code, the local governing body must make an express finding supporting its determination that each such local amendment is reasonably necessary because of local climatic, geological, or topographical conditions. Section 101.7.1 of Part 11 of Title 24 of the California Code of Regulations, known as the California Green Building Standards Code, provides that local climatic, geological, or topographical conditions include environmental conditions established by the city, county, or city and county. Pursuant to Sections 17958.5 and 17958.7 of the California Health and Safety Code, the provisions of the California Building Standards Code in Title 24 of the California Code of Regulations being amended and the respective express findings applicable to each amendment are summarized in and attached to the Ordinance as Exhibit A (Express Findings for Local Amendments of Building Standards).

Local amendments to the California Building Standards Code are not effective until copies of the amendment documents meeting all document filing requirements have been filed with the CBSC. Additionally, the CEC review and approval process involves posting an adopted ordinance for public comment for sixty (60) days followed by approval at a CEC Business Meeting. After adoption of the Ordinance, the City will file the required amendment documents and follow the required approval processes with the CBSC and CEC in accordance with each agency's respective requirements.

The model water efficiency ordinance and accompanying cost-effectiveness analysis upon which this Ordinance is based and to which this Ordinance is substantially similar were developed with informal input from staff of both the CBSC and the CEC in anticipation of each agency's respective requirements and in order to preemptively identify any potential barriers to approval, of which none were identified. The cost-effectiveness analysis, attached hereto as Attachment A, found that the energy standards in the model water efficiency ordinance relevant to the CBSC and the CEC are cost-effective and require buildings to be designed to consume no more energy than permitted by Part 6 of Title 24 of the California Code of Regulations, and the Ordinance includes the required language stating this finding.

The triennial code adoption cycle of the California Building Standards Code impacts the timing of the Ordinance with regard to adoption, implementation, effective date, and updating. The 2016 California Building Standards Code is the current version of the code that will be effective until January 1, 2020. The 2019 California Building Standards Code is currently in the triennial code adoption cycle, has been developed and adopted, and is slated to be published on July 1, 2019 and become effective on January 1, 2020. Section 1.1.8 of Part 2 of Title 24 of the California Code of Regulations and Sections 17958 and 18941.5 of the California Health and Safety Code specify that local amendments to the California Building Standards Code shall not be effective any sooner than the effective date of the California Building Standards Code being amended. Because the 2016 California Building Standards Code is the current version of the code and because there is currently not yet a process in place for demonstrating compliance with the 2019 California Building Standards Code (expected approximately June 2019), the Ordinance amends the 2016 California Building Standards Code. However, some Ordinance requirements make early reference to some already-adopted language from the 2019 California Building Standards Code, which will likely result in increased familiarity among project

applicants and facilitate compliance with the relevant Ordinance requirements. Sometime between June 2019 and December 2019, the City will need to update the Ordinance to reference the updated 2019 California Building Standards Code and will need to include an updated cost-effectiveness analysis and updated approvals from the CBSC and the CEC.

The Ordinance is generally complementary and non-overlapping with the California Model Water Efficient Landscape Ordinance (“MWELO”), however the Ordinance includes certain requirements related to water efficient landscapes that are more stringent than MWELO, including requirements related to water meters for landscape irrigation, irrigation nozzle precipitation rate, and swimming pool and spa covers.

The Ordinance supports one of the purposes of the Santa Clara Valley Water District stated in the Santa Clara Valley Water District Act, which is “to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the District.” The Ordinance also supports the Santa Clara Valley Water District Board Policy stating that “there is a reliable, clean water supply for current and future generations.” The Ordinance supports the strategy element of increasing water recycling and conservation to meet future increases in demand as stated in the Ensure Sustainability water supply strategy of Santa Clara Valley Water District’s 2012 Water Supply and Infrastructure Master Plan.

COSTS AND BENEFITS:

Implementation of this Ordinance will require staff time to complete both initial and ongoing relevant tasks. Initial tasks include:

1. Within ninety (90) days of adoption of the Ordinance, the Director or his or her designee shall establish a program for Onsite Treated Nonpotable Water systems including rules and regulations regarding the operation of Alternate Water Source Systems necessary to effectuate the purposes of this Ordinance and to protect public health and safety. This program shall include, among other elements, a Water Budget Calculator to provide to project applicants.
2. The Director of Public Works or his or her designee shall adopt regulations consistent with, and in furtherance of, this Ordinance.
3. Relevant City staff shall file the required amendment documents and follow the required approval processes with the CBSC and the CEC in accordance with the each agency’s respective requirements for local amendments of building standards.
4. Relevant City staff shall conduct initial review of this Ordinance and its requirements in order to understand and undertake the relevant implementation tasks, program development, new development project permitting, and site plan review processes.
5. While not strictly required, it would be considered best practice for City staff to develop resources for new development project applicants in order to communicate the requirements of and facilitate compliance with the Ordinance.

In addition to the aforementioned initial tasks, implementation of this Ordinance will require staff time on an ongoing basis, including in the following areas:

1. Review during the new development project permitting and site plan review processes for compliance with the requirements of this Ordinance by Building Department staff;
2. Review by the Director or his or her designee of written requests for exemption from certain requirements of this Ordinance;
3. Review by the Director or his or her designee of applications for Alternate Water Source Systems, including submitted Water Budget Documentation and Nonpotable Water Engineering Reports;
4. Issuance or denial of all relevant permits (operations, building, plumbing, encroachment, etc.) for the construction, installation, and/or modification of Alternate Water Source Systems by the relevant City departments;
5. Review and verification by the Director of submitted Construction Certificate Letters for Alternate Water Source Systems;
6. Inspection by the Director or his or her designee of any Alternate Water Source Systems as needed and appropriate to determine compliance;
7. The administration of irrigation audits of newly constructed landscape areas by the local agency;
8. Enforcement of relevant administrative penalties and/or pursuit of any legal remedies for violations of provisions, rules, or regulations of the Ordinance;
9. Annual reporting by the Director or his or her designee to the California State Water Resources Control Board that includes the number, location, and description of permits issued for new and replacement onsite treated nonpotable water systems, the types and quantity of nonpotable water for nonpotable end uses, water quality monitoring data, and a summary of any violations and corrective actions taken in the local jurisdiction's program;
10. Annual reporting by the Director to the Controller of the revenues generated by the non-refundable permit application fees for the prior fiscal year and the prior fiscal year's costs of operation;
11. Annual review by the Controller of the revenues generated by the non-refundable permit application fees for the prior fiscal year and the prior fiscal year's costs of operation and annual adjustment by the Controller of such fees as appropriate; and
12. Adopting ordinances to update the relevant municipal code language as needed to address updates to referenced code (such as the triennial code adoption cycle for updates to the California Building Standards Code) and to make other changes as appropriate.

This Ordinance provides for the City to receive an appropriate amount of revenue to recover the costs of operation of this Ordinance through the non-refundable permit application fees as authorized by this Ordinance and as reviewed and, if necessary, adjusted, by the Controller on an annual basis.

Adoption of this Ordinance and the associated rules and regulations will help deliver a variety of benefits to the City, including:

1. Helping the City manage its water resources as efficiently as possible to extend the City's water supplies in the face of growing population, climate change, potential future drought conditions, and the need to protect and grow the City's economy;

2. Providing reduced water use and the associated energy use reductions and environmental benefits including protecting water quality, preserving and improving stream flows, and reducing greenhouse gas emissions;
3. Assisting in meeting future water requirements of the City and addressing the impacts of new development on the City’s sanitary sewer system;
4. Protecting public health, safety, and welfare through the application of risk-based water quality standards for onsite treated alternate water source systems; and
5. Helping the City achieve its goals for water supply use and preservation by:
 - a. Promoting the values and benefits of nonpotable water use while recognizing the need to invest water and other resources as efficiently as possible;
 - b. Encouraging the use of nonpotable water for nonpotable applications; and
 - c. Replacing potable water use for irrigation with alternate water sources to the maximum extent possible.

In addition, the cost effectiveness analysis conducted on the measures in the model water efficiency ordinance upon which this Ordinance is based and to which this Ordinance is substantially similar, is attached hereto as Attachment A.

CONCLUSION AND NEXT STEPS:

Staff recommends that the City Council conduct a first reading and authorize the adoption of Ordinance No. XXXX, An Ordinance of the City Council of the City of [] Adding a New Chapter [] (Water Efficient New Development) to Title [] of the City of [] Municipal Code Related to Requirements for New Development that Promote Water Use Efficiency and the Development of Alternate Sources of Water Supply. Should the City Council adopt the Ordinance, within ninety (90) days, the Director shall establish a program for Onsite Treated Nonpotable Water systems including rules and regulations regarding the operation of Alternate Water Source Systems necessary to effectuate the purposes of this Ordinance and to protect public health and safety. Relevant City staff should review the Ordinance and its requirements to understand and undertake the relevant implementation tasks, program development, new development project permitting, site plan review processes, and the development of resources to communicate the requirements with new development project applicants and facilitate compliance.

Prepared by: Name, Title

ATTACHMENTS:

Attachment #	Page #	Title
Attachment A	8	Energy and Water Efficiency Cost-Effectiveness Study for Residential and Nonresidential New Construction

File No.: 19-0139

Agenda Date: 2/15/2019

Item No.: 5.3.

COMMITTEE AGENDA MEMORANDUM

Water Conservation and Demand Management

SUBJECT:

Sustainable Groundwater Management Act Basin Prioritization Update.

RECOMMENDATION:

This is an information only item and no action is required. However, the Committee may provide comments for Board consideration.

SUMMARY:

The Sustainable Groundwater Management Act (SGMA) requires that groundwater basins classified by the California Department of Water Resources (DWR) as high and medium priority comply with SGMA. Factors used for prioritization include population, groundwater reliance, irrigated acreage, and groundwater impacts. The DWR prioritization is meant to indicate the importance of the basin rather than provide an assessment of whether a basin is sustainably managed.

The initial 2015 basin prioritization is periodically reassessed after DWR approval of basin boundary modifications. In January 2019, DWR released the final prioritization for 458 basins following a public comment period.

In response to a public question at the June 25, 2018 Committee meeting, staff committed to provide additional information about the basin prioritization once finalized by DWR. While the priority increased from medium to high for the Santa Clara Subbasin, the District's compliance requirements and approach are unchanged since the basin was already subject to SGMA. Additional information is provided below.

BACKGROUND:

DWR completed the first prioritization of California's 517 groundwater basins in 2015. After approving various basin boundary modification requests in 2016, DWR was required to reassess the basin prioritization; a draft was released in May 2018 for public comment. The District submitted detailed comments, providing local data and recommendations for DWR's consideration. In January 2019, DWR released the final basin prioritization for 458 basins. The prioritization for some basins changed based on updated data and new factors specific to SGMA. The remaining 59 basins are affected by basin boundary modification requests submitted in 2018, and final basin prioritization will be released after those modifications are finalized.

There are five subbasins entirely or partially located within Santa Clara County. The prioritization for

the Santa Clara Subbasin changed from medium to high, but the other basins were unchanged. The high priority determination for the Santa Clara Subbasin was primarily driven by higher scores for population, number of water supply wells, groundwater reliance, and documented impacts (e.g., historical land subsidence). Because SGMA does not treat high-priority basins differently than medium-priority basins, this does not affect District requirements under SGMA.

The updated prioritization for two subbasins primarily located in San Benito County (Hollister and San Juan Bautista subbasins) is pending based on a boundary modification request submitted by San Benito County Water District and supported by the District. Table 1 below summarizes local basin prioritization information.

Table 1. Results of Updated Basin Prioritization in Santa Clara County

Basin	2015 DWR Basin Prioritization	2019 DWR Basin Prioritization	Notes
Santa Clara	Medium	High	• Still subject to SGMA • Alternative Plan being reviewed by DWR
Llagas	High	High	• Still subject to SGMA • Alternative Plan being reviewed by DWR
Hollister Area	Medium	Pending - Boundary Modification Requested	• Likely still subject to SGMA • Coordinating with San Benito County Water District on Groundwater Sustainability Plan
San Juan Bautista	Medium	Pending - Boundary Modification Requested	• Likely still subject to SGMA • Coordinating with San Benito County Water District on Groundwater Sustainability Plan
San Mateo Plain	Very Low	Very Low	• Not subject to SGMA

Note: the Santa Clara and Llagas Subbasins are entirely within Santa Clara County, while the other subbasins listed have only small portions within the county.

Per DWR, the basin prioritization is meant to indicate the relative importance of groundwater in a basin rather than to assess groundwater management. The District continues to implement comprehensive programs to ensure continued sustainability of the Santa Clara and Llagas Subbasins.

The District awaits the DWR assessment of the 2016 Groundwater Management Plan for the Santa Clara and Llagas Subbasins, which was submitted as an Alternative Plan in December 2016. The DWR assessment is expected in early 2019.

ATTACHMENTS:

None.

File No.: 19-0139

Agenda Date: 2/15/2019
Item No.: 5.3.

UNCLASSIFIED MANAGER:
Garth Hall, 408-630-2750

File No.: 19-0140

Agenda Date: 2/15/2019

Item No.: 5.4.

COMMITTEE AGENDA MEMORANDUM

Water Conservation and Demand Management

SUBJECT:

Review Water Conservation and Demand Management Committee Work Plan, the Outcomes of Board Action of Committee Requests; and the Committee's Next Meeting Agenda.

RECOMMENDATION:

Review the Committee work plan to guide the committee's discussions regarding policy alternatives and implications for Board deliberation.

SUMMARY:

The attached Work Plan outlines the Board-approved topics for discussion to be able to prepare policy alternatives and implications for Board deliberation. The work plan is agendaized at each meeting as accomplishments are updated and to review additional work plan assignments by the Board.

BACKGROUND:

Governance Process Policy-8:

The District Act provides for the creation of advisory boards, committees, or commissions by resolution to serve at the pleasure of the Board.

Accordingly, the Board has established Advisory Committees, which bring respective expertise and community interest, to advise the Board, when requested, in a capacity as defined: prepare Board policy alternatives and provide comment on activities in the implementation of the District's mission for Board consideration. In keeping with the Board's broader focus, Advisory Committees will not direct the implementation of District programs and projects, other than to receive information and provide comment.

Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.

ATTACHMENTS:

Attachment 1: Water Conserv and Demand Mgmt Committee 2019 Work Plan

Attachment 2: Water Conserv and Demand Mgmt Committee Next Meeting's Draft Agenda

File No.: 19-0140

Agenda Date: 2/15/2019
Item No.: 5.4.

UNCLASSIFIED MANAGER:
Michele King, 408-630-2711

2019 Work Plan: Water Conservation and Demand Management Committee

Update: January 2019

The annual work plan establishes a framework for committee discussion and action during the annual meeting schedule. The committee work plan is a dynamic document, subject to change as external and internal issues impacting the District occur and are recommended for committee discussion. Subsequently, an annual committee accomplishments report is developed based on the work plan and presented to the District Board of Directors.

ITEM	WORK PLAN ITEM	MEETING	ACTION/DISCUSSION OR INFORMATION ONLY	ACCOMPLISHMENT DATE AND OUTCOME
1	Election of Chair and Vice Chair for 2019	2-15-19	Discussion/Action Item	
2	Water Conservation and Demand Management Committee 2018 Accomplishments Report	2-15-19	Discussion/Action Item	
3	Water Supply Master Plan Conservation and Stormwater Capture Project Update	2-15-19	Discussion/Action Item	
4	Sustainable Groundwater Management Act Basin Prioritization Update	2-15-19	Discussion/Action Item	
5	Review of Water Conservation and Demand Management Committee Work Plan, the Outcomes of Board Action of Committee Requests and the Committee's Next Meeting Agenda	2-15-19	Discussion/Action Item	
6	Current Water Conservation Programs and Resources	TBD	Discussion/Action Item	
7	Fixed/variable charges	TBD	Discussion/Action Item	

Yellow = Update Since Last Meeting

Blue = Action taken by the Board of Directors

Attachment 1
Page 1 of 2

2019 Work Plan: Water Conservation and Demand Management Committee

Update: January 2019

ITEM	WORK PLAN ITEM	MEETING	ACTION/DISCUSSION OR INFORMATION ONLY	ACCOMPLISHMENT DATE AND OUTCOME
8	Water Supply Master Plan “No Regrets” Programs	TBD	Discussion/Action Item	

Yellow = Update Since Last Meeting

Blue = Action taken by the Board of Directors

Attachment 1
Page 2 of 2

DRAFT AGENDA

WATER CONSERVATION AND DEMAND MANAGEMENT COMMITTEE

JUNE 2019 (TBD)

10:00 a.m. - 12:00 p.m.

**Santa Clara Valley Water District
Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118**

Time Certain

10:00 a.m.

- 1. Call to Order/Roll Call**
- 2. Time Open for Public Comment on Any Item Not on the Agenda**
Comments should be limited to two minutes. If the Committee wishes to discuss a subject raised by the speaker, it can request placement on a future agenda.
- 3. Approval of Minutes**
3.1 Approval of Minutes – February 15, 2019, meeting
- 4. Discussion/Action Items**
 - 4.1 Fixed/variable charges (Darin Taylor)
Recommendation: This is a discussion item and the Committee may provide comments, however, no action is required.
 - 4.2 Review of Water Conservation and Demand Management Committee Work Plan, the Outcomes of Board Action of Committee Requests and the Committee’s Next Meeting Agenda (Committee Chair)
Recommendation: Review of Water Conservation and Demand Management Committee Work Plan, any Outcomes of Board Action or Committee Requests and the Committee’s Next Meeting Agenda.
- 5. Clerk Review and Clarification of Committee’s Requests**
This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during discussion of Item 4.
- 6. Adjourn: Adjourn**

REASONABLE EFFORTS TO ACCOMMODATE PERSONS WITH DISABILITIES WISHING TO ATTEND COMMITTEE MEETINGS WILL BE MADE. PLEASE ADVISE THE CLERK OF THE BOARD OFFICE OF ANY SPECIAL NEEDS BY CALLING (408) 630-2277.

Meetings of this committee will be conducted in compliance with all Brown Act requirements. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the same time that the public records are distributed or made available to the legislative body, at the following location:

Santa Clara Valley Water District, Office of the Clerk of the Board
5700 Almaden Expressway, San Jose, CA 95118

Water Conservation and Demand Management Committee:

Purpose: To support the Board of Directors in achieving its policy to provide a reliable water supply to meet current and future water usage by making policy recommendations related to demand management.

