

ORDINANCE NO. 04

AN ORDINANCE OF THE BOARD OF DIRECTORS OF SANTA CLARITA VALLEY WATER AGENCY TO PROVIDE FOR THE MANDATORY USE OF RECYCLED WATER WITHIN THE AGENCY'S SERVICE AREA

WHEREAS, the Santa Clarita Valley Water Agency (Agency) was created on January 1, 2018, by the Santa Clarita Valley Water Agency Act (SB 634, Chapter 833, 2017) and provides both potable and recycled water to customers within its service area; and

WHEREAS, as a water supply agency that is dependent on both imported water from the California State Water Project and local water from the Santa Clara River Watershed, the Agency must also develop additional sources of water for use by its rate payers, including recycled water; and

WHEREAS, Water Code sections 13550 states that the use of potable domestic water for non-potable uses is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available and any person may be required to use recycled water as long as it meets Title 22 water quality standards for the safe use of recycled water for the specific types of uses and is provided at a reasonable cost; and

WHEREAS, Water Code section 13551 et seq. states that no person shall use potable water for non-potable purposes if suitable recycled water is available and certain conditions are met, and the use of such recycled water shall be a beneficial use of water that does not impact water rights; and

WHEREAS, Pursuant to Water Code 350 et seq. and 375 et seq. the Agency has the authority to manage its supplies to prevent waste and allocate water in a fair and nondiscriminatory manner during and in anticipation of periods of drought and to adopt and enforce ordinances, rules and regulations that implement the Agency's water conservation program, which include limitations on the use of potable water; and

WHEREAS, the Agency's implementing legislation, Water Code Appendix section 145 et seq., gives the Agency the authority to exercise the powers that are expressly granted in the legislation or that are necessarily implied, including all powers necessary to conserve water and provide, sell, manage, and deliver recycled water for municipal, industrial, domestic, and other purposes; and

WHEREAS, California law gives public water agencies such as the Agency full authority to manage their varied sources and supplies of water as they deem necessary to provide such water to the public in a fair and nondiscriminatory manner; and

WHEREAS, pursuant to the above cited laws, the Agency has the authority to regulate the use of potable water and adopt a recycled water ordinance that allows the Agency to provide recycled water to ratepayers and to mandate recycled water under certain circumstances; and

WHEREAS, the Agency also intends to offer certain incentives to ensure the reasonable cost, encourage and assist voluntary conversions to recycled water in areas where it has been made available to existing customers. This includes what is currently called the Purple Planning, Readiness and Effectuating (“PREP”) Program; and

WHEREAS, the intent of PREP is to provide a process which transparently engages customers to understand their specific needs and provide technical and financial assistance to ensure the feasibility of the conversion from potable to recycled water for outdoor irrigation; and

WHEREAS, to prevent waste of potable water and promote the efficient use of water for the benefit of the entire Valley, the Agency desires to adopt an Ordinance to mandate the use of recycled water under certain circumstances as authorized by law.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. TITLE, PURPOSE, AND INTENT

1.1 Title

This Ordinance shall be known as the "Recycled Water Mandatory Use Ordinance" ("Ordinance") of the Santa Clarita Valley Water Agency ("Agency").

1.2 Purpose

The purpose of this Ordinance is to prevent the waste of potable water, promote the conservation and reuse of water resources, and to ensure maximum public benefit from the use of the Agency's potable and recycled water supply in accordance with applicable federal, state, and local requirements.

1.3 Intent

The agency is committed to providing reliable and energy-efficient water services in a customer-oriented and environmentally responsible manner. As part of this commitment, the intent of this Ordinance is to mandate and encourage the use of recycled water within the agency for any and all purposes approved by state law wherever such use is economically justified, financially and technically feasible. Under all circumstances, such recycled water shall meet Title 22 water quality standards for the safe use of recycled water for the specific types of uses.

2. AUTHORITY AND ADMINISTRATION

The Water Code requires the use of recycled water when available.

2.1 Determination of Recycled Water Use Area and Mandatory Use

The General Manager may determine that use of potable water in any portion of the Agency's service area for specified non-potable uses (including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, in accordance with Water Code section 13550) represents a waste and unreasonable use of water and shall be replaced with recycled water where such recycled water is available for such uses. Pursuant to this authority, the Agency is authorized to mandate the use of recycled water for existing customers, including any necessary modifications, as determined by the Agency, to existing on-site water facilities, and for new developments, and including the construction of any necessary recycled water systems. Consistent with the Water Code, recycled water will meet Title 22 water quality standards for the safe use of recycled water for the specific types of non-potable uses

and will be made available at a reasonable cost. In determining reasonable cost, the Agency shall consider all relevant factors, including but not limited to, the present and projected costs of supplying, delivering, and treating potable domestic water for these uses and the present and projected costs of supplying and delivering recycled water for these uses, and shall find that the cost of supplying the treated recycled water is comparable to, or less than, the cost of supplying potable domestic water. Reasonable cost will also include necessary site conversion costs needed to convert to recycled water. In comparing the cost of recycled water to potable water service, any financial assistance provided to the customer and any water rate differential will be taken into consideration. The Agency will also engage with and consider information provided by the customer in its determination of reasonable cost.

2.2 Existing Potable Water Services

2.2.1 Mandatory Conversion

In instances where the General Manager determines that existing potable water use shall be replaced with recycled water use, the Agency will provide the current owner with a Notice of Determination ("NOD") to use recycled water (See Attachment A for a sample "NOD"), explaining what is required to facilitate recycled water use, as well as the conditions and schedule for the mandated conversion, including the price of the recycled water and a description of the on-site retrofit requirements, if any. Customers receiving an NOD may request a waiver and/or appeal a decision as described below in Section 2.4.

2.2.2 Customer Request for Recycled Water Service

If a current customer who is not required to convert to recycled water pursuant to this Ordinance would like to receive recycled water, the customer must submit an application for recycled water to the Agency for review, along with any required application fee. The application shall contain such information as required by the Agency and shall include information about the conditions that must be complied with, including but not limited to, the Agency's Recycled Water Rules and Regulations governing the use of recycled water. The Agency will review the application for completeness and contact the customer regarding the potential provision of service. The Agency retains absolute discretion, based on the circumstances of each application to approve an application or not.

Upon determination that a property can be served with recycled water, and approval of an application, the owner of the property will be required to enter into a Recycled Water Use Agreement as a condition of service, which will include the requirements of service. If after an application is approved and a Recycled Water Use Agreement is executed any of the conditions of service are not satisfied, the Recycled Water User Agreement may be revoked by the General Manager, and recycled water service may be terminated.

2.3 Recycled Water Service for New Development and Alterations / Remodels

Upon submittal of a request for water service by an applicant in connection with an entitlement process, plot plan, or other proposed land development/land use, the General Manager shall make preliminary determinations if recycled water service can be provided to the area in question. Based upon such determinations, use of recycled water and construction of recycled water distribution systems, including any offsite facilities or other facilities for the use of recycled water, may be mandated as a condition(s) of approval of any application, in addition to any other conditions of the new industrial, commercial, or residential development or

applications for alterations/remodels. The Agency retains complete discretion to determine whether recycled water service shall be mandated or not.

2.4 Waivers and Appeals

2.4.1 Waivers.

A customer who wishes to request a waiver of a decision by the Agency to require conversion to recycled water must submit a request on a form provided by the Agency (See Attachment B for a sample waiver form) no later than forty-five (45) days after the date of the NOD. In making a decision on whether to grant or deny a request for waiver, Agency staff will take into consideration whether the required conversion would, due to unique circumstances, result in undue hardship to the customer that is disproportionate to customers generally.

2.4.2 Appeals

Customers may appeal a decision by the Agency to require conversion to recycled water or a decision by the Agency to deny a waiver by filing a written appeal on a form provided by the Agency (See Attachment C for a sample appeal form) no later than forty-five (45) days after the date of the NOD or the denial of the waiver. Any NOD or decision regarding a waiver not timely appealed will be final. Upon receipt of a timely appeal, a hearing will be scheduled and the Agency will mail and/or personally deliver written notice of the hearing date to the customer at least fourteen (14) days before the date of the hearing. The General Manager or their designee will consider all appeals and issue a final decision within fourteen (14) days of the hearing. Customers have forty-five (45) days from the date of the final decision to request review by the Board of Directors. In such instances, the Board of Directors shall consider all appeals at a noticed public meeting. The Agency will promptly send written notification of any decision by the Board of Directors and all decisions are final.

2.5 Applications for Service

For customers who submit an application(s) for recycled water service, the Agency retains absolute discretion, based on the circumstances of each application, to approve an application or not and any decision by the Agency may not be appealed.

2.6 Violations and Enforcement - Termination of Service

The Agency is authorized to discontinue service upon written notice if a customer fails to comply with any of the requirements of this Ordinance, including any of the conditions for service that may be imposed. In cases where the Agency is requiring a customer to convert to recycled water consistent with Section 2.2.1, prior to taking any action to enforce violations of such an NOD, the Agency will submit its determination and related record of information to the State Water Resources Control Board for hearing and determination as provided for in Water Code Section 13550.

2.7 Rates, Fees, Charges, and Deposits.

All rate, fees, charges, and deposits regarding recycled water service, including administrative costs, shall be established by the Board of Directors. The water rates and associated fees shall be in accordance with the applicable Rate Resolution then in effect, as it may be established from time to time.

3. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance regulating the use of recycled water is for any reason found to be invalid or unconstitutional, such decision shall not affect the remaining portions of this Ordinance. The Board of Directors declares that it would have approved this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

4. ADOPTION

This Ordinance shall become effective thirty (30) days after its adoption by the Board of Directors.

ADOPTED this 19th day of November 2024.



President of the Board of Directors

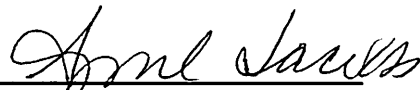
ATTEST:



Secretary of the Board of Directors

I, the undersigned, hereby certify: That I am the duly appointed and acting Secretary of the Santa Clarita Valley Water Agency, and that at a regular meeting of the Board of Directors of said Agency held on November 19, 2024, the foregoing Ordinance No. 04 was duly and regularly adopted by said Board, and that said ordinance has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

DATED: November 19, 2024



Secretary



Attachment A

Sample Notice of Determination (NOD) Form



SCV WATER

REQUIRED RECYCLED WATER USE

NOTICE OF DETERMINATION

Date: [Insert Date]

To: [Customer Name/Address]

Subject: Notice of Determination - Mandatory Use of Recycled Water

Dear [Customer Name],

We are writing to inform you of an important change regarding your water usage and a new requirement for you to utilize recycled water. Effective [Effective Date], SCV Water's Recycled Water Use Ordinance provides authority for the General Manager to make determinations requiring the use of recycled water for [specific purposes, e.g., irrigation, landscaping, etc.] within SCV Water's service territory. Consistent with this authority, the General Manager has determined that recycled water is available for use at a reasonable cost and has determined that it must be utilized on your property. This decision has been made to ensure the sustainable management of our water resources and to comply with local and state regulations.

Key Details and New Requirements:

- Compliance Deadline: [Insert Compliance Date]
- Affected Areas: [Specify Areas]
- Permitted Uses of Recycled Water: [List Permitted Uses]
- Prohibited Uses of Recycled Water: [List Prohibited Uses]
- Installation Requirements: [Provide Details on Any Required Installations or Modifications]

SCV Water will engage with you to clearly identify the next steps and requirements to satisfy this NOD. If you have any questions or need assistance, please contact our customer service team at [Contact Information]. We appreciate your cooperation and commitment to sustainable water use.



Recycled Water Conversion

Notice of Determination - Customer Waiver Request Form

Pursuant to receiving a Notice of Determination (NOD) from SCV Water, customers may request a waiver from the recycled water conversion requirements in accordance with the Recycled Water Use Ordinance (Ordinance No. 4). Customer waivers must be supplied to the Agency within forty-five (45) days of receipt of the NOD. The waiver and appeals process are described in section 2.4 of the Ordinance (linked here to be supplied). Completed waiver forms and any supporting documentation should be submitted via email to Conservation@scvwa.org.

A. Customer Information:

Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Phone Number: _____

Email Address: _____

Applicable Water Account Numbers: _____

B. Property Information:

Property Type: (Residential/Commercial/Industrial)

Property Size (sq ft): _____

Current Water Source: _____

C. Waiver Details:

Reason for Waiver: (Please check all that apply)

Financial Hardship

Technical Feasibility

Health and Safety Concerns

Other (Please specify): _____

Detailed Explanation of Waiver: (Please provide a detailed explanation of why you are appealing the requirement to convert to recycled water. Attach additional pages if necessary.)

D. Supporting Documents:

(Please attach any supporting documents that may help in the evaluation of your waiver, such as financial statements, technical reports, health and safety documentation).

Declaration: I hereby declare that the information provided in this form is true and accurate to the best of my knowledge.

Signature: _____

Date: _____

SCV Water staff will consider the waiver request provide a final decision within 14 days of receipt of the submitted and completed customer waiver request.

Customers may appeal staff's decision to the SCV Water General Manager or designee. The customer must notify intent to appeal rejection of the waiver request within thirty (30) days of receipt of the decision. To appeal staff's decision to the General Manager or designee', please download, complete and submit the Recycled Water Conversion – Notice of Determination Customer Appeals form via mail at 26251 Summit Circle, Santa Clarita, CA, 91350 or via email at Conservation@scvwa.org.

For Internal Use Only	
Conversion Waiver Received Date: _____	Agency Response Date: _____
Waiver Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Declined	
Findings: See Attachments	



Recycled Water Conversion

Notice of Determination Customer Appeals Form

In cases where SCV Water has rejected a Waiver request, customers may appeal recycled water conversion requirements in accordance with the Recycled Water Use Ordinance (Ordinance No. 4). Customer appeals must be supplied to the Agency within forty-five (45) days of receipt of the NOD. The appeals process is described in section 2.4 of the Ordinance (linked here to be supplied). Completed appeals forms and any supporting documentation should be submitted via email to Conservation@scvwa.org.

E. Customer Information:

Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Phone Number: _____

Email Address: _____

Applicable Water Account Numbers: _____

F. Property Information:

Property Type: (Residential/Commercial/Industrial)

Property Size (sq ft): _____

Current Water Source: _____

G. Appeal Details:

Reason for Appeal: (Please check all that apply)

Financial Hardship

Technical Feasibility

Health and Safety Concerns

Other (Please specify): _____

Detailed Explanation of Appeal: (Please provide a detailed explanation of why you are appealing the requirement to convert to recycled water. Attach additional pages if necessary.)

H. Supporting Documents:

(Please attach any supporting documents that may help in the evaluation of your appeal, such as financial statements, technical reports, health and safety documentation).

Declaration: I hereby declare that the information provided in this form is true and accurate to the best of my knowledge.

Signature: _____

Date: _____

The General Manager or designee will consider all appeals and provide a final decision within 14 days of receipt of the submitted and completed customer appeal.

Customers may appeal the General Manager or designee's decision to the SCV Water Board of Directors. The customer must notify intent to appeal the General Manager or designee's decision within thirty (30) days of receipt of the decision. The SCV Water Board of Directors will consider the appeal during a noticed public meeting. Details of the meeting will be provided to the customer by SCV Water in advance of the meeting. To appeal the General Manager or designee's decision, please notify SCV Water via mail at 26251 Summit Circle, Santa Clarita, CA, 91350 or via email at Conservation@scvwa.org.

For Internal Use Only

Conversion Appeal Received Date: _____ Final Decision Appeal Received: _____

Appeal Decision: Approved Declined SCV Water BOD Meeting Date: _____

Findings: See Attachments Appeal Decision: Approved Declined

Findings: See Attachments