

MARIN MUNICIPAL WATER DISTRICT

ORDINANCE NO. 429

AN ORDINANCE AMENDING TITLE 13 OF THE MARIN MUNICIPAL WATER DISTRICT CODE ADDING ANOTHER ELEMENT OF THE DISTRICT'S WATER CONSERVATION PROGRAM PURSUANT TO WATER CODE SECTION 375 BY ADDING SECTION 13.02021(2) O-1 "DEFINITIONS" TO INCLUDE "GRAY WATER" AND AMENDING CHAPTER 13.02.021(8) ENTITLED "GRAY WATER SYSTEMS" OF THE DISTRICT CODE

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT AS FOLLOWS:

SECTION 1. Purpose: The purpose of this ordinance is to adopt another element of the District's water conservation program pursuant to Water Code Section 375. The purpose of this ordinance is to require applicants for new water service and applicants requesting an enlarged water service for substantial residential or commercial remodels to install a gray water recycling system to reuse the maximum practicable amount of gray water on site. The Board of Directors views this conservation program as a fundamental and necessary step in its on-going efforts to reduce overall water use District-wide.

SECTION 2. Ordinance Amendments:

A. Section 13.02.021 (2) O-1 is added to Section 13.02.021 (2) entitled "Definitions" to read as follows:

O-1.Gray Water: 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. "Gray water" includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

B. Section 13.02.021(8) is amended to read as follows:

(8) Gray Water Systems. All applicants requesting a water service for a new residential or commercial structure which requires the installation of a new service, and all applicants requesting an enlarged water service for a "substantial remodel" to an existing residential or commercial structure as that term is defined under Marin County Code Section 19.04.063 or any successor ordinance shall install a gray water recycling system to reuse the maximum practicable amount of gray water on site. Installation and operation of all gray water systems shall comply with all rules and regulations of the District, the local jurisdiction having zoning authority over the parcel and the California Plumbing and CALGreen Code.

SECTION 3. Findings of Necessity: The Board of Directors, after considering all of the information and testimony presented at its November 3 , 2015 meeting and all of the comments and protests lodged in relation thereto and in the other portions of the record of this rate-making, finds as follows:

- A. Water is a finite and precious resource.
- B. Currently, California is in its fourth year of drought.
- C. On January 17, 2014, Governor Jerry Brown issued a drought state of emergency declaration in response to record-low water levels in California's rivers and reservoirs as well as an abnormally low snowpack. On April 1, 2015, Governor Brown issued an Executive Order calling for statewide mandatory water reductions of up to 25%.
- D. On May 5, 2015, the State Water Resources Control Board approved regulations, based on Governor Brown's Executive Order, mandating the District to reduce its water consumption by 20% percent for June 2015 through February 2016 as compared to the same months in 2013.
- E. California Plumbing Code Chapter 16 entitled "Alternative Water Sources for Nonpotable Application" contains the current state-wide requirements for the construction, alteration, discharge, use and repair of alternative water source systems", including gray water.
- F. The provisions of Chapter 16 of the state Plumbing Code are intended to, among other things, to conserve water by facilitating greater reuse of laundry, shower, lavatory, and similar sources of discharge for irrigation and/or indoor use.
- G. Requiring the installation of gray water reuse standards will improve the effectiveness of the District's efficiency standards for interior and exterior water use.
- H. Conditioning the approval for a new water service or enlargement of an existing service based upon a substantial remodel as defined above on an applicant's installation of gray water systems will encourage water re-use and preserve the water supply.
- I. Careful water management requires the implementation of a host of water conservation at all times, not just in times of drought.
- J. Article X Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use to the fullest extent of which they are capable and that the waste, unreasonable use or unreasonable method of use of water be prevented, and that conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare.
- K. California Water Codes Section 375 authorized water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
- L. The adoption and enforcement of the water conservation program contained in this

ordinance is necessary to manage and conserve the District's water supply and ensure the sustainability and reliability of the same while preventing water waste.

- M. The Board finds this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15061(b) (3) of the CEQA Guidelines.
- N. After more than twenty years of innovative and aggressive conservation efforts, more needs to be accomplished. The water conservation program required by this ordinance is necessary to conserve additional water for beneficial use and to preserve the District's water supply.

SECTION 4. Environmental Determination: This project has been reviewed for compliance with the California Environmental Quality Act and qualifies for an exemption under the General Rule section 15061(b) (3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 5. Severability: If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this code. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections subsections, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 6. Effective Date: This ordinance shall be effective 90 days from the date of its adoption.

PASSED AND ADOPTED this 3rd day of November 2015, by the following vote of the Board:

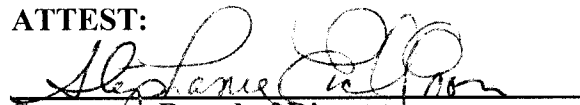
AYES: Directors Bragman, Gibson, Quintero and Russell

NOES: None

ABSENT: Director Koehler (recusal)



President, Board of Directors

ATTEST:


Secretary, Board of Directors