

Water Waste Ordinance Revision

Board of Public Utilities Water Conservation Subcommittee

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Utility Field Operations Facility

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Water Waste Ordinance

- Santa Rosa City Code Chapter 14-21 Water Waste Regulations adopted by City Council in 1999*
- Water waste definition:
 - (A) Potable or recycled water use in outdoor areas resulting in runoff; or
 - (B) Breaks or leaks in the potable or recycled water delivery system.
- Notice and disconnection
 - City may issue a written warning
 - City may disconnect service

*(Ord. 3845 § 7, 2007; Ord. 3426 § 2, 1999)

Why Revise This Ordinance?

- AMI has increased our ability to identify continuous use (leaks)
- Current Water Waste Ordinance is missing:
 - Acknowledgement of continuous use
 - Exceptions for enforcement based on adverse impacts on health, sanitation, safety
 - Option to enforce Commercial, Industrial, Institutional accounts (CII) without disconnection
 - Defined Appeals Process

8/3/2023 0:00	1	246	GAL	Failed Validation
8/3/2023 1:00	1	230	GAL	Failed Validation
8/3/2023 2:00	1	240	GAL	Failed Validation
8/3/2023 3:00	1	221	GAL	Failed Validation
8/3/2023 4:00	1	239	GAL	Failed Validation

Why Revise This Ordinance?

- CII shutoff is not often feasible
 - Essential CII needs to continue operation (schools, police, fire, grocery, etc.)
 - Shutoff would disrupt local economic activity
- Need a mechanism to motivate CII customers to resolve water waste



Proposed Revisions to Ordinance

- Applicability to all customer classes (CII, MFR, SFR)
 - Allows staff maximum flexibility
- Redefined water waste
- Escalating penalty - \$100, \$200, \$500 for every violation
- Clarified authority to disconnect
- Process for requesting exception
- Process for appeal

Water Waste Definition

Current definition:

- (A) Potable or recycled water use in outdoor areas resulting in runoff; or
- (B) Breaks or leaks in the potable or recycled water delivery system.



(Ord. 3845 § 7, 2007; Ord. 3426 § 2, 1999)

Water Waste Definition

Proposed definition:

(A) Potable or recycled water use in outdoor areas resulting in runoff; or

(B) The escape of water through breaks or leaks or due to an equipment malfunction within a customer's plumbing or private distribution system for any substantial period of time within which such break, leak, or equipment malfunction should have been discovered and corrected.

Proposed Penalty Process

- Once irregular continuous use is identified, staff contact the customer to offer support
 - Multiple attempts to reach the onsite decision maker
 - Offer an onsite WaterSmart check-up
 - Provide ongoing technical analysis and support
 - No enforcement process initiated provided the customer is actively trying to find/fix
- Non-responsive customers
 - 1st violation written warning: customer is in violation of Ordinance and has one week to respond or \$100 fine
 - Letter of warning signed by Director of Santa Rosa Water, or Director's designee
 - Customer can apply for exception

Proposed Penalty

- Notice of Violation
 - 2nd Notice of Violation letter, 72 hours to respond, \$100 fine imposed
 - 3rd Notice of Violation letter, 72 hours to respond, \$200 fine imposed
 - 4th Notice of Violation letter, 72 hours to respond, \$500 fine imposed
 - Fine continues every 72 hours
 - Notices of Violation signed by Director of Santa Rosa Water, or Director's designee
 - Customer has right to appeal final decision
 - Customer needs to contact Santa Rosa Water to resolve violation and stop the fine process

Implementing a Water Waste Penalty

- Water waste administrative fines are common.
 - ✓ Marin Municipal Water District (tiered rate excess use penalty)
 - ✓ North Marin Water District (\$250, \$500)
 - ✓ City of San Diego (warning letter, \$100, \$250, \$500, up to \$1K)
 - ✓ City of Santa Cruz (warning letter, \$100, \$250, \$500)
 - ✓ City of Healdsburg (up to \$1K/day, max penalty \$20k)
- Staff anticipate low need to implement fine process
 - SFR: ~500 reports of water waste/yr, ~8 shutoffs/yr. = 1.5% of cases
 - CII: ~40 reports of water waste/yr, 1.5% = fewer than one customer/yr

Authority to Disconnect

Current definition:

Notice and disconnection.

The Director of Utilities may issue a written warning to anyone who violates the provisions of this chapter. If a customer does not correct the violation within 15 days of notification, or such other time as specified by the Director, the City may disconnect potable or recycled water service.

Authority to Disconnect

Proposed definition:

Enforcement—Administrative Fines and Disconnection.

(A) Administrative Fines. Notwithstanding any other provisions contained within the Santa Rosa City Code, the Director of Santa Rosa Water, or the Director's designee, may impose the following administrative fines for violations of section 14-21.030. Any violation of section 14-21.030 that continues for longer than seventy-two hours shall constitute a separate violation.

(B) Disconnection.

- (1) For violations of section 14-21.030, depending on the nature and extent of the water waste, Santa Rosa Water may also disconnect water service pursuant to section 14-04.210(B).
- (2) For violations of section 14-21.040, Santa Rosa Water may disconnect water service pursuant to section 14-04.210(B).

Proposed Exceptions

- Customer may request an exception to a Water Waste Ordinance violation in advance of receiving a Notice of Violation.
- Customer must submit written application explaining why exemption is justified.
- Director of Water or Director's designee may grant exception if necessary to avoid adverse impact on health, sanitation, or safety of the applicant or the public, and/or to avoid undue hardship for the applicant or the public.
- Decision may be appealed in writing to the Board of Public Utilities.

Proposed Appeal Process

- Any customer may appeal the final decision of Santa Rosa Water staff regarding violations to the Director of Santa Rosa Water, or the final decision of the Director of Santa Rosa Water to the Board of Public Utilities.
- Customer must submit written notice of appeal.

14-21.080 Appeal.

Any customer may appeal the final decision of Santa Rosa Water staff regarding violations of this chapter to the Director of Santa Rosa Water, or a final decision of the Director of Santa Rosa Water to the Board of Public Utilities by submitting a written notice of appeal to the Board of Public Utilities within fifteen calendar days of the date of the final decision.

Proposed Next Steps

- Sept 21: Board of Public Utilities consider recommendation on revised Water Waste Ordinance
- October 10: City Council Conduct Public Hearing considering revised Ordinance (second reading to follow)
- October 24: City Council proposed Second Reading of Ordinance
- November 23: Proposed effective date (30 days post Second Reading)

Recommendation

It is recommended by the Water Department that the Board of Public Utilities Water Conservation Subcommittee recommend to the Board of Public Utilities the proposed revisions of the City's Water Waste Ordinance (City Code Chapter 14-2), as described.