

CITY OF SANTA ROSA
BOARD OF PUBLIC UTILITIES

TO: BOARD OF PUBLIC UTILITIES
FROM: DEB LANE, SUSTAINABILITY REPRESENTATIVE
SUBJECT: RECOMMENDATION TO ADOPT PROPOSED ORDINANCE
AMENDING SANTA ROSA CITY CODE CHAPTER 14-21 WATER
WASTE REGULATIONS

AGENDA ACTION: REPORT ITEM

RECOMMENDATION

It is recommended by the Water Conservation Subcommittee and Santa Rosa Water that the Board of Public Utilities, by resolution, recommend the City Council adopt the proposed ordinance amending Santa Rosa City Code Chapter 14-21 Water Waste Regulations to include administrative fines, provide an exception and an appeals process, and make other clarifying changes.

EXECUTIVE SUMMARY

Santa Rosa City Code Chapter 14-21 Water Waste Regulations was first adopted in 1999 and last revised in 2007. Since Chapter 14-21 was last revised, best practices have changed and staff has identified a need to revise the Water Waste Regulations to allow for issuance of administrative fines, provide an exception and appeals process, and make other clarifying changes.

BACKGROUND

In 1999, the Council of the City of Santa Rosa added Santa Rosa City Code Chapter 14-21 Water Waste Regulations, thereby prohibiting water waste due to unattended open hoses, broken irrigation heads or lines, plumbing leaks, and excessive irrigation running off property or spraying on sidewalks or gutters. The Water Waste Regulations (Regulations) authorize the Director of Santa Rosa Water to issue a written warning and disconnect a customer's water service if a water waste violation is not corrected.

The completion of the City of Santa Rosa's (City) Automatic Metering Infrastructure (AMI) system now provides Santa Rosa Water staff with hourly water usage data. This more granular data has increased the Water Use Efficiency team's ability to identify irregular continuous water use which is used to diagnose and notify customers of water waste issues. Staff contact customers with irregular continuous use and offer technical

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assistance to help them resolve the issue in order for the customer to comply with the Regulations. If the customer does not resolve the irregular usage, or does not respond to staff after multiple attempts, the only enforcement option available under the current Regulations is disconnection of the customer's water service. Of approximately 500 reports of water waste at single family homes per year, about eight per year have resulted in disconnection. This is equal to 1.5% of all cases annually.

For Commercial, Industrial, Institutional (CII) customers who are found to be in violation of the Regulations and non-responsive to staff outreach, disconnecting the water service is often not a feasible enforcement option due to potential adverse impacts on health, sanitation, and safety, and/or potential placement of undue hardship on the customer or the public more generally. Many of the CII customer facilities provide essential functions, such as grocery stores, schools, healthcare facilities, and other public and community sector services. Furthermore, staff proposes adding a provision that lays out an appeals process.

PRIOR BOARD OF PUBLIC UTILITIES REVIEW

On June 22, 1999, Santa Rosa City Council, by Resolution No. 3426 amended Section 14-04.210 of the Santa Rosa City Code by adding subsection (E) to provide for disconnection of service for water waste and adding Chapter 14-21 entitled "Water Waste Regulations".

On September 6, 2007, the Board, by Resolution No. 902, recommended that Santa Rosa City Council approve the inclusion of recycled water into Chapter 14-21 Water Waste Regulations.

ANALYSIS

Staff propose revising the Regulations to broaden the definition of water waste and to include an administrative fine structure as an additional enforcement option to encourage customers to resolve water waste violations. While the possible imposition of administrative fines will apply to every customer class, staff believes this additional enforcement option will likely motivate CII customers to resolve water waste violations while minimizing any potential adverse impacts to essential service providers or disrupting local economic activity. Such administrative fines would be reserved only for instances where a customer is no longer in communication with staff and making progress towards addressing the water waste violation.

Staff also proposes adding a provision to the Regulation that will allow staff the ability to grant exceptions when necessary to avoid potential adverse impacts on health, sanitation, and safety, and/or to avoid placing undue hardship on the customer or the public.

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The proposed revisions to Chapter 14-21 Water Waste Regulations are called out in redline form in Attachment 1. Any funds generated through imposition and collection of an administrative fine would be used to fund water use efficiency programs under JL key 55495.

FISCAL IMPACT

There is no fiscal impact from the proposed changes. Staff time to enforce the Water Waste Regulations is already budgeted in the Water Department's Operations and Maintenance budget.

Any funds generated through an administrative fine would be used to fund water use efficiency programs under JL key 55495.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On September 12, 2023, the Board of Public Utilities Water Conservation Subcommittee recommended that these revisions be recommended to the Board of Public Utilities.

NOTIFICATION

N/A

ATTACHMENTS

- Attachment 1 – Ordinance No. XX (Redline) of the City of Santa Rosa Amending Chapter 14-21 of the Santa Rosa City Code
- Attachment 2 – Ordinance No. XX (Clean) of the City of Santa Rosa Amending Chapter 14-21 of the Santa Rosa City Code
- Resolution/ Exhibit A

PRESENTER

Deb Lane, Sustainability Representative