

# Water Waste Regulations Revision

Santa Rosa City Council  
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# Water Waste Regulations

- 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 water service

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

# Water Waste and AMI

- Automatic Metering Infrastructure (AMI)
  - System installation completed January 2021
  - AMI provides hourly water use data
  - System sends alerts when continuous water use exceeds thresholds
- Irregular continuous water use can be water waste



Customer Class	Hours of Use Above Threshold	Gallons Used Per Hour
Commercial	48	50
Industrial	72	100
Institutional	24	30
Multi-Family	48	80
Single Family	24	20

# Why Revise Water Waste Regulations?

- AMI has increased our ability to identify continuous use (leaks)
- Current Water Waste Regulations are 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 These Regulations?

- 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 Regulations

Applicable to all customer classes (CII, MFR, SFR)

- 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.



# Current Water Waste Process

- Staff provide support to all customer classes
- Once irregular continuous use is identified, staff contact the customer
  - Multiple attempts to reach the onsite decision maker (phone, letters, text, email, door tag)
  - Offer an onsite WaterSmart check-up
  - Provide ongoing technical analysis and support
- Enforcement process allows customer ample time to find/fix

**No enforcement process initiated provided the customer is actively trying to find/fix the leak**

# Single Family Residential Example

- Staff detect continuous use
- Staff notify customer by phone, letter, email, door tag
- Set up appointment, if desired
- Perform onsite check up
  - Staff help ID source of leak (toilet, irrigation, water mainline)
  - Recommend next steps (hire professional, DIY)
  - Send follow up report
- Staff monitor site for decreased use
- Customer provides updates
- Staff continue follow up until leak has been fixed



# Customer Support Options

- Water Use Efficiency assistance
  - WaterSmart Check-up
  - Free water saving devices (toilet flappers, showerheads, faucet aerators)
  - WaterSmart Customer Portal (early leak detection)
- H2o “Help 2 Others” water bill assistance program
- Leak Adjustment Policy
- Low Income Household Water Assistance Program (LIHWAP)
- Exploring grant funding opportunities for customer leak detection and repair

# Proposed Penalty Process

- Non-responsive customers
  - 1st violation written warning: customer is in violation of Regulations and has one week to respond or \$100 fine
    - Customer responds – fine stayed
  - Letter of warning signed by Director of Santa Rosa Water, or Director's designee
  - Customer can apply for exception

**No enforcement process initiated provided the customer is actively trying to find/fix the leak.**

# Proposed Penalty

- Notice of Violation
  - 2nd Notice of Violation letter, 72 hours to respond, \$100 fine imposed
    - Customer responds – fine stayed
  - 3rd Notice of Violation letter, 72 hours to respond, \$200 fine imposed
    - Customer responds – fine stayed
  - 4th Notice of Violation letter, 72 hours to respond, \$500 fine imposed
    - Fine continues every 72 hours
    - Customer responds – fine stayed
- Notices of Violation signed by Director of Santa Rosa Water, or Director's designee
- Customer has right to appeal final decision

**No enforcement process initiated provided the customer is actively trying to find/fix the leak.**

# 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)



# Violation Enforcement is Rare

- 98.5 percent of SFR customers do not get to enforcement process
- Staff anticipate low need to implement fine process:
  - SFR: About 500 reports of water waste/yr, ~8 shutoffs/yr. = 1.5% of cases
  - CII: About 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

- There is no current exception process. Acts as a “checks and balances” to enforcement.
- Customer may request an exception to a Water Waste Regulation violation in advance of receiving a Notice of Violation.
- 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.

# Exception Example

- School facility
  - One water meter, many buildings connected
  - Old plumbing infrastructure, no isolation valves
  - Customer has found and fixed leaks but can't isolate remaining continuous use
  - Customer is responsive to City staff



# 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

- November 14: City Council conduct Second Reading of Regulations
- December 14: Proposed effective date (30 days post Second Reading)

# Recommendation

It is recommended by Santa Rosa Water and the Board of Public Utilities that the Council introduce an 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.

# Questions ?