

Rule No. 14.1

NON-ESSENTIAL, WASTEFUL USES OF POTABLE WATER (C)

A. APPLICABILITY

- 1. This rule applies to all of Del Oro Water Company’s (DOWC) regulated ratemaking areas in California. (C)

B. GENERAL INFORMATION

- 1. All expenses incurred by DOWC to implement Rule 14.1, and Schedule 14.1, and requirements of the California State Water Resources Control Board (“Water Board”) that have not been considered in a General Rate Case or other proceeding shall be accumulated by DOWC in a separate memorandum account, authorized in Resolution W-4976, for disposition as directed or authorized from time to time by the Commission. (D)

C. DEFINITIONS

For the purposes of this Rule, the following terms have the meanings set forth in this section.

- 1. “Commercial nursery” means the use of land, buildings or structures for the growing and/or storing of flowers, fruit trees, ornamental trees, vegetable plants, shrubs, trees and similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items directly from the premises/lot.
- 2. “Drip irrigation system” means a non-spray, low-pressure, and low volume irrigation system utilizing emission devices with a precipitation or flow rate measured in gallons per hour (GPH), designed to slowly apply small volumes of water at or near the root zone of plants or other landscaping.
- 3. “Flow rate” means the rate at which water flows through pipes, valves, and emission devices, measured in gallons per minute (GPM), gallons per hour (GPH), inches per hour (IPH), hundred cubic feet (Ccf), or cubic feet per second (CFS).
- 4. “Flow-restricting device” means valves, orifices, or other devices that reduce the flow of potable water through a service line, which are capable of providing the premise with a minimum flow rate of 0.5 gallons per minute. (C)
- 5. “High-efficiency sprinkler systems” means an irrigation system with emission devices, such as sprinkler heads or nozzles, with a precipitation or flow rate no greater than one IPH. (L)
- 6. “Irrigation” means the application of potable water by artificial means to landscape.
- 7. “Irrigation system” means the components of a system meant to apply water to an area for the purpose of irrigation, including, but not limited to, piping, fittings, sprinkler heads or nozzles, drip tubing, valves, and control wiring. (L)

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C. DEFINITIONS (Continued)

- 8. "Landscape" means all of the outdoor planting areas, turf areas, and water features at a particular location.
- 9. "Measureable rainfall" means any amount of precipitation of more than one-quarter of an inch (0.25").
- 10. "Micro spray irrigation system" means a low-pressure, low-volume irrigation system utilizing emission devices that spray, mist, sprinkle, or drip with a precipitation or flow rate measured in GPH, designed to slowly apply small volumes of water to a specific area.
- 11. "Ornamental landscape" means shrubs, bushes, flowers, ground cover, turf, lawns, and grass planted for the purpose of improving the aesthetic appearance of property, but does not include crops or other agricultural products or special landscape areas.
- 12. "Ornamental turf" means a ground cover surface of grass that can be mowed and is planted for the purpose of improving the aesthetic appearance of property, but does not include crops or other agricultural products or special landscape areas.
- 13. "Plumbing fixture" means a receptacle or device that is connected to a water supply system, including, but not limited to, pipes, toilets, urinals, showerheads, faucets, washing machines, water heaters, tubs, and dishwashers.
- 14. "Potable water" means water supplied by DOWC which conforms to the federal and state standards for human consumption.
- 15. "Properly programmed" means a smart irrigation controller that has been programmed according to the manufacturer's instructions and site-specific conditions.
- 16. "Real-time water measurement device" means a device or system that provides regularly updated electronic information regarding the customer's water use.
- 17. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape onto other areas.
- 18. "Smart irrigation controller" means an automatic device used to remotely control valves that operate an irrigation that has been tested by an American National Standards Institute accredited third-party certifying body or laboratory in accordance with the Environmental Protection Agency's Water Sense program (or an analogous successor program), and certified by such body or laboratory as meeting the performance and efficiency requirements of such program, or the more stringent performance and efficiency requirements of another similar program.

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C. DEFINITIONS (Continued)

- 19. "Special landscape area" means an area of the landscape dedicated solely to edible plants and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- 20. "Turf" means a ground cover surface of grass that can be mowed.
- 21. "Water feature" means a design element where open, artificially supplied water performs an aesthetic or recreation feature, including, but not limited to, ponds, lakes, waterfalls, fountains, and streams.
- 22. "Water use evaluation" means an evaluation of the efficiency of indoor water-using devices, including, but not limited to, measurement of flow rates for all existing showerheads, faucets, and toilets, inspection for leaks, and providing written recommendations to improve the efficiency of the indoor water-using fixtures and devices and/or an evaluation of the performance of an irrigation system, including, but not limited to, inspection for leaks, reporting of overspray or runoff, and providing written recommendations to improve the performance of the irrigation system.

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D. ENFORCEMENT

This Rule establishes certain restrictions on the use of potable water. Violating the restrictions set forth is declared a non-essential, wasteful use of potable water. DOWC is authorized to take the following actions when its personnel verify a customer is using potable water for non-essential, wasteful uses. No person shall have any right or claim in law or in equity, against DOWC because of, or as a result of, any matter or thing done or threatened to be done pursuant to the restrictions on using potable water for non-essential, wasteful uses.

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- 1. **FIRST VIOLATION:** DOWC shall provide the customer with a written notice of violation.
- 2. **SECOND VIOLATION:** If DOWC verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the first violation, DOWC shall provide the customer with a second written notice of violation and is authorized to install a flow-restricting device on the customer's service line. DOWC shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restricting device.

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D. ENFORCEMENT (Continued)

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3. NOTICES OF VIOLATION:

A. Unless otherwise specified, written notices of violation provided to customers pursuant to this Rule shall document the verified violation and alert the customer to the fact that future violations of the restricted uses of potable water may result in the installation of a flow-restricting device on the customer's service line or the discontinuation of the customer's service.

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B. If DOWC elects to install a flow-restricting device on a customer's service line, the written notice of violation shall document the steps the customer must take in order for the flow-restricting device to be removed, and explain that after the flow-restricting device is removed, it may be reinstalled, without further notice, if the customer is again verified by DOWC's personnel to be using potable water for non-essential, wasteful uses.

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4. FLOW RESTRICTING DEVICE CONDITIONS: The installation of a flow-restricting device on a customer's service line is subject to the following conditions:

A. The device shall be capable of providing the premise with a minimum flow rate of 0.5 gallons per minute.

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B. The device may only be removed by DOWC, and only after a minimum three-day period has elapsed.

C. Any tampering with the device may result in the discontinuation of the customer's water service and the customer being charged for any damage to DOWC's equipment or facilities and any required service visits.

D. After the removal of the device, if DOWC verifies that the customer is using potable water for non-essential, wasteful uses, DOWC may install another flow-restricting device without prior notice. This device may remain in place until water supply conditions warrant its removal. If, despite the installation of the device, DOWC verifies that the customer is using potable water for non-essential, wasteful uses, then DOWC may discontinue the customer's water service, as provided in its Rule No. 11.

5. FLOW-RESTRICTING DEVICE REMOVAL CHARGES: The charge to customers for removal of a flow-restricting device installed pursuant to this Rule is \$100 during normal business hours, and \$150 for the device to be removed outside of normal business hours.

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E. WASTEFUL USES OF WATER

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Except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency, customers are prohibited, at all times, from using potable water for the following actions, as each is declared a non-essential, wasteful use of water:

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1. Outdoor Irrigation Restrictions

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a. Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.

b. The foregoing irrigation restriction does not apply to:

(i) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation systems;

(ii) Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not it use or monitored, or for the express purpose of adjusting or repairing an irrigation system.

2. Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within five (5) business days of written notification by DOWC, unless other arrangements are made with DOWC.

3. Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions:

a. The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

b. The use of a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

c. The application of potable water to driveways and sidewalks;

d. The use of potable water in a water feature, except where the water is part of a recirculating system;

e. The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall (see Definitions);

f. Irrigation outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission, the Department of Housing and Community Development, or other state agency.

g. The serving or drinking water other than upon request in eating and drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;

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E. WASTEFUL USES OF WATER (Continued)

- 4. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language. (C)
- 5. Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference. (C)

F. ADOPTION OF SCHEDULE NO. 14.1 - STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (L)

- 1. ADDITION OF SCHEDULE NO. 14.1: If, in the opinion of DOWC, more stringent water conservation measures are required due to supply conditions or government directive, DOWC may request the addition of a Schedule No. 14.1 – Staged Mandatory Reductions and Drought Surcharges, via a Tier 2 advice letter. (T)

 - A. DOWC may not activate Schedule No. 14.1 until it has been authorized to do so by the California Public Utilities Commission, as delegated to its Division of Water and Audits.
 - B. A Schedule No. 14.1 that has been authorized by the California Public Utilities Commission shall remain dormant until triggered by specific conditions detailed in the Schedule No. 14.1 tariff and DOWC has requested and received authorization for activating a stage by the California Public Utilities Commission. (T)
 - C. Notice of the Tier 2 advice letter and associated public participation hearing, if required, shall be provided to customers through a bill insert or a direct mailing, as set forth in Subsection 5 (Public Notice) below.
 - D. DOWC shall comply with all requirements of Sections 350-358 of the California Water Code.
 - E. The Tier 2 advice letter requesting the addition of a Schedule No. 14.1 shall include, but not be limited to:
 - i. A proposed Schedule No. 14.1 tariff, which shall include but not be limited to:
 - 1. Applicability,
 - 2. Territory applicable to, (L)

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F. ADOPTION OF SCHEDULE NO. 14.1 - STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (Continued) (L)

- 3. A detailed description of each stage of water budgets (the number of stages requested for a ratemaking area may vary depending on the specifics of the water shortage event),
- 4. A detailed description of the trigger(s) that activates each stage of water budgets,
- 5. A detailed description of each water use restriction for each stage of water budgets,
- 6. Water use violation levels, written warning levels, associated fines, if applicable, and exception procedures,
- 7. Conditions for installation of a flow-restricting device, (T)
- 8. Charges for the removal of a flow-restricting device, and (T)
- 9. Special conditions

ii. Justification for, and documentation and calculations in support of the water budgets.

2. Conditions for Activating Schedule No. 14.1: DOWC may file a Tier 1 advice letter to request activation of a particular stage of its Schedule No. 14.1 tariff if: (C)

- A. DOWC, the California Public Utilities Commission, wholesale water supplier, or other government agency declares an emergency requiring mandatory water budgets, mandatory water rationing, or mandatory water allocations; or
- B. A government agency declares a state of emergency in response to severe drought conditions, earthquake or other catastrophic event that severely reduces DOWC's water supply; or
- C. Water supplies are projected to be insufficient to meet normal customer demand by DOWC; or
- D. A water supply shortage or threatened shortage exists; or
- E. DOWC is unable to achieve water conservation targets set by itself or a governing agency; or
- F. Water conservation targets set by itself or a governing agency are insufficient; or (L)

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F. ADOPTION OF SCHEDULE NO. 14.1 - STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (Continued)

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G. DOWC chooses to subsequently activate a different stage of its Schedule No. 14.1 tariff.

3. Activating Schedule No. 14.1: The Tier 1 advice letter requesting activation of a stage of the Schedule 14.1 tariff shall:

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A. Include, but not be limited to, a justification for activating the particular stage of Staged Mandatory Reductions and Drought Surcharges, as well as the period during which the particular stage will be in effect.

B. Be accompanied by the customer notification measures detailed in sub-section 5 (Public Notice) below.

4. De-Activating Schedule No. 14.1: When Schedule No. 14.1 is activated and DOWC determines that water supplies are again sufficient to meet normal demands, and mandatory water use reductions are no longer necessary, DOWC shall seek the approval of the California Public Utilities Commission, via a Tier 1 advice letter, to de-activate the particular stage of mandatory water use reductions that had been authorized.

5. Public Notice

A. When DOWC requests the addition of a Schedule No. 14.1 via a Tier 2 advice letter, it shall provide notice of the Tier 2 advice letter and associated public hearing to customers through bill inserts or direct mailing, and it shall comply with all requirements of Sections 350-358 of the California Water Code (CWC), including but not limited to the following:

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i. In order to be in compliance with both the General Order 96-B and CWC, notice shall be provided via both newspaper and bill insert or direct mailing.

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ii. One notice shall be provided for each advice letter filed, that includes both notice of the filing of the Tier 2 advice letter as well as the details of the public hearing (date, time, place, etc.).

iii. The public meeting shall be held after the Tier 2 advice letter is filed, and before the Commission authorizes the addition of Schedule 14.1 to the tariff except in cases of emergency water shortages approved by the Commission.

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iv. DOWC shall consult with Division of Water and Audits staff prior to filing advice letter, in order to determine details of the public meeting.

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F. ADOPTION OF SCHEDULE NO. 14.1 - STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (Continued)

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B. In the event that Schedule No. 14.1 is triggered, and DOWC requests activation through the filing of a Tier 1 advice letter, DOWC shall notify its customers and provide each customer with a summary of Schedule No. 14.1 by means of bill insert or direct mailing. Notification shall take place prior to imposing any penalties associated with this plan. If activation of Schedule No. 14.1 occurs one year or more since the public hearing associated with adding Schedule 14.1 to its tariffs, then DOWC shall conduct a public hearing pursuant to California Water Code Section 351 prior to activating a stage of the tariff.

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C. During the period that a stage of Schedule No. 14.1 is activated, DOWC shall provide customers with updates in at least every other bill, regarding its water supply status and the results of customers' conservation efforts.

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