

Article 4: Sewers**Division 8: Water Reclamation and Ocean Monitoring***(“Water Reclamation” added 7-24-1989 by O-17327 N.S.)**(Retitled to “Water Reclamation And Ocean Monitoring”
and amended 9-11-1995 by O-18206 N.S.)***§64.0801 Findings, Purpose and Intent**

The Council of The City of San Diego finds that:

(the people of the State of California have a primary interest in the development of facilities to reclaim water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state; (California Water Code section 13510); and

- (b) conservation of all available water resources requires the maximum reuse of wastewater for beneficial uses of water (Water Code section 461); and
- (c) continued use of potable water for irrigation of greenbelt areas and for other uses where the use of reclaimed water is suitable may be an unreasonable use of such water where reclaimed water is available; and
- (d) the state policies described above are in the best interest of the City. The majority of jurisdictions in San Diego County have adopted measures to promote water reclamation. This ordinance is necessary to protect the common water supply of the region which is vital to public health and safety, and to prevent endangerment of public and private property. San Diego County is highly dependent on limited imported water for domestic, agricultural and industrial uses. The reliability of the supply of imported water is uncertain. By developing and utilizing reclaimed water, the need for additional imported water can be reduced. In light of these circumstances, certain uses of potable water may be considered unreasonable or to constitute a nuisance where reclaimed water is available or production of reclaimed water is unduly impaired.

(“Findings, Purpose and Intent” added 7-24-1989 by O-17327 N.S.)

§64.0802 Water Reclamation Policy

It is the policy of the City that reclaimed water shall be used within its jurisdiction wherever feasible, and consistent with legal requirements, preservation of public health, safety and welfare, and the environment.

(“*Water Reclamation Policy*” added 7-24-1989 by O-17327 N.S.)

§64.0803 Definitions

The following terms are defined for purposes of this ordinance:

- (a) Agricultural Purposes: Agricultural purposes include the growing of field and nursery crops, row crops, trees, and vines and the feeding of fowl and livestock.
- (b) Artificial Lake: A human-made lake, pond, lagoon, or other body of water that is used wholly or partly for a landscape impoundment, a restricted recreational impoundment or a non-restricted recreational impoundment.
- (c) Commercial Office Building: Any building for office or commercial uses with water requirements which include, but are not limited to, landscape irrigation, toilets, urinals and decorative fountains.
- (d) Greenbelt Areas: A greenbelt area includes, but is not limited to, golf courses, cemeteries, parks and landscaping.
- (e) Industrial Process Water: Water used by any industrial facility with process water requirements which include, but are not limited to, rinsing, washing, cooling and circulation, or construction, including any facility regulated by the industrial waste water discharge ordinance of the City. (Municipal Code, Chapter 6, Article 4).
- (f) Off-site Facilities: Water (or reclaimed water) facilities from the source of supply to the point of connection with the on-site facilities, normally up to and including the water meter.
- (g) On-site Facilities: Water (or reclaimed water) facilities under the control of the owner, normally downstream from the water meter.

- (h) Potable Water: Water which conforms to the federal, state and local standards for human consumption.
- (i) Reclaimed Water: Water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or controlled use that would not otherwise occur. (See Water Code section 13050(n).)
- (j) Reclaimed Water Distribution: A piping system intended for the delivery of reclaimed water separate from any potable water distribution system.
- (k) Waste Discharge: Waste discharge means water deposited, released or discharged into a sewer system from any commercial, industrial or residential source which contains levels of any substance which may cause substantial harm to any water treatment or reclamation facility or which may prevent any use of reclaimed water authorized by law, provided levels exceed those found in water actually delivered to the source of the waste discharge by the water purveyor.

(“*Definitions*” added 7-24-1989 by O-17327 N.S.)

§64.0804 Administration

- (a) General. The City Manager shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to persons in the employ of the City.
- (b) Regulations. The City Manager shall make and enforce regulations necessary to the administration of this ordinance. The Manager may amend such regulations from time to time as conditions require. These regulations shall be consistent with the general policy established herein by the City Council.

(“*Administration*” added 7-24-1989 by O-17327 N.S.)

§64.0805 Penalty for Violation

- (a) Public Nuisance: Discharge of wastes or the use of reclaimed water in any manner in violation of this ordinance or of any permit issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by City. Any person creating such a public nuisance is guilty of a misdemeanor.

- (b) Injunction: Whenever a use of reclaimed water is in violation of this ordinance or otherwise causes or threatens to cause a condition or nuisance, the City may seek injunctive relief as may be appropriate to enjoin such discharge or use.
- (c) Permit Revocation: In addition to any other statute or rule authorizing termination of reclaimed water service, the City Manager may revoke a permit issued hereunder if a violation of any provision of this ordinance is found to exist or if use of reclaimed water causes or threatens to cause a nuisance.
- (d) Penalty: Any owner and/or operator who violates any penal provision of this ordinance shall, for each day of violation, or portion thereof, be subject to a fine not exceeding \$1,000. In addition, water service to the property may be discontinued.

(“Penalty for Violation” added 7-24-1989 by O-17327 N.S.)

§64.0806

Water Reclamation Master Plan

- (a) General: Upon adoption of this ordinance, the City shall prepare and adopt a Water Reclamation Master Plan to define, encourage, and develop the use of reclaimed water within its boundaries. The Master Plan shall be updated every five years. The Master Plan may be one or more documents covering specific portions of the planning area.
- (b) Contents of the Reclamation Master Plan: The Master Plan shall include, but not be limited to, the following:
 - (1) Plants and Facilities. Evaluation of the location and size of present and future reclamation treatment plants, distribution pipelines, pump stations, reservoirs, and other related facilities, including cost estimates and potential financing methods.
 - (2) Reclaimed Water Service Areas. A designation, based on the criteria set forth in Section 64.0802 and the information derived from Sections 64.0806(b)(1) and (b)(2) of the areas within the City that can or may in the future use reclaimed water in lieu of potable water. Reclaimed water uses can include, but are not limited to, the irrigation of greenbelt and agricultural areas, filling of artificial lakes, and appropriate industrial and commercial uses.
 - (3) Tributary Areas. A designation of proposed tributary areas for each water reclamation facility identified in the Master Plan, providing

maps showing locations of major sewers tributary to an existing or proposed plant site, and the tributary area served by the facility.

- (4) Quality of Water to Be Reclaimed. An evaluation of water quality with respect to the effect on anticipated uses of reclaimed water to be served by each treatment facility. An evaluation of sources of waste discharge and sewer inflow that may, directly or cumulatively, substantially contribute to adverse water quality conditions in reclaimed water. In the event that sufficient data is not available, recommendations on an enhanced sampling and monitoring program to provide additional data for further development of reuse options or necessary discharge regulation.
- (5) Tributary Protection Measures. Recommendations of control measures and management practices for each designated tributary area to maintain or improve the quality of reclaimed water. Such control measures may include capital improvements to the sewer collection system and waste discharge restrictions for industrial, commercial and residential discharges.
- (6) Schedule. A schedule for implementation, including additional planning and pre-design steps, institutional arrangements, permits, land acquisition, design, construction, startup, and facility phasing for each reclaimed water service area.

(“*Water Reclamation Master Plan*” added 7-24-1989 by O-17327 N.S.)

§64.0807 Water Reclamation Master Plan

- (a) General. No person or public agency, as used in California Water Code section 13551, shall use water from any source or of quality suitable for potable domestic use for the irrigation of greenbelt areas, or other uses where the use of reclaimed water is suitable, when reclaimed water is available.
- (b) Identification of Users. Persons or agencies who are mandated to use reclaimed water are to be identified and permitted as described in this section.
- (c) Existing Potable Water Service:
 - (1) Preliminary Determination. Based upon the Master Plan, upon the designation of each reclaimed water service area or the commencement of the design of new reclaimed water facilities, the

City shall make preliminary determinations as to which existing potable water customers shall be converted to the use of reclaimed water. Each water customer shall be notified of the basis for a determination that conversion to reclaimed water service will be required, as well as the proposed conditions and schedule for conversion.

- (2) Notice. The notice of the preliminary determination, including the proposed conditions and time schedule for compliance, and a reclaimed water permit application shall be sent to the water customer by certified mail.
 - (3) Objections. The water customer may file a notice of objection with the City Manager within thirty (30) days after any notice of determination to comply is delivered or mailed to the customer, and may request reconsideration of the determination or modification of the proposed conditions or schedule for conversion. The objection must be in writing and specify the reasons for the objection. The preliminary determination shall be final if the customer does not file a timely objection. The City Manager shall appoint a panel of three (3) staff members who shall review the objection and shall confirm, modify or abandon the preliminary determination. The panel shall make a final determination within thirty (30) days of the filing of the notice of objection.
- (d) Development and Water Service Approvals:
- (1) Conditions. Upon application by a developer, owner or water customer (herein referred to as "applicant") for a tentative map, subdivision map, land use permit, or other development project as defined by Government Code section 65928, the City Manager shall review the Master Plan and make a preliminary determination whether the current or proposed use of the subject property requires it to be served with reclaimed water or to include facilities designed to accommodate the use of reclaimed water in the future, due to its location within an existing or proposed reclaimed water service area. Based upon such determination, a permit for such use may be required as a condition of approval of any such application, in addition to any other conditions of approval or service.

- (2) Alterations and Remodeling. On a case by case basis, upon application for a permit for the alteration or remodeling of multi-family, commercial or industrial structures, the City Manager shall review the Master Plan and make a preliminary determination whether the subject property is within a reclaimed water service area (existing or proposed) and shall be served with reclaimed water or include facilities designed to accommodate the use of reclaimed water in the future. Based upon such determination that use of reclaimed water and provision of reclaimed water distribution systems or other facilities for the use of reclaimed water is appropriate, a permit for such use may be required as a condition of approval of the application.
- (3) Requested Service. On a case by case basis, upon application for a permit to use reclaimed water on a property not covered by Sections 64.0807 (d)(1) and (d)(2) above, the City Manager shall review the Master Plan and make a determination whether the subject property shall be served with reclaimed water. Based upon such determination, the application for the permit shall be accepted and processed subject to Section 64.0807(e).
- (4) Notice of Determination. A notice of the basis for the preliminary determination, proposed conditions of approval and schedule for compliance shall be provided to the applicant prior to approval of the development application, or application for water service.
- (e) Reclaimed Water Permit Process: Upon a final determination by the City that a property shall be served with reclaimed water or adoption of a condition of development approval or water service requiring use or accommodation of the use of reclaimed water, the water customer, owner or applicant shall obtain a reclaimed water permit.
- (1) Permit Conditions. The permit shall specify the design and operational requirements for the applicant's water distribution facilities and schedule for compliance, based on the rules and regulations adopted pursuant to Section 64.0808(a) and shall require compliance with both the California Department of Health Services Wastewater Reclamation Criteria (see California Code of Administrative Regulations, Title 22), and requirements of the Regional Water Quality Control Board.

- (2) Plan Approval. Plans for the reclaimed and non– reclaimed water distribution systems for the parcel shall be reviewed by the City and a field inspection conducted before the permit is granted.
- (3) Permit Issuance. Upon approval of plans the permit shall be issued. Reclaimed water shall not be supplied to a property until inspection by the City determines that the applicant is in compliance with the permit conditions.
- (f) Temporary Use of Potable Water. At the discretion of the City, potable water may be made available on a temporary basis, until reclaimed water is available. Before the applicant receives temporary potable water, a reclaimed water permit, as described in Section 64.0807(c), must be obtained for new on–site distribution facilities. Prior to commencement of reclaimed water service, an inspection of the on–site facilities will be conducted to verify that the facilities have been maintained and are in compliance with the reclaimed water permit and current requirements for service. Upon verification of compliance, reclaimed water shall be served to the parcel for the intended use. If the facilities are not in compliance, the applicant shall be notified of the corrective actions necessary and shall have at least thirty (30) days to take such actions prior to initiation of enforcement proceedings.
- (g) Reclaimed Water Rate: The rate charged for reclaimed water shall be established by resolution of the City.
- (“Water Reclamation Master Plan” added 7-24-1989 by O-17327 N.S.)*

§64.0808 Implementation Program

- (a) Rules and Regulations. The City Manager shall establish general rules and regulations governing the use and distribution of reclaimed water.
- (b) Public Awareness Program. The City Manager shall establish a comprehensive water reclamation public awareness program.
- (c) Coordination among Agencies. The City Manager shall coordinate efforts between the City and other regional agencies to share in the production and utilization of reclaimed water, where the potential exist.

- (d) Financing Programs. The City Manager may, through the Master Plan, or other program, identify resources, and adopt measures to assist water users in the financing of necessary conversions mandated by this ordinance.
(“Implementation Program” added 7-24-1989 by O-17327 N.S.)

§64.0809 Regulation of Waste Discharge to Sewage Systems

- (a) Intent: The City recognizes that to maintain adequate wastewater quality for water reclamation treatment processes, and to protect public and private property, restrictions may be required on certain industrial, commercial and residential waste discharges to a sewerage system that is located within a designated tributary area of an existing or planned reclamation facility.
- (b) Adopted Tributary Protection Measures: Waste discharges to the sewage system from any industrial, commercial or residential source may be restricted or prohibited by ordinance upon a finding, following a noticed public hearing, that the type or class of discharge involved is capable of causing or may cause substantial damage or harm to any sewage treatment or reclamation facility or to any significant user or users or potential user or users of reclaimed water within an area which has been planned for reclaimed water service.
(Municipal Code section 64.0514)

(“Regulation of Waste Discharge to Sewage Systems” added 7-24-1989 by O-17327 N.S.)

§64.0810 Validity

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.
(“Validity” added 7-24-1989 by O-17327 N.S.)

§64.0811 Ocean Monitoring Requirements

- (a) The City Manager shall conduct an ocean monitoring program of all effluent discharged from publicly owned treatment works to evaluate the impact of sewage discharge on the marine biota. The City’s monitoring program shall be used to demonstrate compliance with applicable federal and state water quality standards. The City’s monitoring program shall be conducted to ensure an accurate evaluation of the health of the marine environment, which monitoring program shall adhere to applicable federal and state standards. If either federal or state standards are repealed, the City’s monitoring program shall continue.

- (b) The results of the Comprehensive monitoring program shall be reported as required to federal and state regulatory agencies and shall be reported on a quarterly basis to the San Diego City Council. The reports shall be public documents and be available for public inspection upon request.

(“*Ocean Monitoring Requirements*” added 9-11-1995 by O-18206 N.S.)