

**CONTRA COSTA WATER DISTRICT
ORDINANCE NO. 10-01
SUPERSEDING ORDINANCE NO. 09-01
CONSERVATION PROGRAM RULES AND REGULATIONS**

ARTICLE 1

PURPOSE AND INTENT

The purpose of this Ordinance, including the Rules and Regulations (“Regulations”) contained herein, is to modify the 2009 drought program to reflect 2010 conditions, to conserve the water supply of the Contra Costa Water District (“District”) for the greatest public benefit with particular regard to public health, fire protection, industrial and domestic use, to conserve water by reducing waste, to maintain water use at or below historical levels to ensure that the available supply is sufficient to meet the water needs of the District’s customers in 2010 to the extent necessary to ensure that water supplies are sufficient in the event the District is impacted by regulatory conditions in the Sacramento-San Joaquin Delta that restrict the District’s available water supply. This ordinance is adopted pursuant to Water Code Sections 31026 - 31029 and Sections 350 *et seq.* and 375 *et seq.*

ARTICLE 2

EFFECTIVE PERIOD

These Regulations shall become immediately effective upon adoption of this ordinance and shall remain in effect during the period of regulatory conditions consistent with Resolution No. 10-04 and shall continue in effect until such date that the Board declares by resolution that such regulatory conditions have ended.

ARTICLE 3

ALLOCATION OF UNTREATED WATER

In the event that the Board finds and determines that conservation in untreated water use is necessary to ensure that the available supply is sufficient to meet domestic, municipal, and industrial water needs of the District’s customers, each user of untreated water furnished by the District is strongly urged to not exceed their historical use. For the purposes of this Ordinance a customer’s historical use is the average quantity of water furnished by the District and used during the corresponding period in 2005, 2006, and 2007.

ARTICLE 4

ALLOCATION OF TREATED WATER

In the event that the Board finds and determines that conservation in treated water use is necessary to ensure that the available supply is sufficient to meet domestic, municipal, and industrial water needs of the District's customers, each user of treated water furnished by CCWD is strongly urged to not exceed their historical use. For the purposes of this Ordinance a customer's historical use is the average quantity of water furnished by the District and used during the corresponding period in 2005, 2006, and 2007.

ARTICLE 5

EXCESS USE CHARGES

If a District customer uses water in excess of the applicable water usage thresholds enumerated below during any billing period, they will be subject to an excess use charge as follows:

- During any billing period, any Single Family Residential, Multi-Family Residential, Irrigation and/or Agricultural customer with historical water usage of 1,000 gallons per day or less, that exceeds 1,000 gallons per day will be charged an excess use charge equal to two times the current quantity charge for the customer class for the quantity of water used in excess of 1,000 gallons per day.
- During any billing period, any Single Family Residential, Multi-Family Residential, Irrigation and/or Agricultural customer with historical water usage greater than 1,000 gallons per day, that exceeds their historical water usage will be charged an excess use charge equal to two times the current quantity charge for the customer class for the quantity of water used in excess of their historical use.

Historical water usage is based on the average water use for the same billing period during the three-year base period (2005, 2006, and 2007). See Attachment I attached to these Regulations and incorporated herein for illustrative examples of how excess use charges are calculated.

ARTICLE 6

EXCEPTIONS AND WAIVERS

Written applications for exceptions to, or waivers from, any provision of these Regulations shall be made using the form attached hereto and labeled as Attachment II, and shall be granted in any case where the District determines, at its sole reasonable discretion, that the

water budget, restriction, or prohibition may create a hazard to the health and safety of any individual or the public, or would cause undue hardship, including but not limited to, adverse economic impacts such as loss of production or jobs. Denial of an application may be appealed in writing to the District's General Manager or his designee, whose decision shall be final and binding.

Any customer whose account does not have consumption history for all, or any portion, of the three-year base period (2005, 2006 and 2007) used under these rules and regulations to establish the basis for their historical use, may apply for an exception so that an adjusted water budget may be established. Exceptions become effective on the date of approval and are not applied retroactively. All exceptions and adjustments made to historical use approved pursuant to the 2009 drought management program will remain in effect.

ARTICLE 7

PREVENTION OF WASTE

If the District finds, at its sole reasonable discretion, that a customer is wasting District-furnished water by failing to repair a leak in the customer's water system, by permitting excessive water run off from the customer's premises, or by failing to put water received from the District to reasonable and beneficial use, the District shall issue a written warning to the customer to stop the waste. If the customer fails to take prompt, reasonable action to stop the wasteful use, the District may at its discretion suspend delivery of water to the customer or install a device to restrict the flow of water to the customer until the District determines, at its sole reasonable discretion, that there will be no further wasteful use of water by the customer. District determinations made pursuant to this Article may be appealed in writing to the District's General Manager or his designee, whose decision shall be final and binding.

ARTICLE 8

SAVINGS CLAUSE

If any provision of these Regulations, or any part thereof, is for any reason held to be ultra vires, invalid, unenforceable, or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of these Regulations are severable.

Attachments:

- I. Excess Use Charge Calculations
- II. Exception Request Form