

**CITY COUNCIL OF THE CITY OF OXNARD**  
**ORDINANCE NO. 2728**

**ORDINANCE ESTABLISHING REQUIREMENTS FOR  
USE OF RECYCLED WATER**

WHEREAS, the City of Oxnard ("city") owns and operates its municipal water supply system; and

WHEREAS, the city's mission as a water supplier is to provide a reliable and affordable drinking water supply of good quality; and

WHEREAS, to meet the community's existing demand for water, the city relies on both local and imported water supplies, which include groundwater produced and treated from city facilities, groundwater purchased from the United Water Conservation District, and imported supplies purchased from the Calleguas Municipal Water District, a member agency of the Metropolitan Water District of Southern California; and

WHEREAS, the city, with a current population of over 200,000 residents, is the largest city in Ventura County and is expected to continue to grow; and

WHEREAS, as part of its planning process, the city has determined that the development of additional water supply sources is necessary to continue meeting community water supply needs; and

WHEREAS, limitations on the use of local groundwater resources, the anticipated increase in the cost of imported water, the desire to optimize the use of local water resources, and to improve the overall water supply security and reliability also justify the city's development of additional water supply sources; and

WHEREAS, the water resources division has developed capital facilities projects that involve reconstruction of existing or construction of new facilities, which will allow

the city to continue to provide cost-effective, reliable water service to current and future customers; and

WHEREAS, the water resources division has developed the Groundwater Recovery Enhancement and Treatment Program ("GREAT Program"), which is designed to provide additional local water resources for the benefit of city customers and other regional water users through water recycling and reuse, groundwater injection and recovery, groundwater desalination, and wetlands enhancement to more efficiently utilize existing local water resources; and

WHEREAS, the water resources division prepared the GREAT Program Advanced Planning Study, which concluded that the GREAT Program can provide reliable, cost-effective, and good quality water supplies; and

WHEREAS, the city council has previously adopted a Water Master Plan, which contemplates the development of the GREAT Program; and

WHEREAS, the city council certified the GREAT Program Programmatic Environmental Impact Report ("GREAT Program PEIR"), which analyzed the environmental impacts of the GREAT Program; and

WHEREAS, portions of the GREAT Program are under construction and staff anticipates that advanced treated (highly purified), recycled water will be available for use by late 2009; and

WHEREAS, statewide policy mandates the development of programs and facilities to recycle water to supplement existing water supplies and assist in meeting future water demands (Water Code, § 13510) and the conservation of all available water

resources requires the maximum reuse of water for beneficial uses (Water Code, § 461);  
and

WHEREAS, by developing and utilizing recycled water, the city can reduce its  
need for additional imported water supplies and augment local groundwater supplies; and

WHEREAS, with the availability of highly purified recycled water, certain uses  
of potable water may be considered unreasonable; and

WHEREAS, in implementing the legislative mandates of Water Code sections  
13550 and 13551 and Government Code sections 65601 through 65607, recycled water is  
to be used for suitable, non-potable purposes whenever and wherever it is available, and  
the city is to plan for its use in areas and instances where recycled water will be available  
in the future; and

WHEREAS, the city has completed a feasibility study for a municipal and  
industrial recycled water backbone system (“Recycled Water Study”), which evaluates  
the alignment of a municipal and industrial recycled water distribution system, along with  
the most probable customers located along the system alignment that may use material  
quantities of recycled water; and

WHEREAS, the city has completed the environmental review associated with the  
Recycled Water Study and the adoption of this ordinance.

**NOW, THEREFORE**, the City Council of the City of Oxnard does hereby find  
as follows:

1. Pursuant to California Environmental Quality Act (“CEQA”) guidelines  
section 15164, the adoption of this ordinance requires the preparation and approval of an  
addendum to the GREAT Program PEIR for the following reasons:

- a. An addendum to a certified EIR is appropriate if minor technical changes or modifications to the project occur where the changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts.
- b. The addendum demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the GREAT Program PEIR remain substantively unchanged as a result of the project modifications contemplated through implementation of this ordinance.
- c. This ordinance does not result in any new significant impacts or a substantial increase in the severity of any impacts previously identified in the GREAT Program PEIR.

**NOW, THEREFORE**, the City Council of the City of Oxnard does ordain as follows:

Part I. The following definitions are added to Section 22-1 of the Oxnard City Code, to be included alphabetically along with the existing provisions of that section:

(A) RECYCLED WATER MASTER PLAN - The plan to be developed and periodically updated by the water resources division manager, which provides detailed procedures, rules and regulations to implement the policies and mandates of this ordinance.

(B) POTABLE WATER - Water that conforms to federal, state, and local standards for human consumption.

(C) RECYCLED WATER - Highly purified water that, as a result of the treatment of wastewater, is suitable for a direct beneficial use, subject to the restrictions in this ordinance and applicable state and federal laws and regulations.

(D) CITY-OWNED RECYCLED WATER FACILITIES - The city-owned facilities intended to provide for the delivery of recycled water only, that are separate from any potable water distribution system, up to and including the point of connection to the customer's on-site recycled water facilities which point of connection is usually the meter assembly at the customer's point of service.

(E) ON-SITE RECYCLED WATER FACILITIES - The customer-owned facilities used to make use of recycled water, that are separate from any potable distribution system, downstream of the point of connection from the city-owned recycled water facilities.

(F) RECYCLED WATER USE AREA - An area identified in the recycled water master plan that can presently or may in the future use recycled water in lieu of potable water.

(G) MANAGER - The manager of the water resources division.

(H) WASTEWATER - Water discharged from city customers into the city wastewater collection system that contains dissolved or suspended matter.

(I) WATER RESOURCES DIVISION - The water resources division of the city.

(J) MANDATORY RECYCLED WATER USE AREA - Any area within each recycled water use area which is designated for mandatory recycled water use by the recycled water master plan.

Part II. Article X (“Wheeling Services”) of Chapter 22 of the Oxnard City Code is hereby repealed in its entirety and a new Article X is adopted to read as follows:

“ARTICLE X: RECYCLED WATER USE”:

SEC. 22-175. SHORT TITLE.

This article shall be known and cited as the “City of Oxnard Recycled Water Use Ordinance”.

SEC. 22-176. FINDINGS.

(A) The people of the State of California have a primary interest in the development of programs and facilities to recycle water to supplement existing water supplies and assist in meeting future water demands. The conservation of all available water resources requires the maximum reuse of water for beneficial uses.

(B) Implementing these state policies is in the best interests of the city and its residents and businesses. This ordinance is necessary to further these policies, to ensure the long-term integrity and reliability of the common water supplies in the region, and to preserve the health, safety and welfare of the community.

(C) The city is developing, and will own and operate recycled water distribution facilities, providing highly purified recycled water for irrigation, groundwater recharge and approved municipal and industrial uses within and adjacent to the city’s sphere of influence.

(D) By developing and utilizing recycled water, the city can reduce its need for additional imported water and local groundwater supplies. Where recycled water is available, certain uses of potable water may be considered unreasonable or wasteful.

(E) The purpose of this ordinance is to promote water conservation and recycled water use, to ensure the maximum public benefit from the use of city water supplies.

SEC. 22-177. POLICIES AND PURPOSE

(A) In implementing the mandates of Water Code sections 13550 and 13551 and Government Code sections 65601 through 65607, the policy of the city is that: (1) recycled water shall be used for suitable, non-potable purposes whenever and wherever recycled water is available at a reasonable cost and of an adequate quality, and (2) prior planning for the use of recycled water will enable the city to maximize its reasonable and beneficial use.

(B) The intent of the city council in adopting this ordinance is that recycled water shall be used whenever it is available at a reasonable cost and of an adequate quality because doing so is in the best interests of public health, safety and welfare, and provides a beneficial use to customers and the community. The city council reserves the right to require customers to use recycled water in lieu of potable water for all approved uses, consistent with state law. This mandate applies to existing and potential new customers.

(C) Recycled water shall be used in a manner that complies with all applicable laws, ordinances, and regulations, and in circumstances that will:

- (1) Replace the use of potable water supplies in instances where the use of recycled water is available at a reasonable cost and of an adequate quality;
- (2) Reduce the discharge of water from city facilities to the ocean;
- (3) Prevent direct human consumption of recycled water;

- (4) Not result in any material negative impact to the environment; and
- (5) Prevent the run-off of recycled water from irrigated areas.

SEC. 22-178. POWERS AND DUTIES OF MANAGER

(A) The manager shall be primarily responsible for implementing this ordinance. The manager may delegate this responsibility to appropriate representatives or agents of the city.

(B) The manager shall set and enforce regulations necessary to implement and enforce this ordinance by developing and periodically updating the recycled water master plan, as provided in section 22-179.

(C) The manager shall coordinate efforts between the city and other local, regional, state, or federal agencies to implement this ordinance, and otherwise ensure that the city maximizes the production and use of recycled water to the extent practical.

SEC. 22-179. RECYCLED WATER MASTER PLAN

(A) Within one year of the effective date of this ordinance, the manager shall prepare and present to the city manager for adoption a recycled water master plan. The recycled water master plan shall be updated periodically, as the manager determines necessary to maintain consistency with local, state and federal laws, regulations and policies with respect to recycled water. The city manager shall approve all substantive updates to the recycled water master plan.

(B) The recycled water master plan shall include, but not be limited to, the following:

- (1) Policies encouraging the use of recycled water.

(2) General rules and regulations governing the distribution and use of recycled water.

(3) Standards to which all city owned and on-site recycled water distribution facilities must conform.

(4) An evaluation of the location and size of present and future recycled water treatment facilities, distribution pipelines, pump stations, reservoirs, and other related facilities, including cost estimates and potential financing methods.

(5) Identification of those areas within and adjacent to the city's sphere of influence where recycled water may be used.

(6) For each recycled water use area, or use type within each recycled water use area, identification of those areas within which or types of uses where recycled water use shall be mandatory.

(7) Identification of resources and recommendations of specific measures to assist recycled water users in financing recycled water use projects, including, but not limited to, identifying incentives, discounts in water rates, and other measures.

(8) A public awareness program to educate the public about, and promote the safe use of recycled water.

(9) Best management practices, standards, protocols, and guidelines to ensure that recycled water use at each on-site recycled water facility is conducted safely and consistently with all local, state and federal laws and regulations. These best management practices shall include comprehensive rules and guidelines regarding: operational controls; conversion requirements; cross-connection controls; posting of

notices; worker education and protection; facilities use and maintenance; supervisory controls; and notification requirements.

SEC. 22-180. MANDATORY RECYCLED WATER USE.

Within each mandatory recycled water use area identified in the recycled water master plan:

(A) For suitable uses, no customer shall use water from any other source when recycled water is available. The procedures provided in Section 22-181 shall be utilized to convert existing potable water uses to recycled water, where appropriate; and

(B) The city shall condition the permitting of all new customers to include the construction of on-site recycled water facilities so that recycled water use is maximized.

SEC. 22-181. CONVERSION OF EXISTING POTABLE WATER SERVICE.

(A) Based upon the designation of mandatory water reuse areas, or the commencement of the design of new city owned recycled water facilities, the manager shall make a determination as to which existing potable water uses shall be converted to use recycled water. Each affected customer shall be notified of the basis for the determination to convert to mandatory recycled water service, as well as the proposed conditions and schedule for the conversion.

(B) The notice of the manager's determination, including the proposed conditions and time schedule for compliance, shall be sent to the customer using certified mail.

(C) The customer may file an objection with the manager within thirty days of the delivery of the notice of determination, and may request reconsideration or modification of the determination, proposed conditions or schedule for conversion to

recycled water use. The objection must be in writing and specify the reasons for the objection.

(D) The manager's determination shall be final if the customer does not file an objection within the thirty-day period. The manager shall review the objection, meet with the customer as appropriate, and shall, within thirty days of the filing of the notice of objection, confirm, modify, or abandon the determination. The customer may appeal the manager's determination as provided by Section 22-6.

SEC. 22-182. DEVELOPMENT AND WATER SERVICE APPROVALS.

(A) Upon application for any new industrial, commercial, or residential subdivision or building permit located within a designated recycled water use area, the manager shall, based upon the recycled water master plan, make a determination whether the proposed use of the property shall include the use of recycled water. Based upon this determination, all applicable subdivisions and building permits may include, as a condition of approval, the requirement for construction of: (1) recycled water transmission facilities which shall be dedicated to the city as city-owned recycled water facilities, and (2) on-site recycled water facilities, as may be necessary to allow for the delivery and use of recycled water.

(B) On a case-by-case basis, when a customer applies for a permit for the alteration or remodeling of multi-family, commercial, or industrial structures, the manager shall make a determination whether the project permit shall include, as a condition of approval, the requirement for construction of on-site recycled water facilities necessary to allow for the delivery and use of recycled water.

(C) Any customer may request the manager to make a determination whether recycled water may be used in lieu of potable water for all or some portion of the customer's water uses. The manager shall review such requests on a case-by-case basis and make a determination consistent with the recycled water master plan.

SEC. 22-183. RECYCLED WATER USE; PREVENTION OF IMPROPER USE.

The manager shall implement all appropriate methods of inspection, public education, individual customer on-site training, and monitoring that may be necessary to ensure that recycled water is used in a manner that poses no risk to human health and safety, and no material negative impact to the environment. At a minimum, the manager shall:

(A) As a part of any development or building permit requiring the construction of on-site recycled facilities, impose a condition requiring compliance with all applicable federal, state and local recycled water use laws and regulations.

(B) Review the plans for the on-site recycled facilities and non-recycled water distribution systems and conduct appropriate field inspections during construction.

(C) Ensure that recycled water shall not be supplied to any customer until the customer is in compliance with applicable statutory and regulatory requirements.

SEC. 22-184. SANCTIONS.

(A) Any person who violates any provision of this ordinance shall, for each day of violation, or portion thereof, be subject to a fine not exceeding \$1000. In addition, the city may discontinue water service to the customer. Each day that each violation is committed or allowed to continue shall constitute a separate offense.

(B) The use of recycled water in any manner in violation of this ordinance or applicable statutes or regulations is hereby declared a public nuisance and shall be corrected or abated as ordered by the city manager. Any person creating such a public nuisance may be charged with a misdemeanor.

(C) The city may seek to enjoin the use of recycled water in violation of this ordinance or in a manner that otherwise causes or threatens to cause a condition of nuisance.

(D) The enforcement actions authorized by this ordinance are in addition to, and do not supersede, any other remedies available under city, state, or federal laws applicable to activities subject to this ordinance, and any other remedies available under law.

Part III. SEVERABILITY.

If any section, paragraph, sentence, clause, or phrase of this ordinance or any part thereof, is for any reason held unconstitutional, invalid, or ineffective by any court of competent jurisdiction, said decision shall not affect the validity or effectiveness of the remaining portions of this ordinance, or any part thereof.

Part IV. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation in the City. Ordinance No. 2728 was read on November 21, 2006, and finally adopted on \_\_\_\_\_, 2006, to become effective thirty days thereafter.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006, by the following  
vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dr. Thomas E. Holden  
Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez  
City Clerk

APPROVED AS TO FORM:

*Gary L. Gillig 11-09-06*  
\_\_\_\_\_  
Gary L. Gillig  
City Attorney