

WEST BAY SANITARY DISTRICT

GENERAL REGULATION NO. 2026-001

A GENERAL REGULATION ADDING A NEW ARTICLE X “RECYCLED WATER” TO THE WEST BAY SANITARY DISTRICT CODE OF GENERAL REGULATIONS AND RENUMBERING ARTICLES X “ENFORCEMENT” THROUGH ARTICLE XIII “CODE OF GENERAL REGULATIONS IN FORCE” AS ARTICLES XI THROUGH XIV, RESPECTIVELY

BE IT ORDAINED BY THE Board of Directors of the West Bay Sanitary District as follows:

Section 1. Adoption of Amendment to Article X of Code of General Regulations.

Article X “RECYCLED WATER” is hereby added to the Code of General Regulations of the West Bay Sanitary District to read as follows:

ARTICLE X

RECYCLED WATER

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SECTION 1001 – Definitions and Introductory Provisions.

(01) Statement of Policy.

A. It is the policy of the District that where available within the District’s service area, and provided its use is technically feasible, and consistent with legal requirements, preservation of public health, safety and welfare, and the environment, recycled water shall be used for non-potable uses pursuant to Section 13550 of the California Water Code.

B. Pursuant to California Health and Safety Code Section 6512, the District may acquire, plan, construct, reconstruct, alter, enlarge, lay renew, replace, maintain and operate water recycling and distribution facilities both inside and outside District boundaries, as the Board deems necessary, subject to the requirements of the San Mateo County Local Agency Formation Commission (LAFCo), contractual and other applicable legal requirements and State policy requirements.

C. It is the policy of the District that, to protect the health and safety of citizens, and the function of infrastructure and treatment systems, no recycled water be used from onsite systems without permission of the District.

D. Agreement No. 3963, dated March 3, 2023, by and between the District and the City of Menlo Park established Recycled Water Use Zones within the District, consisting of those areas to be designated for such recycled water service by the pertinent Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.)

E. The environmental impacts of certain size development projects within the Recycled Water Use Zones have been examined in depth by the City of Menlo Park (“Menlo Park”), and for each such development project, Menlo Park has adopted mitigation measures that require the use of recycled water for landscape irrigation and other allowable non-potable uses on certain land use types to reduce the respective environmental impacts of the project under consideration. Accordingly, Menlo Park has approved those development projects on the condition that recycled water is used for landscape irrigation and other allowable non-potable uses. Additionally, Menlo Park has conditioned approval of smaller (less than 250,000 sq. ft.) projects on their being “dual-plumbed” to facilitate their conversion to recycled water for non-potable uses when such supplies become available.

F. The District has planned for, and made a commitment to, the provision of recycled water for approved uses within its Recycled Water Use Zones and has certified a final CEQA (California Environmental Quality Act) document and approved a project that includes the service of recycled water within the District's Recycled Water Use Zones.

G. The District has prepared Recycled Water Use Rules and Regulations and Recycled Water Standard Specifications and Drawings (Standards) which comprise a compilation of the criteria by which the planning, design, construction, operation, maintenance and use of recycled water are administered by the District.

H. All areas designated in Figure 2-9 of the West Bay Sanitary District's FINAL ENVIRONMENTAL IMPACT REPORT (SCH#202005041) Flow Equalization & Resource Recovery Facility Levee Improvements & Bayfront Recycled Water Facility Project (APRIL 2021) and the Memorandum of Understanding between the District and the City of Menlo Park for the Sharon Heights Golf & Country Club Recycled Water Facility [cite LAFCO approved service area for SHGCC Recycled Water Project] shall be, and hereby are, included within the Recycled Water Use Zones of the District, which zones are hereby established.

(02) Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this title, shall have the meanings designated in this section:

A. "Commercial Property" means any building for office, commercial, or mixed uses with water requirements which include, but are not limited to, landscape irrigation, cooling, toilets, urinals and decorative fountains.

B. "Cross-connection" means an interconnection between a potable water supply and a non-potable source (including recycled water) via any actual or potential connection.

C. "Customer service meter" means the meter owned by the District used to measure recycled water delivered to customers' facilities.

D. "Distribution facilities" means all District recycled water pipelines and fixed equipment, including but not limited to pipelines, pumping stations, manholes, connections, reservoirs, sampling points, meters, related appurtenances, and all modifications, repairs and replacements thereto, beginning at the wastewater treatment plant and ending at each customer point of connection or at each termination of District-owned recycled water pipeline.

E. "District" means the West Bay Sanitary District.

F. "Incidental runoff" means the release of small amounts of runoff from such sources as recycled water use areas, overspray of recycled water from sprinklers, or runoff of rainwater from areas irrigated with recycled water or from decorative or storage ponds filled with recycled water, particularly during storm events.

G. "Point of connection" means the upstream side of the valve on the customer's side of the customer service meter.

H. "Recycled water" means water which, as a result of treatment of wastewater compliant with Title 22, is suitable for a direct beneficial use or controlled use as defined in California Water Code Sections 13050(n) and 13500, et seq.

I. "Recycled water use permit" means the permit typically used by the District to authorize use of recycled water by a customer, which document shall set forth the basic terms for delivery and use of recycled water by customer.

J. "Recycled water requirements" means those requirements for delivery and use of recycled water, as set forth in (1) the permit or Agreement ; (2) the general water reuse requirements of the State Water Resources Control Board, Division of Drinking Water General Order No. 2016-068 including any amending or superseding requirements; (3) State Water Resources Control Board, Division of Drinking Water reuse requirements contained in 22 California Code of Regulations Sections 60301-60355, and amending or superseding provisions; (4) the requirements of the California Plumbing Code; and (5) such other laws, regulations, agreement, orders, guidelines and standards relative to the use of recycled water during the entire time that recycled water is delivered to customer.

K. "Recycled Water Zones" means geographic areas which have been established as recycled water service areas by West Bay Sanitary District. "Recycled Water Use Zone(s)" means a defined area with boundaries within the District's jurisdiction in which Recycled Water is intended to be available and used by customers when available. Two Zones have been identified to date, the Sharon Heights Recycled Water Use Zone and the Bayfront Recycled Water Use Zone.

L. "Treatment facilities" means those facilities which produce disinfected tertiary recycled water, compliant with Title 22

(03) Ownership.

The District is the sole owner of the distribution facilities, and of equipment, supplies, warranties, rights-of-way, encroachment permits, and licenses that are acquired for the distribution facilities. Customer service meters shall be owned by the District. All facilities on the customer side of the point of connection shall be owned, operated and maintained by the recycled water customer.

SECTION 1002 Mandatory Use of Recycled Water and Regulations Governing Such Use.

(01) Mandatory Use of Recycled Water.

1. It is the policy of the District that recycled water shall be used for non-potable irrigation uses within the designated Recycled Water Use Zones wherever there is not an

alternative higher or better use for the recycled water, its use is technically feasible, and consistent with legal requirements, preservation of public health, safety and welfare, and the environment.

3. All customers shall comply with the District's Recycled Water Rules and Regulations, as adopted and amended by resolution.

2. Accordingly, unless otherwise provided hereunder, all new development within the Recycled Water Use Zone that is required to be dual-plumbed for use of recycled water for non-potable uses shall be required to use recycled water for appropriate landscape irrigation and shall, in addition, be required to use recycled water for all other appropriate non-potable uses approved by the Regional Water Quality Control Board, the District, and pursuant to applicable local land regulations and this Article. Planning, design and construction in such new development shall incorporate recycled water facilities in conformity with District Standards and the California Plumbing Code, as said provisions are amended from time to time, and such facilities shall be connected to and use District recycled water services. The District's determination of appropriate landscape irrigation uses shall be based on Standards and/or requirements for water of unrestricted use quality contained in Title 22 of the California Code of Regulations, as said provisions may from time to time be amended, and applicable requirements of the State Water Quality Control Board and Division of Drinking Water for recycled water distribution operations.

3. For purposes of Section 1002(1)2., above, development that is required to use recycled water for non-potable uses shall include development that is designated in the Menlo Park Municipal Code as located in the following zoning districts: R-3 – Apartment District (Ch. 16.20), C-1 Administrative and Professional District, Restrictive (Ch. 16.30), C-1-C Administrative, Professional and Research District, Restrictive (Ch. 16.36), C-2 Neighborhood Shopping District (Ch. 16.38), C-MU Neighborhood Mixed Use District (Ch. 16.40), O Office District (Ch. 16.43), LS Life Sciences District (Ch. 16.44) R-MU Residential Mixed Use District (Ch. 16.45) and Residential Overlay District (Ch. 16.95).

4. New development within the Recycled Water Use Zones which the General Manager or his or her designee determines meets at least one of the following criteria, shall be exempt from the requirements of this Ordinance:

a. Residential development that will not contain landscape areas owned in common requiring irrigation.

b. Development of single-family, detached residences for which no homeowners' or similar association or entity will have responsibility for irrigation system maintenance and operations.

c. Development for which recycled water service is determined by the General Manager or his or her designee not to be economical or reasonable because of its distance from available or planned recycled water sources; and/or because irrigation and other demands within such development are very slight relative to overall water demands; and/or inadequate recycled water supply is available to serve the demand.

d. Development which is exempt from the recycled water requirements set forth in Title 16 of the City of Menlo Park Municipal Code, i.e., development that is not located in the zoning districts set forth in Paragraph 3, above.

5. Existing potable water customers within the Recycled Water Use Zone shall be exempt from the requirements of this Ordinance if it is not technically or financially feasible to connect them, provided, however, that any customer who received either a potable water connection or a construction permit (or both) containing conditions requiring use of recycled water or construction of recycled water facilities (dual-plumbing) when recycled water becomes available shall not be exempt.

6. Nothing in this Ordinance shall be construed to prohibit any existing customer from voluntarily applying for recycled water service. The District shall have the right to deny such application if the General Manager or his or her designee determines that such recycled water service would not be feasible because of its distance from available or planned recycled water sources; and/or because anticipated irrigation demands served through that connection would be very slight relative to overall water demands; and/or because inadequate recycled water supply is available to serve the demand.

7. Procedures following determination

a. Each applicant or customer shall be notified in writing of any determination made under the preceding paragraphs (3, 4 or 5) and of the basis therefor. The notice, including any proposed conditions and time schedule for compliance, and, if applicable, a recycled water permit application and/or user agreement, shall be sent to the applicant or customer by certified mail. The determination shall be final if the applicant or customer does not file a written notice of appeal within thirty (30) days after receipt of the notice of determination.

b. The applicant or customer may file a written notice of appeal with the General Manager within thirty (30) days after any notice of determination to comply is delivered or mailed to the applicant or customer, and may request the Board to reconsider the determination or to modify the proposed conditions or schedule for conversion. The notice of appeal must specify each ground of the appeal. The Board will act on the appeal after reviewing the record of the General Manager's determination and the written notice of appeal, and such other information that the Board believes is necessary to review the General Manager's determination.

c. Any challenge to a decision of the Board pursuant to subparagraph b, above, shall be filed within ninety (90) days of the date such decision is rendered in accordance with California Code of Civil Procedure section 1094.6.

(02) Rules and Regulations Governing Use of Recycled Water.

The District will establish, by resolution, rules and regulations and standard specifications establishing the requirements for the planning, design, construction, operation, and maintenance of customer-owned recycled water systems in compliance with District Standards and the requirements of other regulatory agencies, including the California State Water Quality Control Board (SWQCB) Division of Drinking Water (DDW), and San Francisco Bay Regional Water Quality Control Board (RWQCB).

SECTION 1003. Provisions Concerning Recycled Water Service.

(01) Pressure and flow.

The District shall endeavor to provide continuous and adequate flows for all District recycled water customers, and shall endeavor to deliver recycled water at a pressure of between forty (40) psi and seventy-five (75) psi, measured at the recycled water customer's point of connection. In accepting recycled water, recycled water customers are deemed to have accepted all conditions of pressure and flow. If the available service pressure is higher than the customer can accept, the customer shall be responsible for providing a pressure-reducing valve downstream of the point of connection. If available pressure is lower than what the customer needs, the customer shall be responsible for providing a booster pump downstream of the point of connection. Any pumping of recycled water requires the prior written approval of the District.

(02) Allocation of recycled water in the event of a shortage or mandated reduction.

A. If the General Manager determines that the quantity of recycled water available at any time is, or is expected to be, less than the total demand, and such shortage is expected to be of a duration of less than thirty calendar days, the General Manager may prescribe and enforce rules governing allocation and use of recycled water. The General Manager shall notify the Board of any shortages as soon as practical. The Board may formalize restrictions and prohibitions on the use of recycled water in times of shortage or mandated reduction.

B. The following guidelines shall be applicable to allocation of supply during shortages, in descending order of priority:

1. No service shall be extended to new customers until the shortage no longer exists;

2. Service to customers that have entered into an agreement with the District granting priority recycled water service shall take precedence over service to those who do not have contractual priority rights.
3. Service to commercial and non-irrigation customers shall take precedence over service to irrigation-only customers.

(03) Recycled water quality.

A. Recycled water supplied for any use shall at all times satisfy the applicable water quality requirements of the Regional Water Quality Control Board, and Division of Drinking Water.

B. In accepting recycled water, customers are deemed to have accepted the water quality conditions described herein. The District shall bear no responsibility for failure to supply water of a higher quality than described herein.

(04) Protection of recycled water system.

A. No recycled water customer shall create conditions that result in damage to or reduced life of the District's distribution facilities, or impairment of water quality in the district's system.

B. Operation and inspection of all of the District's treatment and distribution facilities, up to and including the customer's service meter, shall be under the management and control of the District. No persons except authorized employees, agents, or contractors of the District shall have the right to enter upon, inspect, operate, adjust, change, alter, move, or relocate any portion of the foregoing or any of the District's property.

(05) Liability.

The District and its officers, agents, or employees shall not be liable for damages resulting from the control, transportation, handling, use, disposal, or distribution of recycled water supplied by the District to a customer, after such water has been delivered to the point of connection of such customer, or in the case of delivery to customers who are water purveyors or truck haulers, after such water has left the District's distribution facilities. Customers shall reimburse the District for costs of repair to the District's distribution facilities and other damages resulting from the operations of the customer.

(06) Unauthorized use of water.

A. No person shall use recycled water from any service, blow-off valve, air relief valve, or any other District distribution facility without first applying for service and receiving a recycled water use permit from the District. Unauthorized use of water shall be subject to whatever penalties or charges may be imposed by the District pursuant to applicable ordinances, resolutions, or other laws, and to whatever additional recourse may be sought by health and/or regulatory authorities. Additionally, the District may seek recovery of damages, including loss of revenue, as prescribed by law.

B. No person, other than the authorized agents, employees or contractors of the District shall turn on water or operate the shut-off valves at the customer service meters or any other distribution facilities. A fee outlined in the District's Master Fee Schedule or actual cost of damage, whichever is greater, may be charged to any customer who causes or allows the customer service meter shut-off valve or distribution facilities to be operated by unauthorized persons.

(07) *Obligation to pay for water delivered.*

A. It shall be the obligation of the customer to pay for all recycled water delivered to any customer point of connection, or to the customer, in the case of delivery to customers who are water purveyors or truck haulers. The District shall bill the customer for all water so delivered, and the customer shall pay the District for all such water so delivered at the rate or rates and within the period established periodically by the District.

B. The District's recycled water rates will be based on a monthly fixed rate and a variable per gallon rate and will include costs for treatment and distribution, operation and maintenance, meter fee (based on size of meter), and share of capital replacement reserves.

(08) *Obstruction of recycled water facilities prohibited.*

No person shall place upon or about any valve box, manhole, blowoff, air relief valve, meter, meter box or vault, or any distribution facilities or appurtenances, any object, materials, debris, or structure of any kind so as to prevent free access to same at all times.

(09) *Meter reading.*

Customer service meters shall be read by the District using remote smart meters on a regular basis, usually monthly. Special meter readings may be taken because of change of customer, changes of meter or meter size, or at other times as determined necessary by the District. The District shall estimate the quantity of recycled water used in whatever manner it considers most appropriate if a meter cannot be read or in the event that a meter has not registered or has registered incorrectly.

(10) *Testing meters.*

A. Any customer may demand that the customer service meter be examined and tested by the District for the purpose of ascertaining whether it is registering correctly, if the customer believes the meter is over-registering the amount of recycled water being delivered. If on such examination and test the customer service meter shall be found to over-register recycled water by three percent or more, an adjustment of the recycled water bill shall be made to the customer by the district. No adjustment shall be made for any period more than six months preceding the date of the meter test.

B. The customer service meter may be examined and tested by the District for the purpose of ascertaining whether or not it is registering correctly, if the District believes the customer service meter is under-registering the amount of recycled water being

delivered. If on such examination and test the customer service meter shall be found to under- or over-register recycled water by three percent or more an adjustment of the recycled water bill shall be made to the customer by the District. No adjustment shall be made for any period more than six months preceding the date of the meter test.

(11) - Billing and collection for water deliveries.

A. The District shall bill customers for recycled water deliveries to the customer points of connection, or to the customer, in the case of deliveries to customers who are water purveyors or truck haulers. Billings for recycled water shall be due and payable within thirty days. Billings shall become delinquent if not paid within the thirtieth day. The District shall not be required to provide notice of delinquency.

B. If any customer directly served by the District shall be delinquent in the payment for recycled water delivered by the District, the District may assess a penalty charge of one and one-half percent for each thirty days of delinquency or part thereof.

C. If any customer served directly by the District is delinquent for more than thirty days, such delinquency may be reported by the General Manager to the District Board of Directors. The General Manager, or his/her designee at his/her discretion and upon such conditions as it may be prescribed, after giving the customer reasonable notice and an opportunity to be heard, may order the termination of recycled water service.

(12) Billing Errors and Adjustments

A. If a customer notes an error in their billing which overcharges or undercharges the customer or which, in the past, has resulted in the customer's underpayment or overpayment, the customer shall promptly notify the District of this error. When the District notes an error in its billing to a customer which has resulted in underpayment or overpayment by the customer, the District shall put the customer on notice of the error. In the case of underpayment, the customer shall reimburse the District that amount they have underpaid during the twelve-month period prior to notice. In the case of overpayment, the District shall reimburse the customer that amount the customer has overpaid during the twelve-month period prior to notice.

B. If a customer, or the District, makes the discovery that a condition exists with a bill that is the result of an extraordinary circumstance which is beyond the control of the customer, the General Manager, or such designee(s) assigned by the General Manager, may adjust the customer's billing in accordance with this section.

C. The purpose for providing administrative authority to perform billing adjustments is to allow the General Manager to authorize minor deviations from the strict application of the utility rate structures when extraordinary, nonrecurrent problems which are beyond the control of the customer occur that adversely affect the customer's billing. A billing adjustment may be granted only when the General Manager finds all of the following conditions to exist:

- (1) That a written request for consideration of a billing adjustment has been received by the General Manager within thirty calendar days subsequent to the date the utility bill was mailed;
- (2) That the conditions which caused the customer's need for administrative relief were not created by any act of the customer and were an extraordinary condition. Personal, family or financial difficulties, loss of prospective profits and standards of property maintenance which are at the discretion of the customer are not conditions which justify approval of a billing adjustment;
- (3) That the billing adjustment, if granted, would not be a special privilege of the recipient not enjoyed by another customer facing similar circumstances;
- (4) That the billing adjustment will not materially impair the purpose and intent of the rules and regulations used to govern the delivery and administration of recycled water service. Each request for the granting of a billing adjustment shall be considered on its individual merits and no billing adjustment shall be considered to have set a precedent for the denial or approval of further billing adjustments;
- (5) That in any situation in which the justification for a billing adjustment is based upon the malfunction, breakage or failure of a component of the customer-owned water service system, no billing adjustment shall be granted until it has been demonstrated to the satisfaction of the General Manager that repairs or replacements of the malfunctioning, broken or failed component have been performed.

(13) *Suspension or termination of service.*

A. Whenever the General Manager determines maintenance of the District's treatment and/or distribution facilities requires suspension of delivery of recycled water at any point or points of connection or at any other location, such delivery in nonemergency situations may be suspended without liability on the part of the District upon provision of three days notice or as practicable. The District will attempt to schedule interruptions of service at such days and times as will provide the least inconvenience to the customer.

B. The General Manager may order the immediate suspension or termination of recycled water deliveries to any customer when any of the following conditions occur:

1. In the judgment of the General Manager, the customer has failed to satisfy all requirements of the District Code or regulations or has in any way endangered the public health and safety or the safety and integrity of the distribution facilities, or has violated a Regional Water Quality Control Board Order, a recycled water use permit, any Division of Drinking Water reuse criteria, or any law, regulation, agreement, order, permit, guideline or standard relative to recycled water; or
2. When so ordered by health or regulatory authorities having jurisdiction; or

3. When the District is unable to deliver properly and adequately treated recycled water; or
4. When the requirements of the Division of Drinking Water reuse criteria, and any amending or superseding provisions related to the quality of recycled water are not being met; or
5. If the Regional Water Quality Control Board or other authority changes the requirements for treating or delivering recycled water to a level the District determines it cannot reasonably meet or cannot reasonably meet without costly additional treatment making continued delivery impractical.

(14) Access to customer site.

All recycled water customers shall permit or cause to be permitted the District or its agents, the Regional Water Quality Control Board Division of Drinking Water, the San Mateo County Health Services Department, the Menlo Park Municipal Water District, Cal Water Services District and other entities with jurisdiction over recycled water or public health, access to the site where recycled water provided by the District is used or where records relative to recycled water use are kept for the purposes of: (A) inspection, testing and repair of facilities, equipment, practices or operations regulated pursuant to the RWQCB's general water reuse requirements, and any amending or superseding provisions the District Code and other laws; and (B) sampling or monitoring to assure compliance with the general water reuse requirements, and any amending or superseding provisions, the District Code and other laws. In addition, customers shall supply access to or copies of records relative to recycled water use to representatives of the above named entities on request.

SECTION 1004 Recycled Water Rates, Fees and Charges.

(01) Recycled water rates.

Rates for recycled water service within the District provided pursuant to a recycled water permit shall be established, and may be amended or revised periodically, by ordinance and set forth in Article IX "Fees, Rates and Charges." Rates for recycled water service provided pursuant to a contract shall be fixed by its terms.

(02) Reimbursement charge to recover retrofit financing.

A. The District and customer may enter into an agreement wherein the District pays the actual cost of retrofit improvements and recovers the cost thereof, plus accrued interest, through the imposition of a reimbursement charge added to the regular District recycled water billings to the customer, if such retrofit improvements are necessary to enable a customer to safely and legally use recycled water. Reimbursement charges shall be added by the District to the customer recycled water billings.

B. In determining whether or not to enter into a retrofit financing agreement, the District shall consider such factors as the estimated present and future quantities of

recycled water use, estimated cost of the necessary retrofit improvements, and estimated interest rates. The District may require, as part of the retrofit financing agreement, a minimum purchase amount of recycled water on an annual basis. The determination of whether to enter into a retrofit financing agreement shall be at the discretion of the District and Customer.

D. Interest rates to be charged by the District shall generally reflect the prevailing local agency investment fund rate plus one percent at the time the retrofit financing agreement is signed.

E. Payment of reimbursement charges shall be subject to the same terms and conditions as payment of recycled water billings.

(03) Connection Fees and Capacity Charges.

Prior to approval for a recycled water permit and connection to the District's recycled water distribution facilities the customer must submit the connection and capacity fees established by the District Board pursuant to the District's Code of General Regulations.

Connection and Capacity Fees will include the appropriate share of costs of the Treatment Facility, common distribution facilities, tanks and pumping facilities and meter installation costs.

Section 2. Articles X through XIII renumbered. Articles X "ENFORCEMENT" through XIII "CODE OF REGULATIONS IN FORCE" are hereby renumbered as Articles XI through XIV, respectively, and all references to those Articles or Sections therein throughout this Code of General Regulations are hereby renumbered accordingly.

Section 3. Publication, Effective Date. This regulation shall be entered into the minutes upon adoption and the regulation or a summary thereof shall be published once in a newspaper of general circulation published in the District, and shall take effect one week after such publication, in accordance with Health & Safety Code section 6490.

PASSED AND ADOPTED by the District Board of the West Bay Sanitary District at a regular meeting thereof held on 25 day of March, 2026, by the following votes:

Ayes: DEHN, WALKER, THIELE-SARDINA, MORITZ, OTTE

Noes: NONE

Absent: NONE

Abstain: NONE

/s/ Fran Dehn
President of the District Board of the
West Bay Sanitary District of San
Mateo County, State of California

Attest:

/s/ David A. Walker
Secretary of the District Board of the
West Bay Sanitary District of San Mateo
County, State of California