

Fourth reported violation of any provision of AR 1041: the District shall levy a \$500 fine on the violator's water bill. If all four violations occurred within an 18-month period, the District may elect to discontinue service of the water supply that has been wasted. If service is discontinued due to AR 1041 violations, the District will charge a reconnection fee of \$100 to restore service after abatement of the violation and payment of the fine. Restoration of service may occur without prejudice to any party's position pending appeal under AR 1041.6.

Unpaid fines are subject to the property lien procedure of Water Code section 25806.

### **AR 1041.6 Appeal and Hearing**

A customer may appeal any notice of water waste violation by filing a written request for a hearing with the District's General Counsel within seven calendar days after receiving the notice. The appeal shall identify the property and state the grounds of appeal together with all material facts in support of it. Appeals will be heard by the General Counsel or her or his designee. The filing of a request for hearing shall stay any consequences for violation until the appeal is decided.

When a hearing is requested, the hearing officer shall send written notice to the appellant by certified mail, return receipt requested, stating the time and place of the hearing. Hearing procedures shall be informal, but serve the goals of proper decorum and the pursuit of the truth. At the hearing, the appellant shall have the right to present information as to the alleged facts upon which the notice was issued, and as to any other facts that may aid the hearing officer in determining whether a violation has occurred and, if so, the appropriate consequences.

Within ten calendar days after the close of the hearing, the hearing officer shall issue a written determination either upholding, reversing, or modifying the notice of water waste violation, and briefly stating the reasons that support the determination. Failure to issue a written determination within ten calendar days shall automatically reverse the notice of water waste violation. The hearing officer's written determination shall constitute the District's final action.



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# **El Dorado Irrigation District**



**Water Waste Prohibition**

**Administrative Regulation 1041**

# Water Waste Prohibition

## Administrative Regulation (AR) 1041

Approved: February 26, 2008

Last Revised: May 13, 2016

The District prohibits uses of District-supplied raw, potable, and recycled water that constitutes water waste. The objective is to encourage reasonable use of water supplies by prohibiting all intentional or unintentional water waste, including the use of wasteful equipment or techniques, when a reasonable solution or alternative is available. See AR 5011 for additional water waste regulations that apply during declared drought conditions.

### AR 1041.1 Definition of Water Waste

**Any of the following acts or omissions, whether willful or negligent, shall constitute the waste of water.**

- A. Causing or permitting water to discharge, flow, or run to waste into any gutter, sanitary sewer, water course, or storm drain, or to any adjacent lot, from any tap, hose, faucet, pipe, sprinkler, or nozzle. In the case of irrigation, “discharge,” “flow,” or “run to waste” means that the earth intended to be irrigated has been saturated with water to the point that excess water flows over the earth to waste. In the case of washing, “discharge,” “flow,” or “run to waste” means that water in excess of that necessary to wash, wet or clean the dirty or dusty object, such as an automobile, sidewalk, or parking area, flows to waste.
- B. Allowing water fixtures or heating or cooling devices to leak or discharge.
- C. Maintaining ponds, waterways, decorative basins, or swimming pools without water recirculation devices.
- D. Backwashing, so as to discharge waste water from swimming pools, decorative basins, or ponds in excess of the frequency reasonably necessary to maintain the clarity and cleanliness of the water.
- E. Operation of an irrigation system that applies water to an impervious surface or that is in disrepair.
- F. Hosing off sidewalks, driveways and other impervious hardscapes, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency
- G. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure to leave the hose on is applied.
- H. Irrigation of landscaping during or within 48 hours of measurable precipitation.
- I. Overfilling of any pond, pool, or fountain that results in water discharging to waste.
- J. Irrigating ornamental turf with potable water on public street medians.
- K. Failure to comply with any conservation practices during a District-declared drought.

### AR 1041.2 Exceptions

**Notwithstanding AR 1041.3, the following acts do not constitute the waste of water.**

- A. Flow resulting from temporary water supply system, water fixture, or heating/cooling device failures or malfunctions lasting 48 hours or less.
- B. Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities.
- C. Water applied to abate spills of flammable or other hazardous materials, where water is an appropriate abatement methodology.
- D. Water applied to prevent or abate imminent health, safety, or accident hazards when alternate methods are not available.

### AR 1041.3 Informing District Customers of the Regulation

The District shall inform customers at least once a year of the water waste regulation, either through a special item in the newsletter that accompanies each two-month bill or as a separate insert in the bill.

### AR 1041.4 Enforcement

To enforce this regulation, District personnel will follow the process outlined in AR 1041.5, Penalties for Violation of the District’s Water Waste Regulation.

### AR 1041.5 Penalties for Violation of the District’s Water Waste Regulation

District personnel may report or receive reports of violations of AR 1041, which prohibits uses of raw, potable, and recycled water that result in waste. Violations will be penalized as follows:

- First reported violation of any provision of AR 1041: the District shall issue to the customer a written warning notice of and direction to cease and desist violation.
- Second reported violation of any provision of AR 1041: the District shall levy a fine on the violator’s bill of \$100, or 20% of the two-month water bill, whichever is greater.
- Third reported violation of any provision of AR 1041: the District shall levy a \$200 fine on the violator’s bill. If all three violations occurred within a 12-month period, the District may elect to discontinue service of the water supply that has been wasted. If service is discontinued due to AR 1041 violations, the District will charge a reconnection fee of \$100 to restore service after abatement of the violation and payment of the fine. Restoration of service may occur without prejudice to any party’s position pending appeal under AR 1041.6.