



**SECTION 30**  
**NONPOTABLE WATER SERVICE**

In furtherance of District Policy No. 9.05, these regulations identify the types of water uses for which nonpotable water is appropriate; the factors considered in determining the feasibility of nonpotable water service; and the procedure for notifying to applicants and customers that nonpotable water use is required.

**DEFINITIONS**

Feasible. For purposes of this section, nonpotable water service shall be feasible if the District at its sole discretion determines that:

- Nonpotable water may be furnished for the intended use at a reasonable cost to the customer and District.
- Nonpotable water is of adequate quality for the intended use.
- The use of nonpotable water is consistent with all applicable federal, state and local laws and regulations.
- The use of nonpotable water will not be detrimental to the public health and will not adversely affect plant life, fish and wildlife.

Dual Plumbing. For purposes of this section, “dual plumbing” shall mean the installation of separate facilities for the distribution of potable and nonpotable water service. These facilities may include distribution piping from the water service main or water supply source to the water service meter, as well as facilities on the customer’s side of the water service meter.

Nondomestic Uses. For purposes of this section, “nondomestic uses” shall mean all uses of water, except for drinking, culinary purposes, and the processing of products intended for direct human consumption. Nondomestic uses include irrigation of food crops intended for human consumption, which is an allowable recycled water use with appropriate treatment to meet water quality standards.

Nonpotable Water. For purposes of this section, “nonpotable water” shall mean all reclaimed, recycled, reused, or untreated water supplies that meet the conditions set forth in California Water Code Section 13550 and are determined by the District to be suitable for nondomestic uses and feasible for the particular intended use.

Retrofit. For purposes of this section, “retrofit” shall mean the conversion or modification of existing water service facilities such that they are suitable for nonpotable water service.

Water Reuse Zones. For purposes of this section, “water reuse zone” shall mean District-designated zones within the District’s service area where nonpotable water service has been determined to be reasonably available.



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**TYPES OF NONPOTABLE WATER USE**

Use of nonpotable water may be required for nondomestic uses, which include but are not limited to: irrigation of cemeteries, golf courses, playing fields, parks and residential and nonresidential landscaped areas; commercial and industrial process uses; toilet and urinal flushing in nonresidential buildings.

**DETERMINATION OF FEASIBILITY OF NONPOTABLE WATER SERVICE**

The District will identify existing customers within Water Reuse Zones and determine the feasibility of providing nonpotable water service to these customers. The District will also review applications for new services to determine the feasibility of providing nonpotable water service to these applicants. The District, at its sole discretion, will determine the economic, environmental, and institutional feasibility of providing nonpotable water service to existing customers and new service applications. If nonpotable water service is determined by the District to be feasible, written notification of the required use of nonpotable water shall be provided to the customer or applicant. Such notification may include information regarding District water service procedures, a description of the District's nonpotable water project, a date by which the customer site must be ready to accept nonpotable water service and a description of any nonpotable water facilities that must be constructed on the customer's site, including dual plumbing. Customers may be required to retrofit existing water service facilities to accommodate nonpotable water service and applicants for new water services may be required to pay for main extensions, install frontage and onsite piping, nonpotable infrastructure, and install dual plumbing, pursuant to terms and conditions specified by the District.

**NONPOTABLE WATER USE PERMITS**

Customers and applicants required to use nonpotable water shall submit a Nonpotable Water Service Application. Upon receipt, review and approval of the application, construction completion, and prior to start of service, the District will issue a nonpotable water use permit which, among other things, will specify the approved uses at customer sites and requirements for the customer's water distribution facilities and portions of the premises where nonpotable water will be applied.

Nonpotable water service will not commence until all fees are paid and the District verifies compliance with the permit requirements.

In special circumstances, as solely determined by the District, once the permit has been issued, a potable water supply may be provided until all requirements for nonpotable water delivery are complete. All potable water delivered will be billed at the prevailing potable water rates.

Provision of a potable water service until nonpotable water is available may be contingent upon the customer/applicant agreeing to any or all of the following:

- customer/applicant installation of water service facilities separate and distinct from the potable water service facilities for the purpose of facilitating conversion to a nonpotable water supply when available;



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- additional retrofitting of water service facilities (potable and nonpotable) and construction of additional nonpotable water facilities (e.g., service laterals, metering conversion and appurtenances) as solely determined by District to be necessary to commence delivery of nonpotable water when available;
- agreement to pay the District's cost to perform additional retrofitting and construction if the customer/applicant does not perform the work within the time specified;
- installation of flow-restricting devices, at customer/applicant expense, to reduce the maximum flow rate in the event the District is unable to deliver a nonpotable water supply;
- customer/applicant construction of storage facilities to insure an adequate water flow for the site notwithstanding the installation of flow-restricting devices;
- agreement to indemnify the District with respect to any damage arising from the installation of flow-restricting devices or construction of storage facilities;
- removal of flow-restricting devices, without charge, and connection to the nonpotable water supply in the event that the District makes a nonpotable water supply available;
- any other conditions deemed necessary by the District.

The District will advise the customer/applicant of those conditions that shall apply to the delivery of a potable water supply until nonpotable water is available. Applicants for new service that are approved and permitted shall pay the applicable Nonpotable System Capacity Charge, notwithstanding the delivery of a potable water supply until nonpotable water is available.

**EXISTING CUSTOMER RETROFIT WORK:**

**1. INSTALLATION AND MAINTENANCE COSTS**

Except as otherwise provided herein, when an existing customer is required by the District to convert to nonpotable water service, the District will pay the reasonable capital costs of retrofitting the water service facilities on the customer's side of the water service meter and will also provide for the nonpotable water service facilities necessary to deliver nonpotable water to the meter.

Once nonpotable water service delivery commences, the customer shall be responsible for all costs of operating and maintaining the water service facilities on the customer's side of the water service meter(s), except where the District has determined that it would be in the best interests of the District to operate and maintain on-site treatment facilities. In the event a customer's water volume demand is increased significantly as a direct result of water quality considerations due solely to the conversion to nonpotable water service, the District may apply a volume conversion factor to the customer's account such that the conversion will not result in an increase to the customer's overall cost of water service. The volume conversion factor shall be applied prior to establishing nonpotable water service, upon request by, and after receipt of adequate documentation of the projected demand increase from, the customer.

**2. DESIGN AND CONSTRUCTION**

Existing customers required to convert to nonpotable water service may complete the required retrofit work or, as an alternative, allow the District to complete the retrofit work by the date indicated in the



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District notification. If the District determines prior to the start of construction that the retrofit of the customer's facilities is not feasible, the District shall be released from any obligation to perform or reimburse the cost of any retrofit work.

**A. Retrofit Work By District**

Where the District performs the design and construction of the retrofit work, the customer shall review the design and sign a Retrofit Agreement and provide access to the site as necessary for the District or its contractors to perform the design and construction work, including but not limited to inspections, testing retrofit items and performing required cross-connection and backflow prevention valve testing, where installation of backflow prevention devices is required by law or recommended by the District.

**B. Retrofit Work By Customer**

Prior to customer construction of the retrofit work, customers shall submit, for District review, a proposed schedule, cost estimate, and design for the retrofit construction work. The scope of work, cost estimates, and the proposed schedule are subject to District approval prior to commencement of work. Any retrofit elements required by state law shall be included in the retrofit design. Any changes to the proposed retrofit work must be submitted for District approval prior to construction. The customer shall prepare, or have prepared, the design work for the retrofit and complete the retrofit work and, in doing so, comply with all applicable federal, state, and local codes, laws, ordinances and regulations and obtain all necessary permits. The customer shall maintain compliance documents and furnish copies of said documents upon District request. Customers shall install backflow prevention devices as required by law or recommended by the District. The District shall not be a party to any contract between the customer and a third-party consultant or contractor, and District shall have no responsibility thereunder, although the District shall be entitled to review the contracts. The customer shall agree to indemnify the District with respect to any claims arising from the design or construction of the retrofit work. The District shall be entitled to inspect the retrofit work to verify that the retrofit items are installed and functioning, and to perform required cross-connection and backflow prevention testing.

The customer or the customer's representative and any construction contractor used to perform the retrofit work shall be present during the final inspection.

Upon completion of the retrofit design work and subject to District approval of design costs, prior to start of design work, the District will reimburse the design costs incurred by the customer.

Upon completion of construction, District inspection and approval of the work and the costs, the District will reimburse the construction costs incurred by the customer.

Once the retrofit is completed and the customer site is ready to accept nonpotable water as certified by the District, the customer will pay the nonpotable water rate per the current applicable rate schedule. If nonpotable water is unavailable when the retrofit is complete, the potable water rate shall be charged until nonpotable water is available for delivery to the site.



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**C. Failure to Complete Retrofit Work by Customer**

Customers who do not complete the retrofit work to enable the delivery of nonpotable water by the District-specified date will not be in compliance with this regulation. In such cases, the District may pursue one or more potential remedies, including, but not limited to the following:

- 1) The General Manager or the Manager of Customer and Community Services Department may, after a written warning to the customer, authorize installation of a flow restrictor to prevent the use of potable water for uses for which nonpotable water service has been determined to be feasible by the District.
- 2) Referral to the State Water Resources Control Board for a determination regarding the availability of recycled water pursuant to Water Code section 13550 et seq;
- 3) Legal action to enforce this Section 30 and require completion of the retrofit work.

**NEW CUSTOMER SERVICE APPLICATIONS**

New applicants for water service required by the District to use nonpotable water for nondomestic uses, and customers requesting installation of additional nonpotable water service facilities in order to serve new developments or expand capacity, or those customers requesting conversion to nonpotable service not required by the District, shall be responsible for the full cost of all facilities and infrastructure necessary to deliver nonpotable water from the closest available nonpotable water facility to the premises and within. Costs shall include, but not be limited to, planning, design and installation of main extensions, service laterals, meters, irrigation infrastructure, dual plumbing, onsite treatment, backflow prevention, reservoirs or other forms of storage, pumping stations, backup potable water infrastructure, account fees, and all other applicable charges in accordance with the District's Water Service Schedule of Rates and Charges to customers.

The District may require the installation of major nonpotable water main extensions with excess capacity to meet future customer demands in certain service areas. The District will evaluate the need and feasibility for main extension excess capacity on a case by case basis. The applicant or customer (as appropriate) will only be charged for the size of the main required by District standards to serve the nonpotable water demand of the applicant/customer.

Extension of nonpotable water mains shall comply with Section 4 of EBMUD Regulations. Once nonpotable water service delivery commences, the customer shall be responsible for all costs of operating and maintaining the water service facilities on the customer's side of the water service meter(s) and complying with all reporting and inspection requirements per EBMUD and state regulations.