

CHAPTER 7. RECLAIMED WATER SUPPLY

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9-7-1. Authority and intent.

(1) Pursuant to the authority granted to the Tooele City Water Special Service District (hereafter referred to as “the District”), by the City of Tooele and the laws of the State of Utah, as amended, it is the intent of the District to make reclaimed water available for irrigation purposes, and other authorized uses, within the service area of the District, where the District determines that the construction, operation and maintenance of a reclaimed water distribution system is practical and economical.

(2) The reclaimed water distribution system shall be constructed in a manner deemed appropriate by the District to provide reclaimed water service pursuant to the terms and conditions set forth herein.

(3) It is further the intent of the District to establish a reclaimed water system which complies with the rules and regulations set forth by Utah Division of Water Quality, which rules appear in Chapter R317-1-4, Utah Administrative Code.

(4) Compliance of the District with the requirements of the Utah Division of Water Quality shall be demonstrated by adherence to these regulations and to the District’s Policies, and the District’s Construction Manual,

as promulgated by the District and approved by the Utah Division of Water Quality.
(Ord. 2002-18, 08-07-2002)

9-7-2. Definitions.

For the purpose of these regulations, certain terms, phrases, words and their derivations shall have the meanings as given below. Words stated in the present tense include the future; words stated in the masculine include the feminine and neuter; the singular number includes the plural and the plural the singular. Where terms are not defined through the methods of this section, such terms shall have ordinarily accepted meanings such as the context implies. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated:

(1) Administrator. See “Reclaimed water service administrator.”

(2) As-built drawings. See “Record drawings.”

(3) Available reclaimed water. A functioning reclaimed water distribution line located within 100 feet of the property applying for reclaimed water service, with sufficient capacity to meet the expected demands from the applicant’s property.

(4) Backflow prevention device shall mean an approved device installed on the customer’s potable water service, to prevent the flow of any actual or potential pollution or contamination into the public potable water system. “Backflow prevention device” shall also mean any approved device installed on the reclaimed water service to prevent the backflow of any actual or potential pollution or contamination into the reclaimed water system.

(5) Board. The Board of Commissioners of the Tooele Water Special Service District.

(6) Buffer Zone. A setback distance of at least 50 feet as more specifically set forth in R317-1-4.3.

(7) Construction Manual. The District’s “Construction Manual for the Construction of Reclaimed Water Facilities,” as amended from time to time, which contains the District’s construction standards.

(8) Construction standards. The general construction requirements and specifications adopted by the District for installation of reclaimed water facilities.

(9) Cross connection. Any physical connection or arrangement whereby any part of a potable water system or reclaimed water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain contaminated water, sewage or other waste, or substance of unknown or unsafe quality which may be capable of imparting contamination to the public potable water supply or the reclaimed water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.

(10) Customer. The applicant, actual user, water account owner or the owner(s) of the property being served by the reclaimed water.

(11) Delivery point. The point of connection of the District's Reclaimed Water System to the Customer's private system. This is the point of acceptance of the reclaimed water by the Customer for the intended reuse.

(12) Director. The Public Works Director of the Tooele City Water Special Service District or, if none, Tooele City Corporation.

(13) District. The Tooele City Water Special Service District.

(14) Distribution mains. Those conduits used to supply reclaimed water service lines.

(15) Hose bibb. A water spigot, faucet or similar device to which a common garden hose can readily be attached. Hose bibbs are prohibited on reclaimed water systems, unless of a type that can be secured to prevent access by unqualified persons.

(16) Offsite facilities. Facilities under the control of the District including but not limited to reclaimed water pipelines, reservoirs, pumping stations, fire hydrants, manholes, valves, connections, treatment facilities, and other appurtenances and property up to the point of connection with the customer's facilities.

(17) Onsite Facilities. Facilities under the control of the applicant, owner, or customer including but not limited to residential, commercial, and industrial building reclaimed water systems, landscape irrigation systems, and agricultural irrigation systems. For water and reclaimed water service. Onsite facilities shall be those downstream of the water service connection, which shall normally be the downstream end of the meter tailpiece.

(r) Onsite system. See "Onsite facilities."

(19) Qualified person. A person familiar, and trained, in the operating practices, nature and non-potability of the reclaimed water.

(20) Reclaimed water. The treated effluent, filtered and disinfected to Type I reuse water standards as defined by The State of Utah Department of Environmental Quality, Division of Water Quality's "*Wastewater Reuse Rules*".

(21) Reclaimed water service administrator. The individual responsible for the technical and operational activities of the reclaimed water system, or his designee. See also "Administrator."

(22) Reclaimed water system. Those conduits, valves, fittings, equipment and appurtenances required to deliver reclaimed water to the property line and delivery point for use by the customer.

(23) Record drawings. Drawings that accurately show the completed facilities as constructed or modified. See also "As-built drawings."

(24) Recycled water. An interchangeable term for "Reclaimed water."

(25) Reuse site. The real property on which a

customer may choose to reuse the reclaimed water.

(26) Service. Those components including service line, meter box, meter setter and related equipment that comprise the delivery point of the reclaimed water by the District to the customer.

(27) Service line. That conduit for reclaimed water from the distribution main to the property line.

(28) Shall. As used by these Regulations, "shall" and "will" are mandatory; "may" is permissive.

(29) Spray irrigation. An application of reclaimed water to crops, or to maintain or support the growth of vegetation by applying reclaimed water from sprinklers or orifices in piping. Spray irrigation does not include drip irrigation.

(30) State. The State of Utah.

(31) System. See "Reclaimed water system."

(32) UDEQ. The State of Utah Department of Environmental Quality, Division of Water Quality. The State regulatory agency responsible for oversight of wastewater reuse programs within the State of Utah.

(33) Use area. An area of recycled water use with defined boundaries, that may contain one or more reuse sites, buildings or structures..

(34) User. Any person or entity which contributes, causes or permits the use of reclaimed water supplied by the District.

(Ord. 2002-18, 08-07-2002)

9-7-3. Connection to reclaimed water system.

(1) General. Customers in designated service areas shall connect to the reclaimed water system when service is available and upon submission of the proper application and compliance with all other District policies and requirements.

(2) Mandatory Connection.

(a) Existing Buildings. Owners (customers) of primary buildings which have received a certificate of occupancy prior to the effective date of this Chapter shall connect to the system in accordance with this Chapter within sixty (60) days of the date of notice, mailed to the customer at the address of record, that reclaimed water is available. Thereafter, the customer shall not be permitted to connect to the potable water supply for the purpose of any use that can be adequately met by the available reclaimed water.

(b) New Buildings. Where reclaimed water is available, owners (customers) of primary buildings which receive a certificate of occupancy after the effective date of this Chapter shall not be permitted to connect to the potable water supply for the purpose of any use that can be adequately met by the available reclaimed water.

(Ord. 2002-18, and amendment 08-07-2002)

9-7-4. Authority to adopt rates, fees, and charges.

The Board shall have the authority, by resolution duly adopted in a public meeting, to establish rates, fees, and charges for the reclaimed water system and to provide terms and conditions for the payment and collection of the same.

(Ord. 2002-18, 08-07-2002)

9-7-5. Discontinuing service by the District.

The District may discontinue reclaimed water service to any customer due to a violation of the terms of this Ordinance or any other District policy or regulation, non-payment of bills, tampering with any service, plumbing of cross-connections with another water source, or the undertaking of any other activity that may be detrimental to the reclaimed water system. The District shall have the right to cease service until the condition is corrected and all costs due the District are paid. These costs may include delinquent billings and fees, connection charges, payment for any damage caused to the System, and other related costs. Should discontinued service be restored without authorization, then the District shall have authority to remove the service and make such additional charges as are established by administrative policy. (Ord. 2002-18, 08-07-2002)

9-7-6. Interruption of service by the District.

The District reserves the right to temporarily discontinue service to any portion of, or the entire reclaimed water system, as deemed necessary by the Director. The Director shall have the authority to establish schedules which restrict the use of the reclaimed water system at certain times in order to reduce maximum pressure demands on the system and to regulate usage during periods of limited reclaimed water availability. (Ord. 2002-18, 08-07-2002)

9-7-7. Prohibition of water wastage.

(1) Application. The provisions of this section shall apply to all persons using reclaimed water, regardless of whether any person using reclaimed water shall have a contract for such service, and shall apply to all reclaimed water supplied by the District.

(2) General Prohibitions. The following prohibitions are in effect at all times, regardless of whether any declared shortage condition is in effect.

(a) Gutter Flooding. No person shall cause or permit any water furnished to any property served by the District to run or to escape from any hose, pipe, valve, faucet, sprinkler, or irrigation device into any gutter, or otherwise to runoff the property if such can reasonably be prevented.

(b) Leaks. No person shall permit leaks of reclaimed water that the person has the authority to eliminate.

(c) Waste. No person shall cause or permit reclaimed water under that person's control to be wasted. (Ord. 2002-18, 08-07-2002)

9-7-8. Permits.

The District shall obtain and fulfill all necessary permits and approvals for the initial construction and operation of the reclaimed water distribution facilities

constituting the District's reclaimed water system. Once service is available, any additional permits or approvals required for service to any particular customer, for the customer's benefit, shall be obtained at the sole expense of said customer.

(Ord. 2002-18, 08-07-2002)

9-7-9. Priorities for extending reclaimed water service.

The Board shall determine priorities for reclaimed water line extensions within the guidelines established in the "Facilities Phasing Plan" as incorporated into the District's Capital Improvement Plan and the "Reuse Project Plan," submitted to the Utah State Division of Water Quality.

(Ord. 2002-18, 08-07-2002)

9-7-10. Potable water wells.

As mandated by the Utah State Division of Water Quality, the District shall not provide reclaimed water service where wells are used as a source of potable water and where buffer zone requirements cannot be maintained. It shall be unlawful and an offense against the District to install a well intended for use as a potable water supply within UDEP-mandated buffer zone requirements of existing or known proposed reuse sites.

(Ord. 2002-18, 08-07-2002)

9-7-11. Right to service.

No payment of any costs, submittal of any application or petition, or undertaking any other act to receive reclaimed water service shall guarantee such service. The District, through the Director, shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of reclaimed water, lack of payment of required fees, or for any other reason which, in the judgement of the Director, will cause the extension not to be beneficial to the District.

(Ord. 2002-18, 08-07-2002)

9-7-12. Service within municipalities.

Reclaimed water service may be provided to all eligible users within the District. Service may be provided to users outside the District, if the supply of reclaimed water is adequate, at the discretion of the Board.

(Ord. 2002-18, 08-07-2002)

9-7-13. Permitted uses of reclaimed water.

(1) Allowed Uses Regulated. Reclaimed water shall be used in accordance with the rules for such usage as provided in the applicable federal, State, and District regulations. Reclaimed water may be used for:

(a) Residential landscape irrigation, including irrigation at individual houses.

(b) Urban uses, which include landscape irrigation, golf course irrigation, non-residential toilet flushing, and fire protection.

(c) Agricultural irrigation, including irrigation of

food crops.

(d) Landscape and recreational impoundments of reclaimed water.

(e) Construction and industrial process water.

(f) Flushing gravity and force mains.

(g) Cooling water. Use for cooling towers which produce aerosols must have specific, written District approval.

(2) Other Uses Prohibited. Uses not listed above are considered prohibited uses of reclaimed water.

(3) Special Use Permits. The District may grant special use permits to other uses with similar potential for human exposure, only if it can be clearly demonstrated to the District that all of the State and District regulations can be met. The burden of proof shall be on the applicant. (Ord. 2002-18, 08-07-2002)

9-7-14. Prohibited uses of reclaimed water.

(1) Reclaimed water **shall not** be:

(a) Used for consumption by humans.

(b) Connected to a dwelling for toilet flushing or other household uses.

(c) Interconnected with any other water sources.

(d) Used for filling swimming pools

(e) Connected to the interior of, or within, food preparation establishments.

(f) Connected to, or available from, above ground hose bibbs, faucets, or quick couplers accessible to unqualified persons.

(g) Connected to, or available from, hose bibbs or faucets at individual residences.

(Ord. 2002-18, 08-07-2002)

9-7-15. Service application requirements.

(1) Application Required. Reclaimed water service shall be applied for in the District offices by completing and signing an application form.

(2) Drawings Required. Applications for all reclaimed water services within any City, County, or State maintained rights-of-way shall include a dimensional plan showing the location of the requested service line relative to the nearest street intersection, etc., as required by the City, the County, or the State Department of Transportation. All drawings shall comply with the specifications contained in the Construction Manual.

(3) Approved Onsite System Required. Before an application for reclaimed water service will be approved, the customer must have a suitable onsite system. The onsite system to be provided by the customer shall meet the District's Construction Standards, as specified in the District's Construction Manual.

(4) Cross Connections Prohibited. No system with a cross connection to the potable water system will be considered for connection to the reclaimed water system. Temporary systems will not be considered for connection.

(5) Hose Bibbs Prohibited. Onsite systems shall

not include hose bibbs, above ground faucets, or other devices or connections (unless of a type that can be secured to prevent access by unqualified persons) that could permit reclaimed water to be used for any purpose other than the approved uses as specified in 2.1.13 above.

(6) Compliance with District Construction Standards. All onsite systems constructed in areas where the District has determined to make reclaimed water available shall be constructed in accordance with all Federal, State, and District specifications and regulations, including, specifically, the regulations contained in the District's Construction Manual, and those of R317, Utah Administrative Code. The owner of the onsite system shall provide the District with a schematic drawing of the irrigation system before receiving service. (Ord. 2002-18, 08-07-2002)

9-7-16. Meter requirements.

The District shall have the authority to establish metering policies as it deems appropriate.

(Ord. 2002-18, 08-07-2002)

9-7-17. Cross connection control.

(1) Water Supply to Be Protected. At all reuse sites where reclaimed water service is provided, the public or private potable water supply shall be protected by an approved backflow prevention device. All devices and materials installed for backflow prevention shall be approved by the District and shall be installed in accordance with the Construction Manual and other applicable District regulations. Where any cross connection is found, it shall be disconnected. Before reconnection of that service, the potable water system shall be protected against the possibility of future cross connections, and additional devices may be required as specified by the Administrator or Director and installed at the customer's expense.

(2) District's Right to Enter. To determine the presence of any potential hazards to the public potable water system and for the purposes of perpetual maintenance and repair of the reclaimed water system appurtenances, the District shall have the right to enter upon the premises of any customer receiving reclaimed water. Each customer of reclaimed water service shall be deemed, by application, to give written consent to such entry upon said premises.

(Ord. 2002-18, 08-07-2002)

9-7-18. Construction specifications.

(1) Pipe shall meet or exceed standards set by the American Water Works Association, UDEP, and the District's Construction Manual, whichever is stricter.

(2) Mains in the public rights-of-way shall be located a uniform distance from the curb and in a location approved by the Administrator and Director.

(3) Vertical and horizontal clearances from potable water lines and sewage lines shall be as specified in the District's Construction Manual, or as specified by UDEP rules, whichever is stricter.

(4) All valves and approved hose bibbs shall be placed in tamper-proof boxes.

(5) All onsite systems shall include backflow prevention devices directly downstream of the reclaimed water meter.

(6) Where reclaimed water mains are to be turned over to the District, the customer shall submit such documents as are normally required for the dedication of public facilities.

(7) "As-built" drawings shall be submitted to the Administrator upon completion of the onsite system.

(8) The Construction Manual may contain additional specific requirements.

(Ord. 2002-18, 08-07-2002)

9-7-19. Proper maintenance by the customer.

(1) Customer Responsible for Onsite Maintenance. The customer shall be responsible for the proper maintenance of all onsite reclaimed water facilities, including valves, backflow devices, irrigation lines, spray heads and appurtenances on the property served by the District.

(2) Cause for Discontinuance of Service by District. Failure to maintain the onsite facilities in a proper manner, shall be construed as just cause for the District to discontinue service until such time as the District is satisfied that the required maintenance has been performed.

(3) Customer Responsible for Special Equipment. Should the customer desire reclaimed water at different pressures, or different quality, or in any way different from that normally supplied by the District, the customer shall be responsible for the necessary devices to make these adjustments and for obtaining approval by the Administrator. Such devices, and the repair thereof, shall be the sole responsibility of the customer.

(4) Tampering Prohibited. No person shall tamper with, modify, or connect any unauthorized hose, fitting, or fixtures to the reclaimed water service, distribution facilities, or the customer's onsite system.

(5) Tampering Cause for Suspension of Service. Tampering shall be cause for notification, suspension, or revocation of reclaimed water usage permit. The District or Director shall immediately notify with written notice any person, firm, corporation, association, or agency found to have tampered with, modified, or connected any unauthorized hose, fitting, or fixtures to the reclaimed water service, distribution components, or the customer's onsite system.

(Ord. 2002-18, 08-07-2002)

9-7-20. Extent of District maintenance.

(1) Accepted Facilities Property of District. All facilities that have been accepted by the District, through District resolution pursuant to the procedures of Tooele City Code Chapter 7-19, as amended, shall become the

property of the District and shall be maintained and operated by the District.

(2) No Reimbursement for Unauthorized Work. No person shall do any work nor be reimbursed for any work, or in connection with any work, on any portion of the system unless written authorization from the District is received prior to the work being accomplished.

(3) No Liability for Damage. The District shall make a reasonable effort to inspect and keep its facilities in good repair, but assumes no liability for any damage caused by the system that is beyond the control of normal maintenance or due to situations not previously reported to the District. This shall include damage due to breaking of pipes, poor quality of water caused by unauthorized or illegal entry of foreign material into the system, faulty operation of the facilities, or other reasons.

(Ord. 2002-18, 08-07-2002)

9-7-21. Common service lines.

The Director may approve one service line to connect two or more customers pursuant to the specifications of the District's Construction Manual.

(Ord. 2002-18, 08-07-2002)

9-7-22. Easement dedication.

The applicant shall dedicate land or shall grant perpetual easement to the District for reuse transmission and distribution facilities as are required to provide reclaimed water service. In cases deemed appropriate, the Director may accept a license or permit in lieu of an easement.

(Ord. 2002-18, 08-07-2002)

9-7-23. Public easements.

For reclaimed water lines and appurtenances which are installed by a person or entity other than the District, said lines and appurtenances shall not be accepted by the District for maintenance unless the facilities are within a dedicated public right-of-way or easement and have been accepted by the District pursuant to the procedures of Tooele City Code Chapter 7-19, as amended. Any easement submitted for acceptance by the District must meet the requirements specified below.

(Ord. 2002-18, 08-07-2002)

9-7-24. Easement requirements.

(1) Minimum Width of Easement Required. No District owned facilities shall be installed under the provisions outlined herein and accepted by the District for maintenance unless located in a dedicated easement or a dedicated public right-of-way. Any new easement shall have a minimum width of ten (10) feet.

(2) Obstructions Within Easements Prohibited. No obstruction of whatever kind shall be planted, built, or otherwise created within the limits of the easement or right-of-way without written permission of the Administrator.

(3) Easement Acceptance Requirements. All

easements shall be in a form acceptable to the District and not subject to outstanding obligations to relocate such facilities, to deeds of trust, or to any other encumbrance, except in instances where such is determined by the Director to be in the best interests of the District.
(Ord. 2002-18, 08-07-2002)

9-7-25. Ownership of reclaimed water facilities.

All reclaimed water facilities and appurtenances, other than on-site plumbing, when constructed or accepted by the District, shall become and remain the property of the District. No person shall by payment of any charges provided herein, or by causing any construction of facilities accepted by the District acquire any interest or right in any of these facilities, or any portion thereof, other than the privilege of having their property connected thereto for reclaimed water service in accordance with this Ordinance, District Regulations and any amendments thereof. A warranty provided pursuant to Section 7-19-12 of the Tooele City Code, as amended, shall not be construed to diminish the District's ownership.
(Ord. 2002-18, 08-07-2002)

9-7-26. Means of appeal.

(1) Right to appeal decision. Any person aggrieved by any refusal by the Administrator to grant service, or any other decision made by the Administrator pursuant to this Ordinance or the District's policies and regulations, shall have the right to appeal a decision of the Administrator to the Director. An application for appeal shall be based on a claim that the policies or rules of the District:

- (a) Have been incorrectly interpreted,
- (b) Do not fully apply, or
- (c) An equally good or better method of construction is proposed.

(2) Written appeal required. The appellant shall file the application for appeal on a form obtained from the District's office within 20 days after notice of the Administrator's decision was mailed to the appellant.

(3) Director's Decision. The Director shall uphold, modify, or reverse the decision of the Administrator.

(a) Written Decision. The written decision of the Director shall be mailed to the appellant and the Administrator within 5 days from the date of the decision.

(b) Administration. The Administrator shall take prompt action in accordance with the appeal decision of the District Director.

(4) Review of Director's Decision. Any person aggrieved by the Director's decision regarding an appeal shall have the right to have the Board review the Director's decision. The review of the Director's decision shall follow the procedure under Section 7-9-27, herein.

(5) Basis of Board's Review. The Board's review of the Director's decision regarding an appeal shall be limited to a review of the evidence initially presented by

the appellant to the Director, and to the minutes and written records of the original appeal. No new evidence may be submitted or brought forward at the review by the Board.
(Ord. 2002-18, 08-07-2002)

9-7-27. Appeals to the Board.

(1) Right of Appeal. Any person aggrieved by any refusal by the Director to grant service, or any other decision made by the Director pursuant to this Ordinance or the District's policies and regulations, shall have the right to appeal to the Board, in open session, for a final and binding decision.

(2) Basis of Appeal. An application for appeal shall be based on a claim that the policies or rules of the District:

- (a) Have been incorrectly interpreted,
- (b) Do not fully apply, or
- (c) An equally good or better method of construction is proposed.

(3) Written Appeal Required. The appellant shall file the application for appeal on a form obtained from the District's office within 20 days after notice of the Director's decision was mailed to the appellant.

(4) Notice of meeting. The Board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings.

(5) Open appeals hearing. All appeal hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Director, and any person whose interests are affected shall be given an opportunity to be heard.

(6) Appeal Hearing Procedure. The Board may adopt and make available to the public through the District office, procedures under which an appeal hearing shall be conducted. The procedures need not strictly comply with State of Federal court rules of evidence, but shall mandate that only relevant and reasonably reliable information be received.

(7) Board Decision. The Board shall uphold, modify, or reverse the decision of the Director by a concurring vote of two-thirds of the Board. Failure to achieve a two-thirds vote shall result in the Director's decision being upheld without modification.

(a) Resolution. The decision of the Board shall be by resolution. Copies shall be mailed to the appellant and the Director within 5 days from the date of the vote on the resolution.

(b) Administration. The Director shall take prompt action in accordance with the appeal decision of the Board.
(Ord. 2002-18, 08-07-2002)

9-7-28. Transfer of reclaimed water.

It shall be unlawful and an offense against the District for any person or entity to sell, barter, trade, or otherwise transfer reclaimed water to any other person or entity, after having initially received said reclaimed water from the District, without express written authorization from the Director upon approval of the Board.

(Ord. 2002-18, 08-07-2002)

9-7-29. Enforcement.

The District shall determine and implement enforcement policies and procedures through separate administrative policy.

(Ord. 2002-18, 08-07-2002)