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REPORT TO THE CITY COUNCIL

April 28, 2021

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SUBJECT

BILL (For Introduction) - Amending Chapter 6, Article 9 of the Fresno Municipal Code, the Recycled Water Ordinance (All Council Districts)

RECOMMENDATIONS

Staff recommends approval of the Ordinance amending Chapter 6, Article 9 of the Fresno Municipal Code (FMC), the Recycled Water Ordinance.

EXECUTIVE SUMMARY

Recycled Water is a source of water for approved non-potable uses as specified in the California

Code of Regulations Title 22 Recycled Water Criteria. Recycled Water is a component of the City's Metropolitan Water Resources Management Plan, the long-range plan to develop a more sustainable water supply. The City's long-term plan is to develop the recycled water system to meet the increasing urban demand and offset the potable use. This is a proposal to amend various sections of the City's Recycled Water Ordinance, as set forth in Chapter 6, Article 9 of the FMC. The purpose of the proposed changes is to (1) clarify the City's recycled water use requirements set forth in the Ordinance and (2) chart a path for a future integrated recycled water program. The proposed amendments will align the FMC with the state of the existing recycled water program and clarify that recycled water use is not currently mandatory for any of the City's water customers. Water customers that choose to use recycled water would enter into an agreement with the City that would establish a negotiated price applicable to the recycled water service. Further, the proposed amendments continue to allow the City to require certain new development projects, as a condition of project approval, to construct the infrastructure necessary to allow for future mandatory recycled water use.

BACKGROUND

Recycled Water is a source of water for approved non-potable uses as specified in the California Code of Regulations Title 22 Recycled Water Criteria.

The Department of Public Utilities' Wastewater Management Division operates the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF), which treats approximately 60 million gallons per day (MGD) of wastewater from residential, commercial, and industrial users. Treated undisinfected wastewater is applied to 1,700 acres of percolation ponds, resulting in incidental recharge of the groundwater aquifer underneath the RWRF that is later extracted for beneficial non-potable, non-restricted uses. The RWRF provides recycled water treated at a secondary level for restricted irrigation of non-food crops within the RWRF and to nearby farmers. The State of California encourages use of disinfected recycled water to help reduce the reliance of using potable water for non-potable applications, such as landscape irrigation, agricultural irrigation, and other commercial or industrial uses.

Recycled Water is also a component of the City's Metropolitan Water Resources Management Plan, the long-range plan to develop a sustainable water supply portfolio. Growing population and increased water scarcity has intensified the demand for urban water consumption. Alternative water sources for non-potable uses has become an important component of integrated water resources management to ensure the health and continued growth of the community. In the future, recycled water from urban wastewater will help provide a reliable long-term sustainable and drought tolerant supply of new water. Reusing water will help reduce the use of percolation ponds that currently handle effluent discharge and preserve the limited supplies of surface and groundwater. Thus, the City's long term plan is to develop the recycled water system to meet the increasing urban demand and offset potable uses.

In 2017, the Wastewater Management Division completed construction of a 5 MGD Disinfected Tertiary Treatment Facility in order to deliver tertiary level treated wastewater for less restrictive uses and as allowed by Title 22 Recycled Water Criteria. This source of water is ready to be delivered where distribution infrastructure currently exists or will be available in the future. If this source is not delivered to customers it will be returned to the RWRF's disposal ponds, usually reserved for less costly treated wastewater (undisinfected secondary level) adding to the accumulation of water underneath the disposal ponds. Wastewater Management Division staff are actively working to coordinate making connections at various City facilities and are conducting outreach in pursuit of

connecting private entities as the recycled water distribution systems expands.

The purpose of this proposal is to (1) clarify the City's recycled water use requirements set forth in the Ordinance and (2) chart a path for a future integrated recycled water program.

The proposed amendments set forth in the attached bill will align the FMC with the state of the existing recycled water program and clarify that recycled water use is not currently mandatory for any of the City's water customers. Instead, the City sells recycled water, on a voluntary basis, to those water customers that elect to purchase it. By selling recycled water created as a byproduct of its wastewater treatment facility, the City is able to generate revenues that may be used to offset the rates paid by its wastewater customers.

While the City is currently delivering recycled water on a voluntary basis, the City's long term goal is to integrate recycled water service into the City's water and sewer systems and rate plans. To that end, the proposed amendments continue to allow the City to require certain new development projects, as a condition of project approval, to construct the infrastructure necessary to allow for future mandatory recycled water use. Although certain new development projects will be required to equip their properties for potential future mandatory recycled water use, the new water customers associated with those projects will not be required to use or purchase recycled water at this time.

Water customers that choose to use recycled water would enter into an agreement with the City that would establish a negotiated price applicable to the recycled water service.

These amendments are essential to facilitate the goals sets forth in the City's Metropolitan Water Resources Management Plan.

ENVIRONMENTAL FINDINGS

An initial study and environmental impact report (EIR) was prepared and certified in 2013 for the Recycled Water Master Plan (Clearing House NO. 2010051015). This project was adopted to identify potential recycled water use opportunities within the City and its Sphere of Influence (SOI). The Master Plan includes a plan for the installation and operation of treatment, storage and distribution infrastructure to serve the proposed project area with recycled water. The Master Plan further recommends the City to consider the adoption of a "Recycled Water Ordinance" to assist the City in implementing the Recycled Water Program that contains provisions addressing various topics related to the implementation of the goals, policies, and objectives of the Master Plan.

An analysis has been performed pursuant to CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for the Recycled Water Master Plan (NO. 2010051015). Based upon this analysis the following findings are made to support the determination that no subsequent environmental review is required:

1. No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, there are no changes to the project. The changes proposed in the Recycled Water Ordinance fall within the scope of the EIR that was originally assessed in the Master Plan. The Plan discussed the adoption of an Ordinance that states it will specify both mandatory and voluntary uses for existing and future users. The proposed amendments will align with the state of the existing

recycled water program and clarify that recycled water use is not currently mandatory for any of the City's water customers and the City sells recycled water, on a voluntary basis, to those water customers that elect to purchase it. The proposed amendments continue to allow the City to require certain new development projects, as a condition of project approval, to construct the infrastructure necessary to allow for future mandatory recycled water use.

2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, no substantial changes have occurred. The changes proposed in the Recycled Water Ordinance fall within the scope of the EIR, as the Master Plan discusses the adoption of an Ordinance that states it will specify both mandatory and voluntary uses for existing and future users.
3. There is no new information, which was not known and could not have been known at the time of the previous EIR that the project will have a significant effect not discussed in the EIR.

Furthermore, it has been determined that any of the mitigation measures and alternatives previously determined to be infeasible remain infeasible. In addition, no new mitigation measures or alternatives that would substantially reduce one or more significant effects on the environment have been identified.

Based upon these findings, it has been determined that no further environmental documentation is required for this project.

LOCAL PREFERENCE

Local preference was not implemented because the proposed amendments to the FMC do not include a bid or an award of construction or services contract.

FISCAL IMPACT

There will be no fiscal impact as a result of incorporating these proposed amendments into the FMC.

Attachment:

Attachment 1 - BILL (For introduction) Amendment to the Fresno Municipal Code, Chapter 6, Article 9 Recycled Water Ordinance.