

CITY OF ONTARIO

Agenda Report
March 4, 2025

SECTION:
PUBLIC HEARINGS

Department: Utilities
Prepared By: Joline Neal
Staff Member Presenting: Scott Burton, Utilities
General Manager
Reviewed By: Dennice Raygoza, Albert G
Gastelum, Michael Sigsbee
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 12

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTERS 8B AND 8C OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO WATER SERVICES AND RECYCLED WATER, AND ESTABLISHING CHAPTERS 8D AND 8E TO TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO POTABLE WATER FACILITIES AND CROSS-CONNECTION CONTROL

RECOMMENDATION: That City Council introduce and waive further reading of an Ordinance (1) amending Chapter 8B of Title 6 of the Ontario Municipal Code related to water services; (2) amending Chapter 8C of Title 6 of the Ontario Municipal Code related to the protection and regulation of the City's recycled water system; (3) adding Chapter 8D to Title 6 of the Ontario Municipal Code pertaining to the design, construction, monitoring, inspection, operation, and management of potable water facilities; and (4) adding Chapter 8E to Title 6 of the Ontario Municipal Code pertaining to protection of the City's drinking water system from backflow and cross-connections.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: There is not a direct fiscal impact associated with the adoption of this ordinance. No changes to the schedule of fees and charges are being recommended.

BACKGROUND & ANALYSIS: On December 19, 2023, the State Water Resources Control Board adopted its Cross-Connection Control Policy Handbook ("CCCPH"), required by Assembly Bills 1671 and 1180. This new regulation repeals previous Title 17 regulations on cross-connection control and backflow prevention. The CCCPH requires drinking water systems to review their cross-connection control programs and implement an enforceable plan to protect drinking water from contaminants or pollutants from related water user activities. Water systems must submit a Cross-Connection Control Plan to the Division of Drinking Water by July 1, 2025, detailing control measures the water system will use to protect drinking water.

For clarity and transparency, a general reorganization and separation of salient existing and new items is proposed for approval. Chapter 8B of the Municipal Code generally includes account services, criteria for water service design, construction, operations, and management of potable water facilities. Chapter 8C establishes procedures, specifications, and limitations for expansion and continued development, operation of recycled water facilities and systems, and rules and regulations controlling the use of recycled water. The City owns and operates a potable water distribution system with over 40,000 service connections and responsibly delivers high-quality drinking water to over 185,000 Ontario residents. In tandem, the City owns and operates a recycled water distribution system containing over 50 miles of pipelines with over 550 service connections, which supports the City's water conservation efforts by offsetting potable water use. Recycled water is not approved for drinking water consumption and is primarily used for agriculture purposes, landscape irrigation, and commercial and industrial activities.

Staff and Legal reviewed Chapter 8B & 8C to determine if the current language meets the new state requirements and further reviewed language related to the design and construction of potable water facilities. Staff and Legal have identified the following deficiencies in Chapter 8B & 8C in complying with the new State requirements:

- The current language does not fully align with the new CCCPH requirements.
- Additional enforceable control measures are needed to protect the City's drinking water system from cross-contamination, supported by administrative remedies.
- Roles, responsibilities, and control measures for engineering design, construction, inspection, monitoring, operation, and maintenance need to be more clearly defined.
- There is outdated terminology and City processes related to new service connections and the design and construction of potable water facilities

To align with new requirements, Staff and Legal are proposing the addition of two new chapters to Title 6 of the Municipal Code:

- Chapter 8D: Potable Water Facilities, defines the roles and responsibilities of applicants, developers, contractors, the City, and customers and provides standards and procedures for the design, construction, monitoring, inspection, and management of potable water facilities.
- Chapter 8E: Cross-Connection Control, provides greater protection of the City's drinking water system from contamination by water users. When recycled water systems are present alongside drinking water systems, the City must implement safeguards to prevent cross-contamination.

The changes will enhance legal compliance, incorporate new standards, and ensure uniform application across the City, while improving transparency and accessibility within the Municipal Code.

Proposed changes to Chapters 8B and 8C include:

- Revision for clarification, consistency, and content organization purposes.
- Definition of the customer responsibility for water use and determination of service charges.

- Removal of language related to engineering design, construction, operations, and management of water service facilities to incorporate into the new Chapter 8D.
- Removal of language related to water quality control and incorporate it into the new Chapter 8E.
- Removal of Title 17 (repealed State regulations) language and incorporating new references to Chapter 8E and new State regulations (CCCPH).

Proposed enactment of Chapters 8D and 8E includes:

- Chapter 8D: Potable Water Facilities:
 - Incorporation and update of language from Chapter 8B on the City's current design and construction specifications and standards for potable water facilities to protect water quality.
 - Defining current City processes, roles, and responsibilities for the City, applicant, developer, contractor, and customer.
- Chapter 8E: Cross-Connection Control
 - Establishes a Cross-Connection Control Program, the need for the designation of a coordinator, and the City's requirement to safeguard drinking water supplies from contaminants or pollutants from related water user activities.
 - Defines protection types, locations, and control measures for safeguarding drinking water.
 - Establishes the City's right to inspect water user premises, evaluate hazards and contaminants used onsite, and require customers to correct deficiencies with protection needed to prevent contamination.
 - Establishes notification and reporting procedures to test and install devices that protect the City's drinking water system.
 - Establishes enforceable remedies for water users that violate the CCCPH and contaminate the City's drinking water system.

Staff recommends adoption of the proposed changes and enactment of Chapters 8D and 8E to the City's Municipal Code.

ENVIRONMENTAL REVIEW: The Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).