



DeKalb County
GEORGIA

MEMORANDUM

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October 23, 2019
By pdf and hand delivery

To: Ted Rhinehart, Deputy Chief Operating Officer of Infrastructure

From: Noah W. Priest-Goodsett, Assistant County Attorney

Subject: **Toilet Rebate Resolution**
(Our File No. 80-1359)

Per your request, please find enclosed Resolution, which has been approved as to form by the County Attorney. Because the resolution requires Board of Commissioners ("BOC") approval, please review and draft the appropriate Agenda Item for action at an upcoming BOC meeting.

If you have questions, please do not hesitate to contact me.

Attachment

cc: Reginald Wells, Director, DWM
Brent Zern, Assistant Director of the DWM Regulatory Compliance Division
Viviane H. Ernstes, County Attorney
Matthew C. Welch, Deputy County Attorney
Noah W. Priest-Goodsett, Assistant County Attorney

A RESOLUTION

A RESOLUTION TO CREATE A WATER CONSERVATION REBATE PROGRAM TO ENCOURAGE REPLACEMENT OF INEFFICIENT TOILETS WITH WATER CONSERVING TOILETS, AND FOR OTHER PURPOSES

WHEREAS, Article 9, Section 2, Paragraph 3(a)(7) of the Georgia Constitution gives the Governing Authority the authority to provide for distribution of water to its citizens and the Governing Authority believes that this Water Conservation Rebate Program will provide an incentive for citizens of DeKalb County to replace inefficient toilets with water conserving toilets and thereby help to ensure that the citizens of this County are provided with a continuous supply of potable water for potable use and fire protection; and

WHEREAS, buildings and homes constructed in DeKalb County after January 1, 1993 are, pursuant to DeKalb Code Sections 25-45 through 25-60, required to be built with water conserving plumbing fixtures like low flow toilets that use a maximum of 1.6 gallons per flush. Buildings and homes constructed prior to 1993 do not necessarily contain these water conserving plumbing fixtures and therefore vitally needed water is being wasted by the use of outdated plumbing fixtures that do not conserve this precious natural resource; and

WHEREAS, buildings and homes built after 1993 that have a capacity of 1.6 gallon per flush for toilets can further reduce water waste by changing out to EPA approved WaterSense low flow fixtures of 1.28 gallons or less or ultra-high-efficiency WaterSense labeled toilets of 1.1 gallons or less; and

WHEREAS, on January 8, 2008, the Board of Commissioners adopted a Resolution providing rebates to owners of individually metered residential dwellings receiving water service from DeKalb County who installed toilets with either 1.28 gallons per flush or 1.6 gallons per flush in homes constructed prior to January 1, 1993 (“Prior Resolution”); and

WHEREAS, it is the intent of the Board of Commissioners to repeal and replace the Prior Resolution with this Resolution; and

WHEREAS, incentivizing residents in DeKalb County to replace inefficient toilets will improve water conservation efforts within DeKalb County and will improve sewer capacity that will help eliminate sanitary sewer overflows to better achieve compliance with the federally mandated Sanitary Sewer Overflow Consent Decree for DeKalb County; and

WHEREAS, the Metropolitan North Georgia Water Planning District requires low flow and high-efficiency plumbing fixtures and is encouraging ultra high-efficiency plumbing fixtures as part of Water Conservation Action Items in the Metropolitan North Georgia Water Planning District Water Resource Management Plan; and

WHEREAS, water resources may continue to decrease, and droughts may continue to occur, and the availability of a continuous adequate supply of water for domestic service and fire protection may therefore be a serious issue in the coming years. The rebates described in this Resolution will provide incentives to the citizens of DeKalb County to replace outdated inefficient toilets with efficient water conserving toilets.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, AND IT IS HEREBY RESOLVED THAT:

1. The goal of the Water Conservation Rebate Program is to reduce the cost of retrofitting the county with low flow or ultra-high-efficiency plumbing fixtures to reduce the overall water use within the county and reduce sanitary sewer overflows throughout the county.
2. The Water Conservation Rebate Program will be available to owners of individually metered Single-family Dwellings units or Multi-family Dwelling units, as each is defined in Chapter 27, Article 9, Section 9.1.3 of the DeKalb County Code of Ordinances that have not been retrofitted, as of the effective date of this resolution, with either 1.28 or 1.1 gallons per flush toilets.
3. The Water Conservation Rebate Program rebates will be as follows:
 - a. Not to exceed \$100 per toilet for toilets that are replaced with a 1.1 gallon per flush or less ultra-high-efficiency WaterSense labeled toilet.
 - b. Not to exceed \$50 per toilet for toilets that are replaced with a 1.28 gallon per flush or less low flow WaterSense labeled toilet.
 - c. Toilet rebates will be capped at three (3) per individually metered Single-family Dwelling units and two (2) per individually metered Multi-family Dwelling units.
 - d. Rebate amount shall be the no more than the actual cost of the toilet as indicated on the bill of sale, minus any purchase rebates or discount provided. Rebates will be for materials only and shall not include any costs associated with labor or installation.
 - e. The maximum rebate amounts noted herein shall be effective for two years after the effective date of this resolution. The maximum rebate will drop by 20% each year of the program on the anniversary of the effective date after the first two years.
4. The Water Conservation Rebate Program requirements are as follows:
 - a. Completed applications for individually metered Single-family and Mulit-family Dwelling units with active water accounts must be submitted within sixty (60) days following the installation of 1.1 gallons per flush or less or 1.28 gallons per flush

- a. or less toilets. Applications must include original receipts/record for installation of the toilets. If installed by the homeowner or resident, the application must include the original purchase receipt with proof of installation (e.g. photograph or signed statement of installer). Proof of required flush volume must be provided on records/receipt provided.
 - b. Inspection must be scheduled within thirty (30) days of completing the retrofit and within 90 days of application approval in order for a rebate to be issued.
 - c. Proof of recycling of replaced toilets must be provided. Resale or gifting of these items is not eligible for rebates.
 - d. Toilets retrofitted must be at the specified gallon per flush or less with proof of flush volume (WaterSense label alone is not sufficient) and of a tanked variety. Rebates are not available for replacement of flush valve sets.
 - e. Applications for water saving toilet replacement must be made within sixty (60) days of installation as specified and include documentation of appliance replaced (brand, model, water use/flush volume), receipt for purchase/installation of water saving appliance that documents that the appliance(s) is Energy Star/Ultra-High-Efficiency WaterSense rated or better.
 - f. A list of qualifying toilets known to the Department of Watershed Management and rebate application forms are available on the Department of Watershed Management website.
 - g. Rebates will be capped at the cost of the new toilet and shall be provided in accordance with Section 6.
5. The Water Conservation Rebate Program shall be administered by the Department of Watershed Management.
 - a. Applications must be complete prior to issuing a rebate.
 - b. Review Process: Following the submission of a timely, completed rebate application, the Director of the Department of Watershed Management (or designee) shall verify completion and accuracy of the information required by the terms of this Resolution.
 - c. The Director of the Department of Watershed Management (or designee) shall search available records for previous rebate requests to confirm that the applicant is eligible for a toilet rebate. Following confirmation of eligibility, a rebate shall be processed if funds are available from the rebate account. Applications shall be administered in the order they are received. In the event that no funds are available

in the rebate account, the application shall be kept on file in the event the county places additional funds in the rebate account. So long as funds are available in the rebate account, a rebate check will be processed and mailed to the property owner within sixty (60) days following receipt of a timely, complete, and valid application.

6. The governing authority shall determine what if any funds shall be budgeted for the Water Conservation Rebate Program annually and if budgeted, such funds shall be placed in a rebate account solely to be used and administered in accordance with the terms of this resolution. In 2019, the governing authority shall appropriate one million dollars (\$1,000,000.00) into the rebate account.
7. Effective Date. The Water Conservation Rebate Program shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.
8. Severability. Should any section or provision of this resolution be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the resolution as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

SO RESOLVED BY GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2019.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2019.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia


ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

REGINALD D. WELLS
Director of Watershed Management
DeKalb County, Georgia

APPROVED AS TO FORM:



VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia